

TOWN OF POLAND

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I. PURPOSE

The purpose of this policy is to provide the Board of Selectpersons, and all its associated agencies, with a comprehensive and standardized composition of regulations by which all agencies shall operate. This policy is in compliance with the town Charter and shall be judiciously understood so as to accomplish its purpose. Conditions not addressed in the Town Charter or this policy shall be governed by the general law.

This policy, or any provision thereof, may be waived on any occasion by majority vote of the Board of Selectpersons unless otherwise provided by the Charter or state law. This policy may be amended at any time in writing by a majority vote of the Board of Selectpersons.

Any conflict or inconsistency in this policy shall be resolved in favor of the town Charter or applicable law.

II. GOVERNMENTAL POSITIONS

A. Elected Officials

Board of Selectpersons (5 Members)
 Budget Committee (4 Elected Members / 3 Appointed)
~~Ricker Memorial Library Board of Trustees (5 Members)~~
 Regional School Unit #16 Directors (5 Members)

1. **Terms** - Elections for all listed officials shall take place on the ~~first Friday in April~~second Tuesday in June. Officials shall serve staggered terms of three (3) consecutive years. Each term shall ~~end upon the conclusion of the annual town meeting, except that the term for RSU #16 Directors terms shall run from 7/1 to 6/30 in accordance with regional school unit regulations.~~run from 7/1 to 6/30.
2. **Term Limits** - Selectpersons shall serve no more than two (2) consecutive three (3) year terms. Service as an appointed member of the Board to fill a vacant position shall not count toward the maximum six-year period of consecutive service. After an absence of one year, a person may run for and hold the office of Selectperson again. (Charter 2.1)
3. **Oath of Office** - Before assuming the duties of office or acting on any business, each newly elected official shall be sworn by the Town Clerk in accordance with 30-A M.R.S.A. Section 2526(9) as well as complete a Personal Contact Information & Consent form. (MRSA Title 1, Chapter 13, Subchapter 1 Freedom of Access §402, §O-1)
4. **Recall of Elected Officials** - Any elected member of the Board of Selectpersons, or Budget Committee, ~~or Library Board of Trustees~~ is subject to recall in accordance with the provisions set forth in the Charter. (Charter 9.3.1) RSU directors are subject to the election and vacancy provisions of Title 20-A, which do not provide for recall.
5. **Prohibited Positions** - Except pursuant to an agreement under the Interlocal Cooperation Act, no Selectperson shall hold any other Town office or employment by the Town while holding the office of Selectperson, and no former Selectperson shall hold any ~~compensated~~ elected or appointive Town office or Town employment until one year after leaving office of Selectperson. (Charter 2.9.a) A Planning Board member may not serve as member of the Board of Appeals. No Selectperson or spouse of a Selectperson shall serve on the Board

of Appeals. (30-A M.R.S.A. § 2691)

6. **Appointments Generally** - Except if prohibited by the general law or the Town Charter, any qualified voter of the Town may be nominated for, or be appointed to, only one Town Board. (Charter 5.5.6)
7. **Holding an Agency Position** - An elected or appointed Board member may hold one or more appointed agency position based on the determination of the Board of Selectpersons and the agreement and understanding that there are no conflicts of interest. All decisions on appointments lie within the sole discretion of the Board of Selectpersons. A list of agencies is set forth in Section II.F.
8. **Former Elected or Appointed Officials** - Any former elected or appointed Board member shall be upon the expiration of their term be eligible for appointment to another Board or a town agency as deemed appropriate by the Board of Selectpersons, except that Selectpersons shall not be appointed to any compensated appointive Town office until one year after leaving the office of Selectperson.

