

Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, April 20, 2021



Call to Order – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed. Town Manager, Rosemary Roy, was not present. Chairperson Berry called the meeting to order at 7:00 PM.

Public Hearing – Chairperson Berry moved to open the Public Hearing on the proposed Roadway Ordinance. Selectperson Sites second the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Clark Baston, Road Commissioner, provided a brief presentation to the Board of the updated changes to the Proposed Roadway Ordinance. Selectperson Moulton asked about the cul-de-sac diagram in the ordinance. The Road Commissioner responded that the diagram has been corrected.

Larry Lonegan, Abbey Lane, asked if there was a period of time to submit written comments. Chairperson Berry stated the public hearing was already in progress and that he could be heard. Mr. Lonegan asked if approval was needed for private ways. The Road Commissioner answered Mr. Lonegan's question.

Chairperson Berry clarified that the Board has the authority to enact this ordinance.

Laurie Robinson, Lufkin Road, asked a question regarding Lufkin Road being a posted road which is mentioned in the Roadway Ordinance. Clark Baston says that the road has been posted in the past and that it was just transferred to the Roadway Ordinance.

Nelson Smith, Ledge Road, stated his agreement with the Roadway Ordinance but shared his concerns with the proposed road named "Dalmatian Drive". Mr. Smith also shared his concerns with parking in the Village Center. Mr. Smith asked that the language be amended to allow for longer parking.

Selectperson Reed asked if parking could be extended to four (4) hours. The Road Commissioner answered that the time limits could be changed.

Linc Merrill, North Road, shared his concern with classifying the proposed Dalmatian Drive as a road.

Judy Potter, Walnut Hill Road, made comments regarding the communication practices between the Select Board and the public. Chairperson Berry asked if Ms. Potter could make her comments during the public comment section of the meeting. Mr. Lonegan stated that Public Hearings allowed anyone to speak on any issue. Selectperson Moulton stated that her comment could be addressed during the Public Comment – Non-Agenda Items section of the meeting.

Selectperson Reed further asked about the location of parking allowed in the Roadway Ordinance. Chairperson Berry stated that his question is addressed in Section 4 of the Ordinance.

Selectperson Moulton asked that the proposed "Dalmatian Drive" be considered for its history and purposes. Mr. Merrill further clarified that the Village Green is part of the parking lot and shared his concerns with making the location a public way.

Scott Kerr, New Gloucester Road, asked how on-street parking would affect the bicycle lanes in the Village Center. Selectperson Sites responded that he was not sure of the impact. Selectperson Reed stated that he thought the impact would be negative. The Road Commissioner stated that the on-street parking spot would not be in the bicycle lane and provided clarification on a previous comment he made.

Chairperson Berry moved to close the Public Hearing on the proposed Roadway Ordinance. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to enact the proposed Roadway Ordinance as allowed by Title 30-A § 3009. Selectperson Harrell seconded the motion. Discussion: Selectperson Reed asked that the proposed road, Dalmatian Drive, be removed and that the parking time limits be extended to four (4) hours.

Selectperson Reed moved to enact the Roadway Ordinance with an amendment that the parking time limits in section 4.2 to allow for up to four (4) hours of on-street parking. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton stated that he would like to receive history on the proposed Dalmatian Drive before it made a roadway in the future. **Vote: 5 Yes – 0 No.**

Selectperson Moulton moved to enact the Roadway Ordinance with the amendment to strike any reference to "Dalmatian Drive". Chairperson Berry seconded the motion. Discussion: Selectperson Sites clarified that Dalmatian Drive is referenced in sections 4.2 and 4.4 subsection G, section 1. Selectperson Harrell suggested that the naming be more general but still require the area of land to only allow four (4) parking. Selectperson Sites suggested that the area be called a "parking area". Selectperson Moulton made comments on looking into the classification of the area of land behind the Fire Rescue Station at a later time. **Vote: 5 Yes – 0 No.**

Minutes of Previous Meeting(s) – Chairperson Berry moved approve the minutes for April 6, 2021, as presented. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Public Comment - Non-Agenda Items – Chairperson Berry read a statement from the Board to the public.

Chairperson Berry stated that there would be a three (3) minutes time limit for public comment.

Paul Napolitano, Mill Road, thanked the Board for their service and made a request that the public be brought back to the meeting after coming out of executive session. Mr. Napolitano made additional comments regarding the last meeting. Selectperson Reed responded to Mr. Napolitano's comment.

Linc Merrill, North Road, asked the Board if there was a process to follow up on his and other's questions at future meetings. Mr. Merrill addressed the Royal River dam removal project, an assessing issue, a charter commission, budget committee vacancies, the Living Well in North Yarmouth letter to surrounding businesses, audits on the TIF, and an issue with the Town Economic Consultant. Chairperson Berry responded on the Royal River Dam removal project, discussion of the process to form a charter commission, and the decision to send out the letter written by the Living Well in North Yarmouth Committee. Selectperson Sites responded that the Board is actively working to find the answers to the public's questions. Selectperson Moulton asked if Yarmouth was looking at installing fish ladders if the dams are removed. Chairperson Berry responded that the Town of Yarmouth is open to various possible solutions. Selectperson Sites stated that he would look into Mr. Merrill's concerns for the TIF.

