

Town of Wayne Board of Selectmen

MEMBERS: Gary Kenny, Stephanie Haines, Don Welsh, Jon Lamarche and Trent Emery

Meeting Agenda

Date: Tuesday July 11, 2017

Time: 6:30 PM.

Place: Wayne Elementary School – Gymnasium

Call Meeting to Order.

Pledge of Allegiance.

Selectmen Present / Quorum.

Meeting Minutes.

- a. Consider approving of meeting minutes of the Board of Selectmen – June 27, 2017.**

Manager Recommendation: Move the Board to approve meeting minutes of the Board of Selectmen – June 27, 2017.

Warrants.

- a. Consider approving of Payroll Warrant #1.**

Manager Recommendation: The Board to approve Payroll Warrant #1 in the amount of

- b. Consider approving of Accounts Payable Warrant #2.**

Manager Recommendation: The Board to approve Accounts Payable Warrant #2 in the amount of

- c. Consider approving of Accounts Payable Warrant #58.**

Manager Recommendation: The Board to approve Accounts Payable Warrant #58 in the amount of

Business Agenda.

- a. OATH OF OFFICE: SELECTMAN/ ASSESSOR/ OVERSEER OF POOR.**

Gary Kenny (3-Year Term).

Don Welsh (3-Year Term).

- b. ELECTION OF CHAIR & VICE-CHAIR BY SECRET WRITTEN BALLOT.**

MOTION: Move to nominate _____ for Chair.

MOTION: Move to nominate _____ for Vice-Chair.

- c. BYLAWS OF BOARD OF SELECTMEN.**

Manager Recommendation: Move the Board to adopt Bylaws of Board of Selectmen.

- d. SELECTMEN MEETING DATES / TIME / PLACE FOR FISCAL YEAR 2017 / 2018.**

Manager Recommendation: Move the Board to adopt the manager recommended Selectboard Meeting Schedule including DATES / TIME / PLACE FOR FISCAL YEAR 2017 / 2018.

e. ORDER OF THE MUNICIPAL OFFICERS, Pursuant to 36 M.R.S.A. § 906.

Manager Recommendation: Move the Board to adopt Order of the Municipal Officers, Pursuant to 36 M.R.S.A. § 906.

f. Maine Freedom of Access Law.

Manager Recommendation: Discussion Only.

g. New Parking and Traffic Control Ordinance.

Manager Recommendation: Discussion Only.

Supplements and Abatements.

Town Manager Report.

Board Member Reports.

Public Comments.

Adjourn.

The next regularly scheduled **Board of Selectmen Meeting** is scheduled for **Tuesday July 25, 2017 at 6:30 PM** at the Wayne Elementary School - Gymnasium.

Please remember Selectboard Meetings are working meetings between Board members and town staff.

**Town of Wayne, Maine
Select Board Meeting Minutes
Tuesday June 27, 2017
Wayne Elementary School**

Call Meeting to Order/ Selectmen Present

Gary Kenny determined quorum and called meeting to order at 6:30 PM with the following members present: Trent Emery, Stephanie Haines, Jonathan Lamarche, Gary Kenny, and Don Welsh.

Others Present: Aaron Chrostowsky, Town Manager

Audience: Dan Caron (D.R. Caron), Robert Stephenson, Jamie Ward (All State Asphalt),

Pledge of Allegiance

Meeting Minutes

- a. The Board approved the meeting minutes of the Board of Selectmen for June 13, 2017. (Haines/Lamarche) (5/0).
- b. The Board approved the meeting minutes of the Annual Town Meeting for June 14, 2017. (Haines/Welsh) (5/0).

Warrants

- a. The Board approved Payroll Warrant #58 in the amount of \$7,069.39. (Emery/Lamarche) (5/0).
- b. The Board approved Payroll Warrant #59 in the amount of \$31,360.93. (Welsh/Haines) (5/0).

Business Agenda

- a. **Annual Town Meeting Round-up.** None.
- b. **Town Official Appointments.**
 - The Board appointed *Aaron Chrostowsky* as *Town Manager, General Assistance Administrator, Health Officer, Road Commissioner, Deputy Clerk, Deputy Collector, Deputy Treasurer* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed *Cathy Cook* as *Town Clerk, Registrar of Voters Deputy General Assistance Administrator and Deputy Tax Collector* for the term of one-year until June 30, 2018. (Haines/ Lamarche) (5/0).
 - The Board appointed *Dawna Gardner* as *Town Collector, Deputy Town Clerk and Deputy Registrar of Voters* for the term of one-year until June 30, 2018. (Haines/ Lamarche) (5/0).
 - The Board appointed *Matt Caldwell of RJD Appraisal* as *Assessor Agent* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed *Ken Pratt* as *Code Enforcement Officer and Local Plumbing Inspector* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed *Wayne Bryant* as *Wayne Village Damkeeper* for the term of one-year until June 30, 2018. (Haines/ Lamarche) (5/0).
 - The Board appointed *Charles King* as *Fence Viewer* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed *Donna Freeman* as *Recreational Sport Coordinator* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).

- The Board appointed *Pam Chenea* as *Aging-At-Home Outreach Coordinator* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed *Bruce Mercier* as *Treasurer, E-911 Addressing Officer, Fire Chief, Fire Warden and Emergency Management Director* for the term of one-year until June 30, 2018. (Haines/ Lamarche) (5/0).
 - The Board appointed *Taylor Stevenson* as *Animal Control Officer, Deputy Fire Chief, Deputy Fire Warden and Deputy Emergency Management Director* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed *James Welch* as *Assistant Fire Chief, Assistant Fire Warden and Assistant Emergency Management Director* for the term of one-year until June 30, 2018. (Haines/ Welsh) (5/0).
 - The Board appointed all Boards, Commissions, and Committees for the term of one-year until June 30, 2018. (Welsh/ Haines) (5/0).
- c. **Award Lovejoy Pond Road Reconstruction and Paving Project Contract.**
The Board awarded the Lovejoy Pond Reconstruction and Paving Contract to *All-State Asphalt* in the amount of \$150,258.35. (Welsh/Haines) (5/0).
- d. **Award Road Shoulder Installation Services Contract.**
The Board awarded Road Shoulder Installation Services Contract to *D.R. Caron* in the amount of \$6,940. (Welsh/Haines) (5/0).
- e. **General Obligation Bond.**
The Board authorized the Town Manager to send out Invitation to Bid Notices on General Obligation Bond. (Welsh/Lamarche) (5/0).
- f. **Traffic Safety Audit update.**
The Town Manager presented the "Working Draft Wayne Route 133 Safety Audit." He explained that we will be scheduling a meeting to go over the working draft and then holding a public meeting presenting the findings of the Traffic Safety Audit.
- g. **Open Space Committee update.**
The Town Manager presented Kennebec Land Trusts letter of intent. Board consensus was that there offer was fair and the property should be conserved. Consensus was that the Open Space Committee shouldn't be involved with fund raising.
- h. **FY 2018-19 Biennial General Fund Budget update.**
The Town Manager explained the likelihood of a state shutdown was high. A state shutdown would have a little effect on Town operations.

