



Town of North Yarmouth, Maine
Annual Town Meeting Minutes
Fiscal Year July 1, 2019 - June 30, 2020
April 6, 2019

To: Clark M. Baston, a resident in the Town of North Yarmouth, County of Cumberland, and the State of Maine.

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of North Yarmouth, Maine qualified by law to vote in town affairs, to meet at the Greely Arts Center located in Cumberland, Maine on Saturday the 6th day of April A.D. 2019, at nine (9) o'clock in the forenoon, then and there to act upon Articles 1 through 24 as set out below, to wit:

The Registrar of Voters gives notice that citizens will be able to register to vote April 6, 2019, from 8:30 AM to close of the meeting.

ARTICLE 1: To elect a Moderator by written ballot to preside over said meeting.

Chairperson Speirs moved to elect Michael Traister, seconded by Selectperson Whitten. Vote: 4 Yes 0 No. Motion passed.

ARTICLE 2: To see if the Town will vote to adopt the Maine Moderator's Manual as prepared by the Maine Municipal Association as the parliamentary procedure at Town Meeting for the ensuing year, or see what action the Town will take.

Chairperson Speirs moved to adopt "The Maine Moderator's Manual, seconded by Selectperson Morrison. Motion passed.

ARTICLE 3: Shall the Town vote to authorize the municipal officers to accept a gift of 5.91 acres a specific section of property tax Map 7, Lot 34 and to execute any documents related to the acceptance of said gift, and authorize the expenditure of all closing costs (giver and receiver) relating to the transfer of ownership of the property.

Explanation: The property is owned and being gifted by the Norm Smith family. The 5.91 acres abuts Map 7 Lot 52 that the Town already owns and has some rights of access to the Town property. The property also abuts land owned by the Royal River Conservation Trust. If accepted by the Townspeople the Smith family requests that acknowledgment of the gift be provided through an announcement, a sign on the lot, and labeling on maps of the land around Knight's Pond Preserve.

Selectperson Graham moved to pass article as read, seconded by Selectperson Whitten. Discussion: Daniel Smith, 410 Walnut Hill encouraged passage of article and thanked the Smith family. Motion passed.

ARTICLE 4: Shall the Town vote to authorize the municipal officers to lease the town-owned property known as the Village Green, located at 475 Walnut Hill Road, Map 7, Lot 65 to North Yarmouth Historical Society for the relocation of the Old Town House, for the sum of one dollar (\$1.00) in exchange for the transfer of ownership of the .25 acre property at 470 Memorial Highway, identified as Map 9. Lot 46, and to execute any necessary documents relating to the matter.

Explanation: Relocating the historic Old Town House would enhance the village center and be an aesthetic and economic asset. The restored Old Town House would provide versatile space for meetings, programs, education, and social events. It will be in character with the Village Green, band stand, and Memorial Garden.

The lease is given for a term of ninety-nine (99) years or more, with the provision it is for the NYHS or a successor organization with the same purpose. If that entity ceases to exist, the property and buildings revert to the Town of North Yarmouth. It is further understood that the provisions of the 1997 agreement with the Wescustogo Grange, notably the sixty-five percent (65%) required green space, will not change as a result of this lease.

Selectperson Whitten moved to pass article as read, seconded by Selectperson Morrison. Discussion: Katie Murphy, 440 Mountfort Road provided history of idea to move building and supports article. Martha Leggat, 263 Mountfort Road spoke in favor of article. Lincoln Merrill, 1572 North Road, spoke as grange member and president supports passage. Motion passed.

ARTICLE 5: Shall the town adopt to be effective July 1, 2019, an act to require local write-in candidates to declare their candidacy by filing with the Town Clerk at least forty-five (45) days before the election, as now required for state write-in candidate's MRSA 21-A § 722-A?

