

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

Meeting: 5- 22/23
Date: September 15, 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
A April Humphrey
R Heather Abbott
P David Craig
P Timothy Shannon, Presiding
R Randall Bates
R Zoe Wolf

First Order of Business: Roll Call of Members

Second Order of Business: Approval of the Minutes of Meeting 3-22/23 held August 18, and Special Meeting 4-22/23 held September 1, 2022.

Approved 6-0 on a roll call vote.

Third Order of Business: To Open the Meeting to a Public Comment period.

Item No. 18: Reports.

Councilor Wolf reported on the recent Planning Board meeting and the work of the Tree Committee.

Councilor Craig reported on the Tree Committee.

Item No. 19: Malt and vinous liquor license to Day's Crabmeat.

Motion by Councilor Craig, seconded by Councilor Cromarty:

Be it ordered that issuance of a malt and vinous liquor license to Day's Crabmeat is hereby approved.

Approved 6-0 on a roll call vote.

Motion by Councilor Craig, seconded by Councilor Cromarty:

**Item No. 20: Amendments to Chapter 318 of the Yarmouth Town Code
(Rental Dwelling Ordinance Rental Dwelling Advisory
Committee and the dissolving of the Committee.**

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 318 of the Yarmouth Town Code (Rental Dwelling Code) 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 Further Ordained that Chapter 401 of the Yarmouth Town Code (Fees and Permits) is here by amended by repeal of Article XXVII in its entirety, and

Be it Resolved by the Yarmouth Town Council that the members of the Rental Dwelling Advisory Committee are hereby acknowledged with gratitude for their work and for their efforts to improve the lives of Yarmouth residents.

Approved 6-0 on a roll call vote.

Item No. 21: County Tax Payments.

Motion by Councilor Cromarty, seconded by Councilor Craig:

Whereas the County of Cumberland intends to move from a calendar year budget period to a July 1- June 30 fiscal year cycle by adoption of a 6-month budget to be effective January 1, 2023 to be followed by a new 12-month budget effective July 1, 2023, and

Whereas such change would result in a substantial fiscal strain on the Town of Yarmouth's FY 2024 budget and tax rate in order to meet the tax assessment obligation of both County budget periods in October 2023, and

Whereas the Cumberland County Commissioners have extended an offer to permit Cumberland County Towns and Cities the option of paying the 6-month assessment in up to 5 equal annual installments in October 2023, 2024, 2025, 2026, and 2027 (without interest charges) in order to spread the burden over several years,

And, Whereas the Yarmouth Town Council elects to accept the County Commissioner's offer and to spread the 6-month assessment over 5 equal annual payments,

Now therefore be it Ordered that the Town Manager/Treasurer is hereby authorized to communicate to the appropriate County Officials that the Town of Yarmouth elects to spread the 6-month assessment over 5 equal annual payments beginning in October 2023.

Approved 6-0 on a roll call vote.

Item No. 22: Public hearing and action on a proposed amendment to Article II Section 2 of the Yarmouth Town Charter for presentation to the voters at referendum.

Motion by Councilor Craig, seconded by Councilor Cromarty:

Be it Ordered that the following proposed Charter Amendment be presented to the Town voters in referendum on November 8, 2022 in accordance with Article IX of the Yarmouth Town Charter:

Shall the proposed Charter Amendment, a copy of which is printed herein, be adopted?

Article II Sec. 2. Qualifications.

Councilpersons shall be qualified voters of the town and shall reside in the town during their term of office. They shall hold no office of emolument or profit under the town charter or ordinances. ~~No Councilor shall hold any other paid office or position of employment with the Town or Department of Education (School Department)~~ No Councilor may be employed as Town Manager, Statutory Officer or Department Head (as defined in Article III, Section 3) with the Town or as a Superintendent or Principal within the Town Department of Education (School Department) during the term for which the Councilor was elected to the Council. If a Councilor or Councilor-Elect shall fail to meet any of these qualifications, the Town Council shall, by resolution, declare the office of that Councilor or Councilor-Elect vacant.

In case of a vacancy caused by death, resignation, removal from the town, or removal from office as provided, of any member of the town council more than 6 months prior to the next regular municipal election, the vacancy shall be filled by a special election for the unexpired portion of the term. In the event such vacancy occurs less than 6 months prior to the next regular municipal election, the vacancy may be filled by a special election for the unexpired portion of the term. Such election shall be called and held and nominations made as in regular municipal elections.

Any member of the town council who shall be convicted of a felony or a misdemeanor involving moral turpitude while in office shall, after due notice and hearing before the town council and the production of the records of such conviction, forfeit ~~his~~ their office.

