

**- PUBLIC MEETING -**  
**Rockport Select Board Organizational Meeting**  
Wednesday, August 19, 2020, 5:30 p.m.  
Rockport Opera House Auditorium  
Streamed at <https://livestream.com/Rockportmaine>

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**Please note: Due to the pandemic, the Select Board has been authorized by the state to meet remotely or in-person without the public present as long as the public can view and hear the meeting and provide comments. At this meeting, the Board will be meeting in-person and broadcasting the meeting through livestream. Public comments or questions should be sent to the Town Manager at [wpost@rockportmaine.gov](mailto:wpost@rockportmaine.gov) or can be provided remotely through the livestream of the meeting.**

**Organizational Meeting Agenda**

- I. Call Meeting to Order by Town Clerk**
- II. Elect a Chair**
- III. Elect a Vice-Chair**
- IV. Elect an Authorized Representative and Alternate to sign Warrants for the Expenditure of Funds**
- V. Distribution of Select Board Bylaws**
- VI. Establish Time and Place for Regular Meetings**
- VII. Distribution of the past year's (2019-2020) Select Board liaison assignments**
- VIII. Act on Amendment to Liquor License Application for Ports of Italy - Rockport**
- IX. Adjourn**

## **V. Distribution of Select Board Bylaws**

### **Manager's Comments: Discussion item**

According to Town Charter, Article II, Section 11B: "The Board shall determine, at its organization meeting its own rules and order of business for the ensuing year; such rules to be recorded and made available for public inspection and publication. In developing rules, the Board shall endeavor to establish and follow parliamentary procedures."

In your materials are the current Select Board Bylaws and some samples from other municipalities for your consideration. The bylaws will be on the agenda for your next meeting.



## **Bylaws of the Select Board of the Town of Rockport, Maine**

### **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/or Charter of the Town of Rockport and shall be liberally construed so as to accomplish their purpose.

### **Section 2. Officers; Duties**

Officers of the Board shall consist of a Chair and Vice Chair to be chosen annually at an organizational meeting of the Board to be held within twenty-four (24) hours of the town election in June. The Chair 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. The Chair also shall, together with the Town Manager, set the agenda for each meeting. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair. 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.

### **Section 3. Meetings**

Regular meetings of the Board shall be held on the second (2<sup>nd</sup>) Monday (or the day following if Monday is a holiday) of each month (except June when the meeting shall be the fourth (4<sup>th</sup>) Monday) or as otherwise necessary or required by law. Special meetings may be called at the discretion of the Chair or upon the request of a majority (three) of the Board, provided, however, that notice thereof shall be given to each member and to representatives of the press at least forty-eight (48) hours in advance and that no business may be conducted other than as specified in said notice. Workshops may be called at the discretion of the Chair or upon the request of a majority (three) of the Board, and shall include informal discussion of the matter at hand, but will not include formal action.

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 at which a quorum consisting of a majority of the Board is present. The order of business at regular meetings shall be determined by the Board.

## **Section 4. Hearings**

Public hearings of the Board shall be called as required by law or on such other occasions, as a majority (three) of the Board may deem appropriate. Notice of all such 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 Chair 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 Chair and without interruption, provided, however, that the Chair may impose such reasonable time 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 Chair, provided however, that the Chair 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 (three) of its membership 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 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 Chair for good cause shown. If a member does abstain from a vote, other than because of a recognized conflict of interest, the abstention shall be considered an affirmative vote.

## **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 included in the official minutes, 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 therefore. 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 a public record, except as otherwise provided by law.

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

## **Section 7. Performance Reviews of Town Manager**

The Select Board shall hold a goal setting session no later than August 31<sup>st</sup> to establish the goals for the coming year for the Town Manager. Additionally, the Select Board shall conduct a formal, written review of the Town Manager's performance which shall be completed annually no later than May 31<sup>st</sup> of each year.

## **Section 8. Conflict with Laws**

Any conflict or inconsistency between these Bylaws and any applicable law or the Town Charter shall be resolved in favor of the law and/or the Charter of the Town of Rockport.

## **Section 9. Parliamentary Authority**

The rules contained in the current edition of "Robert's Rules of Order Newly Revised" shall govern the Select Board in all cases to which they are applicable and in which they are not inconsistent with these Bylaws, applicable state and federal statutes, the Charter of the Town of Rockport, and any special rules of order the Select Board may adopt.

## **Section 10. Waivers; Amendments**

These Bylaws, or any provision thereof, 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 (three) vote of the Board after notice and public hearing on the proposed amendment.

**Adopted by the Board on January 22, 2001**

**Revised by the Select Board on August 13, 2007**

**Revised by the Select Board on June 27, 2011**

**Revised by the Select Board on June 25, 2012**

**Revised by the Select Board on December 10, 2012**

**Revised by the Select Board on October 15, 2013**

**Revised by the Select Board on June 23, 2014**

**Revised by the Select Board on August 22, 2016**

**Revised by the Select Board on October 23, 2018**

**Approved by the Select Board on June 12, 2019**

**Approved by the Select Board on September 9, 2019**

**BY-LAWS  
BOARD OF SELECTMEN  
SALEM, NEW HAMPSHIRE**

**A. PURPOSE:**

These By-Laws describe the duties and methods of operation of the Salem Board of Selectmen. In addition, the Board of Selectmen will adhere to the Code of Ethics for Selectmen Chapter 33, Article 1.

**B. AUTHORITY:**

The Board of Selectmen is an elected Board and derives its authority from NH RSA 41:8, other RSA 's, and Town of Salem Ordinances. The Town Manager derives his/her authority from NH RSA 37.

**C. ORGANIZATION:**

**1. Responsibilities of Members:**

- (a) All members shall make every effort to attend each scheduled meeting.
- (b) Members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound by any action or statement of any individual Board member except when such statement or action is pursuant to instructions from the Board.
- (c) Members are expected to sign various paperwork (including payroll manifests, etc.) in a timely manner, unless impending absence has been noted and the Chairman notified. The signing of this paperwork may either performed via physical means or by electronic document signature. All such signatures shall be in conformance with State Law.

**2. Officers:**

- (a) Election - A Chairman, Vice-Chairman and Secretary shall be elected at the first regularly scheduled meeting following the swearing in of members elected at the annual Town Meeting. Election shall be by a majority vote of those present.

Board of Selectmen vacancies created during the year shall be filled within forty-five (45) days of the effective date of the vacancy. Such vacancies shall be filled via appointment of the Board of Selectmen by the remaining Board members. The Chairman will issue a call for candidates, set the parameters for the applications, and schedule a public meeting for the purpose of making the appointment. All such appointments and related timing will adhere to the then current New Hampshire State law.

- (b) Duties - The Chairman shall preside at all meetings of the Board and perform all duties required by law.

In the absence of the Chairman, the Vice-Chairman shall preside and assume all duties and responsibilities of the Chair.

The Secretary shall preside in the absence of the Chairman and Vice-Chairman. The Secretary is the custodian of the official minutes and shall sign them as revised and approved and shall forward them to the Town Manager's office for filing and storage.

**3. Committees:**

The Chairman may delegate members of the Board to investigate Town matters, to serve on committees, and to perform other duties.

**D. OPERATION:**

**1. Meetings:**

- (a) Organizational Meetings - An organizational meeting to elect officers shall be held in accordance with C.2(a). The Board may adopt the previous Board's policies and procedures, subject to amendment as provided in these by-laws. The Board shall establish a schedule for meetings.
- (b) Regular Meetings - A more formalized meeting of the Board generally conducted in accordance with the order of the "Agenda" contained herein.

The Chairman may allow, but is not required to allow, public input and/or participation during discussion of the Board at time other than public hearings or public comment. This will be limited to comments on the motion under consideration.

