



**TOWN OF GRAY**  
**GRAY TOWN COUNCIL WORKSHOP**  
**AGENDA • MAY 5, 2022**

---

**Gray Town  
Council Workshop**

**Town Council Chambers**  
**24 Main Street, Gray, ME 04039**  
**<https://us06web.zoom.us/j/86197879075>**  
**Phone 646-558-8656 / Meeting ID: 861 9787 9075**

**4:00 PM**

---

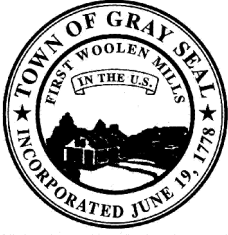
**CALL to ORDER**

Roll Call

**WORKSHOP 4:00 PM - 6:00 PM**

1. Employee Sick Time Policy
2. Self Storage changes
3. Remote Meeting Policy/Council Rules

*\* The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*



## TOWN OF GRAY

Henry Pennell Municipal Complex  
24 Main St, Gray Maine 04039  
www.graymaine.org

OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager  
nrudy@graymaine.org  
(207) 657-3339

---

May 2, 2022

TO: Gray Town Council  
RE: Sick and Personal Time Policy revision draft language

The Town Council set a goal for the Town Manager to review and make recommendations to Council to update the current sick time accrual and/or payout provision. I reviewed the current sick time policy against current employment practices, and Council reviewed and developed my recommended revisions, intended to both bring the current policies into alignment with current standard practice and accomplish a Council goal to reduce unfunded financial liability exposure for sick time payouts upon separation from employment in good standing, as recommended by the Town's auditing firm.

Pursuant to these goals, Council has deliberated on the following revisions to the Sick and Personal Time provisions of the Town Personnel Policy.

### Deletion of these clauses in Sick Time Section 7.F:

~~When an employee has accrued nine hundred sixty (960) hours of sick time, the Town Manager may elect to purchase a disability plan on behalf of the employee, in lieu of allowing the employee to continue accruing sick time. If the same employee utilizes their sick time below the accrual level of four hundred eighty (480) hours, the Town will cancel any disability plans purchased on the employee's behalf and allow the employee to accrue sick time in the manner subject to their employment classification.~~

~~Each employee in Groups I & II, upon separation from employment in good standing, shall be entitled to pay equal to one half of that employee's accumulated sick time, not to exceed forty-five (45) days, provided that the employee has worked for the Town for a period of at least five years. An employee who is not in good standing upon separation from employment is not entitled to pay for accumulated sick time.~~

### Addition of these clauses in Sick Time Section 7.F:

#### *Accrual Cap*

Accrual of sick time will not exceed 960 hours. Employees who have an excess of this cap as of July 1, 2022 will maintain their sick time hours until such time as the accrued hours may fall below 960 hours, at which time the cap will be in force.

#### *Donation*

Regular full-time employees and regular part-time employees may choose to donate up to twenty-four (24) hours to another full- or part-time employee of the Town of Gray in a fiscal year.

*Payout for Accumulated Sick Time*

Employees in Groups I & II, having achieved at least ten (10) years of service to the Town of Gray as of July 1, 2022 will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, not to exceed three hundred and sixty (360) hours.

Employees in Groups I & II having achieved at least five (5) years of service as of July 1, 2022 will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, up to two hundred (200) hours.

An employee who is not in good standing upon separation from employment for any reason will receive no payout of accumulated sick time.

Deletion of this clause in Personal Time Section 7.G:

Any employee in Groups I or II will receive an annual personal time allocation of {\_\_\_} hours.

## 2020 Benefit Package Comparison - Comparable Towns and Neighbors

Paid Time Off										
Account Name	Holidays / Year	Vacation Days / Year After 1 Year of Employment	Vacation Days / Year After 5 Years of Employment	Vacation Days / Year After 10 Years of Employment	Vacation Days / Year After 15 Years of Employment	Vacation Days / Year After 20 Years of Employment	Sick Days / Year	Number of Sick Days Permitted to Accumulate	Maximum Number of Sick Days Paid Upon Separation	Maximum Number of Sick Days Paid Upon Retirement
Gray	12.5	10	15	20	20	20	12	Unlimited	45	45
Windham	12	10	10	15	20	20	12	90	45	45
Falmouth	12	12	15	18	21	25	10	130	65	65
Yarmouth	13	10	15	20	20	25	12	60	20	20
Freeport	12	10	10	15	20	25	12	120	60	60
Cumberland	12	10	15	20	20	20	12	40	0	40
Standish	13	10	15	20	20	20	12	120	0	60
Topsham	12	10	15	20	25	25	12	120	0	0
Buxton	12	10	15	20	20	20	7	30	0	15
Bath	12	10	10	15	20	25	12	120	0	0
Waterboro	13	10	15	15	20	25	12	180	90	90
<b>Average</b>	<b>12</b>	<b>10</b>	<b>14</b>	<b>18</b>	<b>21</b>	<b>23</b>	<b>11</b>	<b>120</b>	<b>20</b>	<b>45</b>
								<b>MEDIAN</b>	<b>MEDIAN</b>	<b>MEDIAN</b>
								<b>960</b>	<b>160</b>	<b>360</b>
								<b>hours</b>	<b>hours</b>	<b>hours</b>
									<b>40</b>	
									<b>AVERAGE</b>	
										<b>320</b>
										<b>hours</b>

