

BYLAWS OF THE PLANNING BOARD OF THE TOWN OF LIVERMORE FALLS

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for 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 except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

Section 2. Officers and Duties

Officers of the Board shall consist of a Chairperson, Vice-Chairperson and Secretary to be chosen at the first Board meeting following the annual Town Meeting by and from among Board members unless otherwise provided by law. The Chairperson shall preside at all Board meetings and shall have the authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and consistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chairperson, the Vice-Chairperson shall preside and shall have the same authority. The Secretary shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

Section 3. Meetings

Regular meetings of the Board shall be held on the third (3rd) Wednesday of each month or as otherwise necessary or as required by law. Special meetings may be called at the discretion of the Chairperson or upon the request of a majority of the Board, provided however that the notice thereof shall be given to each member and the press at least forty-eight (48) hours in advance and that no business may be conducted other than as specified in said notice.

Notice of all Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.

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 present. The order of business at regular meetings shall be as follows:

1. Roll call and determination of quorum.
2. Minutes of the previous meeting and communications.
3. New business.
4. Old (unfinished) business.
5. Other business.
6. Public participation.
7. Adjournment.

Section 4. 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 Chairman 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 irrelevant, immaterial or unduly repetitious evidence, provided, however that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided however that the Chairman 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 Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 5. Participation and Voting

Any action of the Board shall require the affirmative vote of a majority of its membership 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. 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.

No member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings.

All members who are present and qualified as provided herein shall vote in every matter to be voted on unless excused by the Chairman for good cause shown.

Section 6. Decisions

All decisions of the Board shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Board's permanent record and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits, shall constitute a public record.

Notice of any decision if required shall be given as prescribed by law.

The Board may reconsider any decision within thirty (30) days of its original decision, provided however that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within the said thirty (30) days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

Section 7. Conflict with Laws

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

Section 8. Waivers and Amendments

These bylaws or any provision thereof may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These bylaws may be amended at any time in writing by majority vote of the Board.

Adopted by the Board on November 18, 1998

Section 3 amended by the Board on December 15, 1999