- (c) Workshop Meetings - A less formalized meeting of the Board generally conducted for the purpose of providing Board members with a more detailed understanding of a limited number of issues or to permit discussion of issues in greater depth.
- (d) Non-Public Meetings - A meeting of the Board held for town legal and personnel issues in accordance with RSA 91-A:3. All non-public meetings requested by a member of the Board of Selectmen will follow the Non-Public Meeting Requests & Rules of Procedure as adopted by the Board of Selectmen in 2012. Further, for the purpose of Non-Public Meeting Minutes, the Secretary shall list any documents that the Board is provided for review and discussion. This list shall contain the document title, date and author.



- (e) There are a few specific situations where the Board of Selectmen is permitted under law to conduct official business without posting notice of a meeting or taking minutes as set forth in RSA 91-A:2, I. These non-meetings may be held during the course of a non-public session or at any other time that is convenient to the participants. The scheduling of any such meeting will be managed by the Chairman.
- (f) Special Meetings - May be called by the Chairman in accordance with RSA 91-A:2,II; upon demand of three (3) members of the Board; or at the request of the Town Manager through the Chair. The Chairman shall notify each member in accordance with RSA 91-A:2,II.
- (g) Committee Meetings - Meetings shall be called by the Chairman of the committee under the rules governing special meetings.

**2. Schedule of Meetings:**

Shall be published monthly. Each meeting shall be posted in accordance with RSA 91-A.

**3. Reports of Committees:**

Written/Oral reports from committees received by the Board shall be filed with and distributed with the minutes of the Board.

**4. Review of Audit Reports:**

The Board shall review the audit report as soon as the report is made available and take any action related thereto.

**5. Water & Sewer Commissioners**

As part of their responsibilities as Water & Sewer Commissioners, the Board shall conduct an annual review of the Unreserved Water and Sewer Funds with the Town Manager and Finance Director each September. The Board shall then vote to set Water and Sewer Rates no later than October 1<sup>st</sup> for billing the following January 1<sup>st</sup>. A vote shall be recorded even if the determination is made that the rate(s) should not change.

**6. Town Manager**

Annually, the Board of Selectmen are responsible for evaluating the job performance of the Town Manager. It is the Chairman's responsibility to coordinate the evaluation, including obtaining input from the other members of the Board, aggregating that information, and presenting to the Board a comprehensive draft of the evaluation document. The current seated Board of Selectmen must complete the final evaluation document prior to the next annual election.

The final evaluation document shall remain on file in the Human Resources Department.

**E. RULES OF ORDER:**

1. **Quorum** - A quorum shall consist of three (3) members of the Board. In the event that three (3) members are absent from a meeting, no official meeting can take place and therefore no decisions can be made.
2. **Remote Participation in Meetings** – The provisions of RSA 91-A:2, III shall apply to the remote participation of a Selectman at a public meeting of the Board by telephone or video conference, only upon the consent and majority vote of the remaining members of the Board.
3. **Votes** – It is illegal for the Board of Selectmen to make any decisions by use of a secret ballot or by email or in such a way that is contrary to the Right-to-Know Law. Further, Selectmen should disqualify themselves from the Board and step down from all participation in deliberations (including voting) on any subject matter where there is a conflict of interest or perceived conflict of interest. A Selectmen should disqualify himself/herself whenever he/she has a direct personal or pecuniary interest in the outcome.
4. **Voting Abstentions** – In the event that a Selectman should voluntarily abstain from voting, such action shall not count towards the tally of a vote for the purpose of determining the majority viewpoint. If more than one Selectman abstains from a vote, no action shall be taken.
5. **Agenda** – The Town Manager bears the primary responsibility for coordinating and planning the Agenda. The Chairman has the final authority over the final approved agenda, timing, schedules and related matters. The Agenda shall be published with meeting notice, and included in the minutes. A suggested agenda is provided below. It may be changed by the chair or by vote of the Board.

**AGENDA**

- Call to Order
- Meeting Minutes
- Chairman Comments
- Agenda Items
- Town Manager's Report & Board Questions
- Old Business/Tabled and Pending
- Additions and/or Requests by Public or Board by Vote  
*Please note that unscheduled matters are limited to a 15-minute discussion*
- Adjourn

- (a) Selectmen wishing to place an item on the agenda must make the request to the Town Manager and Chairman before Wednesday at 12:00 p.m. prior to a Monday meeting. Citizens wishing to place an item on the Selectmen's agenda and plan to make a presentation must provide a copy

of all presentation material and documentation to be included in each selectman's "packet" by Thursday at 9:00 a.m.

- (b) Adjournment - A motion for adjournment will usually not be in order until after the completion of the order of business, unless a motion has been made at the start of the meeting to adjourn at a specified time.

**3. Role of the Chairman:**

The Chairman's duties are as follows:

- To open the session at the time at which the Board is to meet by calling the members to order; to announce the business before the Board in the order in which it is to be acted upon;
- to recognize members entitled to the floor;
- to state and put to vote all the questions which are regularly called or necessarily arise in the course of the proceedings and to announce the result of the vote;
- to protect the Board from annoyance;
- to assist in expediting all business in every way compatible with the rights of the members, as by allowing brief remarks when un-debatable motions are pending or by calling a brief recess to permit restoration of order or clarification of an obscure point if he thinks it advisable;
- to restrain the members when engaged in debate within the rules or order;
- to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal by any two (2) members) unless he prefers to submit the question for the decision of the Board;
- to inform the Board on a point of order or practice pertinent to pending business;
- to ensure that Board communication abide by all aspects of the NH Right-to-Know Laws;
- to authenticate by their signature, when necessary, all acts, orders and proceedings as directed by vote of the Board.

The Chairman shall issue calls for candidates and specify dates for return of applications for positions appointed by the Board.

The Chairman shall vote as a member of the Board.

Discussions which are not addressing the business before the Board, or which are conducted in a disorderly or disrespectful manner, shall be ruled out of order. The Chairman shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

**4. Role of the Vice-Chairman:**

Please see section C.2(b) above.

**5. Role of the Secretary:**

Please see section C.2(b) above.

**6. Conduct of Meetings:**

Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of dispute regarding procedural matters, Robert Rules of Order shall serve as a guideline with a vote of the Board being the final deciding authority.

**7. Recording of Votes:**

Votes shall be by a show of hands or by a roll call. The vote of each member present shall be recorded. No action shall be considered at a subsequent meeting in the same calendar year except by majority vote of the members present and voting.

**8. Requests for Information:**

(a) Should it become apparent to the Chairman or an individual Board member, in the interim between meetings, that additional information relative to a specific item may be needed for Board use at the next regularly scheduled meeting, a request for this information shall be submitted to the Chairman and Town Manager before the agenda is set.

(b) Requests for information from other Board members from the Town Manager, Town Counsel, Department of Revenue Administration, or the Attorney General's Office shall be made through the Chairman. The Chairman shall decide if he/she wants the Town Manager to proceed with the request. Should the Chairman deny the request, the requesting member may bring the issue to the full Board at its next regular meeting for the majority to rule on.

Any information provided to any individual Selectman shall be provided to the rest of the Board.

**F. EMPLOYEES:**

**1. Duties:**

The Recording Clerk shall be the official recorder of the minutes of the Board of Selectmen and an official copy of the records are to be filed in the Selectmen's Office and open to inspection by any person at reasonable times. In addition to keeping the minutes of the meetings, it is the duty of the Recording Clerk to keep a roll of members and to call the roll when required. The Recording Clerk shall record the essentials called "the minutes" of the proceedings as follows:

- (a) The kind of meeting - regular, special, work session, or recessed.
- (b) Time of meeting and place of meeting
- (c) The presence/absence of Board members
- (d) The presence of Town staff, attorneys or other participants
- (e) Whether the minutes of the previous meeting were approved or amended.
- (f) All main motions and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn.
- (g) The hour of adjournment.

The Recording Clerk shall record the essentials of the proceedings, the name of the member who introduced a main motion or amendment and the name of the second, and should enter the number and names of votes on each side.