Town Manager Report: None.

Board Member Reports:

Don Welsh requested a legal opinion whether the "fog line" if legally allows parking on shoulders of road.

Public Comments: None.

Abatements/Supplements: None.

Adjourn.

Motion to Adjourn at 8:05 PM. (Haines/Welsh) (5/0)

The next Select Board Meeting is scheduled for Tuesday, July 11, 2017 at 6:30 p.m. at the Wayne Elementary School Gymnasium.

Recorded by:

Aaron Chrostowsky, Town Manager

Select Board Members

Gary Kenny

Stephanie Haines

Don Welsh

Jonathan Lamarche

Trent Emery

Town of Wayne

P.O. Box 400; 48 Pond Road
Wayne, ME 04284
Phone: (207) 685-4983 Fax: (207) 685-3836
<http://www.waynemaine.org>

Selectboard FY 2017 - 2018

Gary Kenny, Chair
38 Richmond Mills Road
Wayne, Maine 04284
(207) 685-9576
gkenny1515@aol.com

Term Expires 2020
(3-Year Term)

Stephanie Haines, Vice-Chair
577 Main Street
Wayne, Maine 04284
(207) 685-9637
sharradon@gmail.com

Term Expires 2018
(3-Year Term)

Don Welsh
220 Leadbetter Road
Wayne, Maine 04284
(207) 685-4117
dtwelsh277@gmail.com

Term Expires 2020
(3-Year Term)

Jonathan Lamarche
P.O. Box 414
Wayne, Maine 04284
(207) 420-5421
JonLamarche@gmail.com

Term Expires 2018
(3-Year Term)

Trent Emery
137 Besse Road
Wayne, Maine 04284
(207) 615-4488
emeryfarm@gmail.com

Term Expires 2019
(3-Year Term)

Staff Contact:

Aaron Chrostowsky, Town Manager
P.O. Box 400; 48 Pond Road
Wayne, ME 04284
(207) 685-4983
townmanager@waynemaine.org

Town of Wayne

P.O. Box 400; 48 Pond Road
Wayne, ME 04284

Phone: (207) 685-4983 Fax: (207) 685-3836
<http://www.waynemaine.org>

OATH OF TOWN OFFICE

July 1, 2017

I, **Gary Kenny**, do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States, and of the State of Maine; that I will in all respects observe the provisions of the Charter and Ordinances of the Town of Wayne, and will faithfully discharge the duties of the office of **Selectboard, Board of Assessors and Overseer of Poor**. SO HELP ME GOD.

Term Ending June 30, 2020, according to the Constitution and Laws of the State.

Signature: _____

Kennebec SS:
Wayne, Maine

July 11, 2017

Subscribed and sworn before me,

Town Clerk

Expires: **June 30, 2020**

Town of Wayne

P.O. Box 400; 48 Pond Road
Wayne, ME 04284

Phone: (207) 685-4983 Fax: (207) 685-3836
<http://www.waynemaine.org>

OATH OF TOWN OFFICE

July 1, 2017

I, Don Welsh, do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States, and of the State of Maine; that I will in all respects observe the provisions of the Charter and Ordinances of the Town of Wayne, and will faithfully discharge the duties of the office of Selectboard, Board of Assessors and Overseer of Poor. SO HELP ME GOD.

Term Ending June 30, 2020, according to the Constitution and Laws of the State.

Signature: _____

Kennebec SS:
Wayne, Maine

July 11, 2017

Subscribed and sworn before me,

Town Clerk

Expires: June 30, 2020

**TOWN OF WAYNE
BOARD OF SELECTMEN**

**Election of Board Leadership
SECRET BALLOT**

CHAIR: _____

VICE-CHAIR: _____

**TOWN OF WAYNE, MAINE
SELECTBOARD BYLAWS**

Section 1. Purpose and Scope

The purpose of these bylaws is to establish reasonable rules of procedure for ~~Board of Selectmen~~~~Selectboard~~~~Selectboard~~~~Selectboard~~ (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. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

Section 3. Officers and their Duties

Officers of the Board shall consist of a Chair and a Vice-Chair to be chosen annually at the first Board meeting in July by and from among Board members. The Chair 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. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority. Notwithstanding the presence of the Chair, the Selectman may, by unanimous consent, authorize the Vice-Chair to preside at that Board meeting. In that instance the Vice-Chair is to have and exercise any and all authority conferred upon the Chair. In a situation where the Chair and the Vice-Chair of the Board are absent, the Board shall appoint by affirmative majority vote of its present members present, a temporary Chair of the Board to serve until such a time as the Chair or Vice-Chair returns to the Chair. The temporary Chair is to have and exercise any and all authority conferred upon the permanent Chair. The Town Clerk 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 4. Meetings

Regular meetings of the Board should be held every other Tuesday at 6:30 PM or as otherwise necessary or required by law. Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board, provided, however, that notice thereof shall be given to each member at least twenty-four hours in advance, whenever possible, 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. The Town Manager or designee will post all meeting notices at the following locations:

1. Wayne Post Office;
2. Wayne General Store;
3. Cobbie's Corner Store;
4. Town Office;
5. North Wayne Building "Old Town Office"; and
6. Town of Wayne Website

All such meetings shall be open to the public except 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 regular order of business at meetings shall be as follows:

1. Call meeting to Order;
2. Pledge of Allegiance.
3. Selectman Present / Quorum.
4. Meeting Minutes.
5. Warrants.
6. Business Agenda.
7. Supplements / Abatements
8. Town Manager Report.
9. Board Member Reports.
10. Public Comments.
11. Adjourn.

