

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, December 17, 2019**

Call to Order – Members Present: William Whitten, Stephen Morrison, James Moulton, and Jennifer Speirs. Town Manager, Rosemary Roy, was also present. Chairperson Whitten called the meeting to order.

Minutes of Previous Meeting(s) – Selectperson Moulton moved to approve the minutes of December 3, 2019. Selectperson Speirs seconded the motion. Discussion: Selectperson Morrison stated that the minutes should be amended under “Old Business” subtitle “Friends of Wescustogo” to add that Darla Hamlin provided a “verbal” report to the Board. Selectperson Morrison also stated that the minutes from December 3, 2019, should be amended under “Old Business” subtitle “Friends of Wescustogo” to strike the statement, “The Board, in consensus, tabled the item.” In consensus, the Board agreed to the changes. **Vote: 4 Yes – 0 No.**

Special Presentations:

Assessing Report – Renee LaChapelle, Cumberland County Assessing – The Chairperson introduced Renee LaChapelle to the public. Renee LaChapelle provided the Board a verbal report regarding her current work in the assessment department. Renee LaChapelle also brought forth suggestions for improvement that she will be working on in the coming year with the Code Enforcement Officer, the Executive Assistant to the Code Enforcement Officer, and the Town Manager.

Law Enforcement – Capt. Scott Stewart, Cumberland County Sheriff's Dept. – Captain Scott Stewart provided the Board with a verbal report regarding the contract that Cumberland County Sheriff's Department could present to the Board for policing services for the Town of North Yarmouth. Captain Scott Stewart provided the Board with an approximation of the cost for services in the Town of North Yarmouth and what a contract with the Town would provide to the citizens of North Yarmouth. Selectperson Moulton inquired about crash data that was presented by Captain Stewart. Captain Stewart responded that he would provide the Town Manager with a more in-depth explanation of that data for North Yarmouth to the Board at a later date. The Town Manager asked Captain Scott Stewart to write up a draft contract to be presented to the Board at a later meeting.

Public Comment - Non-Agenda Items – Audrey Lones, Baston Road, announced that starting January 16, 2020, there will be weekly cribbage at the Wescustogo Hall and North Yarmouth Community Center. Steve Palmer, Mountfort Road, provided the Board an update on pickleball at the Wescustogo Hall and North Yarmouth Community Center. Steve Palmer also announced a book drive at the Wescustogo Hall and North Yarmouth Community Center.

Management Reports & Communications:

Select Board Communications – None.

Town Manager's Report – The Town Manager provided the Board with a written report. The Town Manager's report can be found at the Town Office or the Town website, northyarmouth.org.

Old Business:

Pine Tree Waste Services/Casella – Solid Waste Disposal Plan Proposal – UPDATE – The Town Manager reported to the Board about a meeting with a DEP representative, requested by the Yarmouth Water District, regarding the material that has been dumped into the pit that is behind the Public Works Department. In their assessment, they asked the Town to create a Solid Waste Disposal Plan that the Town Manager will be working closely with the Public Works Director to create.

Friends of Wescustogo – Fundraising Review and Ad Hoc Committee Term – Chairperson Whitten moved to authorize the Town Manager to review with the town attorney for compliance the three donations submitted by the Friends of Wescustogo committee and to have the three warrant articles placed on the Annual Town Meeting warrant of April 11, 2020, for townspeople approval. Selectperson Moulton seconded the motion. Discussion: Selectperson Morrison sent an email out on December 15, 2019, to individuals of the public regarding the fundraising efforts for the Friends of Wescustogo committee. Selectperson Morrison provided copies to the public. The Town Manager explained to the Board the legal opinion that was provided by the town attorney and

