

**Town of North Yarmouth
Select Board Meeting Agenda
Tuesday, February 20, 2024
Regular Business Meeting
6:30PM**

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. Presentations**
 - A. FY 23 Audit
- 3. Appointments**
 - A. Planning Board Alternate Resignation-Alexander Urquhart
 - B. Local Health Officer-Gregory Payson-3-yr. term ending 6/30/2026
- 4. Announcements**
- 5. Public Comment-Non-Agenda Items**
- 6. New Business**
 - A. Well and Good Brewing Company, LLC-New Liquor License
 - B. Well and Good Brewing Company, LLC-Holding Tank Installation Application/Agreement (HHE-233)
 - C. Shellfish Commission Update
- 7. Old Business**
 - A. LUO-Advanced Wastewater Treatment Systems
 - B. Committee Forum Proposed Date-6/1/2024
 - C. LUO Audit Meeting with Planner Proposed Date-3/12/2024
 - D. Senior Tax Program
 - E. Discuss Reflections from Charter Commission Forum
- 8. Consent Agenda**
 - A. Municipal Accounts Payable and Payroll Warrants
 - B. Select Board Minutes of 2/6/2024
- 9. Management Reports & Communications**
 - A. Town Manager's Report
 - B. Committee Updates
- 10. Any Other Business**
- 11. 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

February 20, 2023

3. *Appointments*

A. Planning Board Alternate Resignation-Alex Urquhart

Suggested Motion

Accept the resignation of Alex Urquhart-Planning Board Alternate.

Motion _____, Second _____ Vote _____

B. Local Health Officer-Gregory Payson-3-yr. term ending 6/30/2026

Suggested Motion

Appoint Gregory Payson as the Local Health Officer term ending 6/30/2026.

Motion _____, Second _____ Vote _____

6. *New Business*

A. Well and Good Brewing Company, LLC-New Liquor License

The municipal officers must approve and sign an on-premises liquor license new application or renewal for any licensed establishment that sells and serves alcoholic beverages.

Suggested Motion

Approve and sign the new liquor license Well and Good Brewing Company, LLC.

Motion _____, Second _____ Vote _____

Town of North Yarmouth Select Board Business

Summary of Recommended Motions & Other Action Items

B. Well and Good Brewing Company LLC-Holding Tank Installation Application/Agreement (HHE-233)

As part of the Application/Agreement for Holding Tank Installation, the Municipal Officers must sign a “Municipal Officers Statement.”

- We have reviewed the information submitted in support of this application.
- We find that the installation of the holding tank will not violate any local ordinances.
- We will authorize the LPI to enforce the requirement of this agreement, the Subsurface Wastewater Disposal Rules and any local ordinances, including record-keeping and required pumping.
- Recommend that the LPI issue the necessary permits for the installation of the holding tank.

The project has been reviewed and approved by the Planning Board and the Code Enforcement office. The signatures required are primarily an administrative task. I have included the signed site plan approval letter from the Planning Board and all other pertinent documents. The system has been adequately designed by Mark Cenci and does not violate any local ordinances and will meet its intended use application.

Suggested Motion

Approve and sign the Municipal Officers Statement included in the HHE-233 Application/Agreement for Holding Tank Installation for Well and Good Brewing Company, LLC.

Motion _____, **Second** _____ **Vote** _____

Town of North Yarmouth Select Board Business

Summary of Recommended Motions & Other Action Items

7. Old Business

A. LUO-Advanced Wastewater Treatment Systems

The proposed new Land Use Ordinance “Advanced Wastewater Treatment Systems” has been through a public hearing with the Planning Board. The Planning Board has submitted the proposed ordinance for approval of the Select Board to be included in the Annual Town Meeting Warrant in June.

If the Select Board approves adding this section to the Land Use Ordinance, then the Town Manager will ask legal to draft the warrant article.

Suggested Motion

Approve including the Advanced Wastewater Treatment Systems ordinance on the Annual Town Meeting Warrant in June 2024.

Motion _____, Second _____ Vote _____

8. Consent Agenda

A. Municipal Accounts Payable Warrants

#65 \$ 12,731.80
\$
\$

Municipal Payroll Warrants

#66 \$ 47,992.56
\$

B. Select Board Minutes-2/6/2024

Suggested Motion

To approve the consent agenda as presented.

Motion _____, Second _____ Vote _____



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): Well and Good Brewing Company, LLC	Business Name (D/B/A): Well & Good Brewing Company
Individual or Sole Proprietor Applicant Name(s): Byron Kern	Physical Location: 173 Cumberland Rd., North Yarmouth, ME 04097
Individual or Sole Proprietor Applicant Name(s): Elise Kern	Mailing address, if different: 13 Smithwood Dr., North Yarmouth, ME 04097
Mailing address, if different from DBA address: 13 Smithwood Dr., North Yarmouth, ME 04097	Email Address: byron.kern@wellandgoodbrewing.com
Telephone # Fax #: 847-754-9668	Business Telephone # Fax #: 207-489-9161
Federal Tax Identification Number: 88-0775596	Maine Seller Certificate # or Sales Tax #: 7016601
Retail Beverage Alcohol Dealers Permit: BR-ME-21207	Website address: wellandgoodbrewing.com

1. New license or renewal of existing license? New Expected Start date: 04/01/2024
 Renewal Expiration Date: _____

2. The dollar amount of gross income for the licensure period that will end on the expiration date above:
 Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: _____

3. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input checked="" type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

13 Smithwood Dr., North Yarmouth, ME 04097

6. Is the licensee/applicant(s) citizens of the United States? Yes No
7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Areas for customer consumption of beer are the first floor and mezzanine of the structure, and the outdoor area (yard)

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: White Pines Church

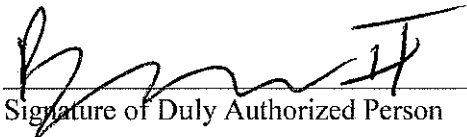
Distance: 0.40

Section II: Signature of Applicant(s)


By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 2/7/2024


Signature of Duly Authorized Person

Byron M. Kern II
Printed Name Duly Authorized Person


Signature of Duly Authorized Person

Elise Kern
Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: _____

Who is approving this application? Municipal Officers of _____

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

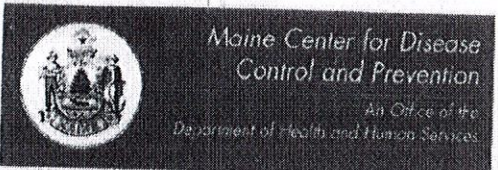
This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.



Paul R. LePage, Governor
Tel. (207) 287-5672

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel. (207) 287-8016
Fax (207) 287-9058; TTY (800) 606-0215
Fax (207) 287-4172

Subsurface Wastewater Unit

APPLICATION/AGREEMENT for HOLDING TANK INSTALLATION

PROPERTY OWNER INFORMATION

Name Byron Kern
 Mailing Address 13 Smithwood Drive
 City/Town North Yarmouth State ME Zip 04097
 Daytime telephone number (847) 754 9662

PROPERTY LOCATION

Street, Road, Route 173 Cumberland Rd
 City/Town North Yarmouth Zip 04097

APPLICATION FOR (check one)

- First Time Installation (If this is checked, give Town's Ordinance adoption date / ___ / ___)
- First Time Installation, non-residential only, less than 100 gpd or 500 gal/week
- Replacing an existing overboard discharge, surface wastewater discharge or malfunctioning subsurface wastewater system
- Replacing an existing holding tank

CONDITIONS FOR APPROVAL

- * The installation of a conventional disposal system is not possible due to unacceptable site and/or soil conditions, lot configuration, or other constraints
- * Public sewer is not available.
- * All existing or proposed plumbing fixtures shall be installed or modified for water conservation and all water closets shall meet the Federal standard of 1.6 gallons per flush.

REQUIREMENTS FOR APPROVAL

- A Completed Application shall consist of:
 - * This form (HHE-233) completed with all signatures.
 - * A completed *Subsurface Wastewater Disposal System Application* (HHE-200) prepared by a Licensed Site Evaluator.
 - * Holding Tank Deeds Covenant Form, HHE-300 3/97
 - * Replacement System Variance Request Form, as necessary.

PROPERTY OWNER INFORMATION AND REQUIREMENTS

I (we), Byron Kern own the property described in this Application/Agreement.

1. Holding tanks require regular pumping by a licensed pumper. The owner must pay this service.
2. The holding tank will be pumped at least once a year by the pumper listed on this application. Another pumper may be used if the listed pumper is notified and the LPI approves the change. The new pumper will then be listed on an attachment to this agreement.
3. A water meter shall be installed at the owner's expense if required by the LPI.
4. All records of pumping and water use (if required) must be kept for at least three years and shall be made available to the LPI or other official if requested.
5. A holding tank for new construction can only be replaced by a system meeting first time system requirements.
6. Once approved this form must be recorded at the Registry of Deeds, cross referenced to the owner's deed.
7. We agree to comply with any additional requirements of the Town.

We state that all the information presented with this application is true and accurate, we acknowledge the foregoing items and agree to comply with all the requirements.

Property Owner(s) Signature [Signature] Date 2/15/24

Property Owner(s) Signature _____ Date _____

SITE EVALUATION STATEMENT

I, MARK CENCI, state that I have evaluated the subject property and found that a subsurface wastewater disposal system is not practical. Secondly, I have completed a *Subsurface Wastewater Disposal System Application* (HHE-200) proposing a holding tank installation for the property's wastewater disposal. Site Evaluator's Signature [Signature] Date 2-9-24

HOLDING TANK PUMPER INFORMATION

Business owner's name Morgan McAtee License # 251687
Business name McAtee Company Inc.
Mailing address 20 McAtee Mountain Pass
City New Gloucester State ME Zip 04260
Business telephone 207-976-6060
Max. truck hauling capacity 3000 gallons
Can pump: seasonally year round
DEP licensed disposal site location Portland Water District Site # _____

HOLDING TANK PUMPER STATEMENT

I, Morgan McAtee, own and operate a septage pumping business named in this **Application/Agreement**, and have contracted with the property owner(s) to pump and properly dispose of the tank's waste. I further state that the tank, and that the wastewater will be disposed of at a Department of Environmental Protection licensed disposal location.