Board members are allowed to go into an executive session to deliberate on the matters authorized by 1 MRSA -§405 and no others. The executive session can only be entered after a motion has been made in public session to go into executive session. The motion to go into executive session must indicate the precise subject matter, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process. The motion also must "include a citation of one or more sources of statutory or other authority that permits an executive session for that business".

<u>Reason for Executive Session</u>	<u>Statutory Citation</u>
• <u>Personnel Matters:</u>	<u>1 M.R.S.A §405(6)(A)</u>
• <u>Acquisition or sale of real property or economic development:</u>	<u>1 M.R.S.A §405(6)(B)</u>
• <u>Labor negotiations:</u>	<u>1 M.R.S.A §405(6)(C)</u>
• <u>Consultations with legal counsel:</u>	<u>1 M.R.S.A §405(6)(E)</u>
• <u>Discussion of confidential records:</u>	<u>1 M.R.S.A §405(6)(F)</u>
• <u>Poverty abatements:</u>	<u>36 M.R.S.A §841(2)</u>

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-The motion must carry by at least 3/5 of the members present. No topic other than that referred to in the motion shall be discussed during executive session. All matters discussed during the executive session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the executive session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board. No votes/ decisions shall be made in Executive Session. All votes/ decisions shall be made out of executive session for the record.

Section 5. Public to Address Board

The Select Board encourages citizens of the Town of Wayne to attend Board meetings, conducted at the Town office at 6:30 Tuesday evenings, which are open to both the press and the public except during executive sessions. Executive sessions, which usually occur at the end of a meeting, deal with topics that the open discussion of which may potentially harm the Town, affected individuals or both, or are authorized / mandated by state law. The Select Board follows state law with regard to executive sessions. The Board encourages residents to bring issues of concern or interest of an individual or of the community to the attention of the Select Board. Citizen involvement in Town governance enhances the sense of community that makes Wayne a great place to live, work and visit. Select Board meetings follow an agenda, which lists the issues the Board will address. The Board wants to hear from citizens and recognizes one way for residents to participate is to speak out in the "Public Communications" sections of each Select Board Meeting. The Select Board also recognizes that efficient, productive and orderly meetings are essential to ensure full and fair consideration of agenda subjects at each meeting. To balance these two interests, the Select Board adopts this Policy to govern the "Public Comments" agenda item of the meetings.

Citizens will be allowed to comment on each agenda, with comments pertaining only to the item being discussed before final action is taken. Comments will be limited to three to five minutes.

There will be one "Public Comments" segment at each regularly scheduled Select Board Meeting at the end of the meeting. Each "Public Comments" segment is limited to fifteen minutes, allowing three (3) minutes per person. Repeat speakers shall be allowed to speak again after anyone wishing to speak has done so and we are still in the fifteen minute allotted time frame. The full fifteen minute time interval will not be reserved for potential discussion. A citizen who is present at the meeting may request the Select Board to extend the Public Comments time, with the Select Board voting on

the amount of time and either accepting or rejecting the additional time allocation requested.

All Public comments or questions shall be directed to the Chairperson, who will recognize each speaker in turn. Remarks may not exceed three minutes per speaker. Each speaker must identify him/herself and the group he/she represents, if applicable. Speakers may not "read into the record" remarks prepared for or directed to another person or entity. This segment of the agenda is intended for brief, usually informal, discussions.

A speaker requesting to present a more formal or comprehensive discussion may request in advance to be on the agenda for that evening. To request to be on the agenda, one should contact the Town Manager by Tuesday noon prior to the following scheduled Select Board Meeting. The "Public Comments" segment is not an appropriate time to request an interpretation and/or decision of the Select Board. All reasonable requests will be considered, but will be at the Select Board Chairperson's discretion whether to allow an agenda item, depending on the nature of the request and the time available at a specific meeting. Any request to be on the agenda denied by the Chairperson of the Board, may be brought forth before the entire Select Board during Public Comments time for the entire Select Board to review. If a motion is made and passes to add the item to a future agenda, the Chairperson will add it to the agenda within the next two scheduled Select Board meetings.

The Select Board will not accept written materials distributed at a Select Board meeting, other than petitions submitted in accordance with state law. Individuals or groups must submit written materials for the Board's attention to the Chairperson of the Select Board, no later than noon on the Monday before the next scheduled Select Board meeting. The Chairperson shall provide to the Town Manager any written materials received from the public for distribution to all Board members.

Individuals or groups who desire a response from the Select Board are advised to contact the Town Manager and all Select Board Members to request placing an item on the Board's agenda for discussion or submit a letter rather than relying on a "Public Comments" session. The Select Board shall note any concerns, questions, comments and communications from the public and possibly address at a following meeting. The Chairperson also could direct the individual or group to an appropriate resource for further information. The Select Board will not enter into debate with the public on a topic but may provide factual information regarding the substance of a comment or ask clarifying questions. Following the meeting, the Chairperson, on behalf of the Select Board will submit contact information (if provided) for the member of the public who asked a question or provided a comment to the appropriate resource for further information, if needed.

Questions about Town affairs and criticisms or concerns about Town policies, actions, or programs are welcome, provided they do not become personal.

No personal attacks on any individual or firm, including Town employees, Town officials, or members of the public, will be tolerated during any meetings. Please direct concerns about Town officials to the Chairperson of the Select Board outside the public meeting. Complaints concerning any employee of the Town, other than the Town Manager, shall be directed only to the Town Manager and are not permitted to be publicly discussed, pursuant to Maine Labor Laws. Complaints involving the Town Manager shall be directed to the Select Board for consideration, but are not permitted to be discussed pursuant to Maine Labor Laws.

The Select Board vests in its Chairperson the discretion to terminate any remarks if the speaker does not adhere to this policy. At any time, remaining Select Board may call a point of order and ask the Chairperson to address any individual(s) that are not abiding by this policy. This pertains to the public, Select Board Members, and all Town employees.

Section 6. Workshop Sessions

Workshop sessions may be scheduled by the Chair for the purpose of disseminating information for Board enlightenment and evaluation or for the discussion or refinement of future agenda items.

Members of the public are invited to attend any workshop session but will not be allowed to participate in the workshop. Prior to adjourning any workshop session, the Board will provide time for members of the public to address the session to provide information relevant to the subject being explored or to ask questions, through the Chair, relating to the subject of the workshop session.

