

**Town of North Yarmouth
Board of Selectmen
Meeting Minutes
March 18, 2014
7:00 p.m. Town Office**

MEMBERS PRESENT: Steven Palmer (Chair), Clark Whittier, Darla Hamlin, Mark Girard, Paul Napolitano
OTHERS PRESENT: Barbara Skelton (Code Enforcement Officer), Clark Baston (Public Works Foreman),
Marnie Diffin

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

ADMINISTRATIVE:

II. Consent Agenda:

Paul Napolitano moved and Clark Whittier seconded to approve the following consent agenda items: Minutes of the March 11, 2014 workshop, Payroll Warrant #46 and Accounts Payable Warrant #47. Vote: 5-0.

Paul noted a few changes on the March 4, 2014 minutes:

"Agenda" at the top of the page should be changed to "minutes"

On page 3, "Salt costs...., the word "not" should be included in the phrase "not" over budget for clarity.

Continuing on that page, "She" should read "Interim Town Manager" in several instances for clarity.

Paul Napolitano moved and Clark Whittier seconded to approve the March 4, 2014 minutes as corrected. Vote: 5-0.

III. Public Comment on Items Not Part of the Agenda and Not Relating to Personnel Matter

There was no Public Comment.

IV. Offer of Monetary Donation from the North Yarmouth Historical Society

There was a discussion on the condition of the vault floor renovation. There is asbestos on the floor tiles' mastic. The Historical Society received 3 quotes to remove the tile, leave the mastic and install new tile. The Society's donation would be to have the Town do the work.

Clark Whittier asked why retiling is needed if the use of the building might change in the future. Katie Murphy, Society President, stated that removing all the mastic would be more expensive, therefore, leaving it and tiling over it would be more cost effective.

Mark Girard stated that he believes that the scope of work is appropriate given the conditions of the flooring and could be done quickly.

Steve Palmer commented on the acceptance of a gift given the Interim Town Manager changed process.

Mark Girard stated that given the amount, it doesn't require a formal acceptance.

Paul Napolitano asked about the amount differences. Steve Palmer stated that more research has been done on getting quotes. Paul asked why the Town hasn't made the repairs. He is concerned that given that the Fire Department uses the building, accepting the funds may not appear to be appropriate. Mark Girard stated that it demonstrates the good relationship between the Town and the Historical Society.

Darla Hamlin asked if the North Yarmouth Historical Society pays rent for the space. It does not. Given that, Darla indicated that this is a generous offer. Katie Murphy stated that the North Yarmouth Historical Society is essentially the keeper of the town's records and plays a positive role for the community.

Steve Palmer thanked Ms. Murphy for the donation and asked that she communicate with the Interim Town Manager to make arrangements to proceed with the project.

V. Updated FEMA Flood Map Presentation

Barbara Skelton, Code Enforcement Officer, outlined some of the proposed changes.

FEMA will be setting the 90 day period (to receive comments) prior to the effective date shortly. The Federal Government is likely in the process of updating/changing the flood insurance. Marnie Diffin asked if it is the Town's responsibility to inform the residents of the changes or simply to let them know that updated maps are available. Barbara stated that at present, the only requirement after the 90 day process has taken place is to let residents know that updated maps are available. She has communicated with the new owner on the Sligo Road property that has some changes.

Steve Palmer asked about the number of properties being affected. Barbara stated that the property on Sligo Road is the only one.

VI. Contract Zoning Presentation

Barbara Skelton gave an overview of the contract zoning process. It is a 2-3 step process that requires a change in the Land Use Ordinance, and a Planning Board review to negotiate the changes. It would still require approval at Town Meeting. MMA recommends working with the Town's attorney to be certain that the wording was done correctly. It also requires that it meets the state's growth management act. It also includes a number of other items that need to be considered in the process. The Town during the contract zoning process would be required to notify the water supplier (Yarmouth Water District) of any contract zone proposals to assess if there would be any public water impact.

There are several towns that have a contract zone process. Kennebunk is a suggested community to research. Ms. Skelton provided the Selectmen with some of their documents to review.

