

Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, July 18, 2023  
Regular Business Meeting  
6:30 PM

1

Wescustogo Hall & North Yarmouth Community Center

**Select Board Members**

Amy Haile, Chair  
Karl Cyr, Board Member

Andrea Berry, Vice Chair  
Paul Hodgetts, Board Member

Katherine Maloney, Board Member

**1. Call to Order**

A. Pledge of Allegiance

**2. Appointments**

**3. Special Presentations**

A. Greely Girls Lacrosse-Proclamation

**4. Announcements**

**5. New Business**

- A. Select Board Onboarding
- B. EDSC Committee Charge-Comp Plan
- C. Living Well Fund Request
- D. Authorization to Solicit Bids for Banking Services
- E. Personnel Policy Amendments
- F. Write-Off EMS Bad Debt
- G. Joint meeting with MSAD#51 Board & Cumberland Town Council (Wednesday, Oct. 25<sup>th</sup>)
- H. Committee Liaison Assignments
- I. Board Goals

**6. Old Business**

**7. Consent Agenda**

- A. Payroll Warrants
- B. Municipal Accounts Payable Warrants
- C. Select Board Minutes of June 27, 2023
- D. Select Board Minutes of July 5, 2023
- E. RRCT-Incorporated Civic Organization License
- F. Toddy Brook-Liquor License

**8. Public Comment – Non-Agenda Items**

**9. Management Reports & Communications**

- A. Town Manager's Report
- B. Department Head Reports

**10. Any Other Business**

**11. 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.

**Version 1.0 – 7/18/2023**

# Town of North Yarmouth

## Select Board Business

### *Summary of Recommended Motions & Other Action Items*

July 18, 2023

#### **5. *New Business***

##### **C. Living Well Fund Request**

Prince Memorial Library has been awarded a \$500 grant from UNE that will be used to purchase a bench for the North Yarmouth Story Walk. The cost of the bench is \$500 plus shipping of \$135.73 for a total of \$635.73.

Living Well in North Yarmouth would like to fund the overage plus buy an additional bench for \$500 plus shipping.

They are requesting approval of \$135.73 for the library and an additional \$635.73 to buy the second bench using Living Well Donations. The current balance in this special revenue account is \$3,368.62.

These benches are designed to anchor permanently in the ground. Public Works will install the benches.

#### **Suggested Motion**

**To authorize \$635.73 to be expended from the Living Well Donation account for the purchase of a bench and shipping costs for two benches.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

##### **D. Authorization to Solicit Bids for Banking Services**

The Treasurer is seeking permission to solicit bids for banking services. Due to recent increases in interest rates and the fact that the Town has not solicited bids for banking services in a number of years, it would be prudent for the Town to go through a formal RFP process at this time.

#### **Suggested Motion**

**To authorize the Treasurer to solicit bids for banking services.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

# Town of North Yarmouth Select Board Business

## *Summary of Recommended Motions & Other Action Items*

### E. Personnel Policy Amendments

The Personnel Policy has not had a full review for several years. Legal and staff have taken a strategic approach in looking at the policy to determine if it is accurate, up to date, in compliance with federal and state law, complete, and understandable.

The Town Manager is asking the Select Board to approve several changes to the Personnel Policy that include several housekeeping changes, updated Equal Opportunity Employment language in accordance with law, correct Titles and State Statute, removal of section 210 (Employee Pets), amend benefit accruals section 212 (Anniversary Date), Town Manager may negotiate employee benefits section 503 (Starting Salaries), amended section 504 (Pay Periods/Time worked), amended total number of holidays section 603 (Holidays), definition of immediate family under section 604 (Sick Leave), added PPO 500 to section 606 (Health Insurance), updated section 613 (Retirement & Social Security), added child and parent to section 614 (bereavement Leave), amended section 615 (Jury Duty Leave), added section 620 (Maine family Medical Leave), amended section 621 (Earned Paid Leave), amended section 701 (Corrective Action), and amended section 801 (Hostile Work Environment/Harassment).

### **Suggested Motion**

**Adopt and amend the personnel policy as presented.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

### F. Write-Off EMS Bad Debt

A listing of EMS Bad Debt is included in the packet dated back to 2018. It has been the practice of the Town not to transfer bad debt accounts to a debt collection agency. Sending collection demands through a collection agency once an ambulance bill has been due for over 60-90 days can tremendously reduce delinquencies and improve collections.

The Town Manager is recommending that the SB write off the bad debt from 2018 through 2022 due to the age of the bills and send the 2023 outstanding and any subsequent delinquent bills to a collection agency.

### **Suggested Motion**

**Write-off EMS bad debt for years 2018-2022 and send 2023 and newer debts to collections.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

# Town of North Yarmouth

## Select Board Business

### *Summary of Recommended Motions & Other Action Items*

G. Joint meeting with MSAD#51 Board & Cumberland Town Council (Wednesday, Oct. 25<sup>th</sup>.)

MSAD#51 School Board has asked to schedule a joint meeting with the North Yarmouth Select Board and the Cumberland Town Council on Wednesday, October 25<sup>th</sup> at 6pm.

#### **Suggested Motion**

**Schedule a joint meeting with the MSAD#51 School Board and the Cumberland Town Council on Wednesday, October 25<sup>th</sup> at 6pm.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

#### H. Committee Liaison Assignments

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 the 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, except that the Select Board shall not assign Select Board Liaisons to the Board of Assessment Review, the Planning Board and the Zoning Board of Appeals.
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.
3. Remain impartial as a Select Board Liaison in matters where the Committee's members are required to be impartial.
4. Read and be familiar with relevant issues on committee agendas prior to the meetings.
5. 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.
6. 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.

# Town of North Yarmouth Select Board Business

## Summary of Recommended Motions & Other Action Items

The following committees will need Select Board liaisons:

EDSC \_\_\_\_\_

Parks \_\_\_\_\_

Joint Standing \_\_\_\_\_

Waste Reduction \_\_\_\_\_

Walnut Hill Parkway \_\_\_\_\_

Recreation Advisory Board \_\_\_\_\_

School Fund \_\_\_\_\_

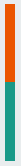
Prince Memorial Library \_\_\_\_\_

### 7. *Consent Agenda*

- A. Municipal Payroll Warrants  
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#
- B. Municipal Accounts Payable Warrants  
#
- C. Select Board Minutes of June 27, 2023
- D. Select Board Minutes of July 5, 2023
- E. RRCT-Incorporated Civic Organization License
- F. Toddy Brook-Liquor License

**To approve the consent agenda as presented.**

**Motion** \_\_\_\_\_, **Second** \_\_\_\_\_ **Vote** \_\_\_\_\_



# North Yarmouth EDSC Comprehensive Plan Charge Report, July 2023





## **EDSC Comp Plan Charge from the Select Board**

The Economic Development & Sustainability Committee will review, in conjunction with the Select Board, the Planning Board, fellow volunteer committees, and from a wide array of North Yarmouth residents, the 2018 Comprehensive Plan and how the plan is believed to be in service of the future of the Town. The goal of this charge is supporting the North Yarmouth community and the local economy to garner context and feedback through multiple avenues of input including, but not limited to, workshops and public forums. A presentation to the Select Board after the completion of the review would be required.

*Charge provided by the Select Board on April 5, 2022*



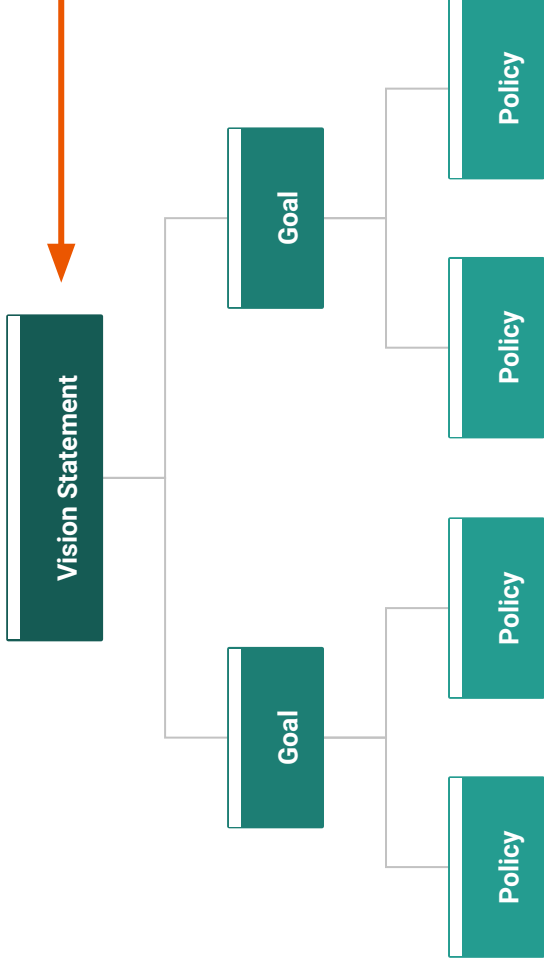
## Review Process

1. Review the Comprehensive Plan's **Vision Statement**. This defines the overall vision that each Goal and Policy should be aligned with.
2. Review the **Goals** presented in the Comp Plan, with input from other committees and the public, and make proposed amendments where appropriate.
3. EDSC present their collected feedback to the Select Board for further review and actions.





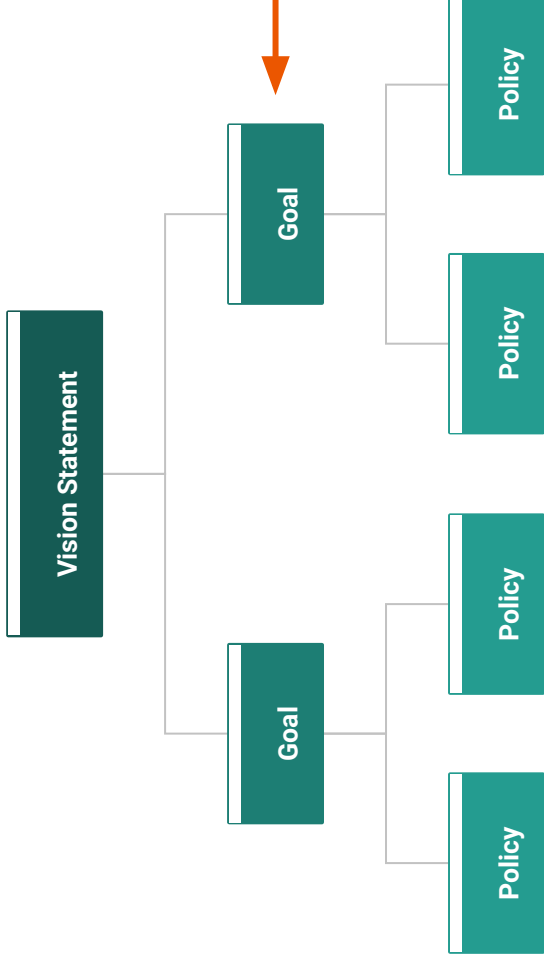
# Vision Statement, Goals, and Policies Hierarchy



- Provides the high-level concept of what the town would like to achieve
- Sets the vision that the goals should align with
- Is not specific or measurable
- Does not describe how it should be achieved



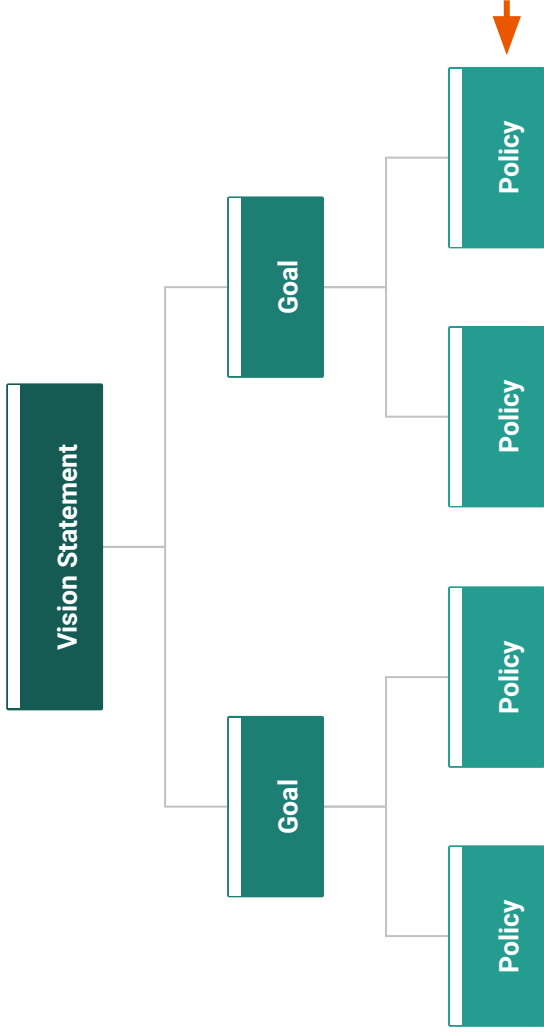
# Vision Statement, Goals, and Policies Hierarchy



- Defines the specific things the town wants to achieve
- Needs to use well-defined language: have we met the goal?
- Does not include how they should be achieved; goals are the “What”, not the “How”



# Vision Statement, Goals, and Policies Hierarchy



- Defines the methods for achieving the goals; they provide the “How”
- Often still need further detail before being implemented as ordinances, etc.
- Each policy may support one or more goals<sup>11</sup>



## Vision Statement

The Town of North Yarmouth recognizes and seeks to maintain its unique character as a largely rural town that is in close proximity to urban centers and related services. The town seeks to guide residential growth while attracting appropriate commercial growth and maintaining the appeal of its country character by preserving natural, historical, agricultural, and cultural resources. The town desires to encourage the development of a Village Center, to protect natural resources, to preserve the quality of the town's public water supply, and to encourage recreational use of the town's extraordinary network of public parks, forests, and trails.

**EDSC Feedback:** Consensus that the Vision Statement is good



## Identifying Goals for Further Discussion

General Consensus	Needs Additional Feedback	Should be a Policy/Procedure
Goal 1	Goal 2	Goal 7
Goal 5	Goal 3	Goal 8
Goal 11	Goal 4	Goal 9
Goal 12	Goal 6	Goal 13
	Goal 10	Goal 14



## Gathering Feedback

- *October 27, 2022:*  
EDSC hosts members of the 2018 Comprehensive Plan Committee to gather input and clarification about the creation of the document.
- *November 10, 2022:*  
EDSC hosts members of the Living Well Committee, Parks Committee, and Planning Board to gather their input on the Comprehensive Plan goals.
- *January 26, 2023:*  
EDSC hosts a public discussion about the goals in the Comprehensive Plan.



# EDSC hosts members of the 2018 Comprehensive Plan committee

October 27, 2022

[https://townhallstreams.com/stream.php?location\\_id=62&id=47718](https://townhallstreams.com/stream.php?location_id=62&id=47718)

In Attendance: EDSC, Chris Cabot, Steve Berry

## Key takeaways:

- The creation of the 2018 Comp Plan was a multi-year, open process but the committee had difficulty generating interest from the public.
- The committee was advised that an Implementation Committee be formed after completion of the document to provide continued oversight and guidance; that committee was never formed.
- Any future updates should prioritize robust community input



# EDSC hosts members of the Living Well Committee, Parks Committee, and Planning Board

November 10, 2022

[https://townhallstreams.com/stream.php?location\\_id=62&id=48647](https://townhallstreams.com/stream.php?location_id=62&id=48647)

## Key takeaways:

- General consensus that protecting water resources (Goal #1) is important
- The creation of a fabrication district (Goal #5) is not necessarily still relevant or may need to be reworked
- “Rural Character” and other subjective wordings are a tension point
- Goals need to be evaluated for feasibility under constraints of the town’s authority, financial capabilities, etc. (ex: protecting land, public utilities/services)





# EDSC hosts a public discussion about the goals in the Comprehensive Plan - Overview of re-cap

January 26, 2023

[https://townhallstreams.com/stream.php?location\\_id=62&id=49828](https://townhallstreams.com/stream.php?location_id=62&id=49828)

Began with a short presentation about the EDSC's charge and the process, then had breakout sessions for 5 of the goals from the plan. A 6th breakout was also available to collect feedback on any of the other goals.

- Intro presentation slides: <https://docs.google.com/presentation/d/1DaJO7NwJrvRfnQxq6TJLoWlQo-HJc006UA-BpCbe55Tg/edit#slide=id.p>
- Feedback from the breakout sessions:
  - Goal #2: [https://drive.google.com/file/d/1VIPgOAFrdME8euOgOriPVTTaM3Kff-1/view?usp=share\\_link](https://drive.google.com/file/d/1VIPgOAFrdME8euOgOriPVTTaM3Kff-1/view?usp=share_link)
  - Goal #3: [https://drive.google.com/file/d/1Pv3OI3EIN7WNzXI34LDy-ouuuA9npBIL/view?usp=share\\_link](https://drive.google.com/file/d/1Pv3OI3EIN7WNzXI34LDy-ouuuA9npBIL/view?usp=share_link)
  - Goal #4: [https://drive.google.com/file/d/1I4eqVvnJz3-rpWRIV9c-ReS9D9-isAC9/view?usp=share\\_link](https://drive.google.com/file/d/1I4eqVvnJz3-rpWRIV9c-ReS9D9-isAC9/view?usp=share_link)
  - Goal #6: [https://drive.google.com/file/d/13kVcnoXemmhoZS5NC8xR0WssJkzofcl/view?usp=share\\_link](https://drive.google.com/file/d/13kVcnoXemmhoZS5NC8xR0WssJkzofcl/view?usp=share_link)
  - Goal #10: [https://drive.google.com/file/d/1MGL-ay\\_TWqBdFwiPakImwNQe8n6JHGcr/view?usp=share\\_link](https://drive.google.com/file/d/1MGL-ay_TWqBdFwiPakImwNQe8n6JHGcr/view?usp=share_link)
  - All others: [https://drive.google.com/file/d/1MGL-ay\\_TWqBdFwiPakImwNQe8n6JHGcr/view?usp=share\\_link](https://drive.google.com/file/d/1MGL-ay_TWqBdFwiPakImwNQe8n6JHGcr/view?usp=share_link)



## Public Discussion: Goals in the Comprehensive Plan

**Goal 2:** Establish a walkable, mixed use, village-scaled land use pattern that defines and directs growth to the Village Center and supports new housing, businesses, and a rich civic life.

### Key Takeaways:

- General consensus that this is important
- Walkability will support all other aspects of this Goal (draws businesses and community-centered activities, reduces the need for parking)
- Walkability should include connectivity between sidewalks and trails
- “Mixed use” and “civic life” are too vague/subjective
- Important that businesses remain scaled to local size (no big box stores)



## Public Discussion: Goals in the Comprehensive Plan

**Goal 3:** Establish a new rural hamlet with a strong neighborhood commercial center at the intersection of Route 231 and Route 115, supported by a mix of housing types and lot sizes.

### Key Takeaways:

- The area and boundaries zoned as the Village Center are often larger than what people tend to think of as the "village center." Many people were surprised to learn through the review of this goal that the zone reached up to the area on which this goal focuses.
- General consensus that whatever is defined as the "village center" should inherently be walkable with safe sidewalks.



## Public Discussion: Goals in the Comprehensive Plan

**Goal 4:** Establish a clear land use pattern that supports rural character in the rural areas, preserving open space, farmland, and environmental resources while providing opportunities for rural economies to flourish.

### Key Takeaways:

- This goal has general consensus that it is important
- The phrase “rural character” is subjective and should be changed to more defined language



## Public Discussion: Goals in the Comprehensive Plan

**Goal 6:** Control the pace and timing of development and promote a land use pattern that will assure cost-effective and efficient delivery of public services.

