

TOWN OF GORHAM

ADMINISTRATIVE CODE

Prepared and adopted in accordance
With Section 302.8 of the Council-Manager
Charter of the Town of Gorham

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ARTICLE I

Section 101. Introduction

This Administrative Code of the Town of Gorham has been prepared by the Town Manager and submitted to and adopted by the Gorham Town Council, pursuant to Section 302.8 of the Town Charter. The Town Manager shall be responsible for the administration of this Code.

ARTICLE II

SECTION 201. Purpose

The purpose of this code is to identify and clarify the duties and responsibilities of the administrative service of the Town, comprised of the Town Manager and the various department heads of the Town government, except the Department of Education.

Section 202. Appointment

The Town Manager shall be appointed by the Town Council, pursuant to Section 203.1 and 301 of the Town Charter.

Section 203. Duties

The Town Manager shall perform such duties as are required of the Manager by the Charter, and by general statute. He shall be the chief executive officer of the Town and shall supervise the work of the several departments.

203.01 The Town Manager or his designate shall completely oversee the administration of the Gorham Municipal Center Building including but not limited to the administration of personnel, physical maintenance and structure of the building and furnishings and equipment of all the space within and without the structure including the grounds thereof. The intent of this is to give the Manager or his designate complete authority over the physical use of the facility, the people working therein, and that no department will purchase, arrange, or discontinue the use of any equipment, including office equipment such as typewriters, calculators, furniture, etc. without authority and approval from the Manager or his designate.

ARTICLE III

Section 301. Division of Administrative Service

The administrative service of the Town shall be divided, under the Town Manager, into the following departments:

DEPARTMENT

HEAD

Civil Defense Department	Director of Civil Defense
Finance Department	Treasurer-Tax Collector
Records Department	Town Clerk
Police Department	Chief of Police
Fire Department	Fire Chief
Health Department	Health Officer
Public Works Department	Superintendent of Public Works
Public Welfare Department	Director of Public Welfare
Recreation Department	Recreation Director
Land & Building Development Department	Building Inspector

Section 302. Definition of "Department"

Whenever used in this ordinance, the word "department" shall be construed to mean department agency, or office of the Town, unless the context plainly requires otherwise. There will be division within departments, as may from time to time be established.

Section 303. Department Heads

The head of each department shall:

303.01 Perform all duties of his office required by charter, by ordinance, or other laws, and such other duties as may be assigned to him by the Town Manager;

303.02 Be directly responsible to the Town Manager for effective administration of his department;

303.03 Keep informed as to the latest practices in his particular field and inaugurate, with the approval of the Town Manager, such new practices as appear to be of benefit to the department and to the public;

303.04 Submit reports of the activities of his department whenever requested by the Town Manager, and submit an annual report of incorporation in the annual Town Report. Such reports shall contain such information as the Manager may require;

303.05 Establish and maintain a system of records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the reports required by the Town Manager;

303.06 Have the power to delegate to members of his department such duties and responsibilities as he deems

advisable, and in no case may he delegate over-all responsibility for departmental operations;

303.07 Have authority to appoint and remove, subject to any personnel rules or regulations and subject to the approval of the Town Manager, all subordinate departmental employees;

303.08 Have custody of and be responsible for the proper maintenance of all town property and equipment used in his department and maintain a complete, current inventory thereof at all times;

303.09 Be appointed by and serve at the pleasure of the Town Manager;

303.10 Upon the approval of the Town Manager, arrange regular training programs for departmental employees, including programs sponsored by governmental or other agencies;

303.11 Be responsible for proper purchasing procedures, subject to the direction of the Town Manager, and prepare and submit to the Manager specifications for needed materials and equipment;

303.12 Prepare and justify the annual operating budget and the capital improvement budget of his department to the Town Manager;

303.13 Develop policies to promote effective, good public relations between his department and the citizens of the Town of Gorham;

303.14 Assist other department heads to promote the health, safety and welfare of the citizens of the Town of Gorham.

**ARTICLE IV
DEPARTMENT OF FINANCE**

Section 401. Establishment

There shall be a Department of Finance, the head of which shall be the Tax Collector-Treasurer, who shall be the Town Manager, if so determined by the Town council, and if not, such person as the Town Manager may appoint.

