

Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, September 6, 2022
Wescustogo Hall & North Yarmouth Community Center



Call to Order (06:01) – Brian Sites, Amy Haile, Paul Hodgetts, Kate Perrin, and Andrea Berry were present. The Town Manager, Diane Barnes, was also present. Chairperson Sites called the meeting to order at 7:01 PM.

Special Presentations:

History Minute (06:30)

Selectperson Haile made a presentation to the Select Board. The presentation can be found on the Town website or at the Town Office: [click here](#)

Senior Property Tax Overview (10:21)

Chairperson Sites gave a presentation to the Select Board. The presentation can be found on the Town website or by clicking the link above. Chairperson Sites reported that he would provide an educational presentation at each meeting.

Public Hearing(s):

Charter Amendments (17:54)

Public Hearing

Chairperson Sites moved to open the public hearing on the proposed Charter amendments. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Scott Kerr, New Gloucester Road, inquired why the Select Board proposed alternates to the Board of Assessment Review and their voting rights. Scott Kerr also inquired why "Recreation" was stricken in the Charter amendments in some sections but not all. Chairperson Sites stated that he believed Mr. Kerr was looking at an older version of the amendments discussed at prior meetings. Scott Kerr also asked for clarification in the oversight of the proposed Parks Committee. The Town Manager commented that the language under the committee's responsibilities clarified that the committee would still oversee the parks and recreation areas.

Paul Whitmarsh, Wild Turkey Lane, asked why the language "regular" was being stricken from the Charter in Article 3, § 3, "Chair of Select Board". The Town Manager clarified that the purpose was to make sure the Select Board could call a special meeting rather than a regular meeting to name a chairperson in years where three (3) or more select board seats were up for election.

David Reed, Country Creek, commented that other amendments discussed at prior meetings were not included in the proposed Charter amendments, particularly regarding items that are administrative in nature by clarifying policies already defined by Maine state statute.

Jay Fulton, New Gloucester Road, commented on the proposed changes to residency requirements for elected officials.

David Reed, Country Creek, made further comments regarding the residency requirements established by the state.

Chairperson Sites moved that the Select Board close the public hearing on the proposed Charter amendments. Selectperson Perrin seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Select Board Discussion and Action

The Select Board Chairperson read the order titled: "[ACTION TO SUBMIT PROPOSED AMENDMENTS TO THE TOWN OF NORTH YARMOUTH CHARTER TO THE VOTERS ON NOVEMBER 8, 2022](#)" (a copy of the order can be found with the Town Clerk at the Town Office or on the Town's website.)

Chairperson Sites moved that the Select Board order the Town Clerk to place the proposed amendments to the Charter on the November 8, 2022, ballot, and further order that copies of the amendments be posted and available to the public. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Land Use Ordinance Amendments (32:16)

Public Hearing

Chairperson Sites moved that the Select Board open the public hearing on the proposed Land Use Ordinance amendments. Selectperson Berry seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Laurie Bachelder, Oak Hill Road, inquired if the Select Board would be voting to bring the proposed amendments to the voters. Chairperson Sites clarified the process being taken. Laurie Bachelder stated that she would like to see more discussion on the amendments with public forums and expert opinions.

Jay Fulton, New Gloucester Road, inquired if the amendments would affect the clustering of land development.

Steve Morrison, Browndog Drive, stated that he agreed with Laurie Bachelder's comments. Steve Morrison explained the development of the Land Use Ordinance over the last twenty years which culminated into the Town's current ordinance. Mr. Morrison stated that he intent with the 2005 Land Use Ordinance amendments were clear in that the residents wanted to have a village center.

David Reed, County Creek, made comments on the Town's communication on previous Land Use Ordinance amendments. David Reed stated that the Board should put out a mailer and hold a public forum before the amendments are sent to the November ballot.

Paul Whitmarsh, Wild Turkey Lane, stated that the changes were to correct administrative errors and were the same amendments brought forth at the FY2023 Annual Town Meeting that were passed over due to the errors.

Gay Peterson, Milliken Road, commented that the ordinance changes should be separated rather than including multiple changes within a single warrant article.

Diane Morrison, Browndog Drive, agreed with other comments made on holding more informational meetings and communicating the changes via the Town's mailing list as well as asking if the Select Board has studied the foreseeable impacts if the amendments were adopted. Diane Morrison also commented on her disagreements with holding referendums on Land Use Ordinance amendments.

Rob Wood, Milliken Road, stated that the changes would restrict development in the Village Center. Rob Wood also stated that he was concerned that the amendments would be contradictory to the Comprehensive Plan. Rob Wood also supported an analysis of the impacts of the changes.

Chairperson Sites moved that the Select Board close the public hearing on the proposed Land Use Ordinance amendments. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Berry inquired if there would be another time for discussion. Chairperson Sites clarified that there would be. **Vote: 5 Yes – 0 No.**

Select Board Discussion and Action

Chairperson Sites moved that the Select Board order the Town Clerk to place the proposed Land Use Ordinance amendments on the November 8, 2022, ballot, and further order that copies of the amendments be posted and available to the public. Selectperson Hodgetts seconded the motion.