Mark Girard asked if neighboring towns have contract zoning. Barbara stated that the larger communities do. Mr. Girard stated that his belief is that contract zones simply allow a special use in a particular area for a particular project without major zoning changes and that the zones' needs to be compatible with the area. Barbara stated that it needs to be compatible and generally assesses density, lot sizes, parking among other considerations. Mark asked if the review process is still the same and that the same requirements must be met. Barbara stated that it is in essence an additional review process and that public hearings, notices and the like are still required. There are more protections and review processes (i.e. experts) on various elements of a proposed project. Mark asked if Barbara has received some requests for contract zoning project. Barbara stated that there have been general inquiries on what might be options but nothing formal. A project may have come to the community, had contract zoning been available.

Darla Hamlin commented that while contract zoning needs to meet the state's growth management act, it should also meet the Town's Comprehensive Plan. Ms. Skelton stated that the state's growth management act is a broad term that includes changes in the Land Use Ordinance and the Comprehensive Plan.

Steve Palmer asked if contract zoning can be throughout the community. Ms. Skelton stated that it is generally for a particular property but can be at various locations. This is where review by the Town's legal counsel is appropriate to be sure what options work for North Yarmouth.

Mark Girard stated that this type of change would allow projects to be reviewed on their individual merits and would be a useful tool to the community. He asked that this topic be discussed further at the Selectmen level to see if the at the Planning Board should be asked to review proposed ordinances.

VII. Interim Town Manager Report:

Marnie Diffin presented a draft of the Town Meeting Warrant and asked the Selectmen if the placement/order is appropriate to them. Ms. Diffin recommended that the first Article be Administration as in the past. She also briefly commented on some land use items, followed by funding articles, revenue articles, LD 1 limit, town business and the like. The group had a discussion on some of Article items (i.e. subsequent steps in the voting process during the meeting if a particular item passes or fails.). They also had a discussion on the proposed Selectmen pay increase and how the warrant item should be phrased.

Ms. Diffin reviewed the MMA insurance payments for Wescustugo Hall. The amount is approximately \$549,000. Approximately, \$39,000 will be going into checking account as this amount had already been paid out, and the balance will go into a capital reserve account. What remains to be completed are the cost of the loss of large painted canvas is being determined and replacement cost value of the new building.

Paul Napolitano asked about the cost of the public works time and the cost of the loam to cover the area. Marnie stated that this claim is not yet closed as there are some outstanding items to be taken care of. She can research this further.

Ms. Diffin reviewed the confirmation appointments for the CEO, EI, BI, and PI. She stated that she had received a call from ecomaine clarifying the recycling fee charge.

There was a discussion on the Town Meeting postcard that includes a taxes reminder status. Darla Hamlin stated that the Communications Committee had approved the draft that was being reviewed. Ms. Diffin suggested including the timeframes for the school budget referendum. Steve Palmer asked if the focus should be on the Town Meeting and taxes due date to simplify the process and a second postcard mailing be done for the subsequent dates and town report availability. Ms. Hamlin stated that it is possible, but the mailing cost (of one card) has increased. Other suggestions from the group were made. Ms. Hamlin will take the suggestions back for a final revision.

Mark Girard discussed the Yarmouth Water District wellhead protection process. There is a \$10,000 grant to utilize wellhead protection survey at the Haines Wellhead on problems, if any, (i.e. oil tank leakages) and then do any potential repairs. Following this, the group will communicate the communities to be informed.

Marnie Diffin reviewed a brochure on the Knight's Pond area easement proposal, and funding options by the Royal River Conservation Trust. The potential dredging of the Yarmouth harbor and the removal of dams on the Royal River were 2 other topics discussed with the RRCT. Steve Palmer commented on the possible dredging process and potential funding request for the Knight's Pond area. He believes that they should be more involved in this if a potential funding request comes along at some point. Paul Napolitano stated that he believes that town of Cumberland wants to keep Knight's Pond as is and the Royal River Trust would be the guarantor to protect it. It may be in the(our) Town's best interest to keep the land open as well.

