

COPY

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CHAPTER 1

FORMATION OF *AD HOC* TOPSHAM GOVERNMENT IMPROVEMENT COMMITTEE

THE WORK PLAN

In late November 2008, a group of Topsham citizens requested time on the Board of Selectmen's Agenda to discuss forming an *ad hoc* committee to explore ways to improve the Topsham's Town Meeting form of government.

During the preceding year, Topsham residents had the opportunity to reflect on what form of government they wanted for their town. The process undertaken by the Charter Commission and the subsequent town-wide vote on whether to enact the Charter Commission's recommendations fostered the opportunity for town-wide discussion about local government. In an election that proved to have very high voter turnout (76% of Topsham voters), residents voted to retain the Selectmen/Town Manager/Town Meeting form of government.

However, it seemed clear that many residents in town were interested in exploring whether some creative changes could be made to improve the function of their form of government. The Board of Selectmen (BOS) agreed to the formation of the Topsham Government Improvement Committee (TGIC) to explore the possibility for governmental improvements.

TGIC was charged with researching and recommending ways to improve access to, and participation in, Town Meeting. Due to the increase in Topsham's population over the past several decades, TGIC was asked to look at ways to foster and facilitate better understanding of the town meeting form of government from both a procedural and substantive point of view.

Additionally, TGIC was charged with researching possible ordinances to adopt a code of conduct for municipal officials and to provide for the recall of elected officials.

This report describes:

- the history of the Town Meeting form of government;
- the methodology used by TGIC in undertaking its work;
and,
- TGIC's recommendations for improving participation in local government, a code of conduct and a recall ordinance.

A list of works consulted is included in the bibliography of this report. The report also includes a number of appendices.

CHAPTER 2

FORMS OF MUNICIPAL GOVERNMENT

WHAT FORMS OF MUNICIPAL GOVERNMENT ARE ALLOWED IN MAINE?

When Maine entered the Union in 1820 there were 240 incorporated towns in the state. Today there are nearly 500 municipalities in Maine.

In general, municipalities in Maine are organized in one of two forms of government: the direct democracy, town meeting form of government where the legislative body of the community is the town meeting; or, the representational democracy form of government where the legislative body of the community is the elected officials of the town or city council.

Local government in Maine provides many essential services to the citizens of the community. These services include road construction and maintenance, solid waste disposal, water utilities and wastewater treatment, police and fire protection and emergency rescue, land use planning and building inspection, welfare, and public education for grades Kindergarten through 12.

Municipal government in Maine enjoys a special authority called "home rule." This authority is given to the towns and cities of Maine in the state's Constitution. Under "home rule," municipalities may govern themselves in any way that is not denied them by state or federal law. This authority sets Maine apart from many other states where the authority of municipal government is exactly the reverse. Home rule finds its origin in the state's reliance on community, an historical tendency to devolve the power of government to its most local level, and a deep respect for the common sense and good judgment of Maine's citizens.

As its name implies, local government is run by and for its citizens.

WHAT IS A TOWN MEETING FORM OF GOVERNMENT?

Town Meeting serves many of the same functions as the Legislature in Augusta and the Congress in Washington, passing laws and adopting a budget. But Town Meeting is more than just the "legislature," it is also the "electorate," electing the selectmen and other town officials. In fact, under state law, the only thing required of the annual town meeting is the election of the municipal officials. As specified in Topsham's Town Code, the annual town meeting occurs the second Tuesday in November when municipal elections take place at the polls.

Unlike the Legislature and Congress, the Town Meeting form of government, as practiced in the State of Maine, is not a representative body.¹ It's just what it says it is: a meeting in which participation is the right and responsibility of every citizen. Some say Town Meeting is the "purest form of democracy," because citizens, not their representatives, participate directly in the making of their laws and the raising and spending of their taxes.

Since colonial times, the Town Meeting has been the basic form of local government in New England. Today, in Maine, most towns still operate under the town meeting form of government.

HISTORY OF TOPSHAM'S TOWN MEETING

The Town of Topsham was incorporated on January 31, 1764, as the nineteenth town in Maine. Until 1820, Maine was part of the Commonwealth of Massachusetts. The traditional New England Town Meeting form of government has prevailed in Topsham for 245 years.²

Up until 1984, the executive function of the Town was run by a three-member Board of Selectmen. At that time, Topsham

¹ In Massachusetts, there are two forms of Town Meeting Government: Representative Town Meeting (RTM) for towns with populations greater than 6,000 ; and, Open Town Meeting (OTM). Only towns in excess of 12,000 in the Commonwealth of Massachusetts are allowed to consider changing to a city council form of government. As far as TGIC has been able to discern, Sanford is the only town in Maine to have a form of RTM.

² For a brief summary of Topsham's Town Meeting history, see Appendix I to this report.

adopted a Town Meeting/ Board of Selectmen/ Town Administrator form of government. In 1990, the Town moved to a Town Meeting/ Board of Selectmen / Town Manager form and expanded the Board of Selectmen to 5 members, all serving at-large.

Up until the formation of a regional school system in 1969, the Town of Topsham's budget included all typical municipal matters. School budgeting was pulled out of the Town's budget and since that time, there has been a noticeable decrease in citizen participation at Town Meeting.

Topsham's annual town meeting takes place the second Tuesday in November at the polls (the November elections). The budget town meeting is held at a community gathering place (usually at either the Mt. Ararat Middle School Orion Center or the Mt. Ararat High School Commons) on a week night in May. Special town meetings are called as needed, usually quarterly.

PERIODIC REVIEW OF FORMS OF LOCAL GOVERNMENT

State law provides incorporated municipalities with the right to "home rule" but among other things, requires municipalities to review its form of government periodically. The Town of Topsham has undertaken periodic reviews and made subtle changes to its form of government moving from a Town Meeting /Board of Selectmen form to a Town Meeting/Board of Selectmen/Town Administrative form and then to a Town Meeting/Board of Selectmen/Town Manager form. In 2007, the town agreed to form a Charter Commission to undertake another review and to consider the adoption of a municipal charter which would replace the Town's Code of Ordinances. In November 2008, the Charter Commission put forward a charter proposal to move to a new form of government, a town council. The charter proposal was not approved by the voters.

ROLES AND RESPONSIBILITIES IN A TOWN MEETING/BOARD OF SELECTMEN/TOWN MANAGER FORM OF GOVERNMENT

The Town of Topsham has adopted the Town Meeting/ Board of Selectmen/ Town Manager form of government. Under this form of government, the legislative and executive functions are divided:

The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying taxes and raising and appropriating monies, authorizing the contracting of debts, etc.

The Board of Selectmen is the executive body that interprets, processes, and sets the policies of the town and chooses the course of action between town meetings. The Board has ultimate administrative responsibility to see that the governmental policies are carried out (but must deal with administration solely through the town manager), and appoints and supervises the Town Manager.

The Town Manager executes and carries out the government and fiscal policies with guidance from the Board of Selectmen and has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the town, acting as the Chief Administrator.

CHAPTER 3

TGIC METHODOLOGY

REVIEW OF OTHER COMMUNITIES' WORK ON IMPROVING TOWN MEETING

In January 2009, the Topsham Government Improvement Committee (TGIC or the Committee) began to gather resources to begin its work. Members contacted the Maine Municipal Association (MMA) to inquire as to whether other towns in Maine had studied ways to improve the Town Meeting form of government and to obtain their reports and recommendations. Unfortunately, MMA advised that they were unaware of any such reports.

TGIC members conducted Internet searches to explore other communities that engaged in studying ways to improve the Town Meeting form of government. The search revealed two communities in Massachusetts that had undertaken studies about Town Meeting government and published reports: Westford and Lincoln. Summaries of these reports are included as Appendix C.

The committee identified a professor at the University of Vermont, Frank Bryan, who has authored several books and reports on improving the Town Meeting form of government.³ TGIC contacted the Topsham Public Library to obtain the books which were inter-library loaned for the members of the committee to review.

SURVEY OF TOWNSPEOPLE

In advance of the May 2009 Budget Town Meeting, TGIC members developed a survey form to distribute to attendees to inquire as to their preferences for dates and times for holding Town Meeting. The survey also inquired as to whether the respondents

³ [All in Favor and Real Democracy](#)

usually attend town meeting and asked what if anything conflicts with attendance. Respondents were asked if they have previously served on a town board or committee as the Lincoln, MA, report indicated that there is typically an increased interest in town government among residents that serve the town on its boards and committees. Finally, the survey asked people if they were interested in incorporating community building activities into town meeting and asked for their ideas.

The town meeting attendees generated 105 responses to the survey. Because town meeting attendees tend to be older residents, TGIC modified the survey form to distribute it at Williams Cone and Woodside Schools prior to the end of the school year to obtain feedback from residents with younger children. With the approval of the Superintendent of Schools, the surveys were distributed and 38 responses were received.

TGIC's survey was converted into an on-line survey through the tools of SurveyMonkey and posted on the Town of Topsham's website. The link to the survey was posted on the Topsham Public Works and Topsham Police Department's Facebook pages. In addition, the Town broadcast the link to email recipients who receive notice of Board of Selectmen's meetings and agendas.

TGIC members also utilized their own social networks to broadcast the availability of the online survey to people they know in Topsham. The tally for the on-line survey responses totaled 106. Finally, an article about TGIC's work and its survey was published in the monthly newspaper, The Cryer, which is mailed to every resident of Topsham. Only 2 newsprint survey responses were received.

In total, 251 survey responses were received and tabulated by TGIC. A copy of the survey is included in Appendix A. Survey response data was tabulated for each question and presented graphically in Appendix B.

INTERVIEWS WITH SELECTED TOWN OFFICIALS, THE TOWN MANAGER AND KNOWLEDGEABLE TOWNSPEOPLE

In March 2009, following its review of the Lincoln, MA, and Westford, MA, reports, and after reading Frank Bryan's book, All in Favor, TGIC developed a consensus regarding some preliminary recommendations for improving the Town Meeting form of government. TGIC members felt it was important to reach out to leaders in the community to share these recommendations and to hear their thoughts on how to improve the current form of government. A list of persons interviewed is included in Appendix H. In addition, TGIC has included a compilation of selected observations, comments and recommendations put forward by the various interviewees.⁴

REVIEW OF OTHER COMMUNITIES' RECALL ORDINANCES

TGIC members researched the use of recall for removing elected officials from office at the local government level on-line. During interviews, TGIC members heard from interviewees about various Maine municipalities that had considered or adopted recall ordinances. Copies of those municipal recall provisions were obtained. TGIC members also contacted MMA to inquire about municipalities in Maine that have considered or adopted recall ordinances. Additionally, TGIC searched on-line to find copies of various municipal recall provisions. TGIC looked most closely at Skowhegan and Waterford before selecting Skowhegan's recall ordinance as a template with which to work.

REVIEW OF OTHER COMMUNITIES' CODES OF CONDUCT

TGIC members researched code of conduct ordinances on-line. During interviews, TGIC members heard from interviewees about

⁴ The compilation is derived from TGIC members' notes from the interviews. None of the interviewees are identified in the compilation to protect their privacy as TGIC did not advise those interviewed that their comments would be included in this report.

various Maine municipalities that had considered or adopted codes of conduct. Some communities had adopted very strict code of ethics and procurement ordinances after a public official committed a criminal offenses relating to improper use of public funds.⁵ Copies of those codes of conduct were reviewed. TGIC members also contacted MMA to inquire about municipalities in Maine that have considered or adopted codes of conduct. TGIC looked most closely at Bangor and Sebago before selecting Sebago's code of conduct ordinance as a template with which to work.

⁵ Bangor and Augusta

CHAPTER 4

TGIC RECOMMENDATIONS FOR IMPROVING TOWN MEETING

PRELIMINARY RECOMMENDATIONS FOR IMPROVING TOWN MEETING

TGIC members were very impressed by book, All in Favor, by Susan Clark and Frank Bryan. This book provided a great deal of information about the genesis of the Town Meeting form of government and catalogued a number of measures, which if implemented, might lead to more interest in the workings of local government. Additionally, the committee was impressed with the recommendations in the reports from the towns of Westford, MA, and Lincoln, MA regarding measures to improve the Town Meeting form of Government. At its March 24, 2009, meeting, TGIC reached the following preliminary recommendations for improving Town Meeting:

- Adding a button on the Town Website about the Town Meeting form of government. This area of the Town's website should provide a citizen's guide to Town Meeting Government, how it works and how to participate. (Reference Lincoln, MA website and MMA's website). The Town Meeting page should be a place to put links to the various committees that have matters that will be brought forward to town meeting (such as proposed ordinances under development, town plans and budget information) and would be a place for residents to see a calendar of upcoming public hearings and town meeting dates. The draft municipal budget and draft Town Meeting warrants should be posted here.
- Adding an invocation encouraging civility prior to the prayer at town meeting. (The Invocation from the Danville, VT, Town Meeting)

- Providing simple food and beverage options at Town Meeting so residents could come directly from work without having to stop for dinner. (Fundraising organizations could provide, e.g., MSAD #75 Sports Boosters Club, Project Graduation, etc.)
- Providing childcare for children of Town Meeting attendees, at least until 10 PM. (MSAD #75 service organizations such as National Honor Society could provide.)
- Surveying town meeting participants regarding date/time for Town Meeting
- Building a library of materials that educate citizens about the Town Meeting form of government

The committee presented these preliminary recommendations to the Board of Selectmen at their April 16, 2009 meeting. All of these recommendations were adopted by the Board and were in place by the May 2009 Budget Town Meeting.

FORMATION OF A NEW STANDING COMMITTEE TO HELP WITH TOWN MEETING

A standing committee should be formed to foster and improve Topsham's Town Meeting form of government. The new committee would be responsible for making sure that Town Meeting dates are identified in advance and communicated to the residents of Topsham to ensure that other events are not scheduled on those days and that information is developed in a timely way to encourage informed participation in local government by residents. The committee would work to ensure that information about Town Meeting and the process of bringing matters forward for consideration on the warrant is on the town's website throughout the year and would work to develop forums to educate townspeople about the issues and to develop proper communication tools for each article on the warrant.

The new standing committee would be responsible for implementing TGIC's recommendations for improving Town Meeting and fostering education about Topsham's local government as approved by the Board of Selectmen. See TGIC's recommendation for the new standing committee's work plan in Appendix D.

ADDITIONAL RECOMMENDATIONS FOR IMPROVING TOWN MEETING

The Committee developed additional recommendations, to wit:

STATE OF THE TOWN ADDRESS

The Town should implement a practice whereby the Town Manager develops a summary presentation about the State of the Town. A printed version of this could be part of an "Address to the Inhabitants of the Town" as a preliminary part of the Town Meeting warrant or printed in an Annual Report (another TGIC recommendation). In any event, a "State of the Town Address" would be nonpartisan and designed to provide a balanced, objective overview on the general condition of the town and the business at hand in the municipal warrant being presented at Town Meeting.

*Chair
or
member
of
BOS*

ANNUAL REPORT OF THE TOWN

The Town should reinstate or place greater emphasis on its Annual Report. The Annual Report can serve as an important community communication tool and keeps people connected to the workings of their local government. Town Manager's State of Town address should be printed in the report so that townspeople can read it in advance of town meeting. The Annual Report should be available on-line and as a handout in advance of and at Town Meeting.

VALIDATING INFORMATION MADE AVAILABLE AT TOWN MEETING

The Town should adopt a policy requiring that all printed/written materials and presentations at town meeting should disclose who is responsible for making them available. No one should be discouraged from making information available at Town Meeting but the information needs to say who is making it available and taking responsibility for its contents.

VERIFICATION OF MUNICIPALLY DEVELOPED INFORMATION AT TOWN MEETING

Any materials developed by town officials or town staff and put out at Town Meeting should be readily identifiable as town materials. That is, any summary information about warrant articles (budget, ordinances etc) should use an identifiable "official" logo or other authentic identification method (standard header and or footer on all Town documents).

ENCOURAGING LEADERSHIP IN THE TOWN

To get more people participating in the Town Meeting form of government, we have to ask our community leaders to take responsibility for attending and encouraging others to do so. When the Board of Selectmen appoint or reappoint residents to town boards, committees or other civic organizations, the Board needs to make it a point to ask applicants/appointees to attend Town Meeting. Participating in Town Meeting should be a factor that the Board considers in making an appointment.

LOCAL LEADERSHIP ON WARRANT ARTICLES

If a board, committee or department has a matter on the warrant, they need to attend Town Meeting and at least one person who is a resident of the town and is qualified to present to Town Meeting, preferably more people, should be in attendance for the entire meeting (due to possible reconsideration). This recommendation is not intended to prohibit non-resident town staff from presenting at Town Meeting but to encourage local citizens to participate more at Town Meeting and to take responsibility for matters of local concern.

DETERMINING THE DATE, TIME & PLACE FOR TOWN MEETING

Respondents to TGIC's survey were asked to choose which month of the year, day of the week and time of day worked best for Town Meeting. The majority of respondents indicated that their preference was to continue to have the budget Town Meeting take place in May (45%) and that a weekday evening was the best day and time for it to take place (61%). Fifty-nine percent (59%) of respondents expressed a desire to start Town Meeting earlier than 7 PM (25%)⁶.

⁶ Note that the surveys distributed at the May 22, 2009, Town Meeting did not ask for time preferences. As such, these percentages do not include the preferences of the 105 survey respondents at the Town Meeting.

TGIC notes that the survey was limited in its distribution but recognizes that Town Meeting attendees have gotten used to the May Town Meeting schedule and have accepted the weekday evening time for holding the meeting. The committee recommends starting the meeting earlier. For one thing, the service organizations who have provided childcare are predominantly students at Mt. Ararat High School and they need to call it a night by 10 PM.

The Town should continue in its efforts to get the word out that childcare and food are fixtures at Town Meeting. A slide communicating this information should appear regularly on Channel 3 in the month leading up to a scheduled Town Meeting. Information to this effect should be on the Town website and broadcast widely in the community (electronic list serves, print media, the portable road sign) in the weeks prior to Town Meeting.