## Insurance/Retirement

### Insurance Benefits Offered

Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Life Insurance  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Life Insurance  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Long-Term Disability; Life Insur  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Long-Term Disability; Life Insur  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Life Insurance  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Long-Term Disability; Life Insur  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Long-Term Disability; Life Insur  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Life Insurance  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Long-Term Disability; Life Insur  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Life Insurance  
Health Insurance-Single; Health Insurance-Family; Dental Insurance-Single; Dental Insurance-Family; Short-Term Disability; Long-Term Disability; Life Insur

Insurance/Retirement			
Insurance/Retirement	Insurance/Retirement	Insurance/Retirement	Insurance/Retirement
Health Insurance Premium Paid by Employer: Single	Health Insurance Premium Paid by Employer: Family	Dental Insurance Premium Paid by Employer: Single	Dental Insurance Premium Paid by Employer: Family
80%	80%	0%	0%
90%	75%	100%	100%
85%	85%	0%	0%
85%	85%	100%	0%
90%	75%	100%	0%
85%	82%	0%	0%
100%	50%	75%	50%
85%	85%	85%	85%
90%	50%	90%	50%
85%	85%	15%	15%
100%	73%	100%	73%

Insurance/Retirement	
Retirement Plans Offered	Employer Match
Social Security; 457	6% - 9% based on longevity
MaineStart; MainePers; 457	6% - 10% based on plan
MainePERS; Social Security; 401; 457	8%
MainePERS; 457	7%
MainePERS; Social Security; 401; 457; IRA	10.6% for MePERS; 10% for ICMA
MainePERS; Social Security; 457; IRA	8%
401; 457; IRA	6%
MainePERS; Social Security; 457	6%
Social Security; 457	6%
MainePERS	11.4% Public Safety, 8.9% all others
MainePERS; Social Security; 401; 457	7.60%

May 3, 2022

**TO:** Gray Town Council  
Nate Rudy, Town Manager

**FROM:** Doug Webster

**RE:** Background information for Self-Storage Facilities  
Discussion item for upcoming Council 5-5-22 Workshop

As the Council is aware, there is a moratorium currently in effect on self-storage facilities. In the absence of this, such facilities are conditionally permitted in BD-1, BD-2, Commercial, and BT-1 (near Hannaford) zoning districts. The Council made some zoning adjustments to allow the then two pending PB applications to move forward in the moratorium (Portland Road and Lewiston Road).

There is currently only one existing self-storage facility in Gray (Hall's on Portland Road). The Lewiston Road facility is pending with PB and we are awaiting input from the applicant's consultant on the proposed Portland Road facility.

The consensus of the Council when the moratorium was placed into effect was that future discussions regarding policy direction for additional self-storage facilities was necessary. The agenda for the upcoming 5-5-22 workshop has this item on the agenda.

Since the prior TC discussions of self-storage facilities this past January, Kristen has drafted preliminary performance standards (attached) and the OAC has provided some initial input as I have summarized below:

- OAC asked if the TC had provided any policy guidance for this topic; I indicated that the only guidance provided was with regards to the moratorium and peripheral comments regarding this use.
- Some parties attending the OAC meeting indicated that they would support not allowing any additional such facilities.
- Assuming that additional such facilities are to be in Gray, there was consensus that they should be very well buffered/screened even if located further away from the road; vacant land surrounding such facilities will probably not always be undeveloped even it is presently. There was some discussion about requiring a deep (i.e. >100') vegetative buffer of mature trees. Ideally, such facilities are so aesthetically benign that the entrance signage is the only indication of their presence.
- At least some basic design standards should be applicable for aesthetic purposes; ideally these would encourage/require that the structures have a northern New England look such as a facade that looks like a barn or agricultural motif/character.

- They should not be allowed to locate close to publicly used roads; perhaps the front portion of a deep lot could have another commercial use(s) on the frontage with some buffering as separation for the self-storage deeper into the parcel.
- Consideration should be given to capping the maximum footprint of such facilities as well as having maximum building lengths and heights that work collaboratively with design standards.
- Perhaps such facilities should only be allowed in less developed districts to allow for higher-value non-residential uses to assist with the Town's desire to increase the valuation and realized tax dollars.
- Performance and review standards should take into account all on-site needs including stormwater, snow storage, vehicular access, etc.; all of which should respect the necessary buffering and not encroach into the site screening.
- Consideration should be given to sites that are located down-gradient and visible from a public road to ensure that sufficient screening will be established when the vegetative buffer reaches maturity; ideally year-round.

