

# Northport Planning Board By-Laws

## Article I – Name

The name of this organization shall be the Planning Board of the Town of Northport (hereinafter referred to as “the Planning Board”).

## Article II – General Provisions

**Section 1.** Business of the Board shall be conducted in accordance with Maine Statutes, Town Ordinances, and Rules of Order.

**Section 2.** It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the Town upon which it may be expected to act, as well as with the applicable State statutes.

**Section 3.** These by-laws shall be construed so as to enable the Board to accomplish its duties and responsibilities in a just, speedy, and inexpensive manner.

## Article III – Purpose

**Section 1.** The purpose of the Planning Board shall be to implement ordinances applicable to Planning Board responsibilities of the town of Northport, Maine.

**Section 2.** The Planning Board shall have and exercise all powers as may be authorized or required by the ordinances of the Town of Northport and the laws of the State of Maine.

**Section 3.** It shall be the policy of the Planning Board to administer all pertinent laws, statutes, ordinances, etc. in a fair and impartial manner without regard for race, creed, national origin, ethnic background, sex, religious preference, handicap, and/or social community standing of any person. All decisions by the Board shall be made as expeditiously as possible, following careful consideration and due deliberation, with the interests of the individual or organization being considered equally with regard to the health, welfare, and future/best interests of the community.

## Article IV – Membership

**Section 1.** The Planning Board shall consist of five (5) regular members and two (2) alternate members, who shall be appointed by the Town Selectmen by majority vote. Regular members serve staggered three (3) year terms or less to initially implement three (3) year terms. Alternates are appointed by the Town Selectmen for (1) year terms. Applications of Interest shall be made in writing to the Select Board. Yearly appointments for new members and renewal of expired terms by the Town Selectmen shall be made within thirty (30) days (to the extent practical) of the adjournment of the Annual Town Meeting.

**Section 2.** When there is a permanent vacancy, the senior alternate may become a regular member to serve the unexpired term of the vacancy or the Town Selectmen may, as soon as possible, appoint another person to serve the unexpired term of vacancy.

**Section 3.** Alternate members shall attend all Planning Board meetings and participate in proceedings, but shall not vote unless designated by the Chairperson to act for a regular member who is absent or otherwise unable to vote.

Minutes of all Planning Board meetings shall be prepared and distributed to all Planning Board regular and alternate members before the next Board meeting where these minutes shall be officially approved, subject to corrections. Such approved minutes shall constitute the official record of the meetings of the Board. The Secretary shall post a copy of all approved minutes on the Town website.

Minutes of all meetings of the Planning Board shall be distributed to the members of the Board, Town Clerk, Town Administrator, and to such other persons as the Chairperson deems advisable.

Individual Board members may file with the Secretary, to become part of the permanent record, a Minority Report on any official proceeding of the Board involving a vote or Call for Question.

**Section 5.** An officer may be removed from office for cause, by a two-thirds majority vote of the regular members and alternates at a duly convened meeting of the Board.

(a) A special election of any available Board member shall be held at the next regular meeting or special meeting to fill an officer's vacancy to complete the unexpired term of an officer's responsibilities/office.

### *Article VI – Meetings*

**Section 1.** Regular meetings of the Planning Board shall be on the second Tuesday of each month, provided there is business to conduct, unless said date falls on a legal holiday or during severe weather. If the Chairperson, after consulting with the CEO, elects to cancel a regular meeting due to lack of business to conduct, the Chairperson or CEO shall notify all Planning Board members and the Town Clerk by the end of the business day on the Friday before the scheduled Tuesday meeting.

(a) Special meetings may be called by the Chairperson or at the call of more than half the regular members directed to the Chairperson. Emergency meetings may be called consistent with Maine law regarding notice requirements.

(b) A quorum of the Board that is necessary to conduct official business shall consist of at least three members of the five person Board. A concurring vote of a majority of those present and eligible to vote is required in order for the Planning Board to act officially. However, no official action may be taken unless the majority includes at least three votes.

(c) Meetings shall be open to the public, except when in executive session (MRSA 403).

