



Town of North Yarmouth, Maine
Annual Town Meeting Warrant
Fiscal Year July 1, 2017 - June 30, 2018

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

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of North Yarmouth, Maine qualified by law to vote in town affairs, to meet at the North Yarmouth Memorial School Gymnasium, in said Town on Saturday the 8th day of April A.D. 2017, at nine (9) o'clock in the forenoon, then and there to act upon Articles 1 through 27 as set out below, to wit:

The Registrar of Voters gives notice that citizens will be able to register to vote April 8, 2017, from 8:30 AM to close of meeting.

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

ARTICLE 2: To see if the Town will vote to adopt the **Maine Moderator's Manual** as prepared by the Maine Municipal Association as the parliamentary procedure at Town Meeting for the ensuing year, or see what action the Town will take.

Note: The Maine Moderator's Manual is the current guideline used by the Moderator presiding at North Yarmouth's Annual Town Meetings. Article 2 is a housekeeping matter to ensure procedural process.

LEGISLATIVE ARTICLES

ARTICLE 3: Shall the Town Charter be amended as described and presented in **Exhibit A** of this warrant?

Select Board recommends approval.

ARTICLE 4: Shall the ordinance entitled "Property Tax Assistance Ordinance" be amended as described and presented in **Exhibit B** of this warrant?

Select Board recommends approval.

ARTICLE 5: Shall the ordinance entitled "Regulations for the Use of Parks and Recreation Areas" be amended as described and presented in **Exhibit C** of this warrant?

Select Board recommends approval.

ARTICLE 6: Shall the ordinance entitled "CATV Ordinance" be amended as described and presented in **Exhibit D** of this warrant?

Select Board recommends approval.

ARTICLE 7: Shall the ordinance entitled "Town of North Yarmouth, Maine Land Use Ordinance" be amended as described and presented in **Exhibit E** of this warrant?

Planning Board recommends approval.

ARTICLE 8: Shall the ordinance entitled "Victualers' License Ordinance" be repealed?

Explanation: The State statute requiring victualers to be licensed annually by the Municipal Officers was repealed in 1997.

Select Board recommends approval.

FINANCIAL ARTICLES

ARTICLE 9: To see if the Town will vote to raise and appropriate **\$416,490.00** for **Municipal Administration**, or see what action the Town will take.

Municipal Administration	Budget FY17	Request FY18	Difference	Percent
Wages/Allowances/Training	\$ 225,475	\$ 209,672	(\$ 15,803)	(7.01)
Operating Expenses	\$ 68,572	\$ 76,463	\$ 7,891	11.51
Contracted / Professional Services	\$ 51,947	\$ 62,100	\$ 10,153	19.54
Buildings & Grounds	\$ 49,517	\$ 44,774	(\$ 4,743)	(9.58)
Communications Committee	\$ 5,250	\$ 4,250	(\$ 1,000)	(19.05)
Memorial School Operations	\$ 58,600	\$ 19,231	(\$ 39,369)	(67.18)
TOTAL	\$ 459,361	\$ 416,490	(\$ 42,871)	(9.33)

Select Board Recommends \$416,490.

Budget Committee recommends \$438,954.

Explanation: The Budget Committee supports the request for a part-time Administrative Assistant for the Town Manager at \$22,464.

ARTICLE 10: To see if the Town will vote to raise and appropriate **\$128,613** for **Community Services**, or see what action the Town will take.

Community Services	Budget FY17	Request FY18	Difference	Percent
Code Enforcement & Planning	\$ 61,947	\$ 63,428	\$ 1,481	2.39
Planning & Economic Growth	\$ 40,000	\$ 32,500	(\$ 7,500)	(18.75)
Parks & Recreation	\$ 11,800	\$ 9,600	(\$ 2,200)	(18.64)
General Assistance	\$ 7,688	\$ 7,688	-----	-----
Social Service Agencies	\$ 10,000	\$ 9,432	(\$ 568)	(5.68)
Cemetery Operations	\$ 5,608	\$ 5,215	(\$ 393)	(7.01)
Living Well	\$ 0	\$ 750	\$ 750	100
TOTAL	\$ 137,043	\$ 128,613	(\$ 8,430)	(6.15)

Select Board and Budget Committee recommend approval.

ARTICLE 11: To see if the Town will vote to raise and appropriate **\$368,829.00** for **Public Safety**, or see what action the Town will take.

Fire Rescue Department	Budget FY17	Request FY18	Difference	Percent
Wages/Allowances/Training	\$157,653	\$151,033	(\$6,620)	(4.20)
Physicals	\$ 7,000	\$ 7,000	-----	-----
Dues/Membership/Licenses	\$ 4,805	\$ 5,380	\$ 575	11.97
Operating Expenses	\$ 57,090	\$ 59,410	\$2,320	4.06
Contracted / Professional Services	\$ 20,350	\$ 19,050	(\$1,300)	(6.39)
Operating Supplies	\$ 22,925	\$ 30,482	\$7,557	32.96
Fire Rescue Dept. Sub-total	\$ 269,823	\$272,355	\$2,532	0.94

Budget Request

Public Safety - Other	FY17	FY18	Difference	Percent
Dispatch Service	\$ 23,822	\$ 24,705	\$ 883	3.71
Animal Control Services	\$ 12,644	\$ 12,644	-----	-----
Health Officer	\$ 400	\$ 400	-----	-----
Hydrants	\$ 53,500	\$ 55,500	\$ 2,000	3.74
Street Lighting Operational	\$ 2,930	\$ 3,225	\$ 295	10.07
Other Sub-Total	\$ 93,296	\$ 96,474	\$ 3,178	3.41
GRAND TOTAL	\$ 363,119	\$ 368,829	\$ 5,710	1.57

Select Board recommends \$368,829.

Budget Committee recommends \$371,329.

Explanation: The Budget Committee recommends an additional \$2,500 in support of the full allowance requested for per diem coverage for the Fire Rescue Chief when he is obligated to participate in out of town duties and or in matters of personal time-off.

ARTICLE 12: To see if the Town will vote to raise and appropriate **\$692,080.00** for **Public Works**, or see what action the Town will take.

Public Works Department	Budget FY17	Request FY18	Difference	Percent
Wages/Allowance/Training	\$ 184,706	\$ 243,165	\$ 58,459	31.65
Operating Expenses	\$ 172,403	\$ 205,915	\$ 33,512	19.44
Roadway Maintenance	\$ 225,000	\$ 243,000	\$ 18,000	8.00
TOTAL	\$ 582,109	\$ 692,080	\$ 109,971	18.89

Select Board recommends \$692,080.

Budget Committee recommends \$663,880.

Explanation: The Budget Committee does not support the request for an additional laborer for the Public Works Department in the amount of \$31,200. The Budget Committee does recommend an additional \$3000 for roadway crack sealing.

ARTICLE 13: To see if the Town will vote to raise and appropriate **\$199,705** for **Solid Waste / Recycling**, or see what action the Town will take.

Solid Waste / Recycling	Budget FY17	Request FY18	Difference	Percent
MSW Disposal	\$ 63,865	\$ 63,865	-----	-----
Recyclables Collection	\$ 63,890	\$ 63,890	-----	-----
MSW Collection Surcharge	\$ 1,000	\$ 300	(\$ 700)	(70.00)
Ecomaine Torage	\$ 49,350	\$ 49,350	-----	-----
PAYT Disposal Bags	\$ 11,910	\$ 14,000	\$ 2,090	17.55
HHW Collection / Clean Up Day	\$ 5,600	\$ 7,500	\$ 1,900	33.93
Garbage to Garden Composting	\$ -	\$ 500	\$ 500	100
Compost & Recycling Bins	\$ -	\$ 300	\$ 300	100
TOTAL	\$ 195,615	\$ 199,705	\$ 4,090	2.09

Select Board and Budget Committee recommend approval.

ARTICLE 14: To see if the Town will vote to raise and appropriate **\$520,302.00** for **Fixed Expenses**, or see what action the Town will take.

Fixed Expenses	Budget FY17	Request FY18	Difference	Percent
Debt Service	\$ 13,482	-----	(\$ 13,482)	(100)



Employee Benefits	\$ 232,742	\$ 292,921	\$ 60,179	25.86
Municipal Insurance	\$ 34,400	\$ 38,591	\$ 4,191	12.18
Shared Services NY/Cumberland	\$ 190,673	\$ 188,790	(\$ 1,883)	(0.99)
TOTAL	\$ 471,297	\$ 520,302	\$ 49,005	10.40

Select Board recommends \$520,302.
Budget Committee recommends \$493,494.