Voters should know that they can come to Town Meeting early, get their children something to eat and get them settled into childcare. Then the voter can get something to eat and get settled into the meeting venue.

As for the meeting venue, TGIC recommends working with MSAD #75 to schedule the Mt. Ararat High School Commons as the Town Meeting venue. Confusion reigns in the community when the venue is changed to the Orion Center and it is more difficult for people to get up and move to microphones at the Orion Center. Also, the Board of Selectmen, Finance Committee and Town Meeting moderator are too far removed from the deliberative body on the stage at the Orion Center.

TGIC recommends that the new standing committee be charged with further evaluation of the proper scheduling of Town Meeting and that new information may come to light suggesting that the Town should try other dates and times to see what might work better than a midweek evening meeting time. For example, due to the requirements of LD 1 on the adoption of the school budget, it may be advisable to schedule Town Meetings to take place on the same day as the school budget town meeting to take advantage of the draw of participants into the school budgeting process. TGIC's recommendations for fixed dates for town meetings can be found in Appendix E of this report.

DEVELOPMENT OF VOTER GUIDES

As part of the TGIC's discussion on how to improve Town Meeting, it was felt that adopting the practice of developing a voter's guide would be useful to town voters and provide critical information about warrants put before the people of Topsham.

While a number of states publish voter guides, the State of Oregon has published voter guides since 1903. The guide provides information on both the ballot measures being put before the voters and as well as candidates running for various elective offices.

TGIC recommends that the Town of Topsham implement the concept of a voter guide to help educate voters about matters on the Town Meeting Warrant. The guide should provide voters with the following:

1. Warrant Article number
2. The complete text of the proposed measure
3. Summary of the question presented in the warrant article
4. If a money item, an explanation of the financial impact
5. An impartial statement explaining the measure (explanatory statement)
6. Any arguments filed by proponents or opponents of the measures

The explanatory statement is an impartial statement explaining the measure. Each measure's explanatory statement could be written by the new standing committee with input from the Town Clerk, Board of Selectmen and Town Manager.

TGIC feels that a voter guide would go a long way to simplifying information on sometimes complicated issues. 15% of respondents to the survey indicated that they had a lack of understanding of the Town Meeting process and issues on the Town Meeting Warrant. Developing a voter guide could help educate Topsham voters on process, procedure and substance. TGIC recommends that the new standing committee be charged with working on implementing the use of voter guides for Topsham voters to present the issues imbedded in warrant articles in an unbiased way and providing a mechanism for contrary and supporting views to be presented. TGIC believes that

such a practice would go a long way to making Town Meeting a more participatory process and engaging more of the town's voters and business concerns in the deliberative process.

CHILDCARE AT TOWN MEETING

Childcare should be consistently offered (and advertised as available) at Town Meeting. The National Honor Society at Mt. Ararat High School has provided childcare for the last two town meetings but residents still identify lack of childcare as a reason for not attending Town Meeting (See Appendix B – Survey Results).

FOOD AND BEVERAGE OPTIONS AT TOWN MEETING

Food should be made available at Town Meeting. We would take advantage of existing fundraising organizations that run food concessions to fund local endeavors, e.g., the MSAD #75 Sports Boosters, to provide reasonably priced food and drinks.

ANNUAL CITIZEN RECOGNITION AWARD AT TOWN MEETING

Topsham should institute an award at the Budget Town Meeting to annually recognize a special individual in the community. The standing committee for Town Meeting should be responsible for soliciting nominations and selecting the finalist. In the book All in Favor, Frank Bryan identified several communities where the annual award is such a highlight, that people attend Town Meeting just to find out who is receiving the award.

DISCUSSION OF USE OF TOWN'S WEBSITE TO BETTER INFORM TOWNSPEOPLE ABOUT TOWN MEETING

TGIC recommended that the Town's website include a Town Meeting tab on the homepage (www.topshammaine.com) to include information about the Town's form of government and to provide people with a guide as to how to participate. Many newcomers have moved to Topsham and are unfamiliar with the Town Meeting form of government so this is a good place to provide some educational resources.

In addition, it would benefit all residents to have a place on the town's website to find information about the schedule for Town

Meeting in the next year and to provide substantive information about measures that will come before voters as early as possible. Residents should be able to track measures such as comprehensive planning implementation efforts (such as revised zoning), proposals to revise electrical and building code fees, planning board proposals and others well in advance of articles appearing on the Town Meeting Warrant. The development of the municipal budget each year should be posted on the Town Meeting page so that residents can follow the process right up to the Budget Town Meeting proposal.

The Town Meeting page of the www.topshammaine.com should be current and up-to-date and become a major gateway for people to become informed about their local government's workings.

DEVELOPMENT OF LIBRARY RESOURCES AND EDUCATIONAL CURRICULUM ABOUT LOCAL GOVERNMENT, CIVIC RESPONSIBILITY AND TOWN MEETING

As the Topsham Government Improvement Committee discovered, there is a scarcity of information about the Town Meeting form of government. As a community, we do not have any reference materials in the municipal offices for local residents to review to better understand their local government. The Town Clerk does have information from the Secretary of State's Office about how to run local government and the Maine Municipal Association has provided documents over the years that relate to the operation of municipal government. But there is very little in the way of accessible educational resources for citizens to understand the Town Meeting form of government.

TGIC has asked the Topsham Public Library to purchase certain books (notably All in Favor and Real Democracy) to build resources in the community about Town Meeting. TGIC members purchased several copies of All in Favor to provide to sitting members of the Board of Selectmen with access to information about how to improve Town Meeting.

The All in Favor book was commissioned by the State of Vermont. The purpose of the book was to help communities breathe new life into Town Meeting given the many conflicting obligations that

keep people from attending. The State of Vermont also commissioned the development of school curriculum to help educate the population about this local form of government. There is a great deal of information available to students about state and national government but not much about local government.

Given that Topsham is part of MSAD #75 and that all of the communities in this district have Town Meeting as their form of local government, TGIC recommends that the Town approach the School Board curriculum committee with a request to develop school curriculum for each of our communities to educate people about the Town Meeting form of government.

COMMUNITY SERVICE PROGRAMS TO ENHANCE CITIZEN PARTICIPATION IN TOWN MEETING

TGIC recognizes that there are a number of people in the community that used to attend Town Meeting in their younger days that no longer attend. The drop-off in attendance may be due to several reasons including: failing health, lack of interest in town affairs, inability to drive at night. TGIC gave a great deal of consideration to these matters and spent considerable time talking with interviewees about how to address these concerns. Ultimately, TGIC felt that it did not have sufficient data to develop recommendations to solve these problems as the problems remain somewhat anecdotal. TGIC recommends that the new standing committee be charged with developing an outreach program to gather information about those residents that want to participate in Town Meeting but need some form of help (adaptive equipment, transportation or other help). Once a resident identifies the barrier(s) to participation, a plan can be developed to meet their needs.

It may be that a volunteer coordinator will be needed to help coordinate transportation for people who cannot drive at night. It may be that the Town needs to implement captioning of speakers' remarks for the hearing impaired. We cannot solve the problems until they are defined.

Not all problems will be easy to solve. For example, nursing home or housebound patients with serious physical limitations are not able to attend Town Meeting. TGIC feels that new technological

solutions, such as Skype, may provide low-cost, fairly easy to administer solutions to participation barriers (somewhat like the procedures employed at auctions where bids are called in by phone, participation could be relayed via Skype to assistants to the Town Clerk at Town Meeting). These potential solutions should be explored on a case-by-case, as needed basis.

In any event, developing a cadre of community volunteers to promote participation at Town Meeting is "all for the good." The new standing committee should be tasked with harnessing community service organizations to help with Town Meeting by continuing to provide childcare services, food and perhaps to help with transportation of elderly and/or infirm residents to Town Meeting. Students in the MSAD #75 School District should be encouraged to help at town meeting, for example, moving microphones to residents who want to speak but who may be intimidated to stand up and move to the mikes. Also, to the extent that the school system works to develop a local government curriculum, opportunities will present themselves for further student involvement at Town Meeting which may encourage attendance by their parents and grandparents.

DISCUSSION OF CHANGES TO TOWN CODE TO IMPROVE TOWN MEETING

The All in Favor book was commissioned by the State of Vermont. In Vermont, Town Meeting is a cherished tradition that is still very much alive and highly valued. Every town in Vermont holds its Budget Town Meeting on the same date, which is fixed by state statute as Town Meeting Day. TGIC interviewed some of Topsham's leaders who felt that the Town should do something similar. That is, the Town should establish by ordinance the dates for Town Meeting. For example, Chapter 6, the Town's Administrative Code could establish that the Annual Budget Town Meeting is held each year the third Wednesday in May. Similarly, the Town could establish regular quarterly Town Meetings throughout the year and fix the date so that everyone knows in advance when Town Meeting will be scheduled. This would help committees working on ordinances to plan which Town Meeting to bring their proposal to and help them determine when to hold hearings and bring a matter to the Board of Selectmen for inclusion on a Town Meeting Warrant. This would also go a long

way to avoiding scheduling conflicts between the school system and Town Meeting.

Chapter 6 should also be revised to include a provision requiring an invocation before Town Meeting requesting civility.

See Appendix E for TGIC's recommendations for amendments to Chapter 6 of the Town Code.

CHAPTER 5

TGIC RECOMMENDATIONS REGARDING ADOPTION OF A CODE OF CONDUCT IN TOWN CODE

TGIC OFFERS A DRAFT CODE OF CONDUCT FOR THE TOWN'S CONSIDERATION

After reviewing the City of Bangor's extensive Code of Ethics, which was adopted following wrongdoing by a municipal official, TGIC felt that the Town of Sebago's Code of Conduct was more relevant for the Town of Topsham.

The Code of Conduct:

- Explains the Town Meeting, Board of Selectmen Town Manager governmental structure,
- Defines each element of the governmental structures
- Outlines the role of each element
- Defines the Duties
- Establishes a Code of Conduct.

The committee believes that the Code will go a long way to educating town residents about the municipal governmental structure which in and of itself will help to improve residents' understanding of local government.

A copy of the recommended Code of Conduct is included in Appendix F. This language will need to be reviewed carefully to ensure that it is in accordance with the Town's personnel and other policies policies.

CHAPTER 6

TGIC RECOMMENDATIONS FOR CONTINUED DIALOGUE AND POSSIBLE ADOPTION OF RECALL ORDINANCE

TGIC OFFERS A STARTING POINT FOR COMMUNITY DIALOGUE ABOUT A RECALL ORDINANCE

TGIC members spent a significant amount of time considering the issues embedded in the concept of recalling an elected municipal official. The committee discussed at great length the “law of settled elections” and recognized the potential for community tumult should recall petitions become a run-of-the-mill political gambit. Some TGIC members were unconvinced that recall authority is necessary given that elected terms in Topsham are short (3 years). That said, for certain types of egregious behavior, it may be asking too much to wait until the next election.

The committee reviewed various recall provisions in other communities and debated the two extremes of recall: recall for no reason or recall for cause only. The consensus among the TGIC committee was that it could only recommend recall for cause and only under limited circumstances:

- Missing six (6) consecutive meetings of the Board of Selectmen.
- Conviction of a crime greater than a misdemeanor during the member’s term of office.

Additionally, because a recall election is very disruptive to the fabric of a community, the committee is recommending a high threshold for the requisite number of signatures on a recall petition: 20% of the number of voters voting in the preceding gubernatorial election. Finally, TGIC recommends that a valid vote

to recall an elected official must equal or exceed the number of votes that put the official in office. See Appendix G for TGIC's recommendation for a Recall Ordinance that should be brought forth for the community's consideration.

Bibliography

Maine Municipal Association Website

http://www.memun.org/public/local_govt/government.htm

http://www.memun.org/Public/local_govt/town_meeting.htm

Town of Topsham website

<http://www.topshammaine.com>

Wikipedia- Town Meeting

http://en.wikipedia.org/wiki/Town_meeting

History of Topsham, Maine

<http://history.rays-place.com/me/topsham-me.htm>

<http://www2.curtislibrary.com/history/wheeler/index.html>

http://en.wikipedia.org/wiki/Topsham,_Maine

State of Maine website

<http://www.maine.gov/local/>

Publications on Town Meeting Form of Government

All in Favor, Susan Clark & Frank Bryan

Real Democracy, Frank Bryan

Local Government in Maine "Government is People", Maine
Municipal Association, November 2005

Appendices

Appendix A	Survey form
Appendix B	Survey analysis
Appendix C	Summary of Town of Lincoln and Westford, MA studies
Appendix D	Work Plan for New Standing Committee
Appendix E	Proposed changes to Chapter 6 - administrative code
Appendix F	Proposed Code of Conduct
Appendix G	Proposed Recall Ordinance
Appendix H	List of interviewees and a compilation of interview comments, observations & recommendations
Appendix I	Topsham Municipal History

Appendix A

Copy of Topsham Government Improvement Committee Survey Form

Town Meeting Survey Questions

To Topsham Residents: The Topsham Government Improvement Committee (TGIC) is studying ways to make Topsham's Town Meetings more accessible to residents. Please download this form, complete it and drop it off at Town Hall in the Town Clerk's office. We will be making the survey available throughout the community during the next few months and will be gathering completed surveys and analyzing the results as part of our committee's work. We expect to issue a report to the Board of Selectmen early next year.

1. I attend town meetings on a regular basis: yes ____ no ____

2. Which of the following items affect your attendance at town meetings (you may check as many as you feel are important to you):
 - a. Conflicting obligations ____
 - b. Meetings are too long ____
 - c. Personal time limitations ____
 - d. Child care issues ____
 - e. Times of meetings ____
 - f. Lack of understanding of the town meeting process ____
 - g. Number of articles on the warrant ____
 - h. Lack of interest in the discussions ____
 - i. Lack of information available on issues prior to the meeting ____
 - j. Other activities coinciding with the town meeting: such as: _____
 - k. Other: _____

3. I would prefer the Budget Town Meeting, currently held in May, to be held in:
March ____ April ____ May ____ Other: _____

4. I would prefer the Budget Town Meeting begin at:

5:30 PM ___ 6:00 PM ___ 6:30 PM ___ 7:00 PM ___

5. I would prefer town meetings be held on a:

weekday evening ___ Saturday ___ Sunday ___

6. I have served on a board, committee, or other activity for the Town of Topsham:

yes ___ no ___

7. Suggestions to improve town meetings:

8. Are you interested in community building activities such as a bean supper at the town meeting?

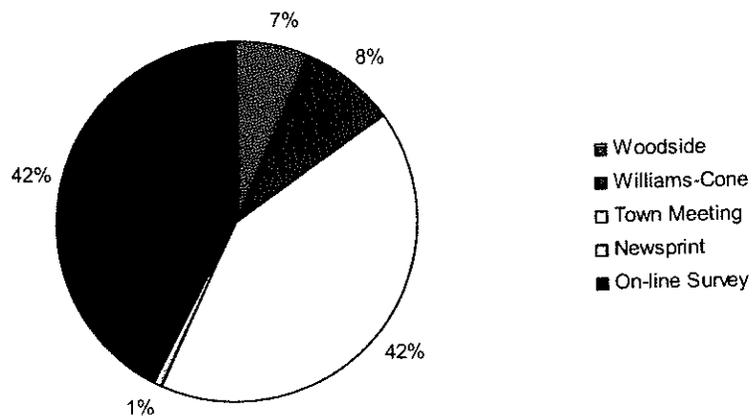
Yes ___ No ___

Tell us your ideas:

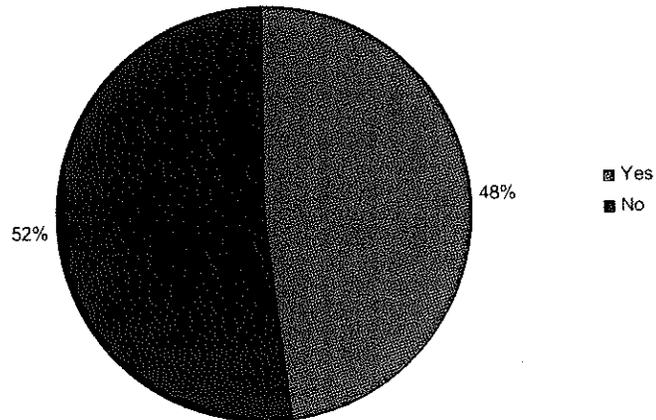
Appendix B

Survey results

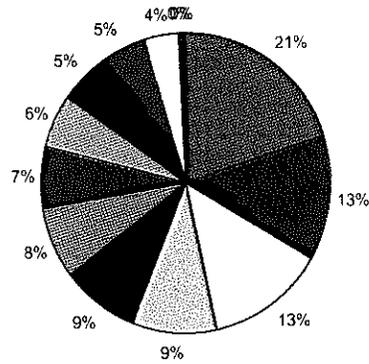
TOTAL RESPONDENTS & SOURCE



Q1: DO YOU ATTEND TOWN MEETING ON A REGULAR BASIS?