**Section 2.** The order of business at regular meetings of the Board shall be as follows: Chairperson calls the meeting to order. Chairperson determines whether there is a quorum. Approval of the Minutes of the preceding meeting. Public Hearing (when scheduled), conducted per Section 3 of this article. Old Business. New Business. Administrative Business. Other Business. Public Comment. Adjournment.

To insure equal time for Board members' input during administrative business and/or other business, other persons attending the meeting will not be recognized by the Chairperson until such time as the Chairperson has designated the meeting as a "Public Comment."

During open discussion, the Chairperson will recognize and identify by name the interested parties who wish to speak. During open discussion, the Board shall receive comments and questions from all observers and interested citizens who wish to express their views. In unusually complex situations or where there is a large number of participants or where the circumstances are such that the input by the public would impede the meeting unreasonably, the Chairperson may require that such examination be conducted in the form of written questions submitted to the Board to be answered at a subsequent meeting.

All hearings conducted pursuant to these rules may be continued for reasonable cause and reconvened from time to time and from place to place as may be determined by a majority of the Board members present. Continuances may be granted at the request of any person participating in such hearing if it is determined that a continuance is necessary. This provision shall not be interpreted in such a fashion as to cause unreasonable or needless delay in any hearing.

All orders for continuance shall specify the time and place at which such hearing shall be reconvened. The Board or the Chairperson shall notify interested persons and the public in such manner as is appropriate to insure that reasonable notice will be given of the time and place of such reconvened hearing.

#### **Section 4. Evidence**

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

(b) The Board may, at any time, take notice of judicially cognizable fact, generally recognized facts of common knowledge to the general public and physical, technical or scientific facts within the specialized knowledge of the Board.

(c) Documentary and Real Evidence: All documents, materials and objects offered as evidence shall, if accepted, be numbered or otherwise identified. Documentary evidence may be received in the form of copies of excerpts if the original is not readily available. The CEO or the Chairperson shall provide the Board with an appropriate number of copies of such documents or photographs, unless such documents or photographs are determined to be of such form, size or character as not be reasonably susceptible of reproduction. All documents, materials and objects accepted into evidence shall be made available during the course of the hearing for public examination and explanation and shall become part of the record of the proceedings.

(d) All objections to rulings of the Chairperson regarding evidence or procedure shall be made during the course of the hearing. If after the close of the hearing and during its deliberations, the Board determines that any ruling of the Chairperson was in error, it may reopen the hearing or take other action as it deems appropriate to correct the error.

**Section 5.** The record of the hearing shall consist of the recording of the hearing, all exhibits, all briefs, proposed findings and rulings thereon, and any proposed findings of fact and conclusions of the Chairperson. Such record shall be reported to the Board for its decision.

Any participant or other member of the public may obtain a copy of the record from the board upon payment of the cost of transcription, reproduction and postage.

#### **Article VII – Conflicts of Interest**

**Section 1.** No Planning Board member shall vote on any question in which he or she has a direct or indirect pecuniary interest. (30 MRS 2251)

**Section 2.** A Planning Board member shall be deemed to have a direct or indirect interest in a question where he or she is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates only where the member is directly or indirectly the owner of a least ten percent interest in the business or other economic entity. (30 MRS 2251)

**Section 3.** On any question where a Planning Board member has direct or indirect pecuniary interest, the member shall make full disclosure of his interest prior to any action being taken and shall abstain from

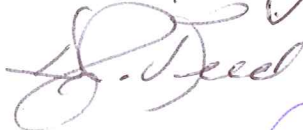
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Approved and accepted on the 8<sup>th</sup> day of May, 2012

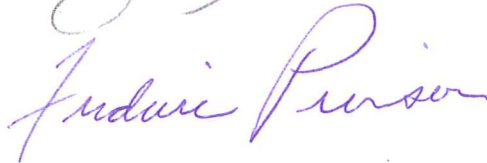
Chairperson



Vice-Chairperson



Member



Member

Member

Member (Alternate)

Member (Alternate)

