

Draft

Repeal CHAPTER 4, BOARDS AND COMMISSIONS and replace with

CHAPTER 4,  
BOARDS AND COMMITTEES

**SEC. 4-1-1. Establishment.** The Town Council shall have the authority to form boards and committees as are required by statute, by town charter and ordinances adopted thereunder, and by Town Council vote as it shall deem necessary from time to time. The Town Council shall establish a charge and duties for each board and committee, as described below or, in the case of future boards and committees, at the time the board or committee is created. Except when boards and committees are designated by statute with authority independent of the Town Council, all boards and committees shall be advisory to the Town Council. The Town Manager shall assign staff support to boards and commissions as appropriate.

**SEC. 4-1-2. Appointment.** Board and committee members shall be appointed by vote of the Town Council. The Town Council shall consider board and committee appointments recommended by the Appointments Committee. The Town Council may forego the Appointments Committee process if the appointment is time-sensitive, is related to unique subject matter, or the committee charge designates representatives from existing committees.

**SEC. 4-1-3. Removal and Vacancies.** Board and Committee members may be removed by a vote of the Town Council for cause shown. When a Board or committee member resigns prior to the end of the term, the Appointments Committee shall recommend a replacement for the portion of the unexpired term. A board or committee member's service during an unexpired term shall not be included in any applicable term limit.

**SEC. 4-1-4. Additional Town Council appointments.** The Town Council designates itself to perform the duties of the following boards. The membership and terms of these boards shall be the membership and terms of the Town Council.

- A. Board of Trustees of the Thomas Memorial Library
- B. Board of Trustees of the Riverside Memorial Cemetery
- C. Board of Directors of the Museum at Portland Head Light
- D. Board of Trustees of the Thomas Jordan Trust

**SEC. 4-1-5. Operations of all Boards and Committees.** All boards and committees shall perform their duties in compliance with the following provisions.

- A. Chair. Every board and committee shall elect or have designated by the Town Council a Chair of the board or committee. The chair shall be responsible for

1 conducting meetings, for making reports to the Town Council upon request, and  
2 for coordinating with town staff meeting logistics. The chair shall serve for one  
3 calendar year on a standing board or committee or for the set duration of an ad  
4 hoc committee. A standing board or committee chair shall not serve more than  
5 two (2) consecutive years as chair. The chair shall be a full participating and  
6 voting member of the board or committee.  
7

8 B. Quorum. Board and committee meetings shall only begin when a quorum is  
9 present. A quorum is more than fifty percent (50%) of the total board or  
10 committee membership. Meetings sponsored by a board or committee when no  
11 vote will be taken are not required to have a quorum and may include, but are  
12 not limited to, site walks and public information meetings.  
13

14 C. Public Participation. Boards and committees shall conduct all business in  
15 compliance with the spirit and letter of the Maine Freedom of Access Act, as may  
16 be amended, and Town Council policy. Compliance shall include, but not be  
17 limited, to the following:  
18

- 19 1. Agenda. Every meeting of a board or committee shall have an agenda that  
20 includes the name of the committee holding the meeting, date, time, and  
21 place of the meeting, subject areas to be discussed at the meeting, and the  
22 public participation allowed at the meeting.  
23
- 24 2. Announcement. Board and committee meetings shall be announced in ample  
25 time to allow public attendance, by posting on the town website and other  
26 methods as appropriate. A meeting agenda shall be available prior to the  
27 meeting. Board and committee meeting supplemental materials shall also be  
28 available for the public to review at a designated town office.  
29
- 30 3. Minutes. Minutes of all board and committee meetings shall be prepared by  
31 staff and posted to the town website. Minutes shall include the name of the  
32 board or committee meeting, date, time and place of the meeting, board and  
33 committee members present and a summary of any votes taken. The name  
34 and address of members of the public who speak at the meeting, including a  
35 brief summary of their comments, shall also be included. Board and  
36 committee minutes shall be reviewed and adopted at the next meeting, except  
37 for the last meeting of ad-hoc committees, when the minutes shall be  
38 reviewed and approved by the board or committee chair.  
39
- 40 4. Public Access. All board and committee meetings shall be open to the public  
41 to attend. No board or committee business shall be conducted by board or  
42 committee members outside of board or committee meetings. Individual  
43 board or committee members may communicate with staff, and the board or  
44 committee chair is expected to communicate with staff. Communications  
45 relevant to board or committee business must be shared at the next meeting.  
46 Nothing in this provision shall prohibit a board or committee from holding  
47 an Executive Session as provided under state statute.  
48

