

Lincolnville Sewer District (LSD) – Lincolnville, Maine

Lincolnville Sewer District - Bylaws

Section 1. Purpose and Scope

The purpose of the bylaws is to establish reasonable rules of procedure for the meetings of the Lincolnville Sewer District Board of Trustees, hereafter "LSD Board of Trustees", and 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.

The Trustees shall adopt, by affirmative vote of at least two-thirds of the trustees, bylaws and rules of conduct.

Section 2. Composition of the Board, Officers, Duties, and Subcommittees

The composition of the Lincolnville Sewer District Board of Trustees shall consist of three trustees appointed by the Lincolnville Select board, initially, and subsequently elected by the residents and voters of the district thereafter. Trustees are elected to three year terms in accordance with MRSA Title 35A Section 6410.

There shall be a Chairman, Vice Chairman, Secretary/Treasurer to be elected annually at the first regular meeting in each year by and among Board members unless otherwise provided by law. The Treasurer shall be an elected trustee and not a member of the public.

The Chairman shall preside at all Board meetings and shall have 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 not inconsistent with these bylaws or other law to enable the Board to perform its duties and conduct its affairs.

The Chair also shall, together with the Secretary, set the agenda for each meeting. In the absence of the Chairman, the Vice-Chairman shall preside and shall have the same authority as the Chairman. 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.

The Board may form subcommittees in a manner and configuration to be stated in the bylaws. The subcommittees may prepare recommendations to and otherwise advise the Board in matters affecting the district as described in a written charter to be developed by the Board which shall include, but not be limited to the following elements:

- a. A beginning and end date for the subcommittee's assignment
- b. The names, addresses, and contact information for each subcommittee member
- c. A clear statement of purpose, authority, and goals and objectives
- d. A written process and timeline for reporting results

Subcommittees shall be advisory in nature and may make recommendations to the LSD Board of Trustees.

Section 3. Meetings and Quorum

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All meetings of the Board and its subcommittees shall be open to the public, and all actions of the Board, and subcommittees shall be conducted in conformance with the Maine Freedom of Access Act. Notice of all meetings shall be given as required by Title 1 MRSA Section 404.

Regular meetings of the Board shall be held quarterly or as otherwise necessary or required by law. Special and Emergency meetings may be called at the discretion of the Chairman or upon the request of a majority of the Board, provided, however, notice thereof shall be given to each member and to representatives of the press in accordance with Title 1 MRSA, section 406.

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.

A quorum shall consist of two (2) members of the Board. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the Chairman to call a special meeting for a subsequent date.

Minutes of the meeting shall only be released to the public after approved and adopted by the Board.

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

1. Roll call and determination of a quorum.
2. Minutes of the previous meeting and communications.
3. Unfinished business.
4. New business.
5. Other business.
6. 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 trustees unless otherwise provided by law. Each trustee shall be entitled to one vote and each vote shall be counted equally.

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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 trustees. The vote of any conflicted Trustee shall not be counted in the calculation of the minimum number of votes required for action.

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

All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon 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 thereof. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

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

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 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 said 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 or inconsistency between these bylaws and any applicable law shall be resolved in favor of the law.

Section 8. Waivers; 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 after notice and public hearing on the proposed amendment.

These bylaws were approved and adopted at a regular meeting of the Lincolville Sewer District Board of Trustees on May 22, 2012 by a unanimous (3-0) vote.

Respectfully submitted,

Tom Crowley

Frederick Thomas Crowley, Jr.
Secretary & Treasurer