

**Town of North Yarmouth
Board of Selectmen
Meeting Minutes
October 1, 2013
7:00 p.m. Town Office**

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

OTHERS PRESENT: Gerry Whiting, Jeff Marsteller, Chis MacLeod, Marnie Diffin

I. Call the Regular Meeting to Order at 7:00 p.m.

LEGISLATIVE/JUDICIAL:

**II. PUBLIC HEARING-
To Hear Comments on the Proposed Discontinuance of a Road and Road Public Easement**

Clark Whittier moved and Darla Hamlin seconded to go into a public hearing to hear comments on the proposed discontinuance of a road and a road public easement. The vote was 5 yes.

Marnie Diffin gave an overview of the proposed closing/discontinuance of a section of Hallowell Rd. She outlined more information with a visual and the necessary steps that the Board of Selectmen is required to take. She stated that the road's location was moved in 1946 but the town, at that time, did not take the final steps to discontinue the road. The State requires an official process be taken. She gave an historical overview of what the town had and had not been done. The Planning Board and abutters have been notified of the process of the request.

COMMENTS FOR: Chris MacLeod of Yarmouth stated that they would like to purchase this property and supports this easement discontinuance.

COMMENTS AGAINST: NONE

COMMENTS NEITHER FOR NOR AGAINST: NONE

Darla Hamlin moved and Mark Girard seconded to close the public hearing and return to the regular meeting. The vote was unanimous.

III. Authorization of an Order of Road Discontinuance

Mark Girard moved and Clark Whittier seconded that the Board of Selectmen order the discontinuance of that section of the way as shown on a Maine State Highway Commission Right of Way Plan entitled, State Aid Highway No. 1, North Yarmouth, Cumberland County, Across Land of Anthony Tucci, June Tucci, and Maynard Damon, dated July, 1946, on file in the Office of the Maine Department of Transportation, at its Office in Augusta, File No. S-3-116, that lies southerly of a line that is thirty-three (33) feet southerly from, concentric and parallel with the Survey Base Line of State Aid Highway No. 1 (Route 9) and lies between Sta. 17+75 and Sta. 28+38.6.

And further described as of a portion of Old Hallowell Road, as a town way and as a public easement, for a distance of approximately 1000 feet beginning at approximately 95 feet+/- southwest of the corner of Bowie (2356-113) and Sullivan (16741-348 & 15956-203). The Old Hallowell Road is approximately variable feet wide and begins at a point 95+/- southwest of the Bowie/Sullivan corner whence it runs approximately 1000 feet in a generally northeast direction to a point 150+/- southwest of the west corner of the town cemetery, as shown more particularly on the Town of North Yarmouth's tax map numbers 9 lot14 & 15, on file at the North Yarmouth Town Office, 10 Village Square Road, North Yarmouth, Maine 04097.

See map entitled- Maine State Highway Commission- Right of Way Plan State Aid Highway
No. 1 North Yarmouth, Cumberland Co. -across land of -Anthony & June M. Tucci & Maynard Damon, July 1946
File No S-3-116

Having given best practicable notice to all abutting property owners and the local Planning Board, we further order damages to the abutting property owners as follows: Joel Bowie Amount: \$ 0.00;
David Sullivan Amount: \$ 0.00 The vote was unanimous.

Darla Hamlin moved and Mark Girard seconded that the Board of Selectmen issue and file with the Town Clerk an Order of Discontinuance that accurately reflects the action taken by this Board to discontinue a portion of the Old Hallowell Road as well as extinguishing the public easement and that the Interim Town Manager be authorized to send to the abutting property owners by best practicable means, notice of this action without delay.

The vote was unanimous

Authorization of a Special Town Meeting Warrant

Clark Whittier moved and Mark Girard seconded to authorize by signing of the Special Town Meeting warrant as presented here tonight. The vote was unanimous

ADMINISTRATIVE:

IV. Consent Agenda:

Mark Girard moved and Darla Hamlin seconded to approve the following consent agenda items: Minutes of the September 17, 2013 meeting; Payroll Warrant #17 and Accounts Payable Warrant #18.

Mr. Napolitano noted that motion was in error as he had request that the September 17th meeting minutes be taken out of the motion.

Mark Girard moved and Darla Hamlin seconded to amend the approval of the consent agenda items: Minutes of the September 23, 2013 meeting; Payroll Warrant #17 and Accounts Payable Warrant #18. The vote was 5 Yes.

Mr. Napolitano commented on the road discontinuance issue in the September 17th minutes. He believes that as written, it appears that the Board of Selectmen will make the approval. Rather, the approval will be at the special town meeting.

Ms. Diffin suggested that the wording be adjusted in the minutes to indicate that the vote is at a special date. This special town meeting will be concurrent with a Board of Selectmen's meeting at a future, scheduled date.

Mr. Palmer stated that they have voted on a special town meeting warrant at tonight's meeting and nothing more.

Paul Napolitano moved and Clark Whittier seconded to accept the corrected September 17th Board of Selectmen minutes (with the suggested wording proposed to clarify the road discontinuance vote process) included. The vote was unanimous.

