

**Town of North Yarmouth
Select Board Meeting Agenda
Tuesday, March 7, 2023
Workshop
6:00PM
Planner-LUO/Budget Highlights
Regular Business Meeting
7:00 PM
Wescustogo Hall & North Yarmouth Community Center**

Select Board Members

Brian Sites, Chairperson Paul Hodgetts, Board Member Amy Haile, Board Member
Andrea Berry, Board Member Kate Perrin, Board Member

I. Executive Session – 1 M.R.S. § 405 (6)(A) to discuss personnel matters.

II. Call to Order

- A. Pledge of Allegiance
- B. History Minute

III. Appointment

IV. Special Presentations

V. Announcements

VI. Consent Agenda

- A. Municipal Accounts Payable Warrants
- B. Payroll Accounts Payable Warrants
- C. Select Board Minutes February 21, 2023

VII. Public Comment - Non-Agenda Items

VIII. Management Reports & Communications

- A. Town Manager's Report

IX. Old Business

- A. Select Board Bylaws Amendment-Section 10 Committee Liaison
- B. Revised Budget Schedule
- C. Phase 5 & 6 Fire Station Study

X. New Business

- A. LUO & Zoning Amendment Process

XI. Any Other Business

XII. Adjournment

REMINDERS TO THE ATTENDING PUBLIC: Please mute all digital devices; Select Board meetings are open to the public, but the public may not speak unless recognized by the Chairperson first. **Workshops:** The public is welcome to attend workshops and listen to the discussion that takes place. The purpose of holding a workshop is to provide the Select Board with the opportunity to focus on specific town matters to later present at a regular business meeting. Therefore, public participation is limited to only regular business meetings of the Select Board.

Town of North Yarmouth Select Board Business

Summary of Recommended Motions & Other Action Items

March 7, 2023

VI. Consent Agenda

Motion _____, Second _____ Vote _____

A. Municipal Accounts Payable Warrants

#73 \$ 7,650.11

\$

\$

B. Municipal Payroll Warrants

\$

\$

C. Select Board Minutes-February 21, 2023

Suggested Motion

To approve the consent agenda as presented.

IX. Old Business

A. Select Board Bylaws Amendment-Section 10 Committee Liaison

Suggested Motion

To approve the Select Board Committee Liaison amendment to the Select Board Bylaws as presented.

Motion _____, Second _____ Vote _____

B. Revised Budget Schedule

The Town Manager is requesting that the Select Board approve the revised budget schedule to allow for additional time needed to complete the FY 24 Budget.

Suggested Motion

To approve the Revised Budget Schedule as amendment.

Motion _____, Second _____ Vote _____

Town of North Yarmouth Select Board Business

Summary of Recommended Motions & Other Action Items

C. Phase 5 & 6 Fire Station Study

Motion _____, Second _____ Vote _____

X. *New Business*

A. LUO & Zoning Amendment Process

Motion _____, Second _____ Vote _____

**Town of North Yarmouth
Select Board
Meeting Minutes February 21, 2023, 6:00 PM Executive Session
Meeting 7:00 PM**

Executive Session-(0:00-1:27:55) 1 M.R.S. § 405 (6)(A) to discuss personnel matters.

Chairperson Sites, seconded by selectperson Hodgetts moved to enter executive session at 6:00 PM. Vote 5 Yes/0 No.

Call to Order: (1:27:56-1:28:41)- Members Present: Brian Sites, Chairperson, Amy Haile, V. Chair, Paul Hodgetts, Selectperson, Katherine Perrin, Selectperson, and Andrea Berry, Selectperson, and Diane Barnes, Town Manager. Chairperson Sites called the meeting to order at 7:15 PM. Pledge of Allegiance. **Chairperson Sites, seconded by select person Perrin moved to enter regular session at 7:15 PM. Vote 5 Yes/0 No.**

History Minutes: (1:28:42-1:33:00)-Presented by Chairperson Sites- The history of North Yarmouth Town Meetings.

Special Presentations-(1:33:01-2:27:38)

Fire Station Study presented by Andrew Hyland, President of Port City Architecture
Port City Architecture (PCA) was hired by the Town of North Yarmouth, Maine, in late July 2022 to study the town's Fire/EMS Department's building and space needs. The purpose of the study is to examine the current facility, assess the department's current and future space needs required to provide safe and efficient modern firefighting and rescue services to the community, and recommend a renovation/addition to the current facility or recommend the construction of a new facility.

