

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, November 15, 2022, 7:00pm-9:15pm**

Call to Order (1:24:03-1:24:23)- Members Present: 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 7:08 PM.

History Minute – (1:24:24-1:26:24)

Selectperson Perrin presented a land Acknowledgement to celebrate that November is Native American history month.

North Yarmouth is the unceded territory of Wabanaki confederacy and its people. We recognize that the Wabanaki people are the original inhabitants and first stewards of the land. Originally called Wescustogo. The larger area named Aucocisco, likely shortened to Casco is now known as Casco Bay. We should not shy away from the brutal history that took place across or town, state, and nation against the Native American Tribes. I invite us all to take a moment of reflection, for the history and future of Maine's Indigenous people.

Remembrance- Marion Goff: (1:26:25-1:30:08)-Chairperson Brian Sites presented this remembrance.

Some were born and bred in North Yarmouth. Others got here just as soon as they could! We were lucky that Marion Goff made it here in good time, back in 1946. Marion passed away on October 30, 2022. She was 98. Growing up, Marion Averill lived in Portland. Her father was a WWI vet who sustained serious injuries from being gassed in the war. He passed away in 1938 when Marion was 14. Her mother was left a single mom with six children. The all had to chip in to keep going and stay together. She met Vern Goff at Deering High School when she was 15. She was a sophomore, and he was a senior. Once she graduated, Marion and Vern discussed getting married. She was a city girl and worked at Woolworth's, but she loved animals-she was certain that she wanted a farm. So, Marion and Vern started buying cows, even before they were married. In 1946 they found a farm to buy on Routh 115 in north Yarmouth, past the Congregational Church. It had 125 acres, a shed and a barn. But the front part of the farmhouse itself had burned down. The owners had fixed up the ell that was left as best they could, with a kitchen, bedrooms, and living room. No indoor Bathroom. Still, it has good spring water and electric lights. (At the time only parts on North Yarmouth had electricity.)

North Yarmouth was all farming back then and it took some time for the people to warm up to the new, young city folks. Marion was 23 when they moved there, and she was a worker. She did everything: milked cows, cleaned stalls, made butter, tended the fields, and grew a big garden. The garden was for their family, but they gave away what they grew to others. Eventually their neighbor warmed up to the Goff's. Marion, Vern, and their kids Butch, Ernie and Cindy joined the Congregational Church and made many good friends. Back then, fun was simple and close to home. On weekends Marion would often make a big pot of chowder or beans and invite a crowd which included their "city friends" and their new North Yarmouth Friends. In those days there was not much traffic on 115. Their cows grazed on fields across the road from the farmhouse, and when they went over to bring them back to the barn for milking, all traffic would stop. Especially since their pet pig Priscilla would usually tag along. The Goff's had a full life farming and in business. The Goff's are best known for Goff's hardware in Yarmouth. Vern, who died in 2022, established the business along with Marion and their son Butch on Main Street. Marion also operated a clothing store in Yarmouth. She was active to the end! Last September she took part in the groundbreaking for Old Town House's move to the Village Green. It was early in the morning for a 97-year-old, but she showed up impeccably dressed and happily put a hard hat on her head. When the moment came, she hoisted a shovelful of dirt—like the hard worker she had always been. North Yarmouth Historical Society was truly honored by her participation. Thank you, Marion, for being part of our town and now part of our history.

Special Presentation: PACTS Project, (1:30:09-2:01:50)

Mandy Oliver, P.E. of Oliver Associates, Inc., provided an update and wanted feedback on the type of crosswalk the town wants for the Cumberland Road, (RT 9) and Walnut Hill, (RT 115), Pedestrian Safety Improvement Project. The project is funded by Portland Area Comprehensive Transportation System, (PACTS), as a Municipal Planning Initiative (MPI) project in partnership with Maine Department of Transportation. The primary focus on the project is to improve pedestrian safety at the intersection of Cumberland Road and Walnut Hill Road. This is to consist of reconfiguration of the intersection to improve the crosswalk, as well as extending the sidewalk on Walnut Hill Road. The cost is estimated \$650,000 with \$300,000 being provided by PACTS and the remainder provided by the town. Two types of sidewalks are under consideration. At the intersection, a sidewalk right next to the vehicle lane with a concrete curb will be provided. Moving south, the sidewalk can either stay directly next to the vehicle lane with a curb, or pathway with a grassed strip can be designed. The decision was made to do a sidewalk right next to the vehicle lane with a concrete curb. Oliver Associates, Inc., will complete the design, update costs, and assist the town in advertising the project to contractors in compliance with PACTS and MPI requirements.

