

AN ORDINANCE TO RE-ESTABLISH
THE TOWN OF PITTSTON PLANNING BOARD

Ann D. Chadwick

1. Purposes. To place the Town of Pittston Planning Board on a clear legal foundation, to change the Town of Pittston Planning Board from an appointed to an elected board, to change the term of its members from five years to three years, and to make appropriate provision for the transition of these changes.
2. Re-establishment. Pursuant to municipal home rule authority, being Art. VIII, pt. 2, Section 1 of the Maine Constitution and Title 30-A, M.R.S.A., s 3001, the Town of Pittston hereby re-establishes its Planning Board.
3. Ratification of acts of Appointed Planning Board. The Town Meeting hereby ratifies all acts of the appointed Planning Board existing on the date of adoption of this ordinance, and declares them to be the acts of the legally constituted Planning Board of the Town of Pittston.
4. Members; oath; vacancies; Selectmen may not serve.
 - A. The Planning Board shall consist of five members and two alternate members. The term of office of members and alternate members shall be three years. All members and alternate members shall be elected by the secret ballot process made available for towns by Maine law and may be re-elected to additional terms.
 - B. All members and alternate members shall be sworn to office by the municipal clerk or other person authorized by state law to administer oaths before entering upon the performance of the duties of the office of member or alternate member.
 - C. When there is a vacancy in office, the Selectmen shall within 60 days of its occurrence appoint a person to serve for the unexpired term. A vacancy may occur by the following reasons: nonacceptance, resignation, death, removal from the municipality, permanent disability or incompetency, failure to qualify for the office within ten days after written demand by the Selectmen, failure of the municipality to elect a person to office, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during any period of twelve (12) consecutive months. When a vacancy occurs, the chair of the board shall immediately notify the Selectmen in writing. The board may recommend to the Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist until the Selectmen disapprove the recommendation. A person appointed to fill a vacancy serves only for the unexpired remainder of the term of the member whom the person succeeds, and the office is then filled by election at the annual meeting.

D. A Selectmen may not be a member or associate member of the Planning Board.

5. Organization; meetings; quorum; votes; rules.

- A. The board shall elect a chair and vice-chair from among its members and alternate members. The board may either elect a secretary from among its members and alternate members or hire a non-board member to serve as secretary, if appropriated funds exist for the purpose. The term of all offices shall be three years with eligibility for re-election.
- B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chair, the chair shall designate an alternate member to sit in that member's stead. If the chair is the only alternate member present, a majority of members present and voting will decide whether a member is unable to act. If the chair is an alternate member and the other alternate member is present, the chair shall make the determination of inability to act and shall appoint the other alternate member to sit in the other member's stead.
- C. An alternate member may attend all meetings of the board and participate in its proceedings, but may vote only when he or she has been designated by the chair to sit for a member.
- D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the number of members less the member who is being challenged, and that member shall have no vote.
- E. The chair shall call at least one regular meeting of the board each month. The chair may call, and the board may schedule, such additional meetings as may be necessary to accomplish the board's business.
- F. No meeting of the board shall be held without a quorum consisting of three members or alternate members authorized to vote. The board may act by a majority of its quorum.
- G. The board shall adopt rules for the transaction of its business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected and copied at reasonable times.

6. Duties; powers. The Board has the following duties and powers:

- A. The board shall perform such duties and exercise such powers as are provided by this and other Pittston town ordinances and by the laws of the State of Maine.

B. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

7. Effective date; transition. This ordinance, if adopted, becomes effective immediately, but the first elections to be held pursuant to it shall be held at the first annual meeting held at least 90 days after it is adopted. Appointed Planning Board members and alternates with time then remaining on their term shall continue in office until the expiration of the term to which they have been appointed, and thereupon their offices shall be filled by election for a term of three years.
8. Severability. If any part of this ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, then the remainder of this ordinance shall not fail, but shall continue in effect unless the loss of the part found unlawful entirely vitiates the scheme of the ordinance.

Given under our hand this 7th day of December, 2004

Arlene Shea
Arlene Shea, Chair

Wanda Burns-Macomber
Wanda Burns-Macomber

Jane H. Hubert
Jane H. Hubert

Adopted by voters the 7th day of December, 2004.