

Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, June 15, 2021



Call to Order – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed were present. Chairperson Berry called the meeting to order at 7:00 PM.

Special Presentation (4:15)

Dick Woodbury, Casco Bay Trails – Chairperson Berry recognized Martha Levitt to speak on the vision of Casco Bay Trails to make North Yarmouth a recreational destination. Dick Woodbury described to the Board the connectivity opportunities provided by the St. Lawrence and Atlantic Railroad line. Mr. Woodbury described the Rail Corridor Advisory Council Process that was approved by the legislature and governor that would allow elected officials to request that a Rail Corridor Advisory Council be created to determine the best use of rail corridors not being utilized. Mr. Woodbury requested that North Yarmouth request a Rail Corridor Advisory Council Process. Selectperson Reed asked Mr. Woodbury how extensive the proposed connective trail would be. Selectperson Reed asked Mr. Woodbury what resources were needed to move forward with expanding the Eastern Trail. Mr. Woodbury stated that state and private funds have been allocated for similar projects; mostly projects are state funded (80%) with roughly 20% being private or municipal contributions. Selectperson Moulton asked Mr. Woodbury what the Town's first step would be to show interest in the project. Mr. Woodbury suggested that an endorsement from the Board to allow the freight easement to expire and to request the State to create a Rail Corridor Advisory Council Process would be the best-case scenario. Selectperson Moulton asked a follow up question regarding consequences if the Town endorsed having the freight easement expire. Mr. Woodbury responded in the negative. Selectperson Moulton summarized the discussion that the Town needs to show interest to move forward with continuing the Casco Bay Trail project. Chairperson Berry recognized the public. Mr. Woodbury answered questions from the public. Selectperson Reed shared his support with the project. Mr. Merrill, North Road, made comments of his property in Windham that is divided by the Mountain Division Trail and suggested that the Board consider those property owners who could be effected by the creation of a trail that could go through their property. Anne Graham, Farms Edge Road, spoke on the condition of the railroad. Ms. Graham made comments supporting the project and the additional safety measures it provides for bikers and walkers on North Road. Ms. Graham shared her interests in being involved. Selectperson Sites asked if a draft resolution could be provided. Mr. Woodbury stated that he did have a draft resolution and explained the support that has been provided by surrounding communities at this point. Rachel Whitmarsh, Wild Turkey Lane, asked if taxes would need to be appropriated to maintain the trail. Mr. Woodbury responded that the responsibility would be shared with a regional authority and that the details would need to be worked out at a future time. Selectperson Moulton asked if the Town or another organization would be provided rights to the property by the state. Mr. Woodbury responded that the state would still own the property and largely maintain it. Selectperson Moulton followed up with a question of who controls the property. Selectperson Sites responded that Mr. Woodbury's purpose for being at the meeting was to introduce the topic and provide next steps for the Board. Selectperson Reed asked if federal spending would be provided. Mr. Woodbury responded that the Town needs to first have a "shovel ready" project that could be applied for federal funding.

North Yarmouth School Fund Awards – Blaine Barter, Chairperson of the North Yarmouth School Fund Trustees, on behalf of the committee, offered his condolences for the Baston family for their loss of Dick Baston. Chairperson Barter explained the history and available uses of the scholarships to the Select Board. The Board randomly picked the winners of the North Yarmouth School Fund Award. Chairperson Barter announced the winners:

- Eliza Ingersoll
- Kaitlyn Guay
- Bailey June Hamm
- Payton Hatch
- Nathaniel Andrew Duden

Minutes of Previous Meeting(s) (35:00) – Chairperson Berry moved to approve the minutes for June 1, 2021, as presented. Selectperson Harrell seconded. Discussion: none. **Vote: 5 Yes – 0 No.**

Public Comment - Non-Agenda Items (35:28) – Clark Baston, Road Commissioner, thanked the Fire Rescue Department for assisting with the funeral services for his father, Richard Baston. Mr. Baston also thanked Fire Rescue Chief, Greg Payson, for coordinating the funeral and Debbie Grover for stepping in and assisting. Anne Graham, Farms Edge Road, shared her concerns with how community members treat volunteers on committees. Ms. Graham thanked Chairperson Berry for his service to the Select Board. Chairperson Berry thanked Ms. Graham.

