

Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, September 7, 2021
Wescustogo Hall & North Yarmouth Community Center

Call to Order – Brian Sites, James Moulton, Austin Harrell, David Reed, and Paul Hodgetts were present. The interim Town Manager was not present. Chairperson Sites called the meeting to order at approximately 7:10 PM.

Public Hearing – Casco Bay Trails Resolution:

17:41

Chairperson Sites provided a brief introduction informing the Board that abutters were contacted to inform of the public hearing either before if they had a phone number on file or after the meeting via a letter. Selectperson Hodgetts inquired why all abutters were not contacted. Chairperson Sites responded that not everyone had phone numbers on file. Selectperson Reed clarified that the community could weigh in the future if the Board were to pass the resolution. Dick Woodbury, Casco Bay Trail Alliance, provided an explanation of the resolution and of the initiative to promote "rail-to-trails" to the public and Select Board. Chairperson Sites asked Mr. Woodbury for a status update on how many communities the Casco Bay Trail Alliance was working with and where the process was for each town. Mr. Woodbury responded that fourteen (14) communities are within the triangle of usable railway corridors; eight (8) communities pass through the St. Lawrence Corridor. Mr. Woodbury stated that Portland's Recreation and Sustainability Committee has reviewed and recommended passage from their full council; the Town of Falmouth and Yarmouth have passed a resolution of support; the Town of Cumberland has a public hearing to address the resolution; the Town of Pownal and Town of New Gloucester have had background hearings and possible future meetings; Mr. Woodbury was not sure when the City of Auburn would review the resolution. Mr. Woodbury mentioned that outside of the eight (8) communities, Lisbon and Freeport have passed resolutions and that the City of Lewiston was considering passing a resolution. Selectperson Moulton addressed the Town of Cumberland's hesitation to pass the resolution and asked Mr. Woodbury if the State designated the corridor as a recreational area. Mr. Woodbury responded that the state purchased the corridor from a previous owner and that the state utilized the corridor as a railway. Selectperson Moulton inquired if hunting was allowed in the St. Lawrence Corridor. Mr. Woodbury responded that an executive director working on a similar project told him that existing hunting rights would not change, that corridors are used to access hunting areas, however, owners, such as Until, could ban hunting as they did within its own corridors. Selectperson Moulton asked if the St. Lawrence Corridor would be considered a recreation area and, if Mr. Woodbury could not answer, ask him to report back to the Board. Selectperson Reed clarified the intent of the resolution. Selectperson Reed asked what the assessment study for the St. Lawrence Corridor would entail and what could be brought forth to the public. Mr. Woodbury responded by reading the public law regarding the allowed process for forming a rail corridor advisory committee. (L.D. 1133, 130th Legis. 2021) Selectperson Moulton stated that he was in favor of the resolution. Selectperson Moulton asked if individuals who are required to hold insurance on the easement allowed to access their property would change if a trail was incorporated. Mr. Woodbury responded that the individual who was leasing the property from the state would still be required to hold insurance and a similar agreement. Selectperson Moulton further inquired if the change in use would require landowners to hold more or less insurance. Mr. Woodbury responded that the change should not affect the agreement between the State and the landowner. Selectperson Moulton commented that insurance for the property owner abutting the corridor should be investigated. Chairperson Sites inquired if Mr. Woodbury has looked beyond the rail corridor advisory council. Mr. Woodbury responded that various studies would take place to determine the feasibility of a trail being established. Chairperson Sites further clarified the purpose of the resolution. Chairperson Sites asked for the conversation to remain focused during the hearing and opened the discussion to the public. Chairperson Sites recognized Selectperson Hodgetts for a brief moment. Selectperson Hodgetts inquired on how many abutters attended the meeting. The public raised their hands. Selectperson Reed moved to open the public hearing on the Casco Bay Trails Resolution. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Dan Emery, Deer Run Road, stated that he feels he has stake in the discussion due to his two crossings with MDOT. Mr. Emery stated that he supported the initiative because of its benefits to cyclists, health, economics, and personal enjoyment. Mr. Emery mentioned his interest in the corridor passing through Danville Junction that he likes to bike to.

