

**Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, April 7, 2020 - 7:00 PM  
Remote Business Meeting**

**I. Call to Order**

- Pledge of Allegiance

**II. Minutes of Previous Meeting(s)**

- March 3, 2020
- March 17, 2020
- March 31, 2020

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

Comments regarding 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 in a respectful and constructive manner. Topics relating to personnel or personnel matters cannot be acknowledged.

**COVID-19 Procedures - Public Communications:**

- 1) **EMAIL:** Individuals may email questions or comments to [dwalker@northyarmouth.org](mailto:dwalker@northyarmouth.org) or [manager@northyarmouth.org](mailto:manager@northyarmouth.org).
- 2) **PHONE:** Individuals may also call the Town Office (207)829-3705, and submit your comments or questions to staff or leave a voice message.
- 3) **DROP OFF:** Individuals may submit a written request to the Select Board/Town Manager, and it may be dropped off at the Town Office front door dropbox.

Comments and or questions will be addressed by a Select Board or the Town Manager at the meeting if feasible at that time. Communications must include the individual's name and legal residence.

**IV. Management Reports & Communications**

- Chief Payson - COVID-19
- Town Manager's Report

**V. Old Business**

- PAYT Trash Bags
- Marijuana Survey - Economic Development & Sustainability Committee

**VI. New Business**

- Election of Board Vacancy

**VII. Accounts Payable**

- Review & Approval

**VIII. Any Other Business**

**IX. 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.

April 7, 2020

**Agenda - Section II. Meeting Minutes**

- *The minutes of March 3, 2020, must be accepted as a recorded by consensus of the remaining members in attendance at this meeting (Selectmen Moulton and Morrison).*
- *Move to approve the minutes for March 17, 2020, as presented. Second, discussion and vote follow.*
- *Move to approve the minutes for March 31, 2020, as presented. Second, discussion and vote follow.*

Note: Signing of documents will be collected when the Board resumes business in the Town Office conference room.

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, March 3, 2020**

**Call to Order** – William Whitten, Stephen Morrison, and James Mouton. Town Manager Rosemary Roy was also present. Jennifer Speirs provided notice to the Town Manager and the Select Board Chair of her absence. Chairperson Whitten called the meeting to order.

**Minutes of Previous Meeting(s)** – Chairperson Whitten moved to approve the minutes for February 18, 2020, as presented. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 3 Yes – 0 No.**

**Public Comment - Non-Agenda Items** – Judy Potter, Walnut Hill Road, referred to the minutes of January 21, 2020 and provided additional comment on her concern with the increase on taxes. Judy Potter asked the Board if the MSAD 51 School Board planned to further expand in North Yarmouth and how that would affect local traffic in the Village Center. Judy Potter shared her disapproval with the increase in taxes and development in Town. Judy Potter suggested a tax relief program for individuals who do not have children. Lastly, Judy Potter asked the Board to consider a “Question and Answer” period to allow the opportunity for residents to ask questions to the Select Board. Paul Napolitano, 18 Mill Ridge Drive, discussed his concerns with the notification on the Town’s website on when the Select Board would meet to discuss the Town’s proposed FY21 Budget. The Town Manager responded to the question with Chairperson Whitten stating that the Board has acknowledged Paul Napolitano’s concerns. Selectperson Morrison asked the Town Manger about the applicable laws pertaining to notification of Select Board meetings. The Town Manager responded that all State laws were met pertaining to notification of a Select Board meetings. Judy Potter, Walnut Hill Road, made an additional comment regarding communication. Paul Napolitano, 18 Mill Ridge Drive, provided additional comment regarding communication to the Board.

**Management Reports & Communications:**

Select Board Communication:

- Budget Process (Chairman Whitten)
- School Building Committee Meeting Update (Selectperson Morrison)
  - Information regarding this discussion can be found at: <http://www.msad51.org/home/primary-school-building-project>
- Coronavirus (Chairman Whitten)

Town Manager’s Report – The Town Manager’s report can be found at the Town’s website, [www.northyarmouth.org](http://www.northyarmouth.org)

By the consensus of the Board, there will be a Public Hearing on proposed changes to the Town Charter on March 17, 2020 at 7 PM.

**Old Business:**

North Yarmouth Historical Society (NYHS) – Lease of Town Property – The Town Manager provided the Board materials for their review.