Within the Department of Finance there shall be the Division of Accounting and Control, the head of which shall be the Town Auditor, who shall be appointed by the Town Manager, a Division of Purchases and a Division of Treasury, the heads of which shall be appointed by, or shall be the Town Manager.

There shall also be a Division of Assessment, the head of which shall be the Town Assessor, who shall be appointed by the Town Council and serve at its pleasure.

Section 402. Bond Requirement

The Town Manager, Town Clerk and any other person, as determined by the Town Council, shall give bond for the faithful discharge of their duties to the Town of Gorham, in such sum as the Council shall determine and direct, and with surety or sureties to be approved by the Council. The premiums on said bonds shall be paid by the Town. (Article 10, Section 1011, Council-Manager Charter of Town of Gorham.)

Section 403. Duties

The Town Auditor shall be responsible for the proper pre-audit and recording of all financial transactions of the Town. He shall submit to the Treasurer, at least monthly, a statement of cash on hand and of appropriation balances of various accounts and such other financial statements as the Treasurer may from time to time require. All policies of insurance issued for the benefit of the Town shall be filed with the Auditor.

403.01 The Purchasing Agent shall purchase all supplies required by the various departments. He shall purchase commodities of high quality at the best possible competitive or negotiated cost.

403.02 The Tax Collector-Treasurer shall be responsible for financial planning and control. The Tax Collector-Treasurer shall be responsible for the proper and accurate account and recording of all moneys due the town, and in all respects comply with all laws and ordinances concerning moneys due or received by the Town.

403.03 The Town Assessor shall be responsible for the performance of all work pertaining to the assessing of property and the preparation of all assessment and tax rolls and tax notices as required by general law and shall also be responsible for the performance of all duties required of him by the Town Charter.

**ARTICLE V
RECORDS DEPARTMENT**

Section 501. Establishment

There shall be a Department of Records, the head of which shall be the Town Clerk, who shall be appointed by the Town Council, until such time, if any, as the Charter is amended to provide for

appointment by the Manager, in which case appointment shall be by the Manager. In either case tenure shall be at the pleasure of the appointing authority.

Section 502. Duties

The Town Clerk shall:

502.01 Serve as clerk of the Council, and perform such other duties for the Council as it may require. He shall authenticate by his signature and be responsible for the filing, indexing, publication and safe-keeping of all records of all proceedings by the Council;

502.02 Administer and make all the preparations for elections, keep and maintain all election records and have custody of all property used in connection with elections, in accordance with state laws and town ordinances;

502.03 Administer to every person appointed to any town office the proper oath of office and keep an accurate records of the appointment and the administration of the oath;

502.04 File and preserve all contracts, surety bonds, certificate of qualifications for office and other documents not required by other provisions herein to be filed elsewhere;

502.05 Publish as Town Clerk all legal notices, including notice of Council hearings, unless otherwise provided herein or by law;

502.06 Issue all licenses and permits and collect the fees required therefrom provided by state law and town ordinances;

502.07 Obtain and maintain all records and statistics relating to births, marriages and deaths as required by law;

502.08 Be the custodian of the official Town Seal;

502.09 Perform all duties and exercise all powers incumbent upon or invested in Town Clerks by state law;

502.10 Maintain in his office a public information service and in response to reasonable requests furnish information and material concerning the Town government. Nothing herein shall be construed to require the Town Clerk to supply or to request any other department to supply the type of information which either state law or the public interest require to be kept confidential;

502.11 Account for all public moneys received by him in such manner as the Treasurer may prescribe.

**ARTICLE VI
POLICE DEPARTMENT**

Section 601. Establishment

There shall be a Police Department, the head of which shall be the Chief of Police, who shall be appointed by the Town Manager.

