

## ARTICLE III. BOARDS, COMMITTEES, COMMISSIONS\*

\***Charter references:** Board of education, § 401 et seq.; board of assessment review, §§ 602, 603; planning board, § 701; board of appeals, § 703.

**Cross references:** Provisions for notices for nuisances, signs, dangerous, unsafe and dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; sewer board of appeals, § 18-90 et seq.

### DIVISION 1. GENERALLY

#### **Sec. 2-40. Removal of member.**

A member of a board or commission appointed by the town council for a definite term may be removed by the town council only for malfeasance, misfeasance or nonfeasance.

(Code 1966, Ch. 201, § 1, Art. II, § 126)

**Cross references:** Board of appeals, § 2-60 et seq.; board of appeals for building codes, §§ 4-71(3), 4-73(2); sewer board of appeals, § 18-90 et seq.

#### **Sec. 2-41. Vacancies on appointive boards.**

Any vacancy during the unexpired term of any member appointed to any board or commission by the town council shall be filled by the town council for the remainder of the term.

(Code 1966, Ch. 201, § 1, Art. II, § 127)

#### **Sec. 2-42. Absences from meetings.**

A member of a board or commission who fails to attend at least fifty (50) percent of all meetings during the preceding twelve-month period or who fails to attend four (4) consecutive regular meetings shall be deemed to have resigned from the board or commission. When a vacancy occurs under this section, the chair of the board or commission shall immediately advise the town clerk in writing.

(Ord. of 1-23-2006)

#### **Sec. 2-43. Terms reorganization of December 2008.**

(a) *Board of appeals.* Notwithstanding anything in section 2-62 of this Code to the contrary, the terms of all regular and alternate members of the board of appeals serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, one (1) regular member shall be appointed for a one-year term; two (2) regular members shall be appointed for two-year terms; two (2) regular members shall be appointed for three-year terms; and two (2) alternate members shall be appointed for one-year terms. All appointments thereafter shall be for three-year terms. If as of the expiration of his or her term on December 31, 2008, a member of the board of appeals has served between eighteen (18) and twenty-four (24) months of his or her second term, such time shall not count as a term for the purposes of computing term limits, provided, however, that thereafter he or she is appointed to a one-year term. If any member has served less than eighteen (18) months of his or her current term as of December 31, 2008, the period served shall not be considered a "term" for purposes of computing term limits.

~~(b) *Cable television committee.* Notwithstanding anything in section 2-82 of this Code to the contrary, the terms of all members of the town cable television committee serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, one (1) member shall be appointed for a one-year term; two (2) members shall be appointed for two-year terms; and two (2) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.~~

- | ~~(be)~~ *Long range planning advisory committee.* Notwithstanding anything in section 2-70 of this Code to the contrary, the terms of all members of the comprehensive plan advisory committee serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.
- | ~~(ce)~~ *Conservation commission.* Notwithstanding anything in section 2-75 of this Code to the contrary, the terms of all members of the conservation commission serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.
- | ~~(de)~~ *Falmouth Harbor/Waterfront Committee.* Notwithstanding anything in section 9-92 of this Code to the contrary, the terms of all members of the town harbor/waterfront committee serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, two (2) members shall be appointed for a one-year term; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.
- | ~~(ef)~~ *Falmouth Trails Advisory Committee.* Notwithstanding anything in section 2-136 of this Code to the contrary, the terms of all members of the Falmouth Trails Advisory Committee serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms. If any member has served less than eighteen (18) months of his or her current term as of December 31, 2008, the period served shall not be considered a "term" for purposes of computing term limits.
- | ~~(fg)~~ *Parks and community programs advisory committee.* Notwithstanding anything in section 2-85 of this Code to the contrary, the terms of all members of the parks and community programs advisory committee serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, two (2) members shall be appointed for a one-year term; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.
- | ~~(gh)~~ *Planning board.* Notwithstanding anything in section 2-97 of this Code to the contrary, the terms of all regular and alternate members of the planning board serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, one (1) regular member shall be appointed for a one-year term; two (2) regular members shall be appointed for two-year terms; two (2) regular members shall be appointed for three-year terms; and two (2) alternate members shall be appointed for one-year terms. All appointments thereafter shall be for three-year terms. If as of the expiration of his or her term on December 31, 2008, a member of the planning board has served between eighteen (18) and twenty-four (24) months of his or her second term, such time shall not count as a term for the purposes of computing term limits, provided, however, that thereafter he or she is appointed to a one-year term. If any regular member has served less than eighteen (18) months of his or her current term as of December 31, 2008, the period served shall not be considered a "term" for purposes of computing term limits.