the Maine State Statute in reference to how municipalities must process donations (30-A M.R.S. § 5654). Chairperson Whitten stated that the donations presented could be used for other projects/needs beyond the construction debt. The Town Manager responded that the funds from the donation were intended to go towards the debt service, i.e., construction costs. Darla Hamlin, chair of the Friends of Wescustogo committee, responded that the \$250,000.00 the Friends of Wescustogo was charged to raise was intended to go towards the debt service for the construction of the community center. Darla Hamlin also responded that the donations presented had no other conditions other than the naming rights for the three wings in Wescustogo Hall. Selectperson Moulton explained that his understanding of where the monies were to go was towards the debt service, i.e., construction costs. Selectperson Speirs stated that all donations needed to be at the Town Office before the end of the construction, as written in the fundraising policy – “Donations for naming should be realized in full on or before the completion of the project.” (Town of North Yarmouth Charitable Fundraising Policy, “Naming Provisions,” “Individual/Family Naming,” Subsection A, Part 5) The Town Manager also stated that the donations are still valid based on the Charitable Fundraising Policy. Selectperson Moulton responded that these donations are still applicable to the general policy that states that conditional donations need to be sent to the Annual Town Meeting. Selectperson Speirs asked the Town Manager if the fundraising policy would need to be amended to accept the three donations brought forth to the Board. The section Selectperson Speirs referenced to was in the Town of North Yarmouth Charitable Fundraising Policy under “Naming Provisions,” “Individual/Family Naming,” Subsection A, Part 5. The Town Manager explained that an amendment could be a possible option for the Board but was not required to authorize the Town Manager to create three warrant articles to be voted on at the Annual Town Meeting on April 11, 2020. Selectperson Moulton asked the Town Manager if the Maine State Statute 30-A M.R.S. § 5654 superseded the Town’s Charitable Fundraising Policy. The Town’s Charitable Fundraising Policy reads under “General Guidelines,” Section P, that “Donations with conditions attached must be submitted to the voters for acceptance or rejection. (30-A M.R.S. § 5654)” The Town Manager did not object. Chairperson Whitten referenced to an addendum to the Charitable Fundraising Policy that was amended on February 19, 2019, that stated, “Funds raised over the goal amount or after the completion of the project may go towards additional features upon Select Board approval.” Chairperson Whitten stated that the “additional features” could be decided by the Board. The Town Manager responded that donations should be going towards the \$250,000.00 amount that was allocated to go towards the debt service, i.e., construction costs in Part 3 of the guidelines in the addendum. The Town Manager stated that additional conditions could be added as well but would need to be voted on at Town Meeting on April 11, 2020. Selectperson Morrison stated that he believed the donations should be used for a project/need the Select Board sees fit. Selectperson Morrison stated that the project is completed and that Article 3 that was voted on in April of 2019 at town meeting was only applicable while the project was still in progress.

Article 3. *To see if the Town will authorize the Select Board to appropriate and expend the funds from other specific resources such as insurance proceeds, donations, and alike for the purposes of assisting in the completion of the Capital Improvement Project known as the Wescustogo Hall & North Yarmouth Community Center.*

Selectperson Morrison stated that the policy allows the Select Board to decide where donations/funds should be spent after the completion of the “Capital Improvement Project known as the Wescustogo Hall & North Yarmouth Community Center.” (Article 3, June 2019 Special Town Meeting) The Town Manager explained to the Board that the bond used to pay for the construction costs for the Wescustogo Hall and North Yarmouth Community Center was a federal bond. The Town Manager stated the opinion of counsel that monies collected need to be a part of the original project. Suzanne Aubrey, 438 Walnut Hill Road, inquired about what the outcome could be if the townspeople rejected any warrants associated with the donations if the warrants got approved by the Select Board. The Town Manager and Board acknowledged that the funds would be provided back to the donors. Selectperson Speirs referred to a referendum that approved the building of Wescustogo Hall and North Yarmouth Community Center (included in the meeting materials for the December 17, 2019 business meeting) to say that the Select Board does have the authority to spend the donations/funds as they see fit as long as the subproject is within the scope of the general project. Selectperson Morrison asked the Town Manager if the Board could use the donations/funds as they saw fit. The Town Manager informed the Board that any decision regarding how those monies are spent after the project should go through legal review. Selectperson Speirs asked if the previous motion could be voted on without needing to amend the Charitable Fundraising Policy. The Town Manager responded that the motion was intended to allow the Town Manager to create three separate warrants to be voted on at Town Meeting and that amending the Charitable Fundraising Policy was not necessary. Selectperson Morrison stated that he believes the Board needs more information about the plans of each donor for how the naming plate would be presented in the Wescustogo Hall and North Yarmouth Community Center. Chairperson Whitten stated that the motion was not to approve the naming rights

