

**Town of North Yarmouth  
Select Board  
Meeting Minutes September 19, 2023, 6:00 PM**

**Select Board Members**

Amy Haile, Chairperson  
Karl Cyr, Board Member

Andrea Berry, Vice Chairperson  
Paul Hodgetts, Board Member

Katherine Maloney, Board Member

**Call to Order** (0-57:13)

Pledge of Allegiance

Select Board Goals Workshop

**Appointments** (57:14-59:21)

PML Advisory Board-Appointment

**Selectperson Haile, seconded by Chairperson Maloney nominated Steve Berry as a member of The Prince Memorial Library Board. Vote 4 Yes/1 abstained, Vice Chairperson Berry.**

**Public Comment-Non-Agenda Items** (59:22-1:01:36)

Michele Atkins, Haywood Lane, stated that she did not know about the sidewalk plans being considered. She stated she was concerned about the cost and why we do not have an ordinance for them to pay an impact fee for all this development.

**New Business** (1:01:37-1:46:07)

**Resolution-Casco Bay Trail Alliance**

Executive Summary After a 9-month review of potential rail and non-rail uses for the state-owned Berlin Subdivision rail corridor from Portland to the Auburn/New Gloucester town line, a majority (7 of 15 members) of the Portland to Auburn Rail Use Advisory Council (RUAC) voted to recommend the conversion of 26.5 miles of existing railroad track to an interim bicycle and pedestrian trail. Additionally, five (5) members of the RUAC voted to recommend the Trail with Rail option (i.e., leaving the track in place and building bicycle and pedestrian trail at an offset) and one (1) member voted for the Rail Use-only option. Both the majority and minority recommendations are included in this report. Two (2) members of the Council abstained.

**Background**

In June of 2021, two bills were signed into law that established a new process for reviewing a non-rail recreational or nonrecreational transportation use along state-owned rail corridors. Public Law 21, Chapter 239 gave the Maine Department of Transportation (MaineDOT) Commissioner the authority to establish a Rail Use Advisory Council, upon the petition of one or more governmental entities. The purpose of these councils is to facilitate discussion, gather information, and provide advice to the commissioner regarding the future use of a rail corridor identified in the petition. These recommendations will include the benefits and costs of potential uses of the rail corridor, including rail and trail use, with the understanding that any non-rail use of the corridor is considered interim in nature. MaineDOT received letters of support from all communities along the rail corridor requesting the formation of a Rail Corridor Council and that the future use of the 26.5 miles of state-owned, inactive rail-line be studied and reviewed. The initial meeting of the RUAC occurred in April 2022. The process was concluded in January 2023.

The 15-member RUAC was composed of a single representative from each town along the section of rail



corridor under consideration: Portland, Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester and Auburn. In addition, members included representatives from Bicycle Coalition of Maine, Casco Bay Trail Alliance, Genesee & Wyoming, Greater Portland Council of Governments (GPCOG), Live + Work in Maine, and Maine Yacht Center.

**Chairperson Haile, seconded by Selectperson Cyr moved to adopt and sign the resolution to implement the recommendation of the Portland to Auburn Rail Use Advisory Council as presented by the Casco Bay Trail Alliance. Vote 4 Yes/1 No, Selectperson Hodgetts.**

Vice Chairperson Berry stated it would be a great opportunity for the community. It would be great for economic development and add to the active and outdoor community for the town. She has multiple staff members that bike to work from Portland. She felt this trail would be a safer way to commute. She states she supports this project.

Selectperson Cyr stated that he lives close to North Road, and it is not safe to walk or ride bikes. He stated this would be a great opportunity for his children and residents to have a place to ride bikes safely.

Chairperson Haile agreed with Selectperson Cyr and stated it would be a great opportunity for the town.

Selectperson Maloney expressed concern about the cost of clean-up for the trail and asked if the town would be responsible. She asked if we would get more bike traffic in the town due to this trail.

Selectperson Hodgetts stated he has more questions than he is getting answers to. He is concerned who is responsible for maintenance and concern for land abutters. Would hunting be taken away? He suggested it be open to ATVS and snowmobiles.

