

**Town of North Yarmouth  
Select Board Meeting Agenda  
Tuesday, December 5, 2017  
7:00PM - Town Office Meeting Room**

**I. Call to Order**

**II. Public Hearing - Tax Lien Property Ordinance**

**III. Minutes of Previous Meeting(s)**

- November 21, 2017

**IV. Public Comment - Non-Agenda Items**

Comments regarding issues, concerns, commendations or matters of general public information are welcome. Individuals shall have three (3) minutes to speak and be asked to state their name & legal residence. The public is encouraged when commenting or expressing points of view about an individual(s) that they do so in a respectful and constructive manner. Topics relating to personnel or personnel matters cannot be acknowledged.

**V. Management Reports & Communications**

- Committee Communications
  - Parks & Recreation Committee - Ken Filliter
  - Planning Board - Audrey Lones/Chris Cabot
  - EDSC - Patrick Gilligan
- Town Manager's Report

**VI. Old Business**

None

**VII. New Business**

- FYE16 Foreclosures

**VIII. Accounts Payable - Review & Approval**

- Accounts Payable

**IX. Any Other Business**

(Board communications of written, electronic, or verbal information to include but not limited to pending or future agenda meeting topics.)

**X. Adjournment**

**REMINDERS TO THE ATTENDING PUBLIC:** Please mute all digital devices; Select Board meetings are open to the public, but the public may not speak unless recognized by the Chairperson first.

**Town of North Yarmouth  
Guideline for Conducting  
PUBLIC HEARINGS**

1. **Open the Hearing** - A motion must be made, seconded, and voted on to open the Public Hearing.
2. **Presentation/Explanation** - A brief presentation/summary by the Chair or Town Manager is expected.
3. **Public Participation** - The Select Board can recognize questions/statements from the public in attendance.
4. **Board Inquiries/Discussions** - After public participation, the Board can discuss the subject matter, if necessary.
5. **Close the Hearing** - When it is clear that discussion of the subject has ended a motion to close the Public Hearing (seconded and voted) should take place.
6. **Further Motion(s)** - The Board, if they choose may elect to take action on the matter immediately or may do so at another point in the meeting.
7. **Amendments to the Hearing Subject** - The Board may also make amendments on the subject matter in accordance with any discussions/decisions that took place during the hearing.

**TOWN OF NORTH YARMOUTH**  
**Management of Tax ~~Lien~~-Acquired Property Ordinance**

---

**Article 1. Purpose ~~General~~**

- 1.1 The purpose of this ordinance is to establish procedures/guidelines for the management, administration and disposition of real property acquired for nonpayment of taxes by the Town of North Yarmouth in accordance with Title 36 MRS, ~~A Sections~~ § 942 and 943, as amended.

**Article 2. Analysis of Potentially Acquirable Property for Unacceptable Liabilities**

- 2.1 Annually, thirty (30) days before Notices of Foreclosure are sent, an evaluation of those potential liabilities that might be assumed by the Town shall be conducted with special attention to situations involving hazardous waste, public safety problems, and landlord responsibilities so that waiver of foreclosure recommendations (that conforms to all laws) can be acted upon by the ~~Tax Collector~~/Treasurer with the consultation of the ~~Selectmen~~ Board.

**Article 3. Management of Tax Acquired Property Pending Final Disposition**

- 3.1 Following the foreclosure of the tax lien mortgage, the ~~Tax Collector~~/Treasurer by certified mail return-receipt, shall notify the last known owner of record that his or her right to redeem the property has expired. The notification shall advise the last known owner of record that the property will be disposed of in accordance with this ordinance, a copy of which shall be included with the notification.
- 3.2 The ~~Tax Collector~~/Treasurer shall prepare a list of properties acquired and ~~forward-submit~~ a copy to the ~~Selectmen Board~~ and the ~~Foreclosure Committee~~. ~~This committee shall conduct the following research:~~ The list will include:
- A. ~~Prepare a~~ A fact sheet on all properties identifying current use, assessed value, size, location, zoning, and other relevant data, and
- ~~Will review all properties. The Committee shall consist of one member from the Planning Board, one member from the Zoning Board of Appeals, one member from the Future Land Committee, and two Selectmen.~~
- B. ~~Prepare a~~ A recommendation on each tax acquired property based ~~for on~~ the ~~Selectmen~~ ~~from~~ the following ~~substance~~ options:
1. Retain the property for town purposes.
    - a) The property has or will have recreational value or economic value to the Town;
    - b) The property has or will have potential for public facility or additions to public facilities;
    - c) The property has or will have potential use for the inhabitants of North Yarmouth as determined by the ~~Selectmen~~ Board (i.e., forest land, park land, etc.)

