

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, May 4, 2021



**Call to Order** – Steve Berry, James Moulton, Brian Sites, and Austin Harrell. Selectperson Reed notified the Chairperson of his absence. The Town Manager was not present. Chairperson Berry called the meeting to order at 7:00 PM

**Special Presentation:**

**00:07:00**

Renee Lachapelle, Cumberland County Assessing, made a presentation to the Board. The Assessor explained that Cumberland County Assessing oversees approximately 23,000 real estate accounts and 1,929 personal property accounts over six (6) towns that it manages. The Assessor clarified that the organization she works for, Cumberland County Assessing, and the Assessor herself, are not micromanaged by the Town Manager. Furthermore, the Assessor explained projects she's been working on with staff in the Assessing Department. The Assessor addressed questions regarding homestead exemptions and trusts and clarified the process that the residents must follow to qualify for the exemption. The Assessor described how her office has worked on reaching out to the residents of North Yarmouth to file their exemptions. Furthermore, she added that she and the town staff have been working to update the town's maps. The Assessor then described her work with updating the personal property taxes to reflect the proper amounts owed by business owners. Selectperson Moulton asked the Assessor what the extension was for filing for homestead exemption. The Assessor answered that the governor's order did extend the deadline up until the time the town commits its taxes. Selectperson Moulton asked how the Assessor identifies issues with filings, specifically with a gentleman who has shared concerns with Selectperson Moulton on the Assessor's determination of the filing of his title. The Assessor clarified that she directs residents to speak with the title firm to resolve any discrepancies. Selectperson Moulton asked how personal property is assessed. The Assessor responded on the process of assessing personal property when no application was filed. The Assessor clarified that the process requires research and her experience on what businesses may own to assess them fairly. Paul Napolitano, Mill Ridge Road, asked the Select Board if the Assessor could clarify her exemptions and the number of funds received from personal property tax since she has started with the Town. The Assessor stated that she would check on the number of evaluations that have increased from FY20 to FY21. Judy Potter, Walnut Hill Road, asked a question regarding solar and wind exemptions. The Assessor answered Ms. Potter's question and asked her to reach out at a later time for exact information. Audrey Lones, Baston Road, asked the Assessor what phantom properties were being missed. The Assessor stated that there was no excess of properties not being assessed; properties generally were listed as new construction. Mike Mallory, Walnut Hill Road, asked the Assessor if an exemption could be created to offset taxes going to the MSAD 51 School Department. The Assessor stated that the state had authority on this, not the town. Larry Loneygan, Abby Lane, asked if certain zones should be valued differently. The Assessor responded that valuation is set so that the first acre of property carries the primary value and that excess acreage is assessed at \$5,000 an acre. Furthermore, the Assessor stated that a revaluation would need to take place and that the land pricing tables would need to be updated accordingly for any changes to assessments in the Village Center and across town. Selectperson Moulton reiterated Mr. Loneygan's point that owners of property in the Village Center have the opportunity to split their property more than those who lived in the Farm and Forest district while also paying the same amount in taxes. The Assessor stated that there are mechanisms to allow certain acres to be reduced depending on classification. Scott Kerr, New Gloucester, ask the Assessor if the information previously explained was on the property tax cards. Mr. Kerr asked if Vision files were a real record. The Town Assessor explained that exemptions would be reflected on the property card. Scott Kerr described that high values on acreage have historically been discouraged to avoid more development in the Village Center.

**Executive Session – Appointments**

**00:51:03**

Chairperson Berry moved that the Select Board enter into executive session with the Town Attorney, Matt Tarasevich, pursuant to Title 1 MRS Chapter 13 Public Records and Proceedings, § 405 Executive Sessions § 6(A) to discuss the Town Manager's appointment of the Assistant Town Manager to temporarily perform the Town Manager's duties. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**



Chairperson Berry moved to confirm the Town Manager's designation of Assistant Town Manager, Debbie Grover, to temporarily perform the duties of North Yarmouth Town Manager. Discussion: none. **Vote: 4 Yes – 0 No.**