The facility is lacking modern safety features. There is no sprinkler system and no vehicle exhaust system as required by code. There is no decontamination room. The turn-out gear is stored in the apparatus bay instead of in a designated space which is a health hazard to the staff. The main door to the facility is recessed and unmarked. Most visitors enter through the dayroom and bunk room areas disrupting the private living areas of the staff. The roof is leaking in multiple locations. The building is split between two levels and is not ADA accessible. A ramp would need to be installed to meet ADA code. The two bathrooms are not ADA accessible.

Based on their space programming analysis, the current Fire Department facility has inadequate space for their needs. The Fire Department requires 14,000 square feet, but the current facility is only 7,300 square feet. The Fire Department needs to almost double their current space. In addition, they will need exterior space to park fifteen to twenty staff vehicles and five to ten public visitors at a minimum.

The current Fire Department facility does not meet modern firefighting and EMS needs or health and safety requirements, and it does not contain many required support spaces. The current facility has limited bedrooms, a small dayroom, and inadequate office space. All the apparatus bays are too small and are separated into two distinct areas. The upper bays are especially inadequate, and even the smaller equipment barely fits through the overhead doors. The upper apparatus bays are barely deep enough to fit the assigned apparatus equipment. This is a potential hazard for damage to the equipment, staff, and building. Storage is at a bare minimum and does not meet their current needs, much less for the department's future needs. The building envelope is poorly insulated. The exterior walls consist of a brick façade with a CMU backup interior structure. It is unknown if there is any rigid insulation between the masonry wythes or insulation in the CMU cavities, but most likely there is not. Additional insulation and possibly new windows should be provided if the building is renovated.

Greg Payson, Fire Chief explained that the building is over 30 years old, and they have outgrown it. Population has increased and services have increased. The biggest focus of this study is to inform the town of these issues and move forward to obtain a resolution.

Chairperson Sites asked when is it critical that we renovate or rebuild the Fire Station?

Chief Payson advised that he would like to have a new/renovated fire station within the next 5 years. The cost increases every year.

Vice Chair Haile wants to make sure this plan meets the needs of the town for many years in the future.

Chief Payson advised that this plan would meet their needs, but work is still needed on the plan. This is phase 1-4. He would like to get the next phases 5-11 completed.

Chairperson Sites advised five years is a long time to go without sprinklers and ADA showers; are there mission critical stuff needed between now and time it takes for a new building to be built?

Chief Payson advised that the roof, sprinklers, and ventilation system are the most critical needs at this time. These will be in his next budget.

Andrew Hyland, President of Port City Architecture advised that the Select Board should know how they are going to proceed regarding the building before installing a new sprinkler system.

Selectperson Perrin asked what would the deliverable be from the next phase?

Andrew Hyland, President of Port City Architecture advised a floor, plan, site plan, 3D Model, a detailed cost estimate and narrative. This would be enough to take to the voters.

Selectperson Perrin asked if in the cost estimate would include an expected contingency percentage for a project of this magnitude.

Andrew Hyland, President of Port City Architecture advised it would.

Selectperson Berry asked if we would renovate or build a new building?

Chief Payson advised that Port City Architecture will review to see if renovation/expansion is possible.

Selectperson Perrin asked for the timing of the next phase.

Andrew Hyland, President of Port City Architecture advised 3-5 months.

Judy Potter Walnut Hill Road asked if the parking would disrupt the Old Town House.

Chief Payson advised that he did not have an answer, but he will address it in the next phase.

Chairperson Sites advised this is all new information for everyone. There is a lot of discussion needed. No one has planned to build a new fire station. We must have information before we make decisions. This all we are doing right now.

Consent Agenda: (2:27:39-2:27:52)

Municipal Accounts Payable Warrants

#69 \$ 6,968.11

#72 \$120,726.93

Municipal Payroll Warrants

#70 \$ 39,386.22

Special Town Meeting Minutes-February 4, 2023

Select Board Minutes-February 7, 2023

Selectperson Perrin, seconded by Selectperson Berry moved to approve the consent agenda as presented. Vote 5 Yes/0 No.

Public Comment:

No public comment

Management Reports & Communications (2:27:53-2:36:07)

EDSC-Selectperson Perrin- The Forum Dialog event on January 26, 2023, was well attended, The next meeting February 23, 2023, 630 PM.

