

**Town of North Yarmouth  
Select Board Workshop  
Discussions on Town Council form of Government  
Tuesday, November 19, 2019 - 6:00 PM  
Town Office Conference Room**

**I. Review of Materials**

**II. Discussion**

Materials:

- White Paper - Municipal Forms of Government - Select Board or Town Council
- Final Report of the 2013 Charter Commission

**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.

# Select Board or Town Council

## Form of Government

### Present Town Charter

Almost 6 ½ years ago on **July 1, 2013** the new **Town Charter went into effect** defining a Townspeople/Select Board/Town Manager form of Government.

Excerpts from the  
**Final Report of the Charter Commission**  
relating to a Town Council form of  
government (page 4):

At the same time, the Commission has also made a number of smaller changes to the Charter designed to address specific concerns raised by residents. Those changes include:

**Town Meeting:** The Commission agrees that Town Meeting remains an important part of North Yarmouth government. Nonetheless, the decline in attendance is a distinct concern. The strong sense of the Commission was that the declining numbers were not an indication that North Yarmouth residents were “voting with their feet” against the continuation of Town Meeting. At the same time, based upon the comments at the Commission’s public hearings and the sense of the Commission itself, the Commission concluded that the town had not reached the point where it was ready to move to a Town Council form of government. The Commission concluded that residents would view that change as too great and reject it at this time.

Finally, the Commission encourages the town to try to do all that it can to increase attendance at Town Meeting. For instance, it might be that more communication such as direct mailings and the like might cause more people to turn out. The commission hopes that the new Charter will encourage those who want to continue to have Town Meeting to take the opportunity to participate and bring attendance back up.

Of course, the Commission also understands that the town may continue to change and reach the point where a majority of residents want to move to a Town Council. Nonetheless, the Commission concluded that the town has not yet reached that point.

### Definitions of Government

#### **Town Meeting-Selectmen-Manager**

This is the second most common form of local government in Maine. As municipalities grow in size, as state and federal regulations increase in number and complexity, many a municipality (currently, the number is 135) has hired a manager to administer the town government. Under this form of government, the board of selectmen continue to serve as the town's executive body; the only difference is that they now can attend more to issues of policy, now that they have an administrator to oversee the daily operations of the municipality. Towns may adopt the town manager form of government either by adopting the state's Statutory Town Manager Plan or by adopting - via charter - their own custom-designed plan. In either case, the manager is responsible directly to the selectmen.

#### **Council-Town Meeting-Manager**

In this variation of the town meeting form of government, the legislative functions of government are shared between the town meeting and an elected council. The most common scenario is to have the town meeting vote on the budget and have the council tend to all other legislative functions. Currently 20 municipalities in Maine have this hybrid form of government.

#### **Council-Manager**

In this form of government, the council is the elected body of government and serves both the legislative and executive functions. Unlike the town meeting form of government, the Council form must be adopted through the local charter. Currently 37 municipalities in Maine have this form of government. The first city in Maine to adopt this form of government was Auburn in 1917.

## What is the required process? Title 30-A §2103. Charter commission, membership, procedure

**Membership.** The charter commission shall consist of several voters in the municipality, elected under paragraph A, and 3 members appointed by the municipal officers.

- Six voter members are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations;
- One voter member is elected from each voting district or ward in the same manner as municipal officers, except that the voter member must be elected without party designation; or
- Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission or at the next scheduled regular or special municipal or state election. Appointive members need not be residents of the municipality, but only one may be a municipal officer. The municipal officers shall make the appointments in accordance with municipal custom or bylaws within 30 days after the election approving the establishment of the charter commission.

**Organization.** Immediately after receiving notice of the appointment of the members by the municipal officers, the municipal clerk shall notify the appointed and elected members of the charter commission of the date, time and place of the charter commission's organizational meeting. The clerk shall set the date, time and place of the meeting and give at least 7 days' notice of the meeting.

The charter commission shall organize by electing from its members a chairman, vice-chairman and a secretary and shall file notice of these elections with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality, except that a vacancy among appointive members shall be promptly filled by the municipal officers. Members shall serve without compensation, but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

**Regulations, staff.** The charter commission may adopt regulations governing the conduct of its meetings and proceedings and may employ any necessary legal, research, clerical or other employees and consultants within the limits of its budget.

**Funding.** A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to the commission and shall permit it to consult with and obtain advice and information from municipal officers, officials and employees during ordinary working hours. Within 20 days after the members of a charter commission are elected and appointed, the municipal officers shall credit \$100 to the charter commission account. A municipality, from time to time, may appropriate additional funds to the charter commission account. These funds may be raised by taxation, borrowed or transferred from surplus.

**Hearings, reports, time limits.** The following requirements regarding

hearings, reports and time limits apply to a charter commission.

Within 30 days after its organizational meeting, the charter commission shall hold a public meeting to receive information, views, comments and other material relating to its functions.

Within 9 months after its election, the charter commission shall:

- Prepare a preliminary report including the text of the charter or charter revision which the commission intends to submit to the voters and any explanatory information the commission considers desirable;
- Have the report printed and circulated throughout the municipality; and
- Provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting a copy.

Within 12 months after its election, the charter commission shall submit its final report to the municipal officers. This report must include:

- The full text and an explanation of the proposed new charter or charter revision;
- Any comments that the commission considers desirable;
- An indication of the major differences between the current and proposed charters; and
- A written opinion by an attorney admitted to the bar of this State that the proposed charter or charter revision does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws.

**Election.** When the final report is filed, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular or special municipal election held at least 35 days after the final report is filed.

**Termination.** Except as provided in paragraph A, the charter commission shall continue in existence for 30 days after submitting its final report to the municipal officers for the purpose of winding up its affairs.

### Charter Commission Election Timeline Two Special Elections need to be called forward by the Select Board to start the process:

- 1) Referendum question shall read "Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?" YES/NO
- 2) The Select Board calls for the election of six (6) Charter Commission members (nomination process is applicable.)

### Potential Election Date

**March 3, 2020 Election** the Select Board calls for a Special Election by no later than 01-07-20.

**June 6, 2020 Election** the Select Board calls for a Special Election by no later than 04-04-20.

**November 3, 2020 Election** the Select Board calls for a Special Election by no later than 9-01-20.

**Note:** #1 Referendum Question can be voted on at the same time as the election for commissioners. If separate, it should be done prior to any election of commissioners.

## Local Government in Maine - "Government is People" - Maine Municipal Association (Book Excerpts)

◆ The city or town council, as a representative form of government, replaces, at least in part, the direct democracy of town meeting. The residents in those communities elect the council that establishes policies and oversees day-to-day operations of government. Some cities have an initiative-and-referendum process similar to that of state government, while a few have recall provisions for councilors. The larger size and management challenges of the urban community convinces the citizens to sacrifice some degree of direct control for the efficiency and effectiveness of council government.

◆ Governance of towns has expanded from the original board of selectmen to include, in some cases, town managers, town councils, budget committees, municipal departments and various professional managers. In a small number of mostly larger towns, the council exerts legislative control without a town meeting. In others, a ballot vote is used to approve the budget rather than the open town meeting. Within the same legal structure as existed through most of Maine's history, towns have changed and evolved to reflect greater demands and responsibilities.

◆ Town meeting, of course, provides opportunities for citizen action on any issue coming before the meeting as a warrant article. But in larger towns and cities, a charter often provides for an initiative and referendum process similar to the state's. Voters often can review and reject actions of the city or town council, including decisions to sell municipal property and adopt new ordinances.

◆ The democratic system of government works through majority rule. Citizen participation and involvement is especially important because it is often the majority of those who participate who actually make decisions. For

instance, a group of 50 citizens might attend a town council meeting and demand the town government create a new recreation program. It could be that the majority of all citizens would not support such a program, but unless they participate, the council might conclude the program has broad public support.

◆ Among the town officers elected at the town meeting, often by ballot preceding the business session, is the board of selectmen, which performs the executive function by administering, enforcing, and carrying out decisions made at the meeting. The selectmen usually number three, five or, in a few cases, seven. Under state law, they have specific duties relating to town meetings and elections, finances, personnel, streets and highways, public safety, human services, public works and planning. State law grants boards of selectmen some legislative powers as well. These include enacting laws or ordinances regulating vehicles, public ways, cable television, and the local welfare program (general assistance).

◆ Special town meetings also may be held during the year when the need arises. They are called by the board of selectmen, or by a sufficient number of qualified voters signing a petition. One of the most important values of the town meeting form of government is that it provides citizens an opportunity to participate directly in governing their community. They truly become "citizen legislators." In recent decades, there has been concern over lack of attendance at, and participation in, town meetings.

◆ Meeting-Selectmen remained the form of government in 170 Maine towns, and the vast majority of the 140-plus towns employing managers still conduct town meetings as well. The town meeting will probably remain popular in Maine's municipalities for years to come.

