

**Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, October 3, 2023  
Regular Business Meeting  
6:30 PM**

**Wescustogo Hall & North Yarmouth Community Center**

**Select Board Members**

Amy Haile, Chair  
Karl Cyr, Board Member

Andrea Berry, Vice Chair  
Paul Hodgetts, Board Member

Katherine Maloney, Board Member

- 1. Call to Order**
  - A. Pledge of Allegiance
- 2. Appointments**
  - A. Planning Board
  - B. ZBA
  - C. Animal Control Officer
- 3. Special Presentations**
- 4. Announcements**
- 5. Public Comment-Non-Agenda Items**
- 6. New Business**
  - A. November & December Select Board Meetings
  - B. Equipment Sale
  - C. Fire Truck Borrowing Order
- 7. Old Business**
  - A. Select Board Community Engagement Calendar
- 8. Consent Agenda**
  - A. Payroll Warrants
  - B. Municipal Accounts Payable Warrants
  - C. Select Board Minutes of September 5, 2023
  - D. Select Board Minutes September 19, 2023
- 9. Public Comment – Non-Agenda Items**
- 10. Management Reports & Communications**
  - A. Town Manager's Report
- 11. Any Other Business**
- 12. Adjournment**

**REMINDERS TO THE ATTENDING PUBLIC:** Please mute all digital devices; Select Board meetings are open to the public, but the public may not speak unless recognized by the Chairperson first. **Workshops:** The public is welcome to attend workshops and listen to the discussion that takes place. The purpose of holding a workshop is to provide the Select Board with the opportunity to focus on specific town matters to later present at a regular business meeting. Therefore, public participation is limited to only regular business meetings of the Select Board.

# Town of North Yarmouth Select Board Business

## *Summary of Recommended Motions & Other Action Items*

October 3, 2023

### **2. Appointments**

#### A. Planning Board

##### **Suggested Motion**

**Appoint \_\_\_\_\_ as a regular member term ending June 30, 2026.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

##### **Suggested Motion**

**Appoint \_\_\_\_\_ as a regular member term ending June 30, 2024.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

#### B. Zoning Board of Appeals

##### **Suggested Motion**

**Appoint \_\_\_\_\_ as a regular member term ending June 30, 2026.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

# Town of North Yarmouth Select Board Business

## *Summary of Recommended Motions & Other Action Items*

### C. Animal Control Officer

Due to the retirement of Bobby Silcott, the Town must provide a back-up ACO through an agency or other arrangement during times of unavailability of the contracted ACO, including the hours in which the ACO is not regularly scheduled to work or is on approved leave.

After conducting several inquiries, the backup ACO for Lisbon has agreed to backup North Yarmouth through October 16<sup>th</sup> when the newly hired ACO for the Town of Cumberland begins employment.

#### **Suggested Motion**

**Appoint Ray Schlotterbeck as interim ACO.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

### 5. *New Business*

#### A. November & December Select Board Meetings

The first regularly scheduled Select Board meeting in November is on election day. The Select Board will need to reschedule this meeting or hold just one meeting in November.

Last year the Select Board met once in December. I am recommending that the Select Board do the same this year by cancelling the December 5<sup>th</sup> meeting and meet on their regular date (December 19<sup>th</sup>).

#### **Suggested Motion**

**Cancel the November 7<sup>th</sup> and December 5<sup>th</sup> meetings.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

#### B. Equipment Sale

At the annual Town Meeting, the voters authorized the Select Board to dispose of Town-owned personal property (machinery and equipment with a value of \$25,000 or less. The departments are ready to dispose of equipment through a public auction process.