Section 7. Agenda Items

All agenda items shall be, under normal circumstances, submitted by the Board members to the Town Manager three working days prior to any regular or special meeting. The Town Manager will draft the agenda and obtain the Chair's approval before distribution. In the event that a matter shall arise which was not submitted to the Town Manager within the proper time frame, then that item shall be presented to the Chair as soon as possible. The Chair may present the matter to be considered by the Board, with a majority vote of Board members present required for it to be included on the agenda.

Section 8. 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 Chair 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 rule of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chair and without interruption, provided however, that the Chair 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 Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

Section 9. ~~Meeting Length~~ Board Action.

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 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 Chair for good cause shown. Those present, in such circumstances, who refuse to vote are regarded as having voted affirmatively, i.e. for the proposition, or to have voted with the majority.

Section 10. Meeting Length

All Board meetings, workshops or executive sessions should, except in extraordinary circumstances, adjourn at or before 9:30 p.m.

Section 11. Conflict with Laws

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

Section 12. Waivers; Amendments

These bylaws, or any provisions 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.

Section 13. Oath of Office.

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At the first Board meeting in July, the Oath of Office will be administered by the Town Clerk or his/her designee to newly elected Selectboard members

Below is the Oath of Office to be administered:

I, XXXX, do solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States, and of the State of Maine; that I will in all respects observe the provisions of the Charter and Ordinances of the Town of Wayne, and will faithfully discharge the duties of the office of Selectboard, Board of Assessors and Overseer of Poor. SO HELP ME GOD.

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Section 14. Training For Elected Officials on Maine's Freedom of Access Law.

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Selectboard members must complete training on the requirements of Maine's Freedom of Access laws relating to public records and proceedings (1 M.R.S.A. § 412).

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Selectboard members must complete the training within 120 days after the official takes the oath of office.

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After completing the training, Selectboard members are required to make a written record attesting that the training has been completed. The record will be filed at the Town Office, which will be available to the public upon request.

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Section 15. Legal Counsel.

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1. The Town Manager will promptly inform the Selectboard Chair as to the Town's receipt of service of a Complaint or other pleading filed against the Town in Federal, State, or other judicial or administrative forum and will promptly notify the Town's liability insurer as to the receipt of a complaint or other pleadings which may potentially be covered under the Town's insurance policy. Within fourteen (14) days after the Town's receipt of service, the Board will meet to determine whether legal counsel needs to be retained, and decide what legal counsel will be retained to represent the Town's interest in defense of such legal action.

2. A notice of Tort Claim served upon the Town will promptly be delivered to the Town's Liability Insurer and a copy will be provided to each Selectman before the next Board meeting.

3. No legal action will be filed or otherwise prosecuted by the Town without prior authorization by the Selectboard.

4. The authorization to retain legal service for a specific matter will be approved by the Selectboard.

5. Only current members of the Selectboard, Town Manager, Town Clerk and Code Enforcement may request written and/ or telephonic legal opinions from the Maine Municipal Association (MMA) Legal Department.

Section 16. Personnel Complaints

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The Selectboard agrees to follow this specific procedure for receiving, investigating and responding/ resolving citizen complaints about town government action or inaction including the conduct of any Town Official or department.

1. In the event that a member of the Selectboard transmits to the Town Manager, either verbally or in writing, a complaint or grievance about town government action or inaction, including the conduct of any Town Official or department, that Member or Town Manager shall prepare a written memorandum summarizing the complaint or grievance, which shall be confidentially filed by the Town Manager and confidentially forwarded to all other members of the Selectboard, such as by confidential inclusion in the next Selectboard Meeting packet of information.
2. The Town Manager may, in his discretion, await further action by the Selectboard, including its decision whether to schedule an executive session for a personnel issue, before proceeding further to investigate or respond to the matter.

RULES OF PROCEDURES ADOPTED BY THE SELECTBOARD ON JULY 11, 2017
BY:

Gary Kenny

Stephanie Haines

Donald Welsh

Jon Lamarche

Trent Emery

Attest:

Aaron Chrostowsky, Town Manager

| Last Updated: 7/2017⁵

**Town of Wayne, Maine
Board of Selectmen
FY 2017-2018
Meeting Schedule**

July 2017

July 11, 2017
July 25, 2017

August 2017

August 8, 2017
August 22, 2017

September 2017

September 5, 2017
September 19, 2017

October 2017

October 3, 2017
October 17, 2017
October 31, 2017

November 2017

November 14, 2017
November 28, 2017

December 2017

December 12, 2017
~~December 26, 2017~~

January 2018

January 9, 2018
January 23, 2018

February 2018

February 13, 2018
February 27, 2018

March 2018

March 13, 2018
March 27, 2018

April 2018

April 10, 2018
April 24, 2018

May 2018

May 8, 2018
May 22, 2018

June 2018

June 5, 2018
June 12-13, 2018*
June 19, 2018

*Annual Town Meeting

All regular meetings will be held at the Wayne Elementary School at 48 Pond Road, Wayne, ME at 6:30 PM. Notices will be posted for all regular, special and emergency meetings at following locations around Town; 1) Wayne General Store; 2) Wayne Post Office; 3) old Town Office in North Wayne; 4) outside new Town Office and the Town website at <http://www.waynemaine.org/>. Please don't hesitate to contact the Town Office at (207) 685-4983, if you have any questions about the agenda or meeting date, time or location.

Town of Wayne

P.O. Box 400; 48 Pond Road
Wayne, ME 04284

Phone: (207) 685-4983 Fax: (207) 685-3836

<http://www.waynemaine.org>

ORDER OF THE MUNICIPAL OFFICERS Pursuant to 36 M.R.S.A. § 906

We, the Municipal Officers of the Town of Wayne, Maine upon the request of the Tax Collector / Treasurer of the Town of Wayne, Maine, hereby authorize and direct the Tax Collector / Treasurer, pursuant to Title 36, Maine Revised Statutes Annotated, Section 906, to apply any tax payment received from an individual as payment for any property tax against an outstanding or delinquent taxes due on said property in chronological order beginning with the oldest unpaid tax bill, provided, however, that no such payment may be applied to any tax for which an abatement application or appeal is pending unless approved in writing by the taxpayer.

