By-Laws of the Planning Board of the Town of Clinton, Maine

ARTICLE 1 GENERAL PROVISIONS

1.1 Business of the board shall be conducted in accordance with the Maine revised Statutes, Annotated; Town ordinances; Town Charter; Planning Board standards for reviewing Land Subdivisions and ***Robert's Rules of Order*** .

1.2 Planning Board members are expected to be knowledgeable of laws ordinances regulations and Board policies and to abide by them.

ARTICLE 2 MEMBERSHIP

2.1 Appointments

2.1.1 Appointments to the board shall been made by the town's Selectpersons.

2.1.2 Appointees shall be legal residents of the town as defined by State requirements. (This is not required by any State Law)

2.1.3 The Board shall consist of five (5) members and two (2) associate members .A vacancy for one (1) member shall occur every year due to the expiration of a membership term.

2.1.4 The term of each full voting member shall be 3 years. The term of associate members shall be 1 year.

2.15 When there is a permanent vacancy of either a full or an associate member, The Board Chairman shall notifying the Town Selectpersons who shall, within 60 days of its occurrence, appoint a person to serve for the unexpired term.

2.1.6 Any member of the board may be removed for cause by the Town Select persons before expiration of his / her term, but only after an advertised public hearing at which the member in question has had an opportunity to refute specific charges. The term "for cause" shall include failure to attend a four (4) consecutive board meetings or hearings without sufficien justification and voting when the member has a conflict of interest

2.2 Officers and their Duties

2.2.1 The Officers of the board shall consist of the Chairperson Vice-Chairperson and a Secretary. The Chairperson and Vice-Chairperson shall be full members of the Board.

2.2.2 The Chairperson shall preside at all meetings and hearings of the Planning Board. The Chairperson has the authority to appointment all committees,

to call all work sessions, designate which associate member shall serve in place of a regular member; to preside over executive sessions; to prepare a suitable agenda, to provide reports as required, to issue written finding and notices of decisions and to serve a spokesman for the membership when required.

2.2.3 The Vice-Chairperson shall act for the Chairperson in his or her absence.

2.2.4 The Secretary shall be responsible for: the minutes and records of the Board; agenda of regular meetings and special meetings with the Chairperson; notice of meetings and hearings, correspondence of the Board and other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions; votes; transactions; correspondence; findings and conclusions the Board. All records shall be deemed public and may be inspected during normal business hours. The Secretary may delegate these duties to staff employed by the Town and assigned to the Planning Board for the same

2.3 Election of Officers

2.3.1 Nominations of officers shall be made from among full voting members of the Board at the annual organizational meeting which shall be held on the first regular Planning Board meeting after July 1st, and the elections shall follow immediately thereafter.

2.3.2 The candidate receiving a majority vote shall serve for one (1) year or until his or her successor shall take office. A member may serve in the same office each year by vote of the membership.

2.3.3 Vacancies of officers shall immediately be filled by regular election procedures at the next regularly scheduled meeting.

2.4 Other Board Members

2.4.1 An associate member should attend all meetings and participate in the proceedings but may vote only when designated by the Chairperson to sit for a member.

2.4.2 When a member is unable to participate because of a conflict of interest, absence or other reason satisfactory to the Chairperson, the Chairperson shall designate an associate member to act for the regular member until the case is closed.

2.5 Employees

2.5.1 The Board may employ such staff and /or experts as provided in local ordinances or regulations within the budget limitations and according to municipal contracting and personnel procedures to aid the Board in its work. Appointments shall be made by a majority vote of the entire membership.

ARTICLE 3 POWERS AND DUTIES

3.1 The Board shall perform such duties and exercise such powers as are provided in the municipal ordinances, Town Charter and the laws of the State of Maine.

3.2 The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose. Only elected officers of the Board may expend funds. Any expenditure over $25.00 must be voted on by the board at a regularly scheduled meeting. Any expenditures of $25.00 or less by elected officers must be submitted to the town office with the original receipt and a statement explaining the expenditure.

