

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, June 1, 2021**

**Call to Order** – Steve Berry, James Moulton, Brian Sites, Austin Harrell, and David Reed. Acting Town Manager, Debbie Grover, was present. Chairperson Berry called the meeting to order at approximately 7:07 PM.

**Minutes of Previous Meeting(s)** – Chairperson Berry moved to approve the minutes for May 18, 2021, as presented. Selectperson Reed seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

**Public Comment - Non-Agenda Items** – (13:25) Paul Napolitano, Mill Ridge Road, discussed an incident between a staff member and the Select Board before the meeting started and another incident involving a non-resident getting close to him at the April 12, 2021 business meeting. Mr. Napolitano asked the Board what precautions they have in place to enforce the 6-foot distance rule. Selectperson Reed responded that he was threatened by two (2) staff members who stated that they would call the Cumberland County Sheriff's Office if he did not comply with wearing a face covering. Selectperson Reed further stated that he did not understand the COVID-19 procedures recently updated by town staff. Selectperson Reed further shared his concerns with the provisions outlined in the policy.

Nelson Smith, Ledge Road, made a comment that the chairs were not 6-feet apart. Mr. Smith also asked the Board why the Cumberland County Sheriff's Office left the Fire Rescue Station. Chairperson Berry responded that the Sheriff's Office and the Town could not agree to a contract. Mr. Smith further stated that he was deeply concerned with them leaving and asked the Board why insurance was required all of a sudden. Furthermore, Mr. Smith stated that he hoped that they would come back to town. Selectperson Moulton responded that he spoke to the Sheriff about the departure. Selectperson Reed commented on the need for the Sheriff's presence to slow down traffic and their respectful manner.

Judy Potter, Walnut Hill Road, shared her concerns with the COVID-19 procedures, specifically six (6) feet seating. Ms. Potter shared her concerns with the Village Center development and expressed that the Board and other parties should find a middle ground as they have for the leash laws (Animal Control Ordinance & Regulations for the Use of Parks and Recreation Areas Ordinance).

Selectperson Moulton asked the Acting Town Manager what the time-frame was for the town office to open. Selectperson Reed moved to direct the town office to immediately re-open to normal hours and processes minus maintaining social distancing measure and barriers in the office. Selectperson Moulton seconded. Discussion: Selectperson Sites asked if motions were being taken during public comment. Chairperson Berry stated that the Board was not. Selectperson Reed withdrew his motion later in the meeting. Selectperson Moulton withdrew his second later in the meeting.

Selectperson Moulton again asked why July 6<sup>th</sup> was the set opening date. Acting Town Manager, Debbie Grover, stated that a busy schedule and short staffing were the reasons.

Paul Hodgetts, Sligo Road, asked when the Town Manager's end-of-year valuation was. Chairperson Berry responded June 30<sup>th</sup> and that the Town Manager needed to be present to be evaluated. Mr. Hodgetts requested that the public be provided more comfortable chairs for meetings. Judy Potter made further comments about how uncomfortable the chairs were.

Linc Merrill, North Road, commented on budget documentation referring to "worker's compensation" as "workman's compensation". Mr. Merrill made additional comments on starting a charter commission, mask requirements for the June 19, 2021 Annual Town Meeting, and the last Economic Development & Sustainability Committee meeting. Mr. Merrill commented on the tone of the of the Economic Development & Sustainability Committee at their last meeting and why the committee and the Planning Board were not meeting in-person. Mr. Merrill also offered to chip brush at Veteran's Park.

**Management Reports & Communications:**

**Acting Town Manager's Report** – (31:35) Chairperson Berry read the Acting Town Manager's Report. Selectperson Sites asked Chairperson Berry to clarify what will be voted on at the Special Town Meeting on June 7, 2021 and June 19, 2021. Selectperson Sites announced the Economic and Development Committee's



scheduled event on Senior Housing on July 17<sup>th</sup> from 8:30 AM. Selectperson Reed stated that the procedures on wearing masks in the policy did not make sense to him. Selectperson Reed stated that he felt that individuals could trust each other to be safe. Selectperson Reed stated that the person involved should speak on the policy and take Board questions. Chairperson Berry responded that the policy was determined by the guidelines provided to the Fire Rescue Chief and the Acting Town Manager from the CDC. The Chairperson read the remainder of the policy to the Board.

Chairperson Berry recognized Linc Merrill. Mr. Merrill made an additional comment regarding his communication with Maine Housing. Mr. Merrill asked what resources are being used by the Economic Development & Sustainability Committee to share with residents on Senior Housing. Selectperson Sites stated that he was researching those resources and followed up that the forum is an opportunity to listen to the community through open discussion. Selectperson Sites stated that he could have further information and discussions on Senior Housing directed towards himself.

