

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

Meeting: 8 -20/21  
Date: January 21, 2021  
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, c/o 200 Main St  
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 7-20/21 held December 17, 2020. **Approved by**  
**Roll Call: 7-0**

**3rd Order of Business:** To open the meeting to a Public comment period.

**Item No. 61:** To hear the reports of the Council Chair, committees, delegates, liaisons and the Town Manager

Councilor Casey reported on the Rental Housing Committee  
Councilor Waeldner reported on the Economic Development Advisory Board  
Councilor Bates reported on the Merrill Memorial Library Trustee meeting

**Item No. 62:** Issuance of a full-time malt spirituous and vinous liquor license and Special Amusement permit to 233 Grill

**Be it ordered** that issuance of a full-time malt spirituous and vinous liquor license to 233 Grill.

**Approved by Roll Call: 7-0**

**Item No. 63:** Appropriation of funds related to the Army Corps of Engineer's recent Federal Interest Determination for river restoration projects in the Royal River.

**Whereas** the Town of Yarmouth owns two dams in the Royal River located near Bridge Street and Elm Street, respectively, which dams serve no current purposes for manufacturing, power generation, flood control, or other commercial value, and

**Whereas** both dams create a barrier to upstream and downstream migration of fish and block upstream access to up to 71 miles of river habitat and 135 miles of potential reproductive and nursery habitat for migratory fish species and

**Whereas** the Army Corps of Engineers has undertaken a Federal Interest Determination assessment to determine opportunities and eligibility for the Town to receive assistance from the Corps to investigate options of ecosystem restoration in the Royal River watershed under Section 206 of the Water Resources Development Act of 1996 and to assist the Town in implementation of such options as may be determined will improve the quality of the environment, are in the public interest and are cost-effective, and

**Whereas** the Yarmouth Town Council finds that restoration of the natural and unimpeded flow of the Royal River achieved through removal of the two dams or other cost-effective alternatives could provide substantial and important benefits to the Yarmouth and regional community, environment, and economy, and

**Whereas** the Army Corps of Engineers can initiate a thorough analysis of dam removals as well as alternatives, with the objective of determining the best option(s), taking into consideration a host of concerns including, but not limited to, effective habitat and fisheries restoration, careful analysis and management of potential sediment mobilization and downstream deposition in the navigable waters of the Royal River, impacts on historic sites and structures, public and private infrastructure, impacts on social, economic, cultural, scenic and recreational attributes of the river, total cost and cost-effectiveness, water quality and permitting matters, and

**Whereas** the project, if commenced, will require a local match of 50/50 after the first \$100,000 of federal expenditures in the study and permitting phase, and 35/65 (local/federal) percentage cost sharing in construction/implementation phases, and

**Whereas** the Corps is able to move the project forward in incremental steps and reserve to the Town the option to terminate the study or decline implementation without penalty at any step in the process, and

**Whereas** the Town Council wishes to enter into an agreement with the Corps to initiate the 206 Study process, beginning with Hydrologic and Hydraulics analysis, and sediment sampling and testing work all at an estimated cost of \$180,000 with the local share estimated at \$55,000,

**Now therefore be it ordered** that the Town Council hereby authorizes and directs the Town Manager to enter into an agreement with the Army Corps of Engineers to initiate the 206 Program for Aquatic Habitat Restoration in the Royal River including,

but not limited to, the potential removal of the Bridge Street dam and the Elm Street dam, and

**Be it Further Ordered** that a sum not to exceed \$55,000 is hereby appropriated from Surplus as the local share of the initial phases of the study, and that the Town Treasurer is hereby authorized to accept and expend such funds from individuals, businesses, organizations, foundations, or governmental entities as may be offered to reduce the Town's own-funds costs for this initial phase work of the 206 program effort, and/or to reserve such donations for future phases of the work, if such phases are authorized by the Town Council.

### **Approved by Roll Call: 7-0**

**Item No. 64:** Amendment to Chapter 401 of the Yarmouth Town Code (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 is hereby amended at Article XXVI 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: ~~\$100~~ \$120
- **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 \$0.020~~ \$1,800 plus \$0.024 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 or 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

Any person who qualifies for both the Senior Discount and the Low-Income Discount shall receive a total discount of 60%.

**Approved by Roll Call: 7-0**

**Item No. 65:** Appropriate funds for NPBI installations in town buildings.

**Be it Ordered** that a sum of \$12,000 is hereby appropriated from Surplus to install NPBI air purification equipment in town buildings as detailed in a memo from Steve Johnson dated Dec 4, 2020.

**Approved by Roll Call: 7-0**

**Item No. 66:** Authorize a LWCF grant application and agreement(s) for the Royal River Park and Rowe and YES Tennis Courts.

**Be it Ordered** that the Town Manager is hereby authorized to apply, on behalf of the Town of Yarmouth and Yarmouth Community Services for federal funding assistance under the provisions of the Land and Water Conservation Fund Act (Public Law 88-578) for the development and improvements to Royal River Park, including but not limited to reconstruction of the Rowe Tennis Courts, and other park improvements, and the YES tennis courts and the Town Manager is hereby further authorized to enter into a Land and Water Conservation Fund Project Agreement with the State of Maine subsequent to federal approval of the project application.

**Approved by Roll Call: 7-0**

**Item No. 67:** Authorize acceptance of a gift (donation) of three EV charging stations.

**Be it Ordered** that pursuant to Title 30-A MRSA Section 5654, that the Town Manager is hereby authorized to accept the donation of three Electrical Vehicle Charging Station equipment sets as donated by Revision Energy.

**Approved by Roll Call: 7-0**

**Item No. 68:** Approve a proposed for a Southern Maine Public Works Compact (mutual aid agreements)

**Be it Ordered** that the Town Manager is hereby authorized to execute a Southern Maine Public Works Mutual Aid Compact, Memorandum of Understanding substantially consistent with a draft MOU presented at this meeting, a copy of which to be attached to the minutes of this meeting.

**Approved by Roll Call: 7-0**

**Item No. 69:** Executive Session

Be it ordered that the Town Council shall enter into Executive Session pursuant to Title 1 MRSA Section 405 (6) (A) relative to consideration of appointments and Section 405 (6) (F) relative to consideration of property tax relief of waiver of tax lien foreclosure.

**Approved by Roll Call: 7-0**

The Council entered into Executive Session at 8:19 and came out of Executive Session and voted on the following:

**Appointments:**

Judy Colby George term to expire 12/31/21

Jerry King term to expire 12/31/23

Janet Hansen- term to expire 12/31/23

**Be it ordered** that the Treasurer is hereby authorized and directed to file a Waiver of Foreclosure pursuant to Title 36 MRSA Section 944 for the FY 2018 Tax Lien on Tax Map 49 Lot 37.

**Approved by Roll Call: 7-0**

Meeting Adjourned at 9.17PM

Respectfully Submitted,

Nathaniel Tupper, Town Manager