Explanation: These numbers are supported by recommendations in Articles 9 and 12. If the amount to raise and appropriate changes in Article 9 and or Article 12, it will have a direct effect on Article 13, and the appropriation amount may need amending.

ARTICLE 15: To see if the Town will vote to raise and appropriate **\$233,100** for Capital Improvements Reserves, or see what action the Town will take.

Capital Reserves	Budget FY17	Request FY18	Difference	Percent
PWD/FRD (Heavy Equipment)	\$ 130,000	\$ 130,000	-----	-----
Future Land Reserve	\$ 0	\$ 10,000	\$ 10,000	100
Parks & Recreation	\$ 0	\$ 5,000	\$ 5,000	100
Municipal Facilities/Grounds	\$ 0	\$ 50,000	\$ 50,000	100
Contingency Reserve	\$ 0	\$ 9,000	\$ 9,000	100
Records Preservation	\$ 25,924	\$ 29,100	\$ 3,176	12.25
TOTAL	\$ 155,924	\$ 233,100	\$ 77,176	49.50

Select Board and Budget Committee recommend approval.

ARTICLE 16: To see if the Town will vote to accept and apply **\$1,536,945** of the following **non-property tax revenues** to reduce the total amount authorized to be raised by taxation.

Revenues	Budget FY17	Request FY18	Difference	Percent
State Municipal Revenue Sharing:	\$ 181,018	\$ 179,209	(\$ 1809)	(0.99)
Motor Vehicle Excise:	\$ 800,000	\$ 830,000	\$30,000	3.75
Solid Waste & Recycling:	\$ 110,500	\$ 110,500	-----	-----
Local Road Assistance:	\$ 27,000	\$ 27,000	-----	-----
Ambulance Service Fees:	\$ 35,000	\$ 45,000	\$10,000	28.57
All Other Anticipated Revenues:	\$ 337,865	\$ 347,492	\$ 9,627	2.85
TOTAL	\$ 1,491,383	\$ 1,539,201	\$47,818	3.20

And further to see if the Town will authorize the Select Board and Treasurer to accept any additional revenues or funds that may be used to reduce the amount required to be raised by taxation, or see what action the Town will take.

Select Board recommends \$1,539,201.
Budget Committee recommends \$1,559,201.

Explanation: Based on current Town data the Budget Committee supports \$850,000 to be received from Motor Vehicle Excise.

ARTICLE 17: To see if the Town will vote to authorize the Select Board to transfer **\$6,000** received from the sale of assets in the fiscal year 2017 to the Public Works Department/Fire Rescue Department Heavy Equipment Reserve to support future purchases from the account or see what action the Town will take.

Explanation: The Town sold the NYMS flashing school signs to a neighboring community RSU district at the cost of \$6,000. Given the general nature of the items, the Select Board deemed it appropriate to transfer the funds to support a similar use; maintaining/safety of roadways.

Select Board and Budget Committee recommend approval.

ARTICLE 18: To see if the Town will raise and appropriate an estimated **\$30,000** for overlay for the purposes of granting tax abatements or see what action the Town will take.

Select Board and Budget Committee recommend approval.

ARTICLE 19: To see if the Town will vote to authorize the Select Board to transfer from the town's undesignated fund balance an amount not to exceed **\$200,000** for the purpose of reducing the total amount authorized to be raised by taxation for the fiscal year 2017, or see what action the Town will take.

Select Board recommends: \$200,000
Budget Committee recommends \$150,000.

ARTICLE 20: To see if the Town will vote to authorize the transfer of **\$50,000** from the Town's undesignated fund balance to be set aside in a committed fund balance account to be expended in future years for providing the property tax assistance, in accordance with the Town's Property Tax Assistance Ordinance or see what action the Town will take. *(Approval of this article will not increase the property tax levy.)*

Select Board recommends \$50,000.
Budget Committee recommends \$30,000.

Explanation: The Budget Committee acknowledges and supports the tax credit program for seniors and has determined based on Town survey data that an amount of \$30,000 would be sufficient.

ARTICLE 21: To see if the Town will vote to authorize the transfer of **\$25,000** from the Town's undesignated fund balance to be set aside in a committed fund balance account to be expended in future years for the purpose of employee disbursements of earned but not expended benefits or see what action the Town will take. *(Approval of this article will not increase the property tax levy.)*

Select Board and Budget Committee recommend approval.

ARTICLE 22: To see if the Town will vote to allocate funds received from the registration of snowmobiles to Town established snowmobile club(s) for the purpose of maintaining their snowmobile trails to be open to the use of the public at all times.

Explanation: The snowmobile registration money must be appropriated annually by the town for whatever purpose it desires. If all or part of it is appropriated to a snowmobile club, one of the conditions of that appropriation must be that the club's trails are open to public use. Otherwise, it would be an illegal appropriation of public funds for a private group.

Select Board and Budget Committee recommend approval.

ARTICLE 23: To see if the Town will vote to exceed the maximum property tax levy limit (LD1) established by State law in the event that the municipal budget approved results in a tax commitment in excess of the property tax levy otherwise allowable, such that the increased maximum property tax levy hereby established will equal the amount committed, or see what action the Town will take.

Select Board and Budget Committee recommend approval.

Note: It is not projected that the town's budget will exceed tax levy limits established by State law, but as a preventive housekeeping action it is recommended the Town vote to approve Article 23. By State Law, the vote on this article must be by written ballot.

ARTICLE 24:

- 1) To see if the Town will vote to make all taxes assessed for the Town's 2018 fiscal year, July 1, 2017 through June 30, 2018, due in two (2) installments, with the first half (1/2) of the total amount assessed due and payable on **October 1, 2017**, and the remaining half (1/2) due on **April 1, 2018**; and to charge **interest** at the rate of seven percent (**7.00%**) per year computed on a daily basis on any portion of the installment due that remains outstanding as of October 2, 2017 or April 2, 2018, and
- 2) To see if the Town will permit the Tax Collector or her designee to waive unintentional tax interest payment shortages in an amount not to exceed \$5.00; and
- 3) To see if the Town will vote to authorize the Tax Collector to accept payment of real estate and personal property taxes not yet due or assessed pursuant to M.R.S.A. Title 36, Section 506-A. The Town does not apply interest on such collections, and
- 4) To see if the Town will vote to authorize the Treasurer to release payment of tax abatements and applicable interest approved by the Town's Assessor from the property tax overlay account.

Select Board recommends approval.

ARTICLE 25: To see if the Town will vote to authorize the Select Board and the Treasurer, on behalf of the Town and any of the Town's departments, to accept gifts, real estate, donations and other funds, including trust funds that may be given or left to the Town and to grant the Select Board the further authority to expend up to **\$25,000** from undesignated funds, if necessary, to match the grant, funding such sums of money as they deem necessary from these funds for their designated purposes. These expenditures may be reflected outside of the Town's approved budget.

Select Board recommends approval.

ARTICLE 26: To see if the Town will vote to authorize the Town Manager acting in concurrence with the Select Board to accept and expend, on behalf of the Town, any Federal or State funds received in the form of grants during the period July 1, 2017, until June 30, 2018. These expenditures may be reflected outside of the Town's approved budget.

Select Board recommends approval.

ARTICLE 27: To see if the Town will vote to authorize the transfer of all unexpended balances to the Undesignated Fund Balance and to authorize any overdrafts that may occur in Town operations during the fiscal year ending June 30, 2018, to be taken from Undesignated Fund Balance.

Select Board recommends approval.


Given unto our hands this 21st day of March 2017 at North Yarmouth, Maine.

Board of Selectpersons



Jeanne Chadbourne, Chairperson

Peter Lacy, Vice Chairperson



Alex Carr

Anne Graham



Paul Napolitano

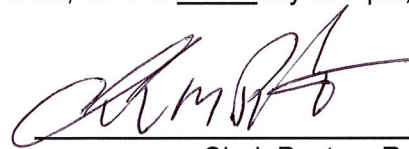
A true copy of the warrant,

Attest:  *Debbie Allen Grover, Town Clerk*

RETURN OF THE WARRANT

North Yarmouth, Maine March 28, 2017

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said Town qualified as herein expressed, to meet at said time and place, and for purposes therein named, by posting an attested copy of said warrant at the Town Office, North Yarmouth Variety, Ames Farm Center, Fire Station and Toddy Brook Café in said town, being public and conspicuous places in said town, on the 1 day of April, 2017, being at least seven days before the meeting.



Clark Baston, Resident

**Certification of Proposed Charter Amendments by
the Municipal Officers**

To: Debbie Allen Grover, Town Clerk


This is a true certified copy of proposed amendments to the Town of North Yarmouth Charter. To be voted on at the Annual Town Meeting scheduled for April 8, 2017 under warrant **Article 3, Exhibit A**.

