Town of North Yarmouth
Select Board Meeting Agenda
Tuesday, May 18, 2021
Business Meeting 7:00 pm

I. Call to Order

- Pledge of Allegiance

The format and structure for Select Board meetings are authorized and governed by our Town Charter and the Select Board Bylaws with overarching guidance from Maine Statues. Select Board members are not collectively or individually allowed to speak about personnel matters and may only address personnel matters in an executive session per State Statute Title 1 § 401-410.

II. Public Hearing – Animal Control Ordinance

III. Public Hearing – Regulations for the Use of Parks and Recreation Areas Ordinance

IV. Public Hearing – Roadway Ordinance

V. Minutes of Previous Meeting(s)

- May 4, 2021

VI. Public Comment - Non-Agenda Items

Comments regarding non-agenda issues, concerns, commendations, or matters of general public information are welcome. The public is encouraged when commenting or expressing points of view about an individual(s) that they do so in a respectful and constructive manner. Topics relating to personnel matters cannot be acknowledged.

Each individual must be recognized by the Chair and will have up to three (3) minutes to speak. The Chair may recognize members of the public at their discretion and will prioritize individuals who have not spoken more than once.

COVID-19 Procedures - Public Communications: If you plan to attend the Board meeting 6ft. Distancing and face coverings are required.

VII. Management Reports & Communications

- Acting Town Manager's Report
- Financial Reports
- Department Head Reports

VIII. Old Business

- Sharp's Field Warrant Article Review – Discussion
- MSAD 51 Vacancy – Appointment Process

IX. New Business

- Certification of Warrant Articles
- Signing of June 7th & 8th Special Town Meeting Warrant

X. Accounts Payable - Review & Approval

XI. Any Other Business

Select Board Members: A reminder, the "any other business" section on the agenda is not to include previously discussed items, any formerly "settled items," personal matters, or Town personnel matters. Please submit your other business item(s) to the Town Manager, Chairman, or Vice Chairman prior to the meeting by email or written letter dropped off at the Town Office. Thank you.

XII. Adjournment

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

Town of
North Yarmouth

SELECT BOARD - PUBLIC HEARING

May 18, 2021

Section II. Public Hearing – Proposed Animal Control Ordinance

PRIMARY PROCESS

Open the Hearing - *Move to open the public hearing on the proposed Animal Control Ordinance.* Second, discussion and vote follow.

1. **Presentation/Explanation** - A brief presentation/summary by the Chair is expected.

2. **Public Participation** - The Select Board shall recognize the individuals in the order that they present themselves to the podium. Name and street address should be stated by each individual, making a statement to the Board.

3. **Board Inquiries/Discussions** - After public participation, the Board may further discuss the subject matter if deemed necessary.

4. **Close the Hearing** - *Move to close the public hearing on the proposed Animal Control Ordinance.* Second, discussion and vote follow.

ACTION ITEMS

Move to place the proposed Animal Control Ordinance on the June 7, 2021 Special Town Meeting Warrant. **Second, discussion and vote follow.**

Note

This is the third hearing for this proposed ordinance. The previous public hearings took place on February 18, 2020 and February 2, 2021.

2ND DRAFT

Town of North Yarmouth
Animal Control Ordinance

I. Purpose and Authority

A. The purpose of this chapter is to require that all animals in the Town of North Yarmouth be always kept under control of their owner/keeper so they will not injure persons or other animals, damage property, or create a public health threat or nuisance. "Under control," as defined below, means that the animal's proper and safe activity is directed by the owner/keeper. Control is achieved by proper use of a leash or voice control.

B. This chapter is enacted pursuant to the authority in 30-A M.R.S. § 2101 and 3001, and the purpose of this chapter is to provide regulations in addition to those contained in Title 7 of the Maine Revised Statutes with respect to controlling companion animals throughout the Town of North Yarmouth in the interest of the health, safety and general welfare of its residents.

C. North Yarmouth Parks are for the enjoyment of North Yarmouth citizens and their guest. It is the goal of North Yarmouth that citizens can bring domestic animals to our parks for their owners' enjoyment and their animals. Priority shall always be given to citizens, wildlife, and the parks themselves. Citizens are encouraged to address issues between themselves using the rules but may report complaints to the Animal Control Officer or Town Manager.

II. Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. **Animal** - Every living, sentient creature, not a human being.

B. **At Large/Stray** - Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the companion animal. "Premises" includes residences, including land and buildings, and motor vehicles belonging to the owner or keeper of the companion animal.

C. **Companion Animal** - A cat or a dog.

D. **Control** - The power or ability to direct the proper and safe activity of an animal.

E. **Dog** - A member of the genus and species known as "canis familiaris" and or a member of the genus and species known as "canis familiaris" or any canine, regardless of generation, resulting from the interbreeding of a member of canis familiaris with a wolf hybrid.

F. **Keeper** - A person in possession or control of a dog or other animal. A person becomes the keeper of a stray domesticated animal, other than dog or livestock, if the person feeds that animal for at least ten (10) consecutive days. If a companion animal is in violation of the restrictions of this chapter, the owner of the companion animal and the keeper are jointly and severally liable for the violation.

G. **Leash** - A handheld device which can be used to restrain a companion animal if the companion animal fails to respond to voice commands. In cases where a leash is required by law or

ordinance or by order of a law enforcement officer, the owner or responsible party will be required to use a leash of 15 feet or less.

H. **Licensed Dog** - A dog whose owner or keeper has presented to Town officials, evidence that the dog has been vaccinated against rabies and has paid the annual registration fee for the dog, in compliance with Title 7, M.R.S. Chapter 721, § 3921, of the Maine Revised Statutes.

I. **Owner** - A person owning, keeping, or harboring a dog or other animal.

J. **Voice Control** - The dog returns immediately to and remains by the side of the owner/keeper in response to the owner/keeper's verbal command, whistle or hand signal. If a dog approaches or remains within 10 feet of any other person other than the owner/keeper, that dog is not under voice control and shall be deemed to be "at large," unless such person (or in the case of a minor child, an adult present with the child) has communicated to the owner/keeper by a spoken word or gesture that such person consents to the presence of the dog.

III. Dogs at Large

A. It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner/keeper of any dog found at large shall be subject to the civil penalties provided in Title 7, Chapter 719 § 3911 of the Maine Revised Statutes. Dogs on public property are also subject to the regulations set forth in this Code.

IV. Impoundment

A. **Impoundment or Return of Companion Animals at Large** - All companion animals found at large/stray in violation to Title 7, M.R.S. Chapters 719 and 720, of the Maine Revised Statutes may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer.

B. **Disposition of Impounded Animal** - An owner is entitled to resume possession of any impounded animal provided that all provisions of this chapter have been met and that all impoundment fees due under the provisions of this chapter have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal's owner may be subjected to all civil penalties authorized by Title 7 of the Maine Revised Statutes.

C. **Impoundment and Boarding Fees** - An owner may reclaim an impounded companion animal at the animal shelter by paying to the Town of North Yarmouth a fee established by order of the Town for each companion animal, plus the boarding fee established by the shelter. The shelter will collect the Town's impound fee.

V. Animal Noise

A. Except as provided in Subsections **B** and **C** below, no owner/keeper shall permit or allow any companion animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more.

B. Subsection **A** shall not apply if any companion animal has legitimate cause for provocation.

C. Subsection **A** shall not apply to farm animals kept on a property located in North Yarmouth. For purposes of this exception, dogs are not farm animals, and kennels are not farms.

VI. Sanitation

It shall be unlawful for any person who owns, possesses, controls, or keeps a dog to fail to promptly remove and properly dispose of any feces left by his/her dog on any sidewalk, street, beach, or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property). This provision shall not apply to any working police dog while on duty or a disabled person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.

VII. Possession of Leash Required

An owner/keeper shall have a leash, as defined above, in his/her possession for each dog, which is off-leash, always, except when the dog or dogs are on the premises of the owner/keeper or other private property if permitted to be there. A leash shall not include an electronic control collar or other device.

~~1. Animals are required to be leashed at all times at the following Town Parks:~~

~~a. Baston Park~~
~~b. Chandler Brook Preserve~~
~~c. Old Town House Park~~

1. Animals are required to be leashed at all times at Baston Park

2. Animals are required to be leashed during certain days at the following Town Parks:

    a. Old Town House Park: Animals are required to be leashed Tuesdays, Thursdays, and Saturdays.
    b. Chandler Brook Preserve: Animals are required to be leashed Mondays, Wednesdays, Fridays, and Sundays. No domestic animals are allowed on the conservation easement located in the North Field.

3. Animals must be under voice control or leashed by the keeper at the following Town Parks:

    a. Wescustogo Park
    b. Sam Ristich Trail
    c. Knight's Pond Preserve

4. No more than three (3) dogs: It shall be unlawful for any person to be on the premises of any Town-owned property while keeping, walking, exercising, controlling, or to otherwise be in custody of more than three (3) dogs.

Town of North Yarmouth
Animal Control Ordinance

VIII. Interference Forbidden

No person shall interfere with, hinder or molest any Police Officer or Animal Control Officer in the performance of any duty of such officer, or seek release of any dog in the custody of a Police Officer or Animal Control Officer, except as herein provided.

IX. Commercial Businesses

Groups or organized groups (profit or non-profit) must obtain **written** permission from the Town Manager for use. **FEE SHALL APPLY.**

A. All town ordinances and state law regarding dogs shall apply to Commercial Businesses.

B. Commercial Businesses shall not have more than six (6) dogs under the control of a single person at any time.

X. Dogs Prohibited During Certain Events

When proper notice has been provided, dogs shall be prohibited. Proper notice shall consist of conspicuously placed signs at the entrances of and shall also consist of notice, posted at least 24 hours prior to the event, on the Town's website.

XI. Grazing Animals

The grazing of animals is not allowed unless the Town Manager grants permission.

XII. Violations and Penalties

A. Any person(s) found in violation of this ordinance shall be subject to a civil penalty of not less than $50 and not more than $250 for the first violation and not less than $100 nor more than $500 for each subsequent offense.

B. All civil penalties collected pursuant to this chapter shall be recovered for the use of the Town of North Yarmouth and deposited in the separate account required by Title 7 of the Maine Revised Statutes.

C. The fine for failure to obtain a dog license shall be $100.

D. A person, not previously convicted of or having paid a waiver fee for a violation under this chapter, may elect to pay a waiver fee of the minimum penalty of $50 specified above in lieu of appearing in court to answer the citation. Such payment must be received by the office of the Town Clerk within seven (7) business days from the date the citation was issued. Upon receipt of such payment by the Town Clerk, the Animal Control Officer or Police Officer shall cause the citation to be dismissed. A person, having been previously convicted of or having paid a waiver fee for a single violation of this chapter, may elect to pay a penalty of $100 in lieu of appearing in court to answer the citation. If a person elects to pay the minimum penalties above in lieu of appearing in court to answer the citation, and if the person is cited for a third or subsequent violation, the civil penalty for the subsequent violation shall not be less than $100 nor more than $500 and must be referred to court.

E. Domestic animals that pose a risk to citizens, other domestic animals, wildlife, or the park infrastructure may be barred from North Yarmouth parks at the Town Manager's discretion. Progressive restrictions may not be warranted.

F. Citizen(s) and or guest(s) of North Yarmouth found in violation of this ordinance may be barred from the use of North Yarmouth parks. Citizens may appeal ordinance enforcement restrictions to the Select Board, through the Town Manager.

ENACTED: _____/_____/_____

Town of
North Yarmouth

SELECT BOARD - PUBLIC HEARING

May 18, 2021

Section III. Public Hearing – Regulations for the Use of Parks and Recreation Areas Ordinance

PRIMARY PROCESS

Open the Hearing - *Move to open the public hearing on the Regulations for the Use of Parks and Recreation Areas Ordinance.* Second, discussion and vote follow.

1. **Presentation/Explanation** - A brief presentation/summary by the Chair is expected.

2. **Public Participation** - The Select Board shall recognize the individuals in the order that they present themselves to the podium. Name and street address should be stated by each individual, making a statement to the Board.

3. **Board Inquiries/Discussions** - After public participation, the Board may further discuss the subject matter if deemed necessary.

4. **Close the Hearing** - *Move to close the public hearing on the Regulations for the Use of Parks and Recreation Areas Ordinance.* Second, discussion and vote follow.

ACTION ITEMS

Move to place the proposed amendments to the Regulations for the Use of Parks and Recreation Areas Ordinance on the June 7, 2021 Special Town Meeting Warrant. **Second, discussion and vote follow.**

Note

This is the third hearing for this proposed ordinance. The previous public hearings took place on March 21, 2020 and February 2, 2021.

TOWN OF NORTH YARMOUTH
REGULATIONS FOR THE USE OF PARKS AND RECREATION AREAS ORDINANCE

SECTION 1: TITLE

1.1 This ordinance shall be known and be cited as the "Regulations for the Use of Parks and Recreation Areas within the Town of North Yarmouth (Town)."

SECTION 2: AUTHORITY

2.1 This ordinance is adopted pursuant to and consistent with Title 30-A M.R.S.~~A.~~ §~~Section~~ 3001: Ordinance Power.

2.2 Town Charter **Article IV § 2d. reads:**~~.~~

d. Parks & Recreation Committee. There shall be a Parks & Recreation Committee consisting of seven (7) members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Parks & Recreation Committee shall expire on June 30th of their expiration year. The Recreation Committee shall elect from its membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year.

(i) The Parks & Recreation Committee shall advise the town and municipal officers on matters of parks and recreation and supervise any parks and recreation programs by the town.

(ii) The Parks & Recreation Committee shall oversee any town property designated as a parks and recreation area by the Select Board and make recommendations to the Select Board regarding its use.

SECTION 3: PURPOSE

3.1 The purpose of this ordinance is to regulate the use of the public parks and recreation areas of the Town so as to preserve these areas for the use of members of the public and to protect these areas from misuse, damage, or destruction.

SECTION 4: DEFINITIONS

4.1 Recreation Area: All lands owned by the Town of North Yarmouth that ~~which~~ allows public access by deed, ~~conservation~~ easement, other rights, Town Meeting vote, action of the Select Board, or common practice.

4.2 Park: A subset of recreation areas; Those recreation areas with Town built infrastructure, outbuildings, etc. and/or established parking lots, existing upon them or associated with them at the time this ordinance is adopted and designated as parks by this ordinance, and those recreation areas subsequently designated as parks by action of the Select Board under Section 11.1.

4.3 ~~Domestic Animal: A domestic animal means any of various non-venomous animals domesticated so as to live and breed in a tame condition. Specific but not limited to dogs, horses, cows, and goats.~~ Contained in proposed Animal Control Ordinance.

~~4.4~~ 4.3 User: A User is defined as a resident of North Yarmouth, Business, Organization or Visitor.

4.4 Smoking: Smoking shall include the inhaling, exhaling, burning, or carrying of any lighted cigarette, cigar, or other tobacco product, marijuana, electronic nicotine delivery system, vaporizer, or any illegal substance.

SECTION 5: DESIGNATED AREAS

5.1 **Parks** - For purposes of establishing rules and regulations, the following areas are designated as parks within the Town of North Yarmouth.

A. Wescustogo Park - All Town owned acreage where New Gloucester Road intersects with the Royal River;

B. Old Town House Park - All Town owned acreage ~~behind the Old Town House on~~ located on Memorial Highway including the boat launch; animals must be leashed ~~at all times~~ Tuesdays, Thursdays, and Saturdays.

C. Baston Park; animals must be leashed at all times,

D. Sharp's Field - Shall be under the immediate direction of the Town Manager~~,~~;

E. The Village Green - Shall be under the immediate direction of the Town Manager~~,~~;

F. Chandler Brook Preserve - animals must be leashed ~~at all times~~ Mondays, Wednesdays, Fridays, and Sundays and domestic animals are not allowed on the conservation easement located in the North Field.

G. Sam Ristich Trail - Those portions of the Sam Ristich Trail that intermix with the properties know as the Public Works Department and Wescustogo Hall & North Yarmouth Community Center; animals shall be under voice control or leashed, ~~Portion of Public Work's property bordered by Parsonage Road;~~

~~H. Former North Yarmouth Memorial School - Those portions of the Sam Ristich Trail that intermix with the property;~~

~~G~~. H. Knight's Pond Preserve - Specifically the North Yarmouth portion in cooperation with the Joint Standing Committee and the Town of Cumberland. The Royal River Conservation Trust (RRCT) was granted an easement across the parcel owned by the Town and is an integral part of the trail management; animals shall be under voice control or leashed.

5.2 **Recreation Areas -** For purposes of establishing rules and regulations, the following areas are designated as recreation areas within the Town of North Yarmouth at the time of adoption of this ordinance:

A. Eleanor Hayes Town Forest: East and West side of Memorial Highway; animals shall be under voice control or leashed.

B. Deer Brook Forest: All ~~Town~~ Town-owned land adjacent to Wild Turkey Lane.

SECTION 6: HOURS OF OPERATION

6.1 All Town Parks shall be open to the public only between ~~the hours of 5:00 A.M.~~dawn and ~~9:00 P.M.~~ dusk unless otherwise stated in this ordinance. No person shall be present in the parks outside of these hours without the permission of the Public Works Director or Town Manager.

6.2 Closures: Any park or section of any park may be declared closed to the public by the Public Works Director, the Town Manager or the Select Board for any interval of time, and notice of such will be posted at the entrance of the park.

SECTION 7: TOWN DEPARTMENT OR TOWN CONTRACTED WORK

7.1 All Town departments or Town contracted work projects that occur in the park and recreation areas are exempt from Sections 6 and 11 of this Ordinance.

SECTION 8: DOMESTIC ANIMALS IN PARKS

8.1 North Yarmouth Parks are for the enjoyment of North Yarmouth citizens and their guests. It is the goal of NY that citizens can bring domestic animals to our parks for their owners' enjoyment and the animal. Priority shall always be given to citizens, wildlife, and the parks themselves. The rules and regulations of town parks and animal control are outlined in the North Yarmouth Animal Control Ordinance. Citizens ~~should be able~~are encouraged to address issues between themselves using the rules~~,~~ but may ~~refer disputes~~report complaints to the Animal Control Officer or Town Manager.

8.2 ~~Commercial businesses, groups, or organized groups (profit or non-profit) must obtain permission from Town Manager for use. Fee shall apply.~~ Contained in proposed Animal Control Ordinance.

8.3 ~~All domestic animals must be under the control of owners, leash, harness or immediate voice recall.~~ Contained in proposed Animal Control Ordinance.

8.4 ~~Any user must leash and or harness their domestic animal if requested to do so by another user.~~ Contained in proposed Animal Control Ordinance.

8.5 ~~All users shall clean up after their domestic animal.~~ Contained in proposed Animal Control Ordinance.

8.6 ~~Domestic animals shall not harass wildlife, the user shall leash and or harness their animal if this occurs~~ Contained in proposed Animal Control Ordinance.~~.~~

8.7 ~~Damage to Parks by domestic animals shall be repaired by user or charged to user by Town.~~ Contained in proposed Animal Control Ordinance.

8.8 ~~Domestic animals that pose risk to citizens, other domestic animals, wildlife, or the park infrastructure can and will be barred from NY parks at the Town Manager's discretion. Progressive restrictions may not be warranted.~~ Contained in proposed Animal Control Ordinance.

8.9 ~~Grazing of animals is not allowed unless permission is granted by the Town Manager in conjunction with a weed control program or other conservation effort~~. Contained in proposed Animal Control Ordinance.

8.10 ~~Organized town events take precedence over domestic animal use, specifically off leash or harness use.~~ Contained in proposed Animal Control Ordinance.

8.11 ~~Where allowed, hunting will not be curtailed in favor of domestic animal use. State law shall apply to users deliberately impeding a legal hunt.~~ SEE SECTION 10.3 of this ordinance.

8.12 ~~These rule apply to all users. Citizens and guests of NY may be subject to being barred from the use of NY parks. Citizens may appeal restrictions to the Select Board, through the Town Manager.~~ Contained in proposed Animal Control Ordinance.

SECTION 9: PROHIBITED USES

9.1 Littering: No person shall deposit any waste material in a park or recreation area, except in the receptacles so provided. Where receptacles are not provided, all such waste shall be carried away from the park or recreation area by the person or persons generating the waste.

9.2 Camping ~~Prohibited:~~ No person or groups of persons shall use any park or recreation area in the Town of North Yarmouth for the purpose of overnight camping or either as a temporary or permanent abode of habitation without the written approval of the Town Manager.