**TOWN OF NORTH YARMOUTH**  
**Management of Tax ~~Lien~~-Acquired Property Ordinance**

---

2. Retain the property and lease it.
  3. Donate the property to some appropriate non-profit organization whose mission benefits North Yarmouth citizens in general.
  4. Other uses.
- 3.3 The responsibility for the management of tax acquired property rests with the ~~Selectmen~~ Board. The ~~Selectmen's Board's~~ decision regarding the action plan for the final disposition of property shall:
- A. Determine whether the Town's best interest would be served by immediately disposing of the property (consider potential liability interest in owning the property);
  - B. Determine and obtain, if necessary, a level of insurance required to protect the town's interest in the property and to protect the Town from liability;
  - C. Determine if and when any occupants of tax acquired property shall be required to vacate the property;
  - D. Determine whether a rental fee should be charged to any occupants of the property. A rental fee shall not be imposed unless the Town has acquired sufficient liability insurance;
  - E. Notwithstanding the provisions of Article 6, Property to be Sold, the ~~Selectmen~~ Board shall determine any special conditions, if any, for property sales. Title 14 MRS, ~~A~~ 8104-A.
- 3.4 In the event the taxpayer in possession or taxpayer lessee possession has ceased for ~~sixty~~ (60) consecutive days, the ~~Town Manager~~ ~~Administrative Assistant~~ shall obtain liability coverage for the property.

**Article 4. Review of Tax Acquired Properties**

- 4.1 The ~~Administrative Assistant~~ ~~Town Manager~~ may also recommend that the Town retain the property on a temporary basis if, in his or her judgment, the immediate sale would cause the occupants to be placed on public assistance.
- 4.2 The ~~Administrative Assistant~~ ~~Town Manager~~ ~~and Foreclosure Committee~~ shall forward the recommendations to the ~~Selectmen~~ Board who shall make the final determination regarding property disposition.

**Article 5. Repurchase of Tax Acquired Property**

- 5.1 The party from whom the property was acquired may repurchase the property by paying all outstanding property taxes, including the total amount of all delinquent property taxes, plus

**TOWN OF NORTH YARMOUTH**  
**Management of Tax ~~Lien~~-Acquired Property Ordinance**

---

the total taxes for the current tax year (and an estimated amount for the next year after commitment) plus accrued interest, lien costs and any other costs relating to the property including, but not limited to, insurance, noticing and other related costs. The Town may also require the payment of any other delinquent taxes or obligations due to the Town (~~i.e.:~~ ~~personal property taxes~~).

- 5.2 The party from whom the property was acquired may, upon approval of the ~~Selectmen~~ ~~Town Manager~~, enter into a written agreement (~~see attachment~~) to make ~~reasonable installment~~ payments to satisfy the obligations set forth in section 5.1 above, pursuant to the conditions set forth in Title 33 MRS, ~~A Section~~ ~~§~~ 481 and 482, in exchange for a promise of the Town to give a municipal quit claim deed if all of the terms and conditions of the ~~installment~~ ~~payment~~ agreement are fulfilled by the obligor.

