

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, January 05, 2021  
REMOTE BUSINESS MEETING



**Call to Order** – Steve 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 for December 15, 2020, as presented. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

**Public Hearing** – Chairperson Berry moved to open the Public Hearing on the Repeal and Replacement Adoption of the Floodplain Management Ordinance. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton asked if the proposed ordinance was an update from the standing ordinance. The Town Manager answered in the affirmative. **Vote: 4 Yes – 0 No.**

The Town Manager gave a brief presentation.

Chairperson Berry moved to close the Public Hearing on the Repeal and Replacement Adoption of the Floodplain Management Ordinance. Selectperson Sites seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Chairperson Berry moved to put the adoption of the Repeal and Replacement of the Floodplain Management Ordinance before the voters for ratification at the April 2021 annual town meeting. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

**Public Comment - Non-Agenda Items** –

Allison Ford, 11 Edna Lane, asked the Select Board where the Planning Board was passing marijuana-related legislation. The Town Manager explained that the Planning Board is currently working on amending the Land Use Ordinance for other reasons. Ms. Ford also asked the Board how she could keep involved with the town on marijuana regulation in North Yarmouth. The Town Manager explained that the Planning Board would need to have a public hearing and have the townspeople pass the item at a town meeting. The Town Manager also explained the town's communication methods, such as workshops and the website. Ms. Ford asked the Town Manager where the marijuana results are located on the website. The Town Manager referenced the EDSC page and the meeting materials of that meeting. Chairperson Berry mentioned that he had heard discussion that the residents outside of North Yarmouth could have taken the survey on recreational marijuana. Selectperson Sites stated that based on the number of respondents to the survey, and indicated that he didn't feel that the claim was too concerning.

Judy Potter, 551 Walnut Hill Road, asked if the Board was voting to have the Special Town Meeting at this meeting. Chairperson Berry stated that the Board needed to address scheduling the meeting and signing the warrant. Ms. Potter asked how many citizens were attending the meeting. The Chairperson responded. Ms. Potter asked about the charging stations at the Wescustogo Hall & North Yarmouth Community Center. The Chairperson stated that the topic would be discussed later on the agenda. Lastly, Ms. Potter said that the cases of COVID-19 were 597 cases reported on that day of the meeting and 26,565 active cases in Maine. Ms. Potter stated that the Board should not go forward with the Special Town Meeting.

David Reed, 9 Country Creek Road, stated his disapproval of the Special Town Meeting due to COVID-19 and the need for further discussion on the potential Special Town Meeting topics to be scheduled on January 28, 2021. Mr. Reed also asked the number of warrant articles proposed to be voted on at the proposed Special Town Meeting. The Chairperson responded that there are 8-9 legislative items. Mr. Reed suggested that the Board vote on a possible marijuana ordinance to a vote by secret ballot instead of a town meeting vote.

Paul Hodgetts wrote to the Select Board. Chairperson Berry read the letter to the Board. Mr. Hodgetts asked why the Site Walk scheduled for January 6, 2021, was provided to him only one day before the event. Mr. Hodgetts also requested the Board reconsider the Special Town Meeting's date, which was proposed to take place on January 28, 2021. Chairperson Berry asked for more information on the Site Walk advertised on January 6, 2021.



Audrey Lones, Chairperson of the Planning Board, stated that the Site Walk was a standard event for the Board and was posted accordingly.

Allison Ford asked what the economic benefits of regulating marijuana in the town would be. Selectperson Sites stated that the Board does not have enough information to conduct a cost-benefit analysis. Chairperson Berry noted that he agreed and stated that the Board had not reached far enough to do that sort of study. Selectperson Moulton mentioned that the expectation of higher revenues from marijuana would not be as what some may have expected. Selectperson Moulton also stated that there were no decisions made at this point and that the Board is trying to do the best it can for the residents.

### **Management Reports & Communications:**

Town Manager's Report – The Town Manager provided a verbal report to the Board.

