

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

Meeting: 5-23/24
Date: October 19, 2023
Time: 7:00 PM
Place: American Legion Cabin, 196 Main Street and Remote Video Access.

This meeting began at 7:00 PM

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
P Meghan Casey
P Heather Abbott
P David Craig, Chair
P Karen Orenstein
R Randall Bates
A Zoe Wolf

2nd Order of Business: Approval of the Minutes of Meeting 4-23/24 held September 21, 2023.

Approved 5-0 on a roll call vote with a spelling correction.
Councilor Bates who was not able to attend on Sept. 21 voted "present".

Public comment period:

Erin Zwirko spoke about work on Plan Yarmouth and the Comprehensive Plan.

Item No. 27: To hear the reports of the Council Chair, committees, delegates, liaisons, and the Town Manager.

Councilor Casey spoke about student and youth engagement work.

Councilor Craig reported on the meeting of the Public Safety Advisory Committee.

Nat Tupper reported on a State-wide teacher recognition award given to Todd Abbott of Yarmouth High School. And he reported on his recently announced plans to retire as Yarmouth Town Manager in January 2024.

Item No. 28: To consider amendments (Repeal and Replacement) of Appendices A-G of Chapter 504 of the Yarmouth Town Code (General Assistance Ordinance).

Motion by Councilor Cromarty, seconded by Councilor Abbott:

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 504 of the Yarmouth Town Code (General Assistance Ordinance) is hereby amended

by repealing Appendices A-G of said Ordinance and replacing them with new Appendices A-G as presented at this meeting, a copy of said new appendices to be attached to the minutes of this meeting.

Approved 6-0 on a roll call vote.

Item No. 29: To hold a public hearing and act upon amendments to Chapters 601 (Subdivision), 701 (Zoning), 702 (Site Plan) and 703 (Character Based Code) of the Yarmouth Town Code for compliance with the requirements of “LD 2003”.

Motion by Councilor Casey, seconded by Councilor Orenstein:

Be it ordained by the Yarmouth Town Council in town council assembled that Chapters 601, 701, 702, and 703 of the Yarmouth Town Code are hereby amended by adoption of a set of amendments set forth in full in a report from Erin Zwirko, Director of Planning and Development, dated September 15, 2023 and titled “LD 2003 Implementation”, a copy of said report to be attached to the minutes of this meeting,

And be it further ordained that said amendments shall become effective on January 1, 2024,

And be it ordered that the Town Clerk is hereby authorized to incorporate all amendments herein approved into the Yarmouth Town Code including making of formatting, numbering and renumbering adjustments, indexing and Table of Contents modifications, and any grammatical, spelling, or punctuation corrections as may be needed.

Approved 6-0 on a roll call vote.

Item No. 30: To hold a public hearing and act upon amendments to the Downtown Omnibus Tax Increment Financing District to allow Affordable Housing investments as an eligible use of TIF revenues.

A public hearing was opened on the matter of amending the Downtown Omnibus Tax Increment Financing District to allow Affordable Housing investments as an eligible use of TIF revenues:

Deborah Wathen-Finn, Chair of the Economic Development Advisory Board (EDAB), shared the history and necessary context behind this recommendation. She shared the Board’s unanimous support for the proposed amendment(s) and reiterated the need for expanded workforce housing to support Yarmouth’s growing economy.

Resident and member of Yarmouth’s Affordable Housing Committee, Christopher Slader, supported Ms. Wathen-Finn’s comments and shared the enthusiastic support of the Affordable Housing Committee.

Jay Waterman, Chair of Yarmouth's Affordable Housing Committee, echoed Mr. Slader's comments and expressed his excitement regarding the possible application of TIF funds to support affordable housing development opportunities.

Margaret Downing, Board Chair of the Yarmouth Housing Collaborative, was effusive in her support for the proposed amendments to Yarmouth's TIF development program. Mrs. Downing echoed many of the previous comments and encouraged the Town Council to approve the recommended action.