Holding Tank Pumper's Signature Morgan McAtee Date 2-15-24

Municipal Officers Statement

- I (we) have reviewed the information submitted in support of this application.
- I (we) find that the installation of the holding tank will not violate any local ordinances.
- I (we) will authorize the LPI to enforce the requirements of this agreement, the Subsurface Wastewater Disposal Rules and any local ordinances, including record-keeping and required pumping.
- I (we) recommend that the LPI issue the necessary permits for the installation of the holding tank.

Signature _____ Title _____ Date _____
Signature _____ Title _____ Date _____
Signature _____ Title _____ Date _____

Local Plumbing Inspector's Statement

I have reviewed this application and find that the issuance of a permit for the holding tank complies with the Subsurface Wastewater Disposal Rules and all pertinent local ordinances.

Additional Requirements: _____

Holding tank to be pumped routinely

Signature [Signature] Date 2/15/24

Diane Barnes

From: Benjamin Scipione
Sent: Thursday, February 15, 2024 3:28 PM
To: Diane Barnes
Subject: Well & Good Brewing - Select Board Review
Attachments: Well and Good Brewing Approval Letter.pdf; HHE-200-02152024152929.pdf; HHE-300-02152024153009.pdf; Holding-02152024153118.pdf

Hi Diane,

Please see the attached materials for the Select Board.

Byron needs the "Application/Agreement for Holding Tank Installation" signed by three members of the Select Board. The project has been reviewed and approved by the Planning Board and my office. The signatures required are primarily an administrative task. I have included the signed site plan approval letter from the Planning Board and all other pertinent documents. The system has been adequately designed by Mark Cenci and does not violate any local ordinances and will meet its intended use application.

Respectfully,

Ben

Ben Scipione
Code Enforcement Officer
Town of North Yarmouth
10 Village Square Road
North Yarmouth, ME 04097
Telephone 207-829-3705 Option 1
www.northyarmouth.org



Notice: Under Maine's Freedom of Access ("Right to Know") law Title 1 M.R.S. Section 402 (3), all email and email attachments received or prepared for matters concerning Town business are likely to be regarded as public records. These records are open to inspection, including members of the media, there should be no expectation of privacy unless otherwise made confidential by law. If you have received this message in error, please notify this office immediately by return email. Thank you.

April 13, 2023

Byron Kern
173 Cumberland Road
North Yarmouth, ME

Mr. Kern,

At the meeting of the Town of North Yarmouth Planning Board on April 13, 2023, the Board approved the Well & Good Brewing site plan application, located at 173 Cumberland Road, Tax Map 4 Lot 25.

MOTION: To approve the Well and Good Brewing final site plan as submitted pursuant to the Findings of Fact in the memo dated April 3, 2023, with the following conditions of approval:

1. Well and Good Brewing must use environmentally-friendly winter maintenance practices on the driveway and parking area.
2. Well and Good Brewing shall install a landscaped buffer at the rear of the property when the abutting residential lot is developed.

Please follow up with the Code Enforcement Officer to obtain required permits.

The Findings of Fact and Conclusions of Law below are from the North Star Planning Memo dated April 3, 2023

Regards,



Paul Whitmarsh, Planning Board Chair

cc: Ben Scipione, North Yarmouth Code Enforcement Officer

Site Plan Review - Findings of Fact:

1. Utilization of the Site

- The applicant plans to utilize the existing building located at 173 Cumberland Road for a brewery and tasting room.
- The project is located in the Village Center zone and is abutted by single-family residential properties.
- The gross square footage of the restaurant is 1,600 SF.

2. Utilities

- The applicant will use existing water service, electricity, natural gas, and subsurface wastewater disposal systems.
- The applicant will replace the existing septic tank.
- The applicant will install an underground 2,000-gallon reinforced concrete holding tank for brewing operations effluent, which will be pumped out routinely and taken off-site.
- The applicant has been corresponding with the Yarmouth Water District and is awaiting an ability to serve letter.

3. Building Standards

- The project will utilize the existing building for their business.
- No new structures or building are proposed.
- Only minor changes for ADA improvements are proposed for the exterior of the existing building.

4. Impact on Community Facilities

- No negative impact on community facilities will result from this project.

5. Hazardous Materials and Emissions

- All hazardous materials will be disposed of in accordance with state and federal laws.

6. Exterior Lighting

- The applicant provided a photometric plan showing additional light fixtures, with product information for each fixture.

- The photometric plan demonstrates footcandles will not exceed 0.5 at the lot line or upon abutting residential properties.

7. Financial and Technical Capacity

- The applicant has provided a deed and commercial lease agreement for the property.
- The applicant provided evidence of Maine business registration.
- The applicant provided a letter demonstrating secured financing for the establishment of the brewery, along with a detailed site construction cost worksheet.

8. Landscaping, Buffers and Screening

- The applicant provided a landscape plan showing a row of evergreens in a mulched planting bed between the parking area and the abutting residential property.
- The applicant proposes to keep existing trees and lawn on the property.
- The parking lot will be surrounded by lawn.

9. Noise

- No noise levels in excess of the town standards will result from the project.

10. Signs

- The applicant provided a design for a freestanding roadside sign with their application.
- The sign does not exceed the maximum allowed sign area.

11. Storage of Materials

- There will not be any exposed storage areas or dumpsters.

12. Stormwater Control

- The applicant provided a stormwater management report. The proposed site improvements will result in approximately 5,176 SF of additional impervious surface.
- A stormwater management plan has been prepared to satisfy the requirements of Maine DEP and the North Yarmouth Land Use Ordinance.

- The project proposes to use a level spreader to control erosive flows created by drainage from the paved parking area, before it enters the abutting wooded property.
- The predicted increase in rate of runoff from additional impervious surface will not create adverse impacts to downstream conditions.

13. Protection of Significant Wildlife Habitat

- No significant wildlife habitat is located within the project area.
- The applicant provided a natural resource survey dated September 12, 2022 that affirms no wetlands, watercourses, or vernal pools are on the property.

14. Access Management and Vehicular Circulation

- Vehicular access to the site will come from the existing driveway entrance off Cumberland Road.
- The applicant has received a Driveway/Entrance Permit from the Maine Department of Transportation.
- The applicant provided estimated traffic counts of 18 trips during the peak PM hour between 4-6 PM, with 12 trips entering the site and 6 trips leaving.

15. Pedestrian Ways and Bicycle Access

- No changes to sidewalks or other surrounding pedestrian areas are proposed.
- The applicant proposes to build a pedestrian walkway from the sidewalk on Cumberland Road.
- A bike rack will be installed next to the pedestrian walkway.

16. Off-Street Parking and Loading

- The proposed use requires 12 off-street parking spaces (1 space per 4 patrons, plus one space per employee.)
- The applicant proposes to construct 14 parking spaces, including a van-accessible ADA parking space.

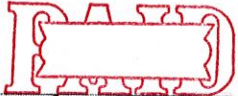
Conclusions of Law:

1. The development **will** reflect the natural capabilities of the site to support development.
2. ~~Utilities serving developments in the Village Center District and Village Residential District **will/will not** be installed underground. (N/A)~~
3. The proposed development **will not** result in a negative impact to the environment or to the community facilities or services.
4. The development **will not** contribute emission of dust, ash, smoke or other particular matter.
5. The proposed development **will** have adequate exterior lighting to provide for its safe use during nighttime hours.
6. The landscape **will** be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.
7. The development **will** control noise levels such that it **will not** create a nuisance for neighboring properties.
8. The size, location, design, color, texture, lighting and materials of all exterior signs **will not** detract from the design of proposed buildings and structures.
9. ~~Exposed non-residential storage areas, exposed machinery, and areas used for storage **will/will not** have sufficient setbacks and screening. (N/A)~~
10. Adequate provisions **will** be made for the collection and disposal of all storm water that runs off proposed roads, parking areas, roofs and other surfaces.
11. Developments **will** be designed to protect and conserve important wildlife habitat to the greatest extent feasible.
12. The layout of the site **will** provide for the safe movement of passenger, service, and emergency vehicles throughout the site.
13. The site plan **will** provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
14. Parking areas **will** be constructed to protect the natural environment and visual character of the community, improve pedestrian safety and accessibility, and promote the quality of life in developed areas.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Div of Environmental Health, 11 SHS
(207) 287-5572 Fax: (207) 287-4172

PROPERTY LOCATION		>> CAUTION: LPI APPROVAL REQUIRED <<	
City, Town, or Plantation	NORTH YARMOUTH	Town/City	North Yarmouth Permit # PL 243-15
Street or Road	173 CUMBERLAND RD.	Date Permit Issued	2/15/24 Fee: \$100.00 Double Fee Charged []
Subdivision, Lot #		Local Plumbing Inspector Signature	<i>TSJ: JG</i> L.P.I. # 2331
OWNER/APPLICANT INFORMATION		<input type="checkbox"/> Owner <input type="checkbox"/> Town <input type="checkbox"/> State The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	
Name (last, first, MI)	WELL, GOOD BREWING CO	Municipal Tax Map # 004 Lot # 025 CAUTION: INSPECTION REQUIRED I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.	
Mailing Address of Owner/Applicant	13 SMITHWOOD DRIVE NORTH YARMOUTH, 04097		
Daytime Tel. #	847-754-9668		
OWNER OR APPLICANT STATEMENT		(1st) date approved	
I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.		Local Plumbing Inspector Signature	
<i>W. Good</i> Signature of Owner or Applicant		Date 2/15/24	