601.01 The number of regular and special policemen shall be determined by, and each such policeman shall be appointed by, the Town Manager, except as he may from time to time delegate such appointive power to the Chief of Police. Said special policemen shall serve only when and as specifically required by the Chief of Police, and shall function only under the direction of the Chief of Police; they shall assist the Chief of police whenever called upon and whenever so called shall be compensated for the services rendered in such manner as the Town Manager may determine,. No special policeman shall be on duty as a special policeman at any time or place without being ordered to do so by the Chief of Police, or in his absence the Town Manager or his official representative, and no special policeman shall be paid for police services directly by any person unless so authorized by the Chief of Police and, in his absence, by the Town Manager.

Section 602. The duties of the Chief of Police

602.02 Direct the police work of the Town;

602.03 Exercise command over the members and employees of the department and be responsible for their recruitment, training, safety, discipline, efficiency and morale;

602.04 Establish details, assignments, units and special duties necessary for the efficient performance of the functions of the department;

602.05 Supervise the handling and disposition of all complaints and all reasonable requests made by citizens relative to law enforcement and public safety;

602.06 Supervise, at any time, the investigation of any crime, accident, incident or complaint;

602.07 Establish a public relations program for the department through a demonstration of good service, and develop the attitudes and practices of the personnel within the department toward that end. To further establish and maintain good public relations with other law enforcement

agencies and departments and work in close cooperation with said organizations, in order that the Town will receive maximum service and benefit from all law enforcement units authorized to enforce federal, state and local laws and ordinances;

602.08 Receive and post all notices and papers, when requested to do so by an appropriate Town official, and make due return thereof;

602.09 Be responsible for the care and maintenance of all property used by the Police Department;

602.10 Cooperate with the department heads of the Town government in the best interest of public safety;

602.11 The Chief of Police may enter into Mutual Aid Pacts with the police departments of nearby cities or towns;

602.12 The Chief of Police is authorized to issue necessary orders for the use of Gorham police forces outside the Town boundaries and to direct such forces to place themselves under the operational control of the administrative head of the police force of the requesting city or town;

602.13 Such Mutual Aid Pacts shall become binding upon the Town of Gorham only after they are approved by the Town Council of the Town of Gorham and ratified by either the Town Council or the municipal officers of the corresponding city or town;

602.14 Whenever any of the police forces of any city or town are members of the Mutual Aid Pact are engaged in the Town of Gorham, they shall have the same powers, duties, privileges, rights, and immunities of the Mutual Aid Pact.

Section 603. Dog Officer

The Chief of Police shall designate a special police officer to be titled Dog Officer whose duty shall be to enforce state laws and local ordinances regarding dogs, or other animal complaints, as approved by the Chief of Police.

**ARTICLE VII
FIRE DEPARTMENT**

Section 701. Establishment

There shall be a Fire Department, the head of which shall be the Fire Chief, who shall be appointed by the Town Manager.

Section 702. Duties of the Fire Chief

The Fire Chief shall:

702.01 Be responsible for the prevention and extinguishing of all fires, the protection of life and property against fire and the removal of fire hazards;

702.02 Direct the Fire Department of the town;

702.03 Exercise command over the members and employees of the department and be responsible for the recruitment, training, safety, discipline, and the efficient performance of the functions of the department;

702.04 Be responsible for the care and maintenance of all property used by the Fire Department;

702.05 Establish details, assignments, units and special duties necessary for the efficient performance of the functions of the department;

702.06 Cooperate with the departments heads of the Town government in the best interest of public safety;

702.07 Establish a public relations program for the department through a demonstration of good service and develop the attitudes and practices of the personnel within the department toward that end;

702.08 The Chief, or his duly authorized representative, of the Fire Department of the Town of Gorham, upon request for aid from a duly authorized representative of a municipal or incorporated volunteer fire department of another municipality, within or without the state, is hereby authorized to send such other municipal or incorporated volunteer fire department such equipment and/or personnel belonging to the Fire Department of the Town of Gorham as he shall deem feasible for the purpose of rendering aid in extinguishing a fire within each other municipality;