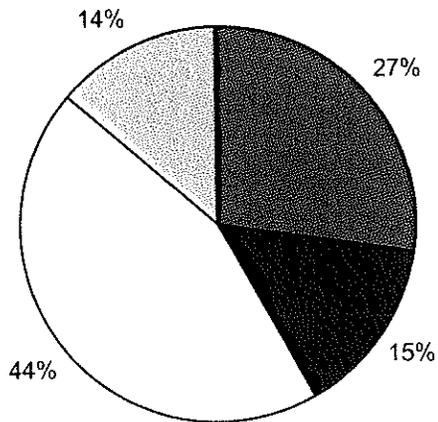


Q2: ISSUES AFFECTING ATTENDANCE AT TOWN MEETINGS



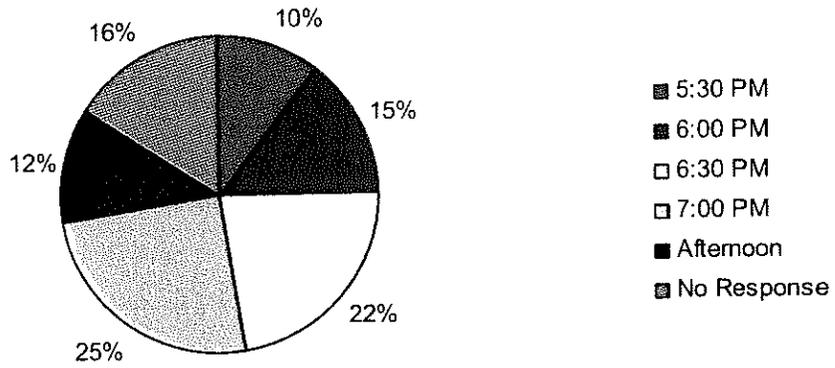
- Conflicting Obligations
- Meetings are too long
- Personal Time limitations
- Lack of information on issues prior to the meeting
- Child care issues
- Times of meetings
- Number of articles on the warrant
- Other
- Lack of interest in the discussions
- Lack of understanding of the town meeting process
- Other activities coinciding with the town meeting
- My input isn't valuable
- Lack of transportation

Q3: DATE PREFERENCE FOR BUDGET TOWN MEETING (NOW HELD IN MAY)

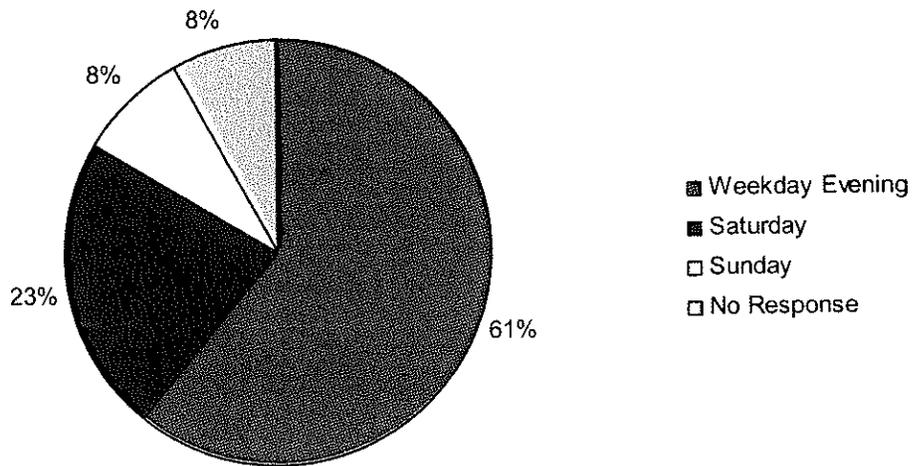


- March
- April
- May
- Other

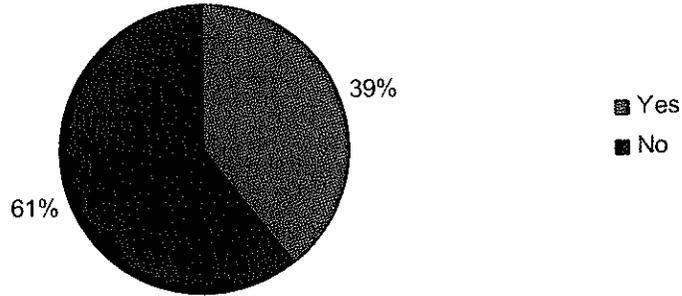
Q4: TIME PREFERENCE FOR TOWN MEETING TO BEGIN



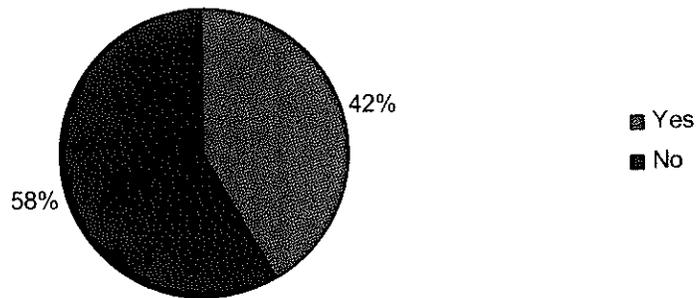
Q5: PREFERENCE FOR TOWN MEETING DAY



**Q6: SERVICE ON A BOARD, COMMITTEE, OR OTHER
ACTIVITY FOR THE TOWN OF TOPSHAM**



**Q8: INTEREST IN COMMUNITY BUILDING ACTIVITIES
AT TOWN MEETING**



Appendix C

Copies of overviews of Westford, MA, and Lincoln, MA, reports

SUMMARY OF WESTFORD, MA, REPRESENTATIVE TOWN MEETING STUDY

Committee appointed by BOS to study pros and cons of RTM and make a recommendation of whether to pursue it. Also was supposed to study best day/time to hold annual town meeting (ATM).

Committee process involved identifying the problems with town meeting and then analyzed whether RTM would solve the problems. Reviewed materials identified in annotated bibliography. Interviewed people (town officials and people in other towns). Created a survey to solicit public opinion re: perceived problems of OTM, advantages of RTM and operation of TM in general.

Recommendations

Preserve OTM. Deliberative, participatory TM better than having an "efficient" TM. Keep Saturday at TM day. Move ATM from May to March or April.

Main concerns: low voter attendance and voter blocs (stacking) for certain warrant articles.

Suggestions for solving low attendance:

1. Improve quality of communication by Town Manager (representing BOS) and the voters before and during TM
2. Better and more timely info to voters using all possible methods (newspaper, cable TV, public forums, town-wide email, town website, etc.)
3. Adopt town brand—logo, tagline, color palette, type, font and layout to standardize and professionalize format of its publication including the finance committee's report and recommendations for ATM
4. Town manager should make a thorough "State of The Town" presentation at the beginning of TM providing an informative introduction for all the business to follow (a la Warren Buffett's statement/report on Berkshire Hathaway's annual report!)
5. Provide clear presentations at TM laying out options and ramifications for each article on warrant
6. Ask Finance Committee to comment on all articles on TM warrant that have financial impacts on the town.
7. Require each town board, committee, department to have at least one member available for the entire TM qualified to represent that board or committee.
8. Have nonpartisan organization (LVW) interview the proponents/opponents of each warrant article and publish a warrant review that provides a succinct discussion of the impact to passing or failing to pass the TM warrant.
9. Shift ATM date back to March or April when conflicts with good weather/social events is less likely.

10. Directing all municipal departments not to schedule social athletic, cultural, or informational events for the dates of ATM
11. Continuing to hold TM on Saturday
12. Re-instituting childcare in the Abbot cafeteria during TM
13. Offering a reasonably priced lunch of some kind to induce voters to stay and not go home
14. Staging other events to attract voters on TM day

Re Stacking—No solution

1. Democratic option
2. Can be mitigated by better communication and better informed electorate
3. No rules about entering/leaving TM

Report on Lincoln's Needs and Interests (Oct 2008)

Based on Citizen Survey conducted in Lincoln, MA, Feb 2008

Report prepared by an ad hoc survey work group which was part of the town's comprehensive planning process. The survey was disseminated throughout the community by mail as well as available on-line. The concept originated with the Culture, History and Governance subcommittee [of comprehensive plan](CHuG) who was interested in learning why there was a decline in town meeting attendance and to identify possible strategies for reversing the decline and keeping TM government.

As survey got underway, other issues were added to it by Comp Planning process (open space, recreation, facilities, land use, development etc.). Questions were open ended and did not address specific actions the town could take.

552 survey responses were received (14% of population) (Respondents included a larger percentage of older people who have participated in town affairs).

Findings regarding town meeting attendance:

- Age is strongly related to attendance. Fewer young people attend than older people
- Town Meeting competes with other activities for residents' time. Need to elevate priority of town meeting relative to other demands or make town meeting time demands more manageable, or both.
- Residents who worked on a town board or committee were more likely to attend town meeting. Need to increase portion of residents working on town committees/boards.
- Most people who work on town committees have been asked to do so. Asking more people to serve, especially people outside the social networks who usually serve may broaden resident involvement. Even people who are asked to serve and decline are more likely to attend town meeting than those who have not been asked.
- Suggestions to enhance attendance: Outreach using existing networks and reaching outside networks, establishing a participation database, creating a committee to promote participation, testing possible strategies for enhancing town meeting.
- Views on the effectiveness of town meeting are divided. People who participate tend to view it more favorably than those who do not.

More detailed findings:

Records show Lincoln's attendance at town meeting has declined over the past decade by 47% even though registered voters increased by 13%.

Town meeting attendees tend to be older residents. Lincoln broke ages up as: under 50; 50-64; 65 and older.

Time competition. Over 95% of people who did not attend town meeting cited a time-related reason...conflicting obligation or perception that TM takes too much time. One-third of respondents stated that they couldn't follow the TM presentations. Study suggests finding ways to make TM more of a priority and/or less of a time commitment.

Study's most striking finding is the link between participation on town boards and committees and attendance at TM. Recommendation is to work on asking more people to get involved. Even those who decline tend to pay more attention to town affairs. Key finding is that 83% of those not attending TM have never been asked to serve their town. 87% of non-attendees are under 50! Recommendation is to recruit people though have never been asked. Call those you don't know....perhaps develop a database of all town residents and track who has served on what and when. Recommendation also to increase residents' awareness of and orientation to matters of town governance that might lead to increased TM attendance.

Highest proportion of attendance at TM was among people over 50 who serve on committees or boards, use conservation land, town affairs are a regular topic of conversation, and they want to live someplace where they can make a difference and are living in neighborhoods not in north or south Lincoln.

Major recommendations:

- 1. Create and sustain structures and activities that promote involvement:**
 - Involve town-based networks with each other and pay attention to the conservation lands and facilities that residents use and appreciate
 - Create and improve regular messages that active participants use to reach out to younger residents
 - Place messages in written and electronic media to target audiences: schools and physical bulletins boards, recreation facilities
 - Capture town employees and volunteers' enthusiasm by designing volunteer activities and recruitment approaches to be attractive to a diverse population
 - Create and maintain a participation database
 - Look to long time residents to actively mentor and train new participants to become productive stakeholders in town's well-being
 - Encourage residents to start community blogs.

- 2. Create a committee with a specific charge to improve participation**
 - Define mission and outreach
 - Develop databases, blogs, communication messages
 - Actively recruit volunteers and volunteer opportunities
 - Re-establish social events that were once used to welcome new residents and solicit their involvement in town activities.

3. Compete for attention of target audience (data doesn't show that making improvements to TM would change attendance; however it seems worthwhile to give TM every possible advantage in the competition).

- Slides/other media to enhance and mix engagement w/understanding for TM audience
- Scheduling
- Lighting
- Sound amplification
- Moderation
- Incentives (entertainment for kids, BBQ after meeting)

Key is to experiment to find winning formulae and expecting different approaches for different audiences and meeting topics.

Appendix D

Proposed new Standing Committee Work Plan

Work Plan for New Standing Committee

The new standing committee will consist of ~~nine (9) members~~; five (5) members representing a broad cross-section of the community and ~~four (4) Town staff members representing the Town Manager's office, the Town Clerk's office, the Planning Department and any other staff designated by the Town Manager and or Board of Selectmen.~~ The committee will be responsible for assisting the Board of Selectmen and Town Manager with Town Meeting logistics, e.g., scheduling the meeting dates and time, clearing possible conflicts in the community on those dates and times, coordinating childcare assistance at town meeting, arranging for food at Town Meeting, acting as ombudsman to coordinate transportation to Town Meeting and implementing the TGIC recommendations relative to Town meeting as approved by the Board of Selectmen which may include:

- 1) Assisting as needed in the development and dissemination of the Annual Report including the State of the Town Address.
- 2) Assisting as needed in the development of validation techniques for information made available at Town Meeting including verification of municipally developed information for Town Meeting.
- 3) Assisting in the development of Voter Guides and other communication tools to educate the electorate on issues facing the Town at Town Meeting.
- 4) Institute a process to oversee the development of a Community Recognition Award to be given at Town Meeting similar to the model in All in Favor.
- 5) Working with other organizations to develop educational forums for the electorate on important issues facing the Town at Town Meeting.
- 6) Take responsibility for assuring that the content on the Town's website is updated to include important information on the Town Meeting tab of www.topshammaine.com.
- 7) Work with the library to identify and acquire materials and resources about Town Meeting.
- 8) Work with the MSAD #75 to develop curriculum to educate students at all levels about Town Meeting government and the importance of citizen participation and civic responsibility.
- 9) Work with MSAD #75 and other local organizations to develop community service programs to assist the new standing committee in its work.
- 10) Propose ordinance changes, procedural changes and or logistical changes, as necessary, to facilitate improvements to Town Meeting.

11) promote attendance @ Town Meeting
and other ... events

Appendix E

Proposed changes to Chapter 6 administrative code

Chapter 6, ADMINISTRATION OF GOVERNMENT

[HISTORY: Adopted by the Town of Topsham as Ch. 2 of the Topsham Code; amended in its entirety 5-5-2005 STM, Art. 18. Subsequent amendments noted where applicable.]

Underlined text represents TGIC recommended changes.

ARTICLE I, Form of Town Government

§ 6-1. Town Meeting - Selectmen - Manager form of government: The Town of Topsham has adopted the town meeting-selectmen-manager form of government. Under this form of government the legislative and executive functions are divided:

- a. The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying taxes and raising and appropriating monies, authorizing the contracting of debts, among other things.
- b. The Board of Selectmen is the executive body that interprets, processes, and sets the policies of the town and chooses the course of action between town meetings, has ultimate administrative responsibility to see that the governmental policies are carried out (but must deal with administration solely through the town manager), and appoints and supervises the Town Manager.
- c. The Town Manager executes and carries out the government and fiscal policies with guidance from the Board of Selectmen and has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the town, acting as the Chief Administrator.

ARTICLE II, Town Meeting

§ 6-2. Date.

A Town Meeting shall be held annually to elect officials at municipal polling places on the first Tuesday following the first Monday in November. A Town Meeting will be held annually on the third Wednesday of May to enact a municipal budget and to conduct such other business as may be necessary. Additional Town Meetings will be held, if necessary, in March and September to conduct municipal business. Special Town Meetings shall be held at such other times as provided by statute or ordinance.

§ 6-3. Reports.

At the general business meeting of the Town each May, an annual report of the Town will be made and shall include a State of the Town message from the executive branch of the Town government summarizing the general condition of the town. Other reports of the Town officers and of standing and special committees shall be made available to the public. Reports required by statute or by the Town to be published shall be posted on the Town's website and printed for distribution one week before the Annual Town Meeting.

Budget

§ 6-4. Speaking.

No person shall speak more than twice on any one question nor more than five minutes at a time at Town Meeting without permission of the Moderator or assembled Town Meeting body to do so.

§ 6-5. Invocation.

Prior to the election of the Town Meeting Moderator, the Town Clerk will call the assembled body to order with the following invocation:

We are gathered here together in a civil assembly.

We gather as a community, in the oldest sense of the word.

We gather together to make decisions; about what we think is right, and about what we think is wrong.

Let us advocate for our positions, but never at the expense of others.

Let us remember that there is an immense gap between saying "I think I am right" and "I am right."

Let us always remember that our neighbors with whom we might disagree with at Town Meeting are good people with hopes and dreams as true and as high as our own.

Let us not forget the citizens who have served our town in the past as well as those who are serving it today.

Most importantly, let us always remember that, in the end, caring for each other, and our community, is of far greater importance than any differences we may have at this meeting.

§ 6-6. Moderator

A Moderator shall be elected to serve at every general business meeting of the Town. The election of the Moderator shall be conducted by the Town Clerk opening nominations for Moderator and then closing nominations when nomination process has ceased. If only one name has been placed in nomination, the Town Clerk shall ask the assembled body to vote in favor of and opposed to the nomination and count hands holding colored ballots. The Town Clerk will announce the vote. Should more than one person be nominated, the Town Clerk shall call for written ballots to be cast. Should the assembled body fail to elect a Moderator, the Town Clerk shall follow governing statute or ordinance in proceeding with the Town Meeting. The duly elected Moderator shall follow the Maine Moderators Manual or such other rules as may be allowed by statute or ordinance. The Moderator shall make a summary presentation to the assembled body about the rules of procedure and decorum to be followed at the meeting.

§ 6-7. Prayer.

Every general business meeting of the Town shall be opened with a prayer.

§6-8. Materials.

All materials made available at town meeting shall disclose who is responsible for making them available to the assembled body. Any materials developed by town officials or town staff shall be identifiable as town materials though the use of some form of authentic identification method.

§6-9. Annual Citizen Recognition

At the general business meeting of the Town each May, the Town shall bestow a recognition award on a citizen of the town. The Town Meeting Committee shall be responsible for developing a nomination and selection process. The name of the award recipient shall not be disclosed prior to the meeting.

¹⁰
§ 6-~~9~~. Reconsideration.

No motion shall be entertained at a reconvened meeting for reconsideration of any vote passed at the original meeting, or any adjournment thereof, unless notice of such action to reconsider shall have been given at such original meeting or at some intervening reconvened meeting, but this section may be suspended in any particular case by a vote of three-fourths (3/4) of those present and voting.

ARTICLE III, Selectmen

¹¹
§ 6-~~10~~. Membership; Chairman; terms of office; Overseers of the Poor.

The number of members of the Board of Selectmen shall be five, and the Board shall choose its own Chairman. The normal term of Selectmen shall be three years. Selectmen shall serve staggered terms with two positions open for election on consecutive years and one position open for election on the third year. Vacancies on the Board of Selectmen shall be filled in accordance with state statutes (currently M.R.S.A. § 2602 3). The Selectmen shall serve as Overseers of the Poor.

ARTICLE IV, Committees

§ 6-11. Standing Committees:

The following shall be the standing committees of the Town of Topsham:

- A. Planning Board (7 members). [Amended 5-24-2007 STM, Art. 13]
- B. Board of Appeals (5 members, two alternates). [Amended 5-24-2007 STM, Art. 13]
- C. Finance Committee (9 members).
- D. Board of Assessment Review (3 members, two alternates).
- E. Historic District Commission (5 members).

