

TOWN COUNCIL MINUTES OF MEETING

Meeting: 5 -20/21
Date: October 15, 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
V Vacancy
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

2nd Order of Business: Approved the minutes of Meeting 4-20/21 held September 17, 2020. **6-0, by roll call vote.**

3rd Order of Business: Public Comment: Mr. Shannon inquired about the Town's posture on Halloween activities in light of the pandemic.

Item No. 26: To hear the reports of the Council Chair, committees, delegates, liaisons and the Town Manager

Councilor Waeldner reported on progress for the school construction projects. Councilor Shannon reported on the meetings of the Parks and Lands Committee on public opens space lands, Impact Fees, and formation of a tree committee. Councilor Bates reported on license holder survey efforts by the Shellfish Conservation Commission, and on the progress of the Public Safety Building project. The Town Manager reported on absentee voting in person options, and on a scheduled presentation by the Army Corps of Engineers Nov 10 at 6PM (remote video presentation).

Item No. 27: To hold a public hearing and act upon issuance of a full-time malt spirituous and vinous liquor license to and Special Amusements Permit to Pat's Pizza.

Be it ordered that issuance of a full-time malt spirituous and vinous liquor license to and Special Amusements Permit to Pat's Pizza is hereby approved.

Approved 6-0 by Roll Call

Item No. 28: To act upon the report and recommendations of the Economic Development Advisory Board regarding the establishment of a non-profit Local Development Corporation.

Motion by Councilor Humphrey, seconded by Councilor Shannon:
I move to Postpone consideration of Item #28 to our next voting meeting.

Approved 6-0 by Roll Call

Item No. 29: To hold a public hearing and act upon the recommendations of the Planning Board regarding a contract zone agreement at 70 Portland Street (Taylor/Thompson applicants).

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 701 of the Yarmouth Town Code is hereby amended by approval of a Contract Zone Agreement with William Taylor and Nancy Thompson regarding Tax Map 32 Lot 44 at 70 Portland Street, substantially consistent with a draft presented at this meeting, a copy of which to be attached to the minutes of this meeting. And be it ordered that the Town Manager is authorized to execute said final contract document on behalf of the Town upon final approval by the Yarmouth Planning Board of the pending final review and approval as provided in Article 1(g) of the draft Contract Zone Agreement. This Amendment and the said Contract Zone Agreement shall become effective upon final approval by the Planning Board of the subject design review.

Motion by Councilor Shannon, Seconded by Councilor Humphrey

Councilor Shannon offered an amending motion, seconded by Councilor Humphrey:

I move to modify the proposed public improvements by eliminating the plan and requirement of constructing a sidewalk along Portland Street from its current terminus near Mayberry Street to High Street and requiring in lieu thereof for the following:

Payment of a sum of \$20,000 to the Town of Yarmouth to be credited to the Yarmouth Tree Program Fund (Dedicated Fund # 5006) for the purpose of dedicating funds for the placement of public street trees at various locations within the public rights of way.

Councilor Casey offered a different amending motion to the main motion, seconded by Councilor Humphrey:

I move to modify the proposed public improvements by eliminating the plan and requirement of constructing a sidewalk along Portland Street from its current terminus near Mayberry Street to High Street and requiring in lieu thereof for the following:

The design and construction of a pedestrian crosswalk from High Street across Portland Street to connect to the existing sidewalk,

The Chair called for votes on the amendments and main motion in reverse order of their offering sequence.

On Councilor Casey's amendment to require installation of a crosswalk in lieu of constructing a sidewalk, the motion passed on a roll call vote:

Approved by roll call vote (4-2) with Councilors Shannon and Waeldner opposed.

On Councilor Shannon's amendment to require payment of \$20,000 to the Tree Program Fund in lieu of a sidewalk, the motion failed on a roll call vote:

Failed (2-4) with Councilors Casey, Humphrey, Waeldner, and Bates opposed.

On the main motion, as amended, to approve the Contract Zone Agreement with a required crosswalk in lieu of a sidewalk, the motion passed:

Approved by roll call vote (5-1) with Councilor Waeldner opposed.