#### **Minutes of Previous Meeting(s):**

**1:38:06**

Chairperson Berry moved to approve the minutes for April 12, 2021, as presented. Selectperson Sites seconded the motion. Discussion: Paul Napolitano stated that there were discrepancies in the citation for the Board to go into executive session. Furthermore, Mr. Napolitano asked the Board to add an incident that took place between him, a non-resident, and the Town Manager. Selectperson Moulton stated that the video is available as a permanent record. Selectperson Moulton stated that he would approve the minutes based on the video record being available. Paul Hodgetts, Sligo Road, asked the Board if they've received a letter from Mr. Merrill. The Chairperson and other Board members responded in the affirmative. Mr. Hodgetts stated that the events in Mr. Merrill's letter should be added to the record. Chairperson Berry stated that the letter would be read into the record. Mr. Mallory asked if the Board could amend the minutes to reflect Mr. Merrill's comments. Chairperson Berry stated that he thought that the Board should move forward with approval but to read Mr. Merrill's letter into this record. Selectperson Moulton agreed. **Vote: 4 Yes – 0 No.** Chairperson Berry moved to approve the minutes for April 20, 2021, as presented. Selectperson Sites seconded the motion. Discussion: Selectperson Moulton said that there were some things in the minutes he would change. However, Selectperson Moulton stated that he would move forward with the minutes. **Vote: 4 Yes – 0 No.** Chairperson Berry moved to approve the minutes for April 27, 2021, as presented. Selectperson Harrell seconded the motion. Discussion: Selectperson Harrell asked that minutes include the time the Board adjourns. Judy Potter asked the Board if a direct script of the meeting could be made available. Chairperson Berry responded that the cost would be high, that a video recording of the meeting is available, and that timestamps on the agenda items were discussed with town staff. Selectperson Moulton stated that more elaboration of the contents of discussions in the meeting minutes should be done. **Vote: 4 Yes – 0 No.**

#### **Public Comment - Non-Agenda Items:**

**1:46:40**

Anne Graham, Farms Edge Road, urged the Board to follow Robert's Rules during the meetings. Furthermore, Ms. Graham notified the Board of the American Recovery Fund. Ms. Graham urged the Board to reach out to state legislatures to promote North Yarmouth receiving funds.

Laurie Bachelder, 865 Oak Hill Road, made comments regarding the open school board seat that she was interested in filling. Ms. Bachelder stated that the Board seemed to have a process available that allows them to appoint an individual for the remaining term and stated that two (2) weeks for the open seat was enough time for the Board to decide on an appointment. Ms. Bachelder shared her concerns with the seat not being filled as soon as possible and told the Board she would like to be considered for the School Board vacancy position. Ms. Bachelder provided a resume to the Board before the meeting. Ms. Bachelder stressed the need for the Board to make an appointment. Chairperson Berry recused himself from the conversation. Selectperson Moulton responded that he spoke with the School Board Chair on a process the Select Board should follow to fill the open seat on the School Board. Ms. Bachelder stated that she saw that as a conflict of interest due to the chair not being a resident of North Yarmouth. Selectperson Moulton clarified that the conversation with the School Board Chair was not to recommend any individual to fill the seat. Selectperson Moulton further clarified that he thought the process should be opened up to the public and to allow others to send in their applications or resumes. Ms. Bachelder further shared her concerns about not filling the seat right away. Selectperson Moulton stated that he would look further into the matter.

Paul Hodgetts, Sligo Road, asked Selectperson Moulton how long the process would take to appoint a School Board member. Selectperson Moulton reiterated the process told to Ms. Bachelder.

Judy Potter, Walnut Hill Road, inquired if the Board would make amendments to the 2018 Comprehensive Plan. The Chairperson clarified the contents of the 2018 Comprehensive Plan included in the meeting materials and how the Board will move forward after the Annual Town Meeting. Ms. Potter asked why some letters were not



read at the last meeting. Chairperson Berry stated that he forwarded the letters regarding marijuana to the Planning Board and addressed them at the last meeting collectively to keep the meeting timely. Ms. Potter asked if the letters needed to be addressed to the Board to be read at the meeting. Chairperson Berry responded that this could be done.

Larry Loneygan, Abby Lane, shared his concerns with the growth in the Village Center. Mr. Loneygan explained to the Board his research on the School Board's budget and building plans. Mr. Loneygan further explained his conversations with the officials from the school. Mr. Loneygan had particular concerns with the building costs from a proposed school. Mr. Loneygan was told that the state was unlikely in participating the cost of a new school. Selectperson Sites asked Mr. Loneygan who told him about the state not funding the project. Mr. Loneygan responded that it was an individual from administration at MSAD #51.

Mike Mallory, Walnut Hill Road, inquired on why the setbacks proposed in the Lane Use Ordinance amendments are set as maximums and not minimums. Mr. Mallory also commented on the road frontage specifications. Chairperson Berry suggested that Mr. Mallory address his questions to the Planning Board for the town's Economic Consultant.

