

**Town of North Yarmouth  
Board of Selectmen  
Meeting Minutes  
April 1, 2014  
7:00 p.m.      Town Office**

MEMBERS PRESENT: Steve Palmer (Chair), Darla Hamlin, Clark Whittier, Paul Napolitano, Mark Girard

OTHERS PRESENT: Interim Town Manager Marnie Diffin

**The Meeting was called to order by Chairman Palmer at 7:00 p.m.**

**JUDICIAL**

**II.      Public Hearing: To Hear Comments on the following Bottle Club Permit Application: Harmony Hall Applicants: Lonnie H.Bailey, Julianne M.Bailey, William E. MacKinnon Jessica R. MacKinnon**

**Clark Whittier moved and Paul Napolitano seconded to go into a public hearing to hear comments on the Bottle Club Permit Application for Harmony Hall at 7:00 p.m.. Vote: 5-0.**

**COMMENTS FOR: NONE**

**COMMENTS AGAINST: NONE**

**COMMENTA NEITHER FOR NOR AGAINST: NONE**

**Paul Napolitano moved and Mark Girard seconded to close the public hearing at 7:02 p.m.. Vote: 5-0.**

Bill MacKinnon of Minot, and new owner gave an overview of what they are planning to do and the work being done. They have met with Code Enforcement and the Fire Chief and the issues that were noted have been addressed and corrected.

Barbara Skelton, Code Enforcement Officer stated that she and the Fire Chief have reviewed the items and that the most of the items have been addressed but that a few more items remain. She stated that she recommends approval. She recommended that they take care of the outstanding dance hall license.

Clark Whittier asked about the licensing timeframe. Ms. Skelton stated that they will follow-up and request a specific deadline to be certain that the license be taken care of. She suggested April 15<sup>th</sup> for them to have the application done.

Steve Palmer stated that the Board of Selectmen can only approve or not approve the application but cannot impose conditions. Ms. Skelton stated that as the state law outlines this but that it has been customary

Paul Napolitano asked the limit of people permitted. Mr. MacKinnon stated that the number is 633 and that ticket sales are stopped when they have reached that capacity limit.

Darla Hamlin asked about past infractions as they appear to be the same under the new ownership. She stated that some of the items in question appear to be safety related.

Ms. Skelton reminded the group that a number of the items have been addressed and a more thorough inspection by the Fire Chief has been done. She outlined the items that have been corrected to date. Ms. Skelton stated that some responsibility lies with the town for not following up last year.

Mark Girard asked if subsequent inspections show anything major, does the town have an effective means to shut the operations down until they are addressed. Ms. Skelton stated that the Fire chief can do so. Bill MacKinnon stated that they will address the remaining issues and they have also applied for the dance hall license.

**Mark Girard moved and Darla Hamlin seconded to approve the application for a Bottle Club Registration for Harmony Hall consistent with conditions as finalized here tonight. Vote: 5-0.**

#### **ADMINISTRATIVE:**

#### **III. Consent Agenda:**

**Darla Hamlin moved and Clark Whittier seconded to approve Payroll Warrant #48 and Payables #49. Vote: 5-0.**

Mrs. Hamlin stated that there was a minor error on page 3: "greed" should read "agreed."

**Darla Hamlin moved and Mark Girard seconded to approve the minutes of the March 18, 2014 meeting with the editing change brought up here tonight. Vote: 5-0.**

**Public Comment on Items Not Part of the Agenda and Not Relating to Personnel Matter: NONE**

#### **I. Appointment Changes to the Planning Board**

Acceptance of Resignation- John Carpenter

Barbara Skelton stated that they not yet received a formal written resignation. There was a question regarding Mr. Carpenter's intent to resign. Marnie Diffin stated that they can accept the verbal resignation and that the alternate position change should not take place until the written resignation is received. Clark Whittier stated that Mr. Carpenter had expressed to him that he would like to come off the Planning Board given the number of years of service. Mr. Whittier believes that Gary DiLisio should be moved to a regular member. There was a question on the Planning Board's ability to continue its work with the current number of members. Ms. Skelton stated that the Charter changes indicate that there needs to be 3 regular members (not alternates) to have a quorum. Alternates can be appointed to be regular members for a particular meeting if needed. Paul Napolitano suggested that this should be tabled until the letter is received. Steve Palmer stated that he didn't want to hold up this process. Only 2 Alternates are permitted to be on the Planning Board.