# Town of North Yarmouth Select Board Business

## *Summary of Recommended Motions & Other Action Items*

### Suggested Motion

**Authorize the Town Manager to dispose of Town-owned equipment that is no longer useful to the Town through a public auction process and allow the Town Manager to execute the documents.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**

### **7. Consent Agenda**

- A. Payroll Warrants
  - #25 \$ 9,242.80
  - #26 \$ 44,109.68
- B. Municipal Accounts Payable Warrants
  - #23 \$ 11,722.31
  - #24 \$ 4,234.00
  - # \$
  - # \$
- C. September 5, 2023 Select Board Minutes
- D. September 19, 2023 Select Board Minutes

### Suggested Motion

**To approve the consent agenda as presented.**

**Motion \_\_\_\_\_, Second \_\_\_\_\_ Vote \_\_\_\_\_**



# TOWN OF NORTH YARMOUTH BOARD & COMMITTEES Volunteer Form

Select the Board(s) or Committee(s) you would like to serve on:

- |   |   |
|---|---|
| <input type="checkbox"/> Board of Assessment Review                             | <input type="checkbox"/> Waste Reduction Committee                              |
| <input type="checkbox"/> Budget Committee                                       | <input type="checkbox"/> Shellfish Conservation Commission                      |
| <input type="checkbox"/> Economic Development & Sustainability Committee (EDSC) | <input type="checkbox"/> Zoning Board of Appeals (ZBA)                          |
| <input type="checkbox"/> Events Committee                                       | <input type="checkbox"/> Recreation Advisory Board (Cumberland/NY)              |
| <input type="checkbox"/> Flag Committee   | <input type="checkbox"/> Prince Memorial Library Advisory Board (Cumberland/NY) |
| <input type="checkbox"/> Living Well in North Yarmouth                          | <input type="checkbox"/> Joint Standing Committee (Cumberland/NY)               |
| <input type="checkbox"/> North Yarmouth School Fund Trustees                    | <input type="checkbox"/> Shellfish Conservation Commission (Yarmouth/NY)        |
| <input type="checkbox"/> Parks Committee  |   |
| <input checked="" type="checkbox"/> Planning Board                              |   |

Please provide the following information:

Name: Jonathan Miller

Email: [REDACTED]

Mailing Address: 272 Sweetser Rd. North Yarmouth, ME 04097

Phone: [REDACTED]

1. Please give a short narrative as to why you would like to be appointed to this Board(s) or Committee(s) you have selected above.

I am a North Yarmouth resident and plan to live here for a long time! I am a property developer and GC and hope to bring insight on the development side of town projects. I have general interest and enthusiasm about the future of the town.

I grew up in Yarmouth and love living here.

2. Do you have any relevant experience, training or credentials that you would like us to consider?

I am originally a mechanical engineer specializing in HVAC systems, sustainable design, and building energy conservation. 5 years ago I started a property development and construction business doing work mostly in Augusta and Bath.

3. Have you ever served on any boards/ committees before? If so, when and where?

I was briefly on the construction board for 317 main st in Yarmouth (Music hall)

[Signature] 8/1/23

Volunteer Signature Date



*Town of*  
**North Yarmouth**  
**M A I N E**

Published on *Town of North Yarmouth ME* (<https://www.northyarmouth.org>)

[Home](#) > [Boards & Committees Volunteer Application](#) > [Webform results](#) > Submission #23

Submission information

Form: [Boards & Committees Volunteer Application](#) [1]  
Submitted by Anonymous (not verified)  
September 8, 2023 - 8:49am  
66.181.119.76

Select the Board(s) or Committee(s) you would like to serve on:

Please choose one or two board(s) or committee(s) below. Your first option will be considered by the Select Board. Your second option will be considered if your first option is not available. You do not need to choose two options but may if you choose.

**1st Option**

Zoning Board of Appeals

**2nd Option**

Planning Board

**Name:**

Michael Kovach

**Phone Number:**

[REDACTED]

**Email:**

[REDACTED]

**Mailing Address**

443 Gray Rd

Please Provide the Following Information:

**1. Please give a short narrative as to why you would like to be appointed to the Board(s) or Committee(s) you have selected above:**

We have been residents of North Yarmouth for the past decade, and are deeply invested in securing a strong and sustainable future for North Yarmouth. I want to preserve the character of the community that brought us to North Yarmouth in the first place. I would like to offer my time and experience to ensure that the priorities of all residents are represented as we seek to define the arc of growth for the town and its residents. Specifically, I am interested in ensuring future development can exist in a way that does not put at risk the rich history and character of our town.

