

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

Call to Order – Brian Sites, James Moulton, Austin Harrell, David Reed, and Paul Hodgetts were present. The interim Town Manager, Christopher Bolduc, was also present. Chairperson Sites called the meeting to order at approximately 7:00 PM.

Special Presentation:

(07:58)

Steve Palmer, Parks and Recreation member, and Maeve McGowan, a representative from Ag Allies, gave a presentation to the Board regarding the current management and practices of the town's parks as well as information regarding a proposal to partner with Ag Allies to provide even better management to the park's larger open spaces for the protection of wildlife and vegetation. Chairperson Sites inquired if Ag Allies had a formal agreement. Maeve McGowan responded in the negative but left the option of an agreement to the Board. Selectperson Moulton asked a question regarding the nesting of birds and the haying schedule. Ms. McGowan responded. Selectperson Hodgetts inquired about contamination regarding the fertilizer. Ms. McGowan responded by discussing buffers and the use of organic fertilizer. Mr. Palmer made additional comments. Selectperson Hodgetts inquired on the status of the field. Ms. McGowan responded that Ag Allies if accepted, would take multiple measures to increase the health of the soil grasses. Chairperson Sites inquired about the timeline. Ms. McGowan responded. Selectperson Reed further inquired about the approval process. The interim Town Manager made additional comments and explained to the Board a process to move forward with adopting Ag Allies as a partner to the Town. Chairperson Sites made comments agreeing with the interim Town Manager's suggestion.

Linc Merrill, North Road, provided a presentation to the Select Board on a petition submitted to the Town Office regarding amendments to the Land Use Ordinance. For a reference in the minutes, the petition reads:

"To the Municipal Officers of the Town of North Yarmouth, Maine: We, the undersigned, being registered voters of the Town of North Yarmouth, request the municipal officers to place the following article before the voters for their consideration:

Change the North Yarmouth Land Use Ordinance, Section 3.3 Building/Land Use Permits, section E. Residential Growth Limitation (Cap), section 1, Calendar Year 2007 and beyond the following shall apply: paragraph a. – to reinstate a building permit cap to apply to the areas of the town.

Replace the current language of paragraph a.

- a. In the **Village Center District and Village Residential District**, the residential growth limitation shall be lifted to allow for the issuance of an unlimited number of building permits for residential dwelling units.

Replace with

- a. In the **Village Center District and Village Residential District**, combined, issuance of building permits for residential dwelling units shall not exceed 15 dwelling units per year. No single person, entity, corporation or developer may apply for more than 6 new dwelling permits per year."

Selectperson Hodgetts inquired if he could make a motion. Chairperson Sites opened the floor for discussion. Selectperson Reed inquired if the petitioner was asking for a referendum vote. Mr. Merrill responded in the affirmative. Mr. Merrill made further comments on the comments made to him the displeasure residents had with accessibility to town staff. Selectperson Reed inquired about other concerns residents had. Mr. Merrill responded referencing issues with the school department and Land Use Ordinance. Chairperson Sites made comments regarding setting a date and the process for holding an election for an ordinance change. Chairperson Sites stated that a date would need to be discussed with the Town Clerk. Rich Parenteau made an

additional comment regarding the option to have a referendum vote versus a town meeting. The interim Town Manager asked Mr. Merrill if he was referring to a June ballot vote. Mr. Merrill clarified that he believed a February vote would be preferable. The interim Town Manager responded that the Board had 60 days from receiving the petition to decide on the date of the meeting. Mr. Merrill made comments on the political nature of the petition. Selectperson Reed requested that the Board vote on the matter when a plan is presented. Mr. Merrill responded with comments supporting the town to move forward with holding an election in February. Selectperson Reed responded with comments regarding staff resources. The interim Town Manager recommended a date closer to the end of February. Selectperson Reed suggested a date before February 22nd. There was a discussion regarding the school break. Mr. Parenteau stated that he would be comfortable with February 15th.