### Key Takeaways:

- This goal has general consensus that it is important, but...
- There were two distinct interpretations of what the focus of this goal is:
  - Control pace and timing of development to match available services
  - Balance the expansion of services with the pace and timing of development



## Public Discussion: Goals in the Comprehensive Plan

**Goal 10:** Incentivize a diversity of housing sizes, types, lot sizes, and price points to be constructed in the Village Center and Village Residential Districts, with a goal of achieving approximately six new affordable housing units per year.

### Key Takeaways:

- This goal has general consensus that it is important
- The specific “6 new units per year” should be removed from the goal
- People seem tentative about the meaning of “affordable housing” - needs definition
- This goal will require policy decisions to incentivize and support



# Public Discussion: Goals in the Comprehensive Plan

All other goals (1, 5, 7, 8, 9, 11, 12, 13, 14):

## Key Takeaways:

**Goal #1:** Establish a clear land use pattern that safeguards the North Yarmouth and Yarmouth public water supplies, encouraging the use of Advance Waste Water Treatment Systems and other technologies.

## Key Takeaways:

- General consensus that protecting water resources may be the most important goal for our community
- *\*Full notes from other goals are in the appendix*



# North Yarmouth EDSC Comprehensive Plan Charge: *Overall Key Takeaways*

- There is general consensus with the Vision Statement and most Goals
- Subjective/vague language causes issues and should be reworked to be specific and objective
- Due to a lack of an implementation committee or strategy, oversight and execution have been the biggest issues



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# Appendix



# Links

Presentation from the Public Discussion: [https://drive.google.com/file/d/1A3pkbFR83BlmKkdpBrPlcsVUectw59KC/view?usp=share\\_link](https://drive.google.com/file/d/1A3pkbFR83BlmKkdpBrPlcsVUectw59KC/view?usp=share_link)

Full feedback on Goals:

Goal #2: [https://drive.google.com/file/d/1VlPgOAFRrdME8euOgOrtPVTTaM3KffI/view?usp=share\\_link](https://drive.google.com/file/d/1VlPgOAFRrdME8euOgOrtPVTTaM3KffI/view?usp=share_link)

Goal #3: [https://drive.google.com/file/d/1Pv3OI3EIN7WNzXl34LDy-ouuuA9nPBIL/view?usp=share\\_link](https://drive.google.com/file/d/1Pv3OI3EIN7WNzXl34LDy-ouuuA9nPBIL/view?usp=share_link)

Goal #4: [https://drive.google.com/file/d/114eqVvnJz3-rpWRIV9c-ReS9D9-isAC9/view?usp=share\\_link](https://drive.google.com/file/d/114eqVvnJz3-rpWRIV9c-ReS9D9-isAC9/view?usp=share_link)

Goal #6: [https://drive.google.com/file/d/114eqVvnJz3-rpWRIV9c-ReS9D9-isAC9/view?usp=share\\_link](https://drive.google.com/file/d/114eqVvnJz3-rpWRIV9c-ReS9D9-isAC9/view?usp=share_link)

Goal #10: [https://drive.google.com/file/d/1MGL\\_ay\\_TWqBdFwjPakImwNQe8n6JHGcr/view?usp=share\\_link](https://drive.google.com/file/d/1MGL_ay_TWqBdFwjPakImwNQe8n6JHGcr/view?usp=share_link)

All other Goals: [https://drive.google.com/file/d/17avr9DAxDz5LDVHxUggR0qi6TlBoPaaW/view?usp=share\\_link](https://drive.google.com/file/d/17avr9DAxDz5LDVHxUggR0qi6TlBoPaaW/view?usp=share_link)



# Public Discussion: Goals in the Comprehensive Plan

## All other goals:

### Key Takeaways:

**Goal #1:** Establish a clear land use pattern that safeguards the North Yarmouth and Yarmouth public water supplies, encouraging the use of Advance Waste Water Treatment Systems and other technologies.

- General consensus this may be the most important goal for our community
- Safeguard water supplies and encourage Advanced Waste Water Treatment
- Need to safeguard both the quality and supply capacity of water
- Consideration for both Yarmouth Water District customers and private wells
- Policies will need data and systems to monitor

**Goal #5:** Establish a fabrication district to encourage growth and better utilization of existing industrial buildings and sites, promoting new contractors' yards, light manufacturing, food processing, light industrial, and creative industries.

- Feedback was lukewarm to this goal with more questions than answers
- Did not understand the benefits to the town for this goal
- Could add environmental risks



# Public Discussion: Goals in the Comprehensive Plan

## All other goals:

### Key Takeaways:

Goal #7: Ensure that new development is compatible with the existing scale and rural character of North Yarmouth and does not negatively impact the site and/or surrounding areas.

- Rural is a subjective view
- Goal does not separate for Village Center and Farm and Forest districts
- Could be helpful to outline what is not wanted

Goals # 8 & 9: (8) Attain a goal of at least 60-70% of new residential dwellings to be located in the Village Center and Village Residential Areas over the next ten years.

(9) Attain a goal of no more than 30-40% of new residential dwellings to be located in the Farm and Forest District over the next ten years.

- This seems too specific and is policy
- Landowners ultimately decide how to use their property



# Public Discussion: Goals in the Comprehensive Plan

## All other goals:

## Key Takeaways:

Goal #11: Protect high value plant and animal habitats and preserve, where feasible, large undeveloped habitat blocks, particularly those greater than 1,000 acres in size and/or associated with the Royal River, Chandler Brook, East Branch, Pratt's Brook, Deer Brook, and Knight's Pond Preserve.

- Should be 100 acres, not 1,000

Goals #12, 13, 14: (12) Provide adequate administration and enforcement, including maintenance of up-to-date land use and natural resource information and online access to the GIS maps that are user-friendly and accessible to Town officials, developers, and the public with hopes of attaching all property permit info to the associated GIS map and lot file online.

(13) Work with neighboring communities, the Greater Portland Council of Governments, State agencies, and active local not-for-profit organizations to address and coordinate growth and development in the region.

(14) Continue dialogue with representatives of the Town of Cumberland and MSAD 51 regarding future school enrollment projections and growth within the two towns.

- No feedback - all should be policies or good operating practices

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## I. INTRODUCTIONS

### 101 WELCOME

Welcome to public service with the Town of North Yarmouth. You have been selected to work with the Town as a result of your knowledge, experience, and training in your chosen field. You are joining other dedicated employees who are providing consistently high levels of service to Town residents and taxpayers. It is critical to remember that with our mission of service to the public, we must continually strive for the highest levels of effort, performance, and conduct.

Town employees form the core of the organization and are its most important resources. Accordingly, the Personnel Policy has been prepared and provided to guide you and your fellow employees in your daily activities, including your responsibilities, rights, and benefits as a North Yarmouth employee. We hope you enjoy the challenge of providing quality services to North Yarmouth and its residents and wish you great success in your future here.

### 102 PURPOSE

The Town of North Yarmouth's Personnel Policy is hereby set forth to establish the current policies and procedures applicable to the Town's employees. Neither this policy nor any of its provisions are intended to be part of a contract between the Town and any employee, and this personnel policy does not constitute a written contract of employment with any individual or a promise or assurance of continued employment to any individual.

All employees of North Yarmouth contribute an essential element in its operation. This policy was developed and adopted to assist, guide, and support each employee to know and execute their duties and responsibilities for the benefit of themselves, the Town, and its residents.

Each position has been created to accomplish and maintain a level of service specified in response to the demands and concerns of Town residents. This service level is supported by property taxes, and therefore we need to ensure that the residents of our town receive good value for their money.

The ~~Board of Selectpersons~~ Select Board has chosen to adopt these policies governing the administration of the personnel program. The purpose of these policies is to facilitate efficient and economical public services and to establish a fair and equitable system of personnel administration in the Town's government. Pursuant to these goals, this policy sets forth the regulations of employment and defines the obligations, privileges, and benefits of Town employees.

### 103 REVISIONS

This personnel policy sets forth some of the general procedures and policies currently in effect at the Town of North Yarmouth. Personnel policies and benefits by their nature are constantly under review as they are affected by changes in applicable law, regulations, economic conditions, and the way the Town does business. The ~~Board of Selectmen~~ Select Board, therefore, necessarily reserves the right to change provisions of this policy when it deems the change to be in the best interest of the Town and its personnel. The Town Manager has the authority to make exceptions to these policies when necessary for the good of the Town and in the exercise of his/her authority under Article III of the Town Charter.

## 104 OPERATING PHILOSOPHY

It is the Town's policy to maintain competitive salaries, provide the best possible working conditions, deal with employees fairly, equitably, and honestly, consider and treat each employee as an individual, attract and retain qualified and conscientious personnel, and maintain a high level of morale and job satisfaction.

Each service department has a unique job to perform and special circumstances to contend with. For this reason, work schedules, work rules, or procedures may vary from department to department. Every attempt is made by the Town to standardize procedures and treat all employees equitably. Any apparently inconsistent practices or inequitable work rules are expected to be brought to the attention of the Town Manager.

## 105 ENFORCEMENT OF POLICY; NOT A CONTRACT

The Town Manager and Department Heads are responsible for enforcing the provisions of this policy.

Violation of the work rules set forth in this personnel policy may result in disciplinary action ranging from reprimand to immediate discharge. This policy does not constitute the entire list of violations for which employees may be disciplined. Other rules are provided by statute. Additional work rules may be established by the Town Manager to meet special requirements of departments or as circumstances require.

In the event of the Town Manager's absence or disability for a period which is reasonably expected to be twenty-one (21) days or more, the Manager shall designate in writing, subject to the approval of the Select Board of Selectpersons, a qualified administrative officer of the Town to exercise the powers and perform the duties of the Manager as Acting Town Manager during such absence or disability and shall file said designation with the Town Clerk. During such absence or disability, the Select Board of Selectpersons may revoke such designation at any time and appoint another qualified person other than a member of the Select Board of Selectpersons, to serve until the Manager shall return or his/her disability ceases.

This personnel policy is not and shall not be construed as a contract for employment.

## 106 EQUAL OPPORTUNITY EMPLOYER

The Town of North Yarmouth provides equal opportunity to its employees and applicants for employment, free from discrimination because of in compliance with all State and Federal regulations. This is without regard to race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin, or familial status, political affiliation, religion, age, and physical or mental disability (where the disability will not interfere with the employee's ability to perform the requirements of the position), ancestry, national origin, sexual orientation or any other status protected by federal and state law. The Town fills its job requirements by selecting from the available labor force those applicants best matched to perform the duties required.

As an indication of the Town's commitment to Equal Employment Opportunities, the Town's policy of non-discrimination must prevail throughout every aspect of the employment relationship, including recruitment, selection, placement, training, compensation, promotion, transfer, layoff, recall, and termination.



## 107 AMERICANS WITH DISABILITIES ACT (ADA)

The Town of North Yarmouth is committed to providing accommodations to allow individuals with known disabilities who are otherwise qualified to perform the essential functions of the job as defined by federal and state law under applicable laws and regulations. The municipality's Town's intent is to ensure that every request for an accommodation, due to disability, is promptly and properly reviewed. North Yarmouth is committed to following the requirements of the ADA, including engagement in the interactive process where reasonable accommodation requests are made, and all appropriate federal and/or state laws, rules, and regulations.

All requests for accommodations are to be directed by the employee or Department Head to the Town Manager or his/her designee for consideration and review. The review of the request may include an informal meeting and may include an evaluation and determination of the scope of the disability and, if appropriate, requests for medical documentation, examinations, and/or opinions.

- A. The employee or the employee's Department Head shall contact the Town Manager or his/her designee for assistance in requesting an accommodation. No department or individual may grant any accommodation, except on a short-term or emergency basis, without first receiving approval of the Town Manager. If an employee's Department Head makes the request for accommodation on behalf of the employee, the employee must then work with the Town Manager directly. Only that information absolutely necessary shall be shared with the employee's Department Head. The employee's Department Head should not act as an advocate or surrogate for the employee. The Town Manager shall work with the employee to complete the ADA process in a timely and efficient manner.
- B. Any information submitted shall be considered confidential and may be shared only with those who have a need to know in accordance with federal and/or state law. The Town Manager shall make the determination of the need to know in consultation with the applicable department.
  1. If the nature and extent of the disability and need for accommodation is not obvious apparent, the Town may require the employee to present documentation from a health professional concerning the nature of the disability, its functional limitations relevant to the employee's job duties, and the need for reasonable accommodation.
  2. The employee shall be responsible for the expenses of providing documentation from his/her health professional, which may include the costs of necessary medical examinations needed to render a medical decision. If, upon review, the Town Manager determines that an additional medical opinion is necessary, the Town shall be responsible for the additional costs.
  3. Failure to provide necessary medical documentation, and/or failure to submit to an independent medical examination may result in denial of any request(s) for accommodation(s).
- C. The Town Manager, after consultation and discussion with the employee, must make the following necessary determinations for each ADA accommodation request:
  1. Establishing the existence of a disability. If this is not apparent, it may require proof of actual diagnosis by an appropriate medical care professional, with appropriate documentation supporting the diagnosis.
  2. Whether, and to what extent the disability affects the ability of the employee to perform an essential function(s) of the employee's position.
  3. The job's function(s) that the disability impacts.

4. The type of accommodation(s) that would be necessary.
  5. Whether the needed accommodation would be reasonable within the meaning of the law.
- D. The Town Manager shall implement the decision through appropriate municipal procedures if the employee is to be accommodated.
- E. The Town Manager shall issue a written response within a reasonable time after the request for accommodation. A reasonable time is necessarily flexible, taking into consideration such factors as the complexity of the request, cooperation of the employee, any need(s) for additional medical examinations and/or opinions, and so forth.

## **108 SEVERABILITY**

If any provision of these policies or the application thereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of these policies which can be effective without the invalid provision or application, and for this purpose the provisions of these policies are severable.

## II. GENERAL PROVISIONS

### 201 CUSTOMER SERVICE & TEAMWORK

- A. Service: The Town of North Yarmouth exists as a separately incorporated municipality to render services to its citizens. In order to render these services to the citizens of the Town, each employee and the force of employees collectively are charged with willingly, honestly, and effectively rendering the duties for which each one is employed. Employees are expected to provide uniform, quality service to all residents regardless of their race, ~~religion, cultural, social position and political affiliation~~ color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin, or familial status, and any other status protected by federal and state law. The attitudes and actions of each individual reflect directly on the image and reputation of the Town of North Yarmouth.
- B. Teamwork: Each employee is a member of the Town team, and that requires cooperation, communication, and dedication to achieve our goals. Successful teamwork frequently requires self-sacrifice for the good of the team, such as pitching in to "get something done" which may not ordinarily be expected. The success of the team depends on how well employees come together to accomplish mutual goals. Attainment of these goals can be a mutually satisfying experience for all.

### 202 PERSONAL APPEARANCE

Employees shall dress appropriately for their position and maintain reasonable standards of neatness and cleanliness. Employees are expected to dress in a manner consistent with the nature of work performed. If there are questions as to what constitutes proper attire, employees should consult with the Town Manager or their Department Head. Employees, who are inappropriately dressed, in the opinion of supervisory personnel, may be sent home and required to return to work in acceptable attire. Under this circumstance, employees will not be paid for the time away from work.

### 203 CONFIDENTIALITY

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to the advantage of friends or acquaintances. Each employee is charged with the responsibility of directing all requests for information, as described under the "Right to Know" law, Maine's Freedom of Access Act (FOAA), see 1 M.R.S.MRSA Title 1 §§Sections 4001-4140, to the Town's Public Access Officer for processing.

### 204 PUBLIC AFFAIRS

When you take a municipal job, you become part of a formal structure of communication and supervision. All employees must always maintain a clear distinction in public expression, whether written or oral, between an individual's viewpoint and that of the Town's. First and foremost the employee must make it clear that they are speaking as a citizen and that his/her statement is their own and that they are not representing any group or department of the Town. Public expressions cannot be used as justification to bypass authority.

## 205 POLITICAL ACTIVITY

While working for the Town of North Yarmouth, employees may seek or accept nomination or election to any office in the Town government. Employees shall be placed on an unpaid leave of absence status from the date candidacy for a ~~T~~town- elected position is announced or nomination papers filed until the completion of the election process. If the employee is elected then employment with the ~~T~~town will end.

**Exception:** Charter Article 2, Section 5b allows for Firefighters and or Emergency Medical Technicians to hold office as a ~~Select~~person Board Member. Those holding the positions of Fire Rescue Chief, Deputy Fire Chief or Deputy Rescue Chief, who choose to serve as a ~~Select~~person Select Board Member, shall resign from their position effective immediately upon being elected to the ~~position of~~~~Select~~person Select Board.

While on duty, Town employees shall not circulate petitions or campaign literature for elective Town officials or be in any way connected with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the government of the Town.

Employees interested in seeking non-Town elective positions should consult with the Town Manager to determine potential conflict of interest or impact of this political activity, if any, prior to actively seeking office.

This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, attending political organization meetings, expressing views on political matters, or voting with complete freedom in any election. Employees should avoid all potential conflicts of interest.

## 206 PERSONNEL RECORDS

Pursuant to MRSA Title 30-A, Section 503 the Town Manager and or his/her designee is responsible for creating and maintaining centralized personnel files for all employees. The Town Manager and or his/her designee will also retain files concerning applicants for Town positions and personnel files of former employees. Personnel files should include such records and information to document the employee's personnel actions during his/her employment with the Town.

Employee personnel files are considered confidential documents. Only those persons with the right to know or the need to know may have access to the personnel files. Any employee has the right to inspect his/her personnel file or to receive copies of his/her own file. An employee may not remove any item from the file. Requests to view or inspect centralized personnel files should be made in advance to the Town Manager.

An employee has the right to compose a statement of disagreement with any item in the file.

## 207 JOB DESCRIPTIONS

All positions within the Town have a formal, written description of the duties and responsibilities required to perform the job satisfactorily. These descriptions are kept as current as possible, recognizing that minor changes in job assignments do not require constant updating and do not affect the overall pay grade value.

Each job description is reviewed annually by the Town Manager and or the Department Head for relative pay levels and comparable jobs within similar government sectors. This results in the assignment of specific pay grades that fit within the ~~T~~town's pay structure.

Every employee will receive a copy of the position description relative to their current assignment. These may be requested through your immediate supervisor.

## 208 USE OF TOWN PROPERTY

All employees are expected to exercise due care in the use of Town property and to utilize such property only for authorized purposes. Employees are expected to use Town supplies and resources prudently, properly, and economically. In cases of obvious misuse, employees will be subject to the provisions of this policy regarding disciplinary action.

Town property, issued to an employee, must be returned to the Town at the time the employee ends employment or when it is requested by the Town Manager or Department Head.

Town telephones may be used for personal business only with a supervisor's permission. The Town Manager or Department Head may restrict the use of personal communication devices during working hours. No employee shall engage in any activity or business other than his/her regular duties during work hours; these prohibitions exclude approved break periods.

Town postage shall not be used for personal mail.

## 209 TOBACCO FREE / SMOKING

The Town believes that a "tobacco-free" work environment is beneficial to the safety and health of everyone. Smoking and use of "smokeless tobacco" is only permitted in designated smoking areas pursuant to 22 MRSA §1580-A. The smoking of cigarettes, pipes, cigars and other tobacco products is prohibited within municipal vehicles and facilities owned by the Town. Smoking is permissible outdoors only. All smoking materials are to be properly extinguished and disposed of in an appropriate receptacle.

### ~~EMPLOYEE PETS [210]~~

~~Employee pets, defined as dogs only, are not allowed in any town facility or vehicle when there is an expectation that the public will be in or using that facility. Pets are allowed: On days that the facility is closed or not in operation and in an emergency situation, with prior approval from the Town Manager and then the pet must be on a leash at all times. An emergency situation is defined as a threat to the pet's health.~~

## 210 CLOSING DUE TO EMERGENCY CONDITIONS

If the ~~T~~town department operations are shut down due to emergency conditions, employees will be paid for the day(s), and the time off will not be considered a vacation, compensatory time or sick day.

