

**BYLAWS AND POLICIES OF
THE
SELECT BOARD TOWN OF
NEWCASTLE, MAINE**

Adopted June 28, 2021
Last Amended July 24, 2023

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for Select Board (Board) meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures and shall not conflict with town ordinances or state or Federal statutes. These rules by necessity shall be reviewed and amended from time to time as the need arises and to meet the needs of future Boards.

Section 2. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

Section 3. Select Board Responsibilities

In accordance with M.R.S.A., Title 30-A § 2635, "the Select Board as a body shall exercise all administrative and executive powers of the Town except as provided in this sub- chapter." The Select Board shall deal with administrative services solely through the Town Manager. Further in M.R.S.A., Title 30-A § 2635, it states, "This section does not prevent the Select Board from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the Town."

The Town of Newcastle has a Town Meeting - Select Board - Town Manager form of government which works to set policy and strategic direction in the best interests of the municipality as a whole.

The five-member Board is elected on staggered terms by the voters of Newcastle through the annual town meeting. The Board holds the powers and duties afforded to them under Maine law, as well as town ordinances. The powers and duties of the Select Board shall include, but not be limited to:

- Act as assessors and overseers of the poor;
- The appointment of members of the Planning Board, the Appeals Board, and other boards, agencies and positions as provided by statute, ordinance, or other ad-hoc needs as determined by the Select Board;

- Propose to the Town Meeting the enactment or repeal of ordinances which require approval by a Town Meeting;
- Adopt, amend or repeal ordinances and regulations which do not require approval by a Town Meeting;
- Provide for the granting of licenses and permits for the conduct of any business in accordance with statute for such periods of time and in accordance with such rules and regulations not inconsistent with statute and upon payment by the licenses of such fees as the Select Board may establish;
- Recommend a budget to the Annual Town Meeting; and
- Oversee all activities within the Town government.

Only through actions taken during a meeting, as outlined below, shall the Board operate. No individual member shall direct any employee or contractor, nor does any member possess the ability to negotiate on behalf of the town. Any action which takes place outside of a meeting must be delegated by the Board such as contract negotiation, information gathering, etc.; results of such action will be reported back to the full Board for final approval.

A majority of the Board constitutes a quorum. As a five-member Select Board, the quorum for Board action is three. If a quorum cannot be obtained, the meeting may be adjourned until a time and place certain.

Section 4. Town Manager

The Town Manager is the only employee who directly reports to the Select Board. All other employees of the Town of Newcastle report to the Town Manager, who is responsible for the day to day operations of town government. The Town Manager attends meetings of the Select Board and advises the Board on the policy and strategic direction in Newcastle's best interest. The Town Manager serves at the pleasure of the entire Select Board and advances the goals the Board sets forth. The duties of the Town Manager are consistent with Maine's Town Manager Plan statute (M.R.S.A., Title 30-A § 2636).

Section 5. Officers and their Duties

Officers of the Board shall consist of a Chair and a Vice Chair to be chosen annually at the first Board meeting after the annual town meeting by and from among Board members. The election of Chair shall be by nomination and vote of the current Board and requires no qualification other than being a duly elected and sworn Select Board member. All members of the Select Board are required to vote. The Chair shall preside at all Board meetings and shall have the authority described below.

In the absence of the Chair, the Vice Chair shall preside and shall have the same authority. If the Chair and the Vice Chair are absent the most senior Select Board members, based on uninterrupted years of service, shall preside as Chair pro-tempore. If there is more than one senior member, the Chair shall be selected by a vote of the Select Board.

Section 6. Chair Privileges

The Chair may move, second, declare by unanimous consent, subject to the following limitation. If any objection by another Select Board member is heard, the Chair shall hear any question in regular order subject to a motion, a second by a different Select Board member, discussion, and a vote.

Section 7. Seating Arrangement

Members shall occupy the respective seats in the Board meeting room closest to the Chair.

Section 8. Attendance

No Select Board member shall be excused from attendance at a Board meeting without notification to the Chair prior to the meeting. Attendance is expected except when a Board member notifies the Chair prior to the meeting.

When a member is not available for more than four unexcused regularly scheduled Board meetings, the Select Board member shall be subject to censure.

Section 9. Meetings

Regular meetings of the Board shall be held on the Second and Fourth Monday of each month, at 7:00pm at the Clayton V. Huntley Fire Station Community Room.

Notice of all Board meetings shall be given as required by law by the Town Manager or Town Clerk, and all such meetings shall be open to the public except as otherwise provided by law. This notice requirement does not preclude the Board from making a trip i.e. site walk during the meeting if circumstance requires. Whenever possible, this intention should be reflected in the agenda.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being in attendance.