(hi) *Shellfish conservation commission.* Notwithstanding anything in section 9-54 of this Code to the contrary, the terms of all members of the shellfish conservation commission serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, one (1) member shall be appointed for a one-year term; two (2) members shall be appointed for two-year terms; and two (2) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.

(hj) *Board of assessment review and sewer appeals.* Notwithstanding anything in section 2-69 of this Code to the contrary, the terms of all members of the board of assessment review serving on the date of enactment of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, one (1) member shall be appointed for a one-year term; two (2) members shall be appointed for two-year terms; and two (2) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms. If as of the expiration of his or her term on December 31, 2008, a member of the board of assessment review has served between eighteen (18) and twenty-four (24) months of his or her second term, such time shall not count as a term for the purposes of computing term limits, provided, however, that thereafter he or she is appointed to a one-year term. If any regular member has served less than eighteen (18) months of his or her current term as of December 31, 2008, the period served shall not be considered a "term" for purposes of computing term limits.

(ik) *Human services committee.* Notwithstanding anything in any order or section to the contrary, the terms of all members of the human services committee serving on the date of adoption of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, one (1) member shall be appointed for a one-year term; one (1) member shall be appointed for a two-year term; and one (1) member shall be appointed for a three-year term. All appointments thereafter shall be for three-year terms.

~~(l) *Recycling committee.* Notwithstanding anything in any order or ordinance to the contrary, the terms of all members of the recycling committee serving on the date of adoption of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.~~

(km) *Open space implementation subcommittee.* Notwithstanding anything in any order or ordinance to the contrary, the terms of all members of the open space committee serving on the date of adoption of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, three (3) members shall be appointed for one-year terms; three (3) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms. All appointments thereafter shall be for three-year terms.

(ln) *Ad hoc committees.* The terms of all members of ad hoc committees appointed by the town council, including but not limited to the community facilities planning committee, the green ribbon commission, and the workforce housing committee, serving on the date of adoption of this section and all positions vacant on that date shall expire on December 31, 2008, provided that members serving on December 31, 2008, shall continue to serve until their successors are appointed and qualified. Beginning January 1, 2009, all members of all of the ad hoc committees noted above shall be appointed for a term of up to one (1) year or less at the discretion of the town council. All appointments thereafter shall be made at the discretion of the town council and shall be for terms of up to one (1) year or less.

(me) *Expiration of terms.* Upon the expiration of their terms on December 31 of each year, all members serving on the boards, committees, and commissions for the town shall continue to

serve until their successors are appointed and qualified.  
(Amd. of 12-8-2008; Amd. of 3-23-2009)  
Secs. 2-44--2-59. Reserved.

## **DIVISION 2. BOARD OF APPEALS\***

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**\*Charter references:** Board of appeals, § 703.

**Cross references:** Procedure for removal of members of boards, committees, commissions, § 2-40; vacancies on appointive boards, § 2-41; building construction standards, § 4-70 et seq.; zoning and site plans and flood prevention and protection regulations, Ch. 19.

**State law references:** Board of appeals, 30 M.R.S.A. 2411.

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### **Sec. 2-60. Establishment.**

There shall be a board of appeals as authorized by the Charter, section 703.

### **Sec. 2-61. Membership.**

The board of appeals shall consist of five (5) members and not more than two (2) alternate members. All members shall be residents of the town. Appointments to the board of appeals shall be made by the town council.

