

**Town of North Yarmouth
Select Board Meeting Agenda
Tuesday, June 18, 2019
5:30-6:45 PM Workshop - Wescustogo Hall & Community Center Facility Use
6:45 PM – 7:00 PM Break
7:00PM - Business Meeting
Town Office Conference Room**

I. Call to Order

- Pledge of Allegiance

II. Minutes of Previous Meeting(s)

- May 21, 2019
- June 4, 2019

III. Special Presentation - School Grant Awards

IV. 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.

V. Management Reports & Communications

- Town Manager's Report

VI. Old Business

- Wescustogo Hall & Community Center Project
 - Change Order(s)
 - Matrix Update
- Select Board July Retreat - Update

VII. New Business

- Appointments
- Solar RFP - Draft Review
- Town Manager's Contract

VIII. Accounts Payable

- Review & Approval

IX. Any Other Business

(Board communications of written, electronic, or verbal information to include but not limited to pending or future agenda meeting topics.)

X. Adjournment

REMINDERS TO THE ATTENDING PUBLIC: Please mute all digital devices; Select Board meetings are open to the public, but the public may not speak unless recognized by the Chairperson first.

Workshops: The public is welcome to attend workshops and listen to the discussion that takes place. The purpose of holding a workshop is to provide the Select Board with the opportunity to focus on specific town matters to later present at a regular business meeting. Therefore, public participation is limited to only regular business meetings of the Select Board.

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, May 21, 2019**

Call to Order - Members Present: Jennifer Speirs, Stephen Morrison, William Whitten, Anne Graham, and James Moulton. Town Manager Rosemary Roy was also present. Chairperson Speirs called the meeting to order.

Minutes of Previous Meeting(s) - Chairperson Speirs moved to approve the minutes of May 7, 2019. Selectperson Graham seconded the motion. Discussion: Selectman Moulton stated that Diane Morrison, Chairperson of the town's Economic Development & Sustainability Committee, spoke on her own behalf with no charge presented and would like the minutes to reflect this. Selectperson Graham and Chairperson Speirs withdrew their motions to approve the minutes of the previous meeting on May 7, 2019. Following, Chairperson Speirs made a motion to table the minutes of the meeting on May 7, 2019, to add Selectperson's comments to the record. Selectperson Whitten seconded this motion. **Vote: 5 Yes – 0 No.**

Public Comment - Non-Agenda Items - Alesha Dostilio, 15 Parsonage Road, spoke briefly to the Board on the issue regarding the MSAD 51 school bus garage relocation. Alesha Dostilio cited that the relocation could negatively affect environmental aspects of the community as well as traffic congestion and reduce the quality of life for residents on Parsonage Road.

Management Reports & Communications:

Town Manager's Report consisted of updates on the following matters; the report in its entirety is available online and at the Town Office.

- Extension of invitation to North Yarmouth Summit to Board
- Employment Update
- Tax Increment Financing Districts
- Assessing Services Contract Extension
- Wescustogo Hall Paint Scheme
- Pownal's Decision to Extend Code Enforcement Officer's Contact
- APWA Snow Conference Winner
- Events Committee and Historical Society Christmas Tree
- Animal Control Update
- Location of Christmas Tree

Town Manager Rosemary Roy noted to the Board of an incident where individuals were on the Wescustogo Hall construction site which is only accessible at times designated for public access.

Discussion

Selectperson Graham inquired about the location of the Christmas Tree at a possible construction site. The Town Manager mention that the location of the Christmas Tree should not inhibit possible future construction of the Old Town House.

Selectman Graham clarified that "Fun Day" will not take place.

Selectman Whitten asked the Town Manager whether it would be appropriate to hire a per-diem contracted assistant and if the Town Manager has had time to work on the Historical Society Legal Work. The Town Manager respectively answered in the negative to both questions citing another issue that needs to be resolved in order to work further on the Historical Society Legal Work.

Selectman Morrison inquired about a noticeable increase in a charge on the account payable you. The Town Manager clarified that Waste Zero may have lapsed payments causing the issue.

Old Business

Wescustogo Hall & Community Center Project

- Change Orders – Selectperson Morrison moved to approve PCO #22 in the amount of \$27,110.39. Selectperson Moulton seconded the motion. Discussion: Selectperson Whitten inquired about the remaining balance for the contingency fund for the project. Ryan Keith responded that the account would have a remaining balance of \$33,473.00 for additional changes. **Vote: 5 Yes – 0 No.**

Selectperson Graham moved to approve PCO #23 in the amount of \$644.14 to accommodate changes for the entrance door that are required for an entrance buzzer and camera. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 5 Yes – 0 No.**

Selectperson Morrison moved to table PCO #24 in the amount of \$2,862.86 for the addition of gutters. Chairperson Speirs seconded the motion. Discussion: Ryan Keith provided comments about the nature of the gutters as being described as “residential.” Ryan Keith felt that it was necessary for the Board to know that there was another option to purchase gutters that can be described as “commercial.” Ryan Keith informed the Board that he would be pursuing the total cost for the “commercial” gutters.

Selectperson Graham made a motion to approve PCO #25 in the amount of \$4,557.45 for the addition of a stone drip edge. Selectperson Moulton seconded the motion. Discussion: None. Ryan Keith provided construction comments regarding the addition. **Vote: 5 Yes – 0 No.**

Selectperson Morrison made a motion to approve PCO #26 in the amount of \$1,040.54 for the addition of basketball hoops. Selectperson Moulton seconded the motion. Discussion: None. Ryan Keith explained the design of the basketball hoops. **Vote: 5 Yes – 0 No.**

- Matrix Update – The Town Manager provided the update to the Board. In the update, the Town Manager informed the Board of a reimbursement for architecture and engineering that amounted to \$44,469.00. The Town Manager identified that this was a gain of \$30,635.00 from the estimated amount that was provided for reimbursement for architecture and engineering.

New Business

Appointments – Selectperson Whitten moved to appoint Jennifer Speirs as the GPCOG representative for North Yarmouth. Selectperson Whitten seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No – 1 Absent (Chairperson Speirs)**

- Economic Development and Sustainability Committee: Selectperson Graham made a motion to appoint Jason Perkins and Kit Maloney the Economic and Sustainability Committee. Selectperson Whitten seconded that motion. Discussion: Selectperson Whitten asked to clarify the number of seats that would be remaining with the two appointments. The Town Manager responded that two positions remain open. **Vote: 5 Yes – 0 No.**

MSAD51 Elementary School Facility Update – Chairperson Speirs identified that there was a need for additional space for grades kindergarten to grade five because of the additional steady incline of enrollment that was contrary to previous reports done by third-party entities.

June Election Warrant – Chairperson Speirs moved to have the warrant revised by the town clerk and have the Select Board sign off at a near future date before June 11th. Selectperson Graham seconded the motion. Discussion: None. **Vote: 5 Yes – 0 No.**

Accounts Payable – Chairperson Speirs moved to approve accounts payable warrant 44, 45, and 46 in the amount of \$770,947.40. Selectperson Morrison seconded the motion. Discussion: Selectperson Whitten referred to warrant 45 for the amount of 10,500.00 that is designated for the auditor. Selectperson Whitten inquired to the Board if that position should be put up for bid. Selectperson Whitten also inquired on the expense of \$3,000 for assessing in April 2019. The Town Manager responded those additional costs were to process the tax amendment. **Vote: 5 Yes – 0 No.**

Any Other Business – Selectman Moulton suggested that the Board send a letter to a group of students at Greely High School for their success in an academic competition they attended.

