

**Town of North Yarmouth  
Select Board  
Meeting Minutes March 21, 2023, 7:00 PM**

**Call to Order:** (18:11-18:28)- Members Present: Brian Sites, Chairperson, Amy Haile, Vice Chairperson, Paul Hodgetts, Selectperson, Katherine Perrin, Selectperson, and Andrea Berry, Selectperson, and Diane Barnes, Town Manager.

Pledge of Allegiance.

History Minute presented by Vice Chairperson Haile.

She received some old town hall meeting minutes from the Historical Society. The Select Board will read one each week.

**Appointment** (22:16-23:16)

Resignation-EDSC Scott Kaplan

Selectperson Berry thanked Scott Kaplan for all his contributions to the town.

**Selectperson Berry, seconded by Vice Chairperson Haile moved to approve the resignation of Scott Kaplin from the Waste Reduction Committee. Vote 5 Yes/0 No.**

**Special Presentations** (23:17-53:20)

Baston Park Dredging Project presented by Steve Palmer and Al Ahlers.

Project started in 2019 and they met with DEP with plans of dredging the pond and channel. This land was donated to the town, and they feel we owe it the citizens to take care of the park. Public works cleaned up a lot of dead trees and brush and they currently mowing the lawn.

They would like to dredge the river and channel. It is filled up with silt and only flows a small amount.

The Parks Committed would like to obtain a permit this year from the DEP to dredge the pond and channel. This would allow small watercrafts to be put in at Baston Park and once the channel is dredged watercraft would be able to get to The Royal River.

Select person Hodgetts asked what the removal of the dam in Yarmouth would do to this plan? Would there be enough water to get to the river?

Steve Palmer and Al Ahlers advised that the Army Corps of Engineers had a presentation last week, about removing the dam in Yarmouth. The Army Corps is working on this but feels there are many years before a decision is made on this project.

Selectperson Berry advised that there was a slide from the Army Corps presentation that showed there would still be traversable water if the dam was removed.

Chandler Brook Management Plan presented by Scott Kerr

Acquisition of the Preserve and the Town's Obligations

At the Annual Town Meeting in 2004, the residents of the Town of North Yarmouth voted to purchase the 63-acre Preserve from Karl Hawkes with funds from the Town of North Yarmouth, the State of Maine, and Friends of the Royal River (FORR), which later merged with other local conservation groups and became the Royal River Conservation Trust (RRCT). A condition of the State's and the FORR's funding was that the Town grant a Conservation Easement on the "Protected Property" exclusively for conservation purposes to the State of Maine via its Department of Conservation's Bureau of Parks and Public Lands (BPL) and grant to the FORR third party rights of enforcement of the terms of the easement. The easement was recorded on 8/19/2004 in the Cumberland County Registry of Deeds in Book 21686 at Page 26. On March 29, 2012, the MBPL and RRCT signed a Memorandum of Understanding (MOU) establishing commitments regarding their respective roles in monitoring, reporting and compliance with the Conservation Easement.

The Easement requires the Town of North Yarmouth to manage and protect the conserved protected property.

The Conservation Easement requires the Town and FORR (now RRCT) to develop a Recreational Management Plan to be approved by the BPL that addresses habitat, wildlife, scenic impacts, recreational uses, and agricultural uses and to assure that the management of the property is consistent with the purposes of the Conservation Easement.

The Select Board has designated the CBP as a town property to be managed by the Parks and Recreation Committee which will implement the plan, evaluate results of the implementation and changing conditions and recommend changes to the Town, the BPL and the RRCT.

A Management Plan will be developed by the Parks Committee (PC) based on the Conservation Easement and discussions with BPL, RRCT and the Select Board. The Select Board, BPL and RRCT will agree upon and accept a plan that the PC Committee will implement, manage, and evaluate. PC will report recommendations to the BPL, RRCT and the Select Board.

The Conservation Easement allows low-impact recreational uses or activities that do not appreciably alter the wildlife habitat value of the protected property including but not limited to hiking, picnicking, swimming, launching of hand-carried boats, primitive camping in designated areas, cross country skiing, snowshoeing, walking, running, nature observation, horseback riding, and hunting.