F. Conservation Commission (5 members). [Amended 5-24-2007 STM, Art. 13]

G. Town Meeting Committee (5 members, 4 ex officio (non-voting) town staff members)

§ 6-12. Powers and duties of standing committees.

A. Planning Board: The powers and duties of the Planning Board shall be those powers and duties established by Town of Topsham ordinance and state law.

B. Board of Appeals: The powers and duties of the Board of Appeals shall be those powers and duties established by Town of Topsham ordinance and state law.

C. Finance Committee: It shall examine all Town Meeting articles that call for an appropriation or expenditure of money and make its recommendations to the Town Meeting.

D. Board of Assessment Review: A Board of Assessment Review is adopted pursuant to 30-A M.R.S.A. § 2526, Subsection 6, and shall consist of three members and two alternates. Initially, one member shall be appointed for one year, one member for two years and one member for three years. One alternate shall be appointed for one year and one alternate for two years. Thereafter, the term of each new member or alternate is three years.

E. Conservation Commission: The powers and duties of the Conservation Commission shall be those powers and duties established by the Town of Topsham ordinance and state law. EN [Added 5-24-2007 STM, Art. 18]

F. Town Meeting Committee: The powers and duties of the Town Meeting Committee are to assist the executive branch of Town Government with Town Meeting logistics, including scheduling, clearing of scheduling conflicts, coordinating childcare and food and beverage assistance as well as to identify measures for improving participation in Town Meeting.

§ 6-13. Standing committee general provisions.

A. Quorum. Except as may be permitted by Town of Topsham ordinance or state law, no meeting of a standing committee shall be held without a quorum consisting of a majority of appointed members.

B. Voting. Notwithstanding Town of Topsham ordinance or state law, any action of a standing committee shall require the affirmative vote of a majority of its membership present and voting.

§ 6-14. Standing committee prohibited appointments.

The following may not be appointed as voting members to standing committees:

A. Selectmen.

B. Employees, full-time and part-time regular except Fire Department on-call employees may serve on standing committees. [Amended 5-24-2007 STM, Art. 13]

C. Spouses and domestic partners of Selectmen and employees as described above.

§ 6-15. Standing committee terms.

A. Appointments subsequent to the amendment of this code shall be for a three-year term.

B. All appointments and reappointments subsequent to amending the code will commence and terminate consistent with the Town's fiscal year (July 1 -- June 30).

§ 6-16. Standing committee vacancies.

The Board of Selectmen shall appoint new members to the standing committees as necessary. In the event of the resignation of any committee member, or his or her inability to serve, or unapproved absence of three (3) or more consecutive meetings, the Board of Selectmen shall appoint a member to finish any unexpired term that might remain at their earliest convenience.

§ 6-17. Ad-hoc committees.

The Board of Selectmen is authorized to establish committees that are temporary and have a specific purpose. The number of members on an ad-hoc committee may be whatever the Selectmen determine and may be composed of individuals without restriction. Ad-hoc committees shall not be established to undermine the powers and duties of standing committees. The term, powers, and duties shall be whatever the Selectmen determine at the point in time that the Committee is established. Ad-hoc committees may be established for an indefinite term if appropriate.

ARTICLE V, Assessment

§ 6-18. Tax Assessor.

A single Tax Assessor shall be appointed by the Selectmen.

ARTICLE VI, Finance

§ 6-19. Fiscal year.

The Town shall operate on a twelve-month fiscal year, with the fiscal year and Town accounts starting on the first day of July of each year and the fiscal year ending and Town accounts closing on the 30th day of June of each year.

§ 6-20. Disbursement of Treasurer's warrants.

A. Purpose. The purpose of this section is to provide an alternate to the statutory procedure for approval of warrants authorizing the Treasurer to disburse money.

B. Authority. This section is enacted pursuant to 30-A M.R.S.A. §§ 3001 (municipal home rule) and 5603, Subsection 2A.

C. Procedure for approval. The Treasurer may disburse money only on the authority of a warrant drawn for the purpose, either:

(1) Affirmatively voted and signed by a majority of the municipal officers at a duly called public meeting;

(2) Seen and signed by a majority of them acting individually and separately; or

(3) Signed as otherwise provided by law for the disbursement of employees' wages and benefits and payment of municipal education costs.

ARTICLE VII, Municipal Property

§ 6-21. Tax-acquired property.

The Treasurer may, from time to time, with the consent of the Selectmen, convey by deeds of quitclaim the title and interest of the Town in and to any real estate acquired by the Town by virtue of the Revised Statutes of Maine, at any sale for taxes, to such persons and for such consideration as the Treasurer and the Selectmen may, in each case, determine.

ARTICLE VIII, Budget

§ 6-22. Budget development.

A. Presentation to Board of Selectmen: It shall be the responsibility of the Town Manager to present a draft budget to the Board of Selectmen no later than 90 days in advance of the Town Meeting at which the subsequent fiscal year's budget is to be adopted.

B. Town Manager and department head role: The Town Manager shall have the discretion to determine the method of developing the draft budget to be presented to the Selectmen. Department heads shall have the opportunity to work with the Manager to draft their respective departmental budgets.

C. Selectmens' initial review: Upon presentation to the Board of Selectmen, the Selectmen shall review and make preliminary recommendations of the budget.

D. Meetings with Finance Committee: The Selectmen shall meet with the Finance Committee and, with support from the Town Manager and other staff as appropriate, shall review the draft budget and preliminary Selectmen recommendations with the Finance Committee.

E. Preliminary budget: Upon completed review by the Selectmen and Finance Committee, a preliminary budget shall be developed. The preliminary budget shall identify appropriations and expenditures by

proposed Town Meeting warrant article. Each proposed warrant article shall include the amount of funds being appropriated and expended, the source of the appropriation and the preliminary recommendations of the Board of Selectmen and Finance Committee.

F. Joint public hearing on preliminary budget: The Board of Selectmen and Finance Committee shall hold one public hearing on the preliminary budget at least 14 days in advance of the Town Meeting scheduled to adopt the budget. The purpose of the public hearing shall be to present the preliminary budget to the Town and to receive comments from the interested parties. Following the public hearing, the Board of Selectmen and the Finance Committee shall finalize their budget recommendations.

G. Finalization of the budget: Once the preliminary budget has been presented at the public hearing and final recommendations are determined by the Board of Selectmen and the Finance Committee, the budget shall be presented in final form for Town Meeting review and adoption.

§ 6-23. Economic and Community Development Plan.

Each year the Town shall prepare an Economic and Community Development Plan that is intended to complement the Town's development program(s) that have been adopted through the enactment of tax increment financing (TIF) plans. The purpose of these plans shall be to identify specific quality of life measures to be brought before the Town for consideration. The plan shall also have the goal of balancing the economic development plan with recreational, cultural, educational and other quality of life activities that enhance the overall quality of the Town of Topsham.

The development of this plan shall be contemporaneous to the development of the annual budget and work plan of Topsham Development, Inc. The responsibility of the development of this plan shall be with the Town Manager, the Planning Office, Topsham Development, Inc. with citizen participation provided through the involvement and review of the plan by the Conservation Committee, the Board of Directors of Topsham Development, Inc., the Board of Selectmen and the Finance Committee.

Appropriations: Each year, the Town will be presented with a financial plan that appropriates the equivalent of 5% of the funds generated through a Municipal Tax Increment Financing Plan to fund the Economic and Community Development Plan. This appropriation will be either in addition to or part of the development program for each year. The intent of this paragraph is to ensure that the Town provides the

necessary financial resources to implement goals and objectives that address the recreational, educational and other quality of life activities that enhance the overall quality of the Town of Topsham.

ARTICLE IX, General Provisions

§ 6-24. Revision.

It shall be the duty of the Town to revise and bring up-to-date this chapter at least once in every ten (10) years, and a committee of seven (7) citizens, three (3) of whom may be Selectmen, shall be chosen for this purpose.

§ 6-25. Severability.

The invalidity of any provision of this chapter shall not affect the validity of any other provision.

§ 6-26. Publication.

The Board of Selectmen shall have the authority to publish in a book or pamphlet form this chapter, as accepted and voted upon at Town Meeting, at any time after acceptance of this chapter and until such time as this chapter is no longer in effect.

§ 6-27. Effective date.

This chapter is to become effective upon being adopted by a Town Meeting vote.

ARTICLE X, Town Manager Plan

§ 6-28. Adoption of plan.

A. The Town of Topsham hereby adopts the form of government known as the "Town Manager Plan" as provided in 30-A M.R.S.A. § 2631 et seq., to become effective at the Annual Town Meeting for 1991.

B. Any reference to the "Town Administrator" is hereby amended to "Town Manager," and any provision in the Code, ordinances, rules and regulations of the Town which is inconsistent with the Town Manager Plan is hereby repealed. EN

Appendix F

Proposed Code of Conduct

An Order to Establish a Statement of Duties and Code of Conduct for the Board of Selectmen and the Town Manager.

That the following Statement of Duties and Code of Conduct for the Board of Selectmen and Town Manager is hereby adopted.

Section 1. Purpose

The purpose of this policy is to define the executive role and attendant duties of the Board of Selectmen in carrying out its policy functions as part of Topsham's town government, to clarify the separation of the Board's executive role from the legislative role of the Town Meeting and the administrative role of the Town Manager, and to set forth a code of conduct that governs how the Board of Selectmen and Town Manager will function in relation to one another and in relation to the public that they both serve.

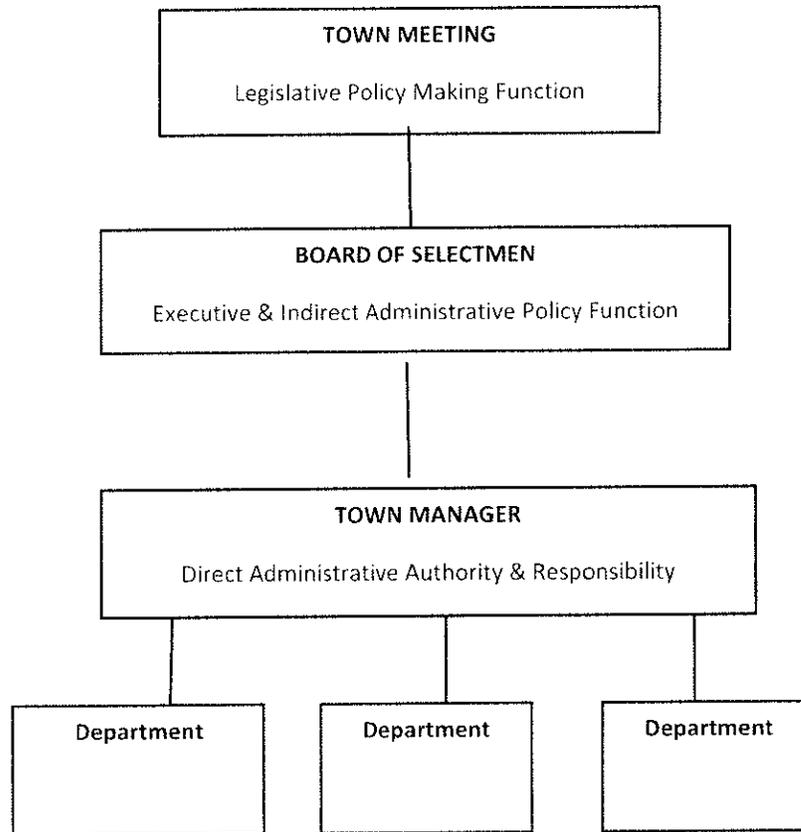
Section 2. Definitions

A) Town Meeting - Selectmen - Manager form of government: The Town of Topsham has adopted the town meeting-selectmen-manager form of government. Under this form of government the legislative and executive functions are divided:

1. The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying taxes and raising and appropriating monies, authorizing the contracting of debts, etc.
2. The Board of Selectmen is the executive body that interprets, processes, and sets the policies of the town and chooses the course of action between town meetings, has ultimate administrative responsibility to see that the governmental policies are carried out (but must deal with administration solely through the town manager), and appoints and supervises the Town Manager.
3. The Town Manager executes and carries out the government and fiscal policies with guidance from the Board of Selectmen and has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the town, acting as the Chief Administrator.

Source of reference - JJ Haag, *The Manager Plan in Maine*, 1971, pp. 42. (see Chart 11 below)

Town Meeting/Board of Selectmen/Town Manager Form of Government



B) Role of the Board of Selectmen - 30-A M.R.S.A. § 2635 states that the board of selectmen is to act as a body and that administrative service is to be performed through the town manager, town departments and town committees. The statute states, "It is the intention of this subchapter that the board of selectmen as a body [emphasis added] shall exercise all administrative and executive powers of the town except as provided in this subchapter." The board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

C) Role of the Town Manager The Town Manager is the single chief administrator accountable to the Board of Selectmen for the performance of his/her duties. The Town Manager is given the responsibility to appoint, subject to the personnel policies of the Town of Topsham, all department heads and through them all other employees. The Town Manager prepares the financial plan for approval by the legislative body and is responsible for administering the

budget once enacted. The Town Manager is specifically responsible for all the administrative functions. The Town Manager coordinates all administrative activities. The Town Manager is in a position to provide expert information on the needs and status of various governmental activities. The Town Manager regulates departmental spending and reports on the financial needs of each of the branches of government. Within the framework of the policies laid down by the legislative and executive body of the town, the Town Manager can formulate and carry out an administrative plan for governmental activity allowing for regular and orderly development. (Source of reference - National Municipal League, *Forms of Municipal Government*, 1968, p. 12.)

Section 3. Duties of the Board of Selectmen

- A) A member of the Board of Selectmen, in relation to his or her community should:
1. Realize that his or her basic function is to make policy, with administration delegated to the Town Manager.
 2. Realize that he or she is one of a team and should abide by, and carry out, all Board decisions once they are made.
 3. Be well informed concerning the duties of a Board member on both local and state levels.
 4. Remember that he or she represents the entire community at all times.
 5. Accept that the role of a member is a means of unselfish service, not to benefit personally or politically from his or her Board activities.
 6. Abide by the ethics guidelines established by the State and not use the position of Selectmen to obtain inside information on matters that may benefit someone personally.
- B) A member of the Board of Selectmen, in his or her relations with the Town Manager, should:
1. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
 2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 3. Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.
 4. When a situation comes to the attention of a Board member, convey that information to the Town Manager for consideration and resolution or action as the Town Manager may deem appropriate. Inform the other Board members of suggestions and information conveyed to the Town Manager.
 5. Not give orders or directions to the Town Manager for action as an individual Board member.
 6. Not give instructions to or request assistance from Town department heads, but rather channel all such activities through the full Board and the Town Manager.

C) A member of the Board of Selectmen, in his or her relations with fellow Board members, should:

1. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
2. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.
3. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
4. Make decisions only after all facts on a question have been presented and discussed.
5. Refrain from communicating the position of the Board of Selectmen to anyone unless the full Board has previously agreed on both the position and the language of the statement conveying the position.
6. Treat with respect the rights of all members of the Board despite differences of opinion.

D) A member of the Board of Selectmen, in his or her relations with Town staff, should:

1. Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
2. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager.
3. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.
4. Insure that all requests for staff support go through the Town Manager's office.
5. Insure that any materials or information provided to a Selectmen from a staff member be made available to all Selectmen.

Powersland
Section 4. Duties of the Town Manager

Areas described in
Based on 30-A M.R.S.A. § 2636, the Maine statute that delineates most of the authorities and responsibilities of a town manager, the Town Manager shall:

1. Be the chief executive and administrative official of the Town of Topsham;
2. Be responsible to the Board of Selectmen for the administration of all departments and offices over which the Board has control;
3. Execute all policies, laws and ordinances of the Town of Topsham;
4. Serve in any office as the head of any department under the control of the Board of Selectmen when so directed by the Board of Selectmen;
5. Appoint, subject to Town of Topsham Personnel Policies, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager above;
6. Unless otherwise provided by municipal policy or ordinance, the manager shall appoint, supervise and control all town officials whom the municipal officers are required by statute to appoint, except members of boards, commissioners, committees and single

- assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that he or she may delegate this authority to a head of a department, and report all appointments to the Board of Selectmen;
7. Act as purchasing agent for all departments in accordance with the Purchasing Policy of the Town of Topsham;
 8. Attend all meetings of the Board of Selectmen, except when his or her removal is being considered;
 9. Make recommendations to the Board of Selectmen for the more efficient operation of the municipality;
 10. Attend all meetings and hearings of the municipality as needed;
 11. Keep the Board of Selectmen and the residents of the municipality informed as to the financial condition of the town;
 12. Collect data necessary for the preparation of the annual operating budget and present a draft operating budget to the Board and to the Topsham Finance Committee for consideration;
 13. Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices;
 14. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation;
 15. Have exclusive authority to remove for cause after notice and hearing all persons whom he is authorized to appoint or hire and report all removals to the Board;
 16. Perform such other duties related to the functions, duties and authorities set forth herein, as may be prescribed by the Board of Selectmen and by any applicable state or local laws or ordinances.

The TM shall

Section 5. Code of Conduct of the Board of Selectmen

The Board of Selectmen shall conduct its duties in accordance with this code of conduct to the extent possible:

1. Be responsible elected officials dedicated to the concepts of effective and democratic local government.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the public.
4. Conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
5. Not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.
6. Recognize that the chief function of local government at all times is to serve the best interests of all of the people, to the maximum extent possible.