Executive Session – Chairperson Speirs moved that the Select Board, in accordance with their roles and responsibilities, enter into executive session, pursuant to Title 1 MRSA § 405 6 (A) to discuss a personnel matter. Selectperson Morrison seconded the motion. **Vote: 5 Yes – 0 No.** Out of Executive Session at 9:35 PM. No action taken.

Adjournment - Chairperson Speirs moved to adjourn.

Prepared By: Draven Walker
Administrative Assistant/Recording Secretary

Select Board

Jennifer Speirs, Chair

Stephen Morrison, Vice Chair

Anne Graham

William Whitten

James Moulton

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, June 4, 2019**

Call to Order – Members Present: Jennifer Speirs, Stephen Morrison, William Whitten, Anne Graham, and James Moulton. Town Manager Rosemary Roy was also present. Chairperson Speirs called the meeting to order.

Minutes of Previous Meeting(s) – Selectperson Moulton moved to approve the minutes on May 7, 2019. Selectperson Graham seconded the motion. Discussion: Selectperson Whitten requested clarification on the exact wording in the auditor’s report as pertaining to the auditor’s recommendation to the board to watch future spending. **Vote: 5 Yes – 0 No.**

Chairperson Speirs moved to table the minutes for May 21, 2019. Selectperson Whitten seconded the motion. Discussion: None. **Vote: 5 Yes – 0 No.**

Public Comment - Non-Agenda Items – None.

Management Reports & Communications:

Town Manager’s Report consisted of updates on the following matters; the report in its entirety is available online and at the Town Office.

- Summit
- Administrative Assistant New Hire
- Worker’s Compensation Fees
- Software Upgrade
- Town Properties
- Solid Waste Report
- NAPA bills
- Appointment for a future meeting between Cumberland Council and North Yarmouth Select Board
- Accessor

Selectperson Graham inquired about the boat launch easement. The Town Manager explained that the boat launch easement is something that has been in the works for about a year, and the documentation is still pending. It is hoped that this documentation is completed soon.

Selectperson Graham inquired about the meeting with Cumberland Council in June. The Selectperson wanted to clarify to the public that there was no decision on the bus garage. The Town Manager responded that the previous consensus to the Board was to meet with Representatives of MSAD 51 and Cumberland Council prior to the voting or announcing their decision on the bus garage.

Old Business –

Wescustogo Hall & Community Center Project

- Matrix Update – No Changes

Financial Update

The Town Manager informed the Board of the financial status of the construction project. This information can be found in the meeting materials on the North Yarmouth webpage.

New Business

Paving Bids FY20 Bids – Selectperson Moulton moved to approve the pavement bids in the amount of \$187,480.85. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 5 Yes – 0 No.**

Vehicle Bids FY20 Bids – The Town Manager recommended to the Board that they choose Casco Bay Ford to fill the bid for the needed work on the Fire Rescue Department’s Service Truck and the Public Works Department’s

Plow Truck for the amount of \$120,990.25. To save on the overall cost, The Town Manager recommended that the Town be responsible for repairing any lighting or electronics for both vehicles. Discussion: Chairperson Graham inquired whether prices would be set based on the PO provided to the Board. Gregory Payson, Fire Rescue Chief, responded by informing the Board that the PO was set and prices could not increase at a later time. Chairperson Speirs made the motion to approve the Casco Bay Ford. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 5 Yes – 0 No.**

Accounts Payable – Chairperson Speirs moved to approve warrants 47 and 48 in the amount of \$531,292.55. Selectperson Graham seconded the motion. Discussion: Selectperson Whitten inquired about a transaction to East Coast Service Center that was in the amount of \$7,700. Chief Payson responded and explained that there was an issue with one of the Fire Rescue’s vehicles. **Vote: 5 Yes – 0 No.**

Any Other Business – Selectperson Whitten inquired to why the musical group, “317”, could not play music freely without an insurance recommendation and liability forms. The Town Manager responded that the group needs to fill out the appropriate forms to not hold the Town accountable for damages and that it was recommended they have insurance. The Selectperson also inquired about the budget for furniture for the Wescustogo facility, such as chairs and tables. The Town Manager responded that some items already purchased, such as chairs and tables, were already assessed but did not have an exact amount for the Board.

Executive Session – Chairperson Speirs moved that the Select Board, in accordance with their roles and responsibilities, enter into executive session with the Town Manager, pursuant to Title 1 MRSA § 405 (A) to discuss a personnel matter. Selectperson Whitten seconded the motion. Discussion: None. **Vote: 5 Yes – 0 No.** Out at 9:05 PM. No action taken.

Adjournment - Chairperson Speirs moved to adjourn.

Prepared By: Draven Walker
Administrative Assistant/Recording Secretary

Select Board

Jennifer Speirs, Chair

Stephen Morrison, Vice Chair

Anne Graham

William Whitten

James Moulton

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.

Municipal Election Results - Included with this report is the Town Clerk's official election report. Congratulations to those elected!

New Staff Member - Official welcome to Draven Walker. Draven will be attending this meeting and all future meetings of the Board to record minutes and to provide practical support to the Town Manager.

CEO/Assessing Administrative Position - The position is now advertised, and resumes will be received until July 2, 2019. My objective is to fill this position before the end of July.

Assessing Services RFP - Following my work with Selectmen Whitten and Morrison, the RFP was released with a return deadline of July 11, 2019. I have also include correspondence received on this subject from the Town attorney. Note: The Charter calls for a one (1) year appointment of an assessor in order to issue a contract for three (3) years the Charter would need to be amended by the townspeople.

Assessing Services for Commitment - Upon contacting some resources in search of an assessor to commit the FY20 taxes, I was able to meet with David Sawyer who is retired however still maintains his Maine assessor's certification. David met with both John Brushwein and me to review the status of the work John has completed on the April 1st assessment and will be providing me with a cost estimate to complete the work sometime this week. He did not believe it would require a lot of time and that we should be able to process the commitment to accommodate the new structure of the Town's tax due dates.

Committees - As an informational piece and per the Select Board's request I have included with this report, the most recent meeting minutes available from those boards and or committees that are active. Going forward Administrative Support Coordinator, Cheryl Trenoweth will provide the Board with hard copies of these minutes as they are submitted to her. Note: Receipt and or approval of minutes is not always timely and therefore, current months are not readily available.

Fundraising for WH&CC - Included herein is a summary of the Friends of Wescustogo fundraising efforts.

Financial Duties - I am in the process of full year-end preparation for the target date of closing the FY19 accounting on June 30th.

Other – I continue as time allows to work on several pending projects; time is also in the schedule for training new staff member throughout the month of June.