1 5. Public comment. Except as specified in board or committee bylaws, public  
2 comment shall be allowed at every board and committee meeting. Boards and  
3 committees shall also limit oral public comment at meetings to assure  
4 completion of assigned duties. Boards and committees shall adopt public  
5 participation rules, using the Town Council's rules of public participation as  
6 guidance, and shall include public participation rules on each meeting  
7 agenda. Written public comments shall be directed to the board or committee  
8 staff, and staff shall distribute the comments to the board or committee  
9 members and shall also keep a copy in the public file. Any written comments,  
10 including email, received by a board or committee member regarding board  
11 or committee business shall be forwarded to staff for distribution to all  
12 members and added to the public file.  
13

14 D. Conflict of Interest. Board and committee members should avoid both actual and  
15 perceived conflicts of interest and bias. Determinations of conflict of interest  
16 and/or bias shall be determined in accordance with state statute. Board and  
17 committee members shall also be guided by the Code of Ethics for the Town  
18 Council.  
19

20 **SEC. 4-1-6. Standing Boards and Committees.** Boards and committees with ongoing  
21 responsibilities and duties are considered standing boards and committees. Except  
22 where specifically designated by statute and/or town ordinance with authority  
23 independent of the Town Council, standing boards and committees are advisory to the  
24 Town Council.  
25

26 A. Composition. A standing board or committee shall be composed of a defined  
27 number of members who are residents of the town, unless otherwise specified in  
28 the board or committee description. Board and committee members shall be  
29 appointed for staggered, three (3) year terms expiring on December 31st. Board  
30 and committee members shall be volunteers without compensation.  
31

32 B. Responsibilities. All standing boards and committees shall perform the following  
33 duties upon Town Council request:  
34

35 1. Bylaws. If any board or committee promulgates bylaws in addition to the  
36 provisions in Sec. 4-1-4, Operations of Boards and Committees, bylaws,  
37 including amendments, must be submitted to the Town Council for approval.  
38

39 2. Meetings. Boards and committees shall meet as needed commensurate with  
40 their duties and responsibilities. When a board or committee will be meeting  
41 several times a year, an effort shall be made to establish a regular meeting  
42 schedule for the year to be posted on the town website.  
43

44 3. Vacancy. All boards and committees shall notify the Town Clerk of any  
45 vacancy (not related to the end of a term) on the board or committee.  
46

47 C. Upon Request Responsibilities. All standing boards and committees shall  
48 perform the following duties, and any other assigned tasks, upon Town Council  
49 request.

- 1
- 2 1. Goals. All boards and committees shall develop annual goals for submission
- 3 to the Town Council.
- 4
- 5 2. Budget. All boards and committees shall submit to the town manager
- 6 funding requirements for the next fiscal year.
- 7
- 8 3. Year end report. All boards and committees shall provide a calendar year end
- 9 report.
- 10

11 **SEC. 4-1-7. Establishment of Standing Boards and Committees.** The following  
12 standing boards and committees are established. The Town Council shall appoint  
13 members with staggered terms of 3 years. Board and committee members are limited to  
14 serve no more than 3 consecutive terms without a break in membership. In addition to  
15 the responsibilities described below, boards and committees shall provide  
16 recommendations as the Town Council may require from time to time.