However, in the event that the ~~T~~town department operations are initially open and are subsequently shut down early due to emergency conditions, the employee has to have been present at work, at the assigned starting time, in order to be paid for the time the department operations are shut down. An employee will not be paid for the day(s) if the department operation is open, but they cannot get to work. In this case, the time off will be considered a vacation day, compensatory time, or absent without pay.

The Town Manager will inform employees and the ~~Select Board~~ Select Board Chairman of Board of Selectpersons, if at all feasible, by 6:30 AM if Town Department Operations will be shut down.

The Town Manager or his/her designee will notify residents of the emergency condition closing through the appropriate television and radio stations as well as utilizing all ~~T~~town resources of public communication.

## 212 ANNIVERSARY DATE

~~For administrative simplicity, all employees shall have either January 1<sup>st</sup> or July 1<sup>st</sup> as their anniversary date (whichever is closest calendar wise to their actual date of hire) of the year they began service with the Town. There will be no loss of benefits attached to this change for existing employees. Employment anniversary date means the annual date coinciding with the employee's date of hire without a break in service or employment. The employee's anniversary date shall be used for determining ~~benefit sick leave and vacation~~ accruals (i.e., sick and vacation time).~~

## 213 CELL PHONE USAGE

This guideline policy aims to outline the standards for use of cellular phones to ensure the safety of personnel and individuals traveling the roadways and keep a professional demeanor while on duty.

While department issued and personal phones in the workplace can assist in the Town's mission, they can also contribute to an unprofessional appearance, with the diversity and multitude of alert tones, music ring tones, etc. Given the proliferation of cell phones, PDA's, and smartphones, each can have unique ringtones for message alerts. In addition, cell phone messaging and texting while driving creates both a danger for personnel and the public.

- A. Text messaging/email or other activities will not be permitted while operating any Town-owned vehicle.
- B. Cell phone use will not be permitted while operating any Town-owned vehicles.
- C. Employees shall not engage themselves in a personal cell phone conversation or text messaging while engaging with the public, while involved in patient care, patient transport, and/or on the scene of any emergency call.
- D. ~~Bluetooth Hands-free or wireless~~ equipment permanently installed in a vehicle for a cell phone's hands-free operation may be utilized when appropriate, and as permitted by law.
- E. Cell phone use will be prohibited during training and meetings unless used for department business or a family emergency.

### III. CONDITIONS OF EMPLOYMENT

#### 301 COMMENCEMENT OF EMPLOYMENT

The first day an employee reports for work is considered the employee's date of employment and becomes the date of determining eligibility for employment benefits, except where insurance policies require a waiting period. Group health insurance coverage will begin the first day of the first full month following the date of employment.

All new employees must, on their first-day report to the Town Manager or Department Head and complete employment processing and orientation before being placed on the Town's payroll.

Authorization from the Town Manager must be obtained for all employees before being placed on the payroll and to become eligible to receive employee benefits. The Town Manager or his/her designee will be responsible for maintaining all official employment records of each Town employee.

#### 302 ATTENDANCE AND PUNCTUALITY

Employees are expected to report to work on time and to continue to work until the end of the assigned workday. Employees, who know they will be absent or late in advance, are expected to notify the Town Manager or Department Head prior to their absence or lateness. Employees are required to telephone their Department Head at least an hour before their expected time of work, in the event of unforeseen absences or lateness.

#### 303 EMPLOYEE SAFETY REGULATIONS

- A. Safety is a number one priority. It is the responsibility of both Town Management and all employees to work in a safe and responsible manner. This requires a constant awareness of one's actions as well as those of your co-workers. It also requires a belief and adherence to safe working practices.
- B. Every municipal employee, regardless of their employment classification, is required to participate in annual trainings determined by Town administration as recommended by the Maine Bureau of Labor Standards (MBLS), Occupational Safety and Health Administration (OSHA), Mine Safety and Health Administration (MSHA), and any other agency regulations that is or become applicable. These annual trainings, conducted by management, are to educate the employees of the safety policies and procedures adopted by the Town. Participation is a required condition of employment and employees who do not complete the requirement within the prearranged time frame may be subject to termination.
- C. Every employee of the Town shall be required to know and understand the safety regulations as outlined in the Town's Employee Safety Policy and manuals. All employees shall follow all Federal and State safety laws rules and regulations.
- D. Each municipal department may also have mandatory trainings, certification or licensures specific to that department. Employees who do not maintain current required trainings, certifications or licensures may be subject to termination.
- E. New employees must complete required training within the first sixty (60) days of employment.

### 304 COURTESY AND PROFESSIONALISM

The employees of the Town are public servants, and the citizens must be treated with courtesy and consideration. Every employee should remember that he/she might be the only contact a citizen has with his/her local government. The impression that the employee makes will determine for a long time to come what the citizen believes of our Town Government. Failure of an employee to act with reasonable courtesy may result in disciplinary action.

Employees are expected to practice a high level of personal hygiene, dress appropriately and conduct themselves with a professional demeanor.

### 305 PROHIBITED CONDUCT

A Town employee is prohibited from engaging in any conduct including, but not limited to conduct described in this section, which could reflect unfavorably upon Town service. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person or entity, or losing complete impartiality in conducting Town business. Disciplinary action may result up to and including dismissal for the following prohibited conduct (see also Section VII. Corrective Action & Grievance):

- A. Receipt of Gifts: A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person who has or is seeking to obtain business with the Town of North Yarmouth, or from any person, within or outside Town employment whose interest may be affected by the employee's performance or non-performance of his/her official duties. Acceptance of nominal gifts such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials, e.g., pens, notepads, hats, cups, calendars, is permitted.
- B. Business Activities & Solicitations: No employee shall engage in any business other than his/her regular duties during working hours.
- C. Other Prohibited Conduct:
  - 1. Unacceptable performance while at work:
    - a. Insubordination, including disobedience, or failure or refusal to carry out assignments or instructions;
    - b. Loafing, loitering, sleeping or engaging in unauthorized personal business;
    - c. Unauthorized disclosure of confidential information or records;
    - d. Falsifying records or giving false information to other agencies or to employees responsible for record keeping;
    - e. Failure to provide accurate and complete information whenever such information is required by an authorized person;
    - f. Failure to comply with health, safety and sanitation requirements, rules and regulations;
    - g. Failure to perform assigned duties or unacceptable performance of assigned duties;



- h. Failure to report promptly or leaving before the scheduled quitting time, without the specific approval of the supervisor;
- i. Unexcused or excessive absenteeism;
- j. Failure to observe the time limits and scheduling of lunch, rest periods, and/or failure to notify the supervisor promptly of unanticipated absence or tardiness.
- k. It is the right of the Town to inspect lockers, desks, and other personal areas at any given time when a safety hazard or a policy infraction is considered likely.

### **306 CONTINUED EMPLOYMENT**

- A. Employees are considered at-will employees. Continued employment is dependent upon an employee's willingness to meet reasonable expectations as to conduct and performance.
- B. Discharged employees may be eligible for Retirement Fund benefits and may continue health insurance benefits through COBRA and are responsible for all payment of the appropriate premiums. Discharged employees are eligible for accrued vacation but not compensatory, sick leave or other severance pay.
- C. When the Town Manager and or Department Head (as appropriate) contemplates terminating an employee who has completed their probationary period for a reason other than: resignation, retirement or layoff, the Town Manager or Department Head will provide the employee with written notice by regular mail or hand-delivered of the proposed termination and schedule a time to meet with the employee to discuss the proposed termination.
- D. The employee may provide the Town Manager and or Department Head with information which the employee believes supports their belief that the termination should not take place.
- E. After considering information which may have been provided by the employee, the Town Manager or Department Head will inform the employee in writing of his/her decision. The decision will be sent by regular mail or hand-delivered to the employee. Note: An employee may be suspended with or without pay pending the decision on the proposed termination.

### **307 SECONDARY EMPLOYMENT**

Any full-time employee who engages in secondary employment shall notify the Town Manager and or Department Head. The Town Manager will determine whether an employee's secondary employment presents a conflict with his/her duties to the Town.

### **308 PRE-EMPLOYMENT - Physical Exam / Alcohol & Drug Testing / Background Checks**

After a conditional offer of employment is made, the prospective employee may be required to complete a pre-employment physical exam and/or a drug or alcohol test to the extent permitted by law. Holders of CDL licenses may also be subject to random drug and / or alcohol testing per federal and state regulations. A criminal background check may also be required, depending upon the sensitivity of that position. All employment offers are contingent upon the successful completion of these exams.

### 309 ALCOHOL & DRUG POLICY AND TESTING

All employees required to obtain and maintain a Commercial Driver's License and other employees whose position requires alcohol and drug testing will be subject to the random testing procedures approved by the Town Manager Alcohol, and Drug Testing will be strongly adhered to.

The Town of North Yarmouth is committed to a drug and alcohol-free workplace. In order to ensure the safety of its employees and the general public, as well as to comply with 49 CFR Part 382 and other pertinent federal laws.

- A. Program Administrator: The Town Manager or his/her designee shall represent the Town as the Alcohol/Drug Testing Program Administrator. The Program Administrator will maintain the confidentiality of all information relating to drug and alcohol testing. The Program Administrator may take the appropriate action to ensure compliance with this policy. In addition to their duties under this policy, the Program Administrator is also responsible for compliance with the Program Administrator Guidelines.
- B. Commercial Driver's License Drivers: This policy applies to all regular full-time, part-time, seasonal, on-call and temporary employees who are required to hold a Commercial Driver's License (CDL) for their position. All applicants for employment positions requiring a CDL are required to pass a drug test as a prerequisite for employment, prior to final hiring. Any applicant who fails a drug test shall not be hired, although may re-apply for employment in the future.

All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town. This includes all time spent operating commercial vehicles, as well as time spent maintaining or repairing those vehicles.

- C. Substances Tested: When drug and alcohol screening is required by this policy and Title 49 Code of Federal Regulations Part 382, a breath test and/or urine test will be given to detect the following:
  - 1. Alcohol
  - 2. Marijuana Metabolites
  - 3. Cocaine Metabolites
  - 4. Amphetamines (Amphetamine and Methamphetamine)
  - 5. Phencyclidine (PCP)
  - 6. Opioids (Morphine, Codeine, 6-Acetylmorphine, Hydromorphone, Hydrocodone, Oxycodone, Oxycodone)
  - 7. MDA-Analogues (MDA and MDMA - Ecstasy)
  - 8. 6 Mono-Acetyl Morphine (Heroin)
- D. Prescription Drug Use: Employees covered by this policy may use prescription drugs and "over the counter" medications provided that:
  - 1. The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
  - 2. The employee does not consume prescribed drugs more often than as prescribed by the employee's physician.
  - 3. Any employee who has been informed that the medication could cause adverse side effects while working shall inform their supervisor prior to using these substances. The Town at all times reserves the right to have a licensed physician determine if the use of a prescription drug or medication by an

employee produces an adverse effect. If such a finding is made, the Town may notify the employee's doctor (with employee's permission) to determine if other medications are available which would not seriously affect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Town may limit or suspend the employee's work activities to non-safety sensitive duties.

- E. Tests Required: All employees subject to this policy shall be tested for alcohol and/or controlled substances in the following circumstances:
- F. Pre-Employment: Drug tests will be conducted when an offer is made to hire an employee for a CDL position. The offer of employment is contingent on the applicant passing these tests. This includes existing employees who are applying for CDL positions.
- G. Random: Drug and alcohol tests will be conducted on a random, unannounced basis. The Town has entered into an agreement with a third-party administrator (TPA) to randomly select the CDL employees for testing. Testing will be conducted at least once each quarter.
- H. Post-accident: As soon as is practicable after an accident, the employee shall be tested for alcohol and drugs if:
  1. The accident involved the loss of human life; or
  2. The employee received a citation for a moving traffic violation arising from the accident; or
  3. The Town vehicle had to be towed by an outside contracted company, due to operator error or negligence.
- I. Reasonable Suspicion: All employees who exhibit to a trained supervisor signs and symptoms of alcohol and/or drug abuse while on the job, prior to reporting to work, or just after work will be required to submit to an alcohol and/or drug test. The supervisor shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form. **NOTE:** Do not allow an employee to drive him/herself to the testing facility for a reasonable suspicion test. Instead, the supervisor or another employee should provide transportation to the testing facility.
- J. Return to Duty: An employee who engaged in prohibited conduct must submit to an alcohol test and drug test to return to duty. The results of a drug test must be negative to return to duty, and the results of an alcohol test must be less than 0.02 to return to duty.
- K. Follow-up: An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work, not to exceed twelve (12) a year.
- L. Drug Testing: Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the Town. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of custody document is completed in the presence of the employee, and the specimen is shipped to a laboratory which is certified in accordance with DHHS guidelines or equivalent guidelines.
  1. All urinalysis procedures are required to include split-specimen techniques. Each urine sample is subdivided into two containers and labeled as primary and split specimens. Both 98-specimens are forwarded to the laboratory. Only the primary specimen is used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

2. During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over the counter medications are not reported as positive results.
3. If the analysis of the primary specimen results is a confirmed positive test, the employee may within seventy-two (72) hours request that the split specimen also be tested at a certified laboratory of his choice. The second test is at the employee's expense unless the test result is negative, in which case the Town would reimburse the employee.
4. All test results are reviewed by a Medical Review Officer (MRO) prior to results being reported to the Town. The MRO shall be an independent party who has been contracted by the Town to perform the necessary reviews. In the event of a positive test result, the MRO will first attempt to contact the employee and conduct an interview to determine if there are any legitimate alternative reasons for the positive results (such as over-the-counter or prescription medications). If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative. If the MRO is unable to contact the employee, then the employer will be contacted and requested to advise the employee to contact the MRO.
5. Urine samples shall be provided in a private test room, stall, or similar enclosure so that employees and applicants may not be viewed while providing the sample. Bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.
6. An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness (of the same gender) and not be required to disrobe and wear a hospital gown. Alcohol Testing: Alcohol testing will be conducted using an evidential breath testing (EBT) device. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of EST and alcohol testing procedures. Under certain circumstances, post-accident tests conducted by law enforcement personnel or medical personnel will be acceptable. Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentrations is considered a negative result. Any result of 0.02 or greater requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

M. Prohibited Conduct for all CDL Employees:

1. Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol while on duty;
3. Use any alcohol on duty;
4. Use any alcohol within four (4) hours before going on duty;
5. Use any alcohol within eight (8) hours after an accident for which the CDL employee must be tested for alcohol concentration;
6. Refuse to submit to the following alcohol and/or controlled substance tests: random test, reasonable suspicion test, post-accident test. or follow-up test;

7. Report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL\employee in writing that the use will not affect the safe operations of a commercial vehicle. In the case of a written warning by the physician, the employee shall report this to their supervisor immediately;
  8. Report to or remain on duty if the employee tests positive for controlled substances. Failure to comply with these rules is a violation of this policy and may result in disciplinary action and shall result in referral to a substance abuse professional.
- N. Refusal to Test: An employee's failure to submit to testing may result in disciplinary action up to and including dismissal and is also grounds for referral to a substance abuse professional.
1. Failure to submit to a test by an applicant will result in denial of employment. Specifically, the following circumstances may be considered a refusal to test:
  2. Failure to report to the designated testing area immediately after being notified to submit to an alcohol or drug test.
  3. Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be unless medically determined unable to do so.
  4. Engaging in conduct that clearly obstructs or delays the testing process.
- O. Alcohol Concentration: Provided that the employee has not violated Section (G), any employee whose alcohol test results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety-sensitive function for at least twenty-four (24) hours following the test. The employee will not be paid for worktime lost as a result of this section unless he/she works in another capacity for the Town during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04, nor will a return-to-duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.
- NOTE:** This section applies only in limited situations. For example, if an employee last consumed alcohol more than four (4) hours before work, but still has a blood/alcohol level of .03 when he/she shows up for work, he/she is not in violation of Prohibited Conduct (G) but is subject to this Section.
- P. Notice and Consent: Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those officials with a need to know. The chemical screen consent form shall provide space to indicate the current or recent use of prescription and over-the-counter medication.
- All recruitment announcements for any CDL position, including in-house recruitment and promotion, will disclose that a drug screening test will be required of the applicant.
- Q. Consequences of Violation: Any employee who violates Sections G or H of this policy shall be immediately removed from the safety-sensitive function and will be advised by the Town of the resources available for evaluating and resolving drug and alcohol abuse problems. The employee is required to be evaluated by a substance abuse professional. All evaluation and rehabilitation shall be at the employee's cost unless otherwise agreed by the Town. An employee shall not be allowed to return to the safety-sensitive function until he/she has a return-to-duty alcohol test result of less than 0.02 or a return-to-duty drug test with a verified negative result "

In addition, any employee who violates Section G or H of this policy may be subject to disciplinary action up to and including dismissal. Before discipline, reassignment or dismissal is imposed following a confirmed positive drug test; the employee shall have the opportunity to participate for up to six (6) months in a rehabilitation program. The employee is responsible for all costs associated with the rehabilitation program unless otherwise agreed by the Town'. Factors to be considered in determining the appropriate disciplinary response include but are not limited to the following: Employee's work history, length of employment, current job performance and existence of past disciplinary actions. Disciplinary action is imposed by municipal policy; it is not required by federal law.

Under State law, if part or all of the costs of drug abuse rehabilitation are covered by a group health insurance plan which includes the employee in question, then such insurance may be used by the employee for that purpose, see 26 M.R.S.A. § 685 as amended by 1995 PL c.344.

Further grounds for discipline or dismissal under the municipal policy include, but are not limited to:

1. Refusal to submit to a rehabilitation program after testing positive.
2. Failure within six (6) months to successfully complete a rehabilitation program after commencing the program or failure to pass a return-to-duty drug or alcohol test.
3. Evidence that the employee has substituted, adulterated, diluted or otherwise tampered with their urine sample.
4. Failure to contact a substance abuse professional within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the improper use of alcohol or unauthorized substances.
5. During the period the Town is awaiting an employee's test result for a post-accident test, reasonable suspicion test, or return-to-duty test, the Town may transfer the employee to another position with or without a reduction in payer benefits.
6. The Town also reserves the right to place an employee on paid or unpaid suspension to reduce any possible safety hazard. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based on but is not limited to: who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions.
7. Action taken by the Town under this subsection is a matter of municipal policy and is not imposed by federal law.

R. Employee/Applicant Rights and Responsibilities:

In the event of a confirmed positive test result, employees and job applicant shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done within seventy-two (72) hours after notification of the confirmed result. No further action will be taken if there is a justified explanation, or there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

Any employee with a positive test result may upon written request to the DER have the right to any information relating to the test result and procedures. A job applicant may request information concerning the test result within sixty (60) days after the decision on their employment application.

Upon successfully completing a rehabilitation program (within 6 months after it commences) and upon passing a return-to-duty drug test, the employee is entitled to return to their previous job with full pay (but not back pay) and accrued benefits, unless conditions unrelated to the employee's previous test make the employee's return impossible or inappropriate. The rehabilitation or treatment provider in consultation with the DER shall determine whether the employee has successfully completed the rehabilitation program. The Town is not required to hold the employee's job open for more than six (6) months after the employee commences a rehabilitation program. The employee may apply accrued vacation and sick leave, if any, against any time period where he/she is unavailable for work due to drug abuse rehabilitation.