Respectfully submitted,

Rosemary

Rosemary E. Roy, Town Manager



**TOWN OF NORTH YARMOUTH
JUNE 11, 2019 RETURN of VOTES CAST**

SELECTMAN 3YR		Total Ballots
Graham, Anne P.	202	
blank	56	258

Budget Committee 3YR		Total Ballots
Knight, James P.	201	
blank	57	258

SELECTMAN 3YR		Total Ballots
Moulton, James B	175	
blank	83	258

Budget Committee 3YR		Total Ballots
Walsh, Andrew B.	206	
blank	52	258

MSAD 51 BD 3YR		Total Ballots
Desmond, Kevin D.	238	
blank	20	258

Budget Committee 2YR		Total Ballots
Lecours, Carol A.	223	
blank	35	258

Cemetery Comm. 5YR		Total Ballots
Malloy, Joy G.	233	
blank	25	258

North Yarmouth

MSAD #51

Article 1		Total Ballots
yes	195	
no	60	258
blank	3	

MSAD #51

Article 2		Total Ballots
yes	189	
no	62	258
blank	7	

Number of Registered Voters	3421
Total Ballots Cast	258
Percentage of Total Voters	8%



Attest, A True Copy: 1

Debbie Allen Grover 6-11-2019
Debbie Allen Grover, Town Clerk

Memorandum

To: Town of North Yarmouth
From: Shana Cook Mueller, Esq.
Date: June 5, 2019
Re: Role of the Assessor

Rosemary,

You requested I provide a brief reference sheet relating to the assessor role in North Yarmouth given the planned RFP process being undertaken. In addition, you informed me that the current assessor will not perform the commitment for the summer of 2019. This will require the Select Board to appoint a new assessor to undertake the commitment this summer as soon as possible. A certified Maine assessor must perform this function. If not, the legality of the commitment which serves as the basis for collecting property taxes could be subject to challenge.

State Law

- 30-A M.R.S. § 2526 governs the choice and qualifications of town officials.
 - Section 2526(5) governs the way a Town may select its assessor or board of assessors. In towns like North Yarmouth with a single assessor, the municipal officers shall appoint the assessor.
 - According to section 2526(8), treasurers and tax collectors of towns may not simultaneously serve as elected or appointed assessors.
 - All assessors must be sworn into office at the beginning of their terms.
- According to 30 M.R.S. § 2632(3), a town manager may not serve as an assessor.

Town of North Yarmouth Charter

- Article II, Section 4 of the Town Charter governs the powers and duties of the Select Board. According to paragraph (h) of that section, the “Select Board shall appoint the Town Assessor, who shall be licensed as a certified Maine assessor and appointed by the Select Board to a term of one (1) year.”
- Article III, Section 2 of the Town Charter governs the qualifications and requirements of the role of the Town Manager. Pursuant to paragraph (b) of that section, the “Town

Manager may not serve as any elected town official, assessor, or member of any board, commission or committee established under Article IV, Section 1 or 2.”

- Article III, Section 3 governs the roles and responsibilities of the Town Manager. According to paragraph (k) of that section, the “Town Manager shall not appoint or supervise any members of boards, commissions, committees and the assessor whether elected or appointed by the Select Board, with respect to the performance of those duties.

As you can see, there are prohibitions on combining the assessor role in a community with other roles, there is a requirement that an assessor be certified and assessors do not function as other municipal employees in that the Town Manager does not have direct supervisory responsibility for the assessor. Assessors are obligated to assess property values according to the rules of the State of Maine Constitution, State Statute and according to the requirements of their professional certification. As such, these rules are in part an effort to maintain some independence in the assessor role from the other functions of the municipalities in which they work.

EDSC AGENDA
February 21, 2019

- CALL TO ORDER
- MINUTES APPROVAL FROM THE JANUARY MEETING
Amy moved, Katie seconded to approve
- OLD BUSINESS :
- **1. UPDATE ON TIF PUBLIC MEETINGS – ROSEMARY**

Some new faces at meetings; good questions.

Notice for public hearing (March 5) for TIF has been printed in the Forecaster but it is small. Rosemary will ask them to re-run it larger. Select Board has received their copy of the public hearing notice and materials.

Shana, Vanessa, and Rosemary will be in attendance.

Financials: estimates for the projects are high; estimates are low for revenues.

Copies available at Town Office.

2. **TIF prep for hearing, March outreach** – Outreach discussed.
3. **Development Projects Update** – Vanessa is currently matching up potential projects with land. There are several active ideas. Discussion of “place codes.”
4. **Village Master Plan** – At the moment there is a drawing focus – Concepts for Village Center are now being developed into a plan for building footprints, sidewalks, new streets, more. Annotated plans + narrative will be the bulk of the Village Master Plan. It will function as kind of a how-to document. Educational, promotional, and how-to. Drawing will be part of this and will show Village Center district, starting roughly at Stones and proceeding north towards Village Green. Will include frontage of [parking lot for Fun Day]. Release date: May 2019 to the committee. (This all happens after TIF). May is the date for the next summit. In July, a first draft for narrative. In September the plan will be finalized and zoning changes will start.
5. **CDBG (Community Development Block Grant) - grant application update, 2019 work; anticipated 2019/2020 future applications:** This is a grant proposal from the town for a street study. Feb. 28 is the date for the presentation of the grant proposal to Maine Office of Community Development. \$3500 would be the award amount. The money would go toward engineering a permanent change.
6. **Traffic Calming/Intersection Painting and Parking Test with LWNY/EDSC/PACTS/Bicycle Coalition of Maine** – Vanessa: This would be testing the idea of painting/parking/turning. Volunteers would

be needed to do this. This would be a very celebratory thing, fun event, family participation etc. Could this be in place of the Summit?

- **NEW BUSINESS**

Business After Hours – Vanessa asked the committee if we were interested in doing an event that is specifically targeted to businesses—a business mixer, in coordination with Traffic Calming/Intersection Painting and Parking Test. Perhaps doing it at the barn next to Stones. Tap the Purple House to create and serve appetizers? An evening event, 5-7, Perhaps early May. Provide alcohol? Would be first engagement with businesses since TIF. Maybe get people to think about space in the center of town that is used/not used. Invite current businesses through NYBA. Advertised via various means. Business specific gathering/talk. Select Board should be included. Next meeting: compose a “to do” list.

Other: Concern: re the potential bus detail and how it impacts traffic, the Master Plan. Vanessa comments: re: traffic count, we are fine for capacity. Less than 20,000 count [per day?]. Her feeling is that turning radii are very important. Big turning radii we start applying: we will be in trouble. We need to be very careful. Biggest nut to crack narrow the street and bring in on-street parking.

Other: Rosemary: re: comparing Cumberland to North Yarmouth: We will never equalize the state valuation of Cumberland, which is a larger municipality. Therefore it's not good to make comparisons.

ADJOURNMENT: 8:25 PM. Next meeting: Thursday, March 21.

Respectfully submitted,
Katie Murphy

NYEC Meeting Minutes for August 7, 2018

Brenda to make signs to go around the Village Green.

40% of the people getting the volunteer email opened it. 3.3% clicked the link.

Jim Faunce tentatively going to run the cribbage tournament again.

Things are going well with the program book.

Donna P to turn Rob Wood's questionnaire into an article.

Donna P to send Rob Wood's head shot to Ashley.

Ashley to create Fun Day Dollars.

Darla confirmed that Louie's, NYV and Stones will accept Fun Day Dollars.

Gail Strattard will do face painting.

Girl Scouts will need a couple of tables for a Cup Cannon Target Toss game.

Jason to confirm that Public Works will handle road closure.

We will not set up the Photo Booth.

