

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

Meeting: 7-19/20  
Date: December 19, 2019  
Time: 7:00 PM  
Place: Log Cabin

Roll Call of Members    P = Present    A = Absent    T= Tardy

P    Meghan Casey 1 South Street  
P    April Humphrey, 277 East Main St  
P    Andrew Kittredge, 84 Rogers Road  
P    Richard Plourde, 87 Pinewood Road  
P    Timothy Shannon, 47 West Elm St  
P    Randall Bates, 30 Tannery Lane  
P    Robert Waeldner, 141 Oakwood Drive

**1<sup>st</sup> Order of Business:**    Roll Call of Members

**2<sup>nd</sup> Order of Business:**    To approve the minutes of Meeting 6-19/20 held Nov 21, 2019 and the Record of the Operations Committee held October 30, 2019.  
Councillor Kittredge moved to accept and then amended to approve only the 11/21/19 minutes, amended motion passed 7-0.

**3<sup>rd</sup> Order of Business:**    Public Comment. Kim Connell, Lafayette St & Upper Village business owner and member of Latchstring Park commented she was not aware Latchstring Park Task Force were presenting to the Council last week. She is not in favor of turning into more green space and how important parking is in the upper village.

**Item No. 42:**    Reports.

Chairman Bates reported the Harbor Waterfront Committee received a presentation from an aquaculture representative on oyster beds and a 2 year project. Discussions will continue about this topic.

**Item No. 43:**    Liquor license and Special Amusement permit to each of the following establishments: Gather, Royal River Grill House, Otto, AMVETS

**Be it ordered** that issuance of a full-time malt, spirituous and vinous liquor license and Special Amusement permit to each of the following establishments is hereby approved: Gather, Royal River Grill House, Otto, AMVETS  
7-0

Chairman Bates passed over Items 44 & 45 to await the arrival of key speakers Item 46 taken out of order.

**Item No. 46:** Authorize the Dog Park Committee to pursue a site concept at Pratts Brook Park for further Town Council consideration.

**Whereas**, the Dog Park Committee has investigated a variety of potential sites on town-owned lands in Yarmouth for a fenced in off-leash dog park area, and

**Whereas**, the Committee has made a determination that a portion of Pratt's Brook Park off the North Road parking area of approximately 1.5 acres in size offers the best potential opportunity to create a dog park, subject to additional investigation, outreach to abutters and other stakeholders, engineering review and permit scoping requirements, and the authorization of the Yarmouth Town Council for use of said portion of Pratt's Brook Park for a dog park, and

**Whereas**, the Committee has reported its preliminary findings and recommendations to the Town Council and has requested guidance from the Town Council on the advisability of further investigation of the North Road conceptual site and the willingness of the Town Council to approve such a dedicated use of the site subject to satisfactory identification and addressing of all relevant abutter, stakeholder, and project development considerations and drafting of reasonable and effective management rules for the long-term success and sustainability of the dog park,

**Now therefore be it Resolved** by the Yarmouth Town Council in town council assembled that the dog park conceptual plan as presented by the Dog Park Committee is hereby received, and

**Be it further Resolved** that the Dog Park Committee is encouraged to continue its due diligence efforts and further investigation of the site at Pratts Brook Park to include outreach to abutters and other stakeholders, engineering review and permit scoping requirements, drafting and public vetting of management and operating plans for the proposed dog park, and to report its findings and recommendations to the Town Council upon completion of such work for further Town Council consideration and approval.

Motion by Councilor Humphrey, 2<sup>nd</sup> Councilor Casey.

**Motion as amended to include amendment #1 below, passes 6-1, Kittredge**

Motion to amend by Councilor Waeldner, 2<sup>nd</sup> Councilor Plourde

2 amendments:

1. Stakeholders defined as disc golf users, School athletics, friends and users of Pratt's Brook Park, neighbors and proponents  
**Passes 7-0**
2. (1) Intent to develop the park using private fund, and the town is not being asked to fund and (2) further Town Council action is required but not guaranteed  
**Fails 2-5, Kittredge, Casey, Bates, Humphrey, Shannon**

**Item No. 44:** Authorize a long-term sublease to Yarmouth Community Center for 20 Mill Street.

**Be it Ordered** that pursuant to Council Order 72-18/19 voted Feb 28, 2019, the Town Council hereby authorizes a non-exclusive sublease agreement as presented at this meeting for the use and development of property at 20 Mill Street (Masonic Lodge Lot) to Yarmouth Community Center, a copy of said draft lease to be attached to the minutes of this meeting.

**7-0**

**Item No. 45:** Authorize submission of a CDBG grant application to help fund Phase 1 of the 20 Mill Street project.

**Be it Resolved** that the Town Manager or his designee may submit a grant application to the Cumberland County CDBG program committee a funding request to assist with the development of engineering plans, studies, designs, and site investigations as well as facilitation and structuring of future operating agreements on behalf of YCC for development of a Community Center at 20 Mill Street.

**7-0**

**Item No. 47:** Options for capital improvements at the Transfer Station/Recycling Center to accommodate safe operations under PAYT

Whereas the proposed cost and scope of improvements to the Transfer Station and Recycling Facility necessary and prudent to implement the PAYT program as voted on April 25, 2019 is revised and

Whereas, the Town Council wishes to reaffirm its resolve to implement a new Pay-As-You Throw Program with changes to the proposed scope and estimated costs of constructed improvements as presented at this meeting,

Now Therefore be it Ordered that Council Order 95-18/19 voted April 25, 2019 is hereby amended as follows:

**Now therefore be it Ordered** by the Yarmouth Town Council that the Council:

Directs the Town Manager to implement the Transfer Station facility changes most recently presented to the Town Council by the Director or Public Works at this meeting (in substantially consistent with the Modified Option dated December 2019 as drafted by Woodard and Curran Engineers, a copy of which to be attached to the Minutes of this meeting) with the following additional changes:

- Appropriates an amount not to exceed ~~\$770,000~~ \$839,318 for the Capital Improvements;
- Directs the Manager to obtain lease-purchase financing for the Capital Improvements such that (i) the project will be entirely paid for by such financing, (ii) the lease payments will be paid by bag fees from the PAYT program; and (iii) the PAYT program will not increase property tax rates;

- Calls for Amendments to Chapters 306 and 401 to implement a PAYT program with bag fees, with an effective date as of January 1, 2020; unless a different date is established by the Town Council in a vote subsequent to this action.
- Directs the Manager to prepare a public information and awareness program to alert the public that Yarmouth is adopting a PAYT program.
- Directs the Manager to report to the Council on progress toward completion of the Capital Improvements, public awareness, and other necessary steps by October 1, 2019.

**And, be it further resolved** that this Council intends that all PAYT revenue in excess of the amount required to retire the lease agreement for the Capital Improvements shall be used to lower the property tax rate that the Town would otherwise require.

**Original Motion by Councilor Shannon, 2<sup>nd</sup> Humphrey**

**Motion to amend the original motion by Shannon, 2<sup>nd</sup> Humphrey, to correct the \$839,318 to \$ 858,442**

**Motion to table, Councilor Shannon, 2<sup>nd</sup> Casey. Table item to 1/16/2020, put on the Ops agenda for 1/9. Passes 7-0**

**Item No. 48:** Executive Session

Entered into Executive Session pursuant to Title 1 MRSA 405.6.a

Exited Executive Session - no actions taken

Adjourned at 10:21 PM

Respectfully submitted,

Jennifer S. Doten, Town Clerk