

## TOWN COUNCIL MINUTES OF MEETING

Meeting: 6 -20/21  
Date: November 19, 2020  
Time: 7:00 PM  
Place: Video Conference

**\*Coronavirus Note: Meeting was held by audio or video conference**

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

P Meghan Casey 1 South Street  
P April Humphrey, 277 East Main St  
P Heather Abbott, Sisquisic Trail  
P Michelle Cromarty 27 Summer Street  
P Timothy Shannon, 47 West Elm St  
P Randall Bates 30 Tannery Lane  
P Robert Waeldner, 141 Oakwood Drive

**2<sup>nd</sup> Order of Business:** Approved the minutes of Meeting 5-20/21 held October 15, 2020. **6-0, by roll call vote, with new Town Council member, Heather Abbott, abstaining.**

**3<sup>rd</sup> Order of Business:** Public Comment: Two Yarmouth students representing the Black Student Alliance and Carla Hunt spoke to the Town Council regarding the recent incident of Hate Speech and the response of the Town Council, the Police Department and the community.

**Item No. 35:** Reports of the Council Chair, committees, delegates, liaisons and the Town Manager

Councilor Cromarty reported on the meeting of the Ped/Bike Committee.  
Councilor Abbott reported on the meeting of the Pesticides Task Force (the record notes that Councilor Abbott has been assigned by the Chair to serve as Council liaison to the Task Force).  
Councilor Bates reported on the meeting of the Shellfish Commission.

**Item No. 36:** Liquor license to More and Company.

**Be it ordered** that issuance of a full-time malt spirituous and vinous liquor license to More and Company is hereby approved. **Approved 7-0 by roll call.**

**Item No. 37:** Resolution regarding an Honorary Designation at the Public Safety Building.

Whereas, the Town of Yarmouth is blessed and supported by volunteers and community-minded citizens who provide service, support, time, resources, and an abounding spirit of caring and concern for all, and

Whereas, the Yarmouth Town Council wishes to recognize, celebrate, and encourage that civic spirit and service to community exhibited in all of Yarmouth's emergency first responders, and

Whereas, the residents of Yarmouth have committed to the construction of a new Public Safety Building on North Road to provide appropriate housing, headquarters, equipment and vehicle deployment, training and security for operations of Yarmouth Fire-Rescue and the Yarmouth Police Department as well as an Emergency Operations Center for times of crisis, and

Whereas, the Town of Yarmouth has been gifted by the distinguished, exemplary and life-long service of generations of residents, volunteers and businesses since the settlement, founding, and establishment of the Town of Yarmouth and since the formal establishment of municipally supported police, fire, and emergency medical programs and departments, and

Whereas, the Town Council wishes to recognize one such community volunteer both for his own outstanding life of service and civic generosity and as a representative example of the work, sacrifice, and selfless devotion of all those unnamed volunteers and employees of the past, present and future who may be recognized in and inspired by similar devotions to community service, courage, and caring, and

Whereas, William Goddard presents a particularly noteworthy example of such service and commitment with over 45 years of volunteer service to the Town of Yarmouth Fire Department and a prior 10 years in the nearby Town of Falmouth,

Now therefore be it Resolved by the Yarmouth Town Council in town council assembled that the Emergency Operating Center (EOC) of the new Yarmouth Public Safety Building on North Road, shall be known as the "Goddard E.O.C." in honor of William Goddard and in honor of all who serve and sacrifice for the benefit of all those who live, work, learn and serve in the Town of Yarmouth, Maine.

**Approved 7-0 by roll call.**

**Item No. 38:** Act upon the recommendations of the Economic Development Advisory Board on formation of an LDC.

**Be it Ordered** that the Council hereby approves and authorizes the formation of a Local Development Corporation (LDC) as outlined by the Economic Development Advisory Board and presented at this meeting, a copy which to be attached to the minutes of this meeting, *(and with modifications as hereinafter enumerated), and*

**Be it Further Ordered** that the Town Manager is hereby authorized to work with the Council Chair and designated members of EDAB to file all necessary Articles of Incorporation and applications for appropriate tax status designation with the Internal Revenue Services, and take such other necessary and prudent actions to establish the LDC, and

**Be it Further Ordered** that the Town Council further refers the matter of appointment of initial membership and terms on the LDC to the Appointments Committee to confer with EDAB for a recommendation to the full Council.

Modifications from EDAB's revised recommendation: (examples only)

- There shall be 7 members of the LDC Board plus 4 ex-officio members, 3 of the members of the LDC Board shall be EDAB members.
- All appointments and removals shall be by the Town Council.
- Any Amendment to the By-Laws must be approved by the Town Council before being voted by the Board of Directors.
- The Board of Directors shall hold its meetings and maintain records consistent with the requirements for Maine units of government as provided in Title 1 MRSA Chapter 13 Subchapter I.

