

**Town of North Yarmouth
Select Board
Meeting Minutes of February 07, 2023, 6:00 PM**

Executive Session- 1 M.R. S. § 405 (6)(A) to discuss personnel matters.

Chairperson Sites, seconded by Vice Chairperson Haile moved to enter into executive session at 6:00PM. Vote 4 Yes/0 No.

Vice Chairperson Haile seconded by Selectperson Perrin moved to exit the executive session and move to a regular session at 6:30 PM. Vote 4 Yes/0 No.

Call to Order- Members Present: Brian Sites, Chairperson, Amy Haile, Vice Chairperson, Katherine Perrin, Selectperson, Andrea Berry, Selectperson, and Diane Barnes, Town Manager. Paul Hodgetts, Absent and excused by Chairperson Sites..

Pledge of Allegiance-

History Minutes: (46:13-48:11) Boston Post Cane-Presented by Vice Chairperson Haile

The town is looking for the next holder of the Boston Post Cane! The Cane is ceremoniously presented to the oldest citizen in towns throughout New England. The Cane is part of an interesting tradition. The idea was conceived in 1909 by Edwin Grozier, publisher of the Boston Post newspaper (now long out of print). Grozier had the canes—or, walking sticks—constructed of seasoned, polished ebony from Congo, Africa. They were topped with a 14-carat gold head, engraved by hand with the words “Presented by the Boston Post to the oldest citizen of (name of town). To Be Transmitted.” The cane’s end is also tipped with a gold cap. Somewhere around 500 canes were manufactured and distributed. (For some reason, Connecticut got none and Vermont only two.)

The canes were originally earmarked for the oldest *male* resident of the towns, but because of complaints, the practice was amended in 1930 to include women. Only about 200 canes survive, perhaps because some people refused to accept theirs, superstitiously fearing that it meant they would soon die. You will find the cane at the Town Office, displayed in a case made especially for it by North Yarmouth craftsman Guy Watson. Some years back, it was decided that the recipients will hold the honor, but not the physical cane. North Yarmouth has discharged this trust faithfully. If you have an idea about who the recipient of the Cane should be, tell a Select Board member, or contact our Town Clerk, Debbie Grover!



Appointments-(48:12-48:54)

EDSC Resignation-Kevin Robinson

Vice Chairperson Haile seconded by Selectperson Perrin moved to accept Kevin Robinsons resignation from the EDSC. Vote 4 Yes/0 No.

Special Presentation-(48:55-1:06:18)

PACTS Project Engineering Design and Cost Update- presented by Mandy Olver from Olver Associates.

50-50 funding half PACTS and half from the town. Objective of the project is pedestrian safety improvements on Cumberland Road and Walnut Hill Road.

The Town of North Yarmouth has entered into a Three-Party Municipal Partnership Agreement with MDOT and Portland Area Comprehensive Transportation System (PACTS) for proposed improvements to Walnut Hill & Cumberland Road.

The scope of the project consists of upgrading the intersection of Cumberland Road and Pea Lane to meet ADA standards, as well as drainage improvements and reconfiguration of the intersection of Cumberland Road and Walnut Hill Road.

The preliminary cost estimates for this project should be about \$600,000. Currently, we are requesting permission to solicit bids for this project.

Public Comment

Bill Young Sweetser Road. Why do we need the sidewalk? What is the justification?

Diane Barns, Town Manager working on sidewalk master plan. The intent is to connect to Pea Lane, but not currently. Sites PACTS funding weird zone that projects qualify. It does not cover Pea Lane. We are trying to capitalize on the funding with the money available to us.

Nelson Smith, Ledge Road- He against running the sidewalk against the road due to a death in Yarmouth on sidewalk. We can set it back and would like us to reconsider.

Chairperson Sites asks Mandy Olver what the studies are of the safety of one sidewalk verses the other. She thinks the speed is a concern. It comes down to speed and not the type of sidewalk. We talked about a setback, but it was very intrusive to people's properties. It is a nicer walk with a setback, but the reality is that there is not always space for it.

Dan Merrill Sligo Road. There is a lot of traffic coming from Cumberland. He asked if there is going to be a crosswalk there too. Mandy Olver advised there is already a crosswalk there. The goal is trying to make it safer.

Nelson Smith, Ledge Road. Comments on granite sidewalks damaging plows and tires. Wants the committee to think about that.

Selectperson Perrin seconded Selectperson Berry moved to authorize the Town Manager and Town Engineer to solicit bids for the PACTS Project W.I.N. #025813.00. Vote 4 Yes/0 No.

Consent Agenda-(1:06:19-1:07:34)

Municipal Accounts Payable Warrants

#65 \$ 19,341.64

#66 \$953,346.80

#68 \$ 3,420.56

Municipal Payroll Warrants

#63 \$ 46,805.23

#67 \$ 46,705.76

Vice Chairperson Haile, seconded by Selectperson Perrin moved to approve the consent Agenda as presented. Vote 4 Yes/0 No.

Public Comment-(1:07:35-1:09:20)

Mike Mallory, Walnut Hill Road, stated that the Electric bill is over \$3000.00 a month, and wanted to know if we are sure the solar panels are working properly? What would be the cost without them?