Darla to send Jason the vector art for T-Shirt.

Jason to coordinate t-shirt order with Jen Smith.

Program:

- going to the printer on 8/22
- going to the post office on 8/29
- in mailboxes 9/1

Darla to get money for cash box

Darla needs checks for:

- Party Palooga (same as last year)
- EVO Rock + Fitness

Donna S to confirm that food booths are full or not.

Jason to run the music

Brenda to double-check on when balance owed for EVO

Jason to promote Flight 317 concert

Chief Payson to make a decision on muster by end of week

May need to find a new trophy supplier. Darla to investigate.

Darla sent Paul Chace info on Rob for the Legislative Sentiment

Next Meeting: August 28th, 2018 at 7pm at the Fire Station

February 28, 2019 Friends of Wescustogo Meeting Minutes

Present: Anne Graham (Board Liaison), Darla Hamlin, Emma Raven, Brian Sites, Jen Smith

February 14 minutes: The minutes from the February 14 meeting were approved with modification.

Mosaic and barn board campaigns: The pamphlets regarding this campaign have been mailed to townspeople. The response has been limited but favorable. **Steve Barr** will find out a maximum character count for the barn boards, as well as whether or not this can be adjusted for different text sizes and whether or not ampersands can be used.

North Yarmouth fundraising policy: Donors cannot give money in installments if they are receiving a mosaic piece or barn board for that donation; they must give the amount in full if this is the case. The rule does not apply if the donor gives money without receiving a mosaic piece or barn board.

Online donations: Darla made 4 different forms: one for each different type of donations. They cannot yet be published to the website because the Board hasn't given permission for a merchant credit card account to be opened. However, this will be done within 7-10 days. Currently, the website allows donors to fill out the form online but they must pay in another way.

Fundraising update: Since donations have begun to be given, **Darla** will draft a thank-you letter for donors.

Site visit: Another site visit was conducted February 21. **Emma** will post photos of the site taken by Anne on the Facebook page.

Thermometer/donation sign: The sign tracking donations will have the same image as the front of the pamphlets (if the photo at the bottom wasn't there).

Friends of Wescustogo Facebook page: Emma is now an administrator on the Facebook page, which can be found [here](#).

Mud Ball: Gail Landry will let us use the Barn at Walnut Hill as a venue if it's before her season starts. No one can park on the road for the event and the venue capacity is 300 people. **Anne** will ask Rosemary Roy if we can use a Square for the event. The event will take place April 6 at 5pm, with doors opening at 4:30pm and the band starting at 6pm. **Darla** will ask Gail if we can bring external food into the venue.

Meetings: Meetings will be held on the second and fourth Thursday of each month at 7pm. Upcoming meetings: March 14, March 28, April 11

Next meeting: March 14 at 7pm in the town hall meeting room

Mission statement: *To instill a sense of community by engaging friends and neighbors in the building of a new Community Center that honors the traditions of Wescustogo Hall while embracing the future.*

Minutes of 5/20/2019 Living Well in North Yarmouth committee

Location: Town office meeting room

Time: 9AM

Attending: Gay Peterson, Donna Palmer, Al Ahlers, Pasha Marlowe, Steven Palmer

1. **Community Center:** discussion focused on how best to support the person who will be hired to manage/direct/market the new community complex.

Members expressed the benefit of this "advisory" committee. The committee felt it would be important to draft a document outlining considerations and concerns that could be shared with the select board and the town manager. The committee then offered a list of thoughts for the letter. Steve recorded the suggestions and will draft a letter. The bullet point letter will be sent to the committee members for final review before presenting it to the town manager.

2. **Community Center:** the committee agreed to work with Anne Graham in whatever way to support the Celebratory Opening of the Community Complex. Anne will be invited to the next Living Well meeting to share with the group her wishes and hopes for the celebration. Donna will reach out to the Events Committee to know of their interest in participating. The idea of 'Fun Day' included into this event was mentioned,

3. **Kite Status, Traffic Calming:** new banners are available to be erected. The banners are Kite in Sight. Steve is working on how best to fasten the kites to fence posts for ease of setting up, taking down and stabilizing the kite itself. The concept is to have pop ups appear in town reminding drivers of the reason kites are being displayed town. Pop Ups can show up in any part of town. Al was noted for his attempts to get WCSH to do a feature on traffic calming efforts in North Yarmouth. Perhaps we can do a video and create a storyline that could provoke WCSH to visit our town.

4. **Traffic Speed Data:** Steve gave a brief summary of April 10th data gathered from 7 AM to 5PM. Over 1600 cars were recorded traveling through the 30 MPH zone on Route 115 from Yarmouth. High speeds of 44 to 63 MPH were recorded in that time frame, with over 75% of the vehicles exceeding the speed limit by more than 5 MPH. Al will do further analysis of the data for purposes of a report and to provide Donna with graphs that she might use in her presentation at the Rural Livability Conference in June sponsored by AARP. Speed data continues to be gathered by public works.

5. **Resignation:** Priscilla has resigned. The committee expressed their thanks for all that she and of course Richard did while serving as Living Well members.

6. **Membership:** A call for new members was discussed. Pasha mentioned she may know of a few at home working people who may be interested in serving.

7. **Kite Festival:** Steve highlighted the Bug Light Kite Festival as a prelude to the discussion of the NY Kite Festival. It was agreed that our event is intended to excite and involve our community and those communities that touch our boundaries. We need to be careful about how broadly our festival is advertised, a caution the Nor'East kite club members have passed to me.

Vendors: work with local businesses. Steve will contact Kettle Korn, the Fire Company, Toot's, Historical Society

Fund Raising: donation jars were viewed as the method of raising money. It was agreed a fee of \$2 should be charged for kids making kites.

Music: We will limit live music to the Pan Fried Steel Band. Donna will pursue a DJ contact and discuss with Jason Raven any interest he may have in being a DJ (whatever they are called these days).

Rain Date: We decided Oct 5th will be the day of the event. No rain date is to be scheduled. If the event is cancelled we will use social media to announce it along with the town website.

Kite Making: Supervision of the kit making table is very important. Steve will ask Zada Smith if her Girl Scout troop might be interested in this as a service project.

8. **Summit, Build Maine, AARP Conference:** These events were mentioned as a reminder of the opportunities locally and regionally that are available. Donna will be presenting NYarmouth's own approach to trying to slow the spvehicle speed through town. Thank you Donna for stepping up and giving North Yarmouth a prominent face, again!

9. Next Meeting: June 20th at 1PM

Recorded by Steven Palmer

Meeting adjourned at 11:05

NORTH YARMOUTH COMMUNICATIONS ADVISORY COMMITTEE

April 1, 2019

Minutes

Attending: Christian Edmondson, Katie Murphy, Rosemary Roy, Jay Fulton, Peg Leonard, Kathy Whittier

Minutes of previous meeting: Approved as written. Katie/Peg. Voted.

OLD/CONTINUING BUSINESS

Newsletter: March newsletter is out. There was discussion of the general process. This newsletter didn't include a note from the Select Board that our public access channel is now 1301. This information could be put on the mailing page. Next newsletter should be done in May for the elections in June; cleanup day is the first Saturday in June; joint summit report?; EDSC event to highlight Town Center; report on traffic calming.

