

**Bylaws of the  
Lyman-Dayton Fire Commission  
Towns of Lyman, Maine and Dayton, Maine**

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**Section 1. Purpose and Scope**

The Lyman-Dayton Fire Commission is established by the Boards of Selectmen of Lyman, Maine and Dayton, Maine to act as a governing board for the Lyman-Dayton Joint Fire and Emergency Rescue Department (referred to hereafter as "Goodwin's Mills Fire Rescue" or abbreviated as "GMFR").

These bylaws are formulated in accordance with the Interlocal Agreement dated December 20, 2010, as amended, between the Towns of Lyman and Dayton for the joint operation and management of fire and emergency rescue services, the requirements of Maine Revised Statute Title 30-A, Chapter 153: Municipal Fire Protection, and the Maine Municipal Association Sample Board Bylaws.

The purpose of these bylaws is to establish reasonable rules of procedure for Fire Commission meetings and to promote the fair, orderly and efficient conduct of the Fire Commission's proceedings and affairs. These bylaws shall govern the Fire Commission's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose.

**Section 2. Fire Commission Membership**

The Fire Commission consists of six (6) Members and a non-voting Treasurer. Three (3) Members shall be appointed by the municipal officers of each Town. Terms for Commission Members shall be staggered three (3) year terms. The treasurer shall be appointed annually by mutual agreement of the municipal officers from both Towns.

Within the Fire Commission membership from each Town there shall be two (2) active voting members and one (1) alternate voting member. The two Towns shall rotate annually by fiscal year the use of their alternate voting member, such that the majority of active voting members shall rotate between the two Towns annually. Lyman shall have the alternate member privilege in 2012/2013; Dayton in 2013/2014; and they shall rotate annually thereafter. This will ensure an odd number for voting purposes.

The alternate voting member from the specified Town will be decided by the Fire Commission Members from that Town at the first Fire Commission meeting in the

fiscal year. An alternate voting member shall automatically become an active voting member in the absence of one of that Town's active voting members.

Each Fire Commission Member shall have been a resident of the appointing Town for at least one year immediately preceding his/her appointment and shall continue as a resident during his/her term. If a Fire Commission Member terminates his/her residency in the appointing Town, his/her position shall automatically become vacant, and that town shall name a replacement for the balance of that term.

No Fire Commission member shall be an employee of GMFR. If a Fire Commission member becomes an employee of GMFR during his/her tenure as a Fire Commission member, his/her position on the Fire Commission shall become vacant and that Town shall name a replacement for the balance of that term. Any Fire Commission member may be removed for cause by action of the municipal officers of the Town that appointed him/her.

### **Section 3. Officers; Duties**

Officers of the Fire Commission shall consist of a Chairman, Vice Chairman, and Secretary to be elected annually at the first regular meeting in each year by and from Fire Commission members unless otherwise provided by law.

**Chairman.** The Chairman shall preside at all Fire Commission 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 Fire Commission to perform its duties and conduct its affairs. The chair also shall, together with the attending Fire Commission members, set the agenda for each meeting.

**Vice-Chairman.** In the absence of the Chairman, the Vice-Chairman shall preside and shall have the same authority as the Chairman.

**Secretary.** The Secretary shall maintain a permanent record of all Fire Commission meetings and all correspondence of the Fire Commission, which shall be a public record except as otherwise provided by law.

### **Section 4. Meetings and Use of Electronic Media**

All meetings of the Fire Commission shall be held in accordance with the Maine Freedom of Access Act, Maine Revised Statute Title 1, Chapter 13: Public Records and Proceedings.

Regular meetings of the Fire Commission shall be held at least quarterly as determined by the Chairman, or as otherwise necessary or required by law.

Special meetings may be called at the discretion of the Chairman, upon the request of a majority of the Fire Commission, or as requested by the Boards of Selectmen, provided, however, that notice thereof shall be given to each member at least 24 hours in advance and that no business may be conducted other than as specified in said notice.

Notice of all Fire Commission meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law. Notice of meetings shall be posted at the Lyman and Dayton Town Halls, and on the Towns websites, at least one working day before the scheduled meeting.