Scott Kerr, New Gloucester Road, thanked Chairperson Berry for his service to the Select Board.

Judy Potter, Walnut Hill Road, asked if the public could ask questions during the agenda item that it relates to. Chairperson Berry answered in the affirmative.

Laurie Robinson, Lufkin Road, asked about notification on the board outside the Wescustogo Hall & North Yarmouth Community Center regarding Annual Town Meeting. Acting Town Manager, Debbie Grover, stated that she would look into putting messaging on the board and also responded that signs were placed around town at the beginning of June. Katie Murphy, Mountfort Road, asked the Acting Town Manager if childcare was being provided at Town Meeting. The Acting Town Manager responded in the affirmative and will be available from 8:30 AM – 3:00 PM. Selectperson Reed asked if food or drinks could be provided for Annual Town Meeting. The Acting Town Manager responded that Town Meetings generally don't go beyond 1 PM. Selectperson Moulton made a comment about having a food truck. Selectperson Reed made comments on having water being provided at the meeting.

Management Reports & Communications: (45:45)

Acting Town Manager's Report – The Acting Town Manager's Report can be found in the meeting materials for this meeting. Chairperson Berry read the report to the Board.

Financial Reports – The Financial Reports for May 2021 were provided to the Select Board.

Old Business: (54:41)

MSAD #51 School Board Appointment – Vice Chairperson Moulton explained the process of evaluating the individuals who applied to the MSAD #51 School Board appointment.

Elizabeth Jacobson, Titcomb Field Road, withdrew her application for being appointed to the MSAD #51 Board of Directors.

Laurie Bachelder, Oak Hill Road, provided her opening statement to the Select Board. Ms. Bachelder's speech can be viewed on the video recording of the meeting.

Vanessa Bryant, Farms Edge provided her opening statement to the Select Board. Ms. Bryant's speech can be viewed on the video recording of the meeting.

Selectperson Reed asked Ms. Bachelder and Ms. Bryant what the common ground was in the community. Ms. Bryant asked for clarification. Ms. Bryant responded that she values listening to everyone's opinions, the facts, and listening to the community to find the middle ground. Ms. Bryant concluded that the School Board was for the children. Selectperson Reed commented on the process for choosing student representatives and asked both applicants if they would be in favor of an election of the students to choose their representatives to the MSAD #51 School Board rather than administration. Ms. Bryant responded that she would be in favor of an election of the student body. Ms. Bachelder also agreed. Ms. Bachelder followed up on comments of transparency with the MSAD #51 School Board and the public. Ms. Bachelder responded to Selectperson Reed's question on common ground in the community. Ms. Bachelder stated that she understood a group of parents that were not being heard by the current MSAD #51 School Board and that a platform needed to exist to correct that.

Selectperson Moulton asked how the applicants would keep taxes down and promote student success. Ms. Bachelder responded that the MSAD #51 School Board needed to consider the parent and tax payer. Ms. Bachelder proposed reallocated resources from the administrative offices to the classroom; competitive bidding with services; containing costs with employee benefits but also providing the best benefits for recruiting the brightest educators (cost-savings); instituting collective bargaining; being fiscally responsible through

assessments to avoid building an expensive school; and, more collaboration between Town Councils and the MSAD #51 School Board to act on shared interests. Selectperson Moulton asked what their opinions were on MSAD #51's standing compared to the surrounding local schools. Ms. Bachelder stated her agreement with having a lower tax base and receiving more funding to offset school expenses. Ms. Bachelder made further comments on how a consultant could be beneficial in helping the district lower budget costs. Ms. Bryant responded to Selectperson Moulton's question stating that the MSAD #51's budget did reflect cuts to the administration department. Ms. Bryant made further comments on the efforts made to reduce the budget and provide fair salaries to teachers; Ms. Bryant also commented on the possibility of a growth cap to reduce student enrollment to control taxes.