### **Maine Municipal Association Words of Advise**

- ◆ Every town has its own political history; pay attention to it.
- ◆ Charters usually mean change; make sure there is a compelling reason for making the changes.
- ◆ Charters should not be political tools.
- ◆ You have got to prove that the democratic process is not being lost but is being refined.
- ◆ Assess the mood for change in your community.
- ◆ Do some up front public education.
- ◆ Charters are not created in isolation; check your timing.
- ◆ Make sure the charter commission knows what it is doing.
- ◆ Strive for a balanced charter commission.
- ◆ Give yourself enough time and money.

## Select Board Workshop - November 19, 2019, for discussion:

- ◆ How large is the citizen call to go to a Town Council form of government?
- ◆ Town Council could eliminate the need for Town Meetings, however, would not eliminate the required Public Hearings on actions of the council; will this require more legislative time of the Select Board? Yes, how do Board members feel about this and a Town Council in general?
- ◆ Is it too soon to amend the in Government process established in 2013?
- ◆ What are the advantages of becoming a Town Council? Disadvantages?
- ◆ Is a separate committee needed to determine whether or not to go through this process, or shall an elected Charter Commission be able to achieve the same?
- ◆ Should the citizens be surveyed at the upcoming March election on the interest in a Town Council?
- ◆ If it is determined a committee is needed:
  - A. How many individuals? 5 or 7?
  - B. Term - how much time to complete the charge? 3-6 months?
  - C. Charge: To determine if it would be in the best interest of the Town to change from a Select Board to a Town Council form of Government.
- ◆ Funding over the 2 year process could range from \$3,000 to \$5,000.

Town of North Yarmouth, Maine

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Charter Commission

# Final Report

Including Proposed Revised  
North Yarmouth Charter

April 25, 2013

Charter Commission Members:

Audrey Lones, Chair  
Nancy French, Vice Chair  
Richard Brobst, Secretary  
Alvin Ahlers  
Shana Cook Mueller  
Lincoln Merrill  
John Shumadine  
Ande Smith  
Clark Whittier

# **BERNSTEIN SHUR**

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April 25, 2013

Audrey Lones, Chair  
North Yarmouth Charter Commission  
Town of North Yarmouth  
10 Village Square Road  
North Yarmouth, Maine 04097

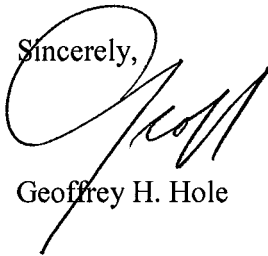
Re: Charter

Dear Audrey:

As you are aware, I am familiar with the proposed Charter for the Town of North Yarmouth. Pursuant to 30-A M.R.S.A. § 2103(5)(D)(4), it is my opinion that the proposed Charter does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws.

Thank you for the opportunity to work with you on this matter.

Sincerely,



Geoffrey H. Hole

GHH/lc

## **North Yarmouth Charter Commission Summary Report**

### **I. Background**

A town's charter is the foundational document for town government. The Charter describes and defines the type of government that a town will have. In doing so, the Charter establishes the political bodies in the town (Selectmen, Town Meeting, Town Council, Administrative Assistant, Town Manager to give just a few examples) and regulates the relationships between those bodies. At their best, Charters contribute to the smooth and efficient functioning of government.

However, Charters can be left behind as times change. As time passes, town populations, economics, and politics can all change. A Charter that once made sense can stop being a useful guide for the smooth operation of town government. When that happens, the Charter should either be amended or replaced.

North Yarmouth's Charter was adopted in March of 1982. It has been amended seven times since it was enacted. In its current form, the Charter establishes a Town Meeting form of government with a five member Board of Selectmen who are assisted in their executive duties by an Administrative Assistant.

In November of 2011, North Yarmouth residents voted to establish a Charter Commission for the purpose of reviewing the Town Charter and either recommending amendments or creating an entirely new Town Charter. In the election on June 12, 2012, Town residents elected six members to the North Yarmouth Charter Commission. The Board of Selectmen appointed the three final members to the Charter Commission on July 3, 2012.

The Charter Commission includes a broad cross-section of backgrounds. Commission members are business owners, attorneys, current and former members of the military, retired business and salespeople and engineers. Collectively, it has over 60 years experience with North Yarmouth government. That experience includes but is not limited to former selectmen, former and current members of the Budget Committee, Planning Board, Future Lands Committee, Zoning Board of Appeals, Cemetery Commission, MSAD 51 Board of Directors, Fire and Rescue Department and the Board of Assessment Review. It also contains two municipal attorneys with over 20 years of experience between them.

The Charter Commission held its first meeting on August 1, 2012. In the seven months since that first meeting, the Commission has held 12 other meetings. In addition, the Commission established two sub-committees to take the lead on communicating with North Yarmouth citizens and on drafting the changes to the Charter. Those subcommittees held 4 meetings.

From its first meeting, the Charter Commission has recognized that it has been trusted with a serious responsibility. The Commission's charge falls into two categories: (1) reviewing the current Charter; and (2) recommending changes or creating a new Charter. Both are equally important. The Commission felt strongly that before it could make any recommendations, it first needed to understand both the good and the bad about how the current Charter worked.

To that end, the Commission undertook a number of steps to gather information. The Commission actively solicited comments from residents of North Yarmouth through email and public hearings. The Commission held public hearings on August 22, 2012 and



September 19, 2012 in which it heard from a number of residents. At the same time, the Commission began an outreach program to give North Yarmouth residents basic information about town charters generally and also to solicit more comments about the current structure of Town government. Some of the materials distributed by the Commission are attached as Exhibit A.

What emerged from those efforts was a general sense that the current North Yarmouth Charter was outdated and was not serving the needs of the Town and its residents as well as it should be. There was a widespread concern that the general structure of day-to-day government in the current Charter was unwieldy and inefficient. There were concerns that the Selectmen were overburdened, along with a suggestion that more Selectmen might be needed to help ease that burden. A number of residents felt that the Charter did not define the relationship between the Selectmen and the Administrative Assistant as well as it should. Some also wondered whether the Selectmen/Administrative Assistant model was flexible enough to address the current issues faced by the town.

Many residents also expressed doubts about whether the committees created by the Charter were working well for the town. There was concern that the purposes of some of the committees were not well defined or that certain committees had outlived their usefulness. The Commission heard that it was difficult to get volunteers for many of the committees. At times, committees could not function because of low attendance.

The concern about resident participation in North Yarmouth government was also reflected in comments about Town Meeting. A number of residents expressed concern about the drop in attendance at Town Meeting over the past couple of years. In addition, many residents raised concerns about ordinances in Town Meeting, in particular about how difficult it could be to make minor changes to ordinances at Town Meeting.

Although the universal message was that change was needed, several residents also cautioned that the fix did not require a complete top to bottom reconfiguration of Town government. This was particularly true with respect to the topic of Town Meeting. Although some residents suggested that the decline in participation at Town Meeting meant that North Yarmouth should do away with Town Meeting altogether, the majority position supported the continuation of Town Meeting. To the majority, Town Meeting served an important purpose. It retained democratic control over government in its purest form and provided the Town with an important focal point for the North Yarmouth community.

At the same time the Commission was collecting comments from North Yarmouth residents, it was also undertaking its own review of the current Charter. The Commission compared the Charter to charters from other similarly sized Maine municipalities. The Commission also relied upon the extensive experience of its members to evaluate the current charter and reach decisions about what changes should be made to North Yarmouth's government.

## **II. Commission recommendations.**

Based upon the information received, the Charter Commission has come to the conclusion that the current Charter should be replaced rather than simply amended. In the thirty years since the existing Charter was enacted, town practice has changed considerably and created a significant divergence between the existing Charter and how the current government actually operates. The Commission concluded that the Charter needed to be modernized and aligned with the current needs of the town. At the same time, though, the

Commission attempted to create a template that would allow town government to adjust more easily to future challenges.

After listening to all of the comments from North Yarmouth residents, the Commission decided that the current Administrative Assistant/Selectmen model was no longer working efficiently. Town government had become more complex, resulting in a substantial expansion of the responsibilities of the Selectmen. Although there were suggestions that the number of Selectmen could be increased from five to seven to provide more bodies to do that increased work, the Commission concluded that a change in number of Selectmen would not solve the underlying problem. For one thing, increasing the number of Selectmen increases the number of decision-makers and could make it harder to reach consensus. Moreover, the Commission heard repeatedly that the Town had difficulty in finding residents willing either to volunteer or to run for positions in Town government. That corresponded with Commission members' own experiences over the past several years. Thus, there was a substantial concern that even if the Charter expanded the number of Selectmen, the additional positions might not be filled.

Instead, the Commission concluded that the best approach to deal with the increased burden on the Selectmen was a structural one. The Commission feels that the current Administrative Assistant position should be replaced by a Town Manager. In making this recommendation, the Commission does not contemplate a revolutionary change in North Yarmouth governance.

The Commission feels that this is not a substantial change because the existing Administrative Assistant has seen her duties expand over the years. The Commission concluded that the current Administrative Assistant was already performing many of the duties expected of a town manager. In one sense, the new Charter simply incorporates the changes that have already happened with the Administrative Assistant position.

At the same time, unlike the current Administrative Assistant, the Town Manager will be the chief executive and administrative officer of North Yarmouth. As such, the Manager will have a freedom to act that the current Administrative Assistant does not. The creation of the Town Manager position will work to shift more of the day-to-day responsibilities of government from the Selectmen to the manager. The change should also serve to streamline Town government.