17  
18 A. Board of Assessment Review

- 19
- 20 1. Membership. The Board of Assessment Review shall consist of three
- 21 members (3).
- 22
- 23 2. Purpose. The purpose of the Board of Assessment Review shall be to
- 24 comply with the statutes of the State of Maine in the establishment of
- 25 assessments for the purpose of taxation.
- 26
- 27 3. Duties. The Board of Assessment Review shall have the power to:
- 28
- 29 a. Review, on complaint of property owner, and revise assessments
- 30 for the purpose of taxation of real and personal property within the
- 31 town limits made by the town assessor.
- 32
- 33 b. Administer oaths.
- 34
- 35 c. Take testimony.
- 36
- 37 d. Hold hearings.
- 38
- 39 e. Adopt regulations regarding the procedure of assessment review
- 40 not inconsistent with statutory provisions.
- 41
- 42 f. Hear an appeal of a decision of the Town Council relating to
- 43 applications for abatement of local property taxes.
- 44

45 B. Community Services Committee

- 46
- 47 1. Membership. The Community Services Committee shall consist of seven
- 48 (7) members.
- 49

- 1           2.    Purpose. The purpose of the Community Services Committee is to  
2           advocate for versatile community programs offering educational, cultural,  
3           recreational and social enrichment opportunities.  
4  
5           3.    Duties. The Community Services Committee shall have the following  
6           duties and responsibilities:  
7  
8           a.    Perform regular outreach efforts to assess satisfaction with current  
9           programming and identify unmet needs.  
10  
11          b.    Advise the Community Services Director on issues of interest that  
12          relate to the programming offered by the Community Services  
13          Department.  
14

15 C.    Conservation Committee

- 16  
17          1.    Membership. The Conservation Committee shall consist of seven (7)  
18          members.  
19  
20          2.    Purpose. The purpose of the Conservation Committee is to act in the role  
21          of conservation commission as described in the statutes of the State of  
22          Maine, to be the steward of the Cape Elizabeth Greenbelt, and to advise  
23          on wetland and natural resource issues.  
24  
25          3.    Duties. The Conservation Committee shall have the following duties and  
26          responsibilities:  
27  
28          a.    Act as Steward of Town open space as described in the  
29          Conservation Ordinance, Chapter 18, Article V, Open Space  
30          Management.  
31  
32          b.    Advise the Planning Board in the review of open space set aside as  
33          part of Subdivision Review, Subdivision Ordinance, Chapter 16,  
34          and in the review of Resource Protection Permits, Zoning  
35          Ordinance, Chapter 19.  
36  
37          c.    Administer the Open Space Evaluation and Preservation Program.  
38  
39          d.    Prepare the Greenbelt Plan for Town Council consideration.  
40

41                    *Move the following into the Conservation Ordinance?*  
42

43 **Sec. 4-5-4. Open Space Evaluation and Preservation Program.** The purpose of the open space  
44 evaluation and preservation program is to establish an ongoing, standardized effort for  
45 identifying, evaluating and recommending additions to the Town's inventory of preserved  
46 open spaces. The program shall be conducted by the Conservation Commission with updates  
47 at each stage to the Town Manager. [Amended Eff. 7/10/2013].  
48

49 (a) Identification and Evaluation. The Conservation Commission shall periodically, which

1 shall be no less than annually, undertake a review of existing open space and consider  
2 areas or specific parcels that may be desirable additions to the Town open space system.  
3 (b) Open Space Evaluation Criteria. The Commission shall focus on land that meets open  
4 space criteria adopted by the Town Council. The evaluation process shall include a public  
5 participation component that invites suggestions and input from all members of the public  
6 and stakeholders. If specific parcels held in private ownership are under consideration,  
7 the Conservation Commission shall endeavor to meet with the property owner prior to  
8 making a recommendation. In the absence of criteria adopted by the Town Council, the  
9 following criteria shall be used:

- 10 1. Agriculture - undeveloped lands used for agriculture.
- 11 2. Greenbelt trails and recreation areas -land identified in the current Greenbelt Plan.
- 12 3. Wildlife habitat - undeveloped lands that provide a habitat for wildlife as identified  
13 by the State of Maine such as the Beginning with Habitat information and field  
14 verified.
- 15 4. Other - significant scenic, cultural and/or unique properties identified by the Town  
16 Council.