ARTICLE 4 MEETING ORGANIZATION

4.1 Regular Meetings

4.1.1 ~~Meetings shall be held on the 2nd Thursday of the month with the time specified on the municipal calendar~~. The meeting shall be at the town hall or other suitable meeting place. The Chairperson may schedule special meetings on 48 hours notice to the members. SEE AMENDMENT AT END

4.1.2 All meetings shall be open to the public.

4.1.3 No official business may be conducted without a quorum present. A quorum shall consist of 3 members. It shall not include any member who cannot participate due to conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, to his or her employer, or to the employer of any member of the person's immediate family. It 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's interest. 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. The Chairperson shall be a member for the purpose of a quorum and shall be entitled to vote upon a motion. A member who abstained shall not be counted in determining when a quorum exists.

4.1.4 In the event a quorum is not present, the Board members are authorized to request that the Chairperson reschedule the meeting to another date and to adjourn the meeting. If the date is other than a regular meeting date, the Secretary shall have the responsibility of providing adequate to the Board members, municipal officials, and the general public.

4.1.5 All comments addressed to the Board shall be made through the Chairperson.

4.1.6 The Board shall act by majority vote calculated on the number of members present and voting, unless a roll call vote is requested by a voting member. When a vote is in a tie, then the motion fails.

4.1.7 All decisions must be based on whether the applicant has provided sufficient evidence to prove that all applicable law and ordinance requirements have been complied with.

4.2 Agendas

4.2.1 Regular meeting agenda shall follow the following format:

1. Call to order and determine the presence of a quorum.
2. Minutes of the previous meeting.
3. Public hearing (if any scheduled).
4. Old Business
5. New Business
6. Other
7. Correspondence
8. Agenda, date and time for the next meeting.
9. Adjournment

4.2.2 Agendas must be posted in the Town Office at least 2 days before a regularly scheduled meeting. (This is not required by any State Law)

4.2.3 No item on the agenda may be brought up for discussion after 9:00 p.m. local time. Items not brought up for discussion because of this time deadline are to be placed on the agenda of the next regular meeting or on the agenda of a special meeting held at the convenience of the applicant, Board members and associate members. This rule may be waived by unanimous vote.

4.2.4 New applications, upon receipt at the municipal office, shall be placed on the next available slot for "New Business" on the Boards agenda, and the applicant so notified of the date and time. Due to agenda posting requirements, new application's made less then 3 days prior of the next scheduled meeting shall be moved to the following regularly scheduled meeting. At that initial meeting, the Board shall review the application and determine if the application is complete. If further material or information is needed the applicant will be provide a list of requirements in writing and be placed on the agenda under "Old Business" for the next regularly scheduled meeting.

4.3 Work Sessions

4.3.1 The Chairperson may, with the approval of the majority of the Board, call work sessions for the purpose of updating the Comprehensive Plan; the Sub-Division Ordinance; Land-Use Ordinance; Planning Board By-Laws and other information work items relating to the Board's duties and activities providing the public is notified. A quorum shall be present to conduct any business.

4.3.2 Work sessions are open to the public. The general public shall be restricted from addressing the Board unless a majority of the Board permits the public to speak

4.4 Executive Sessions.

4.4.1 Upon a vote of at least 3/5 of the members, present and voting, the Board may call for an executive session to meet with the Town Attorney and / or the Town Manager about pending or potential litigation.

4.4.2 Within the executive session it shall be the Chairperson's responsibility to ensure that only that business for which the session was called will be discussed, and that no official action be taken.

ARTICLE 5 HEARINGS

5.1 The Board, by majority vote at a regular or special meeting, may schedule a public hearing on any application within the time limits established by State law or local ordinance.

5.2 The Board shall cause notice of the date, time and place of such a public hearing, the location of the building or lot and the general nature of the question or application involved:

1. To be given to the applicant at least fourteen (14) days prior to the hearing;
2. To be published in a newspaper of general circulation in the municipality at least twice (2 times), with the date of the first publication at least fourteen (14) days prior to the hearing and with the last publication at least seven (7) days prior to the hearing;
3. To be given the owners of property abutting the subject property, by registered mail, at least fourteen (14) days prior to the hearing;
4. To be posted in the Town Office at least fourteen days (14) prior to the hearing;
5. To be given to the municipal officers at least fourteen (14) days prior to the hearing.

5.3 The Board shall provide, as a matter of policy, for exclusion of irrelevant, immaterial, or unduly repetitious evidence.

