

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, June 21, 2022
Wescustogo Hall & North Yarmouth Community Center**

Call to Order (8:06) – Brian Sites, James Moulton, David Reed, and Paul Hodgetts were present. The Town Manager was also present. Chairperson Sites called the meeting to order at 7:03 PM.

Consent Agenda (8:45) – Selectperson Reed moved to approve the consent agenda, as presented. Selectperson Moulton seconded the motion. Discussion: Selectperson Reed raised a point of order. Chairperson Sites responded that discussion was part of motion, not the items directly. **Vote: 4 Yes – 0 No.**

Public Comment - Non-Agenda Items (10 :41):

Linc Merrill, North Road, offered thanks to Selectperson Moulton and Selectperson Reed.

Steve Palmer, Mountfort Road, reported that the Living Well in North Yarmouth Committee applied and received a \$1,600 grant from AARP. The Living Well in North Yarmouth Committee used the funds to purchase canopies and corn hole boards for the community. Steve Palmer asked for volunteers who may be interested in supporting corn hole programs at the Wescustogo Hall & North Yarmouth Community Center.

Judy Potter, Walnut Hill Road, asked if the Town was applying for the COG Resilience Partnership Service Grant. The Town Manager responded that she would work on this project when time allowed. Judy Potter asked if the Town could place the MSAD #51 School Board's information on our calendar. Judy Potter inquired where the residents could find the Accounts Payable Warrants. The Executive Assistant to the Town Manager directed Judy Potter to the Select Board's page, under "Board Meeting Documents."

Rachel Whitmarsh, Wild Turkey Lane, offered her thanks to Chairperson Sites. Rachel Whitmarsh shared her concerns with other committee's posting in a timely manner meeting documentation on the Town's website. Rachel Whitmarsh commented that the Select Board should consider adopting a Historic Preservation Ordinance. Chairperson Sites responded that the Select Board has discussed with the committees to be consistent with their postings of their minutes and agendas and further responded that the Select Board has not been able to investigate a Historic Preservation Ordinance.

Alicia Dostilio, Parsonage Road, thanked Selectperson Reed and Moulton for their service. Alicia Dostilio inquired about who was responsible for the spraying at the softball field. Alicia Dostilio made comments and inquired to the Select Board what the Planning Board procedures were in terms of allowing public participation. Chairperson Sites responded to Alicia Dostilio's comments and referenced the Planning Board's current procedures. Selectperson Moulton responded that the Planning Board stated that they would address the issues before their next meeting. Selectperson Reed suggested that Alicia Dostilio could appeal to the Zoning Board of Appeals. Selectperson Hodgetts inquired if the Planning Board would follow through with another public hearing and the starting date of the construction of the Deacon Hayes Major Subdivision. Alicia Dostilio asked if North Yarmouth Fun Day was coming back.

Linc Merrill made further comments regarding the Planning Board on the Land Use Ordinance. Linc Merrill stated that he did not believe the Planning Board was following the Land Use Ordinance.

Mike Mallory, Walnut Hill Road, apologizes for an outburst at a previous meeting and commented on the Land Use Ordinance and issues that he perceived with the Planning Board following the rules.

Judy Potter asked the Select Board what the next steps were to get answers from the Planning Board. Chairperson Sites suggested that residents copy himself and Selectperson Hodgetts to their correspondence with the Planning Board. Chairperson Sites thanked Selectperson Moulton and Selectperson Reed for their service.

Management Reports & Communications (26:57):

Town Manager's Report – The Town Manager thanked Selectperson Reed and Moulton for their service. The Town Manager reported on the following items:

- 30-Day Lien Notices: The Town Manager reported that because of the date when the taxes are due, the lien process would start in the coming weeks.
- LD 290: The Town Manager provided a summary of the enacted law. The application will need to be submitted by December 1st of each year. The bill's text can be found [here](#) or on the Maine Legislature's website.
- FY21 & 22 Audit: The Town Manager reported that the Town did not raise \$380,000.00 towards its capital reserves due to a clerical error in FY21. In FY22, the Town Manager stated that the revenues were overstated due to a clerical error. The Town Manager stated that the auditor recommended any expenses in FY23 that the departments could accomplish in another year to defer and to increase the overlay for FY23 to stabilize the losses.

Public Recognition

Linc Merrill, North Road, asked what the Town's total undesignated fund balance was for based on the Town Manager's report. The Town Manager responded with comments that the final fund balance would not be known until the end of the fiscal year as revenues were still coming in. The Town Manager also responded that she would work with Department Heads to determine what items could be accomplished in another year to save on reserve spending. The Town Manager also stated that the Select Board could move the capital reserve funds to accommodate for losses in other funds but did not recommend this course of action. Mike Mallory, Walnut Hill Road, questioned how the new fund balance would impact the Town's emergency spending. The Town Manager responded with comments that the fund balance would be lower than what the auditor presented in the past. The Town Manager explained how overlay worked for the Town and what is stated on the valuation return form. Selectperson Reed asked what the deficit was on all the accounts. The Town Manager responded that she was not sure at that time.

Old Business – none.