Nat Tupper, Town Manager, and resident shared his support for this initiative. Resources made available through TIF development fund proceeds will help immensely in Yarmouth's continued effort to expand housing affordability.

Each speaker indicated their comments applied equally to each of the three TIF Districts being reviewed and requested that their comments be reflected in each of the subsequent deliberations.

Motion by Councilor Cromarty, seconded by Councilor Casey to approve the following order:

**TOWN OF YARMOUTH, MAINE
TOWN COUNCIL ORDER**

**Adopting the Second Amendment to the Downtown Omnibus Municipal
Development and Tax Increment Financing District Development Program**

WHEREAS, the Town of Yarmouth (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing ("TIF") districts and development programs within the Town; and

WHEREAS, the Town designated the Downtown Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopted a Development Program for the District on August 20, 2015 in order to capture the value of real property improvements made within the District and to enable the use of TIF revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development ("DECD") on February 29, 2016; and

WHEREAS, the Town approved and adopted the First Amendment to the District and Development Program for the District on May 21, 2020 in order to allow the Town the ability to award grants to local businesses in response to the economic hardships experienced because of the COVID-19 public health crisis, which received approved from DECD on June 24, 2020; and

WHEREAS, amending the Development Program for the District will help to continue to promote economic development within the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and, specifically, will allow the Town the ability to use TIF funds to be

used for costs associated with the operation and financial support of affordable housing within the municipality; and

WHEREAS, the Town Council has held a public hearing on October 19, 2023, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the Second Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the adoption of the Second Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department approving the Second Amendment to the Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Town of Yarmouth hereby adopts the Second Amendment to the Downtown Omnibus Municipal Development and Tax Increment Financing District and Development Program, pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendments, this Second Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.

b. The Second Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town of Yarmouth and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Yarmouth, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the Second Amendment to the Development Program to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 4. The foregoing adoption of the Second Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Second Amendment to the Development Program by the Department, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents related to the Second Amendment to the Development Program as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment to the Development Program by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment to the Development Program.

Section 6. This Order shall take effect immediately upon adoption.

Adopted by Town Council: October 19, 2023

Approved 6-0 on a roll call vote.

Item No. 31: To hold a public hearing and act upon amendments to the Route One North Omnibus Tax Increment Financing District to allow Affordable Housing investments as an eligible use of TIF revenues.

A public hearing was opened on the matter of amending the Route One North Omnibus Tax Increment Financing District to allow Affordable Housing investments as an eligible use of TIF revenues:

Ms. Wathen-Finn, Mr. Slader, Mr. Waterman, Mrs. Downing and Mr. Tupper reiterated their support for the proposed amendment and asked that the minutes refer to their previous comments.

Motion by Councilor Casey, seconded by Councilor Cromarty to adopt the following order:

**TOWN OF YARMOUTH, MAINE
TOWN COUNCIL ORDER**

Adopting the First Amendment to the Route 1 North Omnibus Municipal Development and Tax Increment Financing District Development Program

WHEREAS, the Town of Yarmouth (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing ("TIF") districts and development programs within the Town; and

WHEREAS, the Town designated the Route 1 North Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopted a Development Program for the District on August 20, 2015 in order to capture the value of real property improvements made within the District and to enable the use of TIF revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development ("DECD") on March 28, 2016; and

WHEREAS, amending the Development Program for the District will help to continue to promote economic development within the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and, specifically, will allow the Town the ability to use TIF funds to be used for costs associated with the operation and financial support of affordable housing within the municipality; and

WHEREAS, the Town Council has held a public hearing on October 19, 2023, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the First Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department approving the First Amendment to the Route 1 North Omnibus Municipal Development and Tax Increment Financing District and Development Program.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Town of Yarmouth hereby adopts the First Amendment to the Route 1 North Omnibus Municipal Development and Tax Increment Financing District and Development Program, pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendments, this First Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.

b. The First Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town of Yarmouth and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Yarmouth, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the First Amendment to the Development Program to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 4. The foregoing adoption of the First Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Second Amendment to the Development Program by the Department, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents related to the First Amendment to the Development Program as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment to the Development Program by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the First Amendment to the Development Program.