Mark Girard moved and Darla Hamlin seconded to confirm the proposed appointments (by the Interim Town Manager) of Barbara Skelton as CEO, Building Inspector, Electrical Inspector and Plumbing Inspector. These terms begin April 1, 2014 and end March 31, 2015 and to confirm the proposed appointments (by the Interim Town Manager) of Debra Parks Larrivee as Alternate CEO, Alternate Building Inspector, Alternate Electrical Inspector and Alternate Plumbing Inspector. These terms begin April 1, 2014 and end March 31, 2015. Vote: 5-0.

VIII. FY 15 Budget Discussion

Report on High Performance Chip Seal- Clark Baston gave an overview of the high performance chip seal process. Clark stated that that is would be a savings to the town. It gives the road some flexibility and minimizes cracking and makes the road smoother. A number of reviews from New Hampshire indicate that they have had a good experience. The bike group in town doesn't support it.

Steve Palmer commented on street sweeping. Clark Baston stated that the materials are coated and doesn't create dust. Clark Whittier asked if this type is worth the cost. Clark Baston stated that this method would work well on higher traffic roads and standard chip seal could be used on the less traveled roads. The Board had a conversation given the feedback that Clark Baston had with New Hampshire Public Works. Darla Hamlin asked if this material/method is better in the region's climate. Overall, it is better. Mr. Palmer asked if it is easier to repair. Clark Baston stated that spot patching repairs can be done. Mr. Palmer also asked about the Milliken Road, biking concerns, and chip sealing trends in other communities. Darla Hamlin commented that Brian Sites indicated that this process can be done in the center of the road and standard methods along the sides to accommodate bikers. Clark Baston outlined some of the paving companies' concerns regarding the seams between the 2 sections. They are working on this further.

High Performance Chip Seal- Paul Napolitano recommended that this be done on Sligo Rd. The long term value and quality will be beneficial. He also suggested that the budgeted savings amount be taken out. Mark Girard agreed with Mr. Napolitano. Mr. Girard asked if this material can be used as a top coating. Mr. Napolitano stated that this can be sprayed on the surface with sand added. Darla Hamlin and Clark Whittier agreed with this recommendation. There was a review of the proposed paving projects and options outlined in the budget. Town Manager Salary/Benefits etc. - Mark Girard stated that the budget for this should include the costs for the hiring process, moving allowance and the like. It should be set at the highest possible as a placeholder to be prepared, but can be adjusted as the process is fine tuned. Paul Napolitano asked where any unused funds would go. Ms. Diffin stated that it would go to unassigned fund balance. There was a discussion on the amount. \$12,000 was decided for potential moving and MMA costs.

Unassigned Fund Balance-The group also discussed some potential adjustments to the unassigned fund balance in the event the Selectmen pay changes. Paul Napolitano believes that there should be more funding in the unassigned balance to help the residents. Mark Girard stated that the best help to the residents should be more long term work on the reduction in the tax burden rather than a one-time reduction. There was a group discussion on the appropriate unassigned fund balance amount and what next fiscal year's projects may or may not be. \$250,000 was agreed to which would still keep the balance at an appropriate level.

IX. Board Written Correspondence/ E-Mails Received/ Verbal Reports: None.

X. Board Member Verbal Comments:

Mark stated that the Sevee & Mahar report has been completed and will be given to the Interim Town Manager. He will propose an agenda item at an upcoming meeting regarding a TIF zone.

**XI. Executive Session: Pursuant to 1 M.R.S.A. 405 (6)(A): Personnel Matter-
Interim Town Manager Second 4 Month Review**

Paul Napolitano moved and Clark Whittier seconded pursuant to 1 M.R.S.A. 405 (6) to go into executive session concerning the personnel matter of the Interim Town Manager's second 4 month review. Vote: 5-0.

Paul Napolitano moved and Clark Whittier seconded to exit executive session. Vote: 5-0.

The Board of Selectmen exited executive session at 9:46pm.

XIII. Adjournment

Mark Girard moved and Darla Hamlin seconded to adjourn the meeting at 9:47 p.m . Vote: 5-0.

APPROVED

CONSENT AGENDA ITEM: APRIL 1, 2014

Steven Palmer

Clark Whittier

Darla Hamlin

Mark Girard

Paul Napolitano