B. Appointed Municipal Administrative Officers

1. **Term** - In general, these terms are for one (1) year and shall run with the town's fiscal year unless otherwise established by the Charter or by ordinance.
2. **Oath of Office** - Before assuming the duties of office or acting on any business each newly appointed official shall be sworn by the Town Clerk in accordance with 30-A M.R.S.A. Section 2526(9) and shall provide a Personal Contact Information & Consent form. (MRSA Title 1, Chapter 13, Subchapter 1 Freedom of Access §402, §O-1)
3. **Town Manager Appointments** - The Town Manager's appointments to the offices and positions listed in the Charter shall be subject to confirmation by the Board of Selectpersons. The Town Manager, with the consent of the Board of Selectpersons, may serve as the head of one or more of such departments, offices or agencies or may appoint one person as the head of two or more of them. (Charter 5.1.2)

Animal Control Officer	Plumbing Inspector
Building Inspector	Public Access Officer
Code Enforcement Officer	Treasurer
Emergency Management Director	Town Clerk/Voter Registrar*/Deputies
Fire Rescue Chief	Tax Collector
Electrical Inspector	Library Director
Road Commissioner/Road Foreman	Recreation Director
<u>Registrar of Voters</u>	<u>Plumbing Inspector</u>

Registrar of Voters - mandated - 2 year term beginning January 1st of each odd-numbered year (MRSA 21-A Chapter 3, § 101).

4. **Additional Appointments** - In accordance with requirements of State law, the Board of Selectpersons shall appoint the following positions as necessary.

Election Warden
Fire Warden
Election Clerks

C. Appointed Liaisons

1. **Purpose** - Liaisons are appointed by the Board of Selectpersons and assigned the task of coordinating communications between two or more boards and/or agencies. The principal function is to observe the assigned board or agency's proceedings and provide a monthly update to the Board of Selectpersons. In some instances, the Board of Selectpersons may not provide guidance, such as applications before the Board of Appeals and the Planning Board; the Selectpersons may give individual guidance to liaisons based upon the specific Board or agency.
2. **Liaisons from other Board or Agencies** - The Board of Selectpersons may also request other Board and Agencies to select from their membership a liaison to any Board or agency, as well as to the Board of Selectpersons.
3. **Term** - The term of a Liaison shall coincide with an individual's elected or appointed term and shall run with the town's fiscal year.
4. **Oath of Office** - Liaisons are **not** required to take an Oath of Office or complete a consent form through the Town Clerk's office.
5. **Participation** - Liaisons shall **not** serve as an officer, officiate a meeting or vote on any issues of the board or agency to which they are assigned. Liaisons may speak about issues being discussed by the assigned board or agency, but must comply with the limitations of their role.

D. Appointed Boards

1. **Planning Board** - No member may be elected to more than two (2) consecutive terms as Chair. The Board of Selectpersons may, but need not, provide for the appointment of the two (2) associate members. (Charter 5.5.1)

The Planning Board shall have such powers and perform such duties as are provided by the general law, the Charter, or ordinances duly adopted by the Town. (Charter 5.5.1)

The Board of Selectpersons shall not dictate outcomes to the Planning Board. The Planning Board is autonomous in its responsibility to review applications under land use ordinances and regulations and to make recommendations concerning amendments to those ordinances and regulations.

2. **Board of Appeals** - No member may be elected to serve more than two (2) consecutive years as Chair. The Board of Selectpersons may, but need not, provide for the appointment of the two (2) associate members. (Charter 5.5.2)
3. **Budget Committee** - Shall meet at least annually, and shall elect annually a Chair from its membership. (Charter 5.5.3)
4. **Term** - Appointed terms shall run with the town's fiscal year for the period established by the Charter or by ordinance.

5. **Term Limits** - While there are no term limits for Board appointees decisions as to whether to reappoint members lie within the sole discretion of the Board of Selectpersons.

E. Appointed Agencies

1. Unless otherwise required by State law, the Charter or ordinance, an agency shall consist of no less than five (5) members and no more than eleven (11) and total membership shall be that of an odd number.
2. Liaisons shall not be considered part of the agency membership.
3. Agency members that serve on more than one appointed Board or Agency may be required by the Board of Selectpersons to abide by specific duties and authorities as instructed by the Selectpersons for the two separate offices.
4. Total agency membership to any one agency may be amended in its total membership within the abovementioned guidelines, at the discretion of the Board of Selectpersons.
5. While there are no term limits for appointees decisions as to whether to reappoint members lie within the sole discretion of the Board of Selectpersons and each member will have to submit an application for reappointment and it will be reviewed alongside with any new applications that come in.