Discussion: Selectperson Berry asked the previous membership of the Select Board prior to June 30th the explain the process for bringing the proposed amendments to a vote. Chairperson Sites explained the Board's history of asking that Warrant Article 7 from the FY2023 Annual Town Meeting be removed for further investigation. Furthermore, Chairperson Sites explained how further amendments to Table 7.2 were made due to signatures being collected in the public. Chairperson Sites concluded that the intent was to have both issues brought together for the purposes of legal review and having a single town meeting.

Selectperson Berry further inquired if a petition was submitted regarding changes to Table 7.2. Selectperson Haile asked if the legal review was on all the proposed amendments. Chairperson Sites answered in the affirmative and referenced to an example regarding pocket neighborhoods where the attorney recommended language be included back into the amendments to continue to allow those designs.

Selectperson Perrin inquired who was responsible for submitting the proposed amendments. Chairperson Sites clarified that all language less table 7.2. was from the previous Select Board's direction with table 7.2. being an additional change due to a pending petition.

Selectperson Perrin recommended a forum. Selectperson Haile suggested a forum and inviting experts to further explain the amendments and their impacts.

Selectperson Berry asked if current applications would be impacted by the ordinance amendments if they were adopted and when the proposed amendments would go into effect. The Town Manager responded that she would need further opinion from legal if the application was still pending. Selectperson Berry asked if the amendments would go into effect immediately. Chairperson Sites and the Town Manager responded that the effects would go into effect immediately. Selectperson Berry inquired if cluster housing was similar to a pocket neighborhood and Chairperson Sites responded.

Selectperson Berry asked the Town Manager if the Planning Board or the Planner had any concerns. The Town Manager responded that concerns were not brought forward.

Selectperson Perrin discussed having the vote at an open election (Town Meeting) rather than a closed one. Chairperson Sites summarized the motion. Selectperson Hodgetts commented that people attend more to a referendum rather than a town meeting.

Selectperson Haile asked for further input from Selectperson Hodgetts and Chairperson Sites. Chairperson Sites responded that residents have discussed these issues over his tenure and would like to see a vote to finalize the issue. Selectperson Berry stated that she was concerned with one (1) acre zoning in the Village Center and commented that she would prefer to have more flexibility in the lot sizes that can be under one (1) acre. The Town Manager inquired if an educational forum on table 7.2 was the only topic for a meeting. Selectperson Berry responded in the affirmative.

Selectperson Perrin stated that she did not feel making changes to the Land Use Ordinance because of the threat of petitions was good practice. Selectperson Haile agreed with Selectperson Perrin's comments. Chairperson Sites clarified that his support was not based on the fear of a petition; he stated the Town does not have a clear process for adopting the amendments to the Land Use Ordinance. **Vote: 5 Yes – 0 No.**

A discussion on including forums prior to the vote was moved to "Any Other Business". Chairperson Sites read the order title: ["ACTION TO SUBMIT PROPOSED AMENDMENTS TO THE TOWN OF NORTH YARMOUTH LAND USE ORDINANCE TO THE VOTERS ON NOVEMBER 8, 2022"](#)

Appointments:

Walnut Hill Parkway Association (1:24:12)

Selectperson Haile moved that the Select Board charge Selectperson Hodgetts to attend the annual meeting and all-other meetings of the Walnut Hill Parkway Association until June 30, 2023. Selectperson Berry seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Recycling Advisory Committee Resignation (1:24:56)

Selectperson Berry moved that the Select Board accept Jillian Kaechele's resignation and request that the Town Manager advertise the vacant position on the Town's website and other communications. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Consent Agenda (1:25:39) – Chairperson Sites moved to accept the consent agenda with the edits to strike Paul Hodgetts's name as present in the August 16, 2022, business meeting minutes. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Public Comment - Non-Agenda Items (1:26:39):

David Reed, Country Creek, asked the Town to consider holding a candidate's night for current state level elections of officials that represent North Yarmouth. David Reed added that the Town of Gray is holding a candidate's night for officials representing its town at the state level.

Paul Whitmarsh, Wild Turkey Lane, commented on a survey that he was recently made aware of regarding climate initiatives that were discussed by the Economic Development & Sustainability Committee and lead by the Governor's Office of Policy Innovation and the Future as well as the Greater Portland Council of Governments. In addition, Paul Whitmarsh commented that he felt a charge to pursue a Community Action Resilience Partnership Grant should come from the Select Board, not the Town Manager.

Management Reports & Communications (1:31:29):

Town Manager's Report

The Town Manager reported that Debbie Grover was appointed by the MTCCA Board to serve as the board's liaison to the Maine Cemetery Preservation Commission.

The Town Manager reported on the timeline to discuss the Tax Increment Financing District. The Town Manager reported that she would hope for a town meeting by January to have enough time for the state to approve the amendments before April 1st. Selectperson Perrin would like to know what the projected Tax Increment Financing District allotments would be if the size of the district was changed. The Town Manager clarified that the Town attorney would be available who specializes in Tax Increment Financing Districts.