**Selectperson Berry, seconded by Selectperson Perrin moved to approve the Chandler Brook Management plan as present. Vote 5 Yes/0 No.**

**Consent Agenda:** (53:21-53:44)

A. Municipal Accounts Payable Warrants

#77 \$ 9,173.66

#78 \$10,883.95

#80 \$94,147.37

B. Municipal Payroll Warrants

#79 \$ 44,743.27

C. Select Board Minutes-March 7, 2023

**Selectperson Hodgetts, seconded by Vice Chairperson Haile moved to approve the consent agenda as presented. Vote 5 Yes/0 No.**

**Public Comment:** (53:45-1:04:09)

Mike Mallory, Walnut Hill Road, stated that Yarmouth cannot pull a dam unless they control both dam and the entire boundary is in the jurisdiction. He said that a Newspaper article stated that the Feds could not pull dam to get the salmon to go downstream. The river will be a big deal for fire prevention for areas not serviced by a hydrant.

Linc Merrill, 1572 North Road, stated that he has been following the Yarmouth Dam removal as he has river frontage in Yarmouth. He has been trying to get information to see if his taxes would be affected by the removal. Zoning and ground water protection would change. In Yarmouth he is required to provide engineering reports from runoff from his property. He asked if he would be freed from that responsibility from Yarmouth. They have not responded. After dams have been removed there is sometimes risk of landslides in the area. He would like to see North Yarmouth take an aggressive approach.

Al Ahlers, North Road, responded to a comment about oxygen levels. He stated that Royal River Alliance conducted oxygen tests. All tests done at the Rt 9 bridge were acceptable.

**Management Reports & Communications** (1:04:09-1:10:51)

EDSC-Selectperson Perrin-Due to a snow storm the last meeting was in January 2023. The next meeting is Thursday March 23, 2023, 6:15 PM to 9:15 PM.

Parks-Selectperson Berry-Nothing to add from the presentations tonight.

Recreation Advisory Board-Selectperson Haile-no update, they have not met.

Planning Board-Selectperson Hodgetts-March 2, 2023, workshop. NorthStar presentation. Meeting on 3/14 cancelled. Next meeting April 12, 2023, Deacon/Hayes.

Joint Standing Committee-Selectpersons Berry & Sites- They have not met.

Waste Reduction Committee-Selectperson Berry-They are planning a speaker series around Earth Day in April. Events Bulky waste drop off day.

Living Well in NY-Selectperson Haile-March meeting cancelled. Next meeting April 2023.

Zoning Board of Appeals-Selectperson Hodgetts-March 8, 2023 Linc Merrill/Dave Comparetto appeal. Meeting March 22, 2023, 5:45 PM.

Walnut Hill Parkway-Selectperson Sites & Hodgetts-no update.

School Fund Committee Perrin-She will follow up and have an update next meeting.

**Town Manager's Report, Diane Barnes:**

**FY 23 Tax Collections**

The due date for the second half of the FY 23 taxes was March 15<sup>th</sup>. The remaining real estate tax balance is \$530,342.49 which is a 95% collection rate.

**Southern Maine Agency on Aging**

The Town Manager attended the Southern Maine Agency on Aging "community leaders' day today and joined on of the volunteer drivers on their route to help deliver meals on wheels in North Yarmouth and Yarmouth. It was great to visit and meet some of the residents of NY and Yarmouth. Everyone was gracious and thankful for this program.

**Joint Meeting- MSAD#51, North Yarmouth, and Cumberland**

Just a reminder that the joint meeting between the School Board and the Select Board-North Yarmouth and Council-Cumberland is scheduled for Wednesday, April 12<sup>th</sup> at 6pm in the Gyger Room at Greely High School.

**Finance Report**-see meeting package.

**Old Business-(1:10:52-1:39:34)**

Boards and Committees Code of Conduct Policy-see meeting package.

**Chairperson Sites, seconded by Vice Chairperson Haile moved to approve the Boards and Committees Code of Conduct Policy with the edit of taking out of elected after reprimand or appointed after formal censure and to add I acknowledge that /I have received and understand the Town of North Yarmouth Committees Code of Conduct Policy. Vote 4 Yes/1 No Selectperson Hodgetts.**

Linc Merrill, 1572 North Road, questioned Section 4 Item D, the public process for filing a complaint.

David Reed, Country Creek, felt this policy should have a public hearing. He felt the revision from legal looked a lot better than the one that was originally presented. He felt there were due process concerns. If there were disputes with 2 or more members of the board, how would that be resolved?