### **Sec. 2-62. Terms.**

The term of office for members and alternate members of the board of appeals is three (3) years provided that a member shall continue to serve until his successor has been appointed and qualified. No member shall be appointed for more than two (2) consecutive three-year terms. Appointment as an alternate member or appointment to an unexpired term of less than eighteen (18) months shall not be considered a term for the purposes of the limitation to two (2) consecutive three-year terms. When there is a permanent vacancy, the town council shall appoint a person to serve for the unexpired term.

### **Sec. 2-63. Alternate members.**

When a member of the board of appeals is unable to act because of a conflict of interest, physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to act in the member's stead. An alternate member may attend all meetings of the board of appeals and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.

### **Sec. 2-64. Officers.**

The members of the board of appeals, including alternate members, shall annually elect a chairman and a secretary from among their members. An alternate member may not serve as chairman. The chairman shall call meetings of the board of appeals as required and shall preside at all meetings. The secretary shall provide for the keeping of the minutes of the proceedings of the board, which shall show the vote of each member upon each question.

### **Sec. 2-65. Duties.**

The board of appeals shall hear and decide administrative appeals from decisions of the code enforcement officer, variance applications and conditional use applications. The board shall undertake such other duties and responsibilities as may be assigned to it by the town council, by the ordinances of the town and by state statutes.

### **Sec. 2-66. Appeals.**

Appeals from decisions of the board of appeals shall be taken directly to the Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

**Sec. 2-67. Conflict of interest.**

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member of the board of appeals from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

**Sec. 2-68. Compensation.**

Each member of the board of appeals shall receive forty dollars (\$40.00) for attendance of each duly called meeting of such board, not to exceed in the aggregate of one thousand dollars (\$1,000.00) per fiscal year in full for this service. Board members may choose to decline acceptance of this compensational [at] the beginning of each fiscal year.

(Code 1966, Ch. 202, § 2; Ord. of 7-28-97; Ord. of 8-23-99; Ord. of 8-22-2005)

**DIVISION 3. BOARD OF ASSESSMENT REVIEW**

**Sec. 2-69. Creation, power, duties.**

There shall be a board of assessment review as provided in section 602 of the Charter. The board's duties shall be those as specified in section 603 of the Charter.

(Code 1966, Ch. 201, § 3, § 105)

**Charter references:** Board of assessment review, §§ 602, 603.

**DIVISION 4. LONG-RANGE PLANNING ADVISORY COMMITTEE\***

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**\*Editor's note:** The Amd. of May 27, 2008 repealed the former Div. 4, §§ 2-70--2-72 and enacted a new Div. 4 as set out herein. The former Div. 4 pertained to the comprehensive plan advisory committee and derived from Ord. of 1-27-89, Arts. I--V.

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**Sec. 2-70. Creation and statement of purpose.**

- (a) The town council does hereby establish a long-range planning advisory committee.
- (b) The purpose of the long-range planning advisory committee shall be to advise the council on the land use policies of the town.
- (c) The members of the committee should possess a balance of backgrounds and perspectives. In addition, the council should appoint members from other town committees whose assignments either involve land use issues, or which otherwise overlap with this committee.
- (d) The existing CPAC membership, as of May 27, 2008, shall serve as temporary LPAC members until the town council appoints permanent members to LPAC. CPAC shall cease to exist upon adoption of this amendment, May 27, 2008.  
(Amd. of 5-27-2008(2-70.1))

**Sec. 2-71. Appointment, terms, officers.**

- (a) The town council shall appoint a standing committee of seven (7) town residents made up of one (1) member of the town planning board and six (6) citizens of the town. The town council shall appoint up to six (6) additional residents to the standing committee on an ad hoc basis to assist with the development or update of the comprehensive plan.
- (b) The initial standing committee shall consist of two (2) members appointed for one (1) year, two (2) members appointed for two (2) years and three (3) members appointed for three (3) years. Thereafter members shall be appointed for periods of three (3) years.
- (c) Ad hoc members assisting with the update of the comprehensive plan shall serve one (1) three-year term or through completion of the project, whichever comes first.
- (d) All committee members shall serve without pay.
- (e) The committee shall annually choose one (1) of its own members to serve as chair.
- (f) The chair of the council community development committee shall serve as the council liaison to the committee.
- (g) The town council shall have the power to remove any member, standing or ad hoc, for

cause, and shall also have the power to replace appointees who voluntarily leave the committee. (Amd. of 5-27-2008(2-70.2))

