

TOWN OF GRAY- COUNCIL RULES

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
April 1, 1986
May 19, 1987
August 2, 1988
February 20, 1990
March 20, 1990
May 4, 1993
June 20, 1995
August 1995
August 6, 1996
October 1, 1996
September 15, 1998
July 6, 1999
December 5, 2000
April 17, 2001
February 19, 2002
February 18, 2003
July 1, 2003
December 20, 2005
June 05, 2007
June 17, 2008
August 19, 2008
March 17, 2009
April 7, 2009
September 1, 2009
September 15, 2009
December 1, 2009
August 3, 2010
February 1, 2011
May 17, 2011
November 1, 2011

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I. OPERATIONAL RULES

SECTION 602.01 - Regular Meeting (Amended August 3, 2010, Amended February 1, 2011)

The regular meetings of the Town Council shall be held at Henry Pennell Municipal Complex at 7:00 p.m., current time, on the first and third Tuesday of each month. When said days falls on a Holiday or on Election Day, the regular meeting shall be held on the following Tuesday, at the same time and place. The date of any regular meeting may be changed by an order or resolve passed with 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. In case of inclement weather or other public hazard, the Chair may decide, on the day of any regular Council meeting, to 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 - Special Meetings

Special meetings may be called by the Chair, and in case of his/her absence, disability or refusal may be called by three (3) members of the Town Council. 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. The call for said special meeting shall set forth the matters to be acted upon at said meeting, and nothing else shall be considered at such special meeting. All special meetings shall be held in compliance with the Freedom of Access Law; T.1, Section 406; M.R.S.A.

SECTION 602.03 – Quorum (Amended September 15, 2009)

As per Article II, Section 13, of the Town of Gray Charter, a majority of the Council shall constitute a quorum for the transaction of business. The quorum and participants consist solely of those members physically present together in the assembly. At least three (3) votes shall be required for passage of any ordinance, order or resolution. A smaller number may adjourn from time to time or may compel attendance of absent members. 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 602.04 - Enactment Form

The Town Council shall act only by ordinance, order or resolve. 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. Ordinances, orders and resolves shall each be separately numbered, consecutively, by date of introduction.

SECTION 602.05 - Ordinance Style

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

SECTION 602.06 - Order and Resolve Style

In all votes of command, the form of expression shall be “Ordered” and of opinions, principles, factors or purposes, the form shall be, “Resolved.”

SECTION 602.07 - Full Reading

As per Article II, Section 14.B of the Town of Gray Charter, after passage on first reading, every proposed ordinance or a summary thereof shall be posted in the municipal building for at least seven (7) days prior to the next regular meeting of the Council. At least one public hearing shall be held by the Council before any ordinance shall be passed, but nothing of which shall be deemed to require publication of the ordinance itself. Every ordinance shall be in order for public hearing and the

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first reading of same but all ordinances may, at the discretion of said Council, be tabled from time to time. After such public hearing and second reading, the Council may adopt the ordinance with or without amendment or reject it; but if it is amended as to any matter of substance, the Council may not adopt it until the ordinance or its amended sections have been subjected to an additional public hearing.

SECTION 602.08 - Yeas and Nays Taken: When

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. 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. Every ordinance, order and resolve shall require, on final passage, the affirmative vote of three (3) members of the Town Council.

SECTION 602.09 - Ordinances Effective: When

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

SECTION 602.10 - Orders & Resolves Effective

Orders and resolves shall take effect immediately, upon passage.

SECTION 602.11 - Items for Agenda

No ordinance, order or resolve, unless of an emergency nature shall be in order for action at any meeting of the Town Council unless such ordinance, order or resolve shall be filed in the office of the Town Clerk one (1) week prior to meeting.

SECTION 602.12 - Chairperson's Duties

- A. Chairperson to be Presiding Officer: The Chairperson shall take the Chair at the time appointed for the meeting, call the members to order, cause the roll to be call and, a quorum present, call for the approval of the minutes of the preceding meeting as presented and proceed to business. The Chairperson shall conduct the meetings in a manner as described below and shall be the arbiter in all matters of meeting protocols.
- B. The Chairperson shall preserve decorum and order:
 - 1. May 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. May rule any person out of order and require a speaker to take his or her seat;
 - 3. May eject any person from the meeting place who, after being ruled out of order, remains disorderly;
 - 4. May, in case of disorder, declare the meeting recessed until order is restored;
 - 5. May, in case 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.
 - 6. A person wishing to address the Council shall raise his or her hand and be recognized by the Chairperson.
 - 7. All comments shall be confined to the question under debate, and shall avoid personalities.
 - 8. No person speaking may be interrupted, except by the Chair, or to raise a point of order, or to correct an error.
- C. Declaration of Votes: 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.