Emma Bond, Casco Bay Trail Alliance Board Member, advised this is step zero and a lot of these answers will follow. She stated there is a state law that prohibits any non-use of the corridor, and no rails want to use it. It is an unused state resource. This would need to go to the legislature and would require future planning. A trail has minimal maintenance requirements. It is possible the trail will provide more bike traffic. She stated we are trying to get the legislature to approve this plan currently. The land is already approved to be used as a rail.

Jeanne Chadbourne, North Yarmouth Woods, asked where the entry and exit points of the trail are.

Emma Bond advised there is an interactive map on the website.

Rob Haile, 977 North Road, stated you enter the trail in North Yarmouth at Deer Run and exit in North Yarmouth on New Gloucester Road.

Rob Wood and Gay Peterson, Milliken Road, stated they are excited to have something like this. They have about half mile of frontage on the railroad track. They are abutters and are not concerned about extra people on the land. She expressed excitement about getting her bike out and being able to ride it on the trail. They stated it would be a great asset for the town.

Mike Mallory, Walnut Hill Road, stated he was concerned the town would be responsible for restoring it to a railroad if the state wanted to take it back to use as a railway. He has no problem if we know the cost upfront. He would not want anything taken away from residents that they currently can do.

Emma Bond advised the rail corridor never allowed hunting. Nothing would be taken away as it was never allowed. There would not be any obligation for the town to pay for restoring the trail to rail.

Martha Leggat, Mountfort Road, appreciated all the support for the trail. She is a member of the Casco



Bay Trail Alliance Board and is appreciative of how positive and proactive the town has been.

Peggy Leonard, Town Farm Road, advised she is the trail builder. She is a cyclist. The most visible place to see the trail is on North Road. The tracks cross the road in four places.

Ann Dillon, North Yarmouth Woods, stated she is biking less due to accidents on the road. She is excited the town is looking into this.

#### EDSC-Committee Charges

Chairperson Haile advised there are two potential charges, one is for the Sidewalk projects and the second is to work on a North Yarmouth Business Association. These Charges follow the board's discussion of the Climate Action Plan they resolved at the last meeting. She stated the board can discuss the charges.

Selectperson Maloney stated she agreed with the new charges.

Vice Chairperson Berry advised inviting the committee to be part of writing the charge would help to bring ownership to the charge.

Selectperson Maloney will summarize this meeting to the EDSC and invite them to draft the charges for Select Board consideration by October 3, 2023.

#### **Old Business** (1:46:08-2:18:47)

##### Set Joint Workshop with Planning Board (10/24/2023)

As a follow-up to legal and planning review of the proposed Advanced Wastewater Treatment Systems, the Select Board would like to hold a joint meeting with the Planning Board, Town Attorney, and Town Planner.

**Chairperson Haile, seconded by Selectperson Cyr moved to schedule a joint workshop with the Planning Board on Tuesday, October 24<sup>th</sup> at 6PM. Vote 5 Yes/0 No.**

##### Select Board Community Engagement

Chairperson Haile would like to have a calendar set up for Selectboard members to be available for questions from the residents. One suggestion was having two Selectboard members be available 30 minutes prior to the first meeting of the month to talk with residents and answer questions. There will be a Select Board Trunk at the Community Center Trunk or Treat Event.

##### Legal Fees-Analysis

Vice Chairperson Haile compiled all the towns Legal fees and did an analysis to determine the cause of going over budget. A lot of the costs were unique or one-time costs, and she felt the new budget amount of \$50,000.00 for legal fees will be more than adequate.



Legal Fees Analysis  
22-23.pdf

Chairperson Haile thanked Vice Chairperson Berry for completing the analysis.

#### **Consent Agenda** (2:18:48-2:19:20)

##### Payroll Warrants

#17 \$ 44,709.67

#22 \$ 41,407.84

Municipal Accounts Payable Warrants

#18 \$ 15,312.22

#19 \$ 3,209.31

#20 \$ 7,810.05

#21 \$332,067.73

Set Public Hearing for GA Maximus-October 17, 2023

Each year the municipal officers must adopt the local General Assistance Ordinance and yearly Appendices. The law requires that the municipal officers conduct a notice and hearing prior to the adoption of the Ordinance and or Appendices.

