

**Town of North Yarmouth
Select Board Meeting Agenda
Tuesday, February 6, 2018
7:00PM - Town Office Meeting Room**

I. Call to Order

II. Public Hearing

- Proposed Changes to the Barking Dog Ordinance

III. Minutes of Previous Meeting(s)

- January 16, 2018

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

VI. Old Business

- Wescustogo Hall & NY Community Center - Liaison Update

VII. New Business

- Personal Policy - Draft Amendments
- Standing Town Committees - Charter Update

VIII. Accounts Payable - Review & Approval

- Accounts Payable

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.

**Town of North Yarmouth
Guideline for Conducting
PUBLIC HEARINGS**

1. **Open the Hearing** - A motion must be made, seconded, and voted on to open the Public Hearing.
2. **Presentation/Explanation** - A brief presentation/summary by the Chair or Town Manager is expected.
3. **Public Participation** - The Select Board can recognize questions/statements from the public in attendance.
4. **Board Inquiries/Discussions** - After public participation, the Board can discuss the subject matter, if necessary.
5. **Close the Hearing** - When it is clear that discussion of the subject has ended a motion to close the Public Hearing (seconded and voted) should take place.
6. **Further Motion(s)** - The Board, if they choose may elect to take action on the matter immediately or may do so at another point in the meeting.
7. **Amendments to the Hearing Subject** - The Board may also make amendments on the subject matter in accordance with any discussions/decisions that took place during the hearing.

**Town of North Yarmouth
Select Board
Meeting Minutes of January 16, 2018**

Call to Order

Members Present: Jeanne Chadbourne, Jennifer Speirs & Steven Morrison. Anne Graham absent with notification. Town Manager Rosemary Roy was also present.

Minutes of Previous Meeting(s)

Vice Chairperson Chadbourne moved to approve the Select Board Meeting Minutes of January 2, 2018. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 3 Yes - 0 No**

Public Comment - Non-Agenda Items

Katie Murphy of Mountfort Road reminded the public of the Historical Societies Potluck Supper on January 21st, 5 PM @ NYMS.

Management Reports & Communications

Town Manager's Report: The Town Manager provided the Board with a verbal summary of her report.

Highlights:

- Criterium assessments are expected to be completed by February 15th.
- Personnel policy changes are forthcoming.
- Town Manager Roy met with two businesses regarding a solar farm in North Yarmouth. They will be presenting to the Select Board in February.
- FY'17 audit is underway.
- The Planning Board has adopted a new procedure for processing applications.
- The Budget Committee has elected Andy Walsh as the new Chairperson.
- CMP is looking to expand the power grid in town, this would include more power lines, poles and a new substation.

Old Business

Wescustogo Hall & NY Community Center - Liaison Update: The WBDC has started discussing interior finishes. The exterior design has been finalized. The committee decided to use a "post and beam" interior look to Wescustogo Hall, not a true post and beam construction. The committee would like to have a contest to design the front window of the hall, the finalized guidelines will be worked out between the committee and Barrett Made.

Barrett Made - Construction Documents Contract: Vice Chairperson Chadbourne moved to authorized Town Manager Roy to sign the Barrett Made contract dated 1/15/18. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

New Business

Barking Dog Ordinance: Selectperson Morrison moved to approve the second notice to the owners of the dogs. Vice Chairperson Chadbourne seconded the motion. Discussion: None. **Vote 3 Yes – 0 No**

The Select Board set a Public Hearing for Tuesday February 6th at 7pm to review and accept changes presented on the Barking Dog Ordinance.

Economic Development Consultant RFP: Town Manager Roy presented the Board with the RFP for an Economic Development Consultant. Chairperson Speirs moved to authorize Town Manager Roy to move forward with the RFP. Chairperson Morrison seconded the motion. Discussion: None. **Vote 3 Yes – 0 No**

Spirit of America Award 2018: The Town is in its second year participating in the award, which is to recognize volunteers in the community. The Select Board Members will vote and return their ballots to Town Manager Roy for submission.

Uncollectable Ambulance Fees 2015-17 - Waiver Request: Vice Chairperson Chadbourne moved to waive the 2015-2017 unpaid ambulance fees. Chairperson Speirs seconded the motion. Discussion: None. **Vote 3 Yes – 0 No**

Accounts Payable – Review & Approval

Chairperson Speirs moved to accept the accounts payable Warrants 27, 28 & 29 in the amount of \$697,640.78. Vice Chairperson Chadbourne seconded the motion. Discussion: None. **Vote: 3 Yes - 0 No**

Other New Business

Adjournment

Chairperson Speirs moved to adjourn.

