

# Town of Westford – Planning Commission

## Rules of Procedure and Conflict of Interest Policy

### A. AUTHORITY.

The Planning Commission of the Town of Westford hereby adopts the following rules of procedure and conflict of interest policy (hereinafter referred to as these Rules) in accordance with 1 V.S.A. § 312 (e), (f), and (h).

### B. POLICY.

These Rules are adopted to ensure consistent and fair treatment of interested persons and participants, orderly and efficient public proceedings, and compliance with state and federal law. These Rules shall also ensure that no Commissioner will gain a personal or financial advantage from his or her work for the Commission, so that the public trust in municipal government will be preserved.

### C. APPLICATION

The Rules setting forth rules of procedure shall apply to the Planning Commission of the Town of Westford, which is referred to below as “the Commission.” These rules shall apply to all regular, special, and emergency meetings of the Commission.

### D. DEFINITIONS

1. “Commission” means the Planning Commission.
2. “Commissioner” means a regular member of the Planning Commission.
3. “Conflict of interest” means any one of the following:
  - a. A direct or indirect personal interest of a Commissioner, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister-in-law, business associate, employer, or employee, in the outcome of a cause, proceeding, or any other matter pending before the Planning Commission.
  - b. A direct or indirect financial interest of a Commissioner, his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother or sister-in-law, business associate, employer, or employee, in the outcome of a cause, proceeding, or any other matter pending before the Planning Commission.

c. A situation where a Commissioner has publicly displayed a prejudgment of the merits of a particular proceeding before the Commission. This shall not apply to a member's particular political views or general opinion on a given issue.

4. "Executive session" means a session of a public body from which the public is excluded, pursuant to 1 V.S.A. § 313. Such private session may only be held for one of the reasons permitted by the statute, and no binding action may be taken in executive session.

5. "Official act or action" means any legislative or administrative act performed by any Commissioner.

6. "Public deliberations" means the weighing, examining, and discussing, in a public proceeding, the reasons for and against an act or decision, but expressly excludes the taking of evidence and the arguments of parties.

7. "Recuse" means to remove oneself from a particular Commission proceeding because of a real or perceived conflict of interest.

#### **E. ORGANIZATION.**

1. The Planning Commission shall consist of five regular members. After Town Meeting but prior to May 1, or at other times throughout the year as needed, the Planning Commission shall hold an organizational meeting and elect by majority vote, a Chair, Vice Chair and Clerk.

2. The Selectboard may appoint the Chittenden County Regional Planning Commission – Westford Representative as a non-voting ex officio member of the Planning Commission. This member shall not hold any authority, nor count towards quorum requirements.

3. The Chair shall preside at all meetings, hearings, and deliberations, and decide all points of order or procedure. The Chair may request the attendance of witnesses and the production of material germane to any issue under consideration.

4. The Vice Chair shall assume the duties of the Chair whenever the Chair is absent, or at the Chair's request. The Clerk shall assume such duties whenever the Chair and the Vice Chair are absent, or at their request.

5. A majority of the members of the body shall constitute a quorum. If a quorum of the members of the body is not present at a meeting, no meeting shall take place.

6. No single member of the body shall have authority to represent or act on behalf of the body unless, by majority vote, the body has delegated such authority for a specific matter at a duly noticed meeting and such delegation is recorded in the meeting minutes.

7. Motions made by members of the body do require a second. The chair of the body may make motions and may vote on all questions before the body. A motion will only pass if it receives the votes of a majority of the total membership of the body.
8. The Planning Commission shall appoint members to any committee of the Commission. An established committee may recommend the appointment of new members.
9. There is no limit to the number of times a member of the body may speak to a question. A member may speak or make a motion without being recognized by the chair. Motions to close or limit debate will be entertained with safe and due regard to the intent of public and fair discussion.
10. Any member of the body may request a roll call vote. Pursuant to 1 V.S.A. § 312(a)(2), when one or more members attend a meeting electronically, a roll call vote is required for votes that are not unanimous.
11. Meetings may be recessed to a time and place certain. Recesses within a meeting to accommodate “personal privilege” (bathroom breaks, collection of one’s self, etc.) shall be reasonably honored/promoted for members of the body and supporting staff.
12. These rules may be amended by majority vote of the body and must be readopted annually within one month of a new body member taking their place on the Commission.

## **F. AGENDAS**

1. Each regular and special meeting of the Commission shall have an agenda, with time allotted for each item of business to be considered by the Commission. Those who wish to be added to the meeting agenda shall contact the Town Planner to request inclusion on the agenda. The Chair shall determine the final content of the agenda. It is to be understood that agenda timelines are for guidance only and do not necessarily restrict agenda item discussion times.
2. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted in or near the municipal office and at the following designated public places in the municipality: library, post office, and town website. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda shall be posted on the Town’s website (<https://westfordvt.us/>). The agenda must also be made available to any person who requests such agenda prior to the meeting.
3. All business, as may best serve the town’s business as determined by the Chair, shall be conducted in the same order as it appears on the noticed agenda, except that any addition to or deletion from the noticed agenda must be made as the first act of business at the meeting.

