

Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, April 6, 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 7:05 PM.

Minutes of Previous Meeting(s) – Selectperson Reed moved to approve the minutes of March 16, 2021 as presented. Selectperson Harrell second the motion. Discussion: none. **Vote: 4 Yes – 0 No – 1 Abstention (Chairperson Berry).**

Public Comment - Non-Agenda Items:

Paul Napolitano, Mill Ridge Road, shared with the Board his concerns with the letters sent and endorsed by the Living Well in North Yarmouth Committee. Mr. Napolitano stated that it was his opinion that the Board did not vote properly on the matter of sending out the LWN Y letters stating that only the Chairperson acknowledged the item. Mr. Napolitano also shared that he did not agree with Living Well North Yarmouth Committee's discussion on purchasing a radar gun to monitor speed. Lastly, Mr. Napolitano made a comment regarding the March 16, 2021 business meeting regarding the manner of how the discussion on Sharp's Field took place. Chairperson Berry clarified that the Board approved the letter written by LWN Y by consensus. Selectperson Reed stated that the Chairman provided his endorsement to the letter with no other Board members verbally endorsing. Selectperson Moulton stated that he was unaware of the letter at the time. Selectperson Moulton also stated that he watched the tape and remembered Chairperson Berry stating that he gave his blessing or said something similar. Selectperson Moulton stated that he was concerned that the Board was polled on the matter. Selectperson Moulton stated that the Board did not endorse the letter. Chairperson Berry stated that the Board did have the opportunity to approve the minutes at the following business meeting; the minutes were approved at the next meeting. Selectperson Reed made a statement about the Board's order of approving items in the Town Manager's report. Selectperson Reed stated that the Board's minutes contradict the video recording of the meeting due to the Board's non-definitive affirmation of moving forward with the LWN Y letter. The Town Manager stated that a draft letter was provided to the Board and that she presented the language "unless the Board objects" when recommending that the Board move forward with the item. Selectperson Reed stated his opinions on democratic processes of government. Selectperson Moulton presented his recollection of the past meeting. Selectperson Reed suggested further actions on handling items that are agreed upon by consensus.

Martin Kremer, Sligo Road, provided comment on the Royal River Alliance's initiatives in removing dams that will directly affect the flows of the river. Mr. Kremer addressed a message to the Town Manager on March 30, 2021. That letter can be found on the Meeting Materials of this meeting at www.northyarmouth.org or at the Town Office. Selectperson Moulton and Reed stated that he agreed with Mr. Kremer and shared his concerns. Nelson Smith, Ledge Road, stated his concerns with fire protection along the river by dry hydrants.

Bill Young, Sweetser Road, spoke on the TIF (Tax Increment Financing) and development in the Village Center. Mr. Young also shared with the Board his conversations with an employee from State government who explained to him that town management was responsible for oversight of the TIF and any auditing of the funds. Mr. Young further stated that he was concerned with how the funds in the TIF account were to be used as well as cautioning on the further residential development in the Village Center. The Town Manager responded that the Town does complete audits, per the State, on bond monies and the TIF funds.

Judy Potter, Walnut Hill Road, provided comment about garbage left out on Route 9 as well as dogs being on no leash at Walnut Hill Cemetery. Ms. Potter also asked if there were actions that could be taken to improve the sound in the Wescustogo Hall of the Wescustogo Hall & North Yarmouth Community Center and the broadcasting of the meetings. The Town Manager responded that acoustic panels are in the process of being placed in the Wescustogo Hall. The Broadcast Technician, Draven Walker, explained that the technology currently used is older and that there would be expenses to provide higher quality video and audio broadcasting. Selectperson Reed asked if it was a hardware or software issue. The Broadcast Technician explained it was a hardware issue.

Linc Merrill, North Road, explained to the Board the issues he saw with the letter sent from the LWN Y committee, specifically the negative effects the letter could have caused for other organizations closely associated or part of the town. Mr. Merrill also commented on the issue brought forth by Mr. Kremer and Mr. Smith regarding the

Royal River. Mr. Merrill also shared with the Board that he was in the possession of petitions that were signed by residents that covered various items regarding Annual Town Meeting. Items mentioned were the Land Use Ordinance amendments, the article on Sharp's Field, the Select Board's leadership towards town staff and committees, taxes, town office hours, budget articles on the warrant, and an earlier start date for discussing the next fiscal year's budget. The Town Manager stated that the budget is a line-item budget format.

Alicia Dostilio, Parsonage Road, asked what sort of protection the town is providing for individuals who live in the Village Center in the Land Use Ordinance amendments.

