

Town Of Shapleigh

Special Town Meeting Warrant 2023

Board of Selectmen:

Scott E. Cudworth, Chairman
Michael J. Cote
Shawn J. Cavanaugh

Budget Committee Members:

Linda Haley, Joshua Lewis, Susan Marcoux,
Carolyn Rand, Jennifer Roux

WARRANT
COUNTY OF YORK

STATE OF MAINE

To: Michael Roy, a resident in the Town of Shapleigh, in the County of York and the State of Maine.

Greetings, In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Shapleigh, Maine, qualified to vote in Town affairs, **to meet at the Shapleigh Town Hall located at 22 Back Road on Saturday June 3, 2023 at 10:00 AM**, then and there to act on the following articles, to wit:

ARTICLE 1. To choose a Moderator to preside at said meeting.

Michelle Rumney was elected to preside.

ARTICLE 2. Shall the Town vote to raise and appropriate \$13,000 for Shapleigh's matching funds for a grant for the **Mousam Lake/Goose Pond** stormwater run-off mitigation project? Said project is being facilitated through York County Soil and Water Conservation District.

Board of Selectmen recommends approval of the article as written 3/0
Budget Committee recommends approval of the article as written 3/0

Eileen Mageary motioned to approve the article as written; seconded by Anna Desmond

Motion carried - Passed

ARTICLE 3. Shall the Town vote to raise and appropriate \$25,000 to the Fire Department's Turn-Out Gear Reserve Fund?

Board of Selectmen recommends approval of the article as written 3/0
Budget Committee recommends approval of the article as written 3/0

Marion Bedard motions to approve the article as written; seconded by Larry Montouri
Motion carried - Passed

ARTICLE 4. Shall the town vote to have ambulance services along with firefighting services under one municipal department and enact the following **Shapleigh Fire-Rescue Ordinance**?

SHAPLEIGH FIRE-RESCUE ORDINANCE

The purpose of this Ordinance is to establish the "Shapleigh Fire-Rescue Department" as a municipal department of the Town of Shapleigh, pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

ARTICLE 1 - NAME

1.1. The organization shall be known as the "Shapleigh Fire-Rescue Department" (the "Department").

ARTICLE 2 - PURPOSE

2.1. Town of Shapleigh Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Shapleigh, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Shapleigh, and elsewhere by prior agreement.

2.2. Cooperation with Other Communities: The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Selectmen. The Selectmen shall have authority to enter into written agreements with other municipalities on a recommendation of the Fire Chief.

ARTICLE 3 - ORGANIZATION

3.1. The Department shall be a "Municipal Fire-Rescue Department" established pursuant to Title 30-A M.R.S.A. § 3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Shapleigh.

ARTICLE 4 - MEMBERSHIP

4.1. Members: The membership shall include individual residents and non-residents of the Town of Shapleigh, who are at least 18 years old, and who have been accepted as members of the Department. Members shall have the powers and duties as set forth in Title 30-A M.R.S.A. § 3151 et seq. and as set forth in any administrative rules and regulations and standard operating guidelines adopted by the Board of Selectmen.

4.2. Number of Members: The Fire Chief shall determine the number of members necessary for the effective operations of the Department.

4.3. Application for Membership: All applications for membership in the Department must be approved by the Fire Chief and the Board of Selectmen. Members must meet all membership standards described in the applicable job description document which may be amended by the Fire Chief. All new memberships will be probationary for a six-month period, followed by a review of their performance by the Fire Chief or his designee before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.

4.4. Compensation: Members may be compensated consistent with the Department's appropriation provided through the Town budget process and the applicable provisions of the department's position classification and pay scale. Volunteer Firefighters will be compensated on a "point system" as noted in departmental policy on a quarterly basis, per diem staff will be paid weekly, all other "on call" responses will be paid quarterly. Officers' pay will be paid monthly unless requested otherwise.

4.5. Department Roster: The Department shall maintain an active roster

4.6. All members of the Department shall meet the safety and training requirements of Title 26 M.R.S.A. §§ 2101 – 2108.

ARTICLE 5 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES

5.1. The Shapleigh Fire-Rescue Rules and Regulations/Standard Operating Guidelines ("SOG Documents"). The SOG document will include information from current departmental Job Descriptions, Employee Handbooks and SOG's. The SOG document provides a detailed

description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

5.2. Amendments: The SOG Documents may be amended by the Fire Chief. All amendments must be consistent with this Ordinance, Maine state law, and other applicable laws, ordinances and regulations.