Appointments (2:01:51-2:06:00)

Rene LaChapelle, Assessor is retiring on 11/30/2022. We have a contract with Cumberland County Regional Assessing and need to appoint an Assessor. Chairperson Sites seconded by Vice Chairperson Haile, moved to add the appointment of an assessor to the agenda. **Vote 5/0 yes.**

Board of Assessment Review- Chairperson Sites seconded by selectperson Hodgetts, moved that the Select Board appoint Chairperson Sites as liaison to the Board of Assessment Review. **Vote 5/0 yes.**

Shellfish Conservation Commission- Chairperson Sites seconded by selectperson Hodgetts, moved that the Select Board appoint chairperson Sites as liaison to the Shellfish Conservation Commission. **Vote 5/0 yes.**

Events Committee-Select Board Liaison- Chairperson Sites seconded by selectperson Hodgetts, moved that the Select Board appoint Vice Chairperson Haile as liaison to the Events Committee. **Vote 5/0 yes.**

ASSESSOR: Chairperson Sites seconded by chairperson Berry moved that the Select Board appoint Ben Thompson as assessor. **Vote 5/0 yes.** (We have a three-year contract.)

Consent Agenda-(2:06:01-2:06:47)

- A. Payroll Warrants-see Payroll Warrants #47 \$37,452.69
- B. Municipal Accounts Payable-See AP Warrants #46 \$54,334.69, #47 \$2,523.50
- C. November 1, 2022, Regular SB Minutes
- D. Election return and minutes 11/08/2022

Chairperson Sites seconded by vice chairperson Haile moved that the Select Board approve the Consent Agenda, as presented. **Vote: 5/0 Yes.**

Public Comment- Non-Agenda Items-(2:06:48-2:07:17)

No public comments

Management Reports and Communications:

EDSC-Selectperson Perrin, (2:07:18-2:08:55)

Selectperson Perrin reported that a meeting was held on Thursday November 10, 2022. They reviewed goals for the town. EDSC meets again on 12/15/2022.

Parks Committee-Selectperson Berry, (2:08:56-2:11:05)

Selectperson Berry reported that the committee is preparing to submit a management plan for Chandler Brook Preserve to the select board for approval. This is part of the conservation easement process. Recommended habitat protection. There is increased metal detector use at Old Town House Park and the holes are not getting filled in. Please fill in the holes. She encourages residents to walk from Village View to Knights Pond.

Planning Board-Selectperson Hodgetts, (2:11:06-2:12:50)

Selectperson Hodgetts reported that the Town attorney wrote amendments for bylaws. Paul Whitmarsh was voted in as Chair. A New veterinarian may be interested in starting a practice in North Yarmouth. A public hearing is scheduled for 12/13/2022 at 7:00pm, and a site walk is scheduled for Carriage Hill Estate.

Recycling Advisory Committee-Selectperson Berry (2:12:51-2:13:40)

New bill around reimbursement for recycling expense from Eco-Maine starting in 2025.

Living Well in NY-Selectperson Haile, (2:13:41-2:15:40)

Vice Chairperson Haile reported that the committee met last week. They reviewed events of the fall. They talked about EDSC requests to e-mail comments directly to Kit. LWNH has a list of volunteers, and discussion on how the best way to use the list to get residents involved. They discussed transportation and how to work more closely with Cumberland. Not many North Yarmouth residents use this. Talks about traffic calming less in the center and moving toward North Road.. The Portland to Auburn Rail Use Advisory Council has scheduled a public hearing on 12/5/2022 from 6pm to 8pm at Greely High School to hear concerns and opinions from the public concerning the potential uses of the rail corridor, including rail and trail use.

Zoning Board of Appeals-Selectperson Hodgetts (2:15:04-2:16:10)

Selectperson Hodgetts reported that a public hearing on an appeal is scheduled for 11/28/2022 at 5:00pm.