Selectperson Morrison moved to pass article as read, seconded by Selectperson Whitten. Discussion: Robert Taisey, 460 Mountfort Road, questioned reason for request. Lincoln Merrill, 1572 North Road voiced concerns over process. Town Clerk Debbie Grover clarified state law and issues that arise from candidates being written in. Motion passed. Vote: 74 Yes, 50 No.

ARTICLE 6: Shall the following vote be adopted: Shall the voters of the Town of North Yarmouth, Maine designate a municipal development and tax increment financing district known as the "Village Omnibus Municipal Development and Tax Increment Financing District" and adopt a Development Program for the District such approvals to be pursuant to the following findings, terms and provisions?

WHEREAS, the Town of North Yarmouth (the "Town") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate tax increment financing districts and adopt development programs for such districts; and

WHEREAS, designating the Village Omnibus Municipal Development and Tax Increment Financing District (the "District") and adopting the District's development program (the "Development Program") will help to provide new employment opportunities within the Town, provide opportunities for economic development in the Town and the surrounding region, improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

WHEREAS, the Town has held a public hearing on the question of designating the District and adopting the Development Program in accordance with the requirements of 30-A M.R.S.A. Section 5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, the Town shall vote whether to designate the District and adopt the Development Program; and
WHEREAS, it is expected that approval will be sought and obtained from the State of Maine Department of Economic and Community Development, approving the amendments to the District and Development Program.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE TOWN:

Section 1. The Town hereby approves the Village Omnibus Municipal Development and Tax Increment Financing District and the Development Program therefor; such approval to be pursuant to the following findings, terms, and provisions:

Section 2. The Town hereby finds and determines the following, demonstrating the District's compliance with State statute: North Yarmouth Village Omnibus Municipal Development and Tax Increment Financing District Development Program.

- a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all existing and proposed development districts within the Town (including this District) does not exceed five percent (5%) of the total acreage of the Town; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including this District) does not exceed five percent (5%) of the total value of equalized taxable property within the Town as of April 1, 2018; and
- d. The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The Town has considered all evidence, if any, presented to it at the required public hearing with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby adopts the Development Program presented to Town Meeting in the form attached hereto, and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 4. Pursuant to the provisions of 30-A M.R.S.A. Section 5227, the percentage of captured assessed value to be retained in accordance with the Development Program is to be established as set forth in the Development Program.

Section 5. The Town Manager or his or her duly-appointed representative, be and hereby is authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. Section 5226.

Section 6. The Town Manager or his or her duly-appointed representative, be and hereby is authorized and empowered, to make such revisions to the Development Program as he/she, or his/her duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with this article or the basic structure and intent of the Development Program. North Yarmouth Village Omnibus Municipal Development and Tax Increment Financing District Development Program.

Section 7. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the State of Maine Department of Economic and Community Development, without requirement of further action by the Town, the Select Board or any other party.

Chairperson Speirs moved to pass article as read, seconded by Selectperson Graham. Discussion: William Young, Sweetser Road, commented that developers can not use as TIF District, section 2a. left out information, the area must be a blighted area. He didn't realize Village Green was a blighted area. Mr. Young commented that there is no guarantee that businesses coming to town are favorable and what type of development they may have. Chairperson Speirs asked Shana Mueller to address state requirements. Ms. Mueller confirmed that this meets the 25% requirement and a TIF is more beneficial to the community than a business.

Paul Napolitano, Mill Ridge Road, asked at public hearing where it is sheltered. Ms. Mueller addressed what the hope and goals are and mentioned the town can vote to reduce or eliminate if the need is there. The purpose is to generate growth to the town.

Audrey Lones, Baston Road, asked where can the funds be used. Town Manager Roy responded that this would allow for funds to go to salary for Town Manager or staff to administer the TIF plan. Shana Mueller referred to the handout provided for how the money can be spent.

Mike Mallory, Walnut Hill Rd, commented that this is a short-term solution for a long-term problem. Town Manager Roy responded that everyone will be taxed on the same basis as it is today. TIF allows monies to be separated to improve town center. At completion, TIF can be amended to reallocate money.