Proposed Amendments Use of Parks and Recreation Area Ordinance – Chairperson Whitten moved to call for a Public Hearing on the proposed amendments to the Regulations for Use of Parks and Recreation Areas Ordinance for Tuesday, March 17, 2020, at 7 PM. Selectperson Morrison seconded the motion. Discussion: The Town Manager explained the proposed changes to the Board. Selectperson Moulton stated that he wanted the ordinance to reflect state law particularly regarding time restrictions to hunt on town lands. Scott Kerr, a member of the parks and recreation committee, explained the purpose of the language used in the original ordinance. Paul Hodgetts, 1095 Sligo Road, and Paul Napolitano, 18 Mill Ridge Drive, provided additional comment on the matter. **Vote: 3 Yes – 0 No.**

Property Foreclosure – Lufkin Road – The Town Manager provided a full explanation to the Board of the property. Included in the meeting materials for this meeting are supporting documents. Selectperson Morrison moved to accept the payment arrangement for tax acquired property account #759 for \$26,793.52 and to include the payment of delinquent taxes for accounts #429, 759, and 1194 equaling \$2,896.81 and authorize the Tax

Collector/Treasurer to proceed with the collection, as presented. Discussion: Selectperson Moulton inquired on the total amount of taxes that would be collected by the tax collector as it read in the motion. **Vote: 3 Yes – 0 No.**

**New Business:**

Committee Appointment – North Yarmouth School Fund Trustee – Selectperson Moulton moved to appoint Judy Maddox as a trustee to the North Yarmouth School Fund with a term to expire on June 30, 2024. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 3 Yes – 0 No.**

Eleanor Hayes Town Forest – The Town Manager provided the Board, in their meeting materials, with an explanation of this agenda item. Selectperson Moulton made a motion that the Board is in agreement with the legal opinion from Maine Municipal Association that was provided to the Town Manager in a letter dated February 10, 2020 that the Town Forest remains a Town Forest. Selectperson Morrison seconded the motion. Discussion: None. **Vote: 3 Yes – 0 No.**

Accounts Payable – Chairperson Whitten moved to approve accounts payable warrants 37 and 37 in the amount of \$133,562.32. Selectperson Morrison seconded the motion. Discussion: Selectperson Moulton inquired about a charge related to Economic Development. Selectperson Moulton also inquired about another payment made. The Town Manager responded that the payment was for surveying of Town property. Discussion: None. **Vote: 3 Yes – 0 No.**

**Any Other Business** – None.

**Adjournment** - Chairperson Whitten moved to adjourn.

Prepared By: Draven Walker  
Administrative Assistant/Recording Secretary

Select Board

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William Whitten, Chair

\_\_\_\_\_  
Stephen Morrison, Vice Chair

\_\_\_\_\_  
James Moulton

\_\_\_\_\_  
Jennifer Speirs

\_\_\_\_\_  
Paul Napolitano

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, March 17, 2020**

**Call to Order** – William Whitten, James Moulton, Jennifer Speirs, and Paul Napolitano were present. Selectperson Morrison provided notice to the Select Board Chair and the Town Manager of his absence. Town Manager Rosemary Roy was also present. Chairperson Whitten called the meeting to order.

**Minutes of Previous Meeting(s)** – None.

**Public Comment - Non-Agenda Items** – The Town Manager provided the Board with two (2) written statements made out to the Board with the intention that they be read during the Public Comment section of the Agenda. Selectperson Moulton requested that the Board attempt to answer questions from the Public when presented them during the Public Comment section of the Agenda. Selectperson Napolitano stated that the previous Boards provided answers to questions from the Public by creating an agenda item to answer those questions at the next Select Board meeting. Selectperson Speirs stated that the Board addressed questions through Town Staff or directly from the Board during her tenure as Select Board Chair. Chairperson Whitten acknowledged a consensus by the Board to answer questions at the Board meeting, if able, or to follow up on a question as an agenda item at a future meeting. Selectperson Speirs asked the Chairperson if the Board could read the submitted questions to the Public. Chairperson Whitten read a question from Mike Mallory/Judy Potter? [address]. There was an active discussion on the topic. Selectperson Speirs read a question to the Public from Paul Hodgetts, 1095 Sligo Road. Selectperson Moulton made a comment to address this question.

**Management Reports & Communications:**

Select Board Communications: None.

Town Manager's Report – the Town Manager provided the Board with her full report which can be found on the Town's website, [www.northyarmouth.org](http://www.northyarmouth.org).

