



January 14, 2024 – 8:00 a.m.

Northport Village Corporation Board of Overseers

Same Zoom link as below

Board Training Workshop

January 14, 2024 – 9:00 a.m.

Meeting of the Northport Village Corporation Board of Overseers

This is a hybrid meeting – in person* in the Community Room of Community Hall, 813 Shore Road, Northport, ME and virtually at:

<https://us02web.zoom.us/j/83323257818?pwd=VTJaOFZPVXZwWVVJUUnRqckVONmVQdz09>

*This is a business meeting conducted in public; it is not a public meeting. An opportunity for comments from members of the public is provided before the business meeting begins and end of the meeting. Unless a question from the public can be answered definitively and very briefly, the Board usually does not engage in a dialog with a commenter. If the speaker addresses an item on the Board's agenda, the Board's consideration at that time may respond to the speaker's comments. When recognized, a commenter should state their name and Village address and make their point briefly. Depending on the number of public members who wish to address the Board and the length of the Board's agenda, the presiding officer may establish a time limit for speakers. Agenda items may be taken out of order to accommodate guests. **Remote participants will not be admitted to the meeting unless the participant's name is identifiable.**

Meeting Agenda

- Comments by members of the public.
- Call to order business meeting.
- Agenda review.

Action Items and Reports

- Approval of December 10, 2023 meeting minutes.* (*Action*)
- President's Report
- Treasurer's Report*
- Village Agent Report*
 - Consideration of James Butter's application for access to NVC property.* (*Action*)
- Office Manager's Report*
- Governance Committee
 - Proposed Fire Ordinance revisions.*
- Utilities Committee
- Town Liaison

Other Committee Reports/business (*as needed. None reported as of agenda publication.*)

- Other business

- Comments by members of the public
- Adjourn

Warrants: reminder to Overseers to review and approve December warrants sent electronically for your review and available at the meeting for signature by those present.

***Written materials submitted.**

- Draft December 2023 Overseer Meeting Minutes
- Treasurer's Report
- Ad hoc Audit Committee Report
- January 2024 Village Agent Report
 - James Butter's application for access to NVC property and related email correspondence
- January 2024 Office Manager Report
- Governance Committee report and draft Fire Ordinance revisions

Treasurer's Report
1/10/2023

- Warrants and Monthly Reports
 - December warrants were provided in advance by the Office Manager.
 - Bank Statements through December 2023 are available in the office.
 - Bank balances are provided separately to the Overseers, Officers and NVC Staff by the Office Manager.
 - See information below regarding monthly reports.
- Monthly Reports
 - Monthly reports were provided by the Office Manager as part of the Board package. Documents included:
 - Statement of Activity by Property
 - Budget vs Actuals by Property
 - Corrections to the General Ledger for 2023 based on the provided monthly reports were given to the Office Manager. A copy is attached for informational purposes only.
- Audit
 - 2021 Audit began January 2, 2024, with a meeting with Purdy Powers. Most materials needed for the audit were provided by the Office Manager in advance of the meeting.
 - Subsequently, Office Manager and Treasurer have put in significant effort to provide additional requested documents, research and answer audit questions.
 - General, Sewer and Water financial analysis questions were answered.
 - 2021 Tax Commitment questions were answered with supporting documentation provided to the auditors.
 - Documents provided to the auditors are provided to the Overseers as background information.
 - Audit Committee (see separate report) met to review status and outstanding audit items.
- NVC Document Archiving
 - It is recommended that the NVC implement a sustainable electronic and hardcopy document archiving policy, process and system that is maintained, managed, and administered by the NVC Office Staff, including supervising any technical support contracts.
 - Recommendation includes Office Manager (or equivalent position) having access and control over all NVC related usernames and passwords except those that have specific restrictions that preclude such access.
 - Recommendation includes having a master list of all NVC associated accounts, usernames and who has both administrative responsibility as well as access.

- As background, for the 2021 audit NVC depended on files still maintained by the previous accounting firm NR Bookkeeping. Most files have yet to be archived electronically by NVC.
 - Previously, NVC had electronic files on Dropbox.
 - For 2022, electronic files are primarily stored on the Office Administrator's computer.

Draft NVC 2025 Budget Workshop Agendas

Meeting 1

- 1) Budget overview - format, what has been done so far.
- 2) Input from the Overseers - specifically review the information requested from committee or overseer.
- 3) Capital Budget Planning - identifying capital projects that will be included in the 2024 operating budget.
- 4) Wrap up - next steps (updated budget based on input from Meeting 1 and share updated budget with Overseers).

Meeting 2

- 1) Budget Overview - review what was provided in Meeting 1 and budget impact.
- 2) Collect any remaining input from Overseers not provided during Meeting 1.
- 3) Review budget sections (not line by line yet, but still major areas).
- 4) 2025 Capital Budget projects (if any).
- 5) Wrap up.

Meeting 3

- 1) Budget Overview.
- 2) Collect any outstanding budget information, including capital budget.
- 3) Review line by line (with the assumption Meeting 1 & 2 collected the major information so that the Overseers are primarily confirming line items).
- 4) Wrap up - focus on finalizing the budget and putting it into a format for discussing with the villagers.

NVC 2021 Audit Committee Report

The audit committee met via Zoom on Tuesday, January 9 to discuss the status of the 2021 Audit and review any outstanding issues. In attendance were committee members Jeffrey Wilt, Janae Novotny, Wendy Huntoon and office manager Trish Parker. Committee member Fred Lincoln was consulted via email.

Specific items discussed included reviewing the auditor's financial analysis for each department, discussing the 2021 tax commitment information, and identifying remaining outstanding items.

NVC has asked Purdy Powers, assuming a successful 2021 audit, to schedule the 2022 audit for late spring (May) 2024.

**Northport Village Corporation
Village Agent Report
January 14, 2024 Board of Overseers Meeting**

Recent activities

January 9-10 storm assessment

- Dock/causeway
 - Lost more fiberglass coating on the fender pilings.
 - Some dock planking pulled up. Nails showing. May need longer fasteners now.
 - One fender piling on the boat float side of the dock is loose and needs to be tightened.
 - Waves pulled up a 4x4 dock cap by the lifeguard chair; needs to be reset.
 - The Water Department's water pipe running under the dock is broken and need to be replaced.
 - Railing on south side of the causeway was loosened and needs repair.
 - Rocks at end of causeway need to be reset and washed away gravel replaced.
 - On south side of causeway, waves washed away grass and loam; new loam and grass seed needed.
 - More crushed stone needed on walkway to replace what was washed away.
 - Current high tides are reaching the level of the dock planking. The next major dock rebuild should raise the dock.
- Causeway/seawall/riprap behind treatment plant building to yacht club area
 - Large amount of seaweed, logs and debris piled up. Cleared debris washed up on the circle in the way of traffic.
 - Plan to wait until after the storm expected this weekend to see how much debris moved out and somewhere else by the waves, and will clean up. From the Wastewater Treatment Plant to the yacht club area: need to assess how to move largest items while avoiding parking/working on top of the sewer tanks. May leave this area until spring and hope that large trees and logs are washed away.
- North shore
 - Waves washed out area behind the seawall where small watercraft are stored and washed out the boat ramp area. Anticipating future washouts this winter, will plan to wait until spring to fill in these areas.
- Lab and water shed on Bluff Road: two trees uprooted and fell on the building; assessing damage.
- Auditorium and Bayview Parks suffered additional erosion.

Additional recent activities

- Continuing to assess and consider improvement of Bayview Park storm drain/outfall adjacent to Oberg's property. Because of abundance of heavy rains the last couple of years and severity of winter storms hitting at high tide, the storm drain/outfall needs help. Any of the fixes I have thought about must be consistent with recommendations we expect from the engineer hired by the Town to assess shoreline erosion. Whatever plans the Village decides on, I recommend restricting

the area to storm drain/outfall purposes and no longer allow public access for construction on shoreline cottages.

- Shopping for new, additional AED to keep in Community Hall, as approved in 2024 budget.