Dixie Hayes, New Gloucester Road, spoke about an infestation on emerald ash borer and its damage to North Yarmouth's ecosystem and other surrounding communities. Furthermore, Ms. Hayes described the infestation of brown-tailed moth on her property. Ms. Hayes made a comment regarding the issues surrounding parks and having dogs off-leash. Furthermore, Ms. Hayes stated that she was concerned with the polarization of potentially making some parks require that dogs stay on-leash and suggested that the Select Board consider a solution to appease both parties (dog owners and non-dog owners). Ms. Hayes also stated that there was an issue with dog waste not being properly disposed of in the parks.

Mr. Young stated that he felt individuals were generally upset and were not being heard.

Mr. Smith heeded that the Board should not put into effect a building moratorium. Furthermore, Mr. Smith provided comment on his suggestions on how to alleviate building in the Village Center, as well as his support for senior housing.

Ms. Potter commented on her previous interactions with the Board. Furthermore, Ms. Potter asked the Board to compromise on the development in the Village Center.

Audrey Lones, Planning Board Chairperson, addressed the following:

- Chairperson Lones stated that the ordinance amendments were written to support senior housing.
- Chairperson Lones stated that the ordinance amendments would allow pocket neighborhoods.
- Chairperson Lones stated that town staff, specifically the Code Enforcement Officer, are available to discuss the ordinance changes.
- Chairperson Lones stated that there are no proposed zoning changes
- Chairperson Lones stated that the changes are to respond to state statute requirements that a town act upon the comprehensive plan within two (2) years.
- Chairperson Lones stated that the Planning Board had a forum to discuss the Land Use Ordinance amendments

Chairperson Lones clarified that the committee members involved with Planning Board and other committees live all over town.

Chairperson Berry read a letter from Anne Dillon, North Yarmouth Woods, (www.northyarmouth.org or the Town Office). Selectperson Reed made a comment regarding communication between Steve Palmer, a resident, and Mathew Sharp, a resident of Mt. Vernon. Selectperson Reed made an additional comment on the details of the letter.

Chairperson Berry read a letter from Linda Snow, a resident.

Selectperson Moulton clarified the statements made in the letters read as well as shared his opinion on the contents of each letter.

Selectperson Reed stated that he believed that the Living Well in North Yarmouth Committee and Steve Palmer were organizing in sending public comments to the Board. Chairperson Berry interrupted the Selectperson and stated that Selectperson Reed was making an accusation and that it was inappropriate to do so. Selectperson Reed further stated that it was highly coincidental and that the individuals Board members were being seen as adversaries by individual members of the public. Chairperson Berry stated that members of the public provide comment because of the love they have for North Yarmouth and not because they are adversaries of a particular Board member. The Town Manager advised strongly that the Board go into executive session if they wished to

discuss the item further. Selectperson Sites apologize for not providing comment to the presentation done by the Living Well in North Yarmouth Committee at the last Select Board meeting.

Steve Palmer, Mountfort Road, asked Selectperson Reed if he received his letter of congratulations. Selectperson Reed responded that he was having issues with his email and did not receive it.

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, or at the Town Office.

In the Town Manager's report regarding the warrant, the Town Manager recommended that the Animal Control Ordinance be voted on and approved so that the Animal Control Officer had the ability to provide more enforcement of the parks. Selectperson Sites asked if the previous draft of the Animal Control Ordinance that did not include the restrictions on leash requirements could be brought forth at Annual Town Meeting. The Town Manager stated that she would check with legal.

The Town Manager suggested that the Board have a Senior Housing Forum on May 25, 2021. The Board agreed with the Town Manager's suggestion. There was no additional comment on the item.

The Town Manager made a statement to the Board regarding staff morale and civility. Selectperson Moulton asked the Town Manager if the statement consisted of innuendos. Selectperson Reed made a point of order. Selectperson Reed asked comments to be directed to the Chairperson. Selectperson Reed stated that the matter should be in executive session. There was a discussion on the purpose of the statement and improving transparency among town officials and residents. There was no motion to go into executive session and no action was taken.

Old Business:

Sharp's Field – Article for Annual Town Meeting Warrant and Other Information – The Chairperson presented the contents of the Meeting Materials to the public. Chairperson Berry moved to authorize the article presented on Sharp's Field to be placed on the warrant. Selectperson Sites seconded the motion. Discussion: Selectperson Reed stated that he would like to keep the use of the field consistent with how it's being used currently – a sports field.

