

**ORDINANCE GOVERNING THE PLANNING BOARD**

**TOWN OF SIDNEY**

**I. Establishment**

Pursuant to Article VIII, pp. 2, Sec. 1 of the Maine Constitution and 30-A M.R.S.A. Section 3001, the Town of Sidney hereby establishes a Planning Board.

**II. Appointment of Planning Board Members**

A. The Planning Board shall consist of five (5) regular members and two (2) alternate members. Regular and alternate members shall be appointed by the Board of Selectmen in the following manner:

1. At least 30 days before the expiration of a member's term of office, the Selectmen shall post notices in the same manner as they post town warrants seeking names of interested residents to be delivered to the Selectmen at least 15 days before the expiration date; and,

2. The Selectmen shall appoint or reappoint a member(s) after giving careful consideration to the names which have been presented to them.

B. The term of office for all members of the Planning Board is three years, serving staggered terms with two new members appointed each year. The start of each term shall begin on April 1 of the year in which the member is appointed.

C. A vacancy on the Planning Board, created either by death, by resignation, by the member having moved out of Sidney for a period of 90 consecutive days, by missing 3 consecutive meetings or 75% of meeting in the preceding 12 months, shall be filled in the same manner as original appointments; persons thus appointed shall serve until the end of the unfulfilled term. The board may recommend to the Selectmen that the attendance provision be waived for the cause, in which case no vacancy will then exist until the Selectmen disapprove the recommendation. The Selectmen may remove members of the planning board by unanimous vote, for cause, after notice and hearing.

D. Only legal residents of the Town of Sidney may serve on the Planning Board.

E. Neither a municipal officer nor his/her spouse may be a member of the Planning Board.

F. Each member on the Planning Board shall be sworn in by the Town Clerk before he or she assumes membership on the Board.

G. Members must be 18 years of age to serve on the Planning Board.

H. Alternate members are encouraged to attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chairperson to sit for a regular member.

### **III. Organization and rules.**

A. The Board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. (Funding for the latter option shall be the same as IV.E. below). The term of all offices shall be one year with eligibility for re-election. The chairperson may appoint such standing and Ad Hoc committees as he/she may consider appropriate

B. The Board shall adopt bylaws to govern the organization and operation of the Board including procedures to govern the review of various applications that may properly be brought before the Board.

C. Any question regarding whether or not a member shall be disqualified from voting on a particular matter because of a conflict of interest shall be decided by a majority vote of the members present except the member whose vote is in question.

D. The chairperson shall call at least 8 regular meetings of the Board annually and such other special meetings as may be timely and appropriate, or as required in the by-laws.

E. The Board may not conduct official business unless a quorum (three members authorized to vote) is present. The Board shall act by majority. An alternate member can only vote if designated to do so by the Chairperson because a voting member was absent or had a conflict of interest

F. The Board Secretary shall keep minutes of all meetings of the Board and a record of all resolutions, transactions, correspondence, findings and determinations. A copy of the minutes of the board meetings shall be filed with the Town Clerk as a permanent and official record. All board records shall be deemed to be public information.

G. Planning Board members shall receive an amount in lieu of expenses for meetings attended as determined annually by the governing body of the Town.

### **IV. Powers and Duties**

A. The Board shall perform the duties and exercise the powers provided by Municipal Ordinance and State and Federal laws such as a review of all requests for subdivision approval, review of all applications for shoreland zoning permit, flood plain building permits, and other required permits.

B. The Board shall submit an Annual Report to the town apprising citizens of its activities and recommend legislative or administrative town actions, including amendments to municipal plans, policies, and ordinances. Also, the board will report to the regular town meeting every five years on its review of the town's comprehensive plan.

C. The Board shall further act in an advisory capacity to other offices of the municipality on matters of community growth and development.

D. Members of the Board shall familiarize themselves with the municipal and related State laws, plans, policies, regulations, and procedures which affect the board's activities.

E. The Board may obtain goods and services necessary to its proper function within the limits of fees received and appropriations authorized for the purpose.

**V. Effective Date**

The effective date of this Ordinance is March 19, 2011, upon approval at Town Meeting. It was previously established in March 1968 and then again March 18, 1989, as amended March 17, 1990 and March 14, 1992.