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SECTION 602.13 Rules of Debate (Amended August 19, 2008; Amended September 15, 2009)

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.
 - 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.
2. When a question is under debate, 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.
3. Priority of Business: 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.
4. Voting:
 - a. A simple majority vote shall approve all motions for Orders, Ordinances, and Resolves.
 - b. All members present shall be required to vote on all questions put forth, except that any member may be excused from voting by notifying the Chairperson prior to the vote.
 - c. 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 four fifths (4/5) of the members voting in the affirmative.
 - d. Council Rules may not be dispensed with or suspended unless four fifths (4/5) of the members consent thereto.

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5. Parliamentary procedure: If a question or situation arises that is not addressed in Council Rules, the Chairperson shall refer to *Robert's Rules of Order* to resolve the matter.

SECTION 602.14 Additions to the agenda (Amended August 19, 2008)

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 ten (10) days in advance of the meeting to allow for sufficient time to amend the agenda for public notice. Nothing herein shall prohibit the Council from voting to suspend these Council Rules pursuant to Section 602.13.A.4.d to add an agenda item with less than ten (10) days notice.

SECTION 602.15 - Breach of Council Rules or Orders

When any member shall be guilty of a breach of any of the rules or orders of the Council, he/she may, on motion passed by the rest of the Council, be required to take satisfaction therefore and shall not be allowed to vote, or speak, except by way of excuse, until he/she has done so.

SECTION 602.16 to SECTION 602.19 - (Reserved)

II. COMMITTEES

SECTION 602.20 - Council Committees (Amended August 19, 2008)

The following committees shall be chosen, each committee to consist of such members as the Town Council may designate:

SECTION 602.21 - Choosing Committees (Amended August 19, 2008)

The members of the Council to serve on the above committees shall be chosen by the Council by a majority vote, and the Chairperson of the Council shall be a non-voting ex-officio member of each standing committee.

SECTION 602.22 - Council Appointments (Amended June 17, 2008)

At the first Council meeting in August, or as soon thereafter as possible, the Town Council shall make appointments to Town Committees. Committee memberships shall end on August 31st of the designated year. The following rules and regulations shall apply to Town Committee appointments:

People considered for appointments to Committees must be of legal age and be a resident of the Town of Gray and must submit an application. It shall be the policy of the Council that no more than one (1) member of an immediate family shall serve on the same committee at the same time. No member of the Town staff shall serve as a voting member of a Town Committee.

Any Town Councilor appointed to or as Liaison to a Town Committee, standing or special, shall serve in a non-voting Ex-Officio capacity. The Town Councilor shall have the right to speak, ask questions and participate in deliberations of the committee.

SECTION 602.23 – (Reserved)

SECTION 602.24 - Town Committees (Amended June 5, 2007, Effective June 30, 2007)

All Committees shall be responsible for keeping the Town Council informed of Committee activity. Meeting agendas/minutes/highlights should be forwarded to the Town Manager for distribution to the Town Council and posting on the Town website. In addition, each committee shall submit a written progress report to the Town Council at least once a year. This report shall be submitted to the Council within thirty (30) days of the regular municipal election.

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Committee members shall serve without compensation with the exception of the Board of Assessment Review, whose compensation, if any, shall be determined by the Town Council, who receive a stipend for fee-for-service activities.

The Town Council may, whenever it deems necessary, assign additional duties to Town Committees.

SECTION 602.25 - Finance Committee (Amended September 15, 2009)

A. Establishment:

1. The membership of the Finance committee shall consist of at least three (3) members, appointed by and serving at the pleasure of the Council. At least one (1) member shall be chosen from among the Council members, and all other members shall be chosen from among the citizens duly registered to vote in the Town of Gray.
 - a. Council member(s) shall be appointed annually following the municipal election.
 - b. Citizen members shall be appointed for staggered terms of three (3) years.
2. Any time this committee schedules to meet, it shall properly notice the public in accordance with the Town Charter and State Statutes.
3. For the purposes of conducting the affairs of the committee, a majority vote requires at least two members present and voting in agreement at all times to constitute affirmative action. All such votes are advisory and shall be reported to the Council as a whole for final disposition. It shall be the responsibility of the committee to notify the Council when there is a persistent vacancy that precludes any actions by the Committee.