Given under our hands this 21st day of March 2017.

Board of Selectpersons



Jeanne Chadbourne, Chairperson




Alex Carr



Anne Graham



Peter Lacy, Vice Chair



Paul Napolitano

A majority of the Municipal Officers of North Yarmouth, Maine

Charter of the Town of North Yarmouth

Article I. Town Meeting and Elections

1. **Town Meeting.** Town meetings shall be held as provided below:
 - a. The ~~Board of Selectmen~~**Select Board** shall convene an annual Town Meeting on a Saturday in April 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 ~~Board of Selectmen~~**Select Board** not later than the preceding February 1st.
 - b. Special Town Meetings may be called by the ~~Board of Selectmen~~**Select Board** in accordance with state law or as specified in Article II § c of this Charter.
 - c. The moderator of any Town Meeting shall be elected at the beginning of such meeting.
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: ~~Selectmen~~**Select Board** & 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.
3. **Petitions.** The voters may petition the ~~Board of Selectmen~~**Select Board** pursuant to state law, including, but not limited to, Title 30-A, Section 2522 and Title 30-A, Section 2528(5) as such provisions may be amended, superseded, or replaced from time to time. The manner, validity, and effect of such petitions are as determined by state law.

Article II. ~~Board of Selectmen~~Select Board

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

At the first regular meeting of the ~~Board of Selectmen~~**Select Board** on or after July 1st of a year, the ~~selectmen~~**Select Board** shall elect a chair to serve until the following June 30th. In the event the chair ceases to serve as a ~~selectman~~**selectperson**, resigns as chair, or is otherwise unable to discharge his or her duties prior to the end of such term, the ~~Board of Selectmen~~**Select Board** shall elect a new chair as soon as practicable. By an affirmative vote of not less than four members, the ~~Selectmen~~**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.

 - a. The chair or his or her designee shall have the following responsibilities:
 - (i) Serve as the official spokesperson of the ~~Board of Selectmen~~**Select Board**;
 - (ii) Preside over all meetings of the ~~Board of Selectmen~~**Select Board**;

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- (iii) Establish the schedule and agendas of the ~~Board of Selectmen~~**Select Board**; and
- (iv) Ensure that the ~~Board of Selectmen~~**Select Board** develop and maintain bylaws.

4. Powers and Duties.

- a. The ~~Board of Selectmen~~**Select Board** shall hold regular meetings no less than monthly, and give notice of such meetings as required by law.
- b. The ~~Board of Selectmen~~**Select Board** may call special meetings as are necessary, and must give notice as required by law.
- c. The ~~Board of Selectmen~~**Select Board** may call emergency meetings as needed with notice as required by law, to meet public emergencies affecting life, health, property or the public peace.
- d. The ~~Board of Selectmen~~**Select Board**'s compensation shall be determined by the annual Town Meeting.
- e. The ~~Board of Selectmen~~**Select Board** shall annually review and prioritize the goals and objectives for ad hoc committees.
- f. The ~~Board of Selectmen~~**Select Board** shall review and approve an annual town budget for inclusion in the annual Town Meeting warrants, as well as all other warrants required by law or necessary for the good management of the town.
- g. The ~~Board of Selectmen~~**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 ~~Board of Selectmen~~**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.
- h. The ~~Board of Selectmen~~**Select Board** shall appoint the Town Assessor, who shall be licensed as a certified Maine assessor and appointed by the ~~Board of Selectmen~~**Select Board** to a term of one (1) year. The term of the appointed assessor shall expire on June 30th. In addition to the duties provided by law, the assessor shall maintain the town's tax maps. Compensation shall be fixed by the ~~Board of Selectmen~~**Select Board** and in addition, the assessor shall receive the actual and necessary expenses incurred in the performance of the assessor's duties.
- i. The ~~Board of Selectmen~~**Select Board** may, after a public hearing:
 - (i) Amend ordinances in order to correct typographical or editorial errors, inaccurate statutory references, or changes to forms prescribed by the town
 - (ii) Except as otherwise provided herein, and except for ordinances within the exclusive authority of the ~~Board of Selectmen~~**Select Board** to enact, all ordinances and other ordinance amendments shall be enacted by Town Meeting.
- j. The ~~Board of Selectmen~~**Select Board** shall deal with town employees solely through the Town Manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the ~~Board of Selectmen~~**Select Board** from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

- 5. Forfeiture of Office, Prohibitions Vacancies.** The office of a ~~selectman~~**selectperson** shall become vacant upon death, resignation, non-acceptance, removal from office in any manner designated by law, or by forfeiture of office.

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- a. Forfeitures. A ~~selectman~~**selectperson** shall forfeit office if he or she lacks at any time during their term of office:
 - (i) any qualification of the office as described by this charter or by law.
 - (i) is convicted of a felony.
 - (ii) is found, by affirmative vote of at least three ~~Selectmen~~**Select Board**, to have violated the conflict of interest provisions of this charter.
 - (iii) has failed to attend three (3) consecutive meetings of the ~~Board of Selectmen~~**Select Board** without being excused for due cause by the chair.

- b. Prohibitions. Except where otherwise authorized by law no ~~selectman~~**selectperson** shall be a town employee or serve on an elected or appointed board, commission or committee established under Article IV, Sections 1 and 2 of this charter during the term for which they were elected to the ~~Board of Selectmen~~**Select Board**; provided, however, that service as a per diem or similar status membership in the town fire and rescue department, shall not be grounds for disqualification from holding office as a ~~selectman~~**selectperson**.

- c. Vacancies. If a seat on the ~~Board of Selectmen~~**Select Board** becomes vacant more than six (6) months prior to the next regular election, the ~~Board of Selectmen~~**Select Board** shall vote to hold a special election and approve a warrant related thereto no more than sixty (60) days from the date the vacancy occurred to fill the unexpired term. Nomination papers must be filed with the Clerk during regular business hours by no later the 45th day prior to the election day. If the vacancy occurs less than six (6) months prior to the next election, the ~~Board of Selectmen~~**Select Board** may hold a special election.

Article III. Town Manager

1. Town Manager Established; Role. Except as granted to the Town Manager herein, the administrative and executive functions of the town shall be reserved to the ~~Board of Selectmen~~**Select Board**.

2. Qualifications and Requirements. The Town Manager shall be chosen by the ~~Board of Selectmen~~**Select Board** on the basis of his or her executive and administrative qualifications, his or her technical knowledge of municipal administration, and his or her integrity of character.
 - a. The Town Manager need not be a resident of the town or state when appointed, but, while in office, may reside outside the town only with the approval of the ~~Board of Selectmen~~**Select Board**.
 - b. The Town Manager may not serve as any elected town official, assessor, or member of any board, commission or committee established under Article IV, Sections 1 or 2.

3. Roles and Responsibilities. The roles and responsibilities of the Town Manager shall include the following:

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- a. Act as the chief executive and administrative officer of the town.
 - b. Act as purchasing agent for all departments of the town and to put out to competitive bids any transactions of such minimum dollar amount as established by the ~~Board of Selectmen~~**Select Board** as the fiscal policy of the town from time to time.
 - c. Attend the regular meetings of the ~~Board of Selectmen~~**Select Board**, all Town Meetings and public hearings of the town or ~~Board of Selectmen~~**Select Board**.
 - d. Make recommendations, including orders or ordinance changes for adoption as the Town Manager may deem expedient for the efficient operation of the town.
 - e. Be responsible to the ~~Board of Selectmen~~**Select Board** for the administration of all departments and offices of the town and to keep the ~~Board of Selectmen~~**Select Board** advised as to the business, operations, and needs of the town.
 - f. Execute all laws and ordinances of the town.
 - g. Appoint, subject to confirmation by the ~~Board of Selectmen~~**Select Board**, supervise and manage the heads of departments and other town officials, except as otherwise designated. Subject to ratification in the town's budget, town department heads and other officials may include, but are not limited to the Town Clerk, Town Treasurer, Tax Collector, Registrar of Voters, Code Enforcement Officer, General Assistance Administrator, Road Commissioner, Director of Emergency Preparedness, Animal Control Officer, Health Officer, Electrical Inspector, Building Inspector, Plumbing Inspector, and Fire Chief.
 - h. Notwithstanding subsection g, the Town Manager may serve, with the permission of the ~~Board of Selectmen~~**Select Board**, as the head of one or more departments, offices, or agencies, or may appoint one person as the head of two or more of them.
 - i. Exercise administrative control over all departments created herein or that may be created hereafter either by general law or ordinance, including but not limited to all matters of hiring, firing, and employee discipline.
 - j. Have exclusive authority to remove for cause, after notice and hearing, all persons whom the Town Manager is authorized to appoint and report all removals to the ~~Board of Selectmen~~**Select Board**.
 - k. Unless otherwise provided by town ordinance or this charter, the Town Manager shall appoint, supervise and manage all town officials whom the ~~Board of Selectmen~~**Select Board** are required by law to appoint; and appoint, supervise and manage all other officials, subordinates and assistants, except that the Town Manager may delegate this authority to a department head and report all appointments to the ~~Board of Selectmen~~**Select Board**. The Town Manager shall not appoint or supervise any members of boards, commissions, committees and the assessor whether elected or appointed by the ~~Board of Selectmen~~**Select Board**, with respect to the performance of those duties.
 - l. Be liaison and resource person for all town boards and committees, and to attend public hearings and meetings when appropriate. The Town Manager shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
 - m. Keep the ~~Board of Selectmen~~**Select Board** and the residents of the town informed as to the town's financial condition.
 - n. Collect data necessary to prepare the budget, and prepare a preliminary budget to present to the ~~Board of Selectmen~~**Select Board** and the Budget Committee.
4. **Compensation.** The ~~Board of Selectmen~~**Select Board** shall determine the compensation of the Town Manager, which shall be included in the annual budget approved at Town Meeting.

