

**TOWN OF YARMOUTH  
MINUTES OF THE TOWN COUNCIL MEETING**

Meeting: 3- 22/23  
Date: August 18, 2022  
Time: 7:00 PM  
Place: American Legion Log Cabin and Remote Video Access.

**1st Order of Business:** Roll Call of Members. All present via video meeting  
Roll Call of Members P = Present A = Absent T= Tardy R =Remote

P Michelle Cromarty  
R April Humphrey  
A Heather Abbott  
P David Craig, Presiding  
P Timothy Shannon  
P Randall Bates  
P Zoe Wolf

**First Order of Business:** Roll Call of Members

**Second Order of Business:** Approval of the Minutes of Meeting 1-22/23 held July 21, and Special Meeting 2-22/23 held August 4, 2022.  
**Approved 6-0 on a roll call vote.**

**Third Order of Business:** To Open the Meeting to a Public Comment period.  
**None**

**Item No. 8:** To hear the reports of the Council Chair, committees, delegates, liaisons and the Town Manager.

Councilor Cromarty reported on the work of the Ped/Bike Committee.  
Councilor Shannon reported on the establishment of the Local Development Corporation.  
Councilor Craig Reported on the work of the Tree Committee  
The Town Manager reported that an job offer for the position of Town Clerk has been made, subject to a vote of the Town Council, The Council agreed to hold a special meeting on Thursday, September 1 at 7:00 PM immediately prior to the Workshop for the purpose of confirming that appointment.

**Item No. 9:** To hold a public hearing and act upon issuance of a full-time malt, spirituous, and vinous liquor license to Garrison and Chop Stick.

Motion by Councilor Cromarty, seconded by Councilor Craig:

Be it ordered that issuance of full-time malt, spirituous, and vinous liquor licenses to Garrison and Chop Stick are hereby approved.

**Approved 6-0 on a roll call vote.**

**Item No. 10:** To hold a public hearing and act upon acceptance of funds gifted by the Village Improvement Society for the Old Meeting House (Hillside Street), Village Parks and beautification projects and cultural events and programming, and the Latchstring Park project.

Motion by Councilor Randall seconded by Councilor Craig:

**Whereas**, the Village Improvement Society ("VIS") was established in 1911 "to protect and improve the natural advantages and the pleasing appearance of Yarmouth, to excite and foster an interest and love of our town and to promote the prosperity...the happiness and well-being of the residents", and

**Whereas** the VIS has made the difficult decision to dissolve as a corporation and has been working to provide for the organizational and financial continuation of the VIS's many community and historic programs, including, but not limited to, the stewardship, maintenance, preservation and management of the Old Meeting House on Hillside Street, in Yarmouth, Maine, and

**Whereas**, the Town of Yarmouth Town Council, expressed its gratitude to VIS for its activities and contributions over the past 110 years in a resolution adopted on September 23, 2021, and such resolution also endorsed, subject to final Town Council review and approval, a variety of actions which would have the effect of winding up the affairs of VIS while maintaining the intent and objective of its work with the remaining assets of VIS, and

**Whereas**, this Town Council Order will formally accept two financial contributions to be held in trust and one financial contribution as a conditional gift pursuant to State Statute in order to give legal effect to the actions VIS would like to undertake in winding up its activities; and

**BE IT ORDERED AS FOLLOWS:**

**Section 1.** The Town hereby accepts the following funds from VIS and agrees that such funds will be held in trust pursuant to Section 5653 of Title 30-A of the Maine Revised Statutes as amended, which means that the Town Councilors shall act as the trustees of such trusts:

- (a) \$130,000 to be contributed to a trust to be known as the "Old Meeting House Trust". The "Old Meeting House Trust" may be invested in accordance with town policies and practices for its various other Trust Accounts on a total return approach and may draw annually from the Trust up to 4% of the Trust Account's value; which funds draw from the Old Meeting House Trust shall be used for annual maintenance and preservation projects of the Old Meeting

House located on Hillside Street in Yarmouth, Maine. Withdrawal of amounts greater than 4%, including reductions in the Principal value of the Trust may be made from time to time as may be necessary and may be used for needed capital repairs and expenses of the Old Meeting House. The Town Councilors, as trustees of the trust, shall determine the distributions and annual uses of funds and shall consider input, if any, from the Advisory Board of the Old Meeting House, a Board to be established by the Yarmouth Historical Society.