Selectperson Sites asked the applicants what piqued their interest to be involved with the MSAD #51 Board of Directors and two (2) goals they wish to see accomplished. Ms. Bryant stated that the choices of the MSAD #51 Board of Directors during the pandemic brought her interest in running for the position and wanting to be appointed. Furthermore, Ms. Bryant stated that she wanted to do a better job at supporting the middle group of students in the MSAD #51 district. Ms. Bachelder responded to Selectperson Site's question. Ms. Bachelder stated that her interest in applying for the position was to have better transparency between the MSAD #51 Board and the public. Ms. Bachelder stated that she wanted more meaningful discussion with the public and her concerns with the discussions of the Equity and Inclusion Committee. Furthermore, Ms. Bachelder stated her disagreements with the MSAD #51 Board of Director's decision to not say the pledge of allegiance or have an American flag at the meeting. Ms. Bachelder followed up on her opinions on the Equity and Inclusion Committee's discussion on Critical Race Theory in schools; Ms. Bachelder does not support the theory but does agree with practicing equity and inclusion in schools.

Selectperson Reed asked the applicants how they would support students with an IEP. Ms. Bachelder spoke on her experiences with her child who has an IEP and stated that she continues to advocate for those students who have those difficulties. Ms. Bachelder made comments on focusing on students who are in the middle (between lower-level learners and higher-level learners). Ms. Bachelder supports more accessibility to vocational classes. Ms. Bryant agreed that vocational classes should be utilized. Ms. Bryant stated that she believed there needs to be more focus on how students learn to better place them with educators that will help them be successful.

Selectperson Reed asked the applicants how they would each address homework workload that Mr. Reed felt was repetitive or unnecessary at times. Ms. Bryant responded that a policy might be instituted to control how much homework is sent home with the student but cautioned that the time spent on homework can be very different from each student. Ms. Bachelder responded on her children's experiences with completing homework and stated that her opinion was those children be provided more support in the classroom to avoid repetitive homework and students falling behind. Ms. Bachelder stated that children learn more organizational skills in lieu of repetitive homework.

Ally Ford, Edna Lane, made a comment supporting Laurie Bachelder.

Andrea Berry, Memorial Highway, asked the Board to support a candidate who would be in favor of racial equity. Mrs. Berry asked if the applicants could speak to LGBTQ rights.

Jennifer Smith, Royal Road, made a comment supporting Laurie Bachelder.

Kasey Ford, Edna Lane, commented on equity and inclusion being heavily supported on the MSAD #51 School Board and that he would prefer to see a member be appointed who had a differing viewpoint. Mr. Ford stated his support for Laurie Bachelder.

Tucker Cianchette, Bowdoin Court, made a comment supporting Laurie Bachelder.

Anne Graham, Farms Edge Road, made a comment on divisiveness in the community and shared her support for Vanessa Bryant.

Kelly Walker, Whitney Farms Road, made comments supporting Laurie Bachelder and shared her concerns with theories being taught in the classroom.

Laurie Bachelder provided her closing statement to the Select Board. Ms. Bachelder's speech can be viewed on video recording of the meeting.

Vanessa Bryant provided her closing statement to the Select Board. Ms. Bryant's speech can be viewed on the video recording of the meeting.

Selectperson Reed moved that the Select Board enter into executive session pursuant to Title 1 MRS § 405 Executive Sessions § 6(A) to discuss an appointment to the MSAD #51 Board of Directors. Selectperson Sites seconded. Discussion: none. **Vote: 4 Yes – 0 No – 1 Abstain (Chairperson Berry).**

The Board came out of Executive Session at approximately 9:45 PM. Vice Chairperson Moulton announced Vanessa Bryant as the choice for MSAD #51 School Board Director.