**Article 6. Property to be Sold**

- 6.1 If the ~~Foreclosure committee~~ ~~Town Manager~~ and the ~~Selectmen~~ ~~Board~~ decide to sell the property by advertised sale, the Select ~~Boardmen~~ shall establish a sale date. The ~~Administrative Assistant~~ ~~Town Manager~~ shall ~~cause to be published~~ a notice of the sale of the tax-acquired property in a local newspaper. Said notice shall be published at least three (3) times with the last publication at least fourteen (14) days prior to the sale. The notice shall be posted ~~with~~in the Municipal Office and at least two other conspicuous places within North Yarmouth. The notice shall specify the time and date bids are due and the general terms of the bid. It shall also contain the following information for each piece of property:
- A. Brief description of the property, i.e., land, building, mobile home, etc.;
  - B. Location of the property including Map and Lot numbers;
  - C. Brief description of the conditions of the sale;
  - D. ~~The m~~Minimum bid; and
  - E. ~~The r~~Required deposit.
- 6.2 The Select ~~Boardmen~~ will determine the minimum bid for any tax acquired property. The minimum bid shall be at least, but not limited to, the total of all outstanding taxes, including estimated taxes for the current year if the conveyance is prior to commitment and the actual amount of taxes for the current year is not yet known, interest, lien costs, and any other actual costs, such as legal and insurance costs.
- 6.3 Bids shall be publicly opened and read on the date and at the time specified.
- 6.4 The ~~Administrative Assistant~~ ~~Town Manager~~ shall review all bids and make recommendations to the ~~Foreclosure Committee and the Board of~~ ~~Selectmen~~ ~~Board~~. The Select ~~Boardmen~~ shall determine the successful bidder.

**TOWN OF NORTH YARMOUTH**  
**Management of Tax ~~Lien~~-Acquired Property Ordinance**

---

- 6.5 The ~~Administrative Assistant~~Town Manager shall notify the successful bidder by certified mail.
- 6.6 The Town of North Yarmouth reserves the right to reject any or all bids, accept any bid (not necessarily the highest) and waive any of the requirements of this policy should the Select~~men~~ Board, in its sole determination, judge such actions to be in the best interest of the Town of North Yarmouth. Instances, where this right may be invoked, include but are not limited to determining if the town would benefit greater by a use proposed by a party other than the highest bidder.
- 6.7 Should the Select Board~~men~~ reject all bids; the property may again be offered for public sale without notification to the prior owner.
- 6.8 The bid deposit of the successful bidder shall be retained as a credit towards the purchase price. All other deposits shall be returned to the bidders.
- 6.9 The Select Board~~men~~ shall require payment in full from the successful bidder within thirty (30) days from the date the bids are opened. Should the bidder fail to pay the full price within thirty (30-) days, the Town shall retain the bid deposit and title to the property. The Select Board~~men~~ may offer the property to the next highest bidder who shall also have thirty (30) days to make payments in full.
- 6.10 Title to tax acquired property shall be transferred only by means of a Municipal Quit Claim Deed.
- 6.11 The successful bidder shall be responsible for the removal of any and all occupants and contents of purchased tax acquired property.

**Town of North Yarmouth  
Select Board  
Meeting Minutes of November 21, 2017**

**Call to Order**

Members Present: Peter Lacy, Jeanne Chadbourne, Jennifer Speirs, Anne Graham & Steven Morrison. Town Manager Rosemary Roy was also present.

**Minutes of Previous Meeting(s)**

Vice Chair Chadbourne moved to approve the Select Board Meeting Minutes of November 7, 2017. Selectperson Speirs seconded the motion. Discussion: None. **Vote: 5 Yes - 0 No.**

**Public Comment - Non-Agenda Items**

Steve Palmer of Mountfort Road: The Living Well Committee planted a white spruce Christmas tree by the town green that was donated by Horton Resource.

**Management Reports & Communications**

Town Manager's Report: The Town Manager provided the Board with a verbal summary of her report.

Highlights - 2016 Fiscal Year foreclosures will be presented at December meeting; Criterium Engineers has been contracted to start assessments on the Town facilities to begin after Thanksgiving; North Yarmouth has been selected as a route for Wreaths Across America. December 10th at 6 PM the convoy will come through; NYMS - There was a leak in the roof about a month ago, it has been fixed. There are no further leaks and no black mold in the building. NYMS will need more staffing in the near future due to continued issues with the alarm not being set and vandalism.