**Old Business** – None.

**New Business:**

Annual Appointment of Election Workers – Chairperson Whitten moved pursuant to Title 21-A § 503 of the M.R.S.A., to appoint and confirm the North Yarmouth Election Clerks for a term to expire on April 30, 2022, as presented by the Town Clerk. Selectperson Napolitano seconded the motion. Discussion: Selectperson Speirs corrected the Chairperson's motion to reflect the correct date of the North Yarmouth Election Clerks term expiration. **Vote: 4 Yes – 0 No.**

Upcoming Select Board Meeting Schedule – The Town Manager provided an update to the Board on upcoming events. There was discussion about the time frame of future meetings and elections related to a project being coordinated by MSAD 51.

Chairperson Whitten moved to postpone the Annual Town Meeting previously scheduled for April 11, 2020 to a future date that will be determined. Selectperson Napolitano seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

Chairperson Whitten stated that the next Select Board meeting will be on April 7, 2020. There was a consensus from the Board.

**Accounts Payable** – Selectperson Speirs moved to approve accounts payable warrants 38 and 39 in the amount of \$763,260.69, as presented. Chairperson Whitten seconded the motion. Discussion: Selectperson Napolitano inquired about a vendor and the property the Town would like to purchase. Selectperson Moulton asked a question about specific transactions. The Town Manager provided answers to the two Select Board members. **Vote: 4 Yes – 0 No.**

**Any Other Business** – None.

**Adjournment** - Chairperson Whitten moved to adjourn.

Prepared By: Draven Walker  
Administrative Assistant/Recording Secretary

Select Board

\_\_\_\_\_  
William Whitten, Chair

\_\_\_\_\_  
Stephen Morrison, Vice Chair

\_\_\_\_\_  
James Moulton

\_\_\_\_\_  
Jennifer Speirs

\_\_\_\_\_  
Paul Napolitano

**Town of North Yarmouth  
Select Board  
Meeting Minutes of Tuesday, March 31, 2020**

**Call to Order** – Steve Morrison, Jennifer Speirs, Paul Napolitano, and James Moulton were present. Chairperson Whitten provided notice of resignation. Town Manager Rosemary Roy was also present. The meeting took place via remote access. The Town Manager provided instruction on how members should be acknowledged in the meeting and on how voting will be conducted. All action items were voted upon through a roll call vote.

Vice Chairperson Morrison read aloud a letter of resignation from Chairperson Whitten. Vice Chairperson Morrison made a motion to accept Bill Whitten’s resignation from the Board of Selectman effective March 30, 2020. Selectperson Speirs seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

**Minutes of Previous Meeting(s)** – None.

**Public Comment - Non-Agenda Items:** Judy Potter, 551 Walnut Hill Road, submitted a question and comment to the Board through email. Selectperson Moulton read aloud two questions submitted from Judy Potter and provided remarks after that. Vice Chairperson Morrison also read aloud Judy Potter’s remaining items and provided comments.

**Management Reports & Communications** – None.

**Old Business** - Vice Chairperson Morrison read a letter aloud from Superintendent of MSAD 51, Jeff Porter. Kate Perrin, Chair of the MSAD 51 Board of Directors and Kevin Desmond, MSAD 51 Board of Directors, also signed the letter. Vice Chairperson Morrison moved to table and action on the MSAD 51 School Project. Selectperson Napolitano seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

**New Business** – The Town Manager explained the proposal of a waiver to the PAYT program for those residents struggling to obtain bags during COVID-19. The Board, in consensus, asked the Town Manager to explore the need of the community further and explore what resources the Town has to assist the community before a decision is made to waive the requirement for curbside waste disposal. Selectperson Napolitano moved to table the agenda item. Vice Chairperson Morrison seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

**Accounts Payable** – None.

**Any Other Business** – The Town Manager informed the Board that road postings would be removed on Friday, April 3<sup>rd</sup>. Selectperson Napolitano stated his intentions to work together with the Board and to help the residents of North Yarmouth moving forward.

**Adjournment** – Vice Chairperson Morrison moved to adjourn.

Prepared By: Draven Walker  
Executive Assistant/Recording Secretary

Select Board

\_\_\_\_\_  
Stephen Morrison, Vice Chair

\_\_\_\_\_  
James Moulton

\_\_\_\_\_  
Paul Napolitano

\_\_\_\_\_  
Jennifer Speirs

April 7, 2020

**Section IV. Management Reports & Communications**

- Chief Payson - COVID-19 (verbal)
- Town Manager's Report\*

\*Report(s) herein.



