

**Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, July 5, 2022  
Regular Business Meeting  
7:00 PM**

**Wescustogo Hall & North Yarmouth Community Center**

**Select Board Members**

Brian Sites, Chairperson  
Andrea Berry, Board Member

Paul Hodgetts, Board Member  
Kate Perrin, Board Member

Amy Haile, Board Member

**I. Call to Order**

- Pledge of Allegiance

The format and structure for Select Board meetings are authorized and governed by our Town Charter and the Select Board Bylaws with overarching guidance from Maine Statutes. Select Board members are not collectively or individually allowed to speak about personnel matters and may only address personnel matters in an executive session per State Statute Title 1 § 401

**II. Organization of the Board** (pg.2)

- Election of Chairperson
- Election of Vice-Chairperson

**III. Appointments** (pgs. 3-8)

- Accept Resignation from Planning Board of Audrey Lones & Sandra Falsey
- Annual Appointments to Planning Board
- Annual Appointments to Board of Assessment Review
- Annual Appointments of Officials

**IV. Special Presentations**

**V. Announcements**

**VI. Consent Agenda** (pgs. 9-13)

Items under "Consent Agenda" are routine items that require Board action but typically do not contain much discussion. The consent agenda does not call for any discussion, but any Select Board member may request a particular item to be removed by a vote of the Select Board to be discussed further under "Old Business".

- Acceptance of Donations – Recycling Committee
- Payroll Accounts Payable Warrants
- Municipal Accounts Payable Warrants
- June 21, 2022, Business Meeting Minutes
- June 23, 2022, Special Business Meeting Minutes

**VII. Public Comment - Non-Agenda Items**

Comments regarding non-agenda issues, concerns, commendations, or matters of general public information are welcome. The public is encouraged when commenting or expressing points of view about an individual(s) that they do so respectfully and constructively. Topics relating to personnel matters cannot be acknowledged.

Each individual must be recognized by the Chair and will have up to three (3) minutes to speak. The Chair may recognize members of the public at their discretion and will prioritize individuals who have not spoken more than once.

**VIII. Management Reports & Communications**

- Town Manager's Report

**IX. Old Business**

None.

**X. New Business**

None.

**XI. Any Other Business**

**XII. 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

## II. *Organization of the Board*

July 5, 2022

### Organization of the Board

Each year at the Select Board's first meeting, the Select Board must vote on who they wish to serve as chairperson and vice-chairperson. This is prescribed in the Town's charter under Article II, § 3. The Chairperson's responsibilities are as follows:

Article II. Select Board, § 3. Chair of the Select Board:

- (i) Serve as the official spokesperson of the Select Board;
- (ii) Preside over all meetings of the Select Board;
- (iii) Establish the schedule and agendas of the Select Board; and
- (iv) Ensure that the Select Board develop and maintain bylaws.

### **SUGGESTED PROCEDURES**

- 1) The current chairperson opens the nomination process. At this point, any Select Board member may make a motion to nominate another Select Board member as chairperson. Nominations are made until no other Select Board member wishes to make a nomination.

*I move to nominate \_\_\_\_\_ to the position of Select Board Chairperson/Vice-Chairperson. No second, no discussion.*

- 2) After all nominations are made, the Select Board chairperson calls a vote on the nominations in the order they were nominated. Whomever receives the majority vote becomes the new Select Board chairperson.
- 3) Once the chairperson is chosen, the gavel and name plates are provided to the elected chairperson (if not the incumbent) and the new chairperson opens the nomination for vice-chairperson. The same process is followed as above.

# Town of North Yarmouth Select Board Business

## III. Appointments

July 5, 2022

Accept Resignation from Planning Board of Audrey Lones & Sandra Falsey

### **SUGGESTED MOTION**

*Move that the Select Board accept Audrey Lones's resignation from the Planning Board effective June 24, 2022. Second, discussion and vote follow.*

**Included herein:** resignation notice.

*Move that the Select Board accept Sandra Falsey's resignation from the Planning Board effective July 5, 2022. Second, discussion and vote follow.*

**Included herein:** resignation notice.

Annual Appointments to Planning Board

**Included herein:** list of appointments and terms and recommendation from former Planning Board chairperson.

**Current members:** Paul Metevier (alternate) & Sanford Peabody (alternate)

### **SUGGESTED MOTION**

1. *Move that the Select Board appoint \_\_\_\_\_ as a full member [alternate member] of the Planning Board for a term to expire on June 30, 2023.*
2. *Move that the Select Board appoint \_\_\_\_\_ as a full member (alternate member] of the Planning Board for a term to expire on June 30, 2024*

Annual Appointments to Board of Assessment Review

**Included herein:** list of appointments and terms.

### **SUGGESTED MOTION**

*Move that the Select Board re-appoint Rob Taisey to the Board of Assessment Review for a term expiring June 30, 2025. Second, discussion and vote follow.*

Note: The Board of Assessment Review will have a hearing take place on July 12, 2022, at 4:00 PM.