Diane Barnes, Town Manager stated as far as we know the solar panels are working properly. We went through that whole exercise last year. The electric rates have increased, and the building is used a lot more this year than last.

Special Presentation-(1:09:21-2:07:25)

LD 2003 Update-presented by Matt Panfil, Planning Director, GPCOG.

This will impact North Yarmouth's land use ordinance. On March 7, 2023, there will be a webinar.

-Short term rentals- no changes.

-Accessory dwelling units- required to be allowed in every zoning district.

-Affordable Housing Density Bonus- there will be changes to the percentage of being affordable and term.

-No longer have zoning that allows for single family residential. Lot that already has a home you must allow 2 additional lots if it meets zoning standards and sewer and water standards. This is a big change. He does not know how the state will enforce this yet. Waiting on Webinar in March for more clarity.

Selectperson Berry asked if all these rules will supersede any density standards the town has? She advised to let us know how to sign up for the webinar.

Matt advised they would supersede the density standards the town has. He will make sure everyone is aware of how view and participate in the Webinar on March 7, 2023.

Public Comments-

Rich Parenteau, 52 Pine Ridge Road, asked how growth areas are defined.

Matt Panfil advised growth areas have been defined in the Town's comprehensive plan.

Bill Young, Sweetser Road, asked if environmental concerns had been considered?

Matt Panfil advised that those concerns had not been considered. They are focusing on the housing shortage.

Mike Mallory, Walnut Hill Road, asked if density increases are allowed but not required with this law.

Matt advised you are required to allow for accessory units, you do not have to, and you can regulate them. They do not count toward a rate of growth ordinance or density. They are exempt from that.

Kit Maloney, Walnut Hill Road, wanted to share that page 19, 41, and 71 of the comprehensive plans and are identified as suitable growth areas.

EV Charging Stations-Fortunat Mueller, President ReVision Energy

Those were donated to the town by Nissan for solar projects. They are Basic level 2 charging stations and are not smart chargers. The current chargers consume about 10.5 KW when in use and cost \$.75 per hour with solar power rate. All cars will charge at the same rate. Cars with bigger batteries takes longer. A car will no longer charge once the battery is full.

Selectperson Berry asked how most towns handle the use of these changing stations?

Fortunat advised most towns keep it open as we do here. Portland has level 3 chargers, but they do not charge. It costs over \$7000 to put a level 3 machines in.

Public comments-

Nelson Smith, Ledge Road, asked if the Town could put the machines on timer? He is concerned that nonresidents can park there. He is concerned that people are parking overnight not allowing others to use the machine.

Fortunat Mueller stated that a timer can be installed on the machines or just turn of the breaker.

Cumberland/North Yarmouth Little League-Improvements to Softball- presented by Josh Whitmore. The Cumberland/North Yarmouth Little League seeks approval from the Select Board, to apply for a building permit for the following improvements to the Softball field located at WH &NYCC:

- Relocated existing storage shed.
- Install underground utilities (electricity & water).
- Remove and relocated existing parking barriers and install new parking barrier.
- Construct new Snack Shack/Announcers Booth.
- Feed underground power to new scoreboard.

All expenses will be the sole responsibility of the Cumberland North Yarmouth Little League. Donors and volunteers will assist in the project go create a better recreation facility for the community.

Selectperson Berry advised that improvement would change the field for girls and will have a huge impact. Selectperson Perrin advised she supports the plan.

Chairperson Sites asked if this will be done by licensed and insured contractors and Josh advised yes.

Chairperson Sites asked Diane Barnes, Town Manager to investigate a lease agreement.

Selectperson Berry seconded by Selectperson Perrin motioned to approve the project and authorize CNYLL to apply for a building permit for improvements to the Softball Field. Vote 4 yes/0.

Old Business: (2:07:26-2:09:28)

Board and Committee Appointment Process

Vice Chairperson Haile, seconded by Selectperson Berry moved to approve the Board and Committee Appointment Process as Presented. Vote 4 Yes/0 No.

New Business: (2:09:29-)

Waiver of Foreclosure

The Municipal Treasurer, when authorized by the Select Board, may waive the foreclosure of a tax lien mortgage by recording a waiver of foreclosure in the registry of deeds in which the tax lien certificate is recorded before the right of redemption shall expire. (36 M.R.S., Chapter 105 § 944, "Foreclosure for equitable relief, procedure).

Chairperson Sites, seconded by Selectperson Perrin moved that the Select Board authorize the Treasurer to file a waiver of foreclosure for account #143, Hilda Gladstone, 111 Mountfort Rd., Map Lot 003-091, for the 2020 tax lien mortgage in the Cumberland County Registry of Deeds. Second, discussion and vote follow. Vote 4 Yes/0 No.

Audio Visual Broadcasting Equipment-Change Order #1

This change order is to include AV systems in additional building spaces that were excluded from the bid RFP as outlined below:

Merrill Room- Projection Screen
Anderson Room – Camera and Microphones
Gymnasium-Portable Production Equipment

The total lump sum for this proposal is \$37,059.11 bringing the total for this project to \$181,114.75. This project is funded through the American Rescue Plan Act (ARPA) and has an estimated budget of \$200,000.