Charter of the Town of North Yarmouth

5. Removal, Suspension, and Disability.

- a. Removal and Suspension. The ~~Board of Selectmen~~**Select Board** may remove or suspend the Town Manager for cause in accordance with the following procedures.
- (i) The ~~Board of Selectmen~~**Select Board** shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal or suspension. A copy of that resolution shall be delivered to the Town Manager within ten (10) days of filing. Within twenty (20) days of receiving the resolution, the Town Manager may reply in writing and request a public hearing.
 - (ii) Upon request for a public hearing, the ~~Board of Selectmen~~**Select Board** shall hold one at least ten (10) days but not more than thirty (30) days after the request is filed. After the public hearing or at the expiration of the time permitted the Town Manager to request the public hearing, if no such request is made, the ~~Board of Selectmen~~**Select Board** may adopt or reject the resolution of removal or suspension.
 - (iii) The ~~Board of Selectmen~~**Select Board** may suspend the Town Manager from duty in the preliminary resolution, but the Town Manager's salary may not be affected until the final resolution of removal has been adopted. In the case of such suspension, the ~~Board of Selectmen~~**Select Board** may appoint an acting Town Manager to serve at the pleasure of the ~~Board of Selectmen~~**Select Board** for not more than ninety (90) days.
 - (iv) The action of the ~~Board of Selectmen~~**Select Board** in removing the Town Manager shall be final, and shall be by majority vote of the ~~Board of Selectmen~~**Select Board**.
- b. Disability or Absence. The Town Manager may designate a qualified administrative official of the town to perform the Town Manager's duties during a temporary absence or disability, subject to confirmation by the ~~Board of Selectmen~~**Select Board**. If the Town Manager does not make this designation, the ~~Board of Selectmen~~**Select Board** may appoint a town official to perform the Town Manager's duties during the absence or disability and until the Town Manager returns or the disability ceases.
6. Regional Cooperation. The town may not jointly engage or cost share the Town Manager, except as approved by Town Meeting.

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

1. Elected Boards, Commissions, Committees, and Officials. The following positions shall be elected by secret ballot:
- a. MSAD Directors. There shall be MSAD Directors, whose number, length of terms, powers and duties shall be a prescribed under the terms of the certificate of organization for the MSAD and who if more than one is provided for, shall be elected to staggered terms. The terms of those elected to serve as directors shall expire on June 30th of their expiration year.

Charter of the Town of North Yarmouth

- b. Budget Committee. There shall be a Budget Committee consisting of seven (7) members elected to staggered three (3) year terms. The terms of those elected to the Budget Committee shall expire on June 30th of their expiration year. Members shall elect a chair and a secretary. The Budget Committee shall have the following duties and responsibilities:
- (i) The Budget Committee shall meet in conjunction or apart from the ~~Board of Selectmen~~**Select Board** to hear and review the Town Manager's proposed budget.
 - (ii) The Budget Committee shall meet to make comments and/or recommendations on said budget, either separately or jointly with the ~~Board of Selectmen~~**Select Board** for the annual town warrant.
 - (iii) The Budget Committee shall attend the annual Town Meeting to answer questions about said recommendations.
 - (iv) The Budget Committee's recommendations in all regards will be strictly advisory in nature and shall not be binding upon the ~~Board of Selectmen~~**Select Board**.
- c. Yarmouth Water District Trustee. There shall be one elected (1) Yarmouth Water District trustee. The terms, powers, and duties as prescribed by the Private and Special Legislation dealing with the Yarmouth Water District shall apply. The term of the elected trustee shall expire on June 30th of the expiration year.
- d. Cemetery Commission. There shall be a cemetery commission consisting of five (5) members elected to staggered five (5) year terms. The cemetery commission shall have responsibility for approving expenditure of trust funds for the care and maintenance of the cemeteries and set such other policies necessary for the respectful care and maintenance of town cemeteries.
2. Appointed Boards, Commissions, Committees and Officials. The following boards, commissions, committees and officials shall be appointed by the ~~Board of Selectmen~~**Select Board**.
- a. Board of Assessment Review. There shall be a Board of Assessment Review consisting of three (3) members appointed by the ~~Board of Selectmen~~**Select Board** to staggered three (3) year terms. The terms of those appointed to the Board of Assessment Review shall expire on June 30th 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 1st of each year.
 - b. Planning Board. There shall be a Planning Board consisting of five (5) regular members and two (2) alternate members appointed by the ~~Board of Selectmen~~**Select Board** to staggered three (3) year terms. The terms of those appointed to the planning board shall expire on June 30th of the expiration year. The members of the Planning Board shall elect from their membership a chair and a secretary annually at its first regular meeting occurring on or after July 1st 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. The Planning Board shall execute such duties as prescribed in the ordinances of the town and by state law.

Charter of the Town of North Yarmouth

- c. Zoning Board of Appeals. There shall be a Zoning Board of Appeals consisting of five (5) regular members and two (2) alternate members. These members shall be appointed by the ~~Board of Selectmen~~**Select Board** to staggered three (3) year terms. The terms of those appointed to the Zoning Board of Appeals shall expire on June 30th of their expiration year. The members of the Zoning Board of Appeals shall elect from their membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year. Other than for purposes of electing the chair and secretary, an alternate may vote only in the absence of a regular member. The Zoning Board of Appeals shall execute such duties as prescribed in the ordinances of the town and by state law.
 - d. Parks & Recreation Committee. There shall be a Parks & Recreation Committee consisting of five (5) members appointed by the ~~Board of Selectmen~~**Select Board** to staggered three (3) year terms. The terms of those appointed to the Parks & Recreation Committee shall expire on June 30th of their expiration year. The Recreation Committee shall elect from its membership a chair and a secretary at its first regular meeting occurring on or after July 1st of each year.
 - (i) The Parks & Recreation Committee shall advise the town and municipal officers on matters of parks and recreation and supervise any parks and recreation programs by the town.
 - (ii) The Parks & Recreation Committee shall oversee any town property designated as a parks and recreation area by the ~~Board of Selectmen~~**Select Board** and make recommendations to the ~~Board of Selectmen~~**Select Board** regarding its use.
 - e. Shellfish Conservation Commission. There shall be a Shellfish Conservation Commission consisting of three (3) members appointed by the ~~Board of Selectmen~~**Select Board** to staggered three (3) year terms. The terms of those appointed to the Shellfish Conservation Commission shall expire on June 30th of their expiration year. Members of the Shellfish Conservation Commission shall have the powers and duties as prescribed by the Private and Special Legislation dealing with the Shellfish Conservation Commission and as prescribed in the Town of Yarmouth's Shellfish Conservation Ordinance as may be amended, superseded, or replaced from time to time.
 - f. Other Officials. The ~~Board of Selectmen~~**Select Board** shall appoint such other officials to regional bodies as may be required from time to time to serve on such regional bodies required or permitted by law, agreement or otherwise.
3. Ad Hoc Committees. Any committee not otherwise mentioned in this charter shall be an ad hoc committee. Ad hoc committees are such committees as are necessary to the efficient functioning of the town. The ~~Board of Selectmen~~**Select Board** may, at its discretion, create or eliminate such ad hoc committees as it desires, subject to the following:
- a. The ~~Board of Selectmen~~**Select Board** shall meet annually with each Ad hoc committee to deliver a written charge to the ad hoc committee.
 - b. The ~~Board of Selectmen~~**Select Board** shall appoint members in such numbers as are required.
 - c. Each ad hoc committee shall remain in existence for a maximum of one (1) year; however, the ~~Board of Selectmen~~**Select Board** may extend the establishment of any ad hoc committee for additional terms. Each such term shall be up to one (1) year as necessary.