ARTICLE 6 - DISCIPLINE, SUSPENSION AND DISMISSAL

6.1. Causes for Discipline or Suspension and dismissal: Causes for discipline, suspension and/or dismissal include those matters described in applicable provisions of the Town and Department's Personnel Policy.

6.2. Grievance Procedure: All grievances will be handled in accordance with applicable provisions of the Town and the Department's Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

6.3. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable provisions of the Town and the Department's Personnel Policy as it may be amended.

6.4. Town Personnel Policy: The Town Personnel Policy shall supersede the Fire Rescue Personnel Policy in the event of any conflict.

ARTICLE 7 - APPOINTMENT OF OFFICERS

7.1. Initial Appointment: The Fire Chief shall be appointed by the Board of Selectmen for a period of 3 years.

7.2. Appointment of Deputy Officers and Officials: The Fire Chief shall create and fill any additional officer positions with approval from the Board of Selectmen.

7.3. The Board of Selectmen may remove the Fire Chief from office in accordance with applicable laws and Personnel Policies.

ARTICLE 8 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS

8.1. Chain of Command: The Chain of Command shall be in accordance with the Fire-Rescue organizational chart. All other officers and officials shall follow the chain of command. The Fire Chief shall determine who has the higher rank between officers with the same rank.

8.2. Fire Chief: The Fire Chief shall exercise the duties and powers described in Title 30-A M.R.S.A. § 3153, as it may be amended from time to time, except as described in this Ordinance, as described in approved Rules and Regulations and Standard Operating Guidelines, and as follows: 8.2.1. Generally, direct and control all officers and members of the Department in the performance of their duties.

8.2.2. Provide a training program for fire-rescue personnel within the municipality in cooperation with appropriate governmental agencies.

8.2.3. Provide for the maintenance of all fire and rescue equipment owned by the municipality and buildings used by the municipal Fire-Rescue Department.

8.2.4. Prepare and submit annually to the Board of Selectmen a line-item budget related to fire protection and rescue activities. The budget will be reviewed by the officers for input prior to presentation to the Board of Selectmen.

8.2.5. Establish and maintain a system of records and reports that is sufficient to demonstrate the operation, activities and control of the Department. This is to include but is not limited to records of all calls responded to, incident investigations, inspections, personnel attending incidents and training sessions, apparatus and equipment maintenance, expenditures and other related information.

8.2.6. Suppress disorder and tumult at all department activities and, generally, to direct all operations to prevent further destruction and damage.

8.2.7. Exercise the powers relating to municipal fire protection and rescue as described in Article 5.

8.2.8. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury.

8.2.9. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire.

8.2.10. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A § 2360, as it may be amended from time to time.

8.2.11. Exercise the power to bring civil actions, with the approval of the Board of Selectmen, described in 25 M.R.S.A. § 2361, as it may be amended from time to time.

8.2.12. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.

8.2.13. Exercise authorities under 25 MRSA §§ 2353-A, 2354, 2373, and 2392 to the extent authorized by the Board of Selectmen.

8.2.14. Discharge such other duties as may be required by the Board of Selectmen.

8.2.15. Exercise any other powers and duties described in this Ordinance and powers of fire chief, officers and fire wardens generally as described in Maine State, Maine EMS and/or federal laws and regulations.

ARTICLE 9 - DEPARTMENT ASSETS AND FUNDS

9.1. Municipal Appropriation: All funds raised or appropriated for the Department by the Town shall be treated as municipal funds under Title 30-A M.R.S.A. § 5652 et seq, as amended.

9.2. Other Funding: All funds raised or donated to the Department in the Town of Shapleigh's or the Shapleigh Fire-Rescue Department's name, by Department personnel or any Auxiliary Association, which are held or deposited in an account bearing the Town's tax identification number for department equipment or other purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. § 5652 et seq, as amended. The Selectmen may authorize or approve expenditure of these funds in accordance with its Policy on purchases regarding donated funds, as it may be amended from time to time. Funds raised or donated in the name of any association or auxiliary to the department and held in an account bearing a tax identification number other than that of the Town of Shapleigh's are not subject to the requirements regarding municipal funds pursuant to the provisions of Title 30-A M.R.S.A. §5652 et seq as amended.