Ashley P. Roan
Recording Secretary

Select Board

Jennifer Speirs, Chair

Jeanne Chadbourne, Vice Chair

Anne Graham

Stephen Morrison

AN ORDINANCE REGULATING THE CONTROL OF BARKING DOGS IN THE TOWN OF NORTH YARMOUTH

I. PURPOSE ~~[Amended 06/16/12]~~

The purpose of this ordinance is to establish control of barking dogs in the Town of North Yarmouth by their owner or keeper at all times.

This Ordinance is enacted pursuant to the authority in Title 30A M.R.S.A., Sections 2101 and 3001 and the purpose of this Ordinance is to provide regulations in addition to those contained in Title 7 M.R.S.A. **Part 9, Chapter 725**, with respect to controlling barking dogs throughout the Town of North Yarmouth in the interest of the health, safety and general welfare of its residents.

II. DEFINITIONS ~~[Amended 06/16/12]~~

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

- A. **CONTROL:** The power or ability to direct the proper and safe activity of an animal.
- B. **DOG:** Any of large and varied groups of domesticated animals in the canine family.
- C. **KEEPER:** ~~means~~ A person in possession or control of an animal.
- D. **NUISANCE COMPANION ANIMAL:** ~~means~~ A dog, which by loud, frequent and continual barking, howling, or other loud or unusual noises, unnecessarily annoys or disturbs any person at any time.
- E. **OWNER:** ~~means~~ Any person, firm, association or corporation owning, keeping or harboring an animal.
- F. **RESPONSIBLE PARTY:** ~~As used in this ordinance, the term "responsible party" means~~ Any person who has possession or custody of a companion animal. If a companion animal is in violation of the restrictions of this Ordinance, the owner of the companion animal and the responsible party are jointly and severally liable for the violation.

III. ANIMAL NOISE ~~[Amended 06/16/12]~~

- A. Except as provided in ~~sub~~paragraphs (B) and (C) ~~below~~, no owner, or responsible party, shall permit or allow any dog to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for **twenty (20)** minutes or more or recur intermittently for one **(1)** hour or more.
- B. Section ~~III-(A)3-A~~ shall not apply if any dog has legitimate cause for provocation.
- C. Section ~~III-(A) 3-A~~ shall not apply to farm animals kept on a property located in the Town of North Yarmouth. For purposes of this exception, dogs are not "farm animals," and kennels are not "farms."

IV. ENFORCEMENT: ~~[Amended 06/16/12]~~

- A. **Written Notice** - Upon written complaint ~~, signed and sworn to,~~ the Animal Control Officer (ACO) of the Town of North Yarmouth or any duly qualified State or Country law

AN ORDINANCE REGULATING THE CONTROL OF BARKING DOGS IN THE TOWN OF NORTH YARMOUTH

enforcement official shall investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. The warning shall be made part of the complaint.

- B. Second Notice** - If the problem persists, the Officer shall **issue a second warning to the owner or keeper. The Officer shall** submit a written report to the ~~Board of Selectmen~~ **Town Manager** of findings and recommendations **relating to the complaint.** ~~, together with a written complaint. The Officer, after investigation, may issue an interim order that such dog be restrained for a period not to exceed fourteen days to enable the Board of Selectmen to issue its order following receipt of the report of the Officer.~~ Upon receipt of such report and examination of the complainant ~~oath,~~ the ~~Board of Selectmen~~ **Town Manager** may ~~make such request an~~ order concerning the restraint of such dog as may be deemed necessary. If the ~~Board of Selectmen~~ **Town Manager** fails to act **within fourteen (14) days of receipt of said report** ~~during the period of an interim order, upon expiration of the period,~~ the order is automatically vacated.
- C. Continued Disturbance** - Upon continuance of an annoyance or disturbance ordered ceased by the ~~Board of Selectmen~~ **Town Manager**, such owner shall be guilty of a civil violation and upon conviction thereof in District Court, shall be ~~punished by a~~ **fined** as ~~identified specified~~ in the Town of North Yarmouth's **Fee Schedule. Application, License and Permit Fees Ordinance.** All fines so assessed shall be recovered for **the** use of the Town of North Yarmouth through District Court. Each day a violation continues to exist after notice shall constitute a separate offense. ~~Following two convictions, the District Court may order that an animal be taken from its owner. [Amended 06/12/10]~~
- D.** The owner or keeper of any dog that has been ordered to be restrained under this ordinance may file a request in writing with the **Dog Animal Control** Officer or duly appointed ~~Law~~ Officer that the order be vacated, and after investigation by the Officer, said Officer may vacate such order if **after investigation and review it is warranted.** ~~the order was imposed by him/her. If the order was imposed by the Board of Selectmen, the~~ **The** Officer shall submit a written report of his/her investigation, ~~with~~ recommendations, **and action** to the ~~Board of Selectmen, Town Manager.~~ ~~who may vacate the order.~~