During the course of rendering such aid to another municipality, the aiding municipality shall, as between municipalities having similar ordinances, be responsible for and shall assume the risk of any personal injury or property damage caused to or by its own personnel or equipment, and for any payments required to be made to any members of its Fire Department or to his widow or other dependents on account of injuries or death, as required by the Workmen's Compensation Act of the State of Maine, all without affecting the right of the aiding municipality to recover damages from any other person or entity legally liable therefore.

The Town Manager is hereby authorized to executive, for and on behalf of the Town of Gorham, a mutual aid agreement in accordance with the provisions of the above sections with any other municipality or municipalities.

**ARTICLE VIII
EMERGENCY RESCUE DEPARTMENT**

Section 801. Establishment

There shall be an Emergency Rescue Department, the head of which shall be the Rescue Chief, who shall be appointed by the Town Manager.

Section 802. Duties of the Rescue Chief

The Rescue Chief shall:

802.01 Subject to the provisions of any applicable laws, direct the emergency rescue activities of the town;

802.02 Be responsible for the maintenance and care of all equipment used by the Rescue Department;

802.03 Establish details, assignments, units and special duties necessary for the efficient performance of the functions of the department.

802.04 Cooperate with the department heads of the Town Government in the best interest of public safety;

802.05 Establish a public relations program for the department through a demonstration of good service and develop the attitudes and practices of the personnel within the department toward that end.

**ARTICLE IX
PLANNING AND DEVELOPMENT DEPARTMENT¹**

Section 901. Establishment

There shall be a department of Planning and Development, the head of which shall be the Zoning Administrator, who shall be appointed by the Town Manager pursuant to Section 302 of the Town Charter.

Section 902. Duties of the Zoning Administrator

902.01 Duty to Supervise Departments.

¹ Amended August 4, 2009

The Zoning Administrator shall supervise the Planning and Development Department.

902.02 General Duties.

The function, duties and responsibilities of the Zoning Administrator shall be articulated in a job description which may be amended by the Town Manager to provide for changing needs of the Town in accordance with Section 302.1 of the Town Charter.

902.03 Department Functions and Responsibilities.

The Planning and Development Department shall consist of the Town's Planning and Code Enforcement functions and shall coordinate its efforts with the Town's development efforts.

**ARTICLE X
HEALTH DEPARTMENT**

Section 1001. Establishment

There shall be a Department of Public Health, the head of which shall be the Health Officer, who shall be a physician appointed by the Town Manager, as provided under Section 306 of the Town Charter. There shall also be one or more Plumbing Inspectors appointed by the Health Officer, to be under the direction of the Health Officer.

Section 1002. Duties of the Health Officer

The Health Officer shall:

1002.01 Have charge and control of all functions involved in protecting and preserving the public health; he shall have all power provided by state law or town ordinance relative thereto.

Section 1003. License Inspections

Shall inspect promptly all premises for any license which requires certification by the Health Officer, and either deliver to the Town Clerk promptly a certificate to the effect that health laws are complied with and that proper sanitary conditions exist, or promptly advise the Town Clerk of his refusal to so certify and of the reasons for such refusal.

Section 1004. Complaints

Shall receive and investigate all complaints made by any of the inhabitants of Gorham concerning nuisances dangerous to health within the limits of the Town and take such action as may be authorized by law.

Section 1005. Action in cases of law violation

Subject to the approval of the Manager, shall institute or cause to be instituted civil or criminal action for violation of any health law or ordinance, and shall stand ready to appear as complainant and/or witness in all legal proceedings against all alleged violations of said law or ordinance.

Section 1006. Plumbing Inspector

The Plumbing Inspector or Inspectors shall perform such duties as may be required by state law and by any ordinance of the Town.