Mile Mallory, Walnut Hill Road, he is not for or against a signature page, but he does not think you can legally require someone to sign it.

Paul Whitmarsh, 110 Wild Turkey Lane felt that it was a very political discussion around the signature page. It felt like there might be retribution if you did not sign it. Chairperson Sites advised no one said that. He asked where the censure and reprimand authority came from as he did not see it in the charter.

The board Chair chose to answer all questions after public comments were complete.

Chairperson Sites addresses Linc's question on clarity of conflict. Vice Chairperson Haile speaks.

Vice Chairperson Haile does not understand Linc's question regarding the public process for filing a complaint. She advised, if you have an issue with a Board Member you could go to the Town Manager or another Board Member.

Selectperson Perrin advised they would not stop public comments. This is a Code of Conduct Policy for the people serving, who have chosen to serve. This is not for public complaints.

Chairperson Sites advised that if we get people thinking of what they are saying first maybe we could avoid some of these issues. We would like to resolve conflicts among ourselves before it gets to the public.

Chairperson Sites commented on if the Select Board should hold a Public Meeting. This is an answer to David Reed's question above. This is a Code of Conduct policy, and it does not require a Public Hearing.

Chairperson Sites commented on the authority to reprimand. He stated that they are the elected legislative body and that is the power they have.

Chairperson Sites allows Linc Merrill to clarify his question.

Linc Merrill, 1572 North Road, where does the public go if they have a complaint against the entire board and Town Manager?

Chairperson Sites states there is no good answer to that question. You could go to the legal counsel.

David Reed, Country Creek commented on community involvement in the process.

**New Business-**(1:39:35-1:41:06)

**Tax Collector Settlement of 2021 & 2022 Taxes:** The tax collector is entitled from his/her liability under Maine State Statute when the tax collector has settled in full all taxes assessed and committed for each given year. This is the final step taken in the duties of the tax collector and is the foundation of his/her discharge from further liability for collection of taxes for those years. The uncollected real estate taxes have gone through a lien process and is the responsibility of the treasurer to collect any remaining unpaid taxes. The uncollected personal property taxes have gone through the UCC Lien process.

**Vice Chairperson Haile, seconded by selectperson Perrin moved to approve and sign the certificate of settlement for Diane Barnes, Tax Collector for the tax years 2021 & 2022. Vote 5 yes/0 No.**

**Other Business:**(1:41:07-1:44)

Selectperson Perrin just wanted to thank Al and Steve for all their hard work with the Parks.

Vice Chairperson Haile stated that the drama club could not come, but she highly recommends seeing the Little Shop of Horrors a Greely, they do a wonderful job.

Chairperson Sites advised that the students cannot come in to talk about PFAST until April as they are working on a project for competition.


**Adjournment:** (1:44:01-1:44:05)

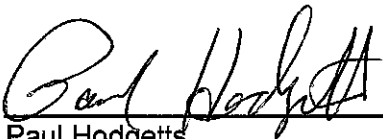
**Selectperson Perrin, seconded by Selectperson Berry moved to adjourn at 8:30 PM.**

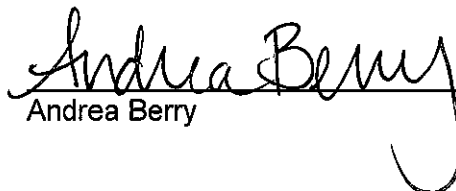
**Vote 5 Yes/0 No.**

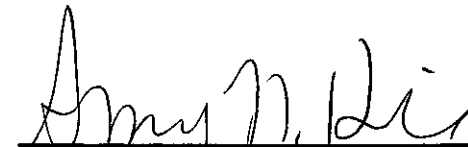
Karen Casale, Recording Secretary

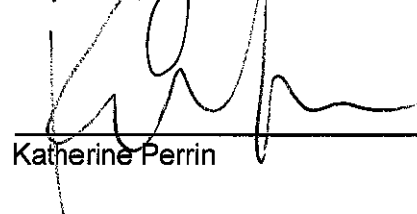
**Select Board**

  
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Brian Sites, Chair

  
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Paul Hodgetts

  
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Andrea Berry

  
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Amy Haile, Vice Chair

  
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Katherine Perrin