**Mark Girard moved and Darla Hamlin seconded that Planning Board member Gary DiLisio be moved from an alternate position to a full member that will complete John Carpenter's term pending written notification of his resignation. Vote: 5-0.**

Appointment of Kathryn Gabrielson

**Paul Napolitano moved and Mark Girard seconded to table this appointment. Vote: 5-0.**

#### **Discussion- Whether to Post the Town Manager Position Or Not**

Steve Palmer stated that they had approved funding for this. Clark Whittier stated that the current interim town manager has done an excellent job and should be appointed. He also stated that he believes this would be a waste of money.

**Mark Girard moved and Paul Napolitano seconded to contact MMA for purposes initiating the process of advertising for a town manager. Vote 4-1 with Whittier opposed.**

Mark Girard stated that he supports going through this process as a way to be sure that the most qualified applicant is hired. This position has gone through a significant change. This is not a reflection on the interim town manager's work and he hoped she would also apply. He believes that this is the most appropriate process for the town. Steve Palmer agreed with the process.

#### **1. Finalize the FY 15 Selectmen Budget**

Steve Palmer stated that \$12,000 was set aside for MMA search and potential moving costs. Given that the MMA process will be starting now, they should take approximately \$6,000 out of the contingency fund for the MMA process. There would only about \$1,000 left in the account. Marnie Diffin stated that funds were spent on the Sevee & Maher and Carroll Associates reports. There are still some funds available and there is the budgeted \$12,000 amount in the Administration line items. There was some discussion on economic development funding and what the best source for funding for this would be.

There was a discussion adjusting some of the figures. Ms. Diffin stated that she can make the necessary adjustment figures. There was a discussion on the Budget Committee's higher recommendation regarding this. This will change the Warrant Article related to this and that the recommended amount difference figures would appear on the Warrant Article and the Budget Committee can articulate their position at Town Meeting.

**Mark Girard moved and Darla Hamlin seconded to accept the FY 15 Selectmen Budget as reflected on a Financial Summary worksheet as adjusted as final at the 4/1/2014 Board of Selectmen meeting. Vote: 5-0.**

## **2. Finalize the 2014 Annual Town Meeting Warrant & Supporting Documentation**

**Mark Girard moved and Darla Hamlin seconded to authorize the 2014 Annual Town Meeting Warrant as adjusted to reflect the 4/1/2014 Financial Summary from the Board of Selectmen to be posted. Vote: 5-0.**

## **3. Town Report Dedication**

Steve Palmer commented on nominations for the Town Report dedication.

The Fire Company has gone through a number of successful changes and growth over the last year.

**Clark Whittier moved and Paul Napolitano seconded to dedicate the Town Report to the North Yarmouth Fire Company. Vote: 5-0.**

## **4. Interim Town Manager Report:**

Marnie Diffin reminded everyone that the second half payment for their annual tax bill is due tomorrow.

## **Board Written Correspondence/ E-Mails Received/ Verbal Reports:**

Darla Hamlin stated that the Town Meeting reminder postcards were delivered today to be mailed tomorrow. The Post Office only accepts bulk mail/postcards on particular days. She commented on a potential PowerPoint for the meeting. Steve Palmer thanked Mrs. Hamlin for her efforts in doing this.

Mrs. Hamlin commented on an article/Q&A section regarding personal emails given to town hall. She stated that there are questions regarding whether or not they become public record. There should be more defined guidelines to be in compliance. While it has been addressed in the past, it may be good to be clearer. Steve Palmer asked if Mrs. Hamlin would like to charge the Communications Committee to work on this. Mark Girard stated that it would be appropriate to review this to be certain that they are in compliance.

Gerry Whiting- Town Forest Timber Harvest- Steve Palmer stated that Mr. Whiting's report was extensive and he thanked him for his efforts and the town has received a check for this timber harvest. Paul Napolitano stated that there is an illegal tree stand in the Town Forest and that State law requires that the owner needs to mark his/her tree stand. Mr. Napolitano asked that someone from the town take a look at it and leave a note for the owner.