There are clearly several options that the Town Council can consider with regards to self-storage facilities. From a higher-level policy perspective, there are three basic paths:

- A. Not allow any more self-storage facilities in Gray
- B. Allow additional such facilities with limited performance/review standards
- C. Allow additional facilities with extensive performance/review standards

In the event that the consensus of the TC supports "B" or "C" above, I have drafted the following questions that will help guide staff/OAC in drafting the appropriate standards for Council consideration at a future meeting: *(NOTE: numbered for reference purposes)*

1. Should facilities be allowed in less-developed, potentially rural districts?
2. Should facilities be allowed in commercial/non-residential districts?
3. Should facilities always be required to be substantially set back from publicly utilized roads?
4. Should facilities be required to have substantial vegetative/natural buffering/screening?
5. Should facilities be required to meet design standards?
6. Should outdoor storage be permitted if it is sufficiently screened?
7. Should there be a maximum overall site footprint and/or maximum building height/length?

Lastly, I respectfully remind the Council that the currently in effect moratorium will expire on July 4th. If the intention is to have this remain on the books until new standards are effective, it is apparent that it will need to be extended.

I look forward to meeting with the Council this coming Thursday.

# Town of Gray Design Standards for self-storage facilities

## *Use- specific performance standards to become: 402.8.11*

These design standards apply to all self-storage facilities, as defined in the Town of Gray Land Use Ordinance.

### **PURPOSE:**

The Town has set these standards in response to increased interest in development of self-storage facilities, both within the Town and in surrounding towns. This use has historically seen the installation of multiple long, single-story metal buildings, which can be visually monotonous and unattractive, detracting from the community's desired image. Variations in roofline elements and façade treatments are proposed herein to break up the scale of such buildings and add visual interest.

These standards seek to promote an aesthetically pleasing appearance for self-storage facilities, in the interest of retaining Gray's rural character, and protecting property values within the town and specifically within the districts in which the self-storage use is conditionally permitted.

Photographs and captions included herein are meant to provide visualizations of the intended design effect.

### **APPLICABILITY:**

These standards apply to all developments defined as "self-storage" use per the Gray Zoning Ordinance, presented to town staff, Staff Review Committee or Planning Board as of the effective date of these standards, and are meant to supplement the existing standards of the Gray Zoning Ordinance.

### **DESIGN ELEMENTS:**

The architectural design elements outlined below are options that can be combined to meet the stated purpose of improving the appearance of self-storage facilities, particularly by breaking up long, monotonous facades.

**Materials:** The Town recognizes that many self-storage facilities are metal buildings with metal roofs. For complementary architectural design elements to such buildings, such as the façade treatments listed below, a traditional Northern New England appearance is preferred, such as brick, clapboard and shingles. Contemporary materials with similar appearance, such as veneers, composites, vinyl and dyed concrete can be used to achieve this end on all or part of metal buildings.

**Roofs:** Pitched roofs are required, with a minimal pitch of at least 5/12. Buildings with projecting rooflines should be designed to create strong patterns of shade and shadow.

**Façade treatments:** Blank, unadorned or unscreened walls facing public roads, residential neighborhoods, or the front or side of abutting properties should be avoided. In addition to landscape buffering, façade treatments such as those listed below should be added to provide depth and visual interest on extended walls.

- wall plane projections and recesses,
- roof elevation variations,
- Faux windows, with or without shutters
- Decorative lighting
- Exterior artwork (i.e., building murals)
- canopies
- variations in siding materials and orientations, such as patterns or a combination of vertical and horizontal siding
- wainscoting
- awnings
- decorative dormers



Clockwise from top: Brick façade; pitched roof with appropriate colors and stone wainscoting; decorative canopy; faux windows with stone brick façade; overhang canopy; dormer.

**Buffering:** The reviewing authority shall have the ability to require buffering and screening of self-storage facility building(s) sufficient to minimize the impact on abutting properties and any publicly maintained road from which the development is visible.

These buffers/screens can include, but are not limited to: plantings, hedges, fencing, berms, walling, and combinations thereof.

New plantings must be tolerant species of sufficient height and blend with existing vegetation, which should also be retained as buffering whenever possible. Long term, plantings must be maintained or replaced to continue to serve as buffers. Fencing should be in colors compatible with the building and with the rural image of the town.

**Colors:** Building colors should be compatible with surrounding properties, to include earth tones and neutral colors, compatible with traditional New England construction. Roof colors shall be those commonly found on residential buildings, including but not limited to brown, black, gray and green, and shall be of a dark hue.

**Lighting:** All building and site lighting must be directed downward to minimize light pollution. Lights should be aimed and shielded to avoid any light directed onto the road, sidewalks or abutting properties. Lights should be directed only onto the building or the site. Light fixtures should be considered to highlight design elements as well as illuminate entry points and improve site security.

#### **ADMINISTRATIVE PROCEDURE:**

The Planning Board shall administer these standards as part of the site plan review process for a self-storage development, per Article 10 of the Gray Zoning Ordinance. Appeals of the Planning Board's decisions are to be made according to the provisions of site plan review, 402.10.17.



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

---

Legislative Document

No. 1772

---

H.P. 1323

House of Representatives, December 2, 2021

---

**An Act To Amend the Remote Meeting Law in Maine's Freedom of  
Access Act**

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on November 30, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HARNETT of Gardiner.  
Cosponsored by Senator BAILEY of York and  
Representatives: CUDDY of Winterport, DODGE of Belfast, GRAMLICH of Old Orchard  
Beach, MORIARTY of Cumberland, WHITE of Waterville.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 1 MRSA §403-B, sub-§2, ¶B**, as enacted by PL 2021, c. 290, §1, is  
3 repealed.

