

# Town of North Yarmouth Planning Board Bylaws

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## **Section 1. Purpose and Scope**

The purpose of these bylaws is to establish reasonable rules of procedure for Board meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

## **Section 2. Officers and Duties**

- A. Officers of the Board shall consist of a Chairperson and Secretary to be chosen annually at the first regular meeting occurring on or after in July 1, of each year by ~~and from among the~~ regular ~~voting~~ Board ~~Members~~ members and alternate Board members, unless otherwise provided by law. The membership may elect either a regular member or an alternate member to serve as an officer of the Board, but an alternate member serving as Chairperson shall have no vote on any matter, unless serving for that meeting as a regular member pursuant to Section 4(F).
- B. The Chairperson shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure to maintain order. ~~He/she~~ shall determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs.
- C. The Chairperson also shall, together with the Code Enforcement Officer, set the agenda for each meeting.
- D. In the absence of the Chairperson, the Secretary shall preside and shall have the same authority as the Chairperson for that meeting. In the absence of both the Chairperson and Secretary from a meeting, where a quorum of regular and alternate members ~~and alternates~~ exists, the ~~quorum~~ members present shall vote to appoint a ~~regular voting b~~ Board member to preside over the meeting, ~~and which member will shall~~ have the same responsibilities as an officer for that meeting.
- E. The Secretary or designee shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.
- F. In the event of a vacancy in either the ~~secretary~~ Secretary or ~~chair~~ Chairperson position, the ~~planning board~~ Board shall fill the vacancy with a ~~regular voting board~~ Board member (either a regular member or an alternate member) by majority vote at a regular or special meeting.

## **Section 3. Meetings**

- A. The regular meeting of the Board shall ~~generally~~ be held once a month on the second Tuesday of each month, unless there is no business to conduct.  
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- B. The annual organizational meeting of the Board shall be the first regular meeting in July of each year.
- C. Special meetings of the Board may be called by the Chairperson with no less than forty-eight (48) hours written notice of the time, place and business of the meeting. ~~This~~ notice shall be given to each

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member of the Board, the Code Enforcement Officer, the press, and shall be posted on all Town forms of electronic media communications and designated public notice locations.

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- D. The Chairperson shall call a special meeting within ten (10) days of receipt of a written request from any three (3) members of the Board, whose request shall specify the matters to be considered at said special meeting.
- E. The order of business at regular meetings of the Board shall be as follows:
  - 1) Call to Order
  - 2) Public Hearing(s) (when scheduled)
  - 3) Approval of the Minutes of the Preceding Meeting(s)
  - 4) Old Business
  - 5) New Business
  - 6) Any other business
  - 7) Adjournment
- F. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except as permitted by applicable provisions of Maine law.

## **Section 4. Voting**

- A. A quorum shall consist of three (3) members of the Board.
- B. No hearing or meeting of the Board shall be held, nor may any action be taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairperson to call a special meeting for a subsequent date.
- C. All matters shall be decided by a show of hands vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the total number of regular members of the Board. Alternate members of the Board may participate in any agenda item, but shall have no right to vote on any matter except to elect the Chairperson and Secretary.
- D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
- E. If a member has a conflict of interest, that member shall not be counted by the Board in establishing the quorum for the matter in which he or she has a conflict and shall not participate in or vote on such matter.
- F. The Chairperson shall appoint an alternate member to act for a regular member who is: disqualified from voting, unable to attend the meeting or absent from a substantial portion of the meeting due to late arrival. The alternate member will act as the regular member until the case is decided.
- G. No member shall vote on the determination of any matter requiring a public hearing unless he or she has attended the public hearing. However, where such a member has familiarized himself or herself with the matter ~~by reading the record and listening to or watching any audio or video recording of the meeting(s)~~ from which the member was absent and represents on the record that he or she has

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done so, that member ~~-~~shall be qualified to vote on that matter.

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## **Section 5. Reconsideration**

- A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all parties and make any change in its original decision within fourteen (14) days of -its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
- B. Reconsideration ~~should~~must be for one of the following reasons:
- ~~1)~~ The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
  - 1)
  - ~~2)~~
  - 3)2) The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

## **Section 6. Conflict with Laws**

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

## **Section 7. Waivers; Amendments**

These bylaws, or any provision thereof, may be waived on any occasion by a majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by a majority vote of the Board on the proposed amendment.

Adopted: February 11, 2014.

Amended: December 13, 2016

Amended: October 4, 2022

Amended: \_\_\_\_\_, 2022