Newsletter new design – how do we do this? Just change the masthead. Peg had samples of mastheads; Katie made a pdf to send to everyone. Aiming for 4 pages, all color.

Informational signs: Ashley is taking care of pricing for permaline signs. No new updates.

Meeting time: Change to 6:30 instead of 7:00 pm.

NEW BUSINESS

Calendar invites: Jay sent out calendar invites for three months at a time – will pop up on members' calendars. This seems to be working. Jay also offered to help the town with Sharepoint.

Jay also noted that 49 people from North Yarmouth are involved with 317 Main. Musical subculture alive there. Perhaps do a "Did You Know?" as a blurb for newsletter?

Next meeting: Monday, May 6, 6:30-7:45 pm at Downstairs Meeting Room.

North Yarmouth Parks & Rec
3.6.19, 7pm

Present: Bryan Emerson, Shelly Harkins, Scott Kerr, Anne Lang & Pasha Marlowe

Guest: Rosemary Roy

- I. Call to order - 7 pm
- II. Welcome Pasha
 - a. Intros
 - b. Overview of P & R evolution of committee
- III. Parks & Rec Business
 - a. Budget update
 1. Bryan has requested \$10K for reserve fund & \$4K for invasive species management
 - Rosemary had suggested budget requests are all in
 - Oak Hill issue hopefully resolved by next Select Board meeting
 - Easement looking good for Old Town House Park boat launch
 - Ordinance language to be addressed after budget
 - b. Town Forest
 1. Paul Larrivee to bring a state forester to report on how great work in forest is for abutters
 2. Jim Tasse to submit NEMBA grant for March 15th
 - Anne to "reply all" for potential site visit and to invite him to our next meeting
 - c. Invasive Species Planning
 1. How to prioritize invasives management?
 - Focus on 1-2 parks at a time vs. a little in every park
 - Assessment of incoming invasives early-mid May
 - State invasive species specialist, Nancy Olmstead - Bryan to reach out to her and seek resources
 - d. Winter Fall Moon Snowshoe Event
 1. Bust in January
 2. February will overlap with Royal River Conversation Trust's event
 3. March full moon is 3/20
 - Maybe a weekend day event? (Winter Fun Day at Old Town House Park) instead?
 - February 23rd, 1-4 pm - snow date February 24th

4. Sledding hill at Old Town House Park?
 - cut out bowl?

e. Round Robin

1. Enclosed dog park?
 - People currently go to Brunswick/Falmouth for land
 - Old dump (already fenced)
 - Town forest
 - Giant field at Old Town House Park

**Town of North Yarmouth
Planning Board Meeting
Meeting Minutes of February 20, 2019**

I. Call to Order

Present: Chris Cabot (Chair), Audrey Lones, Sandra Falsey, Clark Whitter, and Ryan Keith (CEO)

Absent with notice: Gary Dilisio and Gary Bahlkow

II. Minutes Approval

a. November 13, 2018

Chris Cabot suggested minor changes. Audrey Lones moved to approve the minutes as amended. Clark Whittier seconded the motion. Discussion: None. **Vote 4-Yes, 0- No**

III. Old Business

None

IV. New Business

a. Major subdivision- Sketch Plan Review- Meadowbrook Neighborhood Subdivision- Map 7, Lot 70

Jeff Read of Sevee & Maher, spoke on behalf of Construction Aggregate Inc. Meadowbrook Neighborhood will be a 23-lot major mixed-use subdivision with 20 residential lots and 3 commercial lots. The lots sizes will be reduced to 20,000 sq.ft. with the use of advanced subsurface waste water treatment systems. They have implemented at 75ft setback from Toddy Brook and the small brook on the southern side of the property which abuts the Stone Post subdivision. The homes will be 3-4 bedrooms and have access to public water and underground electric.

Construction Aggregate Inc. will be creating the infrastructure and then selling the lots prior to the construction of the buildings.

Discussion about the draft plan followed including, among other things, the potential location of the public water, the creation of the homeowners association, the applicant's anticipated request for a waiver of the hydrologic assessment and high intensity soil survey, and the need for a technical review.

No action taken.

V. Any Other Business

a. Town Meeting Preparations

Board does not have any urgent changes to be sent to Town Meeting. No action taken.

b. Ordinance Review

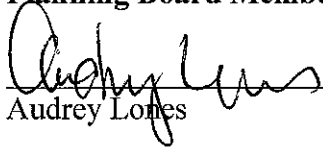
Workshop Dates to draft proposed changes to the ordinance following the approval of the Comprehensive Plan were discussed. A date will be set and posted publically.

- c. Next Month's Chair
Audrey Lones will Chair next month's meeting.


VI. Adjournment

Recorded by Stacey M. Ruby ASC

Planning Board Members

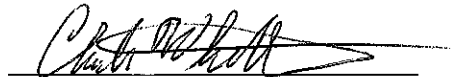


Audrey Lones



Chris Cabot - Chair

Gary Dilisio



Clark Whittier

Sandra Falsey

Gary Bahlkow - Alternate

Vacant- Alternate

Wescustogo Hall & Community Center Fundraising

6-Jun-19

FYE 2018

Individual Donations		Expenses
\$ 1,000.00 Pam Ames		\$ 2,709.72 Cook Books
\$ 5,000.00 Jeanne Chadbourne (in memory of an individual)		<u>\$ 2,709.72</u>
<u>\$ 6,000.00</u>		
Fundraisers		
\$ 112.90 Cook Book Sales		
6 - Sales		
<u>\$ 112.90</u>		

TOTALS \$ 6,112.90 \$ 2,709.72

FY 2019

Individual Donations		Expenses
\$ 1,000.00 Marion Goff, Cynthia Libby, & Ernest Goff		\$ 742.27 00182 - XPRESS COPY - LEGACY BROCHURES
\$ 1,000.00 Andrew Walsh		\$ 187.50 00622 - A+ PARTY RENTAL - MB
\$ 100.00 Mary Conroy		\$ 254.44 00268 - HAMLIN, DARLA - MB
\$ 500.00 Donna & Matt Stein		\$ 168.00 00012 - BLOW BROS - MB
<u>\$ 2,600.00</u>		\$ 208.12 00268 - HAMLIN, DARLA - MB
Fundraisers		\$ 2.50 Bank Fees
\$ 1,754.00 Mud Ball		<u>\$ 1,562.83</u>

(Mud Ball (MB) Total = 818.06*)

* 33.92 difference from number reported

TOTALS \$ 5,110.90 \$ 1,562.83

Grand Total \$ 11,223.80 \$ 4,272.55 NET \$ 6,951.25

Select Board Orientation & Retreat
Tuesday, July 16, 2019
2:00pm - 6:00pm Skyline Farm
Business Meeting will follow at 7:00pm in Town Office Conference Room

Objectives

The 2018 Comprehensive Plan will continue to be the foundation for the development of the Board's annual work plans.