4 **Sec. 2. 1 MRSA §403-B, sub-§2, ¶E**, as enacted by PL 2021, c. 290, §1, is  
5 amended to read:

6 E. Notice of the proceeding must be provided in accordance with section 406. When  
7 the public may attend by remote methods pursuant to paragraphs C and D, the notice  
8 must include the means by which members of the public may access the proceeding  
9 using remote methods. The notice must also identify a location for members of the  
10 public to attend in person. The body may ~~not determine that limit~~ public attendance at  
11 a proceeding ~~will be limited solely to remote methods except under the conditions in~~  
12 paragraph B, subparagraph (1) if there is an emergency or urgent situation that requires  
13 the body to meet only by remote methods;

14 **Sec. 3. 1 MRSA §403-B, sub-§4**, as enacted by PL 2021, c. 290, §1, is amended to  
15 read:

16 **4. Application.** This section applies to a board or committee under the jurisdiction of  
17 a public body that has adopted a written policy pursuant to subsection 2, paragraph A. This  
18 section does not apply to:

- 19 A. The Legislature; or  
20 B. A public body to which specific statutory provisions for remote participation apply.

21 **SUMMARY**

22 This bill amends the law governing remote participation in public meetings in the  
23 Freedom of Access Act to remove the requirement that a remote meeting policy adopted  
24 by a public body must include an expectation that members of the public body be physically  
25 present. It allows the public body to limit public attendance at a proceeding solely to  
26 remote methods if there is an emergency or urgent situation that requires the public body  
27 to meet only by remote methods. It also provides that the law governing remote  
28 participation in public meetings applies to a board or committee within the jurisdiction of  
29 a public body adopting a written remote meeting policy.

# TOWN OF GRAY TOWN COUNCIL REMOTE AND HYBRID MEETING POLICY

Pursuant to 1 M.R.S § 403-B

## PURPOSE

The Town of Gray strives to provide an open and transparent government that maximizes the ability of its residents to participate in the public process. This Policy sets forth the conditions upon which the Gray Town Council may conduct a remote meeting, as that term is defined in this Policy. In addition, this Policy sets forth the conditions upon which the Gray Town Council may conduct a hybrid meeting, as that term is defined in this Policy.

## DEFINITIONS

### A. Hybrid Meeting

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.

### B. Public Meeting

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

### C. Remote Means

Means “remote methods” as that term is defined in 1 M.R.S. § 403-B(1), as may be amended. For purposes of this Policy, “remote means” may include, but is not necessarily limited to: Zoom, Go-To-Meeting, Skype, Google Meet, or other comparable internet-based telephonic or videoconferencing platform. Remote means does not include text-only means such as e-mail, text messages, or chat functions.

### D. Remote Meeting

A public proceeding, as defined in 1 M.R.S. § 402(2), as may be amended, conducted solely by remote means.

## REMOTE MEETINGS OF THE TOWN COUNCIL

The Town Council shall conduct its meetings in person unless the Chair (or in his/her absence, the Vice Chair), in consultation with the Town Manager, makes a determination that an emergency or urgent issue exists that requires the Town Council 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.

## HYBRID MEETINGS WITH REMOTE PARTICIPATION BY INDIVIDUAL TOWN COUNCILORS

Except for a remote meeting being conducted consistent with Section III of this Policy, members of the Town Council 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:

- A. Illness or other physical condition, or temporary absence from the Town of Gray, that causes the member to face significant difficulties travelling to and attending the public meeting in person; or
- B. To provide a reasonable accommodation to a member with a disability.

A Town Councilor who believes it is not practicable, as set forth above, for him/her to attend a meeting in person shall notify the Chair (or in his/her absence, the Vice Chair), as well as the Town Manager, of the existence of such circumstances as far in advance as is possible. The Chair (or in his/her absence, the Vice Chair), shall, in consultation with the Councilor, then make a determination whether being physically present is not practicable for that Councilor and, if such a determination of impracticability is made, so notify the Town Manager that a hybrid meeting will be conducted. If the agenda has already been posted at the time the determination is made to authorize a hybrid meeting with the Town Councilor's remote participation, an amended meeting agenda containing the information set forth in Section VI(a) of this Policy shall be posted on the Town's website and be distributed to all Town Councilors, relevant Town staff, and local representatives of the media by the same or faster means used to notify Town Councilors at least four (4) hours prior to the originally noticed meeting start time.

#### **HYBRID MEETING WITH NO REMOTE PARTICIPATION BY INDIVIDUAL TOWN COUNCILORS**

The Town Council is not required by law to offer this type of meeting format and will only conduct a hybrid meeting with no remote participation by individual Town Councilors when it is determined by the Town Manager, in consultation with the Chair (or in his/her absence, the Vice Chair), that such a hybrid meeting is necessary for some special reason, such as the need for the Town Council to communicate with Town staff, an outside attorney, professional or consultant without incurring the costs associated with that person's travel to/from Gray.

