

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, April 12, 2021



**Call to Order** – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed were present. The Town Manager, Rosemary Roy, was also present. Chairperson Berry called the meeting to order at 7:00 PM.

**Minutes of Previous Meeting(s)** – None.

**Public Comment - Non-Agenda Items** – Audrey Lones, Planning Board Chair, made a comment to the Board regarding the Planning Board's process for presenting to the Select Board the Lane Use Ordinance amendments to be addressed at the April 24, 2021 Annual Town Meeting. Chairperson Lones also described the amendments that will be brought for to the townspeople for a vote. Chairperson Lones stated that the meetings to address the Land Use Amendments have been public and are available to watch on Town Hall Streams and Channel 1301, Spectrum cable (agenda's, minutes, and other documentation can be found on the Town website or at the Town Office). Leda Werrell, Village View Lane, clarified that the Annual Town Meeting will require physical participation to vote. Chairperson Berry responded that this was true but residents could submit a comment to be read at an appropriate time. Ms. Werrell asked if an action could be taken to move the meeting. Chairperson Berry stated that the date will not be moved. Selectperson Reed stated that having too many people at the meeting could be an issue. Chairperson Berry and the Town Manager responded that the meeting would be recessed if COVID-19 restrictions could not be met. Paul Napolitano, Mill Road, asked how many individuals could be in the Wescustogo Hall & North Yarmouth Community Center at one time. The Town Manager responded that 280 people could attend safely. Selectperson Moulton asked how Town Meeting would be set-up. Chairperson Berry responded that the room would be set-up to view individuals in two separate rooms. Selectperson Moulton asked when the room would be set-up. The Town Manager responded before the meeting started on April 24, 2021. Judy Potter, Walnut Hill Road, requested that the Select Board consider changing the date of Annual Town Meeting. Alicia Dostilio, Parsonage Road, commented on Audrey Lones's previous statement regarding the March 9, 2021 public comment section of the Planning Board meeting. Selectperson Reed commented on the Q and A Forum held by the Economic Development & Sustainability Committee. Linc Merrill, North Road, expressed his concern with the acoustics of the room, a room for non-voters during Annual Town Meeting, and the amount of elected and appointed members on the Budget Committee. Mr. Merrill further expressed his concern with the charter regarding public hearings and vacancy provisions; furthermore, with a letter sent from the Assessor to notify him of his exemption status and other matters regarding his assessments. Mr. Merrill shared his concerns with the FY22 budget presented to the Select Board. Selectperson Moulton asked the Town Manager if she was going to address Mr. Merrill's concern about his homestead exemption with the Assessor. The Town Manager addressed Mr. Merrill's questions about amending the charter which, she stated, would require funds allocated in a future budget for the creation of a charter commission. Furthermore, The Town Manager stated that she would look into the letters sent by the Assessor discussing individual's status on homestead exemption and the proof of agriculture exemptions. The Town Manager clarified that all the Board's and the Budget Committee's requests are on the proposed warrant for Annual Town Meeting as well as that both groups have had many meetings on discussing, asking questions, and proposing changes to the budget for FY22. The Town Manager clarified the process and context for the proposed articles on the warrants. Chairperson Berry and Selectperson Reed stated that the timing for the citizens to review the warrant could be improved. Selectperson Moulton addressed his concerns with the proposed articles. Paul Napolitano stated that the Town Manager/Tax Collector cannot supervise the Assessor. Selectperson Reed asked if the Assessor could be on a future agenda item. The Chairperson acknowledged his request. Selectperson Moulton mentioned another resident who has had concerns with their tax assessment. Bill Young, Sweetser Road, asked if the TIF accounts should be audited. Mr. Young suggested that a sub-committee be created to monitor the funds. Chairperson Berry responded that Mr. Young's questions could be addressed at the future TIF workshop. Mr. Reed asked why the Town Manager's explanation of the monitoring of the TIF funds and Mr. Young's explanation, based on what he was told by the state employee, were not consistent. The Town Manager responded that all tax dollars are audited, overseen, and well taken care of by the Tax Collector/Town Manager. Selectperson Reed raised a point of order to have comments addressed to the Chairperson. The Town Manager explained that two agencies do audit the town's tax dollars. Ashli Hein, Walnut Hill Road, shared her concerns with communication. Selectperson Moulton responded. Selectperson Reed requested that the Board go into Executive Session. The Chairperson did not accept his request. Alicia Dostilio provided a comment regarding better communication in the town. Ms. Werrell requested that the Annual Town Meeting be postponed. Selectperson Sites asked the Town Manager what the consequences of not holding a Town Meeting on the scheduled date. The Town Manager responded that a meeting must be held in April according to Charter. Selectperson Moulton asked if the meeting could be



postponed due to COVID-19. The Town Manager responded that she would look into the matter. Alicia Dostilio shared her concerns with voting in a pandemic. Selectperson Reed asked if specific articles could be addressed at Town Meeting. The Town Manager explained that the Board had the decision of how to proceed with a meeting format or a referendum. The Town Manager provided recommendations of how the Board could proceed with Annual Town Meeting. Nelson Smith made a comment on the acoustics of the Wescustogo Hall and North Yarmouth Community Center and relocating town meeting at the Performing Arts Center in Cumberland. Linc Merrill made additional comments on the TIF and auditing of funds.