9.3. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of Shapleigh.

9.4. Acceptance of Gifts: If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen at town meeting shall comply with all conditions of Title 30-A M.R.S.A. § 5654, as amended. All unconditional gifts shall be considered at town meeting in accordance with Title 30-A M.R.S.A. § 5655, as amended.

ARTICLE 10 – PRIVILEGES AND IMMUNITIES

10.1. Members of the Shapleigh Fire-Rescue Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, Title 14, M.R.S.A. §8101 et. seq.

10.2. When assisting other municipalities, members of the Shapleigh Fire-Rescue Department shall have the same privileges and immunities as when acting in their own municipality.

ARTICLE 11 - VALIDITY / SEVERABILITY / CONFLICT

11.1. The invalidity of any provision of this Ordinance shall not invalidate any other part or provision of this ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances of the Town of Shapleigh, or any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the By-Laws, Rules and Regulations of Shapleigh Fire-Rescue Department, the provisions of this Ordinance shall govern.

ARTICLE 12 - AMENDMENTS

12.1. This Ordinance may only be amended at any Shapleigh Town Meeting in accordance with the provisions of Title 30-A M.R.S.A. § 3002

ARTICLE 13 – EFFECTIVE DATE

13.1. This ordinance shall take effect on July 1, 2023 or thereafter when a qualified command structure is in place.

Board of Selectmen recommends approval of the article as written 3/0

Budget Committee recommends approval of the article as written 3/0

Norman Baker motioned to approve the article as written; seconded by Eileen Mageary

Fire Chief Guillemette first stated he was not in favor approving the article since it was his opinion it would cost the town more funds for the same purpose. The Board of Selectmen stated the change would allow 24/7 coverage and the members would be cross-trained and the benefits out weigh the costs. This change would be gradual as it will take time to train individuals. After a 50 minute discussion regarding the pros and cons, a call for the vote was made.

Motion failed – Not adopted

ARTICLE 5. Shall the town vote to accept the following addition and changes to Sections 105-15 (Definitions) and 105-17 (Land Uses) of the Shapleigh Zoning Ordinance addressing **Additional Dwelling Units?**

§ 105-XXX Accessory dwelling units.

As an accessory use to a single-family dwelling, the creation and renting of a single apartment within the dwelling, attached to the dwelling or freestanding from the main dwelling shall be permitted, provided all of the following conditions are met:

- A. An accessory dwelling unit must meet a minimum size of 190 square feet and shall be no larger than 800 square feet.
- B. The owner of an accessory dwelling unit must provide written verification to the municipality that the accessory dwelling unit is connected to adequate water and wastewater services before the municipality may certify the accessory dwelling unit for occupancy.
- C. An accessory dwelling unit shall not be subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located. An accessory dwelling unit shall be exempt from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.
- D. The primary dwelling is owner-occupied. These units shall not be leased or rented as short-term rentals for any time period of less than 12 consecutive months.
- E. The building is located on a conforming lot for a single-family dwelling in the district in which it is located.
- F. All required permits are obtained for construction of the accessory dwelling including a design review approval for ADU's in all zones, and a certificate of occupancy is obtained prior to the accessory dwelling being occupied.
- G. Any accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply.
- H. Only one accessory dwelling unit shall be permitted per lot.

§ 105-15. Definitions

Accessory Dwelling Unit - An ADU, commonly referred to as an accessory apartment or secondary suite, is a smaller additional living space on the same lot as a single-family home. It has to include space for living, sleeping, cooking and bathroom(s) independent of the primary residence.

§ 105-17. Land Uses

RESIDENTIAL

	RP	SD	GP	FD	SP
<u>Accessory Dwelling</u>					
<u>Unit – Detached</u>	NO	NO	CEO	NO	NO

Board of Selectmen recommends approval of the article as written 3/0
Budget Committee makes no recommendation

*Gloria Pillsbury motioned to approve the article as written; seconded by Margaret Moody.
 Motion carried – passed*

Meeting adjourned @ 11:00am (approximately 38 residents present)

Given under our hands at the Town House, Shapleigh Maine on the 16th day of May 2023.

SS/Scott E. Cudworth, Chairman
 SS/Michael J. Cote
 SS/Shawn J. Cavanaugh

Board of Selectmen

Attest: _____
 Joanne Rankin, Town Clerk