#### **PUBLIC NOTICE OF REMOTE MEETINGS OR HYBRID MEETINGS**

- When the Town Council conducts a remote meeting or a hybrid meeting, the following shall occur:
- A. Notice of the public meeting shall be provided in a manner that provides ample time to allow public attendance. Such notice shall be disseminated in a manner that is reasonably calculated to notify the general public of the time, date, location, and method to be used to conduct the meeting. Such notice shall provide information regarding how members of the public may attend the public meeting remotely and shall provide the physical location where members of the public may participate in person, if applicable.
  - B. Members of the public shall be provided with a reasonable opportunity to participate in the public meeting by remote means, which shall at a minimum include an effective means of communication between such members of the public and the Town Council. Reasonable accommodations may be provided when necessary to provide access to individuals with disabilities.
  - C. Unless the entire Town Council is conducting a remote meeting as provided in Section III of this Policy, members of the public must be provided the option to attend the meeting in person or by remote means.
  - D. Unless the entire Town Council is conducting a remote meeting as provided in Section III of this Policy, the Chair (or in his/her absence, the Vice Chair), at the start of the meeting, shall announce the name of any Town Councilor(s) participating by remote means and state the reason therefor, which reason must be consistent with Section IV.
  - E. All public documents and other materials considered by the Town Council shall be made available to members of the public by the same or more efficient means as they are provided to individual Town Councilors. This requirement may be met by: (i) posting all public documents and materials to be considered by the Town Council on the Town's website at least one (1) business day prior to the meeting; (ii) making physical copies of all documents and materials to be considered by the Town Council available for in person pick-up at the

Town Office at least one (1) business day prior to the meeting; or (iii) enabling the “screen-sharing” function of the remote means utilized for the meeting in such a way that members of the public are able to view all relevant documents and materials while the Town Council is reviewing and discussing the same.

## **QUORUM**

A Town Councilor who participates in a remote meeting or a hybrid meeting is considered present for purposes of determining the presence of a quorum and voting.

## **ROLL CALL VOTE REQUIRED**

All votes taken during a remote meeting or a hybrid meeting must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by all Town Councilors and the public.

## **ZOOM PREFERRED**

The preferred remote means for all Town boards and committees shall be Zoom Webinar. The platform shall be set up and hosted by a Town official and a digital recording shall be preserved. The use of private accounts to host a remote meeting or a hybrid meeting is prohibited.

## **DISRUPTIONS AND ADJOURNMENT**

If during the conduct of a remote meeting or a 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 Town Councilors. If the interruption cannot be resolved within 15 minutes, and the Town Council 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 Town Councilors and a remote connection to the public location identified in the Town Council’s notice pursuant to Section VI(a) of this Policy is interrupted or lost, the meeting shall continue at the public location without the need for a recess or adjournment.

## **EXECUTIVE SESSIONS**

To preserve the executive session privilege of any portion of a meeting closed to the public, the Chair 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.

## **OTHER TOWN BOARDS AND COMMITTEES**

Any public body organized under the auspices of the Town may adopt this Policy in order to comply with 1 M.R.S. § 403-B. Any public body adopting such a remote and hybrid meeting policy under this section must, after hearing on the same, file written notice of the vote with the Town Clerk upon adoption. Any such public body may also choose to set more stringent regulations for use of remote means, provided that said policy is at least as stringent as this Policy and complies with 1 M.R.S. § 403-B. Such enhanced policy must also, after hearing on the same, be approved by a vote of a majority of the members of said body, and a copy of said enhanced policy must be filed with the Town Clerk upon adoption.

## **APPLICABILITY**

This Policy does not apply to Town Meetings.

**AMENDMENT; SEVERABILITY; EFFECTIVE DATE**

This Policy may be amended as needed by a majority vote of the Town Council. The provisions of this Policy are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect. This Policy shall take effect immediately upon adoption by the Town Council.

Date Adopted: September 8, 2021

# TOWN COUNCIL RULES

## TOWN OF GRAY RULES OF THE GRAY TOWN COUNCIL CHAPTER 602 ADOPTED ON MARCH 19, 1981

### Amendments to the Rules of the Gray Town Council

March 15, 1983	February 19, 2002	November 1, 2011
April 1, 1986	February 18, 2003	July 3, 2012
May 19, 1987	July 1, 2003	October 16, 2012
August 2, 1988	December 20, 2005	November 13, 2012
February 20, 1990	June 05, 2007	December 4, 2012
March 20, 1990	June 17, 2008	September 17, 2013
May 4, 1993	August 19, 2008	January 7, 2014
June 20, 1995	March 17, 2009	September 1, 2015
August 1995	April 7, 2009	December 6, 2016
August 6, 1996	September 1, 2009	August 1, 2017
October 1, 1996	September 15, 2009	October 3, 2017
September 15, 1998	December 1, 2009	October 1, 2019
July 6, 1999	August 3, 2010	November 12, 2019
December 5, 2000	February 1, 2011	December 3, 2019
April 17, 2001	May 17, 2011	August 4, 2020

