

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, September 20, 2022
Wescustogo Hall & North Yarmouth Community Center**

Call to Order (7:54) – Brian Sites, Amy Haile, Paul Hodgetts, Katherine Perrin, and Andrea Berry were present. The Town Manager, Diane Barnes, was also present. Chairperson Sites called the meeting to order at 7:03 PM.

Chairperson Sites announced that the TIF workshop originally scheduled for 6:00 PM will be moved to September 28, 2022, at 6:30 PM.

Special Presentation

North Yarmouth Historical Society History Minute (8:32)

Selectperson Haile gave a presentation to the Select Board and public. The presentation can be found on the Town's website or by clicking [\[here\]](#).

Yarmouth Water District (13:44)

Eric Gagnon, Yarmouth Water District Superintendent, gave a presentation to the Board on the Water District's concerns with the Land Use Ordinance's current language regarding the lack of requirements for applicants and or owners to submit a yearly report on the performance of their advanced wastewater treatments to the Code Enforcement Officer and Yarmouth Water District. Superintendent Gagnon explained how the Water District has recommended and implemented measures to require high quality wastewater treatment systems to reduce the nitrates entering back into the soil through various processes. Superintendent Gagnon stressed the need for studying and tracking advanced wastewater systems installed in the groundwater overlay district.

Selectperson Berry inquired if larger developments were having their septic systems pumped by the Water District within the 2,500-day travel time. Superintendent Gagnon responded that an outside vendor would handle the pumping for larger developments.

Chairperson Sites inquired if the aquifer was located outside of North Yarmouth. Superintendent Gagnon explained that wells were mostly located in North Yarmouth and Cumberland with none being in Yarmouth.

Selectperson Hodgetts inquired how reliable the Fuji wastewater treatment systems were. Superintendent Gagnon made comments summarizing the effectiveness of the systems in reducing nitrate levels. Selectperson Hodgetts inquired if the Stone Post Development has provided only one (1) maintenance report. Superintendent Gagnon responded in the affirmative and stated that he would like to see more reporting on all the new systems that have been recently installed.

Selectperson Haile inquired if the responsibility for the maintenance study would be on the homeowner. Superintendent Gagnon stated that the homeowner would be responsible.

Chairperson Sites asked if the systems installed in prior years would be included in the Yarmouth Water District's plan to implement maintenance studies if the Land Use Ordinance was amended. Superintendent Gagnon responded that enforcement should be able to go back as far as 2018. Furthermore, Chairperson Sites inquired on the timeline. Superintendent Gagnon responded that there was an urgency, and that he would need further review from staff to make sure all issues were addressed in the amendments. Superintendent Gagnon communicated that he would look for support from the Select Board on amending the Land Use Ordinance to protect the groundwater overlay district.

Chairperson Sites asked Superintendent Gagnon to communicate with the Town Manager and provide updates or reports on their progress.

Selectperson Hodgetts asked Superintendent Gagnon how many residential units were hooked up to public water. Superintendent Gagnon reported that there was total of 191 services and 274 lots (last updated in 2018) within the groundwater overlay district. There was discussion on the potential lots that have split since 2018.

Chairperson Sites inquired how the figure for the maximum lots (450) within the groundwater overlay came about. Superintendent Gagnon responded that he would check with his hydrogeologist.

RHR Smith & Company Financial Update (FY23 Audit) (45:05)

Ron Smith, RHR Smith and Company, gave a presentation on the state-of-the-state of North Yarmouth's financial position. Ron Smith reported that after further review, the Town's unassigned fund balance is projected to be over \$1.3 million. He reported that this was caused by some corrections to when items were recorded and contributed to the lowered use of the unassigned fund balance in FY23. Furthermore, Ron Smith recommended that the Town continue to be mindful of the unassigned and capital reserve fund balances but that the current position was much better than initially thought. Lastly, Ron Smith recommended that the Town pursue other funding sources, like funding coming from future federal infrastructure bills to complete large projects without the expense coming directly from the unassigned fund balance or the capital reserve fund balance.

Story Walk Update (1:01:51)

Chairperson Sites moved the item to "New Business".

Appointments:

Resignation from Planning Board – Chris Cabot (1:02:15)

Chairperson Sites thanked Chris Cabot for his service. Chairperson Sites moved to accept Chris Cabot's resignation from the Planning Board. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Announcements – none.

Consent Agenda: (1:03:28)

Selectperson Hodgetts moved to approve the consent agenda with the one edit to remove "Selectperson Reed" from the minutes and replace with his first and last name. Selectperson Haile seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Public Comment - Non-Agenda Items: (1:04:39)

Paul Whitmarsh, Wild Turkey Lane, commented on the Select Board's meeting set-up.

Leda Whirl, Village View Lane, inquired about the Town's future for the Village Center.