7. Adopt and implement town policy that is fair, impartial, and meets the objective of furthering the quality of life in Topsham for its citizens.
8. Work cooperatively as a Board of Selectmen in presenting issues involved in referenda such as bond issues, annexations, and similar matters.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline. Handle all personnel matters in a confidential manner, respecting the rights of the employee involved and refraining from any public criticism of the Town Manager or other town employees who are appointed by the Board of Selectmen.
12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.
13. Not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.
14. Not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.
15. Not engage in, solicit, negotiate for, or promise to accept private employment, nor should he or she render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Section 6. Code of Conduct of the Town Manager 5

~~Based on~~ Maine Town City Management Association Code of Ethics, the Town Manager shall conduct his or her duties in accordance with this code of conduct to the extent possible:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public, personnel, and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Conduct his or her official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

5. Not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.
6. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
7. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
8. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
9. Refrain from all political activities, which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
10. Assist the Board of Selectmen in presenting issues involved in referenda such as bond issues, annexations, and similar matters.
11. Make it a duty continually to improve his or her professional ability and to develop the competence of associates in the use of management techniques.
12. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
13. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
14. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline. Concerns about staff performance should only be made directly with the affected individuals through private conversation.
15. Never publicly criticize an individual employee, a taxpayer, an individual Selectmen or the Board of Selectmen. Concerns should only be expressed through private conversations with the individual employee, the taxpayer, or the Board as appropriate.
16. In dealing with individual employees, taxpayers, and Selectmen make every effort to spend more time listening than talking, and strive to be perceptive and understanding of their concerns.
17. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.
18. Not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.
19. Not disclose to others, or use to further his or her personal interest, confidential information acquired by them in the course of their official duties.
20. Not engage in, solicit, negotiate for, or promise to accept private employment, nor should he or she render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of his or her official duties.

Appendix G

Proposed Recall Ordinance

Ordinance for the Recall of Elected Municipal Officers

SECTION 1. Establishment

Under MRSA Title 30-A Section 2602 (6) amended Oct. 13,1993, a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in MRSA 30-A section 2602.

SECTION 2. Applicability

Any elected selectman of the Town of Topsham may be recalled and removed from office as herein provided for.

SECTION 3. Petitions for Recall

- a. No petition for recall will be accepted during the first ninety (90) days or during the last ninety (90) days of a multi-year term.
- b. The petition for recall must contain only signatures of the registered voters of the Town of Topsham and equal in number to twenty percent (20%) of the voters who voted in the last gubernatorial election.
- c. The petition for recall must be circulated within 45 calendar days to be effective.
- d. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition. If the petition seeks to recall all members of the Board of Selectmen, the petition shall be addressed to the residents of the Town of Topsham.
- e. The petition shall state the name and office of the person or persons whose removal is being sought, and a specific statement and supporting data of the causes as under Section 5 below.
- f. If recall of more than one official is being sought there shall be a separate petition for each official whose removal is being sought
- g. Each page of the petition shall provide a space for the voter's signature, address and printed name.
- h. All petition pages thereof shall be filed as one document.
- i. Once a recall petition has been called and failed, no recall petition may be filed within ninety (90) days after such vote.

SECTION 4. Clerk's Certification

Within ten (10) business days of receipt of the petition, the Town Clerk or the Selectmen shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in section 3 of this ordinance. Should the petition be found insufficient, the petition will be filed in the Town Clerk's office and the voter who filed the petition will be notified.

SECTION 5. Causes for Removal

- a. Missing six (6) consecutive meetings of the Board of Selectmen.
- b. Conviction of a crime greater than a misdemeanor the member's term of office.

*as recommended
by a majority vote
of the board*

SECTION 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, the Town Clerk will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action.
- b. The selectmen upon receipt of the certified petition shall within ten (10) days time of receipt, order an election by secret ballot, pursuant to 30-A MRSA § 2528, to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition, in this case, the selectmen may at their discretion provide for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Town Selectmen fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 30 days nor more than 60 days following the selectman's failure or refusal to order the required election.

SECTION 7. Ballots for Recall Election

Unless the official or officials whose removal is being sought, have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall read "SHALL _____ BE RECALLED?" with the name of the official whose recall is being sought inserted in the blank space.

SECTION 8. Result of Election

In the event of an affirmative vote for removal in an amount equal to or greater than the amount of votes that elected the official into office, such vote shall take effect as of the recording of the vote tabulation into the records.

SECTION 9. Vacancies to Be Filled

Any vacancy resulting from removal from office under this ordinance shall be filled in accordance with the provisions contained in the Maine State Statutes.

Appendix H

List of interviewees and Compilation of Comments, Observations & Recommendations from Interviewees

Interviewees

Pam LeDuc, Recreation Department former Acting Town Manager

Bob Lenna, Maine Bond Bank, frequent Moderator at Topsham's Town Meetings

Don Spann, Chairman, Topsham Planning Board

Michelle Derr, sitting member of Board of Selectmen

Ron Riendeau, sitting member of Board of Selectmen

Jim Byrne, member of Charter Commission

Jim Trusiani, sitting member of Board of Selectmen

Steve Edmundson, sitting member of Board of Selectmen

Sandra Consolini, sitting member of Board of Selectmen

Charlie Crosby, former State Legislator, publisher of The Cryer

Mike Whitney, Chairman of Topsham's Finance Committee

Don Russell, former member of Topsham's zoning Board of Appeals, member of Planning Board, School Board member

Mike Evringham, former member of Topsham Development Inc, member of Charter Commission

Jim Ashe, Topsham's Town Manager

Ruth Lyons, Topsham's Town Clerk

Nancy Randolph, former member of Board of Selectmen, community activist

TGIC was unable to interview the following people:

Mark Ponziani, former member of the Charter Commission

Bruce Van Note, former member of the Charter Commission

Dick Snow, former moderator of Topsham's town meetings and former Chair of the Charter Commission

1. Interview Comments Related to Improving Town Meeting:

Town Meeting Date, Start Time, Scheduling:

- Town Meeting should continue to be held on a week night, but a 5:30 or 6:00 pm start time would be a good idea. It is not the timing of the meeting that affects attendance as much as the content of the meeting – you will get a better turnout when controversial issues are on the warrant. Just increasing the number of people who come to town meeting is not as key as increasing awareness of the issues on the warrant. There should be a focus on getting people to pay attention at public hearings and the whole process – not just coming to town meeting;
- Saturday would not work. Individuals would be too busy and may not come. Fairly satisfied with the meeting now. People will come out when passionate enough. If it pertains to them they will come.
- Changing the time of the Town Meeting is okay – 6:00 or 6:30 may work.
- Felt strongly that we should move Town Meeting to Saturday. “Why don’t we try it”, have it from 9 to 3, with a lunch break.
- If TM were to keep on meeting on Wednesday evening, moving the time to 6:00 or even 5:30 would be essential.
- Felt that Wednesday was best night given that a second night could take place on Thursday. He did support moving the time to 6:00 pm at the earliest given job constraints.
- Having Town Meeting start earlier than 7:00 would be a good thing he felt. We should keep the Town Meeting on a week-day; not go for Saturday.
- Feels it is good to leave it on a week night in May you run into too many scheduling problems related to church, sporting events, etc. on weekends.
- Changing the starting time of TM to 6:00 seemed like a good idea, that way we could finish up earlier and people won’t be so tired by the end of the meeting;
- On whether or not to move the Budget meeting, now scheduled in May, to an earlier date, such as sometime in March, definitely felt that this was not a good idea; there wasn’t enough time to go over the numbers, and anything before May would be premature.
- Thought starting TM earlier on a weekday night (like Wednesday) would be somewhat helpful, and having food and childcare available might help increase attendance (but he doubted it); the improvement in any case is minimal and marginal.
- Much better to have TM on a Saturday. Even better, have it on Sunday, start it at one or two in the afternoon and follow it with a rousing bean supper or equivalent. Then child care would make sense and both father and mother could attend. Make the afternoon an occasion for ceremonial awards: Topsham Citizen of the Year, Citizen Volunteer of the Year, Police Officer of the Year, Town Employee of the Year, Volunteer Firefighter of the Year, and so forth.
- Having a TM in March is just too early.
- Invite all the non-profits in Topsham to get involved in the festive TM afternoon, preferably on Sunday since Saturday is a time when people want to do a lot of different things and not spend time

at a TM. Said that the Atlantic Regional Credit Union holds their annual meeting in Brunswick in April. As many as 300 to 400 people attend. They always have a raffle ticket prize; and, he said, we could do the same in Topsham at Mt. Ararat. There is a good kitchen back of the stage at Mt. Ararat.

- Stated there were sound budget reasons for having the TM in May, chiefly that because of state funding timelines the town has structured its decisionmaking process accordingly. By moving the TM to March, the town would be making important budgetary decisions with almost no information about state funding.
- Town should pre-set annual dates for town meetings quarterly or 3 times a year so all citizens will know when town meetings will take place;
- Supported setting quarterly town meeting dates in advance so people can plan for them -- felt that if dates were identified well in advance and it became "ritualized" that the town always has TM (for example) the third week of September, then Committees can plan on those dates and if they can't make a meeting, their matter would go to the next quarter (unless an emergency special town meeting was needed). If not enough matters on town meeting warrant, cancel. Thought it might be advantageous to have separate meetings, one for money articles and a separate one for ordinance articles. Felt that if dates for TM were established then deadlines for public notice and public hearings for potential Town Meeting matters could be defined well in advance of Town meeting and citizens would know the process and be able to participate.
- Discussed the fact that the May TM is actually the Special Town Meeting (may want to refer to it as the Town Business Meeting). Supports the use of quarterly TM's as a way to make town government run more smoothly.
- Thinks the way the Town currently handles the scheduling of Town meetings works fine. We know that there will always be the May budget town meeting and then schedule the others as necessary;
- Perhaps establish 2 or 3 meeting dates by town code (meetings are the fourth Wednesday of May and the second Tuesday of October), he suggests. The schedule will become ingrained and will make it easier to develop the proper public hearing/public comment process for ordinance development. Boards will know that they cannot rush to TM and must wait to the next meeting.

Providing Childcare and food at Town Meeting:

- The idea of food and childcare would be good. More people may come. Recommend the Boy Scouts for hotdogs and other foods.
- Babysitting- People won't use it.
- Babysitting at TM- suggested that this is a nice idea, but a very small problem and not a big point for turnout results.
- Wasn't sure about childcare; but food, drinks, and snacks would be fine. But he warned that having them available could be a distraction. Urged that they be made available just outside the door in the hall on the left side of the auditorium as one faces the platform.
- Childcare and food at meetings possibly helpful but not a big issue.
- Babysitting- Parents won't trust strangers provided. New residents especially don't have that level of trust within the town.

Education and Information:

- It is a good idea to have a "State of the Town" address by the Town Manager. And, yes, we should go back to an "Annual Report." It was noted that this might be a legal requirement by state law.
- There could/should be a public Newsletter sent to the whole town at least twice a year. In that connection the town should have a database of all people in town with emails so that there can be a flow of information to every household on a regular basis.
- We need to increase education about civic responsibility in general in our schools and particularly about town meeting form of government and its functions.
- Town meeting participants need to understand the importance of ordinance changes – that it is not just the budget items that are important; also recommended that short "summary sheets" or "executive summaries" should be developed to concisely explain ordinance changes so town meeting attendees don't have to wade through 100 page documents.
- Thought a State of Town/Town Report was a good idea. Liked the idea of having town department heads providing citizens with an overview of their departmental efforts on an annual basis. Discussed the fact the town did publish a town report but had been discontinued. Also, the need for all published literature at town meeting to have an official mark of the town or other identifier if prepared by a third party.
- Liked the idea of student participation at Town Meeting and thought having them attend and write about the meeting was a good idea. Curriculum development in SAD 75 (all Town Meeting towns) to educate about local town meeting government is a good idea. Talked about the need to engage young people and get them involved in local government.
- Talked about warrant items and the difficulties of trying to understand complex issues. Talked about an Oregon-style booklet with unbiased discussion of warrant and a pro/con argument. Brought up example of accepting private roads by town which had passed planning board but was turned down at Town Meeting despite planning board approval. Felt voters just needed to be educated.
- Supports getting more students involved in the process and as a way of passing idea of TM on to next generation.
- Regarding Annual Report Book-- felt residents' financial issues are a private matter between them and the municipal offices. Reissuing a report book could be demeaning to townspeople. Also felt that people won't read it as most residents don't follow the issues, making it an unnecessary expense.
- Agrees that given the circumstances of the school district's towns, adding TM to the curriculum and encouraging students to attend for extra credit is a good idea.
- Regarding renewing the annual town report -- mentioned that the books aren't very interesting to him and are just a recap tool.
- Felt it was a good idea to educate SAD 75 students about Town Meeting and expressed that it shouldn't be limited to just Town Meeting but introduce a course on local government. Also suggested students should be encouraged to attend TM as extra credit with written reports for their classes.

- Supportive of the recommendation of developing a curriculum for SAD 75 to teach about the town meeting form of government and civic responsibility.
- Believes it is worth exploring the idea of reinstating the Town annual report – likes the idea of advertising to help cover costs.
- Suggested SAD 75 students could have assignments to attend TM.
- On the Budget items on the Warrant, favors more information for the people at the Town meeting on the particulars within large categories.
- It is interesting that all communities in SAD 75 are TM communities. Interested in VT's work developing curriculum. Thinks Middle School kids should have an assignment to come to TM.
- Reinstatement of the Annual Report sounded like a good idea although timing could prove difficult.
- Was supportive of the idea of instituting some type of educational component at the high school level for town government to include town meeting.
- All information the Annual Town Report once provided is now available online, and really only served a purpose before technology was so widespread. The creation of a book is wasted time and unnecessary effort considering the information would be a repetition of what's on the website. All strata of Topsham's residents, including retirees, access the Internet for information.
- Believes that warrant information is getting to Topsham residents in a timely manner. With a few exceptions in past years, feels the warrant is mailed to residents in time.
- Civic engagement needs to be encouraged and students need to be educated on this subject. By educating children, parents will learn. Suggested having students perform a mock TM at their schools.

Awards at Town Meeting:

- Favors having AWARDS presented at TM.
- Annual Award: liked the idea of giving out an annual award at Town Meeting and the fact this had been brought up by others. The fact that non-profit organizations have recognition dinners could be a model. Talked about raffling things at Town Meeting to promote interest in attending--such as: rides on the fire truck, a night in a police cruiser, free compost, Topsham denim shirts and coffee mugs, etc.
- TM shouldn't be tied up with awards which can be given out at other times.
- Felt that town meeting is meant for town meeting. Other events occurring during town meeting (TM) would take up time and would need to be quick.
- Enthusiastic about the annual award and talked about other ideas raised in the All in Favor book about generating enthusiasm for Town Meeting. Suggested raffling off prizes through Town meeting. We talked about raffling rides on the fire truck, a night in a police cruiser, free compost, Topsham denim shirts and coffee mugs, etc.

- With regards to Awards at TM: believes this is a great idea. The town report had recognitions and were dedicated to town residents -- believes we must recognize community and feel that award ceremony can be very quick.

Technology:

- TM should be televised. Over time this would increase physical participation in TM. Also, a TV should be in an adjoining room where food and drinks will be available throughout the TM session.
- Include a town calendar on the website that could include pertinent dates for town functions
- Talked about grant money to look at employing new technology for house-bound townspeople.
- Supported efforts to present a more organized presence about TM on the website and attempts to provide more information about the warrants and date of town meeting.
- Doesn't have a problem with the idea of providing a "roving microphone" so people don't have to come upfront to speak at town meeting -- but he also thinks that this is not a big problem;
- Individuals' daily lives are very busy and this may not allow people to attend town meetings. Strongly suggested using e-mail to the entire town database as a means of advertising and promoting a town meeting in advance of the meeting, and enticing people to attend. Reaching that many citizens directly could be very effective.
- Talked about remote voting at TM and wondered how quickly votes could be counted. Talked about writing a grant request to buy remotes.
- With regards to remote voting -- worried technology will fail. Worried people won't understand how to use it. Every meeting, there will be a learning curve to use remotes.
- Likes the idea of portable mikes instead of stationary ones. Suggests if we go with stationary ones, have more of them (4? 2 in front/2 in back?) and set up seats near them for speakers (perhaps numbered as 1st, 2nd, etc speaker). If roving mikes, suggests having kids rove with them as they are less intimidating to potential speakers.
- Liked the idea of technology helping residents participate in town meetings but has doubts of the viability with the way they are conducted.
- Using the town website to get information about TM out to voters is great.

Town Meeting Standing Committee:

- Enthusiastically supports the creation of a Standing Committee to act on a continuing basis to foster and facilitate participation in TM.
- Supportive of establishing a standing committee for Town Meeting.
- Discussed the need for a standing committee to handle issues related to TM -- stressed that this should be a non-partisan committee.
- Considered creating a committee to assist the town functionaries in preparing the annual town meeting -- felt that this could be a potentially dangerous idea generating possible controversy.

- Thought that having a Standing Committee to promote and guide preparations for Town Meeting is a great idea.
- Not opposed to establishing a Town Meeting standing committee to help with organizing and promoting town meeting -- thinks it would be very important to coordinate with Town staff;
- Thought that having a Standing Committee to help expedite the preparations and advertising for Town Meetings would be a good thing.
- In favor of a standing committee to assist in preparing for town meetings, cautioned against any partisanship.
- The job of setting up and structuring TM is a job required of the Board of Selectmen (BOS) and finance committee. Believes the idea of establishing a TM standing committee is OK, but over time membership on this committee won't be as much of a novelty as it may appear. Believes those in charge of creating such a committee should reflect on how many committees Topsham needs as a necessity.