PERMIT INFORMATION		
TYPE OF APPLICATION	THIS APPLICATION REQUIRES	DISPOSAL SYSTEM COMPONENTS
<input checked="" type="checkbox"/> First Time System <input type="checkbox"/> Replacement System Type replaced: _____ Year installed: _____ <input type="checkbox"/> Expanded System a. <25% Expansion b. >25% Expansion <input type="checkbox"/> Experimental System <input type="checkbox"/> Seasonal Conversion	<input checked="" type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance a. Local Plumbing Inspector Approval b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance a. Local Plumbing Inspector Approval b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input checked="" type="checkbox"/> 4. Non-engineered Treatment Tank (only) Holding Tank, 2000 gallons <input type="checkbox"/> 5. Non-engineered Disposal Field (only) <input type="checkbox"/> 6. Separated Laundry System <input type="checkbox"/> 7. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 8. Engineered Treatment Tank (only) <input type="checkbox"/> 9. Engineered Disposal Field (only) <input type="checkbox"/> 10. Pre-treatment, specify: _____ <input type="checkbox"/> 11. Miscellaneous Components
SIZE OF PROPERTY	DISPOSAL SYSTEM TO SERVE	TYPE OF WATER SUPPLY
SQ. FT. _____ ACRES _____	<input type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: _____ <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input checked="" type="checkbox"/> Other: WASH WATER OF BREWERY TANKS (specify) _____ Current Use <input type="checkbox"/> Seasonal <input checked="" type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	<input type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input checked="" type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other
SHORELAND ZONING	DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	TREATMENT TANK	GARBAGE DISPOSAL UNIT
	<input type="checkbox"/> 1. Concrete a. Regular N/A b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: _____ GAL.	<input checked="" type="checkbox"/> No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. increase in tank capacity <input type="checkbox"/> d. Filter on Tank Outlet
	DISPOSAL FIELD TYPE & SIZE	DESIGN FLOW (MAX)
	<input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input type="checkbox"/> 3. Proprietary Device N/A a. cluster array <input type="checkbox"/> b. Linear c. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: _____ SIZE: _____ sq. ft. in. ft.	100 gallons per day BASED ON: <input type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input checked="" type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities
	SOIL DATA & DESIGN CLASS	EFFLUENT/EJECTOR PUMP
	PROFILE CONDITION 5/B at Observation Hole # TR1 Depth _____" of Most Limiting Soil Factor	<input checked="" type="checkbox"/> Not Required <input type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons
	DISPOSAL FIELD SIZING	LATITUDE AND LONGITUDE
	<input type="checkbox"/> 1. Medium--2.6 sq. ft. / gpd <input type="checkbox"/> 2. Medium--Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large--4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large--5.0 sq. ft. / gpd	<input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA at center of disposal area Lat. _____ d _____ m _____ s Lon. _____ d _____ m _____ s If g.p.s, state margin of error: _____

SITE EVALUATOR STATEMENT		
I certify that on 2-8-24 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A OMR 241)		
Site Evaluator Signature	SE #	Date
<i>Mark Cenci</i>	262	2-9-24
Site Evaluator Name Printed	Telephone Number	E-mail Address
MARK CENCI	329-3524	



Note: Changes to or deviations from the design should be confirmed with the Site Evaluator.

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, Station 10
207-287-5672 Fax: 207-282-3185

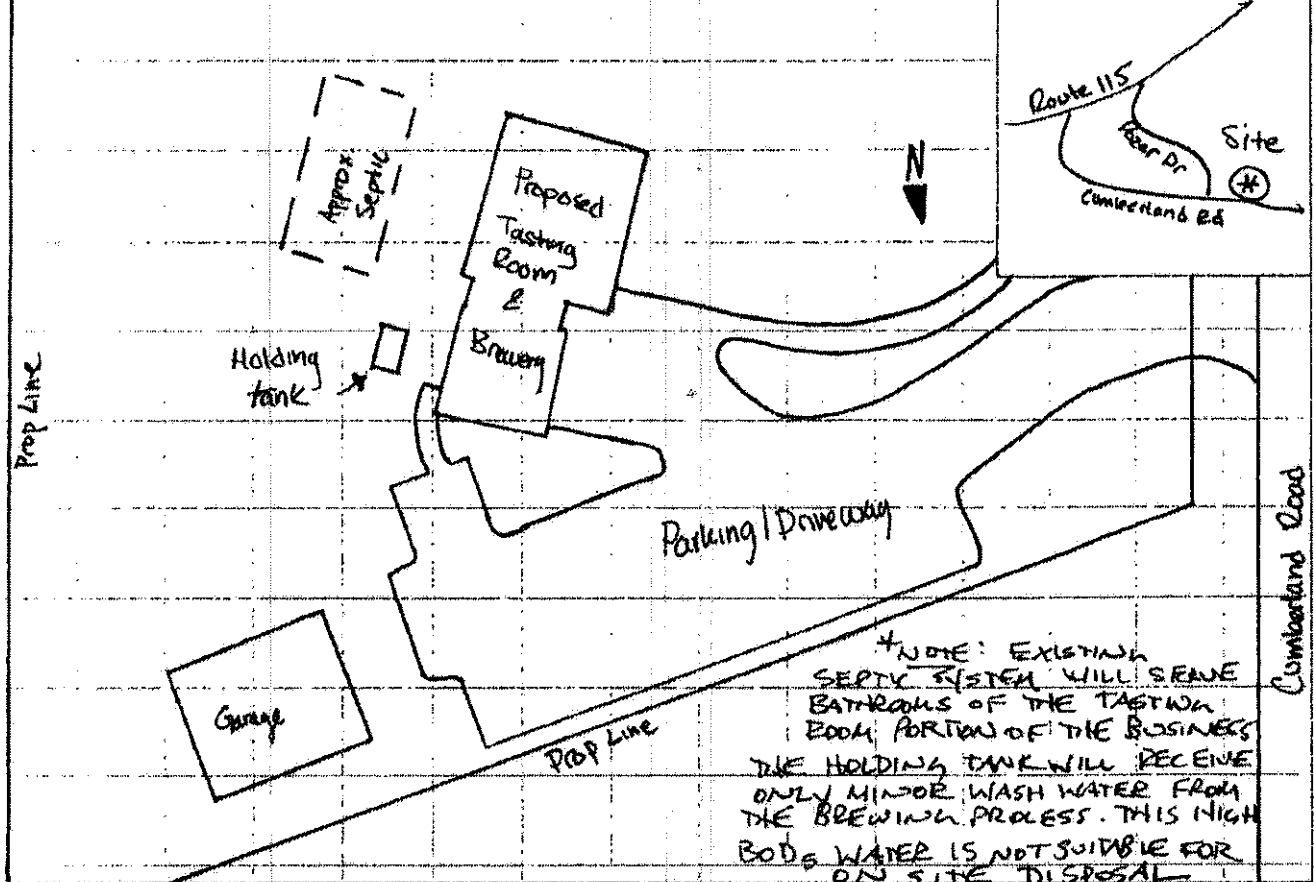
Town, City, Plantation
North Yarmouth

Street, Road, Subdivision
Comberland Rd

Owner or Applicant Name
Byron Kern (WELL + WOOD)

SITE PLAN Scale 1" = 40 ft.

SITE LOCATION PLAN
(map from Maine Atlas recommended)



SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # TP-1 Test Pit Boring

Observation Hole # _____ Test Pit Boring

Depth of organic horizon above mineral soil _____

Depth of organic horizon above mineral soil _____

Texture	Consistency	Color	Mottling
0		DARK	
6	FRABLE	BROWN	
12		YELLOW	
18		BROWN	
24	LOOSE	TO	ALONE
30		GRAY	
36		BROWN	
42	LIMIT OF BORING		
48			

Soil Profile	Classification	Slope	Limiting Factor	<input type="checkbox"/> Groundwater
5	B		-	<input type="checkbox"/> Restrictive Layer
	Condition	Percent	Depth	<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

Texture	Consistency	Color	Mottling
0			
6			
12			
18			
24			
30			
36			
42			
48			

Soil Profile	Classification	Slope	Limiting Factor	<input type="checkbox"/> Groundwater
				<input type="checkbox"/> Restrictive Layer
				<input type="checkbox"/> Bedrock
				<input type="checkbox"/> Pit Depth

Paul Davis
Site Evaluator Signature

262
SE #

2-9-24
Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Metra Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5872 Fax: (207) 287-5198

Town, City, Plantation
 North Yarmouth

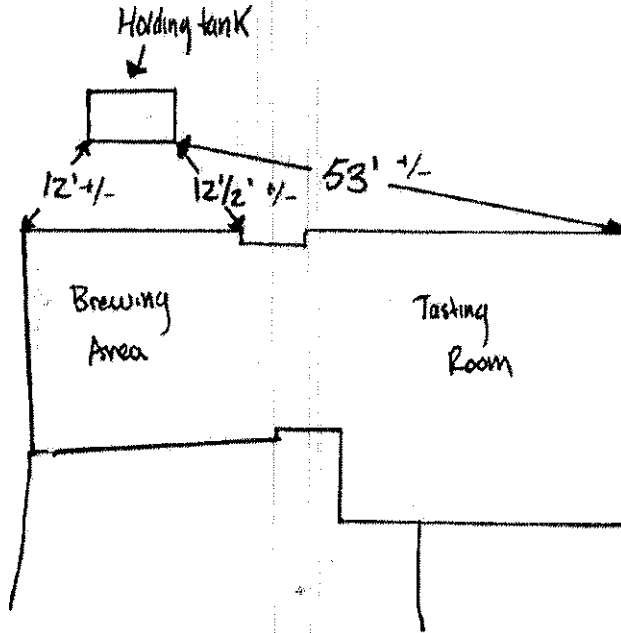
Street, Road, Subdivision
 Cumberland Rd

Owner or Applicant Name
 Byron Kern (Well - Good)

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale: 1" = 20 ft.

