

**Town of North Yarmouth
Select Board
Meeting Minutes February 20, 2024, 6:30 PM**

Select Board Members

Amy Haile, Chairperson
Karl Cyr, Board Member

Andrea Berry, Vice Chairperson
Paul Hodgetts, Board Member

Katherine Maloney, Board Member

1. Call to Order (16:30 – 17:00)

Pledge of Allegiance. Amy Haile, Chairperson, Andrea Berry, Vice Chairperson, Katherine Maloney, Board Member, Karl Cyr, Board Member, Paul Hodgetts, Board Member, Diane Barnes, Town Manager in attendance.

2. Presentations (17:00 – 52:00 Audio for presentation cut out from 19:00 – 24:20; video includes powerpoint slides, commentary below)

A. FY 23 Audit Presentation

Ron Smith, CPA, from RHR Smith & Company, presented the audit and financial statements. This company audits two-thirds of the schools and municipalities in the State of Maine. A copy of the Town of North Yarmouth fiscal year 2023 Audit Report is available at the website, <https://www.northyarmouth.org/select-board/pages/audits-reports>. A copy of the presentation slideshow is attached.

Responsibilities and Deliverables:

- An annual independent audit of financial statements is required by law.
- The objective is to express an opinion on whether the financial statements are fairly represented in all material respects, in accordance with generally accepted accounting standards (GAAS).
- The audit tests samples of the data presented. They checked a lot of items this year, and worked with the Town Manager to clean up and make sure the books were up to date. Three accountants were supplied to finish the audit through some Town turnover.
- The Town of North Yarmouth continues to make improvements to make sure they're following best accounting practices.
- Confidently stated that the books are fairly presented. The financial statements are free from material misstatement and the information therein can be relied upon and read clearly, so the Town of North Yarmouth received the highest opinion, that of unmodified.

Budget Highlights:

- The general fund expenditure budget increased to reflect the utilization of committed and unassigned fund balance.
- General fund actual revenues were more than budgeted amounts by \$231,387.
- General fund expenditures were under budgeted amounts by \$382,019.
- All expenditures were within budget with the exception of municipal administration and solid waste and recycling.
- General fund balance went up roughly \$600,000 over FY 22.
- Most of the budget expenditure amount was due to an underspent overlay increase.

Statement C, Balance Sheet:

- Beginning FY 23 with about a million on hand caused some tough financial moments. Having 60-90 days of the operating budget on hand is advisable.
- Based on a \$14,000,000 budget for the Town of North Yarmouth, 60 days is \$2,300,000. With the overlay and increased revenues collected for the year, the end of FY 23 cash and cash equivalents are just shy of that 60-day mark. The unassigned fund balance equals 1.8 million. This puts the Town in a good position in the event of a storm, where funds are slow to come in for disaster relief. This amount is still comparatively low.

- Many other municipalities are at the 90-day mark in unassigned with adequate reserves set aside for town projects.
- The Town should be proud of today's financial position.

Schedule A, Budgetary Comparison Revenues:

- Excise Tax, State Revenue Sharing, and Property tax collections were all higher than expected for the year.
- Community Center fees were lower than expected, but on the road to recovery.
- Interest income was not in the original budget but will be moving forward.

Schedule B, Budgetary Comparison Operation Expenditures:

- Administration was 48,000 over budget for contracts and professional services.
- Solid Waste and Recycling was also 48,000 over budget.
- These were known overages.
- Most other departments were below budget, more than making up for the overages.
- Overall budget expenditures without overlay finished \$120,000 less than expected.
- Overlay use for abatements was under budget by another 265,000.

Auditor's Communications:

- No material misstatements.
- No disagreements with management. Good working relationship.
- Nice to see progress made in the Town of North Yarmouth.
- Towns are scheduling pre-audits. COVID relief funds have dried up and people are looking to plan for normality.
- The state should be receiving \$2.5 billion in infrastructure funding to be spent over the next 3 years from the Build Back Better plan. Municipalities may be able to apply for infrastructure grant funding from this source soon. <https://www.maine.gov/bil/about>
- The audit ensured that best practice issues were addressed, including bank and general fund reconciliations, and internal controls.
- The Town is moving into FY 24 and the future with the books in the best shape they've been in during his watch.