5.4 The Order of Business

5.4.1 The chairperson calls the hearing to order and determines whether there is a quorum.

5.4.2 The Chairperson then describes the purpose of the hearing, the nature of the case, and the general procedures to be followed.

5.4.3 The Board decides whether the applicant has sufficient right, title or interest to appear before the Board.

5.4.4 The Board determines whether it has jurisdiction over the application.

5.4.5 The Board determines which individuals attending the hearing are "interested parties"

"Interested parties" are those persons who request to offer testimony and evidence and to participate in oral cross-examination. They would include abutting property owners and those that might be adversely affected by the Boards decision. Parties might be required by the Board to consolidate or join their appearances in part or in whole if their interest or contentions are substantially similar and such consolidation would expedite the hearings. Municipal Officers and the Code Enforcement Officer shall automatically be made parties to the proceedings. Interested parties will be required to state for the record their name; residence; business or professional affiliation, the nature of their interest in the hearing and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency, or other legal entity for the purpose of the hearing.

5.4.6 The Chairperson gives a statement of the case and incorporates into the record, correspondence and reports filed with the Board prior to the hearing. This material shall be available for public inspection.

5.4.7 The applicant is given the opportunity to present his or her case without interruption.

5.4.8 The Board and interested parties may ask questions of the applicant through the Chairperson.

5.4.9 The interested parties are given the opportunity to present their testimony; starting with the proponents and followed by the opponents. The Board may call its own witnesses, such as the Code Enforcement Officer, planner or its consultant.

5.4.10 The applicant may ask questions of the interested parties and Board witnesses directly.

5.4.11 All parties are given the opportunity to refute or rebut statements made throughout the hearing.

5.4.12 The Board shall receive comments and questions from all observers and interested citizens who wish to express their views relating to the subject of the hearing.

5.4.13 The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All interested parties shall be notified of the date, time and place of the continued hearing, and the reason for continuance.

5.4.14 Upon such request made prior to, or during the course of the hearing, the Chairperson may permit persons participating in any hearing pursuant to these by-laws to file written statements or materials with the Board for inclusion in the record after the conclusion of the hearing within such a time and upon such notification of the other participants as the Chairperson may require.

5.4.15 Board members and its consultant have the right to prepare findings and conclusions at any public meeting prior to the decision being finalized.

5.5 The Board may waive any of the above rules, by majority vote, upon good cause shown.

5.6 After 14 days from the final decision, any participant or other member of the public may obtain a copy of the record from the Board upon the payment of the cost of transcription, reproduction, and postage

ARTICLE 6 DECISIONS

6.1 Decisions by the Board shall be made within the time limits established by state law and local ordinances and regulations.

6.2 The final decision on any matter before the Board shall be issued as a written order signed by the Chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearings shall constitute the record. All decisions shall become a part of the record and shall include; a specific statement of findings and conclusions as well as the reason or basis thereof, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief, or denial therefore. At a minimum, the record should specifically state that the applicant has/has not met all applicable State statutory requirements, all applicable municipal ordinances and regulations, and those legal documents shall be specifically referenced.

6.3 The Board, in reaching said decision, shall be guided by the standards specified in the applicable statute, ordinance, or regulation as well as community goals and policies, as specified in a comprehensive plan, and by the previous findings of the Board in similar cases.

6.4 Notice of any decision, including the findings and conclusions/minutes, shall be sent by registered mail, return receipt requested, to the applicant, his or her representative or agent, within 14 days of being rendered.

6.5 Decisions of the Board shall be filed in the office of the Town Clerk within 7 days of rendering, and shall be made a public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

ARTICLE 7 APPEALS

7.1 Appeal of the decision of the Board is governed by state and local laws.

ARTICLE 8 AMENDMENTS

8.1 The By-Laws may be amended by a majority vote of the Board at a regularly scheduled meeting.

ARTICLE 9 SEVERABILITY

9.1 The invalidity of this section or provision of these by-laws shall not be held to invalidate any other section or provision of these by-laws.

Adopted by vote of the Clinton Planning Board at a regular meeting on:

24 AUGUST 2007
Date

Michael C. Hartz, Sr.
Chairman

Vice-Chairman

Erna Marie Barba
Secretary

Member

Member

AMENDMENT: DATE OF FOLLOWING MEETINGS WILL BE DETERMINED AT EACH MEETING.