Zoning Board of Appeals-Selectperson Hodgetts- Deacon Hayes project was sent back to the planning board on February 1, 2023. There will be a ZBA appeal hearing on March 08, 2023, regarding Code Enforcement Officer's January 17, 2023, issue of building permit for the construction of single-family home and subservice waste disposal system to an owner on Cluff Road.

Parks-Selectperson Berry- The Parks Committee will be coming to the March 7, 2023, Select Board Meeting to do a presentation on the Chandler Brook management plan. They will be coming to the Select Board to present Baston Park Phase 2 plans.

Recreation Advisory Board-Selectperson Haile- Stated that they meet twice a year. They have not meet yet this year.

Planning Board-Selectperson Hodgetts- Provided an update from February 14, 2023, meeting. Well and Good Brewing public hearing is scheduled for March 14, 2023, 5:30 PM. Deacon Hayes Commons public hearing is scheduled for March 14, 2023, 6:30 PM. Carriage Hill Subdivision was approved. Assured Solar did a sketch plan review. A workshop is scheduled for February 28, 2023, to discuss North Star Planning's recommended changes to the Land Use Ordinance resulting from their audit work. The Planning Board is going to discuss Solar ordinance changes. They are looking to review the land Use ordinance on wastewater. This will probably go to the Select Board for review.

Joint Standing Committee-Selectperson Berry-Nothing to report.

Waste Reduction Committee-Selectperson Berry-Working on a plan for the year. Organize four different speakers to come during the year to help the town to improve the way they are thinking about waste. They are on hand to help with waste management regionalization.

Living Well in NY-Selectperson Haile-Canceled the meeting for February. Next Meeting in March.

Walnut Hill Parkway-Selectpersons Sites & Hodgetts- Nothing to report.

School Fund Committee Perrin- The Committee met on February 15, 2023. She was not able to attend but was told that they held the election of officers, discussed award amounts 2023 and a school fund investment policy.

Town Manager's Report, Diane Barnes: (2:36:08-2:42)

North Yarmouth Elections

Nomination papers will be available on March 6th.

Casella Automated System Update

Casella is working with Clark to confirm which roads the ASL will be able to go down, and which roads it can't.

She will be submitting a grant through The Recycling Partnership to help offset the cost of recycling totes. If successful, the grant will reimburse the Town \$15 per tote and a \$1 per household for printing and postage costs for education. They will take care of the education and provide us with updates and materials for our website.

Audio/Visual Project

A team is scheduled to start the cabling during the full week of February 27th.

Joint Meeting North Yarmouth/Cumberland/MSAD #51

The Town Manager received an email from MSAD #51 regarding a joint meeting between the North Yarmouth, Cumberland and MSAD #51. They are proposing April 12th at 6:00pm. The proposed agenda items are Budget Sharing and Update on the School Building Project. Please let me know if this date and time works for you. April 12th is on a Wednesday, so it won't interfere with our budget meetings.

Cumberland County Tax Assessment FY 24

The Town Manager refuted a Facebook post regarding the claim that North Yarmouth's County Taxes were increasing by \$400,000. Below is a breakdown of the proposed FY 24 costs and the current year budget:

FY 24 year assessment: \$400,468
FY 23 assessment: \$376,893 (\$23,575)
1st payment of short year: \$ 36,103
Net difference is an increase of \$ 59,678.

Central Maine Power

CMP is undertaking a series of line projects-known as Distribution Line Inspections that includes replacing poles and cross arms, line transfers, and correcting any deficiencies in the lines. The project locations are as follows: Brickyard Road, Doughty Road, East Gray Road, Gray Road, Haskell Road, Hayes Road Ext., New Gloucester Road, Prince Well Road, Walnut Hill Road, and Wescustogo Road. Cianbro has been contracted to do the work which is anticipated to begin on 2/20 with a duration of approximately 5 weeks. Diane Barnes, Town Manager advised not everything is accurate on Facebook and if you have questions on the town's budget to contact her.

Financial Report-Presented by Diane Barnes, Town Manager.

Legal, advertising and waste management in the red, but everything else looks good. Revenue looking good. The current budget is on track.

Old Business-(2:42:01-2:54:25)

Board & Committee Codes of Conduct Policy.

Chairperson Sites advised that they are working to create a set of standards for all boards and committees, build on and update the current codes and reinforce and establish the chain of commands.