Takeaways:

- The Town's unassigned fund balance is currently at a level to sustain government operations for a period of approximately two months.
- FY 23 Unassigned FB \$1,874,208, an increase of \$784,621.
- FY 23 GF Cash on hand \$2,129,276, an increase of \$405,882.
- FY 21-22 fund balance was not fully liquid; by the end of FY 23 the unassigned fund balance was roughly 60-days' worth of operations fully liquid.
- Good news and continued progress. When the audit presents a confirmation of what has already been presented by management, that's a successful audit.

Select Board questions:

Karl Cyr: What does overlay really mean in plain English?

A: Ron Smith stated that there is a statute that clearly defines the process and math of the overlay and what it can be used for, and he will forward that to Diane. An overlay is a process that allows the Town to make adjustments for assessing errors or revaluations. Diane Barnes stated that the Town has a warrant article that allows tax abatements to be charged to overlay each year. The tax commitment may not be the ending amount raised due to corrections and abatements each year and the overlay allows the flexibility to make those corrections without going over budget.

Andrea Berry: It's exciting and impressive to see the Town with 60 days operations in unassigned fund balance, thank you Diane, but 90 days is optimal and the next step to prepare for. As we go into budget season, are there places that require specific attention to address this in the budget?

A: Two options. North Yarmouth is growing and the TIF creates many opportunities and vehicles to take advantage of. Capital Projects is also an area the Town is light on. The infrastructure money available through the state is a once in a lifetime opportunity that the Town can utilize. The state is still waiting on the committed ARPA funds to be spent before making this next round of funding available to municipalities.

Amy Haile: What types of projects can that include?

A: Roads, bridges, water and waste water, broadband, public safety protocol, communications, anything that will help the strain on the infrastructure in the event of another emergency. Now is the time to evaluating the town's assets in that regard.

Diane Barnes: No questions. Thank you to Ron and staff for the work they've done to bring North Yarmouth to its current position. She agreed that the Town is in a good position to move forward and will be even better in FY 24.

Amy Haile: We've come a long way and that's great. Thanks to Diane for all the work she put in; it's her strength and she does it well. Excited to see all the changes being made.

3. Appointments (52:00 – 54:00)

A. Planning Board Alternate Resignation-Alexander Urquhart

Discussion: Alex has moved to Portland as he had mentioned would be happening.

Motion to accept the resignation of Alexander Urquhart.

Motion by Amy Haile. Seconded by Katherine Maloney. Motion passed 5-0.

B. Local Health Officer-Gregory Payson-3-yr. term ending 6/30/2026

Discussion: None

Motion to appoint Gregory Payson as the Local Health Officer with a 3-yr. term ending 6/30/2026.

Motion by Amy Haile. Seconded by Karl Cyr. Motion passed 5-0.

4. Announcements (54:00 – 55:05)

Amy Haile: It's playoff season for Greeley High School, and there is a lot to be proud of.

- Greeley Boys Indoor Track Team – State Champions.
- Greeley Girls Nordic Skiing Team - State Champions
- Greeley Girls Indoor Track Team – Runners-up
- Greeley Boys Basketball Team – Made it to the Class A playoffs but lost in the quarterfinal.
- Greeley Girls Basketball Team – 6th-ranked seed upset the 3rd-ranked seed, to play again in the semi-final on 2/21.
- Greeley Drama will be staging Footloose, and tickets will be on sale in the next few weeks.

5. Public Comment – Non-agenda Items (55:05 – 1:05:15)

Please state name and address and keep comments to 3 minutes.

Nelson Smith, 364 Ledge Rd –

Concerned with the Royal River Dam developments in Yarmouth. There is no definitive answer as to how much the water supply will drop. Remembers from time of being active in the fire department that the river as a strong water supply factors into rating and manpower and possibly insurance rates for residents along Route 9. The Town needs to get involved in the discussion. Once a decision is made it will be almost impossible to change. This won't affect Yarmouth as they are mostly on a hydrant system, but North Yarmouth, Gray and New Gloucester will be affected. He would like to know if we are for or against this and will we be working with the other towns on this. The video conference will make it hard for locals to have much impact.