Peggy Leonard, Town Farm Road, provided a comment of support for the resolution on behalf of the Living Well in North Yarmouth Committee. Ms. Leonard stated that she supported the resolution for its potential walkability and safety to residents, citing her own recent experiences biking in town. Chad Weber, North Road, asked who is given priority right-of-way to cross when trails cross a driveway. Mr. Woodbury responded that he was unsure. Vanessa Bryant, Farms Edge Road, stated that the residents on the roadway recently established a road association and that the following individuals shared their support for the resolution: Mike Simmons, Amy Rico, Maria Mazorro, Theresa Price, and Anne Graham. Rob Wood, Milliken Road, shared him and his wife's support for a rail trail. Sean Kerwin, Memorial Highway, shared his support for the resolution and shared that he's a cross country skier who skies the rail line. Leanne Candura, Christopher Road, stated that her family supports the resolution. Ms. Candura also added that her family uses the trails quite frequently all over the state. Casey Ford, Edna Lane and owner of KB Wheels in Yarmouth, stated his support for the resolution. Mr. Ford also stated that the benefit of the corridor is its flat landscape that allows safe traveling away from the road by bicycles. Kerry Kinne, Walnut Hill Road, stated that getting bikers and walkers off of Route 115 would be safer for the community and shared how the Kennebec Rail Trail provided a benefit to the residents of Farmingdale. Audrey Lones, Planning Board Chair, stated that the resolution was supported by the town's comprehensive plan and goals of various boards and committees while also providing outside resources to complete those shared priorities. Anne Graham, Farms Edge Road, stated that fees and insurance were required to cross over the railroad to get to the road. Ms. Graham stated that her family uses the local roads for bicycling and emphasized that safety of the community should be considered. Ms. Graham strongly urged the Select Board to adopt the resolution. David Hyde, Mountfort Road, asked if motor vehicles would be used on the corridor. Mr. Woodbury responded that the use of the trail would be determined by the rail corridor advisory council and provided examples from other advisory councils and how they decided the best use of the corridor. Scott Kerr, New Gloucester Road, asked Mr. Woodbury for clarification on the "rail until trail" language. Mr. Woodbury explained that ownership restrictions could allow rail service to eventually continue if it's in the best interest of the public. Mike Mallory, Walnut Hill Road, asked if the town would incur financial costs if the rail service was allowed to continue if after the corridor is established for trail use in North Yarmouth. Mr. Woodbury responded that he does not believe so. Chairperson Sites further elaborated that an agreement should be established that the financial burden would be on the state. Linc Merrill, North Road, asked how the public would fund the rail trail. Furthermore, Mr. Merrill asked who would be responsible for the signage and safety mechanisms that would be installed as a result of having a trail on the corridor. Mr. Woodbury speculated that all the governmental partners and owners share the responsibility based on the practices of the Eastern Trail. Mr. Woodbury stated that the state manages the Downeast Sunrise Trail itself. For the Casco Bay Trail, Mr. Woodbury was not sure who would be responsible for the different aspects of the trail and that the rail trail advisory council would need to determine the absolute responsibilities of the trail. Mr. Woodbury explained that the Casco Bay Trail Alliance was initially formed to have a community led trail initiative and that 80% of funds from other similar organizations are raised through state and federal funding. Furthermore, Mr. Woodbury explained that the reason for the funding was because the state or federal government determined that the project would be beneficial for the overall communities. Al Ahlers, North Road, asked if the state could extend the rail service to India Street in Portland. Mr. Woodbury answered in the affirmative. Mr. Ahlers inquired if the Pan Am line was wide enough to put a trail in the corridor. Mr. Woodbury answered Mr. Ahlers question that double tracks are built in certain sections. Mr. Ahlers suggested the rail trail in Gardiner could be accessed by a Pan Am line in North Yarmouth and further suggested that it be investigated. Mr. Woodbury responded that his and others research determined that the trail suggested by Mr. Ahlers is being best utilized as passenger train service. Mr. Woodbury believes the St. Lawrence Corridor makes the most sense as a trail. Mr. Ahlers stated that he felt that the town should have put together the resolution. Mr. Ahlers asked why the additional measure in the resolution to "enforce the 2018 Amended Discontinuance Agreement, or, in the alternative, provide a notice-and-comment procedure to consider public comment before amending or extending that agreement." Chairperson Sites responded that the agreement will expire but to have further action to enforce the amended discontinuance agreement. Mr. Woodbury responded that the resolution wanted to provide the opportunity for the rail trail advisory committee to provide its findings before a possible agreement is considered with the same or another rail line. Bill Young, Sweetser Road, asked Mr. Woodbury if he would call the corridor "public reserved land". Mr. Woodbury responded that he believed the terminology was associated with the Department of Conservation while the land being discussed was managed by the Department of Transportation. Linc Merrill, North Road, inquired on the status of the resolution in the Town of Cumberland. Mr. Woodbury responded that a public hearing was scheduled for next week. Mr. Merrill and Mr. Woodbury further discussed Cumberland's progress going forward. Selectperson Reed responded that North Yarmouth could go in a different direction than the Town of Cumberland. Selectperson Reed explained that he discussed with a resident that further analysis would take place on how much feet the trail would be in width with the establishment of a rail corridor advisory council. Chairperson Sites made an ending remark to a previous comment. Selectperson Reed moved to close the