Charter of the Town of North Yarmouth

- d. Each of the ad hoc committees shall elect from their membership a chair and a secretary at its first regular meeting.
- e. The chair shall keep the ~~Board of Selectmen~~**Select Board** regularly apprised of the ad hoc committee's progress.

4. Other Duties.

- a. In addition to the duties and responsibilities set forth herein or by law, each board, commission, committee or individual official established pursuant to this Article IV shall prepare an annual report, which shall be due on such date and contain such information as directed by the chair of the ~~Board of Selectmen~~**Select Board**.
- b. Each board, commission or committee established pursuant to this Article IV may adopt, amend, or repeal bylaws from time to time as necessary and appropriate for its efficient operation. All current bylaws shall be maintained by the town and made available for public review.

Article V. General Provisions

1. **Amendments.** This charter may be amended or revised under Title 30-A, Sections 2101 through 2109.
2. **Effective Date.** This charter is effective on July 1, 2013.
3. **Transition Provisions.**
 - a. All elected and appointed persons not otherwise addressed in this Article V, Section 3 shall continue to serve until the expiration of their term or until their successor is duly elected or appointed hereunder.
 - b. The prohibition on serving as a ~~selectman~~**Selectperson** pursuant to Article II, Section 5(b) shall apply to all selectmen as of the effective date of the charter. Should the prohibition create a conflict for any ~~selectman~~**Selectperson** elected prior to the effective date, that ~~selectman~~**Selectperson**'s seat becomes vacant as of the effective date of the charter unless the ~~selectman~~**Selectperson** eliminates the conflict before the effective date.
 - c. In order to reduce the number of Budget Committee members from nine (9) to seven (7), there will be two (2) seats available for election in June 2014 and two (2) seats for election in June 2015.
 - d. The Conservation Commission shall be disbanded as of the effective date of this charter. Any funds or other property held by or in the name of the Conservation Commission shall be deemed transferred to the Town. The ~~Board of Selectmen~~**Select Board** shall perform or delegate any duties or obligations of the Conservation Commission subsequent to the effective date of this Charter.
 - e. Any committees in existence at the time of the enactment of the charter not specifically identified in the charter shall become ad hoc committees described in Article IV, Section 3. By September 30, 2013, the ~~Board of Selectmen~~**Select Board** shall have the option to review these committees and deliver the charge to the committee. Otherwise such committees shall be disbanded automatically as of September 30, 2013.

Charter of the Town of North Yarmouth

f. The ~~Board of Selectmen~~**Select Board** shall appoint an interim Town Manager to serve until such time as the ~~Board of Selectmen~~**Select Board** has selected someone to serve as Town Manager.

4. **Conflicts of Interest.** Any official, officer or employee of the town who has a financial interest, direct or indirect, or by reason of ownership of stock in any corporation or ownership interest in a business entity, in any contract with the town, or in the sale of any land, material, supplies or services to the town or to a contractor supplying the town shall make known that interest and shall

refrain from voting upon or otherwise participating in his/her capacity as an official, officer or employee in making such sale or otherwise in the making or performing of such contract.

Any official, officer or employee who willfully conceals such financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the express or implied knowledge of the person or business entity contracted with or making a sale to the town shall, at the option of the town, render the contract or sale voidable.

In all proceedings before the town, every municipal official shall attempt to avoid the appearance of a conflict of interest by disclosure or abstention.

5. **Liberal Construction.** The powers of the town under this charter shall be construed liberally, and the specific mention of particular powers of the charter shall not be construed as limiting in any way the general power of these articles.
6. **Repealer.** All Acts or parts of Acts inconsistent herewith insofar as they relate to the town are hereby repealed.
7. **Invalidity.** If any portion of the charter shall be held invalid or unconstitutional, such portion will not affect the validity of the remaining portions thereof.
8. **Applicable Law.** Except as otherwise providing in this Charter, the Town of North Yarmouth operates under the laws of the State of Maine.

**Certification of Proposed Property Tax Assistance Ordinance by
the Municipal Officers**

To: Debbie Allen Grover, Town Clerk


This is a true certified copy of proposed amendments to the Town of North Yarmouth **Property Tax Assistance Ordinance**. To be voted on at the Annual Town Meeting scheduled for April 8, 2017 under warrant **Article 4, Exhibit B**.

Given under our hands this 21st day of March 2017.

Board of Selectpersons



Jeanne Chadbourne, Chairperson



Alex Carr



Anne Graham



Peter Lacy, Vice Chair



Paul Napolitano

A majority of the Municipal Officers of North Yarmouth, Maine

TOWN OF NORTH YARMOUTH PROPERTY TAX ASSISTANCE ORDINANCE

SECTION 1. Title, Purpose, Authority

Subsection 1.1 Purpose:

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons ~~65-70~~ **(seventy)** years of age and over, **whose household income is \$40,000 or less**, who reside in the Town of North Yarmouth. Under this program, the Town of North Yarmouth will provide **a tax credit supplemental cash-refund payments** to those individuals who qualify as North Yarmouth resident beneficiaries of the State of Maine Residents Property Tax Program pursuant to Chapter 907 of Title 36 of the Maine Revised Statutes and meet the criteria established by this Ordinance.

SECTION 2. Definitions

Subsection 2.1 Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be **the applicant's primary place of residence. occupied by that person and that person's dependents as a home.**

Subsection 2.2 Qualifying Applicant: A qualifying applicant is a person who is determined by the ~~Treasurer~~ **Town Manager**, after review of a complete application under Section 4 of this Ordinance, to be eligible for a ~~refund-payment~~ **tax credit** under the terms of this Ordinance.

SECTION 3. Criteria for Participation

Subsection 3.1 - In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- 3.1.1 The applicant shall be ~~65-70~~ **(seventy)** years of age or more at the time of application.
- 3.1.2 The applicant shall have a homestead in the Town of North Yarmouth at the time of the application and for the entire year prior to the date of application.
- ~~3.1.3 The applicant can provide proof of applying for a refund under the provisions of Chapter 907 of 36 M.R.S.A.~~
- 3.1.4 ~~3~~ The applicant has been a resident of the Town of North Yarmouth for at least **10 (ten)** years immediately ~~proceeding~~ **preceding** the date of application for participation in the Program.

SECTION 4. Application and **Payment Tax Credit** Procedures

Subsection 4.1 - Person(s) seeking to participate in the Property Tax Assistance Program shall submit an ~~written application~~ to the ~~Treasurer~~ **Town Manager** no later than ~~November~~ **June** 30th. Applications are required every year to participate in this program. The ~~Treasurer~~ **Town Manager** shall provide an application form for the program, which shall include, at a minimum, the applicant's name, homestead address and contact information. Attached to all applications shall be ~~either proof of household income. applying for or the dollar amount (copy of check) of State Refund under Chapter 907 of Title 36 (State Circuit Breaker Program).~~ The ~~Treasurer~~ **Town Manager** shall review and determine if the application is complete and accurate and if the applicant is otherwise eligible to participate in the Program. The ~~Treasurer~~ **Town Manager** shall notify an applicant if an application is determined to be incomplete. The ~~Treasurer~~ **Town Manager**'s decision on eligibility to participate in the Program shall be final.

SECTION 5. Determination of Eligibility and Amount of Eligibility

Subsection 5.1 - If the ~~Treasurer~~**Town Manager** determines that the applicant is eligible to participate in the Program, he/~~she~~ shall determine the total amount of such eligibility. Eligibility shall be the lesser of the following amounts:

~~5.1.1 15% of the amount of the refund awarded by the State under Chapter 907, Title 36 M.R.S.A. (Maine Circuit Breaker Program) or;~~

5.1.2 Available monies in the Town ~~Circuit Breaker~~**Tax Assistance Program** fund or;

5.1.3 ~~\$300.00~~**1,000.00 per household.**

Subsection 5.2 - The ~~Treasurer~~**Town Manager** shall report to the ~~Board of Selectmen~~**Select Board** at the ~~second~~**first** meeting in ~~December~~**August** of each year, the projected ~~payments~~**credits** and number of eligible applicants requesting assistance for the program fund.

SECTION 6. Program Fund - Limitations Upon ~~Payments~~**Credits**

Subsection 6.1 - ~~Payments~~**Credits** under this Ordinance shall be conditioned upon the existence of sufficient monies in the Program Fund the year in which participation is sought. If there are not sufficient monies in the Program Fund to pay all qualifying applicants under this Ordinance, ~~payments~~**credits** shall be limited to the amounts available in the Fund. In the event that a lack of funding results in no ~~payment~~**credit** or less than the full ~~payment~~**credit** to a qualifying applicant, the request will not carry over to the next year.