And Be if Further Ordered that the Town Manager is hereby requested to prepare and present to the Town Council a Warrant for said Special Referendum as soon as practicable.

Approved 4-2 on a roll call vote with Councilors Bates and Shannon opposed.

Item No. 23: To act upon a revised Remote Participation Policy

Motion by Councilor Wolf seconded by Councilor Cromarty:

Be it Ordered that the Council Rules are hereby amended at by adoption of a Remote Participation Policy dated September 15, 2022 said Remote Participation Policy to be incorporated by reference to the Council Rules and to be set forth in full in the minutes of this meeting.

**Remote Participation Policy
Draft September 15, 2022**

Pursuant to 1 M.R.S. § 403-B, as amended by LD 1772, P.L. 2022 ch. 666, and after public notice and hearing, the Yarmouth Town Council adopts the following policy to govern the participation, via remote methods, of members of the Town Council in regular and special meetings, workshops, and when convened as the Operations Committee, and the public, in the public proceedings or meetings of the Yarmouth Town Council.

Members of Town Council may participate and vote in meetings by remote methods of participation.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons.

Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the Town Council participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the Town Council and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the meeting to exclusively use remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable ordinance or Council Rules of procedure. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The Town Council will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the Town Council to meet using exclusively remote methods of attendance.

The Town will make all documents and materials to be considered by that public body available, electronically or otherwise, to the public who attend remotely to the same

extent customarily available to the public who attend in person, provided no additional costs are incurred by the Town.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the Town Council and the public. A member of the Town Council who participates remotely will be considered present for purposes of a quorum and voting.

Nothing herein shall be construed to prevent or restrict the use of Executive Sessions as may be authorized by Title 1 MRS Section 405.

This policy will remain in force indefinitely unless amended or rescinded.

Motion to amend by Councilor Craig seconded by Councilor Bates to amend the first paragraph to read:

Pursuant to 1 M.R.S. § 403-B, as amended by LD 1772, P.L. 2022 ch. 666, and after public notice and hearing, the Yarmouth Town Council adopts the following policy to govern the participation, via remote methods, of members of the Town Council in regular and special meetings, workshops, **and except** when convened as the Operations Committee, and the public, in the public proceedings or meetings of the Yarmouth Town Council.

**Vote on the Motion to amend failed 0-6 on a roll call vote.
Vote on the Original motion (unamended) passed 6-0 on a roll call vote.**

Item No. 25: To consider and act upon an abatement request.

Motion by Councilor Cromarty, seconded by Councilor

Be it Ordered that pursuant to Title 36 MRS Section 841 the Town Council hereby grants an abatement of property taxes on Tax Map 36 Lot 48 for the FY 21 Tax Year in the amount of \$475.30 along with interest of \$19.01, and for FY 20 in the amount of \$377.20 along with interest of \$30.18 for a total of \$901.69, and that an amount of \$901.69 is hereby appropriated from Surplus to fund said abatement.

Approved 6-0 on a roll call vote.

Item No. 26: Appointments:

Motion by Councilor Cromarty, seconded by Councilor Craig to nominate the following for various committees and boards and indicated:

To Board of Assessment Review to complete a term expiring 12/31/22:
Anne Gregory (completing the term of Bert Smith)

To the Tree Advisory Committee (terms to be established):
Lisa Wilson

To the Climate Action Committee- all terms to be determined:
Maya Faulstich (student member)
Sally Slovenski
Becky Sentementes
Jen Waterman
Ian Voparil
Mathew Gamache
Caroline Norden
Allison Rehnberg
Mary Gallaudet

To the Planning Board to complete the unexpired term of Tony Cowles (12/31/24)
Ian Cromarty

To the Parks and Lands Committee for a term to expire 12/31/23:
Brian Capriari

Motion by Councilor Shannon seconded by Councilor Bates to Divide the Question so as to vote on the Planning Board appointment separately.

Motion to Divide the Question passed on a Roll Call vote 6-0

Part 1 (excluding the Planning Board appointment) passed 6-0 on a Roll Call vote.

Part 2 (Planning Board Appointment) passed 5-0 on a Roll Call vote with Councilor Cromarty recused.

Item 26(A) Motion to enter in Executive Session pursuant to Title 1 MRS Section 405 (6)(C) regarding a Real Estate matter.

Passed on a roll call vote 6-0

Out of Executive Session and adjourned at 9:10 PM

Respectfully submitted,

Nathaniel J. Tupper
Town Manager