



**Town of North Yarmouth, Maine  
Special Town Meeting Minutes  
February 4, 2023**

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**To:** Clark M. Baston, a resident in the Town of North Yarmouth, County of Cumberland, and the State of Maine.

**GREETINGS:** In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of North Yarmouth, Maine qualified by law to vote in town affairs, to meet at the Wescustogo Hall & North Yarmouth Community Center located in North Yarmouth, Maine on Saturday the 4th day of February A.D. 2023, at ten (10) o'clock in the forenoon, then and there to act upon Articles 1 through 3 as set out below, to wit:

The Registrar of Voters gives notice that citizens will be able to register to vote on February 4, 2023, from 9:30 AM to the close of the meeting.

**10:00am meeting called to order with sixty-nine (69) registered voters of North Yarmouth present in the audience.**

**ARTICLE 1:** To elect a Moderator by written ballot to preside over the said meeting.

**Board Member Perrin, seconded by Board Member Berry moved to nominate John David Kennedy as moderator. Vote was unanimous and John David Kennedy elected moderator.**

**ARTICLE 2:** To see if the Town will vote to adopt the Maine Moderator's Manual as prepared by the Maine Municipal Association as the parliamentary procedure at Town Meeting for the ensuing year.

**Moderator asked for a motion for Article 2. Chairperson Sites seconded by Board Member Haile moved to adopt the Maine Moderator's Manual as prepared by the Maine Municipal Association as the parliamentary procedure at Town Meetings for the ensuing year. All in Favor. Carries without objection.**

**Board Member Hodgetts, Seconded by Board Member Perrin moved to allow nonresident employees and the town Attorney to speak during today's town meeting. All in favor. Carries without objection.**

**ARTICLE 3:** To see if the Town will vote to adopt the First Amendment to the Village Omnibus Municipal Development and Tax Increment Financing (TIF) District as recommended by the Select Board following a public hearing held on January 17, 2023, and as presented to this Town Meeting; and to adopt the following findings:

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the Town designated the Village Omnibus Municipal Development and Tax Increment Financing (TIF) District (the “District”) and approved a municipal tax increment financing district development program for said District (the “Development Program”) by Town Meeting on April 6, 2019; and

WHEREAS, the Commissioner of the Maine Department of Economic and Community Development (“DECD”) approved the designation of the District and adoption of the Development Program by letter dated July 29, 2019 to be effective for a term of thirty (30) years following the effective date of the DECD approval through June 30, 2049; and

WHEREAS, the Town desires to amend the District and Development Program as presented to the Town Meeting this day and as has been on file in the Town Clerk’s Office at Town Hall in order to expand the opportunities for commercial development and new employment within the Town for residents of the Town and surrounding communities, which are expected to improve and broaden the tax base of the Town and improve the general economy of the Town, the region and the State of Maine; and

WHEREAS, the Town has held a public hearing on January 17, 2023 on the proposed First Amendment to the District in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town considered all evidence presented during the public hearing with regard to any adverse economic effect on or substantial detriment to any existing business in the Town; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development (“DECD”) will approve the First Amendment to the District and Development Program;

NOW THEREFORE, BE IT HEREBY VOTED BY THE TOWN:

Section 1. The Town hereby finds and determines that:

- (a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and
- (b) Adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic

growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(c) The District and the Development Program satisfy the statutory conditions for approval set forth in 30-A M.R.S. § 5223(3), except as otherwise exempt, as follows:

1. At least 25% of the real property within the District is in a blighted area, in need of rehabilitation, redevelopment or conservation work, or is suitable for commercial or arts district use;
2. The total area of the District does not exceed 2% of the total acreage of the Town and the total area of all TIF Districts within the Town does not exceed 5% of the total acreage of the Town; and
3. The original assessed value of the District plus the original assessed value of any other TIF Districts within the Town does not exceed 5% of the total value of taxable property within the Town as of April 1, 2022.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the proposed First Amendment to the North Yarmouth Village Omnibus Municipal Tax Increment Financing District, as presented to this Town Meeting.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby adopts the Development Program for the District in the form presented to this Town Meeting.

Section 4. Said designation of the District and adoption of the Development Program shall automatically become final upon approval of the voters at this Town Meeting and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Select Board, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. Following final designation of the District and adoption of the Development Program by the Town, the Chair of the Select Board, or his designee, be and hereby is authorized and directed, on behalf of the Town of North Yarmouth, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Chair of the Select Board, or his/her/their designee, is further authorized and empowered, at his/her/their discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues

generated by the District and retained by the Town as described in the Development Program, as the Chair of the Select Board, or his/her/their designee, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The Chair of the Select Board be and hereby is authorized, empowered, and directed to enter into any Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the Town, subject to the requirements of notice and hearing as set forth in the Development Program.

