

File

THE WATERBORO PLANNING BOARD

BYLAWS

Adopted by the Waterboro Planning Board on October 13, 1976

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DECLARATION

Business of the Planning Board shall be conducted in accord with the Maine Statutes, Town Ordinances and pertinent parts of the Roberts Rules of Order; as well as the Planning Board Subdivision Regulations, the Planning Board Bylaws, and amendments and supplements thereto.

The Planning Board pledges to maintain professional conduct in the review of all proposals before it, and in all other business deliberations. All proposals shall be examined equally and equitably, if for any reason an individual board member feels that he or she has a particular bias either for or against a particular proposal, he or she shall abstain from voting on matters pertaining to that proposal. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

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I. Membership

A. Appointments

1. Appointments to the Board will be made by the municipal officials.
2. The Board shall consist of 5 members and 2 associate members.
3. The term of each member shall be 5 years, except the initial appointment which shall be for 1, 2, 3, 4 and 5 years respectively. The term of office of an associate member shall be 5 years.
4. When there is a permanent vacancy, the municipal officials will within 60 days of its occurrence appoint a person to serve for the unexpired term.
5. The planning board may vote to notify the Town officials of the absence of a member from 40% of the planning board meetings in a 12 month period.

B. Officers and Their Duties

1. The officers of the Planning Board shall consist of a Chairman, a Vice-Chairman and a Secretary-Treasurer.
2. The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to: appoint committees, call for work sessions and preside over executive sessions.
3. The Chairman shall be one of the citizen members of the Board. He shall have the privilege of discussing all matters before the Board and of voting thereon.
4. The Vice-Chairman shall act for the Chairman in his absence. He shall be a citizen member of the Board.
5. The Secretary-Treasurer shall keep the minutes and records of the Board, prepare agenda of regular and special meetings with the Chairman, provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board and to other duties as are normally carried out by a Secretary. The Secretary shall keep a record of all resolutions, transactions,

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correspondence, findings, and determinations of the Board. All records shall be deemed public and may be inspected at reasonable times and in the presence of a board member. The Secretary-Treasurer shall give an accounting of Board finances and bills at each regular meeting.

C. Elections of Officers

1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held at the regular meeting in April of each year, and the elections shall immediately follow thereafter.
2. A candidate receiving a majority vote of the Planning Board shall be declared elected and shall serve for one year or until his successor shall take office.
3. Vacancies in office shall be filled immediately by regular election procedure and officers so elected shall be "acting" only until the subsequent annual meeting.

D. Other Board Members

1. An associate member may attend all meetings and participate in its proceedings but may vote only when he or she has been designated by the Chairman to sit for a member.
2. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the Chairman, the Chairman shall designate an associate member to sit in his stead.
3. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present except the member who is being challenged.

II. Meeting Organization

A. Regular Meetings

1. Meetings will be held on the second Wednesday of each month at 7:30 p.m. The standard meeting place shall be the Waterboro Town Office on the Old Alfred Road, however, meetings may be rotated to various other locales within the Town to enable better Board-citizen rapport. The Secretary shall have the responsibility of notifying the members and

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for advertising to the public at large where and when the meetings will be held if they are to be other than the normal time and place.

2.No meeting of the board shall be held without a quorum consisting of 4 members or associate members authorized to vote.

3.All meetings of which official action is taken shall be open to the public.

B. Work Sessions

1.The Chairman may, with the approval of the majority of the Board call Special Work Sessions.

2.There sessions shall be open to the public; however, the general public shall be barred from addressing the Board with the following exceptions.

a. In the event that the topic of the work session involves such matters in which the Board has requested that a Citizens Advisory Group be established to aid the Board in its findings and deliberations, said group shall have input into the discussion phase of the meeting.

b. Any Official, citizen, etc. who specifically has been requested by the Board to have inputs to that meeting may do so; but only to that extent.

c. Inputs from other interested citizens may be heard if the majority of the Board so votes.

d. Roberts Rules of Procedure shall apply. The Chairman may rule any deviations from the above to be out of order.

C. Executive Sessions

1. Upon a vote of at least 3 of the members, present and voting, the Planning Board of the Town of Waterboro may call for an Executive Session, from which the public shall be barred.