SECTION 7. Creation of the Program Fund

Subsection 7.1 - The Program Fund from which ~~payments tax~~**credits** shall be made under the terms of this Ordinance shall be created as follows:

Subsection 7.2 - As funds are available, the ~~Board of Selectmen~~**Select Board** shall request from the Annual Town Meeting to appropriate monies from the general fund or other **Town** sources to support this program. Any surplus monies available after all ~~payments~~**credits** have been made shall be ~~carried forward retained with~~ in the ~~specified Fund~~**fund for future years program use.**~~to the next fiscal year.~~

SECTION 8. Timing of ~~Payments Tax~~**Credits**

Subsection 8.1 - A person who qualifies for ~~payment a tax~~**credit** under this Program shall have their ~~award credit amount~~ applied to their outstanding real estate taxes ~~(or pro-rated amount if inadequate funds are available)~~ no later than ~~January 15th~~**October 1st** for the year in which participation is sought.

SECTION 9. Limitations Upon ~~Payments Tax~~**Credits**

Subsection 9.1 - Only one qualifying applicant per household shall be entitled to ~~payment~~**credit** under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the ~~Treasurer~~**Town Manager** shall be disbursed to another member of the household as determined by ~~the Town Assessor or~~ the ~~Treasurer~~**Town Manager**. If the applicant was the only member of a household, then no ~~payment tax~~**credit** shall be made under this Ordinance.

ADOPTED: May 30, 2009

AMENDED: June 18, 2011

AMENDED: _____


**Certification of Proposed Regulations for the Use of Parks and
Recreation Areas by
the Municipal Officers**

To: Debbie Allen Grover, Town Clerk


This is a true certified copy of proposed amendments to the Town of North Yarmouth Use of Parks and Recreation Areas Ordinance. To be voted on at the Annual Town Meeting scheduled for April 8, 2017 under warrant **Article 5, Exhibit C**.

Given under our hands this 21st day of March 2017.


Board of Selectpersons



Jeanne Chadbourne, Chairperson



Alex Carr



Anne Graham



Peter Lacy, Vice Chair



Paul Napolitano

A majority of the Municipal Officers of North Yarmouth, Maine

Town of North Yarmouth
Regulations for the Use of Parks and Recreation Areas Ordinance

SECTION 1: TITLE

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

SECTION 2: AUTHORITY

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

SECTION 3: PURPOSE

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

SECTION 4: ~~PARK AND RECREATION AREAS DEFINED;~~ DEFINITIONS

~~Subsection~~ 4.1 ~~Recreation Area-Definition:~~ All lands owned by the Town of North Yarmouth which allow public access by deed, conservation easement, Town Meeting vote, action of the ~~Board of Selectmen~~ **Select Board or common practice.**

~~Subsection~~ 4.2 ~~Park-Definition:~~ A subset of recreation areas; Those recreation areas with Town built infrastructure, outbuildings, etc. and/or established parking lots, existing upon them or associated with them at the time this ordinance is adopted and designated as parks by this ordinance, and those recreation areas subsequently designated as parks by action of the ~~Board of Selectmen~~ **Select Board under Section ~~911.1~~.**

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

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

SECTION 5. DESIGNATED AREAS

5.1 Parks - For purposes of establishing rules and regulations, the following areas are designated as parks within the Town of North Yarmouth ~~at the time of adoption of this ordinance.~~

- A. ~~Wescustogo Park:-~~ - All Town owned acreage where New Gloucester Road intersects with the Royal River.
- B. ~~Old Town House Park:-~~ - All Town owned acreage behind the Old Town House on Memorial Highway including the boat launch.
- C. Baston Park
~~Veteran's Memorial Park~~
- D. Sharp's Field

Town of North Yarmouth
Regulations for the Use of Parks and Recreation Areas Ordinance

- E. The Village Green, ~~not including Wescustogo Hall~~
- F. Chandler Brook Preserve
- G. **Sam Ristich Trail** - Portion of Public Work's property bordered by Parsonage Road. ~~that contains the Sam Ristich Trail~~
- H. **Former North Yarmouth Memorial School - Those portions of the Sam Ristich Trail that intermix with the property.**
- G. **Knight's Pond Preserve - Specifically the North Yarmouth portion.**

Subsection 4.45.2 Recreation Areas -- For purposes of establishing rules and regulations, the following areas are designated as recreation areas within the Town of North Yarmouth at the time of adoption of this ordinance:

- A. Eleanor Hayes Town Forest: East and West side of Memorial Highway
- B. Deer Brook Forest: All Town owned land adjacent to Wild Turkey Lane

SECTION 56: HOURS OF OPERATION

Subsection 56.1 All Town Parks shall be open to the public only between the hours of 5:00 A.M. and 9:00 P.M. No person shall be present in the parks outside of these hours without the permission of the Public Works ~~Foreman~~**Director** or ~~Administrative Assistant~~**Town Manager**.

Subsection 56.2 Closures: Any park or section of any park may be declared closed to the public by the Public Works ~~Foreman~~**Director**, the ~~Administrative Assistant~~**Town Manager** or the ~~Board of Selectmen~~**Select Board** for any interval of time, and notice of such will be posted at the entrance of the park.

SECTION 67: TOWN DEPARTMENT OR TOWN CONTRACTED WORK

Subsection 67.1 All Town departments or Town contracted work projects that occur in the park and recreation areas are exempt from Sections ~~5-6~~ and ~~9-11~~ of this Ordinance.

SECTION 78: DOMESTIC ANIMALS IN PARKS

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

8.2 Commercial businesses, groups, or organized groups (profit or non-profit) must obtain permission from Town Manager for use. Fee shall apply.

8.3 All domestic animals must be under the control of owners, leash, harness or immediate voice recall.

Town of North Yarmouth
Regulations for the Use of Parks and Recreation Areas Ordinance

8.4 Any user must leash and or harness their domestic animal if requested to do so by another user.

8.5 All users shall clean up after their domestic animal.

8.6 Domestic animals shall not harass wildlife, the user shall leash and or harness their animal if this occurs.

8.7 Damage to Parks by domestic animals shall be repaired by user or charged to user by Town.

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

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

8.10 Organized town events take precedence over domestic animal use, specifically off leash or harness use.

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

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

9. PROHIBITED USES

Subsection 79.1 Littering: No person shall deposit any waste material in a park or recreation area, except in the receptacles so provided. Where receptacles are not provided, all such waste shall be carried away from the park or recreation area by the person or persons generating the waste.

Subsection 79.2 Camping Prohibited: No person or groups of persons shall use any park or recreation area in the Town of North Yarmouth for the purpose of overnight camping or either as a temporary or permanent abode of habitation.

~~7.2.1~~ Exception: After review by the ~~Administrative Assistant~~ **Town Manager** and with the written permission of the Town's Code Enforcement Officer, non-profit groups are allowed to use a park or recreation area for overnight camping for a period of time not to exceed **five (5)** days only if the chosen camping area will not be located in a resource protection or shoreland zoning district.

~~Subsection 79.3~~ **Alcoholic Beverages:** - No person shall consume or possess alcoholic beverages in a park or recreation area. ~~with the exception of persons occupying Wescustogo Hall and adjacent outdoor areas pursuant to a valid rental agreement for the use of the Hall.~~

~~Subsection 79.4~~ **Fires:** - No person shall build a fire in a park or recreation area, except as authorized by the Fire **Rescue** Chief ~~and or Administrative Assistant~~ **Town Manager** as part of a special event.

Town of North Yarmouth
Regulations for the Use of Parks and Recreation Areas Ordinance

~~Subsection 79.5~~ On-site Sales: - No person may offer for sale any food or merchandise within any park property without ~~the approval~~ **permission of from the Town Manager. Code Enforcement Officer pursuant to a Victualer's Permit procedure with the following exceptions:**

~~7.5.1~~ Those individuals who have a valid rental agreement for the use of Wescustogo Hall;

~~7.5.2~~ Town sponsored events.

~~Subsection 79.6~~ Discharge of Firearms: -

~~7.6.1~~ The discharge of firearms for target practice on any park or recreation area is prohibited.

SECTION 810: HUNTING & TRAPPING

~~Subsection 810.1~~ At the time of the ordinance adoption, there are existing designations of park and recreation areas that allow or disallow hunting and trapping by deed easement and/or restrictions. These designations will supersede language in this ordinance.