Daniel Smith, Walnut Hill, stated Cumberland is doing this now and he supports passage.

Lincoln Merrill, North Road, asked to hear from School Board representative Kevin Desmond. Mr. Merrill opposed passage. He refused this for his business in Yarmouth. Mr. Merrill has researched and is concerned about what kind of infrastructure and how it will impact us in the future. He doesn't feel it would benefit us.

Chairperson Speirs stated the tax shift benefits every tax dollar and the town will keep a very small amount. She also stated having a TIF the town keeps and controls money.

Shana Mueller said at the end of the TIF district revenue will be shifted to the General Fund.

Ed Gervais, Gray Road, stated this is farm and forest area and why would we do this?

Selectperson Graham referred to handout page 5 of pink handout. Individual will not see increase in their tax bill. She supports passage.

Dan Rose, 417 New Gloucester questioned if this is the best for the town.

Town Manager said the state looks at the total value of everything.

Selectperson Whitten asked Shana Mueller to address question of number of TIFS. She responded there are 400 TIF districts.

Bill Young, Sweetser Road, stated the tax shift will happen due to the new Comprehensive Plan. He feels school enrollment is up due to influx. He also feels this is a business enticement only to build Dollar General's so if you want to keep the town as it is vote against it.

Town Manager Roy clarified the Economic Development and Sustainability Committee and Select Board have no intentions of chain stores and to maintain the present character.

Raymond Lynch, Rani Road, spoke of property tax distribution and wonders what it means to the town. Shana Mueller said the agencies will collect money they need. We will get more subsidy and explained the tax shift impact.

Rob Wood, Milliken Road doesn't favor TIF's but recognized how Cumberland TIF's have impacted North Yarmouth.

Greg Schueman, a member of the EDSC and resident feels everyone is working together to keep character the same as it is today and he supports passage.

Jeanne Chadbourne asked to move the question, seconded by Chairperson Speirs. Moderator called for a vote to move the question. Motion passed. Moderator called for a vote on the original motion. Motion passed.

ARTICLE 7: To see if the Town will vote to raise and appropriate \$541,126.00 for Municipal Administration, or see what action the Town will take.

Municipal Administration	Budget FY19	Request FY20	Difference	Percent
Wages/Allowances/Training	\$ 249,805.00	\$ 307,462.00	\$ 57,657.00	23.1
Operating Expenses	\$ 85,318.00	\$ 84,871.00	\$ (447.00)	(0.5)
Contracted / Professional Services	\$ 67,660.00	\$ 78,716.00	\$ 11,056.00	16.3
Buildings & Grounds	\$ 63,045.00	\$ 61,577.00	\$ (1,468.00)	(2.3)
Communications Committee	\$ 9,950.00	\$ 8,500.00	\$ (1,450.00)	(14.6)
Memorial School Operations	\$ 21,438.00	\$ -	\$ (21,438.00)	(100.0)
TOTAL	\$ 497,216.00	\$ 541,126.00	\$ 43,910.00	8.80

Selectperson Morrison moved to pass article as read, seconded by Chairperson Speirs. Discussion: Paul Napolitano, Mill Ridge Road asked if this article includes Wescustogo Hall and Community Center and why the school listed as separate entity. Selectperson Morrison responded it is included. Town

Selectperson Graham moved to pass article as read, seconded by Selectperson Whitten. Discussion: Selectperson Graham expressed the need for additional funds. William Young, Sweetser Road commented on budget needs and wages for the fire department. Motion passed.

ARTICLE 10: To see if the Town will vote to raise and appropriate \$429,518.00 for **Public Works**, or see what action the Town will take.