- F. **Active Agencies** - An agency established by the Town Charter or the Board of Selectpersons, including but not limited to:

Comprehensive Planning Committee
 Community and Economic Development Committee
 Scholarship Committee
 Budget Committee
 Conservation Commission
Library Committee

- G. **Related Agencies** - An agency established other than by the Town Charter or the Board of Selectpersons but that receives indirect support through town departments and or the Board of Selectpersons.

Established but not limited to:

Safety Committee
 Poland Historical Society
 Trail Committee
 Tri-Town Seniors Committee

III. APPOINTMENTS

- A. **Providing for New Membership** - For the purpose of maintaining stability and innovation to all boards, committees and commissions it is encouraged to promote interest in new ideas and

new members. It is required that the town advertise these available positions in the town newsletter, on the cable television bulletin board, town website, and posted notices. All notices should contain language stating that although there are incumbents, new applicants or alternate members of a boards seeking full status are welcomed to apply for positions at anytime.

B. Requirements of Applicants

1. All applicants must be a registered voter in the Town of Poland with the exception of the CEDC.
2. Applicants who have never held a position on a town board or agency shall be required to fill out an application for appointment.
3. Appointment interviews shall be conducted by the Board of Selectpersons at regularly scheduled meeting. New applicants are required to attend. All new applicants shall be interviewed prior to any final appointments.
4. If a volunteer meets the qualifying requirements and there are sufficient open positions, any applicant who applies to serve on a board or committee may be appointed.
5. In cases where the number of applicants exceeds the number of open positions, the Board of Selectpersons will consider whether an individual is already serving on another board or committee as part of their decision

C. Incumbents - Prior to the annual appointment all incumbents up for reappointment shall receive written notification from the Town Clerk which will require the incumbent's ~~reply as to whether or not they are seeking reappointment.~~ to submit an application for reappointment. All decisions on appointments lie within the sole discretion of the Board of Selectpersons, ~~which may waive application and interview requirements for incumbent members.~~

D. Oath of Office - Before assuming the duties of office or acting on any business each newly elected or appointed official shall be sworn by the Town Clerk in accordance with 30-A M.R.S.A. Section 2526 § 9 and shall submit a Personal Contact Information & Consent form. (MRSA Title 1, Chapter 13, Subchapter 1 Freedom of Access §402, §O-1)

E. Term Limits - In general, appointed terms shall run to coincide with the town's fiscal year.

F. Conducting Interviews - The following areas shall be discussed with applicants as part of the appointment process.

1. General background.
2. Interest in position(s).
3. Availability for meetings and other activities if applicable.
4. Prior service in the same or similar position(s).
5. Conflicts of Interest - the Board shall consider any and all possible conflicts of interest as described in the following section of this policy.

IV. CONFLICTS OF INTEREST - As a general rule, a conflict of interest occurs when an official has a pecuniary (i.e., financial) interest in a matter of official business.

A. Existence of Any Conflicts

1. **Business Interests**

- a. **Statutory Test** - 30-A M.R.S.A. § 2605 provides that a decision can be voided if any voting official has a “direct or indirect pecuniary interest” in the vote, which means a 10% or more interest in an affected business as an officer, director, partner, association, employee or stockholder, or direct or indirect ownership of at least 10% of the stock of the private corporation. To avoid the conflict, the interested Board member must (1) make full disclosure of the interest before any action is taken; (2) abstain from voting; and (3) otherwise refrain from or negotiating the subject contract or attempting to influence the Board’s decision. The Recording Secretary shall keep a record of any such disclosure and abstention from voting.
 - b. **Case Law Test** - The conflict of interest standard in case law is broader, providing generally that the question is whether the official, by reasons of his/her personal interest, is “placed in a situation of temptation to serve his own personal interests to the prejudice of the interests of those for whom the law authorized and required him to act”. Thus even if a Town official does not meet the statutory test for conflict of interest, he/she could still be considered to have a conflict of interest under the broader case law standard.
2. **Charter Provisions on Conflicts** - Section 10.3 of the Town Charter expands upon the state statutory provisions discussed above regarding what constitutes a prohibited conflict of interest in a governmental action. The Charter prohibits action when an elected or appointed officer, official, employee or spouse of any such person has a substantial financial interest, direct or indirect in “any contract with the Town or in the purchase of or sale of any land, material, supplies, or service to the Town or to a contractor supplying the Town.” [Any board or committee can also recuse a member by a majority vote of the remaining members of the board or committee who are present and voting at the meeting.](#)
 3. **Appearance of Conflict of Interest** - Even when a Town official’s conduct is not specifically prohibited by law, competing interests and personal relationships could create an appearance of wrongdoing that could undermine the public trust in the integrity and impartiality of local government. 30-A M.R.S.A. § 2605 addresses this issue by providing that Town officials shall “attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.”