17 (c) Recommendation. At the completion of its evaluation, the Conservation Commission  
18 shall forward its open space recommendations to the Town Council. Recommendations  
19 shall include a description of how the evaluation criteria has been met and any other  
20 factors.

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22  
23 D. Firing Range Committee

- 24  
25 1. Membership. The Firing Range Committee shall consist of five (5)  
26 members.

27  
28 *Need to add specifics of membership or change Shooting Range Ordinance.*

29  
30 SEC. 24-10-1. FIRING RANGE COMMITTEE

31 Firing Range Committee is hereby established to consist of the following:

- 32 1. One member of the Spurwink Rod & Gun Club who is a member of the  
33 National  
34 Rifle Association, to be designated by the Spurwink Rod & Gun Club;
- 35 2. One member of the public at large to be appointed by the Town Council;
- 36 3. One member of the public at large who is a certified firearms instructor to be  
37 appointed by the Town Council; and
- 38 4. Two members of the Town Council to be appointed by the Town Council, one  
39 of  
40 whom shall serve as Chair of the Firing Range Committee. In the event that the  
41 Spurwink Rod & Gun Club fails to designate a member of its organization within  
42 30 days after having received a written request to do so, the Town Council shall  
43 have the right to make an appointment to fill said position.

- 44  
45 2. Purpose. The purpose of the Firing Range Committee is to make  
46 recommendations to the Town Council regarding licensing of shooting  
47 ranges as conferred in the Shooting Range Ordinance, Chapter 24.

- 1           3.     Duties. The Firing Range Committee shall have the following duties:  
2  
3           a.     Review license applications for Shooting Ranges as conferred by  
4                 the Shooting Range Ordinance, Chapter 25.  
5  
6           b.     Recommend amendments to the Shooting Range Ordinance, as  
7                 well as rules and regulations for shooting ranges, for Town Council  
8                 consideration.  
9

10 E.     Fort Williams Park Committee

- 11  
12           1.     Membership. The Fort Williams Park Committee shall consist of seven (7)  
13                 members.  
14  
15           2.     Purpose. The purpose of the Fort Williams Park Committee is to advise  
16                 the Town Council on policies and operations of Fort Williams Park.  
17  
18           3.     Duties. The Fort Williams Park Committee shall have the following duties:  
19  
20           a.     Review any proposed new use or structure within Fort Williams  
21                 Park.  
22  
23           b.     Review any special event proposed for Fort Williams Park in  
24                 accordance with the current Group Use Policy.  
25  
26           c.     Prepare, with the Town Manager and Director of Public Works,  
27                 special reports relating to maintenance, policies and uses.  
28  
29           d.     Recommend policies regarding use of the park.  
30  
31           e.     Prepare or update a master plan for park improvements.  
32

33 F.     Personnel Appeals Board

- 34  
35           1.     Membership. The Personnel Appeals Board shall consist of three (3)  
36                 members. *"electors" has been deleted.*  
37  
38           2.     Purpose. The purpose of the Personnel Appeals Board shall be to consider  
39                 appeals *and grievances* as provided for in the Personnel Code, Chapter 3,  
40                 and any collective bargaining agreement that may confer such  
41                 jurisdiction.  
42  
43           3.     Duties. The Personnel Appeals Board shall have the following duties and  
44                 responsibilities:  
45  
46           a.     Hold hearings as provided for in the Personnel Code, Chapter 3.  
47  
48           b.     Hold hearings as provided for in collective bargaining agreements  
49                 when jurisdiction has been conferred.