- (b) \$250,000 to be contributed to a trust to be known as the “Village Parks and Town Asset Beautification Trust”. The “Village Parks and Town Asset Beautification Trust” may be invested in accordance with town policies and practices for its various other Trust Accounts on a total return approach and may draw annually from the Trust up to 4% of the Trust Account’s value; which funds draw , and as much of the principal from the Village Parks and Town Asset Beautification Trust as the trustees deem to be necessary for approved projects, shall be used for village parks and beautification projects, including cultural events which were established by the VIS in cooperation with the Town. Withdrawal of amounts greater than 4%, including reductions in the Principal value of the Trust may be made from time to time as may be necessary and used for the purposes of this Trust. The Town Councilors, as trustees, shall determine the distributions and annual uses of funds and shall consider input from the Yarmouth Community Services Department, if any.

**Section 2.** The Town of Yarmouth hereby accepts the following conditional gift pursuant to Section 5654 of Title 30-A of the Maine revised Statutes as amended:

- \$100,000 to be used for the Latchstring Park Project in accordance with Town guidelines and in whatever form the Latchstring Park Project is finally approved and constructed.

**Approved 6-0 on a roll call vote.**

**Item No. 11:** To hold a public hearing and to vote to authorize a lease and operating agreement between the Town of Yarmouth and the Yarmouth Historical Society for the Old Meeting House.

Motion by Councilor Cromarty seconded by Councilor Craig:

Be it ordered that the Town Manager is hereby authorized to execute a lease agreement with the Yarmouth Historical Society regarding the Old Meeting House at 25 Hillside Street in a form substantially consistent with a draft agreement presented at this meeting, a copy of which to be attached to the minutes of this meeting.

**Approved 6-0 on a roll call vote.**

**Item No. 12:** To hold a public hearing and act upon acceptance of a gift of a park/open space easement from Scott Canfield to the Town for use associated with the Yarmouth Community Center at 20 Mill Street.

Motion by Councilor Wolf seconded by Councilor Craig:

Be it Ordered that the Town Manager is hereby authorized to accept and cause to be recorded an easement agreement as a gift to the Town from Scott Canfield for a portion of Canfield's parcel and undivided from Tax Map 42 Lot 32 (43 East Elm Street) for advancement of the development use, and public value of the Yarmouth Community Center project at 20 Mill Street substantially consistent with a draft Easement Agreement presented at this meeting, a copy of which to be attached to the minutes of this meeting, and

And Be it Resolved that the Yarmouth Town Council hereby expresses the deep appreciation of the Town of Yarmouth for the generosity and community spirit embodied in this gift from Scott Canfield and his long dedication to community care and neighborly consideration.

**Approved 6-0 on a roll call vote.**

**Item No. 13:** To hold a public hearing and act upon amendments to Chapters 320 and 330 of the Yarmouth Town Code (Stormwater Management Ordinances) for compliance with the most recent Maine DEP Stormwater Discharge permit.

Motion by Councilor Cromarty seconded by Councilor Craig:

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 320 of the Yarmouth Town Code (Stormwater Discharge Ordinance) is hereby amended as per a draft set of amendments presented at this meeting, a copy of which to be attached to the minutes of this meeting, and

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 330 of the Yarmouth Town Code (Post-Construction Stormwater Management Ordinance) is hereby amended as per a draft set of amendments presented at this meeting, a copy of which to be attached to the minutes of this meeting, and

**Approved 6-0 on a roll call vote.**

**Item No. 14:** To vote to revise the November tax installment due date to November 2, 2022.

Motion by Councilor Cromarty seconded by Councilor Craig:

Be it ordered that the first (50%) property tax installment for the FY 23 fiscal year is revised to November 2, 2022 (this order revising the date established by vote of the Town Council on June 16, 2022 at Council Order 104-21/22.

**Approved 6-0 on a roll call vote.**

**Item No. 15:** To consider or schedule other Council initiatives and requests as may be offered or introduced.

Councilor Craig requested the Councilor to consider a proposal to amend or reconsider the amendment to the Town Charter adopted in November 2018 regarding qualifications to serve as a Town Councilor.

Councilor Humphrey indicated an interest in considering regulation of “holding fees” for marketing of apartment units.

**Item No. 16:** To hold an Executive Session, if needed, including consideration of the recommendations of the Appointments Committee.

**None**

Adjourned at 8:02 PM

Respectfully submitted,

Nathaniel Tupper  
Town Manager/Acting Town Clerk