Selectperson Sites addressed previous comments from the public. First, he explained to the Board that he researched what the town needed to do to comply with the state regulations on the town's TIF. Selectperson Sites stated that he spoke with the person who oversees TIFs at the Department of Economic and Community Development for the State of Maine. Selectperson Sites stated that the individual he spoke with would be able to present to the Board information on TIF's. Selectperson Sites stated that the town audit does capture where the money goes in each department but does not investigate the detailed expenses on what was purchased with TIF funds. Selectperson Sites added that the Maine Revenue Service will investigate how valuation is assessed in regards to TIF appropriations. Furthermore, Selectperson Sites suggested that the Board create a committee to oversee the TIF account.

Selectperson Sites reported on the situation regarding the Royal River Dam. Selectperson Sites added that he went on a walk with RRCT, Royal River Alliance, and community members on May 1, 2021, to collect more information for the Board. Selectperson Sites reported that the project would take at least three (3) years to complete. Selectperson Sites stated that one project that involved dredging part of Baston Park to allow canoe access to the river could be impacted by the removal of the dam. However, he reported that the Board is not sure what will be affected. Selectperson Sites stated that the Royal River Alliance is looking for another Board member.

Selectperson Sites reported that he spoke with someone at the Muskie School (University of Southern Maine) to better understand how a housing study could be done in North Yarmouth.

Selectperson Sites reported that the Senior Housing Forum has been delayed till after Annual Town Meeting.

Selectperson Sites reported that he and Selectperson Harrell listened on a call by Casco Bay Alliance. Selectperson Sites stated that he does see an opportunity for the town in their trail expansion.

Judy Potter, Walnut Hill Road, asked if Vanessa Farr was still working for the town while having another contract with another town. Chairperson Berry stated that he did not want to engage in conversations about personnel but stated that a written comment could be submitted to the Board if Ms. Potter would like.

Peter Lindsey, Mountfort Road, shared his previous experiences on the Planning Board and spoke on this experience of going through the process that the Planning Board creates for amending ordinances. He felt that the comments made prior need to go through that process. Mr. Lindsey stated that the current growth is meeting our current ordinances.

Chairperson Berry read a letter from Allyson Ford, Edna Road. The letter reads as follows:

*April 20  
Hi Draven,  
Please pass these comments on to Select Board to be read tonight.*

*Dear Select Board Members,*



*I have spent some time getting up to speed on our town's decision to move forward and change the land use ordinance to "opt-in" to Maine laws regarding adult-use regulations for marijuana cultivation, research, and businesses. The more I learn regarding adult-use marijuana regulations, the more convinced I am that the town residents should vote before the Planning Board spending any more time changing LUOs. Let the people decide by referendum on whether we even want to "opt-in." According to the Maine Office of Marijuana Policy, "Unless a municipal has voted to allow a particular type of marijuana establishment (retail stores, cultivation, manufacturing, testing), such establishment **is prohibited** in that municipality."*

*The Select Board's justification for moving forward is based on a flawed survey that was conducted last May. This survey was not representative, nor a random sampling. It was conducted during the initial lock-downs of Covid when the town offices were all closed. **No mailer was ever sent.** In order to learn of the survey, one would have had to be familiar with the town's Facebook page or been digging 3 layers deep on the town webpage. The way in which the survey was conducted, in and of itself, clearly ignores a large demographic of town residents. Many of our citizens don't visit these kinds of platforms. Take our very own Select Board member, Mr. Moulton, for example, who doesn't use email or social media. Others have intentionally chosen to sever ties with social media platforms like FaceBook. Others, frankly, had no idea that the town even had a Facebook page. For these reasons, **the survey should not serve as justification for "opting-in," or for changing LUOs with that intent.***

*If the town does indeed vote in favor of opting-in to accommodate adult use marijuana regulations, then let's approach this in an orderly fashion. First, before making any changes to existing zoning, let's all get better educated. There are numerous resources to assist and educate our residents and our Board members regarding the costs and impacts of "opting-in." Beth Blakeman-Pohl at Casco Bay CAN, for example, is a wealth of information and recognizes the impacts on our children. She has worked with other towns, like Freeport and Cumberland, to assist in zoning changes that protect our residents and our kids. The youth director at White Pine Church has even suggested hosting a workshop with Casco Bay CAN for the public and town leaders alike, at their NY ministry center. There are liaisons at the Maine Office of Marijuana Policy which work with towns to understand regulations and the responsibility of our code enforcer. People want to know how it is that there are currently people growing marijuana in our town and people like Heidi Bunnell at the Office of Marijuana Policy can answer all these questions. Why not provide the residents with as much information as possible, before changing zoning ordinances?*

*We are hearing much talk from the Planning Board and the EDSC about their desire to "preserve the rural feel of our town," and we all recognize that the main reason our town is so desirable is our amazing school system. Let's make sure our zoning laws, when it comes to marijuana establishments, prioritize these things **we value most** about NY.*

*Thank you and sincerely,  
Ally Ford*

Chairperson Berry read a letter from Linc Merrill, North Road.