~~**Exception:** After review by the Town Manager and with the written permission of the Town's Code Enforcement Officer, non-profit groups are allowed to use a park or recreation area for overnight camping for a period of time not to exceed five (5) days only if the chosen camping area will not be located in a Resource Protection or Shoreland Zoning District.~~

9.3 Alcoholic Beverages: No person shall consume or possess alcoholic beverages in a park or recreation area.

9.4 Fires: No person shall build a fire in a park or recreation area, except as authorized by the Fire Rescue Chief and Town Manager as part of a special event.

9.5 On-site Sales: No person may offer for sale any food or merchandise within any park property without permission from the Town Manager.

9.6 Discharge of Firearms: The discharge of any firearms for target practice on any park or recreation area is prohibited.

9.7 Smoking: For the good health, quality of life and promotion of healthy activities for residents and visitors of North Yarmouth, as well as the protection of safe recreational areas and the

enjoyment of outdoor scenery, no person shall smoke or use any tobacco or marijuana product, including but not limited to cigarettes, cigars, electronic nicotine delivery systems and chewing tobacco, on, in, or within twenty-five (25) feet of town-owned parks and recreational properties.

All tobacco products and electronic nicotine delivery systems listed in this article are prohibited on, in, or within twenty-five (25) feet of town-owned parks and recreational properties 24 hours a day, 365 days per year. Disposal of such tobacco litter is also prohibited.

A notice of prohibition of smoking and vaping shall be clearly posted in key areas in every location where smoking and vaping is prohibited by this article.

SECTION 10: HUNTING & TRAPPING

10.1 At the time of the ordinance adoption, there are existing designations of park and recreation areas that allow or disallow hunting and trapping by deed easement and/or restrictions. These designations will supersede language in this ordinance and are as follows:

A. Chandler Brook Preserve - Per the Chandler Brook Conservation Easement dated August 10, 2004 hunting is permitted. Maine State Hunting Laws apply.

B. Town Forest - Maine State Hunting Laws apply.

C. Old Town House Park - Limited to the months of November and May

1. Hunting in Old Town House Park shall be by **Permission Only.**

2. Any person may seek and receive permission to hunt in Old Town House Park by registration and application through the North Yarmouth Town Office. The Town Office authorized personnel shall issue to each applicant a **Hunter Permission Card** to evidence that permission has been granted by the Town of North Yarmouth for the season indicated on the card. Hunters must register each year separately for each fall and/or spring season. Hunting in Old Town House Park shall follow State dates for hunting deer and turkey only. The Permission Form is not transferable to any other person or party and must be carried on the person to whom it was issued. Every person, including children, hunting or in a hunting party must be separately registered.

3. Issuance of the Permission Form shall be subject to the following terms and agreements:

a) The applicant/hunter shall complete and sign a **Hunter Permission Form** to evidence that he/she has read the terms and conditions of permission and agrees to abide thereby.

b) The applicant shall possess a valid State of Maine hunting license and agrees to abide by all applicable hunting laws and regulations and applicable local ordinances and park rules.

~~a)~~c) The applicant shall limit hunting and discharge of firearms to shotgun use and bow hunting only. Stands and hunting cameras are not authorized.

d) The applicant shall carry the issued **Hunter Permission Card** on his/her person at all times while hunting at Old Town House Park and shall present the card upon request to any state or local game or law enforcement party or any agent of the Town of North Yarmouth.

e) The hunter agrees to report to the North Yarmouth Town Office by the earliest practical means any observations of illegal hunting, vandalism, unsafe or unsanitary conditions or activities, or any conditions or activities that damage or threaten the environment.

10.2 Should any park or recreation area have no such designation as referenced in Section 8.1, then the Select Board, following Section 12.1, shall establish for each park and recreation area a hunting and or trapping designation as defined in Section 12.

10.3 Where allowed, hunting will not be curtailed in favor of domestic animal use. State law shall apply to users deliberately impeding a legal hunt.

SECTION 11: VEHICLE OPERATION

11.1 State Law Applies – All provisions of state law relating to the operation of motor vehicles shall apply within Town parks.

11.2 Use Areas – No person shall operate any vehicle in a park on any areas except a public way, park road, parking area, and any other areas specifically designated by the Town.

11.3 Night Parking Prohibited – A person shall not leave a vehicle, construction equipment or construction materials standing or parked at night in a park after closing hours, without written permission from the Town Manager. Any vehicle found in a park after closing hours will be removed and stored at the expense of the owner.

11.4 Restricted Vehicles – ~~All~~ All-terrain vehicles (ATVs) and motorized dirt bikes are not allowed in any of the park areas.

SECTION 12: SELECT BOARD PROVISIONS

12.1 The Select Board upon 1) receiving written recommendations from the Parks & Recreation Committee; 2) posting required notice; 3) completing a public hearing; shall have the authority:

A. To designate “parks” and “recreation areas” as a property is acquired or located within the boundaries of the Town.

B. To modify rules and regulations referenced in Section 6, Section 9, and Section 11.4

C. To establish for each park and recreation area not previously designated by Section 9.1 a hunting and or trapping designation.

D. To establish procedures for the use and regulation of all park and recreation areas at least once annually.

12.2 When establishing or modifying rules, regulations, designations or procedures, the Select Board shall attempt to accomplish the following purposes:

A. To assure safe and healthful conditions on all park and recreation areas;

B. To promote peaceful and considerate public use and enjoyment of the parks and recreation areas;

C. To minimize any nuisance, disturbance, interference, or safety concerns on adjoining or nearby lands;

D. To protect or enhance the scenic, recreational and environmental value of the property and to prevent erosion, unreasonable disturbance of natural habitat and wildlife, and to prevent pollution;

E. To allocate the limited use of time and space fairly and equitably among various persons or groups seeking the use of the parks and recreation areas;

F. To provide for efficient care and maintenance of all park and recreation areas.

SECTION 13: DEFINED GATHERINGS OR ACTIVITIES

13.1 Town Parks shall be available to the public for purposes of defined gatherings or recreational activities for specific date(s). Such requests will require approved permissions from town officials and the Town Manager. Town officials shall mean the Parks & Recreation Committee and the Select Board. Examples of these types of events would be weddings, family reunions, and organized recreation competitions. A fee for these events will apply. Town committee events are exempt from these fees.

SECTION ~~13~~14: PENALTY

~~13~~14.1 Any person or persons found in violation of any provision of this ordinance shall be punished by restitution and/or a fine~~penalized punished by a fine per for~~ of not more than One Hundred dollars ($100) per offense to be recovered on complaint for the use of the Town. ~~each offense to be recovered on the complaint for the use of by the Town. The Town shall seek restitution from any person or persons responsible for damage to Town property in addition to said fine of not more than One Hundred dollars ($100) per offense to be recovered on complaint for the use of the Town.~~

ADOPTED: June 18, 2011
AMENDED: April 8, 2017
AMENDED: TBD

Town of
North Yarmouth

SELECT BOARD - PUBLIC HEARING

May 18, 2021

Section IV. Public Hearing – Roadway Ordinance

PRIMARY PROCESS

Open the Hearing - *Move to open the public hearing on the Roadway Ordinance.* Second, discussion and vote follow.

1. **Presentation/Explanation** - A brief presentation/summary by the Chair is expected.

2. **Public Participation** - The Select Board shall recognize the individuals in the order that they present themselves to the podium. Name and street address should be stated by each individual, making a statement to the Board.

3. **Board Inquiries/Discussions** - After public participation, the Board may further discuss the subject matter if deemed necessary.

4. **Close the Hearing** - *Move to close the public hearing on the Roadway Ordinance.* Second, discussion and vote follow.

ACTION ITEMS

Move to amend the Roadway Ordinance, as presented. **Second, discussion and vote follow.**

NOTE

Maine State Statue Title 30-A § 3009 gives the authority to the Select Board to amend the Roadway Ordinance after a public hearing is held.

Town of North Yarmouth

ROADWAY ORDINANCE

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SECTION 1: TITLE

1.1 Ordinance

This Ordinance shall be known and be cited as the Roadway Ordinance ("Ordinance") within the Town of North Yarmouth ("Town").

SECTION 2: PURPOSE

2.1 Purpose

This Ordinance is intended to assure the safety, health, welfare, comfort, and convenience of North Yarmouth citizens by regulating the movement and parking of motor vehicles on public ways. To include building and constructing, accepting, maintaining, and working in the right of way of public roads within the boundaries of the Town.

SECTION 3: GENERAL PROVISIONS

3.1 Exclusive Authority

The municipal officers have the exclusive authority to enact and amend all traffic ordinances in the municipality, subject to the following provisions in Title 30-A M.R.S. § 3009.

3.2 Administration

The Road Commissioner or his or her designee shall administer this Ordinance. The Code Enforcement Office shall issue applications and permits.

3.3 Enforcement

This Ordinance is enacted pursuant to Title 30-A M.R.S. § 3001-3009 and Title 29 M.R.S. § 1111. This Ordinance can be enforced by any authorized law enforcement officer of the Cumberland County Sheriff's Office, Maine State Police, or other contracted law enforcement officer for the Town of North Yarmouth. Any fees or fines collected by the district court shall be recoverable for the use by the Town of North Yarmouth. All state of Maine traffic laws are now incorporated herein by reference. No person shall violate any motor vehicle law of the state within the Town of North Yarmouth.

3.4 Appeals

All decisions of the Road Commissioner, Fire Rescue Chief, Code Enforcement Officer, and Planning Board, pursuant to this Ordinance, may be appealed by any aggrieved party to the Board of Appeals within thirty (30) days in accordance with the provisions of the Board of Appeals. The Board of Appeals shall have the authority to grant a variance from the terms of this Ordinance, where necessary to avoid undue hardship, provided there is no substantial departure from the intent of this Ordinance.

3.5 Conflicts with Other Requirements

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other regulation, permit, ordinance, or statute. Where this Ordinance imposes a higher restriction upon the use of land or structures, the provisions of this Ordinance shall control. This Ordinance supersedes the Traffic and Parking Ordinance, Vehicle Weight Ordinance, the Winter Snow Ordinance, Road Naming and Property Naming Ordinance, and the Roadway Criteria and Specification Policy enacted by the Town of North Yarmouth.

3.6 Severability

If any portion of this Ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: PARKING AND TRAFFIC CONTROL

4.1 Town Way

A Town Way shall mean an area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle, bicycle, and walking; and all town or county ways not discontinued or abandoned before the effective date of this Ordinance.

4.2 Parking Time Limits – Village District Area

Parking in the Village District is limited to four (4) hours, in any on street municipal parking spaces. Time limited to four (4) hours from arrival to a municipal on street parking space to when the vehicle must be moved.

A. Memorial Highway (Rte. 9) from Parsonage Road to Walnut Hill Road (Rte. 115)

B. Walnut Hill Road (Rte. 115) from Parsonage Road to Pea Lane

C. Cumberland Road (Rte. 9) from Pea Lane to Walnut Hill Road

D. Pea Lane from Walnut Hill Road (Rte. 115) to Cumberland Road (Rte.9)

E. Parsonage Road from Memorial Highway (Rte. 9) to Walnut Hill Road (Rte. 115)

F. ~~Dalmatian Drive~~ The area between the Fire Rescue Facility and the Village Green from Walnut Hill Road (Rte. 115) to Memorial Highway (Rte. 9)

4.3 Authority to Place a Temporary Traffic Control Device

The Fire Rescue Chief, Road Commissioner or other law enforcement agency acting for the Town, are authorized to place temporary, no parking signs, detour signs, and or to route traffic by personnel of the Town, in circumstances of emergency or congestion such as but not limited to, fires, accidents, natural disaster, funerals, church services, parades, sporting events, road maintenance or where a private business location requires directional control for public safety and convenience during a fire, accident, emergency, or special event. A Police Officer, Fire

Rescue Chief, or Road Commissioner may temporally close a road or way to vehicular traffic or of vehicles of a specific description or divert pedestrian or vehicular traffic.

4.4 Prohibitions

A. Prohibited Parking: No person shall stand or park a vehicle upon any street, road, or way for the principal purpose of displaying for sale, washing, greasing, or repairing such vehicle except for repairs necessitated by an emergency. Or for the sale of any personal property, or for the exercise of any business, profession, or calling.

B. Stopping, Standing, or Parking-Prohibited at Specific Locations: No person shall stop, stand, or park a vehicle in any of the places listed below. Nor shall any person move a vehicle not owned by themselves into any said locations, except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer, Fire Rescue personnel, or other authorized person or traffic control device.

1. In front of a public or private driveway.

2. Within thirty (30) feet of the radius of an intersection.

3. Within ten (10) feet of a fire hydrant.

4. Within thirty (30) feet upon the approach to any flashing beacon, stop sign or other traffic control signal located at the side of the road.

5. Within thirty (30) feet of the Fire Rescue Station driveway entrance or on the opposite side of the street from same.

6. Within fifty (50) feet of Public Works Way and on the opposite side of the road of the entrance.

7. Alongside any street excavation or obstruction when such stopping standing or parking would obstruct traffic.

8. Upon any bridge, causeway, elevated structure, or areas protected by guard rails without a six (6) foot wide shoulder suitable for parking.

9. Any place where official signs prohibiting parking, stopping, or standing.

10. Within any designated Fire Lane in parking lots, whether private or public owned.

11. No person shall place, maintain, display upon, or in view of any road, street or highway any unauthorized sign, signal, marking or device which purports to be, or is imitation of, or resembles an official traffic control device, sign, or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device, sign or signal. And no person shall place or maintain any traffic signal, sign or device bearing thereon, any commercial advertising.

12. No person shall attempt to, or, in fact alter, deface, injure, knock down, add too, or remove any official traffic control device.

C. Obstructing Traffic: No person shall place, unauthorized signs, cones or barricades, other than required for utility or road maintenances as required by the Manual on Uniform Traffic Control Devices "MUTCD", rocks, stones, snow, ice, brush, limbs, lawn debris, grass clippings, leaves, dig or destroy the traveling service or right of way in the attempt to obstruct traffic on any town road, street or way and leaves the obstruction there. Fines will be assessed per the Fee Schedule Ordinance.

D. Snow Accumulation: No parking is allowed when the road lane width is decreased by reason of snow accumulation, or by any other reason, to less than eleven (11) feet. The Road Commissioner is authorized to prescribe temporary traffic and parking regulations and to place any traffic control devices as may be necessary to give notice to of such regulations.

E. Snow Removal Emergency Periods: The period beginning October 15th to April 15th is hereby declared to be a snow removal emergency period. During this period, no vehicle shall be parked in such a manner as to hinder the plowing or removal of snow from the roads, streets and ways. Nor shall any overnight parking be allowed. The Road Commissioner shall place temporary public notice of no parking in the Village District area designated parking areas prior to snow removal operations, to include notifications through the Town website and other public notice systems.

F. Obstructing/Traveling on Sidewalks: Riding of snowmobiles and ATVs is prohibited on Town plowed sidewalks nor shall any motor vehicle in any way block, park, stand, or obstruct any Town sidewalk except for Town municipal vehicles or agents of the Town in conjunction with maintenance activities.

G. Through Traffic of Motorized Vehicles Prohibited: Through traffic by motorized vehicles, and trucks over 23,000 pounds GVW (Gross Vehicle Weight) shall be prohibited or restricted on all town roads, streets, and ways as listed:

1. ~~Dalmatian Drive~~ Area between the Fire Rescue Facility and the Village Green: Through traffic is prohibited from traveling either direction from Walnut Hill Road (RTE 115) to Memorial Highway (RTE 9) by using ~~Dalmatian Drive~~ the area between the Fire Rescue Facility and the Village Green ~~(Fire Rescue Facility).~~ All public use of the Fire Rescue Facility from the bayside driveway is prohibited; use is permitted by first responders and emergency vehicles only. The rear driveway area is public use, as regulated by signs.

2. Walnut Hill Cemetery: Through traffic through the Walnut Hill Cemetery from Walnut Hill Road to Parsonage Road, access from the Public Works Facility, in either direction, is prohibited.

4.5 No Parking Locations

3. Routes 115 and 231 (Walnut Hill Road, New Gloucester Road, Gray Road): Intersection area, 500 feet from intersection both sides of street.

4. Route 115 (Walnut Hill Road) from Parsonage Road intersection to Pea Lane intersection: Both sides of road, to exclude authorized on street parking areas.

5. The Lane: 500 feet from intersection of Route 115 (Walnut Hill Road) area of 95 The Lane (Skyline Farm), no parking both sides.

6. Route 9 (Hallowell Road): Area of 262 Hallowell Road (Northern Lights Auction Hall) opposite side of the road.

7. Route 9 (Memorial Highway): Sweetser Road intersection to Walnut Hill Road intersection to exclude authorized on street parking areas to both sides of the highway.

8. Route 9 (Cumberland Road): Pea Lane to intersection of Walnut Hill Road to exclude authorized on street parking areas.

9. Route 231 (New Gloucester Road): Area of 712 New Gloucester Road (Gallants Garage) opposite side of road.

10. Sligo Road - area of 925: Toddy Brook Golf Course. No parking both sides of road.

11. Parsonage Road: Area of Wescustogo Hall & Community Center and the Town baseball field. No parking opposite side of road.

12. Public Works Way: No parking within 50 feet of Public Works Way on both sides of the road. Exception - Parking on the right side of street closest to ball field.

13. Route 115 (Walnut Hill Road): Area of 137 Walnut Hill Road (Toots Ice Cream). No parking opposite side of Road.

14. Route 115 (Walnut Hill Road): Area of 655 Walnut Hill Road. No parking either side of road.

15. Route 115 (Walnut Hill Road) Route 9 (Memorial Highway): Area of the Fire Rescue Facility. No parking near entrance or exits of public safety building.

4.6 Road Closure for Specially Planned Events – Private Construction, Parades, Bike Races, Festivals, Fairs, and any other approved event:

Any road closures requested by Town committees or private organizations for special preplanned events must have a road closure plan and permit. The permit is available at the Code Office; all town roads, streets, or ways requested to be closed shall have a closure plan reviewed by the Fire Rescue Chief, Cumberland County Sheriff's Office, Code Enforcement Officer, Town Manager, and Road Commissioner. The closure plan will include a "plan of action" - dates, times, specific time to set up and removal of signage, and an explanation of how emergencies will be handled. A traffic control plan is part of the closure plan. The traffic control plan should ensure the safety of all road users, motorists, bicyclists, and pedestrians, including

those with disabilities - specifics of trained personnel who will be needed to oversee both on-site traffic and any detour traffic.
Detour signs will be required for any road closures lasting more than twenty (20) minutes. Changeable message signs may be requested for closures lasting more than sixty (60) minutes.

Public notification must take place with one (1) local media source, the Town Office, and signs with times and dates about the closure, to the road using public at least fourteen (14) days before the road closure, and is the responsibility of the organization sponsoring the event.

Any road closures for preplanned special events that will affect Routes 9, 115, 231, and the North Road from Route 9 to the Yarmouth town line will need a closure plan that must be approved by the Maine Department of Transportation "MDOT". Contact the MDOT (Scarborough Office).

4.7 Stop Signs

A. Obedience to Stop Signs: The operator of any vehicle shall bring such a vehicle to a full stop immediately before entering or crossing an intersection at which a stop sign has been erected. Yielding the right of way to all pedestrians or vehicles approaching from either direction on the intersecting street. Whenever a Police Officer, Public Safety or trained Flagger is stationed at such an intersection, they have the right to regulate the traffic threat.

B. Placement of Stop Signs: Placement of stop signs will be as directed by the Road Commissioner and or Town Manager and approved by the Select Board.

C. Stop Signs on Private Roads with more than three (3) Addresses Assigned: A stop sign will be posted at the intersection of any private street, road, or way that has more than three (3) addresses assigned. The Road Association shall have the responsibility to maintain and replace the stop sign as needed. The Town may replace signs and posts as needed, the cost to be assumed by the Road Association. The Town will replace only with standard u-channel metal post systems. All stop signs posted by the Town or private party MUST meet MUTCD requirements.

D. Stop Signs will Regulate Traffic Entering a Public Road: Stop sign shall meet MUTCD requirements, R1-1, 24 x24 engineer-grade reflectivity on an aluminum sheet at a minimum. Sign to be mounted on a post that shall have a breakaway system to prevent a "fix deadly object," as defined in Title 23 M.R.S. §1401-A. If the signpost is struck by a vehicle, it must easily break away. 4X4 wooden post, two (2) inches or less round in diameter steel or aluminum pipe, or standard u-channel metal signposts with breakaway systems are acceptable. Signpost shall support 911 street identification signs if appropriate for the location.