New Business:

Sharp's Field "Declaration of Restrictive Covenant (55:00) – Selectperson Moulton moved that the Select Board authorize and record a "Declaration of Restrictive Covenant" in the Cumberland County Registry of Deeds for the property located on 10 Village Square Road and described as "Sharp's Field". Chairperson Sites seconded the motion. Discussion: Selectperson Reed stated that he would vote for the motion but stated that the intent of the Annual Town Meeting warrant was to have an agreement with another entity, not the Town. Chairperson Sites responded with comments that future Select Boards could create an agreement with an entity in the future. Selectperson Moulton stated that he believed there was an entity out there who may be interested in having an agreement with the Town. **Vote: 4 Yes – 0 No.**

Public Recognition

Kevin Robinson, Walnut Hill Road, stated that he had issues with section 5 of the agreement. The Select Board previously discussed this section at a previous meeting. The Select Board indicated that the agreement as presented was sufficient for protecting the field. Selectperson Moulton, Chairperson Sites, and Selectperson Reed discussed that there was no intent with placing structures on the field that would inhibit the fields' primary purpose of being a field for lacrosse players. The three (3) board members further discussed permanent bathrooms and turf fields as being items that they do not believe as being an issue in the future based on the intent of the covenant. Steve Palmer stated that he does not understand why the Town of North Yarmouth could not take care of the field themselves. Steve Palmer cited the Town's current expense of over \$6,000 on legal fees to execute an agreement for the field. Steve Palmer also asked that the Select Board provide mechanisms that provide more input from the public – recommending a term on the proposed covenant. Selectperson Reed responded that a Town Meeting could overturn a covenant or an agreement. Rachel Whitmarsh stated that the Select Board has already decided on striking language in section 5. Chairperson Sites responded that an incorrect version may have been sent to the attorney due to turnover from one attorney to another. Selectperson Moulton made comments that this was a start that the new Select Board could consider any future items that may be brought forth.

Selectperson Reed moved to call the question. **Vote: 4 Yes – 0 No.**

County Tax Transition Assessment (1:16:27) – The Town Manager presented the County's proposal to provide a five (5) year installment to pay for six (6) months of the County's assessment due to a change from calendar year to fiscal year. The Town's assessment would be around \$188,000.00 with a yearly installment of \$37,670.00. The Town Manager recommend this action. Selectperson Reed moved that the Select Board authorize the Town Manager to enter a five (5) year payment arrangement at 0 % interest with Cumberland County to fund the short year transition period when the County changes from a calendar year to a fiscal year. Selectperson Moulton seconded the motion. Discussion: Selectperson Moulton thanked the County for offering this option. **Vote: 4 Yes – 0 No.**

Pine Tree Waste (Casella) Contract 4 Month Extension (1:18:02) – The Town Manager presented an agreement for a four (4) month extension at a monthly rate of \$14,601.00 with Pine Tree Waste. The Town Manager stated that the vendor would be going from a rear load to an automated side load system. The Town Manager stated that the Town could look to enter a multi-year contract with Pine Tree Waste, however, the Town Manager also stated that the Town would be looking to join with other communities in the upcoming years. The Town Manager stated that she was looking at other options to purchase the totes, possibly through EcoMaine. Selectperson Reed moved that the Select Board accept and authorize the Town Manager to sign a contract extension with Pine Tree Waste. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Hodgetts asked how older residents would be able to bring their heavier totes to the end of a long driveway. The Town Manager stated that those issues will need to be negotiated. **Vote: 4 Yes – 0 No.**

Proposed LUO Amendments (1:23:28) – Selectperson Reed moved to accept the proposed Land Use Ordinance and send the amendments to the Planning Board for a public hearing and then to the November election. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

MSAD#51 Board Meeting – 6/22/2022, GCA, 6:30 PM (1:26:00) – Chairperson Sites announced that the MSAD #51 School Board will take place on June 22nd and that there will be a vote on the final design of the school.

Any Other Business (1:26:25) – Selectperson Hodgetts would like to see a Fuji representative at a future meeting. Selectperson Hodgetts also stated that the Town should be notified when an inspection takes place. Selectperson Moulton responded that the Water District is aware and will be requiring a five (5) year contract with any septic systems that are installed. Selectperson Moulton and Hodgetts discussed the Water Districts actions to move forward with recording inspections. Selectperson Hodgetts stated the following action items:

- Having a representative come to a future meeting.
- Finding out who would be responsible from the Town for receiving and tracking the inspections from the service provider of a septic system.

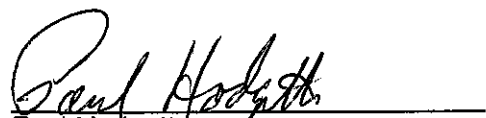
Selectperson Reed thanked the Board and made closing statements to the Select Board about the last year's challenges. Selectperson Reed wished the new Board the best.

Adjournment (1:31:33) – Selectperson Reed moved to adjourn at 8:26 PM. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Prepared By: Draven Walker
Executive Assistant/Recording Secretary

Select Board


Brian Sites, Chair


Paul Hodgetts

Approved by a consensus of the remaining Select Board members.