

I.TITLE-Town of Etna Planning Board Authorization Ordinance

II.AUTHORITY-This ordinance is adopted & hereafter may be amended pursuant to, & consistent with, Article VIII, pt. 2, Section 1 of the State of Maine Constitution & Title 30-A, M.R.S.A. § 3001 [Home Rule].

III.PURPOSE-To provide for a Planning Board for the Town of Etna.

IV.SCOPE (APPLICABILITY)-

A.The Planning Board will be responsible for creating ordinances, for reviewing subdivision applications, for advising the Etna Select Board on matters for which the Planning Board is knowledgeable & for performing any other duties or exercising such powers specified in State statute, other Etna ordinances or the Town of Etna charter.

B.The Planning Board may obtain goods & services necessary to its proper function within the limits of appropriations made for the purpose. The Planning Board may, when necessary for the exercise of its duties, employ a state licensed Code Enforcement Officer, whose compensation shall be derived solely from permit fees.

V.APPOINTMENT-

A.Planning Board members shall be appointed by the Select Board at the Select Board's first meeting of the new fiscal year and be sworn by the town clerk or other person authorized to administer oaths. No municipal officer may be a member or associate member of the Planning Board. Planning Board members shall be legal residents of the Town of Etna.

B.Membership shall consist of 3-5 members & a maximum of 2 associate members. The term of each member shall be 3 years, with terms to be staggered. The term of an associate member shall be 1year.

C.A term shall begin with the first meeting of the Select Board in the new fiscal year, at which time any remaining vacancies should be filled.

VI.VACANCIES-

A.When there is a permanent vacancy prior to the end of a term, the Select Board shall, upon notification by the Planning Board, appoint, as soon as possible, a person to serve for the remainder of that term.

B.When a vacancy occurs, the Chairperson of the Planning Board shall immediately so advise the Select Board in writing.

C.A vacancy shall occur upon the resignation or death of any member, when a member ceases to be a legal resident of Etna, or when a member has been removed. A member **may** be removed after failing to attend three (3) consecutive meetings, failing to attend at least 75% of all meetings during the preceding twelve (12) months, or for conduct in violation of this ordinance or the Planning Board By-laws.

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D. Removal occurs by unanimous vote of the Select Board for cause, after notice to the member subject to removal, & with that member allowed to be present at the time of the vote.

VII. ORGANIZATION & RULES-

- A. The Planning Board shall, at its annual meeting, elect a Chairperson & other officers, including, but not limited to, a secretary from among its members. The term of all officers shall be one year, with eligibility for re-election. The annual meeting shall be held within 31 days of the Select Board's first meeting of the new fiscal year.
- B. Determining when a member is unable to act because of conflict of interest, physical incapacity, absence or any other reason shall be decided by a majority vote of the members, except for the member who is being challenged. If the member is determined to be unable to act, the Chairperson shall then designate an associate member to sit in that member's stead.
- C. An associate member may attend all meetings of the Planning Board & participate in its proceedings, but may vote only when designated by the Chairperson to sit for a member.
- D. The Planning Board shall not meet on a regular schedule but on an as-needed basis. All meetings except the annual meeting shall be considered "special meetings".
- E. Notice of all meetings shall be by posting the date, time & location at the town office, at the Etna Post Office, and at an Etna convenience store, if any, at least seven (7) days in advance. Additional notice for public hearings shall be posted with the date, time & location in The Rolling Thunder Express at least seven (7) days in advance.
- F. No meeting of the Planning Board shall be held without a quorum of members and/or associate members authorized to vote. The Planning Board shall act by majority vote, calculated on the basis of the numbers present & voting.
- G. The Planning Board shall adopt by-laws not inconsistent with the provisions of this ordinance or any governing law 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 & may be inspected at reasonable times.

VIII. SEVERABILITY & CONFLICT

- A. Should any section or provision of this ordinance be declared invalid, such decision shall not invalidate any other section or provision of this ordinance.
- B. This ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law.

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IX. AMENDMENTS-This ordinance may be amended in part, or in whole, by a majority vote at any Etna Town Meeting, after proper procedures.

X. EFFECTIVE DATE-_____

XI. REPEAL-This ordinance repeals and replaces the "Re-establishment of Etna Planning Board" ordinance as revised 5/19/1999.

Town of Etna Planning Board Authorization Ordinance-Signatures

UNDERLINED REVISIONS APPROVED -

Timothy M. Houghton SUN. MAR 24, 2020

JOHN MERRILL SUN. MAR 24, 2020

ⓧ VIA PHONE -TMM-

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Timothy M. Houghton SUN. MAY 24, 2020

JOHN MERRILL -SUN. MAY 24, 2020

Kerry Lupo May 28, 2020

John J. Lupo May 28, 2020

JLfc