**Sec. 2-72. Meetings; reports.**

Meetings are to be called by the chair. It is the responsibility of the long-range planning advisory committee to report as needed to the town council. It is further the duty of the committee to prepare an annual report, periodic work plan and budget requests, as needed, to the town council for its review and approval.

(Amd. of 5-27-2008(2-71))

**Sec. 2-73. Powers and duties.**

All projects undertaken by the committee shall obtain approval of the council prior to commencement. Committee work products are recommendations to the council. The committee's work shall be in accordance with the work plan approved by the council.

Assignments include, but are not limited to:

- (1) Analysis and development of recommended land use policies;
- (2) Development and updating of the comprehensive plan;
- (3) Development of specific recommended actions the town should take to implement the comprehensive plan;
- (4) Development of recommended land use ordinances and regulations and amendments; and
- (5) Any other projects as the council may choose to assign it.

(Amd. of 5-27-2008(2-72))

Sec. 2-74. Reserved.

**DIVISION 5. CONSERVATION COMMISSION**

**Sec. 2-75. Establishment.**

There is hereby established a conservation commission consisting of seven (7) members serving without pay to be appointed by the town council pursuant to 30-A M.R.S.A. § 3261. The term of office is three (3) years.

(Code 1966, Ch. 201, § 13, § 101; Ord. of 4-28-2003)

**Sec. 2-76. Duties.**

(a) The conservation commission shall conduct research and give advice as to the protection, development and use of the natural resources located within the territorial limits of the town. It shall seek to coordinate its activities with existing municipal agencies, commissions, departments, and conservation bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary and with the approval of the town council. It shall prepare and keep an index of all open areas, publicly or privately owned within the town including but not limited to openmarsh lands, swamps, and other wetlands for the purpose of assimilating and retaining information pertinent to the proper utilization, protection and potential development or use of such open areas. The conservation commission may recommend to the town council or any municipal body or board or any body, private, politic or public, a program for the better utilization, protection, development or use of such areas. It shall keep records of its meetings and activities and shall make an annual report to the town to be published as part of the annual town report, and may employ such personnel as may be approved by the town manager.

(b) The conservation commission with the approval of the town council may acquire land or interest therein in the name of the town for any purposes set forth in 30-A M.R.S.A. § 3261 and accept gifts of land, money or easements for conservation or park purposes.

(c) The conservation commission at least thirty (30) days prior to making any recommendations pursuant to this section to the town council shall submit such recommendations to the town planning board.

(d) Nothing in this section shall be construed to conflict with or usurp any duties, powers, or functions of the parks and community programs department nor the powers and duties heretofore conferred upon the town tree warden.

(Code 1966, Ch. 201, §§ 13, 102)  
Secs. 2-77--2-80. Reserved.

## **DIVISION 6 (Reserved)**

### **DIVISION 6. CABLE TELEVISION COMMITTEE**

#### **Sec. 2-81. Establishment and purpose.**

~~(a) There shall be a Falmouth Community Television Channel, the head of which shall be the Falmouth Cable Television Committee, the members of which shall be appointed by the town council.~~

~~(b) The cable television committee is responsible for providing the citizens of Falmouth with such coverage of civic and public events, as the interest of the public and the availability of equipment and citizen volunteers permits.~~

~~(Ord. of 12-27-82, § I; Ord. of 10-22-90)~~

#### **Sec. 2-82. Membership; terms.**

~~(a) The Falmouth Cable Television Committee shall consist of five (5) members of the public appointed at large who shall be responsible to the town council for the legal and proper management of the Falmouth Community Television Channel.~~

