

**MUNICIPAL OFFICER'S ORDER  
TOWN OF NORTH YARMOUTH  
SELECT BOARD**

**ORDER**

**ACTION TO SUBMIT PROPOSED AMENDMENTS TO THE TOWN OF NORTH YARMOUTH  
CHARTER TO THE VOTERS ON NOVEMBER 8, 2022**

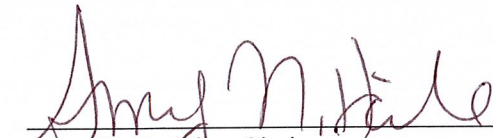
Date: September 6, 2022

ORDERED, that the Town Clerk be and hereby is directed to place the attached amendments to the Town of North Yarmouth Charter on the November 8, 2022, ballot; and,

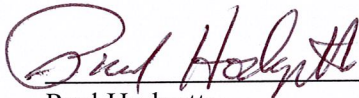
BE IF FURTHER ORDERED, that, the Town Clerk be and hereby is directed to, at least two (2) weeks before the election: (1) have the proposed amendments printed; (2) make copies available to the voters in the Town Clerk's office; and (3) post the amendments in the same manner that proposed ordinances are posted.



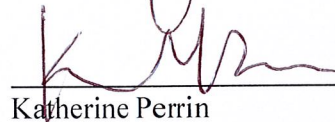
Brian Sites, Chairperson



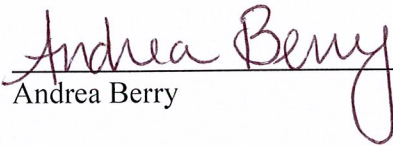
Amy Haile, Vice-Chairperson



Paul Hodgetts



Katherine Perrin



Andrea Berry

**PROPOSED CHARTER AMENDMENTS**

1. Shall the Town of North Yarmouth approve the charter amendment reprinted below?

[Note: Proposed deletions are ~~struck through~~; additions are underlined.]

**Article I. Town Meeting and Elections**

1. **Town Meeting.** Town meetings shall be held as provided below:

- a. The Select Board shall convene an annual Town Meeting ~~on a Saturday in April~~ on or before June 30<sup>th</sup> of each year for the purpose of considering and adopting the budget and such other matters as appear on the meeting’s warrant. The annual Town Meeting date shall be established by the Select Board not later than the preceding ~~February 1<sup>st</sup>~~ April 1<sup>st</sup>.

...

**Article II. Select Board**

...

3. **Chair of Select Board.**

At the first ~~regular~~ meeting of the Select Board on or after July 1<sup>st</sup> of a year, the Select Board shall elect a chair to serve until the following June 30<sup>th</sup>. In the event the chair ceases to serve as a selectperson, resigns as chair, or is otherwise unable to discharge his or her duties prior to the end of such term, the Select Board shall elect a new chair as soon as practicable. By an affirmative vote of not less than four members, the Select Board may vote to remove a chair prior to the expiration of their term and thereafter by an affirmative vote of no less than three members, elect a replacement.

YES \_\_\_\_\_ NO \_\_\_\_\_

Brief Explanation:

This Charter amendment would extend the deadline for holding the annual Town Meeting to June 30, and specifies that the Select Board must elect a Chair at its first meeting of any type on or after July 1.

2. Shall the Town of North Yarmouth approve the charter amendment reprinted below?

[Note: Proposed deletions are ~~struck through~~; additions are underlined.]

**Article I. Town Meeting and Elections**

...

2. **Elections.** An annual municipal election shall be held in June for the purpose of electing town officials and for voting on referendum questions and other secret ballot questions. Except as otherwise provided herein or in state law, the following offices shall be elected by secret ballot at the annual municipal election: Select Board/Board of Overseers ~~& Overseers of the Poor~~; Yarmouth Water District Trustee; Directors of MSAD #51; Budget Committee; and Cemetery Commission. Other elections shall be held as provided by state law.

...

## Article II. Select Board

1. **Select Board/Board of Overseers** ~~of the Poor.~~ There shall be a Select Board/Board of Overseers ~~of the poor~~ consisting of five (5) members elected to staggered three (3) year terms. The terms of those elected to the Select Board shall expire on June 30<sup>th</sup> of their expiration year.

...

## Article V. General Provisions

...

### 3. Transition Provisions.

...