Paul Hodgetts 1095 Sligo rd.1st question. Since Bill Whiten has resigned and the virus shutting everything down, shouldn't the town extend the April 9th deadline for Select Board nomination papers?

2nd question. How come Toddy Brook Golf course was told they had to put up No Trespassing signs and no one could walk or ride a bike for exercise on their cart paths? But the town has their parks open for walking and other exercise activity's. Isn't this beyond Gov. Mills executive order? Also heard a sheriff' showed up Saturday March 28th at Toddy Brook because of complaints? Did they find anything wrong?

Lori Robinson, 17 Lufkin Road.

Good morning-

I am reaching out to voice a concern that I have with the discussion of the building of a new school in the town of North Yarmouth.

I understand that with all of the new steps that are being taken in the town to "create a new environment" and bring "dollars into the town" we are finding many obstacles that are causing discontent and anxiety. Why is there the need for all of these changes to begin with? There now is an issue with the water district created from all of the housing that has been built near the North Yarmouth Variety Store. And what did we hear from last night's Selectmen meeting? It was stated that the issues with the water for that housing will be paid for by the Water District, which essentially means it will be added to the residents of North Yarmouth's bills. How much more do we as tax payers need to be responsible for? The following items are causing or will cause our taxes/water bills to sky rocket:

The Performance Center

Water issues with housing currently being built

Potential new school

Potential plan for creating new businesses in the center of town

In our opinion, this is not a viable plan for our town.

It is time to stop this growth for the welfare of our residents.

Please respond to us that you have received this email.

Thank you,

Rick and Lori Robinson

The information contained in this report is intended to inform the Select Board, staff, and residents, some of the current activities taking place within the manager's office or the Town in general. All topics are open for discussion.

**COVID19** - Since my last report on March 17<sup>th</sup>, considerable time has been focused on the pandemic. Information has been circulated by many agencies, businesses, and state offices on coping with this misfortune. The municipality is considered both essential and non-essential, so we have employees working restricted shifts, and some combined with working from home. We have been able to conduct business as normally as possible during this time. Being now a FEMA matter, all staff is participating in the recording of time and duties related to the disaster. Planning, preparing, and taking action have been a daily part of everyone's responsibilities. Department Heads and support staff are working together superbly to get us *all* through this as smoothly as possible. Debbie Grover and Greg Payson assigned to organizing and maintaining these situations have been outstanding. I also want to recognize Living Well in North Yarmouth for their continued volunteer work in the community during this time. Special note: To the NYFRD and those in the community in health professions, and on the front line, thank you for your neverending passion and courage to help others in need.

**Financial** - During this time of COVID-19, expenditures are being kept to what is necessary. I am monitoring the Town's financial status and will apply any necessary modifications as needed.

**Road Ordinance** - Clark and I have been working on the existing to road ordinances. We hope to provide a copy of what will be a new ordinance for the Town, incorporating current directives into one, before the end of this fiscal year. New language is being added and existing updated to fit today's needs.

**North Yarmouth Historical Society (NYHS) Lease Update** - NYHS had their legal representation review the lease, and the document was submitted to me with significant changes to the original. The town attorney assigned to this is currently reviewing the amendments. I believe NYHS is planning to go back to the Planning Board this month and is hoping the lease would be completed by then. I plan to provide the Select Board with the document for the April 21<sup>st</sup> meeting. It should not, however, hold up Planning Board approval as the lease can be noted as a condition of approval.

**Other** - Several other responsibilities and matters were addressed during this time.

Respectfully submitted,

*Rosemary*

Rosemary E. Roy, Town Manager



April 7, 2020

**Section V. Old Business**

- **Pay As You Throw (PAYT) - Trash Bag Requirements - COVID19** - Upon further review, it is my request to the Board to authorize me to waive under specific circumstances the use of the PAYT trash bags.

Notes: LWNYS, when assisting others with grocery needs, etc. will pick up PAYT bags if the resident requests it. In addition to seniors, I have now received requests from those who have immune deficiencies. Given the recent Stay at Home order, the staff will not be making any deliveries.

*Move to authorize the Town Manager to grant a temporary waiver on the use of PAYT trash bags for resident(s) requesting assistance with particular circumstances relating to COVID-19 and until such time that there is relief from the pandemic. Second, discussion and vote follow.*

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- **Marijuana Survey - Economic Development & Sustainability Committee (EDSC)** - Early last year, the Select Board tasked the EDSC to research and provide information and recommendations surrounding the potential implementation of marijuana regulations in North Yarmouth. Throughout this time, the committee has spent many meeting hours discussing this matter and working on a plan to determine how they should move forward. The committee feels strongly about making sensible recommendations to the Board. However, to do this, it is necessary to see what the townspeople think about this subject.