Vice Chairperson Haile seconded by Selectperson Berry motioned to approve a workshop on Monday February 27, 2023, at 7:00 PM. Vote 5 Yes/0 No.

New Business-(2:54:26-2:57:05)

Dispatch Services Contract Renewal

Cumberland County, through its communications Department, provides the Town of North Yarmouth with Communication services for appropriate service providers. These include, but are not limited to, Fire, Rescue, Animal Control, Public Works etc. and access for use of CodeRed emergency alert system. There are no changes to the contract except for the costs as outlined below:

The contract is based on a per capita fee of \$8.27 for FY 24, \$8.52 for FY 25, and \$8.78 for FY 26 using a population of 4,072. The contract will have an annual escalator or 3\$. The contract fee also includes a \$600.00 annual I am responding license.

The expiring contract costs are listed below:

The contract is based on a per capita fee of \$7.57 for FY 21, \$7.80 for FY 22, and \$8.03 for FY 23 using a population of 3,565. The contract will have an annual escalator of 3%. The contract fee also includes a \$600.00 annual license responding license.

Selectperson Hodgetts, seconded by Vice Chairperson Haile moved to approve the contract as written and authorize the Town Manager to execute the document. Vote 5 Yes/0 No.

Select Board Committee Liaison- The role of a Select Board Committee Liaison is to be a conduit of information and resources between the Select Board and the committee to increase efficiency, reduce confusion, and produce positive outcomes for the citizens of North Yarmouth. Liaisons should be assigned by the second regular meeting of a new Select Board being sworn in.

Liaisons should:

- Know and understand the founding intent of the committee as well as any charge established by the Select Board for the committee.
- Have routine contact with the committee chair(s) to understand committee activities as well as any resource needs or requests to fulfill their charge.
- Read and be familiar with relevant issues on committee agendas prior to the meetings.
- Attend committee meetings/activities and serve as an interactive resource by participating in any committee/subcommittee/forum discussions as needed or requested by the committee.
- Provide a regular liaison report to the Select Board which includes progress toward the committee's charge; resources needed to fulfill its charge; any work undertaken that may alter, amend, conflict with, or create new town policies, established ordinances, Select Board goals, or the committee charge.

Selectperson Hodgetts wants time to review this. Chairperson Sites advised that this item be added to old business for the next meeting.

Budget Committee & Cemetery Committee Vacancy Discussion- The Select Board discussion determined that these positions will be on the next election for the residents to decide.

Mike Mallory, Walnut Hill Road made a comment about the charter and term of the elected officials.

Any Other Business-

Select Board Goals Update Goals were discussed, and the progress made on them.

Chairperson Sites advised he will send out a document for the Select Board to review. They will have a discussion on it at the next meeting.

Adjournment:

Selectperson Perrin, seconded by Chairperson Sites moved to adjourn at 9:15 PM. vote 5 Yes/0 No.

Karen Casale, Recording Secretary

Select Board

Brian Sites, Chair

Amy Haile, Vice Chair

Paul Hodgetts

Katherine Perrin

Andrea Berry

Town of North Yarmouth – Select Board Bylaws

SECTION 1 - PURPOSE & SCOPE

The purpose of these bylaws is to establish reasonable rules of procedure for Board meetings and to promote the fair, orderly, and efficient conduct of the Board's proceedings and affairs. These bylaws shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose. This policy is in compliance with the town Charter and shall be judiciously understood so as to accomplish its purpose. Conditions not addressed in the town Charter, or this policy shall be governed by the general law.