Parks

- Ruggles Park playground. Playground needs more chips – in addition to what we recently put down. The cedar chips used on the playground are made in Canada. Not practical to buy them directly; we must purchase through a 3rd party. Need to fill areas under swings with crusher dust.
- Ruggles Park: Looking into removing rotten stumps at some point in the future.
- Bayview Park and Auditorium Park: We lost some shoreline embankment at the bottom of these parks. Will need to have a soils engineer assess possible stabilization. See Infrastructure Committee report and grant application activities.
- All parks: Park benches need to be repositioned (close to existing locations) because they have settled. May need to fill holes when they are repositioned.

Wharf, floats and Ruggles Park seawall

- Wharf: Still waiting for Prock Marine to schedule routine maintenance.
- Signage: Boat float and fishing signs being worked on.
- Dock Building: Looking tired. Needs scraping and new paint.

Roads

- Sander and plow: Had to replace sander motor (total parts and labor: \$1591.63). Original motor lasted 7 years under harsh conditions. We should plan to replace sander in 3 years. Plow should be replaced sooner.
- General road maintenance: Planned maintenance has been completed
- Property owner complaints about water runoff from village roads: Whenever I have an opportunity, I advise property owners building new structures or doing major remodels to build their foundations higher than the crest of the road grade to avoid flooding. Property owners who ignore this advice then complain that runoff from the road floods their property and they want the village to do something about it.

Miscellaneous

- **Needed electrical work**: Received the following estimates for needed electrical work:
 - Maintenance building: \$1300.61
 - Lab/water shed: \$954.76
 - Community Hall (meeting room, office and hallway): \$1350.08
 - Community Hall (upstairs stage area)-to install proper wiring for fans added by Bayside Arts): \$936.18

Waiting for electrician's insurance information and then will schedule the work.

- Fence around the fire pond: The frost had picked up the concrete posts and the fence was falling over before the tree fell on it. Replacing the fence was on a "10-year plan" that was never funded. A temporary fix is no longer possible. The fence

needs to be replaced as soon as possible for safety reasons. First estimate about \$20,000. I'm looking for another estimate.

- I continue to field calls from private contractors working throughout the Village on current and planned projects in the Village.
- I continue to deal with various villagers with issues they want addressed.
- Cradle Row: Still waiting for Overseers' decision for a plan, money and new signage for planned future Cradle Row/Grove Street use.
 - If Cradle Row will continue to be used for parking, we need to prune trees. A villager recently notified us that a falling tree limb damaged their car when it was parked in Cradle Row.

Village projects/needs on the near and far horizon with budget implications

- **Floats replacement:** It is still time to begin setting aside and saving money to replace the floats; they are starting to show their age.

Utilities

- Usual tasks, including working with DigSafe on construction projects, including State work on Route 1.
- My cell phone: Plumbers have given my cell number to some owners, who call me at night and on weekends. My cell phone is also my personal phone. **If you have my number, do not give it out to anyone. The Village office phone is the right number to use for Village business.**

Submitted by Bill Paige, Village Agent.



Application for Use of Village Property for Construction Activity

FOR ALL WORK SOUGHT TO BE PERFORMED BY STORAGE OR CROSSING OF CONSTRUCTION MATERIALS OR EQUIPMENT UPON VILLAGE PROPERTY, THE HOMEOWNER MUST FIRST GET PERMISSION FROM THE NORTHPORT VILLAGE CORPORATION BOARD OF OVERSEERS FOR SUCH USE.

Homeowners and contractors must complete this application and provide the following:

- A description of the proposed use of Village property, including relevant drawings;
- The timeline for proposed use of Village Property;
- A description of the nature of the burden placed on the Village property; and
- An explanation as to why there is no commercially feasible alternative to the use of Village property.

In addition, the homeowner may be required to post security to restore any damage done to Village property.

No work or storage will be allowed between May 15th and October 20th of each year, regardless of the date the permit is issued. When roads are posted by the town of Northport or the Northport Village Corporation, no work or storage will be permitted.

Kindly complete this application and provide all of the information required in order for your request to be placed on the agenda for the next Overseers meeting. Applicants are strongly advised to meet with the Village Agent prior to submitting an application to discuss the proposed project. Please be aware that failure to have submitted a completed application at least five days in advance of the scheduled Overseers meeting may result in delay in approval. The Overseers typically meet only once per month.

If permission for the use is granted either conditionally or unconditionally, a License and Indemnification Agreement will be prepared by the Village substantially in the form attached to this application and executed by the NVC President. In every instance, the License and Indemnification Agreement shall be provided to the homeowner only after the homeowner has provided the Village with proof that all required permits (e.g., DEP) have been received and proof that the homeowner has insurance coverage as required by the License and Indemnification Agreement.

Application for Use of Village Property for Construction Activity

Paul Dillon, Attorney for James A. Butters,
Owner Name: Trustee of the Butters Bayside Family Camp Owner Phone: (207) 285-7100
Irrevocable Trust, Dated March 29, 2006

Owner Mailing Address: P.O. Box 346, Corinth, ME 04427 Owner Email: dillaw@dillaw.com

Bayside Property Address: 9 North Avenue, Northport, ME 04849

Village Property Impacted: Merrithew Park

Contractor Name: Frederick H Fischer, dba Fischer Properties Contractor Phone: (207) 873-8228

Contractor Address: 315 Main Street, Waterville, ME 04901 Contractor Email: ff48@roadrunner.com

Have you or your contractor met with the Village Agent to discuss the project: Yes No

Provide a brief description of the nature of the proposed use of Village land (description of equipment to be used, type of materials to be stored, duration of storage needs, method of egress to Village land, whether alternatives have been explored, etc.). Attach additional pages as necessary.

Scope of Work: Remove two chimneys from the camp, one located on the West side of the camp and one located at the North end of the camp. Equipment will consist of a mobile man lift, small truck, dump trailer and miscellaneous construction tools. Access via East side of Merrithew Park will be needed between January 14, 2024 and January 31, 2024. Other alternatives have been explored and the only access is from Merrithew Park.

Explain why no commercially feasible alternative to the use of public land exists. Attach additional pages as necessary.

The abutter on the West side of the camp owns up to the drip edge of the Butters camp and will not allow access the West side of the camp to remove the chimney. The chimney on the North end of the camp cannot be removed safely from a ladder or pipe staging. The only way to access both chimneys is with a man lift, and access to use a man lift is needed over Merrithew Park.

Required Submittals Attached:

- Timeline for Proposed Use
- Drawings
- Any Required Permits (e.g., DEP), If Already Received

Northport Village Corporation Use Only:

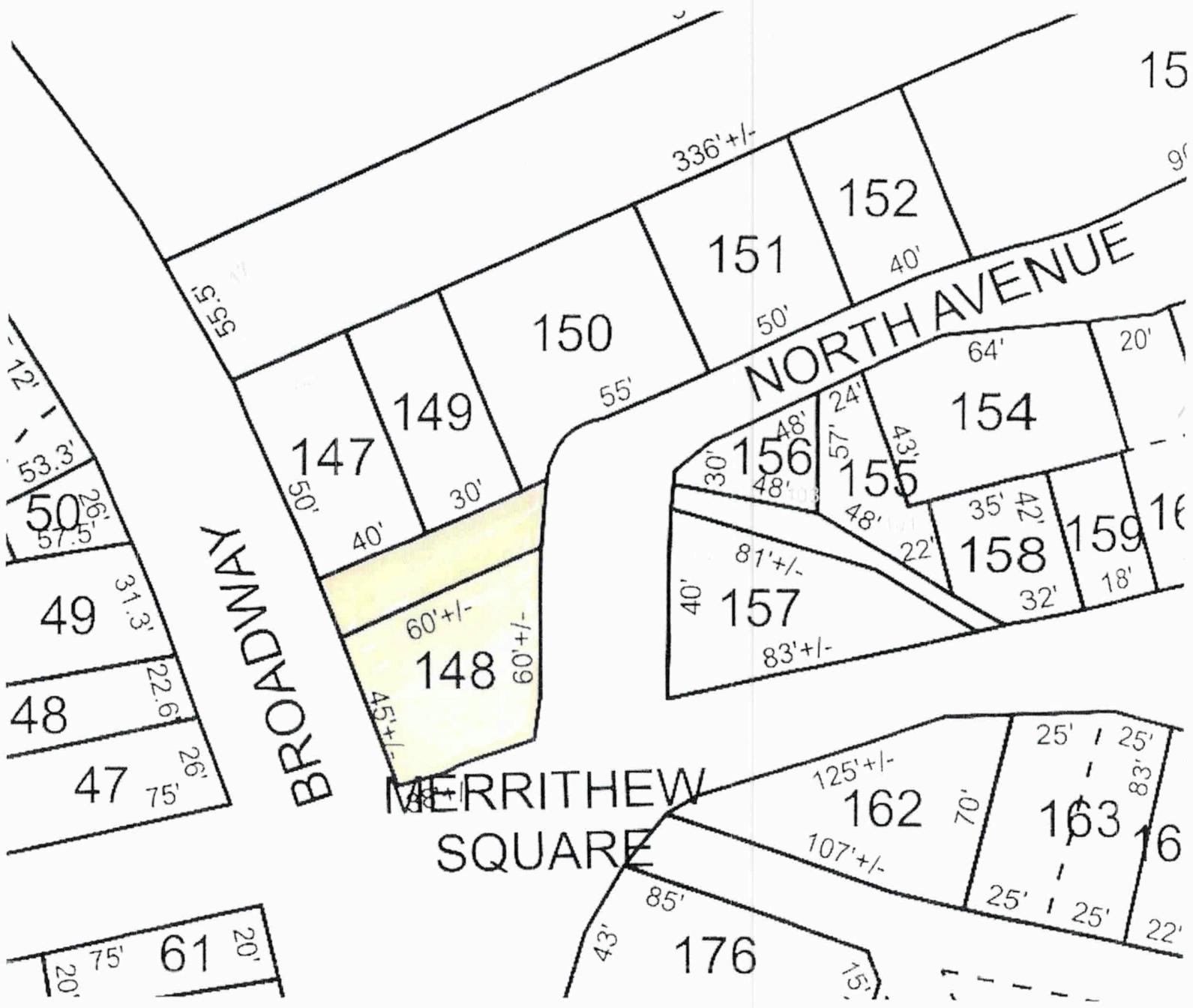
Village Agent: Approved Disapproved Date: 1-9-24 Signed: *William Pappas*

Board of Overseers: Approved Disapproved Date: _____ Signed: _____

Tax Parcel of Homeowner's Property: _____

Conditions of Use to Be Incorporated into License and Indemnification Agreement):

Deficiencies of Application and Conditions to be Satisfied Before License and Indemnification Agreement Is Provided:



BETTERS CAMP DIAGRAM SHOWING AREAS THAT WILL BE ACCESSED BY EQUIPMENT, TOOLS AND WORKERS IN REMOVING TWO CHIMNEYS FROM THE BETTERS CAMP. EQUIPMENT WILL BE MOSTLY ON THE AREA KNOWN AS "WALK M" ON WESHEAD GROVE CAMPIONNA MAP.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

09/29/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Higgins & Bolduc Agency Inc dba HB Insurance P O Box 369 Oakland ME 04963	CONTACT NAME: Matthew Marquis PHONE (A/C, No, Ext): (207) 465-2531 E-MAIL ADDRESS: matt@insurewithhb.com	FAX (A/C, No): (207) 465-2532
	INSURER(S) AFFORDING COVERAGE	
INSURED FISCHER PROPERTIES 315 MAIN ST WATERVILLE ME 04901-4920	INSURER A: Main Street America Group INSURER B: National Grange Mutual Ins Co INSURER C: INSURER D: INSURER E: INSURER F:	NAIC # 29939 14788

COVERAGES

CERTIFICATE NUMBER: CL2392910218

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		MPP6611H	06/25/2023	06/25/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 GDAL \$ 25,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY			B1P6611H	03/21/2023	03/21/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Medical payments \$ 2,000
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Northport Village Corporation is hereby listed as additional insured with respect to the general liability when required by a written contract.

CERTIFICATE HOLDER**CANCELLATION**

Northport Village Corporation 813 Shore Road Northport ME 04849	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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Application for Use of Village Property for Construction Activity

Paul Dillon, Attorney for James A. Butters,

Owner Name: Trustee of the Butters Bayside Family Camp Owner Phone: (207) 285-7100
Irrevocable Trust, Dated March 29, 2006

Owner Mailing Address: P.O. Box 346, Corinth, ME 04427 Owner Email: dillaw@dillaw.com

Bayside Property Address: 9 North Avenue, Northport, ME 04849

Village Property Impacted: Merrithew Square

Contractor Name: Frederick H Fischer, dba Fischer Properties Contractor Phone: (207) 873-8228

Contractor Address: 315 Main Street, Waterville, ME 04901 Contractor Email: ff48@roadrunner.com

Have you or your contractor met with the Village Agent to discuss the project: Yes No

Provide a brief description of the nature of the proposed use of Village land (description of equipment to be used, type of materials to be stored, duration of storage needs, method of egress to Village land, whether alternatives have been explored, etc.). Attach additional pages as necessary.

Scope of Work: Remove two chimneys from the camp, one located on the West side of the camp and one located at the North end of the camp. Equipment will consist of a mobile man lift, small truck, dump trailer and miscellaneous construction tools. Access via West side of Merrithew Square will be needed between January 15, 2024 and May 15, 2024. Other alternatives have been explored and the only access is from Merrithew Square.

Explain why no commercially feasible alternative to the use of public land exists. Attach additional pages as necessary.

The abutter on the West side of the camp owns up to the drip edge of the Butters camp and will not allow access the West side of the camp to remove the chimney. The chimney on the North end of the camp cannot be removed safely from a ladder or pipe staging. The only way to access both chimneys is with a man lift, and access to use a man lift is needed over Merrithew Square.

Required Submittals Attached:

- Timeline for Proposed Use
- Drawings
- Any Required Permits (e.g., DEP), If Already Received

Northport Village Corporation Use Only:

Village Agent: Approved Disapproved Date: _____ Signed: _____

Board of Overseers: Approved Disapproved Date: _____ Signed: _____

Tax Parcel of Homeowner's Property: _____

Conditions of Use to Be Incorporated into License and Indemnification Agreement):

Deficiencies of Application and Conditions to be Satisfied Before License and Indemnification Agreement Is Provided:

James Butters Application for Use of NVC Property for Construction Activity

2 messages

Janae Novotny <president@nvcmaine.org>

Thu, Jan 4, 2024 at 3:24 PM

To: "Paul O. Dillon, Esq" <dillaw@dillaw.com>

Cc: William Paige <bpaige@nvcmaine.org>, NVC Office Manager <officemanager@nvcmaine.org>, NVC Office <office@nvcmaine.org>

Mr. Dillon:

Village Agent Bill Paige and I have reviewed the latest application for access to Merithew Park that you sent on James Butters' behalf. We believe that the following additional information is needed:

- The application requires relevant drawings to illustrate the proposed use of NVC property. In your original application, Mr. Fischer stated that he could not provide drawings initially in part because the extent of the project would not be clear until the work was started. Mr. Fischer's crew has been working on the building now for several days, so he must have a clearer idea of the impact on the park of the work to remove the two chimneys. For example, will you need to move the bench? How much of the park do you anticipate parking/driving on with the listed equipment? Will vehicles be parked overnight in the park? If so, for approximately how long? Please address these issues and provide a simple drawing identifying the impacted areas of the park.
- Also, please clarify your application's statement that you will need access via the west side of the park. The west side of the park is fenced and does not provide vehicle access.
- The scope of work is limited to the removal of two chimneys, yet you propose a 4 month (January 15-May 15) timeline for the proposed use of the park. You might want to address the reason the listed scope of the project may require the requested 4-month time period.

Although not specifically required by the application form, you might consider addressing what park restoration might be needed when the described work is complete.

We will hold a tentative place for your revised application on the agenda for the Overseers' January 14 meeting. Please submit the additional requested information before January 10, and let us know if you have any questions.