# Town of North Yarmouth Select Board Business

## *III. Appointments*

July 5, 2022

### Annual Appointments of Officials

**Included herein:** list of appointments and terms.

### **SUGGESTED MOTION**

*Move that the Select Board appoint the list of Town employees to the following corresponding positions for terms ending as presented on the summary sheet included in this packet. Second, discussion and vote follow.*

**From:** [Audrey Lones](#)  
**To:** [Brian Sites](#); [Diane Barnes](#); [jmoulton@northyarmouth.org](mailto:jmoulton@northyarmouth.org); [David Reed](#); [Paul Hodgetts](#)  
**Cc:** [Chris Cabot](#); [Kimry Corrette](#); [Jeff Brown](#); [Sandra Falsey](#); [Sanford Peabody](#); [Paul Metevier](#); [Ryan Keith](#); [Tracey Cox](#); [Town Planner](#); [Debbie Allen Grover](#); [Draven Walker](#)  
**Subject:** Resignation from the Planning Board  
**Date:** Wednesday, June 22, 2022 11:23:54 AM

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Select Board Members,

I am writing to notify you that I am resigning from the Planning Board effective Friday, June 24. Due to increased personal obligations, I no longer have the time necessary to serve as a member of the Planning Board.

I appreciate the opportunity to have served the town over the past 25 years as a member of the SAD51 School Board, Charter Commission and Economic Development Committee. I am especially grateful for the opportunity to help our town meet the challenges of change and growth during the past 5 years through my work on the Planning Board.

A special thanks is due to Ryan Keith and Tracey Cox who have supported the board during perhaps its busiest time in recent history while also trying to operate within the restrictions required during the pandemic. The town is lucky to have staff with their exceptional skills and work ethic.

Lastly, I feel fortunate to have served with all the other Planning Board members. They each brought a breadth of skills and expertise. Working together I believe we fairly and consistently applied the regulations and processes required by law, even when our own preferences may have differed.

Best regards,  
*Audrey*

Audrey Lones  
Chairwoman, Planning Board  
Town of North Yarmouth  
Telephone 207-829-3705 option 1

**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.

## Draven Walker

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**From:** Diane Barnes  
**Sent:** Wednesday, June 29, 2022 3:27 PM  
**To:** Draven Walker  
**Subject:** FW: planning board / As hard as I try I can't get this others-- Tracey could you forward this onto the Select Board and Planning board? Thanks

Diane Barnes  
Town Manager  
Town of North Yarmouth  
10 Village Square Road  
North Yarmouth, ME 04097  
Telephone: 207-829-3705  
[dbarnes@northyarmouth.org](mailto:dbarnes@northyarmouth.org)  
[www.northyarmouth.org](http://www.northyarmouth.org)

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**From:** Sandra Falsey <sfalsey@northyarmouth.org>  
**Sent:** Monday, June 27, 2022 5:24 PM  
**To:** Diane Barnes <dbarnes@northyarmouth.org>; Tracey Cox <tcox@northyarmouth.org>  
**Subject:** planning board / As hard as I try I can't get this others-- Tracey could you forward this onto the Select Board and Planning board? Thanks

I am sure this is poor timing, but I am resigning my position on the planning board as of July 5, 2022. I want to thank you for allowing me to serve on the Board and I wish the board all the best.

Sincerely,

Sandy Falsey

**From:** [Audrey Lones](#)  
**To:** [Diane Barnes](#); [Brian Sites](#)  
**Cc:** [Ryan Keith](#); [Tracey Cox](#); [Draven Walker](#); [Chris Cabot](#)  
**Subject:** Planning Board Alternate Member Moving to Voting Member  
**Date:** Wednesday, June 22, 2022 11:26:52 AM

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FYI, Chip Metevier is the longest serving alternate member. Normally, when a voting seat on the board has opened the Select Board votes to move the senior alternate member to a full voting member.

When I spoke to Chip about my resignation I asked if he was interested in becoming a full member and he responded affirmatively.