SECTION 2 - OFFICERS & DUTIES

- A) Officers of the Board shall consist of a Chairperson (Chair) and Vice Chairperson (Vice Chair) to be chosen on or after July 1st of a year to serve until the following June 30th. The term of office of the Chair and Vice Chair shall be limited to two one-year consecutive terms. Should the terms of the Chair or Vice Chair expire prior to the Board having elected replacements, then the tenured serving remaining member(s) shall act as interim(s) until the election has been held.
- B) The Chair or his/her designee shall have the following responsibilities:
1. Serve as the official spokesperson of the Board.
 2. Preside over all meetings of the Board to maintain order and determine the course of proceedings.
 3. Establish the schedule and agendas of the Board and
 4. Ensure that the Board develop and maintain these bylaws.
- C) In the event of an emergency requiring input from the Chair, and neither the Chair or the Vice Chair can be contacted, the most tenured Selectperson available will assume the role as Chair until the Chair or Vice Chair is available.
- D) The Select Board retains authority to rule on questions of evidence and procedure. Any action as may be necessary and not inconsistent with these bylaws or other law to enable the Select Board to perform its duties and conduct its affairs shall be taken by vote of the Selectpersons present.
- E) In the event the Chair ceases to serve as a selectperson, resigns as Chair, or is otherwise unable to discharge his or her duties prior to the end of their term, the Board shall elect a new Chair as soon as practicable. In the absence of the Chair, the Vice Chair shall preside and shall have the same authority.
- F) By an affirmative vote of not less than four (4) members, the Select Board may vote to remove a Chair prior to the expiration of their term and thereafter by an affirmative vote of no less than three (3) members, elect a replacement.
- G) The Town Clerk (or his/her designee) shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be public record except as otherwise provided by law.
- H) Board members shall notify the Town Manager (or his/her designee) prior to Board meetings if they are unable to attend.
- I) Contacting the Town Attorney shall be initiated through the Town Manager.
- J) Direct assignment requests of the Town Manager shall be put forth by a consensus of the Board, and not an individualized basis.

Town of North Yarmouth – Select Board Bylaws

SECTION 3 - MEETINGS

- A) The Select Board shall hold regular meetings no less than monthly and give notice of such meetings as required by law.
- B) The Select Board may call special meetings as are necessary and must give notice as required by law.
- C) The Select Board may call emergency meetings as needed with notice as required by law, to meet public emergencies affecting life, health, property, or the public peace.
- D) The Chair may cancel one (1) regular meeting of each month if there is not sufficient business. If a regular meeting is cancelled arrangements must be made for no less than three (3) members to convene for the purposes acting on the accounts payable. This meeting shall be publically announced as provided by law.
- E) Special meetings may be called at the discretion of the Chair, or upon the request of the majority of the Board, provided; however, that notice thereof shall be given to each member at least 24 hours in advance and that no business is conducted other than as specified in said notice.
- F) Notice of all Board meetings shall be given as required by law, and all such meetings shall be open to the public except as otherwise provided by law.
- G) No business shall be conducted by the Board except at a duly called and noticed meeting or without a quorum of members of the Board being present.
- H) The general order of business at regular meetings shall be as follows: For transparency purposes the Bylaws should always contain a general outline of an agenda. Changes in the order of business are at the discretion of the Chair.
 - 1. Call to Order
 - 2. Public Hearings (when applicable)
 - 3. Special Presentations
 - 4. Meeting Minutes
 - 5. Public Comment
 - 6. Management Reports & Communications
 - 7. Old Business
 - 8. New Business
 - 9. Other Business
 - 10. Adjournment

SECTION 4 - HEARINGS

- A) Public Hearings of the Board shall be called as required by law or on such other occasions, as a majority of the Board 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.
- B) The Chair shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed.
- C) The Board may receive any oral or documentary evidence, but shall exclude irrelevant, immaterial, or unduly repetitious evidence, provided, however that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chair, and without

Town of North Yarmouth – Select Board Bylaws

interruption, provided, that the Chair may impose such reasonable time limits as may be necessary to insure 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 Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

SECTION 5 - PARTICIPATION & VOTING

- A) Any action of the Board, when a quorum of members are present, shall require the affirmative vote of the majority present and voting unless otherwise provided by law.
- B) No member shall participate or vote in any matter in which the member has a conflict of interest or other disqualifications 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.
- C) No member shall participate or vote in any adjudicatory proceeding, including proceedings on license, permits or other approvals, unless the member was present during all hearings thereon.
- D) All members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for good cause.

SECTION 6 - DECISIONS

- A) All decisions of the Board shall be made within the time limits, if any, established by law.
- B) All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis, therefore.
- C) All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits, shall constitute a public record.
- D) The Board may reconsider any decision 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 with said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

SECTION 7 - CONFLICT WITH LAWS

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

SECTION 8 - CONFLICT OF INTEREST

- A) Conflicts of Interest - As a general rule, a conflict of interest occurs when an official has a pecuniary (i.e., financial) interest in a matter of official business.
- B) Appearance of Conflict of Interest - Even when a Town official's conduct is not specifically prohibited by law, competing interests and personal relationships could create an appearance of wrongdoing that could undermine the public trust in the integrity and impartiality of local government.

