

CHAPTER 4
BOARDS & COMMISSIONS
[Amended Eff. 12/14/2005]

Article 1.	General Provisions	4-1
Article II.	Board of Trustees of Riverside Memorial Park	4-2
Article III.	Board of Trustees of Thomas Memorial Library	4-2
Article IV.	Planning Board	4-3
Article V.	Conservation Commission	4-4
Article VI.	Community Services Advisory Commission	4-5
Article VII.	Personnel Appeals Board	4-7
Article VIII.	Fort Williams Advisory Commission	4-7

Article I. General Provisions.

Sec. 4-1-1. Standing Boards and Commissions. The Town shall have such standing boards and commissions as are required by statute., the town charter and ordinances adopted thereunder, the composition and function of which shall be in accordance with all applicable provisions of such statutes, charter and ordinances. Such boards and commissions shall be the statutory Board of Voter Registration, the charter Board of Assessment Review, the Board of Zoning Appeals (Chapter 19, Zoning Ordinance), and such other bodies as may from time to time be required by statute or charter, and the boards and commissions set forth in this Chapter, as it may be amended by ordinance hereafter. The Town Manager shall work closely with all such bodies in the areas within their jurisdictions.

Sec. 4-1-2. Ad Hoc Committees. The Town Council may also by majority vote establish ad hoc committees, which shall be appointed for a definite period and which shall be given a defined charge.

Sec. 4-1-3. By - Laws. All boards, commissions and committees shall promulgate by-laws governing the conduct of their business, which shall include the annual election of a chairman; such by-laws shall not conflict with any Town ordinance or state statute, and shall be effective upon approval by the Town Council.

Sec. 4-1-4. Conflict of Interest. No member of any board, commission or committee shall introduce, speak or vote on any motion or issue in which he has a conflict of interest, direct or indirect. The criteria and procedures for determining the existence of such conflict shall be included in the by-laws of each such body.

Sec. 4-1-5. Public Proceedings. Each board, commission or committee shall keep accurate minutes which shall give public notice of its public proceedings, shall permit public attendance at the same, shall make a written record of every denial or conditional approval of any type of permit requested of it, with the reasons therefor, and shall otherwise comply with the Freedom of Access Law, R.S. 1964, T. 1, Sec. 401 ff.

Sec. 4-1-6 Goals and Budget. Every February, each board, commission and committee shall submit goals and financial needs to the Town Manager to be forwarded to the Town Council with the annual municipal budget.

Article II. Board of Trustees of Riverside Memorial Park. [Estab. c. 1945.]

Sec. 4-2-1. Appointment. The Board of Trustees of Riverside Memorial Park shall consist of three residents of Cape Elizabeth as trustees, each to be appointed by the Town Council, for a period of three years. The Board shall advise and consult with the Town Council and Town Manager concerning the policies and operation of Riverside Memorial Park.

Sec. 4-2-2. Vacancies. In the case of resignation or decease of a trustee, the Town Council shall appoint his successor to serve the balance of his term.

Sec. 4-2-3. Regulations. The regulations as to the operation and maintenance of the Park shall be established by the Town Council.

Sec. 4-2-4. Responsibility for Funds. The treasurer of the Town of Cape Elizabeth shall receive and account for all funds collected by the Trustees, and shall make payments from these funds on orders signed by the Town Council.

Sec. 4-2-5. Investment of Funds. The Town Council shall be responsible for the investment of such a portion of these funds as are segregated for perpetual care of the areas thus established as being under perpetual care.

Article III. Board of Trustees of the Thomas Memorial Library. [Estab. c. 1919.]

Sec. 4-3-1. Duties and Responsibilities. The duties and responsibilities of the Board of Trustees of the Thomas Memorial Library shall be as follows: [Amended Eff. 12/14/2005]

- (a) To advise the Library Director on issues of concern to library patrons including issues relating to the collection, the services, the programs and the facilities of the Thomas Memorial Library. [Amended Eff. 12/14/2005]
- (b) To advise the Town Council on matters relating to the library and especially relating to its long term needs. [Amended Eff. 12/14/2005]
- (c) To work cooperatively with groups that seek to assist the library. The Board of Trustees of the Thomas Memorial Library may upon request make recommendations of individuals to serve on independent boards whose purpose is to support the library, but may not make any appointments to independent boards. [Amended Eff. 12/14/2005]
- (d) To perform other responsibilities that may be requested by the Town Council. [Amended Eff. 12/14/2005]

Sec. 4-3-2. Membership. The Board shall consist of seven trustees, appointed by the Town Council, one of whom may be a member of the Town Council. Trustees shall serve for a term of three years with terms to expire on January 1, and no trustee shall serve more than two

consecutive terms. Any vacancy occurring on the Board of Trustees shall be filled for the unexpired term by the Town Council. Initial appointments and in filling vacancies, the recommendations of the Board shall receive due consideration.