The committee has composed a survey they wish to circulate to the community; a copy is enclosed herein. Diane Morrison, Chair of the EDSC, will be present to address any questions, Board may have.

*Move to approve and authorize the Marijuana Survey to be circulation to the townspeople of North Yarmouth, as presented by the EDSC. Second, discussion and vote follow.*

Note: The Survey will be conducted through Survey Monkey.

## NORTH YARMOUTH RECREATIONAL MARIJUANA SURVEY

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Dear North Yarmouth Residents,

With Maine voting to legalize recreational and medicinal marijuana, we are seeking to take a proactive approach to create North Yarmouth guidelines for marijuana businesses.

**We, as the Economic Development & Sustainability Committee (EDSC), are administering this survey to get an initial pulse on our community's position.**

Thank you for participating in this survey and helping us get a better picture of what our residents think is best for our community. (Copies of this survey are available at the Town Office or the Wescustogo Hall & Community Center)

### RECREATIONAL MARIJUANA SURVEY

**Q1 MARIJUANA RETAIL ESTABLISHMENT:** A business that sells various marijuana products for recreational use. Retailers are prohibited from delivering to consumers and from offering products for the purposes of on-site consumption.

- a. Allow Marijuana Retailers
- b. Prohibit Marijuana Retailers
- c. Allow retail establishments in appropriate zones through a conditional approval from the North Yarmouth Planning Board.

**Q2 CULTIVATION:** The planting, propagation, growing, harvesting, drying, curing, grading, trimming, or similar processing of marijuana for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing, or marijuana extraction.

- a. Allow Marijuana Cultivation in North Yarmouth
- b. Prohibit Marijuana Cultivation
- c. Allow Marijuana Cultivators in appropriate zones through a conditional approval from the North Yarmouth Planning Board.

**Q3 INDEPENDENT TESTING LABORATORY:** A Laboratory licensed by the State, qualified to test cannabis or marijuana.

- a. Allow Independent Testing Laboratories in North Yarmouth
- b. Prohibit Independent Testing Laboratories
- c. Allow Independent Testing Laboratories in appropriate zones through a conditional use approval from the North Yarmouth Planning Board.

**Q4 RESEARCH FACILITIES:** An entity licensed to engage in Marijuana research projects.

- a. Allow Research Facilities
- b. Prohibit Research Facilities
- c. Allow Research Facilities in appropriate zones through a conditional use approval from the North Yarmouth Planning Board

**Q5 Manufacturing:** The production, blending, infusing, concentrating, extracting, compounding, or other preparation after cultivation and prior to sale to the consumer but not sold directly to the consumer.

- a. Allow Marijuana Product Manufacturing
- b. Prohibit Marijuana Product Manufacturing
- c. Allow Marijuana Product Manufacturing in appropriate zones through conditional use approval from the North Yarmouth Planning Board.

**Q6 Do you have any comments or suggestions?**

**Q7 Which category below includes your age?**

- 21-29
- 30-39
- 40-49
- 50-59
- 60 or older

The survey results will be presented to the Select Board and will also be found at [northyarmouth.org](http://northyarmouth.org).

Thank you for your time and feedback.

Sincerely yours,

The North Yarmouth Economic Development & Sustainability Committee

April 7, 2020

**Section VI. New Business**

- **Election - Board Vacancy** - Title 30-A MRA, § 2528(4)(E) provides for a shortening of the nomination process to fill vacancies in the offices of the Select Board caused by a resignation. The Board may consider the action below. If the Board gives authorization, this will allow the Town Clerk to incorporate this vacancy into the June elections by a separate paper ballot.

*Move that nomination papers be available for the existing board vacancy for the period beginning April 8, 2020, and ending April 23, 2020, in accordance with Title 30-A MRA, § 2528(4)(E), to be voted on at the June 9, 2020 election. Second, discussion and vote follow.*

April 7, 2020

**Agenda - Section VII. Accounts Payable**

Item(s):

- *Move to approve accounts payable warrants 40, 41, and 42 in the amount of \$114,171.03, as presented. Second, discussion and vote follow.*

Note: Signing of documents will be collected when the Board resumes business in the Town Office conference room.