**2. Do you have any relevant experience, training or credentials that you would like us to consider?**

I have been a business executive for the past 16 years within healthcare technology. As part of my professional responsibilities, I manage a large portfolio of partners and revenue, which requires budgeting expertise, the ability to establish and revise long range plans, as well as tactical skills to ensure that a shared vision can be realized through relentless attention to detail and rigorous review. I earned my MBA in 2007 on a full fellowship at Babson, as well as a BA in English Writing from Fairfield University, where I was a scholarship recipient and division 1 athlete. These experiences have imbued me with a keen sense of the importance of teamwork, accountability, and action-oriented planning.

**3. Have you ever served on any boards/committees before? If so, when and where?**

I have served on numerous corporate committees (budget, oversight, compliance and governance) but have not served in a municipal capacity.

**Date:**

September 8, 2023

**Source URL:** <https://www.northyarmouth.org/node/138221/submission/4471>

**Links**

[1] <https://www.northyarmouth.org/select-board/webforms/boards-committees-volunteer-application>

# North Yarmouth Select Board Community Engagement 2023 – 2024

August 2023						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
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13	14	15	16	17	18	19
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27	28	29	30	31		

December 2023						
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24	25	26	27	28	29	30
31						

April 2024						
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28	29	30				

September 2023						
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January 2024						
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28	29	30	31			

May 2024						
Su	Mo	Tu	We	Th	Fr	Sa
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26	27	28	29	30	31	

October 2023						
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29	30	31				

February 2024						
Su	Mo	Tu	We	Th	Fr	Sa
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25	26	27	28	29		

June 2024						
Su	Mo	Tu	We	Th	Fr	Sa
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30						

November 2023						
Su	Mo	Tu	We	Th	Fr	Sa
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26	27	28	29	30		

March 2024						
Su	Mo	Tu	We	Th	Fr	Sa
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24	25	26	27	28	29	30
31						

Notes						

5:30 – 6:30 p.m. (WHCC - before Select Board Meetings)

- 2 Select Board members

9:00 – 10:00 a.m. (WHCC - before Prince Memorial Library Concert)

- 2 Select Board members



**Town of North Yarmouth  
Select Board  
Meeting Minutes September 05, 2023, 6:30 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** (18:48-20:12)

Pledge of Allegiance.

**Special Presentation** (20:13-1:14:21)

Sidewalk Planning Presentation- By Mandy Holway, P. E. Olver Associates.

Presentation on future sidewalk planning and funding available. The Town will need feedback from the residents on what sidewalk projects they would like.



Sidewalk  
Presentation 9.5.202

**Public Comments**

Mike Malory, Walnut Hill Road, stated he had great ideas on future sidewalk projects.

Mandy Holway, Olver Associates stated the presentation showed ideas for future sidewalk projects. Resident involvement is needed to determine what projects people want to work on next.

Maureen Lucey, Walnut Hill Road, questioned how we would deal with people who would lose value to their property if the trees and property had to go?

Mandy Holway, Olver Associates stated if things are in the right of way, we take them down. If there is enough money maybe, the town can put something back. It was hard for her to speak of specifics as there is no area identified for future sidewalk projects at this time.

LUO Audit-Next Steps- By Ben Smith, AICP, Principal, North Star Planning

As a follow-up to the Land Use Audit conducted by North Star Planning (NSP) in March 2023, The Town Manager asked NSP to prepare a work plan to address the highest priority technical changes needed in the Land Use Ordinance.



6.B North  
Yarmouth\_ordinance



6.B

NSP\_NorthYarmouth

**Chairperson Haile, Seconded by Selectperson Cyr moved to approve the LUO work plan submitted by NSP dated August 16, 2023, with a budget not to exceed \$15,000.00. Vote 5 Yes/0 No.**

Paul Whitmarsh, Wild Turkey Lane, agreed that the changes need to be made. He hopes the Planning Board gets to work with them in the future.

Selectperson Hodgetts felt the Planning Board should be involved in the process.

### **Appointments** (1:14:22-1:25:34)

#### **EDSC-Appointments**

The Economic Development & Sustainability Committee (EDSC) currently has two vacancies with terms expiring 6/30/2025. After going through an interview process, the EDSC is recommending that the Select Board appoint Grace Rote to fill the regular member position, and Julia Cabral to the alternate position.