Janae Novotny

--

Janae Novotny

President, Northport Village Corporation

Paul Dillon <dillaw@dillaw.com>

Thu, Jan 4, 2024 at 4:55 PM

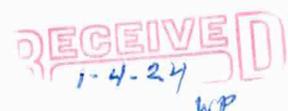
To: Janae Novotny <president@nvcmaine.org>

Cc: William Paige <bpaige@nvcmaine.org>, NVC Office Manager <officemanager@nvcmaine.org>, NVC Office <office@nvcmaine.org>, Rick Fischer <ff48@roadrunner.com>

Ms. Novotny:

Thank you for your thorough response to my application. I will go over these items with Mr. Fischer and get back to you with the information requested. The scope of the work, while meeting the requirements of the Town's Order, has been vastly reduced from the original planned work.

Paul



Paul O. Dillon
Attorney at Law
284 Main Street, Suite 1
P. O. Box 346
Corinth, Maine 04427-0346
V (207) 285-7100
F (207) 285-7419
dillaw@dillaw.com
www.pauldillonlaw.com

Micah 6:8

REQUIRED DISCLOSURE:

United States Treasury Regulations require us to inform you that any tax advice contained in this communication and any attachment or enclosure is not intended or written by us to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties.

DISCLAIMER:

This e-mail and any file or attachment transmitted with it, is only intended for the use of the person and/or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the recipient of this message is not the intended recipient or otherwise responsible for delivering the message to the intended recipient, be notified of any disclosure, distribution or copying of this information is strictly prohibited. If you received this communication in error, destroy all copies of this message, attachments and/or files in your possession, custody or control and any other copies you may have created, and notify the sender at (207) 285-7100 or at the sender's e-mail address listed above.

From: Janae Novotny <president@nvcmaine.org>
Sent: Thursday, January 4, 2024 3:25 PM
To: Paul Dillon <dillaw@dillaw.com>
Cc: William Paige <bpaige@nvcmaine.org>; NVC Office Manager <officemanager@nvcmaine.org>; NVC Office <office@nvcmaine.org>
Subject: James Butters Application for Use of NVC Property for Construction Activity

You don't often get email from president@nvcmaine.org. [Learn why this is important](#)

[Quoted text hidden]

James Butters Application for Use of NVC Property for Construction Activity

1 message

Janae Novotny <president@nvcmaine.org>

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To: "Paul O. Dillon, Esq" <dillaw@dillaw.com>

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Janae Novotny

--

Janae Novotny
President, Northport Village Corporation

RECEIVED
1-4-24
WJ

James Butters Application for Use of NVC Property for Construction Activity

7 messages

Janae Novotny <president@nvcmaine.org>

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Mr. Dillion:

Village Agent Bill Paige and I have reviewed the latest application for access to Merithew Park that you sent on James Butters' behalf. We believe that the following additional information is needed:

- The application requires relevant drawings to illustrate the proposed use of NVC property. In your original application, Mr. Fischer stated that he could not provide drawings initially in part because the extent of the project would not be clear until the work was started. Mr. Fischer's crew has been working on the building now for several days, so he must have a clearer idea of the impact on the park of the work to remove the two chimneys. For example, will you need to move the bench? How much of the park do you anticipate parking/driving on with the listed equipment? Will vehicles be parked overnight in the park? If so, for approximately how long? Please address these issues and provide a simple drawing identifying the impacted areas of the park.
- Also, please clarify your application's statement that you will need access via the west side of the park. The west side of the park is fenced and does not provide vehicle access.
- The scope of work is limited to the removal of two chimneys, yet you propose a 4 month (January 15-May 15) timeline for the proposed use of the park. You might want to address the reason the listed scope of the project may require the requested 4-month time period.

Although not specifically required by the application form, you might consider addressing what park restoration might be needed when the described work is complete.

We will hold a tentative place for your revised application on the agenda for the Overseers' January 14 meeting. Please submit the additional requested information before January 10, and let us know if you have any questions.

Janae Novotny

--

Janae Novotny
President, Northport Village Corporation

Paul Dillon <dillaw@dillaw.com>

Thu, Jan 4, 2024 at 4:55 PM

To: Janae Novotny <president@nvcmaine.org>

Cc: William Paige <bpaige@nvcmaine.org>, NVC Office Manager <officemanager@nvcmaine.org>, NVC Office <office@nvcmaine.org>, Rick Fischer <ff48@roadrunner.com>

Ms. Novotny:

Thank you for your thorough response to my application. I will go over these items with Mr. Fischer and get back to you with the information requested. The scope of the work, while meeting the requirements of the Town's Order, has been vastly reduced from the original planned work.

Paul

Paul O. Dillon
Attorney at Law
284 Main Street, Suite 1
P. O. Box 346
Corinth, Maine 04427-0346
V (207) 285-7100
F (207) 285-7419
dillaw@dillaw.com
www.pauldillonlaw.com

Micah 6:8

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From: Janae Novotny <president@nvcmaine.org>
Sent: Thursday, January 4, 2024 3:25 PM
To: Paul Dillon <dillaw@dillaw.com>
Cc: William Paige <bp Paige@nvcmaine.org>; NVC Office Manager <officemanager@nvcmaine.org>; NVC Office <office@nvcmaine.org>
Subject: James Butters Application for Use of NVC Property for Construction Activity

You don't often get email from president@nvcmaine.org. [Learn why this is important](#)

[Quoted text hidden]

Paul Dillon <dillaw@dillaw.com>
To: Janae Novotny <president@nvcmaine.org>

Mon, Jan 8, 2024 at 2:36 PM

Cc: William Paige <bpaige@nvcmaine.org>, NVC Office Manager <officemanager@nvcmaine.org>, NVC Office <office@nvcmaine.org>, Minnie Waite <mwaite@dillaw.com>, Rick Fischer <ff48@roadrunner.com>

Ms. Novotny:

I am attaching a further revised Application for Use of Village Property for Construction Activity. A major change is made to the dates of the duration of the work time to January 14, 2024 to January 31, 2024. We have been notified by the Code Enforcement Officer that, pending approval, the actual work described will have to begin immediately after your meeting on Sunday, January 14, 2024, in order to get the chimneys down that day and comply with the Town Order. I anticipate having the contractor waiting offsite to move in and getting the work started that morning.

I have also corrected the direction of access to being via the East Side of Merrithew Park.

I am also attaching a diagram showing the property to be accessed and a copy of the Certificate of Insurance for Fischer Properties.

Please review the application and let me know if there are any further questions or requirements.

I am **responding** to your email from last Thursday, January 4, 2024, within your email below.

Paul

Paul O. Dillon

Attorney at Law

284 Main Street, Suite 1

P. O. Box 346

Corinth, Maine 04427-0346

V (207) 285-7100

F (207) 285-7419

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From: Janae Novotny president@nvcmaine.org

Sent: Thursday, January 4, 2024 3:25 PM

To: Paul Dillon dillaw@dillaw.com

Cc: William Paige bpaige@nvcmaine.org; NVC Office Manager officemanager@nvcmaine.org; NVC Office office@nvcmaine.org

Subject: James Butters Application for Use of NVC Property for Construction Activity

You don't often get email from president@nvcmaine.org. [Learn why this is important](#)

Mr. Dillion:

Village Agent Bill Paige and I have reviewed the latest application for access to Merithew Park that you sent on James Butters' behalf. We believe that the following additional information is needed:

- The application requires relevant drawings to illustrate the proposed use of NVC property. In your original application, Mr. Fischer stated that he could not provide drawings initially in part because the extent of the project would not be clear until the work was started. Mr. Fischer's crew has been working on the building now for several days, so he must have a clearer idea of the impact on the park of the work to remove the two chimneys. For example, will you need to move the bench? How much of the park do you anticipate parking/driving on with the listed equipment? Will vehicles be parked overnight in the park? If so, for approximately how long? Please address these issues and provide a simple drawing identifying the impacted areas of the park.
- No park items need to be removed.
- As I understand, there may be a small walkway on the east side of the Butters camp that may be owned by the NVC. Permission is requested to go across this property with equipment, tools, and workers as well.
- We will need to drive on the park land with a man lift and truck with a dump trailer. There may also be some construction items like ladders, hand tools and staging that may be placed on the park ground. In addition, some of the workers will need walking on the park, so permission is requested for them to access the land as well.
- Depending on how the removal of the chimneys progresses, we do not anticipate any equipment being left on the park property overnight as the work should be completed in one working day. However, we can't anticipate any equipment break downs or any additional work needed to be done to the camp when the chimneys are removed. If we run into problems with the removal of the chimneys or if we run into equipment issues, the man lift may be left on the park for a night or two.
- We anticipate parking/driving on the park area from the West side of North Avenue to and including the park land directly in front of the Mooney's camp that abuts the West side of the Butters camp. We

will be accessing the property on the East side of the Butters camp in order to remove the back chimney. In addition to access by the man lift and workers, the trailer may be backed onto that side of the Butters property for easy handling of debris from the removal of the back chimney and the supporting deck.