Gay Peterson, Milliken Road, asked the Board if having comments made in writing would be helpful for the Board.

Scott Kerr, New Gloucester Road, made comments regarding the Royal River dam project and suggested the Board look to have a depth test done in the embowment area of the river. The Chairperson stated that he would look into the matter.

Nelson Smith stated that the town may have rights to the river. Mr. Smith also made comments about his concerns with fire protection if the river is dramatically reduced. Selectperson Moulton stated that their may be clamming rights that were established for parts of the river.

Judy Potter asked questions regarding economic development and its impact on the Village Center. Ms. Potter also shared her concerns with the length of the materials for Annual Town Meeting and the communications of the warrant articles. Ms. Potter shared concerns with communication between the Board and the residents. Chairperson Berry commented on the Comprehensive Plan and its factors into the proposed Land Use Ordinance amendments. Selectperson Reed provided comment regarding the Comprehensive Plan in the Lane Use Ordinance amendments as well. Selectperson Moulton provided comment on the Comprehensive Plan. Selectperson Sites responded by explaining the process of approving Land Use Ordinance amendments as well as the Select Board's knowledge of development in the Village Center. Selectperson Moulton and Reed stated that the Board should take additional time to review the Land Use Ordinance amendments.

Ashli Hein, Walnut Hill Road, asked the Board if businesses were already interested in developing in the Village Center. Chairperson Berry referred Ms. Hein to the Planning Board and provided his knowledge of development that's proposed to take place. Ms. Hein commented on the Board's communication on the development occurring in the Village Center. Selectperson Sites provided resources that Ms. Hein could use to find requested

information. Furthermore, Selectperson Sites made additional comments in regard to Ms. Hein's questions about the Land Use Ordinance amendments and communication.

Scott Kerr made a comment regarding town documentation provided to the public. Mr. Kerr made comments regarding the public's understanding of the issues brought forth at town meeting and suggested that the Select Board provide more direction to the committees.

Ms. Potter stated her concerns with limited water and increased development having negative effects on tax payers.

Mike Mallory, Walnut Hill Road, made a comment on the Land Use Ordinance amendments.

Mr. Lonegan provided his thoughts on the Land Use Ordinance amendments. Mr. Lonegan suggested that the Board look into have a scenographer write up the meetings verbatim and provided comments on senior housing. Mr. Lonegan suggested that the Board look into increasing the wage requirement in the senior tax assistance program and increase the credit that can be provided. Mr. Lonegan also asked why the audit for 2019 was provided in the Annual Town Report for 2020. Selectperson Sites responded that he would look into the disparity in time in the audit report and the Annual Town Report. Selectperson Moulton and Reed also responded to Mr. Lonegan's concerns. Chairperson Berry informed Mr. Lonegan about the senior housing forum being held on May 25, 2021.

Diane Morrison, Browndog Drive, provided a brief report on the Economic Development & Sustainability Committee's work on senior housing. Mrs. Morrison asked that the Board address false information that is provided to the public at regular business meetings. Mrs. Morrison provided comment on the actions sellers can take with their property and the obligation of developers to follow the Land Use Ordinance. Selectperson Moulton responded. Selectperson Reed further shared his concerns with economic development.

Donna Palmer, Mountfort Road, provided the Chairperson with a letter to be read during the Board's discussion on the Parks and Recreation survey.

Linc Merrill made a comment on federal subsidies, Maine state housing, and senior housing. Mr. Merrill shared his concerns with higher costs in building and affordability in living in North Yarmouth.

David Allen, Beartracks Trail, submitted a letter to the Chairperson to be read at the meeting. The letter addressed the Town Meeting Warrant. Chairperson Berry responded to Mr. Allen.

Mr. Lonegan, wrote a letter to Chairperson Berry to be read at the meeting. The letter addressed the issue of dog leashing requirements in the town's parks. Chairperson Berry announced that there will be a forum on May 5, 2021 to discuss the issue. Mr. Lonegan asked if a financial analysis has been done, per section 3.3 of the Land Use Ordinance. The Chairperson responded.

Kevin Robinson, Walnut Hill Road, provided a letter to Chairperson Berry. The letter asked that a committee be created as an oversight of TIF expenditures.

Chairperson Berry summarized letters provided by concerned citizens regarding "opting in" to marijuana being included into the Land Use Ordinance amendments. Chairperson Berry responded that the amendments do not include "opting in" to marijuana and that he would forward their comments to the Planning Board.

Mr. Lonegan made a comment about the quality of sound in the room and asked that the Chairperson read his opinions stated in his email. Chairperson Berry continued Mr. Lonegan's letter and stated Mr. Lonegan's opinion that the Board consider a building moratorium in the Village Center until an assessment can be done. In addition, to have the Planning Board revise the Land Use amendments to reflect North Yarmouth's rural character.