**Board Member Haile, seconded by Board Member Berry moved to see if the Town will vote to adopt the First Amendment to the Village Omnibus Municipal Development and Tax Increment Financing (TIF) District as recommended by the Select Board following a public hearing held January 17, 2023, and as presented to this Town Meeting. And adopt the finding as set forth in Article 3 of the warrant for this special town meeting.**

**Alyssa Tibbetts, Attorney for the Town of North Yarmouth explained Article 3.**

Article 3 seeks to remove certain parcels from the District that have been developed for residential purposes and to add one adjacent parcel that may be used for commercial development; To revise the acreage and Original Assessed Value consistent with the amendment of the District boundaries; To provide updated estimates of the tax increment revenues and tax shifts for extended term of the District; and To add authorized project costs related to public safety and affordable housing, and update the estimated project costs to include the additional estimated tax increment revenues to be captured during the extended term of the District.

When the district was originally adopted in 2019, there were specific project costs identified for the usage of TIF revenue. This amendment seeks to add to those project costs, expand on capital expenditures on Public Safety and Fire Protection. The second amendment to the project cost table, due to a change in Maine State Law, is to allow for the use of TIF revenue for the development of affordable housing. These provide the authorization to use TIF revenue it is not a requirement, but it must be in the table for the town to use TIF revenue for those purposes.

**Public Comments:**

Dave McLaughlin 47 Stowell Brooke, asked if the town could explain the vision they have for affordable housing. These projects are usually done around public transportation and services and he does not understand the vision.

Attorney Tibbetts explained the types of project costs related to affordable housing the TIF funds cover are purchase of land, financing costs, construction costs, professional service fees, infrastructure, public facilities, and public safety. The TIF funds would assist developers to develop affordable housing.

Chairperson Sites stated these are not guaranteed projects. This allows us to access to public water and sewer. If we can use this TIF to get water to our project site this would be a qualified cost.

Part of this TIF funding could go a long way toward incentivizing a developer to put that type of housing in. There are no plans. It just gives us a menu of options to look at in the future.

Mike Mallory, Walnut Hill Road, asked what the Town is trying to do with Affordable Housing? Chairperson Sites advised there are no plans. We are trying to have the option to do something in the future. Vice Chairperson Haile speaks and advises all we are doing is giving us choices and options.

Rob Taisey, Mountfort Road, asked if there are restrictions on TIF Money? Chairperson Site advised we are bringing in more revenue than projected. We are trying to slow down the revenue growth so we do not end up with a big pile of money the state will penalize us on.

Chris Pynchon, Sligo Road, asked Chairperson Sites to repeat the information.

Attorney Tibbetts states that the revenue from the TIF is captured and sheltered for us to 30 years. If you have sheltered a significant amount of tax revenue and at the end of the 30 years and you have not spent the capture revenue in accordance with the plan and State Law, then those revenues should not have been sheltered and should have gone back in the general fund.

Andy Walsh, Firefly Lane, asked if the existing funds in the TIF get returned to the general fund once the acreage is reduced from 268 to 114?

Attorney Tibbetts stated that any revenue captured to date will remain in the TIF account even after properties are removed.

Nelson Smith, Ledge Road, if we ran the waterline up Chase Hill, the suggested site for a school, would we be allowed to use TIF funds?

Attorney Tibbetts explains construction of water services for commercial services and users along the way. There is the ability to connect infrastructure on affordable housing project as an affordable use. If the only connection of water would be for a school, it would not be allowed. You cannot use TIF revenue solely for governmental purposes.

Chairperson Sites clarifies any project that would come up would have to be presented to the town. He cautions everyone getting to hung up on affordable housing and water lines. These are guidelines to give use opportunities.

Scott Bernardy, 942 Sligo Road, advised that he came in late and has not read the package. He says he has not heard what the Town wants to change. Board Member Haile refers to the package. The changes we are adding are on page 3 a-d.

Sol Dostilio, Parsonage Road, asked which properties are coming out and which are going in and why?

Chairperson Sites refers to page 9-12 of the package. Page 11 you will see a list to be removed. These have already been developed. The only property we are adding back in is leach field and has no value.

Paul Whitmarsh 10 Wild Turkey Lane, asked if the Select Board can approve an affordable housing use of funds without town vote?

Attorney Tibbetts states that the Omnibus Municipal Development Agreement requires the Select Board to hold a Public Hearing before the Select Board could enter into any agreements.

Link Merrill, North Road., asked for clarification that credit enhancements can't be done by the selectboard only?

Chairperson Sites advised a credit enhancement can be initiated by the selectboard, but any expenditure would have to come back to town meeting vote.

Moderator called for a 10-minute recess at 11:00am.

Attorney Tibbetts stated that Credit Enhancement agreements require a public hearing conducted by the board and voter approval at Town Meeting.

Chris Pynchon, Sligo Road, asked what is driving the timing of this vote? What are the immediate ramifications of a no vote? Could this come back up again?

Chairperson Sites advised these amendments need to get to the State by March 1, 2023, to be effective for 2024 tax years. Originally projected 30-year revenue was 2 million. If this is not amended, we will have over 15 million in the TIF. We are trying to bring this down to 9 million, a more reasonable figure. We are adding the other items at the same time.

**Moderator calls the question, article 3 passes by a large majority, but not unanimous (3 no votes).**

**Moderator asked for a motion to dismiss. Perrin so moved. All in favor. None opposed.**

Respectfully Submitted.  
Karen Casale, Recording Secretary

A True Copy.

Attest: *Deborah Grover*, Deborah Grover, Town Clerk