Department Head Bi-monthly Reports (Informational Only) - Chairperson Peter Lacy asked for numbers on Garbage to Garden, Town Manager Roy will research and respond to Peter. Vice Chairperson Chadbourne asked what the reason behind capping Inland Fisheries and Wildlife was. Town Manager Roy will follow up with the Assistant Town Manager and give the Board an update.

**Old Business**

Tax Lien Management Ordinance - Set Public Hearing Date: Selectperson Morrison moved to set the public hearing date for Tuesday, December 5, 2017 @ 7 PM. Selectperson Graham seconded the motion. Discussion: None. **Vote 5 Yes - 0 No.**

Committee Appointments: Selectperson Speirs moved to appoint Matt Scott and Kevin Robinson to the Wescustogo Building and Design Committee. Selectperson Morrison Seconded the motion. Discussion: None. **Vote 5 Yes - 0 No.**

Wescustogo Building & Design Committee: The WBDC is looking for direction from the Select Board on the following questions:

- Is it feasible to do a phased project?
- Should the existing kitchen be incorporated into the new building?
- Should the occupancy be at 200 or 300 people?

It was agreed that a joint workshop of the Select Board and Wescustogo Building and Design Committee would be held on Thursday, December 7, 2017, at 7 PM.

The information contained in this report is intended to inform the Select Board, staff, and residents, some of the current activities taking place within the manager's office or the Town in general. All topics are open for discussion.

**NYMS:** As I reported to the Select Board on November 21<sup>st</sup>, in budgeting for this year's use of the Memorial School it was with the belief that we would be in the process of building Wescustogo Hall and renovating the gymnasium. We originally budgeted for ¼ of the fiscal year. Currently, as we approach the end of the 2<sup>nd</sup> quarter, there is \$8,200 remaining in this account from a beginning year budget number of \$19,100. This reflects no deliveries of heating oil, and there have been several unexpected needed repairs this year. Calculations indicate that there will be an estimated overage of approximately \$10,000 at year-end. This would include the added staff coverage I mentioned. Plausible options: 1) Use Contingency Reserves Funds; 2) Allow account overage and apply unassigned funds at the end of the fiscal year; 3) Hold a Special Town Meeting for purposes of transferring funds from the UFB to the account now; 4) Close the school down. Unless the Select Board prefers another option, I will proceed with options 1 and or 2 under my authority as Town Manager.

**Electricity:** I hope to see savings in the months to come with the Town's electricity bills as we have changed the Town's supply company from Electricity Maine to Central Maine Power who currently is offering the best rate.

**Land Use Ordinance:** I will be entering into a contract with GPCOG for their expertise to incorporate the new Shoreland Zoning regulations into the Town's Land Use Ordinance. This was a request of the Planning Board one I feel is very prudent as these new rules are complicated and lengthy. This allows the Planning Board to continue their current work on other needed revisions of the Land Use codes for approval at the April Annual Town Meeting. Costs will not exceed \$6,000.

**Marijuana Forum:** In lieu of recent inquiries through the Code Enforcement Office relating to proposed marijuana business establishments, I thought I would suggest to the Board that an open forum on the subject (after the holidays) may be warranted to provide the Board with better insight on how residents feel or perhaps a simple online survey concerning the new marijuana laws and North Yarmouth. Upon the completion of the legislation (Feb 2018), this forum or poll may give some direction for the Board.

**Budget:** I will be distributing this year's Budget Schedule at the next Board meeting.

**Summit:** I am delighted with the results of our second Summit and am looking forward to May. I want to thank each and every Select Board member for your support on this event. And kudos to the EDSC and municipal staff who did an excellent job that resulted in a very successful event.

Respectfully,

*Rosemary*

Rosemary E. Roy, Town Manager



**New Business**

None.