Recreation Advisory Committee-Selectperson Haile (2:16:11-2:16:42)

Selectperson Haile spoke with one of the members who confirmed that she was still on the committee and that they meet infrequently. Next meeting Thursday 11/17/2022.

Joint Standing Committee-Selectpersons Berry & Sites, (2:16:43-2:17)

Chairperson Sites reported that they had not met but heard they might be meeting soon. Next meeting in January 2023.

Walnut Hill Parkway-Selectperson Sites & Hodgetts

Selectperson Hodgetts reported that they had not met.

Town Manager's Report: Diane Barnes:(2:17:01-2:19:42)

Old Town House Park

Southern Maine Forestry Services will begin work on Monday, November 21st at the Old Town House Park. The scope of work will be to cut stem treatment along the water's edge. They will be cutting shrubs with a chain saw and will be applying herbicide directly to the stumps. Since the application of herbicide is made directly to the stump of the shrub, a very targeted area, the park will remain open and does not need to be closed during this phase. There will be signs around the work area.

Speed Signs

The two speed signs located on North Road were vandalized over the weekend. They are at Public Works being assessed for repair. We have spent \$1,000 on repairing these signs due to vandalism. It is unclear at the moment whether they can be repaired.

Holiday Schedule:

FRD and WH&CC

11/24/2022 Thursday, Thanksgiving Day

11/25/2022 Friday, Day After Thanksgiving

Municipal Offices and PWD

11/23/2022 Wednesday, day before Thanksgiving

11/24/2022 Thursday, Thanksgiving Day

Old Business: (2:19:43-2:50:55)

2 Draft Policies

Board and Committee Conduct Policy

Board and Committee Appointment Process.

There was a long discussion about these draft policies, and it was decided that a workshop was needed. Workshop is scheduled for 12/06/2022 at 6PM.

Chairperson Sites seconded by selectperson Berry moved to schedule a workshop on December 6th at 6PM. **Vote 5/0 yes.**

Public Comments: Judy Potter, Walnut Hill Road.

No communication to the public on why or how the board picks new members. She would like something to be included that tells the public why a new member was chosen to a committee.

Paul Whitmarsh, Wild Turkey Lane, asked if the public will be able to express their opinion on the above policies. Chairperson Sites advised yes.

New Business: (2:50:56-3:25:54)

Interim Manager appointment: Chairperson Sites seconded by selectperson Berry moved that the Select Board appoint Debbie Allen Grover as interim manager from 11/25/2022-12/09/2022. **Vote 5/0 yes.**

Fraud Policy:

Town Manager Barnes introduced the Fraud Policy that outlines the Town's protocols for preventing and detecting fraud, waste, or abuse in its organization. The purpose of this policy raises awareness amongst staff and to guide employees on the proper methods for handling fraud and outlines what will happen if fraud is detected.

Selectperson Perrin seconded by Vice Chairperson Haile moved that the Select Board adopt the Fraud Policy as presented. **Vote 5/0 yes.**

Pine Tree Waste Contract:

Town Manager Barnes summarized the highlights of the new multi-year contract.

Term

Initial term of 6 years (ending June 30, 2028).

Automatic renewal for 3 additional renewal terms of 1 year each, unless either party provides notice of

non-renewal at least 6 months prior to expiration.

Fees

For November 1, 2022, to June 30, 2023: \$17,816 per month for curbside collection.

Curbside fees are annually adjusted by greater of 3% or annual CPI, except that a CPI cap of 6.5% applies. If CPI exceeds the cap for 2 consecutive years of the agreement, the cap no longer applies, and the increases are the greater of 3% or annual CPI. (Illustrations are included in Schedule B.)

A schedule of fees for disposal of construction/demolition debris and bulky waste is provided in the agreement.

A fuel adjustor (increase) is provided if the cost of diesel goes above \$6.50/gallon, and a decrease is provided if the cost goes below \$4.50/gallon. Formulas for both are included in the agreement.

Scope

Casella will collect at curbside from all residences in the Town (as listed or shown on Schedule A). Casella is required to provide a map or list of roads and addresses to be serviced under the agreement (Schedule A).