Section 6. This Order shall take effect immediately upon adoption.

Adopted by Town Council: October 19, 2023

Approved 6-0 on a roll call vote.

Item No. 32: To hold a public hearing and act upon amendments to the Route One South Omnibus Tax Increment Financing District to allow Affordable Housing investments as an eligible use of TIF revenues.

A public hearing was opened on the matter of amending the Route One South Omnibus Tax Increment Financing District to allow Affordable Housing investments as an eligible use of TIF revenues:

Ms. Wathen-Finn, Mr. Slader, Mr. Waterman, Mrs. Downing and Mr. Tupper reiterated their support for the proposed amendment and asked that the minutes refer to their previous comments.

Motion by Councilor Casey, seconded by Councilor Cromarty to adopt the following order:

Motion by Councilor Abbott, seconded by Councilor Cromarty to adopt the following order:

**TOWN OF YARMOUTH, MAINE
TOWN COUNCIL ORDER**

Adopting the First Amendment to the Route 1 South Omnibus Municipal Development and Tax Increment Financing District Development Program

WHEREAS, the Town of Yarmouth (the “Town”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend previously established tax increment financing (“TIF”) districts and development programs within the Town; and

WHEREAS, the Town designated the Route 1 South Omnibus Municipal Development and Tax Increment Financing District (the “District”) and adopted a Development Program for the District on August 20, 2015 in order to capture the value of real property improvements made within the District and to enable the use of TIF revenues for various municipal and other economic development projects, which received approval from the Maine Department of Economic and Community Development (“DECD”) on March 31, 2016; and

WHEREAS, amending the Development Program for the District will help to continue to promote economic development within the Town and the surrounding region; improve and broaden the tax base of the Town; and improve the economy of the Town and the State of Maine; and, specifically, will allow the Town the ability to use TIF funds to be used for costs associated with the operation and financial support of affordable housing within the municipality; and

WHEREAS, the Town Council has held a public hearing on October 19, 2023, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town, on the question of adopting the First Amendment to the Development Program for the District in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the Town Council has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment to the Development Program, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department approving the First Amendment to the Route 1 South Omnibus Municipal Development and Tax Increment Financing District and Development Program.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. The Town of Yarmouth hereby adopts the First Amendment to the Route 1 South Omnibus Municipal Development and Tax Increment Financing District and Development Program, pursuant to the following findings, terms, and provisions:

Section 2. The Town Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendments, this First Amendment to the Development Program does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which pertain to the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the Town, and the total TIF district valuation cap.

b. The First Amendment to the Development Program will make a contribution to the economic growth and well-being of the Town of Yarmouth and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the Town of Yarmouth, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 3. The Town Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the First Amendment to the Development Program to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 4. The foregoing adoption of the First Amendment to the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the Second Amendment to the Development Program by the Department, without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. The Town Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents related to the First Amendment to the Development Program as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment to the Development Program by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the First Amendment to the Development Program.

Section 6. This Order shall take effect immediately upon adoption.

Adopted by Town Council: October 19, 2023

Approved 6-0 on a roll call vote.

<u>Item No. 33:</u>	To hold an Executive Session, if needed, including consideration of the recommendations of the Appointments Committee and personnel matters.
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Motion by Councilor Craig, seconded by Councilor Casey to enter into Executive Session at 8:05 PM pursuant to 1 MRS Section 405(6)(C) regarding economic development efforts.

Approved 6-0 on a roll call vote.

Out of Executive Session and Adjourned at 8:17 PM

Respectfully submitted,

Nathaniel J. Tupper
Town Manager