Chairperson Berry made a point of order that the Select Board make a motion to Vice Chairperson Moulton's announcement. Vice Chairperson Moulton moved to appoint Vanessa Bryant to a one (1) year term onto the MSAD #51 Board of Directors. Selectperson Sites seconded. Discussion: Selectperson Reed stated that Laurie Bachelder did a great job in presenting herself. Selectperson Moulton concurred. **Vote: 4 Yes – 0 No – 1 Abstain (Chairperson Berry).**

COVID-19 Standard of Operations Policy – Chairperson Berry moved to accept the COVID-19 Standard of Operations Policy, as written. Selectperson Sites seconded. Discussion: Chairperson Berry recognized Judy Potter, Walnut Hill Road. Ms. Potter asked if the Town Office was able to allow for recordings. The Broadcast Technician explained that the meeting room allows for meetings to be recorded and that portable broadcasting equipment is available. Ms. Potter questioned Section 7(C) of the COVID-19 SOP regarding the allowable meeting room capacity of 36 people. Ms. Potter advocated for having meetings permanently at the Wescustogo Hall. Selectperson Reed inquired on the dates of the Ballfield being assessable. Chairperson Berry and Selectperson Sites clarified the effective dates of the policy. Selectperson Moulton asked if the policy would stop being effective June 30, 2021. Chairperson Berry answered in the affirmative. Selectperson Reed asked what the Town Manager's authority was on creating policies and suggested that the Town Manager have limited authority on setting policies before the Board is involved. Chairperson Berry reminded the Board that the Town Manager, Rosemary Roy, did provide the policy for Board review at a regular business meeting when it was first implemented. Selectperson Reed stated that he believed an elected board is more qualified in representing the public and making decisions in times of crisis than a town employee. Selectperson Sites asked if the Board is voting on a policy that was going to expire in fifteen (15) days. Chairperson Berry answered in the affirmative. **Vote: 5 Yes – 0 No.**

Selectperson Reed moved to assert that the Select Board has the rule-making capacity in times of crisis though the Town Manager, in sudden crisis, may come up with a policy to addresses it but will be void if the Select Board chooses not to extend it at the next meeting. There was no second to the motion, however the Select Board engaged in the following discussion:

Selectperson Moulton stated that he believes the Board knows what authority it has. Chairperson Berry stated that he did not feel comfortable weighing on either side of Selectperson Reed's motion without looking over the motion in writing. Selectperson Sites stated that he believes the Charter does not address the situation described by Selectperson Reed. Selectperson Sites stated that he would ask for a legal opinion. Selectperson Moulton concurred. Selectperson Reed stated that a lawyer with constitutional law experience and theoretical philosophical experience should weigh in on an interpretation of the town's charter. Selectperson Moulton stated that he believed the town's attorney would be sufficient in a legal opinion. Chairperson Berry recognized Mike Mallory, Walnut Hill Road. Mr. Mallory stated that the Town Manager works under the Select Board and felt that there was clarity on the authority of the Select Board.

Selectperson Reed withdrew his motion.

Chairperson Berry moved to have the Acting Town Manager initiate the attorney to review the Town Manager's authority to implement policy as described in the charter. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Route 115 Safety Assessment – Chairperson Berry moved to direct the Acting Town Manager to prepare a letter to the MDOT Commissioner to request that the section of Gray Road between Haskell Road to the Bittersweet Ridge Disc Golf Entrance be striped as a no passing zone and to bring such letter back to the Board for endorsement. Selectperson Moulton seconded the motion. Discussion: Selectperson Harrell asked the Executive