### **Management Reports & Communications – None.**

### **Old Business:**

Ordinance Withdraw Consideration Chairperson Berry moved that the Select Board withdraw the Clerk Certification for the Animal Control Ordinance and the Regulations for the Use of Parks & Recreation Areas Ordinance, and further postpone the repeal of the Barking Dog Ordinance for the Annual Town Meeting scheduled on April 24, 2021. Selectperson Sites seconded the motion. Discussion: Selectperson Sites clarified the exhibits and articles being struck from the warrant. **Vote: 5 Yes – 0 No.**

Authorization of Annual Town Meeting Warrant – Chairperson Berry moved that the Select Board endorse the Annual Town meeting Warrant for April 24, 2021, as presented. Selectperson Sites seconded the motion. Discussion: Selectperson Sites questioned Article 33, non-property tax revenues, in that the amount is stated as \$2,263,203.00 but he reads in his budget documents that the amount is \$2,298,302.00. The Town Manager stated that amount should be the latter. Selectperson Moulton stated that he wanted to look at removing the articles recommended by the Planning Board. Selectperson Reed stated that he did not believe the Land Use Ordinance amendment articles should go forward. Selectperson Reed stated that more review by the townspeople is needed. The Town Manager stated that the articles have been certified to the Town Clerk. Chairperson Berry stated that the Land Use Ordinance amendments should be understood by the full Board considering the amount of time the Board has had to review the amendments. Chairperson Berry stated that he could speak to the amendments at the Annual Town Meeting. Selectperson Reed responded that the items are complex and not as quickly understandable to some individuals. Selectperson Moulton further explained his concerns with the Land Use Ordinance amendments. Chairperson Berry stated his concern is that if the Board could not understand the amendments, then the townspeople would believe that they could not understand them as well. Chairperson Berry described warrant articles addressing the amendments to the Board. Selectperson Reed asked if the language changes were available of March of last year. Chairperson Berry stated that it was. Selectperson Reed made a statement regarding section 10.4; that he believed the building designs do not have a rural community character and are restrictive. Chairperson Berry stated that the town cannot discriminate on who chooses to build in the Village Center. Selectperson Reed shared his concerns with setback and the Comprehensive Plan. Chairperson responded that the matters regarding setbacks and density are not being addressed. Selectperson Reed stated that the items brought forth in the amendments do not resolve the issues residents have on the current progress in development of the Village Center. Selectperson Sites asked for the discussion to move forward and address the warrant articles proposed. Selectperson Reed asked if the Planning Board could send out notices to abutters rather than the developer and what that would cost the town. Chairperson Berry clarified the current practice in the Land Use Ordinance. Chairperson Berry asked if the Planning Board Chairperson could speak on what conditions would allow for the Planning Board would call for a public hearing. Chairperson Lones answered Chairperson Berry's question. Selectperson Reed asked for clarification on the type of building allowed in a residential zone. Chairperson Berry answered the Selectperson's question by stating that apartments could not be placed in a residential zone. Selectperson Reed asked what rules were in place in building structures on one's property outside of the Village Center. Chairperson Lones addressed Selectperson Reed's question to the chair. Chairperson Lones stated that a newsletter would go out to provide more information on the warrant articles being put forth to the townspeople. Selectperson Reed provided further comment on why he does not agree with the Land Use Ordinance amendments proposed. Chairperson Berry reminded the public to address comments to the chair at the microphone and not to individual Select Board members via telecommunications. Chairperson Lones provided further clarification on how the Planning Board is moving forward to create action from the Town's Comprehensive Plan. The Town Manager recommended that the Select Board move forward with placing the items on the warrant, as they have certified to the Clerk, to allow the townspeople the opportunity to debate and vote at town meeting. Selectperson Reed responded he was concerned with voter suppression at town meeting and that the meeting should be postponed. Chairperson Berry stated that postponing the meeting was not the motion on the floor. Chairperson Berry stated that the Land Use Ordinance amendments are understandable but are also long. Selectperson Reed made a



statement regarding his concerns with density growing in the Village Center. Chairperson Berry stated that the size of buildings is not being addressed and only the aesthetics were. Selectperson Reed stated that the concerns brought to him by citizens were not being addressed in the Land Use Ordinance amendments. Alicia Dostilio asked how long the articles proposed have been available and her concerns with density and pocket neighborhood. Chairperson Berry and Selectperson Sites clarified that the major sections of the Land Use Ordinance amendments have been available since last March and answered her questions about density and pocket neighborhood. Selectperson Reed stated that the individuals working on the Land Use Ordinance amendments did not have the best interest in mind of the residents in the Village Center. Donna Palmer, Mountfort Road, asked the Board to move the conversation back to the motion and leave the Comprehensive Plan discussion for another time. Bill Young stated that the pandemic has had an effect on people paying attention to these amendments. Kit Maloney, Walnut Hill Road, shared her support for the Land Use amendments as someone who living in the Village Center. Selectperson Reed responded with his disagreement to the Land Use Ordinance amendments. Selectperson Sites asked for clarification on the process. Selectperson Moulton asked for clarification if the Board could vote "no" on the motion. Chairperson Berry answered in the affirmative. **Vote: 3 Yes – 2 No. (Selectperson Moulton and Selectperson Reed).**

M.S.A.D #51 School Budget Warrant – By consensus, the Board agreed to hold a meeting on April 27, 2021 to sign the M.S.A.D #51 School Budget Warrant.

**New Business** – None.


**Accounts Payable** – None.

**Any Other Business** – The Town Manager apologized for previous comments made in the meeting and requested that the Board motion to go into Executive Session. Selectperson Reed moved that the Board go into Executive Session with the Town Manager pursuant to Maine State Statue Title 1 MRS Chapter 13 § 405(A), personnel matters. No action was taken.

**Adjournment** - Chairperson Berry moved to adjourn.

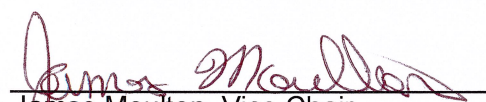
Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

  
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Steve Berry, Chair

  
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Brian Sites

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David Reed

  
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James Moulton, Vice Chair

  
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Austin Harrell