10' x 6' Holding tank



BACKFILL REQUIREMENTS

CONSTRUCTION ELEVATIONS

ELEVATION REFERENCE POINT

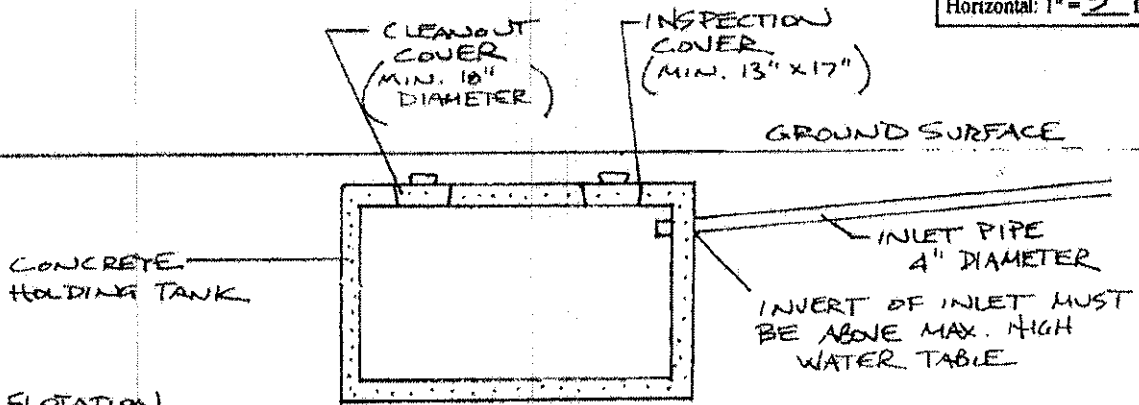
Depth of Backfill (upslope) 0"
 Depth of Backfill (downslope) 0"
 DEPTHS AT CROSS-SECTION (shown below)

Finished Grade Elevation (at Row 1) N/A"
 Top of Proprietary Device (at Row 1) A"
 Bottom of Disposal Field (at Row 1) "

Location & Description: N/A
 Reference Elevation is: 0.0" or

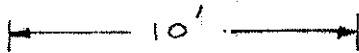
DISPOSAL FIELD CROSS SECTION

Scales:
 Vertical: 1" = 5 ft.
 Horizontal: 1" = 2 ft.



NOTES:

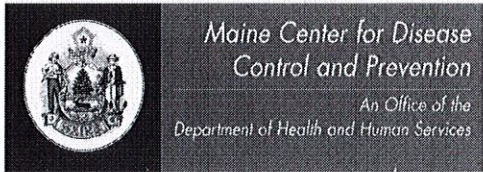
- PREVENT FLOTATION AT INSTALLATION
- TANK MUST BE WATERTIGHT
- VENT THROUGH BUILDING OR SEPARATELY
- PROVIDE WATER LEVEL ALARM



Site Evaluator Signature: *Amel Clark*

262 SE #

2-9-24 Date



Paul R. LePage, Governor Mary C. Mayhew, Commissioner
Tel. (207) 287-2070

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel. (207) 287-8016
Fax (207) 287-9058; TTY (800) 606-0215
Fax (207) 287-4172

Subsurface Wastewater Team

HOLDING TANK DEED COVENANT FORM

Property Owner: Complete and record this form with your County Registry of Deeds. Then forward a copy of the recorded deed covenant to the your municipality's Local Plumbing Inspector.

County Registrar: Please cross-reference this document with book and page no.

Property Owner Statement: I(we), Byron Kern are the

owner(s) of the property located at 173 Cumberland Rd.
(street) North Yarmouth (town).

The property's deed is recorded in book no. 39259, page no. 38.

We state that the holding tank installation for the aforementioned property received approval by the town of North Yarmouth and its officials.

Stipulations of Covenant:

The holding tank shall be installed and maintained in accordance with the following conditions:
(Conditions to be specified by the approving authority.)

Holding tank to be pumped routinely

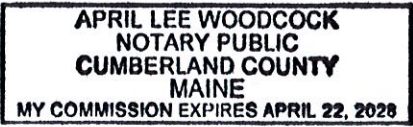
Municipal Approval Conditions: This approval has been granted subject to the implementation of the above conditions and said approval will become null and void if the required and stated conditions of approval are violated.

Property Owner signature(s) [Signature]

State of Maine
County Cumberland, ss Date 2-15-2024

Then personally appeared the above named Byron Kern (and)
_____ and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

Before me [Signature]
Justice of the Peace or Notary Public



HHE-300 Rev. 3/97

Section 11.11 Advanced Wastewater Treatment Systems (Where Required)

- A. Purpose and Applicability: The purpose of this section is to preserve and protect public health, safety, and welfare by ensuring that advanced wastewater treatment systems installed in the Town of North Yarmouth function as designed and that owners of advanced wastewater treatment systems provide for their proper maintenance. Advanced wastewater treatment systems are required for lots in the Village Center District to take advantage of reduced minimum lot size requirements, as further specified in Table 7.2, Footnote 4; are required for nursing homes and congregate care facilities located in the Groundwater Overlay District, as further specified in Table 7.1, Footnote 4; and provide a mechanism for clustered housing developments and open space developments to take advantage of reduced minimum lot sizes, as further specified in Section 11.3.C.9.a.2.
- B. Standards and Requirements for Advanced Wastewater Treatment Systems:
1. Nitrogen Removal.
Advanced wastewater treatment systems shall employ a denitrification process and shall have a nitrogen removal capacity that meets the standards of NSF 245: Certification for Global Wastewater Market Acceptance.
 2. Form HHE-300 Required.
 - a. The owner(s) of an advanced wastewater treatment system constructed, expanded, enlarged, rebuilt, or replaced, on or after the effective date of this section, shall prepare, execute, and record in the Cumberland County Registry of Deeds a Pre-treatment Maintenance Agreement form (Form HHE-300, prepared by Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention).
 - b. The owner(s) shall provide a copy of the recorded Form HHE-300 with recording information to the CEO prior to receiving a certificate of occupancy for the dwelling unit.
 - c. Replacement of an advanced wastewater treatment system shall require the owner(s) of the dwelling unit to complete and record a new Form HHE-300 and to submit a copy of the recorded form within fourteen (14) days of the date of installation.
 3. Maintenance Agreement Required.
 - a. The owner(s) of a property that is served by an advanced wastewater treatment system installed on or after the effective date of this section must execute a maintenance agreement providing for maintenance and repair of the advanced wastewater treatment system in accordance with the requirements of that system's manufacturer, with a company certified to provide such maintenance. A copy of an executed maintenance agreement must be provided to the CEO within 180 days of the installation of the advanced wastewater treatment system. The property owner shall provide the CEO with a copy of a substitute or replacement maintenance agreement within ten (10) days of the expiration or cancellation of a prior maintenance agreement. New owners of a property shall provide a copy of a replacement maintenance agreement, or shall

provide written certification that the previously-existing maintenance agreement has been transferred to them, to the CEO within sixty (60) days of closing.

b. Maintenance agreements required under this section shall specify the manufacturer's maintenance and repair requirements for the advanced wastewater treatment system, and shall provide for annual sampling and testing of the system's effluent. The results of such effluent tests shall be provided to the CEO and to the Yarmouth Water District (YWD) within one (1) year of the effective date of this section, and then again by December 31 of each calendar year following. The CEO shall annually provide written notice of this requirement to all affected property owners on or about September 1 of each calendar year.

c. Effluent testing shall include, but not be limited to: Total Suspended Solids (TSS), Five Day Biological Oxygen Demand (BOD5), and total nitrogen concentration.

d. The CEO and YWD shall coordinate to establish and maintain a database of advanced wastewater treatment systems in order to enforce this provision.

4 Minimum Lot Size:

a. The minimum lot size can be reduced in the VC to 20,000 square feet when the lot is served by an advanced wastewater treatment system, or the existing system is retrofitted with an advanced wastewater system that that meets or exceeds the standards and requirements imposed by Section 11.11.B of this Article.

b. GPD or gallon per day design flows may be utilized when presented and proven to not exceed the assumed 4 bedroom or 360 gpd flows of a typical residential home per lot, this type of development requires Planning Board approval.

c. Pocket Neighborhoods allow for the use of reduced lot size below 20,000 sf, consistent with Section 7.6(D).

**TABLE 7.2 SPACE AND DIMENSIONAL REQUIREMENTS [AMENDED 6/19/21,
11/08/22]**

District	Minimum Lot Size (Acres)	Maximum Residential Density ¹ (Acres)	Maximum Lot Coverage (%)	Street Frontage (feet)	Structure Setback From Property Lines (Feet) ⁶			Maximum Structure Height (Feet)
					Front	Side	Rear	
Village Center ²	1 acre ⁴	N/A	70%	100' MIN	10' MIN	10' MIN	5' MIN	3 stories, no higher than 50 feet
Village Residential	1 acre	1 Residential unit per acre; Subdivisions – 1 residential unit per net residential acre	30%	Routes 9, 115 and 231 – Min 200 feet; Other streets – Min 100 feet	20' Min	10' MIN	10' MIN	2.5 stories, no higher than 35 feet
Farm and Forest ⁵	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3net residential acres	20%	Min 200 feet	50' Min	20' MIN	20' MIN	2.5 stories, no higher than 35 feet
Residential Shoreland	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3net residential acres	20%	Min 200 feet	50' Min	20' MIN	20' MIN	35'
Resource Protection	3 acres	1 Residential unit per 3 acres; Subdivisions – 1 residential unit per 3net residential acres	20%	Min 200 feet	50' Min	20' MIN	20' MIN	35'

Table Continued on Next Page

¹ See Subsection C. for calculation of “net residential acreage”, which is only applicable to subdivisions.

² See Subsection D. for Pocket Neighborhood Standards.

³ Not applicable to wireless communications towers, windmills, antennas, barn silos and structures having no floor area.

⁴ Minimum Lot Size:

- a. The minimum lot size can be reduced in the VC to 20,000 square feet when the lot is served by an advanced wastewater treatment system, or the existing system is retrofitted with an advanced wastewater system ~~that meets or exceeds the standards and requirements imposed by Section 11.11.B of this Article. meets or exceeds the state definition providing 50percent or more reduction in nitrates and has demonstrated that water quality will not be degraded.~~
- b. GPD or gallon per day design flows may be utilized when presented and proven to not exceed the assumed 4 bedroom or 360 gpd flows of a typical residential home per lot, this type of development requires Planning Board approval.
- c. Pocket Neighborhoods allow for the use of reduced lot size below 20,000 sf, consistent with Section 7.2(D).