**Action Tabled to the December meeting 7-0 by roll call vote.**

**Item No. 39:** To accept Lone Pine Lane (extension) off Pleasant St. as a Town Road.

**Be it Ordered** that acceptance of an extended portion of Lone Pine Lane as a public street dedication as part of the Subdivision Plan of Boston Post Road off Pleasant St/Lone Pine Lane as described in a draft deed from Yarmouth Development Company LLC to the Town of Yarmouth as presented at this meeting, along with all required public improvements, dedications and easements as shown on the Subdivision Plan of Boston Post Road off Pleasant St/Lone Pine Lane dated July 24, 2019 and recorded in the Cumberland County Registry of Deeds at Plan Book 219 Page 46, is hereby approved.

**Approved 7-0 by roll call.**

**Item No. 40:** Options for the Transfer Station improvements and PAYT system and amendments to Chapters 306 and 401 of the Yarmouth Town Code regarding trash disposal (bag) fees.

## **PART I**

**Be it Ordered** that a preliminary plan and cost estimate for improvements to the Yarmouth Transfer and Recycling Center as prepared by Woodard and Curran Engineers and Architects and presented at this meeting is hereby approved, and

**Be it Further Ordered** that an amount not to exceed \$1,074,000 is hereby appropriated to construct the project, including all necessary design, engineering, permitting, and related and ancillary costs, and to fund such appropriation the Treasurer and Chairman of the Town Council are authorized execute lease-purchase financing agreement(s) in an aggregate amount not to exceed \$1,074,00 and to fix the date, term and rate(s) of said financing instruments securities on behalf of the Town of Yarmouth.

## **PART II**

Pursuant to and in furtherance of the Town Council action 96-18/19 voted April 25, 2019, Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 401 of the Yarmouth Town Code (Fees and Permits) is hereby amended at Article XV (D) as follows:

### **D. PAY-AS-YOU-THROW (PAYT)**

Official Pay-As-You-Throw bags (and stickers) for residential waste shall be sold at the Yarmouth Town Hall and various commercial retail outlets in and near Yarmouth as may be determined by the Town Manager to provide reasonable and convenient access for purchase by Yarmouth residents. PAYT bags shall be available in two sizes:

~~\*33 Gallon bags.... \$1.50 each or bundles of 20 for \$30.00~~

~~\*21 Gallon bags... \$1.10 each or bundles of 20 for \$22.00~~

~~\*Stickers... \$1.50 each or sets of 4 for \$6.00~~

~~\*(note these are intended as placeholder sizes, prices and bundle sizes only. Actual units and prices to be determined upon Town Council deliberations)~~

30 Gallon Bags: \$2.00 each or bundles of 20 for \$40.00

15 Gallon Bags: \$1.25 each or bundles of 20 for \$25.00

Single-Use Stickers for individual items for disposal of such bulk, shape or form as to not be reasonably enclosed in an official PAYT bag.

Said fees shall become effective upon initiation of the PAYT system operations as provided in Chapter 306 of the Yarmouth Town Code.

Councilor Humphrey moved to add the following: And Be it Resolved that the Town Council endorses and recommends that in each year of implementation, the Town Council intends to dedicate \$5,000 of PAYT bag sale proceeds to donate to YCAN or the Yarmouth Food Pantry for distribution to residents who need financial assistance with purchase of bags.

**Motion to amend passed 7-0 by roll call.**

Councilor Shannon moved to amend Part I of the Main Motion to appropriate a sum of \$77,000 from Surplus to be available as owner contingency, and to reduce the financing authorization by \$77,000 (to \$997,000).

**Motion to amend passed 7-0 by roll call.**

**Main Motion, as amended, passed 7-0 by roll call vote.**

**Item No. 41:** Amendments to Chapters 304 (Sewer Ordinance) and Chapter 401 (Fees and Permits) regarding sewer user fees.

**Be it Ordained** by the Yarmouth Town Council in town council assembled that Chapter 401 of the Yarmouth Town Code (Fees and Permits) is hereby amended at Article XXVI (A) effective with the Fall 2021 billing to read as follows:

## **ARTICLE XXVI**

### **A. SEWER USER FEE**

There shall be four rate classes or tiers for properties connected to the town sewer system:

- **Low Users-** As Defined by Chapter 304  
Annual Fee: ~~\$199~~ \$120.00
- **Standard Users-** As Defined by Chapter 304.  
Annual Fee: ~~\$350~~ \$420
- **High Users-** As Defined by Chapter 304.  
Annual Fee: ~~\$575~~ \$690
- **Industrial Users-** As Defined by Chapter 304.  
Annual Fee: ~~\$1,550 plus \$0.02~~ \$950 plus \$0.026 per cubic foot of metered water use in excess of the High User rate class range upper limit as defined by Chapter 304.