~~(b) All appointments, other than those required to fill unexpired terms of office, shall be for a term of three (3) years.~~

~~(c) One (1) advisory nonvoting member each shall be designated by the town manager and the superintendent of schools. Such members shall serve until replaced by the appointing authority.~~

~~(Ord. of 12-27-82, §§ II, III; Ord. of 9-25-89(2); Ord. of 10-22-90)~~

#### **Sec. 2-83. Public involvement.**

~~The Falmouth Cable Television Committee is authorized and responsible for the establishment, modification, supervision, and disestablishment of such subordinate committees, groups, and teams as that committee may deem necessary; to appoint and remove volunteers to and from such committees, groups and teams; and to perform the foregoing functions in accordance with the bylaws to be adopted by the Falmouth Cable Television Committee as approved by the town council.~~

~~(Ord. of 12-27-82, §§ IV, V, VIII; Ord. of 10-22-90)~~

#### **Sec. 2-84. Financial procedures.**

~~The committee is authorized to receive donations and contributions for the purpose of operating, maintaining, and expanding the television system of Falmouth. Recognition may be given by appropriate acknowledgements of the sources of partial funding, providing that all receipts and expenditures shall be included within the budget approved by the town council within the fiscal system of the town.~~

~~(Ord. of 12-27-82, § VI; Ord. of 10-22-90)~~

#### **Sec. 2-84.1. Personnel.**

~~No member of the committee shall receive compensation or reimbursement for his/her services, and the committee shall hire no paid employees without the approval of the town manager.~~

~~(Ord. of 10-22-90)~~

~~**Note:** See the editor's note following § 2-84.2.~~

#### **Sec. 2-84.2. Ownership of property.**

~~All equipment, materials and supplies procured or received by the committee shall, upon receipt, become the property of the town.~~

~~(Ord. of 10-22-90)~~

~~**Editor's note:** An ordinance adopted Oct. 22, 1990, enacted sections designated as §§ 2-85, 2-86, which pertained to cable television committee personnel and ownership of property. Such sections have been redesignated by the editor as §§ 2-84.1 and 2-84.2 inasmuch as § 2-85 of the Code pertains to other subject matter.~~

## **DIVISION 7. PARKS AND COMMUNITY PROGRAMS ADVISORY COMMITTEE\***

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**\*Cross references:** Parks and community programs department, § 2-400 et seq.; streets, sidewalks and other public places, Ch. 14; zoning and site plans and flood prevention and protection regulations, Ch. 19.

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### **Sec. 2-85. Created; membership; terms.**

There is hereby established a parks and community programs advisory committee consisting of five (5) members serving without pay, appointed by the town council for the three-year terms. This committee shall plan a town-wide parks and community program and shall advise and cooperate with the public works director and the community programs director so that a progressive community program may be initiated and maintained.

(Code 1966, Ch. 201 § 11, § 103; Ord. of 9-24-2007, § 4)

Secs. 2-86--2-94. Reserved.

## **DIVISION 8. PLANNING BOARD\***

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**\*Charter references:** Planning board, § 701.

**Cross references:** Department of community development, § 2-245 et seq.; land subdivision, Ch. 7; mobile homes and mobile home parks, Ch. 11; streets, sidewalks and other public places, Ch. 14; zoning and site plans and flood prevention and protection regulations, Ch. 19.

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### **Sec. 2-95. Establishment.**

There shall be a planning board as authorized by Charter, section 701.

(Ord. of 7-22-85, § 12, § 101A)

### **Sec. 2-96. Membership.**

The planning board shall consist of five (5) members and two (2) alternate members. Appointments to the planning board shall be made by the town council.

(Ord. of 7-22-85, § 12, § 101B)

### **Sec. 2-97. Terms.**

The term of office of a member of the planning board is three (3) years, provided that a member shall continue to serve until his successor has been appointed and qualified and further provided that no member shall be appointed for more than two (2) consecutive three-year terms. The term of an alternate member shall not count for the purposes of the limitation to two (2) consecutive three-year terms. When there is a permanent vacancy, the town council shall appoint a person to serve for the unexpired term.

