

Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, May 3, 2022  
Wescustogo Hall & North Yarmouth Community Center



**Call to Order (7:45)** – Brian Sites, James Moulton, David Reed, and Paul Hodgetts were present. The Town Manager, Diane Barnes, was also present. Chairperson Sites called the meeting to order at 7:00 PM.

**Proclamations (8:29)** – Chairperson Sites moved that the Select Board recognize May 1<sup>st</sup>, 2022, through May 7<sup>th</sup>, 2022, as Public Service Recognition Week. Selectperson Hodgetts seconded. Discussion: none. **Vote: 4 Yes – 0 No.**

**Public Hearing(s) (11:36):**

*Opening the Public Hearing*

Chairperson Sites moved to open the public hearing. Selectperson Reed seconded the motion. **Vote: 4 Yes – 0 No.**

*Public Recognition*

Mike Mallory, Walnut Hill Road, commented on the following sections of the bylaws:

Section 1: Mike Mallory made an inquiry on the language of this section and its purpose. Selectperson Moulton clarified the process with Mike Mallory.

Section 2: Section 2, § A: Mike Mallory commented on the terms of the Select Board Chair in the bylaws. Section 2, § C: Mike Mallory inquired on the Board's Chair's authority. Section 2, § D: Mike Mallory suggested that there be more references to statute or other law that support the Select Board's authority. Section 2, § F: Mike Mallory commented on the section's need for clarity on the vote.

Section 3, § D: Mike Mallory commented on the presented new requirements for posting the agenda. Chairperson Sites suggested to amend the language to clarify that notices will be posted to all the "Town communication channels".

Section 3, § B: Selectperson Moulton commented with his disagreements with requiring an agenda being posted seven (7) days in advance. Chairperson Sites clarified that the agendas do have indications when they are changed.

Section 3, § E: Mike Mallory commented on the Chair's ability to call a meeting.

Section 5, § B: Mike Mallory suggested for clarification on if the Board allows consensus voting with references both in Section 5 and Section 2.

Section 9: Mike Mallory commented that the powers and authorities given under Charter should not also be addressed in the Select Board Bylaws. Chairperson Sites responded that he disagreed based on the language's purpose to clarify the actors of the government and their responsibilities.

Paul Whitmarsh commented that the Select Board should require more than state statute regarding meeting minutes and the official record of the meeting. Mr. Whitmarsh suggested that "personal remarks" be removed from Section 10, § A(1).

Kate Perrin, New Gloucester Road, asked if the Town Attorney would address the changes. She also commented that the Select Board Bylaws are different from other towns.

Judy Potter, Walnut Hill Road, commented on the public being able to speak outside of public comment and during agenda items. Judy Potter asked if amendments to the Select Board Bylaws required a public hearing.

*Closing the Public Hearing*

Selectperson Reed moved to close the public hearing. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Moulton asked what would happen next. Chairperson Sites responded that the item will be



addressed under "New Business". Selectperson Moulton inquired if an attorney has reviewed the document. Selectperson Reed requested a legal review of the document. **Vote: 4 Yes – 0 No.**

**Appointment(s) (55:29):**

Events Committee – Chairperson Sites moved that the Select Board appoint Elizabeth Jacobson to the Events Committee for a term to expire on June 30, 2022. Selectperson Reed seconded the motion. Discussion: Selectperson Reed noted that this item should have been addressed weeks ago. Selectperson Reed asked if the Select Board could include agenda items during the meeting for appointments. The Town Manager responded in the negative due to the constraints of being able to follow the process previously determined by the Board. **Vote: 4 Yes – 0 No.**

Consent Agenda (58:28) – Selectperson Hodgetts moved to approve the Consent Agenda, as presented. Selectperson Reed seconded the motion. Discussion: Selectperson Reed clarified that the Select Board would not discuss items under consent agenda. Motion failed.

Selectperson Hodgetts moved to remove the April 19, 2022, Business Meeting Minutes from the Consent Agenda. Chairperson Sites seconded the motion. Discussion: Selectperson Hodgetts requested that the names listed on page 27 and 29 be reviewed and corrected with the resident's full names. **Vote: 4 Yes – 0 No.**

**Public Comment - Non-Agenda Items (1:02:41):**

Paul Whitmarsh, Wild Turkey Lane, commented on the Economic Development & Sustainability Committee's recent charges provided by the Select Board.

Christina Smith, Baston Road, discussed the issues with the Town's development and its effect on local wildlife, specifically white-tailed deer. The resident suggested a fund be created to address the issue in the future. Selectperson Moulton suggested that the resident speak with the Warden Service. The resident discussed with the Board potential solutions to address the issue.

Maggie Cornell, Walnut Hill Road, commented on the speed sign located near Walnut Hill Road. The resident suggested that the Town implement slow down measures, mentioning the bollards placed on the road last year, in conjunction with the speed sign. The Town Manager responded that she and the Road Commissioner were speaking with MDOT to potentially reduce the speed coming into Town.

Eliza Bachelder, Walnut Hill Road, stated that she agreed with the implementation of the bollards on the highway and commented on further driver education.