No additions to or deletions from the agenda shall be considered once the first act of business at the meeting has commenced. Any other adjustment to the noticed agenda, for example, changing the order of business, postponing or tabling actions, may be made by majority vote of the Commission.

4. At each meeting, there shall be a five-minute period of time reserved for public comment near the beginning of the meeting. The Chair may extend or reduce this period of time as necessary. Speakers may participate at other times throughout the meeting but only when recognized by the Chair. Such comment shall be limited to three minutes per speaker, unless by majority consent the Commission sets a different time limit. The Commission shall apply consistent time limits to all recognized to speak.

## **G. PUBLIC MEETINGS**

1. The Planning Commission of The Town of Westford, is required by law to conduct its meetings in accordance with the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314. Meetings of the Planning Commission of the Town of Westford must be open to the public at all times, except as provided in 1 V.S.A. § 313.

2. Regular meetings shall take place on the third (3<sup>rd</sup>) Monday of the month at 6:30 p.m. with additional meetings scheduled as necessary – typically the first (1<sup>st</sup>) Monday of the month.

3. Special meetings shall be publicly announced at least 24 hours in advance by giving notice to all members of the body unless previously waived; to an editor, publisher or news director, or radio station serving the area; and to any person who has requested notice of such meetings. In addition, notices shall be posted in the municipal clerk's office, Town Website and at the following designated places in the municipality: library and post office.

4. Emergency meetings may be held without public announcement, without posting of notices, and without 24-hour notice to members, provided some public notice thereof is given as soon as possible before any such meeting. Emergency meetings may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body.

5. A member of the body may attend a regular, special, or emergency meeting by remote or other means without being physically present at a designated meeting location, so long as the member identifies him or herself when the meeting is convened and is able to hear and be heard throughout the meeting.

6. Executive sessions may be part of any meeting duly warned by the Commission, provided the topic to be discussed falls within the exemptions stated in 1 V.S.A. §313(a)(1) through 1 V.S.A. §313(a)(10). A motion must be made during the open portion of a meeting and must

indicate the nature of the business to be discussed. The motion requires a majority vote in the affirmative to pass.

a. Attendance in executive session is limited to the members of the Planning Commission and, at its discretion, staff, legal counsel, and persons who are subjects of the discussion or whose information is needed.

7. It shall be the duty of all members to review the minutes and other official records of Planning Commission meetings and actions and correct and ratify these when appropriate and necessary.

8. The designee shall take minutes of all meetings.

#### **H. PUBLIC PARTICIPATION**

1. With the exception of Executive Session, all public meetings of the body are meetings in the public, not of the public. Members of the public shall be afforded reasonable opportunity to express related topical opinions or other related testimony, about matters considered by the body, so long as order is maintained according to these rules.

2. At the beginning of each meeting, but before any action is taken by the public body, there may be time afforded for open public comment for items not on the agenda. The body may increase, decrease, or cease the time for open public comment and its place on the agenda.

3. Comment by the public or members of the body must be addressed to the body as a whole, and not to any individual member of the body or public.

4. Members of the public must be acknowledged by the Chair before speaking.

5. If a member of the public has already spoken on a topic, he or she may not be recognized again until others have first been given the opportunity to comment.

6. Order and decorum shall be observed by all persons present at the meeting. Neither members of the body, nor the members of the public, shall delay or interrupt the proceedings or the peace of the meeting or interrupt or disturb any member while speaking. Members of the body and members of the public are prohibited from making personal, impertinent, threatening, or profane remarks.

7. Commissioners and members of the public shall obey the orders of the chair or other presiding member. The Chair should adhere to the following process to restore order and decorum of a meeting, but may bypass any or all steps when he or she determines in his or her sole discretion that deviation from the process is warranted:

- a. Call the meeting to order and remind the members of the applicable rules of procedure.
- b. Declare a recess or table the issue.
- c. Adjourn the meeting until a time and date certain.
- d. Call the Vermont State Police or Chittenden County Sheriff to assist with removing disorderly person(s) from the meeting.