⁵ Open space or clustered subdivisions are mandatory and at least 50 percent of the total parcel must be preserved in open space pursuant to Section 11-3. Cluster Housing Development and Open Space Development.

**Town of North Yarmouth
Select Board Forum
Tuesday, January 30, 2024, 6:00 PM
Wescustogo Hall & North Yarmouth Community Center**

Select Board Members

Amy Haile, Chair

Andrea Berry, Vice Chair

Katherine Maloney, Board Member

Karl Cyr, Board Member

Paul Hodgetts, Board Member

1. Call to Order

Pledge of Allegiance. All select board members, Town Manager Diane Barnes, and Don Gerrish, presenter, in attendance.

2. New Business

A. Charter Commission

Amy Haile, Chair, presenting:

How did we get here?

- 2022 Referendum – Questions of validity of Comprehensive Plan approved at Town Meeting.
- 2023 Town Meeting – Low meeting attendance
- 2023-2024 Select Board Goal #2 – Explore public interest in and viability of shifting from Town Meeting to a Town Council form of government. Town growing, but participation in town meetings waning. Holding public forums to explain different forms of government, communicate pros and cons, and allow/assess public input.
- North Yarmouth registered voters and meeting attendance data shared in PowerPoint.
 - Number of registered voters 2877 in 2012 to 3793 in 2023.
 - Number of Town Meeting attendees 57 or 2% in 2012 to 82 or 2% in 2023, general upward trend with spikes in 2014-15 and 2019-21. Percentage-based attendance averages 3% over the 11-year period.
 - Number of attendees at special town meetings were 220 (7%) at one event in 2017 but range from 51 to 67 from 2018 to 2023 (2%).
- Don Gerrish to present, Select Board will ask questions, and then floor will be opened to public questions.
- For this forum, all questions will be directed to Don as the expert brought in to address the issue. Select Board is trying to gather information and public opinion in the spirit of curiosity and exploration. The 2013 charter report questioned a change in form, and these public forums are reopening that discussion.

Question from crowd, “How much are we paying this guy to tell us what to do?”

Don Gerrish responds, “It took me three (3) hours to do this, I’m charging two hundred (200) dollars.”

Amy Haile: Don Gerrish was invited to share his expertise and information on this subject. Please treat all presenters with respect. Opportunity for public comment will be at the end of the meeting.

Don Gerrish, presenting:

Retired Maine Manager - 40 years in profession, 10 years in Gorham, retired after 20 years in Brunswick. Most recently Eaton Peabody Consulting. Has worked as interim, helped with hiring managers, clarifying roles and responsibilities. Worked under different forms of government during his career.

- Many communities in the State of Maine have the discussion surrounding forms of government and what is right for their community. Presented in Kennebunk recently.
- Form of government in North Yarmouth is currently Charter, Select Board, Town Meeting.
 - Unique in having a charter. Most communities that have select boards are based on state law.
 - Town budget and ordinances approved by town meeting.
 - Select Board is allowed by charter to make minimal ordinance changes. Unique in this aspect.
- Issues for similar communities:

- Number of people in attendance/involved in town decisions. Communities are exploring whether town meetings are an effective way to gather input from and represent the public.
- Decision making rests with town meetings. Special town meetings require a process to set up and can hinder flexibility and quick decision making around grants and equipment.
- Special Town meetings are not on normal dates, turnout is significantly less than normal. Is the majority of the community being heard and represented?
- Council, Manager, Town Meeting form –
 - The charter would need to be rewritten to allow a Council to make legislative decisions.
 - Authority moves to council, but town meeting still retains voting power over budget. Example: Gray.
 - Charter can lay out different levels of authority to council regarding legislative processes. Examples include passing ordinance, application, and acceptance of grants.
 - Some have referendum budget vote rather than open town meetings. Example: Kennebunk.
 - The charter can also lay out procedures for the public to bring forth ordinance changes or recommendations.
 - Many communities give more representation by adding council seats during the charter change.
 - Bonding funds can rest with council authority or remain with town meeting, some have cap on borrowing without voter approval.
 - Another form Council has all authority but still allows for referendum for bond approval.
- Process to change charter:
 - Adopt formal process for Charter commission.
 - State law lays out number of members, timing of process, opens up the whole charter for review.
 - Prescribed public meetings for public input and discussion.
 - Draft Charter would go out to referendum. Draft in full must be approved to be adopted.
- In the Town of Wiscasset, the school district separated from RSU. \$1,000,000 increase to the municipal budget in the first school budget. 250 people showed up to pass the school budget. After it passed 210 leave meeting and no other discussion on budget. Raised question as to whether it was a true decision of town.
- In Windham, a community of 20,000, the charter gives authority to the council, and the budget must be passed by an open town meeting. For 10 years, the average number of people voting on the multi-million-dollar budget was 36.
- Not here to recommend one form of government over the other, but here to help start an informed discussion over proposed changes.

Select board Q&A:

- Andrea Berry, Vice Chair –

Q: Can you discuss regrets from communities who have made the decision move to Council form?

A: Each community would have to assess whether decision making is quicker, whether things are getting done, are they able to take action, has participation increased, is there a benefit to community? Communities move forward and make it work. No examples of communities turning back.
- Karl Cyr, Board Member –

Q: Can you give examples of special town meeting procedures slowing down processes? Does this create other problems, make problems worse, or cause missed opportunities?

A: Federal programs and funding availability, emergency decisions, opportunities to purchase equipment. It's a matter of timing and how long it takes to get special town meeting approval.
- Katherine Maloney, Board Member –

Q: Do we have comps of participation at general election or referendum vs. the 3% average at town meeting?

A: They are available, but info was not pulled for current meeting.

Q: Hybrid can be taken two routes – vote by referendum or town meeting. Does the vote by referendum mean that it is part of municipal elections?

A: Yes, you would have a ballot and each of the warrant articles would be on the ballot.
- Paul Hodgetts, Board Member –

Q: If we move to a Town Council form of government do people lose their voice?

A: In a true Council form of government, the Council makes the decisions. The voice of the people is heard in their vote for who represents them. No open public meetings or referendum for voting on the budget, but most

charters have public hearings and notifications built into the budget process. The hybrid form of government does allow for the direct vote on budget by open public meeting or referendum.

Q: Can select board move to vote by referendum instead of in an annual town meeting?

A: Yes, the Select Board can vote to do that. Kennebunk changed to a referendum vote rather than an open town meeting. Gray's budget was shot down by referendum and the charter called to follow up with a town meeting. They are now looking to change the wording to call for a second referendum. There is no right way or wrong way, there are options, and you need to make it work for your community.

- Amy Haile –

What is the reasoning behind the decisions made by communities when they decide to go down the road to change? Is there a trigger point?

A: Often the decision is driven by the numbers making decisions in the community based on population. Is the open town meeting truly representative of community? The larger the community the more complex. As growth occurs, is there efficiency in getting things done? Town meetings can be political in nature and small groups can affect decision making easily with low attendance in meeting format.

Q: We run at 3% attendance at town meetings. How does that compare to other towns using the Select Board/Town Meeting format? Are there specific trigger points when communities generally look to move away from town meeting form of government?

A: In Casco the percentage was very low. Bowdoinham is looking at changing dates to try to increase participation.

- Paul Hodgetts –

The meeting dates have been moved several times. School vacation and community events affect attendance. Bring up a dog issue and people will show.

- Andrea Berry –

Having worked in different sized communities, with just under 4000 registered voters, do you have a recommendation?

A: Recommendations are not appropriate. There is no right answer. The community needs to make that decision. Are you representing the majority? Are you able to get the work done? Issues relate to the numbers. Talking about this is good. There are varied options.

Q: Looking to get the largest amount of participation from community and hear a lot of conflicting needs for being able to attend and participate. How are different demographic groups represented in the different forms of government?

A: In Casco referendum, 1,300 voted to make decision on warrant articles. In the town meeting, about 60 were present to make the decision. Laying out a structure of open meetings for discussion prior to referendum is an option. The question will arise that maybe 1300 voters don't fully understand the budget, but it does allow them to participate in the process.

Public Questions for Don Gerrish:

- Lincoln Merrill, 1572 North Road – Number of registered voters in town is 3700 on the rolls. The real number is lower. In council form, the council makes decisions, and the public chooses who they vote for. Does not support moving to council form of government. Meeting participation may be low because it is very structured. Very little explanation of warrant articles. The floor is not allowed to bring forward motions. Changes could be made to procedures that would allow people more participation. Charter changes are an extensive process. Please review the 15 pages of charter recommendations that were offered by a citizens group at the request of the Select Board a few years ago.
- Nancy Tice, 10 Acorn Lane - Vice Chair of original charter commission. No charter at all prior to 2013 and it was adopted at the following town meeting. Looked at a dozen or more communities close in size and demographics. Living document and needs change over time. At the time it was passed, they added an administrator. This position was to lighten the load on the Select Board. Did not choose to increase the number of Select Board members at that time. Went through a very structured process with public hearings, communication, and a lot of input from community. People love town meetings/home rule; it is their moment to get involved and feel that their voices are heard. "Most direct form of democracy in the country." Tried to structure to respect people who could not come to meetings. A warrant article has a budget committee recommendation and town meeting can only lower the amount. League of Women voters list: 476 municipal entities, 39 have no town meeting, 22 are

the cities of Maine. There are ways to structure differently and allow people the same participation. COVID affected participation in recent years.

- Audrey Lones, 107 Baston Road – Former charter commission member. Lengthy process structured by state statute. Has the state statute changed at all in terms of process and definitions?

A: I don't believe it has.

- Mike Mallory, 551 Walnut Hill Road – Does 30% of electorate have to show up to authorize a change in the charter?

A: I don't believe so.

Q: At what point does the population of town, value of town factor in? Is there a point that triggers the change?

A: There is no magic number. York has a 5 member Select Board/Town Meeting, population 14,000. Kennebunk is 12,000. There are smaller communities with a full Council. What will work for your community? What is the best form to represent community?

