

The Waterboro Planning Board

BYLAWS

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November 2, 2016

BYLAWS

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BYLAWS

DECLARATION

Business of the Planning Board shall be conducted in accordance with the Maine Statutes, Town Ordinances and pertinent parts of 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 announce the issue to the board and the board can determine if they feel comfortable with that member continuing to participate or should 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.

I. Membership

A. Appointments

1. Appointments to the Board will be made by the Board of Selectmen
2. The Board shall consist of 5 members and 2 alternate members.
3. The term of each member shall be 5 years, except the initial appointments which shall be for 1, 2, 3, 4 and 5 years respectively. The term of office of an alternate member shall be 5 years.
4. When there is a vacancy, the municipal officials shall within 30 days of its occurrence, or as soon as an appropriate replacement is found, appoint a person to serve for the remainder of the un-expired 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 6 month period.

B. Officers and their Duties

1. The officers of the Planning Board shall consist of:
Chairman-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. The Chairman shall be one of the citizen members of the Board. (S)He shall have the privilege of discussing all matters before the Board and of voting thereon.

Vice-Chairman-shall act for the Chairman in his or her absence. (S)He shall be a citizen member of the Board. The Vice-Chair in the absence of the Chairman shall have all of the same powers and duties as the chairman.

Secretary - shall review the minutes of the meeting prior to submission of them to the Planning Board approval to attest to the accuracy of the minutes. The Secretary shall sign the attested minutes and make recommendation to the Planning Board prior to the board's approval. (11/02/2016)

The Board may employ an Administrative Assistant to assist in the performance of duties and to perform such other duties as may be assigned to him/her by the Chairman of the Board.

C. Elections of Officers

1. Nomination of officers shall be made from the Board at the annual organizational meeting, which shall be held the first meeting of July, 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 the next annual organizational meeting or until his or her successor shall take office.
3. Vacancies in office shall be filled as soon as possible by regular election procedure and officers so elected shall be "acting" only until the subsequent annual meeting.

D. Other Board Members

1. An alternate member may attend all meetings and fully participate in its proceedings including the privilege to vote
2. 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 twice monthly, currently the first and third Wednesday of each month at 7:00 p.m. The standard meeting place shall be the Waterboro Town Hall Annex on Townhouse Road, however, meetings may be rotated to various other locales within the Town to enable better Board-Citizen rapport. Meeting times and dates may vary to accommodate public hearings, special meetings and holidays. The Administrative Assistant shall have the responsibility of notifying the members and 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.

3. All meetings shall be open to the public with the exception of executive session.
4. A recess may be called by a majority vote of the Board.

B. Workshops

1. The Chairman may, with the approval of the majority of the Board call special workshops.
2. These workshops 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 Citizen 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 Session

1. Upon a majority vote, 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, 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:
 - a. Certain discussions concerning employees or appointees. Discussions or considerations 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 charged, 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 the 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 retire to executive session to discuss subdivision proposals, provided that no official action upon the specific proposal takes place within these sessions.
- g. Discussion of information in certain records. Discussion of information contained in records 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 the special meeting date and time will be designated by the Chairman or Acting Chairman at his/her discretion.

III. Order of Business

- A. The order of business at regular meetings shall be:
 - 1. Roll Call
 - 2. Minutes
 - 3. New Business and Public Hearings
 - 4. Old business
 - 5. Communication
 - 6. Miscellaneous

7. Adjournment

IV. Committees

- A. Standing committee may be adopted by the Chairman
- 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 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, this includes planning services which the town will bill directly to any developer proposing a project for Site plan review or Subdivision Review in which services are being provided on behalf of the planning board.

VI. Hearings

- A. In addition to those required by law, the Board shall hold public hearings on all Site Plans and Subdivisions prior to any final approvals being granted.
- 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 the public hearing.
- C. The case before the Board shall be presented in summary by the applicant 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.

VIII. Amendments

These BYLAWS may be amended by an affirmative vote of the majority present and voting members of the Planning Board.

BYLAWS

Sources of Information

American Society of Planning Officials American Planning and Civic Association
American Institute of Planners
Maine Municipal Association
Southern Maine Regional Planning Committee Alfred Planning Board Bylaws
Kennebunk Planning Bylaws Town of Waterboro Charter