(Code 1966, Ch. 201, § 12, § 101; Ord. of 7-22-85, § 12, § 101C; Ord. of 9-26-88(3))

**Charter references:** Planning board membership, terms, § 701.

### **Sec. 2-98. Alternate members.**

A member of the town council may not be a member or alternate member of the planning board. When a member is unable to act because of a conflict of interest, physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an alternate member to act in his stead. An alternate member may attend all meetings of the planning board and participate in its proceedings, but may vote only when he has been designated by the chairman to act for a member.

(Code 1966, Ch. 201, § 12, § 101; Ord. of 7-22-85, § 12, § 101(D)--(F))



**Sec. 2-99. Officers.**

The full planning board, including alternate members, shall annually elect a chairman and vice-chairman from its own membership. An alternate member may not serve as chairman or vice-chairman.

(Code 1966, Ch. 201, § 12, § 101; Ord. of 7-22-85, § 12, § 101(G))

**Sec. 2-100. Duties.**

The planning board shall be responsible for the review of applications submitted to it under the subdivision ordinance and the zoning and site plan review ordinance in accordance with the terms of such ordinances and shall undertake such other duties and responsibilities as may be assigned to it by the town council, by the ordinances of the town and by state statutes.

(Code 1966, Ch. 201, § 12, § 101.1; Ord. of 7-22-85, § 12, § 101.1)

**Sec. 2-101. Rules of procedure.**

The planning board shall have authority to adopt and amend rules of procedure governing the conduct of meetings and hearings and such other procedural matters as the planning board deems appropriate.

(Ord. of 7-22-85, § 12, § 101.2)

**Sec. 2-102. Compensation.**

Each member of the planning board shall receive forty dollars (\$40.00) for attendance of each duly called meeting of (such) board, not to exceed in the aggregate of one thousand dollars (\$1,000.00) per fiscal year in full for this service. Board members may choose to decline acceptance of this compensation at the beginning of each fiscal year.

(Code 1966, Ch. 202, § 2; Ord. of 7-28-97; Ord. of 7-26-99; Ord. of 8-22-2005)

**Sec. 2-103. Appeals.**

Unless otherwise provided by the ordinance in question, appeals from decisions of the planning board shall be taken directly to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

(Ord. of 7-22-85, § 12)

Secs. 2-104--2-114. Reserved.

**DIVISION 9. RESERVED**

Secs. 2-115--2-125. Reserved.

**Editor's note:** Formerly §§ 2-115--2-119 pertained to the water front and harbor committee as derived from §§ I-IV and VII of an ordinance adopted Oct. 22, 1984. Secs. 2-115--2-119 were deleted as superseded by an ordinance adopted Mar. 25, 2002. See Ch. 9, Art. IV, § 9-90 et seq. of this Code.

**DIVISION 10. SCHOOL BOARD**

**Sec. 2-126. Compensation.**

In accordance with the provisions of the Charter, section 205, each school board member shall receive twenty-five dollars (25.00) for attendance of each duly called meeting or workshop of the full school board, not to exceed in the aggregate of seven hundred dollars (\$700.00) per fiscal year in full for this service. School board members may choose to decline acceptance of this compensation at the beginning of each fiscal year.

(Ord. of 5-28-97; Ord. of 8-23-99)

**Editor's note:** An ordinance of May 28, 1997, did not specifically amend the Code; hence, inclusion of the substantive provisions of such ordinance as § 2-126 was at the discretion of the editor.

Secs. 2-127--2-135. Reserved.

**DIVISION 11. FALMOUTH TRAILS ADVISORY COMMITTEE**

**Sec. 2-136. Creation, appointment, terms, officers.**

(a) The town council does hereby establish a Falmouth Trails Advisory Committee (FTAC) to implement the goals of the master plan for trails.