In addition to the strict record of what is done, the public minutes should contain the list of speakers on each side of every question with an abstract of all relevant points.

Reports of committees should be printed exactly as submitted. The minutes should show what action was taken by the Board in regard to them.

**G. LIMITATION ON SELECTMEN'S DUTIES:**

- 1. The duties and responsibilities of the Board of Selectmen as set forth in these guidelines and as otherwise enumerated under NH State Law, are almost always subject to certain conditions, limitations and exclusions that require further examination to determine the full extent of the Board's authority as it pertains to each specific set of circumstances.
- 2. The Board of Selectmen has no direct authority over the personnel other than the Town Manager.

**H. AMENDMENT PROCEDURE:**

An amendment to these By-Laws may be moved at one Board meeting but shall not be voted upon until the next regularly scheduled meeting, not less than seven (7) days later. A copy of any amendment shall then be certified and submitted to the Town Clerk for inclusion in the Town Records.

**I. APPOINTMENT TO BOARDS AND COMMISSIONS:**

1. The Chair shall request from members their choices of committees, boards and commissions they wish to serve on as Selectmen's Representative. The Chairman shall distribute to the Board all choices and set a meeting date as to when the Chair shall make appointments.
2. The term of all appointments of Selectmen Representatives, including the terms of any ex-officio members (voting members) of the Board of Selectmen serving on local land use boards (i.e., Planning Board, Conservation Commission, and Historic District Commission) shall be for one (1) year, or until next Town Meeting, whichever is sooner.

**J. ANNUAL REVIEWS/ACTIONS:**

As a matter of business and protocol the Board of Selectmen will execute the following matters on a timely and annual basis.

1. Review and reaffirm/dissolve existing committees previously established by the Board of Selectmen (March-April).
2. Establish the Water and Sewer Rate for the coming calendar year (no later than October 1<sup>st</sup> of each year).
3. Set the new Tax Rate for the coming tax year (no later than October 31<sup>st</sup> of each year).
4. Review and adopt the Annual Road Program Plan (October).
5. Review and adopt the Annual Capital Improvement Plan (September-October).
6. Establish Annual Board of Selectmen Goals (March/April).
7. Provide the Town Manager with a target percentage tax rate increase/decrease as input into the annual budgeting process (no later than July 1<sup>st</sup> of each year).
8. Discuss major budgetary impact items prior to the formal submission of the annual town operating budget (May – August).

*Amended and approved effective August 9, 1993.*  
*Affirmed - effective March 24, 1997.*  
*Reaffirmed - March 22, 1999*  
*Reaffirmed - April 5, 2000*  
*Amended - May 21, 2001*  
*Reaffirmed – April 1, 2002*  
*Amended/Accepted – April 14, 2003*  
*Reaffirmed – March 29, 2004*  
*Amended/Accepted – March 28, 2005*  
*Reaffirmed – April 3, 2006*  
*Reaffirmed – March 19, 2007*  
*Reaffirmed – March 17, 2008*  
*Not amended nor Reaffirmed in 2009*  
*Amended/Accepted – April 26, 2010*  
*Amended (Added Section C6) – November 29, 2010*  
*Amended/Accepted –April 18, 2011*  
*Reaffirmed – April 2, 2012*  
*Amended/Accepted – April 22, 2013*  
*Amended/Accepted – April 14 2014*  
*Amended/Accepted – May 4, 2015*  
*Amended/Accepted – May 9, 2016*  
*Reviewed/No Amendments – March 30, 2017*  
*Reviewed/No Amendments - April 2, 2018*  
*Reviewed/No Amendments – April 1, 2019*  
*Reviewed/No Amendments – April 6, 2020*

**Town of Dracut  
Board of Selectmen  
By-Laws**

1. By-Laws and Adoption

- 1.1 These By-Laws are intended to supplement and implement all other controlling statutes and laws, including, but not limited to, Massachusetts General Laws, Roberts Rules of Order, Town By-Laws, Zoning By-Laws and the Town Charter. Any direct conflict or contradiction that these By-Laws create with controlling statutes and By-Laws will be resolved by reference to the controlling statutes or laws.
- 1.2 These By-Laws will take effect immediately upon their adoption by a Supermajority – a 4/5ths vote of the Board of Selectmen (Board). Any subsequent changes will require a 4/5ths vote

2. Meetings

- 2.1 Regularly scheduled meetings will be held on the second and fourth Tuesday of every month. By majority vote in advance, meetings may be eliminated from the schedule, particularly in the summer months.
- 2.2 Special meetings will be held a.) by majority vote of the Board at a regular meeting or b.) by mutual agreement of a majority of the Board, coordinated through the Board's Secretary. Special meetings will only take up those subjects that have been specifically identified as the purpose of the special meeting.
- 2.3 Open Meeting Laws of the Commonwealth of Massachusetts will be completely complied with regarding written notice (posting) of the meeting and public access to the meeting.
- 2.4 Emergency Meetings – meeting that do not conform to normal notice requirements – will only be held in case of an emergency. Emergency is defined as a situation where failing to act may create a significant threat to the life or physical well-being of the Citizens of Dracut, or a significant loss of property by the Town or its Citizens.



### 3. Agendas

- 3.1 Agendas will be prepared in advance of all regular meetings by the Secretary with the advice and consent of the Chairman. Agenda items may be requested by members through the Chair, or can be directed for a subsequent meeting by a majority vote. The cut-off for agenda items for regular Tuesday meeting is the preceding Thursday at close-of-business.
- 3.2 Items brought up under New Business, and items that are both not on the agenda and have not been subject of direct and recent discussion by the Board, may not be acted upon by Board vote unless there is no objection. A single member can raise an objection. Votes to table an item, schedule a special meeting to consider it, or place it on the agenda for a subsequent regular meeting are not considered “acting upon” an item for purposes of this paragraph and may be taken.
- 3.3 Community Input will be limited to three minutes per individual and fifteen minutes in total. Any individuals wishing to participate must sign up and list the topic for discussion with the Secretary in advance of the beginning of the meeting. Only relevant topics dealing with Town issues may be discussed and absolutely no personal attacks or allegations of criminal misconduct may be discussed without the Board’s approval. There will be no debate or back-and-forth by members of the Board, or anyone else attending the meeting, with the individual providing the input. The three minute limit and the no debate rule can be modified or waived only by a motion to suspend the rules, which requires a Supermajority (4/5ths) vote. The proper place to take up any issue inspired by a Community Input item is under New Business, following the rules in paragraph 3.2 above, if applicable.
- 3.4 Articles for the June and November Town Meetings shall be placed on the agenda for the second to last Tuesday of the prior month’s regularly scheduled Selectmen’s Meeting prior to Town Meeting. The Board will use its best efforts to make its recommendation to Town Meeting no later than at the last regularly scheduled Selectmen’s meeting prior to Town Meeting. If a Supermajority of the Selectmen agree, then the Board may consider a recommendation at its meeting on the day of Town Meeting.

### 4. Organization

- 4.1 An agenda item covering reorganization will be placed at or near the beginning of the first regular meeting following a Town Election. The then-current Chairman will start the meeting and take up this agenda item. Robert’s Rules will be followed for nomination and election of a Chairman, Vice Chairman and Clerk.

4.2 The Vice Chairman will take up the duties of the Chairman only in the following circumstances: a.) during a meeting when requested by the Chairman, b.) at a meeting when required to do so because of the absence of the Chairman for all or part of the meeting, c.) outside of a meeting to set an agenda for a regular meeting if the Chairman is Out of State or incapacitated, or d.) outside of a meeting to set an agenda for a regular meeting if the Chairman himself indicates, through the Secretary, that he is not available and requests the Vice Chairman to act in his stead.