Steve Hauke- Chip Sealing- Steve Palmer stated that he received a letter from Steve Hauke regarding chip sealing and that it should be replaced with traditional paving. Darla Hamlin stated that she would encourage bicyclists to attend Town Meeting and provide data on this to help with the decision making process. Mr. Palmer went to New Hampshire to see some roads that use this method and believed that, overall, it is appropriate to use.

**1. Board Member Verbal Comments:**

- A. Contract Zoning- Board Endorsement Prior to Forwarding to the Planning Board

Steve Palmer stated that based on information presented, and considerable discussion, this item has been brought up for a vote.

**Mark Girard moved and Darla Hamlin seconded to endorse the concept of creating an ordinance that would allow contract zoning and ask that the Planning Board return to the Board of the Selectmen by July 31, 2014 a draft for further Board of Selectmen consideration and a Special Town Meeting consideration of the Board of Selectmen believes it is appropriate. Vote: 5-0.**

- B. Request for Funding- Nitrate Study of the NYMS existing septic system

**Mark Girard moved and Darla Hamlin seconded to approve funding to Sevee & Maher for a March 27, 2014 proposal to further examine the Memorial School septic system.**

There was a discussion the amount. There appeared to be a difference in amount. Mr. Girard stated that the amount is "to not exceed"

There was a discussion on the Sweet Associates' proposal as well. Paul Napolitano stated that this proposal includes the same items as Sevee & Maher minus the backhoe which the town would provide. He would recommend waiting until the next fiscal year as school will be over and testing can be done at that time.

Mr. Girard stated that the septic analysis is important to determine what the future options for the school will be. Waiting until June may be a bit late and could impact the potential interest and the process required to change the use of this. He doesn't object to tabling this until the next Selectmen's meeting. There was a discussion on funding options to pay for this and the similarities/differences in the proposals and depth of the reporting. Darla Hamlin stated that she would like to have the representatives who have conducted the tests attend a meeting to help answer her questions. Mr. Girard stated that the information is incremental given some of the unknowns for the future of the building at this time. Mr. Napolitano believes that there should be a second opinion from another firm in this process. Steve Palmer suggested that a workshop should be conducted sooner rather than later to help the group with the vision and the process for this. Questions from the public will arise at Town Meeting. Mr. Palmer would like to postpone the motion until they have had a workshop to help answer them. Mr. Girard agreed given that the town has not decided the vision/future for this property.

**Mark Girard moved and Darla Hamlin seconded to withdraw the motion. VOTE 5-0.**

### C. Schedule Workshops- TIF

The group discussed the options for TIF in general and scheduling workshops around that topic.

The group agreed to a Monday (April 7<sup>th</sup>) night meeting at 6pm. Mr. Napolitano suggested using the meeting room to access the screens to show maps and other items related to this. Mr. Palmer asked if the CEO can print copies of the zoning maps. Mr. Girard stated that there are large maps available.

#### Other Discussion Items:

Paul Napolitano commented on a complaint from a Veteran regarding Veterans Park. Mr. Napolitano believes that there should be a complete list to help honor them and is open to suggestions. Darla Hamlin stated that she has a draft form that Veterans can complete. Ms. Hamlin would like to get input from them as well to see if the form works for them, offer suggestions for the criteria to be considered a Veteran, and to explain clearly how their information will be used. The basic information (service, branch and discharge) would be given to the Historical Society. Steve Palmer stated that the consideration will be to determine who will be responsible for doing this.

Mark Girard presented an update on the natural gas proposals and commented on potential service areas. Mr. Girard suggested surveying residents in those areas to gauge interest and provide this to Summit Natural Gas and town to help with this possibility.

**Mark Girard moved and Clark Whittier seconded to adjourn the meeting to enter into a workshop session. Vote: 5-0.** The regular meeting ended at 8:37 pm.

**Workshop Session- Preparation for Town Meeting Adjournment** The workshop ended at 8:50 pm.

APPROVED:

CONSENT AGENDA ITEM April 15, 2014