Under the proposed Charter, the Manager will be overseen by the Selectmen. The Commission feels that this structure will reduce the day-to-day burden on the Selectmen. This will enable the Selectmen to focus upon larger policy decisions regarding the future of North Yarmouth that are necessary for the Town to anticipate so as to avoid issues before they become full blown problems.

Finally, the Commission felt that the creation of a Town Manager position was unlikely to lead in the short term to an increase in town employees or other similar changes. Under the new Charter, the Town Manager may continue to fill multiple roles within town government – in much the same way as the current Administrative Assistant. In fact, the Commission concluded that the current Administrative Assistant was already acting much like a Town Manager, though without the full range of authority that a Manager will have. The new Charter catches up and formalizes that current practice, while expanding the authority of the position so that the Manager can act more efficiently. The Commission feels that in many ways the new Charter makes the title catch up with the current responsibilities

of the Administrative Assistant. For that reason, the Commission does not anticipate that there will be an immediate cost associated with the change to a Town Manager.

However, the Commission was not solely focused on the present day, but was also concerned about the future. The Commission feels that given the challenges that North Yarmouth faces, the Town Manager structure is inherently more flexible than the current Administrative Assistant model. Therefore, that structure was more likely to continue to serve the Town well for years to come.

In addition, the Commission felt that with the switch to a Town Manager system, the current committee and Board of Selectmen subcommittee structure could be revamped and reduced. Nonetheless, the new Charter recognizes that committees will occasionally be necessary. Therefore, and as discussed in more detail below, the new Charter allows Selectmen to create ad hoc committees for a limited term when those committees are necessary to provide additional resources to the Board.

At the same time, the Commission has also made a number of smaller changes to the Charter designed to address specific concerns raised by residents. Those changes include: **Town Meeting:** The Commission agrees that Town Meeting remains an important part of North Yarmouth government. Nonetheless, the decline in attendance is a distinct concern. The strong sense of the Commission was that the declining numbers were not an indication that North Yarmouth residents were “voting with their feet” against the continuation of Town Meeting. At the same time, based upon the comments at the Commission’s public hearings and the sense of the Commission itself, the Commission concluded that the town had not reached the point where it was ready to move to a Town Council form of government. The Commission concluded that residents would view that change as too great and reject it at this time.

As a result, the Commission made a conscious decision to retain Town Meeting, while trying to make changes that would enable that form of government to work as best as possible. The Commission concluded that moving Town Meeting from early spring to June had created a host of scheduling conflicts that made attendance unnecessarily difficult for most North Yarmouth residents. To address that issue, the new Charter retains Town Meeting but moves it to April. Although the move will mean that there is less budgetary information available, the Commission believes that the process will still work well and that any issues will be more than offset by the anticipated increase in participation. The Commission also notes that if it turns out the change to an April Town Meeting does not increase attendance, then the date of Town Meeting could be changed through a Charter amendment and without requiring a complete overhaul of the Charter.

Finally, the Commission encourages the town to try to do all that it can to increase attendance at Town Meeting. For instance, it might be that more communication such as direct mailings and the like might cause more people to turn out. The Commission hopes that the new Charter will encourage those who want to continue to have Town Meeting to take the opportunity to participate and bring attendance back up. Of course, the Commission also understands that the town may continue to change and reach the point where a majority of residents want to move to a Town Council. Nonetheless, the Commission concluded that the town has not yet reached that point.

**Ordinance changes:** The Commission agreed with residents who expressed concern at the difficulty of making minor changes to the Town’s ordinances. In keeping with that concern

and the Commission's desire to make the Town Meeting format work as best as it can, the new Charter provides a limited ordinance power to the Board of Selectmen. Under the new Charter, the Board will be able to enact ministerial changes to ordinances. Ministerial changes are ones that correct typographical or editorial errors, errors in statutory references, or errors in Town forms. Placing this power with the Selectmen not only makes it easier to correct those changes – most of which should be relatively uncontroversial – but also will streamline Town Meeting.

**Municipal Boards:** The Charter reduces the terms of Planning Board and Zoning Board members from 5 years to 3 years. The Commission made this change to bring those Boards in line with the other appointed boards and committees in the Town, where members serve for a period of 3 years. The Commission also feels that the change will encourage new members to join those Boards.

**Committees:** The Commission agreed that the current committee structure of the Town no longer served its original purpose. Some residents were concerned that committee roles and responsibilities were not well defined. Others noted a tendency of committees to be created for a specific purpose, but then remain in existence after that purpose had been accomplished. Finally, the Commission is of the opinion that with the move to a Town Manager, there would be less need for standing committees

The new Charter creates a new structure for committees to address those issues. The Commission recognizes that North Yarmouth needs some permanent boards and committees either to get the work of the town done or to comply with statutory mandates. The new Charter establishes those boards and committees and distinguishes between those that are elected and those that are appointed by the selectmen. At the same time, the Commission concluded that certain boards or committees, such as the Conservation Commission, no longer served an independent purpose and should be eliminated.

In addition, the Commission understands that there may be times when the Selectmen will need to set up a committee to assist with a specific problem or issue. The new Charter grants the Selectmen the flexibility to create such ad hoc committees. However, the new Charter also has provisions designed to address residents' concerns that committees tended to remain in existence long after a particular problem was solved. Although the Selectmen can create ad hoc committees, the new Charter requires that those committees be given a specific charge or purpose. The new Charter also sets a yearlong term for each ad hoc committee. However, the Charter allows Selectmen to renew the term of any ad hoc committee. There are no limits on the number of times that the term of a committee may be renewed. Thus, an ad hoc committee may continue in existence for as long as it remains necessary for the operation of the town.

The Commission believes this provision will strike a crucial balance. The Selectmen can create committees and those committees may continue in existence for as long as necessary. On the other hand, the yearlong term creates a mechanism for re-evaluating whether a particular ad hoc committee remains vital and important.

The Conservation Commission is a good example of how the ad hoc committee system might work. Right now, the Commission has concluded that the Conservation Commission is no longer necessary. If it turns out to be needed at some point in the future, the Selectmen could create one through the ad hoc committee system. Although the Commission would need to be renewed every year, the Selectmen could do so for as long as

the Conservation Commission continues to be necessary. Conversely, the Selectmen can also disband any ad hoc committee when it is no longer necessary without the need to amend the Charter. The Charter Commission believes that this type of flexibility will serve town government well into the future.

**Budget Committee:** The new Charter continues the Budget Committee as one of the permanent elected committees. After some deliberation, the Commission concluded that the Budget Committee serves a valuable purpose for North Yarmouth government. The Committee is an extra set of eyes on critical financial issues and also serves as an entry point for residents to become involved in town government. Nonetheless, the Commission was concerned that the current Charter did not provide enough guidance for the Budget Committee and created a committee that was too large and difficult to fill. The new Charter reduces the number of members of the Budget Committee to seven and sets forth the Committees' duties and responsibilities in greater detail.

**Increased detail about the responsibilities, qualifications and removal of town officials:** Just as with the Budget Committee, the Commission heard from many residents that the current Charter was too vague in defining the roles and responsibilities of North Yarmouth government. The new Charter addresses that concern and provides considerably more detail than the current Charter about the powers and duties of town government.

At the Commission's last public hearing, a resident raised a question about the election of the Chair of the Board of Selectmen. Under the new Charter, only three votes are needed to elect a Chair, while four votes are needed for removal. The Commission chose this procedure deliberately. In the Commission's view, although it would be best for the election of a Chair to proceed with as much consensus as possible, it should not be overly difficult to elect a Chair. At the same time, though, the Commission felt that it should be hard to remove the Chair. Removal was something that should only happen following an extraordinary circumstance.

**Transitional Provisions:** Because of the structural changes in the Charter, the Charter also contains transitional provisions. Two of those provisions deserve special mention. First, with one exception, the new Charter prohibits a Town employee from serving as a Selectman. That provision was done to eliminate the possibility of a conflict of interest. Because the current Charter does not have a similar provision, the new Charter contains a transition provision making the prohibition on town employees serving as Selectmen apply to all existing selectmen as of the effective date of the Charter. Furthermore, the transition provision provides that if a town employee is a selectman as of the effective date of the new Charter, that Selectman's position will become vacant. The Commission wants to stress that it does not believe the transition provision will apply to any current member of the Board of Selectmen. Instead, the Commission made the decision to include the transition provision out of an abundance of caution.

Second, the Commission is aware that the new Charter will require a transition from the current Administrative Assistant position to a new Town Manager position. Once the new Charter is enacted, the current Charter will no longer have effect. The Administrative Assistant position will no longer exist. At the same time, though, the town will have created a new Town Manager position that is not filled. To deal with that transitional issue, the new Charter gives the Selectmen the right to appoint an interim Town Manager.