Gentlemen,

*I had a chance to review the minutes from the Tuesday April 12th Select Board Meeting that are in the package for your May 4th Meeting. The minutes presented do not reflect the end of the meeting. Before the meeting was adjourned, there were several incidents that need to be recorded both for accuracy of what took place in the meeting and the events that impacted members of the Board and the public.*

*In particular, when the meeting disintegrated into a chaotic spell but was still in session, town resident Paul Napolitano was confronted by the Town Manager's husband. That same individual then approached Vice Chair Jim Moulton and there was an extended exchange during which the Town Manager yelled at Mr. Moulton several times. This is my view of what happened and the video recording may be reviewed for a proper confirmation and recording of the events.*

*Personally, at least twice during the meeting that I am aware of, the Town Manager threatened to take me to court and sue me.*

*For the protection of Mr. Napolitano, Select Board member Moulton, and myself, these facts need to be*



*captured in the minutes. It was not until all these actions had taken place that the meeting was adjourned. Therefore, they should be part of the meeting record and the minutes should be corrected to reflect them.*

*Finally, the Select Board meeting minutes in general over time indicate a motion was made and meetings were adjourned, including the meeting of April 12th. An appropriate recording in all minutes to end them would be who made the motion, who seconded it, and what the vote was to adjourn.*

*I recommend this practice be implemented right away. I did not review the April 12th video to check this but it has been brought up a few times that residents are not sure if that meeting was ever adjourned given the ending. A properly recorded vote as outlined above would answer that question*

*Thanks for your attention,*

*Lincoln Merrill  
1572 North Road  
North Yarmouth, Maine 04097*

Chairperson Berry stated that adjournment was allowed by the chairperson once the hour of adjournment has come. Chairperson Berry stated that his adjournment was necessary as the circumstances were unsafe. Selectperson Moulton asked that the Board enter the letter into the record.

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

**2:26:17**

Communications – Chairperson Berry read the Communications report from the meeting materials. Reports and Communications are located at the Town Office or the Town website, [www.northyarmouth.org](http://www.northyarmouth.org).

### **Old Business:**

**2:32:01**

Roadway Ordinance – Chairperson Berry moved to hold a public hearing on May 18, 2021, for the purpose of amending the Roadway Ordinance. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Spirit of America Award – Chairperson Berry asked the Board members to reconsider their choice for who they wish to receive the Spirit of America Award. Voting was done by secret ballot. Chairperson Berry announced that the Solar Research Committee will receive the award. Selectperson Harrell stated that Chris Byers, Kelly Walker, Byron Kern, and Chris Cabot were part of the committee.

### **New Business:**

**2:35:22**

Chairperson Berry moved to hold a public hearing on May 18, 2021, for the purpose of amending the Regulations for the Use of Parks and Recreation Areas Ordinance. Selectperson Sites seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Chairperson Berry moved to hold a public hearing on May 18, 2021, for the purpose of amending the proposed Animal Control Ordinance. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

### **Accounts Payable:**

**2:37:17**

Chairperson Berry moved to approve accounts payable warrant 46 & 47 in the amount of \$120,541.08, as presented for FY21. Selectperson Moulton seconded the motion. Discussion: Selectperson Moulton inquired about a payment to Bernstein Shur. Chairperson Berry stated that the cost was a monthly charge. Selectperson

Moulton inquired about a payment to Maine Design Workshop. Chairperson Berry clarified that this was a monthly charge by the vendor. **Vote: 4 Yes – 0 No.**

**Any Other Business** – none.

**Adjournment** - Chairperson Berry moved to adjourn at approximately 9:38 PM.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board



Steve Berry, Chair



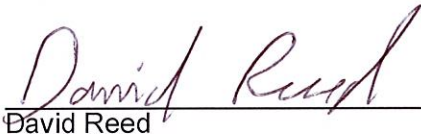
James Moulton, Vice Chair



Brian Sites



Austin Harrell



David Reed