Homebound Citizens:

- Applauded the notion of using communication technology to facilitate participation in TM by homebound people. And agreed that in regard to homebound citizens, the process of participation must be based on self-identification. Otherwise you might be encouraging people to stay home who don't have to.
- Also felt that a volunteer group could be formed to give people rides to TM and take them home.
- Discussed the Charter Commission and their findings that homebound people can not make it to TM. Stated that vote counting was set by the state and you cannot have referendum and TM for same item which is barred by the state. Any voting needs to stay within state guidelines.
- Homebound Citizens- discussed the topic of allowing homebound residents to take part in TM through the use of technology -- felt that people should be present to ask questions at TM, and that there's a danger in opening TM to more people than those present. Despite the good behind the idea, opening up phone lines will make TM last longer. Suggested we try to provide transport to homebound people first but even this may not work as people needing transport aren't the type to sit at TM too long.
- Homebound Citizens- believes most efforts to accommodate homebound individuals offsite are unreasonable/unnecessary as long as handicapped access and physical accommodations are made on site.
- With regards to absentee voting, stated that it is hard to determine if it is a real problem that is holding back a significant amount of people from attending town meeting. Would be open to exploring new uses of technology to solve problem, but wouldn't want to discourage people from attending Town Meeting in person by providing a "stay at home" option.
- With regard to people with physical needs or needing assistance, was not opposed to looking for ways to enable the homebound to participate; he noted that we would need to take a good look at the legal issues; but had no negative feelings about trying for ways to help the homebound be involved in Town Meeting.

- Talked about absentee balloting and the inability of homebound residents to participate -- skeptical of the situation. Sometimes you just have to be there. It's too bad when you get old or ill and can't but that is the form of government. Said if we attempt to craft ways to use technology to facilitate remote voting/attendance, it could be quite difficult to administer.
- Homebound residents should make requests for accommodations to the town and such requests be taken into consideration on a case-by-case basis. Believes a "special needs" committee could be set up to iron out this problem. Though a good idea, thought this subject could get the TGIC hung up on a lot of things.

Town Meeting Procedure:

- Likes the idea of a short State of the Town address at the beginning of TM but thought a joint statement from the Board of Selectman (BOS) and Town Manager would be appropriate. Should be general in nature.
- While thought the idea of groups identifying their literature put on the tables at TM, felt the entire idea was a form of lobbying.
- Liked the idea of holding an annual fiscal town meeting separate from an ordinance-based Town Meeting.
- Timing of warrant items-- When asked if TM should be broken into two different meetings—financial and ordinance—stated that there should be only one TM. Financial items should be held the same time each year and only in extreme cases should financial items occur other times. Ordinance warrants should be voted on at the same meetings as financial warrant items.
- Having a State of the Town address by the Town Manager would be good; it might well also include awards, goals, grants; and also it might well address issues where the town fell short.
- TM materials-- should disclose who is putting them out.
- The moderator should be voted on by a show of hands rather than taking the extra time to count 6 written votes – it gets the meeting off to a bad start.
- Having the Town Manager do a State of the Town Address at Town Meeting is a very good idea. Added that it would be helpful if the Town Manager did a column of "Manager Notes" in The Cryer on a regular basis.
- Topsham is the only town that has two very effective rules in its code that help the moderator control town meeting: (1) the 5-minute rule (TM speakers can only speak for 5 minutes) and (2) a speaker can only address the TM twice per issue. These rules keep TM from being dominated by one person. Also keeps things moving and prohibits someone from droning on.
- Strongly opposed to prohibiting reconsideration -- as soon as we prohibit reconsideration, we will need it and rue the day we prohibited it. Said it almost always is done to end debate of an issue and sometimes is used in a manipulative way. Usually TM will not allow reconsideration when it is used for bad purpose.
- Should avoid adopting Roberts Rules of Order or some other tome of procedural rules (like Reeds). Maine Moderators Manual is only 5 pages long. Don't want to make procedure too cumbersome. It's too difficult for ordinary people to work with a cumbersome procedure and some people will study and use to bad purpose to tie the TM up in knots. He counseled against having things on our website

that say" these are the motions at TM." People will think that those are the ONLY motions. Say "these are some of the motions at TM."

- The State of the Town address by the town manager would be a good way to advise residents of the important issues facing the town but cautioned the length could be detrimental in that residents have a tendency to want to come and vote on issues of importance to them and leave.
- Identifying originators of materials good idea and was committee and board member attendance at town meetings to address issues.
- Splitting issues up into two town meetings (such as a finance item TM and a later ordinance item TM) is a wonderful idea. Topsham has done this before and could do it again.

Referendum:

- Bond issues should go to referendum. Considering TM is made mostly of a core of residents with vested interests and there is no space available in Topsham to hold 100% turnout, large bond issues should be decided through all-day referendum allowing for the greatest number of people to voice their opinion. This will also enable the town to protect the taxpayers.
- Opposes sending bonds to referendum. These things need to be debated.
- Don't allow bond items to go to Town Meeting. Bond items should go to referendum rather than TM. Peer pressure at TM makes bond items difficult to vote for in some cases—stacking. Referendum/private vote makes it easier for voters to decide on bond items.
- Should bring significant financial issues to referendum instead of voting on them at town meeting. Feels bond issues are of such magnitude they should be voted on at the polls to allow for broader participation by residents.

Board of Selectmen:

- Good idea to have the BOS, when it interviews people for membership in committees, to make a point of telling them to make sure they attend Town Meeting as part of their responsibility in taking on membership in a particular committee.
- Topsham Selectmen should clearly articulate their positions on warrant articles to better inform the public about the warrant articles.
- Strong encouragement regarding having the BOS make sure to point out to prospective members of town committees and commissions how urgently necessary it is for them to attend Town Meeting. But emphasized that such urging should not be done in a manner that would intimidate or turn off members.
- When people are appointed/reappointed by BOS, BOS should ask them if they attend TM and tell them that they are expected to. Also when a committee has an important matter before the town, committee members need to attend TM and speak to the questions.
- The Town of Topsham should increase the number of Selectmen from 5 to 7.
- Change to a 7-member Board of Selectmen. Often with our current 5-member board, members will excuse themselves from voting on issues or will be absent for meetings resulting in stalemates. Increasing the board membership to 7 selectmen will decrease the likelihood of a stalemate.

- Increase selectmen powers. If selectmen are given more power, better qualified candidates will come out of the woodwork.
- Opposed moving to a 7-person BOS – since it’s hard to get people to run as it is.

General:

- There is a core group of old timers hooked in with town politics who are the ones always in attendance. The core group are people with heavy interests and committee members. Agrees that each town committee should have a representative available for TM. Semi-annual meetings would bring more people out.
- Suggested that the core group of annual attendees hasn’t changed in numbers over the years. Overall attendance at TM has decreased over the past two decades while the number of registered voters in town has increased. Controversial issues are the key factor in increasing attendance. Mentioned that voters only want to spend time at TM for their issues and two-nighters are bad. Pessimism, fear of being seen voting and powerful residents “steering” the conversation are all issues that keep a small core returning every year.
- Felt that the Town office did not do nearly enough advertising about important Town business.
- Very much of the opinion that one of the greatest benefits of TM is that it builds community. Does not buy into the idea that few numbers of attendees means TM is passé. People are paying attention to what happens in the community. They show up when things are controversial...other times, they trust their neighbors, BOS, finance committee to run the community and don’t feel they need to attend. The inability to participate is overridden by the importance of convening on important and unique occasions. So many attributes of community gathering together are being diminished and taken away. Beware of TM fatigue though. You want people to participate but you will wear them out if you call for TM too often.
- Feels only issues of extreme interest to residents bring folks to town meeting, satisfied with the way things are managed until something of significance to them individually develop. Many times it relates to the budget.
- Attendance at TM- suggested the reason why TM attendance is low is due to residents’ widespread obligations in today’s busy world. Topsham residents, like others, are strapped for time. Controversial issues on the warrant is the biggest thing to bring residents out to TM. Food and similar added draws probably won’t work.
- There are things that a town council under a charter would allow the town to do, but TM allows more residents to be involved. The point we face with this issue is that of a streamlined government with less participation versus a true democratic government.
- Amendments to articles on the floor at TM can be dangerously stacked if interests are able to hold a majority. Because of Topsham’s current form of government, the town operates under the state regulations making it difficult to protect the taxpayers against amendments to seemingly passed warrant articles. A charter would be able to protect the taxpayers against this, but as it stands the town must be careful on what it puts to TM and what goes to referendum.
- We have a fleeting opportunity. The TGIC should look at the charter and save the good parts including recall and code of ethics.

- Leadership within town government-- Leaders should lead and not defer items to referendum and TM constantly. Feels Topsham can never have a long-range plan because TM tears it apart. Feels a town council would have a better sense of direction for the town. Town leaders never write their plans down, and plans are made up as events progress.
- We should try to increase people's sense of community in general and the importance of Town Meeting in general so that people find value in regularly attending town meetings rather than going just when there is a controversial issue on the warrant.

2. Interview Comments Related to Code of Conduct:

- We could use a recall ordinance and code of conduct, but it is very important that they are not too broad in scope – need to be well-defined.
- Code of Conduct: Supports code of conduct but the language needs to be clear. The Code of Conduct should be stated clearly to all potential candidates for BOS. There is currently language on all BOS agenda minutes that addresses code of conduct but it is the role of the chair to enforce.
- Felt that code of conduct needs to be considered before recall stating the TGIC has “bigger fish to fry” than worry about recall. Suggested the TGIC look at basic policy of duties required of town employees. Feels there should be a no gifts policy and a policy regarding conflicts of interest. The Board of Selectmen has governing rules, but these aren't official ordinances and the same thing goes for town employees. Vested interests of town employees and committee members is bad. Topsham, according to the MMA, is not unique in its board members having vested interests.
- With regards to instituting a Code of Conduct, thinks we should have one – has had citizens express the fact that we should have one. Thinks we should have one not just for elected officials, but also for staff and committee members.
- Recommended looking at Bangor and Augusta's Code of Conduct ordinances.
- Supports the idea of having a Code of Conduct.
- Talked about Codes of Conduct -- doesn't believe in them. Does not think they are a good thing to try and legislate into code.
- The unofficial code of conduct agreed upon by members of the BOS is reasonable, but would be nice to make into an official ordinance for selectmen to abide by as part of their swearing-in. A code of conduct ordinance would take care of the issue of “recall and ethics.”

3. Interview Comments Related to Recall Ordinance:

- Very concerned with the legal issues behind this: a. How to work it into the ordinance, b. It may be huge liability, c. Being careful on lawsuits.
- Noted that if we changed the term of office for BOS from three to two years, that would pretty much take care of the situation and we wouldn't need recall.

- We could use a recall ordinance and code of conduct, but it is very important that they are not too broad in scope – need to be well-defined.
- Thought that any recall language should be objective and not subjective.
- Discussed some of the committee’s efforts to develop recall language. Felt that if recall rules are put into place they need to be black and white and not ambiguous. The recall bar has to be set fairly high and worries that if not, political retribution could take place that ties up town government. Discussed possibility of BOS filing recall petitions against one another leading to costly legal fees and perhaps leading to attorney working for majority of BOS. Suggested the TGIC check on the Lisbon recall vote. Overall recall should be non-complicated.
- Recall and Code of Conduct-- felt that code of conduct needs to be considered before recall stating the TGIC has “bigger fish to fry” than worry about recall. Suggested the TGIC look at basic policy of duties required of town employees. Feels there should be a no gifts policy and a policy regarding conflicts of interest. The Board of Selectmen has governing rules, but these aren’t official ordinances and the same thing goes for town employees. Vested interests of town employees and committee members is bad. Topsham, according to the MMA, is not unique in its board members having vested interests.
- Recall and ethics must be fair, proper and legal. Issues of forfeiture of office should include members no longer qualifying for office (such as personal relocation to another town), death, OR if officeholders have been convicted of a crime punishable by imprisonment for more than one year. Issues of recall should not have a cause. Causes can make recall a court issue rather than a civil recall issue. Feels that a violation of codes of conduct is cause enough albeit difficult to determine. Recall groups should write their cause down. The threshold for recall should be high.
- Not in favor of any Recall Ordinance. Has never heard a citizen say that we need a recall provision. Asked whether we had researched state statutes to see if there is a statute that would allow selectmen to be removed for incapacitation.
- On recall, supports recall for elected officials. Especially regarding A) not living in town; and B) unprofessional conduct -- defining that may be difficult. May need to have a look at State Ethics documents and practices.
- Supports the idea of having Recall and a Code of Conduct, but felt it would be difficult to construct adequate Recall language. Felt that providing for Censure would go a long way to meet most problems of inappropriate behavior of elected town officials.
- Talked about Recall. Said probably need to set the bar to recall really high. Doesn’t believe in enumerating the reasons for recall in ordinance. Gave an example of wanting to recall someone who is mentally ill. How do you put that in a recall ordinance? Set the number of signatures high. Set the participation of voters in the recall referendum high. Set a high bar.
- Recall isn’t necessary -- voters will decide the next election cycle.

Appendix I

Municipal History of Topsham

History of Brunswick, Topsham, and Harpswell:

Part II, Chapter 4:

Municipal History of Topsham page 180

(Wheeler & Wheeler)

The town of Topsham first received its name, legally, in the year 1717, when a vote passed in the House of Representatives of the Commonwealth of Massachusetts, "That the other Town Plotted In a square of a Mile to y^e eastward of Androscoggin River fronting to Merrimeeting Bay be allowed and accepted by the name of *Topsham* and be Plotted & Laid out the quantity of Six miles Square as the Land will allow."¹ This tract of land was mainly settled by English emigrants, the greater number of whom are supposed to have come from the town of Topsham, England, and to have named the place in memory of their former home. The situation of the place on the bank of a river may possibly have given it, to the minds of its founders, a fancied resemblance to its English namesake.

No records of any municipal doings of the inhabitants previous to the incorporation of the town have been preserved, if, indeed, there ever were such.

The municipal history of the town commences, therefore, with its incorporation in January, 1764. The petition for an Act of Incorporation is set out in full in the History of Brunswick, Topsham and Harpswell. Consult the bibliography of this report for the website for the online version.

[1764.] The first town meeting was held May 9, 1764. In accordance with the Act of Incorporation, the warrant for this meeting was issued by Aaron Hinkley, of Brunswick, a justice of the peace, and was addressed to Adam Hunter. The following officers were elected at this meeting, viz.:-

Gowen Fulton, moderator; William Thorne, clerk; Adam Hunter, treasurer; John Fulton, John Read, and John Merrill, selectmen; Hugh Wilson, constable; David Reed, Paul Randall, and Samuel Wilson, surveyors of highways; James Work and Thomas Wilson, tithing-men; Ezra Randall and William Wilson, fence-viewers; Robert Gore, sealer of leather; James Beverage and William Alexander, hog constables; Stephen Staples and John Winchell, surveyors of boards, at Cathance; John Merrill and William Wilson, surveyors of boards; Samuel Staples, pound-keeper; James Mustard, field-driver; James Hendry (?), surveyor of staves, shingles, and hoop poles; Adam Hunter, sealer of weights and measures; James Hunter and Robert Gore, wardens.

At a meeting, held June 2, Thomas Wilson, Adam Hunter, John Reed, John Fulton, and John Merrill were chosen a committee to lay out the highways and roads through the town. The town at this meeting voted to raise £34 13s. 4d. as a contingent fund.

There is no record to be found of any meetings of the town in 1765.

[1766.] At a meeting of the town, held May 8, 1766, Mr. William Patten was chosen to prefer a petition to the General Court "in order to get Kate Hance Point annexed to Topsham, and likewise all the islands in Brunswick River, below the falls."

[1767.] The above-mentioned petition was presented to the House of Representatives, and in 1767 the committee to which it was referred reported in favor of its dismissal, and it was dismissed.²

[1768.] At a town meeting, held in July of this year, it was voted to allow men 3s. per day for work on the highways, and 2s. per day for each yoke of oxen.

[1769.] In 1769 Messrs. John Patten, William Patten, Robert Fulton, and Robert Patten, inhabitants of Cathance Point in the town of Bowdoinham, presented a petition to the General Court, asking to be set off from Bowdoinham and annexed to Topsham. The petition was considered by the General Court, and an order issued that the petitioners should notify the town of Bowdoinham that they might show cause at the next session of the Court why the prayer of the petitioners should not be granted.

At the March meeting of the town, this year, James Potter, Jr., was chosen "to go to the General Court to get Cow Island, together with all the islands in the Narrows, annexed to Topsham."

[1771.] On the petition from Topsham it was ordered, in 1771, that the petitioners should notify the town of Brunswick that their petition was revived, in order that the agents of that town might be on hand at the next session of the Court.²

At the May meeting, this year, the town requested Mr. John Merrill to draw up a memorial to the General Court, asking to have the line determined between Brunswick and Topsham.

[1774.] At a meeting of the town, held November 19, 1774, it was unanimously voted that the town would stand by what the Continental and Provincial Congresses had done.

[1775.] At a town meeting, held April 30, 1775, Robert Gower and William Randall were chosen a committee to meet the committees of other towns at Pownalborough on the second of May, to represent the town of Topsham, as to the matter of provisions and ammunition, and to consider the method of furnishing the same.

The selectmen having petitioned the General Court for a supply of powder, that body passed a resolve to the effect that Topsham, being a seaport place in the eastern part of the colony, and much exposed to the attacks of the Indians, therefore it was recommended to the select-men of Wrentham, Massachusetts, to furnish the town with one half barrel of gunpowder at the expense of the colony.³

[1776]. The town, at its March meeting this year, instructed the selectmen to petition the General Court to take off the provincial tax, "till the trade is opened." At this meeting James Potter, Junior, David Reed, James Fulton, John Merrill, and Robert Hunter were chosen a Committee of Inspection, Safety, and Correspondence.

At a meeting held June 12th, the selectmen were authorized to hire £30, lawful money, to furnish the town with a stock of powder. In December, the town voted to keep this powder at Captain James Mustard's and at Captain Actor Patten's.

[1777.] At the annual meeting of the town in March, 1777, a new Committee of Safety, etc., was chosen, consisting of Joseph Graves, David Robinson, Joseph Foster, James Purinton, and Pelatiah Haley. At another meeting, held the latter part of this same month, it was voted to petition the General Court for authority to collect the "Province Taxes" for 1776. Also, to send an agent to meet with other committees in other towns of the county, to regulate the prices of goods, etc.

[1778.] At the May meeting in 1778, the number voting against the constitution of the government, as it then was, was nineteen, and there were none in favor of it. The small number voting may possibly be due to a bad state of the weather and a consequently thin attendance, rather than to indifference. This vote was in reference to the ratification of the first Constitution of Massachusetts.