*Audrey*

Audrey Lones  
Chairwoman, Planning Board  
Town of North Yarmouth  
Telephone 207-829-3705 option 1

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**Town of North Yarmouth**  
**APPOINTMENTS**  
**For Terms Ending June 30, 2022**

<u>Position</u>	<u>Individual</u>	<u>Term Ending</u>
<b>Select Board Appointments - One (1) Year Terms</b>		
<i>Expired Terms - Officials</i>		
Assessor	Renee LaChapelle	June 30, 2023
Animal Control Officer	Bobby Silcott	June 30, 2023
Town Clerk	Debbie Grover	June 30, 2023
Building Inspector	Ben Scipione	June 30, 2023
Electrical Inspector	Ben Scipione	June 30, 2023
Plumbing Inspector	Ben Scipione	June 30, 2023
Register of Voters	Debbie Grover	June 30, 2023
General Assistance Administrator	Diane Barnes	June 30, 2023
Road Commissioner	Clark Baston	June 30, 2023
Director of Emergency Preparedness	Greg Payson	June 30, 2023
Health Officer	Greg Payson	June 30, 2023
Fire Chief	Greg Payson	June 30, 2023



# Town of North Yarmouth Select Board Business

## VI. Consent Agenda

July 5, 2022

Consent Agenda items are considered routine and will be considered for adoption by one (1) motion with no separate discussion unless a Select Board member requests and item to be removed.

- Acceptance of Donations – Recycling Committee
- Payroll Accounts Payable Warrants
- Municipal Accounts Payable Warrants
- June 21, 2022, Business Meeting Meetings
- June 23, 2022, Special Business Meeting Minutes

### **APPROVE CONSENT AGENDA, AS PRESENTED**

*Move that the Select Board approve the Consent Agenda, as presented. Second, discussion and vote follow.*

OR

### **FURTHER DISCUSSION**

*Move to remove \_\_\_\_\_ from the “Consent Agenda” for further discussion under “Any Other Business”. Second, discussion and vote follow.*

**NOTE: WHEN A SELECT BOARD MEMBER WISHES TO TAKE AN ITEM OUT OF ORDER, THE BOARD MEMBER MAY MAKE A MOTION TO DO SO, AS LISTED UNDER “FURTHER DISCUSSION”.**

#### Example

- 1) “I move to remove the April 19, 2022, Business Meeting Minutes from the Consent Agenda for further discussion under ‘Any Other Business’”. *Second, discussion and vote.*
- 2) *At this point, there is a vote on the motion (if there is a second). A vote to approve the Consent Agenda, **as amended**, is then required without any further discussion. (see below)*
- 3) “I move to approve the ‘Consent Agenda’, as amended”. *Second, discussion and vote.*

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, June 21, 2022  
Wescustogo Hall & North Yarmouth Community Center**

**Call to Order** (8:06) – Brian Sites, James Moulton, David Reed, and Paul Hodgetts were present. The Town Manager was also present. Chairperson Sites called the meeting to order at 7:03 PM.

**Consent Agenda** (8:45) – Selectperson Reed moved to approve the consent agenda, as presented. Selectperson Moulton seconded the motion. Discussion: Selectperson Reed raised a point of order. Chairperson Sites responded that discussion was part of motion, not the items directly. **Vote: 4 Yes – 0 No.**

**Public Comment - Non-Agenda Items** (10 :41):

Linc Merrill, North Road, offered thanks to Selectperson Moulton and Selectperson Reed.

Steve Palmer, Mountfort Road, reported that the Living Well in North Yarmouth Committee applied and received a \$1,600 grant from AARP. The Living Well in North Yarmouth Committee used the funds to purchase canopies and corn hole boards for the community. Steve Palmer asked for volunteers who may be interested in supporting corn hole programs at the Wescustogo Hall & North Yarmouth Community Center.

Judy Potter, Walnut Hill Road, asked if the Town was applying for the COG Resilience Partnership Service Grant. The Town Manager responded that she would work on this project when time allowed. Judy Potter asked if the Town could place the MSAD #51 School Board's information on our calendar. Judy Potter inquired where the residents could find the Accounts Payable Warrants. The Executive Assistant to the Town Manager directed Judy Potter to the Select Board's page, under "Board Meeting Documents."

Rachel Whitmarsh, Wild Turkey Lane, offered her thanks to Chairperson Sites. Rachel Whitmarsh shared her concerns with other committee's posting in a timely manner meeting documentation on the Town's website. Rachel Whitmarsh commented that the Select Board should consider adopting a Historic Preservation Ordinance. Chairperson Sites responded that the Select Board has discussed with the committees to be consistent with their postings of their minutes and agendas and further responded that the Select Board has not been able to investigate a Historic Preservation Ordinance.