Discussion: Paul Hodgetts asked if this could be added to the agenda as a discussion. Amy Haile said she would like to bring someone in to discuss the proposal, the timeline and different impacts to consider, but yes, it could be added to an agenda. Andrea Berry and Karl Cyr will be talking to Alan Stearns from Royal

River to gather more information. Paul Hodgetts said that the Royal River Trust had confirmed it would be anywhere from a three to five foot drop over a year ago. Andrea Berry stated she would be meeting with Yarmouth Councilor Karin Orenstein who is working on this to find out more about the Yarmouth side of the project. As a council, we should be putting together a list of questions to start the conversation. What are the environmental, recreational, fire safety and infrastructure impacts that need to be pulled together into a proposal? Amy Haile stated that it would be good to collaborate with other towns like Pownal and at GPCOG meetings who may have similar concerns.

Nelson Smith came back to the podium to add that there are ISO people involved who were active in the Fire Chief's Association. It's a several year process. It's a very serious thing when you try to put a fire hose in the river in an emergency and get mud. Winslow is an example of large-scale effects on fire protection.

Paul Whitmarsh, 110 Wild Turkey Lane –

With Alex moving and having to resign from the Planning Board and us having a regular Planning Board member vacancy for about the last about five 5½ months. It's pertinent to bring this up again. About six months ago I had emailed the Select Board addressing asking them to look at bringing code of conduct charges against the Planning Board member when they take a legal vote. The response That I received was that they were going take some time to reflect on this and get feedback before determining a response and it's been six months and no response. It makes one wonder too now that we will have two vacancies and not having this response puts a bit of a chill on people wanting to serve on the Planning Board. I do know that the latest member of the PB actually originally wanted to serve on the EDSC and was convinced to serve on the PB instead. So, I Just would like to see that addressed at some point.

6. New Business (1:05:15 – 1:27:50)

A. Well and Good Brewing Company, LLC-New Liquor License

Discussion: Andrea Berry asked if there was any other information they should be aware of. Diane Barnes stated that the project had gone through the planning board process and that granting the license was all that was in front of the board for approval, nothing else pertaining to the business. Paul Whitmarsh, 110 Wild Turkey Lane, asked if this needed to go through a public hearing as there was some discussion surrounding this with the Trudy Bird project last year. Diane Barnes stated public hearing isn't required, but the law states that one may be held. Andrea Berry stated that it had gone through the planning board and the public would have already had the opportunity to comment.

Motion to grant a liquor license to the Well and Good Brewing Company, LLC.

Motion by Amy Haile. Seconded by Katherine Maloney. Motion passed 4-1 abstained, Karl Cyr due to a conflict of interest.

B. Well and Good Brewing Company, LLC-Holding Tank Installation Application/Agreement (HHE-233)

Diane Barnes stated that as part of the Application/Agreement for Holding Tank Installation, the Municipal Officers must sign a "Municipal Officers Statement."

- We have reviewed the information submitted in support of this application.
- We find that the installation of the holding tank will not violate any local ordinances.
- We will authorize the LPI to enforce the requirement of this agreement, the Subsurface Wastewater Disposal Rules and any local ordinances, including record-keeping and required pumping.
- Recommend that the LPI issue the necessary permits for the installation of the holding tank.

The project has been reviewed and approved by the Planning Board and the Code Enforcement office. The signatures required are primarily an administrative task. She included the signed site plan approval letter from the Planning Board and all other pertinent documents. The system has been adequately designed by Mark Cenci and does not violate any local ordinances and will meet its intended use application.

Discussion: Paul Hodgetts asked about the routine pumping procedures. Byron Kern of Well and Good Brewing Company, LLC, (13 Smithwood Dr.) stated that the pumping company has inspected and signed

off, as well as code enforcement and wastewater design Mark Cenci, and this is the last step of the approval process. There is an alarm on the tank, so the pumping company will be called to take care of this when it goes off until he can work out a schedule. Operations will be ironed out as the business gets up and running, but he expects this will happen every one to two weeks. It will be pumped regularly, and the ideal time frame will become clear after they are up and running. The planning board also discussed the time frame and maintenance.

Motion to approve and sign the Municipal Officers Statement included in the HHE-233 Application/Agreement for Holding Tank Installation for Well and Good Brewing Company, LLC.

Motion by Amy Haile. Seconded by Andrea Berry. Motion passed 4-1 abstained, Karl Cyr due to a conflict of interest.