Amy Hale, North Road, stated that there was concern for her and her husband when the bollards were installed last year as bikers were forced into the lane with vehicle traffic.

Rachel Whitmarsh, Wild Turkey Lane, stated that safety measures should be considered outside the Village Center.

**Management Reports & Communications:**

Town Manager's Report (1:19:44) – The Town Manager reported that the Town Office was preparing to send letters to a list of truckers who have been identified as driving through Town as part of LWN's initiative to thank the drivers for their safe driving. The Town Manager reported the route of the "Trek Across Maine" event coming through North Yarmouth on June 19<sup>th</sup> – coming through Portland Road, Long Hill Road, Haskell Road, and Route 115. The Town Manager reported that the Town's banking institution, Norway Savings Bank, will be waiving the fees on the Town's accounts so that interest can be collected from the account.

**Old Business:**

**Select Board Bylaws (1:21:09):**

Section 1: No proposed changes.



Section 2 § (A): No proposed changes.

Section 2 § (F): Chairperson Sites recommended striking Section 2 § (F), "By affirmative vote of not less than four (4) members, the Select Board may vote to remove a Chair prior to the expiration of their term and thereafter by affirmative vote of no less than three (3) members, elect a replacement."

Section 2 § (G): The Town Manager suggested a tape recorder be available. Selectperson Reed suggested that the language be amended to require that the minutes be made available with the video record.

Section 2 § (J): Selectperson Reed requested requiring the Select Board to provide a majority vote to have the Board provide instruction to the Town Manager. Chairperson Sites stated that the section's proposed language as requiring a majority vote.

Section 3 § (B): Chairperson Sites stated that the Board would be striking the proposed "EXCEPTION" listed in this section. Selectperson Reed stated that the Board should include language that the agenda should be identified as being changed after it's been posted. The Town Manager advised the Board that she was not sure if agendas could be posted seven (7) days prior to the meeting. Selectperson Reed responded that items should be addressed at the meeting. Chairperson Sites responded that the agenda should be posted no later than five (5) days prior to the meeting.

Section 3 § (D): Selectperson Reed stated that public hearings should have notice at least seven (7) days before the meeting with the understanding that the notice would be placed on the Town's communication platforms.

Section 3 § (G): none.

Section 4 § (A): The Select Board agreed to allow four (4) minutes instead of three (3) for public comment. Selectperson Reed stated that the Board should allow public comment throughout the agenda. Selectperson Reed stated that Board should move section 4 (A) to a newly created section 3 (K).

Section 5 § (E): The Board agreed to strike this section.

Section 6-8: No comments.

Section 9: No comments.

Section 10: From the additions presented at the last meeting, the Select Board agreed to strike any language regarding arguing, debating, or personal remarks that are allowed at meetings.

Section 11: Selectperson Reed requested that an invalidity clause be added.

Selectperson Reed moved to present the changes to the Town Manager for entry into the draft "Select Board Bylaws" and to request that a full legal review be conducted on the proposed changes. Chairperson Sites seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

### *Public Recognition*

Chairperson Sites recognized Mike Mallory, Walnut Hill Road, who made a comment. The Town Manager commented on late agenda items. Chairperson Sites recognized Judy Potter, Walnut Hill Road, commented on materials being posted to the website.

Chairperson Sites recognized Elizabeth Jacobson. The Town Manager addressed Elizabeth Jacobson's questions. Chairperson Sites recognized Paul Whitmarsh who made a clarifying statement.

### **New Business:**

Senior Policy (1:44:57) – Chairperson Sites stated that the Board would be looking into policy decisions that concern senior citizens.

### *Public Recognition*

Paul Whitmarsh, Wild Turkey Lane, stated that he had some adjustments to the Town's "Property Tax Assistance Ordinance".

Fee Schedule – Call Public Hearing (1:47:39) – Selectperson Reed moved to set a public hearing on May 17, 2022, for the proposed changes to the Fee Schedule. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

**Any Other Business (1:48:51)** – Selectperson Hodgetts inquired if the Town's contracted individual working on the removal of beaver dams had to have insurance to work for the Town. The Town Manager responded in the affirmative. Selectperson Reed read a pledge from the "Mayor's Monarch Pledge" and inquired if the Select

**UPDATED: JUNE 8, 2022**

Board would be interested in being involved. Selectperson Reed requested that the Board invite the individual who sent the email regarding the pledge to him at a future meeting.

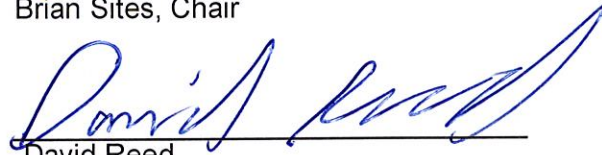
**Adjournment (1:53:00)** – Selectperson Reed moved to adjourn at 8:48 PM. Selectperson Hodgetts seconded the motion.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

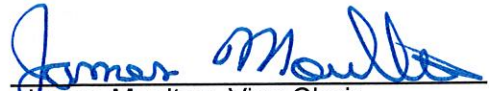
Select Board



Brian Sites, Chair



David Reed



James Moulton, Vice Chair



Paul Hodgetts