Alicia Dostilio, Parsonage Road, thanked Selectperson Reed and Moulton for their service. Alicia Dostilio inquired about who was responsible for the spraying at the softball field. Alicia Dostilio made comments and inquired to the Select Board what the Planning Board procedures were in terms of allowing public participation. Chairperson Sites responded to Alicia Dostilio's comments and referenced the Planning Board's current procedures. Selectperson Moulton responded that the Planning Board stated that they would address the issues before their next meeting. Selectperson Reed suggested that Alicia Dostilio could appeal to the Zoning Board of Appeals. Selectperson Hodgetts inquired if the Planning Board would follow through with another public hearing and the starting date of the construction of the Deacon Hayes Major Subdivision. Alicia Dostilio asked if North Yarmouth Fun Day was coming back.

Linc Merrill made further comments regarding the Planning Board on the Land Use Ordinance. Linc Merrill stated that he did not believe the Planning Board was following the Land Use Ordinance.

Mike Mallory, Walnut Hill Road, apologizes for an outburst at a previous meeting and commented on the Land Use Ordinance and issues that he perceived with the Planning Board following the rules.

Judy Potter asked the Select Board what the next steps were to get answers from the Planning Board. Chairperson Sites suggested that residents copy himself and Selectperson Hodgetts to their correspondence with the Planning Board. Chairperson Sites thanked Selectperson Moulton and Selectperson Reed for their service.

**Management Reports & Communications** (26:57):

Town Manager's Report – The Town Manager thanked Selectperson Reed and Moulton for their service. The Town Manager reported on the following items:

- 30-Day Lien Notices: The Town Manager reported that because of the date when the taxes are due, the lien process would start in the coming weeks.
- LD 290: The Town Manager provided a summary of the enacted law. The application will need to be submitted by December 1<sup>st</sup> of each year. The bill's text can be found [here](#) or on the Maine Legislature's website.
- FY21 & 22 Audit: The Town Manager reported that the Town did not raise \$380,000.00 towards its capital reserves due to a clerical error in FY21. In FY22, the Town Manager stated that the revenues were overstated due to a clerical error. The Town Manager stated that the auditor recommended any expenses in FY23 that the departments could accomplish in another year to defer and to increase the overlay for FY23 to stabilize the losses.

### *Public Recognition*

Linc Merrill, North Road, asked what the Town's total undesignated fund balance was for based on the Town Manager's report. The Town Manager responded with comments that the final fund balance would not be known until the end of the fiscal year as revenues were still coming in. The Town Manager also responded that she would work with Department Heads to determine what items could be accomplished in another year to save on reserve spending. The Town Manager also stated that the Select Board could move the capital reserve funds to accommodate for losses in other funds but did not recommend this course of action. Mike Mallory, Walnut Hill Road, questioned how the new fund balance would impact the Town's emergency spending. The Town Manager responded with comments that the fund balance would be lower than what the auditor presented in the past. The Town Manager explained how overlay worked for the Town and what is stated on the valuation return form. Selectperson Reed asked what the deficit was on all the accounts. The Town Manager responded that she was no sure at that time.

**Old Business** – none.

### **New Business:**

Sharp's Field "Declaration of Restrictive Covenant (55:00) – Selectperson Moulton moved that the Select Board authorize and record a "Declaration of Restrictive Covenant" in the Cumberland County Registry of Deeds for the property located on 10 Village Square Road and described as "Sharp's Field". Chairperson Sites seconded the motion. Discussion: Selectperson Reed stated that he would vote for the motion but stated that the intent of the Annual Town Meeting warrant was to have an agreement with another entity, not the Town. Chairperson Sites responded with comments that future Select Boards could create an agreement with an entity in the future. Selectperson Moulton stated that he believed there was an entity out there who may be interested in having an agreement with the Town. **Vote: 4 Yes – 0 No.**

### *Public Recognition*

Kevin Robinson, Walnut Hill Road, stated that he had issues with section 5 of the agreement. The Select Board previously discussed this section at a previous meeting. The Select Board indicated that the agreement as presented was sufficient for protecting the field. Selectperson Moulton, Chairperson Sites, and Selectperson Reed discussed that there was no intent with placing structures on the field that would inhibit the fields' primary purpose of being a field for lacrosse players. The three (3) board members further discussed permanent bathrooms and turf fields as being items that they do not believe as being an issue in the future based on the intent of the covenant. Steve Palmer stated that he does not understand why the Town of North Yarmouth could not take care of the field themselves. Steve Palmer cited the Town's current expense of over \$6,000 on legal fees to execute an agreement for the field. Steve Palmer also asked that the Select Board provide mechanisms that provide more input from the public – recommending a term on the proposed covenant. Selectperson Reed responded that a Town Meeting could overturn a covenant or an agreement. Rachel Whitmarsh stated that the Select Board has already decided on striking language in section 5. Chairperson Sites responded that an incorrect version may have been sent to the attorney due to turnover from one attorney to another. Selectperson Moulton made comments that this was a start that the new Select Board could consider any future items that may be brought forth.