C. Shellfish Commission Update

Leonard Kaminow, 95 Farms Edge Road, Current Chairman of the Shellfish Commission – There are vacancies on the board, and it is a joint commission between Yarmouth and North Yarmouth, 3 members for each town. They are charged with trying to make the clam flats as productive as possible, the clam survey, and creating educational programs. There are 5 licenses currently available for commercial diggers held by the same companies for a long time, but there are a lot of closures in the area. There are also residential licenses available at \$25 a year, but only 3 were used in North Yarmouth in 2023. The state survey does sampling for pollution in the area, and when they find pollutants it's usually septic runoff, but sometimes is due to dogs or waterfowl. If two polluted samples are found in the same area, an assessment is done on the neighboring septic system.

Paul Hodgetts asked if the Yarmouth flats are only available to Yarmouth and North Yarmouth residents. The state mandates that 10% of the commercial licenses have to be given outside of the community, so currently one of the commercial licenses is held by a company from Scarborough. There are people waiting for commercial licenses to harvest green crabs.

Amy Haile asked if there is a limit to recreational licenses in the area and stated that there is a lot to be learned by being a part of the commission. It might be a draw for people who are active environmentalists. There is no limit to recreational licenses.

Katherine Maloney asked about the time commitment. Meetings are an hour and a half per month for ten months on Tuesdays at 6:30. Members are encouraged to go on the surveys.

Andrea Berry said that maybe they should advertise the citizen science portion of the commission.

7. Old Business (1:27:50 – 1:59:00)

A. LUO-Advanced Wastewater Treatment Systems

Diane Barnes stated that nothing changed from the last meeting discussion. She did include a table that will need to be included, if it is put on the warrant articles for Town Meeting. The proposed new Land Use Ordinance "Advanced Wastewater Treatment Systems" has been through a public hearing with the Planning Board. The Planning Board has submitted the proposed ordinance for approval of the Select Board to be included in the Annual Town Meeting Warrant in June.

If the Select Board approves adding this section to the Land Use Ordinance, then the Town Manager will ask legal to draft the warrant article.

Paul Hodgetts asked whether the table was new. Paul Whitmarsh, 110 Wild Turkey Lane, from the Planning Board stated that the table that the Town Manager added to the packet is the table from the Land Use Ordinance that includes the footnote that was in question at the last meeting. They just hadn't included the complete table when originally presented and it needed to be clarified.

Motion to approve including the Advanced Wastewater Treatment Systems ordinance on the Annual Town Meeting Warrant in June 2024.

Motion by Amy Haile. Seconded by Andrea Berry. Motion passed 5-0.

B. Committee Forum Proposed Date – 6/1/2024

This is a forum for the committees and community to come together and select board goals. This will be open to the public and recorded and an open community meeting. Structure for the meeting may make it hard to be captured in a recording. The Community Center is available June 1st at 10:00 am. General consensus to schedule the meeting for June 1st from 10:00 am to noon.

C. LUO Audit Meeting with Planner Proposed Date - 3/12/2024

This will be a conversation with North Star to present audit pieces to help find parts of the land use ordinance that could be edited for better use. The time available is before the Planning Board meeting on 3/12/2024 at 5:30 pm. Katherine Maloney won't be able to make it, but there was a consensus on meeting time from the rest of the board members.

D. Senior Tax Program

Katherine Maloney and Diane Barnes are continuing to do the research necessary to put together some options for changes to the program. Research is being done on benefit base (tax bill) in comparison to income as well as options for offering proportional benefits on a sliding income scale. The state has specific regulations regarding the way the income bands can be set up.

Mike Mallory, 551 Walnut Hill Rd, stated that Scarborough has a online form that people fill in with their age, income level, and tax bill amount and it generates the benefit. We should be raising the income threshold. Scarborough's age threshold is 62 and different towns have different age restrictions.

Amy Haile stated that the Town will take Maine law into consideration as changes are made to the program. Katherine Maloney stated that digging into the numbers has made it clear that the social security income is not giving enough of the story when compared to tax bills.

E. Discuss Reflections from Charter Commission Forum

This was an opportunity to discuss Don Gerrish's 1/30/2024 Charter Commission presentation.

Katherine Maloney felt it was a helpful and informative presentation discussing available governance styles. She feels another meeting to gather public opinion on the subject would be an important next step.