1006.01 Cooperate with the department heads of the Town Government in the best interest of public safety.

**ARTICLE XI
DEPARTMENT OF PUBLIC WELFARE**

Section 1101. Establishment

Department of Public Welfare, the head of which shall be the Director of Public Welfare, who shall be, or be appointed by the Town Manager.

Section 1102. Duties

The Director of Public Welfare shall:

1102.01 Be responsible for the planning, budgeting, reporting and control of the Town Welfare program;

1102.02 Exercise all the powers and perform all the duties conferred or imposed by state law upon Overseers of the Poor, or Director of Public Welfare.

**ARTICLE XII
PUBLIC WORKS DEPARTMENT**

Section 1201. Establishment

There shall be a Department of Public Works, the head of which shall be the Superintendent of Public Works, who shall be appointed by the Town Manager.

Section 1202. Duties of the Superintendent of Public Works

The Superintendent of Public Works shall:

1202.01 Be responsible for the conduct and operations of the Public Works Department;

1202.02 Be responsible for the planning of the annual work program of the Public Works Department;

1202.03 Exercise command over the members and employees of the Public Works Department;

1202.04 Be responsible for the care and maintenance of all property used by the Public Works Department;

1202.05 Prepare, or cause to be prepared, all contracts and specifications that may be required for public works; all such specifications and contracts shall be approved by the Town Manager;

1202.06 Cooperate with the department heads of the Town Government in the best interest of public safety.

1202.07 Establish a public relations program for the department through a demonstration of good service and develop the attitudes and practices of the personnel within the department toward that end.

Section 1203. Division of Parks and Grounds Maintenance

There shall be within the Department of Public Works a Division of Parks and Grounds Maintenance, the head of which shall be the Parks and Grounds Maintenance Foreman, who shall be appointed by and responsible to the Superintendent of Public Works.

Section 1204. Duties of Parks and Grounds Maintenance Foreman

The Parks and Grounds Maintenance Foreman shall:

1204.01 Be responsible for all care of, maintenance and improvements to all Town-owned grounds (i.e., schools, parks, cemeteries, Municipal Center and public road rights of way) including lawns, trees, shrubbery, walkways, ball fields, monuments;

1204.02 In the winter months, to be responsible for snow removal in all areas to within six feet of doors and other tasks as may be coordinated with the Public Works Superintendent;

1204.03 Be responsible for meeting with school officials, Athletic Director and Recreation Director to coordinate maintenance in accordance with use programs;

1204.04 Be responsible for purchasing, storing and repairing supplies and equipment used for section 1204.01 in accordance with the annual budget;

1204.05 Be responsible for planning the annual work program and submitting a budget to the Public Works Director;

1204.06 Be responsible for the hiring, training and supervision of employees;

1204.07 Shall be responsible for the duties normally assigned to the Tree Warden;

1204.08 Be responsible for meeting periodically with the Public Works Superintendent to review and coordinate work and to submit any reports as required by the Public Works Superintendent.

Section 1205. Qualifications

The Parks and Grounds Foreman shall have knowledge of training and background in accepted horticultural practices as it relates to section 1204.01.

ARTICLE XIII RECREATION DEPARTMENT

Section 1301. Establishment

1301.01 There shall be a Recreation Department, the head of which shall be the Recreation Director, who shall be appointed by and shall report to the Town Manager.

1301.02 The Gorham Town Council may appoint a temporary Advisory Ad Hoc Committee to assist the Recreation Department. The Town Council shall determine the term of the Committee, its membership and purpose.¹

Section 1302. Duties of the Recreation Director

1302.01 Be responsible for planning, supervision and coordination of all public recreational programs;

1302.02 Be responsible for reporting needed maintenance of all recreation areas within the Town;

1302.03 Be responsible for the care and maintenance of all equipment of all recreation areas within the Town;

1302.04 Be responsible for the establishment of game rules;

1302.05 Be responsible for the recruitment, training and supervision of the employees and volunteers of the Recreation Department and for the efficient performance of the functions of the department;

¹ Amended July 6, 2010

1302.06 Be responsible within budgetary limitations for providing a sufficient number of teams for each sport so that any Gorham resident will have an opportunity to participate in the sport.