## 5. Committees and Sub-Committees

5.1 There are four kinds of Committee and Sub-Committees that the Board of Selectmen utilizes.

5.1.1 Statutory Committees required by State Law or Town Charter. Examples are the Arts Council, Historical Commission and certain members of the Community Preservation Committee. These appointments can only be made by majority vote of the Board during a regular meeting.

5.1.2 Discretionary Standing Sub-Committees are Committees that the Board has deemed fit to constitute for specific purposes where terms are indefinite. An example is the Public Safety Sub-Committee. The exact makeup, character and participants (only Selectmen) require a majority vote of the Board during a regular meeting.

5.1.3 Discretionary Standing Sub-Committees that the Board deemed fit to constitute for specific purpose where terms are indefinite or for at least a year. An example is the Open Space Committee. The exact makeup, character and participants to include Selectmen, other Board Members and Public Citizens require a majority vote of the Board during a regular meeting.

5.1.4 Discretionary Ad-Hoc Committees are Committees consisting of Selectmen, Town Officials, Private Citizens, Member of other Elected or Appointed Boards or any combination thereof, intended to address a short-term issue and reach a resolution. Recent examples include the Committee to study Zoning By-Law changes (with private citizens and members of the Planning Board and Zoning Board of Appeals), the Joint Budget Task Force (with members of the School Committee and the Finance Committee) and various Selectmen Sub-Committees to interview Town Accountant candidates and to study PILOT agreements, TIF agreements and the like. The Committees are limited to a six-month duration and are constituted and appointed by the Chairman at a regularly scheduled meeting. Ad-Hoc Committees can also be formed by a majority vote of the Board. The six-month time limit can be extended by a majority vote of the Board.

- 5.1.5 Discretionary Committees constituted under 5.1.2 and 5.1.3 must render a report to the Board as necessary, but at least once each calendar quarter and the end of their charters.

(See Attached)

Economic Development Committee – Charter approved by Board on September 13, 2016

Education Sub-Committee – Charter approved by Board on September 13, 2016

Housing Sub-Committee – Charter approved by Board on September 13, 2016

Open Space Committee – Charter approved by Board on September 13, 2016

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Original Board of Selectmen By-Law: VOTED: 5-0 Approval August 12, 2003

Section 3.3 Amended: VOTED: 5-0 Approval April 10, 2012

Section 3.4: VOTED: 5-0 Approval February 3, 2015

Section 5.1 Amended: VOTED: 5-0 Approval August 16, 2016

## **Dracut Economic Development Committee**

### **Charter:**

The Economic Development Committee is a seven (7) member committee that is charged with developing a vision for the business community of Dracut.

**Committee meetings are open to the public - we encourage you to attend and share your thoughts with us.**

### **Mission Statement:**

The Dracut Economic Development Committee will work to galvanize local businesses and to create a center for commercial activity. Our efforts will focus on enhancing existing business conditions and attracting new and complimentary businesses to the area and maintain the character of Dracut.

### **Committee Goals:**

- To develop, with the help and direction of NMCOG, the Dracut Economic Development Strategy.
- To develop municipal initiatives that support existing and future businesses.
- To maintain and leverage the community's inherent character.
- To work in conjunction with NMCOG to help develop and promote the overlay district in Dracut Center.
- To strengthen existing business relationships.
- To attract new business that is compatible with the community, meets the needs of residents, and captures lost community revenues.

### **Membership (7)**

Two, Board of Selectman Representatives  
Planning Board Representative  
ZBA Representative  
Board of Health Representative  
Conservation Commission Representative  
Community Member at Large

### **Non-Voting Participants**

Jim Duggan, Town Manager  
Betsy Ware, Director of Community Development  
Jay Donovan, NMCOG

### **Meeting Schedule**

3<sup>rd</sup> Monday of the Month at 6:00 p.m. at Town Hall

## **Dracut Education Sub-Committee**

### **Charter:**

The Dracut Education Sub-Committee is a (4) four member committee established to foster and maintain a collaborative and mutually beneficial relationship between the Dracut Board of Selectmen and Dracut School Committee.

The Dracut Education Sub-Committee is an informative forum which does not have voting authority. Items discussed will be shared with each respective board for consideration.

Meetings are open to the public and residents are encouraged to attend.

### **Mission Statement:**

The Dracut Education Sub-Committee will strive to improve communication, facilitate transparency, and provide a forum for open discussion between the Board of Selectmen and School Committee.

### **Committee Goals:**

- To strengthen the relationship between the Board of Selectmen and the School Committee.
- To explore opportunities to collaborate with Municipal and School Departments to benefit the Town of Dracut.
- To provide an opportunity to discuss topics that impact both Municipal and School Departments.

### **Membership (4):**

(2) Board of Selectmen Representatives

(2) School Committee Representatives

### **Meeting Schedule:**

3<sup>rd</sup> Monday of the Month at 5:00 p.m. at Town Hall

DRACUT HOUSING AUTHORITY AND DRACUT BOARD OF SELECTMEN  
JOINT HOUSING SUB-COMMITTEE

**CHARTER:**

The Dracut Housing Authority and Dracut Board of Selectmen Joint Housing Sub-Committee is a four-member sub-committee that was established for the purpose of promoting communication between each board for the combined goal of developing additional affordable housing in the Town of Dracut.

Sub-committee meetings are open to the public.

**MISSION STATEMENT:**

The Joint Housing Sub-Committee's mission is to cultivate communication between the Dracut Housing Authority and the Board of Selectmen in regards to affordable housing in the Town of Dracut.

**COMMITTEE GOALS:**

- To meet, as necessary, to update the Board of Selectmen's sub-committee members on progress being made in regards to the construction of affordable housing in the Town. Sub-committee members will report to their larger boards on these updates.

**MEMBERSHIP (4)**

Two, Board of Selectmen Representatives  
Two, Dracut Housing Authority Representatives

**OTHER PARTICIPANTS**

Mary T. Karabatsos, Executive Director  
Kelley Szymanski, Assistant Executive Director

**MEETING SCHEDULE**

As necessary.

Approved by Dracut Housing Authority Board of Commissioners – July 18, 2016

## Dracut Open Space Committee

### Mission Statement

The Dracut Open Space Committee is committed to encouraging and facilitating the preservation and appreciation of Dracut's natural, farm, and recreational lands. By working with municipal and state organizations we integrate local conservation and environmental goals with state and regional initiatives.



Our mission is sustained through several activities including, but not limited to, those listed here:

**Advising** the selectmen on the retention or sale of tax lien property as it becomes available

**Community education** through informational fliers, public forums, and field trips

**Promoting** Dracut conservation projects by working with town boards and personnel

**Coordinate** with Intra-State organizations that encourage open space preservation

**Increasing** Dracut's open space by informing local landowners of, and helping to secure, land preservation options

Engaging in **conservation advocacy** and campaigning for preservation or funding, specifically in the news media and at town meetings

Active **open space stewardship**, including trail-building, trail maintenance, and signage

Strategic **long term planning** by contributing to the Dracut Open Space and Recreation Plan

version date 12/13/12

The following is not part of the mission statement per se but should be included on the web site.

<b>Meeting Frequency</b>	Second Thursday of the Month 6:30 to 8 PM at Dracut Town Hall.
<b>Meeting Description</b>	Discuss issues and ideas concerning preserving open space in the community.
<b>Contact information</b>	Board of SelectmenTown of Dracut 62 Arlington StreetDracut, Ma 01826
<b>Phone</b>	(978) 452-1908
<b>FAX</b>	(978) 452-7924



**TOWN**  
**OF**  
**COLCHESTER**

**BOARD OF SELECTMEN**

**BYLAWS**

Approved: Board of Selectmen, March 16, 2006

Updated: Board of Selectmen, October 20, 2011

Updated: Board of Selectmen, September 1, 2016

**TOWN OF COLCHESTER**  
**BOARD OF SELECTMEN – BYLAWS**

**SECTION 1. PURPOSE AND AUTHORIZATION**

The name of the board shall be the ‘Board of Selectmen of the Town of Colchester’ (the Board). The purpose of the Board is to manage and oversee the internal operations of the Town. The Board of Selectmen oversees all Town Departments, Boards and Commissions and any office the Board fills by appointment.