E. Temporary Work Zone Stop Signs: The operator of any vehicle shall bring such a vehicle to a full stop immediately before entering such a work zone that a temporary stop sign or signal has been placed. Said vehicle operator shall proceed as directed by a flagger or posted sign. Temporary stop signs shall be preceded by a work zone signs such as "Work Area", "One-Lane Road", and/or "Be Prepared to Stop and Stop ahead". Stop signs may also have a "Proceed When Clear" sign.

4.8 Special Road Warning Signs

A special road warning sign can be for, but is not limited to, an autistic child, a handicap child, children playing, a specific animal type crossing, blind driveways, etc. A person or organization may request a special road warning sign to be posted, however, it shall be the sole discretion of the Road Commissioner if the sign can be placed in the right of way and has a reasonable need to exist. All signs must comply with MUTCD. All sign instillations shall be paid for by the requesting party to include 811 dig safe marking, sign, post, and labor. Only the North Yarmouth Public Works Department shall install signs in the right of way within the boundaries of North Yarmouth, no exceptions.

4.9 Temporary One-Way Streets

In the event of an emergency which would endanger the safety, health, and welfare of the inhabitants of North Yarmouth or property located herein shall require one-way traffic for the avoidance of congestion; temporary one-way streets shall be established. Public Safety agencies/officers acting for the Town, the Fire Rescue Chief, Road Commissioner, and or the Town Manager shall have the power to designate town roads, streets, ways or parts of roads, streets, or ways subject to one-way traffic. This designation shall only be temporary and effective only when signs are conspicuously placed on or around the entrances and exits of the affected areas. Such signs shall be removed at the termination of the emergency. In addition to the emergency conditions above, the following occasions shall be acceptable for the application of the above authority on a preplanned basis:

A. Any event, meeting, or occurrence attracting or likely to attract a large number of persons.

B. Any excavation, construction, or other repair activities to roads, streets, ways, or bridges.

4.10 911 Street Identification Signs

Any public or private road, street, or way, assigned a name under the Street Naming and House Numbering System for 911 emergency reporting, shall have a sign placed at any intersection of a road, street, or way of a different name. Signs shall be reflective at a minimum of engineer-grade, nine (9) inch flat aluminum.

A. Public Streets: Green background with white letters.

B. Private Roads: White background with green letters.

There are no exceptions. It will be the Town's responsibility to place and maintain posts and signs - cost to be borne by Road Association. The Code Enforcement Officer will administer 911 street identification signs with the review of Fire Rescue Chief. The Public Works Department will conduct the fieldwork for placement.

4.11 Naming of Roads, Streets, and Ways

All newly constructed roads, streets, or ways, public or private, and road, street or way name changes to existing named roads, public or private, shall follow the 911 emergency reporting guidelines for addresses as administered by the 911 GIS Coordinator, Public Utilities Commission, and Emergency Service Communication Bureau. All street names must be approved by the Town Manager, Code Enforcement Officer, Fire/Rescue Chief, and Road Commissioner.

A. New Town Owned and Maintained Roads: Any new road built or created by the Town or new roads presented by developers for Town acceptance with a proposed name, will be reviewed by the Code Enforcement Officer, Fire Rescue Chief, and the Road Commissioner. The Town Manager will review and present the proposal and recommendations to the Select Board for consideration to be voted on at a Town Meeting.

B. Road Name Changes (private): Current private road name changes must pass the 911 GIS system, have good cause, and all abutters to the right of way of the private road, street, or way, must sign off in agreement. Furthermore, the agreement must have approval from the Code Enforcement Officer, Fire Rescue Chief, and Road Commissioner before the agreement is finalized by the Select Board.

C. Road Name Changes (public): Current public road name changes must pass the 911 GIS system, Fire Rescue Chief, Code Enforcement Officer, Road Commissioner, and must be petitioned, have good cause, and signed with 10% of the registered voters from the last gubernational election. The petition will then be verified by the Town Clerk and Town Manager before being presented to the Select Board. The Select Board must hold a public hearing on the proposed name change before voting to accept (or refuse) the change.

D. Road Number Assignment: The assignment of numbers to properties, both on existing and proposed roads, shall be the responsibility of the Code Enforcement Officer or his or her designee. Each residence and business property shall have a number indicating its position on the street on which it is located.

    1. Compliance: All owners of structures shall display and maintain in a conspicuous place on said structure the assigned number(s) in the following manner.

        a. Within sixty (60) days of written notice from the Town that a number has been assigned to a dwelling, place of business, or building, the owner, occupant, or person in charge shall display the assigned number on the exterior of the dwelling, place of business or building or in some other location on the premises, so that the number is conspicuous and legible from the road.

        b. The number must be made of reflective materials and contrast with the background materials and colors, and be a minimum of four (4) inches high.

c. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number given in conformance with this ordinance and Emergency 911 regulations.

d. On new roads, the owner shall install road signs before any permits being issued by the Code Enforcement Officer for anything relating to that road or relevant development.

e. The owner shall install numbers on new structures before the Code Enforcement Officer issues an occupancy permit.

2. Enforcement: Any person, firm, or in the case of a corporation or association, any violation of these provisions shall be subject to a fine for each offense, and each day such violation exists shall constitute a separate offense.

4.12 Speed Limits

All speed limits on state, state aid, and municipal roads within the boundaries of the Town of North Yarmouth are established and controlled by Maine State Law. (Title 29-A M.R.S. § 2073 § 1 & Title 29-A § 2075 § 3)

SECTION 5: WEIGHT REGULATIONS

The following rules regulate the weight of individual vehicles on town-maintained roads. The restrictions imposed prevent safety hazards and damage to the roads. Any reference to a Title and § of a Maine Revised Statutes ("M.R.S.") shall include any amendments, whenever enacted, to the reference title and § unless the amendments support a result that is inconsistent with the purposes of this Ordinance, in which case the amendments shall be disregarded.

5.1 Gross Weight

Gross Weight shall mean the total weight of the vehicle and its load. A vehicle and any attached trailer or semi-trailer shall be considered one vehicle for purposes of determining gross weight. The empty vehicle weight, as stated by the manufacturer, shall also be determining evidence of a violation of this Ordinance.

5.2 Seasonal Road Restrictions

When signs are erected, and prior notice with a list of affected roads are given to the public, no person shall operate any vehicle or combination of vehicles with a gross vehicle weight over 23,000 pounds, pursuant to Title 29-A M.R.S. § 2395 and the provisions of this Ordinance. Signs erected to give notice of seasonal closing shall be conspicuously posted at each end of the designated section or way. They shall specify the section or way affected, the periods for closing, and applicable restrictions and exemptions.

The Road Commissioner or Town Manager, at their sole discretion, may issue an exemption permit to suspend the seasonal road restriction if the road is solidly frozen to the extent necessary to allow overweight vehicles to use without damage.

The Road Commissioner or Town Manager, at their sole discretion, may suspend the seasonal road restriction before the advertised end date when the road is safe to resume heavyweight traffic. The Road Commissioner or Town Manager shall notify the public of the suspension of the seasonal weight restrictions.

Road postings include **ALL** town-maintained roads and ways that are posted each season. Exception: North Road between Route 9 and Route 231.

5.3 Emergency Road Restrictions

If the Road Commissioner or Town Manager determines that an emergency exists, which required the immediate enactment or removal of a restriction, alteration, or amendment, they may enact the necessary limitation, modification, or modification without notice and public hearing.

Enactment shall be valid as soon as signs are erected giving notice.

Any restriction, alteration, or amendment enacted or removed as an emergency measure shall only remain in effect for twenty (20) days or less from the date signs are erected.

5.4 Permanent Road Restrictions

Any permanent restriction, amendment or removal of a limitation proposed by the municipal officers pursuant to this Ordinance shall be enacted after public notice and a public hearing.

A. Roads with permanent weight restriction are as follows:

1. Lufkin Road - New Gloucester Road (Route 231) to end. Weight restricted to 23,000 pounds.

2. Mountfort Road - Hallowell Road (Route 9) to the Town of Yarmouth town line. Weight restricted to 23,000 pounds.

5.5 Exempt Vehicles

The following vehicles are exempt from this Ordinance:

A. Any vehicle engaged in road maintenance under the direction of the municipality.

B. Authorized emergency vehicles, as defined in Title 29-A M.R.S. § 2054.

C. School buses.

D. A wrecker towing a disabled vehicle of legal weight from a posted road.

E. Vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.

F. Any two-axle vehicle registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any particular commodities, as defined in the Maine Department of Transportation ("MDOT") rules:

1. Home Heating Fuel
2. Petroleum Products
3. Groceries
4. Bulk Milk
5. Bulk Feed
6. Solid Waste
7. Animal Bedding
8. Returnable Beverage Containers
9. Sewage from Private Septic Tanks or Porta-Potties
10. Medical Gasses
11. U.S. Mail

G. Any vehicle or special equipment operating with an exemption permit from the Town of North Yarmouth.

H. Any vehicle or combination of a vehicle registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. A current dated weight scale ticket must accompany the vehicle.

I. Town contracted rubbish packers engaged in servicing residencies for the removal of household waste/recycling curbside only. This exemption is not to include waste from the demolition of buildings, land clearing or other waste generating activities.

SECTION 6: ROAD ACCEPTANCE

6.1 Town Acceptance of Roads - New construction and existing private roads petition procedure.

A. Outline submittal of proposed Road Permit Application and Town Road Acceptance petition to the Road Commissioner, Code Enforcement Officer, and Town Manager. All costs associated with the Town Road Acceptance petition will be the responsibility of the petition. Only paved road will be considered.

B. Site visit by Road Commissioner and Code Enforcement Officer.

C. Planning Board review of application.

D. Road Permit granted (if applicable).

E. Road constructed and inspected.

F. Engineer certification (If applicable).

G. Certificate of Compliance by the Road Commissioner, Code Enforcement Officer, and Planning Board.

H. Town Road Acceptance petition to Town Manager for Select Board review and warrant assignment.

I. Town Meeting vote on petition.

6.2 Review by Road Commissioner, Fire Rescue Chief, Code Enforcement Officer, and Planning Board

The petitioner begins by submitting four (4) copies of both the Road Permit Application and Town Road Acceptance petition to the Road Commissioner, Code Enforcement Officer, Planning Board, and Town Manager.

The Town Road Acceptance petition must submit an acceptable legal description of the property that the owner intends to dedicate to the Town for highway purposes, which affirms that the owner waives any claim for damages. If within a subdivision, the dedication must record the plan filed with the Cumberland County Registry of Deeds. The submittal must also indicate whether the commitment is for full title or a public easement.

To be considered at a meeting of the Planning Board, both the Road Permit Application and Town Road Acceptance petition must be filed at least fifteen (15) days prior to the meeting. The Road Commissioner, Fire Rescue Chief, and Code Enforcement Officer will conduct a review and or site visit per the private road application but shall not issue a permit until the Planning Board has had an opportunity to review the Road Permit Application and Town Road Acceptance petition. The Road Commissioner, Code Enforcement Officer, and petitioner shall attend the Planning Board meeting in which the application is considered.

The Road Commissioner shall make a recommendation as to whether the proposed road or road plans appear to satisfy the Ordinance for a road to be accepted by the Town. The Planning Board shall review the application for completeness. When the application is considered complete, the Road Commissioner and Planning Board shall jointly issue a road permit for the construction of a new road or alteration of an existing way to meet designated standards. If either party refuses to sign the road permit, the permit shall be considered denied. The applicant may appeal the decision to the North Yarmouth Board of Appeals.

6.3 Town Road Acceptance Petition Delivered to Select Board

After obtaining the Certificate of Compliance, the petitioner shall file a Town Road Acceptance Petition with the Town Manager for Select Board review and warrant assignment. This procedure is otherwise as directed in Title 23 M.R.S. § 3025. The requirements for the petition, which must be originally filed with the Road Commissioner, Code Enforcement Officer, and Town Manager are outlined in section 6.4.

After receiving a public dedication for a road that has been issued a Certificate of Compliance, the Select Board shall prepare an appropriate warrant article for a town meeting asking whether the town wishes to accept the dedication. The article will specify whether the commitment is for a public easement or town way.

The Select Board may also initiate purchase and acceptance of a road they wish to layout as a town way, requiring the authorization of funds in addition to approval at a town meeting.

6.4 Required Information for Road Acceptance Petition Submission

A. All information required for a Road Permit Application, is outlined in Section 7 of this Ordinance.

B. Classification of the proposed road (through road, minor road, dead-end road).

C. Description of all road safety and identification signs meeting the Manual on Uniform Traffic Control Devices ("MUTCD") and Town standards is to be provided.

D. Description of any ongoing or future costs associated with proposed road, such as the number of catch basins, streetlights, mowing of open spaces included with acceptance, road paint striping, etc.

E. Description of how the road will be maintained before acceptance, or history of maintenance if on an existing roadway.

F. All road plans, profiles, and cross-sections shall be prepared by a professional engineer, registered in the State of Maine.

G. For existing roads, that original as-built plans cannot be located, a report with test borings and surveys with pins situated, must be prepared by a professional engineer, registered in the State of Maine, as to how the road was laid out and constructed.

6.5 Conditions for Certificate of Compliance

A. All road permit requirements of Section 7 plus the following:
B. Construction Standards Minimum Requirements.

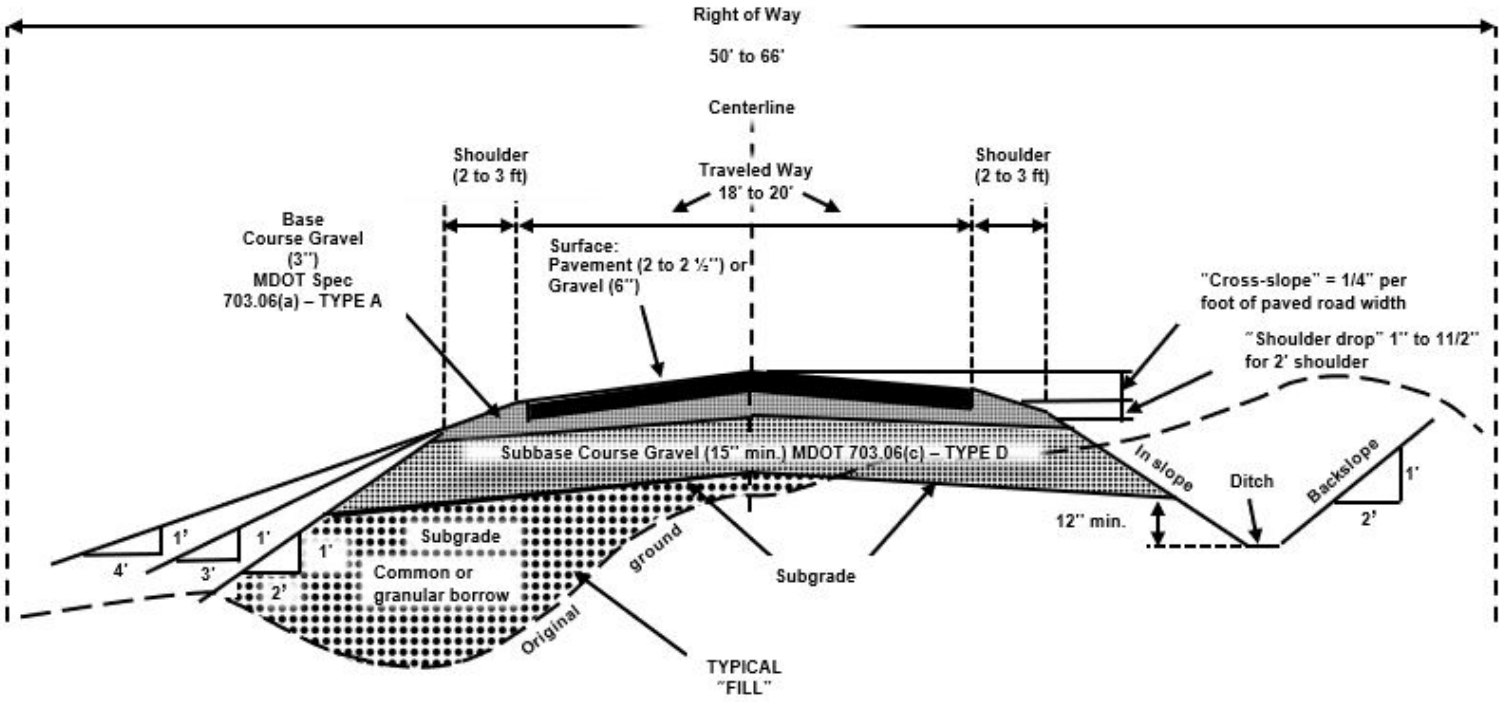
The following standards are minimum requirements. The applicant may request that the amount of road base gravel be reduced if the land under the road is stable. The Road Commissioner may authorize a reduction in gravel depth standard if found unnecessary to support the proposed road adequately.

Description	Minor & Dead-End Roads	Through Roads
Width of Right of Way	50 ft.	66 ft.
Width of Traveled Way	18 ft.	20 ft.
Width of Each Shoulder	2-3 ft.	2-3 ft.
Road Base Gravel (maximum 6-inch stones)	18 inches	18 inches
Surface Gravel (maximum 2-inch stones)	6 inches	6 inches
Bituminous Paving (or equivalent)	2 inches	2 ½ inches
Sub Base Course Gravel (Pavement)	Type D Spec 703.06(c) (MDOT)	Type D Spec 703.06(c) (MDOT)
Base Course Gravel (Pavement)	Type A	Type A

	Spec 703.06(a) (MDOT)	Spec 703.06(a) (MDOT)
Gravel Roads	Type A or Type B Spec 703.10 (MDOT)	Type A or Type B Spec 703.10 (MDOT)
Road Crown	¼-½" per ft.	¼-½" per ft.

For paved roads, compacted thickness of base course is 18'' compacted in 9'' lifts.

For gravel roads, maximum stone size is 2''.



6.6 Cuts

Eighteen (18) inches of gravel plus a six (6) inch (gravel) surface shall be sued in all cut sections of earth and ledge except where existing material is clean, well-draining sand or gravel, the base may be lessened to twelve (12) inches. The bottom of the ditch shall be a minimum of 38 inches below the centerline grade of the road.

6.7 Drainage

Adequate provision shall be made for the disposal of all surface water and underground water through ditches, culverts, underdrain, and stormwater drainage systems. Complete underground storm sewer systems shall be installed when required by the Planning Board and Road Commissioner. Culverts shall be not less than fifteen (15) inches in diameter. Catch basins shall be no less than thirty (30) inches in diameter. All culverts shall be made of materials approved by the Road Commissioner. All culverts shall be designed to accommodate, at a minimum, the anticipated twenty-five (25) year flood level.

A. Where bridge structures, aluminum plate culverts, or reinforced concrete box, culverts are required to cross major streams, detailed design plans provided by a certified

professional engineer, registered in the State of Maine, shall be submitted with the application. All bridges, arched culverts, and reinforced concrete box culverts shall be designed to accommodate, at a minimum, the anticipated fifty (50) year flood level and follow smart stream crossing guidelines.

B. A plastic perforated underdrain pipe, or one made of other material approved by the Road Commissioner. It shall be at least six (6) inches in diameter and shall be installed to properly drain all springs or areas where the groundwater level is too high and could constitute a hazard to the stability of the roadway base

6.8 Signage

All safety and identification signs shall be supplied by the petitioner and meet the requirements of MUTCD.

6.9 Inspection During Construction

It is the responsibility of the petitioner to provide the Road Commissioner and Code Enforcement Officer with a construction schedule. The Road Commissioner shall serve as the inspector and may call upon the Code Enforcement Officer, Planning Board, or other knowledgeable persons to serve on an inspection team. Each layer of the road base, including the sub-base, base, surface gravel, and hot mix asphalt pavement, must be inspected before the road can be considered acceptable according to the requirements in this Ordinance. There will be a fee assessed per inspection, as established by the Select Board.

6.10 Engineer Certification

Once a road to be offered to the Town is completed, the petitioner shall submit in a written certification signed by a professional engineer registered in the State of Maine stating that the road was designed and built, meets or exceeds the design and construction requirements of this Ordinance.

6.11 Waiting Periods

A. <u>New construction, less than two (2) years old - waiting period for roads constructed already constructed</u>:

There will be a two (2) year waiting period following a request to designate a roadway that was not inspected at the time of construction as a town road. If the roadway appears to meet all the criteria of this Ordinance following an inspection, the waiting period will then begin. The road will be inspected at various intervals during and after the waiting period. There will be a fee per inspection, as established by the Select Board.