Section 1303. Philosophy of the Gorham Recreation Department

It shall be the intent that adequate and wholesome recreational programs be planned, developed and implemented which will serve the best interests of the residents of the Town of Gorham. The purpose of such programs will be to enhance the well being of participants both physically and mentally and to promote the general concept of leisure time activities.

Section 1304. Participation in Programs

1304.01 Participation in any program offered through the Gorham Recreation Department will be open to all Gorham residents.

A. Boys and Girls Basketball

1. Those students wishing to participate in this program will be assigned to the teams by the Recreation Director.

2. Twelve players will usually comprise a team, but in some instances additional players may be added to a roster at the discretion of the Recreation Director.

B. Boys and Girls Soccer

1. Those students wishing to participate in this program will be assigned to the teams by the Recreation Director.

2. The coaches shall attempt to play all those participants who regularly attend practices and the scheduled contests.

3. Twenty players will usually comprise a team, but in some instances this figure may be slightly lower or higher depending on the total number of participants in a given year.

C. Little League Baseball and Softball

1. Tryouts and a draft will be held each spring for the purpose of selecting new members for the baseball teams.

2. The selection process will be in the reverse order of the previous year's finish order. The team finishing last shall have first choice, the team that finishes in first place shall choose last.

3. Those not selected by a team shall have the opportunity to participate in the Farm League Program.

a. Those participants will be assigned to the Farm League by the Recreation Director.

b. Eleven and twelve-year-old participants will not be allowed to pitch in the Farm League, but may participate in any other capacity.

4. The age limits in the Little League program shall be from eight to twelve years old.

a. The date to be used in determining age eligibility shall be August 1st.

5. Each team shall be composed of an equal number of players.

6. Every player in a Little League contest shall play a minimum of one inning or one at bat per game. Base coaching does not constitute playing.

Section 1306. Sponsorship of Teams

Sponsors of athletic teams participating in the Recreation Program shall supply enough uniforms to outfit a team. Sponsorship shall not be limited to baseball.

Section 1307. Coaches of Athletic Teams

1307.01 Coaches shall be appointed by the Recreation Director based on such criteria as interest, ability to coach the sport, knowledge of the game and ability to work and communicate with the team members depending on age.

1307.02 Coaches shall be responsible to the Recreation Director for each teams' organization.

1307.03 Coaches shall abide by the rules and regulations set forth in this article.

Section 1308. Officiating of Recreation Programs

1308.01 The Recreation Director shall see that officials are provided for those programs such as baseball, softball, basketball or soccer as they are needed. If volunteers are not available the Director shall pay the same hourly rate to officials regardless of the sport being officiated.

1308.02 Officials shall be selected based upon their knowledge of the rules of the game.

1308.03 The Recreation Director shall be the final judge in matters of dispute arising from the decisions of the officials.

Section 1309. Recreation Equipment

1309.01 Regarding recreation equipment, the Recreation Director will have the following responsibilities:

- A. Order and purchase new equipment as necessity warrants;
- B. Discard equipment which is worn out, obsolete, or unsafe;
- C. Make periodic inventory checks on recreation equipment in an effort to minimize losses through theft or carelessness;
- D. Oversee the safe and appropriate storage of that equipment which is not currently in use due to an off season;
- E. Assign recreation equipment to coaches or facilities as the Recreation Director deems necessary.

Section 1310. Facilities and Recreational Areas

1310.01 The Recreation Director shall be responsible for scheduling all non-school recreation buildings and grounds and for school buildings and grounds which are used for recreation programs, with permission of the School Committee.

1310.02 The Recreation Director shall be responsible for any damages to the facilities while in use by the Recreation Department.