The primary objectives of the orientation & retreat are to:

- Review organizational structure and Code of Conduct.
- Determine fiscal-year goals of Board members and Town Manager.
- Determine how communication is most effective between Board, the Town Manager, public, and staff.
- Discuss Board workload expectations and delegations to Town Manager and town committees

AGENDA

2:00-2:15pm

1. Welcome and introduction from Board Chair and Rosemary Roy, Town Manager

2:15-3:15pm

2. Orientation: Review duties and policies of Board
 - a. Review Charter, Select Board Bylaws & significant policy documents
 - b. Review Maine's "Right to Know" law: Public information/records and executive sessions
 - c. Review MMA Elected Officials Manual
3. Board Development
 - a. Enhance Code of Conduct
 - b. Determine Communication Preferences
 - c. Determine Workshop and Meeting Agenda Policy

3:15-3:30pm - Break

3:30-4:15pm

4. Committee Charges and Expectations
 - a. Necessity/purpose of Committees
 - b. Committee Policy
 - c. Committee Reporting

4:15-5:30pm

5. Board and Manager Goals for FY 2020
 - a. Do we investigate becoming a Town Council-Manager form of government?
 - b. Financial and budgeting goals for FY21 budget
 - c. Assessing needs: Do we need to change to a 3-year appointment
 - d. Does NY need a police officer?
 - e. Solid Waste and Recycling Issues
 - f. TM Evaluation Process: Do we need outside help?
 - g. Town Facilities Master Plan Review
 - 1) Where is this project now?
 - 2) Solar panels
 - 3) Bus Garage/PW upgrades
 - 4) Opening and operations of the WH&CC

5:30-6:00pm - Dinner

6:00pm - Retreat Workshop Completed

Date: June 18, 2019

To: Select Board

Fr: Rosemary E. Roy, Town Manager ^{RR}

RE: Committee Appointments

1. Ecomaine Representative

Rob Wood - One (1) year term to expire 6/30/20

2. Robert Abbott - Parks & Recreation Committee

Application included with this memo - Two (2) year term to expire 6/30/2021

Note: Fills term filled by Pasha Marlowe appointed on December 18, 2018, who resigned on March 15, 2019.



**TOWN OF NORTH YARMOUTH
BOARD & COMMITTEES
Volunteer Form**

Select the Board(s) or Committee(s) you would like to serve on:

- | | |
|--|--|
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Joint Standing Committee |
| <input type="checkbox"/> Budget Committee | <input type="checkbox"/> Living Well in North Yarmouth |
| <input type="checkbox"/> Communications Advisory Committee | <input checked="" type="checkbox"/> Parks & Recreation Committee |
| <input type="checkbox"/> Economic Development and Sustainability Committee | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Events Committee | <input type="checkbox"/> Friends of Wescustogo |
| <input type="checkbox"/> Flag Committee | <input type="checkbox"/> Zoning Board of Appeals |

Please provide the following information:

Name: ROBERT ABBOTT
Email: IROBERTABBOTT@GMAIL.COM
Mailing Address: 86 HENRY ROAD / NORTH YARMOUTH
Phone: 570 764 0199

1. Please give a short narrative as to why you would like to be appointed to this Board(s) or Committee(s) you have selected above. I LIVE ADJACENT TO KNIGHTS POND PRESERVE & HAVE BEEN WORKING WITH RRCT TO MAINTAIN IT

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

3. Have you ever served on any boards/ committees before? If so, when and where? NOT IN NORTH YARMOUTH. HOWEVER I AM A MEMBER OF THE BOARD OF THE FRIENDS OF PRINCE MEMORIAL LIBRARY

Robert Abbott
Volunteer Signature

6/10/19
Date

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

community during the annual Town Meeting Tuesday
KATE IRISH COLLINS/THE FORECASTER
Meeting, Page 27
INSIDE
several town officials were also million municipal budget ap-
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REQUEST FOR PROPOSALS

SOLAR ENERGY

-



Town of North Yarmouth
10 Village Square Road
North Yarmouth, ME 04097
(207)829-3705
www.northyarmouth.org

Town of North Yarmouth
Request for Proposals
SOLAR ENERGY

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I. OVERVIEW

The Town of North Yarmouth (“Town”) is soliciting a Request for Proposals (RFP) for the engineering, procurement, construction, and operation of roof mounted, utility-interactive solar photovoltaic generating system on its new facility presently under the final stages of construction known as the Wescustogo Hall & North Yarmouth Community Center for renewable solar energy. The Town looks to generate enough energy from this installation to include costs savings to other town facilities.

The system shall be grid tied to Central Maine Power Company (CMP) on a net energy billing basis (Net metering) to be determined by the proposer. Precise system dimensions, technology, and equipment used shall be at the discretion of the proposer and shall meet the architectural and engineering designs of the facility.

The Town intends to consider an all-inclusive purchase option as well as a Power Purchase Agreement (“PPA”) option for a term of 6 to 20 years. The Proposer shall also provide an optional buy-out schedule as a long-term option for the Town as such.

Additional considerations may include appearance, security, schedule, and the availability of performance data for educational purposes. The solar arrays must be complete turnkey systems, including, solar panels, inverters, wiring, metering, controls, coordination, operation, and maintenance. The Proposer will obtain all authorizations as needed with local and or state permitting, Public Utilities Commission, and CMP, for connections to the power grid, operation, etc.

A. Communications

All communications from Proposers to the Town regarding this RFP must be submitted via email. Oral communications are discouraged and shall not be binding. The Town will choose to respond to individual Proposers directly.

Ryan Keith, Owner’s Representative / Code Enforcement Office
codeoffice@northyarmouth.org

B. Submittals

All submittals (hard copies only) shall be directed to:

Rosemary E. Roy, Town Manager
Solar Energy RFP
10 Village Square Road
North Yarmouth, ME 04097

Proposals sent via email will not be accepted.

C. Confidentiality of Responses

The Town will consider proposals and associated information submitted by Proposers to be confidential until after the bid opening date. Proposers should be aware that information received in response to this RFP will be subject to the review of any member of the public upon request following the bid opening.

II. DESCRIPTION

A. Town Overview

The Town is a municipal corporation that strives to provide services to taxpayers while being fiscally responsible. The Town would like to integrate solar energy into its energy profile to utilize renewable energy and reduce costs.

B. Property – Project Site

Each Proposer will be responsible for obtaining any studies, information, or data related to structural, electrical or environmental conditions, or any other conditions that might enhance or constrain the development of a specific site and interconnection to the grid, and/or affect the project cost or timely completion of work. Preparation of a proposal is the sole responsibility of the Proposer. The Town will not be responsible or liable for any costs or expenses incurred by a Proposer in preparation of its proposal or for any activities related to the formulation of a bid.

The site identified for the project is the rooftop of the Wescustogo Hall & North Yarmouth Community Center located on Memorial Highway in North Yarmouth, Maine.

III. ELIGIBLE PROJECT INFORMATION

All major equipment and components must be tier-one rated. The type of technology to be used for the proposed facilities, equipment, and key elements must have a proven record of established production and use history at a scale similar to that of the facility to be built, or larger, at a single plant location in order to be considered.

There shall be an integral or separate system capable of real-time monitoring and data logging the performance of the solar array.

All tracks and anchoring equipment shall meet applicable building codes. Equipment shall be UL listed. The project must use energy generation devices that are commercially available and offer warranties, spare parts, and service proportionate with their financial status. Proposer shall provide verification that the installation of the array will not compromise or affect the longevity of the lifespan of the roof. Written roof loading verification shall be carried out by a licensed structural engineer after the project is awarded to a successful bidder.

The solar provider shall be responsible for obtaining all required permits, utility interconnection, net metering agreements, and solar program incentives available.