public hearing. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.** Selectperson Reed moved to hold a vote on the Casco Bay Trail Resolution prior to Old Business. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No – 1 Abstain (Selectperson Hodgetts).** Selectperson Reed moved to approve and endorse the proposed resolution, as presented by the Casco Bay Trail Alliance. Selectperson Harrell seconded the motion. Discussion: Linc Merrill, North Road, was recognized by the Chair. Mr. Merrill made a comment regarding the Town of Cumberland's decision to not move forward with the resolution. Selectperson Moulton inquired if more processes needed to take place. Mr. Woodbury responded in the affirmative. Selectperson Moulton stated that he would support the resolution and Selectperson Hodgetts stated that he would not support the resolution. Selectperson Reed read the items being petitioned in the resolution. Kevin Robinson, Walnut Hill Road, commented that the Board should table the item due to misinformation. Mr. Woodbury responded that he explained the circumstances as they occurred in Cumberland. Martha Leggat, Casco Bay Trails Alliance, made additional comments supporting Mr. Woodbury's previous discussion. Chairperson Sites inquired if other towns have various versions of the resolution. Mr. Woodbury stated that the version depended on the priorities of the individual towns. Chairperson Sites stated that he was comfortable with signing the resolution. Selectperson Moulton reiterated his question if there was a monetary cost for signing the resolution. Mr. Woodbury responded in the negative. Selectperson Moulton responded that he had no issue signing the resolution. Selectperson Reed inquired if the public had any suggested amendments to the resolution. Selectperson Reed moved the question. Selectperson Moulton seconded the motion. Discussion: Chairperson Sites recognized Al Ahlers. Selectperson Moulton and Selectperson Reed raised a point of order that a motion was on the floor. The Board voted on to move the question. **Vote: 3 Yes – 0 No – 2 Abstain (Selectperson Hodgetts & Reed).** Selectperson Reed explained that supermajority was not achieved to move the question. Chairperson Sites recognized that two-thirds of the members need to vote to move a question, thus the previous motion fails. Chairperson Sites recognized Al Ahlers. Mr. Ahlers requested that the second item resolved should be stricken from the resolution. Selectperson Reed shared his confidence with the resolution. Chairperson Sites inquired how the altering of the agreement could affect the shared goal and if any rights were being signed away that were included in the resolution. Mr. Woodbury answered in the negative and that the shared goal was to establish a rail trail corridor council. Selectperson Moulton again inquired about a monetary requirement if the resolution was signed. Carrie Kinne, Walnut Hill Road, responded to Selectperson Moulton's question in the negative and explained the process for raising funds, at the state level, to fund the projects that may occur. Chairperson Sites recognized Mr. Mallory. Mr. Mallory made a comment on the "whereas" sections of the resolution. The motion to approve and endorse the proposed resolution, as presented by the Casco Bay Trail Alliance was voted on. **Vote: 4 Yes – 1 No. (Selectperson Hodgetts)**