## TABLE OF CONTENTS

### OPERATIONAL RULES (REPEALED AND REPLACED OCTOBER 1, 2019)

- Section 602.01 - Regular Meeting
- Section 602.02 - Council Workshops and Special Meetings
- Section 602.03 – Council Meetings and Workshop Agendas
- Section 602.04 – Quorum
- Section 602.05 - Enactment Form
- Section 602.06 - Ordinance Style
- Section 602.07 - Order and Resolve Style
- Section 602.08 - Full Reading
- Section 602.09 - Yeas and Nays Taken: When
- Section 602.10 - Ordinance Effective: When
- Section 602.11 - Order and Resolves Effective
- Section 602.12 - Chair and Vice-Chair Duties
- Section 602.13 - Rules of Debate
- Section 602.14 - Breach of Council Rules or Orders
- Section 602.15 - Standing and Special Committees
- Section 602.16 – Social Media Platforms
- Section 602.17 – Councilor Requests for Staff Time & Legal Opinions
- Section 602.18 - to Section 602.19 - **(Reserved)**
  - \*\*\*\*\* ***SEPARATE DOCUMENT - Re-classified as a separate document***
  - Section 602.20 – Town Council, Committees & Affiliations Policy*
- Section 602.42 to Section 602.49 - **(Reserved)**
- Section 602.50 - Severance Clause

## OPERATIONAL RULES

### SECTION 602.01 - REGULAR MEETING (AMENDED AUGUST 3, 2010, AMENDED FEBRUARY 1, 2011, OCTOBER 3, 2017)

- A. The regular meetings of the Town Council:
1. Shall be held at Henry Pennell Municipal Complex at 7:00 p.m., current time,
  2. On the first and third Tuesday of each month, except that in July, August and November, the Town Council shall meet only once during each month on a date of their choosing.
  3. When said days falls on a holiday or on an election day, the regular meeting shall be held on the following Tuesday, at the same time and place.
  4. The date of any regular meeting may be changed by an order or resolve passed with at least four (4) affirmative votes at a previous meeting of the Council provided, however, that said change in date will still provide for two regular meetings in each month provided, there are enough days left in the month to do so.
  5. In case of inclement weather or other public hazard, the Chair may decide, on the day of any regular Council meeting, to switch the meeting to remote or postpone that meeting seven days later at the same time and place and with notification to the public by the most expedient means.

### SECTION 602.02 - COUNCIL WORKSHOPS AND SPECIAL MEETINGS

- A. Workshops:
1. Workshop meetings, where Town business is discussed, but not to be voted on, shall be held from time to time as determined necessary by the Town Council.
- B. Special meetings:
1. May be called by the Chair.
  2. In case of his/her absence, disability or refusal may be called by three (3) or more members of the Town Council.
  3. Notice of such meeting shall be served in person or left at the residence of each member of the Town Council at least twenty-four (24) hours before the time for holding said special meeting, unless all members of the Council sign a waiver of said notice.
  4. The call for said special meeting shall set forth the matter(s) to be acted upon at said meeting, and nothing else shall be considered at such special meeting.
  5. All special meetings shall be held in compliance with the Maine Freedom of Access law, 1 M.R.S.A. Sec. 406, as amended.

### SECTION 602.03 - COUNCIL MEETINGS AND WORKSHOP AGENDAS

- A. Regular Meetings Agendas:
1. Requests to add an item to a Council meeting agenda for consideration or action shall be forwarded to the Chair or the Town Manager, at least nine (9) work-days in advance of the meeting, to allow for sufficient time to amend the agenda for public notice. Holidays/Elections may impact the cut off dates.
  2. No ordinance, order or resolve, unless of an emergency nature that is expressly identified in the ordinance, order or resolve, shall be in order for action at any regular or special meeting of the Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk at least nine (9) work-days prior to the meeting
  3. When it is anticipated there will be an unusually large volume of background materials to be submitted by proponents, or opponents of an issue, the Chairperson may require submissions to be made at least two weeks, or more in advance.
- B. Workshop Meeting Agendas:
1. No item shall be put on a workshop agenda unless at least two Councilors request it.
  2. Suspending the Rule  
Nothing herein shall prohibit the Council from voting to suspend, as opposed to amend, these Council Rules pursuant to Section 602.13.A.4.d to add an agenda item with less than (9) work-days notice.

### SECTION 602.04 - QUORUM

- A. Quorum:

1. As per Article II, Section 13, of the Town Charter, a majority of the Council shall constitute a quorum for the transaction of business.
2. The quorum and participants consist ~~solely~~ of those members physically present together in the assembly and those participating remotely.
3. At least three (3) votes shall be required for passage of any ordinance, order or resolution.
4. A smaller number may adjourn from time to time or may compel attendance of absent members.
5. At least twenty-four (24) hours-notice of the time and place of holding such adjourned meeting shall be given to all members who were not present at the meeting from which adjournment was taken.

#### SECTION 602.05 – ENACTMENT FORM

- A. Enactments:
1. The Town Council shall act only by ordinance, order or resolve.
  2. All ordinances, orders and resolves shall be confined to one subject, which shall be clearly expressed in the title and shall be put in writing on forms designed for that purpose in advance of the Council meeting.
  3. Ordinances, orders and resolves shall each be separately numbered, consecutively, by date of introduction.

#### SECTION 602.06 – ORDINANCE STYLE

- A. The enacting style for an ordinance shall be:
1. “Be it ordained by the Town Council of the Town of Gray, Maine in Town Council assembled,” followed by the proposed ordinance.