### **Old Business**

#### **Three (3) Minute Rule (44:52)**

Chairperson Berry stated that his interpretation of the Chairperson's responsibilities was derived from the Select Board bylaws, section 2 (b), "Officers and Duties". Selectperson Reed made a comment stating that he appreciated the discussion and did not feel the rule was too restrictive. Selectperson Sites followed up with stating that he thought he agreed with restructuring the agenda to have "Public Comment" after "New Business". Chairperson Berry stated that the discussion could come up again with new officers being elected to the Board. Selectperson Moulton stated that public comments were a judgement call. Selectperson Reed stated that he thought constituents should be able to speak as long as they need to. Chairperson Berry explained his reasonings for including the three (3) minute rule. Selectperson Moulton asked how the public felt on the matter. Kevin Robinson, Walnut Hill Road, responded that he would like to see the "Public Comment" section where it was. Paul Hodgetts, Sligo Road, agreed with Mr. Robinson's previous comment. Judy Potter, Walnut Hill Road, asked why the Board wanted to change the agenda format. Selectperson Moulton responded that the public comment has been more active this year and that Board should keep the current order of business. Selectperson Moulton also mentioned that the School Board had different styles of managing public comment that have been more restrictive in allowing the public to speak, which he did not agree with. Selectperson Reed stated that he did not agree with the rule but felt that the public comment should be more controllable in subject matter. Selectperson Reed also stated that items on the agenda should be addressed during the appropriate time on the agenda. Linc Merrill, North Road, stated that he appreciated Selectperson Moulton's comments and made further comments on having public comment where it's located in the meeting. Selectperson Reed stated that the Chairperson has not abused his authority to control public comment before.

### **New Business**

**Acceptance of Donation** – (58:25) Chairperson Berry moved to accept, on behalf of the Town, donations received for FY21 of \$23,095.00, as presented. Selectperson Reed seconded the motion. Discussion: Chairperson Berry described the sheet located in the meeting materials. Selectperson Sites asked where the funds were located: undesignated funds or the general funds. The Acting Town Manager responded that funds were earmarked on the sheet. **Vote: 5 Yes – 0 No.**

**Accounts Payable** – (1:00:16) Chairperson Berry moved to approve accounts payable warrants 50 & 51 in the amount of \$132,312.26, as presented for FY21. Selectperson Sites seconded. Discussion: none. **Vote: 5 Yes – 0 No.**

### **Any Other Business**

**COVID-19 Standard Operation Procedures** – (1:00:57) Chairperson Berry asked Chief Payson and Acting Town Manager, Debbie Grover, to speak to the policy. Chairperson Berry asked what the occupancy limitations would be for Town Meeting. Chief Payson stated that the guidance was consistent with other large facilities that have larger gatherings. Selectperson Reed stated that wearing a face mask was the responsibility of the individual. Chief Payson responded that town officials have a responsibility to protect the residents of the town and that the policy was written based on the guidance from the Maine CDC. Selectperson Reed asked if individuals who were responsible would be in danger of getting sick. Chief Payson stated that the masks

protect germs from being passed onto other individuals. Selectperson Reed asked if vaccines were effective enough to protect individuals. Selectperson Reed made further comments on the effectiveness of vaccines. Chief Payson further explained that many hours were put into working with the Maine CDC to update the COVID-19 Standards of Operation Policy. Selectperson Reed responded that he did not think the policy made sense and stated that the Maine CDC can be wrong. Selectperson Reed further stated that the removal of masks while speaking did not make sense to him. Chairperson Berry responded that that the rule was an attempt at a compromise to allow the speaker to be heard from the microphones. Selectperson Reed shared his concerns with how the Acting Town Manager was enforcing the COVID-19 Standards of Operations Policy. Chairperson Berry responded to end the back and forth. Selectperson Moulton asked if individuals who had problems breathing needed to show proof to staff. The Acting Town Manager responded in the negative but explained that individuals would be set aside from the crowd for public safety reasons. The Acting Town Manager presented examples of Town Offices that do require or strongly recommend mask wearing. The Acting Town Manager presented the Board with documentation answering Selectperson Reeds questions sent to her previously. Selectperson Moulton made further comments on the CDC's response to COVID-19. Mike Mallory, Walnut Hill Road, shared his concern with extensiveness of the discussion on this matter. Selectperson Reed further stated that he disagreed with the authority of the Acting Town Manager. Chairperson Berry asked that the conversation be focused on the policy, not personnel. Scott Kerr, New Gloucester Road, commented on his experience as an educated biologist, combat medic, and health officer. Mr. Kerr made statements supporting the wearing of face coverings and vaccines. Mr. Kerr asked about ventilation in the room. Chief Payson responded. Ms. Potter asked if the meeting would be in one room. Selectperson Sites answered in the affirmative. Selectperson Reed made further comments responding to Mr. Kerr's previous statement. Selectperson Harrell responded to Selectperson Reed on a previous comment to address the reasons why speakers can take off their mask temporarily to speak into the microphone. Nelson Smith commented on the intentions of the Fire Rescue Chief and Acting Town Manager to protect the residents.

Muskie School Housing Study – Selectperson Sites asked the Chairperson if the Board could discuss a housing study conducted by the University of Southern Maine Muskie School. The Chairperson responded that the item will be placed on the next agenda.

Brown-tailed Moth – Selectperson Reed stated that the Board should address brown-tailed moth. Chairperson Berry responded that the Board could circle back to the topic in two (2) weeks.

**Adjournment** - Chairperson Berry moved to adjourn at approximately 8:45 PM. Selectperson Sites seconded. Discussion: none. **Vote: 5 Yes – 0 No.**

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