Selectperson Hodgetts moved to schedule a secret ballot referendum election vote at the polls for the petition question, as presented, on February 15, 2022. Selectperson Moulton seconded the motion. Discussion: Selectperson Moulton made additional comments on his thoughts on the petition language. Selectperson Reed inquired on the costs of a mailer and an election.

Selectperson Reed moved to amend the motion to include a mailer a week before the referendum with the language and date of the election to all the residents of the Town. Selectperson Hodgetts seconded the amendment. Discussion: Selectperson Hodgetts responded to Selectperson Reed that the Town sends out a mailer. The interim Town Manager provided some estimated costs on holding an election and sending a mailer. Selectperson Moulton commented on the choice of having a referendum versus a Town Meeting. Selectperson Reed stated that he thought the Board should honor the request from the petitioners to hold a referendum.
Vote: 5 Yes – 0 No.

Minutes of Previous Meeting(s) – (1:05:19) Selectperson Hodgetts moved to approve the minutes for November 16, 2021, as presented. No second was presented. Discussion: none. By consensus, the Board approved the minutes of November 16, 2021. *Note: Even though the Board has no second on the motion, minutes only require a simple consensus of the Board. This was a minor error noticed in the video recording the meeting. No further action is necessary. The minutes are approved.*

Selectperson Moulton moved to approve the minutes for November 30th and December 2nd, as presented. Selectperson Reed seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No – 1 Abstain (Selectperson Harrell).**

Public Comment - Non-Agenda Items – (1:06:49) Chairperson Sites provided a brief explanation on Select Board Agenda request forms (located at the Town Office) and that "Any Other Business" was intended for Select Board discussion on other business, not on the agenda only. Paul Napolitano, Mill Ridge Road, inquired on the expense figure for the Wescustogo Hall and North Yarmouth Community Center. Katie Murphy, Mountfort Road, commented on the progress of the Old Town House project. Judy Potter, Walnut Hill Road, commented on submitting an agenda request form. Ms. Potter commented that the town meeting date should be before or after the school vacation in April. Linc Merrill, North Road, commented on the town website, commented on supporting the Parks and Recreation Committee's presentation made at the meeting, parking issues in the Village Center, made a comment supporting the Fire Rescue Department's efforts in stopping the fire at Fat Andys, and the town charter open comment period. Diane Morrison, Browndog Drive, inquired about posting Mr. Merrill's presentation on the website and supporting Ms. Potter's comment regarding setting town meetings away from school vacations. Ms. Morrison inquired about the number of building permits submitted. Chairperson Sites responded that the information is posted on the website as well as staff or himself being able to follow up on getting information for a larger time period for building permits. Ms. Morrison commented on the growth in the farm and forest district and conveyed that information at a town meeting for consideration. Ms. Morrison also shared her concern with discussions taking place on social media. Mr. Merrill responded to Ms. Morrison's comments. Mike Mallory, Walnut Hill Road, provided comments on the Planning Board's conduct and the Select Board's authority to oversee the individual boards and committees. Selectperson Moulton stated his agreement with Mr. Mallory's comments regarding being able to speak when at the microphone.

Management Reports & Communications:

(1:30:29)

Town Office Report – The Town Office Report can be found on the Town's website, www.northyarmouth.org, or at the Town Office. Chairperson Sites added that MSAD 51 is looking to put an informational video out on the web in January. The interim Town Manager reported on the Town Office hours and recommended that the Board consider this topic with the new town manager and direct them to complete a staffing analysis to determine staffing resources.

Financial Reports – The financial reports can be found on the Town's website, www.northyarmouth.org, or at the Town Office.