- I am attaching a one-page drawing as requested by Ms. Novotny.
-
- Also, please clarify your application's statement that you will need access via the west side of the park. The west side of the park is fenced and does not provide vehicle access.

The direction in the application was obviously misstated. Access will be from the West side of North Avenue (the East side of the park) as there are no obstacles preventing access to the park from the East. This has been corrected in the Revised Application submitted today, January 8, 2024.

- The scope of work is limited to the removal of two chimneys, yet you propose a 4 month (January 15-May 15) timeline for the proposed use of the park. You might want to address the reason the listed scope of the project may require the requested 4-month time period.

We listed the time frame to correspond with an anticipation of a positive ruling by the NVC on January 14, 2024, for access to the park, and the NVC published seasonal work dates for maintenance and repairs to properties within the NVC through May 15th. This time frame has been changed to begin on January 14, 2024 (if approval is granted work is to commence immediately after the NVC meeting) and end on January 31, 2024.

Although not specifically required by the application form, you might consider addressing what park restoration might be needed when the described work is complete.

Our original goal was to access the park when the ground is frozen to prevent any damage may be done to park property. Based on the past two public requests that were granted by the NVC to access the park property, we anticipate the NVC will require a deposit to cover any damages that are left unrepaired by the contractor. We will be taking numerous photographs before we begin the demolition, and immediately after completion to identify any possible damage to the park as a result of the demolition. We would also request that once the parties have completed their review, a plan to repair the park be formalized and upon completion by the contractor, the deposit be returned without delay. If no damage is done to the park, this would be noted by the parties and the deposit be returned without delay.

We will hold a tentative place for your revised application on the agenda for the Overseers' January 14 meeting. Please submit the additional requested information before January 10, and let us know if you have any questions.

Thank you, we look forward to your ruling. Mr. Fischer and I intend to be at your meeting on January 14, 2024, to answer any additional questions any of the other overseers may have and to complete any additional requirements.

[Quoted text hidden]

3 attachments

-  **Butters, James - Revised NVC Appl Const Act 1-8-2024.pdf**
33K
-  **Fischer Properties Certificate of Insurance.pdf**
92K
-  **Butters Camp Diagram for 1.14.24 NVC Application.pdf**
376K

Janae Novotny <president@nvcmaine.org>

To: Paul Dillon <dillaw@dillaw.com>

Cc: William Paige <bpaige@nvcmaine.org>, NVC Office Manager <officemanager@nvcmaine.org>, NVC Office <office@nvcmaine.org>, Minnie Waite <mwaite@dillaw.com>, Rick Fischer <ff48@roadrunner.com>

Tue, Jan 9, 2024 at 6:29 PM

Thank you, Mr. Dillon. I will provide the Board with all of this information, including our emails. Please bring to the meeting a limited power of attorney authorizing you to sign the indemnification agreement on James Butters' behalf. The Board of Overseers meeting starts at 9 a.m. in the meeting room downstairs in Community Hall, 813 Shore Road, Northport. The agenda and agenda materials will be posted on the Northport Village Corporation website by the end of the week.

Janae Novotny
[Quoted text hidden]

Office Manager's Report
January 14, 2024
For December 2023

Audit

The month of December has been spent almost exclusively on working on the audit. Purdy Powers sent a portal with a list of 33 subjects. Most of the subjects have significant amounts of documents that were uploaded. There were a couple of subjects that had more than 70 documents each. The actual audit started on Tuesday, January 2nd, 2024. There was a zoom call with the audit team, Wendy, NVC Treasurer and myself. Introductions, instructions and basic expectations were gone over. From there, Tuesday and Wednesday there were many emailed requests of specific documents. A few had to be answered by the Treasurer, but all the others I handled. Another zoom call with the audit team, Wendy and myself occurred on Thursday, Jan 4th in the morning. The audit team related that there were a few more questions but they expected to wrap up information gathering portion of their audit on Friday. Then the process moves to the auditors putting together all the information they have gathered and starting their work. This has been very busy and hectic, but exciting to be moving toward getting this project completed.

We have tentatively engaged Purdy Powers to do the 2022 audit as soon as they can after they finish the 2021 audit. They anticipate sometime in the spring, which is very encouraging. Wilke Assoc. and I will be working hard to prepare 2022 books as soon as we are finished with this audit.

Interest

We have finally completed a full month of our new interest rates at the bank. I have a process in place that involves keeping the bulk of each department's funds in the interest bearing accounts and only moving to the checking account when necessary. I am happy to report the following:

General Acct Interest collected \$803.62 in Dec 2023 as compared to \$116.42 with a very similar balance in Sept. 2023. This will equal to approximately \$9600 for a year as compared to previously around \$1500 for the year.

Sewer Acct Interest collected \$171.44 in Dec 2023 as compared to \$32.23 with a very similar balance in Sept 2023. This will equal to approximately \$2000 for a year as compared to previously around \$400 for the year.

Water Acct Interest collected \$366.81 in Dec 2023 as compared to \$117.72 with a very similar balance in Aug 2023. This will equal to approximately \$4400 for a year as compared to previously around \$1400 for the year.

Wilke & Assoc.

As you are aware, we received a bill in November from Wilke for the work done on the cleanup of the 2021 books to prepare for the audit in the amount of \$12,342. I wanted to report that I received a bill for this warrant from Wilke for bookkeeping services for Aug, Sept and Oct 2023 in the amount of \$2582 in total. I was very pleased with this bill. I am hoping the cleanup for 2022 to prepare for the audit is less than \$12,000., but we finally have light at the end of the tunnel.

Quickbooks/Accounting Software

I have purchased (at Wendy's direction) a separate quickbooks online account for each department (general, water and sewer). This is a regular \$60 per month per department cost (\$720 for each dept for the year). I was able to negotiate a rate for the year of \$485 for each department, saving \$235 for the year for each department. We will have to continue paying for the current quickbooks account, until we have finalized the 2023 audit. Then we will archive the records and stop paying for that one. The cost is \$50 per department per month (\$600 a year per dept)

I had a very nice Christmas and New Year with my family and hope you all did as well. Now its time to dig in and get to work!

Respectfully,



Trish Parker
Office Manager

**SUMMARY OF MATERIAL REVISIONS TO THE
NORTHPORT VILLAGE CORPORATION FIRE ORDINANCE
(Prepared for the March ●, 2024 Public Hearing)**

GOALS FOR REVISION

- Clarification of permits required.
- Clarification of types of fires.
- Clarification of restrictions on fire locations.
- Conformance with other NVC ordinances.

SUMMARY OF MATERIAL PROPOSED CHANGES

The following list of proposed changes to the existing NVC Fire Ordinance is not exhaustive but represents what the Governance Committee deems to be the most material changes to the existing ordinance. This list of changes may exclude changes that a reader might consider material. This list is meant to serve as a companion to the publicly available document that redlines the proposed ordinance against the existing ordinance.

1. Clarification that references to fireplaces are meant to only reference outdoor fireplaces. [Section II.3]
2. Clarification that restrictions on fire pits and outdoor fireplaces exempt those fueled by propane or natural gas. [Section II.3]
3. Clarification that the 75' restriction for fire pit or fireplace use or the burning of vegetation is in relation to structures on adjacent property, not on the firetender's own property. [Sections II.3 and II.9]
4. Elimination of the requirement that fire pits and outdoor fireplaces must have a grate or screen to prevent sparks from escaping in favor of a favor of a general requirement that they must be properly controlled and tended so that sparks and debris cannot escape the immediate area. [Section II.3]
5. Movement of certain provisions previously located under "small recreational campfires" to general provisions that apply to all fires regulated by the ordinance, including not leaving a fire unattended, completely extinguishing a fire when no longer in use, and having suitable extinguishment equipment and a communicating device. [new Sections II.5 and II.6]
6. Clarification of what constitutes a "small recreational campfire" and a "large fire," that both types of fires may only be located in the intertidal zone (which has been defined), and that combustible matter includes materials, structures, vehicles, and watercraft. [Sections II.7 and II.8]
7. Modification of the location restriction on large fires (bonfires) from 75' to 25' from any vegetation or other combustible material, structure, vehicle or watercraft. [Section II.8.b]
8. Updating and incorporation of the "Be Fire Smart" flyer, including clarification of what fires require permits and from whom. [Attachment to Ordinance

FIRE ORDINANCE NORTHPORT VILLAGE CORPORATION

[Citizens' Note: A separate ordinance bans the use of fireworks within the borders of Northport Village.]