B. **Employee/Familial Disqualifications**

1. **Prohibited Appointments/Employment** - 30-A M.R.S.A. § 2606 provides that a selectperson may not be appointed to or employed in any civil office of profit or employment position of the Town that was created, or the compensation of which was increased, by the action of the selectperson during that selectperson’s term. This prohibition extends through the selectman’s full term plus one calendar year thereafter.
2. **Prohibition against Town Employee or Family Serving as Town Official** - Under Town Charter Sections 10.4 and 10.5, neither a Town employee nor any member of his/her immediate family may hold an elected or appointed board position that could influence the employee’s employment, compensation or benefits directly or indirectly. An employee’s immediate family is defined as: spouse, domestic partner, and the employee’s spouses or

domestic partner's great-grandparent, grandparent, parent, siblings, child, grandchild, or great-grandchild, step-parent, and step-child; the spouses or domestic partners of any of the people listed are also included, as are individuals for whom the employee is the current legal guardian.

3. **Prohibition against Immediate Family Serving on Same Board** - Under Town Charter Section 10.4, no two members of the same immediate family may serve on the same elected body.
4. **Nepotism** - Under Town Charter Section 10.5, no officer, official or employee of the Town shall solicit a position of employment for an immediate family member or relative.

C. Incompatibility of Office - Offices may be incompatible even if they are not specifically listed as such in state statute. If the duties of one office provide a check on the duties of another, or if one office could oversee, review or supervise the work of the other, than the two offices should not be held simultaneously by the same person. Two offices are incompatible when the holder cannot in every instance discharge the duties of each.

1. **Examine Other Offices Held** - Incompatibility generally exists where two municipal offices, which are separated vertically in terms of authority, may be required to perform the same function or authorize its performance.

2. **Statutory Incompatibility**

- a. A Town Manager may not serve as Moderator, Selectperson, Assessor or member of the school committee (30-A M.R.S.A. § 2632);
- b. Treasurers and Tax Collectors may not simultaneously serve as either Selectperson or Assessor (30-A M.R.S.A. § 2526);
- c. A County Commissioner may not simultaneously serve as either Selectperson or Assessor (30-A M.R.S.A. § 52); and
- d. Neither a municipal officer nor his or her spouse may simultaneously serve as a Board of Appeals Member or Associate (30-A M.R.S.A. § 2691).

D. Bias - A Board's quasi-judicial functions must be performed by municipal officials capable of being impartial decision-makers who are entirely objective and disinterested as to the outcome of the proceeding. Aside from financial bias covered in section IV.A.1, the following two area of bias shall be considered.

1. **Familial Bias** - 1 M.R.S.A. § 71(6) provides that when an official is acting as a quasi-judicial officer to decide on a matter involving a relative by blood or marriage who is a second cousin or more closely related, or within the 6th degree of relationship by consanguinity or of affinity according to the civil law, the official must abstain from taking action in the case or get written consent from all of the parties involved.
2. **Other Bias** - A municipal official must step down as a quasi-judicial officer when he or she is sufficiently biased that he or she cannot fairly and impartially review the application.