Section 10. Special & Emergency Meetings

All meetings other than regularly scheduled meetings shall be considered a Special Meeting. Every reasonable effort must be made to notify all Select Board members in advance of a Special Meeting. Notice must be made to a newspaper of general circulation in the town and posted at the town office. A Special Meeting may be called by three methods:

1. The Chair may call a Special Meeting at any time.
2. The Chair shall call a Special Meeting if requested by a quorum of Select Board members.
3. A Special Meeting may be called by the Vice Chair if the Chair may not be reached by normal methods.

Section 11. Meetings to Execute Documents

If logistics require Select Board members to execute a document, approve a warrant or sign an order outside of the time of a regularly scheduled or Special Meeting, another meeting does not have to be called, providing an approved order exists from a properly noticed public proceeding and record of that proceeding reflects the actual execution will occur outside of the meeting.

Section 12. Meeting Length

All Board meetings, workshops or executive sessions should, except in extraordinary circumstances, adjourn at or before 9:00 p.m.

Section 13. Continued Sessions

Any session of the Board may be continued or adjourned from day to day or for more than one day, but no adjournment shall be for longer period than until the next regular meeting.

Section 14. Executive Session

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 M RSA §405 and no others.

The executive session can only be entered after a motion has been made in public session to go into executive session. The motion must carry by at least 3 of the members in attendance.

The nature of the business to be discussed must be a part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process.

No topic other than that referred to in the motion shall be discussed during executive session. The Executive session shall be held in such place as to ensure the privacy of the meeting and the Chair shall determine the public and staff allowed to attend in the executive session.

All matters discussed during executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

No official action shall be finally approved during an executive session. Upon exiting executive session, the Select Board may take final action should it be deemed necessary.

Since Minutes of an executive session will become public record, they should only be taken when the contents of the meeting are desired to become public.

Section 15. Workshop Sessions

Workshop sessions may be scheduled by the Chair for the purpose of disseminating information for Board enlightenment and evaluation or for the discussion or refinement of future agenda items. Workshop sessions are considered meetings of the Board.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

No formal vote shall be taken on any matter under discussion nor shall any Board member enter into a commitment with another respecting a vote to be taken subsequently in a public meeting of the Board, but an informal vote on any matter under discussion may be taken.

Section 16. Hearings

Public hearings of the Board shall be called as required by law or on such other occasions as a majority of the Board 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 unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. The Town Attorney may note that evidence does not appear to meet the Maine Rule of Evidence, but the Board can still consider the evidence.

Every party shall have the right to present its case in the order determined by the Chair and without interruption, provided, however, 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. In any adjudicatory proceeding, including proceedings on licenses, permits, or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided, however, that the Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 17. Agenda Items

All material for agenda items shall be, under normal circumstances, submitted by the Board members to the Town Manager seven (7) working days prior to any regular or special meeting by 12:00 noon. The Town Manager will draft the agenda based on identified needs from staff or previously requested items from the Select Board. The Chair or any two Select Board members may add an item to the agenda. Any individual member may also request an item to be added by submitting a copy of the item submission form (Appendix A) to the Chair at the beginning of a Select Board meeting for consideration by the Select Board. In the event that a matter shall arise which was not submitted to the Town Manager within the proper time frame, then that item shall be presented to the Chair as soon as possible. The agenda will be available through public posting on the Friday prior to the Select Board meeting.

The order of business at regular meetings should include the following:

1. Call to order
2. Individual Item Submission Form
3. Amendments to the Agenda
4. Approval of the Minutes
5. Public Comment on Items Not on the Agenda
6. New Business
7. Unfinished Business
8. Town Manager Report and Communications
9. Fiscal Warrants
10. Executive Session(s)
11. Future Agenda Items
12. Adjournment

Definitions:

New Business: Agenda items that have not previously been put before the Select Board. Ideally, they are placed here as an introduction and for in-depth discussion before a final draft is later presented as an Unfinished Business item at a future meeting. However, if the new item is time sensitive or the Select Board has no issue with the item as presented, the Board may choose to vote on the item.

Unfinished Business: Agenda items that have been brought before the Select Board previously in the current fiscal year. Ideally these are items that have been reviewed and are ready for vote, but the Select Board reserves the right for greater discussion, modification, or further postponement.