B. <u>Existing Roads, two (2) years or older</u>:

The road must meet all construction requirements of this Ordinance. The petitioner shall submit in a written certification signed by a professional engineer, registered in the State of Maine, that the road was designed and built to meet all criteria of this

Ordinance. It will include as-built plans, subdivision plans, or surveys, test boring reports, cross-sections, infrastructure inventory and inspection reports, and maintenance history of the road. After inspection of the road by the Road Commissioner, Code Enforcement Officer, Fire Rescue Chief, and a review of the Inspection report by the Planning Board a list of deficiencies and required repairs will be developed and returned to the petitioner. It will be the responsibility of the petitioner to provide the Road Commissioner and Code Enforcement Officer a road repair construction schedule, work to be completed in one (1) year. All phases of repairs must be inspected during the repair. The Road Commissioner shall be the inspector and may call upon the Code Enforcement Officer, Planning Board or other knowledgeable persons for an inspection team. After required repairs have been completed, the petitioner will submit a written certification report, signed by a professional engineer, registered in the State of Maine, that the road repairs bring the road up to as-built conditions, to meet the requirements of the Ordinance. A final review by the Planning Board before the application and or petition is considered complete. There will be a fee per inspection, as established by Select Board.

6.12 Two (2) Year Guarantee Following Acceptance

The petitioner agrees to guarantee for two (2) years following acceptance that the road was built/upgraded in accordance with the construction standards of this Ordinance. After receiving a written notice from the Planning Board, the petitioner agrees to reimburse the Town for repairs resulting from any design or construction defects beyond the normal wear and tear from regular use. If any legal action is brought against the petitioner in the name of the Town to collect the costs for repairing the road, and the Town prevails, then the applicant shall be liable and responsible for the Town's legal fees and court costs and any other costs involved in bringing forth a suit or action.

6.13 Issuance of Certificate of Compliance

The Road Commissioner, Code Enforcement Officer, and Planning Board must rule within sixty (60) days of either:

A. The receipt of an engineer's certification for a new road; or

B. The end of a two (2) year waiting period for an existing roadway '

C. An engineer's certification of an upgraded existing roadway older than two (2) years on whether or not the road meets the physical requirements of this Ordinance.

The Road Commissioner shall make his or her determination of compliance and sign the Certificate of Compliance if the provisions of this Ordinance have been met. The Code Enforcement Officer and Planning Board shall also confirm and or vote on whether the road appears to meet the requirements of this Ordinance. If a majority vote in favor, the Chairperson or, in the Chairperson's absence, their designee shall also sign the Certificate of Compliance on behalf of the Planning Board. If any party rejects the petition, the road may not be presented for acceptance at Town Meeting. The petitioner may appeal the decision to the Board of Appeals.

SECTION 7: ROAD PERMITS

7.1 Preliminary Requirements

A. Construction of any road, or

B. Paving, widening, or altering the grade or drainage of an existing private road that intersects a town road, a person must obtain a Road Permit from the Road Commissioner.

1. Applicants for proposed roads that will provide access to Routes 115, 9, 231, or North Rd (from Route 9 to the Town of Yarmouth town line) must also obtain an Entrance Permit from the MDOT (Scarborough office) prior to construction. Culverts and sight distance on these roads are governed by the state, rather than the Town.

2. Roads that will be offered to the Town for acceptance must also comply with the provisions of section 7.5 and 6.5.

3. A person desiring to build a road involving a stream crossing must obtain a Natural Resources Protection Act Permit from the Maine Department of Environmental Protection and follow the Smart Stream Crossing guidelines.

7.2 Application and Review Procedure

Road permits shall be administered by the Road Commissioner and Code Enforcement Office. Except as specified in this section, the application and review procedure outlined in the North Yarmouth Land Use Ordinance shall be followed in administering road permit applications.

7.3 Fee

The Select Board shall establish the application fee for a Road Permit. Roads to be offered to the Town will be assessed inspection fees as outlined in the Town Fee Schedule Ordinance.

7.4 Application Requirements

The following information shall be submitted to the Road Commissioner and Code Enforcement Office as part of the application for a Road Permit.

A. Name of applicant(s).

B. Names of the owners of record of the land.

C. Any legal encumbrances on the land upon which the proposed road is located.

D. Statement of who will own the road following construction, by what legal instrument, and who will be responsible for road maintenance.

E. The estimated volume and type of traffic to use the road.

F. The anticipated starting and completion dates of each phase of road construction.

G. A description of erosion and sedimentation control measures to be employed during and following construction.

H. A description of stormwater management and drainageway provisions, together with supporting assumptions and calculations.

I. An illustrated plan displaying:

1. Scale;

2. Direction of magnetic North;

3. Starting and ending point of the proposed road with relation to established roads;

4. Any planned or anticipated future extensions;

5. The boundary lines of all properties abutting the proposed road, including any new lots to be created;

6. All-natural water ways;

7. The location and profile of all existing and proposed drainage structures;

8. The design and profile of thirty (30) feet of the proposed road closest to any town road intersection;

9. If the proposal is to be over 300 feet in length, the design of the emergency vehicle turnaround; and

10. The location of all existing and proposed overhead and underground utilities.

11. Description of proposed road base and surface material.

7.5 Conditions for Road Permit Approval - New Roads

For new roads, the Road Commissioner and Code Enforcement Officer shall conduct a site visit of the property and issue a road permit if it is found that the following conditions are met:

A. Adequate sight distance must follow the table below. It shall be measured from where the driver's seat of a vehicle would be situated ten (10) feet from the edge of the shoulder (behind the curb), with the height of the eye at 3 ½ feet, to the top of an object at four 4 ½ feet above the pavement. (MDOT rules)

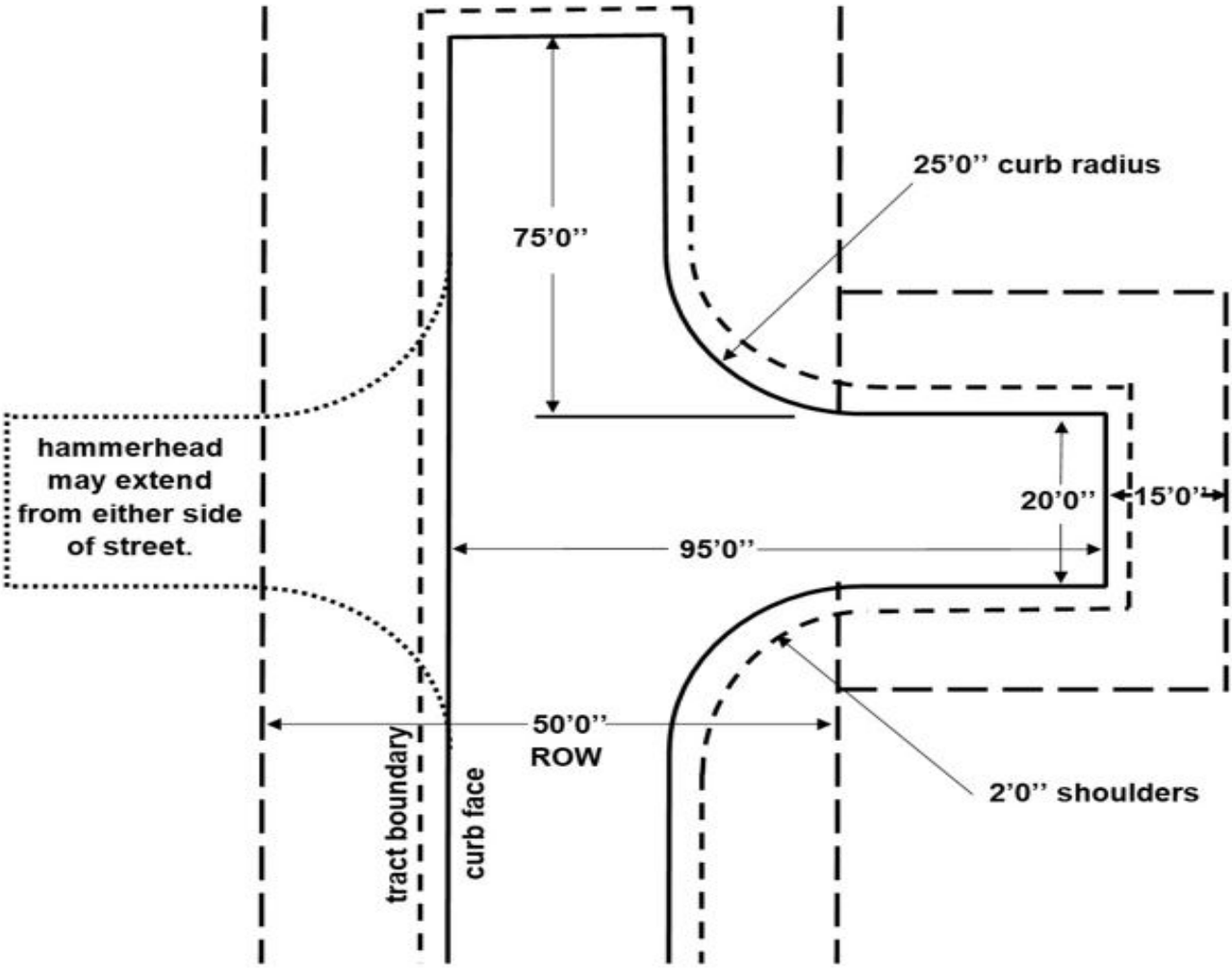
Safe Sight Distances	
Highway Speed (MPH)	**Minimum Sight Distance (Feet)**
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645
Source: MDOT Access Management Standards	

B. The applicant shall agree that the thirty (30) feet of the proposed road closest to the public road shall be constructed with at least eighteen (18) inches of gravel base and twelve (12) feet of traveled way to support emergency vehicles. The same thirty (30) feet of the proposed road shall also have a graded road crown of quarter (¼) inch per foot such that drainage will neither erode the proposed road nor wash directly onto the public road. If possible, the proposed road should be constructed so that at least the two (2) feet closest to the intersection continues the slope created by the crown of the public road being entered to keep drainage from damaging the public road. This section to be paved.

C. The applicant shall agree to purchase and install adequate culverts as directed by the Road Commissioner.

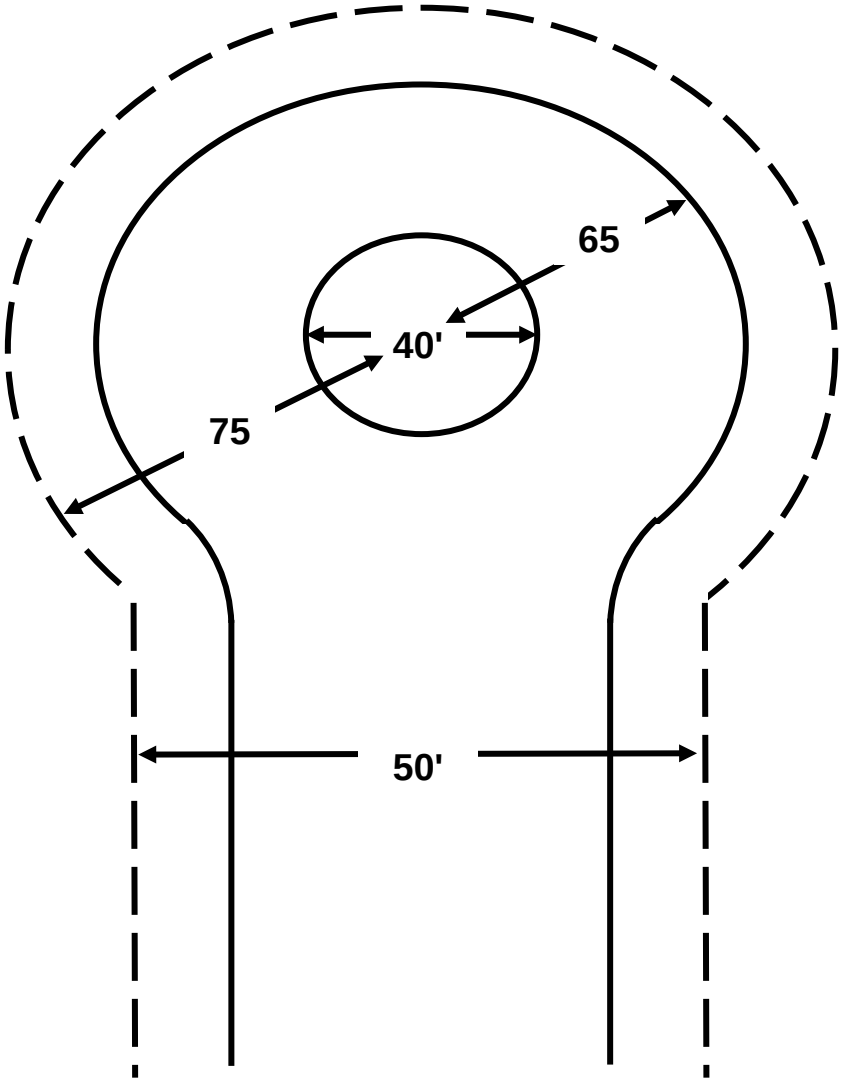
D. Roads and right of ways over 300 feet long must have an adequate place for emergency vehicles to turn around. Specifications for allowable turnarounds is below.

1. Hammerhead Turnarounds: The hammerhead turnaround is required in all instances unless there is written permission from the Road Commissioner and a review by the Fire Rescue Chief. The hammerhead turnaround shall be at least 65 feet and not more than 85 feet from the end of the street or road. The traveling surface, paved or gravel, portion shall extend the distance of 40 feet at a 90-degree angle (90°) to the road upon which it is constructed. In addition, paved or gravel surfaces must follow the specifications as listed in Section 6.5. Any hydrants or utilities proposed in the turnaround must be approved by the Fire Rescue Chief and the Road Commissioner. It shall conform to all road construction standards. See the below diagram:



Dimensions shown are from curb face to curb face. The total size of the street tract will vary, to accommodate setbacks, sidewalks, street trees, stormwater facilities, and any other right of way elements.

2. Cul-de-sac Turnarounds: If allowed by the Road Commissioner and reviewed by the Fire Rescue Chief, a Cul-de-sac turnaround can be installed. The property line must have 75-foot radii; the outer edge of pavement or gravel must be 65-foot radii; and the center of the cul-de-sac must have 40-foot radii. All specifications listed in section 6.5 must be followed. Utilities are prohibited from being installed in the center of the cul-de-sac if alternative installation can be provided. Any hydrants or utilities proposed in the turnaround must be approved by the Fire Rescue Chief and the Road Commissioner. See the below diagram.



UTILITIES ARE PROHIBITED FROM BEING INSTALLED IN THE CENTER OF THE CUL-DE-SAC IF ALTERNATIVE INSTALLATION CAN BE PROVIDED

SPECIFICATIONS (RADII):
PROPERTY LINE: 75'
OUTER EDGE OF PAVEMENT OR GRAVEL: 65'
INNER EDGE OF PAVEMENT OR GRAVEL: 40'
RIGHT OF WAY: 50'

E. The angle of intersection with the public road must be as close to 90 degrees (90°) as possible, but never less than 60 degrees (60°).

F. Erosion and sedimentation must be effectively prevented during and following construction. The acceptability of proposed and employed methods will be judged utilizing the Maine Erosion and Sedimentation Control Handbook for Construction, Best Management Practices published by the Cumberland County Soil and Water Conservation District, and the Maine Department of Environmental Protection.

G. For roads servicing any permanent, year-round structure, it is recommended that roads and right of ways over 300 feet long have a twelve (12) foot traveled way and a sixteen (16) inch gravel base to facilitate emergency vehicle access. This standard will generally be required as a condition of subdivision approval, although the Planning Board, at its discretion, may accept a waiver from the Fire Rescue Chief as evidence of adequate emergency vehicle access.

   If this standard is not met, the applicant must either:

   1. Obtain a Waiver: Apply for an emergency vehicle access evaluation at the Code Enforcement Office. A fee shall be assessed for an emergency vehicle access evaluation. Upon receipt of an application, the Code Enforcement Officer shall notify the Fire Rescue Chief, who shall contact the applicant to make a site visit appointment. The Fire Rescue Chief will inspect the site and or proposed road design and may approve a waiver from the travel way and gravel base standards if the proposed road design is adequate for emergency vehicle use; or

   2. Acknowledge Added Risk: Sign a statement acknowledging that emergency vehicle access may be impossible, involving above average risk to life and property.

H. Existing roads connecting with town roads that are to be paved, widened or altered in grade or drainage, the Road Commissioner shall conduct a site visit of the property and issue a road permit if the provisions of this section have been met.

I. Roads accessing Route 115, 9, 231, and the North Road from Route 9 to the Town of Yarmouth town line. The MDOT regulates the sight distance and culvert requirements. The town Road Permit will be granted based upon satisfying this section of this Ordinance and written approval from MDOT.

7.6 Road Permit Denial

Right to Appeal - If any of the applicable conditions are not met, the Road Commissioner shall deny the Road Permit application. If the applicant feels that the Road Commissioner has erred in his or her interpretation of this Ordinance, the applicant may file an administrative appeal with the Board of Appeals within thirty (30) days of the denial.

7.7 Inspection

The applicant will notify the Road Commissioner at least 24 hours before construction so that an inspection may be made both during and after construction to confirm adherence to permit requirements.

7.8 Temporary Road Entrance Permit (Less than 12 months)

A. Prior to initiating construction of a temporary road, driveway or entrance for construction, forestry, or other temporary uses, that intersects with a town road, a permit is required. A person must obtain the permit application from the Road Commissioner or Code Enforcement Officer.

B. Projects entering Routes 115, 9, 231, and North Road from route 9 to the Town of Yarmouth town line need to contact the MDOT (Scarborough office) prior to construction.

C. At no time will the entrance be in place more than 120 days, an extension can be granted by the Road Commissioner for good and just cause but never over twelve (12) months. After twelve (12) months, a Road Entrance Permit is required per this Ordinance.

D. Road Commissioner and or Code Enforcement Officer will inspect all temporary road entrances before a permit is issued. The Road Commissioner will inspect during the use period for any problems that may arise. The applicant will agree to repair, clean up, remove or make adjustments as required by Road Commissioner and or Code Enforcement Officer.

E. All temporary entrances must abide by sight distance requirements defined in this Ordinance for road entrance permits for new roads as defined in section 7.5.

F. All entrances shall be built to withstand the heaviest load expected, as to not damage the town road. The permit holder is liable for repairs resulting from damage to the road from temporary entrances.

G. A permit holder shall provide a culvert as required by the Road Commissioner.

H. Permit holders are required to protect the street from excess dirt, mud, or other debris from being tracked onto the traveling road surface. It is the permit holder's responsibility to keep the road clear of soil and debris.

I. Permit holders shall remove entrances at the end of the project and return road and the right of way to the previous condition before the project.

J. The applicant will bear all costs associated with the entrance.

K. The application must be a form provided by the Town.

L. The applicant is required to provide the following information:

1. Name, address, and contact number of the applicant, and an alternate contact person, and number.

2. Name of the property owner of record.

3. Reason for the need of temporary road entrance and anticipated use and weight of vehicles anticipated to use the entrance.

4. Erosion control measures needed.

5. Length of time anticipated for temporary entrance.

6. Certificate of insurance, if not the property owner.

M. If the Town is required to clean road surface or other repairs to road resulting from a temporary road entrance, 120% of the cost will be assessed to the permit holder.

N. If entrance needs to be removed by the Town, 120% percent of the cost will be assessed to the permit holder.

SECTION 8: RIGHT OF WAYS

8.1 Private Improvements in the Right of Way

A. The Town right of way is property along either side of any Town maintained road, street, or way. This area is reserved for or dedicated to road purposes. It must be kept clear for pedestrian, bicycle, or motorist safety, and to ensure road maintenance crews have room to work.

B. Residents who live on Routes 9, 115, 231, and the North Road from Route 9 to the Town of Yarmouth town line, need to contact MDOT (Scarborough office), for right of way information.

C. Any structures, landscaping features, fences, gates, irrigation systems, dog containment wires, mailboxes and posts, lighting systems, signs, and decorative features placed in and along the right of way of any town road, street or way shall be at the sole risk and liability of the property owner who causes or is benefited by such a structure or features.

D. Any structures or features that may be considered a deadly fixed object and violates Maine law Title 23 M.R.S. § 1401-A when the Town sees this type of installation or violation, the owner will be informed, and immediate removal will be requested. If the property owner does not comply with the request, the Town may remove the installation and seek reimbursement from the property owner for all costs.

E. No such structure or features shall be placed except in accordance with all applicable standards and permitting requirements of the Town codes, (Land Use Zoning, Site Plan Review, Right of Way, Fee Schedule, and all required building codes).

F. The Town assumes no liability or responsibility for damages to such structures or features due to standard construction, paving, maintenance, plowing, sweeping, striping and painting, cleaning or utilization of the right of way.