Paul Hodgetts, Sligo Road, asked how the room would be set-up for Annual Town Meeting. Chairperson Berry responded that the Board would address this matter. Ms. Potter and Mr. Mallory made similar comments.

Management Reports & Communications:

Town Manager's Report – The Town Manager's report can be found on the town's website, www.northyarmouth.org, or at the Town Office. Chairperson Berry read the Town Manager's Report.

Park Use Request – Scott Kerr, Parks and Recreation Committee member, shared his support for interest in using the Town's parks. Selectperson Reed moved to accept the request from Leslie Cantro to use the Wescustogo Park for classes. Chairperson Berry seconded. Discussion: none. **Vote: 5 Yes – 0 No.**

Old Business:

Spirit of America Tribute – Chairperson Berry announced that the Economic Development and Sustainability Committee will receive the award.

Recreation Survey – Discussion/Goals – Chairperson Berry read a letter from Donna Palmer. In the letter, Ms. Palmer asks that a recreation subcommittee be created with Selectperson Sites as the liaison for the Select Board. Selectperson Reed asked if a mailer of detailed information of the parks could be done. Chairperson Berry responded that he did not know if there was enough money in the budget to do such a mailer. Scott Kerr also mentioned that the information can be found on the website. Scott Kerr asked about a record of calls made to the Town Office regarding dog complaints. Chairperson Berry stated that he would look into the matter.

Economic Development/TIF Workshop – Set date – Selectperson Sites moved to hold an Economic Development/TIF workshop for June 22, 2021 at 6:00 PM. Chairperson Berry seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

New Business:

Appointments – Chairperson Berry moved to appoint David Allen to the Economic Development & Sustainability Committee for a term of three (3) years and two (2) months to expire on June 30, 2024. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton asked how the person was approached to volunteer. Chairperson Berry stated that Mr. Allen offered to volunteer for the committee. Selectperson Reed asked what the process was for appointing individuals to committees. **Vote: 5 Yes – 0 No.**

Towerpoint – Cell Tower Offer – Chairperson Berry moved to authorize the Town Manager to notify the company that the Town is not interested in the proposal. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Call Forth – Special Town Meeting(s) – June 7th & 8th – Chairperson Berry moved to hold a Special Town Meeting at the Wescustogo Hall & North Yarmouth Community Center on June 7, 2021, beginning at 6:30 PM to address warrant articles 1 through 3 and to recess until June 8, 2021 at 9 AM for the purposes of voting on electing municipal officials. Selectperson Reed seconded the motion. Discussion: it was discussed that the voting time should be 7 AM and not 9 AM. Selectperson Reed moved to amend the original motion read “to recess until June 8, 2021 until **7 AM** for the purposes of voting on electing municipal officials.” Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Accounts Payable – Chairperson Berry moved to approve payable warrants 44 & 45 in the amount of \$815,298.70, as presented for FY21. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Any Other Business – Selectperson Reed asked that the explanation for Warrant Article 3 should be amended to address the intention of keeping Sharp's Field a field. Scott Kerr suggested that Warrant Article 3 be changed before the meeting. Chairperson Berry stated that the amendment needed to be made on the floor.

Selectperson Moulton motioned that the Annual Town Meeting be moved until the middle of May. Selectperson Reed seconded the motion. Discussion: Selectperson Sites stated that he asked the Town Manager if the action to change the date of the town meeting was legal. Selectperson Moulton stated that he believed the Annual Town Meeting could be moved in May or June. Selectperson Reed stated that he believed the meeting needed to be held in April but could be moved due to COVID-19 and the current issues with administration. Linc Merrill stated that the meeting could be well attended and very active based on the issues being voted

on. Mr. Hodgetts made an additional comment on the timeline of the Annual Town Meeting. A date suggested was May 22, 2021. Selectperson Sites stated that there needed to be more of a time interval. Mr. Napolitano suggested using the Performance Arts Center for Annual Town Meeting. There was discussion on what date the Board should have the meeting. Draven Walker, Executive Assistant to the Town Manager, reiterated previous discussions the Select Board had with the Town Manager on this matter. Selectperson Moulton withdrew his motion. Selectperson Reed withdrew his second. No action was taken.


Executive Session – Chairperson Berry moved that the Select Board enter into an executive session pursuant to Title 1 MRS Chapter 13 Public Records and Proceedings, § 405 Executive Sessions § 6(E) with the Town Attorney to discuss the legal rights and duties of the Select Board. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to change the date of the annual town meeting to June 19, 2021. Selectperson Harrell seconded the motion. Discussion: Selectperson Sites stated that he does not know the implications of not holding the meeting on April 24, 2021. **Vote: 5 Yes – 0 No.**

Adjournment - Chairperson Berry moved to adjourn.

Prepared By: Draven Walker
Executive Assistant/Recording Secretary


Select Board




Steve Berry, Chair



James Moulton, Vice Chair



Brian Sites



Austin Harrell

David Reed