

TO: Town of Lebanon, Maine Board of Selectmen
FROM: Richard A. Spencer, Esq.
DATE: September 29, 2020
RE: Procedures for Public Hearing prior to Recall Election concerning the Recall of Charles Russell, Chair of Town of Lebanon Board of Selectmen

Dear Select Board Members:

The Select Board has authorized me to serve as moderator for the upcoming public hearing scheduled for Saturday, October 3, 2020 prior to the election on the recall of Charles Russell, current chairman of the Board, to be held later this month. I have provided below in advance a summary of the procedures to be followed at this public hearing. I recommend that you immediately post these procedures in a prominent location on the Town's website, and forward this document to both the petitioner and the municipal official who is the subject of the recall. Thank you. - RAS

1. The public hearing begins at 10:00 AM on Saturday, October 3, 2020 and will be held via live remote participation using Zoom. There will be an IT professional from BEK, Inc., who will be designated as the host/administrator of the Zoom meeting. For those who cannot or prefer not to access the hearing by way of live video and audio participation using the Zoom link provided, there will be an option to call in to a telephone number to participate in the hearing. In addition, as with other town board meetings, the Zoom hearing will be live-streamed on Youtube, and anyone wishing to watch the public hearing can do so live by accessing [Youtube.com/townoflebanon](https://www.youtube.com/townoflebanon). Further details on options for participation in the public hearing will be posted on the Town's website.
2. The moderator of the proceeding, Richard Spencer, Esq., will begin the hearing with introductory remarks about the purpose of the hearing and the procedures to be followed. The purpose of the public hearing will be to allow the Petitioner(s) to present their case of recall, to allow the Municipal Official to present a defense to the public, and to hear public comment on the subject of recall.
3. Prior to the initial presentations by the Petitioner(s) and the Municipal Official, the moderator shall provide instructions on how members of the public can sign up to provide comment during the public comment portion of the hearing. A list will be compiled of all persons who wish to provide comment and each person will be asked to designate whether they are for recall, against recall, or neither for nor against (*e.g.*, neutral/undecided).
4. The moderator shall then allow each side (Petitioner(s) vs. Municipal Official) to present their respective cases. The Petitioner(s) shall have 20 minutes total to present their

case of recall orally, and prior to their presentation may reserve up to 5 minutes of the 20 minute allotment for rebuttal. The Municipal Official shall also have 20 minutes total to present his defense to the public orally, and prior to his presentation he may reserve up to 5 minutes of the 20 minute allotment for rebuttal.

5. Following these oral presentations by the Petitioner(s) and the Municipal Official, the moderator shall open the hearing up to public comment. When the list of those members of the public wishing to speak has been compiled by the administrator, the moderator shall report on the total number of speakers. If the total number is fewer than 20 speakers, the moderator will allow each speaker to speak for no more than 3 minutes. If the total number wishing to speak exceeds 20 speakers, the moderator will allow each speaker to speak for no more than 2 minutes. If the total time elapsed since the beginning of the hearing exceeds two (2) hours, the moderator in his sole discretion may further limit the time available for each remaining speaker to provide comment. To ensure that every person wishing to speak has the opportunity to participate, the moderator will encourage each speaker not to make repetitive or cumulative points in their comments.
6. When the public comment period has expired, the Petitioner(s) and the Municipal Official will each be allowed 5 minutes to make a closing statement. The moderator, in his sole discretion, may expand the time allotted for closing statements by each speaker if warranted in the interest of fairness.
7. The moderator, in his sole discretion, may allow a brief rebuttal, not to exceed one (1) minute, to points made during the public comment period, if the circumstances warrant such a rebuttal.
8. In the interest of fairness, the moderator requests that each side (the Petitioners vs. the Municipal Official) make available to the other a one-page summary of their position at least 24 hours before the start of the public hearing.