G. The Town assumes no liability to motorists, pedestrians, or others for any injury or damage caused directly or indirectly by such structures or features.

H. The property owner who causes or benefits by the placement of such structure or feature agrees to remove such structure or feature at his/her own expense within 72 hours of notice to remove for the purposes of road, utility drainage or sidewalk construction, repair or maintenance undertaken, or commissioned by the Town.

I. No structures, features, debris, rocks, rip-rap, leaves, brush, dirt, fill, shall be placed in the right of way to block, divert, change course, fill, or dam any ditch, drain, or to interrupt storm water flow.

J. No water shall be purposely or unintentionally allowed to flow from private property onto the right-of-way or traveling road surface.

K. The Town right of way width on town roads, streets and ways are not the same for all streets. Contact should be made to the Road Commissioner before any private encroachment is made in the right of way. In the event of a dispute of boundary, only a licensed Maine surveyor acceptable to the Town can determine the property line and right of way boundary. The cost to be the responsibility of the party placing the structure or feature into the right of way.

8.2 Temporary Signage in the Right of Way

Title 23 M.R.S. § 1913-A of Maine State Law places a twelve (12) week per calendar year restriction on the placement of temporary signs in a public right of way. Effective June 17, 2020, placement of these signs is restricted to no more than six weeks from January 1st to June 30th and no more than six weeks from July 1st to December 31st.

A. Similar signs cannot be placed within 30 feet of each other.

B. All signs must include or be marked with the name and addresses of the individual or organization that placed the sign within the public right of way and the date the sign was erected.

C. The Town may remove nonconforming signs on a town way or a state or state aid highway in an urban compact zone. This includes any utility pole on the right of way.

D. Maine DOT may remove nonconforming signs on state or state aid highway (not inside a compact area).

SECTION 9: STREET OPENINGS AND CULVERTS

9.1 Provisions

A. To protect the safety of the traveling public and the infrastructure from adverse impacts by ensuring all work in town streets and rights of way are correctly constructed, the right of way is not encroached upon and allow maintenance crews room to work.

B. The provisions of this section apply to any excavation, construction, building, filling, or installation work, above or below ground, which occurs in a public street, public sidewalk, right of way or drainage way or other property owned or maintained by the Town. A permit is required for such work. Except as follows:

1. Town Projects: Work undertaken by the Town, or by others working under the direction of the Town, shall not be required to obtain a permit, but shall be required to meet or exceed the general provisions and the construction specifications contained in this Ordinance.

2. Work in Advance of a Road Repaving or Reconstruction: Before a town road is repaved or reconstructed, it is desired that any utility repairs, improvements, extensions, or upgrades be completed in advance to minimize the future need to cut into the road afterward. The Town shall provide a minimum of sixty (60) days advance notice to all utilities, which are known to have underground infrastructure within the right of way. Upon receipt of such notice, the utility shall be authorized to prepare its infrastructure without being required to obtain a permit. All such work shall be required to meet or exceed the construction specifications contained in this Ordinance, but finish paving by the utility shall not be required.

3. Work on Utility Service Lines: Except along MDOT roads, where MDOT rules must be followed, utility providers may work on underground service lines between their mains and buildings served without being required to obtain a permit. Provided no such work disturbs the surface or subsurface of a public road or sidewalk or impacts any Town drainage infrastructure. All work shall be required to meet or exceed any applicable specifications contained in this Ordinance. At least three (3) days before commencement of such work, the utility provider shall provide to the Road Commissioner a completed street opening application form as advance notification to the proposed project. Approval of the permit shall not be required except when the Road Commissioner determines there is an unusual situation that requires a permit.

9.2 Street Openings

A. Permit Required: A Street Opening Permit shall be obtained from the Code Enforcement Officer or Road Commissioner before creating any opening in any public street, sidewalk or right of way.

B. Winter Permits: No street opening permits will be issued for work between November 15th in any one year and April 1st of the following year. The Road Commissioner may make exceptions to accommodate emergencies or to accommodate projects which may be scheduled to avoid summertime construction and traffic disruption.

C. Utility Emergencies: In the case of an emergency involving a utility, the utility may excavate without a Street Opening Permit. However, the utility shall be responsible for obtaining a permit as soon as possible after the emergency and before the excavation is permanently resurfaced.

D. Dig Safe: Before all excavations, the applicant must call the 811 DIG SAFE call center in compliance with Title 23 M.R.S. § 3360-A.

E. Financial Security: The Road Commissioner shall require the applicant to post in advance, a bond, secured letter of credit, or cash for a project which will cost $50,000 or more or when blasting is proposed. The Town and the Yarmouth Water District shall be exempt from this requirement. The amount of the security shall be equal to 125% of the cost of all work, which would be necessary for the Town to repair the infrastructure completely in the event the applicant fails to fulfill their responsibility at any point in the project. The purpose of the financial security shall be to guarantee the proper completion of all work and protection of Town infrastructure. When posted, the value of the security may be reduced during the project, but not less than 125% of the cost of the remaining work. The balance shall be retained until the final inspection of all work is complete. The Town Manager and Select Board shall be solely responsible for reductions and releases of all financial securities.

F. Traffic Control: All work-zone traffic control applications and traffic control devices shall conform to the latest edition adopted by the State of Maine of the MUTCD, Part 6, when used on any street or road open to public travel. Only traffic control devices including signs, barricades, vertical panels, drums, warning lights, arrow boards, changeable message boards, cones, and tubular markers that meet the requirements of the American Traffic Safety Services Association (ATSSA), Quality Standard for Work Zone Traffic Control Devices shall be used. Detour and road closures must comply with section 4.6 of this ordinance.

G. State Laws: Actions pursuant to this Ordinance shall be consistent with provisions of State law. Specifically, M.R.S. Title 23 § 3351.

9.2.1 Standards

A. Responsibilities of the Applicant

The applicant shall be responsible for preparing and submitting to the Road Commissioner an application for the proposed street opening. The application shall:

1. Be a form provided by the Town and available from the Code Enforcement Office.

2. State street name and location of the opening and contractor doing the work.

3. Purpose of the street opening and show the physical extent of the excavation.
4. Fee application applies; this fee shall not apply to the Town or the Yarmouth Water District.

5. Provide a plan with material specifications for filling and resurfacing the street opening to demonstrate compliance with the construction specifications of this Ordinance.

6. Specifies the time frame for work.

7. A detailed plan for traffic control and protection of the public's safety during the project.

8. Obtaining any other required permits.

9. Provide financial security, if required.

10. Provide other information relevant to the application.

B. The applicant shall be responsible for completing all work in accordance with the Street Opening Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.

C. The applicant shall be responsible for maintaining the temporary surface and keeping it safe for travel until permanent resurfacing is completed. If it is not possible to maintain the temporary surface in a condition safe for all modes of travel, the applicant shall establish and maintain barriers and warning devices.

D. The applicant shall notify the Road Commissioner at least two (2) business days prior to the installation of permanent pavement. The Road Commissioner may allow less advance notice on a case-by-case basis, particularly following an emergency utility repair.

E. The applicant shall be fully responsible for correcting any deficiencies identified by Town inspection. All costs are the responsibility of the applicant.

F. The applicant shall guarantee the quality of their work and materials for two (2) years following the completion of the original work, or until the Road Commissioner issues a written acceptance of the repairs, whichever occurs earlier. At any time during the guarantee period, the applicant shall excavate, refill, and or resurface the area as directed by the Road Commissioner to remedy the defects. The applicant shall be given a reasonable amount of time to perform this work, and if they fail, then it shall be performed by the Public Works Department. The applicant shall be responsible for the full cost of such repair work, plus a surcharge if completed by the Public Works Department. Any disturbed paint markings, yellow center, white fog lines, crosswalks, or other street markings must be meet replaced and meet the MUTCD guidelines.

9.2.2 Responsibilities of the Road Commissioner

A. The Road Commissioner shall be responsible for reviewing and deciding on each Street Opening Permit application received within ten (10) business days of receipt. The Road Commissioner shall have the authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions to protect the

integrity of the public street. Each decision regarding a Street Opening Permit application shall be made in writing and shall detail the requirements to be met by the applicant. Only written requirements specified as part of the permit shall be binding on the applicant.

B. The Road Commissioner shall be responsible for obtaining independent expert technical assistance when found necessary to protect the public interest. Also, if determined, to acquire a reimbursement from the applicant for the Town's cost to obtain independent expert assistance prior to the issuance of a Street Opening Permit.

C. The Road Commissioner shall be responsible for inspecting and approving all work completed pursuant to a street opening permit.

D. If permanent resurfacing is not completed by the applicant within six (6) months of the back-filling the excavation, the Road Commissioner may initiate the permanent repairs and assess the applicant for 125% of the cost of such work. Before such a deadline, however, the applicant may request a time extension for a good cause.

E. The Road Commissioner is responsible for ensuring the long-term acceptability of repairs. The Road Commissioner may inspect the repairs at any time and shall inspect the repairs between one (1) and two (2) years of completion of the original repairs. The Road Commissioner shall take action in accordance with the following:

   a. If at any inspection, the Road Commissioner deems the repairs inadequate, shall specify work required to fix the deficiencies and shall determine a reasonable amount of time for the applicant to correct the deficiencies. Lacking a sufficient response by the applicant, the Road Commissioner shall be authorized to undertake such work and bill the applicant for 125% of the full cost of such work.

   b. Between one (1) and two (2) years, the Road Commissioner shall inspect the repairs and make a final determination about adequacy. If the repairs are not acceptable, the Road Commissioner shall follow subsection (a) above. If the repairs are acceptable, the Road Commissioner may issue a written acceptance of the repairs. Failure to issue this acceptance within the two (2) years shall constitute acceptance by default. Acceptance by either means shall terminate the applicant's responsibilities for guaranteeing the repair work.

9.2.3 Construction Specifications

The Road Commissioner shall ensure that construction pursuant to this Ordinance complies with the following three (3) standards plus trench detail. Exceptions to these standards may be allowed by the Road Commissioner for a good cause, consistent with the need to exercise good engineering practice and judgment.

A. Excavation: The following standards shall apply:

   1. Existing pavement in the trench area to be excavated shall be neatly cut with a pavement saw before the trench is excavated.

2. Disturbed non-paved shoulder areas shall be restored with ¾ inch crushed gravel compacted to a depth of no less than eight (8) inches or match the existing depth of shoulder gravel if greater than eight (8) inches. And two (2) feet wide or greater to match existing shoulder and compacted with a vibratory compactor.

3. Materials excavated from trench will be used whenever possible to back-fill trench up to eighteen (18) inches below the pavement or six (6) inches below vegetated. Materials will be compacted in lifts, pursuant to the specifications of the vibratory compaction equipment being used. All back-fill materials will be compacted.

4. Disturbed grass and rough areas will be restored with loam placed six (6) inches deep and compacted with roller, seeded, and mulched.

5. Disturbed roadway areas will be restored with a four (4) inch crushed gravel base placed no less than fourteen (14) inches deep or more to match the existing road base gravel. With six (6) inches of one and one-half (1½) crushed gravel below the pavement layer. All gravel to be compacted in two (2) or more lifts, pursuant to the specifications of the vibratory compaction equipment being used.

B. Paving: The following standards apply:

1. Excavated trench pavement may be patched temporarily with four (4) inches of cold patch until the permanent surface is in place.

2. Prior to paving the pavement around the excavated trench shall be cut back an additional twelve (12) inches on all sides, the edges of the pavement cut shall be tack coated before the finished pavement is placed.

3. Roadway pavement joints shall not be stacked. Existing pavement surface will be milled to a depth of one and one-fourth (1¼) inch roughly six (6) inches from the base joint and paved with hot mix asphalt designed for surface applications. All lifts and edges will be tack coated.

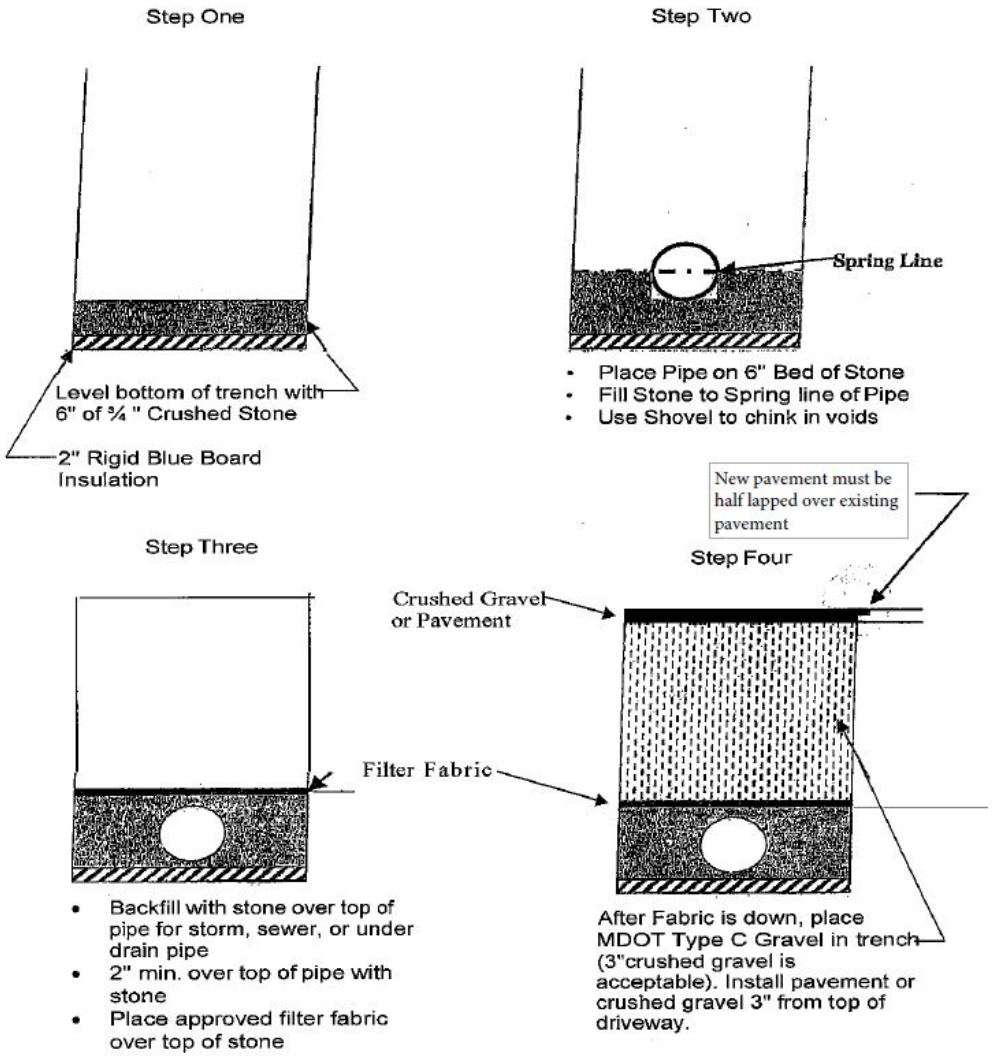
4. The excavated pavement surface will be paved with a minimum of four (4) inch hot mix asphalt placed and compacted in two lifts. Tack coat shall be used on all lifts and exposed pavement edges.

5. Removed shoulder and sidewalk pavement areas shall be paved with a minimum of two (2) inches of hot mix asphalt placed and compacted in two lifts; tack coat on all lifts and exposed edges.
6. The applicant shall notify the Road Commissioner at least two (2) business days or as soon as possible during emergency repairs prior to the installation of the permanent pavement installation to ensure the Road Commissioner has the opportunity to see the work before paving begins.

C. Accounting for Existing Road Conditions:

Many older public roads were not constructed to standards now in effect or are in poor condition. Standards may be varied on a case-by-case basis to account for local conditions, as when working in a road which was built to lesser standards or which is in poor repair, or when other unusual conditions are encountered. Such as pavement as thin as two (2) inches and thick as twenty (20) inches, it is also important to avoid paving patch seams with wheel ruts or other such factors.

D. Trench Detail:



9.3 Culverts - General Provisions

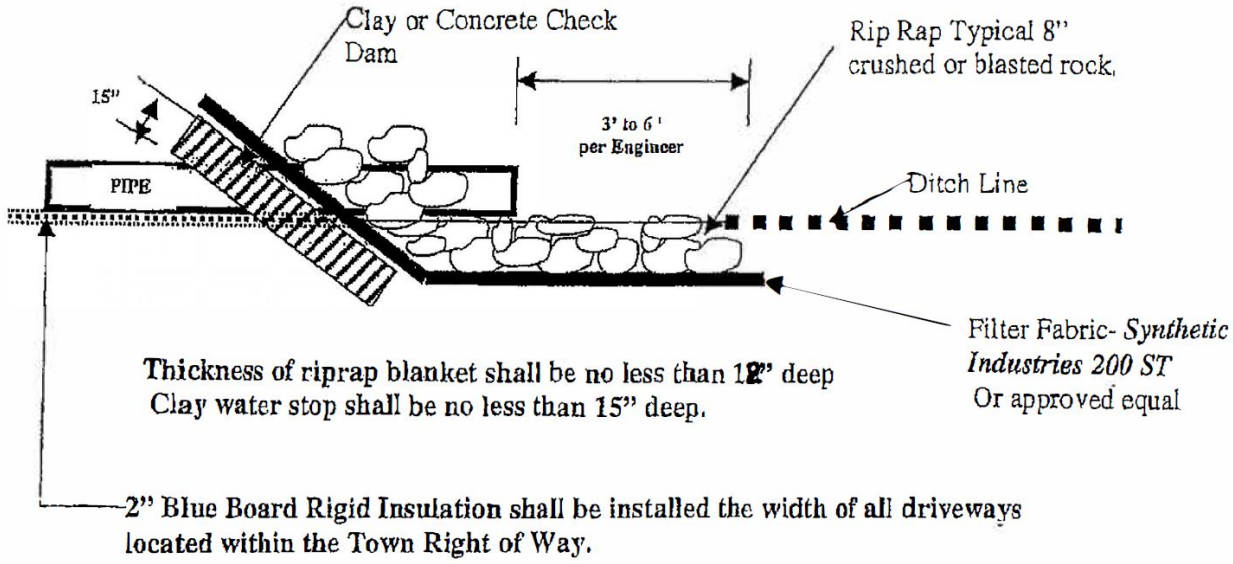
A. Permit Required: A Culvert Installation Permit shall be obtained from the Road Commissioner prior to installing a culvert in or adjacent to any Public street, Public sidewalk, Public right of way, or Public drainage easement. If the culvert installation requires excavation through a public street or sidewalk, a Street Opening Permit shall also be required. All permits will be acted upon in accordance with the provisions of M.R.S. Title 23, Chapter 301 General Provisions.

B. Failure to Provide a Proper Culvert: In instances where a public street, right of way or drainage ditch has been filled for entry to private property without the installation of a culvert or the installation of an inadequate size culvert, the Road Commissioner is hereby empowered to require a culvert of the proper specifications be installed by the property owner to accommodate appropriate stormwater management.

C. Inadequate Performance: Any culvert installed pursuant to a Culvert Installation Permit, which contradicts the standards, terms, and conditions of the permit shall be removed by the property owner if so, ordered by the Road Commissioner.

D. Culvert Size: The minimum required diameter of the culvert is fifteen (15) inches if under a driveway or eighteen (18) inches if under a road. The Road Commissioner shall have the authority to vary these minimums for a good cause.

E. Driveway Bedding Requirements: The bedding requirements for all pipes are shown below. The culvert must have a clay check dam located at the inlet and outlet ends to prevent water from piping through the stone and potentially washing out the culvert. All driveway culverts are required to have two (2) inch blue board rigid insulation installed beneath the culvert and below the ditch line.



F. Dig Safe: Compliance with Title 23 M.R.S. § 3360-A shall be required.

G. Repair and or Replacement: There are two specific cases when the Town is responsible for repair or replacement of a culvert or entrance after installation:

1. When the Town undertakes a capital or ditching project that requires the replacement or relocation of a driveway culvert or entrance, the Town is responsible for culvert replacement and or relocation and driveway entrance restoration.

2. When a natural event results in regional flooding and washouts, causing a culvert to fail and or a driveway to wash out the Town will reinstall or replace the culvert at the Road Commissioner's discretion to reestablish access to the private property on town roads.

3. Culvert replacements not covered above are generally the responsibility of the property owner. Also, the property owner is responsible for driveway repairs to bumps, depressions, asphalt cracks that may develop over a culvert.