B. Powers and Duties

1. The members of the Finance Committee shall be appointed to serve at the pleasure of the Town Council and shall be advisory only, except for those duties and responsibilities specified to them by the Charter or Ordinance. Some of the responsibilities include but are not limited to:
 - a. Review the monthly financial reports of the Town, including the town's investments and policy and report the results to the Council as a whole.
 - b. Develop and review biannually, the investment policies of the Town, assuring that all assets of the Town have been properly protected and invested in compliance with State and Federal laws and regulations.
 - c. Meet with the auditors annually and report their findings to the Council.
 - d. If so authorized, the Committee may recommend additional procurement policy items in accordance with the Charter that may be recommended to the management of the Town.
 - e. Make recommendations to the Council.

SECTION 602.26 - Board of Assessment Review

A. Establishment:

There shall be a Board of Assessment Review consisting of three (3) members and appointed by the Town Council for three (3) year staggered terms. Compensation, if any, to such members shall be determined by the Town Council. Members may be removed for cause after due notice and hearing by the Town Council.

B. Powers and Duties

The Board of Assessment Review shall have the power to:

1. Review, any complaint of property owners, and revise assessments for the purpose of taxation of real and personal property within the Town limits made by the Town Assessor;
2. Administer oaths;
3. Take testimony;
4. Hold hearings; and
5. Adopt regulations regarding the procedure of assessment review not inconsistent with statutory provisions.

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SECTION 602.27 - Cable TV Public Access Committee (Deleted May 15, 2007, Effective June 30, 2007)

SECTION 602.28 - Charles Barker Scholarship Committee

A. Establishment:

There shall be a Charles Barker Scholarship Committee consisting of four (4) members, of which no member shall be a member of the School Board. In accordance with the terms and conditions of the Charles Baker Scholarship Fund, "Such committee members shall serve until a similar committee shall have been appointed or reappointed after the next selection of a Board of Selectmen (Town Council) of said Town."

B. Duties

1. The Committee shall be responsible for determining the allocation of scholarship funds to worthy students of Gray Schools for the purpose of assisting with expenses for higher education and postsecondary schools.
2. The Committee's responsibility shall be carried out in accordance with the terms and conditions of the will dated December 17, 1969, set forth by the late Charles W. Barker.

SECTION 602.29 - Dry Mills Schoolhouse Museum Committee (Amended December 1, 2009)

A. Establishment:

There shall be a Dry Mills Schoolhouse Museum Committee consisting of seven (7) members, and two (2) alternates, appointed by the Town Council for three (3) year staggered terms.

B. Duties

The Committee shall preserve and protect the former one room eighth schoolhouse located at Dry Mills for the express purpose of maintaining as an education tool for school children and to serve as a local historical museum.

SECTION 602.30 - Community Economic Development Committee (Amended September 1, 2009)

A. Establishment:

1. There shall be a Community Economic Development Committee consisting of seven (7) members appointed by the Town Council for three (3) year staggered terms.
2. The Town Council may appoint two (2) alternates to this Committee for three (3) year staggered terms.
3. In addition, the Town Manager, Chairperson of the Planning Board, and a designated member of the Town Council shall be ex-officio members who shall be non-voting members of the Committee.

B. Duties

1. The CEDC shall promote, assist and encourage initiatives that will further the role of "Community" to the citizens of Gray.
2. The CEDC shall promote, assist and encourage the improvement and expansion of established businesses in the community and the general economic welfare of the Town of Gray.
3. The CEDC shall promote, assist and encourage the development of new businesses that comply with the goals of the Comprehensive Plan and the general economic welfare of the Town of Gray.
4. The CEDC shall cooperate with other community, region and state organizations and agencies for the promotion, assistance, encouragement and development of the community and economic climate of the Town of Gray.

SECTION 602.31 - Gray Grange No. 41 Scholarship Fund Committee

A. Establishment:

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There shall be a Gray Grange No. 41 Scholarship Fund Committee consisting of five (5) members. The five (5) members shall consist of the Principal of the Gray-New Gloucester High school, one (1) person appointed by the Town Council, and three (3) residents of the Town of Gray who initially shall be members or former members of Gray Grange No. 41. Committee members shall be appointed by the Town Council, in accordance with the terms and conditions of the Gray Grange No. 41 Scholarship Fund, for three (3) and five (5) year staggered terms.