- S. Confidentiality Of Information: Unless the employee or applicant consents, all information acquired by the Town in connection with the testing processes is confidential and may not be released to any person other than to the employee or applicant who is tested, the DER, officials with a need to know, and the rehabilitation provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or lawsuit relating to the imposition of the test or the use of the test results.
- T. Documents Provided: The Program Administrator will provide each person subject to this policy a copy of the policy. The Program Administrator will also provide printed material which describes the effects of alcohol and/or controlled substances on the individual's health, work and personal life, as well as information on the signs and symptoms of alcohol or controlled substances and methods of treatment or intervention for drug or alcohol abuse.

### 310 COMPUTERS & INTERNET USE

- A. Uses that have no legitimate business purpose are limited. Illegal or unethical use is prohibited and can be grounds for disciplinary action including termination and legal sanctions under federal, state or local laws.
- B. Computer users should understand that email and Internet activities on our network are not private. All messages on the email system are considered the property of the Town of North Yarmouth. We reserve the right to monitor email, including those on personal email accounts and internet use on workplace computers and disclose them to others.
- C. Computer and internet use regulations apply to all employees, contractors, volunteers, ~~T~~town officials, and other individuals who are provided access to the Town's email and or computer systems. The following shall be adhered to:
1. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive another person's email messages without proper authorization.

2. The Town, through its Town Manager and Department Heads, reserves the right to review the contents of employee email communications, computer files and faxes to determine compliance with this policy.
  3. Department Heads are responsible for the implementation and adherence to this policy within their departments.
  4. The Town Manager or his/her designee may be assigned the duties of the network administrator if an independent contractor has not been hired to do so.
  5. All employees shall receive a copy of the Town's Communications and Social Media Policy. Employees shall be responsible for understanding and applying those regulations where applicable.
- D. Passwords: Passwords shall be provided by the network administrator(s). While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, the network administrator(s) has full access to all files, nor does it suggest that email is the property right of the employee. The use of the email system is for **T**own business. Passwords will be periodically changed to ensure the security of the e-mail system. Users should not share their passwords with anyone else, other than as his/her supervisor or the network administrator(s) may require.
- E. Internet: The use of the Internet system for access and dissemination is intended to serve **T**own business. Internet messages are capable of being forwarded without the express permission of the original author. Therefore, users must use caution in the transmission and dissemination of messages and must comply with all state and federal laws.
- F. Incidental Personal Use: Although the computer network is intended for business use, incidental personal use of email and the Internet while at work is permissible so long as:
1. It does not involve more than a trivial amount of time and system resources.
  2. It does not interfere with your job performance or the productivity of other employees.
  3. It does not interfere with or interrupts the services provided to North Yarmouth and its citizens.
  4. It does not involve personal business activities.
  5. It does not involve political activities.
- G. Prohibited Uses: Uses or practices that are strictly forbidden, including but are not limited to:
1. Using the Internet or email for any illegal or unethical purpose, or in violation of this policy.
  2. Visiting internet sites that contain illegal, obscene, pornographic or hateful content.
  3. Sending obscene, defamatory or harassing e-mails or other electronic communications.
  4. Initiating or forwarding chain letters of any kind.
  5. Participating in "Chat Groups" not related to work.
  6. Making or posting indecent remarks, proposals, or materials on the Internet in e-mail or by way of other electronic communications.



7. Uploading, downloading, copying, or otherwise transmitting commercial software or any copyrighted materials without the approval of the system administrator.
  8. Downloading software from the Internet without prior approval of the system administrator.
  9. Changing system files or initialization files.
  10. Performing any work on the computer which does not directly relate to the individual's job and adversely affects the computer.
- H. Retention of Email: Depending on the content of the email message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedules. As such, these email messages are similar to printed communication and should be written with the same care. Note that e-mails have been classified as "public" documents, and obtainable through the Freedom of Access Act (FOAA). Employees should categorically archive their Town-related email messages as soon as possible after reading.
- I. Rights: Employees who leave employment with the Town have no rights to the contents of their email messages or other files and shall not be allowed access to the email or computer system. The Town Manager and or Department Head may access an employee's Town email and all other forms of Town communications and records at any time with notification.
- J. Misuse: The misuse of the internet or email privileges may be considered sufficient cause for discipline in accordance with this policy and for other applicable rules or laws. In addition, violations of this section or misuse of the email system may be referred for criminal prosecution.

### **311 SUSPENDED DRIVER'S LICENSE**

Any employee who operates Town vehicles or equipment whose driver's license has been suspended for any reason, must report this to their Department Head immediately.

## IV. EMPLOYMENT PROVISIONS

### 401 EMPLOYMENT

Recruitment of persons for departmental positions with the Town shall be the responsibility of the Town Manager and or the Department Heads. It is the policy of the Town of North Yarmouth to evaluate and employ the most qualified individuals, evaluating candidates from both internal and external sources and in the most cost-effective and expedient manner.

### 402 EMPLOYEE DEVELOPMENT

It is **Town** management's intention to encourage leadership and development of Town personnel. Included is the desire to foster and develop programs for the improvement of employees with respect to training, safety, health, counseling and proper courtesy in dealing with the public.

### 403 JOB OPPORTUNITIES

It is the policy of the Town of North Yarmouth to employ the most qualified individuals. Promotion from within may be given priority whenever possible to provide for growth, advancement, and increased responsibility for Town employees. Within the Town is an opportunity for current employees to indicate their interest in the open position and to apply for consideration based on the same criteria afforded external candidates. It is usually a promotional issue and designed to utilize internal talent already available to the Town. Employees are encouraged to take advantage of job postings.

### 404 EMPLOYMENT CLASSIFICATIONS

- A. **Probationary Employee:** The first six (6) months of employment in any Town employment position. Newly hired employees will be evaluated upon the completion of the probationary period.
- B. **Full-Time Regular Employee:** Employee who has completed the probationary period and is scheduled to work forty (40) hours a week or who is designated with exempt status. These are the only employees eligible for benefits. Benefits begin on the 1<sup>st</sup> of the month following the date of hire. *Note: The position of Custodian hired prior to August 16, 2022, is considered a full-time regular employee at thirty-two (32) or more hours a week. Any new hire after this date will work forty (40) hours per week.*
- C. **Part-Time Employees:** Part-time employees are defined as those employees who are scheduled to work less than thirty-two (32) hours per week on a year-round basis, fixed or unfixed schedule. *Note: The position of Mechanic hired prior to August 16, 2022, is considered a part-time employee at less than thirty-two (32) hours a week. This employee receives a pro rata share of sick, vacation, and holiday time. Any new hire for this position after this date will work forty (40) hours a week.*
- D. **Seasonal Employee:** Employee who is hired for a specific period or for a specific project of limited duration is no longer than six (6) months. Seasonal employees are **generally** not eligible for benefits.
- E. **Acting Authority:** When an employee leaves employment with the Town or takes a leave of absence, and it is desirable for that position to be filled immediately, particularly supervisory positions, an employee from another position may be temporarily assigned to the vacant position until the employee on leave returns or the recruitment procedure is completed, and a regular employee is hired. Compensation for assuming an acting position shall be appropriately adjusted.

- F. On Call / Per Diem Employee: Employees in this category are Firefighters and or Emergency Medical Technicians of the Town's Fire Rescue Department and are compensated consistent with the Town's emergency services wage scale. See department SOP's/SOG's on payroll guidelines.
- G. Department Heads: The following positions are defined as Department Heads: Assistant Town Manager, Public Works Director, Fire Rescue Chief, Community Center Director, and Code Enforcement Officer. The designation of a Department Head is subject to change under the direction of the Town Manager.
- H. Exempt Employee: The Fair Labor Standards Act (FLSA) is a federal law which provides an exemption from both minimum wage and overtime pay for executive and administrative employees.

Being paid on an "exempt" basis means an employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work.

Subject to exceptions listed below, an exempt employee must receive the full salary for any work week in which the employee performs any work.

The following deductions are permissible; unexcused absence for one or more full days for personal reasons other than sickness or disability; absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan providing for compensation; to offset amounts employees receive as jury or witness fees or military pay; for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance; or for leave under the FMLA.

It is the Town's policy to comply with the salary basis requirements of the FLSA. Therefore, the Town prohibits all managers from making any improper deductions from the salaries of exempt employees. If an employee believes that an improper deduction has been made, they should immediately report this information to the Town Manager or his/her designee. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred the employee will be promptly reimbursed for any improper deduction.

A salaried employee, as designated by the Town Manager, shall not be prohibited from receiving additional benefits under a separate policy, agreement or contract.

#### **405 HOURS OF WORK**

An employee's basic weekly wages and eligibility for overtime compensation shall be based on a forty-hour/week work schedule. The Town Manager shall establish the regular work week, including the starting time and location. Full-time, part-time, and seasonal work schedules are determined by the Town Manager and or Department Head.

The Town has the right to adjust the employee's schedule to compensate for any extra time worked on a case-by-case basis in accordance with the Fair Labor Standards Act so as not to exceed payment of their regularly scheduled hours for that pay period. All such incidences shall be discussed with the supervisor.

#### **406 MEAL & REST BREAKS**

Employees are entitled and encouraged to take meal and rest break periods at times and under conditions prescribed by supervisory personnel. Unpaid meal breaks of at least thirty (30) minutes shall be provided for all

full-time, part-time and seasonal employees working at least an eight (8) hour period. The meal should be taken not more than six (6) hours after the start of the employee's workday. Employees are encouraged not to consume food at their workstation or job site unless authorized by their supervisor. The employee will be relieved entirely of duty during the meal period.

Work demands may preclude the granting of rest breaks in cases of emergency in which there is a danger to property, life, public safety or public health.

#### **407 PERFORMANCE EVALUATIONS**

The purpose of the annual performance evaluation is to bring about good employee performance by identifying an employee's strengths, identifying areas in which the employee's performance is not satisfactory or needs to be improved, and generally providing the employee with feedback on his/her performance. In addition, the performance evaluation will be used as a tool to communicate performance goals set by management and to make certain that the employee's work plan accomplishes these goals.

It is the Town Manager's responsibility to see that performance evaluations on all of the employees are completed on an annual basis under his/her direct supervision. The Town Manager shall be responsible for completing all Department Head evaluations as well as those employees who are not assigned to a specific department.

Each Department Head shall annually evaluate each permanent full and part-time employee within his/her department on an annual basis as directed by the Town Manager. The performance evaluation shall also be used to establish a work plan for the coming year. The employee shall be given a copy of the performance evaluation form in advance of his/her meeting with the Department Head and or Town Manager. A copy of the performance appraisal shall be placed in the employee's personnel file.

The performance evaluation shall be discussed in detail with the employee, and the employee shall be given an opportunity to participate fully in the performance evaluation, including the development of the work plan.

#### **408 EXPENSE REIMBURSEMENT**

Reimbursement for expenses incurred in the conduct of official Town business is subject to approval by the Town Manager. Reasonable and necessary registration fees, meals, room, and transportation expenses to attend prior approved meetings, trainings, and conferences will be paid by the Town. Payment will be processed upon submission of receipts verifying allowable expenses.

- A. Personal Vehicles: When utilizing personal vehicles for approved business-related travel, an eligible employee shall be reimbursed at a rate set by the Federal IRS Mileage Rate. Employees requesting payment under this sub-section must submit the required information on the prescribed form. Travel other than routine travel in the ordinary course of the employee's job must be approved in advance by the Town Manager.
- B. Cash Advances: An employee will be allowed a cash advance for travel expenses only if necessary and for official Town business. Cash advances are subject to the approval of the Town Manager. Upon return from Town business, any employee who has received a cash advance will immediately present receipts totaling the amount expended or reimburse the Town for the amount of the undocumented expenses.
- C. Memberships: The Town recognizes that employee membership in certain technical and professional organizations can be of benefit to the Town. All memberships, if paid by the Town, must be reviewed and approved by the Town Manager.

- D. Clothing Allowance: Employees may be required to wear a department specific uniform as part of their work expectations, and in that event, the Town shall provide said uniforms at no expense to the employee. Public Works Employees are allowed an annual reimbursement of up to \$250.00 for steel toe work boots. The employee must provide a receipt of boot purchase to receive reimbursement.

#### **409 EDUCATION AND TUITION REIMBURSEMENT**

Department Heads and selected employees (as determined by the Town Manager) are encouraged to attain and maintain a high degree of professionalism in the performance of their job. In order that the employees may keep abreast of the new methodology, technology, and changes that affect their areas of responsibility to the Town, the Town Manager may authorize the following:

- A. Leaves with or without pay for professional development purposes.
- B. Reimbursement of tuition and books for job-related college-level courses or courses required toward the attainment of a job-related degree.
- C. Employees, as a condition of employment, shall attend and participate in such training programs and courses as may be directed by the Town Manager for which the Town assumes the cost.
- D. Reimbursement of tuition and books shall not be made unless funds for such reimbursement have been authorized in the budget for the fiscal year in which the course was completed.
- E. The employee receives a minimum-passing grade of C for undergraduate courses and a minimum-passing grade of B for graduate courses.
- F. Employees who are also members of the Fire Rescue Department will be paid at their Fire Rescue Department rate when attending training for the department during their regular workday hours.

#### **410 FIRE RESCUE EMERGENCY RESPONSE**

It is the intent of the Town to encourage its employees to participate in emergency response whenever they can. Employees, who are also members of the Fire Rescue Department, may respond to calls during the time they are working for the Town in other departments under the following standards:

- A. The employee will make a reasonable attempt to gain their supervisor's permission before leaving for a call.
- B. The employee will not leave the workplace/work scene unsecured in order to respond.
- C. The employee will make every effort to return to work as soon as possible in order to continue the normal workplace activities.
- D. An employee returning to workplace will notify their immediate supervisor of their arrival back to work.
- E. Pay for the response coverage during an employee's normal working hours shall be paid at the employee's normal per hour wage amount. Pay for the response coverage after normal working hours shall be calculated based on the Fire Rescue Department's wage scale, unless

- F. Employees working in the dual role of emergency services provider and a Town department employee, when having to do work that requires the use of ~~out-on~~ emergency department equipment ~~then that employee~~ shall be paid at the higher rate of pay only for the amount of time that is required.

#### 411 PROMOTIONS

- A. Competitive Selection Process: All full-time positions will be filled by the competitive selection process. The Town shall always seek the best-matched person for the particular job. Where a Town employee and outside applicants have equal qualifications, the Town employee will be given preference. Department Heads shall have the authority to recommend promotions, subject to the approval of the Town Manager. Promotion shall mean when a Town employee moves to a position in a higher pay range and/or increased responsibilities.
- B. Increased Responsibility: If an employee is advanced to a position of increased responsibility, his/her compensation level may advance to the entry level of the new position to which the employee was promoted as approved by the Town Manager.
- C. Advanced Pay Grade: Advancement from one pay grade to a higher pay grade shall be considered a promotional increase, granted for the assumption of significant additional responsibilities and subject to a satisfactory performance review rendered by the employee's Department Head.
- D. Higher Rated Position: When an employee is promoted to a higher rated position, he/she may enter it at the minimum rate for the position, or his/her present rate, whichever is higher or a mutually agreed rate between the Town and the employee.
- E. Reclassification: On occasion, the title or rank given to a particular position is not appropriate for the tasks being performed. In these cases, a reclassification may be necessary. A reclassification shall mean the change of title or rank of a position with no change or no substantive change in job duties (job description). This may or may not involve a pay change.

#### 412 SEPARATION OF EMPLOYMENT

- A. General Provisions: An employee ~~shall~~ is encouraged to provide at least two (2) weeks written notice to the Department Head and or Town Manager, of their effective date of resignation in order to be deemed having "resigned in good standing." The Town Manager at his/her sole discretion may waive any or all of this notification period. Employees are encouraged to give as much advance notice as possible to assist in a smooth replacement procedure.
1. Prior to termination, the employee shall be offered an opportunity to meet with the Town Manager to carry out an exit interview.
  2. Employees, who anticipate retiring from the Town of North Yarmouth, should contact the Town Manager within six (6) months of the scheduled retirement date to provide an easy transition.
  3. At the discretion of the Town Manager, when deemed in the best, long-term cost interest of the Town may negotiate a severance package for an employee who is asked to resign.
  4. When advised by an employee of his/her resignation or intention to terminate employment, the Town Manager may immediately end the employment of the said employee, collecting keys and restricting access to Town records or funds. This provision shall be effective for any employment position.

5. The Town Manager has the authority to terminate the employment of any Town employee when necessary for the good of the Town, and nothing in this section or in this personnel policy shall be deemed to modify or limit the authority of the Town Manager under the requirements of Maine state law (just cause / due process).
- B. Resignations: Resignation is defined as the voluntary termination of employment initiated by the employee. At the time of resignation, the employee is eligible for payment for accrued compensated absences, vacation and unused sick time. No sick leave shall be paid to an employee during the last two weeks of employment unless such sickness is verified by a physician.
- C. Automatic Resignations: An unreported and unauthorized absence of more than two (2) days may result in the employee's automatic termination of employment. In such cases, no severance payments will be made, and vacation pay will be prorated and paid only for that part of the year which was accrued. No sick leave shall be paid to an employee whose employment is automatically terminated pursuant to this provision.
- D. Retirement: Many employees are covered by a retirement plan. The specific plan defines eligibility for retirement, including age and years of service. Retirement is considered a termination of employment, please contact the Town Manager's office for details of all plans.
- E. Death: Upon the death of an employee, payment will be made for any accrued vacation and sick time to the beneficiary of the group life insurance policy, or to the estate of the deceased employee.
- F. Layoffs: When there is to be a reduction in the number of employees employed by the Town, within a department, or in a particular position(s), the Town Manager will make a thorough analysis of the situation, and consult with the of the affected Department Head to determine which position(s) shall be eliminated in the order of need for the service provided by the position(s).
1. Where two or more employees are in the same job description and not all of the employees in that job description are to be laid off, then the employee with the least seniority shall be laid off first.
  2. In the event of a reduction in force, the laid-off person may transfer to an equal or lesser vacant position within the Town which the employee is qualified to perform, as determined by the Town Manager and the Department Head. If more than one laid-off employee is qualified for said vacant position, the senior employee shall be given preference for that position.
  3. Laid off employees shall have no displacement rights.
  4. Employees shall be notified by the Town Manager in writing at least two weeks before the effective date of termination due to layoff. Reasons for the layoff must be given in writing to the terminated employee. Employees who have given satisfactory service to the Town and who are laid off will be eligible for re-employment in positions for which they are qualified.
  5. Employees whose position or classification has been abolished shall be given preference for any vacancy that may occur in the Town within one (1) year of layoff, provided that the laid-off employee is qualified for said vacant position, as determined by the Town Manager and the Department Head.
  6. Laid-off employees who are reinstated within one (1) year of the date of last employment with the Town shall retain their original date of hire and continue to be eligible for benefits that may exist at the time of rehire. Where more than one laid off employee is qualified for reinstatement, the employee laid off last shall be reinstated first.

7. Upon layoff, all Town paid benefits will terminate immediately. Continued health insurance is available to all employees at their expense.



## V. COMPENSATION

### 501 EQUITY

All jobs are graded in relation to other jobs in the Town and the municipal marketplace, to assure employees receive equitable compensation. The requirements, initiative, responsibility, and conditions of each job are considered through the use of position descriptions.

### 502 WAGE SCALE

The Town Manager with the approval of the Select Board of Selectpersons shall develop and maintain a wage scale that addresses the compensation minimum, median and maximum for each position within the Town's employment.

### 503 STARTING SALARIES

The starting salaries of new employees shall be set within limits established by the appropriate wage scale. The Town Manager may place new employees above the lower end of the wage scale when he or she determines that experience, training, and market forces make it necessary in order to attract and retain good employees. The Town Manager may negotiate employee benefits if necessary to recruit new employees.