but to send to Town Meeting. Chairperson Whitten added that those plans should be outlined at the April 11, 2020, town meeting. Ginny Van Dyke, 64 Delwin Drive, asked the Board why the three donations could not be provided to the townspeople for discussion and final decision. The Town Manager responded that the monies could be collected and returned if the townspeople rejected the possible warrants if voted on by the Select Board. Ginny Van Dyke stated that the town receiving the donations before they were voted on at Town Meeting would create the perception that the donations were accepted. The Town Manager stated that acceptance could only be determined at Town Meeting. Selectperson Morrison stated that the townspeople should have the opportunity to decide on the matter at Town Meeting. Suzanne Aubrey, 438 Walnut Hill Road, asked the Board what would be the outcome of three individuals who donated, pertaining to the donor's taxes, if the townspeople rejected the warrant. Selectperson Moulton explained that the individuals would be responsible for their finances. Chairperson Whitten stated that he does not believe the Charitable Fundraising Policy should be amended to reflect the circumstances at which these donations were presented. Dianne Morrison, 4 Browndog Road, asked the Board if future donors could donate to have a room named in the Wescustogo Hall and North Yarmouth Community Center. The Town Manager responded that out of the five rooms being captured for naming rights, three of the rooms were accounted for already. Selectperson Moulton stated that the rooms were on a "first come, first serve" basis. Selectperson Speirs stated that she was concerned with the process outlined in the Charitable Fundraising Policy and wanted to see the applicable materials at a future time. Darla Hamlin, chair of the Friends of Wescustogo committee, informed the Board that a donation form was created for the naming of five (5) rooms in the Wescustogo Hall and North Yarmouth Community Center. Selectperson Morrison wanted to clarify if the state statute was the acceptable way to handle the three donations. The Town Manager affirmed. The Town Manager explained how the Board could amend policies but needed to follow Maine State Statute. Chairperson Whitten moved to amend the previous motion to say "move to authorize the Town Manager to review with the town attorney for compliance the three donations submitted by the Friends of Wescustogo committee and to have the three warrant articles placed on the Annual Town Meeting warrant of April 11, 2020, for townspeople approval." Also, to have the chair of the Friends of Wescustogo committee to provide the Town Manager with the checks and paperwork required to comply with Maine State Statute 30-A M.R.S. § 5654 within 72 hours after this meeting. Selectperson Speirs seconded the motion. Discussion: None. **Vote: 3 Yes – 1 No. (Selectperson Morrison)**

New Business:

Committee Appointments – Chairperson Whitten moved to appoint Peggy Leonard to the Living Well in North Yarmouth committee with a term to expire June 30, 2020. Selectperson Moulton seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

Regulations for the Use of Parks & Recreation Area Ordinance – Proposed Amendments – Chairperson Whitten moved to call for a public hearing to be held on January 21, 2020, on the proposed amendments to the Regulations for the Use of Parks & Recreation Area Ordinance. Selectperson Speirs seconded the motion. **Vote: 4 Yes – 0 No.**

Consolidated Communications – Lease of Town Property – Chairperson Whitten moved to authorize the Town Manager to execute the lease agreement with Consolidated Communications for a term of thirty (30) years. Selectperson Speirs seconded the motion. Discussion: Selectperson Morrison asked the Town Manager if the thirty (30) year term was based on the previous agreement. The Town Manager responded in the affirmative. Selectperson Morrison asked the Town Manager if the attorney for Consolidated Communications reviewed the lease contract. The Town Manager answered in the affirmative. Selectperson Morrison asked the Town Manager if an annual increase would be appropriate for this lease contract. The Town Manager responded that the Board decides on the annual increases when the lease contract in December of each year. The Town Manager also stated that the lease contract would be on a schedule for the Board's approval. **Vote: 4 Yes – 0 No.**

Accounts Payable – Selectperson Speirs moved to approve accounts payable warrants 24 and 25 in the amount of \$885,387.47, as presented. Selectperson Morrison seconded the motion. Discussion: The Town Manager noted that the year's attorney's fees have gone over the budgeted amount for FY 2019. **Vote: 4 Yes – 0 No.**

Any Other Business – None.

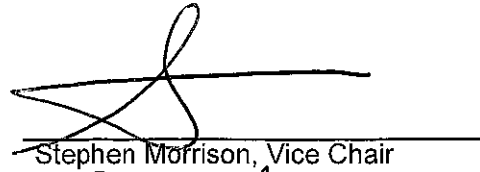
Adjournment - Chairperson Whitten moved to adjourn.

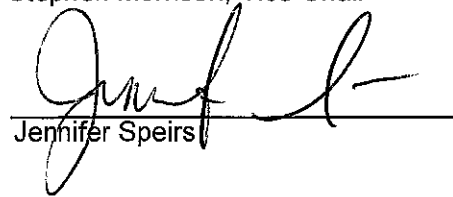
Prepared By: Draven Walker
Administrative Assistant/Recording Secretary

Select Board


William Whitten, Chair


James Moulton


Stephen Morrison, Vice Chair


Jennifer Speirs