

**Town of North Yarmouth  
Board of Selectmen  
Meeting Minutes  
November 5, 2013  
7:00 p.m.      Town Office**

**MEMBERS PRESENT:** Steve Palmer, Clark Whittier, Mark Girard, Paul Napolitano  
**MEMBERS EXCUSED:** Darla Hamlin  
**OTHERS PRESENT:** Marnie Diffin

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

**LEGISLATIVE/JUDICIAL:**

**II.      Public Hearing: Comments on Proposed Changes to a General Assistance Ordinance Appendix.**

Clark Whittier moved and Mark Girard seconded to go into a public hearing to hear comments on Proposed Changes to General Assistance Ordinance Appendix B. The vote was 4 Yes.

There were no public comments.

Mark moved and Paul Napolitano seconded to close the public hearing and return to the regular Selectmen's Meeting. The vote was 4 Yes.

Mark Girard moved and Paul Napolitano seconded to approve Appendix B: Food Maximums for use with the Town's General Assistance Ordinance effective today, November 5, 2013. The vote was 4 Yes.

**ADMINISTRATIVE:**

**III.      Consent Agenda:**

Mark Girard moved and Clark Whittier seconded to approve Payables Warrant # 25.  
The vote was 4 Yes.

Paul Napolitano asked if the October 29<sup>th</sup> minutes could be tabled as he did not receive them.

Mark Girard moved and Paul Napolitano seconded to table the approval of the October 29<sup>th</sup> minutes to next meeting.

The vote was 4 Yes.

**IV.      Public Comment on Items Not Part of the Agenda: NONE**

**V.      Committee Recommendation**

**Acceptance of Resignation- Evan Hayes- Alternate Planning Board Member**

Clark Whittier moved and Paul Napolitano seconded to accept with regret the resignation of Evan Hayes. The vote was 4 yes.

Mr. Whittier stated that there will need to be one additional alternate for the Planning Board at some point.

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

### **Reconsideration of Engine 4 Sale**

Marnie Diffin stated that the brush truck arrived Sunday night. She asked the Board if they wished to entertain a further conversation at the next meeting and not dispose Engine 4 right away and if so, what would they like for additional information to receive so they would consider this.

Mr. Girard stated that he believes that Engine 4 should be disposed of as it doesn't meet the scope of the Fire Department's work and the condition of the vehicle has deteriorated. Mr. Whittier asked that this be considered but with caveats (i.e. first sign of additional repairs). He suggested keeping it for water. Mr. Girard stated that the purchase of Engine 1 was at significant cost and that the likelihood that Engine 4 will need repairs, recertification, pump testing and the like, justifies disposing of the vehicle.

Mr. Napolitano asked why this conversation was happening now. He stated that it might have been better to discuss this prior to the purchase. The intent at the time of the purchase was to dispose of Engine 4. Mr. Palmer stated that this was correct at that time, but further inspections of the truck by another company indicated that the vehicle can pass inspection which is what has prompted this conversation. He would like to keep the vehicle kept with the caveat that no additional costs other than general maintenance, but he would like to get more information on the other costs to put this vehicle in service.

Mr. Girard stated that if there is some additional information that may warrant a different Board decision, it should be discussed, but at present the intent is to sell the vehicle. Mr. Napolitano asked to find out if the disposal of the vehicle would change the town's ISO rating. Mr. Girard stated that the impact of the ISO rating should be known to be clear in the discussion. He requested that all the information be submitted in writing in advance of the meeting.

### **Option Paths for Veteran's Park**

Marnie Diffin gave an overview regarding Veteran's Park oversight. She stated that her report outlines some of the options and she gave an overview. She stated that the current directors (who have been members of the Board of Selectmen since 1984) would need to determine what structure they would like to follow. Thaddeus Day has offered to help with the process etc. There was a discussion of the corporation's asset(s). Steve gave an overview of what has started this conversation.

Mr. Girard stated that the continuance of the corporation is a nuisance. He believes that the land should be deeded (to the Town) with restrictions. He suggested having a corporate meeting to discuss this process and gather feedback, make recommendations, and then dissolve the corporation. Ms. Diffin stated that there was a concern from Mr. Day regarding getting rid of the asset and not keeping it for its intended purpose. Mr. Girard reiterated that he does not want to see it sold but rather deeded to the town as was done with Wescustogo Hall in the past. Mr. Palmer stated that potential future town costs be included as part of this conversation. Mr. Whittier agreed with this process. There was a discussion on the potential process.

Ms. Diffin stated that another outcome of this process could be a veteran's group taking over the process and that they would then take the responsibility away from the town. Mr. Palmer stated that this is an ideal resolution but the reality has not been the case in the last 25 + years. Mr. Girard believes that there should be a specific plan to have a corporate meeting.

Mr. Napolitano stated that a particular group might do so for a few years but may not continue. The Town (government) is generally the driving force with input from veterans.