### 504 PAY PERIODS / TIME WORKED

- A. The payroll year is made up of ~~26~~ bi-weekly payroll periods which correspond to the calendar year. The work week starts on ~~Friday~~ Thursday at 12:01AM and ends on ~~Thursday~~ Wednesday of the following week at 12:00AM.
- B. Pay days are bi-weekly with employee time sheets, timecards and departmental payroll submitted by noon Monday for the preceding two week pay period. Checks will be distributed by noon Tuesday unless Monday is a holiday in which case check distribution will be by noon Wednesday.
- C. Payroll checks are directly deposited into the employee's personal bank account.
- D. Full and part-time employees shall submit timecards to their supervisor ~~no later than 9:00AM of the Friday~~ at the end of their workday on Wednesday (bi-weekly) for the preceding two (2) week pay period. Employees shall indicate the use of any time used such as sick, vacation, or holiday time. If a signed card is not turned in on time, the Town Manager or his/her designee may not authorize the issuance of a payroll disbursement. Timecards are to be reviewed by Department Heads prior to submission. The Town Manager or his/her designee shall review all payroll submissions for accuracy prior to processing.
- E. On-Call Employees: On-call employees are paid for time earned at the end of each quarterly period. The Fire Rescue Chief shall submit the hours worked as recorded in the Emergency Reporting software by the Officer in charge of the incident or training event. Payroll will be processed on or about September 30th, December 31st, March 31st, and 30th depending on when the quarterly cycle is generated.
- F. Live-In Students: Live-in students are paid for call-time earned at the end of each month based on the regular payroll cycle. The Fire Rescue Chief shall submit the hours worked as recorded in the Emergency Reporting software program by the Officer in charge of the incident or training event during that period.

- G. Per Diem Employees: Per diem employees are paid for time earned bi-weekly. These employees shall submit their timecards to their supervisor for processing no later than 17:00 on the Thursday workday proceeding the two (2) week pay period.

## **505 OVERTIME PAY**

- A. Non-exempt regular employees receiving an hourly wage shall receive compensation in the form of overtime at the rate of time and one-half (1½) for all hours worked over the standard forty (40) hour work week.
- B. Overtime work shall be limited to the minimum necessary requirements for Town operations and must be authorized by the Department Head, after consultation with the Town Manager. Department Heads may authorize emergency overtime.
- C. Overtime pay shall be in accordance with the provisions of the Fair Labor Standards Act (FLSA) and related federal regulations.
- D. Overtime shall be assigned whenever practicable to volunteers. In emergency situations, any and all employees may be required to work overtime. Overtime will be equitably distributed whenever possible. Employees shall be given as much advance notice of overtime work as practicable.
- E. Non-exempt employees required to work on a Town holiday shall be compensated at one and one-half (1½) hours or by receiving a day off at the equivalent one and one-half (1½) hours.
- F. Paid sick and vacation time, excluding holidays, will not be used in calculating hours worked for overtime purposes.

## **506 COMPENSATORY TIME**

Compensatory time may be granted on a case-by-case basis in accordance with the Fair Labor Standards Act at the sole discretion and approval of the Town Manager. Any earned compensatory time must be used during the next 30 days after it is earned.

## **507 WAGE INCREASES**

Each wage increase is calculated based on the Town Manager's review of annual salary and benefits comparable to positions in other relevant municipalities that may include but are not limited to a combination of the cost-of-living index, competitive pay and the individual employee's satisfactory performance review.

Annually, permanent employees, full or part-time will be eligible for a wage increase effective with the first day of the first pay period of the new fiscal year according to a predetermined wage scale.

## **508 ACTING PAY**

Any employee who is temporarily assigned to work of a higher classification shall receive compensation at the minimum of the higher pay grade or ten percent above their current rate of pay, whichever is higher. This provision is intended to apply when a vacancy exists, during a leave of absence, or other unusual situations. Acting capacity pay will not be granted when an employee is covering for an employee who is on vacation or is using normal sick leave.

**509 TEMPORARY INCREASE OF RESPONSIBILITIES**

The Town recognizes that the nature of an employee's job may change over the course of time. For example, an employee may acquire added responsibilities in his/her job, without a corresponding change in job classification. Hence, that employee's job classification and compensation level may no longer accurately reflect the relative value of the work being performed. Accordingly, the compensation levels of all employees may be reviewed by the Town Manager to ensure that compensation levels are kept commensurate with type and value of the work being performed.

The change in responsibility cannot be part of the natural evolution every position goes through as demands, expectations and technology change.

**510 EMERGENCY CALL BACK PAY**

All full time, hourly employees called back into work by the Town Manager or their designee, or by the employee's individual Department Head, shall be paid a minimum of two (2) hours for each callback. The rate of pay for any emergency call back work shall be at the employee's normal hourly rate. All hours worked as an emergency call back shall count in any overtime calculation. Any hours annexed to the beginning or end of the work shift shall not be considered emergency call back.

## VI. EMPLOYEE BENEFITS

### 601 VACATION LEAVE

- A. Accrual for Full-Time Employees: Employees assigned to a (40) hour work week shall accrue vacation leave monthly per pay period in accordance with the following schedule:

<u>Years of Service</u>	<u>Earned Vacation Days</u>
1 full year of employment	10 days
5 full years of employment	15 days
10 full years of employment	20 days
20 or more full years of employment	25 days

When a holiday observed by the Town falls within an employee's vacation period, the day will be considered holiday pay and not charged against vacation leave.

When an employee terminates employment, an adjustment will be made in the final paycheck for any vacation time to which the employee may be entitled. Vacation for partial years of service will also be prorated. A payroll deduction, if appropriate, will be made from the last paycheck for used but unearned vacation time.

Time spent on leave of absence without pay shall not be counted in determining rates of annual leave accrued.

Vacations shall be granted at such time or times as shall be mutually agreeable to the employee and their supervisor. Department Heads shall inform the Town Manager of staff vacations. Special consideration should be made in making sure only one employee is granted vacation at any time.

- B. Accumulated Vacation: Employees may carry over a maximum of one-half (1/2) times their maximum accrued vacation time from one year to the next at the employee's anniversary date. All-time carried over must be used first and within the carryover year (see Section II § 212).

Only in the circumstances, wherein the Town Manager's opinion, the employee could not have reasonably taken vacation time in excess of their maximum accrual amount or was in fact denied use of vacation time in excess of their maximum accrual amount the employee may receive compensation at their normal rate of pay.

- C. Outstanding Vacation Leave: All earned outstanding vacation leave shall be paid to the employee upon separation from service. Payment shall be made at the employee's regular rate of pay as of the date of separation.

### 602 HOLIDAYS

The Town recognizes the following thirteen (13 1/2) and a half days as full-time employee paid holidays at the straight time:

New Year's Day	Juneteenth Day	Veterans Day
Martin Luther King Day	Independence Day	Thanksgiving Holiday (Wed. & Thurs.)
President's Day	Labor Day	Christmas Eve (1/2 Day)
Patriot's Day	Indigenous People's Day	Christmas Day
Memorial Day		

Depending on the employee's normal work week, if a holiday falls on a Saturday, the preceding Thursday or Friday shall be deemed a holiday. If a holiday falls on a Sunday, the following Monday or Tuesday shall be deemed a holiday. Certain employees, due to the nature of the position may be required to work during a holiday. Full time non-exempt hourly employees will receive holiday pay of time and a half or receive a day off at the time and a half equivalent.

If an hourly employee whose work week consists of forty (40) hours is not scheduled to work on a holiday, then they will receive the day preceding that holiday off with pay.

### **603 RELIGIOUS HOLIDAYS**

The Town respects the right of each employee to worship as his/her faith dictates. Any employee wishing to observe religious holidays other than those included above may use part of their earned vacation hours on an hour for hour basis or make other arrangements with the Department Head.

### **604 SICK LEAVE**

- A. Use of Sick Leave: Sick Leave may be used when the employee is unable to work due to illness or disability of the employee or when necessary to care for a member of an employee's immediate family. An employee will be allowed to use sick leave for medical examinations or tests when said appointments are available during normal working hours. Once an employee has exhausted all available sick time, pay will terminate, or if available, they may use accrued time in the Sick Leave Donation Program.

The immediate family is defined as a child, sister, brother, parent, grandchild, grandparent, parent-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, guardian, former guardian or other relative if living in the same household as the employee.

Sick leave for full-time employees is accrued at the rate of one (1) day per month (per regularly scheduled hours) commencing with the date of initial employment. Sick leave will accrue to a maximum of 120 days.

Upon retirement or separation in good standing and after one (1) full year of employment, the employee will receive the equivalent of one half of accumulated unused sick leave up to a maximum of sixty (60) days. Good standing shall mean a written, fourteen (14) day notice to the Department Head or Town Manager in advance of the employee's last actual day worked, in the case of proper resignation, valid retirement or separation of the employee from Town service for other than cause.

Absences for less than a full day shall be charged proportionately for the actual time absent in an increment not less than one (1) hour.

- B. Medical Verification: At any time, the Town Manager or Department Head has the authority to ask the employee to provide verification of illness from a physician.
- C. Return to Work: An employee who has been absent from work due to injury/illness may be required to provide a return-to-work clearance in writing from a qualified medical professional. The Town also reserves the right to have the employee undergo a fit for duty examination by an occupational health provider at the Town's expense.
- D. Accrued Sick and Vacation Time: An employee's sick and or vacation time does not accrue while out on medical leave.

## 605 SICK LEAVE BANK

The Town has established a voluntary sick leave bank. Any full-time employee is eligible to participate.

- A. No employee depositing to the Sick Bank will be allowed to deplete their sick leave to less than six (6) days. No more than five (5) days of sick leave per year may be contributed by each employee. Only employees donating to the bank will have access to sick days in the bank. An employee withdrawing from membership in the bank will not be able to withdraw contributed days. Any employee, who wishes to donate to the bank, shall execute a written request and sign it stating the number of days being donated.
- B. An employee shall have used all of their sick days and all but five (5) days of their vacation time prior to withdrawing days from the bank. A certificate from the attending physician will be required as a prerequisite to withdrawing days from the bank. An employee withdrawing sick leave days from the bank will not be required to replace those days except as a regular contributing member to the bank.
- C. Upon written request by the sick bank member and approval by the Town Manager or his/her designee, the member may draw from the bank for an illness or injury up to a maximum of thirty- five (35) days.
- D. The member may not draw any more hours in a bi-weekly period than they would have worked during that pay period and would have been paid at their regular weekly rate. Payment to the affected employee ceases when the attending physician indicates the employee may return to work.
- E. The maximum accumulation of sick bank days in the bank shall be one hundred eighty (180). Sick leave days in the bank at the end of the one year will carry forward to the next year.

## 606 HEALTH INSURANCE

The Town of North Yarmouth is committed to offering Group Health Insurance coverage to all full-time employees. This commitment needs to be balanced with the financial impact this benefit imposes on the Town.

- A. In setting this policy, management is aware that the Town's ability to offer good benefits to its employees acts as an employee recruitment and retention tool.
- B. The Health Insurance Plan offered to the employees by the Town is the Maine Municipal Employees Health Trust POS 200 [and PPO 500](#) - Anthem.
- C. If an employee can document that they have coverage from another plan, they may opt out of having coverage through the Town. Upon opting out, the employee shall receive an annual one-time lump sum benefit equal to 25% of the annual benefit cost for single coverage that would have been paid by the Town. The payment shall not be considered part of the compensation for purposes of retirement, life insurance, and computing hourly wage. Payment is subject to payroll taxes (FICA/Medicare, Federal, and State) and is paid to the employee on the last pay period of each fiscal year.
- D. Effective July 1, 2014, full-time employees hired before January 1, 1996, single and family benefit coverage shall be paid 100% by the Town. For full-time employees hired after January 1, 1996, single and family benefit coverage shall be paid at 80% by the Town and 20% by the employee.

## 607 SUPPLEMENTAL HEALTH CARE COVERAGE

Additional health care coverage is available to all full-time employees at the employee's cost, and at a lower rate through AFLAC Insurance. The Town is not responsible for the any products or service provided by AFLAC insurance. For more information, contact the Town Manager or his/her designee.

## 608 DENTAL INSURANCE

The Dental Insurance Plan offered to the employees by the Town is the Maine Municipal Employees Health Trust Delta Dental Plan.

- A. Effective July 1, 2014, full-time employees hired before January 1, 1996, single and family benefit coverage shall be paid 100% by the Town. For full-time employees hired after January 1, 1996, single and family benefit coverage shall be paid at 80% by the Town and 20% by the employee.

## 609 LIFE INSURANCE

Term life insurance for full-time employees is provided as part of the Health Insurance Coverage through ~~the~~ Maine Municipal Employees Health Trust Association at no cost to the employee. The amount of the insurance is one (1) times the employee's annual base pay. In accordance with Federal law, a one-time tax deduction is applied one or about the end of the calendar year. Supplemental and dependent life insurance are available to full-time employees upon commencement of their employment, at their own expense.

## 610 INCOME PROTECTION

Income Protection Insurance (IPP), a short-term disability plan covering non-occupationally incurred disabilities, is available to full-time employees upon commencement of their employment, at their own expense.

- A. Employees enrolling in IPP may choose their benefit level: 40%, 55%, or 70% of salary. Should an employee become disabled due to a non-work-related illness or injury, if enrolled, he/she may be eligible to receive IPP benefits for up to 52 weeks per period of disability. Benefits begin on the first day the employee is certified disabled due to an accident or on the 8<sup>th</sup> day after an employee is certified disabled due to an illness.
- B. The maximum benefit an employee may receive is \$1,000 per week.
- C. Employee Options for Remaining Balance of Wages
  - 1. An employee using IPP can supplement the remaining unpaid balance of income through earned vacation and sick pay.
  - 2. If the employee's sick and vacation pay is exhausted, the employee could supplement the remaining unpaid balance of income through the Employee Sick Leave Bank. A maximum of 35 days (280 hours/7weeks), if available in the sick bank and the employee has donated earned sick time to the sick bank in the past.

## 611 VISION CARE PLAN

A Vision Care Plan covering eyeglasses and additional eye insurance coverage is available to full-time employees upon commencement of their employment, at their own expense

## 612 EMPLOYEE ASSISTANCE PROGRAM

The Town offers its regular employees, at no cost to the employees, an Employee Assistance Program (EAP), which provides confidential assistance by certified counselors for help in addressing a wide range of problems including depression, anxiety, alcoholism, drug abuse, marriage and family problems, and financial problems. The plan provides for free initial sessions for an assessment of the problem and a treatment plan, which may include free or low cost, ongoing counseling. For more information, contact the Town Manager or his/her designee.

## ~~613~~ ~~RETIREMENT PLAN~~ **613 RETIREMENT & SOCIAL SECURITY.**

~~The Town offers retirement benefits with the International City Managers Association (ICMA 457 Plan) Retirement Corporation. Both the Town and the employee may contribute to this deferred compensation plan. The Town contributes up to a five percent (5%) match of the gross wage of full-time hourly employees and up to an eight (8%) match of the gross wage of salaried full-time employees to the fund. Employee contributions to the fund are voluntary. Information on the fund and program is available from the Town Manager or his/her designee.~~

- A. Maine Public Employees Retirement System (optional). The Town is a Participating Local District (PLD) in the Maine Public Employees Retirement System (MainePERS). A employee who normally works 40 hours or more and who is not seasonal or temporary will be offered the opportunity to participate in the MainePERS plan. Eligible employees are not required to participate; participation is optional. Employees who elect to join MainePERS must start participation when initially hired and must contribute to the plan during any period of employment with the Town. Should an employee choose to participate, the Town will deduct a percentage of the employee's paycheck in the form of a payroll deduction. The Town will make a contribution on behalf of the employee at a rate to be determined by MainePERS.

Note, that choosing to participate is permanent for all current and future employment in any position with optional membership with the Town. Employees are encouraged to contact the MainePERS PLD Unit at 1-800-451-9800 for information about the plan before making their election.

- B. ICMA-Mission Square-Money Purchase Plan (optional). Permanent full-time employees may choose to participate in this tax-deferred retirement plan. Employees are eligible as of the date of hire. Employees may enroll at any time during the course of the year permitted by the plan. Contributions of the employee are matched by a Town contribution at a rate not to exceed the employer contribution to the system. If an employee chooses to enroll in both MainePERS and ICMA plans, note that the Town will only contribute toward the employee's MainePERS plan and the Town will not make contributions toward the employee's Mission Square plan.
- C. Social Security. All employees of the Town shall participate in Social Security in accordance with federal law. The rate of contribution for both Town and the employee will be determined by federal regulations.
- D. Retirees Returning to Employment with the Town after Retirement. Employees who retire from the Town and who are eligible to receive retirement benefits from (MainePERS) must terminate employment with the Town as a condition of receiving retirement benefits from MainePERS, as provided in MainePERS rules and regulations. Employees who retire make a voluntary decision to terminate employment with the Town, and the Town makes no guarantee or promise that employees who retire will be rehired by the Town into either the same or a different position with the Town. Any employee who retires and wishes to be rehired to a former position, or to a



different position, shall be subject to the selection and employment process as provided by town policy.

The Town has the sole discretion to determine whether former employees will be rehired by the Town in their former position or a position for which they are qualified to perform on a part-time or full-time basis. Any application to be rehired shall be in writing, and all requests must meet the eligibility conditions set forth by MainePERS. Any employee who is rehired by the Town shall be subject to a probationary period consistent with Town policy. Employees who retire shall be paid accumulated benefits as provided by Town policy.

Except for retirement benefits outlined above, employees who retire and then are subsequently rehired by the Town shall be considered new employees for the purposes of accruing and receiving benefits as provided by Town policy. Any employee who retires from the Town and receives a payout for unused sick leave at the time of retirement shall not be eligible for a payout of sick leave accrued during any post-retirement period of employment.

Employees who retire from the Town or another PLD plan employer and subsequently return to work for the Town in a position covered by the PLD plan will be subject to an assessment by MainePERS equal to the greater of 5% of the employee's earnable compensation or the aggregate unfunded actuarial liability (UAL) rate of the PLD plan. The employee shall be responsible for this assessment. In addition, employees who retire from the Town and subsequently return to work for the Town may be subject to an early distribution tax imposed by the IRS if they retire before age 59 ½. Employees shall be solely responsible for determining whether this tax applies and for making payment of any tax imposed as a result of the employee's retirement and return to work for the Town.

#### **614 BEREAVEMENT LEAVE**

- A. In the event of the death of an employee's spouse, domestic partner, parent, stepchild, or child, pay will be continued for up to five (5) working days.
- B. In the case of the death of other members of the immediate family, pay will be continued for three (3) working days. The immediate family is defined as a **child**, sister, brother, **parent**, grandchild, grandparent, parent-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, guardian, former guardian or other relative if living in the same household as the employee.
- C. Personal emergency leave of up to three (3) days shall be taken without pay or deducted from vacation, compensatory or sick leave accrued hours Department Heads shall be notified in advance of use of personal emergency leave, if possible, but not later than one (1) day after departure from work.
- D. When required and approved in advance, additional time off may be deducted from accrued vacation or sick leave time.

#### **615 JURY DUTY LEAVE**

Employees called for jury duty will immediately advise the Department Head who should notify the Town Manager. ~~The employee will endorse jury payment checks to the Town and in return receive their regular wages for time lost (not including travel time or meals).~~ The Town will offset any amounts received in jury compensation against the employee's salary. For overtime purposes, time served on jury duty will not count as time worked.

## **616 MILITARY DUTY LEAVE**

In accordance with applicable federal and state laws, employees called to active military duty or to Reserve or National Guard training, or who volunteer for such duty or training will be granted military leave, in addition to vacation leave, but not to exceed two weeks in any calendar year. In order to properly plan for our staffing needs, employees should provide the Town with as much advance notice as possible of the need for military leave.

