

**Town of North Yarmouth
Select Board
Meeting Minutes of Tuesday, May 5, 2020
REMOTE BUSINESS MEETING**

 **ORIGINAL**

Call to Order - Stephen Morrison, Jennifer Speirs, James Moulton, and Paul Napolitano were present. Town Manager, Rosemary Roy, was also present. Vice Chairperson Morrison called the meeting to order.

Minutes of Previous Meeting(s) – Vice Chairperson Morrison moved to approve the minutes of April 21, 2020, as presented. Selectperson Napolitano seconded the motion. Discussion: None. **Vote: 4 Yes – 0 No.**

Public Comment - Non-Agenda Items – Rob Wood, Milliken Road, provided a comment to the Board regarding a July 14, 2020, municipal election. Donna Palmer, 527 Mountfort Road, submitted a comment to the Board regarding municipal elections on July 14, 2020, and recommended that the Board follow the Town Clerk's suggestions on the matter. Judy Potter and Mike Mallory, Walnut Hill Road, provided comments and questions to Board regarding various topics. They are as follows:

- Mrs. Potter inquired about open space between Route 9 and Route 115. Vice Chairperson Morrison and the Town Manager stated that the Planning Board has more details on the subject.
- Mrs. Potter inquired about the FO Baily Building. Vice Chairperson Morrison, in conjunction with the Town Manager, is not aware of any plans.
- Mrs. Potter referred to the Village Master Plan and a diagram of a three-story building. Mrs. Potter wanted to know why a three-story building was necessary. Vice Chairperson Morrison and the Town Manager stated that the image was an illustration and that there was no plan with this building.
- Mrs. Potter stated that the need for a ladder truck would be necessary for a three-story building. Vice Chairperson Morrison and the Town Manager responded that mutual aid would be enough for a three-story building but that additional stories could require future consideration of a ladder truck. No plans have been brought before the Select Board.
- Mrs. Potter asked a question about taxes and increases in spending. Vice Chairperson Morrison stated that there is no response to this question as there has been nothing proposed.
- Mrs. Potter inquired if there was any bar or restaurant that has been proposed. Vice Chairperson Morrison state that he and the Town Manager does not know such an establishment that has been submitted to the Planning Board.
- Mrs. Potter asked who was making decisions on the planning of the Town. The Vice Chairperson and the Town Manager stated that various committees are involved. However, the Planning Board is more directly involved in the decision. Furthermore, Vice Chairperson Morrison spoke about the Comprehensive Plan and how it has been the active guide for the Town's development for over a decade.
- Mrs. Potter wanted to know why residents were not more involved with the committees and the Planning Board before a decision was made. Vice Chairperson Morrison and the Town Manager responded that abutters only need to be notified by the Planning Board. Vice Chairperson Morrison also stated that residents can always attend the Planning Board or any of the committee meetings.
- Mrs. Potter commented on communication with residents. Vice Chairperson Morrison and the Town Manager stated various forms of communication the Town participates in as well as open public hearings, meetings, and other forms of public participation.

Selectperson Moulton stated that a more direct form of communication during the COVID-19 crisis is something the Board should discuss.

Management Reports & Communications-

The Town Manager provided her full report to the Board. Her full report can be found on the Town's website, www.northyarmouth.org.

Old Business:

Vice Chairperson moved that the Select Board approve the proposed lease agreement with the North Yarmouth Historical Society, as presented and authorize the Town Manager to complete, execute, and manage said agreement with representatives of the North Yarmouth Historical Society. Selectperson Moulton seconded the motion.

Discussion: Katie Murphy, North Yarmouth Historical Society, stated the purposes for the lease and how the move of the Old Town House to the new property would enhance the Village Green.

Meeting Materials – “Ground Lease Agreement”

Note: the below sections are meant to be read in conjunction with the Meeting Materials of May 5, 2020. The organization of this section is to provide descriptions of what was spoken on, and the Meeting Materials include the exact language used in the lease. The Meeting Materials are posted on www.northyarmouth.org or can be requested at the Town Office.

- Page 2, Section 4: Katie Murphy explained that the NYHS's legal counsel suggested the change outlined in blue lettering. Linc Merrill stated that he thought the text was necessary for any other taxes the Town may assess on the land. Vice Chairperson Morrison noted that this language should not have to go back to the Town attorney. Linc Merrill used Personal Property taxes as an example of a tax that could be assessed outside of real estate taxes. Selectperson Moulton asked if the building on the real estate would be exempt from taxes that would be imposed. The Town Manager further stated that NYHS was an exempt organization and that taxes could not be levied on them per state law on non-profit organizations. Vice Chairperson Morrison asked the Board if there were other issues with the Lease to be resolved at this meeting. The Board and NYHS agreed. By consensus, the Board agreed with the language and to move on.
- Page 2, Section 5: Katie Murphy read aloud this section, and, by consensus, the Board had no issues with the added language.
- Page 3, Section 6 (b): Linc Merrill stated that NYHS was trying to prevent liability from maintaining a certain percentage of green space and that the Town should manage the aggregate of the 65% of green space. Selectperson Moulton stated that the lease does include snow removal and mowing of the grounds. Selectperson Speirs said her concerns with the language added regarding the 65% green space and who has the responsibility in maintaining it. Katie Murphy and her counsel suggested a simple exhibit to show the property. Vice Chairperson Morrison stated that the language should reflect the Town's interest to keep 65% of the Village Green as green space. Vice Chairperson Morrison asked Katie Murphy to return to the attorney to add the language under the Town Manager's review before returning the language to the Select Board.
- Page 4, Section 11: Katie Murphy expressed concern with the removal of this section. Mr. Ball, a representative of NYHS, stated that this section of the lease should be looked at by both party's legal counsel. Vice Chairperson agreed with the assessment. With no additional comment, the Board decided to move on.
- Page 5, Section 17: Mr. Ball stated that the purpose of this section was to allow the Town to provide third parties some ability to enter into easements (an example is utility easements) but not allow for the construction of other permanent structures, like roads. Vice Chairperson Morrison asked for a review of this section by the legal counsel as well. The Town Manager requested clarification on what other third parties would be included in this section that could be “refused” by NYHS. Selectperson Moulton asked what the word “premises” meant per the document. Clarification was stated. With no additional comment, the Board closed this agenda item.