**Other considerations:** The Commission feels that the new Charter will be a step forward for the Town. Nonetheless, the Charter should not be the end of the road. The Commission feels strongly that some issues – although important – are best solved outside of or in conjunction with the Charter. For instance, the Commission is aware that there are efforts underway to encourage more participation at Town Meeting and more volunteers for Town positions. Although the Charter is designed to assist those efforts, the Commission recognizes that those efforts will need to continue.

### **Conclusion**

The Commission would like to thank the residents of North Yarmouth and the Selectmen for this opportunity to serve the Town. It has been an interesting and educational process. The Commission would also like to thank Nancy Trottier for her help in creating the minutes throughout this process. The Commission has spent many hours wrestling with the issues that face North Yarmouth and its government while trying to craft the best Charter possible. It is the Commission's hope that North Yarmouth will agree that the new Charter will put town government on a strong but flexible foundation for addressing the challenges that lie ahead.

**Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, November 19, 2019  
Workshop - Considerations of  
Town Council form of Government - 6:00 PM  
Business Meeting - 7:00 PM  
Town Office Conference Room**

**I. Call to Order**

- Pledge of Allegiance

**II. Minutes of Previous Meeting(s)**

- November 6, 2019

**III. Public Comment - Non-Agenda Items**

Comments regarding issues, concerns, commendations, or matters of general public information are welcome. Individuals shall have three (3) minutes to speak and be asked to state their name & legal residence. 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 or personnel matters cannot be acknowledged.

**IV. Management Reports & Communications**

- Select Board Communications
- Town Manager's Report
- Financial Report - October
- Department Head Reports
- Economic Development Planning Update - Vanessa Farr

**V. Old Business**

- Wescustogo Hall & Community Center Update
- Select Board Goals

**VI. New Business**

- Public Facilities Use Policy - Proposed Amendments
- Bi-Annual Review Town Manager - Process

**VII. Accounts Payable**

- Review & Approval

**VIII. Any Other Business**

**IX. 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.

November 19, 2019

**Agenda - Section II. Meeting Minutes**

- *Move to approve the minutes for November 6, 2019, as presented. Second, discussion and vote follow.*



November 19, 2019

**Agenda - Section IV. Management Reports & Communications**

- Select Board Communications
- Town Manager's Report
- Financial Reports - October
- Department Head Reports - September-October\*
- Economic Development Planning Update - Vanessa Farr

\*The Community Center Director will provide a report for the next reporting period.

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

**Summit Reminder** - The next summit will be held at the community center on November 21<sup>st</sup>, beginning at 5:30 pm.

**Elections Update** - Included with this report is a NEW update on the 2020 elections submitted by Debbie Grover in her capacity as Town Clerk.

**Community Center Opening** - The opening was a great success, and many thanks go out to everyone involved in the planning and execution of the day's activities.

**Community Forum** - Another great success was the Traffic Calming forum, with approximately 65 citizens in attendance. The presentation and dialogue were both valuable and insightful, providing continued guidance on the project - a big shout out to all those involved!

**Custodial Help** - The part-time custodial position is currently advertised for the community center in the interim other staff members are assisting the community center Director with these duties as needed.

**Department of Environmental Protection** - The Maine DEP will be visiting the Public Works facility to inspect the material Casella has been approved to dispose of in the facility pit area. The Yarmouth Water District requested the visit.

**Meetings** - Actively participated in meetings with the North Yarmouth School Fund Trustees and the Parks and Recreation. I have met with members of the Living Well committee and community center Director to discuss plans of the Book Exchange on-site in the Community Room. I also met with a representative from MMA's property and casualty department to go over the new community center and ensure that all required building needs have been met and that it is properly insured. Lisa Thompson gave him a detailed tour of the building.

**Upcoming Training and Holiday Closings** - Non-emergency offices will be closed on November 27<sup>th</sup> & 28<sup>th</sup> for Thanksgiving. These same offices will be closed on Tuesday, December 3<sup>rd</sup>, for required CPR & First Aid training in the a.m. hours, and the staff holiday gathering will be in the afternoon.

**Select Board Appointments** - Due to the recent Board resignation, the Board now has vacancies on the Joint Standing Committee and the Wescustogo Committee. Does the Board wish to wait until a fifth member is elected to make these appointments or take care of it at the meeting of December 3<sup>rd</sup>?

**Natural Resources Council of Maine** - Enclosed with this report is a request from this agency to provide support for Recycling Reform for Maine. If this is something the Board wishes to support, I will prepare a formal resolution for your signature on December 3<sup>rd</sup>.

Respectfully submitted,

*Rosemary*

Rosemary E. Roy, Town Manager



## 2020 Elections

(updated 11/12/2019)

### **March 3, 2020 Elections**

- Presidential Preference Primary
  - Yes, there will still be Local Caucuses
    - Democratic 3/8/2020
    - Republican 2/TBA/2020
- Special State Referendum
- NY – Select Board for a term ending 6/30/2022
  - Nomination Papers available Thursday 11/21/2019
  - Filing Deadline for Nomination Papers, Thursday 1/2/2020
  - Absentee Ballots available Monday 2/3/2020
  - Last Day to Request Absentee Ballots Thursday 2/27/2020
  - Early Processing of Absentees Saturday 2/29/2020 and Monday 3/2/2020

### **April 11, 2020**

- Annual Town Meeting

### **June 9, 2020 Elections**

- State of Maine Primary (Ranked-choice voting)
- MSAD#51 Budget Validation Referendum
  - Budget Hearing 5/28/19 (not confirmed)
- NY – Municipal Officers
  - Nomination Papers available Monday 3/2/2020
  - Filing Deadline for Nomination Papers Thursday 4/9/2020
  - Absentee Ballots available Monday 5/11/2020
  - Last Day to Request Absentee Ballots Thursday 6/4/2020
  - Early Processing of Absentees Saturday 6/6/2020 and Monday 6/8/2020

### **November 3, 2020**

- Federal Presidential Election
- State of Maine General Election (Ranked-choice voting)
- State of Maine Referendum
  - Absentee Ballots available Monday 10/5/2020
  - Last Day to Request Absentee Ballots Thursday 10/29/2020
  - Early Processing of Absentees Saturday 10/31/2020 and Monday 11/2/2020



Fall 2019

To Maine's Municipal Officials,

Thank you for operating a recycling program in your town. Maine people overwhelmingly want access to recycling. We recognize the cost burden of managing municipal solid waste through your annual budget, and we know that market changes for recycled commodities are currently upending many of Maine's recycling programs. That is why we are asking you to join a new statewide effort to reform recycling in Maine by shifting the cost burden away from taxpayers.

At the request of the Legislature, the Maine Department of Environmental Protection will submit legislation by December 16, 2019, that would help solve this problem by establishing equitable, non-taxpayer-funded municipal recycling programs for packaging waste. This type of "extended producer responsibility" law has the power to:

- **Save Maine municipalities between \$16 and \$17.5 million each year.** Cities and towns would be reimbursed for any recycling costs by the corporations and brand owners that produce packaging into our state, like is done all over the world. Towns would still have control over their recycling programs; and could keep any revenues generated.
- **Protect our recycling programs and make them more resilient to market changes.** Right now, many municipalities are being forced to stop, cut back, or pay more for their recycling programs because of the expense. The key to making our recycling programs more sustainable is to change who pays for them.

**How you can help:** One simple way that your municipality can show support for [Recycling Reform for Maine](#) is by adopting the attached resolution language. Please send to [sarah@nrcm.org](mailto:sarah@nrcm.org) by December 31, 2019. We will compile the documents and present them to the Legislature's Joint Standing Committee on Environment and Natural Resources, who will consider this policy in the winter and spring of 2020.

You can visit [www.recyclingreform.org](http://www.recyclingreform.org) to find more information on this very important policy initiative; including a list of towns that have already supported the resolution. Please feel free to contact me with any questions.

Sincerely,

Sarah K. Nichols, NRCM Sustainable Maine Director  
(207) 430-0170 or [sarah@nrcm.org](mailto:sarah@nrcm.org)



# RECYCLING REFORM FOR MAINE

More Effective • More Sustainable • More Equitable

**Whereas**, Maine's communities are struggling to maintain, expand, and in some cases are eliminating, recycling programs due to rising costs and difficult-to-manage materials; and

**Whereas**, product packaging, which includes plastic, metal, glass, and cardboard, constitutes approximately 30-40% of the materials managed by weight in Maine's municipal waste management programs; and

**Whereas**, Maine taxpayers currently unfairly bear 100% of the cost and pay an estimated \$16 million to \$17 million each year to finance the management of this material through fragmented and increasingly expensive disposal or recycling options; and

**Whereas**, producers of product packaging have little incentive to minimize wasteful packaging or increase access to recycling; and there is no organized coordination between the producers of packaging and municipalities that are responsible for disposing of or recycling the packaging materials; and

**Whereas**, producers of product packaging have taken some or all responsibility for the management of post-consumer packaging in other parts of the world, including all European Union member states and five provinces in Canada, and, as a result, have greatly increased recycling rates, expanded infrastructure investment, created jobs, and reduced taxpayer costs;

**Now, Therefore Be It Resolved,**

**We, Maine's municipalities, support an Extended Producer Responsibility (EPR) for Packaging law as endorsed by the Legislature in 2019 through the passage of the Resolve, To Support Municipal Recycling Programs (LD 1431). We believe that this policy will work to make recycling in Maine:**

**More effective:** Producers of packaging materials would have a direct economic incentive to produce less-wasteful packaging that can easily and profitably be managed by municipal recycling programs. Having shared responsibility between those who create the waste and those who manage the waste would foster recycling system improvements and enable greater participation in recycling across Maine;

**More sustainable:** An EPR law for packaging is an insurance policy for Maine municipalities when global recycling markets are unfavorable. The current approach to recycling is not resilient to fluctuations in the global recycling market. When commodity prices fall unexpectedly, towns and cities may be forced stop or restrict their programs; and

**More equitable:** Maine's cities, towns, and taxpayers are currently footing the bill for a problem they didn't create. With recycling reform, taxpayers will no longer pay for the cost of recycling since the net costs of recycling would be reimbursed—and the packaging manufacturers that produce less-wasteful, more recyclable packaging would pay less than those who do not. This is a much more equitable way to distribute costs.