~~Subsection 810.2~~ Should any park or recreation areas have no such designation as referenced in Section 8.1, then the ~~Board of Selectmen~~ **Select Board**, following Section ~~1012.1~~, shall establish for each park and recreation area a hunting and or trapping designation as defined in Section ~~1012~~.

SECTION 911: VEHICLE OPERATION

~~Subsection 911.1~~ State Law Applies – All provisions of state law relating to the operation of motor vehicles shall apply within Town parks.

~~Subsection 911.2~~ Use Areas – No person shall operate any vehicle in a park on any areas except a public way, park road, parking area, and any other areas specifically designated by the Town.

~~Subsection 911.3~~ Night Parking Prohibited – A person shall not leave a vehicle, construction equipment or construction materials standing or parked at night in a park after closing hours, without written permission from the ~~Administrative Assistant~~ **Town Manager**. Any vehicle found in a park after closing hours will be removed and stored at the expense of the owner.

~~Subsection 911.4~~ Restricted Vehicles – All terrain vehicles (ATVs) and motorized dirt bikes are not allowed in any of the park areas.

SECTION 1012: ~~BOARD OF SELECTMEN~~ SELECT BOARD PROVISIONS

~~Subsection 1012.1~~ The ~~Board of Selectmen~~ **Select Board** upon 1) receiving written recommendations from the ~~Recreation Commission~~ **Parks & Recreation Committee**; 2) posting required notice; 3) completing a public hearing; shall have the authority:

~~10.1.1A.~~ To designate “parks” and “recreation areas” as property is acquired or located within the boundaries of the Town.

~~10.1.2B.~~ To modify rules and regulations referenced in Section ~~56~~, Section ~~79~~, and Section ~~911.4~~

Town of North Yarmouth
Regulations for the Use of Parks and Recreation Areas Ordinance

~~10.1.3C.~~ To establish for each park and recreation area not previously designated by Section ~~79.1~~ a hunting and or trapping designation.

~~10.1.4D.~~ To establish procedures for the use and regulation of all park and recreation areas at least once annually.

~~Subsection 10.2.2~~ When establishing or modifying rules, regulations, designations or procedures, the ~~Board of Selectmen~~**Select Board** shall attempt to accomplish the following purposes:

~~10.2.1A.~~ To assure safe and healthful conditions on all park and recreation areas;

~~10.2.2B.~~ To promote peaceful and considerate public use and enjoyment of the parks and recreation areas;

~~10.2.3C.~~ To minimize any nuisance, disturbance, interference, or safety concerns on adjoining or nearby lands;

~~10.2.4D.~~ To protect or enhance the scenic, recreational and environmental value of the property and to prevent erosion, unreasonable disturbance of natural habitat and wildlife, and to prevent pollution;

~~10.2.5E.~~ To allocate the limited use of time and space fairly and equitably among various persons or groups seeking use of the parks and recreation areas;

~~10.2.6F.~~ To provide for efficient care and maintenance of all park and recreation areas.

SECTION ~~11~~13: PENALTY

13.1 Any person found in violation of any provision of this ordinance shall be punished by a fine of not more than One Hundred dollars (\$100) per offense to be recovered on complaint for the use of the Town.

ADOPTED: JUNE 18, 2011

Amended: ____/____/____


**Certification of Proposed CATV Ordinance by the
Municipal Officers**

To: Debbie Allen Grover, Town Clerk

This is a true certified copy of proposed amendments to the Town of North Yarmouth **CATV Ordinance**. To be voted on at the Annual Town Meeting scheduled for April 8, 2017 under warrant **Article 6, Exhibit D**.

Given under our hands this 28th day of March 2017.

Board of Selectpersons




Jeanne Chadbourne, Chairperson

Peter Lacy, Vice Chair



Paul Napolitano



Alex Carr

Anne Graham

A majority of the Municipal Officers of North Yarmouth, Maine

TOWN OF NORTH YARMOUTH, MAINE

CATV ORDINANCE

Preamble

~~AN~~ SECTION I PURPOSE

The purposes of this Ordinance ~~providing are to provide~~ for Town regulation and use of the community antenna television ~~system~~ **systems** including ~~its all aspects of their~~ construction, ~~operation and installation,~~ maintenance ~~in,~~ **along, upon, across, over, and operation,** and ~~under the streets, alleys, public ways and public places now laid out any~~ **additions** or ~~dedicated, and all~~ extensions ~~thereof and additions~~ thereto in the Town of North Yarmouth, ~~including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary;~~ **and to provide rules, regulations, and conditions** for the **granting of franchises or any part thereof for the construction, installation, maintenance, and operation** ~~in the Town of North Yarmouth of the~~ **of** community antenna television ~~system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operations~~ **systems in the Town of North Yarmouth, in the best interests of the Town of North Yarmouth and its citizens.**

Section 1.

SECTION II DEFINITIONS

~~a. "C.A.T.V."~~ **Board** - shall mean ~~any community antenna television system or the~~ **CATV Regulatory Board of the Town of North Yarmouth as established by this Ordinance.**

B. Community Antenna Television System (referred to in this Ordinance as "CATV System" - shall mean any facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, signals or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay and transmits them to subscribers paying a fee for such services ~~service, but such term shall not include any such facility that serves~~ **only the residents of one or more apartment dwellings under common ownership, control, or management, unless such facility operates in the municipal right of way.**

~~b. "Cable Television Co."~~ **C. Company** - shall mean any person, ~~persons,~~ **firm, partnership,** or corporation ~~owning, controlling, operating, managing or leasing~~ **granted** a CATV ~~system within~~ **System Franchise** by the Town of North Yarmouth, ~~sometimes herein after referred to as "~~

D. Franchise - shall mean the ~~company."~~ **written agreement between the Company and the Town which defines the rights, duties, and liabilities of the parties regarding the construction, installation, maintenance, and operation of a CATV System within the Town, as set forth by the Town.**

~~c. "Town"~~ **E. Municipal Officers** - shall mean those persons duly elected as the governing body of the Town of North Yarmouth.

F. Subscriber - shall mean any person or group electing to have CATV System services on their premises.

G. Town - shall mean the Town of North Yarmouth, organized and existing under the laws of the State of Maine, and the area within its territorial ~~limits~~ **boundaries.**

Section 2.

SECTION III FRANCHISE REQUIRED;

—No person, **persons**, firm ~~or~~, **partnership**, corporation, **or other entity** shall **construct**, install, maintain ~~or~~, operate, **or own a CATV System or any part thereof** within the Town ~~or any of its public streets or other public areas~~ **any equipment or facilities for the operation of a CATV system** unless ~~a franchise authorizing the use of said public streets or areas~~ **it** has ~~first been~~ obtained **a franchise from the Town** pursuant to the **terms and** provisions of this Ordinance and unless said franchise is in full force and effect.

Section 3.

SECTION IV REGULATORY BOARD

A. Upon adoption of this Ordinance, the Municipal Officers are hereby authorized to appoint a CATV Regulatory Board. In the absence of such appointment, the municipal officers shall serve as The Board. The term of office of an appointed member shall be three years.

B. The Board shall have a Chair, Vice Chair, and Secretary, and shall have the following responsibilities and duties:

- 1. Create, revise, and update the application form for CATV Systems;**
- 2. Recommend regulations to the Municipal Officers concerning CATV Systems;**
- 3. Review and recommend to the Municipal Officers all applications and any renewals or extensions for CATV Systems within the Town;**
- 4. Review the performance of the Company and its compliance with the franchise agreement at least once a year;**
- 5. Review the rates, fees, and deposits for CATV System services at least once a year;**
- 6. Review all notices for rate increases and make recommendations to the Municipal Officers;**
- 7. Review and recommend to the Municipal Officers local programming and services, if applicable;**
- 8. Review and settle disputes and grievances concerning CATV Systems;**
- 9. Assume other CATV related duties as designated by the Municipal Officers or this Ordinance.**

C. Grievance Procedure

- 1. This section shall regulate the Grievance Procedure concerning CATV Systems.**
- 2. All complaints and disputes concerning the Company regarding any aspect of the CATV System shall be submitted in writing to the Board.**
- 3. The Board shall investigate the complaint, hear all parties, and shall file a written report stating its findings of facts, and either dismiss the complaint or direct the Company to remedy the complaint, which remedy may include the ordering of a refund or rebate to any subscriber. The Board shall give reasonable notice to all parties of the time and place of the hearing.**
- 4. The decision of the Board shall be binding unless appealed to the Municipal Officers within ten (10) days after the decision of the Board is announced. Said appeal shall be in writing and filed with the Town Clerk.**