1310.03 If provisions must be made for a janitor during the use of a school facility, the Recreation Director shall work through the School Department in the securing and paying of such services.

Section 1311. Summer Maintenance of Recreation Areas

1311.01 Summer maintenance of baseball, softball and soccer fields shall be provided by the Town of Gorham Public Works Department.

1311.02 The Recreation Director shall specify to the Manager how often fields should be mowed and lined and shall request any repairs needed.

1311.03 The Recreation Director shall make periodic visits to the various locations to assure that the conditions of the playing fields are in good shape and without hazards to participants.

1311.04 Budgeting for necessary repairs and maintenance of recreation areas will be in the Public Works Ground Maintenance Budget.

Section 1312. Use of Robie Gymnasium

1312.01 Those groups or organizations that wish to use the Robie Gym shall be classified as:

- A. Resident or nonresident
- B. Profit or nonprofit
- C. Admission charging or nonadmission charging

1312.02 The Recreation Director shall determine the scheduling of the Robie Gym for all events and will establish, with the approval of the Town Manager, a set rate of fees to be applied to the users of the facility.

**ARTICLE XIV
CIVIL DEFENSE DEPARTMENT**

Section 1401. Establishment

There shall be a Department of Civil Defense, the head of which shall be the Civil Defense Director, who shall be appointed by the Town Manager.

Section 1402. Duties of the Civil Defense Director

The Civil Defense Director shall:

1402.01 Be responsible for the planning, conduct and operation of Civil Defense activities in the Town of Gorham;

1402.02 Be responsible for the care and maintenance of all property used by the Civil Defense Department;

1402.03 Cooperate with the department heads of the Town Government in the best interest of public safety;

1402.04 Establish a public relations program for the department through a demonstration of good service and develop the attitudes and practices of the personnel within the department toward that end;

1402.05 Be responsible for all activities of a local Civil Defense Director, as may be required of him by appropriate state statutes.

**ARTICLE XV
CABLE TELEVISION**

Section 1501. Establishment

There shall be a Gorham Cable Television System, which shall be a division of the Recreation Department and supervised by the Recreation Director.

Section 1502. Duties

1502.01 The Cable Television Station Manager shall operate and maintain the Town's Cable Television System and make recommendations regarding the repair or replacement of equipment.

1502.02 The Station Manager shall make recommendations regarding the evolution of cable television and changes in technology.

1502.03 The Station Manager shall operate the system in accordance with the Cable T.V. Policies as established and periodically amended by the Town Council.

Section 1503. Insurance

The Town Manager shall ensure that all equipment of value is incorporated within the insurance coverage of the municipality and that there is appropriate insurance protection provided the municipality regarding members of the general public and volunteers associated with the Gorham Cable Television system.

**ARTICLE XVI
BAXTER MEMORIAL LIBRARY AND BAXTER MUSEUM¹**

¹ Section added July 2, 1996

Section 1601. General

1601.01 Establishment

There is hereby established a library department, in accordance with Section 204.2 of the Town Charter.

1601.02 "Board" defined

Unless otherwise indicated, the word "board" when used in this chapter shall mean the Baxter Memorial Library Board of Trustees.

Section 1602. Library Director

1602.01 Position established

The position of library director is hereby established.

1602.02 Appointment

As provided by section 302.1 of the Town charter, the library director shall be appointed by the Town Manager on the basis of merit and fitness.

1602.03 Position included in personnel classification, compensation plan.

The position of library director shall be included in the personnel classification and compensation plan of the Town.

1602.04 Duty to supervise Library

The library director shall supervise the entire operation of the Baxter Memorial Library.

1602.05 General duties, responsibilities

The functions, duties and responsibilities of the library director shall be articulated in a job description which may be amended by the Town manager to provide for the changing needs of the library and the community.

Section 1603. Library Board of Trustees

1603.01 Establishment

In accordance with section 304 of the Town charter, the Baxter Memorial Library Board of Trustees is hereby created.