Minutes of Previous Meeting(s):

1:47:15

The Recording Secretary asked that the minutes for August 17, 2021 be tabled as they were not completed at the time of the meeting. Selectperson Hodgetts asked if the minutes of August 3, 2021 include the name of the resident, Beau Burgau, Milliken Road. Chairperson Sites asked that the August 16, 2021 be amended to reflect the correct time of adjournment. Selectperson Hodgetts moved to approve the minutes for August 3rd, August 11th, and August 16th, as amended. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No – 1 Abstain. (Selectperson Reed)**

Public Comment - Non-Agenda Items:

1:50:00

Chairperson Sites made remarks clarifying that the Tax Increment Financing (TIF) funding was only covering wages at this time while other projects, PACTS funding for the roadwork proposed in the FY22 budget towards the Hazelton Property, has not started at this time. Chairperson Sites added that the interim Town Manager was looking into the funding being received from PACTS. Chairperson Sites also reported that the interim Town Manager has been asked to look into the Wescustogo Hall funds discussed during the joint meeting with the Budget Committee. Selectperson Hodgetts requested information on the wages/salaries being expended out of the TIF. Linc Merrill, North Road, stated that he was pleased that the Board notified abutters of the St. Lawrence Corridor for the public hearing held at the meeting. Mr. Merrill stated that he did not agree with proposed work on the intersection near the Purple House. Mr. Merrill commented that contractors he spoke with do not find the

conceptual project favorable for truckers. Mr. Merrill requested that the Board look into a process to reconsider the design. Selectperson Moulton responded that the Road Commissioner spoke on the topic. Mr. Merrill responded that he did not feel the Road Commissioner had the full understanding of the project and might have had concerns with the materials used. Selectperson Moulton stated that the Board should discuss the project more with the Road Commissioner. Chairperson Sites stated that the project is still a conceptual design and could change. Selectperson Reed stated that he would favor reevaluating the design for the project to meet both walkability needs as well as driving needs.

Management Reports & Communications:

2:00:16

July Financial Reports – The financial reports can be found on the town's website, www.northyarmouth.org, or at the Town Office. Chairperson Sites stated that the Board could inquire about the reports when the interim Town Manager returned.

Judy Potter, Walnut Hill Road, was recognized by the Chairperson and provided comment about using TIF funds towards reducing the water bill for residents who are not seeing a benefit from current residential growth. Selectperson Moulton replied her question. Chairperson Sites also responded that the Board could look into it.

Interim Town Manager's Report – No report provided.

Old Business:

2:04:00

Fire Company Lease – Selectperson Hodgetts requested a motion to table so that he could have more time to review the documents more closely. Selectperson Reed stated that he was willing to second a motion if one was made. Selectperson Moulton stated that he didn't have an issue with tabling but thought the lease was acceptable. Selectperson Harrell stated that he did not want to push the lease any further and felt that he could vote on the presented document. The Executive Assistant was asked to provide a brief summary of the lease changes. The Executive Assistant responded that the language was brought back to the attorney to strengthen the position for the town in which the Fire Company agreed to the changes. Selectperson Harrell moved that the Select Board approve the proposed lease agreement with the North Yarmouth Fire Company, as presented and amend by the town's attorney, and authorize the interim Town Manager to complete, execute, and manage said agreement with representatives of the North Yarmouth Fire Company. Selectperson Moulton seconded the motion. Discussion: none. **Vote 5 Yes – 0 No.**

Chairperson Sites requested a short recess of the Board. By consensus, the Board took a five (5) minute recess.