The Town will pay the employee the balance between service pay and the employee's regular compensation, the total equaling the regular pay of the employee had they been in service of the Town. In addition, employees must provide the Town Manager with a copy of the orders that detail the beginning and the concluding of their particular military training or service along with giving their rank and allowances. Employees returning from military leave are eligible for reinstatement in accordance with all state and federal requirements.

## **617 DOMESTIC VIOLENCE LEAVE**

The Town will grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A. Prepare for and attend court proceedings;
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse, domestic partner; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.
- D. The leave must be needed because the employee or the employee's daughter, son, parent, or spouse or domestic partner is a victim of violence, assault, sexual assaults under Title 17-A, sections 251 to 258, stalking, or any act that would support an order for protection under Title 19-A, sections 4001 to 4014. The Town will not punish or retaliate against an employee or deprive an employee of pay or benefits for requesting Domestic Violence Leave.
- E. The Town may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.
- F. Leave may not be granted if:
  1. The Town would sustain undue hardship from the employee's absence;
  2. The request for leave is not communicated to the Town within a reasonable time under the circumstances; or
  3. The requested leave is impractical, unreasonable, or unnecessary based on the facts then made known to the Town.

## **618 LEAVE OF ABSENCE**

Leave without pay may be granted due to personal or unusual circumstances. Such leave is granted on the assumption that the employee will be available to return to regular employment when the conditions necessitating the leave permit. Leaves up to five (5) working days per twelve (12) months per employee may be granted by the Town Manager. Additional time must be approved by the Town Manager.

Illness or off duty injury requiring recuperation longer than accumulated sick leave will fall under this category. The Town makes available disability insurance for off-duty injury or accident for all eligible employees to assist

in wage continuation.

## **619 FAMILY & MEDICAL LEAVE ACT**

The Family & Medical Leave Act (FMLA) is defined as unpaid leave, which an employee may be entitled to use under certain conditions as defined by federal and state law. Should an employee be eligible for Family & Medical Leave, use of this leave, as specified below, ensures the Town will protect the employee's job while on the Medical or Family Leave.

All employees may request Family & Medical Leave Act.

- A. Eligible employees who request or where employee absence is determined by the Town to be FMLA leave; are granted/assigned Family and Medical Leave, may take up to twelve (12) weeks of Family Medical Leave in a twelve (12) month period. This may be paid, or "unpaid" leave depending on the availability of paid leave. The Town will require concurrent use of paid sick leave with FMLA leave.
- B. The employee desiring a Family & Medical Leave of absence must apply to the Town Manager or his/her designee and provide appropriate documentation for the request.
- C. The Town Manager or his/her designee will review and authorize all completed requests for the leave of absence and process the requests according to the policy provisions and the applicable laws governing this plan.
- D. Family and Medical Leave provisions apply only to an employee who has been employed by the Town for at least twelve (12) months (this does not need to be consecutive), and who has worked for at least 1,250 hours during the preceding fifty-two (52) week period.
- E. FMLA entitles qualified employees up to twelve (12) weeks of either unpaid or paid leave, which will run concurrently with the FMLA leave. The Town of North Yarmouth uses the "measured forward" method for determining the twelve (12) month period in which the twelve (12) weeks of FMLA entitlement occurs. The twelve (12) month period will be measured forward from the date an employee's first FMLA leave begins. Specific Purposes:
  1. The birth and first-year care of a child;
  2. Adoption or foster placement of a child in the employee's home (use of a licensed adoption agency is not required. Foster placement requires State action rather than merely an informal arrangement to care for another person's child;
  3. The care of a spouse, domestic partner as defined in MSRA 19-A§4002.4, child or parent with a serious health condition; or
  4. The serious health condition of the employee that makes the employee unable to perform the functions of his/her position.
  5. FMLA shall be used by an employee in conjunction with sick leave.
- F. Employees will continue to accrue vacation and sick leave benefits as long as the employee is receiving vacation leave or sick leave benefits. However, holiday pay will not be paid during any leave of absence. After an employee has exhausted their vacation and or sick leave they will not accrue any additional vacation or sick leave while on leave of absence.

- G. Employees are responsible for arranging payment for any supplemental or voluntary deductions such as disability, life, and dental insurances.
- H. Intermittent or reduced leave schedules are subject to employer approval unless medically necessary.
- I. The Town must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. Such employer-paid coverage will continue until the employee either returns to work or is terminated.
- J. An employee who is not eligible under the FMLA may be eligible for FMLA leave under state law or may be eligible for a general leave of absence. Please see the Town Manager or his/her designee for more information.

## 620 MAINE FAMILY MEDICAL LEAVE

In accordance with Maine's Family Medical Leave Act, see 26 M.R.S. §§ 844-847, eligible employees may be entitled to up to 10 consecutive weeks of unpaid leave in a two-year period for certain purposes.

- A. Eligibility: In order to be eligible for leave under Maine Family Medical Leave, an employee must:
  - a. Have been employed by the Town for at least 12 consecutive months; and
  - b. Work at a permanent worksite in Maine that has at least 15 or more employees.
- B. Reason for Leave: Maine Family Medical Leave may be taken for the following purposes:
  - a. The birth of a child, or birth of a domestic partner's child.
  - b. The placement of a child 16 years of age or younger with you or your domestic partner for adoption.
  - c. Your own serious health condition.
  - d. The serious health condition of your child, domestic partner's child, parent, grandchild, domestic partner's grandchild, domestic partner, sibling, or spouse.
  - e. Organ donation by you for human transplant.
  - f. The death or serious health condition of your spouse, domestic partner, parent, sibling, or child if the death or serious health condition occurs while on active duty in the state military forces or in the U.S. Armed Forces.

For the purposes of this policy:

- **Sibling** is a sibling with whom you live, have joint financial arrangements, and share responsibility for each other's well-being
  - **Serious health condition** means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider.
- C. Notice and Certification: Employees must provide at least 30 days' notice for the intended date of leave to begin and end, unless prevented by a medical emergency. The Town may also require you to provide certification from a physician to verify the amount of leave time requested.
  - D. Compensation: Maine Family Medical Leave is unpaid. However, an employee is permitted to use accrued paid time off to run concurrently with unpaid leave under this policy.

- E. Benefits: The Town will maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. Such employer-paid coverage will continue until the employee either returns to work or is terminated.
- F. Reinstatement: Upon return from leave, an employee will be restored to their prior position or to a comparable position with equivalent pay, benefits, seniority, and other terms and conditions of employment. Exceptions may apply when you cannot be reinstated for reasons unrelated to your rights under Maine Family Medical Leave statute.
- G. Retaliation: The Town will not retaliate against employees who request or take leave in accordance with this policy.

## **6210 EARNED PAID~~Y~~ LEAVE**

- A. Effective Date: January 1, 2021, M.R.S. Title 26 § 637
- B. Commences: At the start of employment, a qualified employee shall earn one (1) hour of Earned Paid Leave for every 40 hours worked and accrual no more than 40 hours of leave in one year.
- C. Employee Qualification: Covered employees under the Earned Paid Leave law include ~~Full-time, part-time, temporary, and per diem employees.~~ are eligible for Earned Paid Leave benefits. Seasonal workers may be exempt from eligibility depending on the amount of time worked. For the purposed of this policy, Earned Paid Leave applies only to covered employees who are not otherwise eligible for both vacation leave and sick leave under this Personnel Policy.
- D. Waiting Period: A 120-day waiting period may be imposed before newly hired employees can use ~~the~~ Earned Paidy Leave.
- E. Use of Time: Earned Paid Leave shall be used in increments of one (1) hour.
- F. Pay Rate: Employees will be paid at the base rate of pay they are currently earning.
- G. Implementing Leave: Employees may use Earned Paidy Leave for any reason and will not be retaliated against for taking paid leave, nor will the employee be disciplined for using Earned Paidy Leave.
- H. Existing Benefits: Using earned leave may not result in the loss of any employee benefits accrued before the date on which the leave commenced. However, Earned Paidy Leave is not an additional benefit to regularly earned vacation and sick leave benefits.
- I. Roll Over Time: Unused accrued leave will roll over and be available to the employee in their next year of employment unless the employer front-loads the benefit.
- J. Cessation of Employment: Unused accrued leave will not be paid to an employee upon the employee's end of employment.
- K. Notice, Reasons, and Written Documentation:
  - 1. General Notice: The employee must provide a two (2) week written notice of their intent to use Earned Paidy Leave.

2. Emergency Notice: ~~May~~ Earned Paid Leave may always be used in an emergency, illness, or sudden necessity. The employee must provide notice as soon as possible when using accrued Earned Paid Leave in this situation.
3. Restrictions: The Town may restrict the use of planned leave during certain times of year to ensure there is no impact on operations.

## VII. CORRECTIVE ACTION & GRIEVANCE

### 701 CORRECTIVE ACTION

A. Corrective action may be initiated for any infraction based on the good of the Town as determined by the Town Manager and/or Department Heads.

~~B. Corrective action will normally be initiated in the following manner: verbal warning; written warning; suspension; and termination. Depending on the nature of the offense, the Town has the right to impose the discipline the Town considers warranted based upon the nature and gravity of the offense and is not under a duty to follow all the progressive steps of discipline in every case. For more severe offenses, the process may be accelerated by skipping the oral warning or written reprimand.~~

1. **Verbal Warning** – The employee will be warned by their Manager/Supervisor at the time of the infraction in order to improve specific performance issues or rectify specific conduct. This action will be documented on a counseling statement form and shall be included in the employee’s personnel file. The Town reserves the right to immediately proceed to a written warning, suspension, or termination depending on the seriousness of the situation.
2. **Written Warning** – The employee will be subject to a written warning for a repeated offense, or where an offense is serious enough to require more than a verbal warning. The employee will meet with their Manager/Supervisor to discuss the incident. This action will be documented on a written warning form and included in the employee’s personnel file. The Town reserves the right to immediately move to suspension or termination depending on the seriousness of the situation.
3. **Suspension** – The employee will meet with their Manager/Supervisor to discuss the incident and the employee will have the opportunity to respond to the allegations or infractions prior to serving a suspension, unless the employee’s acts are a threat to self or others. The employee will not be permitted to work during this time. The action will be documented in the employee’s personnel file. Suspension with or without pay may occur for an indefinite period of time pending complete investigation or an incident or offense. The Town reserves the right to immediately move to termination depending on the seriousness of the situation.
4. **Termination** – The employee’s Manager/Supervisor shall review the incident. Upon the Manager’s/Supervisor’s decision, if job performance or misconduct warrants it, the employee will be removed from employment with the Town. After a meeting between the employee and the Town Manager the employee shall be notified for the reason(s) for termination and the effective date thereof. This action shall be documented in the employee’s personnel file.

Note that, depending on the nature of the offense, the Town has the right to impose the discipline the Town considers warranted based upon the nature and gravity of the offense and is not under a duty to follow all progressive steps of discipline articulated above in every case.

~~C. Department Heads when exercising the disciplinary policy of this Chapter shall document the disciplinary action taken.~~ The Town Manager shall be advised, of any disciplinary action taken by the Department Head and shall be advised in writing if the disciplinary action taken involves employee safety, Town liability, sensitive information or other legal ramifications.

D. Infractions which may be subject to disciplinary actions including those discussed throughout this personnel policy and may also include, but are not limited to, the following:

1. The employee has been convicted of a felony or of a misdemeanor involving moral turpitude or which is related to the Town or the employee's job.
2. The employee has violated a Town and / or departmental policy and/or procedure or failed to obey any proper direction made and given by the Town Manager and or Department Head.
3. The employee is offensive in conduct or language in public or towards fellow employees.
4. The employee fails to satisfactorily perform the duties and responsibilities required and recognized in the job description.
5. The employee is careless or negligent with the moneys or other properties of the Town.
6. The employee exhibits recurring absenteeism and / or tardiness.

## **702 GRIEVANCE PROCEDURE**

- A. A grievance may be any concern of an employee relating to work requirements or the conditions under which work is performed.
- B. Each employee of the Town will be provided an opportunity to understand and resolve matters affecting his/her employment that the employee believes have been carried out in violation of these policies. Employees may present their grievances without fear of reprisal.
- C. It is the Town's policy and practices to treat all employees fairly, equitably and justly, and to ensure all concerns are addressed in a timely manner on a staff-wide or individual basis, as may be appropriate.
- D. The Town's goal is to find equitable solutions at the lowest possible grievance level. To help ensure equality and fairness, proceedings will be kept as informal and confidential as possible.

The following procedure is available to employees who have successfully completed their probationary period.

1. The employee shall, within ten (10) working days of the date of the event which gave rise to the grievance, or within ten (10) working days of the date he/she could reasonably be expected to have knowledge of the event, present the grievance in writing to his/her Department Head. The Department Head shall, within ten (10) working days, meet and discuss the grievance with the employee and reply in writing within ten (10) working days.
2. In the event that the decision of the Department Head is not satisfactory to the employee, the employee may, within ten (10) working days of the Department Head's decision, request that the entire written record be advanced to the Town Manager for review with the employee and Department Head. After meeting with the Town Manager, the Department Head will once again meet with the employee to render the final decision within ten (10) working days.
3. In the event a Department Head has a grievance, the Department Head shall file the grievance(s) with the Town Manager in writing. Within ten days of receipt of such a grievance, the Town Manager shall meet with the aggrieved Department Head to discuss their concerns. The decision of the Town Manager with regard to the grievance shall be rendered within ten (10) working days and shall be final.



4. Working days are defined as Monday through Friday. Holidays occurring during this period will not be counted as a working day.

## VIII. WORKPLACE ENVIRONMENT

### 801 HOSTILE WORK ENVIRONMENT / HARASSMENT

Harassment and discrimination is an extremely serious matter. All employees should be able to work in an environment free from all forms of illegal harassment and discrimination. While harassment affecting employment is most commonly thought of as sexual, it can also relate to an employee's race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin, or familial status, and any sexual orientation, or other status protected by federal and state law. Harassment is illegal and prohibited against employees in any form. In the event it is determined that harassment or discrimination has occurred, appropriate disciplinary action will be taken which may include suspension, demotion or termination of employment.

Any employee, who believes he or she has been the victim of harassment or discrimination, or who has knowledge of that such behavior, is urged to report such conduct immediately to the Town Manager and or the Department Head. No employee will be subject to any form of retaliation for pursuing in good faith a harassment or discrimination complaint or for participating in the investigation of any such complaint.

The Town is committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. The Town Manager and Department Heads are responsible for monitoring behavior that can be construed to be harassment or discrimination and for initiating necessary action to eliminate such behavior. The Town Manager or his or her designee is responsible for investigating any reports of complaints and communicating with the affected employee the outcome of the investigation. If the concerns relate to actions or inactions of the Town Manager, the Department Head, in consultation with the ~~Chair of the Board of Selectmen~~ Select Board Chair, will conduct and/or oversee the investigation. Confidentiality shall be maintained to the extent practicable and appropriate under the circumstances.

### 802 SEXUAL HARASSMENT

Sexual Harassment is defined as the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his/her job.

Examples of Sexual Harassment include:

- A. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct.
- B. Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration or acquiescence to sexual advances.
- C. Other sexually harassing conduct in the workplace, whether committed by a supervisor, co-worker, vendor, or another person. This may include offensive sexual flirtations, advances, or propositions, such as:
  1. Verbal or written abuse of a sexual nature;
  2. Graphic, verbal comments about an individual's body;
  3. Sexually degrading words used to describe an individual;
  4. The display of sexually suggestive objects or pictures;
  5. Unwanted hugs, touches or kisses.

The Town is committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. The Town Manager and Department Heads are responsible for monitoring behavior that can be construed to be sexual harassment and for initiating necessary action to eliminate such behavior. The Town Manager or his or her designee is responsible for investigating any reports of complaints and communicating with the affected employee the outcome of the investigation. If the concerns relate to actions or inactions of the Town Manager, the Department Head, in consultation with the ~~Chair of the Board of Selectmen~~ Select Board Chair, conduct and/or oversee the investigation. Confidentiality shall be maintained to the extent practical and appropriate under the circumstances.

No employee will be subject to any form of retaliation for pursuing in good faith a sexual harassment complaint or for participating in the investigation of any such complaint.

In addition to the above, or if an employee is dissatisfied with the Town's internal investigation and response, employees have the right to file a complaint with the Maine Human Rights Commission, located at 51 State House Station, Augusta, Maine, 04330. A complaint must be filed within 300 days of the date of the alleged discrimination. Complaints may be filed in person or by mail by filling out a form provided by the Commission. For more information, please contact 207-624-6290 or visit <http://www.maine.gov/mhrc/file>.

### **803 DRUG-FREE WORKPLACE**

- A. Employees and the Town have a mutual obligation to ensure a safe and healthy work environment. It is recognized that the consumption of alcohol, medical marijuana, recreational marijuana or drugs, which impairs an employee from performing their jobs safely and effectively, cannot be tolerated. Therefore, the Town has a "Zero Tolerance" policy toward drug, marijuana, and alcohol use. No prohibited substances may be consumed during the workday, which includes shift and lunch breaks.
- B. It is recognized that drug, marijuana and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation.
- C. Employees, whose jobs may involve operating machinery or motor vehicles, or whose jobs involve regular and direct contact with the public, must inform their Department Head and or the Town Manager before reporting for work if they are taking any substances, including nonprescription drugs, which may affect their judgment or performance.
- D. Regulations for possession and use of alcohol, marijuana, or illegal drugs:
  - 1. No employee may bring alcoholic beverages or alcohol, recreational or medical marijuana, or illegal nonprescription drugs to his/her work premises at any time;
  - 2. Work premises include motor vehicles, or equipment owned or leased by the Town;
  - 3. No employee may consume alcoholic beverages, recreational or medical marijuana, during his/her working hours, including meal periods, breaks or other authorized interruptions of work occurring during his/her working hours. This includes overtime periods;
  - 4. An employee who brings alcohol or marijuana onto the premises or who consumes alcohol or marijuana during working hours is subject to immediate discipline, including discharge;

5. An employee whose use of alcohol or marijuana outside of working hours of off-the-job impairs his/her job performance and fitness for duty, or jeopardizes the safety of other employees, the public, town property or the Town 's reputation, is subject to immediate discipline, including discharge;
6. No employee may use, sell or possess narcotics, drugs, alcohol, marijuana or controlled substances of any kind while on the job, on work premises, or during an employee's working hours, Any employee violating this paragraph is subject to immediate discipline, including discharge;
7. An employee who is convicted of off-the-job drug related activity may be in violation of this policy and subject to discipline, including discharge. In deciding what action is to be taken, the Town will consider the nature of the charges, the employee's present job assignment, the employee's record with the Town and other factors relevant to the impact of the employee's arrest upon the conduct of the Town's services.

#### **804 WORKPLACE THREATS AND VIOLENCE**

The safety and security of employees of the Town of North Yarmouth and also the public who conducts business in the various municipal buildings is of paramount importance to the Town. Therefore, threats, threatening behavior, or acts of violence against or by employees, visitors, guests, or other individuals on Town property will not be tolerated. Violations of this policy may lead to disciplinary action of employees, which may include dismissal, and may lead to arrest and prosecution of employees or others.

Any person who makes threats exhibits threatening behavior, or engages in violent acts on Town property will be removed from the premises as quickly as safety permits the Town will initiate any actions necessary to ensure that employees and the public are safe on Town property.

All Town personnel are responsible for notifying the Town representative designated below of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed that they regard as threatening or violent when that behavior is job-related or might be carried out on a Town- owned site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the designated Town representative is not available, personnel should report the threat to their supervisor or the Town Manager.