V. SEVERABILITY

The provisions of this ordinance are severable, and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not ~~a~~ffect or impair the remaining provision of this ordinance.

ADOPTED: March 11, 1983

AMENDED: June 12, 2010

AMENDED: June 16, 2012

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.

KENNEL ZONING - Upon review of the Land Use Ordinance there are no specific zoning requirements for kennel operations.

DEER BROOK APTS. - There has been no other construction than that of the waterline. However, activity to renew building permit application(s) is taking place.

FYE 17 AUDIT - Berry Talbot Royer, the town's auditing firm will be here on March 6th to present the FYE17 audit.

TIMBER HARVEST - The timber harvesting of the town forest is currently underway.

FY 16 FORECLOSURES - There are two properties that have reached automatic foreclosure. I have sent a notice to cure due by February 22nd to the former owners. The properties are:

Acct. #819	493 Mountfort Road	Map 6 Lot 53	10.7 acres
Acct. #1616	19 Brookview Lane	Map 3 Lot 32	1.3 acres

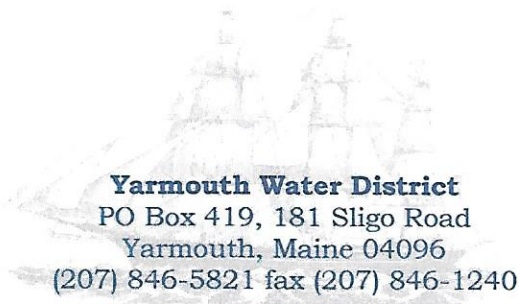
ACTION ITEM: YARMOUTH WATER DISTRICT - The Trustees will be reviewing the first draft of the water district's new comprehensive plan and are aiming to get final information to North Yarmouth by the end of the month; early March at the latest. This should provide enough time for the Planning Board to firm up the changes to North Yarmouth's zoning map for Town Meeting presentation.

The district is also looking for an answer regarding the correspondence they sent dated February 6, 2017, a copy is included with this report. At the time presented to the Select Board, the thought was to gather more information from the YWD and perhaps arrange a meeting to discuss the matter. I believe Chairman Lacy was preparing a letter to this effect. However, there is no record. I did have the town's Public Works Director and CEO go out to assess the property on Dexter Lane. In their opinion, it is of little value and mainly wetlands. ***How would the Select Board like to proceed?***

Respectfully,

Rosemary

Rosemary E. Roy, Town Manager



RECEIVED
FEB 06 2017

BY:

Robert N. MacKinnon, Jr.
Superintendent

Irving C. Felker, Jr.
Chairman, Board of Trustees

February 2, 2017

Ms. Rosemary Roy, Town Manager
Town of North Yarmouth
10 Village Square Road
North Yarmouth, ME 04097

RE: North Yarmouth Grange Project

Dear Ms. Roy,

As the Town moves forward with consideration of replacing Westcustogo Hall on the former Memorial School site, the Yarmouth Water District would like to work together with the Town of North Yarmouth to enhance protection of the nearby Hayes Well groundwater resource. We attended the meeting and presentation on December 20, 2016; and agree that this is a good use for the Memorial School site.

Specifically, we would like to explore the possibility of an exchange of the District's developable property on Dexter Lane for the development rights on the balance of the Memorial School site. This would give the Town developable land in the Village Center District and it would limit the development of Memorial School site to Westcustogo Hall, which would further protect the Town's groundwater resource and the District's Hayes Well.

As you may know, the District is required by State law to obtain Maine Public Utilities Commission (MPUC) approval before the sale of any water resource land. The property must first be offered to the municipality and if the municipality has no interest in the property, then the District may sell

the property on the open market. Because this type of transaction must be approved by MPUC, there is always quite a time lag between an exchange agreement and its approval, but the District is prepared to initiate proceedings promptly if the Town is interested in such an exchange.