# Town of North Yarmouth

## Bi-monthly Report – Municipal Administration Department

Reporting Period: September & October FY20

### Collections

|  | FY19           | FY20             |
|--|----------------|------------------|
| • Excise Collection (boat & auto):         | \$160,420.14   | \$157,169.89     |
| • Inland Fisheries & Wildlife Collections: | \$9,437.00*    | \$1,404.69       |
| • PAYT Collections:                        | \$23,170.00    | \$18,115.00      |
| • Tax Collections:                         | \$4,256,563.93 | \$2,339,263.47** |

\*Large sales tax collection in FY19 on private sales.

\*\*Change in RE due dates is the reason for the difference in FY's.

### Voting

| FY   | Democrat | Green | Libertarian | Republican | Un-Enrolled | Total Voters |
|------|----------|-------|-------------|------------|-------------|--------------|
| 2019 | 1191     | 136   | 13          | 968        | 1104        | 3300         |
| 2020 | 1223     | 140   | n/a         | 973        | 1087        | 3423         |

### Communications

(number of subscribers)

|                                       | FY19            | FY20 |
|---------------------------------------|-----------------|------|
| • Reminders From Town Hall            | 755             | 786  |
| • Facebook                            | 1046            | 1310 |
| • Instagram                           | 216             | 353  |
| • Twitter                             | 221             | 263  |
| • Town Hall Streams – Live Views      | xxx total views | 50   |
| • Town Hall Streams – On Demand Views |                 | 346  |

### Changes/Updates

- Annual Staff Training Day on Sept. 23<sup>rd</sup> subjects covered, back safety, ladder safety, proper ergonomics, video terminal display safety, sexual harassment, workplace bullying & prevention, workplace violence, slips-trips-falls prevention, lockout tag out, electrical safety, bloodborne pathogens, hazard communications, emergency action plan, proper use of fire extinguishers.
- Attended the Oct. 7<sup>th</sup> Communications Advisory Committee meeting. The committee decided to meet quarterly as there is not much for them to address currently. The next meeting is scheduled for Jan. 13, 2020. There was no interest in hosting a Candidates Night for the YWD Candidates for the Nov. 5<sup>th</sup> election.
- Oct. 8<sup>th</sup> & 9<sup>th</sup> Stacey and I attended mandatory elections and voter registration training in Augusta.
- Hosted the 80<sup>th</sup> Annual Maine Cemetery Association's Training Conference Oct. 15<sup>th</sup> in Freeport.
- 2020 Dog Licenses became available Oct. 15<sup>th</sup>.

### Project(s) Update

- The process with Pontem Software to make our Cemetery Manager database available online for the public to use has been completed.
- 3<sup>rd</sup> Annual Benefit Breakfast for the Neuroendocrine Tumor Research Foundation & NET Cancer Awareness was held Oct. 5<sup>th</sup>, another successful year with the help of volunteers.
- Absentee Balloting process started Oct. 6<sup>th</sup>. The last day to request an Absentee Ballot is Oct. 31<sup>st</sup>.
- The closed voter registration period starts Oct. 15<sup>th</sup> at 5:00 pm.
- I am still working with Casella management to create a smooth notification process for when curbside household waste and recycling pickup has been delayed due to driver error, equipment malfunctions, and storm-related.

### Coming Up

- November Elections (State and Municipal)
- Cheryl and Stacey attending BMV training in November
- Cemetery Bi-Annual Meeting November 18<sup>th</sup>
- December 3<sup>rd</sup> Staff Training
- December Newsletter

Submitted by Debbie Grover, Assistant Town Manager



Town of North Yarmouth  
Code Enforcement Department  
**Bi-monthly Report**  
**September & October 2019**

---

**Permit Comparison**

| <b><u>Permit Type</u></b> | <b><u>September<br/>2018</u></b> | <b><u>September<br/>2019</u></b> | <b><u>October<br/>2018</u></b> | <b><u>October<br/>2019</u></b> |
|---------------------------|----------------------------------|----------------------------------|--------------------------------|--------------------------------|
| Occupancy Certificates    | 3                                | 4                                | 4                              | 3                              |
| Building Permits          | 7                                | 9                                | 7                              | 11                             |
| New Homes                 | 2                                | 14                               | 3                              | 8                              |
| Plumbing Permits          | 1                                | 13                               | 1                              | 9                              |
| Septic Permits            | 2                                | 7                                | 5                              | 6                              |
| Electric Permits          | 14                               | 18                               | 9                              | 16                             |
| Subdivisions              | 1                                | 0                                | 0                              | 1                              |
| Contract Zoning           | 0                                | 0                                | 0                              | 0                              |

**CEO Overview**

- Wescustogo Hall and Community Center building is complete, and the code office is focusing on the lengthy laundry list of housekeeping items that need to be accomplished in house.
- The new assessor, Renee Lachapelle, and the department's new executive assistant, Tracey Cox, are hard at work cleaning up the assessing files with issues that have been building up since the numerous temporary assessors that have passed through the office.
- The new tax mapping is high on our priority list, and we are compiling a list of new lots & roads to create our new tax maps as soon as possible.
- With the Town Meeting just around the corner, the Planning Board, the Code Enforcement Office, and the Economic Development Consultant are currently preparing the Land Use Ordinance amendments for the Board to review and approve. Due to the lengthy process of public hearings and board approvals, getting these finalized before the new year is ideal.
- If you haven't driven through the center of town, lately it is moving fast, It seems every day I have a new permit on my desk and a house is ready for additional inspections. We are already above the number of new homes for the year, and permits are exceeding last year's numbers as well as previous years going back to the boom in the early 2000s. It is just another testament on the amount of money people are putting into even existing homes and why having the new assessor is so important to capture the additional revenue when it happens



## Bi-monthly Report - Public Works Department

September/October 2019

### **General Maintenance of Parks & Grounds:**

- Dump trash cans at parks
- Help with Kite fest 2019
- Mow and pick up leaves

### **PW Building Maintenance:**

- Engineering for the salt shed repairs. PSE engineers
- Finished Painting gas and diesel sheds
- Work on a temp concrete wall inside salt shed for salt storage.

### **Heavy Equipment:**

- Get the equipment ready for winter plowing.

### **Road Maintenance:**

- Baston rd. Paved and shoulder work completed.
- The Lane. Paved and shoulder work completed.
- Roadside mowing of town roads.
- Pick up of roadkill.
- Pick up of adult diapers
- Beaver issues in culvert Milliken rd.
- Finished royal road centerline striping, Contractor Poirier Guidelines

### **Other:**

- Budget work for 2020
- Helped with Move-in of WH & CC as needed.
- Waste oil pick up for next winters heat.
- Review body plans for new PW truck Hews body co.
- Two employees resigned
- Work maintaining on RTE 115 traffic calming project
- Speed sign at various locations around town, Mill rd., Sligo, Parsonage, Haskell, RTE 115
- Screen winter sand
- Hired one new employee at PW
- Received Minus zero deicing liquid and road salt.

### **Changes/Updates:**

- Working on Mailbox policy
- Working on Road Ordinance
- Working on private driveway culvert policy.

### **Projects:**

- Culvert inventory ongoing

**Storms: Wind storm 10/17/19**





## Town of North Yarmouth

# Bi-monthly Report - Fire Rescue Department

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Reporting Period: September 2019 & October 2019 for FY19

| <b>Activity</b>                    | <b>FY18</b> | <b>FY19</b> |
|------------------------------------|-------------|-------------|
| <b>Medical Calls</b>               | 31          | 26          |
| <b>Fire Calls</b>                  | 32          | 34          |
| <b>Patient Evaluations</b>         | 31          | 26          |
| <b>Transports</b>                  | 26          | 20          |
| <b>Public Assistance</b>           | 7           | 3           |
| <b>Vehicle Accidents</b>           | 4           | 2           |
| <b>Mutual Aid</b>                  | 7           | 5           |
| <b>Unauthorized Burning</b>        | 1           | 0           |
| <b>Total Member Hours on Calls</b> | 426.39      | 392.19      |
| <b>Total Member Hours Training</b> | 684.30      | 598.30      |
| <b>Total Incidents</b>             | <b>63</b>   | <b>60</b>   |

### **Changes/Updates**

In September, the community of Farmington suffered a tragic loss with a building and a line of duty death. North Yarmouth Fire Rescue was asked to help with providing crews to provide station coverage while their department healed over the month of October. We were honored to assist and sent two crews up to help cover on two separate dates while we still remained staffed with members to cover our community.