Selectperson Reed moved to call the question. **Vote: 4 Yes – 0 No.**

County Tax Transition Assessment (1:16:27) – The Town Manager presented the County’s proposal to provide a five (5) year installment to pay for six (6) months of the County’s assessment due to a change from calendar year to fiscal year. The Town’s assessment would be around \$188,000.00 with a yearly installment of \$37,670.00. The Town Manager recommend this action. Selectperson Reed moved that the Select Board authorize the Town Manager to enter a five (5) year payment arrangement at 0 % interest with Cumberland County to fund the short year transition period when the County changes from a calendar year to a fiscal year. Selectperson Moulton seconded the motion. Discussion: Selectperson Moulton thanked the County for offering this option. **Vote: 4 Yes – 0 No.**

Pine Tree Waste (Casella) Contract 4 Month Extension (1:18:02) – The Town Manager presented an agreement for a four (4) month extension at a monthly rate of \$14,601.00 with Pine Tree Waste. The Town Manager stated that the vendor would be going from a rear load to an automated side load system. The Town Manager stated that the Town could look to enter a multi-year contract with Pine Tree Waste, however, the Town Manager also stated that the Town would be looking to join with other communities in the upcoming years. The Town Manager stated that she was looking at other options to purchase the totes, possibly through EcoMaine. Selectperson Reed moved that the Select Board accept and authorize the Town Manager to sign a contract extension with Pine Tree Waste. Selectperson Hodgetts seconded the motion. Discussion: Selectperson Hodgetts asked how older residents would be able to bring their heavier totes to the end of a long driveway. The Town Manager stated that those issues will need to be negotiated. **Vote: 4 Yes – 0 No.**

Proposed LUO Amendments (1:23:28) – Selectperson Reed moved to accept the proposed Land Use Ordinance and send the amendments to the Planning Board for a public hearing and then to the November election. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

MSAD#51 Board Meeting – 6/22/2022, GCA. 6:30 PM (1:26:00) – Chairperson Sites announced that the MSAD #51 School Board will take place on June 22<sup>nd</sup> and that there will be a vote on the final design of the school.

**Any Other Business (1:26:25)** – Selectperson Hodgetts would like to see a Fuji representative at a future meeting. Selectperson Hodgetts also stated that the Town should be notified when an inspection takes place. Selectperson Moulton responded that the Water District is aware and will be requiring a five (5) year contract with any septic systems that are installed. Selectperson Moulton and Hodgetts discussed the Water Districts actions to move forward with recording inspections. Selectperson Hodgetts stated the following action items:

- Having a representative come to a future meeting.
- Finding out who would be responsible from the Town for receiving and tracking the inspections from the service provider of a septic system.

Selectperson Reed thanked the Board and made closing statements to the Select Board about the last year’s challenges. Selectperson Reed wished the new Board the best.

**Adjournment (1:31:33)** – Selectperson Reed moved to adjourn at 8:26 PM. Selectperson Hodgetts seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

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Brian Sites, Chair

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Paul Hodgetts

Approved by a consensus of the remaining Select Board members.

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Thursday, June 23, 2022  
Wescustogo Hall & North Yarmouth Community Center**

**Call to Order** (6:53) – Brian Sites, James Moulton, David Reed, and Paul Hodgetts were present. The Town Manager was not present; however, the Assistant Town Manager was present in her place. Chairperson Sites called the meeting to order at 11:02 AM.

**Old Business:**

**Sharp's Field Restrictive Covenant** (7:08) – Selectperson Hodgetts moved to reconsider the vote taken on June 21, 2022, on the item "Sharp's Field Restrictive Covenant". Selectperson Reed seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Selectperson Moulton moved that the Select Board approve the declaration of restrictive covenant on Sharp's Field, as amended, June 23, 2022. Selectperson Reed seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

**New Business**

None.

**Adjournment** (08:14) - Selectperson Hodgetts moved to adjourn at 11:03 AM. Selectperson Reed seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

\_\_\_\_\_  
Brian Sites, Chair

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

Approved by a consensus of the remaining Board members.