

Bylaws of the Select Board Town of Livermore Falls, Maine

Adopted 12/20/2022

Revised 2/21/2023

Revised 5/16/2023

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Select 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 Duties

A Chairperson and Vice Chairperson shall be chosen annually at the first regular meeting after the annual municipal election by and from among Board members unless otherwise provided by law. The Chairperson shall preside at all Board meetings and shall have 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 bylaws or other law to enable the Board to perform its duties and conduct its affairs. The Chairperson also shall, together with the Town Manager, set the agenda for each meeting. In the absence of the Chairperson, the Vice Chairperson shall preside and shall have the same authority as the Chairperson. The town Manager 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. Other than the Budget Committee, the Chairperson or Vice Chairperson will appoint one or more Select Board members to be on said Committee.

Section 3. Meetings

Regular meetings of the board shall be held on the first and third Tuesday of each month or as otherwise necessary or required by law. Special meetings may be called at the discretion of the Chairperson or upon the request of the majority of the Board provided, however, that notice thereof shall be given to each member and to representatives of the press at least 24 hours in advance and that no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being present. The order of business at regular meetings shall be as follows unless amended by the board. The Chairperson may reorder when a public hearing or Executive Session occurs on the agenda for the convenience of parties thereto.

1. Call to order and determination of quorum
2. Minutes of previous meeting(s) and communications

3. Public Hearings (as appropriate)
4. Old Business
5. New Business
6. Warrants/Abatements/Deeds/Quit Claim
7. Board Discussion
8. Department Reports
9. Town Manager Report & Discussion
10. Public Comment (if time permits)
11. Executive Session (as appropriate)
12. Adjournment

Section 4. 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 hearings shall be given, as required by law, and shall include the date, time and place of the hearing and a general description of the subject matter.

The Chairperson 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, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairperson and without interruption, provided, however, that the Chairperson may impose such reasonable limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chairperson, provided however, that the Chairperson may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 5. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its members, unless otherwise provided by law.

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 question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members.

No member may participate or vote in any adjudicatory proceeding, including proceeding 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 unless excused by the Chairperson for good cause shown. In all matters, members may vote in the affirmative, negative or abstain.

Section 6. Decisions

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a 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 thereof. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be public record, except otherwise provided by law.

Notice of any decisions, 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 30 days. Notice of any 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 evidence and testimony as provided herein.

Section 7. Conflict with Laws

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

Section 8. Waivers & Amendments

Any provision of these bylaws thereto, may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the Board after notice and public hearing on the proposed amendment.

Signed this 16th day of May, 2023 at Livermore Falls, Maine

Jim Long
Chairperson

Ernie Souther
Vice Chairperson

James Cyr

William Kenniston

Bruce Peary

Select Board of the Town of Livermore Falls, Maine

Amanda Allen, Town Manager