Mandatory Pre-Bid Meeting - All eligible Proposers or their representative must attend a mandatory pre-bid meeting and site visit to be considered in the final running

IV. PROPOSAL SCHEDULE

- A. RFP Issuance - **June 20, 2017**
- B. Mandatory Pre-Proposal Meeting and Site Visit Date - **July 11, 2019, at 11:00am**
- C. Final Submission of Questions from Proposer - All technical questions related to the RFP must be submitted via email by **5:00pm, July 22, 2019**.
- D. Bid Opening - All proposals must be received at the Town Office on **July 29, 2019, by 4:00pm**. **Bid opening will take place at 4:15pm**. Please submit 8 copies. No email submissions will be accepted.
- E. Any proposal submitted after the due date may be excluded from consideration.
- F. Select Board consideration of award - **August 6, 2019**

V. RESERVATION OF RIGHTS

- A. The Town reserves the right to modify, cancel or withdraw this RFP and to revise the schedule specified above if, in the sole discretion of the Town, such changes are necessary.
- B. To the extent reasonably possible, the Town will inform Proposers that have filed a Notice of Intent to Bid of any schedule change.

- C. The Town reserves the right to accept or reject in its sole discretion any or all proposals for any reason at any time after submittal. The Town also reserves the right to select an offer that is not the lowest price, if the Town determines that to do so would result in the greatest value to the Town.
- D. Failure to comply with all requirements of this RFP may result in the rejection of the proposal in the Town sole discretion.

VI. PROPOSAL CONTENT REQUIREMENTS

The Town reserves the right to conduct any further due diligence it considers necessary to understand and evaluate proposals fully. Below is an outline of the content and format requirements for the proposal submitted in response to this RFP.

- A. Project Description - All proposals must provide a comprehensive description of the project, to include:
 - 1. Project name, location
 - 2. Nameplate AC capacity rating
 - 3. Accredited capacity
 - 4. In-service date
 - 5. Equipment configuration
 - 6. Permitting
 - 7. Transmission and interconnection plan
 - 8. Duration
 - 9. Meteorological studies and or data and other pertinent information
- B. Equipment Description - At a minimum, proposals should indicate for all equipment the:
 - 1. Name of the manufacturer
 - 2. Model name and number
 - 3. Metrics and characteristics of the equipment
 - 4. Performance history of the equipment
 - 5. Terms of warranties and/or guarantees
 - 6. Availability of equipment and planned delivery dates
- C. Technical Discretion - The following technical information should be presented as applicable for the project proposed:
 - 1. Description of technology and configuration
 - 2. Summary of the commercial operating experience of the equipment used or to be chosen
 - 3. Solar system layout/site diagram/illustration that includes location/design of array
 - 4. Electrical connection requirements and plans for connecting to the Town circuit, and/or interconnection with the grid
 - 5. Level of efficiency
 - 6. Proposed construction period
 - 7. Start-up testing
 - 8. Description of pre-operational targets
 - 9. Security plan
- D. Operations and Maintenance (O&M) - All proposals shall describe the operations and maintenance plans or services for the generation facility associated with their proposal.
 - 1. Describe the current or expected O&M plan, including staffing, budget, management, and control over any facility, authority over the O&M budget, and guarantees on O&M costs.

2. Provide a description of the underlying philosophy for performing O&M and include a discussion of contracting for outside services, if applicable.

E. Costs

1. Detailed product(s) costs
2. Detailed installation costs
3. All-inclusive purchase option
4. Proposed Power Purchase Agreement (PPA) Option
5. Buy-out schedule as a long-term option
6. Proposed Buyout terms and Decommissioning Funding
7. All other related costs

- F. Project Schedule - All proposals must provide a schedule of project development activities and target completion dates for financing, engineering, permitting, equipment procurement, construction, startup, and commissioning. Describe the overall development strategy and work plan that will ensure that the project can be developed in time to meet the proposed commercial operation date. Proposers must provide a high-level project development and completion schedule along with key milestone dates for each proposal submitted.

- G. Permitting - Proposals must describe all federal, state, and local permits that will be required for the project.

- H. Experience and Qualifications - The capability and experience of any Proposer must be demonstrated to provide assurance that the Proposer, and any other party involved in the proposal, has adequate competence, resources, and skill. Each proposal must include the following information as a minimum.

1. Partners/investors/key subcontractors
2. Description of technical experience, specifically with respect to solar energy facilities similar to those proposed and collaboration efforts with electric utilities in the State of Maine, if any
3. Description of operating and maintenance experience
4. Summary of completed projects
5. Pre-determination of independent contractors for all subcontractors as well as general contractors
6. Certificate of liability insurance; the Town shall be named as the insured party

VII. EVALUATION AND SELECTION

The Town will evaluate each proposal based on the documentation requested herein and the following criteria in order of priority:

- A. Clear demonstration of financial and long-term benefits to the Town
- B. Qualifications and experience
- C. Demonstration of equipment and technology
- D. Project schedule
- E. Proposal completion

Once the proposals have been reviewed, the Town Manager will submit the proposals to the Select Board with a recommendation for acceptance and approval. The Town reserves the right to hold additional interviews with firms to discuss terms and to negotiate, if applicable, the price and terms with prospective firms prior to making a final determination relative to proposals received. The Town may elect to award contracts to multiple firms if the Town determines that is in its best interests. The Town further reserves the right to accept or reject any or all proposals, to waive minor informalities, and to make the award, if any, as may be deemed to be in the best interest of the Town.

VIII. ENERGY USAGE

(Insert: Spreadsheet of Town facilities past/present electrical costs)

Town of North Yarmouth, Maine
Town Manager Employment Agreement

This Employment Agreement ("Agreement") made and entered into this the 18th day of June 2019 with an effective date commencing July 1, 2019 with the Town of North Yarmouth, Maine (hereinafter "TOWN") and ROSEMARY E. ROY (hereinafter "TOWN MANAGER") (collectively, "the Parties"), pursuant to these terms and conditions:

WHEREAS, this Agreement is a singular Agreement between the TOWN MANAGER and the TOWN, and is not part of a general "plan or "program" for employees as a group. The TOWN MANAGER hereby agrees that this Agreement is an ad hoc individual contract with the TOWN MANAGER.