## **I. REMOTE MEETING**

1. Allow public to access meeting by telephone and computer, if feasible.
2. Conduct roll call to record in the minutes all individuals participating in-person and by remote means.
3. The Town Planner will monitor chat/participation features. This person should not be the minutes taker. If the Town Planner is unable, the Commission will assign the monitor.
4. If possible, mute participants, or ask them to mute their microphones unless invited to speak. To take questions, make sure the chat feature is enabled.
5. Advise participants that meeting is being recorded.
6. Record all commission meetings unless unusual circumstances make it impossible to do so.
7. Confirm that members can hear each other and the public.
8. Introduce all members of the public body, staff, and persons on the agenda.
9. State that meeting will be conducted in accordance with public body's Rules of Procedure.
10. Cover "ground rules" for participation, such as:
  - a. Attendees must state their name before each presentation, comment, or question.
  - b. All votes that are not unanimous must be taken by roll call.
  - c. All participants must be recognized by the Chair before speaking.
11. End remote meeting when public body adjourns.

## **J. PUBLIC HEARINGS**

1. Public hearings shall be conducted as legislative proceedings pursuant to 1 V.S.A. § 310(5)(B). Hearings shall be publicly noticed in accordance with 24 V.S.A. §§ 4385 or 4442 or 4444, as amended. Hearings shall not exceed three hours in length unless approved by a majority of members present.
2. Public comment may be offered during the hearing with the permission of the Chair. Such comment, if recognized, shall be limited to three minutes per speaker, unless by majority consent the Commission sets a different time limit. The Commission shall apply consistent time limits to all persons recognized to speak.
3. The Chair shall conduct the hearing in the following manner:
  - a. Open the hearing by reading the warning of the hearing.
  - b. Review the order of events, remind all present that the proceeding will be conducted in an orderly manner, and make copies of these Rules available.
  - c. Request disclosure of conflicts of interest.
  - d. Accept written information presented to the Commission.
  - e. Allow Commission to respond.
  - f. Invite questions or comments from members of the public.
  - g. Allow final comments or questions from Commissioners.
  - h. Upon motion and majority approval, the Chair shall either adjourn the hearing to a time certain or close the proceedings by stating that this is the final public hearing on the matter.
  - i. The Commission shall then conduct public deliberations.

## **K. SERVICE LIST**

The designee shall create a list of all individuals who participated. The list shall include those who participated orally and those who participated in writing.

## L. DECISIONS

The Commission shall make its decisions by public deliberation. Commissioners who have not heard all testimony and reviewed all evidence submitted for a proposal shall not participate in that proceeding. Absent Commissioners may participate if they have reviewed the recording of the proceedings, and any evidence submitted. The following rules shall apply to voting on decisions:

1. Motions shall be made in the affirmative.
2. The Chair has the same voting rights as all members and can make motions.
3. No second shall be required for a motion to have the floor.
4. All members present are expected to vote unless they have recused themselves.
5. Abstentions are strongly discouraged and shall not count towards either the majority or the minority.
6. For a motion to pass, it must receive the concurrence of a majority of the entire Commission, regardless of how many are present 1 V.S.A. § 172.

## M. CONFLICTS OF INTERSET

1. Participation, disclosure of conflicts, and recusal shall be governed by the following procedures:

a. **Participation.** A Commissioner shall not participate in any official action where he or she has a conflict of interest in the matter under consideration. A Commissioner shall not, personally or through any member of his or her household, business associate, employer, or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any proceeding pending before the Planning Commission.

b. **Disclosure.** At all public meetings and public hearings, the Chair shall request that Commissioners disclose all potential conflicts of interest. When recognized by the Chair, any person may request disclosure of potential conflicts of interest. Nonetheless, after disclosing a conflict or perceived conflict, a member who believes that he or she is able to act fairly, objectively, and in the public interest, shall disclose the nature of the potential conflict of interest, and the reason(s) why he or she is able to act in the matter fairly, objectively, and in the public interest. This shall be noted in the minutes of the proceeding.



c. **Recusal.** A Commissioner shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:

i. Any person may request that a member recuse him or herself due to a conflict of interest. Such request shall not constitute a requirement that the member recuse him or herself.

ii. A Commissioner who has recused him or herself from a proceeding shall not sit with the Commission, deliberate with the Commission, or participate in that proceeding as a Commissioner in any capacity.

iii. If a previously unknown conflict is discovered, the Commission may take evidence pertaining to the conflict, and if appropriate, adjourn to a short deliberative session to address the conflict.

iv. The Commission may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the Commission. The Commission may then resume the proceeding with sufficient members present.

## **N. REMOVAL**

Upon majority vote, the Commission may request that the legislative body remove a Commissioner from the Planning Commission. Commissioners may be removed for cause by the legislative body upon written charges and after public hearing 24 V.S.A. § 4460(c). Planning Commissioners may be removed at any time by unanimous vote of the legislative body 24 V.S.A. § 4323(a).

## **O. ATTENDANCE**

If any Commissioner misses three consecutive meetings, the Commission may recommend that the Selectboard replace that member.

Dated at Westford, Vermont this 15<sup>th</sup> day of April, 2024.



Gordon Gebauer



Ian Gehlbach



George Lamphere



Mark Letorney



Mo Reilly