We look forward to the Town's response.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob MacKinnon". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert N. MacKinnon, Jr.
Superintendent, Yarmouth Water District

Date: January 29, 2018

To: Select Board

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

Cc: Department Heads

RE: PERSONNEL POLICY - PROPOSED UPDATES

In 2016 an overall review and update of North Yarmouth's personnel policy was conducted by management and the Select Board. General management practices call for the document to be reviewed every 12 to 24 months for potential revisions. The following proposed updates to the policy are based on changes in the law, clarifications, corrections, and omissions.

Town of North Yarmouth
Proposed Amendments to the Personnel Policy
February 6, 2018

212 ANNIVERSARY DATE (new section)

For administrative simplicity, all employees shall have either January 1st or July 1st as their anniversary date (whichever is closest calendar-wise to their actual date of hire) of the year they began service with the Town. There will be no loss of benefits attached to this change for existing employees. The employee's anniversary date shall be used for determining sick leave and vacation accruals.

309 ALCOHOL & DRUG POLICY AND TESTING

C. Substances Tested: When drug and alcohol screening is required by this policy and Title 49 Code of Federal Regulations Part 382, a breath test and/or urine test will be given to detect the following:

1. Alcohol
2. Marijuana Metabolites
3. Cocaine Metabolites
4. Amphetamines (Amphetamine and Methamphetamine)
5. Phencyclidine (PCP)
6. ~~Opiates~~-Opioids (Morphine, Codeine, 6-Acetylmorphine, Hydromorphone, Hydrocodone, Oxycodone, Oxycodone)
7. ~~MDMA~~ MDA-Analogues (MDA and MDMA - Ecstasy)
8. 6 Mono-Acetyl Morphine (Heroin)

311 SUSPENDED DRIVER'S LICENSE (new section)

Any employee who operates Town vehicles or equipment whose driver's license has been suspended for any reason, must report this to their Department Head immediately.

404 EMPLOYMENT CLASSIFICATIONS (page 20)

B. Full-time Regular Employee: Employee who has completed the probationary period and is scheduled to work forty (40) hours a week or who is designated with an exempt status. These are the only employees eligible for benefits. Benefits begin on the 1st of the month following the date of hire.

C. Part-time Employees: Part-time employees are defined as those employees who are scheduled to work less than ~~twenty-eight (28) hours~~ thirty (30) hours per week on a year round basis, fixed or unfixed schedule. Part-time employees are only eligible for benefits where those benefits are specifically designated otherwise part-time employees are not eligible for benefits.

408 EXPENSE REIMBURSEMENT (page 23)

D. Clothing Allowance: Employees may be required to wear a department specific uniform as part of their work expectations, and in that event, the Town shall provide said uniforms at no expense to the employee. Public Works Employees are allowed an annual reimbursement of up

Town of North Yarmouth
Proposed Amendments to the Personnel Policy
February 6, 2018

to \$250.00 for steel toe work boots. Employee must provide a receipt of boot purchase to receive reimbursement.

506 COMPENSATORY TIME (page 28)

Compensatory time may be granted on a case by case basis in accordance with the Fair Labor Standards Act at the sole discretion and approval of the Town Manager. Any earned compensatory time must be used during the next 30 days after it is earned.

601 VACATION LEAVE (page 30)

B. Accumulated Vacation: Employees may carry over a maximum of one-half (1/2) times their maximum accrued vacation time from one year to the next at the employee's anniversary date (see Section II § 212). All time carried over must be used first and within the carry over year. Only in circumstances, where in the Town Manager's opinion, the employee could not have reasonably taken vacation time in excess of their maximum accrual amount, or was in fact denied use of vacation time in excess of their maximum accrual amount the employee may receive compensation at their normal rate of pay.

604 SICK LEAVE

D. Accrued Sick and Vacation Time: An employee's sick and or vacation time does not accrue while out on medical leave.

606 HEALTH INSURANCE (page 32)

C. If an employee can document that they have coverage from another plan, they may opt out of having coverage through the Town. Upon opting out the employee shall receive an annual one-time lump sum benefit equal to 25% of the annual benefit cost that would have been paid by the Town. The payment shall not be considered part of compensation for purposes of retirement, life insurance and computing hourly wage. ~~The employee shall be responsible for any tax liability.~~ Payment is subject to payroll taxes (FICA/Medicare, Federal and State) and is paid to the employee during the month of July for the previous fiscal year.