Judy Potter, Walnut Hill Road, commented on her concerns with the TIF district.

Eliza Bachelder, Walnut Hill Road, commented on her proximity to a business and her property value.

Mike Mallory, Walnut Hill Road, commented on defining the lot types in reference to the Yarmouth Water District presentation.

David Reed, Country Creek, commented that the Town should shift the tax increment financing district (TIF) district away from the groundwater overlay district.

Management Reports & Communications:

Town Manager's Report (1:15:48)

The Town Manager reported on the due date of the fiscal year 2023 taxes and that the Town collected approximately 48.5% of the real estate tax liability. The Town Manager also reported that the Executive

Assistant to the Town Manager, Draven Walker, accepted a position from the City of South Portland and would be leaving the Town on September 29th. The Town Manager thanked him for his service.

Old Business:

Select Board Goals (1:16:59)

Selectperson Berry stated that she would reach out to the individual Select Board members to determine who would take on the various goals presented [[click here](#)]. Selectperson Perrin moved to accept the Select Board goals, as presented. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Candidate's Night (1:19:39)

Chairperson Sites commented that he believed the timeframe for holding a candidate's night was not feasible after speaking with the Town Manager and the other candidate, Anne Graham. Selectperson Haile stated that she agreed. There was further discussion among the Select Board members on the ability to host candidate's night in North Yarmouth. The Select Board agreed to not hold a candidate's night for state representative candidates but to direct residents to the Town of Gray Town Office on October 11th at 6:30 PM.

New Business:

October & December Select Board Meetings (1:22:40)

The Town Manager recommended that the Select Board only have one (1) meeting in October and December. Selectperson Perrin moved to cancel the October 4th and December 6th meetings. Selectperson Berry seconded the motion. Discussion: Selectperson Hodgetts stated that deciding to cancel a December meeting seemed premature. The Town Manager responded that she would not be available at the time of their first meeting in December. Chairperson Sites asked if the Town Manager would have enough information available on the Tax Increment Financing District amendments previously discussed by the Select Board and Town Manager if the proposed canceled meetings were approved. The Town Manager responded that the timeline recommended should be met with the cancelation of the first meetings in October and December. The Town Manager also explained that the Select Board could call a meeting, if needed. The Town Manager also recommended that the Board hold a meeting on Tuesday, December 13th, rather than December 20th to avoid the holidays. Selectperson Perrin withdrew her motion and Selectperson Berry withdrew her second.

Chairperson Sites moved that the Select Board cancel the October 4, 2022, regular business meeting. Selectperson Perrin seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Chairperson Sites moved that the Select Board reschedule the December 20th regular business meeting to December 13th. Selectperson Berry seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Solicit Bids for Fuel (1:30:36)

Selectperson Berry moved that the Select Board authorize the Town Manager to solicit bids for fuel through Maine Power Options and enter into a contract based on the most competitive pricing. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Hodgetts asked if the partnership with Maine Power Options was costing the Town. The Town Manager responded in the negative. **Vote: 5 Yes – 0 No.**

Public Participation

Mike Mallory, Walnut Hill Road, asked if the fuel pricing would cover general assistance fuel donations. The Town Manager responded in the negative.

Donation Acceptance – Hammond Lumber (1:33:25)

Selectperson Hodgetts moved that the Select Board accept the donations of building supplies from Hammond Lumber and labor from a volunteer builder to construct three (3) new picnic tables for the Wescustogo Hall & North Yarmouth Community Center. Selectperson Perrin seconded the motion. Discussion: Selectperson

Hodgetts asked who the volunteer would be. Jackie Hersey, the Community Center Director, responded that the volunteer was her husband. Chairperson Sites inquired on the plans for storing the picnic tables. The Community Center Director responded that no plan has yet been made. **Vote: 5 Yes – 0 No.**

Story Walk – Signage (1:35:26)

Selectperson Haile reported that the author of the story featured in the new story walk located on the grounds of the Wescustogo Hall & North Yarmouth Community Center would be available for the opening of the new trail on Saturday, October 1st at 1 PM. Selectperson Haile moved to place signage on the newly constructed story walk that reads "With our small story guests in mind, please consider leashing your dog while on the path." Chairperson Sites seconded the motion. Discussion: Chairperson Sites inquired on the purpose of the sign. Selectperson Haile explained that the current ordinance does not allow the Select Board to require leashing dogs in the Town's parks without town meeting approval. Selectperson Haile further explained the suggestive language was the middle ground solution. Selectperson Haile added that the signs would be located on the kiosk. Selectperson Berry clarified that the story walk trail would not overlap with the Sam Ristich trail. The Community Center Director recommended that the Living Well in North Yarmouth Committee may want to consider included leashes available at the kiosk for residents. **Vote: 5 Yes – 0 No.**

Set Public Hearing for GA Maximums (1:41:52)

Selectperson Berry moved that the Select Board call a public hearing to be held on Tuesday, October 18, 2022, at 7:00 PM at the Wescustogo Hall & North Yarmouth Community Center. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.** [[click here for amendments](#)]

Health Plan – Double Option (1:42:25)

The Town Manager explained that the Maine Municipal Health Trust allows the Town to adopt three (3) health plans. In addition, the PPO 500 [[click here](#)] allows for employees to have more control over their own care and have lower premiums.