9.3.1 Standards

A. Responsibilities of Applicant:

1. The applicant shall be responsible for preparing and submitting to the Road Commissioner an application, available at the Code Enforcement Office, for the proposed culvert installation permit. These applications shall:

   a. Be provided on a form provided by the Town.

   b. Specify the diameter, length, type, and location of the proposed culvert.

   c. Provide a drainage analysis from a registered State of Maine professional engineer if, in the opinion of the Road Commissioner, such an analysis is warranted to ensure culvert size, placement, and installation are sufficient.

   d. Specify the expected timeframe for installation.

   e. Describe the plan for traffic control and protection of public safety during installation.

   f. Obtaining any other permits required.

   g. Provide other information relevant to the application.

2. The applicant shall be responsible for completing all work in accordance with the Culvert Installation Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.

3. The applicant shall be fully responsible for correcting any damage caused to Town property identified by the Road Commissions through inspection. All costs are the responsibility of the applicant.

B. Responsibilities of the Road Commissioner:

1. The Road Commissioner shall be responsible for reviewing and approving each Culvert Installation Permit received. The Road Commissioner shall have the authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions to protect the integrity of the public street. Each decision regarding a Culvert Installation Permit application shall be made in

writing and shall detail the requirements to be met by the applicant, only written requirements specified as part of the permit shall be binding on the applicant.

2. The Road Commissioner shall be responsible for obtaining independent expert technical assistance when it is believed necessary to protect the public interest and for obtaining reimbursement from the applicant for the Town's cost in obtaining such independent expert assistance prior to issuance of a culvert permit.

3. The Road Commissioner shall be responsible for inspecting all work completed pursuant to a Culvert Installation Permit and for identifying and ordering correction of any damage to Town property, which may have occurred as a result of the installation.

9.3.2 Violations

A. The Road Commissioner shall be responsible for determining whether or not there is a violation of this Ordinance.

B. Any time the Road Commissioner determines a violation exists, it shall be their responsibility to notify the responsible party and attempt to obtain corrective action cooperatively. If this fails, or if the violation poses an immediate threat to public health or safety, the Road Commissioner may issue a written notice of violation.

C. Duration of the violation shall be once the Notice of Violation is received by the person and or firm violating the Ordinance, hereafter the violator, each day which the violation continues to exist, shall constitute a separate offense.

Section 10: WINTER OPERATIONS

10.1 Snow Removal from Private Property and placed on a Public Highway is prohibited.

No person shall place, plow, cause to be placed or plowed, or blow any snow or ice from private property into or on any public highway and leave same there to obstruct or hinder the movement of traffic on said highway.

The fact that snow or ice has been plowed from private property into or on a public highway and left thereon so as to obstruct or hinder the movement of traffic shall be clear evidence that the owner of said private property has caused same to be placed and left on said highway in violation of the provisions of this Ordinance.

Whoever violates the provisions of this Ordinance shall be subject to a fine for each offense in accordance with the Town fee schedule. Fines not paid are subject to be recovered on a complaint filed in the Maine District Court on behalf of the Town.

10.2 Winter Parking on Highways Regulated

The parking of vehicles upon any public highway that hinders the plowing of a highway street or way during the period from October 15th through April 15th is prohibited.

Any vehicles parked in violation of this Ordinance may be hauled away at the owner's expense.

Any vehicle parked in violation of this Ordinance shall be clear evidence of the unlawful parking of such vehicle by the registered owner thereof.

Whoever parks a vehicle in violation of the provisions of this Ordinance shall be subject to a to a fine for each offense in accordance with the Town fee schedule. Fines not paid are subject to be recovered on a complaint filed in the Maine District Court on behalf of the Town.

10.3 Shared Maintenance

A. Town of Pownal

1. Royal Road: The town line runs the center line of the road. The Town of North Yarmouth maintains the section that runs from Hallowell Road (Route 9) to the half-way point of the road. The Town of North Yarmouth provides year-round maintenance of this section. The Town of Pownal provides year-round maintenance from the half-way point of the road to Hodsdon Road; and maintains this section year-round.

2. Hodsdon Road: The Town of Pownal maintains this road.

3. West Pownal Road: The Town of North Yarmouth provides winter maintenance up until the intersection of Leighton Road.

4. Lawrence Road: The Town of Pownal provides winter maintenance of this road up until the intersection of West Pownal Road.

B. Town of Yarmouth

1. Ledge Road: The Town of Yarmouth does all maintenance of this road.

2. Mountfort Road: The Town of Yarmouth provides summer maintenance and paving of its section of the road. The Town of North Yarmouth provides winter maintenance of the road up until the intersection of Ledge Road.

3. Sligo Road: The Town of Yarmouth provides winter maintenance to the section of the road near the town line; winter maintenance only.

C. Town of Gray

1. New Gloucester Road: The Town of North Yarmouth provides winter maintenance to 1 Weather Lane, Gray, Maine where the National Weather Service is located. Winter maintenance of the section is also provided by the Town of New Gloucester. The Town of Gray has no access to this section of the road.

D. Sections of roads maintained by bordering towns within North Yarmouth may be governed by this Road Ordinance as well as any town policy. Any section of this Road Ordinance or town policy may apply at the discretion of the Road Commissioner. However, this section may not conflict with any other town ordinance or approval(s) made by the Planning Board.

Town of
North Yarmouth

SELECT BOARD BUSINESS - MINUTES

May 18, 2021

Agenda - Section V. Meeting Minutes

- *Move to approve the minutes for May 4, 2021,as presented.* Second, discussion and vote follow.

Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, May 4, 2021

Call to Order – Steve Berry, James Moulton, Brian Sites, and Austin Harrell. Selectperson Reed notified the Chairperson of his absence. The Town Manager was not present. Chairperson Berry called the meeting to order at 7:00 PM

Special Presentation:

00:07:00

Renee Lachapelle, Cumberland County Assessing, made a presentation to the Board. The Assessor explained that Cumberland County Assessing oversees approximately 23,000 real estate accounts and 1,929 personal property accounts over six (6) towns that it manages. The Assessor clarified that the organization she works for, Cumberland County Assessing, and the Assessor herself, are not micromanaged by the Town Manager. Furthermore, the Assessor explained projects she's been working on with staff in the Assessing Department. The Assessor addressed questions regarding homestead exemptions and trusts and clarified the process that the residents must follow to qualify for the exemption. The Assessor described how her office has worked on reaching out to the residents of North Yarmouth to file their exemptions. Furthermore, she added that she and the town staff have been working to update the town's maps. The Assessor then described her work with updating the personal property taxes to reflect the proper amounts owed by business owners. Selectperson Moulton asked the Assessor what the extension was for filing for homestead exemption. The Assessor answered that the governor's order did extend the deadline up until the time the town commits its taxes. Selectperson Moulton asked how the Assessor identifies issues with filings, specifically with a gentleman who has shared concerns with Selectperson Moulton on the Assessor's determination of the filing of his title. The Assessor clarified that she directs residents to speak with the title firm to resolve any discrepancies. Selectperson Moulton asked how personal property is assessed. The Assessor responded on the process of assessing personal property when no application was filed. The Assessor clarified that the process requires research and her experience on what businesses may own to assess them fairly. Paul Napolitano, Mill Ridge Road, asked the Select Board if the Assessor could clarify her exemptions and the number of funds received from personal property tax since she has started with the Town. The Assessor stated that she would check on the number of evaluations that have increased from FY20 to FY21. Judy Potter, Walnut Hill Road, asked a question regarding solar and wind exemptions. The Assessor answered Ms. Potter's question and asked her to reach out at a later time for exact information. Audrey Lones, Baston Road, asked the Assessor what phantom properties were being missed. The Assessor stated that there was no excess of properties not being assessed; properties generally were listed as new construction. Mike Mallory, Walnut Hill Road, asked the Assessor if an exemption could be created to offset taxes going to the MSAD 51 School Department. The Assessor stated that the state had authority on this, not the town. Larry Lonegan, Abby Lane, asked if certain zones should be valued differently. The Assessor responded that valuation is set so that the first acre of property carries the primary value and that excess acreage is assessed at $5,000 an acre. Furthermore, the Assessor stated that a revaluation would need to take place and that the land pricing tables would need to be updated accordingly for any changes to assessments in the Village Center and across town. Selectperson Moulton reiterated Mr. Lonegan's point that owners of property in the Village Center have the opportunity to split their property more than those who lived in the Farm and Forest district while also paying the same amount in taxes. The Assessor stated that there are mechanisms to allow certain acres to be reduced depending on classification. Scott Kerr, New Gloucester, ask the Assessor if the information previously explained was on the property tax cards. Mr. Kerr asked if Vision files were a real record. The Town Assessor explained that exemptions would be reflected on the property card. Scott Kerr described that high values on acreage have historically been discouraged to avoid more development in the Village Center.

Executive Session – Appointments

00:51:03

Chairperson Berry moved that the Select Board enter into executive session with the Town Attorney, Matt Tarasevich, pursuant to Title 1 MRS Chapter 13 Public Records and Proceedings, § 405 Executive Sessions § 6(A) to discuss the Town Manager's appointment of the Assistant Town Manager to temporarily perform the Town Manager's duties. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Chairperson Berry moved to confirm the Town Manager's designation of Assistant Town Manager, Debbie Grover, to temporarily perform the duties of North Yarmouth Town Manager. Discussion: none. **Vote: 4 Yes – 0 No.**

Minutes of Previous Meeting(s):

1:38:06

Chairperson Berry moved to approve the minutes for April 12, 2021, as presented. Selectperson Sites second the motion. Discussion: Paul Napolitano stated that there were discrepancies in the citation for the Board to go into executive session. Furthermore, Mr. Napolitano asked the Board to add an incident that took place between him, a non-resident, and the Town Manager. Selectperson Moulton stated that the video is available as a permanent record. Selectperson Moulton stated that he would approve the minutes based on the video record being available. Paul Hodgetts, Sligo Road, asked the Board if they've received a letter from Mr. Merrill. The Chairperson and other Board members responded in the affirmative. Mr. Hodgetts stated that the events in Mr. Merrill's letter should be added to the record. Chairperson Berry stated that the letter would be read into the record. Mr. Mallory asked if the Board could amend the minutes to reflect Mr. Merrill's comments. Chairperson Berry stated that he thought that the Board should move forward with approval but to read Mr. Merrill's letter into this record. Selectperson Moulton agreed. **Vote: 4 Yes – 0 No.** Chairperson Berry moved to approve the minutes for April 20, 2021, as presented. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton said that there were some things in the minutes he would change. However, Selectperson Moulton stated that he would move forward with the minutes. **Vote: 4 Yes – 0 No.** Chairperson Berry moved to approve the minutes for April 27, 2021, as presented. Selectperson Harrell seconded the motion. Discussion: Selectperson Harrell asked that minutes include the time the Board adjourns. Judy Potter asked the Board if a direct script of the meeting could be made available. Chairperson Berry responded that the cost would be high, that a video recording of the meeting is available, and that timestamps on the agenda items were discussed with town staff. Selectperson Moulton stated that more elaboration of the contents of discussions in the meeting minutes should be done. **Vote: 4 Yes – 0 No.**

Public Comment - Non-Agenda Items:

1:46:40

Anne Graham, Farms Edge Road, urged the Board to follow Robert's Rules during the meetings. Furthermore, Ms. Graham notified the Board of the American Recovery Fund. Ms. Graham urged the Board to reach out to state legislatures to promote North Yarmouth receiving funds.

Laurie Bachelder, 865 Oak Hill Road, made comments regarding the open school board seat that she was interested in filling. Ms. Bachelder stated that the Board seemed to have a process available that allows them to appoint an individual for the remaining term and stated that two (2) weeks for the open seat was enough time for the Board to decide on an appointment. Ms. Bachelder shared her concerns with the seat not being filled as soon as possible and told the Board she would like to be considered for the School Board vacancy position. Ms. Bachelder provided a resume to the Board before the meeting. Ms. Bachelder stressed the need for the Board to make an appointment. Chairperson Berry recused himself from the conversation. Selectperson Moulton responded that he spoke with the School Board Chair on a process the Select Board should follow to fill the open seat on the School Board. Ms. Bachelder stated that she saw that as a conflict of interest due to the chair not being a resident of North Yarmouth. Selectperson Moulton clarified that the conversation with the School Board Chair was not to recommend any individual to fill the seat. Selectperson Moulton further clarified that he thought the process should be opened up to the public and to allow others to send in their applications or resumes. Ms. Bachelder further shared her concerns about not filling the seat right away. Selectperson Moulton stated that he would look further into the matter.

Paul Hodgetts, Sligo Road, asked Selectperson Moulton how long the process would take to appoint a School Board member. Selectperson Moulton reiterated the process told to Ms. Bachelder.

Judy Potter, Walnut Hill Road, inquired if the Board would make amendments to the 2018 Comprehensive Plan. The Chairperson clarified the contents of the 2018 Comprehensive Plan included in the meeting materials and how the Board will move forward after the Annual Town Meeting. Ms. Potter asked why some letters were not

read at the last meeting. Chairperson Berry stated that he forwarded the letters regarding marijuana to the Planning Board and addressed them at the last meeting collectively to keep the meeting timely. Ms. Potter asked if the letters needed to be addressed to the Board to be read at the meeting. Chairperson Berry responded that this could be done.

Larry Lonegan, Abby Lane, shared his concerns with the growth in the Village Center. Mr. Lonegan explained to the Board his research on the School Board's budget and building plans. Mr. Lonegan further explained his conversations with the officials from the school. Mr. Lonegan had particular concerns with the building costs from a proposed school. Mr. Lonegan was told that the state was unlikely in participating the cost of a new school. Selectperson Sites asked Mr. Lonegan who told him about the state not funding the project. Mr. Lonegan responded that it was an individual from administration at MSAD #51.

Mike Mallory, Walnut Hill Road, inquired on why the setbacks proposed in the Lane Use Ordinance amendments are set as maximums and not minimums. Mr. Mallory also commented on the road frontage specifications. Chairperson Berry suggested that Mr. Mallory address his questions to the Planning Board for the town's Economic Consultant.

Selectperson Sites addressed previous comments from the public. First, he explained to the Board that he researched what the town needed to do to comply with the state regulations on the town's TIF. Selectperson Sites stated that he spoke with the person who oversees TIFs at the Department of Economic and Community Development for the State of Maine. Selectperson Sites stated that the individual he spoke with would be able to present to the Board information on TIF's. Selectperson Sites stated that the town audit does capture where the money goes in each department but does not investigate the detailed expenses on what was purchased with TIF funds. Selectperson Sites added that the Maine Revenue Service will investigate how valuation is assessed in regards to TIF appropriations. Furthermore, Selectperson Sites suggested that the Board create a committee to oversee the TIF account.

Selectperson Sites reported on the situation regarding the Royal River Dam. Selectperson Sites added that he went on a walk with RRCT, Royal River Alliance, and community members on May 1, 2021, to collect more information for the Board. Selectperson Sites reported that the project would take at least three (3) years to complete. Selectperson Sites stated that one project that involved dredging part of Baston Park to allow canoe access to the river could be impacted by the removal of the damn. However, he reported that the Board is not sure what will be affected. Selectperson Sites stated that the Royal River Alliance is looking for another Board member.

Selectperson Sites reported that he spoke with someone at the Muskie School (University of Southern Maine) to better understand how a housing study could be done in North Yarmouth.

Selectperson Sites reported that the Senior Housing Forum has been delayed till after Annual Town Meeting.

Selectperson Sites reported that he and Selectperson Harrell listened on a call by Casco Bay Alliance. Selectperson Sites stated that he does see an opportunity for the town in their trail expansion.

Judy Potter, Walnut Hill Road, asked if Vanessa Farr was still working for the town while having another contract with another town. Chairperson Berry stated that he did not want to engage in conversations about personnel but stated that a written comment could be submitted to the Board if Ms. Potter would like.

Peter Lindsey, Mountfort Road, shared his previous experiences on the Planning Board and spoke on this experience of going through the process that the Planning Board creates for amending ordinances. He felt that the comments made prior need to go through that process. Mr. Lindsey stated that the current growth is meeting our current ordinances.

Chairperson Berry read a letter from Allyson Ford, Edna Road. The letter reads as follows:

April 20
Hi Draven,
Please pass these comments on to Select Board to be read tonight.

Dear Select Board Members,

I have spent some time getting up to speed on our town's decision to move forward and change the land use ordinance to "opt-in" to Maine laws regarding adult-use regulations for marijuana cultivation, research, and businesses. The more I learn regarding adult-use marijuana regulations, the more convinced I am that the town residents should vote before the Planning Board spending any more time changing LUOs. Let the people decide by referendum on whether we even want to "opt-in." According to the Maine Office of Marijuana Policy, "Unless a municipal has voted to allow a particular type of marijuana establishment (retail stores, cultivation, manufacturing, testing), such establishment ***is prohibited*** *in that municipality."*

The Select Board's justification for moving forward is based on a flawed survey that was conducted last May. This survey was not representative, nor a random sampling. It was conducted during the initial lock-downs of Covid when the town offices were all closed. ***No mailer was ever sent.*** *In order to learn of the survey, one would have had to be familiar with the town's Facebook page or been digging 3 layers deep on the town webpage. The way in which the survey was conducted, in and of itself, clearly ignores a large demographic of town residents. Many of our citizens don't visit these kinds of platforms. Take our very own Select Board member, Mr. Moulton, for example, who doesn't use email or social media. Others have intentionally chosen to sever ties with social media platforms like FaceBook. Others, frankly, had no idea that the town even had a Facebook page. For these reasons,* ***the survey should not serve as justification for "opting-in," or for changing LUOs with that intent.***

If the town does indeed vote in favor of opting-in to accommodate adult use marijuana regulations, then let's approach this in an orderly fashion. First, before making any changes to existing zoning, let's all get better educated. There are numerous resources to assist and educate our residents and our Board members regarding the costs and impacts of "opting-in." Beth Blakeman-Pohl at Casco Bay CAN, for example, is a wealth of information and recognizes the impacts on our children. She has worked with other towns, like Freeport and Cumberland, to assist in zoning changes that protect our residents and our kids. The youth director at White Pine Church has even suggested hosting a workshop with Casco Bay CAN for the public and town leaders alike, at their NY ministry center. There are liaisons at the Maine Office of Marijuana Policy which work with towns to understand regulations and the responsibility of our code enforcer. People want to know how it is that there are currently people growing marijuana in our town and people like Heidi Bunnell at the Office of Marijuana Policy can answer all these questions. Why not provide the residents with as much information as possible, before changing zoning ordinances?

We are hearing much talk from the Planning Board and the EDSC about their desire to "preserve the rural feel of our town," and we all recognize that the main reason our town is so desirable is our amazing school system. Let's make sure our zoning laws, when it comes to marijuana establishments, prioritize these things ***we value most*** *about NY.*

Thank you and sincerely,
Ally Ford

Chairperson Berry read a letter from Linc Merrill, North Road.

Gentlemen,

I had a chance to review the minutes from the Tuesday April12th Select Board Meeting that are in the package for your May 4th Meeting. The minutes presented do not reflect the end of the meeting. Before the meeting was adjourned, there were several incidents that need to be recorded both for accuracy of what took place in the meeting and the events that impacted members of the Board and the public.

In particular, when the meeting disintegrated into a chaotic spell but was still in session, town resident Paul Napolitano was confronted by the Town Manager's husband. That same individual then approached Vice Chair Jim Moulton and there was an extended exchange during which the Town Manager yelled at Mr. Moulton several times. This is my view of what happened and the video recording may be reviewed for a proper confirmation and recording of the events.

Personally, at least twice during the meeting that I am aware of, the Town Manager threatened to take me to court and sue me.

For the protection of Mr. Napolitano, Select Board member Moulton, and myself, these facts need to be

captured in the minutes. It was not until all these actions had taken place that the meeting was adjourned. Therefore, they should be part of the meeting record and the minutes should be corrected to reflect them.

Finally, the Select Board meeting minutes in general over time indicate a motion was made and meetings were adjourned, including the meeting of April 12th. An appropriate recording in all minutes to end them would be who made the motion, who seconded it, and what the vote was to adjourn.

I recommend this practice be implemented right away. I did not review the April 12th video to check this but it has been brought up a few times that residents are not sure if that meeting was ever adjourned given the ending. A properly recorded vote as outlined above would answer that question

Thanks for your attention,

Lincoln Merrill
1572 North Road
North Yarmouth, Maine 04097

Chairperson Berry stated that adjournment was allowed by the chairperson once the hour of adjournment has come. Chairperson Berry stated that his adjournment was necessary as the circumstances were unsafe. Selectperson Moulton asked that the Board enter the letter into the record.

Management Reports & Communications:

2:26:17

Communications – Chairperson Berry read the Communications report from the meeting materials. Reports and Communications are located at the Town Office or the Town website, www.northyarmouth.org.