B. Duties

1. The Committee shall be responsible for the Gray Grange No. 41 Scholarship Fund for postsecondary education. Selected recipients must be residents of the Town of Gray, pursuing postsecondary education.
2. The Committee's responsibilities shall be carried out in accordance with the terms and conditions of the Gray Grange No. 41 Scholarship Fund formally accepted by the Gray Town Council on May 7, 1991, and signed by Gordon Kimball, Sr. Treasurer of Gray Grange No. 41 on July 25, 1991.

SECTION 602.32 - Library Board of Trustees

A. Establishment:

There shall be a Library Board of Trustees consisting of five (5) members and two (2) alternates appointed by the Town Council for three (3) year staggered terms. There shall be a Library Director, appointed by the Town Manager, upon recommendation of the Library Board of Trustees.

B. Duties

1. The Library Board of Trustees shall adopt policy, etc. relating to the operation and planning of the Library. The Board of Trustees shall establish rules and policies to guide the Library Director.
2. The Library Director shall be responsible to the Town Manager for following the guidelines set forth by the Board of Trustees.
3. All expenditures of library funds shall be made by the Town Treasurer upon request of the Board, or in cases where the Librarian is authorized by the Board, upon request of the Librarian.
4. The Library Trustees shall have the authority to use the Library Reserve funds for purchases or services pertaining to the Library. Purchases made from the Library Reserve must be maintained only with funds from the Library Reserve Fund. The Library Reserve Fund shall consist of gifts or donations to the Gray Public Library, and any interest generated by these funds. The use of such funds shall be approved by a majority vote of the Library Board of Trustees, and the Library Director. A purchase order signed by the Library Director and the Chair of the Trustees shall be submitted to the Town Treasurer, no further approval shall be required.

SECTION 602.33 - Ordinance Review Committee (Deleted March 17, 2009)

SECTION 602.34 - Planning Board

A. Establishment:

There shall be a Planning Board consisting of five (5) members and two (2) alternates appointed by the Town Council for three (3) year staggered terms.

B. Duties

1. The Board shall be responsible for reviewing the approving, when in order, subdivision plans, site plans, conditional uses, and Shoreland Zoning applications in accordance with State Statutes and Town Ordinances.
2. The Board shall be responsible for the constant supervision of the Zoning and Subdivision of the Zoning and Subdivision Ordinances and for recommendations to the Town Council for changes in each.

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3. The Board shall perform such duties and exercise such powers as are provided by the Town of Gray Ordinances and the laws of the State of Maine.
4. The Board shall offer advice and assistance, and make recommendations to the Town Council, Town Manager and other Town committees and staff as needed or requested.

SECTION 602.35 - Public Safety Committee (Amended August 19, 2008)

A. Establishment:

1. There shall be a Public Safety Committee which shall be concerned with various matters of community safety as they relate to law enforcement, fire protection, traffic, and the transportation systems that support traffic, both vehicle and pedestrian and those issues outside of Gray that have impacts within the Community such as regional transportation corridors and projects.
2. The Committee shall consist of seven (7) members of whom two (2) members shall be from the Public Safety Department, five (5) members from at large. The Town Council may elect to appoint two (2) alternates. In addition, there shall be four (4) non-voting ex-officio members of which one (1) will be a member of the Division Office of the Maine State Police, one (1) a member of the Cumberland County Sheriff's Department, one (1) Town of Gray Public Safety Director, and one (1) a member of the Gray Town Council. Appointments by the Town Council shall be for three (3) year staggered terms.

B. Duties

1. The Committee shall work towards developing the necessary plans and recommendations that will achieve improved community safety.
2. The Committee shall advise the Public Safety Director in areas of community and building safety issues, making recommendations where appropriate.
3. The Committee shall work with the Maine Department of Transportation, Maine Turnpike Authority, the Maine State Police and the Cumberland County Sheriff's Office in matters of traffic and safety issues.
4. The Committee may work with and assist standing Boards of the Town.

SECTION 602.36 - Gray Recycling Committee

A. Establishment:

There shall be a Gray Recycling Committee consisting of seven (7) members and two (2) alternates appointed by the Town Council for three (3) year staggered terms.