Public Works Department	Budget FY19	Request FY20	Difference	Percent
Wages/Allowance/Training	\$ 247,562.00	\$ 231,687.00	\$ (15,875.00)	-6.4
Operating Expenses	\$ 200,251.00	\$ 197,831.00	\$ (2,420.00)	-1.2
TOTAL	\$ 447,813.00	\$ 429,518.00	\$ (18,295.00)	-4.1

Chairperson Speirs moved to pass article as read, seconded by Selectperson Morrison. Discussion: None. Motion passed.

ARTICLE 11: To see if the Town will vote to raise and appropriate \$228,188.00 for **Solid Waste / Recycling**, or see what action the Town will take.

Solid Waste / Recycling	Budget FY19	Request FY20	Difference	Percent
MSW Disposal	\$ 63,865.00	\$ 65,557.00	\$ 1,692.00	2.6
Recyclables Collection	\$ 63,890.00	\$ 65,557.00	\$ 1,667.00	2.6
MSW Collection Surcharge	\$ 300.00	\$ 300.00	\$ -	-
Ecomaine Tonage	\$ 49,350.00	\$ 66,819.00	\$ 17,469.00	35.4
PAYT Disposal Bags	\$ 17,000.00	\$ 20,000.00	\$ 3,000.00	17.6
HHW Collection / Clean Up Day	\$ 7,500.00	\$ 7,500.00	\$ -	-
Garbage to Garden Composting	\$ 1,000.00	\$ 2,455.00	\$ 1,455.00	145.5
TOTAL	\$ 202,905.00	\$ 228,188.00	\$ 25,283.00	12.5

Selectperson Whitten moved to pass article as read, seconded by Chairperson Speirs. Discussion: Norm Smith of The Lane, asked why Garbage to Garden request is so high. Greg Payson explained the usage is very heavy and another bin has been added. Motion passed.

ARTICLE 12: To see if the Town will vote to raise and appropriate \$816,668.00 for **Fixed Expenses**, or see what action the Town will take.

Fixed Expenses	Budget FY19	Request FY20	Difference	Percent
Debt Service	\$ -	\$ 285,900.00	\$ 285,900.00	100.0
Employee Benefits	\$ 265,654.00	\$ 323,435.00	\$ 57,781.00	21.8
Municipal Insurance	\$ 39,767.00	\$ 41,457.00	\$ 1,690.00	4.2
Shared Services NY/Cumberland	\$ 178,994.00	\$ 165,876.00	\$ (13,118.00)	-7.3
TOTAL	\$ 484,415.00	\$ 816,668.00	\$ 332,253.00	68.6

Selectperson Graham moved to pass article as read, seconded by Selectperson Morrison. Discussion: None. Motion passed.

ARTICLE 13: To see if the Town will vote to raise and appropriate \$549,100.00 for **Capital Improvements Reserves**, or see what action the Town will take.

Capital Reserves	Budget FY19	Request FY20	Difference	Percent
PWD/FRD (Heavy Equipment)	\$ 130,000.00	\$ 130,000.00	\$ -	-
Technology & Communications	\$ 38,900.00	\$ 29,100.00	\$ (9,800.00)	-25.2
Future Land Reserve	\$ 10,000.00	\$ 10,000.00	\$ -	-
Parks & Recreation	\$ 5,000.00	\$ -	\$ (5,000.00)	-100.0
Municipal Facilities/Grounds	\$ 165,000.00	\$ 165,000.00	\$ -	-

Contingency Reserve	\$ -	\$ 5,000.00	\$ -	-
Records Preservation	\$ 15,000.00	\$ -	\$ (15,000.00)	-100.0
Roadway Maintenance	\$ 175,000.00	\$ 210,000.00	\$ 35,000.00	20.0
TOTAL	\$ 538,900.00	\$ 549,100.00	\$ 10,200.00	1.9

Selectperson Morrison moved to pass article as read, seconded by Selectperson Whitten. Discussion: None. Motion passed.