#### SECTION 602.07 – ORDER AND RESOLVE STYLE

- A. In all votes of command:
1. The form of expression shall be “Ordered”.
- B. All votes regarding opinions, principles, factors or purposes:
1. The form shall be “Resolved”.

#### SECTION 602.08 – FULL READING

- A. As per Article II, Section 14.B of the Town Charter:
1. After passage on first reading, every proposed ordinance or a summary there of shall be posted in the municipal building and on the Town’s electronic website for at least seven (7) days prior to the next regular meeting of the Council.
  2. At least one public hearing shall be held by the Council before any ordinance shall be passed, but nothing herein shall be deemed to require publication of the ordinance itself.
  3. Every ordinance shall be in order for public hearing and the first reading of same, but all ordinances may, at the discretion of said Council, be tabled from time to time.

#### SECTION 602.09 - YEAS AND NAYS TAKEN: WHEN

- A. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the record of the proceedings of the Town Council by the Clerk:
1. These yeas and nays shall be taken on the passage of an order or resolve when called for by any member of the Town Council.
  2. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of at least three (3) members of the Town Council.

#### SECTION 602.10 - ORDINANCES EFFECTIVE: WHEN

- A. No ordinance shall take effect and be in full force:
1. Until thirty (30) days from and after it shall have been enacted as required by Article II, Section 14.C of the Charter.

SECTION 602.11 - ORDERS & RESOLVES: EFFECTIVE

A. Unless a later date is expressly provided for:

1. All orders and resolves shall take effect immediately, upon passage.

SECTION 602.12 - CHAIR AND VICE-CHAIR DUTIES

Beyond those outlined here, the Chair and Vice-Chair have no more authority or responsibility than any other Town Councilor.

The Chair and/or Town Manager shall meet with the Vice Chair to review planned meeting agendas, as necessary, to ensure continuity of Town business.

A. The Chair is to be Presiding Officer:

1. The Chair shall take the Chair at the time appointed for the meeting,
2. Call the members to order,
3. Caused the roll to be called and,
4. If a quorum be present, call for the approval of the minutes of the preceding meeting as presented and proceed to business.
5. Shall conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols, subject to a vote of the full Council.

B. The Chair shall preserve decorum and order. The Chair may;

1. Speak to points of order in performances of other members and shall decide all questions or order subject to appeal of the Council by motion regularly seconded, and no other business shall be in order until the question on appeal is decided.
2. Rule any person out of order and require a speaker to take his or her seat
3. Eject any person from the meeting place who, after being ruled out of order, remains disorderly.
4. In case of disorder, declare the meeting recessed until order is restored. In the event of serious disorder or emergency, declare the assembly adjourned to some other time (and place if necessary,) if it is impracticable to take a vote, or in his or her opinion, dangerous to delay for a vote.
5. A person wishing to address the Council shall raise his or her hand;
  - a) be recognized by the Chairperson,
  - b) give his or her name and address
  - c) \*\*sign in on a roster provided for that purpose.
6. All comments shall be confined to the question under debate and shall avoid personalities.
7. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.

NOTE: \*\*The Council strongly recommends that all Town standing or special committees adopt a similar, sign-in rule.

C. Declaration of Votes:

1. The Chairperson shall declare all votes, but if any member questions a vote, the Chairperson shall cause a recount of the members voting in the affirmative and in the negative without debate.

D. Vice-Chair Responsibilities:

1. The Vice Chair will assume the role and responsibilities of the Chair whenever the Chair is absent or unable to fulfill their role.



## SECTION 602.13 RULES OF DEBATE

### A. Motions:

1. To make a motion:
  - (a) The Chairperson shall request from Council members a motion to place on the floor for discussion and subsequent action any ordinances, orders, or resolves.
  - (b) Any ordinance, order, or resolve must be moved and seconded to be discussed or acted upon.
  - (c) If the Chairperson receives no motion or second from a member, the Chairperson may make the motion or second the motion, provided that no member of the Council may second his or her own motion.
  - (d) The Chairperson shall consider a motion to adjourn as always in order except on immediate repetition.
  - (e) A motion to adjourn, lay on the table, or to take from the table, shall be decided without debate.
  - (f) Any member voting in the majority, or in the negative in a tie vote, may make a motion to reconsider, provided that the motion is made at the same, or the next scheduled meeting.
  - (g) Motions for the Previous Question (to close debate) shall be handled according to Robert's Rules of Order, most recent edition.
  - (h) Any motion shall be reduced to writing if directed by the Chairperson.
  - (i) For the purposes of interpreting rules of order, a Council "session" lasts from the first Council meeting after each June election through the last Council meeting before the next June election. The general rule of order against renewal of motion during the same session applies to this period.

### B. When a question is under debate:

1. The Chairperson shall receive no motion but:
  - (a) To adjourn.
  - (b) To lay on the table.
  - (c) For the previous question.
  - (d) To postpone to a date certain.
  - (e) To refer to committee, administrative official, or legal representative.
  - (f) To amend
  - (g) To postpone indefinitely, provided that several motions shall have precedence in the order in which they stand arranged
  - (h) To divide the question in wording for separate debate.