V. CONDUCT OF BOARDS AND AGENCIES

A. Regulations

1. The Town's fiscal year shall run July 1st to June 30th.
2. E-mail communications among board or agency members shall be limited to meeting scheduling and fundamental communication. No substantive discussions shall be allowed.
3. Boards or agencies shall hold no less than one meeting a month at a time and place to be determined on an annual basis, except that the monthly meeting need not be held if there are no applications or other business for the board or agency to consider.
4. No business and/or communications about pending or anticipated business may be conducted by any boards or agencies except at a duly called and noticed meeting.
5. A quorum consisting of a majority of the board or agency must be present to conduct business, other than the rescheduling of a meeting.
6. All boards and agencies must comply with applicable statutes, Charter and town ordinances.
7. All members of agencies should at all times avoid any appearance of a conflict of interest or bias.
8. Investigations Conducted by Members - No members of a board or agency is authorized to act independently of the board or agency and all actions of the board or agency are by majority vote of the agency, unless otherwise established by law or regulation.
9. No board or agency may enter into any contracts. Only the Board of Selectpersons or their approved designees may do so.
10. Authorization to contact the Town attorney must be given by the Town Manager only under the direction of the Board of Selectpersons.

B. Organizational Duties

1. At the beginning of each fiscal year (July 1st) or as soon thereafter as practicable, boards and agencies shall elect from their current membership a minimum of a Chair, Vice Chair, and Recording Secretary for the ensuing business year unless otherwise provided by law or ordinance. The position of Treasurer is optional according to need.
2. Members of the Board of Selectpersons, Planning Board and Board of Appeals shall be eligible for election as Chair or Vice-Chair for no more than two (2) consecutive one-year terms. Election to an unexpired term of less than six (6) months shall not be considered a term. (Charter 2.4/5.5.1, 5.5.2) These are the only positions with this limitation in the Charter therefore it does not apply to other Boards and agencies through a policy.
3. All boards and agencies shall file an annual report of activities and fund utilization, if applicable, upon the conclusion of the fiscal year.

4. Recording Secretary - The recording secretary of each Board or Agency shall be responsible for recording the meeting minutes of each meeting called forth and providing an approved signed copy of each meeting minutes to the Town Clerk for inclusion in permanent town files.
5. Officer Removal - Board of Selectpersons may remove the Chair of the Board of Selectpersons by a vote of three (3) Selectpersons, after public notice, notice in writing to the Chair, and a hearing conducted in open session. The Chair may elect to waive the requirements for public notice and/or a hearing conducted in open session.
6. Vacancies of officers shall be filled by regular election procedures.

C. Order of Business – All meeting notifications and agendas must be publicly posted at least three days prior to a scheduled meeting unless subsection G or H in this section applies. The order of business at regular meetings shall normally be as follows, but the order of the agenda may be varied for purposes of operational convenience and necessity as required for the efficient and orderly conduct of business during the meeting.

1. Standard Order of Agenda

- a. Call to Order and Determination of a Quorum.
- b. Public Hearings (if any)
- ~~a-c.~~ Appointments & Resignations (if any)
- ~~b-d.~~ Review and Acceptance of Minutes of the Previous Meeting.
- ~~c-e.~~ Recognition of Visitors - Open public session for comments and questions pertaining to items not on the agenda.
- ~~d.~~ Public Hearings (if any)
- ~~e-f.~~ Bid Openings (if any)
- ~~f.~~ Appointments (if any)
- g. Management Reports, Financial Reports & Financial Report Approval
- h. Informational Communications
- i. Old Business from previous meetings
- j. New Business (scheduled on the agenda)
- k. Assessing Business (if any)
- l. Review and acceptance of bills payable (if applicable)
- m. Any Other Business
- n. Executive Session (if any/may also be held at the beginning of the meeting)
- o. Adjournment

D. Public Participation - All meetings shall be open to the public except for executive sessions in accordance with the requirements of 1 M.R.S.A. § 405. The Chair may also accept comments regarding agenda items when the citizens have pertinent information relating to the topic, even if the matter is not scheduled as a public hearing. The Chairman reserves the right to limit the duration of citizen comments in order to allow for the orderly conduct of business. All comments are to be constructive and to the point. Some Boards, including the Board of Appeals and the Planning Board, may not discuss matters not on their agenda and for which notice has not been given.