Item No. 30: To hold a public hearing and act upon the recommendations of the Planning Board regarding a zoning district change on Route 1 (Libby, applicant) going from "C" – Commercial to "CD4 – C – Route 1 Corridor"

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 701 of the Yarmouth Town Code is hereby amended by approval of a Zoning Map amendment as recommended by the Planning Board to wit:

An area of land approximately 10 ft in width running parallel to the easterly side of the St. Lawrence and Atlantic railway from Portland Street northerly along said railway corridor a distance of approximately 500 feet all as described as Parcel 2 in a Governor's deed date June 12, 2018 and recorded at the Cumberland County Registry of Deeds at Book 34936 Page 275.

Motion offered by Councilor Casey, seconded by Councilor Cromarty

Approved (5-1) by roll call vote with Councilor Shannon opposed.

Item No. 31: To act upon the request to petition to MDOT for various uses and changes in the St. Lawrence and Atlantic Railroad rail crossing and corridor in the vicinity of Main Street.

Be it Resolved by the Yarmouth Town Council in town council assembled that the Town Council hereby request of the Maine Department of Transportation (MDOT) three distinct actions with regard to the rail crossing and corridor of the former St. Lawrence and Atlantic line in the vicinity of Main Street (State highway Route 115) in Yarmouth:

- (1) The Town Council hereby endorses the concept and requests the approval of MDOT for the removal of the traffic and pedestrian crossing gates at Main Street.
- (2) The Town Council hereby endorses the concept and requests the approval of MDOT for the establishment of a new public pedestrian crossing over the track(s) at a location approximately 200 feet southerly of the Main Street crossing, connecting the lands on the northerly side of the tracks to the Town-owned park lands on the southerly side.
- (3) The Town Council hereby endorses the concept of establishing a multi-use non-motorized pathway (including handicapped assistance mobility devices whether or not motorized), from Portland Street to East Elm Street, and the Town Council requests authorization from MDOT for the design and construction of a portion of the multi-use pathway in a limited segment from Main Street southerly to Cleaves Street within the rail corridor westerly of the existing tracks.

In making these endorsements and requests, the Town Council recognizes proposed private development activity on adjacent and abutting lands, which development (if approved and constructed) would help fund construction of these improvements. The Town Council does not intend that these endorsements and requests be construed to offer or imply endorsement of the proposed private development itself at this time.

Motion offered by Councilor Bates, seconded by Councilor Shannon.

Approved (6-0) by roll call vote.

Item No. 32: To act upon the recommendations of the Appointments Committee regarding the establishment and appointment of student/youth representation on various advisory boards and committees.

Motion offered by Councilor Humphrey, seconded by Councilor Waeldner:

I move to Postpone consideration of Item 32 until the November meeting.

Approved 6-0 by roll call vote.

Item No. 34 taken out of order: To act upon the recommendations of the Appointments Committee (No Executive Session Required).

Be it Ordered that the following persons are appointed to the Economic Development Advisory Board: Bruce Druin and Dash Masland.

Approved 6-0 by Roll Call Vote

And, be it ordered that the following persons are appointed to the Pesticides Task Force: Bob Houston, Tony Cowles, Ryan Flanagan, Pat Clements, Gib Parrish, and Valerie Gifford.

Approved 6-0 by Roll Call Vote

Item No. 33: To act upon acceptance of Riverfront Drive as a public road.

Be it Ordered that acceptance of Riverfront Drive as a public street dedication as part of the Riverfront Woods Subdivision off East Elm Street as described in a draft deed from Riverboat LLC to the Town of Yarmouth as presented at this meeting, along with all required public improvements, dedications and easements as shown on the Plan of Riverfront Drive Subdivision dated May 17, 2018 and recorded in the Cumberland County Registry of Deeds at Plan Book 218 Page 235, is hereby approved.

Motion offered by Councilor Cromarty, seconded by Councilor Humphrey:

Approved 6-0 by Roll Call Vote

Item No. 34: To hold an Executive Session, if needed, including consideration of the recommendations of the Appointments Committee.

Taken out of order, above.

Adjourned at 9:24PM

Respectfully submitted
Jennifer Doten, Town Clerk