

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, December 15, 2020  
REMOTE BUSINESS MEETING



**Call to Order** – Steven Berry, James Moulton, Brian Sites, and Austin Harrell were present. The Town Manager, Rosemary Roy, was also present. Chairperson Berry called the meeting to order.

**Minutes of Previous Meeting(s)** – Chairperson Berry moved to approve the minutes of November 17, 2020, as amended and presented. Selectperson Moulton seconded the motion. Discussion: none.

**Vote: 3 - Yes 0 -No 1 - Abstained (Selectperson Harrell).**

Chairperson Berry moved to approve the minutes for December 1, 2020, as presented. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 - Yes - 0 No.**

**Public Comment - Non-Agenda Items** – Chairperson Berry read a letter addressed to the Select Board from Paul Hodgetts, 1095 Sligo Road. Mr. Hodgetts asked if the town conducted an impact study on its infrastructure before new development was approved. Mr. Hodgetts also stated his disagreement with the Special Town Meeting scheduled on January 28, 2021, due to the length of time passed since the public hearing on the proposed Land Use Ordinance changes. Also, Mr. Hodgetts disagreed because of the public hearing format back in March 2020 and the possible health risk of having the meeting. The Town Manager stated that studies were conducted before development; the Chairperson noted that the Special Town Meeting decision was difficult. Selectperson Moulton expressed his concerns with the new office hours due to the tax deadline of December 15, 2020. The Town Manager responded that the clerks can have two individuals in the office at a time; that the Special Town Meeting could be canceled if cases of COVID-19 arise; and, lastly, the Planning Board's meetings are public on Zoom and that hearings/meetings were conducted on the matter before COVID-19.

Judy Potter, 551 Walnut Hill Road, stated that she did not feel that the public meeting on March 5, 2020, was advertised well enough to be considered at the Special Town Meeting on January 28, 2021. The Chairperson stated that he would look into Ms. Potter's concern. Ms. Potter stated that the school budget and further development is a concern for her. She also stated that the Board should have a moratorium on building in North Yarmouth. Selectperson Sites said that other towns surrounding North Yarmouth would continue their development, causing North Yarmouth to isolate themselves from protentional opportunities. Selectperson Sites also stated that the Town's desirability would not change with a temporary moratorium. Selectperson Sites said that smart building would be a better option for the town. Judy Potter also asked if the development on top of the "Smith" hill was included in the TIF. The Town Manager responded affirmatively. The Town Manager stated that each plan is different based on what the developer proposes, and the Planning Board approves that based on the Land Use Ordinance regulations. Selectperson Moulton asked why the development across from the Fire Rescue Station has 20-foot setbacks while the development on the "Smith" hill does not. The Town Manager stated that Stone Post Subdivision is in a contract zoning area while Meadowbrook Division was not. Selectperson Moulton again asked why the setback was 20-feet. Selectperson Moulton asked the Town Manager who the developers were involved in the Meadow Brook Sub Division. Ms. Potter inquired about plans provided to the Planning Board by a developer regarding the buildings' spacing at their previous meeting. The Town Manager responded, referring to what was submitted to the Planning Board.

**Management Reports & Communications:**

**Town Manager's Report** – The Town Manager provided her full report to the Board. The Town Manager's report can be found on the town's website, [www.northyarmouth.org](http://www.northyarmouth.org).

Chairperson Berry moved to appoint Selectperson Sites to be a representative of PACTS for a term to expire June 30, 2021. Selectperson Moulton seconded the motion. Discussion: none.

**Vote: 3 - Yes 0 - No 1 - Abstained (Selectperson Sites)**

The Town Manager provided financial reports for November to the Board.