WHEREAS, the TOWN wishes to continue the employment services of ROSEMARY E. ROY as the TOWN MANAGER consistent with the provisions of the Town Charter as revised and effective July 1, 2013;

WHEREAS, the Parties hereto desire to (1) secure and retain the services of the TOWN MANAGER and to provide inducement for her to remain in such employment, and (2) define the compensation, duties and benefits of the TOWN MANAGER's employment, and (3) to provide a just means for terminating the TOWN MANAGER's contract of employment at such time as she may be unable to discharge her duties due to disability, resignation or termination by the TOWN;

WHEREAS, employee wishes to accept employment as TOWN MANAGER of said TOWN under the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and intending to be legally bound hereby, the TOWN and the TOWN MANAGER agree to the following:

1. **DUTIES:** The Town of North Yarmouth hereby agrees to employ ROSEMARY E. ROY as TOWN MANAGER to perform the functions and duties so specified for Town Manager by the Town Charter, State Statutes, and any applicable job description, and consistent with municipal ordinances and policies, as may be amended from time to time, and to perform such other proper duties as assigned by the Select Board.
2. **COMPENSATION:** The TOWN agrees to pay TOWN MANAGER an annual salary of \$ \$76,549.00 to be earned and payable in installments in accordance with the Town's usual payroll practices, and procedures, cost of living adjustments shall apply as approved on an annual budgetary basis.
3. **TERMS OF EMPLOYMENT:**
 - a. The contract shall be for a term of three (3) years from July 1, 2019, until June 30, 2022 ("Expiration Date").
 - b. The TOWN MANAGER shall be subject to a bi-annual performance review and annual performance review on or prior to the anniversary of hire (June 27, 2014).
 - c. This agreement may be extended by a negotiated successor agreement, or it may be terminated by either party on or before June 30, 2022, as detailed in Section 10.
4. **RETIREMENT PLAN:** Participation in the Social Security System is mandatory, with both the TOWN

and the TOWN MANAGER making the statutorily required contributions. In addition, the TOWN MANAGER may elect to participate in the ICMA-RC plan in place for full-time Town employees.

a. The Town of North Yarmouth will contribute 5% of the Town Manager's annual salary to the Plan in year one (1) of the contract and 7% in years two (2) and three (3). It is not mandatory that the Employee contributes, but participation by the Employee is available.

5. HEALTH AND DENTAL INSURANCE COVERAGE:

a. The TOWN MANAGER continues to be eligible for the enrollment in the TOWN provided health and dental insurance plans as may be offered to other employees as amended from time to time. TOWN MANAGER will make contributions as described in the Town's Personnel Policy as may be amended from time to time.

b. The TOWN shall provide TOWN MANAGER with life insurance equal to the amount of one times the TOWN MANAGER's annual salary, through the Maine Municipal Employees Health Trust (MMEHT) insurance program.

6. INDEMNIFICATION: The TOWN shall defend, hold harmless and indemnify TOWN MANAGER against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of TOWN MANAGER's duties for the TOWN. The TOWN will defend compromise or settle as appropriate any such claim or suit and pay the amount of any settlement or judgment, and the TOWN MANAGER agrees to cooperate and assist the TOWN in any such matter. This section does not apply to any claims resulting from TOWN MANAGER's willful misconduct, known illegal acts, violation of TOWN policies or ordinances, or for claims arising outside of TOWN MANAGER duties as Town Manager.

7. VACATION AND SICK LEAVE:

a. TOWN MANAGER shall be granted three (3) weeks of paid vacation time annually in accordance with the TOWN's personnel policy. The TOWN MANAGER shall provide at least thirty (30) days prior notice of planned vacation time to the Chairperson of the Select Board.

b. TOWN MANAGER shall earn and accumulate sick leave at the rate prescribed by the applicable personnel policy for salaried employees as may be amended from time to time.

8. HOURS OF WORK: The parties acknowledge that the TOWN MANAGER position is an exempt, salaried position that requires the TOWN MANAGER to work hours in addition to the normal office hours of the municipal office in the performance of her duties. As such, the TOWN MANAGER is not eligible for compensatory time or overtime. The TOWN agrees that consistent with the varying time requirements of the position; the TOWN MANAGER may be permitted to occasionally be absent during normal office hours as long as she ensures that the office is sufficiently staffed during any such period.

9. BUSINESS EXPENSES: The TOWN shall reimburse TOWN MANAGER for all approved and documented TOWN business-related expenses (conference, training, education, mileage, etc.) to include a thirty-five dollar (\$35.00) monthly stipend as reimbursement for personal cell phone usage for Town business, subject to the annual budget as duly authorized.

10. TERMINATION:

- a. **IF FOR CAUSE:** At any time during the term of this Agreement, the TOWN may, upon a finding of cause, terminate the TOWN MANAGER's employment following written notice and a hearing before the Select Board. In the event the TOWN MANAGER's employment with the TOWN is terminated for cause, the TOWN's only obligation to the TOWN MANAGER is to pay all compensation and unpaid earned and accrued benefits as of the date of termination.
- b. **IF BY RESIGNATION:** In the event the TOWN MANAGER resigns her position with the TOWN before the expiration of the aforesaid term of employment, the TOWN MANAGER shall give the TOWN a minimum of thirty (30) day notice in advance, said notice to be given to the Chairperson of the Select Board.
- c. **IF FOR DISABILITY:** Should the TOWN MANAGER be permanently disabled or otherwise unable to perform her duties because of sickness, accident, injury, mental incapacity or health for a period of three (3) successive months beyond any accrued leave the TOWN shall have the right to terminate this Agreement; however, the TOWN MANAGER shall be paid for all compensation and benefits accrued but unpaid as of the date of termination.
- d. **IF FOR CONVENIENCE (Termination without Cause):** Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Select Board to terminate the employment of the TOWN MANAGER upon payment of a severance benefit equivalent to ninety (90) calendar days of pay. The TOWN will pay all compensation and benefits accrued but unpaid as of the date of termination. The TOWN MANAGER hereby acknowledges that this arrangement is fair and reasonable. Prior to such payment, and in consideration of this severance amount, TOWN MANAGER agrees to execute a general release and waiver of claims against the TOWN and agrees to do so in consideration of said severance payment.
- e. **BY EXPIRATION OF TERM:** In the event the term of this Agreement expires without any successor agreement in place, TOWN MANAGER's employment with the TOWN will be considered terminated as of the Expiration Date, and the TOWN's obligation to the TOWN MANAGER thereafter is payment of a severance benefit equivalent to ninety (90) calendar days of pay, and the TOWN will pay all compensation and accrued benefits earned as of the date of termination. Nothing in this Agreement is intended to prevent the TOWN and the TOWN MANAGER from mutually entering into an interim employment arrangement beyond the Expiration Date while a successor agreement is being negotiated.

11. GENERAL PROVISIONS:

- a. This Agreement shall become effective as of the date of commencement as contained herein.
- b. If any provision, or portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement shall not be affected and shall remain in full force and effect.
- c. No term or provision of this Agreement shall be deemed to have been waived by either party unless such waiver is in writing and signed by the party making the waiver.
- d. This Agreement may only be amended, modified or extended by a writing duly executed by both Parties.
- e. The subject headings of the Sections of this Agreement are included for the purpose of convenience

only and shall in no way affect the meaning, construction or interpretation of any provision of this Agreement.

- f. In the case of any ambiguity between this Agreement and the personnel policies of the Town, this Agreement will control.
- g. This Agreement and the interpretation thereof shall be governed by the laws and in the courts of the State of Maine.
- h. Notwithstanding Section 11(g) above, the Parties agree to first submit any dispute over the terms and interpretation of this Agreement to mediation prior to bringing any action in court, and agree to share the costs of any such mediation, except that each party shall be solely responsible for their own attorney's fees and costs.

IN WITNESS WHEREOF, and intending to be legally bound, the parties have, in good faith, executed this Agreement the day and year written above.

Rosemary E. Roy, Town Manager

____/____/____
Date

Select Board

Jennifer Speirs, Chairperson

____/____/____
Date

Steve Morrison, Vice Chairperson

____/____/____
Date

Anne Graham, Selectperson

____/____/____
Date

Jim Moulton, Selectperson

____/____/____
Date

William Whitten, Selectperson

____/____/____
Date