Selectperson Perrin moved that the Select Board offer the PPO 500 plan through the Maine Municipal Employees Health Trust in addition to the current POS 200 plan effective January 1, 2023. Selectperson Haile seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Performance Guarantee – 527 LLC (1:44:59)

Chairperson Sites referenced and explained Section 3.8 of the Land Use Ordinance and the purpose of the line of credit [[click here](#)] provided to the Board for consideration. Chairperson Sites moved to approve the Irrevocable Standby Letter of Credit for the Deacon Hayes Project submitted by 527 LLC. Selectperson Perrin seconded the motion. Discussion: Selectperson Hodgetts commented that the Road Commissioner, Town Engineer, Town Attorney, and Select Board to his knowledge, were not part of the process. Furthermore, Selectperson Hodgetts also stated that his research points to a 3-10% guarantee on the project estimated to cost \$3.5 million. Selectperson Hodgetts also commented on his concern with the date not being included on the form. Selectperson Perrin asked why the performance letter was being brought to the Select Board. Chairperson Sites responded that the Planning Board set the condition on the application. Selectperson Hodgetts stated that the condition seemed to be overlooked in the past. Selectperson Berry asked why the Planning Board set the amount to \$100,000. Selectperson Hodgetts responded that the applicant provided the amount to the Planning Board. Chairperson Sites stated that the Select Board and Town Attorney have been involved in the process as a response to address Selectperson Hodgetts concern on the various parties who are mentioned in the Land Use Ordinance under Section 3.8. Selectperson Hodgetts requested that a subsequent letter be notarized. Chairperson Sites explained that the line of credit will be sent to the Code Enforcement Officer and dated then. Chairperson Sites explained that the Select Board could not place any further restrictions on the agreement. Selectperson Perrin further inquired if legal review recommended approving the line of credit. Chairperson Sites read the response from the Town Attorney. **Vote: 4 Yes – 1 No (Selectperson Hodgetts)**

Public Participation

David Reed, County Creek, asked the Select Board if there was a basis for the \$100,000 line of credit. Chairperson Sites explained that the decision was based on the improvements that would be included in the project and not the entire project.

Alicia Dostilio, Parsonage Road, asked for clarification on what the improvements were in the context of the Land Use Ordinance. Chairperson Sites clarified that the document for holding the applicant responsible was the site plan review. The applicant must meet the criteria set in the site plan review to receive the certificate of occupancy in addition to the condition of the \$100,000 line of credit before the Board. Alicia Dostilio further inquired on the ability to grant the line of credit due to lack of involvement by the individuals mentioned by Selectperson Hodgetts. This question was addressed by Chairperson Sites in the Select Board's discussion.

David Reed suggested that the Land Use Ordinance include a definition on what improvements were referencing.

ZBA Organizational Meeting (2:04:58)

Selectperson Hodgetts moved that the Select Board call an organizational meeting of the ZBA on Wednesday, September 28, 2022, at 5 PM. Selectperson Haile seconded the motion. Discussion: Selectperson Hodgetts asked if the meeting could be held sooner than September 28th. Selectperson Hodgetts inquired if building permits could be issued before a hearing was held. The Town Manager responded that she would need to get clarification on his question. **Vote: 5 Yes – 0 No.**

Any Other Business (2:07:47) – Selectperson Perrin notified the Board that she would be absent at the September 28, 2022, rescheduled Tax Increment Financing workshop. Selectperson Haile thanked the Town Manager and Town Auditor on the financial report provided at the beginning of the meeting. Selectperson Berry commented on the bean supper held the prior weekend and thanked the Fire Department for hosting the event.

Adjournment (2:10:48) – Selectperson Perrin moved to adjourn at 9:06 PM. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 5 Yes – 0 No.**

Prepared By: Draven Walker
Executive Assistant/Recording Secretary

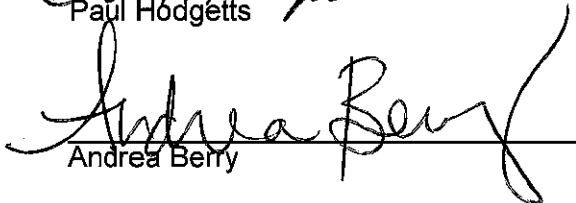
Select Board



Brian Sites, Chair



Paul Hodgetts



Andrea Berry



Amy Haile, Vice Chair



Katherine Perrin