Charging Stations Update – The Town Manager provided the Board a statement made by Ryan Keith, Code Enforcement Officer, in collaboration with Lisa Thompson, Wescustogo Hall & North Yarmouth Community Center Director.

### **Old Business –**

Special Town Meeting Warrant – Chairperson Berry moved to call forth a Special Town Meeting to be held Thursday, January 28, 2021, at 6:00 PM at the Wescustogo Hall & North Yarmouth Community Center. Selectperson Harrell seconded the motion. Discussion: Selectperson Moulton stated that he did not want to see the Special Town Meeting due to COVID, the restrictions placed on the municipal offices, and the items being voted on did not rise to a serious concern for him. Selectperson Sites stated that the meeting is ill-timed but that the topics discussed will need to be addressed later. Chairperson Berry also said that he was not in favor of the motion. The Town Manager presented concerns from residents and staff of the town. Chairperson Berry called on the Chairperson of the Planning Board, Audrey Lones, to speak. Chairperson Lones explained to the Board that the changes presented at this meeting were mostly grammatical and minor changes. Furthermore, Chairperson Lones emphasized that the Planning Board did put effort into communicating the changes to the public, as prescribed by statute and beyond. **Vote: 0 Yes – 4 No.**

Judy Potter, Walnut Hill Road, asked the Select Board where the Land Use Ordinance changes are located. The Town Manager stated that the changes are located on the website under the meeting materials for January 05, 2021, Select Board meeting. Ms. Potter asked if there would be a public informational meeting about the Land Use Ordinance changes. The Town Manager responded in the affirmative. Selectperson Moulton stated that the Board had not had a formal vote on the scheduling of the meeting. A public informational meeting to discuss the changes is expected to be held by the Planning Board before the next opportunity to have the changes voted on by the townspeople.

Chairperson Lones stated that the public educational meeting to discuss the ordinance changes would not be in January due to the motion's failure. The Chairperson also explained where the information could be found on the website.

Animal Control Ordinance – Final Review – Chairperson Berry moved to hold a Public Hearing on the Animal Control Ordinance on Tuesday, February 2, 2021. Selectperson Sites seconded the motion. Discussion: Selectperson Sites asked if the hearing was in-person. The Town Manager stated that the public hearing does not need to be in person and that the ordinance has had two (2) public hearings in-person due to minor changes to the ordinance prior to the proposed hearing. Chairperson Berry asked if the motion needed to be identified as being virtual. **Vote: 4 Yes – 0 No.**

Regulations for the Use of Parks and Recreation Areas Ordinance – Chairperson Berry moved to hold a Public Hearing on the Regulations for the Use of Parks and Recreation Areas Ordinance on Tuesday, February 2, 2021. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

### **New Business:**

Personal Policy Updates – Chairperson Berry moved to accept the proposed amendments to the town Personnel Policy presented by the Town Manager. Selectperson Harrell seconded the motion. Discussion: Chairperson

Berry requested that the holiday "Columbus Day" be changed to the acceptable term Indigenous People's Day. Chairperson Berry moved to accept the proposed amendments to the town Personnel Policy, as amended. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

**Town Manager Bi-annual Review** – Chairperson Berry moved to schedule an executive session with the Town Manager for Tuesday, January 19, 2021, at the Board's regular business meeting. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

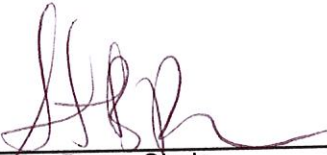
**Accounts Payable** – Chairperson Berry moved to approve accounts payable warrants 27 and 28 in the amount of \$126,844.19, as presented. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**


**Any Other Business** – Selectperson Sites asked the Town Manager if there was a time frame for conducting a Site Walk. Selectperson Sites asked if the Town Manager could review the notification. Selectperson Moulton and Sites asked whose responsibility it was to post the Site Walk. The Town Manager stated that she would look further into the posting and inform the Board of her findings.

**Adjournment** - Chairperson Berry moved to adjourn at 8:33 PM.

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