

# Newcastle Planning Board

## Remote Participation Policy

POLICY: In accordance with Title 1, Section 403-B of the Maine Revised Statutes, it is the policy of the Newcastle Planning Board (“the Board”) to allow Board members to participate remotely in Board meetings under certain circumstances and using certain methods of remote participation.

1. Board members are expected to be physically present for Board meetings except when being physically present is not practicable. The intent of this policy is not to allow Board members to participate remotely for extended periods of time, but instead is intended to allow for remote participation under certain circumstances and conditions outlined in Section 2 below. Unless there is an emergency or urgent issue as outlined in Section 2.a, Board members may participate remotely for up to three (3) meetings, after which they are expected to return to in person participation, unless in the determination of the Chair there is an ongoing issue (such as illness or physical injury) that would preclude the member from in person participation. Except as permitted by this Policy, only those Board members who are physically present at the physical location of a Board meeting may participate in the meeting.
2. Circumstances and conditions under which remote participation is permissible.
  - a. Existence of an emergency or urgent issue.
    - i. If, as determined by the Planning Board Chair, an emergency or urgent issue arises that requires the entire Board to meet remotely, the Board Chair in consultation with the Town Manager may authorize the Board to conduct a virtual meeting without a physical location. Board members would participate in such a virtual meeting from remote locations, and the public would be permitted to attend remotely.
  - b. Circumstances in which physical presence of Board member is not practicable. A Board member may participate in a Board meeting from a remote location under the following circumstances:
    - i. The Board member has an illness or other physical or medical condition that causes the member to face significant difficulties traveling to and attending the Board meeting or that is contagious and would pose a substantial health risk to others if the Board member attended in person;
    - ii. There is a reasonable chance that the Board member’s health or safety will be compromised by attending the Board meeting in person;
    - iii. The Board member will be absent from the State at the time of a meeting and face significant difficulties traveling to and attending the Board meeting in person;

- iv. When events or occurrences out of the control of the Board member or the effects of such events or occurrences make travel by the Board member to the physical location not practicable.
3. Form of remote participation. When one or more Board members will be participating remotely or the Board will be conducting a virtual meeting, the Board will schedule a meeting using an internet-based virtual meeting platform (e.g., Zoom) that provides simultaneous audio and video reception for all participants. The Board will provide notice of the means of remote participation consistent with 1 M.R.S. § 406 and applicable Town ordinances, policies and practices and shall inform members of the public the means in which to contemporaneously:
  - a. Remotely view the video and audio of the meeting through internet streaming or other means;
  - b. Provide remote oral testimony in a manner that allows Board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
  - c. Obtain copies of packet materials; and
  - d. If a hybrid meeting, list the specific location of the public meeting site at which members of the public may attend in person and where at least some of the Board members will be present in person.
4. Responsibilities of Board members who participate remotely. Any Board member who participates remotely must:
  - a. Have the technology, including internet access, in their remote location sufficient to be seen and heard during the meeting and participate in the same capacity as those members physically present and be responsible for any costs associated with obtaining and maintaining the technology and equipment necessary to participate remotely.
  - b. Maintain decorum to the same extent as those Board members physically present. The Planning Board Chair, in consultation with the Town Manager and after an oral or written warning, may deny a Board member the option to participate remotely pursuant to this Policy if the member has failed to comply with this subsection on more than one occasion.
5. Procedures applicable when Board members participate remotely.
  - a. A member of the Board who participates from a remote location in accordance with this Policy is present for purposes of a quorum and voting.
  - b. If any Board member is participating in a Board meeting from a remote location, all votes taken by the Board during the meeting must be taken by roll call vote that can be seen and heard by the other members of the Board and the public.
  - c. If any Board member is participating from a remote location, the Board shall make all

non-confidential documents and other materials, electronic or otherwise, considered by it during the meeting available to the public who attend by remote means to the same extent customarily available to members of the public who attend Board meetings in person, so long as no additional costs are incurred by the Board.

6. Disruptions and adjournment. If during the conduct of a remote or hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of members. If the interruption cannot be resolved within 15 minutes, and the Planning Board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Board members and a remote connection to the public location identified in the Planning Board's notice pursuant to Section 3(b)(4) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
7. Hybrid Meetings with No Remote Participation by Board members: The Planning Board is not required by law to offer this type of meeting format but will endeavor to conduct a hybrid meeting, even when there is no remote participation by individual Board members, as often as practicable when the Planning Board meets in-person.
8. Participation in Remote or Hybrid Meetings by the public: Members of the public are welcome and encouraged to provide public comment through remote meeting format. Please note that members of the public participating in the meeting via Zoom will need to use the Raise Your Hand feature in Zoom or, if calling in by telephone, type \*9 on your phone to be called on and heard during the public testimony portions of the agenda. Once recognized by the Chair, you will be unmuted and given a chance to provide your comment in accordance with the Planning Board's By-Laws. At the conclusion of your comment, you will be muted and must be recognized by the Chair again if you wish to be unmuted to provide additional comment. Public comment will only be taken during the public hearing or public comment portions of the agenda. Public comments submitted using the Zoom chat feature will not be accepted.

This Policy was adopted by the Newcastle Planning Board on February 16, 2023 following a public hearing held on February 16, 2023.