**Accounts Payable – Review & Approval**

Chairperson Lacy moved to accept the accounts payable Warrants 18 & 19 in the amount of \$693,672.91. Selectperson Morrison seconded the motion. Discussion: Selectperson Speirs asked what Barret Made was working on to warrant the invoice for \$3,300. Town Manager Roy explained that Barret Made began to rework the plans for the Wescustogo Hall. **Vote: 5 Yes - 0 No**

**Other New Business**

Chairperson Lacy announced that he is moving out of North Yarmouth after Christmas and because he will no longer be ineligible to serve on the Board he will be resigning sometime during the month of December.

**Adjournment**

Chairperson Peter Lacy moved to adjourn.

Ashley P. Roan  
Recording Secretary

Select Board

\_\_\_\_\_  
Peter Lacy, Chair

\_\_\_\_\_  
Jeanne Chadbourne, Vice Chair

\_\_\_\_\_  
Anne Graham

\_\_\_\_\_  
Stephen Morrison

\_\_\_\_\_  
Jennifer Speirs

December 11, 2017 - 30 Day Automatic Foreclosure Notices

Acct Year	Property Tax Due	Payment Received	Abate - Adjust	Balance Due	Balance Due w/ Interest	Refund Abate
33 BROWN, IAN A. 2016-1	3,698.80	3,129.78	-309.46	878.48	878.65	0.00
573 DEMERS, BRIGITTE HELEN 2016-1	3,826.01	1,853.87	-351.70	2,323.84	2,324.73	0.00
1627 FECTEAU JR., JACK R. 2016-1	3,644.28	2,791.92	-189.04	1,041.40	1,082.74	0.00
819 MACMAHON J MARY MACMAHON, DAVID M. 2016-1	7,046.36	0.00	0.00	7,046.36	7,701.09	0.00
345 RICHARD ANDERSON HEIRS 2016-1	109.53	0.00	0.00	109.53	115.31	0.00
1616 ROBBINS, WILLIAM P & SUSAN W JT 2016-1	5,747.91	0.00	0.00	5,747.91	6,290.35	0.00
709 RUSSELL, MARK E. 2016-1	2,946.42	2,000.00	-167.82	1,114.24	1,147.58	0.00
<b>Total for 7</b>	<b>27,019.31</b>		<b>-1,018.02</b>		<b>19,540.45</b>	
		<b>9,775.57</b>		<b>18,261.76</b>		<b>0.00</b>

**Payment Summary**

Type	Principal	Interest	Costs	Non Int.	Total
P - Payment	8,065.87	1,518.74	190.96	8,757.55	9,775.57
Subtotal	8,065.87	1,518.74	190.96	8,757.55	9,775.57
Total	8,065.87	-777.97	190.96	8,757.55	7,478.86

**Non-Interest Due**

2016-1	18,261.76	19,540.45
Total	18,261.76	19,540.45

**PAYMENT PLANS - Taxpayers are set up in a payment plan to avoid foreclosure.**

Action Item

**WAIVED FORECLOSURE -** Since FY2013 the Select Board has elected to waive the Town's rights to foreclose for non-payment of taxes due to possible contaminants on the property. This fall Code Officer Ryan Keith and PW Director, Clark Baston inspected the property. There are some old structures and scattered "junk" materials on the property but nothing of a severe toxic/dangerous in nature. See maps included with this report. The property is 1.42 acres with an assessed value of \$3,700. The total amount due for years 2013 to present is \$488.44. The Anderson Heirs have to express each year (since 2013) that they do not want the property and will not pay the taxes. The Select Board may choose to continue to waive the foreclosure leaving the property in the name of the Anderson Heirs or follow through with the foreclosure and acquire the lot as Town property. It is possible that an abutter may want to purchase the lot or perhaps the Parks & Recreation Committee may wish to explore potential options. As the Town's Tax Collector/Treasurer I do not foresee any significant financial issues with either choice.

**REMAINING ACCOUNTS -** The remaining accounts will be processed according to foreclosure regulations. There will either be payments in full made before the automatic foreclosure date, the option of a payment plan will be elected, or the property will be come tax acquired.