Q: Isn't 50 people at a town meeting a better cross section than just 5 or 7 on a Council?

- Rich Parenteau, 52 Pine Ridge Road – Is there a further hybrid? With a Select Board/Manager/Town Meeting form can we vote on Town warrants and budget. Can the Select Board make that change?

A: Yes, you can have a secret ballot on warrant articles. I believe the Select Board has the authority to make that change. The option is an open or closed Town Meeting. Closed has ballot with warrant articles, budget, ordinances, etc.

- Jeffrey Shope, Pine Ridge Road – Have you seen tactics to bring people into meetings and create interest.

A: Every community with every form of government struggles with the idea of better participation. Using websites, texts, mailings, emails. Often, if it affects the person they show up. If you don't get participation, you still must move ahead and make decisions.

- Jim Moulton, 54 Mill Road – Measure town meeting vs. referendum participation. Which works best? It used to be very easy to make changes. The town is moving forward, and if things are going wrong, people show up.

School referendum increased participation but didn't change outcome. If measured by participation, a referendum will happen, but it doesn't change the outcome. Town meeting government is a valuable thing.

- Lincoln Merrill, 1572 North Road – MRSA 30A section 105: If turnout is 30% of number that voted in last gubernatorial election, it impacts the effective date of the change.

- Rachel Whitmarsh, 10 Wild Turkey Lane – How many towns are considering a change in form of government?

A: Kennebunk is actively working on it. York is looking at it. Communities are exploring rather than making final decisions.

Q: After a review of other municipalities, there are almost as many variations in form as there are communities. Larger municipalities are making it work. Do smaller municipalities with an airport or large recreation area seem to have councils?

A: The makeup of a community and activities in a community have an impact as to structure.

Q: Is bringing a motion to the floor something that can happen in Town Meeting?

A: There are rules as to what can be added and what can't, depending on wording of warrant article. If warrant article is written, "What amount of money will you raise for X," it can be changed in the meeting. Warrant articles are now very specific to raising funds. It's complicated.

- Larry Lonagan, 32 Abbey Lane – Lived in town 34 years. Lived in Pownal for 12 years and served on the school board and budget committee. School finances should be looked at by a committee of the town. Do you see participation impacted in towns like Gorham that publish a Town report with warrants and department reports verses internet? More formal reporting, school budget represents a large percentage that isn't voted on, weekday vs weekend, do these things impact participation? Going back to 2018, in the one citizen initiative referendum 1,325 voted on special election for land use ordinance. Not in support of the town council, it takes the decision out of our hands and puts it in a few hands.

A: In most communities the school cost is a much larger percentage of the budget than municipal cost. If you think 1,300 people participating is the way to go, you need a referendum. The question is, is it valuable for the community to go with this method? Budget votes are done by warrant article, zoning changes you would vote on full policy change. Ordinance changes could be given a process through the council, and you could still come together for budget.

- Mike Mallory, 551 Walnut Hill Road – Budget meetings consist of specific amounts, but another warrant will allow for budget overages to be paid from unassigned fund balance. What is the point of creating a budget if we allow it to be increased after the fact?
A: The Town Manager addressed that the warrant allowing use of unassigned fund balance was used in prior years but wasn't used this year. Don stated that the warrant articles set the standard for the year. If it isn't in the articles, the town cannot use that funding.
- Judy Potter, 551 Walnut Hill Road – The only reason heard so far that we should change to Council is attendance. With town meeting you can lower budget warrant article amounts, with Council and referendum can you change the warrant article?
A: In charters, most communities give the Council authority for legislative ordinance creation or changes. Budget secret ballot referendum does not allow for changes during the meeting. Discussion of warrant articles would go through public meetings prior to vote. Ordinance changes would have to go through the process laid out in the charter.
- Jeff Brown, 470 Mountfort Road – Thank you for sharing your expertise. Are there any towns with a population under 5,000 that use a Town Council form of government?
A: Between 3,500 and 5,000, there are about 5 communities with full council form of government. Sometimes it's a hybrid, and each has different sets of rules and things they are looking for.

3. Adjournment

Amy Haile made motion to adjourn, seconded by Andrea Barry 7:36pm. V-5-0

**Town of North Yarmouth
Select Board
Meeting Minutes February 6, 2024, 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
Diane Barnes, Town Manager

1. Call to Order (17:00 – 17:30)

Pledge of Allegiance. Amy Haile, Chairperson, Andrea Berry, Vice Chairperson, Katherine Maloney, Board Member, Karl Cyr, Board Member, Paul Hodgetts, Board Member, Diane Barnes, Town Manager in attendance.

2. Appointments (17:30 – 19:30)

A. Waste Reduction Resignation-Darcy Cunningham

Discussion: Vice Chairperson Berry acknowledged Darcy Cunningham's energy and leadership as the Chair for the Waste Reduction committee. Darcy has done some amazing work and she, and her dog, will truly be missed. The Waste Reduction committee came together to express their deep appreciation for her work at the last meeting.

Motion to accept the resignation.

Motion by Amy Haile. Seconded by Andrea Berry. Motion passed 5-0.

3. Announcements

None

5. New Business (19:30 – 28:10)

D. Cumberland County Radio Grant Award Acceptance

Fire Chief Greg Payson, 48 Memorial Highway, took a moment to introduce the newest member of the department, North Yarmouth's first full-time Firefighter-Paramedic, Michael Watts. Michael comes to North Yarmouth from Standish, where he worked since 2018, and Yarmouth before that.

Cumberland County is dispersing grant funding to help departments become FCC compliant and P25 digital capable. Chief Payson applied for this grant, and the Town of North Yarmouth was awarded grant funding in the amount of \$50,828.27, which will supply 27 portable radios, 7 R5 dash mount radios and the license keys necessary to bring the Town up to speed.

Discussion: Paul Hodgetts asked if there would be any additional cost to the Town. The Chief stated that the only requirement was to turn in the old equipment that would soon be obsolete. Amy Haile thanked the Chief for applying for the funding.

Motion to accept the 'new' equipment, radios, and licensing, and to turn in 'old' portables to Cumberland County EMA.

Motion by Amy Haile. Seconded by Karl Cyr. Motion passed 5-0.

E. Fire Truck Disposal Bid Award

Fire Chief Greg Payson continued. On December 14th, the Town solicited bids for the sale of a 2004 Pierce Fire Truck (E-51). Bids were publicly opened on January 17th at 10:00am. One bid was received from Asian Auto Services of Plaistow NH in the amount of \$5,678.90. This amount is slightly higher than the offer generated by Brindle Mountain Fire Apparatus when researching the trade-in value

of E-51. He recommended that the bid be awarded to Asian Auto Services in the amount of \$5,678.90.

Discussion: Paul Hodgetts asked if there might be a better offer. He felt it was worth \$10,000. Chief Payson explained that the bid was posted and advertised, and this was the only bid received. He also stated that the truck shouldn't sit all winter unused. He looked at the history of the bids awarded to Asian Auto services and found that their bids were usually right in line with other companies. Andrea Berry thanked the Chief for warning that the amount would be low before the meeting.

Motion to award the bid as is to Asian Auto Services for the sale prices \$5,678.90.

Motion by Amy Haile. Seconded by Andrea Berry. Motion passed 5-0.

F. Fire Truck Interest Earnings

Fire Chief Greg Payson requested authorization to spend interest on fire truck bond proceeds earned while waiting for the truck to be delivered. The amount of \$4,860.27 would be spent on equipment and installations on the new fire truck. Diane Barnes stated that the money had been in an interest-bearing account and the interest earned would continue to earn interest until it was authorized to be spent. The amount stated by the Chief was as of 12/31/2023. The authority was given to the board in the order approved at the Town Meeting to spend the interest earnings on equipment for the new truck.

Motion to authorize the unspent proceeds from the Fire Truck Bond interest earnings to be used to purchase new equipment for the new Fire Truck.

Motion by Amy Haile. Seconded by Paul Hodgetts. Motion passed 5-0.

4. Public Comment (28:10 – 39:30)

Please state name and address and keep comments to 3 minutes.

Judy Potter, 551 Walnut Hill Road –

Changing meeting times with short notice is causing problems for people trying to attend meetings. Please think about changing it back to 7 pm and giving more notice when meeting times change.

Martin Kremer, 621 Sligo Road –

- Concerned about Yarmouth's dam removal initiative to facilitate fish passage and restore the natural flow of the Royal River.
- The river has been dammed for about 350 years, so there is no saying what the natural state is.
- The Royal River alliance publishes a list of 12 fish species that would benefit. He questioned the validity of the assessment.
- He stated that the middle falls are the major obstacle to fish passage. The existing fish ladders have not been maintained by Yarmouth, although there have been some citizen efforts to rehabilitate.
- The Elm Street dam is largely ledge in the middle with two sections of constructed dam on either side with more ledge below. Why not build up the rapids against the face of the dam to ease the obstacles?
- This dam allows for a six-mile-long impoundment and plentiful wildlife. Water depths range from four to thirty feet. Stantec's study on dam removal projected a drop of five to eight feet, which will leave a small stream and pooling.
- Access at both ends of the impoundment and recreational use would become difficult. The varied wildlife will be affected. The fire department's dry hydrant of the Route 9 bridge is dependent on the river. The Parks Commission is investigating better river access and there may be none.
- Yarmouth and Army Corps of Engineers promised hearings and public input. February 13th zoom meeting will allow public questions via chat that may be answered or considered. Not a public forum.
- The permitting process involves the stakeholders. He feels he will be losing a valuable asset.
- Urged the board to take a strong stance to keep the impoundment as is, and to proactively propose and support alternative solutions, and actively participate in forums and publish information on the Town's

website.

Mark Bradeen, 365 Greely Rd Ext –

President of the Rocky Coast Riders Snowmobile Club asked for authorization to use the Old Town Park as access to the trails has been cut off through the Fred Beck property. Handed out maps to the board of Old Town Park and the snowmobile trail system. They have been cut off where the trail goes by Toddy Brook and crosses the railroad track. They are looking at a reroute through Toddy Brook, out to Route 9, through the Town Park and back onto route 9. Not the ideal route but attempts to regain access to the original trail were unsuccessful.