**Chairperson Haile, seconded by Selectperson Maloney moved to appoint Grace Rote as a regular member with a term expiring 06/30/2025. Vote 5 Yes/0 No.**

**Chairperson Haile, seconded by Selectperson Maloney moved to appoint Julia Cabral as an alternate member with a term expiring 06/25/2025. Vote 5 Yes/0 No.**

#### **Select Board Liaisons**

Budget Committee- Andrea Berry

Shellfish Commission- Karl Cyr

Walnut Hill Parkway-SB Liaison-Katherine Maloney

Planning Board Appointment Process-Karl Cyr and Amy Haile will be the team to fill the vacant positions.

PML Board Appointment Process-Amy Haile will work with Paul Dexter to review the applicants.

### **New Business** (1:25:35-2:49:33)

#### **Personal Property Tax Write-Off**

The 2023 personal property tax assessed to Reliv-Julie Waterman in the amount of \$3.62 plus \$.10 cents of accrued interest remains unpaid. We have unsuccessfully been able to locate this business and individual.

M.R.S. Title 36, Chapter 105 §760-A. Minor burdensome amounts allows the municipal officers to discharge collectors from any obligation to collect unpaid personal property taxes that the municipal officers determine are too small or too burdensome to collect economically and authorize the municipal

treasure to remove those taxes from the municipal books.

**Chairperson Haile, seconded by Vice Chairperson Berry moved to authorize the Tax Collector to write-off personal property taxes assessed to Reliv-Julie Waterman in the amount of \$3.62 plus \$.10 cents in accrued interest. Vote 5 Yes/0 No.**

#### Cart Purchase-Toter Bid

Falmouth, Windham, and North Yarmouth participated in a regional bidding process for the purchase of universal rollout waste containers for a fully automated waste collection system. All three communities were in agreement that the Toter brand best fits our needs.

The quote below is a good faith estimate of carts needed to begin the automated service. The price may increase if estimates are below the actual household counts.

Note: Toter will hold pricing with full payment by November 30,2023. If resin increases more than \$.06 per pound or projects are delayed beyond April 2024, toter will reserve the right to adjust pricing.

**Chairperson Haile, seconded by Selectperson Hodgetts moved to accept the Toter quote with an estimated amount of \$184,434.00 and authorize the Town Manager to sign the agreement. Vote 5 Yes/0 No.**

Judy Potter, Walnut Hill Road, she asked if the Toter's would be delivered to the residence home or if they needed to be picked up?

Diane Barnes, Town Manager advised they will be delivered to the residence home.

#### Banking RFP Bid Award

The Town of North Yarmouth solicited competitive proposals for banking services that include depository, cash management, and checking services for a period of six (6) years and may be extended with mutual agreement between the Town and the Banking institution.

The decision as to which bank institution is recommended was based on the completeness of the responses provided from this RFP. All aspects of the institution were considered including financial costs along with support services.

The Town evaluated the information provided, including the findings of reference checks conducted, and rated each firm by the following:

- Banking Fees
- Cash Management (security features, on-line banking platform, remote deposit, and positive pay)
- Deposit Rate
- Lending Services
- Government Banking Experience
- Other Services (credit cards, online payments, trust)
- Courier Service

**Chairperson Haile, seconded by Selectperson Cyr moved to award the bid for banking services to Northeast Bank with a target date of October 1, 2023, to go live. Vote 5 Yes/0 No.**

Jason Simcock, Northeast Bank, stated that the bank index's their rate to the Federal Funds Rate. The rate today is 5.33%. The rate is variable and will increase or decrease with the Federal Rate. If the rate drops to 0 you will earn .5%. There are no banking fees.

Fire Truck Financing Quote Award

The Town Manager reached out to several banking institutions to obtain quotes to finance the purchase of a new Fire Truck. Pending voter approval, the amount to finance will be \$750,000 or \$570,00 if voters allow the use of \$180,000 in TIF funds towards the purchase of the truck.