- E. Confidential Subjects** - Prior to entering into executive session, a motion must be made that specifies the precise nature of the proposed session and includes the appropriate statutory citation(s) for each topic to be addressed. No action shall be taken in an executive session (1 M.R.S.A. Section 405).
- F. Public Hearing Procedures** - Public hearings shall be called as required by law or on such other occasions, as a majority of the members 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, 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 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. Where appropriate, the parties shall be allowed to submit rebuttal evidence or testimony. Any questions, whether by interested persons, members of the public, or members of the board, shall be made through the Chair.

- G. Special Meetings** - Special meetings of the Board of Selectpersons may be held on the call of the Chair or of three (3) or more members of the agency by causing notification to be given in hand, electronically or left at the usual dwelling place of each member. If practicable, such notice shall be given not less than forty-eight (48) hours before the special meeting. No business may be conducted other than as specified in said notice. (Charter 2.6)
- H. Emergency Meetings** - Emergency meetings of the Board of Selectpersons may be called at the discretion of the Chair or upon request of a majority of the Board of Selectpersons, provided, however, that notice thereof shall be given to each member of the board and to the local media by the same fastest means possible and that no business may be conducted other than as specified in said notice. (Charter 2.6)

I. Adoption and Amendments of Bylaws

1. The Board of Selectpersons shall determine its own rules of procedure and order of business consistent with the Charter, and may adopt, amend, and replace formal rules of procedure. In the absence of other rules the Board may, but need not, consult Robert's Rules of Order, the Maine Moderator's Manual, or another recognized manual of parliamentary procedure. (Charter 2.6)
2. Boards or agencies may adopt bylaws or rules for the purpose of conducting their business all of which, prior to implementation, shall be subject to modification and final approval by the Board of Selectpersons. Statute authorizes the Board of Appeals to adopt its own regulations, which does not require the Board of Selectpersons' approval.
3. The Board of Selectpersons may recommend revisions and or amendments to board or agency bylaws as deemed necessary.

4. Exception: The Planning Board and Zoning Board of Appeals may, upon a majority vote of each Board, adopt and/or amend their bylaws. Upon adopting or amending these bylaws, the Board shall give a copy to the Board of Selectpersons.

J. Participation and Voting

1. All motions shall be made in a clear and positive manner. Motions must receive a confirmation or “second” to be considered, discussed and voted on by the agency.
2. 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.
3. No member may participate or vote in any adjudicatory proceeding, including proceedings for licenses, permits or other approvals, unless the member was present during all hearings thereon or has reviewed the entire record of all such hearings and affirms this review on the record.
4. Any action of a board or agency shall require the affirmative vote of a majority of its membership unless otherwise provided by law. 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.
5. Voting shall be by show of hands, or roll call when applicable. ~~except when a meeting is held remotely in which case voting shall be by roll call.~~ No action of the Board of Selectpersons shall be binding or valid unless adopted by three (3) or more affirmative votes. (Charter 2.6)

K. Decisions

1. All decisions of boards and agencies shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the board or agency’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 recorded or transcribed testimony and deliberations, and any documents and exhibits, shall constitute a public record.
2. A notice of any decision, if required, shall be given as prescribed by law.

- L. Reconsideration** - When a vote is passed, it shall be in order for any member who voted on the prevailing side, or on the failing side in a tie vote, to move for a reconsideration thereof at the same meeting, or the next regular meeting, but not afterwards; and when a motion of reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote passed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such the next regular meeting or unless three of the members present consent to such reconsideration. This subsection shall

not apply to the Zoning Board of Appeals, which is subject to the reconsideration provisions set forth in 30-A M.R.S.A. § 2691.