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

**Management Reports & Communications** (2:19:21-2:29:05)

Select Board Committee Reports:

EDSC-Kit Maloney stated there are no updates other than what was discussed tonight about setting a new charge.

Recreation Advisory Board-Karl Cyr stated the next meeting is the first week of October.

Parks-Karl Cyr, states Elise Kern was nominated for the Climate Action Plan Sub Committee. Public Feedback received on Tree removal at Chandler Brook. The Parks Committee put up an informative sign as to why that is happening and to contact the Parks Committee.

School Fund Committee-Paul Hodgetts stated no updates.

Joint Standing Committee-Amy Haile, Andrea Berry, stated the next meeting is on October 12, 2023, 5PM at the Community Center.

Prince Memorial Library-Amy Haile states she has her first meeting on September 20, 2023.

Waste Reduction Committee-Andrea Berry stated the committee nominate Keith Bubblo to be a member of the Climate Control subcommittee. The Waste Reduction Committee is working on reducing single use plastic use. The committee is working with the school to reduce food waste.

Shellfish Commission-Karl Cyr stated there were no updates.

Walnut Hill Parkway-Paul Hodgetts, Kit Maloney, stated there was no updates. The next meeting is October 25, 2023, at 4:00 PM.

Budget Committee-Andrea Berry stated there are no updates.

Town Manager's Report-Diane Barnes

Diane Barnes stated on October 25, 2023, there will be a joint meeting here between the Town of North Yarmouth, Cumberland and MSAD 51. Diane stated she filed the application to receive reimbursement for tax stabilization. The town sent 7 delinquent personal property tax cards to legal for UCC lien filing.



**Any Other Business** (2:29:06-2:43:31)

Selectperson Hodgetts advised he received a text message from Art Quatticci and asked if they could use the sign out front. He advised him he was told no. Diane Barnes, the Town Manager, said that was not true and she told Jackie they were allowed to do that.

He was concerned that the Board did not vote to establish the Planning Board interview committee.

Chairperson Haile advised it was a consensus.

Selectperson Maloney thought the Board had voted.

Chairperson Haile advised that she reviewed other towns Senior Tax Relief Programs. At the 91,000-income level the reimbursement from some towns is \$50.00. Cumberland, Yarmouth, Freeport, Gray, New Gloucester, and Freeport all had a \$500.00 limit. North Yarmouth has a \$1000.00 Limit. She did some research, but they are going to wait to see what the state does with Senior Tax Relief. The Board will continue to work on the Senior Tax Relief program to help the people who need it the most.

Mike Mallory, Walnut Hill Road, stated that she is misrepresenting the facts. There are other towns that have lower threshold of help and dollar amount, but they are a tiered system. North Yarmouth does not have a tiered system and it needs to be looked at.

Selectperson Maloney advised that she assumed that applicants would get the same tax benefit in Cumberland with an income of 91,000.00 that residents of North Yarmouth were getting with an income of 41,000.00. This is not the case. They are getting \$50.00 versus the \$1,000.00 they would get in North Yarmouth based on 41,000.00 income level.

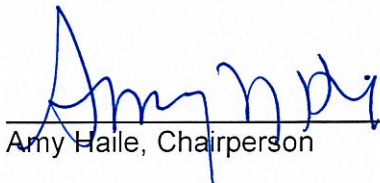
Chairperson Haile advised they will continue to look at this.

Selectperson Maloney thanked everyone who was involved with the Block Party.