The Town received \$408,573.60 and the voters approved at the April 30, 2022, Annual Town Meeting, to designate \$372,000 of ARPA funds for this project and the Sweetser Road Culvert project.

Vice Chairperson Haile, seconded by selectperson Berry moved to approve change order #1 for the Audio/Visual Broadcasting Equipment. Vote 4 Yes/0 No.

Sweetser Road Culvert Bid Award

On January 24th, 2023, bids were opened for the Sweetser Road Culvert Replacement project. Five bids were received as follows:

Contractor	Location	Crossing Complete	Raise Road	Guard Rail	Total Bid
<u>Skid Steer Svs., LLC</u>	Naples, ME	\$394,578.00	\$12,578.00	\$13,578.00	\$420,734.00
<u>St. Laurent & Son, Inc.</u>	Lewiston, ME	\$698,897.00	\$19,250.00	\$4,850.00	\$722,997.00
<u>A.H. Grover</u>	North Yarmouth, ME	\$375,298.00	\$7,000.00	\$5,575.00	\$387,873.00
Alternate #1		\$303,000.00	\$7,000.00	\$5,575.00	\$315,575.00
Alternate #2		\$267,000.00	\$7,000.00	\$5,575.00	\$279,575.00
<u>J. Pratt Construction, Inc.</u>	Hebron, ME	\$409,898.00	\$2,500.00	\$4,400.00	\$416,798.00
<u>Storey Brothers, Inc.</u>	Cumberland, ME	\$471,945.00	\$9,730.00	\$5,340.00	\$487,015.00

The low bidder is A.H. Grover Inc. The bid documents were examined by Dirigo Engineering, and they found everything to be in order. A.H. Grover, Inc. provided an alternative to the primary design of a precast box bridge and lower price using a 4-sided box culvert. This type of construction is allowed on their plans, and they support using this product.

The funding for this project comes from three sources as follows:

1. DEP Stream Crossing Grant \$125,000
 2. ARPA Funds \$172,000
- \$297,000

The Audio-Visual has an estimated balance of 18,885.25 that can be re-allocated to this project to cover the \$18,575 difference.

Selectperson Perrin, Seconded by Vice Chairperson moved to award the bid for the Sweetser Road Culvert project to A. H. Grover, bid Alternate #1 for a total bid package of \$315,575 and allocated \$18,575 from the Audio-Visual project to fully fund this project and authorize the Town Manager to execute the contract documents. Vote 4 Yes/0 No.

Write-Off Personal Property Tax

A 2021 business and equipment tax were assessed to Tender Years Learning Center that is currently delinquent. The Tax Collector has not been successful in collecting the tax. Since this is a 2021 tax, it is too late to file a UCC Lien on the property.

The 2021 were assessed as of April 1, 2020, and a lien would have need to be filed by 4/1/2022. Two months is not enough time to begin the collection process on delinquent taxes therefore, the Tax Collector is recommending that the Select Board write-off the 2021 Personal Property Tax assessed to Tender Years Learning Center in the amount of \$288.44 that has a principal balance of \$248.25 and accrued interest of \$40.19 through February 7, 2023, due to the inability to collect the tax.

Chairperson Sites, Seconded by Vice Chairperson Haile moved to approve the write-off of personal property taxes assessed to Tender Years Learning Center in the amount of \$288.44. Vote 4 Yes/0 N.

Adjournment: (3:46:41-3:47)

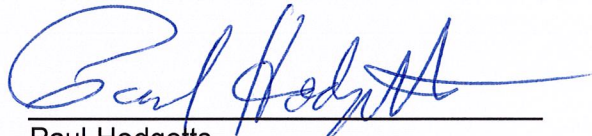
Vice Chairperson Haile, seconded by Selectperson Perrin moved to adjourn at 8:15pm. Vote 4 Yes/ 0 No.

Karen Casale, Recording Secretary

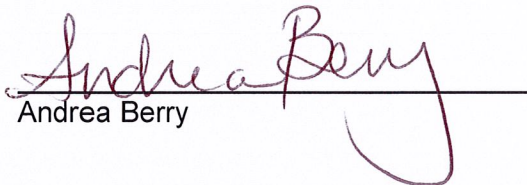
Select Board



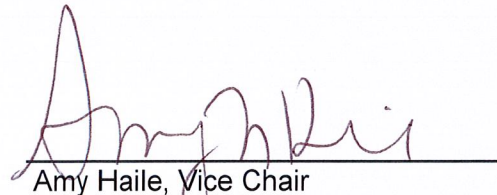
Brian Sites, Chair



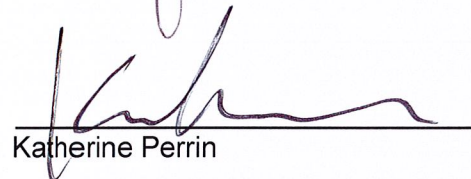
Paul Hodgetts



Andrea Berry



Amy Haile, Vice Chair



Katherine Perrin