1603.02 Composition, appointment, and quorum

The board will consist of nine (9) members appointed by the Town Council. A quorum shall consist of five (5) members.

1603.03 Terms of office

The terms of office of the board members shall be three (3) years and terms of office shall expire on the last day of March or when their successors are duly appointed by the Town Council, whichever comes later.

1603.04 Vacancies

A. A board vacancy shall be created upon the resignation or death of a member, if a member missing three (3) consecutive unexcused absences or fifty percent of the board meetings in any calendar year.

B. A vacancy on the board shall be filled by the Town Council with another qualified person for the unexpired term of the resigned or removed member.

1603.05 Compensation

Members of the board shall serve without pay.

1603.06 Duty to elect chair, vice chair, secretary and treasurer.

In April of each year the board shall hold an annual meeting and elect from its membership a chair, vice chair, secretary, and treasurer.

1603.07 Meetings

The board shall meet no less than six times a year on a regularly scheduled and designated day and at such time as shall be established by the board at its annual meeting.

1603.08 Functions, duties, responsibilities

The functions duties and responsibilities of the board shall be to:

A. Advise and recommend to the Town Manager administrative rules and regulations to guide the operation and program of the Baxter Memorial

Library and Baxter Museum, including but not limited to the following:

1. Hours open to the public;
 2. Type and quality of books and other library materials to be added to the library collection;
 3. Services to schools and to special groups;
 4. Special services to nonresident borrowers; use of meeting rooms, etc.;
 5. Methods of extending services: interlibrary loans, book mobiles, participation in library system, etc.;
 6. Public relations, customer service, and publicity,
- B. Select representatives, when requested by the Town Manager, to assist in interviewing qualified applicants for the position of library director;
- C. Determine the purposes of the library and know the program and needs of the library in relation to the community; keep abreast of state standards and library trends;
- D. Establish, support and participate in a planned public relations program;
- E. Review the annual budget prepared by the library director;
- F. Attend board meetings and see that accurate records of the board meetings are kept on file in the library;
- G. Evaluate and report to the Town Manager and Town Council on the maintenance and capital needs of the library;
- H. Become familiar with the services as provided by the Baxter Memorial Library and become familiar with state and federal legislation impacting the library.
- I. Administer trust funds in accordance with trust documents and fiduciary responsibilities;

- J. Establish bylaws for the Board of Trustees;
- K. Utilize for Library purposes and properly account for funds derived from donations, user fees, fines, memorials, book of merchandise sales;
- L. Generally administer Baxter Museum to include programming, soliciting volunteers and supervision of collection and building maintenance.

Section 1604. Willful detention of library material

No one may willfully detain any book, audiovisual material, or other property belonging to the Baxter Memorial Library or Baxter Museum for more than ten (10) days after written notice to return the same, delivered by certified mail or in hand by a law enforcement officer, given after the expiration of the time which by the rules of the Baxter Memorial Library or Baxter Museum such article may be kept.

Section 1605. Violations

Any person or firm violating any provision of this ordinance shall be fined not less than \$100 and not more than \$5,000 with the fine recovered for use by the Town of Gorham. The Town of Gorham may initiate any and all actions and proceedings either legal or equitable that may be appropriate for the enforcement of this ordinance, and the Town shall be entitled to recover its legal costs.

Section 1606. Severability

Should any section provision, or part thereof of this Ordinance be declared by the courts to be invalid or unconstitutional, such decision shall not invalidate any other section, provision, or part thereof of this Ordinance and the remaining shall continue in full force and effect.

**ARTICLE XVII
TOWN COUNCIL¹**

Section 1701. Duties and Powers

The Town Council shall have those duties and powers as specified in Article II of the Council-Manager Charter of the Town of Gorham.

Section 1702. Compensation

Pursuant to Article II, Section 205 of the Charter of the Town of Gorham, the Town Council shall by order fix the amount of annual

¹ Amended March 14, 2000

compensation received by its members. Said amount may be changed from time to time by Council order.