**Adjournment**

**Chairperson Haile, seconded by Selectperson Hodgetts moved to adjourn at 8:28 PM. Vote 5 Yes/0 No.**

Karen Casale, Recording Secretary


  
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Amy Haile, Chairperson

Select Board

  
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Andrea Berry, Vice Chairperson

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Paul Hodgetts

  
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Karl Cyr

  
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Katherine Maloney

# Legal Fees Analysis 22-23

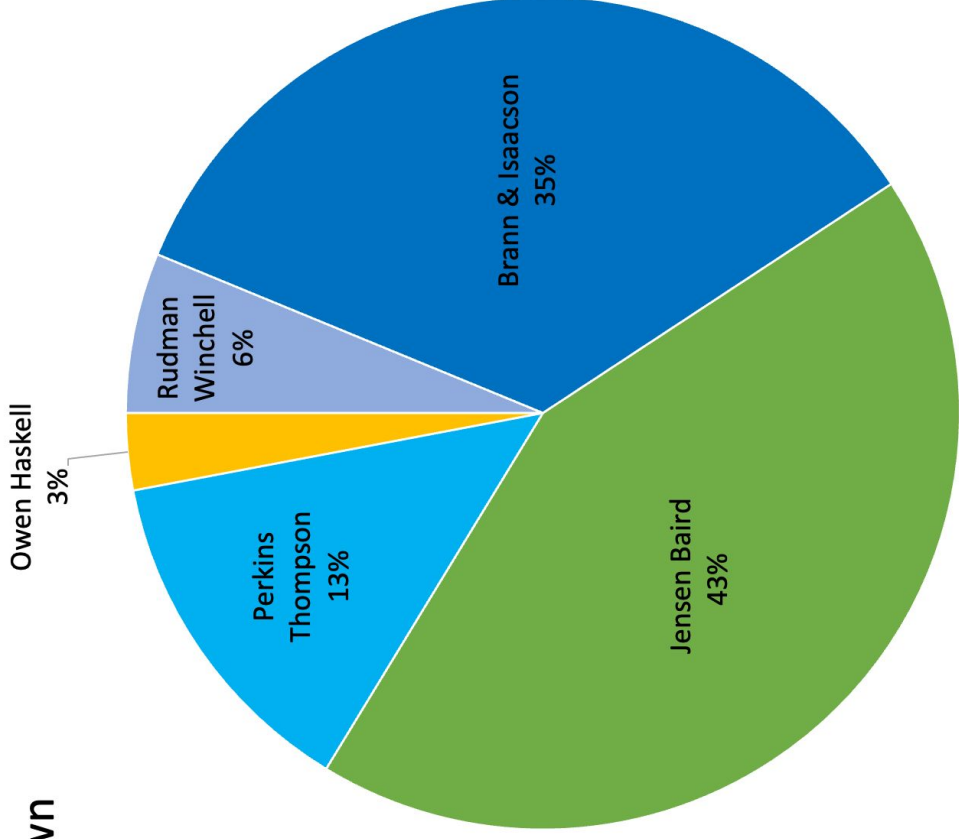
Town of North Yarmouth

## Our process to this point:

- Heard from community members that there was concern about the amount of legal expenditures in 2022/2023
- Collected all legal bills from Town Manager
- Coding legal firm bills based on project
- Deep dive into each line item from Jensen & Baird to code “general” legal council