Town of North Yarmouth – Select Board Bylaws

30-A M.R.S.A. § 2605 addresses this issue by providing that Town officials shall “attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.”

SECTION 9 - CODE OF CONDUCT

Purpose and Scope - This section of the bylaws is to define the executive role and attendant duties of the Select Board in carrying out its policy functions as part of North Yarmouth’s town government, and to clarify the separation of the Board’s executive role from the legislative role of the Town Meeting and the administrative role of the Town Manager.

A) Definitions

1. Town Meeting – Select Board – Town Manager form of government. Under this form of government, the legislative and executive functions are divided:
 - a. The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying taxes, raising and appropriating monies, and authorizing the contracting of debts, etc.
 - b. The Select Board is the executive body that interprets, processes, and sets the policies of the town and chooses the course of action between town meetings, has ultimate administrative responsibility to see that the governmental policies are carried out (but must deal with administration solely through the Town Manager), and appoints and supervises the Town Manager.
 - c. The Town Manager executes and carries out the government and fiscal policies with guidance from the Select Board. The Select Board has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the town, and as defined in the town Charter.

B) Duties of the Select Board

1. A member of the Select Board, in relation to his or community should:
 - a. Understand that his or her basic function is to make policy, with administration delegated to the Town Manager.
 - b. Understand that he or she should abide by, stand by, and carry out all Board decisions once they are made.
 - c. Be well informed concerning the duties of a Board member on both local and state levels.
 - d. Remember that he or she represents the entire community but must make decisions based on their best judgement.
 - e. Accept the role of member is a means of unselfish service, not to benefit personally or politically from his or her Board activities.
 - f. Abide by the ethics guidelines established by the State and not use the position of Selectperson to obtain inside information on matters that may benefit someone personally.
2. A member of the Select Board, in his or her relations with the Town Manager, should:
 - a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
 - b. Refuse to act on complaints as an individual outside of Staff, Department Heads, and the Town Manager.
 - c. Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.

Town of North Yarmouth – Select Board Bylaws

- d. When a situation comes to the attention of a Board member, convey that information to the Town Manager for consideration and resolution of action as the Town Manager may deem appropriate. Inform the other Board members of suggestions and information conveyed to the Town Manager.
 - e. Not give orders of directions to the Town Manager for action as an individual Board member.
 - f. Not give instructions or request assistance from Town department heads, but rather channel all such activities through the full Board and the Town Manager.
3. A member of the Select Board in his or her relations with fellow Board members, should:
- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
 - b. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.
 - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - d. Make decisions only after all facts on a question have been presented and discussed.
 - e. Refrain from communicating the position of the Select Board to anyone unless the full Board as previously agreed on both the position and the language of the statement conveying the position.
 - f. Treat with respect the rights of all members of the Board despite differences of opinion.
4. A member of the Select Board, in his or her relations with Town staff, should:
- a. Treat all staff as professionals that respects the abilities, experience, and dignity of each individual.
 - b. Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager.
 - c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.
 - d. Insure that all requests for staff support go through the Town Manager's office.
 - e. Insure that any materials or information provided to a Selectperson from a staff member be made available to all Select Board members.

SECTION 10 – COMMITTEE LIASONS

The role of a Select Board Committee Liaison is to be a conduit of information and resources between the Select Board and the committee in order to increase efficiency, reduce confusion, and produce positive outcomes for the citizens of North Yarmouth. Liaisons should be assigned by the second regular meeting of a new Select Board being sworn in.

A) Types of Liaisons

Select Board Liaisons are assigned to:

- 1. Appointed Boards, Commissions, and Committees – As described in Article IV Section 2 of the Town Charter
- 2. Ad Hoc Committees – As described in Article IV Section 3 of the Town Charter

B) Liaison Expectations

Liaisons should:

- 1. Know and understand the founding intent of the committee as well as any charge established by the Select Board for the committee.
- 2. Have routine contact with the committee chair(s) to understand committee activities as well as any resource needs or requests to fulfill their charge.

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3. Read and be familiar with relevant issues on committee agendas prior to the meetings.
4. Attend committee meetings/activities and serve as an interactive resource by participating in any committee/subcommittee/forum discussions as needed or requested by the committee.
5. Provide a regular liaison report to the Select Board which includes progress toward the committee's charge; resources needed to fulfill its charge; any work undertaken that may alter, amend, conflict with, or create new town policies, established ordinances, Select Board goals, or the committee charge.