Article IV. Planning Board.

Sec. 4-4-1. Planning Board. The Planning Board, heretofore established by vote of the qualified electors in the annual town meeting of May 28, 1951, shall be governed by and shall exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes, local ordinances, and regulations thereunder, and as the same may from time to time hereafter be amended.

Sec. 4-4-2. Membership. The Planning Board shall consist of seven (7) members who shall be residents of the Town and who shall not be salaried officials of the Town. The members shall serve without pay and shall be appointed by the Town Council to serve for staggered three (3) year terms expiring on January 1. [Revised effective 10/8/86.] [Amended Effective 4/11/90.] [Revised Eff. 12/14/94.]

Article V. Conservation Commission.

Sec. 4-5-1. Establishment. The Cape Elizabeth Conservation Commission, established by vote of the Town Council on April 26, 1971, shall be governed by and shall exercise and perform such rights, powers and duties as may be conferred or imposed under the provisions of the Maine Revised Statutes Annotated (including 30 M.R.S.A., Sec. 3851), local ordinance and regulations thereunder, and as the same may from time to time hereafter be amended.

Sec. 4-5-2. Membership. The commission shall be comprised of seven (7) members, residents of the town appointed by the Town Council, who shall serve without compensation for staggered three(3) year terms. Any vacancy shall be filled by appointment by the Town Council for the duration of the unexpired term. [Amended 3/12/90, Eff. 4/11/90].

Article VI. Community Services Advisory Commission.

Sec. 4-6-1. Membership. The Community Services Advisory Commission shall consist of seven Cape Elizabeth residents. The Town Council shall appoint three members and the Cape Elizabeth School Board shall appoint four. Appointments shall be for staggered three year terms and no person shall serve more than two full consecutive terms. Any vacancy shall be filled for the remainder of the term by the original appointing body.

Sec. 4-6-2. Duties and Responsibilities. The duties and responsibilities of the Commission shall be as follows:

- (a) To represent the needs and issues of total community education services.
- (b) To adopt policies to govern the recreation and adult education program, subject to specific disapproval of such policies by a resolution adopted by either the Town Council or the School Board.
- (c) To recommend an annual budget for the community recreation program to the School Board and the Town Council.
- (d) To recommend a candidate for Community Services Director to the School Board. Review of candidates shall be conducted in accordance with procedures adopted by the Commission and the Superintendent of Schools.
- (e) To review athletic field use and make recommendations on fields maintenance and use to the Town Council and municipal staff.

Article VII. Personnel Appeals Board. [Revised effective 6/22/82.]

Sec. 4-7-1. Board Created. There is hereby created a Personnel Appeals Board which shall consist of three members appointed by the Town Council from the qualified electors of the Town of Cape Elizabeth for terms of three years each, except that of those first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years,. Vacancies shall be filled by the Town Council for the unexpired term. No member of the Board shall have been an employee of the Town in any capacity at any time.

Sec. 4-7-2. Organization of Board. The Board shall elect one of its members to act as Chairman and one of its members to act as Secretary of the Board. Two members of the Board shall constitute a quorum for the holding of hearings and the transaction of any business of the Board.

Sec. 4-7-3. Duties and Responsibilities of the Board. The duties and responsibilities of the Board shall be to consider and decide disciplinary appeals by full-time members of the Police Department, as provided for in Sec. 3-1-10 of the Personnel Code and in any collective bargaining agreement that may confer such jurisdiction.

Sec. 4-7-4. Meetings of the Board. Meetings of the Board may be called at any time by the chairman or, in his absence from the Town or disability, by either of the other members, or at any time by the Town Manager. Meetings shall be held as may be required by the procedures established under Sec. 3-1-10 of the Personnel Code and at such other times as the chairman may deem advisable.

Article VIII. Fort Williams Advisory Commission

Sec. 4-8-1. Commission Created. There is hereby created a Fort Williams Advisory Commission which shall consist of seven members appointed by the Town Council from the qualified electors of the Town of Cape Elizabeth for terms of three years each, except that the initial members shall be the existing members of the Fort Williams Advisory Committee whose terms on the Fort Williams Advisory Commission shall expire on the dates when their terms were due to expire on the aforesaid committee.

Sec. 4-8-2. Organization of Commission. The Commission shall elect one of its members to act as Chairman and one of its members to act as Secretary.

Sec. 4-8-3 Duties and Responsibilities of the Commission. The duties and responsibilities of the Commission shall be as follows:

- (a) To review any proposed new use or structure within Fort Williams Park.
- (b) To review and make recommendations to the Town Council on any special event proposed for Fort Williams Park.
- (c) To prepare, with the Town Manager and Director of Public Works, special reports relating to Fort Williams Park maintenance, policies and uses.
- (d) To recommend policies regarding Fort Williams Park to the Town Council for consideration.
- (e) To perform other responsibilities as may be requested by the Town Council.