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

Gerry Whiting, 441 Mill Rd, stated that he has some concerns about the Mill Rd and its changes that have occurred over the years. He expressed concerns on the increased traffic, noise and pedestrian/bicyclist endangerment due to the increased traffic.

He indicated that the painted lines on the road are not seen which increases passing traffic. There is increased truck noise. He believes that this is a serious town issue. He asked if the posted speed limit can be changed. He also suggested a traffic speed sign to assess driver's speed. This would put people on notice. He also suggested signage prohibiting jake braking on this road.

Mr. Napolitano agreed that this is a problem road. Others on the road have spoken to him about this issue. He has been told that no dump truck signs should be posted.

There was a conversation regarding the physical changes of the road (asphalt and the like). Mr. Napolitano suggested moving the stop ahead sign, install slow children ahead signs. Mr. Palmer stated that the lines can be painted. He would support a no jake brake sign and would research to see if there are criteria around this.

Mr. Palmer stated that on Mountfort Rd, he got the license plate of a speeding vehicle and contacted the Sheriff's office. He suggested something similar for trucks on the Mill Rd by contacting the trucking company about it.

Mr. Whittier asked if a camera can take a photo to record a speeder. Mr. Napolitano stated that this information would be helpful to the Sheriff's Department.

Mr. Whiting stated that he would be willing to contact others to attend a future Selectmen meeting to discuss this further if necessary.

Ms. Hamlin asked about the speed limit. Mr. Napolitano stated that that it is 35 miles in one area and up to 40 mph in another. Speed limits are based on DOT rules and cannot be changed by the Town.

Ms. Diffin stated that they can contact the DOT to see if the road speeds can be reviewed. Mr. Whiting stated that there needs to be a statement of concern to push the DOT to review it further.

Mr. Girard stated that he believes that the enforcement of the speed is more the issue rather than try to change it. 35 mph is the default speed for light residential areas. He suggested that signage, painting the lines and the like should be the first steps.

There was also continued discussion on the ongoing concerns and some suggestions. Ms. Diffin stated that the town is in the rotation with the Sheriff's Department for the traffic monitoring trailer. Mr. Girard stated that Cumberland has one and he can find out if it can be borrowed or rented. Mr. Whiting stated that he can find out where it can be placed.

VI. Interim Town Manager Report:
Time line for FY 14-15 budget

Ms. Diffin suggested a the timeline based on an April 5th Town Meeting. (A Saturday in April is outlined in the new Charter).

Suggested timeline:

Town Department heads turn in their preliminary budgets to her by Thanksgiving.

Draft, bid contracts out, regional contracts reviewed etc by Christmas.

By January the Board of Selectmen and Budget Committee would get preliminary budget with February and March for review and changes. She discussed keeping the fiscal year as is for a town report and creating the Town Meeting Warrant published separately to give the group enough time to finalize

Mr. Napolitano stated that this is the problem with the Town Meeting in April. It doesn't allow a town report to be finalized at for this. He asked if this was possible. Mr. Girard stated that a partial or prospective financial report is very time consuming, and anticipating expenditures could lead to unnecessary criticism in the event that outcome numbers do not match. Other Selectmen (Mark, Darla and Steve) agreed that an interim report for the town meeting would not be beneficial but, rather, a final one in the spring. Mr. Girard reminded the group that expenditures and other town information is public record and can be accessed.

Mr. Palmer asked the Selectmen's preference regarding the Town Meeting. Mr. Napolitano proposed April 26th as the meeting date and he believes that people would be more prepared. There was a discussion on school vacation week.

Paul Napolitano moved and Steve Palmer seconded to hold the Town Meeting on April 26, 2014. The vote was 1 Yes and 4 No (Hamlin, Whittier, Palmer, Girard). Motion fails.

Mr. Whittier stated that an earlier date in April was suggested in the Charter process and that the Commission suggested trying the same time to see if earlier in the year brings more participation.

Darla Hamlin moved and Mark Girard seconded to hold the Town Meeting on April 12, 2014. The vote was 4 Yes and 1 No (Napolitano).

Unofficial Response from the Town of Gray

Ms. Diffin stated that a letter was sent regarding the fire brush truck with a 30 day closure which has passed and there has not been a response. She understands that they have received a bid from the Town of Woolwich.

Other information: Fire Department positions.

Mr. Napolitano asked about the front office positions. He asked if 2 positions are needed. Ms. Diffin stated that the town does and funding is within the town's budget. He asked if this decision is made by the Town Manager or the Board of Selectmen. Mr. Whittier stated that this is the Town Manager's decision. There was a discussion about the process. Mr. Whittier stated that the Town Manager has jurisdiction over personnel matters and if it is within the town budget constraints, it can be done.

Ms. Hamlin supports this decision. Mr. Girard stated that he would defer to the Town Manager but he would ask to be sure if this is clearly articulated within the Charter. Mr. Palmer stated that he has had a conversation with the ITM for these 2- 32 hour position. He asked if there will be sufficient applications given that change in pay and benefits but will wait and see. Mr. Napolitano stated that he is not in favor of growing government and believes by doing this, it will create more need for increasing budgets in the future and eliminating positions is difficult. Mr. Girard stated that they have an obligation to service the town in the manner that the residents would like. Mr. Napolitano believes that this is a bad decision.