Quotes were received from:

	<u>Amount</u>	<u>5-Yr</u>	<u>7-Yr</u>	<u>10-Yr</u>
The First National	\$750,000	5.53%	5.68%	5.78%
	\$570,000	5.53%	5.68%	5.78%
Androscoggin Bank	\$750,000	6.24%	6.26%	6.27%
	\$570,000	6.24%	6.26%	6.27%
Norway Savings	\$750,000	5.69%	5.69%	5.69%
	\$570,000	5.69%	5.69%	5.69%

**Chairperson Haile, seconded by Selectperson Hodgetts moved to award the financing to The First National Bank for a term of 5 years if borrowing \$570,000 or \$750,000. Annual payments on \$570,000 =\$133,894.71 \$750,000 =\$176,177.24. Vote 5 Yes/0 No.**

EDSC Charge-Community Resilience Grant-Climate Action Plan

The Town was awarded up to \$50,000 in Community Resilience Grant funds to upgrade to LED lighting in Town Buildings, install a heat pump in the mechanical room at the Community Center, and to contract with GPCOG to create a Climate Action Plan and Vulnerability Assessment for North Yarmouth. On August 25, 2022, prior to applying for Community Resilience Grant funds, the Town Manager and Kelly Rehberg, Sustainability Program Coordinator, GPCOG met with the EDSC to discuss the grant and Town obligations if the Town was successful in obtaining grant funds. During the meeting, the Town Manager stated that she would need assistance from EDSC to assist GPCOG in creating the Climate Action Plan and Vulnerability Assessment.

**Chairperson Haile, seconded by Selectperson Maloney moved to Charge the EDSC with working with GPCOG on a Climate Action Plan for North Yarmouth that will be funded through the Community Resilience Grant.**

Selectperson Maloney recommended a subcommittee within the committee because this will require more work than normal committee meetings.

Selectperson Hodgetts asked if the \$27,000 was a fee they charge every year?

Diane Barnes, Town Manager, advised this is a one-time charge. GPCOG can do the study. The study is needed to apply for future grant funds. There may be grant funds that we can apply for in the future after this study.

Vice Chairperson Berry advised that due to the changing weather effects on the Royal River she felt the Parks Committee and Waste Reduction Committee would be a good pair for the EDSC. She felt that 1-2 members from each committee should be part of this subcommittee.

Mike Malory, Walnut Hill Road, he asked where the \$48,000.00 went. He is concerned there is self-interest from GPCOG verses and independent Study?

Diane Barnes, Town Manager responded that the rest of the grant funds were spent on LED lighting upgrades and a heat pump for the community Center. The remaining \$27,000 will be used to fund the Climate Action Plan and Vulnerability Study for North Yarmouth.

Chairperson Haile asked how GPCOG would benefit?

Selectperson Maloney advised the State, advised us to start off with a plan. She advised the State developed the rules.

Chris Byers, Quarry Ridge, advised Freeport, Cumberland, and Cape Elizabeth all used GPCOG. He went to the Climate Action Plan meetings in Freeport. He did not like what GPCOG did as he found the steps not actionable. He stated talking to other towns may add more value and wants to get the best value for the \$27,000.00.

Maureen Lucey, Walnut Hill Road, stated the EDSC wants to be as true to their creation and as efficient as possible when they get a new charge. She is happy with the idea of a potential conglomeration of the committees.

Paul Whitmarsh, Wild Turkey Lane, stated it would be limiting to choosing 1-2 members from committees rather than opening it up to the town. He felt the new committee should be open to residence of the town.

Chairperson Haile agreed but due to the limited time they must choose between the volunteers they have.

Chairperson Haile withdrew the original motion.

**Selectperson Maloney, seconded by Chairperson Haile moved to charge 1-2 members from the EDSC, Parks Committee, and Waste Reduction Committee by October 1, 2023, to with work with GPCOG on a Climate Action Plan for North Yarmouth that will be funded through the Community Resilience Grant. Vote 5 Yes/0 No.**

#### Fire Station Roof Repair Bid Award

The Town solicited bids for the partial roof replacement of the North Yarmouth Fire and Rescue station. The work consists of replacing approximately 28 squares of standing seam metal roofing with a new PVC roof system.

The Town received bids ranging from \$134,000 to \$63,000. The apparent low bidder has submitted references to projects and has completed projects that Independent Roofing Servies has designed and is a contractor that they would be recommended for this job.

The FY 24 Public Safety Budget has \$91,900 allocated for this expense under Capital Projects.