The Town Manager reported on the status of the newly created "Road and Street Renaming Project". The project was tasked the Select Board to the Town Manager and appropriate Department Heads to address multiple issues with alike street names. The issue has been identified to impact public safety efforts.

The Town Manager reported that she will be attending a training at EcoMaine as an alternate representative to the Town.

The Town Manager reported that the worker's compensation model has increased by 64.7% for the Town. The Town Manager explained that previous year's claims are being counted towards the next three (3) years of workers compensation expenses.

The Town Manager reported that in a previous year the Town gave a homestead exemption that was not qualifiable exemption. This has been corrected.

The Town Manager reported a credit of \$10,473 due to an error in the reporting of the solar system at the Wescustogo Hall & North Yarmouth Community Center.

The Town Manager reported an error in fees owed to Waste Zero for inventorying and managing the Town's PAYT bag program in the amount of \$27,872.

The Town Manager reported that the deferred revenue of taxes amount was \$134,837.00 for FY21; the amount decreasing to \$76,703.00 for FY22.

The Town Manager reported on the final collection and reporting of the homestead exemption for FY22.

Old Business:

None.

New Business:

Abatement Tax Map 16, Lot 1 (1:43:41)

The Town Manager explained the reason the abatement was being brought forth to the Select Board. Selectperson Hodgetts moved that the Select Board approve an abatement in the amount of \$25,000 of assessed value for map 16, lot 1, as recommended. Selectperson Haile seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Community Resilience Resolution (1:44:35)

The Town Manager explained the resolution. Selectperson Haile moved that the Select Board adopt the Municipal Community Resilience Resolution, as presented. Selectperson Berry seconded the motion. Discussion: Selectperson Berry read the "[Resolution of the Select Board Town of North Yarmouth](#)" regarding the Town's Community Resilience Self-Assessment. Selectperson Hodgetts asked if the program costs the Town anything. The Town Manager responded that the grant was not matching, and that the Town would use the \$50,000, if awarded, to pay for professional services from GPCOG. Selectperson Hodgetts felt that the resolution's key action items were in contradiction to the Town's current growth in development. The Town Manager explained that invasives were already key priority for the Town. Selectperson Berry explained the necessity of managing invasive plants. Chairperson Sites made further comments regarding the Town working to control its own properties to protect the environment. The Town Manager commented that she was not able to fill out an application prior to the September deadline and commented on future community engagement.

The Select Board discussed allowing public comment.

Public Participation

David Reed, Country Lane, commented on the proposed funding that could be awarded to the Town.

Paul Whitmarsh, Wild Turkey Lane, asked what commitments the Town would make if the grant was approved.

Kit Maloney, Walnut Hill Road, responded to the previous comment. It was explained that a report would be produced for community input and action.

Mike Mallory, Walnut Hill Road, asked if the Town has already completed an LED project and further inquired about the planning of sidewalks.

Select Board Continued Discussion

Selectperson Berry, Perrin, and Haile shared their comments supporting the resolution and grant. Chairperson Sites made comments supporting the Town moving forward with applying for the grant funding. **Vote: 5 Yes – 0 No.**

Any Other Business (2:10:14) – Selectperson Haile moved to discuss a community forum on the Land Use Ordinance amendments. Selectperson Perrin seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

The Board discussed having experts available for the meetings below.

Selectperson Haile and Chairperson Sites agreed to develop the expert panel.

Chairperson Sites moved to have an in-person community forum on October 6, 2022, at 6:30 PM as well as an October 12th Community Forum at 12:00 PM via Zoom and that Chairperson Sites and Selectperson Haile

oversee putting together the panel for discussion. Selectperson Berry seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Thursday, October 6, 2022, at 6:30 PM

Wednesday, October 12, 2022, at 12:00 PM (Remote Meeting)

Chairperson Sites tabled the discussion on a candidate's night for the next agenda.

Selectperson Berry asked that the October 4th Select Board meeting be cancelled in recognition of the eve of Yom Kippur. Chairperson Sites agreed with moving the meeting.

Executive Session (2:19:19) – Chairperson Sites moved that the Select Board enter executive session with the Town Manager pursuant to Title 1 M.R.S. § (6)(C). Selectperson Haile seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Sites moved to reenter regular session at 9:28 PM. Selectperson Perrin seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Adjournment - Selectperson Perrin made a motion to adjourn at 9:30 PM. Selectperson Haile seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Prepared By: Draven Walker
Executive Assistant/Recording Secretary

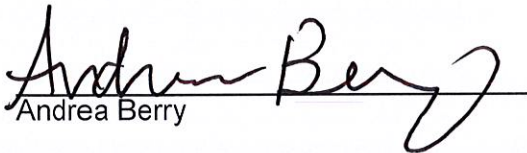
Select Board




Brian Sites, Chair



Paul Hodgetts



Andrea Berry


Amy Haile, Vice Chair
Katherine Perrin