Bayside is a densely populated village where the majority of the housing stock is over 100 years old and of wooden construction, thereby posing an inherent danger of fire spreading as a result of any stray spark or flame. Several times in Bayside's history, fires have rapidly spread and devastated clusters of cottages. This reason alone warrants the regulation of any fire pits and open fires. In addition, wood smoke from open fires are irritants to lungs, eyes, and skin and contain carcinogens. Therefore, in accordance with State laws, the Village of Bayside adopts the following ordinance to control and to limit outdoor fires.

Preamble

The State of Maine Laws govern, in part, the imposition of limits and regulations on outdoor burning of all kinds. They also permit governing bodies such as the Village to adopt rules, regulations, and ordinances regarding the same.

I. STATE LAW:

Maine State Law (12 M.R.S. § 9325) provides:

- 1. Permissible open burning with permit.** When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. **A permit is required for:** [emphasis added]
 - A.** Recreational campfires kindled when the ground is not covered by snow;
 - B.** Fires in conjunction with holiday and festive celebrations;
 - C.** Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors;
 - D.** Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management;
 - E.** Out-of-door burning of wood wastes as defined in Section 9324, Subsection 7-A and painted and unpainted wood from construction and demolition debris in the open or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection;
 - F.** Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance;
 - G.** Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development;

- H. Burning for hazard reduction purposes such as, but not limited to, the burning of grass fields;
- I. Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products;
- J. The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities; and
- K. The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, Section 2472.

2. Permissible open burning without permit. When not prohibited by state rule, local ordinance or water utility regulation, the following types of burning are permissible without a permit if no nuisance is created:

- A. Recreational campfires kindled when the ground is covered by snow or on frozen bodies of water;
- B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food; and
- C. Use of outdoor grills and fireplaces for recreational purposes such as preparing food at commercial campgrounds in organized towns as long as the commercial campgrounds are licensed by the health engineering division of the Department of Human Services.

II. LOCAL ORDINANCE

Scope of Ordinance: This Ordinance governs any and all outdoor fires within the geographic limits of the Northport Village Corporation, regardless of whether they occur on private or public property. It is promulgated pursuant to the Charter of the Northport Village Corporation, 1915 P.L. Ch. 136 and the Bylaws of the Village as most recently amended in 2022, and in accordance with the terms and provisions of 12 M.R.S. § 9325, as amended.

1. When a fire requires the issuance of a permit under State Law 12 M.R.S. § 9325(1) and/or approval of the Board of Overseers of the Village under this Ordinance, the applicant must obtain that permit from the Town of Northport or the Maine Forest Service and approval of the Board of Overseers of the Village in accordance with their rules and ordinances. **[Citizens' note: The Board of Overseers generally only meets once per month, so sufficient advanced planning is recommended.]**
2. To the extent that this ordinance prohibits any fire, the fact that the Town has issued a permit shall not be relied on to proceed with a fire. (A State permit is necessary, but not sufficient.)
3. No fire pits or outdoor fireplaces (by these or by any other names) fueled by combustible material other than propane or natural gas are allowed to be used within the geographic limits of the Village except those more than 75 feet from any structure on any adjacent property. All fire pits and fireplaces must be properly controlled and tended to so that sparks and debris do not escape to the immediate area. Definition: a fire pit is an outdoor, permanent or semi-permanent, structure composed of non-combustible materials (metal, stone, terra cotta, etc.) used for containing an open fire, whether or not used for the preparation of food.

4. Outdoor grills used for the preparation of food are permitted, provided that they are properly monitored.
5. Under no circumstances shall a fire be left unattended. When it is no longer in use, the fire shall be completely extinguished.
6. The person tending the fire shall have suitable equipment to extinguish a fire should it spread, become dangerous, or be longer needed and shall have a communicating device capable of contacting emergency services (911).
7. Small recreational campfires
 - a. Small recreational campfires, whether on public or private property, require a State fire permit (see 12 M.R.S. § 9325(2)), but are exempt from requiring an Overseers' approval provided they meet the following terms and conditions: For the purpose of this Ordinance, a small recreational campfire shall be a fire no larger than two feet in diameter with flames that shall at no time extend further than two feet above the ground. Anything larger will be determined to be a large fire, or bonfire, and subject to paragraph II.8.
 - b. A small recreational campfire shall be located only in the intertidal zone and shall be located at least 25 feet away from any upland vegetation or other combustible material, structure, vehicle, or watercraft. The intertidal zone is that portion of the beach between the low and high tide water levels. **[Citizens' note: Two locations that satisfy these requirements at low or mid tide are on the beach in front of lower Bayview Park and on the beach between the wharf and residences on Park Row, again at least 25 feet from any upland vegetation or other combustible material, structure, vehicle, or watercraft.]**
8. Large fires
 - a. Large fires, commonly known as bonfires, may not occur anywhere in the Village, including private property, unless the Board of Overseers has granted permission therefor. Application for such permission must expressly state the proposed date and specific proposed location for the bonfire and the provisions for safety to which the applicant will adhere. Such bonfires also require the issuance of a permit by the Town of Northport or the Maine Forest Service in accordance with 12 M.R.S. § 9325(1).
 - b. A large recreational fire (bonfire) shall be located only in the intertidal zone, and shall be located at least 25 feet away from any upland vegetation or other combustible material, structure, vehicle or watercraft.
9. No outdoor burning of trash, garbage, or other household waste shall be permitted within the geographic limits of the Village. The open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land requires a burning permit issued by the Town and is prohibited within the boundaries of the Village unless the fire is located more than 75 feet from any structure on an adjacent property.
10. It is the responsibility of the property owner that any occupants are aware of this ordinance and that their behavior is in compliance with this ordinance.

11. **Enforcement:** A written violation of this Ordinance may be issued by any Village employee and shall be enforceable by the Overseers.
12. **Penalties:** Persons found to have violated this ordinance, after hearing, are subject to a fine of up to \$1,000 per violation.
13. **Repeal of Prior Ordinances:** Any and all prior ordinances or parts thereof or written policies or procedures heretofore adopted by the Board of Overseers which are in conflict with the provisions of this Ordinance shall be repealed as of the effective date of this Ordinance.
14. **Validity and Severability:** Should any section(s) or provision(s) of this Ordinance be declared by the courts to be invalid or non-enforceable, such decision shall not invalidate any other section or provision of this Ordinance.
15. **Adoption and Effective Date:** This Ordinance shall become effective [Month] [Date], 2024.

Attest: _____

Maureen Einstein, Clerk

Northport Village Corporation

Enacted [Month] [Date], 2024 by vote of Board of Overseers of the Northport Village Corporation.

Adopted August 14, 2007

Amended: June 17, 2018

Amended: [Month]

[Date], 2024

Attachment: "Be Fire Smart" flyer.

Be Fire *Smart!*

Bayside is filled with old, beautiful, wooden houses. We have had devastating fires in the past, and we are always alert to the potential for stray sparks and fires. Wood smoke from a fire without a permit can trigger a “false alarm,” requiring the Fire Department to needlessly mobilize and respond. Every cottage should have a copy of the Northport Village Corporation Fire Ordinance. A copy may also be obtained at the Village Office or at www.nvcmaine.org. Some of these rules are state law; some are just common sense; all of them make for a safer Bayside!