Senior Discounts- Owner-occupied single-family units where the owner(s) is age 70 or older as of October 1 of the billing year shall have the billing rate discounted by 20%. If there is more than one owner of record for the property, the discount shall apply so long as at least one owner age 70 or greater is living on the premises or until ownership changes. It is the responsibility of the owner(s) to file information with the Town Engineer to establish eligibility.

Owner occupied multiple condominium units served by a single meter shall be eligible for the Senior Discount so long as 50% or more of the units served under the building meter would qualify for the Senior Discount as a single family unit if separately metered.

Rental housing units, if metered separately to each unit, shall be eligible for the Senior Discount so long as one or more of the tenants of that unit is age 70 or older as of October 1 of the billing year. It shall be the responsibility of the tenant to file information annually with the Town Engineer to (re)establish eligibility for the discount on or before October 1.

Senior and Low-Income residential buildings, including rentals, shall have the billing rate discounted by 20%.

Low Income Discount:- Single family homeowners, and condominium owners only if metered individually per individual condo unit, and rental unit tenants only if metered separately per apartment shall receive a discount of 50% if such owner or

tenant files information with the Town Engineer annually on or before October 1 establishing the owner or tenant :

1. Qualified for the Federal Low-Income Home Energy Assistance Program (LIHEAP) in the immediately prior federal qualification period, or
2. Any person who qualifies for both the Senior Discount and the Low-Income Discount shall receive a total discount of 60%.

**Motion to table action until the December meeting passed 7-0 by roll call vote.**

**Item No. 42:** To vote to adopt a policy on Youth/Student Representation on Town Advisory Committees

**Motion to Postpone Consideration until the December meeting passed 7-0 by roll call vote.**

**Item No. 43:** Amendments to Chapter 311 of the Yarmouth Town Code (Electrical Ordinance).

**Be it Ordained** by the Yarmouth Town Council in town council assembled that Chapter 311 of the Yarmouth Town Code (Electrical Ordinance) is hereby repealed and replaced with a new Chapter 311 as presented at this meeting, a copy of which to be attached to the minutes of this meeting.

**Approved 7-0 by roll call.**

**Item No. 44:** Amendments to Chapter 301 of the Yarmouth Town Code (Building Code).

**Be it Ordained** by the Yarmouth Town Council in town council assembled that Chapter 301 of the Yarmouth Town Code (Electrical Ordinance) is hereby repealed and replaced with a new Chapter 301 as presented at this meeting, a copy of which to be attached to the minutes of this meeting.

**Approved 7-0 by roll call.**

**Item No. 45:** Amendments to Chapter 503 of the Yarmouth Town Code (Personnel Policy).

**Motion to Postpone Consideration until the December meeting passed 7-0 by roll call vote.**

**Item No. 46:** To appropriate funds from the sewer capital reserve for repairs to the sewer collector system.

**Be it ordered** that a sum not to exceed \$102,000 is hereby appropriated from the Wastewater Capital Reserve to make repairs and to replace sections of sewer lines in the vicinity of East Main Street and Route One as described in a report from Steve Johnson, Town Engineer, dated November 3, 2020.

**Approved 7-0 by roll call.**

**Item No. 47:** To consider or schedule other Council initiatives and requests as may be offered or introduced.

Councilor Humphrey requested that the Town Council schedule a discussion of racial bias concerns and engagement of the community. [12/10/20 Operations Committee meeting.]

Councilor Waeldner requested that the Town Council schedule a discussion of the recently released Federal Interest Determination reports regarding the Royal River. [12/10/20 Operations Committee meeting.]

**Item No. 48:** Executive Session, including consideration of the recommendations of the Appointments Committee.

Motion to enter Executive Session at 9:40 PM pursuant to Title 1 MRSA Section 405 (6)(A)- Appointments.

**Motion passed 7-0 by roll call.**

Out of Executive Session at 9:55 PM

Motion offered on the following slate of appointees to the indicated Boards and Committees:

Pesticides Task Force: Mike Hughes and Matthew Wallhead

CEES: Bill Dunn

Parks and Lands: Matt Cannon

Program Advisory: Jennifer Bessey

Bike/Ped: Sarah Witte and Mike Trembley

**Motion approved 7-0 by roll call vote.**

Adjourned at 10:02 PM

Respectfully submitted,  
Nathaniel J. Tupper, Town Manager