B. Duties

1. The Committee shall work with the Town Manager and Solid Waste Director and other necessary Town staff in closing out the Town's Sanitary Landfill Facility and exploring new methods for the disposal of solid waste, including incineration, recycling, and other methods in keeping with State and Federal mandates for the disposal of solid waste materials.
2. It shall learn of state, regional and local efforts to recycle.
3. The Committee shall assist and advise Town Council and Town staff on development of a comprehensive recycling program.
4. It shall promote and publicize recycling throughout the community within schools, businesses, industry and homes by utilizing local newspapers, annual reports, cable TV, schools, special promotions, etc.
5. The Committee shall promote and publicize waste reduction throughout the community.
6. It shall encourage, with other recycling committees, the development of national and international markets to deal with recyclable materials.

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SECTION 602.37 - Zoning Board of Appeals

A. Establishment:

There shall be a Zoning Board of Appeals consisting of five (5) members and two (2) alternates appointed by the Town Council for three (3) year staggered terms.

B. Duties

1. The Board of Appeals shall hear and decide Administrative Appeals where it is alleged there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer in the enforcement of the Zoning Ordinance.
2. The Board shall hear and decide Variance Appeals in specific cases where a relaxation of the terms of the Zoning Ordinance would not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Ordinance would result in unnecessary or undue hardship.
3. The Board may grant a Disability Variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property.
4. The Board shall perform its duties and be governed by Title 30-A M.R.S.A. Section 2691 and the Town of Gray Zoning Ordinance, Section 402.32.

SECTION 602.38 - Recreation and Conservation Committee (Amended April 7, 2009)

A. Establishment:

There shall be a Recreation and Conservation Committee consisting of seven (7) members and two (2) alternate members appointed by the Town Council for three (3) year staggered terms. The Town Council shall also appoint two non-voting junior members, one each a resident of Gray and New Gloucester. Junior members shall not have reached their nineteenth birthday on the day of their appointment, and shall be appointed for one-year terms which may be renewed in the same manner as appointments to other committees.

B. Duties

1. The Committee shall advise and recommend to the Town Council on recreational and public parks matters, such as: programs, policies, development, planning, and leisure time activities. In cooperation with the Town Manager and the Parks and Recreation Director the Committee shall assist in initiating and maintaining progressive programs and activities.
2. The Committee shall advise and recommend to the Town Council, public and private committees, and the general public as to the protection, research, development and use of the natural resources located within the territorial limits of the Town.
3. The Committee shall recommend to the Town Council the purchase, the gift or other acquisition of land, easements or interest in land, in order to maintain and manage it in a manner which allows public use and enjoyment consistent with the natural, historic and scenic resources of the land. The Committee shall, prior to making any recommendations pursuant to this section, submit its recommendations to the Planning Board at least thirty (30) days in advance.
4. The Committee shall be responsible for developing and maintaining an open space, public access, and outdoor recreation plan which shall be consistent with the Town's Comprehensive Plan and with any regional plan.
5. The Committee shall prepare and maintain an index of all open areas, publicly or privately owned, within the Town and including but not limited to open marsh lands, swamps, and wetlands for the purpose of assimilating and retaining information pertinent to the proper utilization, protection and potential development or use of such open areas.
6. The Committee shall be responsible for performing and carrying out its duties in accordance with the rules, regulations, and guidelines set forth in the Gray Land Bank Ordinance adopted September 6, 1988.

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SECTION 602.39 - Website Committee (Deleted June 5, 2007, Effective June 30, 2007)

SECTION 602.40 - Dry Hydrant Committee (Deleted August 19, 2008)

A. SECTION 602.41- Citizens' Communication Review Committee (Amended May 17, 2011)Establishment:

The committee shall consist of three volunteer members of the community, appointed by the Town Council to serve staggered 3 year terms.

B. Duties:

The committee will meet as necessary. The Committee's responsibilities shall be carried out in accordance with the terms and conditions of the Town of Gray Website Policy, as approved by the Town Council. The decision of the Citizens' Communication Review Committee is the final word on the matter.

602.42 TO SECTION 602.49 - (Reserved)

SECTION 602.50 - Severance Clause

Whenever there is a conflict between the language contained in the Town Council Rules and that of the State Statutes, Town Charter or Town Ordinances, the Town Charter shall prevail except where the State Statute retains authority not provided to the Town.