Selectperson Moulton stated that he was aware that the Royal River Conservation Trust was not interested in organizing an easement on the property; furthermore, stated that he asked the Superintendent of M.S.A.D 51, Jeff Porter, as a private citizen, if they would be interested in an agreement to be a third party for an easement of Sharp's Field. Selectperson Moulton requested that the property be surveyed.

Selectperson Sites asked if the warrant article needed to be looked by the town attorney. The Town Manager responded to Selectperson Sites that the warrant article may need to be reviewed depending on what the Board chose to do. The Town Manager suggested that the Board follow through with the proposed warrant.

Selectperson Reed asked for a more of an explanation of the intent of keeping the field available for its current uses. The Town Manager responded that an explanation will be included with the warrant article.

Chairperson Berry recognized Alicia Dostilio, Parsonage Road. Ms. Dostilio asked what the process was if a third party was not chosen by the Select Board. The Town Manager clarified that the Select Board would be given the authority to enter in the agreement.

The Town Manager informed the Board that the property was surveyed last year. Selectperson Moulton stated that he wanted to look over the survey. Selectperson Reed asked about a piece of property that abuts the Veteran's Memorial Park. The Town Manager stated that the property has been surveyed. Debbie Grover, Town Clerk, stated that there was an exchange for property years ago.

Chairperson Berry recognized Linc Merrill, North Road. Mr. Merrill asked that the language be clear.

Chairperson Berry recognized Nelson Smith, Ledge Road. Mr. Smith stated that he was concerned about parking in the Village Center. Selectperson Reed responded to Mr. Merrill's comments. The Chairperson agreed with Selectperson Reed that an explanation will be helpful in the warrant article.

Chairperson Berry recognized Diane Morrison, Chairperson of the Economic Development and Sustainability Committee. Mrs. Morrison asked the Board what else was available for senior housing. Selectperson Reed stated that the Hazelton property could be a potential option if an agreement was made with Ben Grover. Mrs. Morrison asked if there was public property that could be used. Selectperson Reed stated that there was no public property, he felt, was available for senior housing. Diane Morrison asked for more details on what the Select Board's plan was for senior housing. Diane Morrison asked what the timeline was for Senior Housing in North Yarmouth. Selectperson Reed stated that there is a forum coming up to discuss Senior Housing. Selectperson Reed was not sure who was hosting the event. The Town Manager responded that the Select Board and the Economic Development & Sustainability Committee would be hosting the event. Selectperson Reed stated that he would work with the Economic Development & Sustainability Committee on Senior Housing. Selectperson Sites asked that it clarified what the Board was voting on. Chairperson Berry clarified that the warrant article will allow the Select Board to enter into an agreement with a third-party to create an easement for Sharp's field. **Vote: 5 Yes – 0 No.**

Land Use Ordinance Amendments – Chairperson Berry moved to approve and certify the Land Use Ordinance's proposed amendments before the townspeople at the Annual Town Meeting to be held on April 24, 2021, as presented by the Planning Board. Selectperson Sites seconded the motion. Discussion: Selectperson Reed asked if Audrey Lones, Planning Board Chair, could speak on the amendments. Chairperson Berry granted the request. Selectperson Moulton asked which warrant articles consisted of the amendments. Chairperson Lones clarified. Selectperson Reed asked questions regarding the warrant and the amendments the Planning Board proposed and has had certified by the Select Board. Selectperson Moulton inquired on who wrote the Town Meeting warrants. The Town Manager clarified to the Board that the warrant articles were written by the Town Manager but that the amendments to the ordinance are proposed by the Planning Board. Selectperson Reed asked further questions regarding the amendments. Selectperson Sites asked if the Board is voting to send the language presented to be voted on at Town Meeting. The Town Manager responded in the affirmative. There was a discussion between the Chairperson, Selectperson Sites, and Selectperson Reed. **Vote: 4 Yes – 1 No (Selectperson Moulton)**

New Business:

Appointments:

Chairperson Berry moved to acknowledge and appoint Len Kaminow to the Shellfish Conservation Commission for a term of three (3) years and three (3) months to expire on June 30, 2024. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to acknowledge and appoint Paul Metevier to the Planning Board for a term of three (3) years and three (3) months to expire on June 30, 2024. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to appoint Jim Briggs, Nicole Hewe, Laurie Gilman, Darcy Cunningham, Scott Kaplan, Sandy Falsey, and Jillian Kaechele to the Recycling Committee for a term of two (2) years and three (3) months to expire on June 30, 2023. Selectperson Sites seconded the motion. Discussion: Selectperson Reed asked if the volunteers presented showed interest in filling the position. The Town Manager answered in the affirmative. Chairperson Berry asked the Town Manager if there was anyone missing from the list presented, to clarify Selectperson Reed's question. Debbie Grover, Town Clerk, answered in the affirmative. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to acknowledge and appoint Melissa Fowler to the North Yarmouth School Fund Committee for a term of five (5) years and three (3) months to expire on June 30, 2026. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Berry moved to acknowledge and appoint Laurie Gilman to the Events Committee for a term of two (2) years and three (3) months to expire June 30, 2023. Selectperson Harrell seconded the motion. Discussion: Selectperson Moulton made a comment regarding the applicant's request to be appointed to two (2) committees.

Selectperson Reed made additional comment on limiting the amount of committee's volunteers can volunteer for to encourage participation. **Vote: 5 Yes – 0 No.**

MSAD 51 Project Graduation Committee – Chairperson moved that the Select Board authorize the donation of \$500.00 in support of the Greely High School Project Graduation. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

MDOT Project No. 2487700 Agreement Endorsement – Chairperson Berry moved that the Select Board endorse the MDOT Project No. 2487700 request to acknowledge that a construction over-limit permit will be issued to the contractor. Selectperson Harrell seconded the motion. Discussion: Selectperson Harrell asked the Town Manager about what options the Board had with what was presented. The Town Manager stated that the action was acknowledgement that MDOT would proceed with the proposed project. **Vote: 5 Yes – 0 No.**

Spirit of America Tribute – The Chairperson asked the Town Manager to present the action that is being requested by the Select Board. The Town Manager clarified that this was to acknowledge and individual or committee of the town. No motion or action was required.

Safety Assessment (Gray Road) – Chairperson Berry moved to authorize the Town Manager to send a request to the Maine Department of Transportation to conduct a Safety Assessment of the area described as Route 115 from the Haskell Road to the Gray Town Line. Selectperson Harrell seconded the motion. Discussion: Selectperson Harrell asked what the video from the resident showed. The Town Manager responded that the video was of the resident driving that stretch of road. Selectperson Harrell asked if the study would cost money. The Town Manager responded that the Board would be aware of a fee if there was one. Nick Thibeault, Public Works employee, stated that a speed trailer would be placed there in the near future. **Vote: 5 Yes – 0 No.**

Brown-tailed Moth Spray Request – Chairperson Berry moved to authorize the Town Manager to have the recreational areas of Sharp's field and the ballfield location on Parsonage Road to be sprayed to remove brown-tailed moths. Selectperson Reed seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Resolution – Senior Property Tax Stability – Chairperson Berry recognized Selectperson Reed to make a brief presentation on the resolution. Selectperson Reed presented the resolution. Chairperson Berry recognized Donna Palmer, Mountfort Road. Mrs. Palmer made a statement to the Board regarding broadening the discussion at a future time. Selectperson Reed stated his opinion on the matter. Selectperson Harrell stated that he preferred a Board discussion rather than voting on a resolution. There was further discussion about voting on the resolution. There was no motion and no action was taken.

Resolution – Marijuana Referendum – Chairperson Berry recognized Selectperson Reed to make a brief presentation on the resolution. Selectperson Reed presented the resolution. Selectperson Reed moved to endorse the resolution on Marijuana Referendum(s) Approval, as presented. Selectperson Moulton seconded the motion. Discussion: The Board discussed if it was appropriate to move forward on the item as the item would already have the support to be a referendum vote. Selectperson Reed withdrew his motion.

Accounts Payable – Chairperson Berry moved to approve accounts payable warrants 40,41,42, and 43 in the amount of \$202,308.99, as presented for FY21. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton asked about warrant 41. The Town Manager responded that the item was a routine quarterly payment to the per-diem fire rescue personnel. **Vote: 5 Yes – 0 No.**

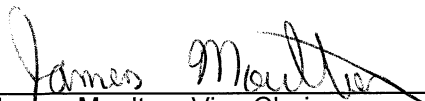
Any Other Business – None.


Adjournment - Chairperson Berry moved to adjourn.

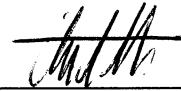
Prepared By: Draven Walker
Executive Assistant/Recording Secretary

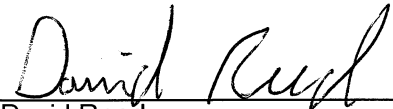
Select Board



Steve Berry, Chair

James Moulton, Vice Chair

Brian Sites

Austin Harrell

David Reed