Greg Merrill, 25 Toddy Brook Ln –

Asking for a short section through the Town Park to get DOT access over route 9 to get over the railroad tracks. DOT won't decide until they see a plan for access. The club would like to use a portion of the Old Town Park driveway to traverse route 9.

Paul Hodgetts asked if they have had any access to the railroad tracks. They haven't been able to deal with the railroad on anything. There was a private crossing on Toddy Brook Lane to get over the railroad for the last few years, but access is no longer allowed through one of the properties cutting off access. It has been impossible to work with the railroad on other crossings.

Mike Mallory, 551 Walnut Hill Rd -

In relation to the river and the dams, see attached state statute. If Yarmouth removes the Elm Street dam without an agreement with the Town of North Yarmouth, they are breaking state law.

Chairperson Haile closed public comment. Moved the discussion of the Parks report up to discuss the snowmobile issue.

8. Management Reports & Communications (39:30 – 54:55)

A. Select Board Committee Reports:

2. Parks-Karl Cyr

- The last Parks committee meeting discussed the alternate snowmobile route. The consensus was to allow the Select Board to discuss and move on this issue.
- Concerns raised include limitations and restrictions and an understanding of this being a temporary measure. Need to discuss other options for the future.
- The route should be specific to allow for shared use park, currently used by dog walkers.
- There is no explicit prohibition on snowmobile use in that park currently. No actual changes must be made to the Parks ordinance to allow this use of that land.
- There would be no extra demands on PW as the club maintains the trials.
- Historically, when the park was first acquired it was to be open to all recreational activities.
- 15 acres donated with stipulation restricting hunting; should be researched.
- The pathway should be very well marked and signage stating dual use for current users.
- No action to be taken at this time. Parks will meet on the subject again and try to bring a resolution to the next meeting. Then open for public comment and state approval.
- Current ordinance does not prohibit snowmobile use, no change is required to allow the use.
- Map of proposed route puts a bank of trees between the dog park and the route.

Discussion:

Judy Potter, 551 Walnut Hill Road, asked about current leash laws and Town ordinance. Leash law for the parks is state law; under voice command or on leash. No local ordinance.

Rachael Whitmarsh, 110 Wild Turkey Lane, stated that she is not opposed to this use of the park, but would like to see input from and communication to the public.

5. New Business (54:55 – 1:28:10)

A. March 5, 2024 Election-Cancel Select Board Meeting

Motion to cancel March 5th meeting due to the election.

Motion by Amy Haile. Seconded by Paul Hodgetts. Motion passed 5-0.

B. Tax Collector Settlement - 2023 Taxes

Settlement is an accounting in full by the tax collector upon completion of his or her collections for any given tax 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.

Under Maine State Statute, settlement marks the completion of his or her duties as tax collector for that year's taxes and entitles the collector to be discharged from any further liability to the municipality for the collection of taxes for that year.

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.

Motion to approve and sign the certificate of settlement for Diane Barnes, Tax Collector for the 2023 tax year.

Discussion: Paul Hodgetts asked what are the supplemental commitments? After commitment is done, if any errors or omissions are found, an abatement or supplemental tax can be assessed to correct the issue. Sometimes the abatement required is the same amount as the supplemental tax assessed, but other times an assessment was missed altogether and the supplemental tax results in extra collections that will go into the general fund.

Motion by Amy Haile. Seconded by Karl Cyr. Motion passed 5-0.

C. Select Board Budget & Town Meeting Calendar

Two versions of the budget meeting schedule are being presented. Version 1 has the meetings scheduled on Tuesday evenings during the month of April. Version 2 has the budget meeting on a Saturday in April. The entire budget and CIP would be presented in one day rather than four Tuesday night meetings. Both schedules have the Annual Town meeting scheduled for Monday, June 17, 2024.

Andrea asked if the budget committee meeting dates mattered when deciding the schedule. Diane stated that they are independent meetings with different thoughts and questions, so it wouldn't cause a problem to be on a different schedule.

Paul asked how long the annual Town Meeting would take. Diane stated that she would hope for two hours, but it shouldn't run longer than three hours.

Discussion regarding the different options went back and forth and landed on Tuesdays. Monday night is a new time for Town Meeting. Diane stated that it should be accomplished in one sitting for staff considerations and elections. It can be recessed but should be able to cover the ordinance changes and budget articles in one sitting.

Judy Potter, Walnut Hill Road, requested that more budget detail be available during the Town Meeting. Diane stated budget information is all publicly available on the website and will be discussed in detail at all the public budget meetings. Budget details are not included in the warrant articles.

Mike Mallory, Walnut Hill Road, what does the budget committee think about the schedule? Don't you have joint meetings? Amy stated Select Board and budget committee do not have joint meetings until the end of the process.

Diane Barnes stated that a federal process having to do with an ordinance change regarding the flood plains is dependent on the Town Meeting vote. It must happen before the 20th of June.

Motion to adopt Version #1 FY 25 Select Board Budget Schedule and set Monday, June 17, 2024, as the date for the Annual Town Meeting.

Motion by Amy Haile. Seconded by Katherine Maloney. Motion passed 5-0.

G. LUO-Proposed Sign Ordinance Amendment-Discussion

To help in communications with the public, Diane Barnes has been researching electronic signs to advertise meetings and Town events. Current land use ordinance does not allow for electronic signs. To allow a sign at Town Hall, the ordinance requires an amendment, and the suggestion is for a municipal only exemption. This would have to go through a process, go before the planning board and then the ordinance change would have to be voted on at the Town Meeting.

- Andrea Berry stated she would like to look into changing the ordinance to allow for an electronic sign, but isn't ready to commit to one yet.
- Karl Cyr felt that this is a good idea for the Town to pursue.
- Paul Hodgetts wanted to make sure this had to go through Planning Board approval.
- Amy Haile stated that Diane Barnes could move forward and do the research to give the Select Board options down the road.
- Jeff Brown, 470 Mountfort Road, stated there is a mechanism to accomplish this without changing the ordinance. Under section 3.2G and 6.2B variances, the zoning board would be able to grant a variance to allow a sign.

H. LUO-Advanced Wastewater Treatment Systems

The proposed new Land Use Ordinance "Advanced Wastewater Treatment Systems" has been through a public hearing with the Planning Board. The Planning Board has submitted the proposed ordinance for approval of the Select Board to be included in the Annual Town Meeting Warrant in June.

If the Select Board approves adding this section to the Land Use Ordinance, then the Town Manager will ask legal to draft the warrant article.

Amy Haile received an email from Jeff Brown and Paul Whitmarsh stating that there is a part of the document included in the meeting packet that was meant to be informational and will not be part of the land use ordinance. Jeff clarified that the section regarding Fuji specifications wasn't meant to be part of the ordinance language, so they took that out to vote. Diane will get clarification to make sure the informational portion of the document can simply be removed before adding it to the Town Meeting Warrant, and this item will be added to the February 20th agenda.

6. Old Business (1:28:10 – 1:57:55)

A. LD2003-Joint Select Board & Planning Board Meetings-Set Dates (2/27 & 3/27)

- GPCOG is working on ordinance to be in compliance with LD 2003 and is trying to set joint Select and Planning Board meetings to review. The ordinance will not be ready for Town Meeting approval until after these meetings. 2/27 and 3/27 suggested dates.
- Andrea Berry has a work commitment and won't be able to attend.
- Accepting 2/27 and 3/27 and scheduling meetings for 6:30 pm.

B. Committee Forum-Schedule Date

- Would like to bring Town committees together to address recreation and gatherings.
- May gives time to get the word out for public participation and be thoughtful surrounding form.

C. Senior Tax Program-Discussion

- Katherine Maloney is looking for information regarding introducing a two-tier system.
- Need data on costs to the Town to begin the discussion.
- Look into the number of applications over the \$40,000 income threshold from prior years.
- Give multiple income range options for moving forward with a tiered system.

- Paul Hodgetts would like to look at age as a variable.
- Diane Barnes will be looking at amending the current policy and the tiered system.
- Andrea Berry would like to see data from surrounding and similar towns, and data from the last few years to see the range of incomes of people who applied and didn't qualify.
- The data should only look at raising threshold. Not interested in lowering the threshold.
- Mike Mallory, 551 Walnut Hill Road, stated the \$40,000 threshold has been the same for 10 years. Most other communities are tiered as percentage of household median income. Yarmouth starts at 60 percent and ranges up to 90 percent. The lowest funding level is \$480, and highest is \$1,200. Median home price is over \$600,000, at current mil rate that is equal to a \$12,000 tax bill. Attracting and keeping people will be hard with that tax bill.
- Judy Potter, 551 Walnut Hill Road, stated that \$40,000 is way too low. You should be looking at mil rates of towns, median incomes, while researching comps to raise the threshold.

D. North Yarmouth Climate Forum

- Keith Bubblo, 41 Forest Ridge Drive – GPCOG is assisting local communities with municipal climate action plans. Information is available on their website <https://gpcog.org/>. North Yarmouth just started their 12-month process, which includes assessment of vulnerabilities, greenhouse gas emissions studies, and representatives from the Town's committees will assist. The Town is responsible for gathering community information and input. Website is <https://www.northyarmouthcap.org/>. Survey includes questions regarding sustainability and cost-effective measures. Climate Action Forum will be February 12, 2024 from 6-8:00 pm Wescustogo Hall, to learn more about climate change and share concerns or ideas. All are welcome, residents and those working or owning property within North Yarmouth. Links to the website are on the community Facebook page and at the Town website. Printed copies of the survey are available at the Town Office.