- b. The prohibition on serving as a Selectperson pursuant to Article II, Section 5(b) shall apply to all ~~selectmen~~ Selectpersons as of the effective date of the charter. Should the prohibition create a conflict for any Selectperson elected prior to the effective date, that Selectperson's seat becomes vacant as of the effective date of the charter unless the Selectperson eliminates the conflict before the effective date.

YES \_\_\_\_\_ NO \_\_\_\_\_

### Brief Explanation:

The above amendment is required due to the Legislature's enactment of P.L. 2021, ch. 275.

3. Shall the Town of North Yarmouth approve the charter amendment reprinted below?

[Note: Proposed deletions are ~~struck through~~; additions are underlined.]

## Article II. Select Board

...

2. **Qualifications.** The Select Board shall be registered voters of the town who maintain a permanent, principal residence in the town at all times during their term of office. For purposes of this subsection, “permanent, principal residence” shall mean that place where a person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return, consistent with the factors listed in 21-A M.R.S. § 112(1)(A).

...

4. **Powers and Duties.**

...

g. The Select Board shall make appointments to boards, commissions and committees from time to time. In the case of elected positions described in Article IV below, the Select Board shall have the authority to appoint members to otherwise elected committee positions in the event of removal, disability, or resignation, and in the event no qualified candidate is elected on a secret ballot. Such appointments shall be for the unexpired term of such position, unless otherwise provided by statute or other law.

...

#### **Article IV. Elected and Appointed Boards, Commissions, Committees and Officials.**

1. **Elected Boards, Commissions, Committees, and Officials, and Qualifications.** The following positions shall be registered voters of the town who maintain a permanent, principal residence in the town at all times during their term of office and shall be elected by secret ballot. For purposes of this section, “permanent, principal residence” shall have the same meaning as set forth in Article II, Section 2.

...

2. **Appointed Boards, Commissions, Committees and—Officials, and Qualifications.** The following boards, commissions, committees and officials shall be appointed by the Select Board, and shall consist of members who are registered voters of the town who maintain a permanent, principal residence in the town at all times during their term of office. For purposes of this section, “permanent, principal residence” shall have the same meaning as set forth in Article II, Section 2.

...

3. **Vacancy, Forfeiture.** The office of a member of any elected or appointed board, commission or committee listed in Article IV, Sections 1 and 2 shall become vacant upon the member’s death, resignation, non-acceptance, or removal from office in any manner designated by law, or by forfeiture if he or she lacks at any time during

their term of office any qualification of the office as described by this charter or by law.

YES \_\_\_\_\_ NO \_\_\_\_\_

Brief Explanation:

This charter amendment establishes a requirement that all appointed and elected members of boards, commissions and committees of the Town must be registered voters and residents of the Town, and also provides a definition for “permanent, principal residence.” The amendment further clarifies that a member who lacks any mandatory qualifications during his/her term of office forfeits the office, which then becomes vacant.

4. Shall the Town of North Yarmouth approve the charter amendment reprinted below?

[Note: Proposed deletions are ~~struck through~~; additions are underlined.]

**Article IV. Elected and Appointed Boards, Commissions, Committees, and Officials**

- a. Board of Assessment Review. There shall be a Board of Assessment Review consisting of three (3) regular members and two (2) alternate members appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Board of Assessment Review shall expire on June 30<sup>th</sup> of the expiration year. The Board of Assessment Review shall elect from their membership a chair and a secretary at its first regular meeting occurring on or after July 1<sup>st</sup> of each year. Other than for purposes of electing the chair and secretary, an alternate may only vote in the absence of a regular member.

...

- d. ~~Parks & Recreation~~ Committee. There shall be a ~~Parks & Recreation~~ Committee consisting of ~~seven (7)~~ five (5) 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 30<sup>th</sup> of their expiration year. The ~~Parks & Recreation~~ Committee shall elect from its membership a chair and a secretary at its first regular meeting occurring on or after July 1<sup>st</sup> of each year.
- (i) The ~~Parks & Recreation~~ Committee shall advise the town and municipal officers on matters of the town's 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.

YES \_\_\_\_\_ NO \_\_\_\_\_

Brief Explanation:

This charter amendment allows for two alternates to be appointed to the Board of Assessment Review, renames the Parks & Recreation Committee to the “Parks Committee,” and decreases the number of members on the Parks Committee from seven members to five members.

The effective date of these amendments is November 9, 2022.