SECTION V PROCEDURES FOR OBTAINING A FRANCHISE

- A. Any person, firm, partnership, or corporation desiring to obtain a franchise to establish or operate a CATV System must apply only in response to a Request for Applications issued by the Town. An incumbent operator must notify the Town in accordance with Section 626 of the Cable Act
- B. An applicant must first complete an application form furnished by the Town and in addition to this form, the applicant shall furnish any information requested by the Town or the Board.
- C. Upon receipt of all applications pursuant to its Request for Applications, the Municipal Officers shall hold a public hearing to review the Applications. The public hearing shall be advertised and conducted in accordance with the North Yarmouth Town Charter.
- D. Applications for a franchise to operate a CATV system in the Town and related documents are public records maintained by the Town Clerk pursuant to the State Freedom of Access Law (1 M.R.S.A. Sec. 401 et seq. as amended from time to time) and the public has the right to inspect and copy such applications and documents during the regular business hours of the North Yarmouth Town Clerk's office.
- E. The municipal officers shall assess such fees as are reasonably necessary to defray the costs of public notice, advertising and other expenses incurred by the Town in acting upon franchise applications and renewals

SECTION VI FRANCHISE CONTRACT TERMS

- ~~a.~~ A. The terms of the franchise shall be set forth in the franchise agreement. The Company shall abide by the terms of this Ordinance and the franchise agreement.
- B. The Municipal Officers ~~of the Town~~ may ~~contract~~ grant a non-exclusive franchise for a period not to exceed ten (10) years, on such terms, and conditions ~~and fees~~ as are in the best interests of the ~~municipality~~ Town and its ~~residents with one~~ citizens to include:
 1. A statement of the area or ~~more~~ areas to be served by the Cable Television ~~Companies for the~~ Company;
 2. A line extension policy;
 3. Provision for renewal not to exceed 10 Years
 4. Procedures for the investigation and resolution of the complaints by the Cable Television Company; and
 5. Any other terms and conditions that are in the best interests of the Town.
- C. The company shall report all information requested by the Board or the Municipal Officers concerning the construction, installation, maintenance, or operation of ~~a the~~ CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed ten (10) years. ~~System.~~
- ~~b.~~ Applicants for a franchise ~~Further, the Company~~ shall pay a non-refundable filing fee to the Town of \$100.00 to defray the cost of public notice, and advertising expenses relating to such application. ~~The applications shall be filed with the Town Clerk and shall contain such~~ submit any information ~~as the Town may require.~~
- ~~c.~~ Said Franchise Contract may be ~~revoked~~ requested by the Board or the Municipal Officers for good and sufficient ~~necessary~~ for reviewing rates, determining rate increases, settling disputes or grievances, or evaluating the general performance of the company.

D. All fees, rates, deposits, or charges to subscribers shall be fair and reasonable, and shall be filed with the Municipal Officers 30 days prior to becoming effective.

E. The Municipal Officers shall have the right, in addition to any other remedy contained herein or in the franchise agreement, to revoke a franchise for cause after ~~due~~ notice to the ~~company~~ Company and a public hearing thereon; ~~with the right to~~. The Company may appeal such action to the Cumberland County Superior Court under Rule ~~80-B80B~~ of the Maine Rules of Civil Procedure.

SECTION VII PERFORMANCE BOND

Upon the signing of the franchise agreement, the Company shall file and maintain a surety company performance bond in an amount which the Municipal Officers deem fair and appropriate, conditioned on its performance of the franchise contract and its compliance with any rule, regulation, ordinance, or law concerning the franchise and CATV Systems. The amount of this bond may be reduced at the discretion of the Municipal Officers as construction of the CATV System is completed.

SECTION VIII INSURANCE

The Company shall carry public liability insurance covering its activities in constructing, installing, maintaining, and operating a CATV System in the Town, in an amount and on such terms as set forth in the franchise agreement.

SECTION IX ENFORCEMENT

Any person, persons, partnership, firm, or corporation violating any provision of this Ordinance shall be punished by a fine not to exceed Two-Hundred Dollars (\$200.00) for each such violation. In addition, this Ordinance and any franchise agreement awarded hereunder may be enforced by injunctive relief or any other legal means of enforcement.

SECTION X SEPARABILITY

In the event a Court ~~Rules of Civil Procedure in accordance with due process~~ declares any provision of this Ordinance invalid, illegal, or unconstitutional, such provision shall be deemed to stand alone and all other provisions shall remain in full force and effect.

~~Section 4. PUBLIC HEARING.~~

~~Before authorizing the issuance of any such franchise contract or contracts, the Municipal Officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system within the Town, and shall conduct a public hearing thereon with at least seven (7) days advertised notice prior to said public hearing.~~

~~Section 5. CATV REGULATORY BOARD.~~

~~The Municipal Officials are hereby authorized to appoint a CATV Regulatory Board.~~

~~Section 6. DUTIES OF THE BOARD.~~

~~The CATV regulatory Board shall have a chairman, Vice Chairman, and a Secretary and shall have the following duties:~~

~~a. Adopt such rules and regulations as it may deem necessary for monitoring and regulating the operation of the system said rules and regulations being subject to the approval of the Municipal Officials.~~

~~b. Make recommendations to the Cable Television Company concerning educational and local interest programming.~~

~~c. Resolve complaints, disputes, or disagreements between subscribers and the company.~~

~~d. have the authority to conduct public hearings and issue such appropriate orders as it may deem necessary to correct any deficiencies in the operation of said system. The Board's decisions and findings shall be final and binding upon all parties including the company, except such a decision or finding may be appealed to the Municipal Officers and/or to the Cumberland County Superior Court under Rule 80-B.~~

~~e. Regulate rates and charges to subscribers of the Cable Television Company.~~

~~f. Shall make recommendations on the awarding of a franchise, said recommendations being subject to the approval of Municipal Officials.~~

~~g. After the awarding of the franchise, shall negotiate the franchise agreement between the company and the Town of North Yarmouth.~~

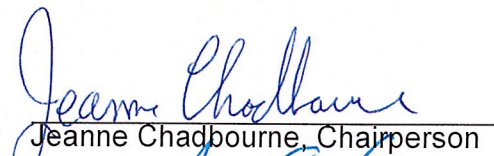
**Certification of Proposed Land Use Ordinance by
the Municipal Officers**

To: Debbie Allen Grover, Town Clerk

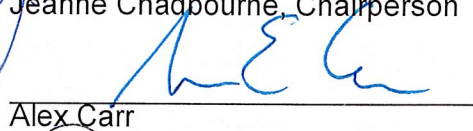
This is a true certified copy of proposed amendments to the Town of North Yarmouth **Land Use Ordinance**. To be voted on at the Annual Town Meeting scheduled for April 8, 2017 under warrant **Article 7, Exhibit E**.

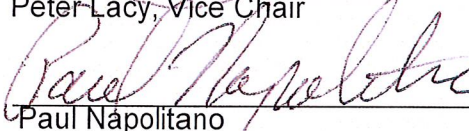
Given under our hands this 21st day of March 2017.


Board of Selectpersons


Jeanne Chadbourne, Chairperson


Peter Lacy, Vice Chair


Alex Carr


Paul Napolitano


Anne Graham

A majority of the Municipal Officers of North Yarmouth, Maine

PROPOSED AMENDMENTS TO THE LAND USE ORDINANCE

Annual Town Meeting Warrant Exhibit E

ARTICLE 7: Shall the ordinance entitled “Town of North Yarmouth, Maine Land Use Ordinance” be amended as described and presented in **Exhibit E** of this warrant?

Planning Board recommends approval.

Chapter 8, Section 8.7, Sub-Section C. 5

5. Political signs are allowed in accordance with State law, except as follows: political signs are prohibited from being placed on the following Town owned properties: Town Office- located at 10 Village Square Road – tax map 7 lot 64; Fire Station - located between Routes 9 & 115 (463 Walnut Hill Road and Memorial Highway) – tax map 7 lot 66; Public Works Garage- located at 40 Parsonage Road- tax map 7 lots 84 & 92; Wescustogo Hall – located at 475 Walnut Hill Road – tax map 7 lot 64: ~~Veterans Memorial Park – located at the corner of Memorial Highway and Parsonage Road – tax map 7 lot 76.~~

POSTING CHECKLIST

ELECTION Annual Town Meeting Warrant **DATE** 4/8/2017

	COMPLETED BY	DATE
X	D Grover	3-30-17
X	D Grover	3-30-17
X	D Grover	3-30-17
X	D Grover	3-30-17
X	D. Grover	3/28/2017
X	D. Grover	3/28/2017

- AMES FARM CENTER
- FIRE DEPT BULLETIN BOARD
- NORTH YARMOUTH VARIETY
- REMINDERS FROM TOWN HALL
- TODDY BROOK GOLF COURSE
- TOWN OFFICE
- WEBSITE