Old Business:

(1:35:43)

Sharp's Field Agreement – Review and Recommendation to MSAD 51

Selectperson Moulton made opening comments regarding the agreement presented in the meeting materials. Selectperson Moulton stated that he did not agree with "Land use & Division, Section II § G., Exercise of Reserved Rights; Option to Install Artificial Turf." Selectperson Reed moved that the Select Board formally request the MSAD 51 Board of Directors to review the agreement regarding the Sharp's Field Property in the town of North Yarmouth, Cumberland, Maine. Selectperson Harrell seconded the motion. Discussion: Selectperson Reed moved to amend the language by striking section G of the agreement, "Exercising of Reserved Rights; Option to Install Artificial Turf." No second was made. Discussion: Selectperson Moulton made further comments regarding his previous statement. Chairperson Sites responded that the agreement is in perpetuity. Selectperson Reed made comments summarizing that the section was already implied in another section. Selectperson Hodgetts stated that the MSAD 51 will make changes anyway. Chairperson Sites stated that the process would allow the agreement to come back to the Select Board for further consideration and approval. Selectperson Moulton felt that the MSAD 51 would differ in opinion with or without Section G. Chairperson Sites recognized Paul Whitmarsh, Wild Turkey Lane, who stated that he agreed with Selectperson Reed's comments. By consensus vote, the Board agreed to make the amendment.

Selectperson Reed moved to add "reasonable" after "granter may impose" under Section I., "Public Use and Access". Discussion: Chairperson Sites asked for clarification. There was discussion on events that might be held at the field. Selectperson Reed withdrew his motion.

Selectperson Reed motioned that the language be entered under Section E., "Structures", which states that outdoor recreation maintained by the grantor does not interfere with the primary use of the field. Selectperson Hodgetts seconded the amendment. Discussion: Selectperson Moulton asked what the amendment changed. Chairperson Sites and Selectperson Reed clarified that the change was to ensure minor structures don't impede the primary use of the field. **Vote: 4 Yes – 0 No – 1 Abstain. (Selectperson Moulton)** Selectperson Reed moved to amend Section II, § A, "Land Use", to replace the term "may" with "shall" to read: "The Restricted Property shall be used primarily as a sports playing fields [...]" Selectperson Harrell seconded the motion. Discussion: Chairperson Sites recognized Diane Morrison. Ms. Morrison inquired how the field would be used and stated that she was in favor of only allowing the field to be a playing field due to the need for less maintenance. Selectperson Moulton and Selectperson Reed responded that the intention was to keep the field a practice field but may be used as a playing field in the future. Mr. Mallory commented on the meaning of the language. Chairperson Sites responded that the purpose of the field is intended to only be a sports field and, secondarily, to allow recreational activities by the general public. **Vote: 5 Yes – 0 No.**

Chairperson Sites called a vote for the original motion to forward to the MSAD 51 Board of Directors. Chairperson Sites recognized Scott Kerr. Mr. Kerr commented on notice procedures to allow residents to comment if they feel the agreement is not being enforced properly. Selectperson Moulton commented that he believed the Select Board was the conduit for residents to bring up issues they see with the execution of the agreement. Selectperson Reed made similar comments. **Vote: 5 Yes – 0 No.**

New Business:

(2:05:53)

Annual Review of Committee Charges – Chairperson Sites requested that the Select Board review the charges and have a discussion at the next meeting. The item was tabled, by consensus.

Call for Public Hearing – Fee Schedule – Chairperson Sites moved to hold a public hearing for the purposes of amending the Fee Schedule on January 4, 2021. Selectperson Reed seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Accounts Payable – **(2:08:33)** Chairperson Sites moved to approve accounts payable warrants 20, 21, & 22 in the amount of \$832,788.01, as presented for FY22. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Hodgetts stated that his questions were answered before the meeting. **Vote: 5 Yes – 0 No.**

Any Other Business – Selectperson Hodgetts moved to make accounts payable to

Adjournment – Selectperson Reed moved to adjourn at approximately 9:18 PM. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Prepared By: Draven Walker
Executive Assistant/Recording Secretary

Select Board



Brian Sites, Chair



James Moulton, Vice Chair

Austin Harrell



David Reed



Paul Hodgetts