

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

Meeting: 15 -20/21
Date: May 20, 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: Approval of the Minutes of Meeting 13-20/21 held April 15, 2021 and April 29, 2021. **Approved by roll call: 7-0**

3rd Order of Business: To open the meeting to a Public comment period.
Leslie Hyde, Sarah Norsworthy & Carol Amoroso spoke.

Item No. 95A: To hear the reports of the Council Chair, committees, delegates, liaisons and the Town Manager.

Councilor Waeldner reported on Latchstring Park and Councilor Humphrey gave an update on Committee for Energy Efficiency and Sustainability.

Item No. 96A: To hold a public hearing and act upon issuance of a full-time malt, spirituous and vinous liquor licenses to Brickyard Hollow.

Be it Ordered that issuance of a full-time malt, spirituous and vinous liquor licenses to Brickyard Hollow is hereby approved.

Approved by roll call: 7-0

Item No. 97: To adopt a resolution naming the 2021 Latchstring Award Honoree(s).

Whereas, the Latchstring Award was established in 1980 to recognize citizens of the Town of Yarmouth whose service to the Town and community have demonstrated exemplary leadership and citizenship, and who embody the spirit of Yarmouth's Town motto: "Our Latchstring Always Out", and

Whereas, Sharon McDonnell and Roy Gibson (“Gib”) Parrish have provided just such outstanding and extraordinary service to the citizens and community of Yarmouth through their tireless work to help organize, inspire, guide, and support the Yarmouth Community Coronavirus Task Force (YCCTF), and

Whereas the YCCTF members and volunteers, donors and supporters, benefited by the leadership, vision, and commitment to action inspired and assisted by the work of Sharon McDonnell and Gib Parrish, have provided critically important support to the Yarmouth community to lift up community engagement, public health, neighbor to neighbor caring, and outstanding public education and understanding during the most challenging and anxious times of the COVID 19 pandemic.

Now Therefore be it Resolved by the Yarmouth Town Council in town council assembled that Sharon McDonnell and Gib Parrish are hereby declared the 2021 Latchstring Award co-recipients, and that all citizens are hereby invited to join with the Yarmouth Town Council in recognizing them, along with the entire group of volunteers and dedicated and caring citizens who comprise the Yarmouth Community Coronavirus Task Force for their selfless, caring, and community building service to the people of Yarmouth.

Approved by roll call: 7- 0

Item No. 98: To authorize the LED street light conversion project to proceed and to authorize a lease-purchase financing agreement, therefore.

Be it Ordered that a sum of \$360,110 is hereby appropriated to implement the street light acquisition and conversion to LED lighting project as detailed in a report from RealTerm Energy dated April 28, 2021, and

Be it further ordered that the Town Manager is hereby authorized to arrange and enter into lease-purchase financing to fund said LED conversion project.

Approved by roll call: 7- 0

Item No. 99: To act upon a proposed Memorandum of Understanding with the Sandy Point Road Association.

Be it Ordered that a Memorandum of Understanding by and between the Yarmouth Town Council and the Sandy Point Homeowners Association dated May [REDACTED], 2021 as presented at this meeting is hereby approved, a copy of which to be attached to the Minutes of this meeting.

Councilor Waeldner, 2nd Humphrey - Motion to Table to June 10. Approved by roll call: 7- 0

Item No. 100: To hold a public hearing and act upon proposed amendment to Chapter 308 of the Yarmouth Town Code (Harbor, Waterfront and Boat Ordinance).

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 308 of the Yarmouth Town Code (Harbor, Waterfront and Boat Ordinance) is hereby amended in 3 parts as follows:

Part One: Article I.D. (Definitions) is amended to add:

Pier- A platform or structure leading out from the shore to a dock and any related or connected ramps or floats.

Part Two: Article V. A. (Public Facilities) is amended to insert a new Subsection 5 to read: (Councilor Shannon's version).