# Overall Fee Breakdown by Legal Firm

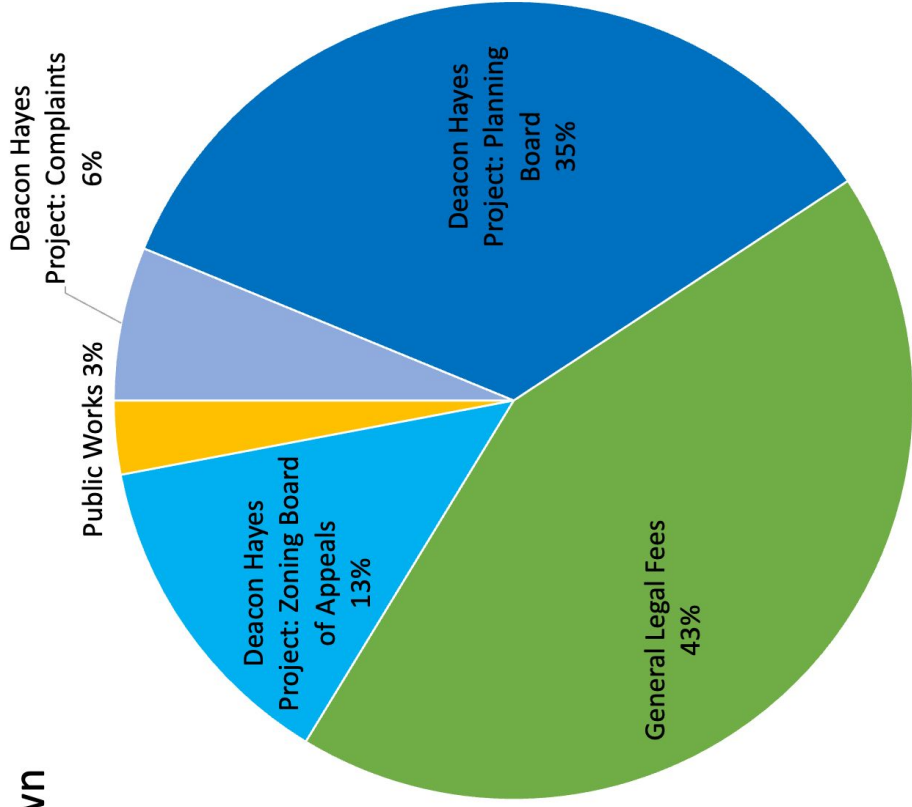
## FY 23 Legal Fee Breakdown





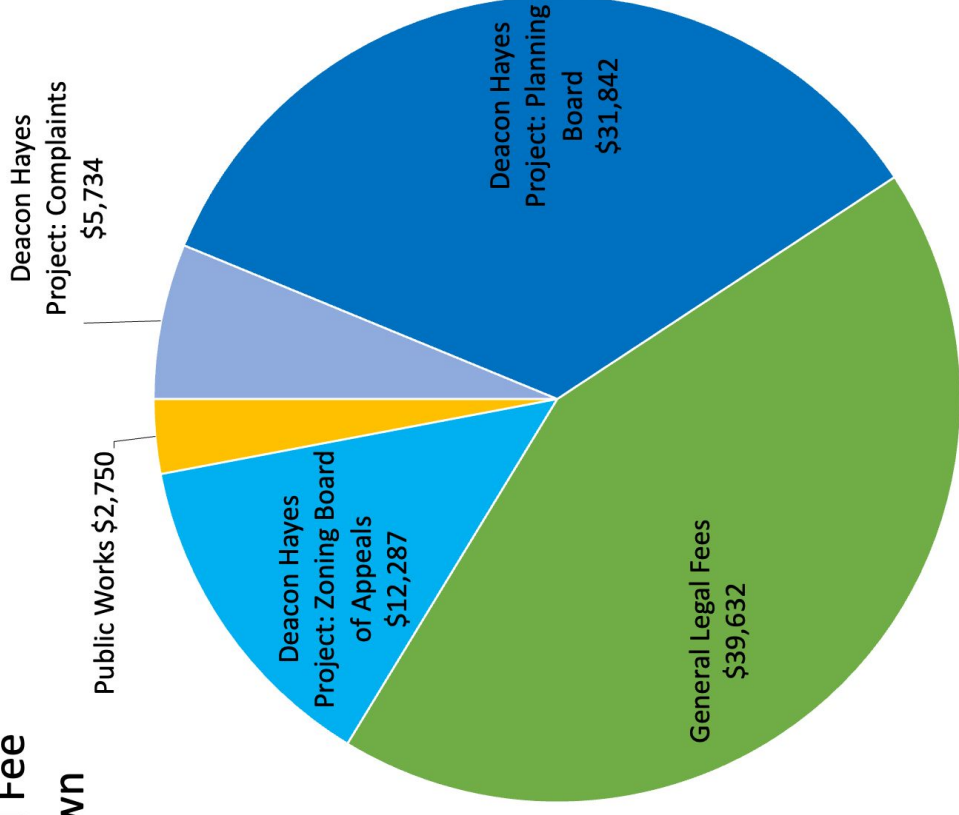
# Overall Fee Breakdown by Category (%)