Old Business:

2:32:01

Roadway Ordinance – Chairperson Berry moved to hold a public hearing on May 18, 2021, for the purpose of amending the Roadway Ordinance. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Spirit of America Award – Chairperson Berry asked the Board members to reconsider their choice for who they wish to receive the Spirit of America Award. Voting was done by secret ballot. Chairperson Berry announced that the Solar Research Committee will receive the award. Selectperson Harrell stated that Chris Byers, Kelly Walker, Byron Kern, and Chris Cabot were part of the committee.

New Business:

2:35:22

Chairperson Berry moved to hold a public hearing on May 18, 2021, for the purpose of amending the Regulations for the Use of Parks and Recreation Areas Ordinance. Selectperson Sites seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Chairperson Berry moved to hold a public hearing on May 18, 2021, for the purpose of amending the proposed Animal Control Ordinance. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Accounts Payable:

2:37:17

Chairperson Berry moved to approve accounts payable warrant 46 & 47 in the amount of $120,541.08, as presented for FY21. Selectperson Moulton seconded the motion. Discussion: Selectperson Moulton inquired about a payment to Bernstein Shur. Chairperson Berry stated that the cost was a monthly charge. Selectperson

Moulton inquired about a payment to Maine Design Workshop. Chairperson Berry clarified that this was a monthly charge by the vendor. **Vote: 4 Yes – 0 No.**
Any Other Business – none.

Adjournment - Chairperson Berry moved to adjourn at approximately 9:38 PM.

Prepared By: Draven Walker
Executive Assistant/Recording Secretary

Select Board

Steve Berry, Chair

James Moulton, Vice Chair

Brian Sites

Austin Harrell

David Reed

Town of
North Yarmouth

REPORTS & COMMUNICATIONS

May 18, 2021

Section VII. Management Reports & Communications

- Acting Town Manager's Report
- Financial Reports
- Department Head Reports

Report(s) herein.

The information contained in this report is intended to inform the Select Board, staff, and residents, of some of the current activities taking place in the manager's office or the town in general. All topics are open for discussion.

Elections – June 8, 2021 is Election Day, the Polls are open 7:00 AM – 8:00 PM at Wescustogo Hall and North Yarmouth Community Center. The Town Office will be closed to the public on Election Day.

Absentee Ballots are available now at the Town Office. The last day to request an Absentee Ballot is Thursday, June 3, 2021.

How to Obtain Your Absentee Ballot.
For the first time in over a decade, the State of Maine does not have a concurrent election with our municipal election. **This means we cannot utilize their online absentee ballot request service.** We apologize for this inconvenience, but hope you find the ways below as easy alternatives to obtaining your ballots.

- In Person**:** Stop by Town Office to pick up ballots for yourself/immediate family members *(spouse, child, parent, sister/brother)* or vote your own ballot in person. During Town Office hours.
- Over the Phone: Call the Clerk's Office at 829-3705 to request your ballot be mailed to you. **Telephone requests must be made by the voter**, not an immediate family member.
- Email or Fax: Complete the Absentee Ballot Request form available on the Town website. After you have completed the request form fax it to 829-3743 or email it to townclerk@northyarmouth.org

Candidates Night – an evening to meet your local candidates and hear why he/she is running for office on the upcoming Election is scheduled for Wednesday, May 26, 2021 at 6:30PM in Wescustogo Hall & North Yarmouth Community Center. Moderator for the evening is North Yarmouth resident Jennifer Smith.

Waste Zero PAYT Bags – Waste Zero increased the cost the town pays for the PAYT bags in March 2021. To "freeze" this increase for the rest of FY21, Waste Zero offered to sell us the rest of their inventory of the town's bags at a lower rate. The cost of the rest of the inventory was $9,104.50, but the cost is calculated with the lower rates and not the rates currently in effect. Once the town receives the final revenues for this line item, it will be a savings of $864.40.

Fire Rescue Training – The Fire Rescue Department will be utilizing the building on 521 Walnut Hill Road to provide realistic training for the Fire Rescue Department staff and volunteers. Those trainings will include search and rescue training, hose line advancements, ladder training, etc. A big 'thank you' to the owner of this property. Contact Chief Payson if you have any questions or concerns at 829-3025 or firechief@northyarmouth.org

Town Meeting – After consultation with the town's attorney, it has been clarified that all articles related to the budget are presented to be closed articles. The Moderator will explain the process the townspeople will have to follow to vote on the articles. Closed articles must be voted on with the appropriated amounts listed in the article. Those amounts may only be decreased. All amounts in the warrant article are recommended by the Select Board. Any other proposed appropriations must be voted on at a future town meeting.

Personal Property Valuation – In 2020, the Town had a total of $6,760,435 in total valuation with an exempted amount of $4,949,025. This brought in $30,105.63 in total taxes. In 2021, the assessment that was completed by Renee Lachapelle, Cumberland County Assessing, was $11,607,100 with $6,487,600 of the amount being classified as exempt. The total amount of taxes expected to be collected is $84,727.98.

Public Records – Under Maine State Statue Title 1 M.R.S Chapter 13 § 403, a video or audio recording satisfies the requirements of documenting the date, time, place, attendance, motions, and votes taken at the meeting. Furthermore, the Select Board Bylaws requires that the Town Clerk or their designee maintain a **permanent** record of minutes of all Board meetings and all correspondence of Board members. Minutes are taken by the recording secretary, but can be amended by the Select Board at a meeting. More importantly, the

video recording is archived and kept for future viewing. Video recordings are reviewed when completing the minutes.

NIMS Training – NIMS G-402 is an additional class and is now required of Select Board and municipial officials. I know some members have completed their NIMS 100 and/or 700 classes. The Select Board is asked to attend a training on July 27, 2021 at 6:00 PM to complete NIMS G-402. This class is in-person at Wescustuogo Hall & North Yarmouth Community Center. The Board is preregistered. Please let me know if your cannot attend.

Acoustic Panels – The acoustic panels are fully installed. After doing multiple tests, the revertibration levels have been drastically reduced. Left over panels were also installed in the lobby.

LED Conversation – CMP is installing more efficient LED lights into the street lights around town. This service is at no cost to the town.

Respectfully submitted,

Debbie Grover

Debbie Grover, Acting Town Manager

START HERE
NORTH YARMOUTH

Town of North Yarmouth, Maine
Incorporated 1680
North Yarmouth Fire Rescue

Gregory Payson, Fire Rescue Chief
Email: firechief@northyarmouth.org
Tel: 207-829-3025

Justin Deri, Deputy Fire Rescue Chief
Email: Deputychief@northyarmouth.org
Fax: 207-829-4893

NIMS Training Announcement

G402 Emergency Management for Municipal Elected Officials and Officers

This unique NIMS oriented class is an introduction/refresher to the Incident Command System (ICS). We will explain what ICS is and what the roles and responsibilities ofthe municipal elected officials and their officers are during an incident. Topics discussed will include, but not limited to, basic ICS terminology, incident size and complexities, the responsibilities of the local Emergency Management Coordinator, the difference between on- scene incident ICS organizations and the activities accomplished by the Emergency Operations Center(s), administration obligations, financial activities and reporting, and the responsibilities of the on-scene Incident Commanders. This class will be instructed by the Cumberland County Emergency Management Agency.

Participation in this class will fulfill your municipalities NIMS compliancy requirement!

Date and Location:

Tuesday July 27th, 2021 @ 6:00PM – 09:00PM
Wescustogo Hall and Community Center
Merrill Room
120 Memorial Highway
North Yarmouth, Me 04097

Max number of participants for this class will be 24 people. There is no cost associated with class! For more information and/or to register for a class please contact North Yarmouth Fire Chief/EMA Director Gregory Payson at 207-829-3025 or email @: firechief@northyarmouth.org

EXPENSE SUMMARY REPORT
April FY21

DEPARTMENTS	FY 20 Budget	Debits	Credits	Unexpended Balance	%	FY 21 Budget	Debits	Credits	Unexpended Balance	%
110 - MUN ADMN										
01 - OPERATIONS	392,333.00	383,970.39	63,341.00	71,703.61		352,767.00	328,388.81	44,165.03	68,543.22	
02 - CONTR/PROF	78,716.00	103,563.30	275.00	-24,572.30		119,958.00	89,580.65	0.00	30,377.35	
03 - BLDG/GRNDS	-	-	-	-		-	-	-	-	
04 - COMMCOMM	8,500.00	7,473.94	0.00	1,026.06		-	-	-	-	
Totals	479,549.00	495,007.63	63,616.00	48,157.37	89.96%	472,725.00	417,969.46	44,165.03	98,920.57	79.07%
120 - COMM SVCS										
01 - CEO/PLAN	103,698.00	78,865.13	0.00	24,832.87		115,375.00	90,458.15	35.00	24,951.85	
02 - ECONOM DEV	58,400.00	48,956.82	0.00	9,443.18		90,000.00	2,040.13	0.00	87,959.87	
03 - PKS/REC	11,350.00	6,048.07	0.00	5,301.93		7,850.00	3,413.37	79.50	4,516.13	
04 - GENL ASST	7,688.00	1,610.87	0.00	6,077.13		8,288.00	1,022.38	0.00	7,265.62	
05 - SOC SERVC	3,440.00	3,161.06	0.00	278.94		3,871.00	3,146.73	0.00	724.27	
06 - CEMETERIES	5,765.00	2,960.70	0.00	2,804.30		1,815.00	2,259.75	0.00	-444.75	
07 - LIVING WELL	750.00	969.73	0.00	-219.73		1,450.00	1,248.91	0.00	201.09	
08 - HIST SOCIE	1,750.00	1,448.45	0.00	301.55		-	-	-	-	
Totals	192,841.00	144,020.83	0.00	48,820.17	74.68%	228,649.00	103,589.42	114.50	125,174.08	45.25%
125 - COMM CENTER										
01 - OPERATIONS	-	-	-	-	-	60,561.00	46,773.23	0.00	13,787.77	
Totals	-	-	-	-	-	60,561.00	46,773.23	0.00	13,787.77	77.23%
130 - PUBL SAFETY										
01 - FIRE RESCUE	322,308.00	244,469.75	2,091.39	79,929.64		332,820.00	240,956.38	216.00	92,079.62	
02 - CONTR/PROF	109,902.00	62,541.46	0.00	47,360.54		115,719.00	97,886.18	0.00	17,832.82	
Totals	432,210.00	307,011.21	2,091.39	127,290.18	70.55%	448,539.00	338,842.56	216.00	109,912.44	75.50%
140 - PUBLIC WORKS										
01 - OPERATIONS	429,518.00	359,325.68	13,251.94	83,444.26		464,058.00	359,635.18	2,007.90	106,430.72	
Totals	429,518.00	359,325.68	13,251.94	83,444.26	80.57%	464,058.00	359,635.18	2,007.90	106,430.72	77.07%
145 - BLDGS/GRNDS										
01 - OPERATIONS	33,978.00	47,113.92	324.53	-12,811.39		43,639.00	30,872.34	0.00	12,766.66	
02 - UTILITIES	22,999.00	27,047.86	10.58	-4,038.28		51,130.00	44,317.08	0.00	6,812.92	
03 - FACLTY MAINT	4,600.00	6,448.70	0.00	-1,848.70		33,091.00	29,603.95	1,061.00	4,548.05	
Totals	61,577.00	80,610.48	335.11	- 18,698.37	130.37%	127,860.00	104,793.37	1,061.00	24,127.63	81.13%
150 - SW/RECYCLING										
01 - SOLID WASTE	228,188.00	176,348.21	0.00	51,839.79		230,733.00	168,915.79	0.00	61,817.21	
Totals	228,188.00	176,348.21	0.00	51,839.79	77.28%	230,733.00	168,915.79	0.00	61,817.21	73.21%
160 - FIXED EXPENS										
01 - DEBT SERVICE	285,900.00	517,662.50	231,762.50	0.00		280,650.00	280,650.00	0.00	0.00	
02 - EE BENEFITS	323,435.00	214,773.39	4,757.55	113,419.16		444,881.00	307,907.20	0.00	136,973.80	
03 - INSURANCE	41,457.00	46,039.00	0.00	-4,582.00		46,906.00	44,331.00	0.00	2,575.00	
04 - EDUCATION	7,368,665.00	6,140,554.02	0.00	1,228,110.98		7,898,211.00	6,581,842.40	0.00	1,316,368.60	
05 - SHARED SVCS	165,876.00	82,937.92	0.00	82,938.08		201,577.00	50,394.25	0.00	151,182.75	
06 - COUNTY TAX	362,248.00	362,248.00	0.00	0.00		416,874.00	380,619.00	0.00	36,255.00	
Totals	8,547,581.00	7,364,214.83	236,520.05	1,419,886.22	83.39%	9,289,099.00	7,645,743.85	0.00	1,643,355.15	82.31%
Final Totals	10,309,887.00	8,845,928.39	315,479.38	2,262,862.24	82.74%	11,702,224.00	9,282,217.91	47,679.23	2,467,685.32	78.91%

REVENUE SUMMARY REPORT
APRIL FY21

100 - REVENUES	FY20 Budget	Debits	Credits	Uncollected Balance	%	FY21 Budget	Debits	Credits	Uncollected Balance	%
4010 - AGENT FEES	12,100.00	6.00	10,782.75	1,323.25	89.06	12,100.00	0.00	14,188.25	-2,088.25	117.26
4020 - RESCUE FEES	60,000.00	0.00	75,326.99	-15,326.99	125.54	60,000.00	0.00	47,224.20	12,775.80	78.71
4030 - APPEALS	50.00	0.00	112.50	-62.50	225.00	50.00	0.00	0.00	50.00	0.00
4035 - BAD CHECK FEES	-	-	-	-	-	0.00	0.00	80.00	-80.00	-
4040 - BETE REIMBURSEMENT	1,200.00	0.00	42,738.00	-41,538.00	3561.50	42,712.00	0.00	52,120.00	-9,408.00	122.03
4050 - BOAT EXCISE	8,500.00	320.60	4,027.20	4,793.40	43.61	5,950.00	3.00	5,260.20	692.80	88.36
4060 - BUILDING PERMITS	60,000.00	2,525.50	73,048.57	-10,523.07	117.54	75,000.00	949.60	80,799.28	-4,849.68	106.47
4067 - BURN PERMITS - ONLINE	240.00	0.00	168.00	72.00	70.00	240.00	0.00	202.00	38.00	84.17
4080 - CATV FRANCHISE FEES	30,800.00	0.00	29,012.01	1,787.99	94.19	30,000.00	500.00	33,984.01	-3,484.01	111.61
4090 - CELL TOWER RENTAL	39,000.00	0.00	34,195.91	4,804.09	87.68	40,000.00	0.00	35,847.93	4,152.07	89.62
4100 - CEO FINES	-	-	-	-	-	0.00	0.00	140.00	-140.00	-
4110 - CEO MISC. PERMITS	300.00	0.00	0.00	300.00	0.00	250.00	0.00	25.00	225.00	10.00
4120 - CEO POWNAL SERVICES	17,500.00	4,818.66	12,425.33	9,893.33	43.47	-	-	-	-	-
4130 - CLERK FEES	755.00	0.00	780.00	-25.00	103.31	800.00	0.00	327.00	473.00	40.88
4140 - CUSTOMER SERVICES FEES	700.00	0.00	341.20	358.80	48.74	650.00	0.00	641.76	8.24	98.73
4150 - DOG LICENSE FEES / ACO SERVICE	1,650.00	0.00	1,505.00	145.00	91.21	1,650.00	0.00	1,527.00	123.00	92.55
4155 - DONATIONS	-	-	-	-	-	0.00	0.00	75.00	-75.00	-
4157 - PARK USE PERMIT DOGS	1,200.00	0.00	550.00	650.00	45.83	1,200.00	0.00	200.00	1,000.00	16.67
4160 - ELECTRICAL PERMITS	10,500.00	40.00	14,379.18	-3,839.18	136.56	15,500.00	0.00	13,169.17	2,330.83	84.96
4190 - FOAA FEES	-	-	-	-	-	0.00	0.00	207.00	-207.00	-
4200 - GENEOLOGY SEARCH	150.00	0.00	21.00	129.00	14.00	150.00	0.00	45.00	105.00	30.00
4210 - GENERAL ASSISTANCE	2,500.00	0.00	437.90	2,062.10	17.52	2,500.00	0.00	175.27	2,324.73	7.01
4220 - HOMESTEAD EXEMPTION	200,527.00	0.00	208,503.00	-7,976.00	103.98	333,594.00	0.00	293,265.00	40,329.00	87.91
4257 - CARES ACT - COVID19	0.00	0.00	1,343.51	-1,343.51	-		-	-	-	-
4260 - LOCAL ROAD ASSISTANCE PROGRAM	27,000.00	0.00	27,952.00	-952.00	103.53	27,400.00	0.00	26,048.00	1,352.00	95.07
4265 - PROPERTY & CASUALTY POOL	2,500.00	0.00	5,505.00	-3,005.00	220.20	5,500.00	0.00	5,025.00	475.00	91.36
4270 - MSAD ELECTIONS	1,600.00	0.00	0.00	1,600.00	0.00	1,600.00	2,520.90	2,520.90	1,600.00	0.00
4280 - MISC REVENUES	1,200.00	6,903.95	7,026.52	1,077.43	10.21	1,200.00	8,697.15	9,347.16	549.99	54.17
4290 - BMV EXCISE	965,000.00	19,239.40	736,949.82	247,289.58	74.37	828,750.00	668.70	907,121.06	-77,702.36	109.38
4310 - PEER REVIEW	1,000.00	0.00	0.00	1,000.00	0.00	1,000.00	0.00	0.00	1,000.00	0.00
4320 - PLANNING BOARD	1,200.00	0.00	700.00	500.00	58.33	1,200.00	25.00	4,300.00	-3,075.00	356.25
4330 - PLUMBING PERMITS	8,500.00	805.00	13,507.50	-4,202.50	149.44	18,000.00	0.00	10,065.00	7,935.00	55.92
4335 - PRIVATE ROAD SIGNS	300.00	0.00	155.06	144.94	51.69	300.00	0.00	88.94	211.06	29.65
4340 - RENTAL FEES	25,500.00	0.00	9,025.00	16,475.00	35.39	10,200.00	0.00	8,925.00	1,275.00	87.50
4345 - WH&CC FEES	0.00	1,175.00	8,300.80	-7,125.80	-	51,970.00	4,590.00	7,186.50	49,373.50	5.00
4350 - REVENUE SHARING	387,000.00	0.00	214,830.27	172,169.73	55.51	271,799.00	0.00	311,583.43	-39,784.43	114.64
4360 - SALE OF ASSETS	0.00	0.00	801.00	-801.00	-	0.00	0.00	2,525.00	-2,525.00	-
4370 - SITE PLAN REVIEW	1,200.00	0.00	750.00	450.00	62.50	1,200.00	0.00	1,250.00	-50.00	104.17
4380 - SNOWMOBILE CLUBS STATE REIMBUR	1,250.00	0.00	1,151.88	98.12	92.15	1,250.00	1,211.46	1,211.46	1,250.00	0.00
4390 - SOLID WASTE/RECYCLING	186,300.00	0.00	140,347.50	45,952.50	75.33	148,000.00	38,845.65	205,809.84	-18,964.19	112.81
4400 - SW HAULER PERMIT	75.00	0.00	0.00	75.00	0.00	75.00	0.00	150.00	-75.00	200.00
4420 - TAX INTEREST	15,000.00	7.73	15,704.47	-696.74	104.64	15,000.00	66.28	14,384.97	681.31	95.46
4430 - TAX PENALTY	3,000.00	0.00	2,203.51	796.49	73.45	3,000.00	0.00	1,644.16	1,355.84	54.81
4450 - TIMBER HARVEST	-	-	-	-	-	5,000.00	0.00	0.00	0.00	0.00
4480 - TREE GROWTH EXEMPTION	4,000.00	0.00	2,641.04	1,358.96	66.03	4,000.00	0.00	2,330.52	1,669.48	58.26
4485 - CONSOLIDATED COMM. LEASE	-	-	-	-	-	6,000.00	0.00	5,000.00	1,000.00	83.33
4500 - VETERAN'S EXEMPTION	2,950.00	0.00	1,598.00	1,352.00	54.17	2,950.00	0.00	2,153.00	797.00	72.98
4510 - VITAL RECORDS	3,100.00	0.00	1,405.20	1,694.80	45.33	3,100.00	0.00	2,163.20	936.80	69.78
Final Totals	2,085,347.00	35,841.84	1,700,252.62	420,936.22	79.81	2,030,840.00	58,077.74	2,110,336.21	-26,418.47	101.05

Town of North Yarmouth
Code Enforcement Department
Bi-monthly Report
March & April 2021

Permit Comparison

Permit Type	March 2020	March 2021	April 2020	April 2021
Occupancy Certificates	5	10	5	5
Building Permits	4	8	8	10
New Homes	0	0	0	2
Plumbing Permits	6	4	7	16
Septic Permits	3	3	1	7
Electric Permits	6	4	6	10
Subdivisions	0	0	0	0
Contract Zoning	0	0	0	0

CEO Overview

Hello everyone,

Th Code office is trucking along with new permits and prepping to educate the builders and public on the new Energy Code. Since 2009 the State has followed the 2009 IECC or energy Code and we are now adopting the 2015 IECC Code on July 1, 2021. The State has hesitated to adopt the new Code as it comes with some major changes. The Changes are going to be great for the structure and drastically reduce heating costs in the Winter months. The big take home message is greater wall insulation and airtight testing is now required on all new homes insuring they meet the tightness standards. If people have specific questions about the new rules, I encourage anyone to contact me at the Code Office.