803 DRUG FREE WORK PLACE (page 41)

- A. Employees and the Town have a mutual obligation to ensure a safe and healthy work environment. It is recognized that the consumption of alcohol, medical marijuana, recreational marijuana or drugs, which impairs an employee from performing their jobs safely and effectively, cannot be tolerated. Therefore, the Town has a "Zero Tolerance" policy toward drug, marijuana, and alcohol use. No prohibited substances may be consumed during the workday, which includes shift and lunch breaks.
- B. It is recognized that drug, marijuana, and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation.

Town of North Yarmouth
Proposed Amendments to the Personnel Policy
February 6, 2018

- D. Regulations for possession and use of alcohol, [marijuana](#), or illegal drugs:
1. No employee may bring alcoholic beverages or alcohol, [recreational or medical marijuana](#), or illegal nonprescription drugs to his/her work premises at any time;
 2. Work premises include motor vehicles, [or equipment](#) owned or leased by the Town;
 3. No employee may ~~drink~~ consume alcoholic beverages, [recreational or medical marijuana](#), during his/her working hours, including meal periods, breaks or other authorized interruptions of work occurring during his/her working hours. This includes overtime periods;
 4. An employee who brings alcohol [or marijuana](#) onto the premises or who ~~drinks~~ consumes alcohol [or marijuana](#) during working hours is subject to immediate discipline, including discharge;
 5. An employee whose use of alcohol [or marijuana](#) outside of working hours of off-the-job impairs his/her job performance and fitness for duty, or jeopardizes the safety of other employees, the public, town property or the Town 's reputation, is subject to immediate discipline, including discharge;
 6. No employee may ~~illegally~~ use, sell or possess narcotics, drugs, [alcohol, marijuana](#) or controlled substances of any kind while on the job, on work premises, or during an employee's working hours, Any employee violating this paragraph is subject to immediate discipline, including discharge;

MEMORANDUM

Date: February 1, 2018

To: Select Board

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

RE: PROPOSED CHARTER CHANGES - STANDING COMMITTEES

Prior to his resignation Chairman Lacy and I had a discussion involving the need to affirm some of the Town's established committees as standing committees based on the nature of the charge, responsibilities, goals, and benefit to North Yarmouth.

It is this reason that I submit to you the following recommendation that the Town Charter be amended to reflect the Economic Development & Sustainability Committee, the North Yarmouth School Fund Committee, and the Wescustogo Hall Committee are depicted as standing committees.

Proposed Charter amendments are included with this memo.

Proposed Changes to the Town Charter - 02/06/2018

Town of North Yarmouth

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

3. Appointed Boards, Commissions, Committees and Officials. The following boards, commissions, committees and officials shall be appointed by the Select Board.

- e. Economic Development & Sustainability Committee. There shall be an Economic Development & Sustainability Committee consisting of seven (7) regular members and one (1) alternate member appointed by the Select Board to staggered three (3) year terms. The terms of those appointed to the Economic Development & Sustainability Committee shall expire on June 30th of the expiration year. The members of the Economic Development & Sustainability Committee 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 Economic Development & Sustainability Committee shall execute such duties as prescribed in the town comprehensive plan, strategic development plan, and charge of responsibilities established by the Select Board.
- f. North Yarmouth School Fund. There shall be a North Yarmouth School Fund consisting of nine (9) trustees appointed by the Select Board to staggered five (5) year terms. Recommendations for trustee appointment(s) shall be petitioned and provided by the trustees to the Select Board. The terms of those appointed to the North Yarmouth School Fund shall expire on June 30th of the expiration year. The trustees of the North Yarmouth School Fund shall elect from their trusteeship a chair and a secretary annually at its first regular meeting occurring on or after July 1st of each year. The North Yarmouth School Fund shall execute such duties as prescribed in the North Yarmouth School Fund bylaws and the charge of responsibilities established by the Select Board.
- g. Wescustogo Hall Committee. The Select Board shall appoint a five (5) member committee for the purpose of overseeing the use, maintenance, and rules pertaining to the property as well as keeping the intent of the April 7, 1997, agreement (warrant Article 6) to staggered three (3) year terms; two (2) of the five (5) members shall be selectpersons. The provision of this committee will be reviewed following the year 2025 in which a vote of the Townspeople may find it is no longer validating.

~~f.~~ h. Other Officials. The 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.