A good deal of doubt was felt in town about this time in regard to the legality of a number of previous meetings, in consequence of there having been a neglect on the part of the constables to make a regular return on the warrants for holding these meetings. The matter was laid before the General Court in a petition. The General Court accordingly passed a resolve this year, "That none of the proceedings of said meetings or of any town meetings since March, 1776, shall be considered as invalid on account of the irregularity of the said returns, or neglect in recording the same."²

[1779.] In March, 1779, the town requested John Merrill, Esquire, to furnish a plan of the whole township. At a meeting held in July, the town voted to procure the number of shoes, stockings, and shirts which the General Court called for, for the use of the army.

[1780.] At the annual meeting in 1780, the town voted to give fifty dollars a pair for the shoes referred to above, sixty dollars a pair for the shirts, and forty dollars a pair for the stockings. The town at this meeting appropriated £1,600 for highways, and voted to pay twenty dollars per day for work on the same. £1,000 was also appropriated for current expenses.

At a meeting of the town held November 20, the selectmen were instructed to inform the General Court that the beef called for by them³ could not be obtained without great difficulty.

[1781.] At a special meeting, held February 6, 1781, the town voted to postpone getting the beef referred to above, "until further orders." At this meeting a committee was chosen to procure the enlistment of seven men for the army, as required by the General Court. At the April meeting, Actor Patten, Lieutenant David Reed, and John Rogers were chosen a Committee of Correspondence and Safety. At a meeting held in May, the selectmen were directed to purchase the cows "promised to the Continental soldiers." The town also, at this meeting, voted that if the General Court had released or would release this county from sending its quota of men to the Continental Army, in that case the selectmen would "settle with the soldiers for this town as they think proper." The town also voted to raise £486, hard money, or cows with calf or with calves by their side, --cows to be reckoned equivalent to eight pounds each, -- or £3,000 in paper-money.

At a meeting held the July following, it was voted to petition the General Court to release the town from providing the beef called for by them.

[1782.] At a meeting held January 14, 1782, the town voted to petition the General Court in regard to the difficulty they experienced in paying their taxes, and to employ William Lithgow, Esquire, of Boston, to speak in favor of the petition. In March, John Merrill and William Wilson were chosen a committee to petition the General Court in regard to the people at Little River settlement refusing to pay their taxes. Probably the settlement at Little River was an "adjacent" of Topsham.

At a meeting of the town, held on the last day of August, Captain George White was chosen delegate to a convention to be held at Wiscasset, to consider the question of a separation of the District of Maine from the Commonwealth of Massachusetts.

[1783.] At the March meeting in 1783 it was voted to rate the islands below the Falls to the town of Topsham. The wolves must have been committing depredations about this time, as at this meeting a bounty of 40s. per head was offered for all that were killed. At a meeting held in May, the town voted to comply with the resolve of the town of Boston, in regard to permitting absent refugees to return. Captain David Reed, John Winchell, and Robert Alexander were chosen a Committee of Correspondence and Safety, this year.

[1784.] William Reed, Ezekiel Thompson, and John Rogers were chosen a Committee of Correspondence and Safety for 1784.

[1785.] William Randall, Actor Patten, and Joseph Berry were the Committee of Correspondence, Inspection, and Safety for the year 1785. At a meeting held in November of this year, Samuel Thompson was chosen a delegate to a convention to be held at Falmouth, to consider as to the advisability of having the eastern counties made into a new State. The town at this time voted to petition the General Court to relieve them, wholly or in part, of their taxes, then due, or about to become due, on account of "the great loss the town had sustained by the late great freshet." It was, also, at this meeting, resolved, "that the former petition sent to the General Court, with regard to the islands in the Androscoggin River being annexed to Topsham," was agreeable to the present wishes of the town.

The General Court this year, on the petition of the inhabitants of Topsham with regard to the islands before mentioned, ordered that the petitioners serve the town of Brunswick with an attested copy of

their petition, and of this order, twenty days before the second Wednesday of the next session of the Court.

On the petition for an abatement of taxes, the General Court so far granted the request as to direct the treasurer of the Commonwealth to credit the town of Topsham with the sum of £126 6s. 2d. on the second tax set on the town in the year 1780.²

[1786.] At the annual town meeting in 1786, Samuel Thompson was chosen a delegate to the convention to be held at Falmouth on the first Wednesday of the following September. The question as to whether the District of Maine should be separated from Massachusetts was brought before the people in November, and this town voted in favor of a separation.

[1787.] At the annual meeting in 1787, the selectmen were directed to see that the town was provided with a stock of powder and ammunition, as provided by law. They were also directed to join in a petition of the people of Cathance in regard to having Cathance Neck annexed to Topsham. At this meeting a committee was chosen to take care of the fishery, agreeable to an act of the General Court in 1780, providing for its protection.³ At a meeting held September 29, it was voted to petition the General Court "to consider us with regard to our deficiency in not [?] paying our taxes." At a meeting held the last day of the year, the town voted "against the constitution," and Samuel Thompson was chosen a delegate to a convention to be held at Boston.⁴

[1788.] On March 29, 1788, the General Court decided, on the petition of John Patten and others, of Bowdoinham, and of the town of Topsham, that Patten's Point, so called, be set off from the town of Bowdoinham, and annexed to the town of Topsham.¹

At the May meeting, 1788, the selectmen were instructed to employ some person as agent to discharge the beef tax then standing against the town, and to authorize him to draw the money out of the town treasury. The town at this meeting voted that an application should be made to the General Court for an act to stop the catching of salmon by dip-nets and seines, and to prevent the building of weirs. Samuel Thompson was elected representative to the General Court, but was instructed not to attend its next session without orders from the selectmen. Another petition was also ordered to be sent to the General Court, in regard to the deficiency in taxes. At a meeting held in December the town gave its consent to the building of a boom from Mason's Rock to Ferry Point,² and fixed a scale of prices to be paid the owners of the boom, for stopping masts, bowsprits, logs, etc.

[1791.] In 1791 the representative was instructed not to attend the session of the General Court except so ordered by the authorities of the town, unless at his own expense. The town this year voted in favor of a separation of the District of Maine from Massachusetts. The town also voted against the proposed plan of cutting a canal from the Carrying-Place in Brunswick to Maquoit. But one person voted in favor of this project, while there were fifty voting in the negative. The town also voted to raise this year one half of the money allowed by the General Court for the damages caused by the great freshet of 1785. The excessive depreciation of the old paper currency at this time is shown by the instructions given to the selectmen, which were to the effect that they should take the paper-money belonging to the town and sell it as best they could, but not for a less price than seven dollars, current money, for \$1,000 of the old.

[1792.] In 1792 the town voted to distribute, among the sufferers by the great freshet of 1785, one half of the money allowed by the General Court for this purpose. At the May meeting the town again voted in favor of a separation of the District from the Commonwealth. In November the town cast its vote in favor of Samuel Thompson as a Presidential elector. In the list of votes for Presidential electors, in the Massachusetts archives, the number of votes for him is recorded as seventy-seven.

[1793.] In 1793 Samuel Thompson was chosen a delegate to the convention, to be held at Portland in December, to consider the expediency of forming a new State.

[1794.] At the annual meeting in 1794, the town voted to purchase a stock of ammunition. At a meeting, held September 18, William King, afterwards governor, being moderator, the town voted "that those men who shall this day enlist, agreeably to the Act of Congress of the 10th of May last,¹ shall receive a bounty of four dollars per man, whether called for or not." The town, moreover, voted that those who should enlist should have their wages made equal, by the town, to ten dollars a month, from the time they should march to actual service until their discharge from the service, allowing them a reasonable time to return home; and that they should have one month's wages advanced on their march. Also, that one dollar of the aforesaid bounty should be paid on enlistment, and the remaining three dollars on producing a certificate of having passed muster. Colonel John Read, Jr., Captain Actor Patten, and Doctor Benjamin Jones Porter were chosen a committee to draw up the enlistment orders and to wait on the men and see that their names were enrolled. In November it was voted that a survey of the town be taken, agreeably to a resolve of the General Court. This year, for the first time, several persons were warned to leave the town, not having its consent to reside therein.

At the meeting, this year, the selectmen were authorized to take measures to secure the lot of land called the school lot, which was said to belong to the town.

Samuel Thompson was chosen a delegate to a convention, held at Portland, for the same purpose as the previous conventions, and William King was chosen representative to the General Court.

[1797.] The question in regard to a separation of the District from the Commonwealth again came before the people in May, 1797, and the town voted forty-six in favor to one against a separation.

This year William King was chosen delegate to a convention to, be held at Hallowell, on the fourth Tuesday of the October following, to consider the expediency of dividing Lincoln County, and if judged expedient, to agree on the dividing line.

[1799.] At a meeting held May 6, 1799, the town voted to petition the General Court to have a Court of Common Pleas and General

[1801.] In 1801 Captain Robert Patten was exempted from paying taxes for that year "by reason of his house being burnt."

[1802] At its March meeting in 1802, the town voted to hold its meetings in future in the Court House, and the meeting in the May following was held there.¹ At this same meeting it was voted not to send any representative to the General Court that year. A motion was made to reconsider this vote, but it was not carried. "After the moderator (Reverend Jonathan Ellis) had declared the meeting dissolved, some person (not one of the selectmen) called for the people to bring in their votes for a representative. One of the selectmen protested against the disorderly manner of introducing the business, and declined having anything to do in receiving the votes. Two of the selectmen, however, with the town clerk, received and counted the votes, receiving, however, a number of unqualified votes and refusing some qualified votes which were offered while the votes were being assorted. The moderator then declared that the town had chosen Jonathan Ellis their representative." The town, at a meeting held on the last day of the same month, had a statement to the above effect prepared for presentation to the legislature, containing a remonstrance against Reverend Jonathan Ellis holding a seat as their representative. He was allowed, however, to take his seat.

[1804.] In 1804 a premium of twenty-five cents per head was offered for crows.

A Mrs. Drybury became a town charge in 1806. She was the first pauper the town ever had. She lived in a little cot near the First Parish meeting-house. Her house was sold this year by the town for a small sum.

[1807.] At the meeting for choice of governor this year, considerable feeling was manifested at what was considered the unfair management of the polls, and a protest was sent to the General Court. [1807.] In 1807 the town instructed its senator and representative to make application to the legislature for its consent to a separation of the District of Maine from the Commonwealth of Massachusetts.

[1808.] The EMBARGO which Congress had, December 22, 1807, declared, was a source of great vexation and suffering to all the New England towns, especially to those on or near the seaboard. Topsham suffered from this cause equally with Brunswick or Harpswell, and accordingly, at a meeting held August 20, 1808, the town resolved that it "unanimously approves of the doings of the town of Boston," respecting the petitioning for the repeal of the embargo laws, and the selectmen were directed to communicate this action to the selectmen of Boston. The town also voted to present to the President of the United States a memorial requesting him to suspend the embargo, in whole or in part, and Benjamin Orr, Esquire, William Wilson, and Henry Wilson were chosen a committee to draft the address. It was at once prepared and unanimously accepted by the town. The address, probably for the most part the production of Mr. Orr, was as follows:-

"To Thos. JEFFERSON,
President of the United States.-

"The inhabitants of the town of Topsham in the State of Massachusetts, legally assembled in town meeting on the twentieth day of August, 1808, respectfully represent:

"That having always been influenced by a regard for the general interests and welfare of their country, sincerely attached to its Constitution and duly impressed with the necessity of conforming to the laws of their government, they have hitherto submitted to the privations and losses occasioned by the embargo laws, without opposition or complaint, at the same time indulging an anxious hope, that when experience should ascertain the extent and degree of their sufferings, in common with their fellow-citizens, and events in Europe should render it safe and expedient, a speedy relief would be afforded them, through the existing provisions of Congress for that purpose.

"And could your memorialists entertain a belief that the further suspension of all foreign commerce and the existing restrictions on domestics were necessary to the essential interests of their country, or consistent with the original views and policy of the government in passing the embargo laws, they would still wait the pleasure of government, without an expression of their wishes for relief.

"But concurring in opinion with numerous other sections of citizens assembled to express their sentiments on this subject, your memorialists are impressed with a conviction that the late attempt to subjugate the people of Spain to a foreign yoke, and their consequent declaration of independence, and of war against the power attempting to impose it, have materially altered the relations of the United States to some of the powers of Europe; and also believing that the avenues of a safe and lucrative commerce to the people of this country are by these events laid open, which the wisdom of the legislature has rendered available by placing the power to suspend the laws restricting it, in your hands:

"They therefore pray that the embargo laws may be suspended, in whole or in part, as your wisdom may direct, agreeably to the powers vested in you by Congress for that purpose."

A reply was received from President Jefferson to this memorial, which is entered in full on the records of the town. As it is identically the same answer that was given to similar memorials from the majority of the New England towns, and as it has often been published in documents of State and other works, it is not judged necessary to give it in this connection.

At a meeting held February 4, 1809, the following resolutions and memorial were adopted, - the resolutions to be printed in the *Portland Gazette*, and the memorial signed by the selectmen and clerk, to be sent to the representative, to be by him presented to the General Court:-

"Resolved, That it becomes us not to despair of the safety of our Republic, while we enjoy the constitutional right and liberty of assembling peaceably to consult upon the common good and to petition the legislature to devise and promote the redress of the wrongs and grievances we suffer.

"That as it is our privilege 'in prosperity to rejoice,' it is our duty 'in adversity to consider,' to investigate, to ascertain the causes of the calamities we experience and the most effectual means to remove them.

"That we are convinced the people in many instances have not been sufficiently cautious in the exercise of their electoral rights, but have permitted themselves to be deceived by crafty and unprincipled men and have frequently conferred their suffrages on seekers of popular favor, without making the important inquiries, 'Are they capable?' 'Are they honest?' 'Are they attached to the Constitution?'

"Hence it has happened that many, destitute of requisite talents and integrity, have been promoted to offices of the highest trust and importance; and that we now feel the extensive mischief naturally arising from this want of caution and inquiry in the people; for power obtained by fraud will always resort to violence for support.

"That the principles and public conduct of our rulers are the fair objects of a manly and public-spirited scrutiny, for the purposes of merited censure or approbation, their continuance or removal from office, in the prescribed forms.

"That, when we take into view the great prosperity generally diffused through our once happy land, under the arduous administration of the revered Washington and his immediate successor, we are compelled to believe, that the numerous and heavy evils since fallen and daily accumulating upon us have been principally occasioned by the departure of our rulers from that wise, firm, liberal, and impartial policy which regulated the conduct of those distinguished patriots.

"That, with sorrow, we must confess that the present executive of the United States has appeared to us, in the course of his administration, more like the dependant and humble friend of a foreign despot than the brave and generous chief of a great spirited and free people,- more devoted to the nefarious schemes of the republic-destroying, King-making Napoleon, than to the security, peace, and happiness of his own country, or to the rights and privileges of those nations, who, having made a noble stand, are now contending from the pure spirit of patriotism against that rapacious tyrant of boundless ambition.

"That the people have a right to require of their lawgivers and magistrates, who are at all times accountable to them, an exact and constant observance of constitutional principles in the formation and execution of the laws.

"That our national legislature, apparently from the impulse of executive influence, have enacted a system of embargo laws, in our decided opinion, unconstitutional in principle and ruinous in operation, that must subject us abroad to contempt, at home to want and wretchedness.

"That we consider the act entitled 'An Act to enforce the several Embargo Laws of the United States,' a most flagrant violation of many articles in our federal and State Constitution and the measures prescribed to carry it into effect to be utterly subversive of our dearest rights and privileges; that it is a law which the people are not bound to obey and which we believe, from their strong attachment to the liberties of their country, they will not obey.

"That we most cordially approve the patriotic conduct of those officers of the revenue department who, disdaining to be the instruments of arbitrary power, and having a more tender concern for the rights of their fellow-citizen than for the emoluments of office, have lately retired to the post of honor, - a private station. That we sincerely hope these patriotic examples will excite a general emulation, and should deeply lament that any from a penurious, calculating spirit, from a mere regard to private property, , should submit to or aid the execution of laws destructive of our civil liberties."

[1809.] "MEMORIAL. "TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL COURT ASSEMBLED. "The inhabitants of the town of Topsham in legal town meeting assembled on the fourth day of February, A. D. 1809, respectfully represent,

"That in the late recess of Congress, they petitioned the President of the United States to relieve them from the sufferings occasioned by the embargo, and, finding no hope of relief, they have made a similar application to Congress, by whom their petition has also been neglected.

"To your honorable body, therefore, your memorialists are induced to resort for relief, not only from the evils and sufferings of which they had reason to complain to the President and to Congress, but also from others of more serious moment emanating from those high authorities.

"At the time of the passing of the first embargo law, the respect due to the constituted authorities induced your memorialists to hope that it would not be continued in force beyond the ability of the people to endure it; but in the Act recently passed, not only to enforce that law and its supplementary appendages, but to extort additional sacrifices the most exorbitant, they recognize a policy equally ruinous and oppressive.

"Had this law been wholly original it would have been less dreadful in its aspects; but in the French decree of April, 1808, it has both an example and guarantee, by which all vessels of citizens of the United States found at sea after that time are declared forfeited to France for breach of the embargo

"When such is the concurrence of laws, your memorialists can entertain no hope of relief or of safety from the constituted guardians of their national rights and privileges.

"To enumerate the losses, privations, and sufferings resulting from the embargo system would be but a recapitulation of circumstances familiar to every mind.

"The protection they afford to seamen brings with it want and misery; the benefits they confer on merchants are waste and bankruptcy, and to the hand of charity they consign the necessitous laborer and his dependants. As to their effects abroad, none are perceptible to your memorialists, except the approbation of the nation to whom alone they are beneficial and the disregard of that which they were manifestly intended to restrain and humble.