### **Project(s) Update**

We currently have a committee evaluating upcoming purchases from this year's Capital Improvement Projects. Our committee has met with three different vendors to evaluate Rescue Struts/Jacks to replace the homemade ones on E-51. They are currently evaluating and comparing the results to find which Rescue Strut/Jack best fits the needs of our community. I am currently working with vendors about the replacement of our personal protective gear washing machine. There are many options on the market, and I am working with them to find out which unit will best fit the needs of this department.

### **Coming Up**

We currently have 3 members of the department taking a basic EMT class located at North Yarmouth Fire rescue and is being taught by Tri-County EMS from Lewiston. The class has 11 people from the area communities participating in the class. Both the Fire Rescue Service Truck and the Public Works Truck ordered in June has come in. Over the next few weeks, I will be assisting public works with the unfitting of all the lighting, electronics, and radios in both vehicles. Both vehicles should be in service by the end of the month.

Submitted by: Gregory Payson, Fire Rescue Chief

Date: 11/12/2019

November 19, 2019

**Agenda - Section V. Old Business**

▪ **Wescustogo Hall & Community Center**

Discussion and financial review.

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▪ **Select Board Goals FY21 - Discussion/Review.**

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## SELECT BOARD GOALS FY20

KEY = 1 - Work to be done      2 - Work in progress      3-Complete

### 1. Improve Tax Assessment Process

- 3 Hire "full time firm" - [Cumberland County Assessing](#)
- 2 Monitor TIF district taxes
- 2 Tax all property and personal property equally through monitoring
- 2 Catch up on back missing assessing
- 2 Organize files
- 1 Use the County Assessing as determined in their bid for all assessing services



66.6% Complete

### 2. Explore Town Council form of Government - [Workshop 11/19](#)

- 2 Create a committee to research pros and cons by
- 2 Abide by State laws regarding proper process for this option
- 2 Attached rules, procedures, and costs
- 2 Have recommendation by 4/01/20



66.6% Complete

### 3. Explore a Law Enforcement Officer

- 1 Form or select a committee, either ad hoc or Select Board, or combination for research and recommendation to the Select Board by 1/21/19.
- 1 Request proposal and meeting with CCSD by 10/1/19
- 3 Check with Pownal about possible cooperation and sharing - [Yes, Pownal is interested.](#)



55.5% Complete

### 4. Enhance the Budget Process

- 3 Review the process with the Budget Committee, Select Board and Town Manager to determine areas for improvement for the upcoming budget process  
  
for FY21 - [the Budget Committee Chair, Select Board Committee Chair, & the Town Manager met and revised the meeting process and discussed the areas of the budget that need the most focus, i.e. CIP's.](#)
- 2 Approval by Select Board, Town Manager, and Budget Committee for any revisions to the process by the same date.



83.3% Complete

### 5. WH&CC First Year Success

- 3 Hire Director by 10/1/19 Town Manager - [Start date 10/21/19](#)
- 2 Determine best practices and goals of the Town
- 3 Final approval of policies by Select Board
- 3 Complete the grand opening event for maximum awareness
- 3 Create a financial statement for Select Board review monthly
- 3 Support all efforts for success



94.4% Complete

### 6. Implement the Village Center Master Plan

- 3 Presentation of plan from EDSC by 9/17/19
- 1 Determine best practices and procedures for success
- 1 Provide resources necessary to accomplish the plan, through budget process
- 2 Fully support and understand where we are going as a municipality



58.3% Complete

### 7. Municipal Facilities Master Plan

- 3 Town Manager to continues to review and finalize planning with Department Heads
- 2 Prepare costs, needs, deadlines and "wants" for budget process this year by 11/30/19
- 2 Research needs
- 2 Reach a conclusion for budget planning by 2/25/20



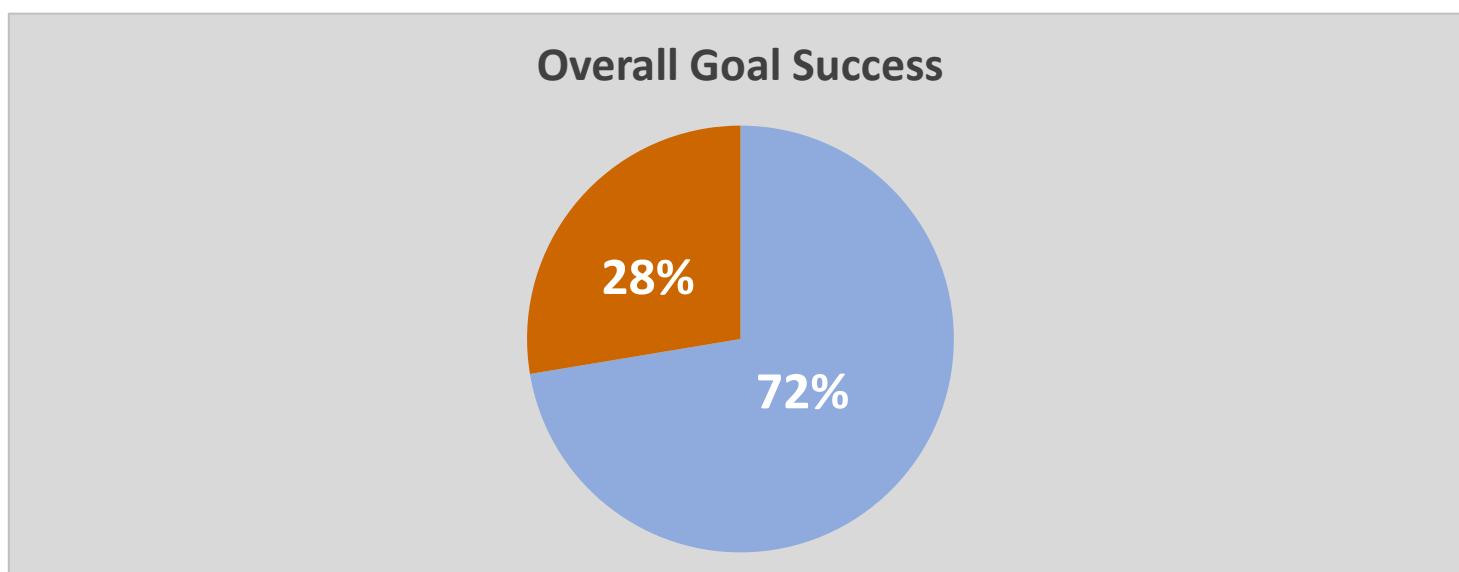
75% Complete

### 8. Improve Town Communications

- 2 Provide for better communications between the Select Board and committees through regular meetings, quarterly group meetings, and biannual summits.
- 2 Clearly define goals and expectations between SB and committees.
- 2 Committees report to Select Board on a set schedule
- 2 Select Board understand committee needs and approve as appropriate
- 3 Select Board Chair and Vice Chair hold regular meetings with Town Manager for clear understanding of goals
- 2 Determine and review effective means to inform citizens of "goings on" at Town municipal level



72.2% Complete



July1, 2019 through November 6, 2019

November 19, 2019

**Agenda - Section VI. New Business**

▪ **Public Facilities Use Policy - Proposed Amendments**

*Move to accept the amendments to the Public Facilities Use Policy (PFUP) as presented (or with additional amendments/rejections). Second, discussion and vote follow.*

Note: These are amendments on pages 3, 4, & 6 have been reviewed by the Director and myself and are recommending approval.

Fee Schedule - Also proposed are changes to the fee schedule. The Board would need to hold a public hearing for these changes. The Director and I recommend approval.

*Move to hold a public hearing on the proposed amendments to the Fee Schedule relevant to the uses fees of the Community Center. Second, discussion and vote follow.*

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▪ **Bi-Annual Review Town Manager - Process**

Discussion.

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**Town of North Yarmouth  
Public Facilities Use Policy**

**I. PURPOSE**

The Wescustogo Hall & Community Center (“Community Center” or “Facility”) is a multi-purpose space designed to serve as a meeting hall, community recreational building, and special event center. The purpose of this policy (“Policy”) is to regulate its use to ensure maximum benefit to the residents of North Yarmouth. The Town of North Yarmouth (“Town”) sets forth the following rules and regulations for the management and protection of this public facility owned by the Town and for the safety of the persons lawfully entitled to use same. The Town further recognizes that the Community Center is a substantial municipal asset with the mission to provide the Town with resources and services that promote community activities.

**II. MANAGEMENT OF FACILITY**

- A. The Town Manager shall be responsible for the oversight and management of the Community Center. The Facility Director shall manage the Community Center’s daily operations, and provide the Town Manager with regular reports regarding the same.
- B. In the event of inconsistencies in operations, the Town Manager will review these matters for resolution.