Dated: July 11, 2017

Municipal Officers:

Gary Kenny

Stephanie Haines

Don Welsh

Jon Lamarche

Trent Emery

ACKNOWLEDGEMENT

We, the Tax Collector and Treasurer of the Town of Wayne, Maine, hereby acknowledge making the aforesaid request and receipt of the above Order.

Dated: July 11, 2017

Dawna Gardner, Tax Collector

Bruce Mercier, Treasurer

Maine Freedom of Access Act: Your Right to Know

Home → Training

Training For Elected Officials on Maine's Freedom of Access Law

Training related to public records and public proceedings

Beginning July 1, 2008, elected officials must complete training on the requirements of Maine's Freedom of Access laws relating to public records and proceedings. The law, enacted upon the recommendation of the Right to Know Advisory Committee, requires that those elected officials serving in office on July 1, 2008 must complete the training by November 1, 2008. Public officials elected after July 1st must complete the training within 120 days after the official takes the oath of office.

Minimum requirements for training

At a minimum, the training must be designed to be completed in less than 2 hours and include instruction in:

1. the general legal requirements regarding public records and public proceedings;
2. the procedures and requirements regarding complying with a request for a public record; and
3. the penalties and other consequences for failure to comply with the law.

Elected officials can meet the training requirement by conducting a thorough review of the material on the Frequently Asked Question (FAQ) page of this website or by completing another training course that includes all of this information but may include additional information. *Training courses do not need the approval of the Right to Know Advisory Committee, or any other State agency.*

Elected officials required to complete training

Elected officials required to complete the training include:

1. the Governor;
2. Attorney General, Secretary of State, Treasurer of State and State Auditor;
3. Legislators elected after November 1, 2008;
4. Commissioners, treasurers, district attorneys, registers of deeds, registers of probate and budget committee members of any county;
5. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments;
6. Officials of school units and school boards; and
7. Officials of regional or other political subdivisions, including officials of water districts, sanitary districts, hospital districts, transit districts or regional transportation districts.

Certification and record of completed training

After completing the training, elected officials are required to make a written or electronic record attesting that the training has been completed. The record, which will be available to the public, must be kept by the elected official or filed with the public entity to which the official was elected. A sample training completion form (PDF) (This file requires the free Adobe Reader) is available for use by elected officials.

Credits

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Maine Freedom of Access Act: Your Right to Know

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Frequently Asked Questions (FAQ)

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GENERAL QUESTIONS

What is the Freedom of Access Act?

The Freedom of Access Act (FOAA) is a state statute that is intended to open the government of Maine by guaranteeing access to the "public records" and "public proceedings" of state and local government bodies and agencies.

Are federal agencies covered by the Freedom of Access Act?

No. The FOAA does not apply to federal agencies operating in Maine or to federal government records. A similar but different federal statute called the Freedom of Information Act (FOIA) applies to the federal government. This federal statute does not apply to state or local government bodies, agencies or officials.

For more general information on the Freedom of Information Act go to:

[FOIA.gov](http://foia.gov) - Freedom of Information Act

Who enforces the Freedom of Access Act?

Any aggrieved person may appeal to any Superior Court in the state to seek relief for an alleged violation of the FOAA. 1 M.R.S. § 409(1)

Relief can be in the form of an order issued by the court that directs the government body, agency or official to comply with the law, such as by providing access to a public proceeding or by making public records available for inspection or copying.

In addition, the Office of the Attorney General or the District Attorneys may bring an enforcement action seeking penalties if the alleged violation is willful. 1 M.R.S. § 410

What are the penalties for failure to comply with the Freedom of Access Act?

A state government agency or local government entity whose officer or employee commits a willful violation of the FOAA commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. 1 M.R.S. § 410 Under the current law, there are no criminal penalties for

failure to comply with a request for public records. It is a Class D crime to intentionally remove, alter, or destroy documents belonging to a state office. 1 M.R.S. § 452

What is the Public Access Ombudsman?

The Legislature created a public access ombudsman position to review complaints about compliance with the FOAA and attempt to mediate their resolution, as well as answer calls from the public, media, public agencies and officials about the requirements of the law. The ombudsman is also responsible for providing educational materials about the law and preparing advisory opinions. The ombudsman works closely with the Right to Know Advisory Committee in monitoring new developments and considering improvements to the law.

How do I contact the Public Access Ombudsman?

Call the Office of the Attorney General at (207) 626-8577 or get more information online at:

Your Right to Know: Maine's Freedom of Access Act

Are elected officials required to take training on the Freedom of Access Act?

Yes. All elected officials subject to this section and public access officers must complete a course of training on the requirements of the FOAA. 1 M.R.S. § 412

Which elected officials are required to take Freedom of Access training?

Elected officials required to complete the training include:

- the Governor
- Attorney General, Secretary of State, Treasurer of State and State Auditor
- Legislators
- Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of any county
- Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments
- Officials of school administrative units
- Officials of regional or other political subdivisions, including officials of water districts, sanitary districts, hospital districts, transit districts or regional transportation districts
- Public access officers.

What is a public access officer?

A public access officer must be designated to serve as the contact person for an agency, county, municipality, school administrative unit and regional or other political subdivision for public records requests. An existing employee is designated public access officer and is responsible for ensuring that public record requests are acknowledged within five working days of receiving the request and that a good faith estimate of when the response to the request will be complete is provided.

What does the training include?

At a minimum, the training must be designed to be completed in less than 2 hours and include instruction in:

- the general legal requirements regarding public records and public proceedings
- the procedures and requirements regarding complying with a request for a public record
- the penalties and other consequences for failure to comply with the law

Elected officials and public access officers can meet the training requirement by conducting a thorough review of the material in this FAQ section of the State's Freedom of Access website or by completing another training course that includes all of this information but may include additional information.

Do training courses need to be certified by the Right to Know Advisory Committee?

No. Training courses do not need the approval of the Right to Know Advisory Committee, or any other State agency.

How do elected officials and public access officers certify they have completed the training?

After completing the training, elected officials and public access officers are required to make a written or electronic record attesting that the training has been completed. The record, which will be available to the public, must be kept by the elected official or filed with the public entity to which the official was elected. A public access officer must file the record with the agency or official that designated the public access officer. A sample training completion form is available (PDF) (This file requires the free Adobe Reader).

PUBLIC RECORDS

What is a public record?

The FOAA defines "public record" as "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business". A number of exceptions are specified. (See the discussion of exemptions below.) 1 M.R.S. § 402(3)

Do I have to be a citizen of this state to submit a Freedom of Access Act request for a public record?