No business may be conducted by the Fire Commission except at a duly called and noticed meeting or without a quorum consisting of at least three (3) voting Fire Commission members (plus each Town must be represented). The order of business at regular meetings shall be as follows:

1. Roll call and determination of a quorum.
2. Minutes of the previous meeting and communications.
3. Old (unfinished) business.
4. New business.
5. Other business.
6. Adjournment.

Fire Commission meeting minutes shall be transcribed by the Fire Commission Clerk, Fire Commission Secretary, or other member designated by the Chairman. Meeting Minutes shall contain a record of any votes taken. Draft minutes may be provided to Town Boards of Selectmen and Fire Commission members for information and review. Minutes shall be approved by affirmative vote of a majority of the Fire Commission voting members, normally at the next Fire Commission meeting. Approved minutes shall be posted on the Town websites.

Fire Commission may conduct Executive Sessions as permitted by Maine Revised Statute Title 1, Chapter 13: Public Records and Proceedings, Section 405.

Electronic media (e.g., emails) may be used as a means of notifying members and other interested parties of business and issues before the Fire Commission. However, no votes or other decisions shall be rendered through the use of electronic media.

## **Section 5. Hearings**

Public hearings of the Fire Commission shall be called as required by law or on such other occasions, as a majority of the Fire Commission 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. Notice of public hearings shall be posted at the Lyman and Dayton Town Halls, and on the Towns websites, at least one working day before the scheduled hearing. Notices shall also be sent to the Boards of Selectmen of each town.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Fire Commission 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 Chairman and without interruption, provided, however, that the Chairman 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 Chairman may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

## **Section 6. Participation and Voting**

Any action of the Fire Commission shall require the affirmative vote of a majority of its membership, except as noted below, unless otherwise provided by law.

The appointment or removal of the Fire Chief shall require the affirmative vote of at least four (4) Fire Commission members, in addition to approval by the municipal officers of both Lyman and Dayton. The appointment or removal of a Level One Employee shall require the affirmative vote of at least four (4) Fire Commission members.

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.

If the Fire Commission has alternate voting members present at a meeting, they may not vote on any matter except as provided herein. If a regular voting member is absent or disqualified as provided herein, the Chairman shall designate an alternate voting member from that Town to serve and to vote in the place of the regular voting member. Once an alternate voting member serves in the place of a regular voting member on a particular application or matter, the alternate voting member shall continue to hear and act on this matter until the Fire Commission action is completed. Alternate voting members may participate in the discussion of a matter even when their alternate voting member status prevents them from voting.

All active voting members who are present and not disqualified as provided herein shall vote on every matter to be voted upon unless excused by the Chairman for good cause shown.

### **Section 7. Decisions**

All decisions of the Fire Commission shall be made within the time limits, if any, established by law. All final decisions shall be in writing, shall become a part of the Fire Commission's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Fire Commission, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Fire Commission may reconsider any decision at the same meeting or at a subsequent meeting within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Fire Commission may conduct additional hearings and receive additional evidence and testimony as provided herein.

### **Section 8. Conflict with Laws**

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

### **Section 9. Waivers; Amendments**

These bylaws may be amended at any time in writing by majority vote of the Fire Commission after notice on the proposed amendment.

**Section 10, Definitions**

As used in these Bylaws:

1. "Fire Chief" shall mean the chief of the GMFR appointed by the Boards of Selectmen. In the Fire Chief's absence, the Fire Chief's designee shall perform the functions of the Fire Chief, as defined in 30-A M.S.R.A, Section 3153.

2. "Level One Employee" shall be defined as any full-time employee (scheduled for 36 or more hours weekly on a regular basis), any part time employee or volunteer who is designated by the Fire Chief as a deputy chief, assistant chief or similar title and responsibility.

Adopted by the Fire Commission on May 16, 2013.

Fire Commission Members:

Jim Roberts Jim Roberts

Ray Demers Ray Demers

Amos Gay Amos J. Gay

Jim Sotir Jim Sotir

Wendell Smith Wendell R. Smith

Don Hernon Don Hernon