**III. PRIORITY OF USE**

The Town retains the right at all times and in its sole discretion to make individual decisions regarding the use of all public facilities including, but not limited to, the right to deny the use of the Community Center to any participant and/or spectator for any reason subject to the limitation of Section III.G.

A. Priority Order of Use

- 1. Town and Public Emergencies
- 2. Town Boards and Committees Meetings and Functions
- 3. Town Department programmatic uses in accordance with the Community Center’s intended purpose
- 4. North Yarmouth/Cumberland Recreation Activities
- 5. Service Groups, Non-Profit Organizations, and MSAD #51
- 6. Special Events - Weddings, Birthdays, etc.
- 7. Special Interest Groups / Commercial

- B. All reservations are on a first-come, first-serve basis through the Facility Director and in accordance with the priority use order and timelines. Exceptions may occur due to extenuating circumstances upon the discretion of the Facility Director.
- C. The Town Manager shall review all requests for activities that exceed fifty (50) days in length.
- D. No term of use for any reservation shall exceed 100 days, either consecutively or non-consecutively.
- E. There shall be no implied or actual automatic renewals of any rental or use agreement, and no such agreement to use the Community Center shall be subject to any implied or automatic renewals.
- F. Municipal use takes priority over any other use. If a Town function, such as public hearing or special election is required, the Town may require the user(s) on those date(s) to reschedule. The Town will make a reasonable attempt to work around existing reservations.
- G. The Town of North Yarmouth shall not exclude any individual or group from using the Facility due to race, color, national origin, religion, age, gender, sexual orientation, disability, veteran status, or any other characteristic protected under local, state or federal law.

**IV. AVAILABLE SPACES**

| <u>Designated Area</u>          | <u>Concentrated<br/>People Capacity</u> | <u>Mixed Use<br/>Seating Capacity</u> |
|---------------------------------|---|---------------------------------------|
| Wescustogo Hall - Entire Space  | 635                                     | 300                                   |
| Wescustogo Hall - Center Space  | 180                                     | 85                                    |
| Wescustogo Hall - Wing A        | 180                                     | 85                                    |
| Wescustogo Hall - Wing B        | 275                                     | 130                                   |
| Wescustogo Hall Center + Wing A | 360                                     | 170                                   |
| Wescustogo Hall Center + Wing B | 455                                     | 215                                   |
| Community Room                  | 155                                     | 75                                    |
| Gymnasium                       | 590                                     | 280                                   |
| Stage                           |   |                                       |

**V. RESERVATIONS**

- A. All persons, groups, or business desiring to reserve the Facility for their own exclusive use for special events are required to fill out a Facility Use Agreement and Liability Waiver.
- B. Requests for the use of the Facility must be made by one or more individuals who are at least 25 years of age, and who will be responsible for monitoring and supervising all activities at the Facility during the period reserved. The renter/designated representative must be at least 25 years of age and assume responsibility for the appropriateness of activity, supervision, and adherence to all policies. It shall be at the Facility Director's discretion to waive the age requirement.
- C. No verbal confirmation or "penciling in" of the reservation may be construed as an approval or guaranteed reservation. A facility use agreement shall be completed and returned for authorized signature. No date is confirmed until an agreement has been signed by both parties. Individuals or groups are only allowed to use the space if requested in writing.
- D. Reservation requests should be made a minimum of three (3) weeks in advance of the requested date to allow for review. The Facility Director is authorized to approve or deny the request. Under no circumstances will the Facility Director grant any waivers. The Town Manager will be notified of every request that is approved or denied.
- E. If a request is denied by the Facility Director, that decision can be appealed to the Town Manager who may request direction from the Select Board.
- F. The Town reserves the right to reject a reservation request if the anticipated event is likely to be unreasonably disruptive to regular Town functions, too large for the applicable hall capacity, disorderly, dangerous to persons or property, or in any other way inconsistent with or in conflict with any of the terms and conditions of the Policy.
- G. The Town reserves the right, in its sole discretion, to reject a reservation request for any reason subject to Section III.G.
- H. Reservations shall be made through the Facility Director's office. No individual or group may reserve or use the Facility unless they comply in all respects with the provisions of the Policy and submit, a complete and fully executed Use Agreement and Liability Waiver and any insurance certificate requested. Any false, misleading, or incomplete statement on the agreement form shall be grounds to deny the use of the Facility to the individual and or group.
- I. The Use Agreement and Liability Waiver, shall constitute a release by the individual or group and each and all of its members, of any claim against the Town and its staff for any injury to persons or damage to property suffered by such individual or group or any of its members during or as a result of the use of the Facility.
- J. Renters cannot sub-rent any part of the Facility and may only use the Facility for the approved use.

- K. A refundable security deposit shall be collected for the use of the Facility that requires a Facility use application. This security deposit shall be received prior to use and held until after the rental has been completed and a satisfactory walk-through completed by the Facility Director or designee.

## VI. GENERAL REGULATIONS

- A. No operations will begin before 7:00 am; the building will be secured at 10:00 pm unless other arrangements are made in writing before the event. Activities shall not extend beyond the hours approved in the request and are restricted to the area for which permission is granted.
- B. The Facility will be carefully examined after use. The user will promptly reimburse the Town for any loss or damage occurring as a result of the use of the Facility. This may also result in failure to receive a reimbursement of the security deposit.
- ~~C. If custodial assistance is needed, as determined by the Facility Director, a charge will be assessed and must be paid in advance with the other fees.~~
- ~~D.C.~~ D.C. Groups shall be adequately and appropriately supervised by an approved adult(s) at all times and until all participants have departed the premises. All accidents and/or injuries shall be reported to the Facility Director, and an accident form is to be filed with the Director.
- ~~E.D.~~ E.D. The Town, when deemed necessary or appropriate, shall require an authorized Town representative to open or close the Facility or supervise an event at a reasonable cost to the renter.
- ~~F.E.~~ F.E. Temporary signage is permitted on the event day(s) and must comply with the Town's Land Use Ordinance.
- ~~G.F.~~ G.F. In issuing posters, press releases, or other publicity, individuals or groups may not state or imply that their programs are sponsored, co-sponsored or approved by the Town, or any municipal official unless the event or program is Town sponsored.
- ~~H.G.~~ H.G. Conduct or participation in any activity in the Facility where such conduct or participation is unreasonably and unnecessarily hazardous to the personal safety of, or impairs or limits the lawful use and enjoyment of the Facility or area by, other persons will not be tolerated.
- ~~I.H.~~ I.H. Food and/or beverages are to be limited to the specified food and/or beverage areas.
- ~~J.I.~~ J.I. The use shall comply with any and all other Town ordinances, rules, and or policies.
- ~~K.J.~~ K.J. It shall be unlawful for any person to impersonate any employee of the Town or interfere with, harass or hinder any employee in the discharge of his/her duties.
- ~~L.K.~~ L.K.
- ~~M.L.~~ M.L. The Town Manager or designee is authorized to close any public facility or portion thereof at any time for the protection of Town property or the public health, safety or welfare.

The Town reserves the right to require any security measures and or deposits deemed necessary by the Facility Director and or Town Manager. The Town reserves the right to cancel any and all activities for the Community Center without notice and without providing any other accommodations.

## VII. EVENT OPERATIONS

- A. Americans With Disabilities Act - An individual or group reserving the Facility shall assume full responsibility for providing and paying for any special accommodations not already available in

the Facility that are requested by participants attending an event in accordance with the Americans with Disabilities Act.

B. Alcohol

1. The selling and or serving of alcoholic beverages is not permitted without the written approval of the Town Manager, and proof of a Liquor Licensed Caterer is being used.
2. A copy of an insurance policy must be provided which names the Town as an insured party. The Town recommends a Tenant User Liability Insurance Policy (TULIP) that is easily accessible through the Maine Municipal Association at a nominal fee.

C. Smoking/Drugs - Use of tobacco products, cannabis products, vaping or any form of inhalants, or illegal drugs is not permitted in the Facility or on any part of the campus.

~~C~~.D. Animals/Pets - Only service animals shall be allowed in the facility.

~~D~~.E. Event Activities

1. The Facility Director shall authorize all equipment usage and reserve the right to refuse and or cancel any equipment or Facility request. Equipment is not to be removed from any facility.
2. Non-marking gym appropriate footwear is to be worn in the gym.
3. Due to the nature of the structure softball and baseball practices are not allowed in the facility.
4. Events involving vehicles inside the facility are not allowed.
5. If multiple rooms / areas are being rented on the same day by different parties, bathrooms and parking will be shared.
6. Use of fireworks or on the property is not permitted.
7. Decorations requiring nailing anything to the walls, beams or any permanent structure in the building is prohibited.
8. Rice, Confetti, glitter, bubbles, silly string or birdseed is not allowed to be used in the facility.
9. Any outside vendors (magicians, food trucks, face painters, etc.) hired by the renter must be approved by the Community Center Director.
10. Tables and chairs are to stay inside the facility.
- ~~2~~-11. The event or activity shall not cause damage from destruction or overuse of the grounds, equipment, vegetation, buildings, fences, or other amenities in the public facility.
- ~~3~~-12. The proposed event or activity shall not endanger the health and safety of persons who visit the public facility.
- ~~4~~-13. The proposed event or activity would not unreasonably disturb persons who own and or occupy land which is adjacent to the facility.
- ~~5~~-14. The Facility Director may designate the specific area within the public facility where the event shall be permitted to take place, based upon the foregoing criteria.
- ~~6~~-15. The collection of admission fees is permitted for specific event activities and shall be outlined in the application.