There are basically four types of controlled fires:

Fire Type	Do I need a state permit?	Do I need permission from the NVC Board of Overseers?
1. Large fire (bonfire)	Yes ⁽¹⁾	Yes ⁽²⁾
2. Small recreational campfire	Yes ⁽¹⁾	No, if no more than two feet in diameter and with flames that do not extend more than two feet above the ground. Otherwise, see above for large fire. ⁽²⁾ ⁽³⁾
3. Fire pit or fireplace	No	No, but must be at least 75 feet from any structure on any adjacent property.
4. Grill	No	No, but must be monitored.

(1) State fire permits are available at the Northport Town Hall or the Maine Forest Service.

(2) Large fires and small recreational campfires must be on the Intertidal Zone (that is, between the high and low water marks), at least 25 feet from any upland vegetation or other combustible material, structure, vehicle, or watercraft.

(3) Permit holder is responsible for maintaining the dimensional limitations of the fire at all times

Remember: NEVER leave your fires unattended. When done, extinguish your fire completely. Always keep a cell phone and fire extinguishing equipment at hand.

Violating our Fire Ordinance can result in fines of up to \$1,000.

Questions? Stop by the Northport Village Corporation office!

~~ADOPTED AS AMENDED: 6/17/2018~~

FIRE ORDINANCE NORTHPORT VILLAGE CORPORATION

[Citizens' Note: A separate ordinance bans the use of fireworks within the borders of Northport Village.]

Bayside is a densely populated village where the majority of the housing stock is over 100 years old, and of wooden, ~~balloon~~ construction, thereby posing an inherent danger of fire spreading as a result of any stray spark or flame. Several times in Bayside's history, fires have rapidly spread and devastated clusters of cottages. This reason alone warrants the ~~prohibition~~ regulation of any fire pits and open fires. In addition, wood smoke ~~and fly ash~~ from open fires are irritants to lungs, eyes, and skin; and ~~a proven carcinogen~~ contain carcinogens. Therefore, in accordance with State laws, the Village of Bayside adopts the following ordinance to control and to limit ~~the kindling of~~ outdoor fires.

Preamble

The State of Maine Laws govern, in part, the imposition of limits and regulations on outdoor burning of all kinds. ~~It~~ They also ~~permits~~ permit governing bodies such as the Village to adopt rules, regulations, and ordinances regarding the same.

I. STATE LAW:

Maine State Law (12 M.R.S. § 9325) provides:

1. **Permissible open burning with permit.** When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. **A permit is required for-:** [emphasis added]
 - A. Recreational campfires kindled when the ground is not covered by snow;
 - B. Fires in conjunction with holiday and festive celebrations;
 - C. Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors;
 - D. Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management;
 - E. Out-of-door burning of wood wastes as defined in Section 9324, Subsection 7-A and painted and unpainted wood from construction and demolition debris in the open or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection;
 - F. Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance;
 - G. Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the

erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development;

- H. Burning for hazard reduction purposes such as, but not limited to, the burning of grass fields;
- I. Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products;
- J. The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities; and
- K. The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, Section 2472.

2. **Permissible open burning without permit.** When not prohibited by state rule, local ordinance or water utility regulation, the following types of burning are permissible without a permit if no nuisance is created:

- A. Recreational campfires kindled when the ground is covered by snow or on frozen bodies of water;
- B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food; and
- C. Use of outdoor grills and fireplaces for recreational purposes such as preparing food at commercial campgrounds in organized towns as long as the commercial campgrounds are licensed by the health engineering division of the Department of Human Services.

II. LOCAL ORDINANCE

Scope of Ordinance: This Ordinance governs any and all outdoor fires within the geographic limits of the Northport Village Corporation, regardless of whether they occur on private or public property. It is promulgated pursuant to ~~The~~ Charter of the Northport -Village Corporation, 1915 P.L. ~~ch~~Ch. 136 and the ~~By-Laws~~Bylaws of the Village as most recently ~~promulgated~~~~amended~~ in ~~2017~~2022, and in accordance with the terms and provisions of 12 M.R.S.~~A.~~§ 9325, as amended.

1. When a fire requires the issuance of a permit under State Law 12 M.R.S. § 9325(1~~);~~) and/or approval of the Board of Overseers of the Village under this Ordinance, the applicant must obtain that permit from the Town of Northport or the Maine Forest Service and approval of the Board of Overseers of the Village in accordance with ~~its~~their rules and ordinances ~~and then the applicant must apply for permission from the.~~ [Citizens' note: The Board of Overseers of the Village in accordance with this ordinance. generally only meets once per month, so sufficient advanced planning is recommended.]
2. To the extent that this ordinance prohibits any fire, the fact that the Town has issued a permit shall not be relied on to proceed with a fire. (A State permit is necessary, but not sufficient.)
3. No fire pits, ~~fire places~~ or outdoor fireplaces (by these or by any other names) fueled by combustible material other than propane or natural gas are allowed to be used ~~anywhere~~ within the geographic limits of the Village except those more than 75 feet from any ~~abutting~~ structure or dwelling on any adjacent property. All fire pits and fireplaces must have a grate or screen covering the fire at all times so as to be properly controlled and tended to ~~prevent~~so that sparks and debris ~~escaping do not escape to the pit~~immediate area. Definition: a fire pit is an outdoor, permanent or semi-permanent, structure composed of non-combustible materials (metal, stone,

terra cotta, ~~and etc.~~) used for containing an open fire, whether or not used for the preparation of food.

4. Outdoor grills used for the preparation of food are permitted, provided that they are properly monitored. ~~{Citizens note: Any "home built" grill will be considered a fire pit}~~

- ~~5. Large fires commonly known as Bonfires may not occur anywhere in the Village, including private property, unless the Board of Overseers has granted permission therefor. Application for such permission must expressly state the proposed date and specific proposed location for the Bonfire and the provisions for safety which the applicant will adhere to. Such Bonfires also require the issuance of a permit by the Town of Northport in accordance with 12 M.R.S. § 9325(1)~~
- ~~6. Small Campfires or recreational fires, whether on any public or private property, require a State fire permit (see 12 M.R.S. § 9325(2)), but are exempt from requiring an Overseer's approval provided they meet the following terms and conditions: Definition: a campfire shall be no larger than two feet in diameter, and the flames shall at no time extend to no further than two feet above the ground. Anything larger will be determined to be a bonfire.~~
- a.5. Under no circumstances shall a fire be left unattended. When it is no longer in use, the fire shall be completely ~~and thoroughly~~ extinguished.
- ~~6. The campfire person tending the fire shall have suitable equipment to extinguish a fire should it spread, become dangerous, or be longer needed and shall have a communicating device capable of contacting emergency services (911).~~
7. Small recreational fire shall campfires
 - a. Small recreational campfires, whether on public or private property, require a State fire permit (see 12 M.R.S. § 9325(2)), but are exempt from requiring an Overseers' approval provided they meet the following terms and conditions: For the purpose of this Ordinance, a small recreational campfire shall be a fire no larger than two feet in diameter with flames that shall at no time extend further than two feet above the ground. Anything larger will be determined to be a large fire, or bonfire, and subject to paragraph II.8.
 - b. A small recreational campfire shall be located only in the intertidal zone and shall be located at least ~~twenty-five~~25 feet away from any upland vegetation or other combustible ~~matter.~~material, structure, vehicle, or watercraft. The intertidal zone is that portion of the beach between the low and high tide water levels. **[Citizens' note: Two locations that satisfy these requirements at low or mid tide are on the beach in front of lower Bayview Park and on the beach between the wharf and residences on Park Row, again at least 25 feet from any upland vegetation or other combustible ~~matter.~~material, structure, vehicle, or watercraft.]**
8. Large firesIn addition
 - a. Large fires, commonly known as bonfires, may not occur anywhere in the Village, including private property, unless the Board of Overseers has granted permission therefor. Application for such permission must expressly state the proposed date and specific proposed location for the bonfire and the provisions for safety to ~~being~~which the applicant will adhere. Such bonfires also require the issuance of a permit by the Town of Northport or the Maine Forest Service in accordance with 12 M.R.S. § 9325(1).
 - ~~e.~~b. A large recreational fire (bonfire) shall be located only in the intertidal zone, ~~the campfire or recreational fire and~~ shall be located at least ~~seventy-five~~25 feet away from any ~~dwelling, boat~~upland vegetation or other combustible material, structure. ~~Citizens'~~

~~note: The wharf measures seventy-five (75) feet from the causeway end to the deep water end, vehicle or watercraft.~~

~~d. The person tending the fire shall have suitable equipment to extinguish a fire should it spread, become dangerous, or is no longer needed; and shall have a communicating device capable of contacting emergency services (911).~~

~~7.9.~~ No outdoor burning of trash, garbage, or other household waste, shall be permitted within the geographic limits of the Village. The open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land requires a burning permit issued by the Town and is prohibited within the boundaries of the Village unless the fire is located more than 75 feet from ~~an abutting any structure on an adjacent~~ property.