## **Old Business:**

Survey on Town Recreation – Chairperson Berry moved to authorize the Town Manager and the Living Well in North Yarmouth committee to proceed with the residential survey on recreation. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 - Yes - 0 No.**

Sharp's Field – The Town Manager stated in discussing the matter with the town attorney is one, the handshake agreement cannot be recognized as legal and binding as the discussion did not take place in a Board meeting. The current Select Board cannot alter the conditions of the sale of the property that has already taken place. However, the Board could take on the matter as a new item to be presented to the townspeople. Selectperson Moulton stated that he spoke with Matthew Sharp and Scott Seaver, previous Town Administrator for North Yarmouth. Selectperson Moulton stated that the discussion entailed the understandings that were agreed on. The decision to designate Sharp's Field as a permanent open space should be decided by the townspeople. Chairperson Berry stated that the decision should be brought to the townspeople as the matter was never brought forth to the townspeople when the property was sold. Selectperson Sites also said that he thought the decision should be made now on the subject to have the matter addressed as it has been recently and currently discussed by the Select Board. Selectperson Moulton stated that the time to have a meeting on the issue should be soon to decide before the property's monetary interest is realized. The Town Manager recommended that she ask the attorney to help create a warrant article presented to the Board at a later meeting. By consensus, the Board agreed to have the Town Manager work with the attorney to generate such a warrant article.

Special Town Meeting Warrant – Chairperson Berry moved to endorse the Special Town Meeting Warrant for January 28, 2021, as presented. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton and Sites stated that they were concerned with the number of warrant articles on the Special Town Meeting warrant. The Town Manager responded that the Board voted to address all the items recommended by the Planning Board based on the number of housekeeping articles included with their requests. Selectperson Moulton said that he was confused with the warrant articles and would ask many questions at a town meeting for clarification. Selectperson Moulton stated that he was not convinced that the articles were emergency legislation. The Town Manager responded that the number of articles that were presented either would be voted on January 28, 2021, or as a future town meeting. Lorraine and Rick Robinson, 17 Lufkin Road, commented that they were against having the Special Town Meeting on January 28, 2021. Selectperson Moulton inquired on when the next election was. The election was confirmed to be on March 23, 2021. Selectperson Moulton and Sites told the Board that they had received multiple calls regarding the Special Town Meeting; Sites elaborated that when speaking with residents, they said to him that they were concerned with the warrant articles presented and the congregation of people in that space. Selectperson Moulton asked why the changes are an emergency and what do the changes allow that the current ordinance does not? Selectperson Harrell suggested a forum before the meeting to provide more information to the public. Selectperson Moulton concurred and further stated that individuals who needed information about future meetings to be informed. The Town Manager responded that the Planning Board could hold a forum to educate the public. Chairperson Berry withdrew his motion.

Chairperson Berry moved to reconsider and nullify the vote taken on December 1, 2021, to hold a Special Town Meeting on January 28, 2021. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton asked for clarification on the motion. **Vote: 4 - Yes - 0 No.**

Chairperson Berry moved to table the Special Town Meeting warrant agenda item. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton asked if the Board would have a public hearing. The Town Manager clarified that the Planning Board would hold a public forum before the town meeting.

**Vote: 4 - Yes - 0 No.**

## **New Business:**

Committee Charges – Annual Review – The Board reviewed the charges. No action was taken.

Finance Policy Updates – Chairperson Berry moved to amend the town Financial Policies as presented by the Town Manager. Selectperson Harrell second the motion. Discussion: none. **Vote: 4 - Yes - 0 No.**

Facility Use Policy Updates Chairperson Berry moved to amend the town's Facility Use Policy, as presented by the Town Manager. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 - Yes - 0 No.**

Floodplain Ordinance – Proposed Changes – Chairperson Berry moved to hold a public hearing on Tuesday, January 5, 2021, at 7:00 PM regarding the repeal of the town's current Floodplain Ordinance and the new Floodplain Ordinance adoption. Selectperson Moulton seconded the motion. Discussion: none.

**Vote: 4 - Yes - 0 No.**

Accounts Payable – Chairperson Berry moved to approve accounts payable warrants 25 and 26 in the amount of \$974,115.19, as presented for FY21. Selectperson Sites seconded the motion. Discussion: Chairperson Berry asked about a charge for B. H. Milliken. The Town Manager responded that the cost was for installing EV chargers at the Community Center. **Vote: 4 - Yes - 0 No.**


Any Other Business – none.

Adjournment - Chairperson Berry moved to adjourn.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

  
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Steven Berry, Chair

  
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Brian Sites

  
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James Moulton, Vice Chair

  
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Austin Harrell