North Yarmouth, ME



December 1, 2017

1 inch = 1075 Feet

[www.cai-tech.com](http://www.cai-tech.com)



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



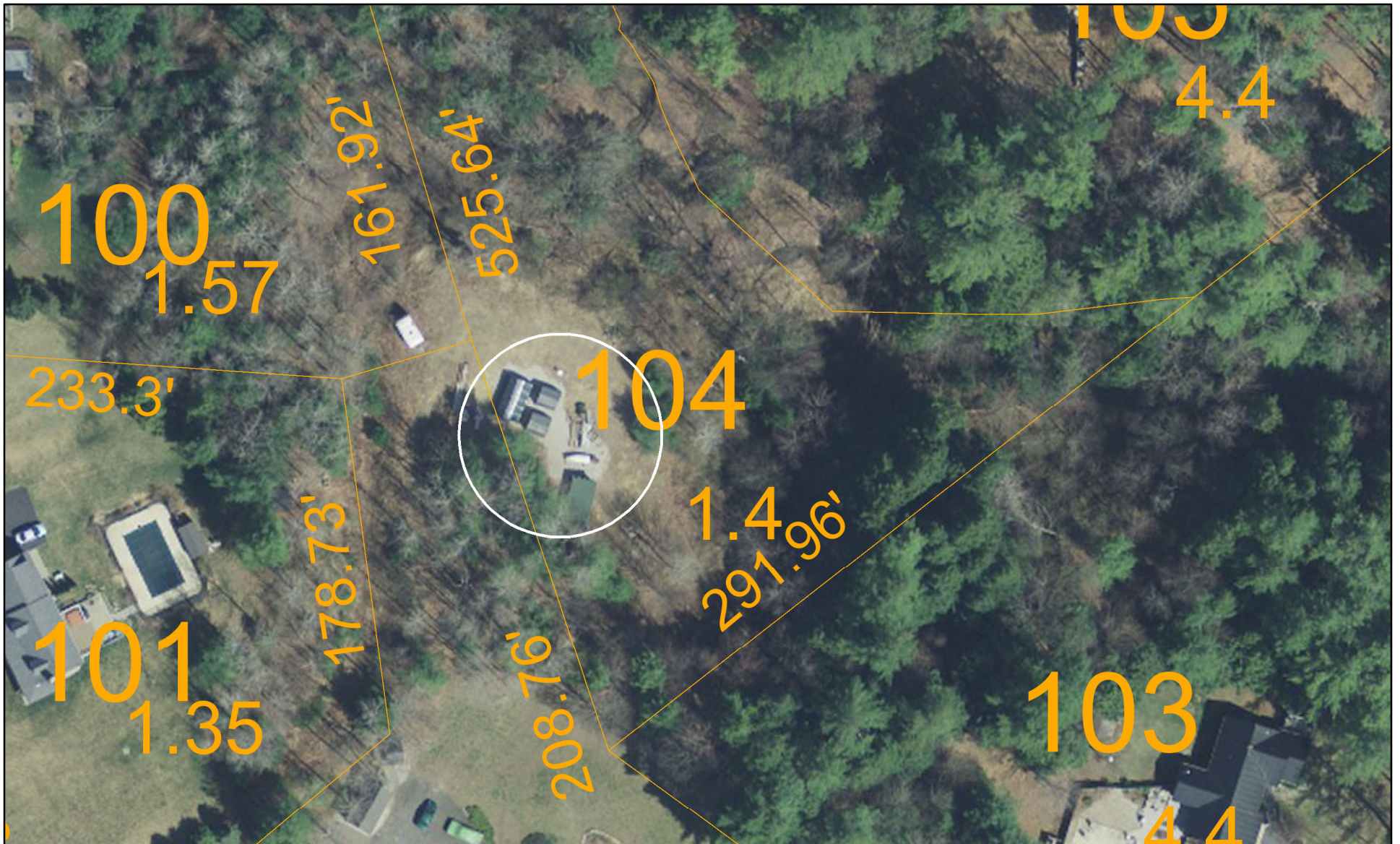
North Yarmouth, ME



December 1, 2017

1 inch = 67 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.