"The act to enforce the embargo, in its relation to the Constitution, cannot escape the notice of your honorable body. By this act the property of your memorialists, as well as their fellow-citizens, is rendered liable to seizure by military force, without evidence, without process or trial, and on the suspicion alone of an accuser, and neither their possessions nor buildings remain a secure depository against the combination of jealousy and force to assail them; these, with the exaction of exorbitant bonds for acts in themselves lawful at the time of doing them, appear to your memorialists calculated to deprive them of their most essential constitutional rights.

"In recurring to the transactions of the last session of your honorable body, your memorialists derive the highest satisfaction from the consideration that the opposing voice of a free people was distinctly expressed to an administration that had been offering up an essential part of their national rights a sacrifice to the boundless ambition of a foreign despot, rights that were obtained by the toils of the

illustrious Washington and his companions and fellow-sufferers, and secured by a Constitution that will never be abandoned by free men, to the merciless hands that opposed it. in its origin and still seek to destroy it. In the wisdom and firmness of your honorable body to restore to your memorialists and their fellow-citizens of the State the full enjoyment of those rights by rescuing them from the destructive grasp of the tyrant of Europe and his minions, they repose the most implicit confidence, and they pledge themselves by all the lawful means in their power to support the measures that your honors may adopt for the general safety and relief, against the various acts of violence and oppression with which they have been assailed by foreign and domestic usurpers. They therefore pray your honors to take the subject of their grievances into consideration and adopt such measures of redress as you, in your wisdom, shall deem proper and expedient."

[1810.] In the year 1810 a committee was chosen to superintend the inoculation with the kine-pox of all such persons as had not had the small-pox, and one hundred dollars was appropriated for the vaccination of those unable to bear the expense themselves.

[1811.] In 1811 a committee was chosen to discover what method should be taken to keep the highways from being encumbered with mill logs, timber, etc., especially on the island, and in the village near Granny's Hole. This committee reported at a subsequent meeting to the effect that increased diligence should be required on the part of surveyors, etc. The committee on vaccination reported that Doctor Isaac Lincoln had vaccinated four hundred and three persons, of which number three hundred and ninety-one cases had been successful and twelve were doubtful. The committee complimented Doctor Lincoln for the zeal and attention which he had shown in the matter.

[1812.] In 1812 Benjamin Hasey, Esquire, and Thomas G. Sandford were chosen delegates to a county convention, to be held at Wiscasset on August the third, "to take into consideration the alarming state of public affairs, to ascertain and express by memorial, or otherwise, the voice of the people relative to the WAR in which we are now involved, and to devise and recommend the most speedy means of relief from its awful calamities." On August the first, the following resolutions were adopted as the sentiments of the people of Topsham, and a copy of them was sent to the *Portland Gazette* for publication:-

"*Resolved*, That 'in the present season of calamity and war' it behooves the people to exercise their essential and unalienable right of consulting and seeking their safety and happiness ; that, at all times, it is their duty to approve and support, with zeal and alacrity, Laws for the vindication of their rights and the advancement of their welfare, and their right and privilege to expose and control, by the powers of reason and argument, all public measures endangering their security, their prosperity and peace.

"*Resolved*, That we cannot cease to cherish our fond attachment to the union of the States and the federal Constitution, endeared to us by the upright, wise, and liberal administration of Washington; that we cannot cease to hope that the innumerable evils already inflicted by the partial, degrading, and destructive 'exercise of restrictive energies,' commenced by the last administration and consummated by the present, will awaken in ourselves and our fellow-citizens a lively sense of our common dangers, and unite us, as the surest means of relief, in a firm resolution to intrust with power those only who are true to the example and faithful to the precepts of the departed Father of our Country.

"*Resolved*, 'That we cannot insult the free and gallant citizens of America with the suspicion that they are less able to defend their rights, than the debased subjects of arbitrary power to rescue theirs from the hands of their oppressors; that we will not insult them with the supposition that they can ever reduce themselves to the necessity of making the experiment "to regain their lost liberties" by a blind and tame submission to a long train of insidious measures which must precede and produce it.'¹

"*Resolved*, 'That a state of war does not destroy or diminish the rights of citizens to examine the conduct of public men and the tendency of public measures';² that all attempts to impair the liberty of opinion and inquiry, the freedom of speech and of the press, are infringements upon our most invaluable

constitutional rights and privileges, meriting the pointed disapprobation of all except Napoleon and his humble worshippers.

"Resolved, That we deeply lament the numerous facts which loudly proclaim that, in too many instances, the spirit of faction has misguided the deliberations of our State and national legislature. That by faction we understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion or interest adverse to the rights of other citizens, or to the permanent and aggregate interests of the whole.

"Resolved, That to a factious spirit only can we attribute the contrivance of our senatorial districts by which nearly three fourths of the present Senate have been elected by a minority of votes of the whole State. That to intemperate party zeal in the Senate so chosen we must ascribe their obstinate refusal to adopt any one of the various propositions made to them by the House of Representatives, at their last session, for dividing the Commonwealth into electoral districts, and especially their refusing to concur in the resolve providing for the choice of electors by the people at large. That we consider these proceedings as disgraceful to the Commonwealth as grievances of the most alarming magnitude, demanding redress without delay; that we have full confidence that our representative in the General Court will not be wanting in his endeavors to correct procedures so reproachful and oppressive.

"Resolved, That to a spirit adverse to the rights of the maritime States we must impute the long neglect and repeated refusals of our Congressional legislature to provide a navy in some degree competent to protect our commerce and guard our extensive and almost defenceless coasts; that our surprise at this neglect is greatly aggravated when we call to mind the solemn truths long since announced by the present chief magistrate of the Union, truths the more important and interesting now we are placed in 'an attitude' if not in 'an armor' of war. 'Naval batteries, the most capable of repelling foreign enterprises upon our safety, are happily such as can never be turned by a perfidious government against our liberties. The inhabitants of the Atlantic frontier are all of them deeply interested in this provision for naval protection; and if they have hitherto been suffered to sleep quietly in their beds; if their property has remained safe against the predatory spirit of licentious adventurers; if their maritime towns have not been compelled to ransom themselves from the terrors of a conflagration by yielding to the exaction of daring and sudden invaders, these instances of good fortune are not to be attributed to the protection of the existing government that claims their allegiance, but to causes that are fugitive and fallacious.'

"Resolved, That the closest examination we have been able to make of the long train of our foreign negotiations compels us to believe that the unnecessary and ruinous war, into which we are now plunged, is to be attributed more to the impulse of faction, combined with the intriguing, flattering, menacing, confiscating, plundering, and burning policy of the modern Attila, operating upon our own government with magic influence, than to the 'injustice of a foreign power,' declared to be our enemy.

"That a war so forced upon us we can neither approve nor voluntarily support; that we cannot consent to forego the abundant and honorable returns of legitimate commerce for the scanty and disgraceful plunder of legalized piracy; we cannot freely exchange the cheering scenes of domestic peace for the chilling horrors of the 'bloody arena.' Indeed we are unwilling wantonly to put to hazard the noblest gifts of God to man, --our liberty and independence,-- to assist even our *loving* friend Napoleon in his aim to destroy the remnant of liberty in Europe, that he may the more easily bring within his iron grasp the ships, colonies, and commerce of the world.' In short, this war we must reprobate and abhor chiefly because it tends to draw us into a close connection, into a fatal alliance with this tyrant of nations, the enemy of the human race, whose tender mercies are cruel, whose friendship is slavery and death.

"Resolved, That, undismayed at the gloomy and threatening aspect of our public affairs, we will not despair of the safety of our confederated Republic, trusting that the discerning, enlightened, and resolute spirit of a free people, not to be shaken by the ruffian assaults of faction, not to be seduced by the insidious arts

of tyranny, will speedily arise in vindication of their honor and in defence of their rights, and make manifest to the world that their confidence cannot be betrayed nor their interests sacrificed with impunity."

[1814.] In 1814 it was voted to accept the offer of the Court House, for the purpose of holding town meetings, on the terms named by the Court of Sessions.

[1816.] At a meeting held May 20, 1816, the town voted strongly against a separation of the District of Maine from Massachusetts, and the representative from Topsham was instructed to use all means in his power to prevent such separation.

At a meeting held September 16, Benjamin Hasey was elected delegate to the convention to be held the latter part of the month in Brunswick.

At a meeting held November 4, the memorial strongly opposing separation, which was adopted by the convention at Brunswick on the last Monday in September, relative to the separation of the District of Maine from the Commonwealth of Massachusetts, was read, and it was then voted that the same should be signed by the selectmen and town clerk, and by them be presented in behalf of the inhabitants of the town of Topsham to the honorable General Court.

[1818.] At the annual meeting in 1818, Messrs. Abel Merrill, Thomas G. Sandford, and Captain Nathaniel Walker were chosen a committee to adopt measures for the maintenance of paupers. They reported at the May meeting in favor of the town poor being collected together and provided for by some one individual.

[1819.] At a meeting held July 6th, 1819, the town again, and for the last time, voted in favor of a separation of the District from the Commonwealth. This was the fourth time that the town had voted in favor of a separation, never having voted against it but once. September 20th, Mr. Nathaniel Greene was elected delegate to the convention to be held at Portland in October, for the purpose of framing a constitution for the new State. On December 6th, the town voted unanimously in favor of the Constitution framed at that convention.

UNDER STATE OF MAINE.

[1820.] The annual town meeting this year was held April 3d. This was the first meeting of the town after the admission to the Union of the State of Maine. At this meeting Mr. Pelatiah Haley declined any longer service as a selectman, and the thanks of the town were tendered him "for the ability and punctuality displayed in his service in that capacity for many years past." At a meeting held in May following, the representative to the legislature was instructed to advocate a petition in favor of a new county.

[1821.] In 1821 the selectmen were instructed to provide a hearse for the use of the town.

[1822.] The vote for county officers was this year thrown out by the Court, on account of unlawful proceedings at the town meeting.

[1824.] In 1824 the selectmen were instructed to pay each soldier belonging to Topsham, who was entitled to receive rations, agreeably to a late law, twenty cents in cash. This was to enable the soldiers to buy their dinner on muster days. They were also instructed to employ a physician to vaccinate the town. The town this year voted to purchase the farm occupied by Aaron Thompson, "for the use of the town," paying for the same three hundred dollars in three annual payments. Probably the vote never went into effect.

The following by-laws were adopted by the town and approved by the Court of General Sessions this year:-

"1. Sliding down hill in winter on sleds or boards, in any of the public streets, prohibited under a penalty of twenty-five cents for each offence.

"2. Playing with, or knocking, a ball in the streets, within three fourths of a mile from the toll-bridge, prohibited, under a fine of twenty-five cents.

"3. Smoking a pipe or cigar on the streets prohibited under a fine of twenty-five cents for each offence.

"Carrying fire through the streets strictly prohibited, under a penalty of one dollar, unless it was properly secured in some metallic case or pan."

[1825.] At a meeting of the town, held in September, 1825, it voted to accept the land on Great Island, purchased by the selectmen for

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the use and benefit of the town, at the price of one hundred and twenty-five dollars. This land was for the erection of a building in which to confine an insane person.

At a meeting held in December following, the representative to the legislature was instructed "to oppose the petition of George Jewett and one other," unless the whole expense occasioned by its being granted should be imposed upon the county. It is probable that this petition was for a bridge across the Cathance River, at the eastern part of the town. Persons now living recollect that there was, about this time, considerable discussion in regard to this bridge, and no one has any knowledge of any other purpose for which a petition was likely to be presented at this time.

[1829.] This year the selectmen were instructed to petition the legislature for a new county.

[1832.] In 1832 the representative to the legislature was instructed to confer with the representatives of other towns on the subject of a modification of the militia law, so as to dispense with all trainings except the annual inspection in September, and such other meetings of companies as might be deemed necessary for the proper organization of the militia, and to request their co-operation.

[1833.] The selectmen were again instructed by the town, in 1833, to petition the legislature for a new county. They were also authorized to defend the town against any suit brought by the Maine Stage Company to recover damages for the upsetting of one of their carriages near James Purinton's tannery, in Topsham, on the evening of the 12th of January, 1833, or were authorized to settle the matter with the company, if judged expedient.

[1837.] The town, at its annual meeting in 1837, voted to receive its proportion of the surplus revenue deposited with the State of Maine by the United States government, and to deposit this money in Androscoggin Bank, provided the bank would allow interest at five per cent per annum, the interest to be paid annually to the town treasurer. Mr. John Coburn was appointed an agent to receive and receipt for the money in the name of the town. The September meeting was held in the Freewill Baptist vestry, near the brick school-house. At this meeting the selectmen and treasurer were appointed a committee to consider the subject of building a town-house.

The town also voted that the surplus revenue money should be put at interest and the interest divided among the school districts. This vote was, however, reconsidered the next year [1838], and the town voted to divide it per capita amongst the inhabitants, and

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Gardner Green was chosen agent to collect and distribute it. The money having already been loaned to individuals, the agent was authorized to borrow the same amount and distribute it per capita, as directed for the surplus revenue money. Messrs. Charles Thompson, Joshua Haskell, and William Frost protested against this action of the town as illegal, and gave notice that they would severally hold all persons, and particularly the agent, responsible, who should be instrumental in carrying the vote into effect.

[1841.] In 1841 the town voted in favor of the proposed constitutional amendments, in regard to the election of State officers, but voted against any increase of the number of representatives.

[1842.] In the year 1842 the town was classed, for election of representative, with the town of Bowdoin. Previous to this date it had elected its own representative.

[1843.] At a meeting, held February 6, in accordance with an Act of the legislature to see if the town would consent to the annexation of a part of Bowdoin, agreeably to a petition of sixty-three of the inhabitants of Bowdoin, the town chose Abel Merrill and Nathaniel Walker a committee to remonstrate against and oppose the proposed annexation. At the annual meeting in April, the selectmen were authorized to appoint one or more persons to sell ardent spirits for medicinal and mechanical purposes, and were instructed to prosecute all who were guilty of a violation of the law in regard to such sales. At a meeting held in September following, the selectmen were instructed to petition the legislature for a separate representation of the town.

[1846.] The following by-law was adopted by the town in 1846 "Any person sliding in the streets or highway in the town of Topsham, within three fourths of a mile from the Androscoggin toll-bridge, upon a sled, board, or any other vehicle or thing; or who shall skate in said streets or highways, as aforesaid; or shall knock, throw, or play at ball, in said streets or highways, as aforesaid; or be accessory thereto; shall be punished by a fine not exceeding five dollars for each and every offence so committed, together with costs, to be recovered on a complaint before a justice of the peace.

[1847.] In 1847 the town voted in favor of amendments to the Constitution providing that State officers should be elected by a plurality instead of a majority vote, and also in regard to the State loaning its credit.

[1850.] At a meeting held September 9, the town voted against an amendment to the Constitution providing for a change of the meeting of the legislature from May to January.

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[1853.] At a special town meeting, held February 28, 1853, the representative was instructed to use his greatest exertions to prevent any change in the territory of the county of Lincoln, and the senator from the district was requested to co-operate with him. At the annual meeting the article in the warrant, to see if the town would choose an agent to sell liquors for medicinal and mechanical purposes, was dismissed. This was, of course, a total prohibition of the sale of intoxicating liquors for any purpose.

[1854.] In October, 1854, the town was called upon to express by vote its preference of a town to be the shire town of the new county of Sagadahoc, which was incorporated on the fourth day of April previous. The vote stood in favor of Topsham for shire town, one hundred and fifty-one. Of Bath, five.

[1855.] The town voted, in 1855, almost unanimously, against amendments to the Constitution of the State which provided that judges of probate, registers of probate, sheriffs, and municipal and police

judges should be chosen by the people; and also providing that the land agent, attorney general, and adjutant general should be chosen by the legislature. The representative was chosen this year from the town of Lisbon, Topsham and Lisbon being classed together.

[1858.] In June, 1858, the town voted unanimously in favor of a Prohibitory Liquor Law.

[1859.] At the annual meeting in 1859, the selectmen were authorized to hire out to suitable persons such town paupers as might be able to perform labor, and also to bind out the children of such persons to suitable individuals, who should be required to give bonds for the faithful discharge of their trust. They were also authorized to provide a suitable building or buildings, in which to take care of the aged and of all others unable to do anything for their own support, and to employ some judicious person to take care of them under the general supervision of the overseers of the poor.

At a meeting held in June the town voted to exempt from taxation for ten years all capital which might be invested in manufactures in the town. The town also voted, at this meeting, against "an Act to aid the Aroostook Railroad Company, increase the value and promote the sale and settlement of the public lands."

[1860.] The town concluded in 1860 to make a different provision for its poor, and accordingly, at the annual meeting, it was voted that the selectmen and overseers of the poor be authorized to purchase a farm and to stock the same by hiring or purchasing stock, as

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they deemed most expedient. The town's poor were to be kept upon the farm and a superintendent was to be chosen who should be under the direction and control of the overseers. The selectmen were also authorized to hire money for the purchase of the farm, and to give notes payable in ten years in equal annual instalments.

The sum of \$2,200 was raised this year for the support of the poor, and \$1,250 for schools.

[1861.] At the annual meeting in 1861, the town expressed its choice of the candidates for the office of POSTMASTER, and Robert P. Whitney received a majority of the votes. This was an unusual, but at the same time eminently fitting way of securing the appointment of an efficient and honest officer. This year, Topsham and West Bath were classed together for representation.

[1863.] The town-house being in need of repairs, it was voted this year that the selectmen should ascertain what terms could be made with the Sagadahoc Agricultural Society, for the use of their hall for future town meetings. The next year, 1864, the town obtained the privilege of using the Agricultural Hall and authorized the sale of the town-house.

[1865.] This year the town voted to dispense with a liquor agency.

[1867.] At the September election in 1867, the town voted in favor of authorizing the county commissioners to effect a loan of \$25,000 to complete the county court house at Bath.

[1868.] In 1868 an appropriation of six hundred dollars was voted for the purchase of a new hearse.

The municipal acts of this town, in reference to the enlistment of volunteers and the support of their families, as well as to all other matters not already given, will be found in their appropriate connection in other chapters.