

## TOWN OF LYNDON

### RULES OF PROCEDURE FOR THE BOARD OF APPEALS

#### 1. MEETINGS.

- (A) Place of Meetings: All meetings of the Board of Appeals shall be held in the Town Hall and open to the public unless otherwise provided by law.
- (B) Dates of Meetings: The Chairperson or any two members may call a meeting by notifying the Clerk.
- (C) Notices: The Clerk shall post notice of each meeting in compliance with law, and shall notify each Board of Appeals member of the date, time and purpose of each meeting. Not later than one week before the meeting, the notice shall be mailed, delivered to the members personally or left at their usual abode, unless a member has elected to receive notice by fax or electronic mail, in which case the designated method of communication shall be used.
- (D) Adjournment: Any Board member may move to adjourn a meeting. If any agenda item has not been completed before a motion to adjourn is adopted, the Clerk shall place such item on the agenda for the Board's next meeting, unless the Board provides by motion to consider the item at a different date and time.

#### 2. ABSENCE OF MEMBERS.

If a Board of Appeals member for any reason cannot attend a scheduled meeting, he or she shall provide reasonable advance notice to the Chairperson and Clerk, and shall provide the reason for his or her anticipated absence.

#### 3. SELECTION OF OFFICERS.

The Chairperson shall appoint, subject to Board approval, a Vice Chairperson and such other subordinate officers as the Chairperson may determine.

#### 4. CALL TO ORDER BY PRESIDING OFFICER.

The Chairperson (or the Vice Chair if the Chair is absent) shall at the hour appointed call the members to order and shall preside at the meeting. If the Chair and Vice Chair are absent from the meeting, the Clerk shall call the Board to order and preside until the Board selects another member to preside at that meeting.

**5. AGENDAS AND ORDER OF BUSINESS.**

- (A) Agenda Preparation: The Clerk shall prepare the agendas for the Board meetings in consultation with the Chairperson. Any Board member may direct the Clerk to place any item on an agenda, provided that the request is made to the Clerk at least three (3) business days in advance of the meeting.
- (B) Order of Business: The business of the Board shall be conducted in the following order, unless the prepared agenda states otherwise:
1. Call to Order.
  2. Determination of compliance with open meeting law.
  3. Presentation and approval of the minutes of the preceding meeting, with corrections as necessary.
  4. Public Hearings.
  5. Old Business.
  6. New Business.
  7. Correspondence.
  8. Set next meeting date.
  9. Adjourn.

Each agenda shall include such additional language as the Clerk may deem appropriate, including language to ensure compliance with the open meeting law.

**6. PRESIDING OFFICER; ORDER.**

The presiding officer may speak on any question, make any motion, and vote on all matters submitted to the Board for its consideration. The presiding officer shall preserve order, conduct the proceedings of the Board, and be its parliamentarian. If a member or other person does not follow the Board's rules, the presiding officer may call the offending person to order. Any member may raise a question or point of order. The question of order must be raised at the time the alleged breach of order occurs. The presiding officer shall immediately rule on the question of order, subject to an appeal to the Board. The appeal may be sustained by a majority vote of the members present, exclusive of the presiding officer.

**7. VOTING.**

- (A) Mode of Voting: All matters brought to a vote shall be by roll call, or by another method that allows the Clerk to record the vote of each member on each matter. No member may explain his or her vote during the call of the vote.
- (B) Vote Required:
1. Appeals and Variances. For appeals of decisions by a Town official, and for applications for variances, Board approval requires that four (4) members vote in favor of the appellant or applicant.

2. Other Matters. In all other cases, unless a different number is required by law, Board action requires that a quorum must vote on the motion and that the motion be supported by a majority of the votes cast.
3. Amendment and Withdrawal: No motion may be amended or withdrawn by the moving member without consent of the seconding member.

(C) Abstentions:

1. A Board member shall not vote on any matter in which he or she has a direct pecuniary or personal interest not common to other members of the Board.
2. A Board member who abstains from voting on any particular matter shall not be counted for determining (a) the number of members present if passage of that matter requires a favorable vote by a fraction greater than a majority (i.e., 2/3 or 3/4) of the members present<sup>1</sup>, or (b) the presence of a quorum for purposes of that particular vote<sup>2</sup>.

**8. RECONSIDERATION OF QUESTION.**

Any member who voted with the prevailing side on any question may move for reconsideration of the vote immediately after the vote, or at the next succeeding meeting of the Board if the matter is on the agenda. A motion to reconsider requires a second but the second need not be made by a member who voted with the prevailing side on the question. If a motion to reconsider is defeated, it may not again be presented to the Board.

**9. VISITORS' RIGHT TO ADDRESS BOARD.**

- (A) Right Declared: A citizen or other visitor may address the Board during a public hearing designated as such and at such other times as the Chair may determine.

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<sup>1</sup> For example, suspending a Rule requires a supporting vote of at least 2/3. If five members are present and one abstains, a motion to suspend the rules would need three votes in favor. 3 out of 4 is greater than 2/3, but 3 out of 5 is not.

This provision does not apply to the statutory requirement that approval of a variance or reversal of an administrative determination requires at least four votes. Four votes will still be required in such cases regardless of the number of members voting.

<sup>2</sup> For example, four members are present. A motion to approve the minutes of the previous meeting is made and seconded. Two members vote in favor of the motion and two abstain. The motion fails because the number of members voting is less than a quorum.

- (B) Restrictions: If the Chair decides that the comments are not relevant, unduly repetitive, argumentative, abusive, or otherwise objectionable, the Chair may take such steps as may be necessary to ensure the efficient conduct of the Board's business.

**10. MANNER OF DELIBERATION.**

- (A) Method: No member shall address the Board until recognized by the Chair. The member shall then address the Chair and limit all remarks to matters that are germane to the question under discussion. The member shall avoid rudeness, intemperate language, and personal confrontation at all times.
- (B) Recognition of Member: When two or more members simultaneously seek recognition, the Chair shall determine which member may speak first.

**11. ROBERT'S RULES OF ORDER TO GOVERN BOARD.**

In the absence of a standing rule, the Board shall be governed by *Robert's Rules of Order Newly Revised* (1990), unless contrary to state law.

**12. SUSPENSION OF RULES.**

These rules or any part of them may be suspended in connection with any matter under consideration by a recorded vote of two-thirds (2/3) of the members present, provided that such action is in full compliance with the open meeting law and other applicable state laws.

Adopted January 26, 2005