The Board shall have all of the rights, powers and duties respectively conferred upon Board of Selectmen pursuant to the Connecticut General Statutes, as amended, and Town of Colchester Charter, Section #401, #402, #403, #404 and #405.

**SECTION 2. OFFICE OF THE BOARD**

The office of the Board shall be the Colchester Town Hall where the Board records will be maintained. All correspondence shall be addressed to the Board c/o the Office of the First Selectman, 127 Norwich Avenue, Colchester, CT 06415. Copies of all agendas, minutes and resolutions of the Board shall be filed or recorded with the Office of the Town Clerk.

**SECTION 3. MEMBERSHIP**

- A. The Board shall consist of five (5) members elected in accordance with the provisions of the town Charter.
- B. All members of the Board shall participate fully in Board meetings and activities and shall have such duties as may from time to time be assigned by the Board.
- C. Resignation from the Board shall be in written form and transmitted to the Town Clerk who shall promptly forward same to the Board of Selectmen.

**SECTION 4. BOARD MEETINGS**

- A. The Board shall hold regular meetings at 7:00 p.m. on the first and third Thursday of every month, except when the Town Hall is closed due to public holiday or some other reason. In the event of such a scheduling conflict, an alternative meeting date may be scheduled by the Board. All meetings of the Board are open to the public, as required by the Connecticut General Statutes, unless otherwise specified.

- B. A quorum shall consist of three members.
- C. Minutes of the Board's meetings and hearings shall be kept and published in accordance with the Connecticut General Statutes.
- D. All mail addressed to the Board shall be presented by the First Selectman to the Board at its first meeting held after such mail has been delivered to the Board c/o The Office of the First Selectman. All mail shall be deemed 'received' when so presented.
- E. All regular and special meetings of the Board of Selectmen shall be audio recorded. Emergency meetings shall be audio recorded if possible. All recordings shall be made available to the public. The provisions of this section shall not apply to executive sessions.
- F. Citizens' Comments: The Board may permit any individual or group to address the Board concerning any subject that lies within its jurisdiction during the portion of any Board meetings so designated for such purpose. Citizens' Comments shall be subject to the following guidelines:
  - (1) If deemed necessary, in order to provide time for maximum citizen participation, the Board of Selectmen may establish a provision at a meeting to limit comments. In such a case, three (3) minutes will be allotted to each speaker at each warned citizen's comments. The Board may decide by a majority vote to extend the 3 minutes of time allotted.
  - (2) Speakers may provide written testimony or handouts to the Board, which will become part of the public meeting record.
  - (3) Speakers are only permitted to make presentations to the Board using PowerPoint, overhead projectors, or other electronic/digital programs with the prior approval of the First Selectman.
  - (4) All speakers must identify themselves by name and town of residence.
  - (5) The Board will not respond to comments made during Citizens' Comments, with the exception that the Chairperson only may respond if, in the discretion of the Chairperson, such comments require an immediate response.

## **SECTION 5. COMMITTEES AND COMMITTEE CHAIRMEN**

- A. From time to time, the Board of Selectmen may appoint such committees as may be deemed necessary or desirable. Any committee so appointed shall have the duties or responsibilities assigned to it at the time of appointment. The meetings of any committee so appointed are open to the public as required by the Connecticut General Statutes.
- B. At the time of appointment, the members of any committee appointed pursuant to this section shall elect one (1) of their members to serve as

Committee Chairman.

- C. The First Selectman and/or member of the Board of Selectmen may serve as an ex-officio member of any committee appointed in accordance with the section.
- D. For purposes of determining whether a committee may conduct business, a majority of committee members shall constitute a quorum.
- E. Minutes of all committee meetings and hearings shall be kept and published in accordance with the Connecticut General Statutes.
- F. All mail addressed to any committee shall be deemed addressed to the full Board and shall be treated in the same manner as set forth in Section 4, paragraph D.

## **SECTION 6. AMENDMENTS**

These bylaws may be amended from time to time as deemed necessary or desirable by the Board.

## **SECTION 7. EFFECTIVE DATE**

These bylaws shall take effect immediately upon adoption by the Board and all photocopies or reproductions hereof shall clearly specify the 'Effective Date' on the cover page.

**BYLAWS AND POLICIES  
OF THE  
BOARD OF SELECTMEN  
TOWN OF RAYMOND, MAINE**

Adopted January 18, 2005

Amended: June 15, 2010, December 14, 2010, April 5, 2011,  
January 8, 2013, April 2, 2013, May 12, 2015

**Section 1. Purpose and Scope**

The purpose of these bylaws is to establish reasonable rules of procedure for Board of Selectmen (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. These rules by necessity shall be reviewed and amended from time to time as the need arises and to meet the needs of future Boards. The Selectmen are referred to State of Maine Statutes and Maine Municipal Association Officers Handbook for explanation of the many roles and responsibilities of the office.

**Section 2. Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws. A parliamentarian may be elected by the Board of Selectmen.

**Section 3. Officers and their Duties**

Officers of the Board shall consist of a Chairman and a Vice Chairman to be chosen annually at the first Board meeting after the annual town meeting by and from among Board members. The election of Chairman shall be by nomination and vote of the current Board and requires no qualification other than being a duly elected and sworn Selectman. All members of the Board of Selectmen are required to vote. The office of Chairman shall be limited to 2 consecutive 1-year terms requiring and at the minimum a term of 1 year between each 2-year period. The Chairman 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.

In the absence of the Chairman, the Vice Chairman shall preside and shall have the same authority. If the Chairman and the Vice Chairman are absent the most senior Selectman, based on uninterrupted years of service, shall preside as Chairman pro-tem. If there is more than one senior member, the Chairman pro-tem shall be chosen by the affirmative vote of a majority of attending membership. The temporary Chairman is to have and exercise any and all authority conferred upon the permanent Chairman.

The Town Manager and/or Town Clerk 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. The people's right to know law shall be upheld [M.R.S.A. Title 1, Chapter 13].

In accordance with M.R.S.A., Title 30-A § 2635, “the Board of Selectmen as a body shall exercise all administrative and executive powers of the Town except as provided in this sub-chapter. The Board of Selectmen shall deal with administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the Board of Selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or and matter relating to the welfare of the Town.”

Quorum: A majority of the Board constitutes a quorum. If a quorum cannot be obtained, the meeting may be adjourned until a time and place certain.

#### **Section 4. Chairman Privileges**

The Chairman may move, second, declare by unanimous consent, subject to the following limitations. As it is the function of the Chairman to preserve order and provide a fair hearing, the Chairman shall reserve the right to speak first and last on any subject before the Board. If the Chairman wants to actively participate in the debate in any other manner, he/she should stand down and call another member to take the chair with the majority consent of the other members of the Board in attendance. The Chairman should not resume the chair until the pending question is disposed of.

#### **Section 5. Seating Arrangement**

Members shall occupy the respective seats in the Board chamber assigned to them by the Chairman, but any two or more members may exchange seats by joining in a written notice to the Chairman to that effect.

#### **Section 6. Attendance**

No Selectman shall be excused from attendance at a Board meeting without notification to the Chairman prior to the meeting. Attendance is expected except when a Board member notifies the Chairman prior to the meeting.

Attendance shall be defined as present physically or orally by electronic means. No written electronic means will be considered attendance (i.e. text messages, emails, etc.).

#### **Section 7. Meetings**

Regular meetings of the Board shall be at the discretion of the Chairman. Special meetings may be called at the discretion of the Chairman or upon the request of a majority of the Board, provided, however, that notice thereof shall be given to each member at least twenty-four hours in advance, whenever possible, 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 by the Town Manager or Town Clerk, and all such meetings shall be open to the public except as otherwise provided by law. This notice requirement does not preclude the Board from making a trip i.e. site walk during the meeting if circumstance requires. Whenever possible, this intention should be reflected in

the agenda.