1  
2 G. Planning Board  
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- 4 1. Membership. The Planning Board shall consist of seven (7) members.  
5  
6 2. Purpose. The purpose of the Planning Board is to advocate that  
7 development of private and public property be done in an orderly manner  
8 that protects the public health, safety and welfare.  
9  
10 3. Duties. The Planning Board shall have the following duties:  
11  
12 a. Exercise and perform such rights, powers, and duties as are  
13 conferred or imposed under the provisions of the statutes, local  
14 ordinances, and regulations thereunder, and as the same may from  
15 time to time hereafter be amended.  
16  
17 b. Advise the Town Council in the amendment of the Zoning and  
18 Subdivision Ordinances, and other ordinances upon request.  
19  
20 c. Advise the Town Council, upon request, on short and long-term  
21 planning policies.  
22  
23 d. Advise the Town Planner on planning procedures and public  
24 participation efforts.  
25

26 H. Recycling Committee  
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- 28 1. Membership. The Recycling Committee shall consist of seven (7)  
29 members.  
30  
31 2. Purpose. The purpose of the Recycling Committee is to promote recycling  
32 of solid waste in the community to achieve financial savings and protect  
33 the environment.  
34  
35 3. Duties. The Recycling Committee shall have the following duties:  
36  
37 a. Review and recommend policy and operational-related changes to  
38 the recycling efforts at the Recycling Center.  
39  
40 b. Conduct public education and promotional efforts to increase  
41 recycling.  
42  
43 c. Monitor recycling rates, trends and changes in the solid waste  
44 industry.  
45  
46 d. Recommend policies that increase reuse and recycling in the  
47 community.  
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49 I. Riverside Cemetery Committee



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1. Membership. The Riverside Cemetery Committee shall consist of three (3) members.
2. Purpose. The Riverside Cemetery Committee shall advise the Town Council on policies and operations of Riverside Memorial Park.
3. Duties. The Riverside Cemetery Committee shall have the following duties and responsibilities:
  - a. Administer management policies that preserve the park as a respectful place for burial of town residents.
  - b. Recommend revenues to promote responsible fiscal management.
  - c. Identify capital improvements.
  - d. Monitor and manage capacity needs of the cemetery.
  - e. Prepare a master plan.

J. Thomas Memorial Library Committee

1. Membership. The Thomas Memorial Library Committee shall consist of seven (7) members.
2. Purpose. The purpose of the Thomas Memorial Library Committee is to advocate for a library which provides a wide range of services and enrichment opportunities for the community.
3. Duties. The Thomas Memorial Library Committee shall have the following duties and responsibilities:
  - a. Advise the Library Director on matters of library operation, such as the collection, services, programs, facilities, and policies of the Thomas Memorial Library.
  - b. Advise the Town Council on matters relating to the library and especially relating to its long term needs.
  - c. Work cooperatively with groups that seek to assist the library. Committee members may, upon request, serve on independent boards whose purpose is to support the library, but may not make any appointments to independent boards.

K. Board of Zoning Appeals

1. Membership. The Board of Zoning Appeals shall consist of seven (7) members.

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- 2. Purpose. The purpose of the Board of Zoning Appeals is to provide property owners an opportunity to seek relief from the provisions of the Zoning Ordinance, as required by Maine statute, or the decision of the Code Enforcement Officer.
  
- 3. Duties. The Board of Zoning Appeals shall have the following duties and responsibilities:
  - a. Exercise and perform such rights, powers, and duties as are conferred or imposed under the provisions of the statutes and the Zoning Ordinance, Chapter 19, and as the same may from time to time hereafter be amended.
  
  - b. Consider appeals, applications for special permits, and interpretations of the Sewer Ordinance, Chapter 15.

**SEC. 4-1-8. Ad Hoc Committees.** Committees formed by the Town Council to complete defined tasks and then be disbanded are ad hoc committees. The Town Council may create an ad hoc committee as needed. When creating an ad hoc committee, the Town Council shall adopt a committee charge that includes the name, composition, and purpose of the committee, tasks to be completed, a deadline for completion of committee work (which may be extended by the Town Council), and direction to the Town Manager to assign staff support as needed. Ad hoc committees shall perform their duties in compliance with Sec, 4-1-5, Operation of Boards and Committees.