VI. VACANCIES

A. Elected Officials

1. **Board of Selectpersons** - The office of Selectperson shall become vacant upon a Selectperson's non-acceptance, death, resignation, failure to qualify for the office within ten days after written demand of the Board of Selectpersons, forfeiture of office, or failure of the municipality to elect a person to the office. (Charter 2.10)
2. **Forfeiture of Office** - A Selectperson shall forfeit the office if the Selectperson (1) lacks at any time during his or her term of office any qualifications for the office prescribed by the Charter or by law, (2) violates any express prohibition of the Charter, (3) is convicted of any crime or offense which is reasonably related to his or her ability to serve as Selectperson, or (4) fails to attend three (3) consecutive regular meetings of the Board of Selectpersons without being excused by the Board of Selectpersons. If a Selectperson is convicted of a crime or offense which is reasonably related to his or her ability to serve as Selectperson, he or she shall not be eligible to run for the office of Selectperson for a period of three (3) years beyond the later of the date of conviction or the expiration of his or her period of incarceration or probation. (Charter 2.10)
3. **Filling of Vacancies** - If a seat on the Board of Selectpersons becomes vacant more than six (6) months prior to the next regular Town election, the vacancy shall be filled for the unexpired term by a special election held within sixty (60) days from the date the vacancy occurred. If a seat on the Board of Selectpersons becomes vacant within six (6) months prior to the next regular Town election, the Board of Selectpersons shall appoint a qualified person to fill the vacancy until the next regular Town election. (Charter 2.10)

B. Board Vacancies

1. Positions and Offices on the Planning Board, Board of Appeals, Conservation Commission, and Budget Committee shall be deemed vacant or forfeited for the same reasons that the office of Selectperson shall be deemed vacant or forfeited as provided in Section 2.10 of the Charter. If any vacancy shall occur on any of said bodies, the vacancy shall be filled by the Board of Selectpersons, provided that any vacancy in the position of an elected Budget Committee member shall be filled only until the next regular election, at which time a newly elected member of the Budget Committee shall be elected to serve for the remainder of the term. (Charter 5.6)

C. Appointed Municipal Officials Vacancies

1. Municipal official vacancies shall be filled by the Town Manager, subject to confirmation by the Board of Selectpersons where required.

D. Board, Agency and Liaison Resignations/Vacancies – Resignations should be submitted in writing to the Town Clerk or Town Manager; Emails will be considered acceptable.

1. Should a vacancy occur during the term of appointment the position shall not be filled in the first 30 days of the vacancy to allow sufficient time for advertising and submission of applications. This does not apply if it is an emergency appointment required to meet a quorum for an upcoming meeting.
2. A vacancy in any appointed office shall be filled by the Board of Selectpersons. The new appointee shall complete the term that is vacant.

VII. RECORDS & BUDGETS

A. Records of Proceedings - The recording secretary assigned or nominated to each agency shall maintain a permanent record of all meetings and all correspondence. Such records shall be open to the public except as otherwise provided by law. All records shall be maintained at the Poland Town Office, 1231 Maine Street, Poland ME 04274, unless otherwise authorized by the Board of Selectpersons. Confidential records shall be so marked and shall also be kept at the aforementioned location, unless otherwise authorized by the Board of Selectpersons.

B. Retention and Maintenance - All records shall be maintained in a designated area of the Town Office or other location authorized by the Board of Selectpersons. Only authorized personnel shall have access to these records. No original records shall leave the Town Office or other designated storage location unless required by a court of law. Documents submitted at meetings become part of the record of that meeting. All state rules for Disposition of Local Government Records shall apply.

C. Budgets – Those Boards or Agencies having money allotted to them by raised and appropriated funds, grants, or any other means shall propose a detailed annual budget to the Board of Selectpersons on or before their second regularly scheduled meeting in November. As long as the proposed budget was adopted during budget season for the Board or Agency they may approve funding within their budgeted line items without prior approval from the Board of Selectpersons. Any Board or Agency which does not provide a budget will be subject to gaining approval by the Selectpersons prior to expending any funds. The Town's Financial Policy must be followed for all purchases made.

VIII. FREEDOM OF ACCESS REQUIREMENTS

A. Public Access - Allows public access to the public records in the possession of the Town while at the same time complying with state law requirements as to confidential information and maintaining administrative efficiency. Any municipal officer or official receiving such a request shall promptly provide it to the appointed Public Access Officer for processing and the town shall respond to a request in a reasonable time after the receipt of such a request, as required by State law. (1 M.R.S.A. Sections 401-412)

Amended by the Poland Board of Selectpersons this 20th day of July, 2021

Board of Selectpersons

Stephen Robinson, Chairperson

Jane Pentheny, Vice Chairperson

Nathan McNally

Stanley L. Tetenman

Mary-Beth Taylor