**Chairperson Haile, seconded by Vice Chairperson Berry moved to award the bid to LGR 1, Inc. in the amount of \$63,000 and authorize the Town Manager to execute the contract and other documents. Vote 5 Yes/0 No.**

Diane Barnes, Town Manager stated mold was found in her office at the Town Hall.

Katherine Maloney, Selectboard asked if the mold was tested to make sure it was safe working there.

Diane Barnes, Town Manager advised she cannot deal with the mold until the roof is fixed.

#### Select Board Approval of 9/30/2023 Special Town Meeting Warrant

At the August 15, 2023, Select Board meeting, the Select Board scheduled a Special Town Meeting on September 30, 2023, beginning at 9am at Wescustogo Hall and North Yarmouth Community Center for voters to approve bonding or lease purchase for the acquisition of a new Fire Truck and to authorize the use of TIF funds to lower the amount needed to borrow.

**Chairperson Haile, seconded by Vice Chairperson Berry moved to approve the Special Town Meeting Warrant as presented. Vote 5 Yes/0 No.**

The board took a 5-minute break.

#### Advanced Wastewater Systems Ordinance-Next Steps Discussion

Vice Chairperson Berry stated The Advanced Wastewater System Ordinance that the board voted on to move forward with pending North Star and Legal review, came back with a lot of edits from legal and questions from North Star. It is not ready to be sent back to the Planning Board for a Public Hearing. Chairperson Haile advised the Select Board will schedule a joint meeting with the Planning Board, North Star Planning and Attorney to discuss it further.

#### Old Business (2:49:34-2:57:12)

#### Select Board Goals

**Chairperson Haile, Seconded by Selectperson Maloney moved to approve the Select Board goals as presented and to schedule a goal workshop on September 20, 2023, at 6:00 PM. Vote 5 Yes/0 No.**

#### Legal Fees Analysis

Vice Chairperson Berry completed an analysis of the legal fees and due to limited time, she will present at the next meeting.

#### Senior Tax Program Update

Chairperson Haile advised Diane Barnes, Town Manager, reached out to Cumberland and obtained their formula. They are now waiting to see what the State is going to do.

#### Consent Agenda (200:53-20:01:27)

##### Payroll Warrants

#13 \$ 41,992.76

##### Municipal Accounts Payable Warrants

#12 \$ 9,426.01

#14 \$ 10,077.70

#15 \$ 57,324.55

#16 \$853,478.98  
Select Board Minutes of August 15, 2023

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

**Public Comment – Non-Agenda Items** (2:57:12-3:02:51)

Michele Atkins, Haywood Lane, stated she was concerned that seniors are struggling with higher taxes. Covid devastated the long-term care and assisted living facilities, and many are closing forcing the elderly to live in place. Seniors can't afford taxes and may lose their homes. In her household she describes it as things "nice to have," or "need to have". With this economy they cannot afford to have "nice to haves". She thinks we can do better. She did write an email to Chairperson Haile about protection for the board members. She did respond and has copies for anyone interested in viewing it. She would like the board to consider setting up an ethics committee to address these issues.

Judy Potter, Walnut Hill Road, wanted to remind the board that they are elected by the people and should work for all the people. No one should have a personal agenda. The board should support what has been done, like the building cap. She is seeing campaigns to keep the growth going in the center when people voted that they did not like that look. It went up so fast and big and because of it our taxes are out of control. Talk to everyone. They are who you represent. Find common ground and compromise.

**Adjournment**

**Chairperson Haile, seconded by Selectperson Hodgetts moved to adjourn at 9:27 PM. Vote 5 Yes/0 No.**

Karen Casale, Recording Secretary

Select Board

\_\_\_\_\_  
Amy Haile, Chairperson

\_\_\_\_\_  
Andrea Berry, Vice Chairperson

\_\_\_\_\_  
Paul Hodgetts

\_\_\_\_\_  
Karl Cyr

\_\_\_\_\_  
Katherine Maloney

**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

Select Board

\_\_\_\_\_  
Amy Haile, Chairperson

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Andrea Berry, Vice Chairperson

\_\_\_\_\_  
Paul Hodgetts

\_\_\_\_\_  
Karl Cyr

Katherine Maloney