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 in attendance. The order of business at regular meetings shall be as follows:

1. Call to order
2. Minutes of the previous meeting
3. New business
4. Old (unfinished) business
5. Town Manager Report and Communications
6. Fiscal Warrants
7. Executive Session(s)
8. Adjournment

### **Section 8. Special Meetings**

All meetings other than regularly scheduled meetings shall be considered a Special Meeting. Every reasonable effort must be made to notify all Selectmen in advance of a Special Meeting. Notice must be made to a newspaper of general circulation in the town and posted at the town office. A Special Meeting may be called by three methods:

1. The Chairman may call a Special Meeting at any time.
2. The Chairman shall call a Special Meeting if requested by a quorum of Selectmen.
3. A Special Meeting may be called by the Vice Chairman if the Chairman may not be reached by normal methods.

### **Section 9. Meetings to Execute Documents**

If logistics require Selectmen to execute a document, approve a warrant or sign an order outside of the time of a regularly scheduled or Special Meeting, another meeting does not have to be called, providing an approved order exists from a properly noticed public proceeding and record of that proceeding reflects the actual execution will occur outside of the meeting.

### **Section 10. Executive Session**

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 MRSA §405 and no others.

The executive session can only be entered after a motion has been made in public session to go into executive session. The motion must carry by at least 3 of the members in attendance.

The nature of the business to be discussed must be a part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process.

No topic other than that referred to in the motion shall be discussed during executive session. The Executive session shall be held in such place as to ensure the privacy of the meeting and the Chairman shall determine the public and staff allowed to attend in the executive session.



All matters discussed during executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

No official action shall be finally approved at an executive session.

Since Minutes of an executive session will become public record, they should only be taken when the contents of the meeting are desired to become public.

### **Section 11. Public to Address Board**

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Board sponsor, the Town Manager shall first be allowed to present their initial comments for consideration by the public and other Board members. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the Town Manager regarding the agenda item which any Board member may have which would help to clarify the question presented by the agenda item. The Chairman shall allow questions only during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the Town Manager and clarified by any questioning as provided above, there will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the Town of Raymond to address the Board regarding this particular agenda item. The speakers will be required to identify themselves by stating their name, first and last, and residence address prior to sharing their comments. The speakers will be asked not to be repetitious of comments already made to the Selectmen in the interests of the most efficient use of time. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member. After listening to any input from the public present, the Chairman will close public comment on the issue and then provide for debate and vote of the issue by the Board. Any further information requested by the speaker shall be referred to the Town Manager to research the matter and make a recommendation to the Selectmen.

No complaints or allegations will be allowed in public concerning any staff member or any person connected to the Town of Raymond organization. Complaints will be referred to the town manager for investigation. If unresolved the issue will be brought to the Board of Selectmen. Complaints regarding the town manager must be brought to the Chairman of the Board of Selectmen for investigation and resolution; and to the full Board of Selectmen if unresolved by the Chairman.

### **Section 12. Workshop Sessions**

Workshop sessions may be scheduled by the Chairman for the purpose of disseminating information for Board enlightenment 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, relating to the subject of the workshop session.

No formal vote shall be taken on any matter under discussion nor shall any Board member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Board, but an informal vote on any matter under discussion may be taken.

### **Section 13. Agenda Items**

All agenda items shall be, under normal circumstances, submitted by the Board members to the Town Manager seven (7) working days prior to any regular or special meeting by 12:00 noon. The Town Manager will draft the agenda and obtain the Chairman's approval before distribution. In the event that a matter shall arise which was not submitted to the Town Manager within the proper time frame, then that item shall be presented to the Chairman as soon as possible. The first draft agenda will normally be available through public posting one week in advance of the Board of Selectmen meeting

### **Section 14. Continued Sessions**

Any session of the Board may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for longer period than until the next regular meeting.

### **Section 15. 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 include the date, time and place of the hearing and a general description of the subject matter.

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 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 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 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 Chairman, provided, however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

### **Section 16. Participation and Voting**

Any action of the Board shall require the affirmative vote of a majority of its attending membership of not less than three 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. Abstentions shall be limited to conflicts of interest, which shall be stated prior to the taking of the vote. Conflict issues shall follow established State Law.

Any order may be reconsidered by motion of those voting in the affirmative, with Board approval. All other orders shall require a motion, second and recorded vote.

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

All members who are in attendance and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairman for good cause shown. Those in attendance, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. for the proposition, or to have voted with the majority.

### **Section 17. Meeting Length**

All Board meetings, workshops or executive sessions should, except in extraordinary circumstances, adjourn at or before 9:00 p.m.

### **Section 18. Conflict with Laws**

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

### **Section 19. Amendments**

These bylaws may be amended at any time in writing by majority vote of the Board.

### **Section 20. Right of Appeal**

Any member may appeal to the Board from a ruling of the Chairman. If the appeal is seconded, the member making the appeal may briefly state his reason for it, and the Chairman may briefly explain his ruling. There shall be no debate on the appeal, and no other Selectmen/person shall participate in the discussion. The Chairman shall then put the question, "Shall the decision of the Chair be sustained?" If a majority of the members in attendance vote in favor, the ruling of the Chairman is sustained; otherwise, it is overruled.

### **Section 21. Minutes**

The Town Clerk shall keep an official record of all meetings, which are public proceedings, and the Chairman/Town Manager shall designate staff or a Board member to take the Minutes. The written minutes shall serve as a brief reference, but the verbatim and official record is the DVD recording. [Accepted 8/17/2010] The Minutes shall at the minimum reflect the following:

1. Date of meeting
2. Place of meeting

3. Selectmen in attendance
4. Town staff in attendance
5. Members of the public addressing the Selectmen
6. All executive orders and business considered
7. Business to be tabled for future action
8. Announcement of future meetings (special)
9. Time of adjournment
10. Person taking Minutes

Free lending copies of the DVD recorded approved minutes will be available to the public at the Town Office and other designated places.

## **Section 22. Standing Committees, Special Committees, Board Liaison**

1. Standing Committees shall be established by the Board on the recommendation of the Chairman at a regular or special Board meeting.
2. The Chairman shall appoint Selectmen, as appropriate, to all standing committees, but two or more members may exchange assignments by joining in a written request to the Chairman to that effect and acted upon at a regular or special Board meeting.
3. The Chairman shall appoint members to special committees and boards except as otherwise established by Board action.
4. Committee meetings: All committee meetings will be called by the chairperson of the respective committee with the consent of the regular members. The Chairman of the Board or his Selectman designee is an ex-officio member of all standing committees.
5. Standing Committee action shall be referred to the next regular meeting of the Board, except that as an emergency measure the Selectman may take action at any regular or special Selectmen meeting.
6. Actions approved by Standing Committees shall be forwarded to the full Board as affirmative motion without need of a second.

## **Section 23. Administration Function and Compensation of Members**

1. Compensation
  - a) Unless otherwise determined by Town Meeting action, the compensation for Selectmen shall be \$100 per month for holding office and serving as a member of the Board.
  - b) Each Selectman may be reimbursed for documented expenses such as mileage, tolls, meals, telephone expense and other costs encountered while providing service to the Town in their administrative or executive function. All expense requests are subject to Board approval by accounts payable warrant order.
2. Functions of the Board

- a) All letters of correspondence written by one member of the Board who is representing the Board shall be pre-approved by the Selectmen at a regular meeting of the Board.
- b) While in the office maintaining daily activities, one member of the Board may not take action or make any decision, but merely serve in an advisory capacity to bring information back to the other Board members during the regular meeting of the Board.
- c) While in office, all Board members are to maintain dignity and respect for all other members of the Board.
- d) Correspondence for the Board shall be reviewed by the Board at the regular or special meeting and said correspondence is not available to the public until it has been noted at a regular or special Board meeting.
- e) If a Board Member asks for information and the Chairman denies it, because of cost and the research is going to take up too much Town employee time, it can be brought forward as an agenda item and will be voted on by the Selectmen.  
[12/13/2010]

#### **Section 24. Public Comment Periods**

A Board member shall not be permitted to speak as a member of the public during any public comment periods, except on a matter where the Board member has recused himself or herself in order to assert or protect his or her personal interests or property rights.

