

By-Laws of the Planning Board of Limerick, Maine

1. Declaration

- 1.1. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances, Amendments, Maine Freedom of Access Act, and Roberts Rules of Order.
- 1.2. The Planning Board pledges that 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 or a conflict of interest either for or against a particular proposal, he or she shall abstain from voting on that proposal.
- 1.3. The term “conflict of interest” shall be construed to mean direct or indirect monetary interest.
 - 1.3.1. Direct pecuniary interest shall be when the applicant is a member of the Board or an owner of abutting or other property that is the subject of the application or directly affected by the Boards decision.
 - 1.3.2. Indirect pecuniary interest shall be when the Board member has an interest in the application due to being an officer, director, partner, associate, employee or stockholder of a corporate applicant, or other business entity. Also included shall be when a Board member is a part of the applicant’s immediate family, an employer of the applicant or of the applicant’s immediate family or is employed by a member of the applicant’s immediate family. Immediate family shall mean spouse, parents, siblings, children and grandchildren.
 - 1.3.3. Pecuniary interest shall also include a situation where the Board member, by reason of his or her interest is placed in a situation of temptation to serve his or her own personal interest instead of the public interest.
 - 1.3.4. The decision of whether a member shall be disqualified from voting on a particular matter shall be made by a majority vote of the remaining members present. For the Board to decide that pecuniary interest exists, a significant impact on the Board member, his or her family, employee and or employer must exist.
 - 1.3.5. The Board member shall make full disclosure of his or her interest, on the record, prior to any action being taken and shall abstain from voting and from otherwise attempting to influence decisions in his or her capacity as a Board member.
 - 1.3.6. If a Board member abstains, he or she has the right to participate as a member of the public.

- 1.4. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present except the member who is being challenged.
- 1.5. Board members shall be knowledgeable of Board policies as set forth in these By-Laws, and abide by them.

2. Membership

2.1. Election

- 2.1.1. Members of the Board shall be elected under provisions of Title 30-A, Sec. 2528.
- 2.1.2. The Board shall consist of five members.
- 2.1.3. The terms of each member shall be three years.
- 2.1.4. Anyone resigning from the Board is expected to furnish the Chairman with a letter of resignation within 30 days.
- 2.1.5. When there is a permanent vacancy, the municipal officers shall, within 60 days of its occurrence, appoint a person to serve only until the next annual town meeting when a member shall be elected under the provisions of Title 30-A, sec. 2528 to serve for the unexpired term. If no nominee is available the Selectmen shall appoint a person from a list of candidates supplied by the Board.

2.2. Officers and Their Duties

- 2.2.1. The officers of the Planning Board shall consist of a Chairman and Vice Chairman
- 2.2.2. The Chairman shall preside at all meetings and hearings of the Planning Board. The chairman has the authority to appoint all committees, to call all work sessions and to preside over Executive Session.
- 2.2.3. The Vice-Chairman shall act for the Chairman in his or her absence.
- 2.2.4. Any legal advice the Board needs will be obtained from the Town Attorney or from the Maine Municipal Association.

2.3. Election of Officers

- 2.3.1. Nominations of officers shall be made from among the majority of the voting members of the Board at the annual organizational meeting which shall be held on the first regular Planning Board meeting after Annual Town Meeting and the election shall follow immediately thereafter.

- 2.3.2. A candidate receiving a majority vote of the majority of the of the Planning Board shall be declared elected and shall serve for one year or until his or her successor shall take office.
- 2.3.3. Vacancies of officers shall be immediately filled by regular election procedures.

2.4. Employee

- 2.4.1. The Board shall employ a secretary and such other employees as required
- 2.4.2. The secretary shall be responsible for the minutes and records for the Board, prepare agendas of regular meetings and special meetings with the chairman, provide notice of the meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the board, and do other duties as are normally carried out by a secretary. The secretary shall keep a record of all resolutions, transactions, correspondence, Findings and determinations of the Board. All records shall be deemed public and may be inspected at reasonable times.

3. Meeting Organization

3.1. Regular Meetings

- 3.1.1. Regular meetings shall be held twice a month. The standard meeting place shall be the municipal offices. The Secretary shall have the responsibility of posting the time and date of the meetings and workshops in a public paper.
- 3.1.2. No meeting of the Board shall be held without a quorum consisting of three members.
- 3.1.3. The Chairman may, with the approval of the majority of the Board, call special work sessions.
- 3.1.4. All sessions shall be open to the public. The general public shall be barred from addressing the Board with the following exception:
 - 3.1.4.1. In the event that the topic of the work sessions involves such matters in which the Board has requested that a Citizens Advisory Committee be established to aid the Board in its findings and deliberations, said group shall be allowed to contribute its comments during the discussion of the meeting.
 - 3.1.4.2. The Board's employees or citizens, etc. who have been specifically requested by the Board to have input at that meeting may do so.

- 3.1.4.3. Input from other interested citizens shall be reserved for a time designated within the regular meetings of the Board or for a specific time designated by the Board at the Board's option.
- 3.1.5. The business at regular meetings of the Board shall consist of the following: (a) Call to Order (b) Approval of minutes (c) Correspondence (d) Updates and Reports (e) Hearings {when scheduled} (f) Old Business (g) New Business (h) Adjournment.

3.2. Executive Sessions

- 3.2.1. Upon a vote of at least a majority of the members, present and voting, the Planning Board may call for an Executive Session, from which the public shall be barred.
- 3.2.2. The motion to go into Executive session shall indicate the nature of the business of that session and no other matters may be considered. No ordinances, regulation contracts, appointments or other official action shall be finally approved in such Executive Session, which may be held on the following matter only:
 - 3.2.2.1. Certain discussion concerning employees or appointees. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining or resignation of public officers, appointees, or employees of the Board or the investigation or hearing of charges or complaints against such persons provided that any person charged, investigated or otherwise under discussion shall be permitted to be present at such Executive Session if he or she so desires.
 - 3.2.2.2. Discussion or consideration of the dismissal of any employee or member
 - 3.2.2.3. Certain legal consideration. Consultations between the Board and its attorney concerning the legal rights and duties of the Board, pending or contemplated litigation, settlement offers and matters where the duties of the Board 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 at a substantial disadvantage.
 - 3.2.2.4. 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 insure that compliance with rules for Executive Sessions occurs.

3.3. Voting

3.3.1. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

3.3.2. In the event that so many members are disqualified due to a conflict of interest, bias or other legal reason that the Board will not be able to meet its own required majority conditions, and there is no other body legally authorized to act, those members shall be able to participate.

4. By-Laws Changes

4.1. These By-Laws may be amended by a majority vote of the entire voting membership of the Planning Board.

5. Severability

5.1. The invalidity of any section or provision of these By-Laws shall not be held to invalidate any other section or provision of these By-Laws

5.2. Any prior inconsistent provision or portion of the Planning Board By-Laws of the Town of Limerick, as changed, is hereby saved and remains in effect in the event of all or any portion of these By-Laws is found to be unlawful by a court of competent jurisdiction.

6. Reconsideration / Appeal

6.1. The Board may reconsider any decision. The Board must decide by majority vote to reconsider any decision, notify all interested parties and make any change in its original decision within 40 days of prior decision. The Board may conduct additional hearings and receive additional evidence and testimony. Reconsideration should be for one of the following reasons:

6.1.1. The record contains significant factual errors due to fraud or mistakes regarding fact upon which the decision was based; or

6.1.2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

7. Record of Business

7.1. Minutes

7.1.1. The approved written record shall constitute the official proceedings of the Board.

Adopted by Vote of the Planning Board

Dated: NOVEMBER 7, 2018

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