All individuals who apply for or obtain a protective or restraining order which lists any Town location as being a protected area must provide to the designated Town representative a copy of the petition and declarations used to seek the order, a copy of any temporary or permanent protective or restraining order.

The Town of North Yarmouth understands the sensitivity of information regarding threats or threatening behavior and will recognize and respect the privacy of the reporting employee(s) or citizen(s), to the extent permitted by law.

The designated Town representative is the Town Manager.

#### **805 WORK PLACE INJURY**

Employees who sustain an injury on the job and are eligible for workers' compensation benefits shall not be paid sick leave and shall only receive the benefits allowed under the Workers' Compensation Act if their incapacity continues for more than fourteen (14) days. Sick leave may be used during the first fourteen (14) days of incapacity. Employees may use sick leave to cover lost income during those first fourteen (14) days. If after fourteen (14) days of incapacity and the employee is covered by workers' compensation retroactive to the date

of injury, then the employee will return to the Town from their workers' compensation payments, the equivalent of the number of days of sick leave paid.

Immediately after the occupational injury or illness, the employee is required to report to his/her Department Head. The Department Head must ensure that a Town of North Yarmouth Occupational Illness and Injury Report and First Report of Injury are completed within twenty-four (24) hours of the occupational injury or illness. The employee will be required to comply with all requirements of the Workers' Compensation Act.

When receiving workers' compensation, the employee will continue to accrue seniority and, for a maximum of twelve (12) months, the Town will pay its share of health insurance premiums for the employee in accordance with the terms of these policies.

#### **806 RELEASE FOR WORK AFTER INJURY**

In all cases of injury requiring the services of a physician, it is the responsibility of the employee to obtain from a physician a return-to-work release authorization form. The release shall indicate the date upon which the employee may return to work. No employee shall be allowed to return to work without a properly signed release from a physician.

#### **807 VEHICLE ACCIDENT**

- A. All motor vehicles accidents involving Town-owned or personally owned vehicles on Town business shall be reported to the law enforcement immediately.
- B. Do not make statements pertaining to the responsibility to anyone except your Department Head and investigating officers. Report the accident immediately to your Department Head.
- C. If an employee or other person is injured, call for emergency medical assistance immediately.
- D. Personally Owned Vehicles - The Town of North Yarmouth does not ensure personal vehicles for damages sustained while conducting Town business. The Town of North Yarmouth does offer a deductible reimbursement up to \$1000 for the use of personal vehicle.

Run Number	Date of Service	Balance Remaining
60-18-078:1	12/10/2018	\$863.60
60-18-0225:1	8/13/2018	\$666.00
	<b>Total Remaining 2018</b>	<b>\$1,529.60</b>

Run Number	Date of Service	Balance Remaining
60-2019-161:1	6/28/2019	\$640.80
60-2019-126:1	5/6/2019	\$884.00
60-19-136:1	6/6/2019	\$81.72
60-2019-0185:1	8/2/2019	\$125.00
60-2019-0306:1	11/17/2019	\$1,031.20
60-2019-0108:1	5/16/2019	\$739.20
60-2019-0284:1	11/2/2019	\$1,162.40
60-2019-0302:1	11/15/2019	\$87.00
60-2019-0177:1	7/25/2019	\$888.80
60-0419-0083:1	4/10/2019	\$744.40
	<b>Total Remaining 2019</b>	<b>\$6,384.52</b>

Run Number	Date of Service	Balance Remaining
60-2020-0062:1	10/26/2020	\$967.20
60-2020-0001:1	1/1/2020	\$1,183.20
60-2020-0222:1	8/11/2020	\$1,189.60
60-2020-0030:1	2/2/2020	\$1,018.40
60-2020-0234:1	8/22/2020	\$552.66
60-2020-0213:1	8/2/2020	\$1,138.40
06-2020-0142:1	5/22/2020	\$100.20
60-2020-0028:1	1/31/2020	\$1,200.80
60-2020-0049:1	2/19/2020	\$113.81
60-2020-0123:1	5/8/2020	\$1,151.20
60-2020-0322:1	11/21/2020	\$1,136.80
60-2020-0265	9/24/2020	\$150.00
60-2020-0252:1	9/12/2020	\$342.69
60-2020-0078:1	4/3/2020	\$1,146.40
	<b>Total Remaining 2020</b>	<b>\$11,391.36</b>

Run Number	Date of Service	Balance Remaining
60-2021-0183:1	6/17/2021	\$1,162.40
60-2021-0111:1	4/20/2021	\$1,220.00
60-2021-0276:1	9/6/2021	\$443.25
60-2021-0253:1	8/16/2021	\$645.94
60-2021-0305:1	10/1/2021	\$109.89
60-2021-0279:1	9/8/2021	\$922.40
60-2021-0422:1	12/23/2021	\$295.00
60-2021-0045:1	2/21/2021	\$975.20
60-2021-0002:1	1/5/2021	\$1,146.40
60-2021-0257:1	8/17/2021	\$295.00
60-2021-0393:1	12/2/2021	\$82.93

60-2021-0042:1	2/14/2021	\$1,029.60
60-2021-0187:1	6/23/2021	\$308.40
60-2021-0052:1	2/27/2021	\$948.00
60-2021-02224:1	7/19/2021	\$355.11
	<b>Total Remaining 2021</b>	<b>\$9,939.52</b>

Run Number	Date of Service	Balance Remaining
60-2022-0232:1	7/22/2022	\$150.00
60-2022-0391:1	11/21/2022	\$1,167.20
60-2022-0062:1	2/22/2022	\$295.00
60-2022-0039:1	2/1/2022	\$908.00
60-2022-0080:1	3/17/2022	\$633.84
60-2022-0352:1	10/22/2022	\$150.00
60-2022-0190:1	6/14/2022	\$1,172.00
60-2022-0029:1	1/20/2022	\$1,164.00
60-2022-0051:1	2/12/2022	\$954.40
60-2022-0008:1	1/4/2022	\$972.00
60-2022-0171:1	5/25/2022	\$295.00
60-2022-0220:1	6/25/2022	\$127.05
60-2022-0164:1	5/20/2022	\$310.25
60-2022-0160:1	5/17/2022	\$316.49
60-2022-0018:1	1/13/2022	\$295.00
60-2022-0419:1	12/7/2022	\$700.00
60-2022-0053:1	2/15/2022	\$245.00
60-2022-0229:1	7/18/2022	\$150.00
60-2022-0019:1	1/14/2022	\$184.16
60-2022-0046:1	2/7/2022	\$195.00
60-2022-0197:1	6/19/2022	\$322.24
60-2022-NY0013:1	1/8/2022	\$1,197.60
60-2022-0022:1	1/16/2022	\$295.00
60-2022-0422:1	12/20/2022	\$170.87
	<b>Total Remianing 2022</b>	<b>\$12,370.10</b>

Run Number	Date of Service	Balance Remaining
60-2023-0093:1	3/22/2023	\$960.80
60-2023-0029	1/27/2023	\$1,210.40
60-2023-0013:1	1/11/2023	\$1,261.60
	<b>Total Remaining 2023</b>	<b>\$3,432.80</b>

Year of Service	Outstanding Balance
2018	\$1,529.60
2019	\$6,384.52
2020	\$11,391.36
2021	\$9,939.52
2022	\$12,370.10
2023	\$3,432.80
<b>Total</b>	<b>\$45,047.90</b>

**Town of North Yarmouth  
Select Board  
Meeting Minutes June 27, 2023, 7:00 PM**

**Call to Order** (31:25-39:48)

Members Present: Brian Sites, Chairperson, Amy Haile, Vice Chairperson, Katherine Perrin, Selectperson, Paul Hodgetts, Selectperson, and Andrea Berry, Selectperson, and Diane Barnes, Town Manager.

Pledge of Allegiance.

**Special Presentations**

2023 Cumberland Ultimate Female Matching Team-Proclamation. Congratulations on winning the State Champion Title.

2023 Greely High School Girl's Tennis Team-Proclamation. Congratulations on winning the State Champion Title.

2023 Greely Boys Outdoor Track and Field-Proclamation. Congratulations on winning the Conference Title.

Special thanks to all the coaches.

**Appointments** (39:49-45:57)

**Annual Appointments-Officials**

<u>Position</u>	<u>Individual</u>	<u>Term Ending</u>
Assessor	Ben Thompson	June 30, 2024
Animal Control	Bobby Silcott	June 30, 2024
Town Clerk	Debbie Grover	June 30, 2024
Building Inspector	Ben Scipione	June 30, 2024
Electrical Inspector	Ben Scipione	June 30, 2024
Plumbing Inspector	Ben Scipione	June 30, 2024
Register of Voters	Debbie Grover	June 30, 2024
General Assistance Administrator	Diane Barnes	June 30, 2024
Tax Collector Treasurer	Diane Barnes	June 30, 2024
Road Commissioner	Diane Barnes	June 30, 2024
Director Of Emergency Preparedness	Greg Payson	June 30, 2024
Health Officer	Greg Payson	June 30, 2024
Fire Chief	Greg Payson	June 30, 2024

**Selectperson Perrin, seconded by Vice Chairperson Haile moved to appoint the list of officials for the term expiring June 30, 2024, as presented. Vote 5 Yes/0 No.**

**Annual Appointments of Boards & Committees**

<u>Position</u>	<u>Individual</u>	<u>Term Ending</u>
PML Advisory Board	Kelly Barnes	June 30, 2024
PML Advisory Board	Paul Dexter	June 30, 2024
PML Advisory Board	Barbara Hauke	June 30, 2024
Waste Reduction Committee	Lisa Belanger	June 30, 2024



<i>Waste Reduction Committee</i>	<i>Jim Briggs</i>	<i>June 30, 2024</i>
<i>Waste Reduction Committee</i>	<i>Darcy Cunningham</i>	<i>June 30, 2024</i>
<i>Waste Reduction Committee</i>	<i>Laurie Gilman</i>	<i>June 30, 2024</i>
<i>Waste Reduction Committee</i>	<i>Nicole Hewes</i>	<i>June 30, 2024</i>
<i>Waste Reduction Committee</i>	<i>Keith Bubblo (New)</i>	<i>June 30, 2024</i>
<i>EcoMaine Board of Directors</i>	<i>Rob Wood</i>	<i>June 30, 2024</i>
<i>EcoMaine Board of Directors (Alt.)</i>	<i>Diane Barnes</i>	<i>June 30, 2024</i>
<i>Joint Standing Committee</i>	<i>Robert Abbott</i>	<i>June 30, 2024</i>

**Selectperson Berry, seconded by Selectperson Hodgetts moved to re-appoint the PML Board, Waste Reduction Committee, and Joint Standing Committee members for a one-year term as presented. Vote 5 Yes/0 No.**

Select Board Appointments – Three (3) Year Terms

<u>Position</u>	<u>Individual</u>	<u>Term Ending</u>
<i>Economic Dev. &amp; Sustainability</i>	<i>Byron Kern</i>	<i>June 30, 2026</i>
<i>Economic Dev. &amp; Sustainability</i>	<i>Rich Parenteau</i>	<i>June 30, 2026</i>

**Selectperson Perrin, seconded by Vice Chairperson Haile moved to re-appoint Byron Kern as a member of the EDSC Committee for a three-year term as presented. Vote 5 Yes/0 No.**

**Selectperson Berry, seconded by Select Person Hodgetts moved to re-appoint Rich Parenteau as a member of the EDSC Committee for a three-year term as presented. Vote 5 Yes/0 No.**

<i>Zoning Board of Appeals</i>	<i>Jim Briggs</i>	<i>June 30, 2026</i>
<i>Zoning Board of Appeals</i>	<i>Paul Napolitano</i>	<i>June 30, 2026</i>

**Selectperson Perrin, seconded by Chairperson Sites moved to re-appoint Jim Briggs as a member of the ZBA for a three-year term as presented. Vote 5 Yes/0 No.**

**Selectperson Hodgetts, seconded by Selectperson Perrin moved to re-appoint Paul Napolitano as a member of the ZBA for a three-year term as presented. Vote 2 yes/3 No. (Chairperson Sites, Vice Chairperson Haile, and Selectperson Berry.) Motion Failed.**

<i>Wescustogo Hall Committee</i>	<i>Blaine Barter</i>	<i>June 30, 2026</i>
<i>Wescustogo Hall Committee</i>	<i>Clark Baston</i>	<i>June 30, 2026</i>

**Selectperson Perrin, seconded by Selectperson Hodgetts moved to re-appoint Blaine Barter as a member of the Wescustogo Hall Committee for a three-year term as presented. Vote 5 Yes/0 No.**

**Selectperson Berry, seconded by Chairperson Sites moved to re-appoint Clark Baston as a member of the Wescustogo Hall Committee for a three-year term as presented. Vote 5 Yes/0 No.**

<i>Shellfish Commission</i>	<i>Stephen Demelle</i>	<i>June 30, 2026</i>
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**No motion. The Select Board did not appoint anyone for this position.**

<i>Planning Board</i>	<i>Paul Metevier</i>	<i>June 30, 2026</i>
<i>Planning Board (Alt.)</i>	<i>Alex Urquhart</i>	<i>June 30, 2026</i>

Selectperson Hodgetts moved to re-appoint Paul Metevier as a regular Planning Board Member, but no second to the motion was received from the Select Board. Term Expired.

Selectperson Berry, seconded by Selectperson Perrin moved to re-appoint Alex Urquhart, as alternate Board Member for a three-year term as presented. Vote 5 Yes/0 No.

Select Board Appointments – Five (5) Year Terms

<u>Position</u>	<u>Individual</u>	<u>Term Ending</u>
North Yarmouth School Fund-Trustee	Dixie Hayes	June 30, 2028
North Yarmouth School Fund-Trustee	Nelson Smith	June 30, 2028

Selectperson Perrin, seconded by Selectperson Berry moved to re-appoint Dixie Hayes as a Trustee Member for a five-year term as presented. Vote 5 Yes/0 No.

Chairperson Sites, seconded by Vice Chairperson Haile moved to re-appoint Nelson Smith as a Trustee Member for a five-year term as presented. Vote 5 Yes/0 No.

**New Business** (45:58-50:57)

Paving Bid Award

The following bids were received and publicly opened on June 20, 2023, at 10:00am:

	North Road	Milliken Road	Milliken Road Revised
All States Construction Inc.	\$278,824.00	\$ 43,356.70	
Northeast Paving	\$422,680.00	\$167,160.00	\$ 73,560
Pike Industries	\$306,136.00	\$121,860.00	\$ 45,632

Due to the bid amounts, we are recommending paving North Road only and postpone Milliken Road until 2024.

Vice Chairperson Haile, seconded by Selectperson Hodgetts moved to award the paving bid to All States Construction Inc., in the amount of \$278,824 for North Road and expended from the Roadway Reserve. Vote 5 Yes/0 No.

Select Board By-Laws Amendment – Committee Liaisons

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 the new Select Board being sworn in.

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, **except that the Select Board shall not assign Select Board Liaisons to the Board of Assessment Review, the Planning Board, and the Zoning Board of Appeals**
2. Ad Hoc Committees – As described in Article IV Section 3 of the Town Charter

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.
3. **Remain impartial as a Select Board Liaison in matters where the Committee's members are required to be impartial.**
4. Read and be familiar with relevant issues on committee agendas prior to the meetings.
5. 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.
6. 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 Berry, seconded by Selectperson Perrin moved to adopt the Select Board By-Laws Amendment as presented. Vote 4 Yes/1 No. (Select Person Hodgetts)**

Midcoast Humane -Contract Renewal

This is an annual renewal with Midcoast Humane for animal shelter management. The contract has been updated to include items #3, #5, #6, & #7. These sections, which are current practice, are now written into the contract. Bobby Silcott, ACO has reviewed the contract and has confirmed that everything in the contract is current practice and follows State Statute.

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

### **Consent Agenda**

Municipal Accounts Payable Warrants

#102 \$ 8,640.56

#104 \$ 9,751.66

#105 \$ 925.45

#106 \$386,674.12

#108 \$ 14,304.51

#111 \$ 15,203.81

#112 \$ 323.00

Municipal Payroll Warrants

#103 \$ 40,455.24

#107 \$ 6,500.00

#109 \$ 9,490.30

#110 \$ 43,383.97

Select Board Minutes-June 6, 2023

North Star Planning-Contract Renewal

Municipal Election Return

**Vice Chairperson Haile, seconded by Selectperson Hodgetts moved to approve the consent agenda as presented. Vote 5 Yes/0 No.**

**Public Comment** Non-Agenda Items, (51:25-1:05:32)

Audrey Lones, 101 Baston Road- Thanked Kate and Brian for their service.

Dixie Hayes, 450 Gloucester Road- Read a History Minute pertaining to the School Fund.

Linc Merrill, 1572 North Road- Read the names of the students who were awarded \$250 in grant funds from the School Fund.

Katie Murphy, 440 Mountfort Road- Stated that Gazettes are posted on the North Yarmouth Historical Society website. Encouraged anyone to stop by to look at the Old Town House. Site work has been done and it looks so nice.

Richard Parenteau, 52 Pine Ridge Road- He apologized to Dixie and Linc for interrupting. He wanted to make a point. This is a small town, and the three-minute rule should be eliminated. He hopes to encourage folks to speak and wants the Select Board to remove the time limit. He encouraged a response from the Select Board.

Jim Moulton, 54 Mill Road- Thanked all the Board Members. Thanked Chairperson Sites for listening and being respectful. He encouraged the new Board to communicate with each other and work together.

Linc Merrill, 1572 North Road- Noted that there are three vacancies on the Park Committee and election ballots had errors. He wanted to know if a legal opinion was obtained for the wording of Selectman/Overseer of the Poor on the ballot. He stated he was concerned about property tax increases in the years to come and would like the Select Board to focus on this.

### **Management Reports & Communications** (1:05:33-1:20:26)

EDSC-Selectperson Perrin- No meeting held due to audio/visual equipment installation. They will be presenting to the Select Board, at the second meeting in July.

Parks-Selectperson Berry- Three vacancies on the parks committee. Recommendations will be coming to the Board in July.

Joint Standing Committee-Selectpersons Berry & Sites- Met on the Knights Pond project. New trails should be cut in the fall. They will work on improving communication.

Waste Reduction Committee-Selectperson Berry- The committee spent time trying to figure out where they want to go. They are looking at ways to do some education on food waste and composting. They are at the Outdoor Market every Tuesday to assist and educate the public on trash disposal of the food waste generated from the food trucks.

Living Well in NY and Recreation Advisory Board-Selectperson Haile- Celebrated all the activities they have accomplished. The committee is looking for a new charge. The committee is going to take a break over the summer. Stay Tuned...

Walnut Hill Parkway-Selectperson Sites & Hodgetts- Meeting has not been scheduled.

School Fund Committee-Selectperson Perrin- Explained how one can donate to the School Fund.

Town Manager's Report-Diane Barnes- The Town Office is busy working on closing out the Fiscal Year-End. The auditors were here to start the preliminary audit and finances are in good shape. Revenue sharing, excise tax and interest are all above projections. There were 17 liens recorded on unpaid FY 23 tax accounts.

The town received the LD290 final List and I will be working with Cheryl to code the accounts that qualify for the tax stabilization. This will need to be done after the commitment but before the bills are mailed. The commitment is scheduled to take place during the second or third week of July.

Selectperson Hodgetts asked about legal fee totals.

Diane Barnes stated that she does not have a final total since bills are still coming in.

**Any Other Business** (1:20:27-1:28)

The selectboard thanked each other and exchanged gifts.

Selectperson Perrin wanted to thank Chairperson Sites and said she learned a lot. She thanked Diane and thinks the town is in spectacular shape.

Chairperson Sites thanks all the board, Diane, and the town.