Attest:

---

Susan L Look  
Town Clerk

**BYLAWS OF THE BOARD OF SELECTMEN  
OF  
WATERBORO, MAINE  
Adopted: May 9, 2006  
Amended: June 19, 2007  
Amended: October 21, 2009  
Amended: May 8, 2012  
Amended: July 2, 2013  
Amended: April 26, 2016**

**Section 1. Purpose and Scope**

The purpose of these bylaws is to establish reasonable rules of procedure for Board of Selectmen (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 Town Charter and Maine State law and shall be liberally construed so as to accomplish their purpose.

**Section 2. Parliamentary Authority**

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

**Section 3. Officers and their Duties**

At the next meeting following the Annual Town Meeting, the Board shall elect, by majority vote of the entire board, one of its members for the ensuing year as Chair and one member as Vice Chair. The chairman shall preside at the meetings of the Selectmen, and shall be recognized as head of the town government for all ceremonial purposes and by the governor for purposes of military law, but (s) he shall have no extra administrative duties. In the temporary absence or disability of the chairman, the Vice Chair shall exercise all the powers of the chairman during such temporary absence or disability of the chairman.

The chairman, or a designee of the chairman, or a majority vote of the Board shall set the agenda for Board's meetings.

The Administrative Assistant to the Town Administrator shall maintain a written public record of all meetings within five (5) working days. The Administrative Assistant to the Town Administrator will also maintain a record of all workshops and correspondence of the Board, which shall be a public record except as otherwise provided by law.

**Section 4. Meetings.**

The Board of Selectmen shall, at its first meeting following the Annual Town Meeting or as soon thereafter as possible, establish by vote a regular place and time for holding its regular meetings, and shall meet regularly, except holidays, at least twice a month. The

Board shall post, including electronic notification, an agenda at least by the Friday prior to regularly scheduled Board meetings. All regular meetings shall be open to the public in accordance with the laws of the State of Maine.

Special meeting's may be held on the call of the chairman or a majority of the members, and whenever practicable, upon no less than seven (7) days public notice including electronic notification.

Emergency meetings may be called by the chairman or a majority of the members, as needed and without regard to the aforementioned 7-day notice requirement.

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. A majority of the board of selectmen shall constitute a quorum for the transaction of business. No action of the Board, including but not limited to appointments to and removals from town offices or warrants shall be valid or binding unless adopted by the affirmative vote of the majority of the Board.

Notice of all Board meetings shall be given as required by law by the Administrative Assistant to the Town Administrator. The order of business at regular meetings should be as follows:

*Pledge of Allegiance*

*Announcements*

*Appointments*

*Public Comments*

*Correspondence*

*Reports/Staff Initiatives*

1. *Any items with discussion and/or votes requiring a town employee's attendance*
2. *Town Administrator's Report*
3. *Selectmen's Report*
4. *Committee Reports*

*New Business*

*Old Business*

*Other*

*Pending Decisions*

*Week's Action List*

*Discussion Of Agenda Items*

*Items Needing Signature*

*Reminders*

*Adjournment*

Items on the agenda under appointments, new business and old business that are not easily explained in the short descriptor should have a sentence or two that can further identify the nature of the item.

Board members will receive an informational packet on the Friday preceding the regularly scheduled Board meetings. These packets will include the agenda, agenda reports (see appendix A), documentation of notices sent inviting specific participants to

the meeting and any other informational documentation necessary.

The Chair should call on the Town Administrator at the beginning of each item discussion that involves an agenda report with recommendations from the Town Administrator. Each selectperson shall be called on for their input and recommendation on each item following the Town Administrator's presentation.

Board members are allowed to go into executive session and to deliberate on the matters authorized by 1 MRSA § 401 et seq. and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The nature of the business to be discussed must be part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process.

The motion must carry by at least a majority of the members present. No topic other than that referred to in the motion shall be discussed during executive session. All matters discussed during executive session shall be held in strictest confidence by the board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session.

Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

#### **Section 5. Public to Address Board**

- a) As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Board sponsor the Town Administrator, shall first be allowed to present their initial comments for consideration by the public and other Board members.
- b) Following the introduction of the issue, there will be time devoted to any questions of the sponsor or Town Administrator regarding the agenda item that any Board member may have to help clarify the question presented by the agenda item.
- c) The Chairman shall allow questions only during this time and no debate or discussion of collateral issues shall be permitted.
- d) Once the agenda item has been explained by its sponsor or the Town Administrator and clarified by any questioning as provided, the Town Administrator shall give a recommendation and then there will be time devoted for a discussion by Board members.
- e) There will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the Town of Waterboro to address the Board through the Chairman, regarding this particular agenda item. The speakers will be required to identify themselves by stating their name, first and last and residence address prior to sharing their comments. The speakers will be asked not to be repetitious of comments already made to the Selectmen in the interests of the most efficient use of time. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item.



f) No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member. The chairman will close public comment on the issue and then provide debate and vote of the issue by the Board.

g) Any further information requested by the speaker shall be referred to the Town Administrator to research the matter and present the findings to the Board of Selectmen.

h) No complaints or allegations will be allowed in public concerning any staff member or any person connected to the Town of Waterboro organization. Complaints will be referred to the Town Administrator for investigation and resolution. If unresolved the issue can be brought to the Board of Selectmen.

### **Section 6. Workshop Sessions.**

Workshop sessions will be held every fourth Tuesday for the purpose of discussing and brainstorming solutions to pending decisions or problems, disseminating information for Board enlightenment and evaluation or the discussion or refinement of future agenda items. Additional workshop sessions may be schedule by the Chairman as necessary.

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, relating to the subject of the workshop sessions. No formal vote shall be taken on any matter under discussion nor shall any board member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Board, but an informal vote on any matter under discussion may be taken.

All workshop sessions will be recorded with minutes produced documenting workshop activities.

### **Section 7. Agenda Items**

In order to ensure that regular meetings of the Board are conducted in a reasonable, equitable, and organized manner, the following criteria will be met when scheduling items and/or appointments to be included on meeting agendas:

a) Each new item that comes before the board will be accompanied by an Agenda Report (See Appendix A) if necessary. This report shall include:

- A. Background Information*
- B. Analysis*
- C. Alternative Solutions*
- D. Fiscal Impact*
- E. Legal Review (if necessary)*
- F. Conclusions*
- G. Attachments*

#### *H. Town Administrator's Recommendations*

- b) Requests to be scheduled on the upcoming agenda must be received in the Selectmen's Office by Noon on Friday.
- c) Copies of any supporting documents accompanying the request must be made available at the time of the request to the Administrative Assistant to the Town Administrator for copying and distributing.
- d) The request must clearly state the subject matter and the name of the presenter.
- e) The Chairman of the Board has the discretion to set the agenda.
- f) The Chairman has the right to allow an item of an emergency nature to be scheduled after the deadline prior to the printing and posting of the agenda by 5 pm on Friday. Items after the printing and posting of the agenda can only be added by a majority vote of the Board of Selectmen during the meeting.
- g) The public may introduce a subject during the Public Comments portion of the published agenda; however, no action will be taken. If action is required, the subject will be referred to another agenda.

#### **Section 8. Public Hearings**

Public hearings of the Board shall be called as required by law or on 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 include the date, time and place of the hearing and a general description of the subject matter.