5 Town of Yarmouth piers, docks and floats may always be used for the purposes of tie-up of vessels and for loading and unloading from a boat. In the interest of safety for all, other recreational users shall clear way for of any vessels seeking to dock or disembark from a float or pier and shall provide safe and adequate space for such vessels to tie up and load or unload.

Other recreational uses including but not limited to swimming, sunbathing, fishing, photography, and viewing are also permitted at town-owned recreational piers and docks unless temporarily halted by direction of the Harbor Master or other law enforcement or public health or safety personnel due to particular health, safety, or environmental circumstances (including but not limited to a special event, the movement of a particular vessel, or other specific instance of overcrowding).

Part Three: Article V.C.4.ii is added to read:

ii. On-shore dinghy storage racks provided by the Town of Yarmouth at Madeleine Point facility are for the exclusive use of permitted mooring holders for the Madeleine Point Special Anchorage area. No person may store any other dinghy, kayak, canoe, or other watercraft or thing on the dinghy rack without the written approval of the Harbor Master. Any mooring holders leaving a watercraft on the racks must have their name and mooring number displayed in three-inch letters on the outside of the watercraft. The racks are first come first serve. Once the racks are full no watercraft will be permitted to be left on the grounds outside the rack system, and maybe removed by the Harbor Master.

**Councilor Shannon, 2nd Waeldner, move to approve Parts 1,2,3
Councilor Waeldner, 2nd Shannon, motion to divide question to deal with Part 2 separately Approved by roll call: 7- 0**

Approval of Parts 1,3 by roll call: 7-0

Councilor Bates, 2nd Humphrey, motion to table part 2 until June 10 and refer back to committees. Approved by roll call: 7- 0

Item No. 101: To hold a public hearing and act upon amendments to Chapter 318 of the Yarmouth Town Code (Rental Dwelling Ordinance).

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 318 of the Yarmouth Town Code (Rental Dwelling Ordinance) is hereby amended as per a set of recommendations from the Rental Dwelling Advisory Committee dated March 15, 2021, a copy of which to be attached to the Minutes of this meeting.

Approved by roll call: 7- 0

Item No. 102: To hold a public hearing and act upon the recommendations of the Planning Board regarding a contract zone agreement at 332 West Elm Street [Smith-Webber]. **APPLICANT HAS REQUESTED THIS ITEM BE POSTPONED**

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 Mary Webber and Bertran Smith regarding Tax Map 36 Lot 3 at 332 West Elm Street, substantially consistent with a draft presented at this meeting, a copy of which to be attached to the minutes of this meeting.

Councilor Humphrey, 2nd Bates, Motion to table passed 5-2 by roll call with Waeldner and Shannon opposed.

Item No. 103: To hold a public hearing and act upon the recommendations of the Planning Board regarding a contract zone agreement at 538 Portland St. [Libby]

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 Ed Libby dba Two Towns Property LLC regarding Tax Map 30 Lot 14 at 538 Portland Street, substantially consistent with a draft presented at this meeting, a copy of which to be attached to the minutes of this meeting.

Motion failed 0-7 by roll call.

Item No. 104: To hold a public hearing and act upon amendments to Chapter 701 of the Yarmouth Town Code (Zoning) regarding keeping of domesticated chickens.

Be it Ordained by the Yarmouth Town Council in town council assembled that Chapter 701 of the Yarmouth Town Code (Zoning) is hereby amended at Article II by adding Section DD to read as per a draft designated "Wheaton DRAFT -4/21/21" as

Approved 6/10/2021

presented at this meeting, a copy of which to set forth in full in the Minutes of this meeting.

Chair Bates, 2nd Cromarty, motion to table to June 10: Approved by roll call: 7- 0

Item No. 105: To hold an Executive Session, if needed, including consideration of the recommendations of the Appointments Committee. **None**

Meeting Adjourned: 11:30PM

Respectfully Submitted

Nathaniel J. Tupper, Town Manager