SECTION 11 - WAIVERS & AMENDMENTS

These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Select Board unless others provided by the town Charter or state law. These bylaws may be amended at any time in writing by majority vote of the Select Board.

Amended and agreed to by the Select Board this ____ day of March, 2023.

Select Board

Brian Sites, Chair

Amy Haile, Vice Chair

Paul Hodgetts

Katherine Perrin

Andrea Berry

SELECT BOARD | Tuesdays

Budget Workshops 6PM

Board Meetings 7PM

April 4, 2023

- 6PM Budget Workshop
 - Budget Introduction
 - Administration
 - General Assistance
 - Social Services
 - Technology
- 7PM Board Meeting

April 11, 2023

- 6PM Budget Workshop
 - Public Safety
 - Code Enforcement, Assessing & Planning

April 18, 2023

- 6PM Budget Workshop
 - Boards & Committees
 - Wescustogo Hall & Community Ctr
- 7PM Board Meeting

April 25, 2023

- 6PM Budget Workshop
 - Public Works Department
 - Parks – Cemeteries
 - Solid Waste
 - TIF & Capital Expense

BUDGET COMMITTEE | Thursdays

Budget Workshops 6PM

April 6, 2023

- 6PM Budget Workshop
 - Budget Introduction
 - Administration
 - General Assistance
 - Social Services
 - Technology

April 13, 2023

- 6PM Budget Workshop
 - Public Safety
 - Code Enforcement, Assessing & Planning

April 20, 2023

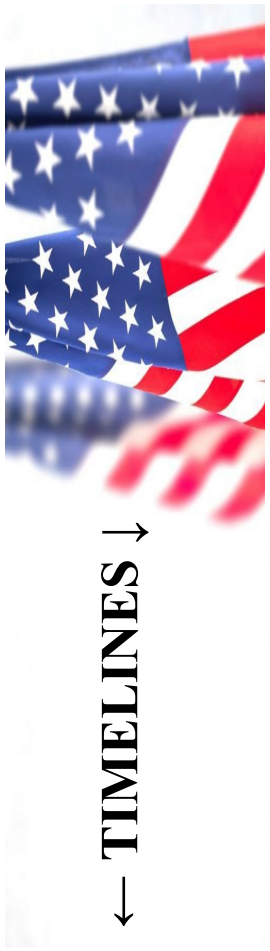
- 6PM Budget Workshop
 - Boards & Committees
 - Wescustogo Hall & Community Ctr

April 27, 2023

- 6PM Budget Workshop
 - Public Works Department
 - Parks – Cemeteries
 - Solid Waste
 - TIF & Capital Expense

APRIL 2023

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						



← **TIMELINES** ↓

- MUNICIPAL ELECTIONS**
- 03-06-2023 Nomination Papers Available
 - Budget Committee | 2 three-year terms
 - Cemetery Commission | 1 five-year term
 - Cemetery Commission | 1 two-year term
 - MSAD#51 BD of Directors | 1 three-year term
 - Select BD | 2 three-year terms
 - 04-13-2023 Deadline to file Nomination Papers
 - 04-14-2023 Submit draft ballots to ES&S
 - 05-15-2023 Absentee Ballots
 - 05-18-2023 District #51 Budget Meeting
 - **06-13-2023 Election Day Polls Open 7AM-8PM**

- ANNUAL TOWN MEETING**
- 04/17/2023 Submit PB PH Notice in Forecaster to be published on 4/20/2023 & 4/27/2023
 - 05-01-2023 School Board Vote FY24 Budget Approval
 - 05-02-2023 SB Votes to approved Warrant for FY24 ATM & Signs MSAD#51 Budget Warrant
 - 05-08-2023 Submit SB PH Notice in Forecaster to be published on 5/11/2023
 - 05-08-2023 Post notice of Select BD Public Hearing w/attested document.
 - 05-09-2023 Public Hearing - Planning BD for LUO items
 - 05-16-2023 Public Hearing – Select BD/Budget Committee FY24 Budget
 - 05-18-2023 *MSAD51 Budget Meeting (Clerk & Deputy must attend)*
 - 06-09-2023 Post ATM Warrant in Public Places
 - 06-13-2023 Elections
 - **06-17-2023 Annual Town Meeting 9AM**
- Abbreviation Code**
PB = Planning Board
PH = Public Hearing
SB = Select Board