Karl Cyr stated he was glad that they did the forum, and that it brought up key points like being able to use a referendum vs. town meeting without making drastic changes to ordinance. It brought up weighing the issue of quality vs. quantity and that town meetings may be a better representation of people who are involved and paying attention. A referendum vote may allow for more participation, but it may be less informed. There were also comments that might allow for opening the charter for rework without changing the form of government. The charter commission might be worth doing whether it results in a government change or not.

Paul Hodgetts likes the thought of experimenting with a ballot within the current select board/town meeting style first.

Andrea Berry felt the forum helped with understanding the flexibility and changes available without any charter change. Strong opinions were heard, and the meeting was meant to be an information session, so she agreed with Katherine that it might be helpful to hear more from the community and gather a wider pool of thoughts and ideas. Some changes have gone out via referendum in the past. She would like to continue to discuss the items well suited to referendum vs. needing a broader discussion.

Amy Haile was glad for the information. She was hoping for a clearer picture of what type of government works for a specific size or population of town. There is a lot of flexibility available to experiment and try new things, but no clear answer as to when a change is necessary. The most powerful thing he said is that 'it works until it doesn't'. What does it mean for the process to not work? The indicator for that will be trust in the process. It's okay to not like the outcome of a vote if we all continue to have trust in the process. It's nice to have the flexibility to gather information and experiment with referendum rather than open the full charter commission right away.

8. Consent Agenda (1:59:00 – 1:59:25)

A. Municipal Accounts Payable and Payroll Warrants

Municipal Accounts Payable Warrants

#65 \$ 12,731.80

#67 \$ 133,597.59

Municipal Payroll Warrants

#66 \$ 47,992.56

B. Select Board Minutes of 2/06/2024

Motion to approve the consent agenda as presented.

Motion by Amy Haile. Seconded by Paul Hodgetts. Motion passed 5-0.

9. Management Reports & Communications (1:59:25 – 2:06:35)

A. Town Manager's Report:

Diane Barnes stated she received an update from Casella on the truck's arrival last week. Unfortunately, it's looking like another delay with a mid-May arrival. Automated service will not likely begin until June or July. She contacted Toter to let them know of the delay. There will be a last-minute educational push after the truck is received.

She joined a webinar hosted by Prairie Robotics and WasteZero on keeping PAYT when the switch is made to an automated collection service. She learned about new innovative ways to maintain the PAYT and all of the benefits associated with a unit-based program, and how our town and residents can save money, generate revenue, keep tonnage and tipping fees down and help the environment. Casella has to allow it and they haven't made the commitment to it yet.

B. Committee Updates:

Andrea Berry stated that the Waste Reduction Committee will continue to try to pull things out of the waste stream to lower the cost. Getting food waste out of the waste stream is a huge way for the town to save money. March 9th at noon there will be bring your own lunch and learn about reducing your food waste. Garbage to Garden has had to drop off a fifth container to help with food waste collection. The more we actively and effectively recycle and manage food waste the more costs are kept down with waste management.

Andrea Berry continued to share that the Open Space ad hoc committee member job posting is up on the website and she and Karl are officially collecting applications through the end of February. Hoping to schedule interviews for the end of March. Only three applications so far.

10. Any Other Business (2:06:35 – 2:08:25)

Karl Cyr brought up the question of using the Old Town Park for a connection on the snowmobile trail route. Concerns have been brought up about conservation easement locations. No further information at this point, but discussions continue. A federal conservation easement intersection would stop this project.

11. Adjournment (2:08:25 – 2:08:35)

Motion to adjourn made by Amy Haile. Seconded by Paul Hodgetts. Motion passed 5-0.

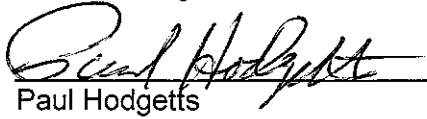


Amy Haile, Chairperson

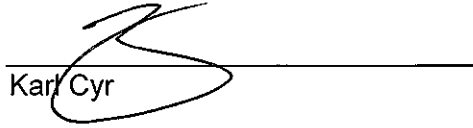
Select Board



Andrea Berry, Vice Chairperson



Paul Hodgetts



Karl Cyr

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