Select Board Goals – Chairperson Sites introduced the agenda item. Selectperson Moulton moved to appoint Selectperson Reed as the liaison to a playground committee or group. Selectperson Harrell seconded the motion. Discussion: Chairperson Sites asked if he was willing to be on such a committee. Selectperson Reed stated that he would. **Vote: 4 Yes – 0 No – 1 Abstain (Selectperson Reed)** By consensus, the Board agreed to move forward with expansion of the senior property tax assistance program. By consensus, the Board agreed to also include supporting trail interconnectivity and recreation as well as researching residential growth and the effects of MSAD 51 to the town's growth. Selectperson Hodgetts inquired when the Board could look into the TIF and charter revisions/amendments. Chairperson Sites responded that a town manager would assist the Board with those items more efficiently, once hired. Selectperson Moulton also responded that a group should be organized to review possible amendments to the town's charter. Selectperson Hodgetts moved to adopt the goals discussed and agreed upon by the Board with the ability to add more goals as the Board moves forward as long as it's inclusive and transparent. Selectperson Reed seconded the motion. Discussion: Selectperson Moulton inquired and made comments regarding how the town was moving forward with the relocation of the Old Town House. Chairperson Sites suggested that Selectperson Moulton should spearhead the goal. Selectperson Moulton inquired about the setback of the building. Mr. Merrill, representative of the Historical Society, answered Selectperson Moulton's question by explained the layout of the building's construction plans (can be found on the town's website). Chairperson Sites moved to appoint Selectperson Moulton as the liaison for supporting the

Old Town House move. Selectperson Reed seconded the motion. **Vote: 4 Yes - 0 No – 1 Abstain (Selectperson Moulton)** The Board voted on the previous motion to adopt the goals for FY22. **Vote: 5 Yes – 0 No.**

New Business:

2:33:05

Face Covering Policy – Chairperson Sites moved to approve the COVID-19 Prevention Policy and have it go into effect retroactively on August 24, 2021 and to such time it's rescinded by majority vote by the Select Board. Selectperson Reed seconded the motion. Discussion: Chairperson Sites explained that the policy was retroactive since it went into effect prior the Select Board meeting. Selectperson Reed requested a sunset clause for the policy as well as an amendment to remove a retroactive start. Selectperson Reed stated that the Board was just enforcing the administrative law. Chairperson Sites agreed. Selectperson Hodgetts requested language for air quality and opening walls. Selectperson Reed amended the policy for language to address large gatherings as well as spread out seating. Chairperson Sites asked the Executive Assistant how far spread the seating should be. The Executive Assistant could not answer specifically and suggested that the Board address the question with the EMA director/Fire Chief or the Assistant Town Manager. Selectperson Reed requested for an amendment to require a regular review of the policy every two meetings. The Executive Assistant added that regular reports could be requested as well to assist in determining if the Board wants to rescind or keep the policy. Selectperson Reed responded that he would like to see the governing authority have more oversight of the policy. Chairperson Sites read the following amendments: (i) opening the walls so as to provide more airflow (ii) to keep chairs properly spaced (iii) that a review of the policy occurs every two scheduled meetings (iv) to open the doors, when applicable (v) amendments to the policy be brought to the Select Board in a special meeting, when possible. Selectperson Hodgetts moved to adopt the policy with amendments. Selectperson Reed seconded the motion. Discussion: Selectperson Harrell requested a point of clarification on if the policy was administrative in nature. Selectperson Harrell stated that he did not agree with the last amendment. Selectperson Reed responded that it was the Select Board's job to vote on any policy and that the request was not unreasonable. Selectperson Harrell clarified that the Board could change the policy if they don't approve of any administrative amendments. Selectperson Reed responded that with a hypothetical regarding if an administrative policy was made stating that meetings were not allowed. Selectperson Harrell disagreed with Selectperson Reed's assessment. Selectperson Reed responded that the Board should approve an amendment prior to being passed. Selectperson Harrell made further comments disagreeing with Selectperson Reed. Selectperson Harrell moved to remove the last amendment (v). Motion failed, no second. **Vote: 5 Yes – 0 No (to adopt the policy as amended)**

Committee Appointments:

Economic Development & Sustainability Committee

Selectperson Moulton moved that the Select Board appoint Ian Acker and Kevin Robinson for a term to expire June 30, 2024 and to appoint Laurie Bachelder and Richard Parenteau for a term to expire June 30, 2023 to the Economic Development & Sustainability Committee Selectperson Reed seconded the motion. Discussion: Selectperson Reed suggested more of a process. Chairperson Sites responded that the positions were not elected and that there were no issues with the process explained by Selectperson Moulton (Ian Acker and Kevin Robinson had applications submitted prior to the other candidates). **Vote: 5 Yes – 0 No.**

Flag Committee

Chairperson Sites moved that the Select Board appoint Candace Loring to the Flag Committee for a term to expire June 30, 2022. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Planning Board

Chairperson Sites moved that the Select Board appoint Sanford Peabody to the Planning Board as an alternate member for a term to expire on June 30, 2023. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Charge of Responsibilities for Economic Development & Sustainability Committee (EDSC) – Chairperson Sites stated the following charges for the EDSC: (i) provide an explanation of what defines "rural character" in terms that are applicable to North Yarmouth (ii) review of commercial development opportunities as well as exploring

the town's current infrastructure assets and clarify what types of businesses are feasible in North Yarmouth. Chairperson Sites moved that the Economic Development & Sustainability Committee, in addition their charge, provide an explanation of what defines "rural character" as well as review commercial development opportunities in North Yarmouth and present those findings to the Select Board. Selectperson Hodgetts seconded the motion. Discussion: Chairperson Sites and Selectperson Reed shared their excitement with the diversity of the group. Chairperson Sites recognized Kevin Robinson. Mr. Robinson asked if the comprehensive plan was being put aside to investigate the charge being discussed. Chairperson Sites responded that the committee would be providing more context for the comprehensive plan going forward by answering the key questions set forth in the charge being provided by the Board. **Vote: 5 Yes – 0 No.**

Set Public Hearing Date – General Assistance Ordinance – Chairperson Sites moved that the Select Board call for a public hearing on September 21, 2021 at 7 PM in the Wescustogo Hall & North Yarmouth Community Center for the purposes of amending the General Assistance Ordinance. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Accounts Payable

3:00:42

Selectperson Hodgetts and Moulton inquired about the following charges: (i) A+ Athletic for \$1,200.00 (ii) Allegiance Trucks for \$4,192.00 (iii) Bayside Employee Health Center (iv) Palmer Spring (v) Harris & Trader for a gear dryer (vi) Headlight Audio Visual (the Executive Assistant answered the question) (vii) Burke Rental for \$1,875.00 for public works. Chairperson Sites moved to approve accounts payable warrants 7 & 8 in the amount of \$139,900.78, as presented for FY22 with explanations of those highlighted charges from the interim Town Manager. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Any Other Business

3:06:51

Selectperson Hodgetts brought up an incident with Selectperson Reed that he requested to be addressed. Selectperson Reed responded by saying that he was blocked from entering the meeting room and that the discussion at that meeting was heated. Selectperson Moulton stated that the incident was inappropriate. Chairperson Sites stated that the Board could have a discussion with the interim Town Manager. Selectperson Reed stated that there are no hard feelings.

Chairperson Sites recognized Judy Potter. Ms. Potter announced that there will be a 9/11 memorial at the North Yarmouth Veteran's Park after the forum on Saturday.

Adjournment – Selectperson Reed moved to adjourn. Selectperson Harrell seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Prepared By: Draven Walker
Executive Assistant/Recording Secretary

Select Board



Brian Sites, Chair



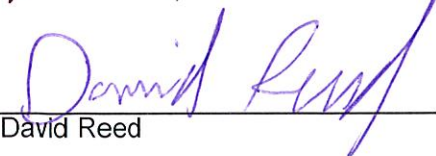
Austin Harrell



Paul Hodgetts



James Moulton, Vice Chair



David Reed