No. The FOAA provides that "a person" has the right to inspect and copy public records. 1 M.R.S. § 408-A

How do I make a Freedom of Access Act request for a public record?

See the How to Make a Request page on this site.

Is there a form that must be used to make a Freedom of Access Act request?

No. There are no required forms.

Does my Freedom of Access Act request have to be in writing?

No. The FOAA does not require that requests for public records be in writing. However, most governmental bodies and agencies ask individuals to submit requests in writing in order to maintain a record of when the request was received and what records were specifically requested.

What should I say in my request?

In order for the governmental body, agency or official to promptly respond to your request, you should be as specific as possible when describing the records you are seeking. If a particular document is required, it should be identified precisely-preferably by author, date and title. However, a request does not have to be that specific. If you cannot identify a specific record, you should clearly explain the type of records you are seeking, from what timeframe and what subject the records should contain. For example, assume you want to obtain a list of active landfills near your home. A request to the state Department of Environmental Protection asking for "all records on landfills" is very broad and would likely produce volumes of records. The fees for such a request would be very high; the agency would likely find your request too vague and ask that you make it more specific. On the other hand, a request for "all records identifying landfills within 20 miles of 147 Main Street in Augusta" is very specific and the request might fail to produce the information you desire because the agency has no record containing data organized in that exact fashion. You might instead consider requesting any record that identifies "all active landfills in Augusta" or "all active landfills in Kennebec County." It is more likely that a record exists which contains this information. You might also want to explain to the agency exactly what information you hope to learn from the record. In other words, if you are really trying to determine whether any active landfills near your home in Augusta accept only wood waste, this additional explanation may help the agency narrow its search and find a record that meets the exact request.

Does an agency have to acknowledge receipt of my request?

Yes. An agency or official must acknowledge receipt of a request within 5 working days of receipt of the request. 1 M.R.S. § 408-A(3) P.L. 2013, ch. 350

Can an agency ask me for clarification concerning my request?

Yes. An agency or official may request clarification concerning which public record or public records are being requested. 1 M.R.S. § 408-A(3)

Does an agency have to estimate how long it will take to respond to my request?

Yes. An agency or official must provide a good faith, nonbinding estimate of how long it will take to comply with the request within a reasonable time of receiving the request. The agency or official shall make a good faith effort to fully respond within the estimated time. 1 M.R.S. § 408-A(3) P.L. 2013, ch. 350

When does the agency or official have to make the records available?

The records must be made available "within a reasonable period of time" after the request was made. 1 M.R.S. § 408-A The agency or official can schedule the time for your inspection, conversion and copying of the records during the regular business hours of the agency or official, and at a time that will not delay or inconvenience the regular activities of the agency or official. 1 M.R.S. § 408-A(5)

Can an agency or official delay responding if my request was not directed to the agency public access officer?

No. An agency that receives a request to inspect or copy a public record must acknowledge and respond regardless of whether the request was directed to the public access officer. The unavailability of a public access officer may not be reason for a delay. 1 M.R.S. § 413(3)

What if the agency or official does not have regular office hours?

If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists. 1 M.R.S. § 408-A(5)

Does an agency have to produce records within 5 days of my request?

No. The records that are responsive to a request must be made available "within a reasonable period of time" after the request was made. 1 M.R.S. § 408-A Agencies must acknowledge the request within 5 working days of receipt. A written denial within 5 working days of receipt is required if your request is denied in whole or in part. 1 M.R.S. § 408-A(4) P.L. 2013, ch. 350

Do I have to go to the agency to inspect the records or can I ask the agency or official to mail me the records?

A person may inspect or copy any public record in the office of the agency or official during reasonable office hours. The agency or official shall mail the copy upon request. The agency may charge a reasonable fee to cover the cost of making the copies for you, as well as actual mailing costs. 1 M.R.S. § 408-A(1), (2), (8)(E)

When may a governmental body refuse to release the records I request?

The FOAA provides that certain categories of documents are not public records. Included among these are records that have been designated confidential by statute, documents subject to a recognized legal privilege such as the attorney-client privilege or the work-product privilege, records describing security plans or procedures designed to prevent acts of terrorism, medical records, juvenile records, and the personal contact information of public employees contained within records. 1 M.R.S. § 402(3)(A)-(O)

For a list of records or categories of records deemed by statute to be confidential or otherwise not a public record, see the Statutory Exceptions List. While this listing may not be totally complete, it contains the vast majority of exceptions to the FOAA.

What happens if a public record holds some information that is open to the public and some information that falls within an exception to the Freedom of Access Act?

Some public records contain a mixture of information that is public and information that is confidential or otherwise not subject to public inspection under the FOAA. If the record you requested contains any confidential or excepted information, the custodian will decide if the confidential or excepted information can be adequately redacted or blacked out so that public access can be provided or if public access to the document should be denied.

Must an agency have computer technology resources that allow for maximum accessibility to public records while protecting confidential information?

When purchasing and contracting for computer software and other information technology resources, an agency shall consider the extent to which it will maximize accessibility and exportability while protecting confidential information that may be contained in the public records. 1 M.R.S. §414

Does an agency have to explain why it denies access to a public record?

Yes. When an agency denies access to a public record, it must provide the reason for its denial in writing within 5 working days of the receipt of the request for inspection or copying. 1 M.R.S. § 408-A(4) P.L. 2013, ch. 350

What can I do if I believe an agency has unlawfully withheld a public record?

If you are not satisfied with an agency's decision to withhold access to certain records, you are entitled to appeal, within 30 calendar days of your receipt of the written notice of denial, to any Superior Court within the state. 1 M.R.S. § 409(1) P.L. 2013, ch. 350

What can I do if an agency fails to provide a written denial?

If an agency withholds access to a public record and does not provide a written denial within 5 working days of the receipt of the request, this is considered a failure to allow inspection or

copying and is subject to appeal. 1 M.R.S. § 408-A(4) P.L. 2013, ch. 350

May a governmental body ask me why I want a certain record?

The FOAA does not specifically prohibit agencies or officials from asking why an individual is requesting a public record. However, if asked, the individual is not required to provide a reason for seeking a record, and the agency cannot deny an individual's request based solely on either the individual's refusal to provide a reason or the reason itself. An agency or official may request clarification concerning which public record or public records are being requested. 1 M.R.S. § 408-A(3)

Can I ask that public reports or other documents be created, summarized or put in a particular format for me?