7. Consent Agenda (1:57:55 – 1:58:15)

A. Payroll Warrants

#55	\$ 48,051.73
#56	\$ 9,866.90
#60	\$ 60,893.16
#63	\$ 53,186.35

B. Municipal Accounts Payable Warrants

#53	\$ 5,640.96
#54	\$ 12,198.32
#57	\$ 10,071.88
#58	\$ 97,146.43
#59	\$ 37,245.20
#61	\$ 6,860.32
#62	\$ 2,077.03
#64	\$889,043.15

C. Select Board Minutes of 12/19/2023

D. Select Board Minutes of 1/2/2024

Motion to approve the consent agenda as presented.

Motion by Amy Haile. Seconded by Andrea Berry. Motion passed 5-0.

8. Management Reports & Communications Continued (1:58:15 – 2:33:50)

A. Select Board Committee Reports:

1. EDSC-Kit Maloney - EDSC is hosting a forum regarding their sidewalk charge on Thursday, March 28, 2024, 6:30 – 8:00 pm. The work will overlap with other committees, and they are hoping for a good turnout. The next meeting will finalize plans and create subcommittees. The forum will focus on

community/resident impact and priority areas and planning. Mandy from Olver Associates Inc. will be present to hear from residents in consideration of the proposal.

They also discussed recording meetings. The consensus was in favor of recording for minutes and being able to participate if not able to attend, but they would like to be released from a mandate to record, so if there are tech failures or cancelations and rescheduling, they can avoid scheduling issues.

Amy Haile stated that this was in line with requests from Parks and Waste Reduction, so the board should move forward with scheduling and creating a shared calendar for the recording venue and then get the information communicated to as many people as possible.

2. Parks-Karl Cyr –

- Discussed snowmobile trails earlier in the meeting.
- Martin Kremer discussed the river and dam removal at the last meeting, which has been an ongoing discussion. The Town will need to take a stance on this issue and Karl would like to take some time to talk in depth at the next meeting.
- The committee also discussed updating and standardizing signage across the parks. Need to discuss funding and format, adhering to ordinance.

3. Joint Standing Committee-Amy Haile, Andrea Berry – Did not meet.

4. Waste Reduction Committee-Andrea Berry –

- Keith Bubblo and Nicole Hewes are new Co-Chairs. New Secretary is Michael Billon. Congratulations and thank you! There is still an opening on the committee.
- Discussed priorities for the fiscal year and budgeting.
- They will continue with the speaker series.
- Potentially purchasing some composting materials for events hosted at the community center.
- March 9, 2024 at noon, in partnership with the library, Suzanne Lee will be speaking on waste management in school systems and other work through the University of Maine Sustainability and Food Waste office. The meeting will be recorded.
- The committee is actively working with MSAD to bring back composting and recycling.
- In the March meeting, a representative from Cumberland Sustainability will join to discuss what is happening in neighboring towns and collaboration.

5. Walnut Hill Parkway-Paul Hodgetts, Kit Maloney – None.

6. Recreation Advisory Board-Karl Cyr – No updates. The meeting will be on the 15th.

7. School Fund Committee-Paul Hodgetts – No meeting. AP awards were posted recently.

8. Prince Memorial Library-Amy Haile –

- New library cards give access to partnering libraries and online resources. Get yours today!
- Discussions have started regarding fundraising efforts for expansion. Long process, stay tuned.

9. Shellfish Commission-Karl Cyr – The meetings conflict with Select Board but did meet with Kevin Oliver and Len Kaminow to discuss work. There is an open seat on the committee. Discussed rescheduling and receiving minutes to bring to select board in the future.

10. Budget Committee-Andrea Berry – The committee has not met yet but is planning to stick with Thursdays at 6:30. Meeting schedule should be settled soon.

11. Open Space Planning Committee-Andrea Berry, Karl Cyr –

- Job description and committee volunteer application has been drafted and posted. Two-year commitment doing intensive and community-centered work. Job description and committee volunteer application can be found at <https://www.northyarmouth.org/open-space-planning-committee>.
- The committee will investigate community priorities and work to create decision matrix to identify properties the town should act on, should they become available.
- Hope to reach out to Royal River Conservation Trust, Yarmouth Water District and other community partners for non-voting representatives.
- Work to collectively identify important open space within the town, so they can be protected.

B. Town Manager's Report:

Senior Tax Stabilization Reimbursement-

Under 36 M.R.S. § 6281(5), the State may reimburse municipalities for up to 100% of the tax loss attributable to taxpayers’ participation in the Property Tax Stabilization Program. The 131st Legislature appropriated \$15,000,000 in FY24 (PL23, c.17) for purposes of funding those reimbursements. To date, municipalities have submitted reimbursement claims totaling approximately \$26,500,000. Due to the shortfall in funding, Maine Revenue Services is in the process of issuing partial payments to each municipality that submitted a claim for reimbursement, **and they will initially receive 56% of the amount requested**. To cover the shortfall, Maine Revenue Services is requesting an additional \$15,000,000 in the supplemental budget bill, with the expectation that, once approved by the Legislature, the balance of the reimbursement payments would be made later this spring.

Bill Brunelle
 Analyst, Property Tax Division
 Maine Revenue Services

CMP Street Lights

As part of the FY 24 Budget, \$1,500 was included to cover the electricity costs of adding 12 streetlights to the Village District for pedestrian safety. I am working with CMP to get the project started.

CSX (Former Pan AM)

CSX increased the track speed of our rail line (former Pan Am) from 25 mph to 40 mph. This change in train speed is a result of the rebuilding of the track structure, including new welded rail and cross ties.

FACTS-2025

The FACTS MPI program allocates \$1.6 million across the entire FACTS region (\$400,000 per FACTS Subregion). North Yarmouth is part of the Northern Subregion. Projects must be funded a minimum of 50% by the municipality. The project minimum is \$150,000.

February 1st is the deadline for 2025 Portland Area Comprehensive Transportation System (FACTS) Municipal Partnership Initiative (MPI) projects. North Yarmouth is again eligible to receive funding in 2025 for projects in the FACTS area. A survey has been completed on a project “Walnut Hill Pedestrian Improvements” requesting \$310,000 in FACTS funds (project total \$620,000). This proposed project will extend sidewalks, drainage, and a crossing from where the sidewalk ends at Cross Roads to Pea Lane, and then from Pea Lane to Baston Road.

Automated Trash and Recycling

We are working with Casella to finalize the education and outreach. Casella will be in the area to drive routes with the Public Works Director that we feel might be a problem. I will be joining a webinar “Keeping Pay As You Throw with Automated Carts” on February 15th. We would like to keep the PAYT program as long as it is feasible to do so.

Department Reports – included in agenda packet.

Bi-Annual Financial Presentation

Notable items as of December 31, 2024:

Revenue/Expense	Percentage
Revenue Sharing	54.75%
Homestead Reimbursement	70.29%
BMV Excise	58.11%
Tax Collections	54.64%

All Other Revenues	54.01%
Town Office	87.86%
All Operating Expenses	52.38%

- Some items, such as the County Tax Bill, are paid in full within the first half of the fiscal year.
- The Town Office expense will be over expended due to the mold remediation and emergency work on heat pumps.
- Solid Waste and Recycling expense is up a bit due to increased usage. Revenues are up as well; 68% of budgeted collections.
- Rescue Fee revenues are up. Collected 78,000 in rescue fees as of the end of January. Budgeted 70,000 for FY 24.
- Interest income has exceeded projections. Switched banks to 5.33% interest bearing accounts.
- Clerk and Agent fees are up. Electrical permits have collected 91% of budgeted amount.
- Local road assistance program received more than projected.

Capital Reserve Balances:

Reserve Account	Available Balance
Public Works and Fire Rescue Small/Heavy Equipment Reserve	\$316,113.57
Technology/Communication Reserve	\$2,224.23
Future Land Reserve	\$27,019.84
Parks and Recreation Reserve	\$50,048.58
Municipal Facilities Reserve	\$40,785.13
Contingency Reserve	\$16,632.70
Records Preserve Reserve	\$4,956.77
Roadway Reserve	\$ -
Total	\$457,780.82

Tax Incremental Financing District (TIF):

TIF Programs	Committed	Spent	Available Balance
Professional Service Costs	\$264,299.00	\$178,275.75	\$86,023.25
Administrative Costs	\$322,634.00	\$308,133.00	\$14,501.00
Public Safety & Fire Protection	\$200,000.00	\$180,000.00	\$20,000.00
Street-Related Public Safety Measures	\$136,500.00	\$125,411.82	\$11,088.18
Sidewalks & Streetspace Projects	\$300,000.00	\$100,000.00	\$200,000.00
Recreational Trails	\$23,315.00	\$7,903.54	\$15,411.46
Economic Development Programs	\$39,250.00	\$1,048.00	\$38,202.00

Financial Highlights for first half of FY 24:

- Collections of overall revenues appear strong and exceed budget projections.
- Expenses appear to be on target apart from the unexpected Town Office repairs.
- Cash balance as of 12/31/2023 is \$2,528,188.11.

Audit will be presented at the next meeting. The Town finances are in a strong position, accounts have been cleaned up and bank statements reconciled.

9. Any Other Business (2:33:50 – 2:37:40)

Paul Hodgetts asked whether we know what Don Gerrish charged for his presentation. Diane Barnes stated that the bill has not been received but he quoted \$200.00 for the meeting presentation and prep.

Paul Hodgetts asked whether the design acoustics and tiles had been appropriated. Diane Barnes stated that it was under ARPA funds in a separate warrant article and the funds have been fully spent. The padding, safety panels, and acoustics were all part of the project and should help if meetings are

held in the gym.

Judy Potter, 551 Walnut Hill Road, stated that the links to PDF files in the minutes of the December 19th meeting couldn't be opened. Diane Barnes stated that the documents are available at the website. Katherine Maloney stated that the documents are also included in the original meeting agenda packet.

Amy Haile would like to discuss reflections from Don Gerrish's presentation at the next meeting.

10. Adjournment (2:37:40 – 2:37:50)

Motion to adjourn made by Amy Haile. Seconded by Andrea Berry. Motion passed 5-0.

Select Board

Amy Haile, Chairperson

Andrea Berry, Vice Chairperson

Paul Hodgetts

Karl Cyr

Katherine Maloney