Mr. Girard asked about the replacement of the Fire Department car. Ms. Diffin stated that the vehicle came from the Cumberland County auction given that the current one would not pass inspection. Ms. Hamlin stated that the online description may imply that there is nothing wrong with it. Others stated that "as is, where is" appears clear.

VII. Board Written Correspondence/ E-Mails Received/ Verbal Reports: Draft Letter to Vision Government Solutions, Inc.

There was a discussion on the draft letter. The current letter is an appropriate notice letter to yield a response. There was also a discussion on the amount owed to Vision Government Solutions, Inc. Ms. Diffin stated that she has noted resident comments regarding tax bills and requests for abatements. She also commented that there is a notation on the documents on any resolutions and what they were. Work on this is ongoing and there was a discussion on the process and requests addressed thus far.

Mr. Palmer commented on a couple of letters they have received.

LEGISLATIVE/JUDICIAL:

VIII. North Road Foreclosure

Mr. Palmer stated that he believes that this item needs to be resolved. Ms. Diffin stated that conversations with the attorney and if the town wishes to pursue the issue then a writ of possession is issued to the occupant of the house. The other option is to cease foreclosure process and let it lie as is and issue a tax abatement. Mr. Girard stated that the foreclosure has taken place but nothing further. Ms. Diffin stated that the ownership records has not changed to the Town of North Yarmouth and a 2013-2014 tax bill has been sent.

Mark Girard moved and Clark Whittier seconded to continue the foreclosure action by authorizing the Town's Attorney to procure the writ of possession and to discuss the removal of the occupant with David Perkins, her will attorney.

The vote was unanimous.

Mr. Girard stated that he is not happy with the process despite numerous attempts by the town to resolve this issue.

IX. Charter Transition: Committee Charges Selectmen By-laws

The Board has been working on this but given how busy Ms. Diffin has been, this item has been tabled for the time being.

ADMINISTRATIVE:

X. Board Member Verbal Comments:

Mr. Girard stated that he has had discussions regarding a housing development project. He suggested to them that they have a conversation with Code Enforcement Officer and then following, to gauge further information from Economic Development Committee and a workshop with the Planning Board. They are exploring some type of pocket community (ie: cluster subdivision). He believes that while it's early, it is encouraging.

He also reminded everyone that the assessment and mil rate increase process is a difficult process but it a numerical process based on the town's value and the approved budget. Errors have been made and will be corrected.

Mr. Whittier attended a meeting with other Selectmen and area communities and heard discussions on regionalization. He believes that there is a good base of trust to explore regionalization. Ms. Hamlin and Mr. Girard gave an overview of the meeting process. Mr. Girard suggested using the phrase cooperation rather than regionalization as a more effective term.

There was an update on the Joint Standing Committee. Mr. Girard commented on the Cumberland town garage and MSAD school bus facility. This land will be developed. A preliminary report is being developed. This may lead to a further discussion on a shared facility with North Yarmouth. Mr. Girard and Mr. Napolitano were open to hearing more.

Mr. Napolitano commented on code enforcement. He stated that there has been a conversation with Pownal for a shared Code Enforcement Officer. He believes that this could be of benefit. He would like to see the Buildings Committee become active again to assess a meeting space (building). He stated that he and Mr. Girard would be willing to help get this group started to help get this process going.

Mr. Napolitano asked about TV Channel 2's broadcast and asked what the issues are and would like to see it resolved. Ms. Diffin stated that she'll get in touch with Mike Leonard at TWC to find out more. There was a discussion on whose issue this is. Mr. Napolitano asked about the interim Town Manager's review. Mr. Palmer stated that it will be sometime in October.

There was a discussion on Selectmen's availability. Mr. Girard asked about the criteria. Mr. Palmer stated that the criteria has been established and the group will work with that. There was a discussion on the process and whether or not there would be a working draft. The evaluation period will be for the past four months up to the end of October. The group agreed to November 4th in Executive Session.

There was a discussion on limited police services or an outside service. Mr. Girard stated that jurisdiction State Police and the Sheriff's Department.

There was a discussion on the Economic Development Committee meeting and discussion items. There was a discussion having the Board of Assessment Review meet. Ms. Diffin gave an overview of what the group needs to do.

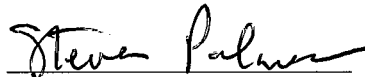
XI. Adjournment

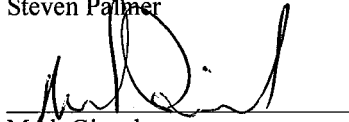
Paul Napolitano moved and Mark Girard seconded to adjourn the meeting.

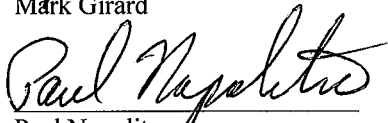
The vote was unanimous.

The meeting ended at 9:02pm


APPROVED


Steven Palmer


Mark Girard


Paul Napolitano

CONSENT AGENDA: October 29, 2013


Clark Whittier

Darla Hamlin