On an annual basis, Casella must provide the Town an updated Schedule A to reflect new residences and locations to be serviced.

Curbside collection will be manual collection until Casella transitions to automated collection (anticipated in November 2023).

All waste to be brought to Eco-Maine, where the Town is responsible for payment of tipping fees for MSW and recycling.

For automated collection, Town must use containers that are approved by Casella. Schedule for collection – days of collection, holidays, etc. – is spelled out in the agreement.

Indemnification/Insurance

Casella is required to indemnify the Town for any damages or claims due to its acts or omissions in performance of the agreement.

Casella is required to carry insurance at the levels specified in the agreement, with the Town as an additional insured on liability policies.

Language was added to reserve governmental immunity for the Town (under Maine Tort Claims Act or otherwise).

The Town negotiated removal of a liability cap that Casella had initially requested.

Termination

The Town may terminate in the event of a default by Casella.

Non-appropriation clause – the Town may terminate if the town does not appropriate adequate funds for the contract in any year of the term.

Town Member Questions:

Mike Mallory Walnut Hill Road states there is 1700 homes in North Yarmouth with cost 17,000 a month. Each resident will pay \$10.00 a month.

Linc Merrill North Road, Questioned if he is bringing trash to the end of the road will he still have to do that. Diane answers yes it should not change your current trash pick-up location.

Chairperson Sites seconded by selectperson Perrin moved that the Select Board approve and authorize the Town Manager to sign the Municipal Solid Waste and Recyclable collection contract renewal with a term expiring June 30, 2028, and Cart agreement as presented. **Vote 4/1-No-Hodgetts**

NorthStar Planning-LUO Audit Contract

This specific work is for an audit of the Land Use Ordinance, last revised April 30, 2022. The goal of the audit is to provide a comprehensive overview of inconsistencies, unclear standards or processes, policy gaps, and duplications, to assist the Town with creating a work plan to make priority ordinance updates. The audit is a comprehensive ordinance review and will result in a list of suggested updates in the form of organizational changes to the Land Use Ordinance document itself, technical updates and corrections, and changes to standards and policies within the ordinance. This work is expected to take 8-10 weeks. Presuming an early December start, this work should be completed by mid-February, which would potentially leave time to get early recommendations on a Spring town meeting agenda.

Public Comments:

Paul Whitmarsh Wild Turkey Lane, we hold workshops, and the planning board does it openly so the public can see how decisions are reached. Concerned that the private company would make those decisions and the public would not see them until a public hearing. The scope of work in this document is different than what was originally presented to the Planning Board.

Vice Chairperson Haile seconded by selectperson Perrin moved that the Select Board approve and authorize the Town Manager to sign the LUO Audit Contract with NorthStar Planning with the following changes: Change the last revision date to November 8, 2022 and put a cap of \$5,000 for the work to be done. **Vote 5/0 yes.**

LD 2003 GPCOG Initial Briefing-January 3rd or January 17th, 2023:

Chairperson Sites seconded by selectperson Perrin moved that the select Board schedule GPCOG to brief the Select Board on LD 2003 on January 17, 2023. **Vote 5/0 yes.**

Other Business: (3:25:55-3:27:46)

Selectperson Berry expressed appreciation to Debbie, Diane, the volunteers, and the office staff for their work during the election. The staff and volunteers were calm and controlled during the busy election. Thank you for your hard work.

Diane Barnes, Town Manger introduced Karen Casale as the new Admin/Finance Assistant.

Adjournment: (3:27:47-3:30:51)

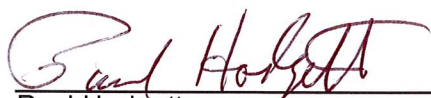
Vice Chairperson Haile seconded by selectperson Hodgetts moved to adjourn. **Vote 5/0 yes.**

Karen Casale, Admin/Finance Assistant/Recording Secretary

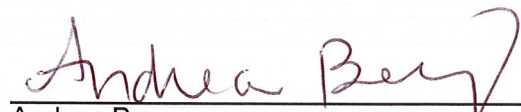
Select Board


Brian Sites, Chair


Amy Haile, Vice Chair


Paul Hodgetts


Katherine Perrin


Andrea Berry