

Chapter 31

Boards, Committees and Commissions

Article IX Planning Board

§ 31-121 **Mission.**

The Planning Board (Board) shall have all the authority and be subject to all the duties set out in the provisions of the Maine Statutes relating to municipal planning boards.

§ 31-122 **Powers and duties.**

- A. The Board shall make land use decisions that are consistent with the Town's Comprehensive Plan and the Town's Land Use Ordinance.
- B. The Board shall consider staff reports, capacity statements, consultant reports, and citizen comments when making decisions.
- C. The Board may request the Planning Department to obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

§ 31-123 **Qualification and skills of members.**

Board members should have:

- A. Preferably, a working knowledge of the Land Use Ordinance of the Town of Bar Harbor.
- B. Experience with planning, architecture, law, civil engineering, geology, economics, construction, or related field but it is not critical (as these are skills that are available to the Planning Board from staff or hired consultants if necessary and from the applicant and their professional designers).
- C. Ability to be judicious – apply common sense, good judgement, and balance.
- D. Commitment to serving the public interest.
- E. Interpersonal and decision-making skills including being a good communicator, detail oriented, a critical and objective thinker, and open-minded.
- F. Ethics – good moral principles.

§ 31-124 Application and Appointment process.

Residents interested in serving on the Board shall complete a general boards and committees application form available from the Town Clerk or at barharbormaine.gov. The application should be returned to the Town Clerk for consideration by the Town Council Appointments Committee. The Appointments Committee will contact candidates with interview times and make its recommendation to the Town Council at the next Town Council meeting. The Town Council will vote on the nominations. It is best for nominees to attend the nominating meeting, in case Councilors have questions. Approved Board members will need to be sworn in by the Town Clerk and take an ethics training exam. Board members cannot vote until these steps have been completed.

§ 31-125 Membership.

- A. This Board has five regular members. All regular members are voting members.
- B. This Board may also have up to two alternate members. The alternate members are part of the Board and shall sit with the Board and participate in all discussions (ask questions and submit input). However, an alternate member shall vote only in the case of absence, recusal, or conflict of interest of a regular appointed member of the Board. The alternate member with the most seniority shall first be called by the Chair to fill in for the regular member.
- C. All members must be Bar Harbor residents and registered voters. No municipal officer may serve on the Board.

§ 31-126 Term of office.

The term of each regular member shall be three years and of each alternate member shall be two years. There are no limits to the number of terms that can be served. All appointments run from August 1 to July 31.

§ 31-127 Vacancies.

- A. Regular Member. When a vacancy occurs, the Planning Director shall immediately advise the Town Council in writing. When there is a permanent vacancy (see 31-128), the Town Council will, within 60 days of its occurrence, appoint a person to service for the unexpired term.
- B. Alternate Member. When there is a vacancy, the Town Council shall actively seek to appoint a person.

§ 31-128 Attendance.

All absences (for both regular and alternate members) must be excused, and all attendance shall be recorded in meeting minutes. If any member misses more than 25% of the regular meetings within a twelve-month period, regardless of being excused, the member forfeits their

membership on the Board. The Board may recommend to the Town Council that the attendance provision be waived for cause, in which case no vacancy, as in no permanent vacancy (see 31-127), will then exist until the Town Council disapproves the recommendation.

§ 31-129 Public notice.

All meetings of the Board shall be open to the public, and notice thereof shall be given so that all members shall have reasonable opportunity to make plans to attend. At least three days prior to the meeting, notices shall be posted on the bulletin board in the Town Hall, on the Town calendar, and on social media.

§ 31-130 Meetings.

The Chair shall call a meeting at least once a month unless there are no agenda items; however, the Board must meet a minimum of four times a year, including an organizational meeting. Meeting agendas shall maintain the following order:

- A. Call to Order
- B. Adoption of the Agenda
- C. Excused Absences
- D. Public Comment Period
- E. Approval of Minutes
- F. Regular Business
- G. Other Business
- H. Board member comments and suggestions for the next agenda
- I. Review of pending Planning Board projects
- J. Adjournment

§ 31-131 Quorum and voting.

No meeting of the Board shall be held without a quorum consisting of at least three members. The Board shall act by majority vote of the members present and voting.

§ 31-132 Election of officers.

A Chair, Vice Chair, and Secretary should be elected at the first meeting of the board after August 1. The Chair is responsible for calling meetings, setting the meeting agenda, and leading meetings. The Vice Chair will take over the responsibilities for the Chair, if the Chair is unable to preside over a meeting. The Secretary shall take minutes at each meeting and send approved minutes to the Town Clerk.

§ 31-133 Bylaws

Consistent with statutes and ordinances, the Board may suggest bylaws governing its deliberation to the Town Council for its consideration. Only the Town Council may adopt and amend bylaws.

§ 31-134 **Procedures.**

The Board shall follow Robert's Rules of Order for all other procedures.

§ 31-135 **Social media policy.**

All Board members, voting and nonvoting, are subject to the Town-Council-approved social media policy found at barharbormaine.gov and in the Committee Handbook.

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