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, that 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 an adequate opportunity to be heard. In any adjudicatory proceedings, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct questioning of any other party through the Chairman, provided, however, that the Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

#### **Section 9. Participation and Voting**

Any action of the Board shall require the affirmative vote of a majority of its attending membership as required by the Charter.

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 a majority vote of the remaining members. Abstentions shall be limited to conflicts of interest, which shall be stated prior to the taking of the vote. Conflict issues shall follow established State Law. Any order may be reconsidered by motion of those voting in the affirmative with Board approval. All other orders shall require a motion, second and recorded vote.

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. Those present, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. for the proposition or to have voted with the majority.

### **Section 10. Meeting Length**

In order to facilitate productive and efficient meetings without undue delays or continuances, board members shall commit to taking the time necessary to adequately review the upcoming agenda and information packets before each meeting. Questions needing clarification prior to any meeting shall be directed at the Town Administrator.

All Board meetings, workshops or executives sessions should in ordinary circumstances, adjourn at or before 9:00 p.m. or otherwise a vote taken by the majority of the Board to continue.

### **Section 11. Board Conduct**

During meetings, board members, while speaking on any matter, or asking any questions, shall address the Chair.

No member shall:

- a) Speak disrespectfully of any member of the Board, the public, committee members or employees of the Town of Waterboro making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security.
- b) Engage in private conversation while the Board is meeting in such manner as to interrupt the proceedings.
- c) Use offensive words or language against Board members, public or any committee member.
- d) Speak on any subject other than the subject in debate.
- e) Where the matter remains confidential, disclose the content of the matter or the substance.

If a member persist in disobedience after having been called to order, the Chair shall:

- a. Immediately put the question, no amendment, adjournment or debate being

allowed, that such Member be ordered to leave for the remainder of the meeting of the Board.

- b. If the question carries, the Chair will order the member to leave for the remainder of the meeting of the Board.
- c. If the member wishes to apologize to the Board, the Chair will permit the member to do so and with the Board's consent, the member may return to their seat.

**Section 12. Public Participation.**

When a group of persons wishes to address the Board on the subject matter, it shall be proper for the Chairman to request that a spokesperson be chosen by the group to address the Board and to limit the number of persons addressing the Board on the same matter so as to avoid unnecessary repetition.

The Chair with approval of the majority of the board may impose a time limit in which each person may speak, giving equal time to all. If the Chairman determines that there is not sufficient time at the meeting, the comment period may be deferred to the next regular meeting or special meeting occurring in advance of the next meeting.

Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security shall be removed at the direction of the Chair from further audience at the meeting unless permission to continue is granted by the majority of the Board members present.

**Section 13. Formal Complaint Process**

TO BE DISCUSSED FURTHER

## **VI. Establish Time & Place for Regular Meetings**

### **Manager's Comments: Action item**

According to Town Charter, Article II, Section 11A: "The Board shall, at its organizational meeting or as soon thereafter as possible, establish a time and place for holding its regular meetings and shall meet regularly at least once a month."

The current regular Board meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of each month at 5:30 p.m. If the meeting falls on a holiday, the meeting is then held on the Tuesday of that week. Before the pandemic, the meetings were in the Geoffrey C. Parker Room at the Opera House and are now in the auditorium at the Opera House to accommodate social distancing.

### ***Suggested Motion:***

**I move the Board schedule regular meetings of the Select Board for the 2<sup>nd</sup> Monday of each month at 5:30 p.m. at the Opera House, with the 4<sup>th</sup> Monday of each month as a second meeting date if needed.**

## **VII. Distribution of Select Board Liaison Assignments**

### **Manager's Comments:**

Included in your materials is the current list of Select Board committee liaisons. This will be on the agenda for action at the Board's next meeting.

## 2019-2020 Select Board/Staff Liaison

<b>BOARD/COMMITTEE</b>	<b>2019-2020</b>	<b>Staff Liaison</b>
Ad Hoc Technology Committee	Debra Hall	Bill Post
Ad Hoc Water Quality Committee	Mark Kelley	Abbie Leonard
Board of Assessment Review	None	Kerry Leichtman
Budget Committee	None	Bill Post and Megan Brackett
Camden-Rockport Pathways Committee	Jeffrey Hamilton	Mike Young
Capital Improvement Committee	Mark Kelley and Jeffrey Hamilton	Bill Post and Megan Brackett
Cemetery Committee	Denise Munger	Linda Greenlaw
Comprehensive Plan Committee	Debra Hall and Jeffrey Hamilton	Bill Post and Bill Najpauer
Conservation Commission	Mark Kelley	Abbie Leonard
EMS Performance Review Committee <sup>3</sup>	Mark Kelley and Debra Hall	Bill Post and Jason Peasley
Economic Development Plan	Debra Hall and Douglas Cole	Bill Post and Bill Najpauer
Harbor Committee	Jeffrey Hamilton	Abbie Leonard and Mike Young
Investment Committee	Douglas Cole	Bill Post and Megan Brackett
Legacy Rockport <sup>1</sup>	Denise Munger	Megan Brackett and Bill Post
Library Building Committee	Douglas Cole and Denise Munger	Ben Blackmon
Library Committee	Douglas Cole	Ben Blackmon
MCSWC Board of Directors <sup>2</sup>	Debra Hall <sup>5</sup> and Denise Munger <sup>5,6</sup>	Bill Post (Executive Committee)
Opera House Committee	Denise Munger	Andrew Weber
Ordinance Review Committee	Denise Munger	Bill Najpauer
Pesticide Advisory Board	Mark Kelley	Mike Young
Planning Board <sup>4</sup>	Douglas Cole	Bill Najpauer
Recreation Committee	Jeffrey Hamilton	Mike Young
Rockport Parks and Beautification Committee	Douglas Cole and Mark Kelley	Abbie Leonard and Mike Young
West Rockport Fire Station Building Committee	Mark Kelley	Jason Peasley, Bill Post
Zoning Board of Appeals <sup>4</sup>	Denise Munger	Bill Najpauer

Footnotes:

1. 501(c)3 organization; 1 member of Select Board is automatically a voting member
2. MSWC Board of Directors are elected to 3-year terms, Board composed of 4 towns per interlocal agreement
3. Ambulance Review Committee oversight committee is a 4-town cooperative venture
4. Planning Board and Zoning Board of Appeals are quasi-judicial entities
5. Voting member
6. Not a Select Board Member

## **VIII. Act on Amendment to Liquor License Application for Ports of Italy - Rockport**

### **Manager's Comments: Action item**

The owner and manager of the Ports of Italy – Rockport contacted Town Clerk Linda Greenlaw with a request to amend their liquor license application that was previously approved by the Board. They have added seating on a patio because of the pandemic and this was not an original part of the application. Linda contacted the State Liquor Enforcement division and they have stated that a simple letter and approval from the Select Board is all that is needed. A public hearing is not needed on this amendment.

### ***Suggested Motion:***

**I move the Board approve the Liquor License Application Amendment for Ports of Italy – Rockport as presented.**





## Town of Rockport, Maine

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**Rockport Select Board**  
Town Office  
101 Main Street  
Rockport, Maine 04856

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RE: MALT, SPIRITUOUS AND VINOUS LICENSE FOR PORTS OF ITALY

The Rockport Select Board has no objection to the extension of a patio with six tables as shown by the attached drawing for CICC13 Inc. d/b/a Ports of Italy. The approval must be approved by the State of Maine Bureau of Alcohol and their guidelines shall be followed. The original license was approved by the Select Board on June 8, 2020. The Select Board also approves extending the expiration date of 60 days (August 8, 2020) from the date of the Municipal Approval unless already submitted to the Bureau.

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CHAIR SELECT BOARD  
TOWN OF ROCKPORT, MAINE

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VICE-CHAIR SELECT BOARD

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SELECT BOARD

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SELECT BOARD

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SELECT BOARD

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RANDY GAGNE, CHIEF OF POLICE

Dated August 19, 2020