~~8.10.~~ It is the responsibility of the property owner that any occupants are aware of this ordinance and that their behavior is in compliance with this ordinance.

11. Enforcement: A written violation of this Ordinance may be issued by any Village employee and shall be enforceable by the Overseers.

9.12. Penalties: Persons found to have violated this ordinance, after hearing, are subject to a fine of up to \$1,000 per violation.

13. Repeal of Prior Ordinances: Any and all prior ordinances or parts thereof or written policies or procedures heretofore adopted by the Board of Overseers which are in conflict with the provisions of this Ordinance shall be repealed as of the effective date of this Ordinance.

14. Validity and Severability: Should any section(s) or provision(s) of this Ordinance be declared by the courts to be invalid or non-enforceable, such decision shall not invalidate any other section or provision of this Ordinance.

15. Adoption and Effective Date: This Ordinance shall become effective [Month] [Date], 2024.

Attest: _____

Maureen Einstein, Clerk

Northport Village Corporation

Enacted [Month] [Date], 2024 by vote of Board of Overseers of the Northport Village Corporation.

Adopted August 14, 2007

Amended: June 17, 2018;

Amended: [Month]

[Date], 2024

Attachment: "Be Fire Smart" flyer.

Be Fire Smart!

Bayside is filled with old, beautiful, wooden houses. We have had devastating fires in the past, and we are always alert to the potential for stray sparks and fires. Wood smoke from a fire without a permit can trigger a “false alarm,” requiring the Fire Department to needlessly mobilize and respond. Every cottage should have a copy of the Northport Village Corporation Fire Ordinance. A copy may also be obtained at the Village Office or at www.nvcmaine.org. Some of these rules are state law; some are just common sense; all of them make for a safer Bayside!

There are basically four types of controlled fires:

<u>Fire Type</u>	<u>Do I need a state permit?</u>	<u>Do I need permission from the NVC Board of Overseers?</u>
<u>1. Large fire (bonfire)</u>	<u>Yes ⁽¹⁾</u>	<u>Yes ⁽²⁾</u>
<u>2. Small recreational campfire</u>	<u>Yes ⁽¹⁾</u>	<u>No, if no more than two feet in diameter and with flames that do not extend more than two feet above the ground. Otherwise, see above for large fire. ⁽²⁾ ⁽³⁾</u>
<u>3. Fire pit or fireplace</u>	<u>No</u>	<u>No, but must be at least 75 feet from any structure on any adjacent property.</u>
<u>4. Grill</u>	<u>No</u>	<u>No, but must be monitored.</u>

(1) State fire permits are available at the Northport Town Hall or the Maine Forest Service.

(2) Large fires and small recreational campfires must be on the Intertidal Zone (that is, between the high and low water marks), at least 25 feet from any upland vegetation or other combustible material, structure, vehicle, or watercraft.

(3) Permit holder is responsible for maintaining the dimensional limitations of the fire at all times

Remember: NEVER leave your fires unattended. When done, extinguish your fire completely. Always keep a cell phone and fire extinguishing equipment at hand.

Violating our Fire Ordinance can result in fines of up to \$1,000.

Questions? Stop by the Northport Village Corporation office!

~~ADOPTED AS AMENDED: ●/●/2023~~

FIRE ORDINANCE NORTHPORT VILLAGE CORPORATION

[Citizens' Note: A separate ordinance bans the use of fireworks within the borders of Northport Village.]

Bayside is a densely populated village where the majority of the housing stock is over 100 years old and of wooden construction, thereby posing an inherent danger of fire spreading as a result of any stray spark or flame. Several times in Bayside's history, fires have rapidly spread and devastated clusters of cottages. This reason alone warrants the regulation of any fire pits and open fires. In addition, wood smoke from open fires are irritants to lungs, eyes, and skin and contain carcinogens. Therefore, in accordance with State laws, the Village of Bayside adopts the following ordinance to control and to limit outdoor fires.

Preamble

The State of Maine Laws govern, in part, the imposition of limits and regulations on outdoor burning of all kinds. They also permit governing bodies such as the Village to adopt rules, regulations, and ordinances regarding the same.

I. STATE LAW:

Maine State Law (12 M.R.S. § 9325) provides:

- 1. Permissible open burning with permit.** When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. **A permit is required for:** [emphasis added]
 - A. Recreational campfires kindled when the ground is not covered by snow;
 - B. Fires in conjunction with holiday and festive celebrations;
 - C. Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors;
 - D. Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management;
 - E. Out-of-door burning of wood wastes as defined in Section 9324, Subsection 7-A and painted and unpainted wood from construction and demolition debris in the open or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection;
 - F. Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance;
 - G. Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad,

power line, communication line, pipeline, building or development;

- H. Burning for hazard reduction purposes such as, but not limited to, the burning of grass fields;
- I. Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products;
- J. The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities; and
- K. The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, Section 2472.

2. **Permissible open burning without permit.** When not prohibited by state rule, local ordinance or water utility regulation, the following types of burning are permissible without a permit if no nuisance is created:

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1. When a fire requires the issuance of a permit under State Law 12 M.R.S. § 9325(1) and/or approval of the Board of Overseers of the Village under this Ordinance, the applicant must obtain that permit from the Town of Northport or the Maine Forest Service and approval of the Board of Overseers of the Village in accordance with their rules and ordinances. **[Citizens' note: The Board of Overseers generally only meets once per month, so sufficient advanced planning is recommended.]**
2. To the extent that this ordinance prohibits any fire, the fact that the Town has issued a permit shall not be relied on to proceed with a fire. (A State permit is necessary, but not sufficient.)
3. No fire pits or outdoor fireplaces (by these or by any other names) fueled by combustible material other than propane or natural gas are allowed to be used within the geographic limits of the Village except those more than 75 feet from any structure on any adjacent property. All fire pits and fireplaces must be properly controlled and tended to so that sparks and debris do not escape to the immediate area. Definition: a fire pit is an outdoor, permanent or semi-permanent, structure composed of non-combustible materials (metal, stone, terra cotta, etc.) used for containing an open fire, whether or not used for the preparation of food.

4. Outdoor grills used for the preparation of food are permitted, provided that they are properly monitored.
5. Under no circumstances shall a fire be left unattended. When it is no longer in use, the fire shall be completely extinguished.
6. The person tending the fire shall have suitable equipment to extinguish a fire should it spread, become dangerous, or be longer needed and shall have a communicating device capable of contacting emergency services (911).
7. Small recreational campfires
 - a. Small recreational campfires, whether on public or private property, require a State fire permit (see 12 M.R.S. § 9325(2)), but are exempt from requiring an Overseers' approval provided they meet the following terms and conditions: For the purpose of this Ordinance, a small recreational campfire shall be a fire no larger than two feet in diameter with flames that shall at no time extend further than two feet above the ground. Anything larger will be determined to be a large fire, or bonfire, and subject to paragraph II.8.
 - b. A small recreational campfire shall be located only in the intertidal zone and shall be located at least 25 feet away from any upland vegetation or other combustible material, structure, vehicle, or watercraft. The intertidal zone is that portion of the beach between the low and high tide water levels. **[Citizens' note: Two locations that satisfy these requirements at low or mid tide are on the beach in front of lower Bayview Park and on the beach between the wharf and residences on Park Row, again at least 25 feet from any upland vegetation or other combustible material, structure, vehicle, or watercraft.]**
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Attest:

Maureen Einstein, Clerk

Northport Village Corporation

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Adopted August 14, 2007

Amended: June 17, 2018

Amended:

~~●●~~/2023[Month] [Date],

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