The town council shall appoint a committee of seven (7) town residents to serve on the trails advisory committee. In selecting members for the committee, the council shall take into account their interest and back-grounds, and shall give preference to applicants that will result in a balance of backgrounds, including but not limited to past or current service on the comprehensive plan advisory committee; past or current service on the community programs advisory committee; active in the snowmobile community; active in the equestrian community; active in the Portland Trials organization; the health/active lifestyles community; and other demonstrated interest in community building and outdoor recreation. The council need only give due consideration to an applicant's participation in one of the forementioned groups, but may select, in its sole discretion, the best applicants for the committee, even if they do not have a demonstrated interest in one (1) of the foregoing groups.

(b) The term of member of the trails advisory committee is three (3) years provided that a member shall continue to serve until his successor has been appointed and qualified. No member shall be appointed for more that two (2) consecutive three-year terms. Appointment to an unexpired term of less than eighteen (18) months shall not be considered a term for the purposes of the limitation to two (2) consecutive three-year terms. When there is a permanent vacancy, the town council shall appoint a person to serve for the unexpired term.

(c) The initial committee shall consist of two (2) members appointed for one (1) year, two (2) members appointed for two (2) years, and three (3) members appointed for three (3) years. Thereafter, members shall be appointed for periods of three (3) years, and shall serve without pay.

(d) The committee shall annually choose one (1) of its own members to serve as chairman and one (1) to serve as vice-chairman.

(e) The town council shall have the power to remove any member for cause, and shall also have the power to replace appointees who voluntarily leave the committee.

(Ord. of 5-24-2004; Ord. of 12-19-2006)

**Sec. 2-137. Meetings, reports.**

Meetings are to be called by the chairman. It is the responsibility of Falmouth Trails Advisory Committee to report as needed to the town council. It is further the duty of the committee to report to the town council at least once a year.

(Ord. of 5-24-2004; Ord. of 12-19-2006)

**Sec. 2-138. Powers and duties.**

The Falmouth Trails Advisory Committee shall oversee implementation of the master plan for trails. It will work with the council, town staff, other boards and committees, landowners, and private groups to:

(1) Preserve the existing private trail system for public access through the negotiation of trail easements or other landowner incentives.

(2) Maintain the physical quality of the trail network and improve deteriorated sections through the creation of a trail stewardship program.

(3) Serve as a focus for broad-based community support for trails.

(4) Coordinate with neighboring towns to assure integrations of trails with the larger regional network.

(5) Identify and create trail links to the larger network.

(6) Identify and seek resolution of user conflicts.

(7) Identify funding sources for easement acquisition, construction, and maintenance activities.

(8) Identify, contact, and assist the town in negotiations with landowners and private groups.

(9) Hold and attend public meetings on trail issues.

(10) The committee will make every effort to respect and protect the privacy of private property.

(Ord. of 5-24-2004; Ord. of 12-19-2006)

Secs. 2-139--2-147. Reserved.

## **DIVISION 12. ECONOMIC IMPROVEMENT COMMITTEE**

### **Sec. 2-148. Establishment and purpose.**

There is hereby established an economic improvement committee (EIC) consisting of seven (7) members serving without pay to be appointed by the town council pursuant to 30-A M.R.S.A. § 3261. The term of office is three (3) years.

Definition(s):

*Economic development* means the retention and expansion of jobs in Falmouth in a manner consistent with these ordinances and current town ordinances.

Purpose/goals/charge:

The economic improvement committee (EIC) shall:

- (1) Encourage and promote economic development within the town consistent with other ordinances and policies.
  - (2) Undertake and support activities aimed at enhancing the economic well-being of the community by the promotion of a sustainable economy which will retain and create quality employment opportunities and a broadened tax base for the town and its' residents.
  - (3) Provide advisory assistance to the town manager and town council for matters pertaining to economic development including but not limited to policy development, strategic planning, and land use.
  - (4) Develop guidelines and recommendations in such areas related to economic development including but not limited to business retention, business attraction, workforce development, the development of infrastructure necessary to support economic growth, redevelopment, and business development.
  - (5) Work with other public and private entities and staff to promote the economic well being of the community and perform such other functions as may be appropriate to achieve such goals.
  - (6) Develop an economic development plan for the town, submit to the town council for approval, and review this plan every three (3) years.
  - (7) Participate in regional economic development efforts.
- (Amd. of 4-26-2010)

### **Sec. 2-149. Membership: Appointment, term, makeup.**

(1) Beginning upon enactment by the town council, seven (7) members shall be appointed to serve the remainder of the calendar year 2010 until December 31, 2010. Of these seven (7) initial members, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms, all commencing on January 1, 2011. All appointments thereafter shall be three-year terms.