2023 MARCH							2023 APRIL						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

2023 MAY							2023 JUNE						
SUN	MON	TUE	WED	THU	FRI	SAT	SUN	MON	TUE	WED	THU	FRI	SAT
	1	2	3	4	5	6				1	2	3	
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	

Ordinance Text or Map Amendment—Summary Information

Purpose

- Provide clarity to residents and other groups/committees on how to engage in the amendment process
- Provide clarity on roles and responsibilities between the Planning Board and Select Board
- Provide a mechanism for the Select Board to evaluate all amendments before they are sent to the voters

While NorthStar is looking at an audit of the LUO, this amendment may be an easy addition to that process, assuming the Select Board votes to take it up. Item one above has been a point of contention in the community with past amendments, and while item two is implied in statute, it is not explicit in the current LUO or town policies. Item three is to give future Select Boards certainty that what they are sending to the voters, regardless of the origin of the amendment, has undergone the appropriate due diligence.

Current Status

This ordinance is a draft and has been preliminarily reviewed by GPCOG and MMA.

MMA legal feedback:

..the first sentence that says “amendments to this ordinance,” implying that it is a section within the overarching zoning ordinance. If that is the case, I will have to decline to provide any further advice because I cannot review an amendment or single section of an ordinance without reviewing the ordinance in its entirety. Comprehensive review and/or drafting of ordinances is outside the scope of the services MMA Legal can provide and I recommend working with the town’s attorney...

It makes sense to have a process to streamline or more clearly define a process for proposed amendments to LUO and zoning ordinances. I think establishing a process like this is generally permissible.

GPCOG planning feedback:

“Overall, I think this will be very helpful language for your land use ordinance. I have only a few comments:

1. The second sentence of Item #3 appears to be missing a clause, I believe it should read, “In making its recommendation, the Board shall review whether the requested amendment is compatible with the zoning district **in which it** is located and North Yarmouth Comprehensive Plan, as amended.” [corrected]
2. Based on my experience it may be best to try to define, or at least give examples of, what a “non-policy, administrative Ordinance amendment” is. For example, I once went through a series of uncomfortable conversations between a Planning Board and Town Council when the Planning Board insisted their recommended changes to an outdoor lighting ordinance were non-policy in nature, but the Council

Ordinance Text or Map Amendment—Summary Information

disagreed. There may be some pushback from your Planning Board, but in my opinion the Select Board, as appointers of the Planning Board, should always know what they are working on to avoid any unnecessary surprises. Few exceptions to this may include updating or adding definitions or performing mandated updates based on state laws.

Next Steps

If the Select Board elects to adopt this amendment, the draft language would go to the Town Attorney to review, as per MMA's guidance and to NorthStar for guidance on where it would fit in the audited LUO. The draft would then follow steps 2-4 of the process laid out in the amendment.

Ordinance Text or Map Amendment

Amendments to the text of this Ordinance or to the Zoning Map may be initiated using the following procedures:

1. When initiating an amendment, the person or entity requesting the amendment shall submit a written request to the Select Board. The Select Board shall decide whether to forward the requested amendment to the Planning Board.
2. If the Select Board forwards the requested amendment, the Planning Board shall conduct at least one (1) public hearing. The Planning Board shall give notice of hearing in accordance with the requirements of Title 30-A M.R.S. § 4352.9, as amended, and where applicable, § 4352.10, as amended.
3. The Planning Board shall prepare a written recommendation to the Select Board. In making its recommendation, the Board shall review whether the requested amendment is compatible with the zoning district in which it is located and with the North Yarmouth Comprehensive Plan, as amended. The written recommendation shall include draft language and/or draft map change.
4. The Select Board, on receipt of the written recommendation from the Planning Board, shall evaluate the amendment and provide a finding of facts on the following criteria:
 - a. the requested amendment is compatible with the zoning district in which it is located,
 - b. the requested amendment is compatible with the Town's Comprehensive Plan,
 - c. the requested amendment is consistent with State Statute,
 - d. the requested amendment has been reviewed by, and/or developed under the guidance of, legal and planning resources available to the Town and a summary of comments from those resources are included in the finding of facts, and
 - e. if the requested amendment is an established policy change, documentation of the efforts to take public comment, and the outcomes from those efforts, are included in the finding of facts.
5. Notwithstanding the provisions of Subsection 1 above, the Planning Board may initiate the amendment process by recommending non-policy, administrative Ordinance amendments without prior referral from the Select Board.