

Town of Damariscotta Remote and Hybrid Meeting Policy

Section 1. Purpose.

This Policy is adopted pursuant to 1 M.R.S. § 403-B, as may be amended, in order to provide a written policy to govern the use of remote means for public meetings by the Town of Damariscotta. The conduct of remote and hybrid meetings by the Planning Board and remote participation in Planning Board meetings shall be governed by this Policy.

Section 2. Definitions.

Hybrid meeting means a public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted with some meeting attendees in person/face-to-face at a designated physical location while connecting with other meeting attendees by remote means.

Planning Board or **Board** means the duly appointed members of the Town of Damariscotta Planning Board under the Town Charter, Section 4.04(B)(1).

Public meeting means a “public proceeding,” as that term is defined in 1 M.R.S. § 402(2), as may be amended.

Remote means means “remote methods” as defined in 1 M.R.S. § 403-B(1), as may be amended, and includes any form of audio and visual conference technology, or audio conference technology, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members. Remote means does not include text-only means such as e-mail, text messages, or chat functions.

Remote meeting means a public proceeding, as defined in 1 M.R.S. § 402(2), conducted solely by remote means.

Section 3. Use of Remote Means for Public Meetings.

(a) Types of Meetings and Participation Allowed

(1) Remote Meetings of the Planning Board: The Planning Board shall conduct its meetings in person unless the Chair (or a majority of members of the Planning Board), in consultation with the Town Planner, makes a determination that an emergency or urgent issue exists that requires the Planning Board to conduct a remote meeting, including, but not limited to, inclement weather and/or disasters or catastrophes caused by either natural or man-made causes. The determination of such an emergency or urgent issue shall be made as soon as practicable, and notice of a meeting being conducted solely by remote means shall be disseminated consistent with 1 M.R.S. §

406, as may be amended, and this Policy.

(2) Hybrid Meetings with Remote Participation by Individual Board Members:

Except for a remote meeting being conducted consistent with Section 3(a)(1) of this Policy, Planning Board members are expected to be physically present for all public meetings except when being physically present is not practicable for one or more members. Circumstances under which physical presence for one or more members is not practicable are limited to:

- i. Illness or other physical condition, or temporary absence from the Town of Damariscotta, that causes the Board member to face significant difficulties travelling to and attending the public meeting in person; or
- ii. To provide a reasonable accommodation to Board member(s) with a disability.

A Board member who believes it is not practicable, as set forth above, for him/her/they to attend a meeting in person shall notify the Chair (or in his/her/their absence, the Town Planner) of the existence of such circumstances as far in advance as is possible. If the agenda has already been posted at the time the notice is made, an amended meeting agenda containing the information set forth in Section 3(b) of this Policy shall be posted on the Town's website and be distributed to all members, relevant Town staff, and local representatives of the media by the same or faster means used to notify Board members at least four (4) hours prior to the originally noticed meeting start time.

(3) Hybrid Meetings with No Remote Participation by Individual Board members:

The Planning Board is not required by law to offer this type of meeting format but will endeavor to conduct a hybrid meeting, even when there is no remote participation by individual Board members, as often as practicable when the Planning Board meets in-person at the Town Hall meeting room.

(b) Notice. Notice of a remote meeting or hybrid meeting must be provided in accordance with 1 M.R.S. § 406 and applicable Town ordinances, policies and practices and shall inform members of the public the means in which to contemporaneously:

- a. Remotely view the video and audio of the meeting through internet streaming or other means;
- b. Provide remote oral testimony in a manner that allows Board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means;
- c. Obtain copies of packet materials; and
- d. If a hybrid meeting, list the specific location of the public meeting site at which members of the public may attend in person and where at least some of the Board members will be present in person.

(c) Remote Meeting and Hybrid Meeting Requirements. Any remote meeting or hybrid meeting must comply with the following:

- a. The remote means used by the Planning Board must allow all members of the public participating in the meeting to hear, or see and hear, all Board members and any other speaker;
- b. Each member of the Planning Board who is participating in the meeting must be able to hear and speak to all other Board members and must be heard by the members of the public attending and observing the meeting during the meeting;
- c. Except as provided in subsection (6) or Section 3(d) or (e), a quorum of Board members shall be visible and audible to other members and to the public during the meeting; provided that so long as a quorum of Board members is visible, no other meeting participants shall be required to be visible during the meeting;
- d. Any Board member participating in a meeting by remote means shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the Planning Board;
- e. At the start of the meeting, the Chair shall announce the names of any Board members participating by remote means and state the reason therefor, which reason must be consistent with Section 3(a)(2) of this Policy;
- f. For audio-only teleconferencing, each speaker should repeat his/her/their name before making remarks;
- g. All Board members shall refrain from electronic communications regarding subjects considered at the meeting during the meeting, except that members may receive electronic copies of materials otherwise made available at the meeting;
- h. There should be a means for the Chair or the remote means facilitator to be able to unmute and identify each speaker, to organize and summarize chat/Q&A messages from the public, and/or to read public comment into the record at the appropriate time during the meeting;
- i. All votes during the meeting shall be conducted by roll call (with each member present stating “yes” or “no” as each name is called) so that it is clear how each member voted;
- j. All hybrid meetings shall be conducted in the Town Office meeting room unless an alternative location is authorized by the Town Clerk or his/her/their designee; and

- k. All remote and hybrid meetings shall be recorded by audio or video recording technology, and the Planning Board shall make the recording of the meeting electronically available to the Town staff liaison and for public access as soon as practicable after the meeting.
- (d) Disruptions and adjournment. If during the conduct of a remote or hybrid meeting, the meeting is interrupted through disruptions or glitches in the technology, the meeting shall be automatically recessed for up to 15 minutes to restore communication when audio-visual communication cannot be maintained with a quorum of members. If the interruption cannot be resolved within 15 minutes, and the Planning Board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically adjourned. If the meeting being conducted is a hybrid meeting with no remote participation by individual Board members and a remote connection to the public location identified in the Planning Board's notice pursuant to Section 3(b)(4) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.
- (e) Executive sessions. To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair or his/her/their designee should confirm with each attendee that no unauthorized person is present or has access to any executive session being conducted via remote means. There shall be no audio or visual recording of an executive session.
- (f) Remote means account. The Town's accounts must be used for purposes of all remote meetings and hybrid meetings conducted by the Planning Board. The use of private accounts to host a remote meeting is prohibited.

Section 5. Compliance with Policy.

This Policy is intended to be self-enforcing and is an expression of the standards of conduct for Planning Board members expected by the Town. It therefore becomes most effective when Board members are thoroughly familiar with it and embrace its provisions. The Planning Board does not waive the right to address any violations in the manner it deems appropriate under the specific circumstances.