Section 18. Board Process

As each item on the agenda for any meeting is brought to the floor for discussion, the sponsor of each item or, if there is no Board sponsor, the Town Manager shall first be allowed to present their initial comments for consideration by the public and other Board members. Following this introduction of the issue, there will be time devoted to any questions of the sponsor or the Town Manager regarding the agenda item which any Board member may have which would help to clarify the question presented by the agenda item. The Chair shall allow questions during this time, and no debate or discussion of collateral issues shall be permitted. Once the agenda item has been explained by its sponsor or the Town Manager and clarified by any questioning as provided above, by a vote of the Board, the Chair shall open public comment.

There will be time devoted for any resident, taxpayer or authorized representative of an organization resident or taxpayer of the Town of Newcastle to address the Board regarding this particular agenda item provided that the public follows the rules of public comment described below.

Section 19. Public Comment

Rules of Public Comment:

1. The speakers will be required to identify themselves by stating their name, first and last, and residence address prior to sharing their comments.
2. The speakers will be asked not to be repetitious of comments already made to the Select Board in the interests of the most efficient use of time.
3. Any comment by the public shall be limited to the expression of opinions or concerns regarding the agenda item.
4. All comments shall be directed to the Chair. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member.
5. No complaints or allegations will be allowed in public concerning any staff member or any person connected to the Town of Newcastle.
6. Complaints will be referred to the Town Manager for investigation.
7. If unresolved the issue will be brought to the Select Board.
8. Complaints regarding the Town Manager must be brought to the Chair of the Select Board for investigation and resolution; and to the full Select Board if unresolved by the Chair.

After listening to any input from the public present, the Chair will close public comment on the issue and then provide for debate and vote of the issue by the Board. Any further information requested by the speaker shall be referred to the Town Manager to research the matter and make a recommendation to the Select Board.

If any member of the Public violates the rules of public decorum, the Chairman or a majority of the Board may expel that member of the Public from the meeting. If the member of the public refuses to leave the meeting, the Chair or a majority of the Board may order the Lincoln County Sherriff to remove the member of the public.

A Board member shall not be permitted to speak as a member of the public during any public comment periods, except on a matter where the Board member has recused themselves in order to assert or protect their personal interests or property rights. Recusal requires the member to abstain from Board deliberation and voting.

The Chair or a majority of the Select Board may close public comment at any time.

Section 20. Participation and Voting

Any action of the Board shall require the affirmative vote of a quorum of its membership of not less than three members unless otherwise provided by law.

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. Members have the responsibility to declare conflicts they may have as quickly prior to the consideration of a given agenda item. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining members. Conflict issues shall follow established State Law.

Abstentions shall be limited to conflicts of interest, which shall be stated prior to the taking of the vote.

Any order may be reconsidered by motion of those voting in the affirmative, with Board approval. All other orders shall require a motion, second and recorded vote.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was in attendance during all hearings thereon or the Board votes in the affirmative the member has adequately informed themselves on the action in the prior proceedings.

Section 21. Minutes

The Town Clerk shall keep an official record of all meetings, which are public proceedings, and the Town Manager shall designate staff to take the Minutes. The written minutes shall serve as a brief reference, but the verbatim and official record is digitally recorded. The Minutes shall at the minimum reflect the following:

1. Date of meeting
2. Place of meeting
3. Selectmen in attendance
4. Town staff in attendance
5. Members of the public addressing the Selectmen
6. All executive orders and business considered
7. Business to be tabled for future action
8. Announcement of future meetings (special)
9. Time of adjournment
10. Person taking Minutes

Recorded and approved minutes will be available to the public at the Town Office, via the town website, YouTube, and/or LCTV and other designated places.

Section 22. Discipline

If a member fails to meet the ethical, legal, or functional responsibilities of the office, the Select Board reserves the right to discipline the member for this breach. If charges of improper conduct are brought to the Board, a hearing shall be held where the charges levied against the member are heard and the member reserves the right to accept or deny statements aimed at their office.

After a fair hearing, the Board may censure the member of the Board for breaching the bounds of their office. Censure may include further disciplinary action including suspension of salary, suspension of voting rights, or public reprimand.

Section 23. Conflict with Laws

Any conflict or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

Section 24. Amendments

These bylaws may be amended at any time in writing by majority vote of the Board.

Appendix A:

**Select Board Member
Agenda Item Submission Form**



Town of Newcastle

Select Board

4 Pump Street
PO Box 386
Newcastle, ME 04553
Tel. (207) 563-3441
Fax. (207) 563-6995

Select Board Member Agenda Item Submission Form

Date Submitted: _____

Proposed By: _____

Subject: _____

Confirmed By: _____

Select Board Decision: _____

(i.e – discussion date)