### C. Priority of Business:

1. All questions relating to priority of business to be acted upon shall be decided without debate, and all subsidiary, incidental, and privileged motions shall be decided before debate and action on the main question may resume.

### D. Voting:

1. A simple majority vote shall approve all motions for orders, ordinances, and resolves.
2. All members present shall be required to vote on all questions put forth, except that any member may ask to be excused from voting, for good cause shown, by notifying the Chairperson prior to the vote.
3. No Council Rule may be amended or repealed unless at least seven (7) days prior notice is given, and the proposed changes as they will appear in the amended document shall be made available for public review, and approved by at least four fifths (4/5) of the members voting in the affirmative.
4. Council Rules may not be dispensed with or suspended unless at least four fifths (4/5) of the members consent thereto.

E. Parliamentary procedure:

1. if a question or situation arises that is not addressed in the Town Charter or ordinances, or these Rules, the Chairperson shall refer to Robert's Rules of Order, most recent edition, to resolve the matter, subject to a vote of the full Town Council then present and voting.

**SECTION 602.14 – BREACH OF COUNCIL RULES OR ORDERS**

A. When any member shall be guilty of a breach of any of the rules or orders of the Council:

1. He/she may, on motion passed by the rest of the Council, be required to make satisfaction therefor and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

**SECTION 602.15 – STANDING AND SPECIAL COMMITTEES**

A. The Town Council shall create such standing committees as are required by law and may create such special committees as it deems necessary.

1. A separate list of both types of committees shall be maintained by the Town Manager, or his/her designee, separate from the Town Council rules, and kept up to date by him/her.
2. Amendments to such list may be made by the Town Council, from time to time, and any such amendment(s) to the list shall only require a majority vote.

**SECTION 602.16 – SOCIAL MEDIA PLATFORMS**

Recognizing that citizens and the public increasingly gather information through social media sites, Councilors may find it beneficial to use such platforms to enhance their communication with constituents. If Councilors choose to use social media platforms for communication, it should be noted the Maine Freedom of Access Act ("FOAA") requirements would apply to content involving the conduct of government (i.e., Town) business on those platforms. To ensure compliance and clarify communications, Councilors agree to the following:

1. Councilors who choose to use social media for the purpose of communicating with constituents as a Councilor will create a Council-specific account to segregate Town Business content from personal communications and will label the account as such.
2. Councilor social media accounts shall be used for purposes of disseminating information and engaging with residents. The content of such accounts and pages shall be limited to general communication regarding Town business and may either report Town Council votes and actions as reflected in the minutes of Town Council meetings or may communicate items that are included on the Town Council agenda. In no event shall social media accounts be utilized for official actions, decisions or meetings, all of which shall occur at Town Council meetings as required by the FOAA.
3. When posting content to Council specific accounts, Councilors should take care to identify when stating a personal opinion versus an opinion that is reflective of the Council as a whole. All content on the Council account should be limited to Council-related duties and activities and Town business and shall not include personal content.
4. The following disclaimer should be posted on the Council specific account:  

The content on this account including comments and replies to comments, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Freedom of Access Act (Title 1, Sections 401-521 of the Maine Revised Statutes).
5. Council accounts shall be limited to posting content on the Councilor's page or responding to content on that page and shall not be used to "like" or comment on other users' posts or comments outside of the Council specific page.
6. Councilors shall be required to preserve access to accounts such that a copy of all content remains available for inspection or copying upon request as required under FOAA and shall comply with any request from the Town's public access officer to provide the same within a timely manner.
7. Councilors are responsible to understand what information is considered confidential under the FOAA and shall not post any such confidential information on social media.

Councilors shall not engage with one another on social media in a manner that would be considered a public meeting without notice, i.e., the discussion of Town business by three or more Councilors without advanced notice and opportunity for the public to attend.

#### SECTION 602.17 – COUNCILOR REQUESTS FOR STAFF TIME AND LEGAL OPINIONS

Councilor requests for information may require significant involvement from staff or the town’s legal team in order to be resolved.

- A. When it will involve more than one (1) hour, requests will be resolved as follows:
  - 1. The Town Manager will determine if requests for staff or legal team time to research questions, generate reports or gather data will make it difficult or expensive to complete current assignments.
  - 2. If the Manager declines a Councilor’s request, the Councilor may ask the Chair to determine if the majority of Councilors support their request.
  - 3. The Chair must allow enough discussion to clarify a request. If there is not enough time in the agenda for a discussion and vote, the Chair will schedule the discussion and vote for the next available meeting.
  - 4. The Chair will conduct a poll to determine the Council’s support.
  - 5. If the majority of Councilors do not support the request, the request fails.
- B. A request that fails may be brought up at a future meeting and discussed again if the Chair agrees new information has become available making reconsideration appropriate.

## II. COMMITTEES

Section II. Committees has been removed from the Town of Gray Council Rules.

#### 602.42TO SECTION 602.49 - (RESERVED)

#### SECTION 602.50 - SEVERANCE CLAUSE

- A. Whenever there is a conflict between the language contained in these Rules and that of the State statutes, the Town Charter or Ordinances, the Town Charter or ordinance shall prevail except where the State statute is intended to control.