No. A public officer or agency is not required to prepare reports, summaries, or compilations not in existence on the date of your request. 1 M.R.S. § 408-A(6)

If the public record is electronically stored, the agency or official subject to a request must provide the public record either as a printed document or in the medium in which the record is stored, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file. 1 M.R.S. § 408-A(7)

Must the agency or official provide me with access to a computer terminal to inspect electronically stored public records?

No. The agency or official is not required to provide access to a computer terminal. 1 M.R.S. § 408-A(7)(B)

I asked a public official a question about a record, but he/she didn't answer. Is he/she required to answer my question?

No. A public officer or agency is not required to explain or answer questions about public records. The FOAA only requires officials and agencies to make public records available for inspection and copying.

Are an agency's or official's e-mails public records?

Any record, regardless of the form in which it is maintained by an agency or official, can be a public record. As with any record, if the e-mail is "in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business" and is not deemed confidential or excepted from the FOAA, it constitutes a "public record". 1 M.R.S. § 402(3)

An agency or official must provide access to electronically stored public records, including e-mails, as a printed document or in the medium it is stored at the discretion of the requestor. If an agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in an e-mail, the agency is not required to provide the records in an electronic format. 1 M.R.S. § 408-A(7)

Email messages are subject to the same retention schedules as other public records based on the content of the message. There are no retention schedules specific to email messages. The State of Maine E-mail and Digital Records Retention Guide contains more information on electronic records.

Is information contained in a communication between a constituent and an elected official a public record?

Information of a personal nature consisting of an individual's medical information, credit or financial information, character, misconduct or disciplinary action, social security number, or that would be confidential if it were in the possession of another public agency or official is not a public record. However, other parts of the communication are public. 1 M.R.S. § 402(3)(C-1)

Can an agency charge for public records?

There is no initial fee for submitting a FOAA request and agencies cannot charge an individual to inspect records unless the public record cannot be inspected without being compiled or converted. 1 M.R.S. § 408-A(8)(D) However, agencies can and normally do charge for copying records. Although the FOAA does not set standard copying rates, it permits agencies to charge "a reasonable fee to cover the cost of copying". 1 M.R.S. § 408-A(8)(A)

Agencies and officials may also charge fees for the time spent searching for, retrieving, compiling or redacting confidential information from the requested records. The FOAA authorizes agencies or officials to charge \$15 per hour after the first hour of staff time per request. 1 M.R.S. § 408-A(8)(B) Where conversion of a record is necessary, the agency or official may also charge a fee to cover the actual cost of conversion. 1 M.R.S. § 408-A(8)(C)

The agency or official must prepare an estimate of the time and cost required to complete a request within a reasonable amount of time of receipt of the request. If the estimate is greater than \$30, the agency or official must notify the requester before proceeding. The agency may request payment of the costs in advance if the estimated cost exceeds \$100 or if the requester has previously failed to pay a fee properly assessed under the FOAA. 1 M.R.S. § 408-A(9), (10) P.L. 2013, ch. 350

I cannot afford to pay the fees charged by the agency or official to research my request or copy the records. Can I get a waiver?

The agency or official may, but is not required to, waive part or all of the total fee if the requester is indigent, or if the agency or official considers release of the public record to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 1 M.R.S. § 408-A(11)

Is a public agency or official required under the Freedom of Access Act to honor a "standing request" for information, such as a request that certain reports be sent to me automatically each month?

No. A public agency or official is required to make available for inspection and copying, subject to any applicable exemptions, only those public records that exist on the date of the request. Persons seeking to inspect or obtain copies of public records on a continuing basis are required to make a new request for any additional records sought after the date of the original request.

PUBLIC PROCEEDINGS

What is a public proceeding?

The term "public proceeding" means "the transactions of any functions affecting any or all citizens of the State" by the Maine Legislature and its committees and subcommittees; any board or commission of a state agency or authority including the University of Maine and the Maine Community College System; any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; the full membership meetings of any association, the membership of which is comprised exclusively of counties, municipalities, school districts, other political or administrative subdivisions, or their boards, commissions, agencies or authorities; and any advisory organization established, authorized or organized by law, resolve or executive order. 1 M.R.S. § 402 (2)

What does the law require with regard to public proceedings?

The FOAA requires all public proceedings to be open to the public and any person must be permitted to attend. 1 M.R.S. § 403

When does a meeting or gathering of members of a public body or agency require public notice?

Public notice is required of all public proceedings if the proceedings are a meeting of a body or agency consisting of 3 or more persons. 1 M.R.S. § 406

What kind of notice of public proceedings does the Freedom of Access Act require?

Public notice must be given in ample time to allow public attendance and must be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency. 1 M.R.S. § 406

Can a public body or agency hold an emergency meeting?

Yes. Public notice of an emergency meeting must be provided to local representatives of the media, whenever practicable. The notice must include the time and location of the meeting and be provided by the same or faster means used to notify the members of the public body or agency conducting the public proceeding. 1 M.R.S. § 406 The requirements that the meeting be open to

the public, that any person be permitted to attend and that records or minutes of the meeting be made and open for public inspection still apply. 1 M.R.S. § 403

Can public bodies or agencies hold a closed-door discussion?

Yes. Public bodies or agencies are permitted, subject to certain procedural conditions, to hold closed "executive sessions" on specified subjects after a public recorded vote of 3/5 of the members present and voting. 1 M.R.S. § 405(1)-(5)

Can the body or agency conduct all of its business during an executive session?

Generally, no. The content of deliberations during executive sessions is restricted to the matters listed in the FOAA, such as the following: discussions regarding the suspension or expulsion of a student; certain employment actions; the acquisition, use or disposition of public property; consultations between a body and its attorney concerning its legal rights and responsibilities or pending litigation; and discussion of documents that are confidential by statute. In addition, any governmental body or agency subject to the FOAA is prohibited from giving final approval to any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session. 1 M.R.S. § 405(2), (6)

What if I believe a public body or agency conducted improper business during an executive session?

Upon learning of any such action, any person may appeal to any Superior Court in the State. If the court determines the body or agency acted illegally, the action that was taken by the body or agency will be declared to be null and void and the officials responsible will be subject to the penalties provided in the Act. 1 M.R.S. § 409(2)

Can members of a body communicate with one another by e-mail outside of a public proceeding?