Assistant to the Town Manager about the data provided to the Board from a speed trailer on Gray Road. The Executive Assistant stated that he did not review the data completely but provided the information as requested by a citizen as part of an FOIA request. Selectperson Reed asked what the speed was on Gray Road. Clark Baston, Road Commissioner, stated that it was 45 MPH. The Road Commissioner stated that the concern was on being able to pass on Gray Road and not on speed. Chairperson Berry clarified that the MDOT was looking at line-of-sight. The Road Commissioner explained that the approval of the request from the resident by the Commissioner could set a precedent that could create more restrictions on passing and avoid cars to pass slow moving traffic, like a farm trailer. Scott Kerr, New Gloucester Road, stated that the speed trailer did not pick up his tractor's speed as he went by it. Paul Napolitano, Mill Ridge Road, stated that he is more concerned with the brush from Bittersweet Ridge Disc Golf. Chairperson Berry read a letter provided by Pamela Smith. The letter from Ms. Smith is included in the meeting materials for this meeting. The Executive Assistant reminded the Board of the letter provided by MDOT. Selectperson Harrell that he would not vote to move forward with the request. Selectperson Reed concurred. Selectperson Sites asked for clarification on how the Board should vote if they do not want to move forward with a letter to the MDOT Commissioner. Chairperson Berry responded that members who do not want to move forward vote "NO". Chairperson Berry restated the motion. Selectperson Reed asked for clarification of MDOT would still stripe the 300 ft from the junction of Mill Road and Gray Road to Deer Brook Apts. Road. Chairperson Berry answered in the affirmative. **Vote: 0 Yes – 5 No.**

New Business: (3:17:28)

Cumberland County Community Development Program – Chairperson Berry moved to continue the Town of North Yarmouth's partnership with Cumberland County Community Development. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Ecomaine Representative – Appointment – Chairperson Berry moved to appoint Rob Wood as the town's ecomaine representative for a term to expire on June 30, 2022. Selectperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Muskie School Housing Study – Selectperson Sites asked to table the agenda item for the next meeting.

Accounts Payable (3:20:43) – Chairperson Berry moved to approve accounts payable warrants 52 & 53 in the amount of \$ 868,037.94, as presented for FY21. Discussion: Selectperson Reed asked about the Town Manager's salary on the payroll. Chairperson Berry responded that the Town Manager is out on Family Medical Leave Act and that the Town is still paying her. **Vote: 5 Yes – 0 No.**

Any Other Business: (3:21:57)

Selectperson Sites reported on the progress of the Royal River Alliance and the progress of the removal of the Royal River dam. Chairperson Berry asked the public to reach out to Selectperson Sites if they are interested in joining the Board.

Selectperson Moulton reported to the Select Board that he spoke with one of the Sheriff's officers to better understand whatever problem there was that caused the Sheriff's Office to move out of the Fire Rescue Station.

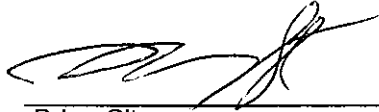
Selectperson Moulton asked if a picture of the updated drawing for the front cover of the Village Master Plan could be provided to the townspeople at the Annual Town Meeting. Selectperson Moulton asked the Acting Town Manager if the most updated mil rate could also be provided to the Select Board at the Annual Town Meeting. Selectperson Harrell clarified that the drawing of the Village Master Plan was the revised version. Selectperson Harrell stated that the front cover image was out of context without the full Village Master Plan. Selectperson Moulton stated that he believed the picture said a lot. Selectperson Reed stated that he believed a crosswalk should be placed on Route 9 in context to the Village Master Plan drawing. Selectperson Sites stated that he saw no issue with providing the document at the Town Meeting. Scott Kerr, New Gloucester, stated that the drawing in the Village Master Plan was page four (4) of the plan posted online.

Adjournment - Chairperson Berry moved to adjourn at approximately 10:30 PM. Selectperson Sites seconded. Discussion: none. **Vote: 5 Yes – 0 No.**

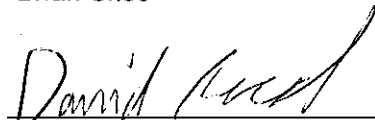
Prepared By: Draven Walker
Executive Assistant/Recording Secretary

Select Board

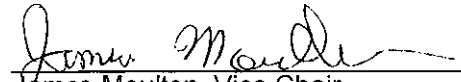
Steve Berry, Chair



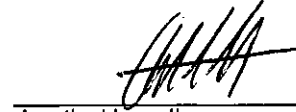
Brian Sites



David Reed



James Moulton, Vice Chair



Austin Harrell