- E.F. Event Clean Up - The individual(s) or group(s) utilizing the space shall be responsible for the cleaning, picking up and removing any and all materials they wish to retain following the event. In the event that the user(s) damaged the Facility or failed to clean and remove debris properly, the Town shall obtain an estimate of damage and or engage staff services and shall, if necessary, charge the user(s) for any additional costs.

## VIII. REQUIRED AUTHORIZATIONS

It shall be considered unlawful for any person and or user without written permission by the Facility Director to:

- A. Enter the building or be upon the Facility after the posted closing time or before the posted opening time, or contrary to posted notice in the Facility.
- B. Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles.
- C. Expose, distribute, or place any commercial sign, advertisement, notice, poster, or display in the Facility.
- D. Bring in, set up, construct, manage, or operate any amusement or entertainment device without a permit.
- E. Introduce any plant, animal, or another agent within the Facility.
- F. Construct any structure(s) or sign(s).
- G. Start an open fire at any public facility (including for cookouts and camping) except by express permission from the Facility Director. Users requesting authorization for a fire of any type must also acquire a fire permit through the North Yarmouth Fire Rescue Department.
- H. Use of open flames to include candles or other incendiary devices and effects.
- I. Overnight camping and or parking.
- J. Install, use, or operate any of the following devices: Loudspeaker or sound-amplifying equipment. Radios, DVD players, tape players, television sets, musical instruments or other machine or device for the production or reproduction of sound in such a manner as to be disturbing or a nuisance to persons of normal sensitivity within the area of audibility.
- K. No benches, seats or other equipment of the Town shall at any time be removed or changed from their place.

## IX. INSURANCE AND INDEMNIFICATION

- A. Insurance - The Town's property insurance and general liability insurance does not extend to individuals or groups utilizing public facilities. Therefore, in addition to agreeing to defend, indemnify and hold harmless the Town, its officers, agents and employees from any claims arising from use of the Town's facilities, the applicant shall procure public liability insurance, from a company authorized to do business in Maine, in an amount not less than \$400,000 per occurrence, for bodily injury, death, and property damage, protecting the applicant and the Town and its officers, agents and employees from such claims and provide the Town with a written certificate of insurance confirming such coverage, including naming the Town as an additional named insured.

This insurance is mandatory for all users, otherwise required to pay a user fee under this policy; provided, that even if the user fee is waived by the Town, the insurance requirement shall remain

necessary; provided, further, however, the mandatory insurance requirement will not apply to Town-based organizations that primarily serve the residents of North Yarmouth for small group activities that are unlikely to increase the Town's liability risk exposure. The Town expressly reserves the right to increase the amount of insurance based on the nature or type of rental or use proposed.

Nothing herein shall, nor is intended to, waive any defense, immunity, or limitation of liability which may be available to the Town or its respective officers, agents, and employees under the Maine Tort Claims Act or any other privileges and/or immunities provided by law.

- B. Indemnification - The applicant agrees to save, indemnify and hold harmless the Town and all its employees, the Town Select Board and all its members, from and against, any and all liabilities, actions, courses of action and damages arising out of any negligent or tortious acts on the part of the applicant, employees or agents and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons by virtue of or arising from the use of said facilities, equipment, or activity participation. The foregoing entities shall also be held harmless from and against all claims, damages losses, and expenses, just or unjust, including but not limited to costs of defense, including attorney's fees arising out of or resulting from personal injury, sickness, disease or death.

## X. FEES AND CANCELATIONS

### A. Fees

1. The fee(s) for facility rental shall be as specified in the Town Fee Schedule reviewed and determined by the Select Board.
2. The Town Fee Schedule shall apply to all users. Different rates may apply to different users but all rates shall be customary and reasonable.
3. Fee(s) collected at the time of reservation shall include but are not limited to the security deposit, 50% of the event rental cost(s), and processing fee(s). [All remaining balances shall be due in full fourteen \(14\) days prior to the event.](#)
4. It shall be unlawful for any person to use, without payment, any facility or area for which an application fee is required or user fee charged. Once an application is approved, and rental obligations are met, the date and facility are considered secure.
5. The Town may require the applicant to pay additional costs as needed for the event, including, but not limited to, the cost of providing police protection, the cost of providing additional restroom facilities, and the cost of additional staff and a maintenance service charge.

### B. Cancelations

1. Three (3) weeks notice is given, the renter is entitled to a 100% refund minus a processing fee.
2. Two (2) weeks notice and more than three (3) business days before the rental date the renter is entitled to a 50% refund on all upfront costs.
3. Three (3) business days notice or less before the rental date; no refund will be issued.
4. If the Town closes the Facility due to inclement weather, the rental will be canceled. It is the renter's responsibility to contact the Facility Director to reschedule the event. If the event cannot be rescheduled, the renter is entitled to a 100% refund minus a processing fee.

5. The Facility Director, for a good cause, may withdraw his/her approval for the use of any public facility by giving the applicant notice forty-eight (48) hours in advance of the scheduled event or gathering. In such an event, the user shall be entitled to full reimbursement of any fees paid.

Select Board

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William Whitten, Chairperson

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Steve Morrison, Vice Chairperson

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Jennifer Speirs

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Jim Moulton

Adopted: August 6, 2019  
Amended: November 19, 2019

**Town of North Yarmouth**  
**SCHEDULE OF APPLICATION, LICENSE AND PERMIT FEES**

**Private Road Signs**

Private Road Sign Replacement Fees

|   |                           |
|---|---------------------------|
| Sign  | Cost                      |
| 10' Green Post  | \$ 33.00                  |
| Sign Brackett   | \$ 7.25                   |
| E911 Mapping & Dispatch Updates                         | \$ 5.00                   |
| Labor   | Current Laborer Wage Rate |
| Install time varies; new sign approximately 30 minutes. |                           |

**Public Facility Use (Wescustogo Hall & Community Center)**

| Community Center Events<br>For-Profit or Private Individuals/General Public  |   |                            |
|--|---|----------------------------|
| Facility Room/Area   | Deposit   | Rental Fee Per Hour        |
| Wescustogo Hall (Full Rental)  | \$500.00  | \$300.00                   |
| Wescustogo Hall - <del>Room 1</del> Wing A   | \$150.00  | <del>\$75.00</del> 100.00  |
| Wescustogo Hall - <del>Wing B</del> Room 3   | \$150.00  | <del>\$100.00</del> 75.00  |
| Wescustogo Hall <del>Room 2</del> (Center)   | \$150.00  | \$ 75.00                   |
| <del>Wescustogo Hall &amp; Wing A</del> Room 1 & 2<br>(Combination)  | \$250.00  | <del>\$150.00</del> 175.00 |
| <del>Wescustogo Hall &amp; Wing B</del> Room 2 & 3<br>(Combination)  | \$250.00  | <del>\$175.00</del> 150.00 |
| Gymnasium  | \$500.00  | \$100.00                   |
| Community Room   | \$ 50.00  | \$ 50.00                   |
| <b>NOTE: 50% of all deposit and rental fees are due at time of rental confirmation.</b>  |   |                            |
| General Space Fees   |   |                            |
| Community Use  | Deposit   | Rental Fee Per Hour        |
| 501C3 NON-PROFIT - Per Event<br>Municipal Business, Town Committee<br>Meetings/Events, Volunteer Adult & Youth<br>Programs, North Yarmouth/Cumberland<br>Recreational Programs, MSAD51 Programs,<br>First Responder Programs & General<br>Community Activities | No Charge   | No Charge                  |
| FOR-PROFIT or Private<br>Individuals/General Public  | <del>No Deposit Required</del> \$50.00  | \$30.00                    |
| Miscellaneous Fees   |   |                            |
| Loss Key Card(s)   | No Deposit Required   | \$15.00                    |
| Administrative Fee   | Applies to All FOR-PROFIT OR PRIVATE Events   | \$35.00                    |
| Damages  | All groups/individuals shall be responsible in full for any costs to the center to include labor and materials. |                            |

**Road Naming and Property Numbering**

|   |                |
|---|----------------|
| Application                                     | \$25.00        |
| Sign and Post installation - material and labor | Cost + \$30.00 |

**Shellfish Conservation Ordinance** (Chapter 305 – Towns of Yarmouth/North Yarmouth)

|   |          |
|---|----------|
| License                                     |          |
| Resident Commercial                         | \$200.00 |
| Non-resident Non-reciprocating Commercial   | \$400.00 |
| Resident Recreational                       | \$ 25.00 |
| Non-resident Non-reciprocating Recreational | \$ 50.00 |

November 19, 2019

**Agenda - Section VII. Accounts Payable**

Item(s):

- *Move to approve accounts payable warrants 20 and 21 in the amount of \$851,944.35 as presented. Second, discussion and vote follow.*