**Adjournment**

**Selectperson Perrin, seconded by Selectperson Berry moved to adjourn at 7:58 PM. Vote 5 Yes/0 No.**

Karen Casale, Recording Secretary

Select Board

\_\_\_\_\_  
Amy Haile, Vice Chair

\_\_\_\_\_  
Paul Hodgetts

\_\_\_\_\_  
Andrea Berry

**Town of North Yarmouth  
Select Board  
Meeting Minutes July 05, 2023, 6:00 PM**

**Select Board Members**

Amy Haile, Chairperson      Andrea Berry, Vice Chairperson      Katherine Maloney, Board Member  
Karl Cyr, Board Member      Paul Hodgetts, Board Member

Paul Hodgetts was out on an approved absence.

**Call to Order** (15:40-23:10)

Pledge of Allegiance.

**Inauguration of Elected Officials**

Elected Officials - Swearing In

Becky Jackman, Deputy Town Clerk swore in:

Katherine Maloney and Karl Cyr as new Select Board Members.

John Fulton and Jeffrey Candura as Budget Committee Members.

Timothy Valenti as a new MSAD51 School Board Member.

Election of Chairperson

**Selectperson Berry moved to nominate Amy Haile as Chairperson to the Select Board.  
Vote 4 Yes/0 No.**

Election of Vice Chairperson

**Chairperson Haile moved to nominate Andrea Berry as Vice Chairperson. Vote 4 Yes/0 No.**

**Appointments** (23.11-25:18)

EDSC Resignation-Kit Maloney

**Vice Chairperson Berry, seconded by Selectperson Cyr moved to accept the resignation of Kit Maloney from the EDSC committee. Vote 4 Yes/0 No.**

Parks Committee Appointments

Elise Kern- 1-Year Term Ending 2024

**Vice Chairperson Berry, seconded by Selectperson Cyr moved to appoint Elise Kern to the Parks Committee for a one-year term ending 6/30/2024. Vote 4 Yes/0 No.**

Kelly Barnes- 3-Year Term Ending 2026

**Chairperson Haile, seconded by Selectperson Cyr moved to appoint Kelly Barnes to the Parks Committee for a three-year term ending 6/30/2026. Vote 4 Yes/0 No.**

Martin Kremer- 3-Year Term Ending 2026

**Vice Chairperson Berry, seconded by Selectperson Cyr moved to appoint Martin Kremer to the Parks Committee for a three-year term ending 6/30/2026. Vote 4 Yes/0 No.**

**New Business** (25.19-36:23)

Treasurer's Disbursement Policy

This policy allows designated municipal officers (Select Board), acting on behalf of the full board of municipal officers, to review, approve, and sign municipal treasurer's disbursement warrants for wages, benefits, & state fees only. This Policy is additional to, not in lieu of, majority power. Nothing in this policy is intended to replace the authority of the full board of municipal officers, acting by majority vote, to act on any treasurer's warrant, including warrants for wages and benefits.

**Selectperson Maloney, seconded by Chairperson Haile moved to adopt and sign the Treasurer's Disbursement Policy as presented. Vote 4 Yes/0 No.**

Date and Time of Meetings

**Chairperson Haile, seconded by Selectperson Maloney moved to change the meeting times to 6:30 PM. Vote 4 Yes/0 No.**

**Chairperson Haile, seconded by Vice Chairperson Berry moved to approve 6:00 PM start time for the August 1, 2023, meeting. Vote 4 Yes/0 No.**

Diane Barnes, Town Manger will check with the attorney for dates for an onboarding workshop.

**Consent Agenda**

Municipal Accounts Payable Warrants

#113 \$ 5,529.59

#114 \$37,239.45

**Chairperson Haile, seconded by Vice Chairperson Berry moved to approve the consent agenda as presented. Vote 4 Yes/0 No.**

**Public Comment – Non-Agenda Items** (36:32-1:01:35)

Linc Merrill, 1572 North Road- Had questions on the Charter versus the By-laws regarding election of Vice Chair. He is concerned about the high legal fees. He is concerned that the Mill rate will increase in the next 5 years to an unaffordable level.

Judy Potter, 551 Walnut Hill Road- Inquired when can the public ask questions and have answers from the Select Board? She asked if the Select Board tables can be set up differently because it is difficult to see everyone?

Anne Graham, Farms Edge Road- She congratulated the new Select Board. She encouraged everyone to work together. Suggest the town Charter Section 10 of the by-laws be adhered to. This will allow great work to be done. The state legislature has a 3-minute time limit, and they must adhere to it.

Leanne Candura, 176 Christopher Road- She congratulated the new Board Members. She introduced herself as the new MSAD51 School Board Chair. She will work to address the space issues at MSAD51. [LCandura@MSAD51.org](mailto:LCandura@MSAD51.org). Please feel free to reach out to her with any questions.

Mike Mallory, 551 Walnut Hill Road- Said he would like to be a part of any new sidewalk discussion.

Katherine Maloney, Selectperson stated we should have concurrent policies. If there is a discrepancy between the Town Charter and By-Laws, we should update them. She agreed, the legal fees are high. She asked Diane Barnes, the town manager, to be open with them about when legal should be consulted to minimize our legal fees usage. She agreed that the Board should have a sense of the Mill Rate and what will happen in the next 5 years.

Vice Chairperson Berry agreed we need to use caution when the board uses legal services. We have less control over legal fees for the Zoning Board of appeals and Planning Board.

Chairperson Haile addressed when the public can talk to the Selectboard. She encouraged emails for questions. The Select Board meeting is the only time the Selectboard has together to work.

Vice Chairperson Berry suggested that the Board have a table at the market with 2 Selectboard members. This would be a wonderful opportunity for the town to ask questions and get to know the Select Board.

Diane Barnes, Town Manager, advised the room must be set up due to the tracking position of the cameras. Diane suggested sitting on a side of the room that allows better vision.

Katherine Maloney, Selectperson, advised they are going to be setting goals, and she felt it would be valuable to have the EDSC charged with evaluating the sidewalks.

Diane Barnes advised that Mandy, the engineer, will attend the August 15 meeting to explain the sidewalk projects. No additional sidewalk projects would happen this year as they need to be engineered and designed. Diane may also be able to apply for grant money to help with the costs.

**Any Other Business** (1:01:36-1:06:40)

**Chairperson Haile, seconded by Vice Chairperson Berry moved to schedule a goal setting workshop on August 15, 2023, at 6:00 PM with a Select Board meeting starting at 7:00 PM.  
Vote 4 Yes/0 No.**

Amy Haile, Chairperson, is excited about the new Select Board. She is excited for the year ahead. She is pleased to serve as Chairperson. This is a great opportunity and she thanked everyone.

**Adjournment**

**Selectperson Maloney, seconded by Vice Chairperson Berry moved to adjourn at 6:50 PM.  
Vote 4 Yes/0 No.**

Karen Casale, Recording Secretary



Select Board

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Amy Haile, Chairperson

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Andrea Berry, Vice Chairperson

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Paul Hodgetts

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Karl Cyr

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Katherine Maloney



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

## Application for a License for an Incorporated Civic Organization

### Section A: Applicant Information:

1. Legal Name of Applicant: ROYAL RIVER CONSERVATION TRUST
2. Contact Name for Applicant: DAVE BEERS
3. Mailing Address of Primary Office of Applicant: P.O. Box 90  
YARMOUTH, ME 04096
4. Contact Name Telephone/Mobile Number: 207-572-2027
5. Email Address of Contact: DAVE@RRCT.ORG

### Section B: Event Information:

1. Title Event: RRCT CELEBRATES!
2. Purpose of Event: CONSTITUENT ENGAGEMENT
3. Duration of Event (check one):  One Day  Multiple Days (only 1 permitted per year)
4. Type of Event: (check one)  Indoor  Outdoor
5. Town or City where Event will take place: NORM YARMOUTH, ME
6. Complete Physical Address of Event:  
95 THE LAKE  
NORM YARMOUTH, ME 04097
7. Date of Event: 17 AUGUST 2023 Time: From 4:00 PM To 8:00 PM  
Under Maine liquor laws, alcoholic beverages can only be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
8. Number of Persons Attending: 200 (EST.)



STATE OF MAINE  
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES  
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS  
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

### Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS:	Yes <input type="checkbox"/> No <input type="checkbox"/>

#### Section I: Licensee/Applicant(s) Information; Type of License and Status

Legal Business Entity Applicant Name (corporation, LLC): <b>Toddy Brook Golf Course, Inc</b>	Business Name (D/B/A):
Individual or Sole Proprietor Applicant Name(s):	Physical Location: <b>925 Sligo Road North Yarmouth, ME 04097</b>
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Mailing address, if different from DBA address:	Email Address: <b>toddybrookgolfclub@gmail.com</b>
Telephone #      Fax #:	Business Telephone #      Fax #: <b>207-829-5100      _____</b>
Federal Tax Identification Number: <b>03-0422485</b>	Maine Seller Certificate # or Sales Tax #: <b>1063384</b>
Retail Beverage Alcohol Dealers Permit:	Website address: <b>toddybrookgolf.com</b>

1. New license or renewal of existing license?     New      Expected Start date: \_\_\_\_\_  
                                                                                   Renewal      Expiration Date: **9-10-2023**

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:  
 Food: \_\_\_\_\_ Beer, Wine or Spirits: \_\_\_\_\_ Guest Rooms: \_\_\_\_\_

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)  
 Malt Liquor (beer)     Wine     Spirits



Town of North Yarmouth  
Code Enforcement Department  
**Quarterly Report**  
**April-June 2023**

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**Permit Comparison**

<b><u>Permit Type</u></b>	<b><u>Q2 2022</u></b>	<b><u>Q2 2023</u></b>
Occupancy Certificates	17	13
Building Permits	32	25
New Homes	9	0
Plumbing Permits	23	37
Septic Permits	9	9
Electric Permits	53	43
Subdivisions	1	0
Contract Zoning	0	0

**CEO Overview**

Issuance of new construction permits and building permits is down. Plumbing, electrical, and septic permits are still being issued at a steady pace. There were four less certificates of occupancy issued this second quarter compared to last year, three of which are from old permits or after the fact permits rather than recent projects. There were thirty percent fewer building permits overall. No permits were issued for new homes compared to nine last year. There were fourteen more plumbing permits issued and an equal amount of septic permits issued. There were ten less electrical permits issued. Overall, there has been a marginal reduction in the combined amount of building, plumbing, and electrical permits pulled this second quarter compared to that of 2022. There was a minor subdivision on Lufkin Road, Lady Slipper Hill, that was approved second quarter last year, which included three building lots. All three lots are currently under construction. There have been no new subdivisions approved this most recent quarter. The town did welcome one new business, the North Yarmouth Veterinary Hospital, located in the Walnut Hill Commons.

Respectfully,  
Ben Scipione

Submitted by Ben Scipione  
Code Enforcement Officer Date: 07/12/2023



# Town of North Yarmouth Quarterly Department Head Report Fire Rescue Department

Reporting Period: 4rd Quarter April 2023 through June 2023 FY 2023

<b>Activity</b>	<b>FY2022</b>	<b>FY 2023</b>
Medical Calls	67	65
Fire Calls	48	47
Patient Evaluations	67	65
Transports	45	44
Public Assistance	4	7
Vehicle Accidents	6	3
Mutual Aid	11	12
Unauthorized Burning	0	1
<b>Total Member Hours on Calls</b>	<b>426:24</b>	<b>651:57</b>
<b>Total Member Hours Training</b>	<b>759:30</b>	<b>407:00</b>
<b>Total Incidents</b>	<b>115</b>	<b>112</b>
<b>Total Incidents for the Fiscal Year</b>	<b>439</b>	<b>498</b>

## Changes/Updates

Over the past few years, we have worked hard to identify COVID expenses and go thru the process of getting reimbursed for those expenses. We provided emergency protective measures for the COVID-19 pandemic which created an immediate threat to the health and safety of the general public requiring emergency response and protective measures at Town of North Yarmouth from 2/1/2020 to 6/30/2021. On April 17<sup>th</sup>, 2023, I certified the first project for the dates of February 1, 2020 thru June 30, 2021 for a total cost of \$10,716.51. On June 28<sup>th</sup>, 2023, I received a letter of award from Maine Emergency Management that stated our application was approved and the payment will be mailed out over the next few weeks for the amount of \$10,716.51.

## Project(s) Update

On April 13<sup>th</sup>, North Yarmouth Fire is hosted a basic pumps class for the area. We initially set this program up for our department but found there was a huge need in the area with our mutual aid partners and offered the class regionally. I am happy to say we had 5 members of North Yarmouth Fire attending the class with a total of 15 firefighters. Participating agencies are Cumberland, Gray, North Yarmouth, New Gloucester Fire, Pownal, and Raymond Fire Departments.

## Coming Up

Pownal Fire Department will be hosting a Maine Basic Firefighter program for the region. I am happy to say we will have at least one new member participating in that program. I will also be assisting with co-teaching of the program. Over the next few months, we will be starting our annual services and maintenance to our equipment. I have scheduled our annual hose testing for the first week in September. This is a regional program in which North Yarmouth hosts. Cumberland, Gray, North Yarmouth, New Gloucester, Pownal and Yarmouth all participate with this program. This is an example of how the departments are working collectively and regionally on working together to keep the expenses down. By this being done regionally, we are able to see a cheaper cost to the town because we are working as one group to get this completed.

Respectfully Submitted,  
July 11, 2023

Gregory Payson  
Fire Rescue Chief/EMA Director/ Public Health Officer, Fire Rescue Department



## Quarterly Report - Public Works Department April/May/June 2023

### General Maintenance of Parks & Grounds

- Dump trash cans at Parks, restock dog waste bags.
- Spring Clean up of all Town Facilities, Sport fields, Parks, and Cemeteries
- Repair Split rail Fences.
- Open Baston Park for summer
- Delay in getting fence parts to repair Walnut hill cemetery fence.
- Moved monument at Hays town forest.

### ***PW Building Maintenance:***

- Office roof replacment.
- Cemmetary shed roof replacment.

### ***Heavy Equipment:***

- Maintenance of equipment
- Assist Fire/rescue with maintenance of Fire rescue equipment.
- Remove Plow gear from plow trucks, Make necessary repairs, paint, Store of summer.
- Get Summer equipment ready., Mowers, Paint stripper, Hydro-seeder, Hay chopper.

### ***Road Maintenance:***

- Repair and install street signs at various locations as needed.
- Pick up roadkill.
- Tree, limb, and brush removal
- Grade dirt roads and park drive/parking lots.
- Drainage, Shoulder, and brush cutting: Prince well road, Lufkin Road, Greely Road.
- Pothole patching.
- Repair plow damage.
- Started hand stripping of street lettering, stop bars, X-walks, etc. Roof projects Delayed due to rainy, humid weather.
- Installed two new Flashing speed signs, Replaced damaged sign North Road, New location on Memorial highway.

### ***Other:***

- Open brush dump as needed.
- Three employees attended MDOT Flagging class.
- Two employees attended MDOT managing gravel roads class (Class cancelled due to Rain/Flooding)
- Five employees attended Safety works general safety class for construction workers, with Cumberland Pw's crew at Cumberland town office.
- Two employees attended MSHA, New miner training at Safety works in Augusta.
- Three attended Me DEP. Hazardous materials spill class with Fire rescue department.
- Installed public information signs as directed by the Town clerk.
- Asist Town Clerk with Voting as requested.
- Assist WH&CC as requested.

- Pick up waste oil for winter heat.
- Clean up day.
- Summer of 2023 paving contract. North Road.
- Work on Cluff road turn around project.
- Budget work.
- Crew attended APWA/Me local roads” Highway congress.”
- Brown tail moth inspections-predicting outbreak- advised not to spray.
- Salt bid winter of 23/24
- Public safety building drywell repair.
- MMA insurance inspection.

***Changes/Updates:***

- Working on underground culvert inventory
- Working on. “Municipal Disaster Debris management plan”
- Working on updates to Town road ordinance
- Portable speed sign out, different location weekly.

***Projects:***

- Pacts/MDOT MPI Cumberland/walnut hill roads intersection safety improvements/sidewalk extension and improvements.
- North road: Drainage, Shoulder work, Paving
- Sweetser rd./Toddy brook culvert replacement.

***Storms: 1 flooding event, 2 wind events***



## Town of North Yarmouth

# Quarterly Report – Municipal Administration Department

Reporting Period: **April | May | June - FY23**

### Voter Registration

Fiscal Year	Democrat	Green	Libertarian	Republican	Un-Enrolled	Total Voters
<b>2023</b>	1542	135	2	1039	1086	3804
<b>2022</b>	1507	133	2	1021	1066	3729

### Elections

- Thursday, May 18, 2023 – MSAD#51 Budget Hearing held at the Greely Center for the Arts. 30 Cumberland residents and 6 North Yarmouth residents attended.
- Tuesday, [June 13, 2023](#) – Municipal Officers | MSAD 51 had 3 Referendum results can be found on the Town website. There were 1181 ballots cast for each ballot (31% voter turnout).
- Saturday, June 17, 2023 – Annual Town Meeting for the Fiscal Year 2024 was held. 82 residents attended.

<u>Communications</u>	<i>(number of subscribers)</i>	<b>FY23</b>	<b>FY22</b>
• <a href="#">Reminders From Town Hall</a>		1028	993
• <a href="#">Facebook</a>		1857	1751
• <a href="#">Instagram</a>		722	654
• <a href="#">Twitter</a>		377	364
• TextMyGov (Opt-Ins/Help Notification Messages)		117	85
• <a href="#">Town Hall Streams</a> – Live Connections*		667	1255

\*Note: Connections are not necessarily 1 person per meeting, if someone lost their connection 5 times and reconnected 5 times, those numbers are included in these totals. See Attached Reports.

### Notes

- Ginny DeBree was present with the Boston Post Cane on April 27<sup>th</sup> at the young age of 98 years.
- Cleanup Day Saturday, May 5<sup>th</sup> (8am to 1pm) was a busy day at the PWD facility.
- Candidates Night on May 31<sup>st</sup>, hosted by Kevin Desmond, was well attended, and viewed on Town Hall Streams.
- Spring burials in the cemeteries have been hindered greatly by the constant rain.
- Grant application for recycling totter purchase has been completed.
- Preparing for the fiscal year end process.

Submitted by Debbie Grover, Assistant Town Manager





# Town of North Yarmouth Quarterly Department Head Report Wescustogo Hall & North Yarmouth Community Center

Reporting Period: April 1, 2023 – June 30, 2023

Department Head: Jackie Hersey

## STATISTICS

Usage	April	May	June
Open Gym / Walking / Kiddie Gym	92	55	57
Pickleball	243	59	0
Meetings	16	15	9
Programs	65	78	35
Community Groups/Events	12	13	8
Rentals	14	13	8
<b>TOTALS</b>	442	223	95
Operating Hours	April	May	June
Monthly	257	280	279
Weekly Average	64.25	56	69.75

## REPORT

The Community Center has been busy this Spring. We introduced 4 new recreation programs (two yoga classes, a pre-K play group, and a toddler music class). We also hosted the PML Music Series and Cook the Book Series. We teamed up with CNYLL to host 2 movie nights. We've also become the hub for GHS banquets. In the last 3 months, we hosted hockey, baseball, softball, and girls' lacrosse. Along with all this, EcoMaine rented the Hall for ecofest 2023, which drew a large crowd to the Community Center.

We've also continued to host boy/girl scout meetings multiple times a week, book club, and helped launch a crafting group.

In June, we brought back the Wescustogo Open and the Outdoor Market. The tournament had a lower participation than we thought but our sponsorships were successful. Outdoor Market has attracted new vendors, brought new relationships with food trucks and musicians. It's off to a great start!

Respectfully Submitted,  
Jackie Hersey  
Wescustogo Hall & North Yarmouth Community Center Director