The law does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of the FOAA. 1 M.R.S. § 401

E-mail or other communication among a quorum of the members of a body that is used as a substitute for deliberations or decisions which should properly take place at a public meeting may likely be considered a "meeting" in violation of the statutory requirements for open meetings and public notice. "Public proceedings" are defined in part as "the transactions of any functions affecting any or all citizens of the State..." 1 M.R.S. § 402 The underlying purpose of the FOAA is that public proceedings be conducted openly and that deliberations and actions be taken openly; clandestine meetings should not be used to defeat the purpose of the law. 1 M.R.S. § 401 Public proceedings must be conducted in public and any person must be permitted to attend and observe the body's proceeding although executive sessions are permitted under certain circumstances. 1 M.R.S. § 403 In addition, public notice must be given for a public

proceeding if the proceeding is a meeting of a body or agency consisting of 3 or more persons. 1 M.R.S. § 406

Members of a body should refrain from the use of e-mail as a substitute for deliberating or deciding substantive matters properly confined to public proceedings. E-mail is permissible to communicate with other members about non-substantive matters such as scheduling meetings, developing agendas and disseminating information and reports.

Even when sent or received using a member's personal computer or e-mail account, e-mail may be considered a public record if it contains information relating to the transaction of public or governmental business unless the information is designated as confidential or excepted from the definition of a public record. 1 M.R.S. § 402(3) As a result, members of a body should be aware that all e-mails and e-mail attachments relating to the member's participation are likely public records subject to public inspection under the FOAA.

Can I record a public proceeding?

Yes. The FOAA allows individuals to make written, taped or filmed records of a public proceeding, or to broadcast the proceedings live, provided the action does not interfere with the orderly conduct of the proceedings. The body or agency holding the proceeding can make reasonable rules or regulations to govern these activities so long as the rules or regulations do not defeat the purpose of the FOAA. 1 M.R.S. § 404

Do members of the public have a right to speak at public meetings under the Freedom of Access Act?

The FOAA does not require that an opportunity for public participation be provided at open meetings, although many public bodies or agencies choose to permit public participation. In those instances, the public body or agency can adopt reasonable rules to ensure meetings are conducted in a fair and orderly manner. For example, the body or agency can set a rule that requires the same amount of time be afforded to each person that wants to speak.

Is a public body or agency required to make a record of a public proceeding?

Unless otherwise provided by law, a record of each public proceeding for which notice is required must be made within a reasonable period of time. At a minimum, the record must include the date, time and place of the meeting; the presence or absence of each member of the body holding the meeting; and all motions or votes taken, by individual member if there is a roll call.

The FOAA also requires that public bodies and agencies make a written record of every decision that involves the conditional approval or denial of an application, license, certificate or permit, and every decision that involves the dismissal or refusal to renew the contract of any public official, employee or appointee. 1 M.R.S. § 407(1), (2)

If the public proceeding is an "adjudicatory proceeding" as defined in the Maine Administrative Procedure Act, the agency is required to compile a record that complies with statutory specifications, including a recording in a form susceptible of transcription. 5 M.R.S. § 8002(1); 5 M.R.S. § 9059

Is the agency or body required to make the record or minutes of a public proceeding available to the public?

Yes. Any legally required record or minutes of a public proceeding must be made promptly and shall be open to public inspection. In addition, every agency is required to make a written record of any decision that involves conditional approval or denial of any application, license, certificate or other type of permit and to make those decisions publicly available, 1 M.R.S. § 403 , 407; 5 M.R.S. § 9059 (3)

Credits

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CERTIFICATION OF COMPLETION OF
FREEDOM OF ACCESS TRAINING REQUIRED BY 1 M.R.S.A. § 412

I, _____, hereby certify that I have met the training
(Name of elected official)

requirements set forth in 1 M.R.S.A. § 412 on _____ by
(date of training)

completing the following training:

- A thorough review of all of the information made available on the Frequently Asked Questions portion of the State website, www.maine.gov/foaa/faq.
- Another training course that includes this information, identified as follows:

(Title of Course)

(Name of Course Provider)

Dated this _____ day of _____, 20____.

Signature

Printed Name

Elected Office

Note: Training must be completed within 120 days after an elected official takes the oath of office.

Town News – July 2017

The **Maine's 195th Army National Guard Concert Band** will be in town on **Saturday July 1st, 2017, 6:00 PM** in the **Roderick Park**. They perform for audiences around the world and in their own backyard in Maine, the 195th Army Band's Concert Band is carrying on a proud tradition of military bands past and present by presenting free patriotic public performances. Stop by the General Store or Tubby's for a snack and bring a blanket and lawn chair to enjoy the show.

In observation of **Independence Day, Tuesday July 4, 2017**, the Town Office & Readfield Transfer Station will be closed. It will re-open on **Wednesday July 5, 2017**, during our regularly scheduled hours.

This month the **Planning Board** will be meeting on **Wednesday July 5th at 7:00 PM** at the **Wayne Elementary School Gymnasium**.

This month the Board of Selectmen will be meeting on **July 11 and July 25 at 6:30 PM** at the Wayne Elementary School Gymnasium.

During the month of July, the Town of Wayne will be using the services of the Birtwell Farms to conduct **roadside mowing** again this year. They will be mowing all roadsides about 6 feet in from the roadway. If you have anything valuable, within the Town's Right-of-Way and concerned might get hit by the mower, please don't hesitate to contact the Town Office.

The Town's **Assessor Agent** Matt Caldwell from RJD Appraisal will be available by appointment on **Friday July 21, 2017** between 8:00 AM to 4:00 PM to answer any questions you might have about your assessment or tax bill. Please contact, the Town Office to schedule an appointment.

The Town of Wayne will be conducting a **major road reconstruction and paving project** on the **Lovejoy Pond Road** this summer. *During the construction process, the roads will be closed to thru traffic; however, will be open for local traffic (residents, emergency vehicles, post office and school buses) you might experience temporary road closures and delays, be prepared to stop and obey all flaggers and signs for your safety and the contractors.* Please bear with us, while we work toward improving the Town roads. This will only be temporary and in the end, the Town will have smooth and safe road to travel. Thank you in advance for your cooperation. If you have any questions, please don't hesitate to contact the Town Office.