

Planning Board Ordinance of the Town of Blue Hill, Maine

Originally Adopted and Effective:

October 30, 1992

Amended and Restated Effective:

January 31st, 2023

Certified By:

	<u>1/24/23</u>
	<u>1/24/23</u>
	<u>1/24/2023</u>
	<u>1/24/2023</u>
 Municipal Official	<u>1/29/2023</u> Date

Attest: True Copy

 Town Clerk	<u>1/31/2023</u> Date
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Planning Board Ordinance
of the
Town of Blue Hill, Maine

I. AUTHORITY

1. The Blue Hill Planning Board (the Board) is hereby reestablished pursuant to the enabling provisions of Article VIII, Part 2 of the Maine Constitution (Municipal Home Rule) and the provisions of 30-A M.R.S.A. § 3001 (Home Rule). This ordinance supersedes and revokes any previous Planning Board ordinance.
2. This ordinance shall be known as the "Planning Board Ordinance of the Town of Blue Hill, Maine," and shall take effect and be in force from the date of its adoption at a Town Meeting.

II. DUTIES OF THE BOARD

1. The Board shall perform such duties and exercise such powers as are provided for by town ordinance and the laws of the State of Maine.
2. The Board shall propose new ordinances and revisions to the town's comprehensive plan and existing ordinances, as it deems appropriate and in accordance with State law.

III. BOARD MEMBERSHIP

1. Board members shall be elected at the annual Town Meeting (or appointed pursuant to Section III (3) and sworn in by the Town Clerk or other person authorized to administer oaths.
2. The Blue Hill Planning Board shall consist of seven (7) members, each a resident in the Town of Blue Hill. The term of each member shall be three (3) years. The terms shall be staggered such that no more than three (3) terms end in any given year.
3. A vacancy shall be deemed to exist upon the resignation or death of any member, or when a member:
 - A. fails to attend at least 75% of all meetings during the preceding twelve (12) months,
 - B. ceases to be a resident of the Town of Blue Hill, or
 - C. otherwise becomes unable to serve.

The Board may, if it determines by majority vote that a member's failure to meet the attendance test specified above is for good reason, waive the application of this test in determining whether a vacancy exists.

4. In the event of a vacancy on the Board, the Chairperson, upon approval by the Board, shall immediately notify the municipal officers. The municipal officers shall within sixty (60) days of its occurrence appoint a person to serve for the remainder of the unexpired term associated with the vacancy.

5. A written letter of resignation must be received by the Chairperson or the municipal officers before a resignation can be accepted.
6. A Board member may not hold an incompatible appointed, or elected, position within the Town of Blue Hill government. Two offices shall be deemed incompatible if the duties of each are so conflicting that one person holding both offices would not be able to perform the duties of each with undivided loyalty. A municipal officer may not be a member of the Board.
7. Upon the request of the Planning Board, the municipal officers shall make reasonable effort to appoint, within sixty (60) days of such request, an Alternate Member to the Planning Board. The Alternate Member may attend all meetings and participate in discussions. In the event that a Planning Board member is absent from a meeting or is unable to participate in a matter before the Planning Board, the Planning Board Chair may designate the Alternate to vote on decisions at such meeting or with respect to such matter. Alternate Members shall serve for a term ending at the second annual Town Meeting after their date of appointment (i.e., a term of not less than one year and not more than two years, unless re-appointed).

IV. ORGANIZATION AND PROCEDURES

1. At its first meeting after town meeting, the Board shall elect by majority vote a Chairperson and Vice Chairperson from among its members. The Board may either elect a secretary from among its members or hire a non-Board member to serve as secretary. The secretary shall be responsible to keep a faithful record of all meetings of the Board, and generally to perform such duties as may be required by the Chairperson and the Board. Vacancies in any office may be filled at any time by members of the Board.
2. A quorum of the Board necessary to conduct an official Board meeting and to render a decision shall consist of at least four (4) members. The Board shall act by majority vote of the members present and voting.
3. The Board shall adopt rules of procedure for the conduct of public hearings, meetings, and other matters, and the Board shall keep minutes of all meetings. Copies of the minutes shall be distributed to all members and made available for public inspection.
4. The Chairperson shall be responsible for calling Board meetings and for setting the agenda. The Chairperson shall preside at all meetings and be the official spokesperson of the Board. In the absence of the Chairperson, the Vice Chairperson shall preside over meetings of the Board.

V. MEETINGS

1. The Board shall hold regular monthly meetings, unless the Chairperson determines that there is no pending business requiring the Board's attention.
2. Special meetings may be called by the Chairperson or by a majority of the Board.

3. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.
4. All meetings shall be open to the public except executive sessions as provided under the laws of the State of Maine.
5. The Board shall request one annual meeting with the municipal officers.

VI. CONFLICTS OF INTEREST

1. Direct or indirect pecuniary interest

- A. Board members shall make full disclosure of any interest that may have a bearing on questions before the Board, whether or not such interest is a direct or indirect pecuniary interest as hereinafter defined.
- B. A Board member is deemed to have a direct or indirect pecuniary interest in a question when that member is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or the member is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.
- C. When a member is determined to have a direct or indirect pecuniary interest in a question, the member shall abstain from voting and from otherwise attempting to influence a decision in which that member has such an interest. The member's disclosure and a notice of abstention from taking part in all related decisions shall be recorded in the minutes of the Board.

2. Interest by family relationship

As per 1 M.R.S.A. §71, a relationship within the sixth degree between a Board member and a party appearing before the Board, shall disqualify that Board member from voting on the question presented. The member's disclosure of the relationship and a notice of abstention from taking part in all related decisions shall be recorded in the minutes of the Board.

3. Avoidance of appearance of conflict of interest

Every Board member shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.

4. Abstention by reason of interest

If any member having a pecuniary interest in a question, a disqualifying relationship as defined in Section VI (2) above, or other conflict of interest, declines to abstain from voting, and if any interested party or other Board member so requests, the remaining Board members shall by majority vote determine whether the challenged member shall be disqualified from voting on the question.

VII. FUNDS, SERVICES, SUPPLIES

All funds appropriated for the Board shall be expended under the supervision of the municipal officers. The Board may obtain goods and services necessary to its proper function. The Board shall be supplied with a paid recording secretary for its meetings.

VIII. VALIDITY AND SEPARABILITY

Should any section or provision of this ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this ordinance.