(2) The make up of the committee shall at a minimum consist of one (1) representative from each of the following groups:

Rt. 1 Business Rep from zone SB1 or BP

Rt. 100 Business Rep from zone VMU, WFCMPD or MUC

Falmouth Chamber of Commerce

Falmouth Long-Range Planning Advisory Committee

A minimum of four (4) members shall have a business background.

(3) The town council, at its annual organizational meeting, shall appoint a council liaison to this committee.

(Amd. of 4-26-2010)

## **DIVISION 13. RECYCLING AND ENERGY ADVISORY COMMITTEE**

### **Sec. 2-150. Establishment.**

The Falmouth Town Council does hereby establish a Recycling and Energy Advisory Committee (REAC).

### **Sec. 2-151. Appointment, Terms, Officers.**

- (1) The Town Council shall appoint a committee of seven (7) town residents to serve on the Recycling and Energy Advisory Committee. In selecting the initial members for the committee, the Council shall take into account past participation on the *ad hoc* Falmouth Green Ribbon Commission (FGRC) and the previous town Recycling Committee and shall give preference to applicants who have recently served on those committees at the time of enactment of this ordinance.
- (2) Of these seven (7) initial members, two (2) members shall be appointed for one-year terms; two (2) members shall be appointed for two-year terms; and three (3) members shall be appointed for three-year terms, all commencing on January 1, 2011 [or as soon as the committee is complete?]. All appointments thereafter shall be three-year terms.
- (3) The committee shall annually choose one (1) of its own members to serve as chairperson and one (1) to serve as vice-chairperson.
- (4) The Town Council, at its annual organizational meeting, shall appoint a Council liaison to this committee.
- (5) The Town Manager shall appoint a staff member(s) to assist this committee upon its complete appointment.

#### **Section 2-152. Meetings, Reports.**

- (1) Meetings are to be called by the committee chairperson.
- (2) It is the responsibility of the Recycling and Energy Advisory Committee to report to the Town Council once annually or more frequently at the request of the Council.
- (3) It is the further responsibility of the Recycling and Energy Advisory Committee to prepare and submit an annual proposed work plan for review, input and approval from the Town Council.
- (4) Transmission of the annual work plan and annual report to the Town Council will be handled primarily by (but not limited to) the committee chairperson, the Council-appointed liaison and the Town Manager-appointed staff person.

#### **Section 2-153. Powers and Duties.**

The Town of Falmouth Energy and Recycling Advisory Committee advises the Falmouth Town Council on matters relating to the town's solid waste recycling program, energy efficiency and on other related matters deemed appropriate by the Council. Duties shall include but not be limited to the following:

- (1) Save local taxpayer dollars through increased energy-efficiency of municipal facilities and operations;
- (2) Prioritize and implement the *ad hoc* Falmouth Green Ribbon Committee's 2010 [or 2009?] recommendations that the Council wants to pursue;
- (3) Educate Falmouth residents and businesses about energy-efficient, waste-reducing, clean energy opportunities and choices;
- (4) Build on the success of the town's recycling program;
- (5) Promote the use of clean, renewable energy sources in Falmouth's public and private facilities through education and outreach;
- (6) Work with surrounding communities on potential regional energy efficiency and clean energy strategies;
- (7) Monitor new developments and options in the fields of energy and waste management as technologies evolve and change; educate the public and advise the Council on same;
- (8) Research, investigate and report policies to accomplish the above goals and/or other related goals deemed appropriate by the Town Council.