Vice Chairperson Morrison amended his original motion to table the proposed lease agreement until both parity's council has reviewed the document and the suggested changes or any concerns stated in these minutes under the discussion of the original motion. Selectperson Napolitano seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

Referendum Vote – July 14, 2020

Vice Chairperson Morrison moved that the Select Board reschedule the 2020 Municipal Election to Tuesday, July 14, 2020, in conjunction with the Governor's order that state elections be held on this date. Selectperson Speirs seconded the motion. Discussion: Selectperson Moulton stated his concern with the current budget and the timing needed to discuss the topic. Selectperson Speirs and Selectperson Napolitano wanted clarification on the motion on the floor. Clarification was provided. **Vote: 4 Yes – 0 No.**

Referendum Vote – Financial Articles

Vice Chairperson Morrison moved to authorize the Town Manager to prepare a referendum ballot for the FY21 financial articles to be accepted and voted on at an additional Select Board Meeting to be held on Monday, May 11, 2020, at 7 PM. Selectperson Speirs seconded the motion. Selectperson Napolitano stated that the option provided by the Town Manager is imperative for the Town's financial status. Vice Chairperson Morrison, Selectperson Moulton, and Selectperson Speirs indicated their agreement with the options provided by the Town Manager. Selectperson Speirs asked the Town Manager if using Zoom and space at the Wescustogo Hall and North Yarmouth Community Center was viable for a Public Hearing. The Town Manager provided the Board suggestions for how the Board could hold a public hearing. Selectperson Moulton commented on his concerns with the public being able to participate in the decision-making process due to the limitation of the COVID-19 pandemic. Selectperson Moulton also shared his concerns with some items that need to be voted on at Annual Town Meeting. Selectperson Napolitano clarified that the referendum vote would only be for the budget. Selectperson Napolitano also shared his concerns with the economic effects of the COVID-19 pandemic and the potential impact that the pandemic will have on the budget. **Vote: 4 Yes – 0 No**

New Business:

Vice Chairperson Morrison moved that the Select Board accept and endorse the Certificate of Settlement for FY18 taxes, as presented. Selectperson Moulton seconded the motion. Discussion: none. **Vote: 4 Yes – 0 No.**

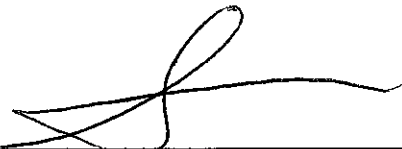
Accounts Payable – Vice Chairperson Morrison moved to approve itemized warrants 46 and 47, as presented. Selectperson Speirs seconded the motion. Discussion: Selectperson Moulton inquired about a charge made to the Town of Cumberland and the Town of Yarmouth. The Town Manager responded that the cost to the Town of Cumberland was for ACO services, and the latter charge was for paramedic services. **Vote: 4 Yes – 0 No.**

Any Other Business – Selectperson Speirs reported on a recent GPCOG meeting the Town Manager, herself, and Vice Chairperson Morrison attended. Vice Chairperson Morrison also said further on his findings in COVID-19 related conferences and meetings that he attends regarding the proposed building of a primary school in North Yarmouth.

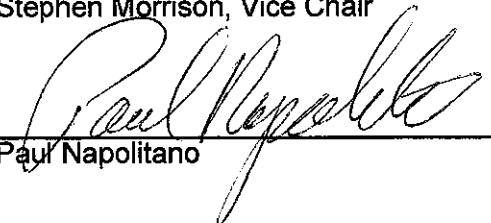
Adjournment – Vice Chairperson Morrison moved to adjourn.

Prepared By: Draven Walker
Administrative Assistant/Recording Secretary

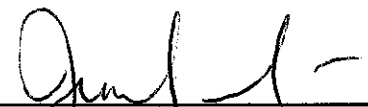
Select Board



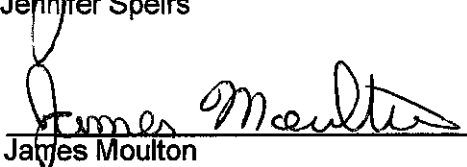
Stephen Morrison, Vice Chair



Paul Napolitano



Jennifer Speirs



James Moulton