### **Wescustogo Hall Insurance**

Marnie Diffin updated the Board on the status of the insurance. There is 180 days to determine replacement items and building etc for the claim. A check would be issued for demolition and other work to date. The replacement of the building would be decided at Town Meeting. She doesn't want to have a check without a clear explanation and discussion of all parts of the policy. Mr. Napolitano stated that Linc Merrill offered to review the policy to be sure that the town gets the right amount. There was a discussion on the various cost and revenue categories as well as the definition of building replacement. Mr. Girard stated that given that the 180 day time limit may warrant a special Town Meeting prior to the scheduled Town Meeting. Ms. Diffin stated that the 180 days appears to be for item replacement but would verify the time frame for building replacement. She asked why Mr. Girard believes strongly about the building replacement amount as she believes the use definition is more important in the determination. Mr. Girard outlined his reasoning and that the amount is a matter of degree in the decision making process.

### **Mill Road Speeding**

Marnie Diffin stated that there are a couple of ways to proceed. One is awareness with use of speed devices (data to help enforcement of Sheriff's Department etc.). Lines have been painted. She will request that the state assess a potential speed change, but it will be unlikely. She presented an article on the application of braking mechanisms.

Mr. Girard stated that the speeding signage (on a trailer) from Cumberland is about \$200 a day (included transport to and from the site, and data reporting) but is limited in cold weather.

He further suggested approaching this issue with data gathering and awareness devices as a potential budget item for next year. Mr. Palmer asked if it is possible to ask an officer to be posted a specific location. Mr. Napolitano stated that a Deputy with the Sheriff's Department is also a resident and could work with them on this. Ms. Diffin stated that the smaller units that can be mounted work better than the trailer units

### **Seeking Approval to Authorize CMP Pole Permit Applications**

Mark Girard moved and Clark Whittier seconded to permit the interim Town Manager to authorize the CMP pole permit applications on behalf of the Board of Selectmen.

The vote was 4 Yes.

### **VII. Board Written Correspondence/ E-Mails Received/ Verbal Reports: NONE. CMP Pole Permit Application- Meadowcreek Lane**

### **LEGISLATIVE/JUDICIAL:**

#### **VIII. Reconsideration of Prior Vote on North Road Foreclosure**

Marnie Diffin stated that the financing agency has paid the back taxes. Mr. Napolitano asked if the town's attorney's fees have been reimbursed. Ms. Diffin stated that the tax account is current, there is no legal requirement for attorney's fees for reimbursement. She believes that this is cost of doing business.

As, I voted in the affirmative on a prior vote on this matter, Mark Girard moved and Clark Whittier seconded that pursuant to the Bank of America issuing payment for all of the outstanding real estate tax amounts on Account #490- Map 2 Lot 91, that the writ of possession action cease effective with that payment.

The vote was 4 Yes.

## **ADMINISTRATIVE:**

### **IX. Board Member Verbal Comments:**

Mr. Napolitano presented an application for training for the alcohol and drug testing supervisor position.

Mr. Girard gave an update on some of his committee work.

Mr. Whittier gave Marnie a name of a potential candidate for the ZBA.

Mr. Palmer reminded the group about the Veteran's Day commemoration on the 11<sup>th</sup>.

### **X. Communications Committee Assignments:**

Mr. Palmer discussed having more regular interactions with the various committees to help recruit more people.

### **XI. Charter Transition: Communications Media Policy- Darla Investment Policy- Mark**

Mr. Girard stated that the policy will be rewritten. They are meeting with a bank to get a perspective on best practices. He believes that they will suggest a cash management procedure.

### **XII Executive Sessions:**

Mark Girard moved and Paul Napolitano seconded pursuant to 1 M.R.S.A. ss 405(6)(F) to enter into an executive session to discuss a contract issue with the Town's Attorney via telephone conference call.

The vote was 4 Yes.

The Board of Selectmen entered Executive Session at 8:23pm.

Paul Napolitano moved and Mark Girard seconded to close this executive session and return to the regular Selectmen's Meeting.

The vote was 4 Yes.

The Selectmen exited Executive Session at 8:42pm.

Mark Girard moved and Paul Napolitano seconded pursuant to 1 M.R.S.A. ss 405(6)(A) to enter into an executive session to discuss a personnel issue.

The vote was 4 Yes.

The Board of Selectmen entered Executive Session at 8:42pm.

Mark Girard moved and Clark Whittier seconded to close this executive session and return to the regular Selectmen's Meeting.

The vote was 4 Yes.

The Selectmen exited Executive Session at 9:31pm.

**XIII. Goal Setting for the ITM's Next 4 Months**

**XIV. Adjournment**


Mark Girard moved and Paul Napolitano seconded to adjourn the meeting.


The vote was 4 Yes.

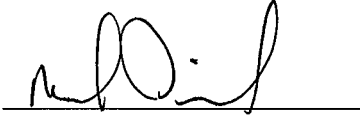
The meeting ended at 9:31pm

APPROVED:

CONSENT AGENDA ITEM: ~~November 19, 2013~~

  
Steven Palmer

  
Clark Whittier

  
Mark Girard

  
Paul Napolitano