## FY 23 Legal Fee Breakdown



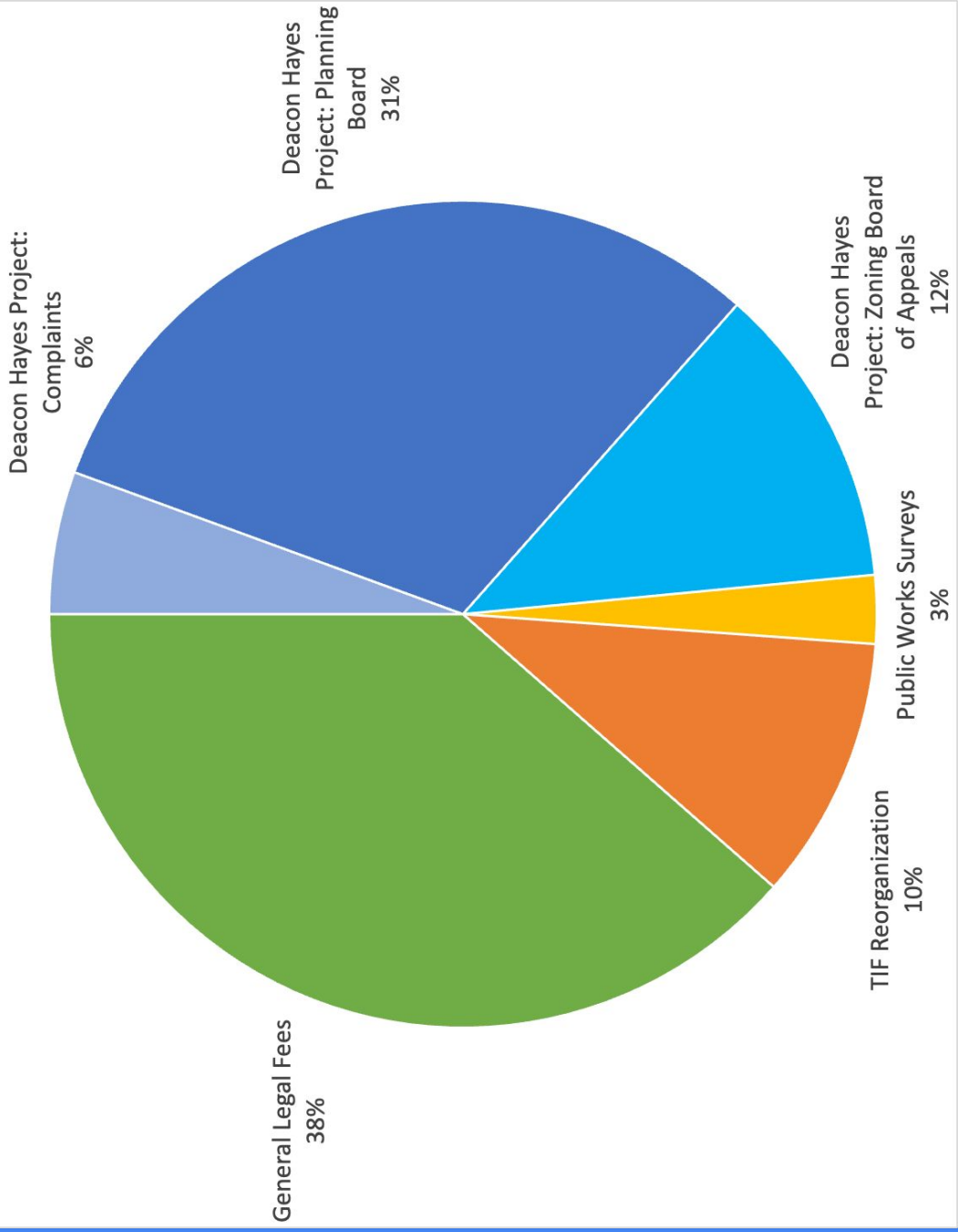
# Overall Fee Breakdown by Category (Amount)

## FY 23 Legal Fee Breakdown





# Overall Fee Breakdown including TIF



# Overall Fee Breakdown with General Legal Fees Broken Out