Planning Board is seeing a steady stream of new applications with 2 larger subdivisions applications on the table, one sporting 13 new lots and one supporting 23 lots. All the new lots are benchmarked to be single family houses and located in the Village Center District. The proposed applications I expect to achieve approval by mid-year and the site work construction of roadways and sidewalks to be completed this calendar year. I do not expect the lots to be built out by the end of this calendar year but for some of the homes maybe completed. The Village Center district does not have any type of building caps but the subject has been brought up

Here is a breakdown of the growth over the past few years: (these are in all zoning districts)
2018 - 29 new single-family homes
2019 - 48 new single-family homes and 6 new apartment units
2020 - 27 new single-family homes
2021 to date: 9 new single family home permits

The work has begun on the Yarmouth Water District's booster pump station as the contractor has brought the new water main up the length of Sweetser Road. The Booster Pump building location has been cleared and I expect construction to start soon. The new pump station will act as repetition and support for the existing Hayes well allow a significant more volume to be accessed by North Yarmouth in the future.
On a more flavorful note, the new Toots Ice Cream stand is nearly complete, and I'd expect also to be up and running by the start of summer, the original location at the farm will continue operating as usual.

Submitted by Ryan Keith, Code Enforcement Officer

Bi-monthly Report - Public Works Department

March/April 2021

General Maintenance of Parks & Grounds:

- Dump trash cans at parks and restock dog waste bags
- Start spring cleanup of town grounds
- Replace wood on park benches
- Get benches and picnic tables ready for placement (if Covid protocols allow)
- Spraying of brown-tailed moth caterpillars at LL field, Sharp's field, Town Office area, Village Green.
- Meeting with MDEP and Parks & Rec for restoring Baston park water access.
- Dead tree removal project for Meeting House Park
- Grade park driveways and parking lots

PW Building Mainetenance:

- Salt shed repair started.

Heavy Equipment:

- Spring maintenance of plow and sanding equipment.
- Painting of plows and wings
- Assist Fire Rescue Department with maintenance of Fire Rescue equipment.

Road Maintenance:

- Assist residents with plow damaged mail boxes.
- Repair and installed street signs at various locations
- Pick up of road kill
- Brush cutting on Lawrence Road, West Pownal Road, and Haskell Road.
- Mix salt with magic minus zero
- Sweeping sidewalks, parking lots and roads
- Grade Sweetser and Lufkin roads

Other:

- Retirement of employee John Berry
- Start process to hire replacement employee advertise/ interview/hire/Train
- Open Brush dump by appointment
- Budget work and Zoom meetings
- Covid-19 situation
- Move voting drop boxes at Town Office as requested by Town Clerk
- Installed emergency evac location signs at town facilities.
- Post four (4) public information signs as directed by Town clerk.
- Work with Yarmouth Water District on water main instillation on Sweetser Road.
- Assist WH&NYCC Director as requested
- Move horse manure from Cumberland fairgrounds to town fill site for "peat moss project"
- Two (2) employees to safety works training: excavating/trenching

Changes/Updates:

- Working on Roadway Ordinance
- Working on Municipal Disaster Debris Management Plan

Projects:

- Culvert inventory project
- Working on Sweetser Road/Toddy brook culvert replacement.
- Sidewalk ADA compliance

Storms: 2 winter storms

Submitted by Clark Bason, Road Commissioner

Town of North Yarmouth

Bi-monthly Report – Municipal Administration Department

Reporting Period: March and April FY21

Collections	**FY21**	**FY20**
• Excise Collection (boat & auto):	$188,315.62	$81,335.90*
• Inland Fisheries & Wildlife Collections:	$5,390.55	$412.00*
• PAYT Collections:	$25,342.47	$35,310.00
• Tax Collections:	$1,948,295.16	$1,774,064.50*

* COVID-19 State of Emergency in FY20

Voters

FY	Democrat	Green	Libertarian	Republican	Un-Enrolled	Total Voters
2021	1482	138	n/a	1039	1048	3707
2020	1379	125	n/a	986	977	3467

Communications *(number of subscribers)*	**FY21**	**FY20**
• Reminders From Town Hall	874	799
• Facebook	1611	1406
• Instagram	537	395
• Twitter	324	289
• Town Hall Streams – Live Views	706 total views*	132
• Town Hall Streams – On Demand Views	5504*	246

This is not an error; I triple checked the numbers.

Changes/Updates

- Slides have been created and loaded to Channel 1301 featuring nine (9) town recreational areas. This was done based on the feedback from the Parks & Recreation Survey.
- Trash Talk Newsletter was mailed to all residents during the month of March. This was done as an educational tool to assist residents with the proper curbside etiquette for the disposal of household waste and recycling. Casella and Ecomaine assisted in the development of this newsletter. This newsletter is also posted on the town's website.
- Community Connections April newsletter was completed and mailed out to the residents. The focus for this issue is Annual Town Meeting. This newsletter is also posted on the town's website.

Project(s) Update

- Cumberland/North Yarmouth Mental Health Committee: In March, I began working with representatives from the Town of Cumberland and MSAD #51 in response to a growing concern around mental health and well-being amidst the COVID-19 pandemic. A webpage has been developed and prominently shared on all three (3) entities websites, with information, resources, and links to assist residents get the help they may need for themselves or others. We have been working with the National Alliance on Mental Illness Maine (NAMI) to host public events to engage our residents. The first event will be livestreamed on YouTube on Tuesday, May 25th at 6:00pm.
- Special Election on March 23, 2021 had a voter turnout of 17%. 623 votes were cast.
- FY 21 annual training for all staff has been completed. This year we chose online classes for training. CPR/AED training was not included this year due to COVID-19.

Coming Up

- Quarterly Reporting: Fed 941, State SIT, Unemployment & MSHA.
- Spring burials in the cemeteries.
- Recycling Committee first meeting May 5, 2021
- Smash the Stigma, May 25, 2021 a Community Conversation
- Candidates Night May 26, 2021
- Elections June 8, 2021 (municipal and MSAD #51)

Submitted by Debbie Grover, Assistant Town Manager

Town of North Yarmouth

Bi-monthly Report - Fire Rescue Department

Reporting Period: March 2021 & April 2021 for FY20

Activity	2020	2021
Medical Calls	19	29
Fire Calls	38	41
Patient Evaluations	19	29
Transports	13	22
Public Assistance	2	4
Vehicle Accidents	4	4
Mutual Aid	6	13
Unauthorized Burning	5	0
Total Member Hours on Calls	261.08	352.13
Total Member Hours Training	268.00	418.00
Total Incidents	**57**	**70**

Total Incidents July 1, 2019 to June 30, 2020	**359**

Total Incidents July 1, 2020 to April 30, 2021	**330**

Changes/Updates

We have completed our Lieutenant's Officers Process. We had three officers' step down due to time constraints required with the position. The current Officer group is the following: Deputy Justin Deri (502), Captain Fortunat Mueller (503), Lieutenant Sean Woodcock (505), Lieutenant Nick Thibeault (506), Lieutenant / Training Officer Nick Hutchins (507). I am happy to announce that Bryce Neumann (one of our live-in students) has just completed his Advanced EMT program and is now licensed as a Maine State Advanced EMT. With COVID vaccines becoming more prevalent and our members being vaccinated, we have seen a rise in participation by members that was not comfortable responding on calls due to COVID-19. This and the increase of calls has given higher hours for both calls and trainings. The Department completed a prescribed burn on April 3rd for Skyline Farm. This was to assist them with turning some of the fields back to farming. We also assisted the Maine Forest Service with Utility 58 (our UTV) at Bradbury Mountain State Park with a prescribed burn. (See letter attached)

Project(s) Update

The Generator project for Wescustogo Hall and Community Center is now complete and will run 100% of the building during a power outage. With the installation of the generator, we are now in discussion with Cumberland County EMA in officially making the community center an Emergency Shelter. On April 13th and April 15th, Debbie Allen Grover and I attended a Shelter in A box training through Cumberland County EMA. This training went over the requirements to use the building for an emergency shelter. There are many Standard Operating Guidelines that I will be working on over the next few months in preparation for a shelter. The training also gives the town the ability to use Cumberland County's Shelter Trailer. This trailer contains many items that will assist with the setting up of an Emergency Shelter.

Coming Up

Over the next few months, you will see the Fire Rescue Department Training at 521 Walnut Hill Road (the building at the corner of Walnut Hill and Parsonage Road). This is going to be an asset for the department to make training realistic for our members. At this point, there is not any plan for us to burn the building for training. The owner is also allowing me to invite our mutual aid partners to use the building as well. We will begin using the building in the first week of May.

Submitted by: Gregory Payson, Fire Rescue Chief
Date: 05/06/2021

Town of North Yarmouth

Bi-monthly Report – Community Center

Reporting Period: March-April 2021

Usage	March 2021	April 2021
Open Gym participants (Drop-in)	0	10 (began 4/27)
Senior walking participants	25	15
Meetings	0	0
Programs	3	4
Rentals	0	1
Other:		
Total program hours *per week* (does not include meetings & rentals)	59	62
Operating hours per Month	276	250
Average operating hours per week	69.0	62.5

March-April Programs and Events

Cumberland Recreation continues to use the facility for a full day childcare program Monday-Friday, 7:30am- 5:30pm for children in grades K-6. This program is a great example of how shared services between North Yarmouth and Cumberland provide successful and essential programs for our families. We have added Senior Walking, Open Gym, and Pillo Hockey. All are going very well. Meetings include Select Board, Boy Scouts, GHS Project Graduation Committee, and HART Board meetings.

Operating hours have increased 31% in March and 60% in April with the addition of new programs, in-person meetings and rentals. I expect this trend to continue throughout the summer months.

Respectfully Submitted,

Lisa Thompson, CPRP
Director, Wescustogo Hall & North Yarmouth Community Center

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE FOREST SERVICE
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

North Yarmouth Fire Rescue
10 Village Square Rd
North Yarmouth, ME 04097

April 08, 2021

Dear Chief Payson,

Thank you for your participation in helping us burn the fields in Bradbury State Park. The Objectives were to: reduce the fuel hazards, tick mitigation, invasive species control and training. Your presence contributed to the success, as well as the resources you brought, aided in obtaining these objectives. It allowed me and our fire investigation ranger to provide training to a new ranger. It also provided needed collaboration between the Maine Forest Service and North Yarmouth Fire Department on working a wildland fire. As you know, a prescribed fire, allows us to watch wildland fires reaction, movement and progression in a controlled environment, so we (MFS and FD's) can better manage a wildland fire incident that is out of control. It also keeps us familiar with equipment for fire readiness. It is always beneficial to all to work together. We learn each other's capabilities and find those area we need improvement and have time to make those adjustments. The (AAR) After Action Review was a good discussion on what we did, how we did it and what we could have done better for the next time. A takeaway from this training, as we discussed, will be communications. If there were to be more departments involved, or a larger incident, using a common frequency or a patch to Region Net will need to be utilized.

Thank you again. Training together is always beneficial to both your department and our agency.

Maine Forest Service
District Ranger Gray
George Harris
356 Shaker Road
Gray, Maine 04039
207-712-8941 cell
207-657-3552 work

Wildfire Control, Natural Resource Law Enforcement,

Incident Management and Disaster Response

Protecting Maine's Forest Resources for over 100 years

PATTY CORMIER, DIRECTOR
MAINE FOREST SERVICE
18 ELKINS LANE, HARLOW BUILDING

PHONE: (207) 287-2791
WWW.MAINEFORESTSERVICE.GOV

Town of
North Yarmouth

SELECT BOARD - OLD BUSINESS

May 18, 2021

Section VIII. Old Business

- Sharp's Field Warrant Article Review – Discussion

  "**Other articles** […] A good general rule is that a procedural amendment is almost always in order, while a substantive one rarely is." (146-147, *Maine Municipal Associaiton Town Meeting and Elections Manual)*

  Procedural Amendment – "[an amendment] that changes the manner in which the article or vote is to be carried out, or adds minor details to the way and issue is to be addressed." (pg. 147, *Maine Municipal Associaiton Town Meeting and Elections Manual)*

  Substantive Amendment – "[an amendment] that affects the basic subject matter of the article." (pg. 147, *Maine Municipal Associaiton Town Meeting and Elections Manual)*

  Amendments to the warrant article for the June 19, 2021 Annual Town Meeting must be made on the floor by a resident or a Select Board member.

- MSAD 51 Vacancy – Appointment Process

  After consultation with the Town Attorney, Shana Mueller, it has been determined that the Select Board will have to appoint a resident (must be a registered voter) as an interiem director to the MSAD #51 School Board (Title 20-A M.R.S. § 1253). Due to the laws that oversee local elections, it is too late to meet the timeline for placing the seat on the June 8, 2021 election. **An appointment from the Select Board to a term ending June 2022 at the next annual municipal election is recommended.**

  Process

  Below are recommendations of how the Board could move forward with a process:

  1) Announce that the Select Board will accept applications (included herin, online, and at the Town Office) for the vacant seat at this meeting. **Interested parties must submit the application form to the Town Office for consideration. Deadline for submissions is 5:00pm on June 10, 2021.** Resume's or other helpful information is welcome.

  2) The Select Board will review the applications prior to their June 15, 2021 Regular Business Meeting.

  3) At the June 15, 2021 regular business meeting, applicants will be given up to three (3) minutes to make a statement to the Board.

  4) After statements are made, the Board will enter into executive session to discuss an appointment. After coming out of executive session, the Board may make a motion to appoint an individual.

  SUGGESTED ACTION ITEM

  Move to accept applications for the purposes of appointing a resident to the MSAD #51 School Board of Directors and to consider those applications at the June 15, 2021 regular business meeting. **Second. discussion, vote to follow.**

TOWN OF NORTH YARMOUTH

Application to fill the vacant MSAD#51 Board of Directors Seat

Please provide the following information:

Name: _____

Email: _____

Mailing Address: _____

Street Address if different from mailing address: _____

Telephone number(s): _____

1. Please give a short narrative as to why you would like to be appointed to fill the vacant MSAD#51 Board of Directors Seat _____

   _____

   _____

   _____

2. Do you have any relevant experience, training or credentials that you would like us to consider?_____

   _____

   _____

3. Have you ever served on any boards/ committees before? If so, when and where?_____

   _____

   _____

_____ _____/_____/_____

Applicant's Signature Date

Please email this form to townclerk@northyarmouth.org, mail to 10 Village Square Road, North Yarmouth, ME 04097, or drop it off at the Town Office; (207)829-3705

Town of
North Yarmouth

SELECT BOARD - NEW BUSINESS

May 18, 2021

Section IX. New Business

- Certification of Warrant Articles – As part of the official process of preparing the warrant for June 7th & 8th, the following doucments need the Select Board's certification that these are the documents to be put before the townspeople and will be posted as recorded.

  Move to endorse and provide the Town Clerk with the required certifications of the proposed documents to be voted upon at the Special Town Meeting on Juney 7, 2021 and June 8, 2021. Second, discussion and vote to follow.

  1) Animal Control Ordinance
  2) Regulations for the Use of Parks and Recreation Areas Ordinance

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- Signing of June 7th & 8th Special Town Meeting Warrant

  Move that the Select Board endorse the Special Town Meeting Warrant for June 7, 2021 and June 8, 2021, as presented. Second, discussion, and vote follow.

Certification of Amendments to the Regulations for the Use of Parks and Recreation Areas Ordinance by the Municipal Officers

To: Debbie Allen Grover, Town Clerk

This is a true certified copy of proposed amendments to the Town of North Yarmouth Regulations for the Use of Parks and Recreation Areas Ordinance. To be voted on at the Special Town Meeting scheduled for the 7th day of June, 2021, Warrant Article to be assigned.

Given under our hands this 18th day of May, 2021.

Select Board

Steve Berry, Chairperson

James Moulton, Vice Chairperson

Brian Sites

Austin Harrell

David Reed

A majority of the Municipal Officers of North Yarmouth, Maine

Certification of Proposed New Ordinance Entitled:
Animal Control Ordinance
by the Municipal Officers

To: Debbie Allen Grover, Town Clerk

This is a true certified copy of proposed new Town of North Yarmouth ordinance entitled Animal Control Ordinance. To be voted on at the Special Town Meeting scheduled for the 7th day of June, 2021, Warrant Article to be assigned.

Given under our hands this 18th day of May, 2021.

Select Board

Steve Berry, Chairperson

James Moulton, Vice Chairperson

Brian Sites

Austin Harrell

David Reed

A majority of the Municipal Officers of North Yarmouth, Maine

Town of North Yarmouth, Maine
Special Town Meeting Warrant

To: Clark M. Baston, a resident in the Town of North Yarmouth, County of Cumberland, and the State of Maine.

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of North Yarmouth, Maine qualified by law to vote in town affairs, to meet at the Wescustogo Hall & North Yarmouth Community Center located in North Yarmouth, Maine on Monday the 7th day of June A.D. 2021, at 6:30 PM, then and there to act upon Articles 1 through 3 as set out below, to wit:

AND

You are hereby notified that the Municipal Election, set forth in Article 4, will be determined by secret ballot by a vote in conformity with sections 2528 to 2532 of Title 30-A of the Maine Revised Statutes, as amended, at the Wescustogo Hall & North Yarmouth Community Center located in North Yarmouth, Maine on Tuesday the 8th day of June 2021 A.D. The polls will be open between the hours of 7:00 AM and 8:00 PM.

The Registrar of Voters gives notice that citizens will be able to register to vote on June 7, 2021, from 6:00 PM to the close of the meeting.

ARTICLE 1: To elect a Moderator by written ballot to preside over said meeting.

Note: The Maine Moderator's Manual voted on by the Townspeople on October 3, 2020, is the current guideline used by the Moderator presiding at North Yarmouth's Annual Town Meetings.

LEGISLATIVE ARTICLES

ARTICLE 2: Shall an ordinance entitled "Barking Dog Ordinance" be repealed and an ordinance entitled "Animal Control Ordinance" be enacted, as presented in **Exhibit A** of this warrant?
Select Board recommends approval.

ARTICLE 3: Shall the ordinance entitled "Regulations for the Use of Parks and Recreation Areas" be amended, as presented in **Exhibit B** of this warrant?
Select Board recommends approval.

ELECTION

ARTICLE 4: To elect by secret ballot:

- Three (3) seats for Budget Committee for a 3-year term
- One (1) seat for Cemetery Commissioner for a 5-year term.
- One (1) seat for MSAD #51 Board of Directors for a 3-year term.
- One (1) seat for Select Board for a 3-year term.
- One (1) seat for Yarmouth Water District Trustee for a 3-year term.

Given unto our hands this 18th day of May 2021 at North Yarmouth, Maine.

Select Board

Steve Berry, Chairperson	James Moulton, Vice Chairperson
Austin Harrell	Brian Sites
David Reed	

A true copy of the warrant,

Attest: _____, Debbie Allen Grover, Town Clerk

RETURN OF THE WARRANT

North Yarmouth, Maine _____, 2021

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said Town qualified as herein expressed, to meet at said time and place, and for purposes therein named, by posting an attested copy of said warrant at the Town Office, North Yarmouth Variety, Blue Seal Farm & Home, NY Fire Rescue Station and Toddy Brook Café in said town, being public and conspicuous places in said town, on the ____ day of May 2021, being at least seven (7) days before the meeting.

Clark M. Baston, Resident

Town of
North Yarmouth

SELECT BOARD - PAYABLES

May 18, 2021

Agenda - Section X. Accounts Payable

Item(s):

- *Move to approve accounts payable warrants 48 & 49 in the amount of $ 853,076.32 as presented for FY21.* Second, discussion and vote follow.