

Rules of Procedure

Damariscotta Board of Selectmen

Section 1. Purpose and Scope

The purpose of the rules of procedure 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 rules shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their intended purpose. Authority to adopt such rules is articulated within the Town Charter (Article II, Section 2.03 A 4) These rules are intended to supplement those contained within the Town Charter.

Section 2. Officers; Duties

Officers of the Board shall consist of a Chairman, First Vice Chairman and Second Vice Chairman to be chosen annually as prescribed in the Town Charter. The Chairman shall preside at all Board meetings and shall have the authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these rules or other law to enable the Board to perform its duties and conduct its affairs. The Chairman shall declare all votes, but if any member doubts a vote, the Chairman shall cause a return of the members voting in the affirmative and in the negative without debate. The Chair also shall, together with the Town Manager, set the agenda for each meeting. In the absence of the Chairman, the First or Second Vice-Chairman shall preside and shall have the same authority as the Chairman. The Secretary to the Board (appointed annually per the Town Charter) shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be public record except as otherwise provide by law.

Section 3. Meetings

Regular meetings of the Board shall be held on the first and third Wednesdays of each month or as otherwise necessary or required by law. If the regularly scheduled meeting falls on a recognized holiday the Board may schedule a meeting at an alternate date. Special meetings may be called at the discretion of the Chairman, first or second vice-Chairman or upon request of a majority of the Board, provided, however, that notice thereof shall be given to each member and shall give appropriate notice thereof to the public. All meetings of the Board of Selectmen shall be open to the public and the public shall have the opportunity to be heard. However, the Board may recess for an executive session for any reason permitted by law.

No business may be conducted by the Board except at a duly called meeting or without a quorum. The order of business at regular meetings shall be as follows:

1. Pledge of Allegiance
2. Public Hearings

3. Call to Order
4. Official Action on Public Hearing Items
5. Meeting Minutes
6. Financial Reports
7. Presentations
8. Citizen Comments and General Correspondence
9. Town Manager Items
10. Official Action Items
11. Selectmen's Discussion Items
12. Other Business
13. Adjournment

Executive Sessions (closed to the public): The ability of the Board of Selectmen to conduct executive sessions is restricted by state law. A motion to go into executive session shall indicate the precise nature of the business of the executive session and will include the appropriate statutory reference.

It is critical to stress that there shall be no violation of closed session confidential information. Members of the Board, employees of the Town, or anyone else present shall not disclose to any person, including effected/opposing parties, the press or anyone else, the content or substance of any discussion which takes place in closed session without Board direction and concurrence.

Typically, executive sessions will be scheduled prior to the public portions of the meeting or at the end of the meeting after the public business has been concluded. This is done so the public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain.

Placing Items on the Agenda:

Selectmen: A Selectman may request an item to be considered on a future agenda. Such request shall be submitted to either the Chairman or the Town Manager by noon the Friday preceding the next regularly scheduled meeting. Informational material to be included within the Selectmen's packet shall be delivered to the Town Office by noon on the Friday prior to the meeting, so that it can be copied and distributed to the Board.

Members of the Public: A member of public may request an item and/or petition to be placed on a future agenda through communications with a Board member or the Town Manager. The same deadlines as for Selectmen apply.

Emergency Items and Items not on the Agenda: Emergency items and items not the agenda may be added to an agenda. Items not on the agenda may be added to the agenda only if (1) the need to consider the item arose after the posting of the agenda and; (2) there is a need to take immediate action at this meeting of the Board of Selectmen.

Public Input at Meetings:

Persons wishing to address the Board on an item which appears on the agenda shall wait until the Chairman announces the consideration of such item. The Chairman shall provide the Selectmen the opportunity to provide comments and ask questions before opening the floor to members of the public. Any person desiring to address the Board shall signify his desire by raising his hand and when, recognized by the Chair, shall speak into the microphone provided for such purpose, shall state his name and address in an audible tone for the record, and shall limit his remarks to the question under discussion. All remarks and questions shall be addressed to the Board as a whole and not to any individual member thereof. All remarks and questions addressed to the administration of the town shall be addressed to the Town Manager and not to any individual town employee. No persons other than the members of the Board and the person having the floor shall enter into any discussion either directly or through a member of the Board without the permission of the Chairman.

Persons wishing to address the Board of Selectmen on any item not appearing on the agenda may do so during the Citizen Comments portion of the agenda.

The Chairman, with the consent of the Board, may allow for additional public comment and participation or to impose time limits and special rules for recognition when, in the opinion of the Chairman, such action will advance the efforts of the Board in the conduct of its affairs and promote citizen participation in the conduct of the Board affairs.

Section 4. Public Hearings

Public hearings of the Board shall be called as required by law or on such other occasions, as a majority of the Board may deem appropriate. Notice of all such hearings shall be given as required by law and shall indicate the date, time and place of the hearings and a general description of the subject matter. All public hearings, unless specifically set by the Board of Selectmen for a different time, shall commence prior to the beginning of the Board's regular meeting.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided however formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have adequate opportunity to be heard.

Section 5. Participation and Voting.

Any action of the Board shall require the affirmative vote of a majority of its membership unless otherwise provided by law. No action of the Board shall be binding or valid unless adopted by affirmative vote of three Board members.

No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any questions of whether a member has such a conflict of interest or other disqualification shall be decided by a majority vote of the remaining members.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairman for good cause shown.

Board members may participate in meeting discussion and vote via electronic communications in accordance with the policy adopted by the Board on August 15, 2012.

Section 6. Decisions.

All decisions of the Board shall be made within the time limits, if any, established by law. All decisions shall be in writing, shall become part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore. All such decisions, together with any recordings or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional testimony.

Section 7. Suspension of the Rules.

The rules shall not be dispensed with or suspended unless a majority of the Board consents thereto. No rules shall be amended or appealed without notice of such action being placed on the agenda.

Section 8. Workshop Sessions

Workshop sessions may be scheduled by the Chairman for the purpose of dissemination information for Board education and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chairman, related to the subject of the workshop session.

Section 9. Email Communications Among Selectmen And Town Manager


Selectmen as well as the Town Manager may use email to coordinate and facilitate meeting schedules and agenda or to advise the membership of an impending absence. The Town Manager may also use email to provide the Board with timely information on current topics or to forward citizen and other communications. Selectmen and the Town Manager shall refrain from using this medium for two-way conversations that are more appropriate for public meetings.


Section 10. Conflict with Laws, Ordinance or Town Charter


Any conflict or inconsistency between these bylaws and any applicable law, town ordinance or the Town Charter shall be resolved in favor of the law, ordinance or charter.

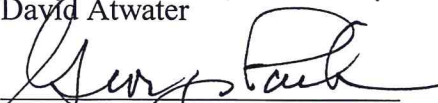
Adopted October 15, 2014.

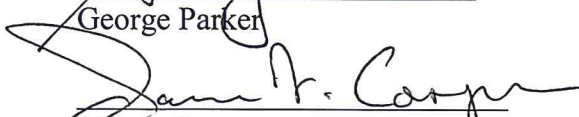
Municipal Officers for the Town of Damariscotta:


Ronn Orenstein, Chairman


Robin Mayer


David Atwater


George Parker


James Cosgrove

Witnessed by:
