

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, October 5, 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 (referred in the minutes as just Town Manager), Christopher Bolduc, was also present. Chairperson Sites called to order at approximately 7:00 PM.

**Special Presentation – (6:10)** The Town Manager introduced the Fire Rescue Chief. The Fire Rescue Chief gave a brief presentation to the Board on the state of the Fire Rescue Department. The Fire Rescue Chief discussed staffing issues in light of COVID-19. Selectperson Reed asked a question regarding staffing. Chairperson Sites inquired on the specific issues with staffing in the department. The Fire Rescue Chief explained the concerns by members to respond to calls because of COVID-19 and mandates from the governor's office. Selectperson Moulton asked what the general distribution of age was among members. Chief Payson responded that two-thirds of the members are older. Selectperson Reed inquired if the Board could do anything to assist the Chief. The Chief responded that the Board could support their efforts. The Chief made further comments regarding events the department is hosting (more information on the town's website, [www.northyarmouth.org](http://www.northyarmouth.org)). The Chief also elaborated on what the department is doing to promote recruiting, answering a question made from Chairperson Sites. Selectperson Reed inquired if joint training was being exercised. The Fire Rescue Chief responded in the affirmative. Chairperson Sites asked if the Fire Chief could add updates on staffing in his department head reports.

**Minutes of Previous Meeting(s) – (17:18)** Selectperson Moulton moved to approve the minutes for September 21, 2021 as presented. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Hodgetts inquired on the vote made on the executive session of the agenda. **Vote: 5 Yes – 0 No.**

Selectperson Moulton moved to approve the Annual Town Meeting minutes for April 24, 2021 as presented. Selectperson Harrell seconded the motion. Discussion: Selectperson Hodgetts stated that he would abstain. Selectperson Reed inquired if article II stated that it passed. The Executive Assistant responded that the article's description was convoluted and could be clarified. Chairperson Sites stated that further clarification to the article would be added to the minutes. Selectperson Reed further clarified that the initial amendment and article passed. **Vote 4 Yes – 0 No – 1 Abstention (Selectperson Hodgetts)**

**Public Comment - Non-Agenda Items – (25:16)** The Select Board Chairperson gave updates on the town manager search, tax increment financing planning workshop, and scheduling time with the Yarmouth Water District to attend a November meeting.

Judy Potter, Walnut Hill Road, inquired on when the agendas were posted. The Chairperson responded that he would look into setting a policy for the agendas and materials to be assessable to everyone sooner. Ms. Potter inquired on the progress of the Sharp's Field agreement. Selectperson Moulton responded that attorneys are reviewing the documents and a surveyor is also involved. Chairperson Sites added that the final agreement will take additional time to be completed. Selectperson Harrell directed Ms. Potter to the town's website and to subscribe to receive the Board's documentation, when it's posted. Chairperson Sites also mentioned "text my gov" as another way to reach out. Selectperson Hodgetts requested that meeting packets be available the Thursday before the meeting. Chairperson Sites responded that he would speak with the Town Manager and Executive Assistant. The Town Manager also commented on the lead time of providing documentation to the Select Board. Selectperson Reed responded to Ms. Potter's comment on Sharp's Field. Selectperson Reed stated that he was concerned with the annual town meeting minutes and made an accusation that an individual was planting land mines into the minutes. Chairperson Sites responded that the issues are a clerical issue and the Board's progress on Sharp's Field is well underway. Selectperson Reed responded that the minutes are the legal record of the vote and without a representation of the townspeople's vote at town meeting on Sharp's Field, the Board doesn't have the authority to move forward. Chairperson Sites responded that the video is the official record of the meeting. The Executive Assistant to the Town Manager clarified the requirements under Maine State Statue the requirements of public records. Selectperson Harrell confirmed that the video for annual town meeting was on the website.

Judy Potter shared her concerns with cancelled events posted on the town calendar. Chairperson Sites responded that he would look into the matter.



Bill Young, Sweetser Road, asked if Parks and Recreation had to speak with the Select Board to move forward with a project. Mr. Young further explained that he was concerned with the new trails in the Hayes Forest. Mr. Young shared his concern with the tree cutting that has taken place in the Hayes Forest. Selectperson Hodgetts asked if the Board is supposed to know ahead of time before a project is started. Chairperson Sites responded that the decisions are made during the budget and, when approved, between the town manager and committee. Mr. Hodgetts inquired on the underbrush removal in Baston Park. The Executive Assistant responded that the removal was for invasives. The Public Works Director responded that honeysuckle was removed. Selectperson Reed inquired if the town needed a permit by rule from the federal government. The Public Works Director responded.

Linc Merrill, North Road, shared his concerns with the calendar and incorrect posting of events. Mr. Merrill included that he felt the proposed plan for Route 9 & Route 115 (Purple House) was not adequate and required more public involvement and input. Mr. Merrill also stated further issues with the town's development and its impact on the proposed project. Lastly, Mr. Merrill added that he did not agree with the 60-day comment period since he believes the charter has enough issues to call for a charter revision. The Town Manager explained that the process for the Route 9 & Route 115 project would include public input and discussion, then an engineer would look into a design; a proposed design would be voted on as the last step of the process. Mr. Merrill responded that he did not believe the project would be approved. Mr. Merrill suggested that the Board ask what the townspeople would like to do with the intersection. Selectperson Reed responded that he does not agree with the current format of the project but feels that there is an opportunity for the plan to be changed to optimize pedestrian safety and traffic flow. The Public Works Director explained the components addressed in the plan presented by Ransom Engineering. Selectperson Moulton made comments regarding the flexibility of the project and responded that he believed the project should be pushed forward before it's condemned. Selectperson Reed sent a letter to the Town Manager explaining items he wished to see addressed. The Town Manager responded that he would like to look further into the process and provide further input at a future time. Selectperson Reed responded that he wanted to see a compromise between everyone who uses the intersection. Chairperson Sites commented on Mr. Merrill's comment regarding the 60-day comment period. The Chairperson added that he wanted to have a public medium to discuss charter change suggestions. Furthermore, the Chairperson further explained why the Board chose to install a 60-day period rather than a shorter period.

Bill Young, Sweetser Road, added that he walked the sidewalk down Route 115 towards the intersection of Route 9. Mr. Young favors the sidewalk staying in place.

Mike Mallory, Walnut Hill Road, inquired if the project would include widening the road for the bump outs. The Public Works Director explained that there is a ditch where the parking would be placed which would require ditch work to allow the additions to the road. Mr. Mallory explained that the space for the bump outs is already in existence and doesn't need to be created.

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

**(1:04:35)**

Town Office Report – the Town Office Report can be found on the town's website, [www.northyarmouth.org](http://www.northyarmouth.org). The Town Manager added that he's planning a meeting with the town's new auditor, RHR Smith & Company. Furthermore, the Town Manager reported that the town has collected their portion of the American Rescue Plan (ARPA) funding. Chairperson Sites clarified that there are strict uses for the funds, which the Town Manager agreed with. The Town Manager added that he planned on setting up a workshop and receiving a consensus with the community to spend the funds. Lastly, the Town Manager reported that the Select Board Chair, Vice Chairperson, and himself would be meeting with Summit Natural Gas. The Town Manager summarized the Town Office Report.

Selectperson Hodgetts inquired on the Wescustogo Fund account and the FY20 Audit Report. The Town Manager responded that he has no evidence of wrongdoing and is comfortable to report that there was no malfeasance or serious issues with the reporting of the funds. The Town Manager stated that he doesn't want to speculate on what the issue might have been and wants the new auditor to review the information and provide a report.



## **Old Business:**

**(1:10:03)**

Remote Participation Policy Discussion & Second Review – the Select Board Chairperson read the statement located in the packet. Selectperson Moulton moved that the Select Board call for a public hearing on October 19, 2021 for the purposes of considering adopting the Select Board Remote Participation Policy. Selectperson Reed seconded the motion. Discussion: Selectperson Reed stated that a public hearing would be a great time to discuss the topic with the public. **Vote: 5 Yes – 0 No.**

Linc Merrill, North Road, asked if he could be recognized. Selectperson Reed made a point of order and stated that Mr. Merrill had ample time to speak during the “public comment” section of the agenda. Chairperson Sites allowed Mr. Merrill to speak. Mr. Merrill asked if the taxes were raised to fund the Wescustogo Hall Fund. Chairperson Sites responded that the Board was not able to use the Wescustogo Hall Fund, as planned by the previous Town Manager, and that the funds were classified as being an additional revenue stream, thus not creating an extra tax burden onto residents. The Town Manager also responded with similar comments.

## **Fuel Island Bid Review & Award**

The Town Manager provided a brief presentation. The Public Works Director explained that he received a quote from Portland Pump that was closer to the lowest bid a few years ago. Chairperson Sites inquired if there was money left in the fund to pay for the offset of costs for FY21. The Town Manager explained that projects may need to be adjusted. Selectperson Reed responded that ARPA funding may be used for capital improvement projects. The Town Manager responded that he was not sure the town could use the funds towards CIP (Capital Improvement Plan) projects because of the lack of deficit incurred from the pandemic in the capital improvement accounts. Selectperson Moulton clarified the length of receiving the materials and the overall cost of the project. Selectperson Hodgetts asked how many gallons are used per year by the Public Works Department and Fire Department. The Public Works Director answered that winter storms can vary the need but that he was planning for the future and not just the immediate need. The Town Manager clarified that it was a split tank. Selectperson Reed moved that the Select Board award the Fuel Island Bid to Simard and Sons for a total project cost of \$268,995.00 recognizing that the Public Works Director will work with the contractor to have the Public Works Department complete the excavation, pouring of the concrete pad, and digging the trenches for electrical conduit. Chairperson Sites seconded the motion. Discussion: Selectperson Hodgetts asked what the lifespan of the tank was. In addition, Selectperson Hodgetts asked if there was a way for the town to save some money from removing components of the project. The Public Works Director stated that the components listed are required from previous inspections done on the existed fuel island. However, the Public Works Director mentioned that the law does not require a canopy but was highly advised by previous studies. Selectperson Hodgetts asked if there was a way to work with the Town of Cumberland. The Town Manager responded in the negative. Selectperson Moulton asked how old the tank was in the ground. The Public Works Director responded that the tank wasn't in good condition. Selectperson Reed stated that the Board should consider the price tag and what could be removed from the project. Selectperson Moulton responded that he believed there was enough flexibility in the cost to move forward. Selectperson Harrell inquired if the exclusions listed in the RFP were big cost items. The Public Works Director responded that the department would do the paving to reduce the cost. Selectperson Hodgetts inquired where the additional cost would come from. Chairperson Sites responded that the CIP balance would have a remaining balance of \$29,000.00. Selectperson Hodgetts inquired about the CIP. Chairperson Sites responded. **Vote: 5 Yes – 0 No.**

## **New Business:**

**(1:34:39)**

## **Appointments – Shellfish Conservation Commission**

Chairperson Sites moved to appoint Stephen Demelle to the Shellfish Conservation Commission for a term to expire June 30, 2023. Selectperson Reed seconded the motion. Discussion: Selectperson Moulton stated that he did not know the gentleman. Mr. Young, Sweetser Road, asked if the applicant knew anything about clams. Selectperson Reed also stated that he does prefer applicants to be available at the meeting. Chairperson Sites stated that the Board could invite the individual to the next meeting. Bill Young, Sweetser Road, made additional comments. Selectperson Moulton indicated that he wanted to postpone the vote. Chairperson Sites withdrew his



motion. Selectperson Reed withdrew his second. By consensus, the Board asked Mr. Demelle to attend the next meeting for consideration for appointment to the Shellfish Conservation Commission.

#### Appointments – Economic Development & Sustainability Committee

Selectperson Hodgetts stated that the Board agreed not to consider applications that were received the Thursday before the meeting. Selectperson Harrell commented that he remembered an application that got pushed forward to the next week for that reason. Selectperson Reed stated that leniency should be given for the submission of applications. Selectperson Moulton made a point of order to clarify what the process would be. Selectperson Moulton shared his concern with the process for choosing a person for a committee position. Selectperson Harrell stated that the volunteer form does not include any information on requiring individuals to be at the meeting.

Bill Young, Sweetser Road, shared his interests for being on the committee as it relates to tax increment financing (TIF). Mr. Young stated that he does not have any agenda for being on the committee.

Byron Kern, Smithwood Drive, shared that his interest is to become more involved in the community without having a conflict of interest.

Marueen Lucy, Walnut Hill Road, shared that her interest was becoming more involved in the community and learning more about the TIF and Comprehensive Plan. Ms. Lucy shared that she is a business owner in the construction industry and a coach.

Selectperson Reed asked the candidates what they would do to support commercial development in North Yarmouth that would help the town establish a larger tax base. Mr. Young answered that smaller venues could be brought to the village center; larger venues outside of the village center. Mr. Kern responded that he is focused on how the town would set-up processes to make the area more attractive for businesses. Ms. Lucy made similar comments.

Selectperson Reed asked the candidates to identify one positive thing and one negative thing that they see happen as a result of development in town. Mr. Young responded that he found citizen involvement from every point of view to be a positive aspect and a negative thing as being the lack of zoning restrictions when the Rangeway subdivision was built. Byron Kern stated that his positive was the traffic calming completed in FY20 and stated that a negative was the “cookie cutter” developments that have been built. Ms. Lucy stated that she found the traffic calming to be a positive aspect and the negative thing being the heated discussion in town. Selectperson Hodgetts moved to appoint William Young to the Economic Development & Sustainability Committee as an alternate member. Selectperson Moulton seconded the motion. Discussion: Selectperson Reed stated that he was not in favor in having an individual placed on two (2) committees and stated that he disagreed with some points made by some of the candidates but also felt that they should be considered. **Vote: 2 Yes – 2 No (Selectperson Harrell and Chairperson Sites) – 1 Abstain (Selectperson Reed).** Selectperson Harrell moved to appoint Byron Kern to the Economic Development & Sustainability Committee as an alternate member. Chairperson Sites seconded the motion. Discussion: Selectperson Reed asked Mr. Kern at what point growth would no longer be necessary or what he considered to be sustainable. Mr. Kern responded that having the right rate of growth and type of growth was more important rather than establishing a cap. **3 Yes – 1 No (Selectperson Hodgetts) – 1 Abstain (Selectperson Reed).**

#### Reschedule November 2<sup>nd</sup> Business Meeting – Election Day

Chairperson Sites moved to move the meeting from November 2<sup>nd</sup> to November 3<sup>rd</sup>. Selectperson Reed seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

**Accounts Payable – (2:04:06)** Chairperson Sites moved to approve accounts payable warrants 11 & 12 in the amount of \$799,292.62, as presented for FY22. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

**Any Other Business – (2:05:04)** Selectperson Reed informed the Board that he would be emailing a set of basic rules around meetings to the Town Manager to distribute to the Board. Selectperson Hodgetts stated that he believed the Select Board should meet with the Cumberland Town Council to discuss a possible building cap. Selectperson Moulton also added that the Board should discuss looking into a different site for the proposed new school. Chairperson Sites asked if there was anything the Board could do. The Town Manager


responded that the proposed school building would not go to referendum until June 2022. The Town Manager added that the school payment will be moved to the first AP warrant rather than the second. Selectperson Hodgetts inquired if the Board was involved in the process of hiring the planner. Chairperson Sites responded that the Board has direction over the Town Manager who will hire the contractor. The Executive Assistant provided information regarding the financial policy and the Town Manager's responsibility for hiring someone. Selectperson Moulton, Reed, and Hodgetts stated that they would like input on the process. The Town Manager acknowledged their request.

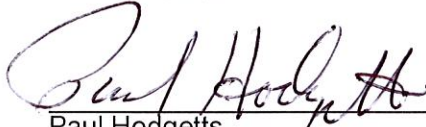
**Adjournment** – Selectperson Reed moved to adjourn at approximately 9:14 PM. Chairperson Sites seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

  
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Brian Sites, Chair

  
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Austin Harrell

  
\_\_\_\_\_  
Paul Hodgetts

  
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James Moulton, Vice Chair

  
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David Reed