2. The motion to go into executive session shall indicate the nature of the business of that session, and no other matter may be considered. No ordinances, orders, rules, resolutions, regulations, contracts, appointments, or other official action shall be finally approved at such executive sessions, which may be held on the following matters only:

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- a. Certain discussions concerning employees or appointees. Discussions or consideration of employment, appointment, assignment, duties, resignation of public officials, appointees or employees of the Planning Board of the investigation or hearing of charges or complaints against such persons; provided that any persons charges, investigated or otherwise under discussion shall be permitted to be present at such executive sessions, if he or she so desires.
- b. Dismissal of public official or employee. Discussion or consideration of the dismissal of any public official or employee.
- c. Condition, acquisition, use or disposition of property. Discussion or consideration of the condition, acquisition or use of real or personal property or interests therein or disposition of publicly held property if premature disclosure of such information would prejudice the competitive or bargaining position of the Planning Board.
- d. Certain labor negotiations. Negotiations with employee representatives under collective bargaining laws.
- e. Certain legal consultations. Consultations between the planning board and its attorney concerning the legal rights and duties of the planning board, pending or contemplated litigation, settlement offers and matters where the duties of the planning board's counsel to his or her client pursuant to the code of professional responsibility clearly conflicts with the Maine Right to Know Law or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage.
- f. Adjudicative deliberations. Deliberations by the planning board acting in an adjudicative or quasi-judicial capacity. The hearing of evidence is not to be construed as deliberations. The Waterboro Planning Board may adjourn to executive session to discuss subdivision proposals, provided that no official action upon a specific proposal takes place within there sessions.
- g. Discussion of information in certain records. Discussion of information contained in records

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made, maintained or received by the planning board when access by the general public to these records is prohibited by statute.

- h. Within the Executive Session, it shall be the Chairman's responsibility to ensure that only that business for which the session was called will be discussed. The Chairman shall conduct the executive session to ensure that compliance with rules for executive sessions occurs.

D. Special Meetings

- 1. The place of a special meeting date and time will be designated at a prior regular meeting.

III. Order of Business

- A. The order of business at regular meetings shall be:

- 1. Roll Call
- 2. Minutes of previous meeting.
- 3. Communications & bills.
- 4. Report of officers and committees.
- 5. Old business.
- 6. New business.
- 7. Adjournment.

IV. Committees

- A. The following standing committees may be appointed by the Chairman:

- 1. Master Plan Committee.
- 2. Budget and Finance Committee.
- 3. Subdivision Committee.
- 4. Zoning Committee.
- 5. Legal Committee.
- 6. Public Relations Committee.
- 7. Capital Improvements Committee.

- B. The standing committees shall be appointed for one year and shall consist of at least 2 members. Vacancies shall be filled immediately by the Chairman of the Planning Board.

- C. Special committees may be appointed by the Chairman for purposes and terms which the Board approves.

V. Employees

- A. The Board may employ a Clerk to assist the Secretary in the performance of his duties and to perform such other

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duties as may be assigned to him or her by the Chairman of the Planning Board.

- B. The Board may employ at no cost to the Town, unless authorized otherwise, such staff and/or experts as it sees fit to aid the Board in its work. Appointments shall be made by a majority vote.

VI. Hearings

- A. In addition to those required by law, the Board may at its discretion hold public hearings when it decides that such hearings will be in the public interest.
- B. Notice of such hearings shall be published in the official newspaper(s) of the municipality or in a newspaper of general circulation at least seven (7) days before the time of public hearings.
- C. The case before the Board shall be presented in summary by the Secretary or a designated member of the Board, and parties in interest shall have privileges of the floor.
- D. A record shall be kept of those speaking before the Board.

VII. Amendments

These BYLAWS may be amended by an affirmative vote of three or more voting members of the Planning Board.

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Sources of Information

American Society of Planning Officials
American Planning and Civic Assoc.
American Institute of Planners
Maine Municipal Assoc.
Southern Maine Regional Planning Comm.
Alfred Planning Board Bylaws
Kennebunk Planning Board Bylaws