ARTICLE 14: To see if the Town will vote to accept and apply **\$2,085,347.00** of the following **non-property tax revenues** to reduce the total amount authorized to be raised by taxation.

Revenues	Budget FY19	Request FY20	Difference	Percent
State Municipal Revenue Sharing:	\$ 191,575.00	\$ 387,000.00	\$ 195,425.00	102.0
Motor Vehicle Excise:	\$ 867,000.00	\$ 965,000.00	\$ 98,000.00	11.3
Solid Waste & Recycling:	\$ 140,000.00	\$ 186,300.00	\$ 46,300.00	33.1
Local Road Assistance:	\$ 27,000.00	\$ 27,000.00	\$ -	-
Ambulance Service Fees:	\$ 65,000.00	\$ 60,000.00	\$ (5,000.00)	-7.7
All Other Anticipated Revenues:	\$ 414,597.00	\$ 460,047.00	\$ 45,450.00	11.0
TOTAL	\$ 1,705,172.00	\$ 2,085,347.00	\$ 380,175.00	22.3

And further to see if the Town will authorize the Select Board and Treasurer to accept any additional revenues or funds that may be used to reduce the amount required to be raised by taxation, or see what action the Town will take.

Selectperson Graham moved to pass article as read, seconded by Chairperson Speirs. Discussion: None. Motion passed.

ARTICLE 15: To see if the Town will raise and appropriate an estimated **\$30,000** for overlay for the purposes of granting tax abatements or see what action the Town will take.

Selectperson Morrison moved to pass article as read, seconded by Chairperson Speirs. Discussion: Steve Gordon, 24 Heather Loch, asked if the amount requested is enough. Town Manager addressed the question. Motion passed.

ARTICLE 16: To see if the Town will vote to authorize the Select Board to transfer from the town's undesignated fund balance an amount of **\$100,000.00** for the purpose of reducing the total amount authorized to be raised by taxation for the fiscal year 2020, or see what action the Town will take.

Chairperson Speirs moved to pass article as read, seconded by Selectperson Whitten. Discussion: None. Motion passed.

ARTICLE 17: To see if the Town will vote to authorize the transfer of **\$36,000** from the Town's undesignated fund balance to be set aside in a committed fund balance account to be expended in future years for providing the property tax assistance, in accordance with the Town's Property Tax Assistance Ordinance or see what action the Town will take. *(Approval of this article will not increase the property tax levy.)*

Selectperson Whitten moved to pass article as read, seconded by Selectperson Morrison. Discussion: None. Motion passed.

ARTICLE 18: To see if the Town will vote to authorize the transfer of **\$4,453** from the Town's undesignated fund balance to be set aside in a committed fund balance account to be expended in future years for the purpose of employee disbursements of earned but not expended benefits or see what action the Town will take. *(Approval of this article will not increase the property tax levy.)*

Selectperson Graham moved to pass article as read, seconded by Chairperson Speirs. Discussion: Raymond Lynch and Daniel Smith asked for clarification of article. Town Manager Roy addressed questions. Motion passed.

ARTICLE 19: To see if the Town will vote to allocate funds received from the registration of snowmobiles to Town established snowmobile club(s) for the purpose of maintaining their snowmobile trails to be open to the use of the public at all times.

Selectperson Morrison moved to pass article as read, seconded by Selectperson Whitten. Discussion: None. Motion passed.

ARTICLE 20: To see if the Town will vote to exceed the maximum property tax levy limit (LD1) established by State law in the event that the municipal budget approved results in a tax commitment in excess of the property tax levy otherwise allowable, such that the increased maximum property tax levy hereby established will equal the amount committed, or see what action the Town will take.

Selectperson Whitten moved to pass article as read, seconded by Selectperson Graham. Discussion: Mike Mallory, Walnut Hill asked for clarification which was provided by Town Manager Roy. Rob Taisey asked if it would make sense to set a limit. Town Manager Roy answered that it requires a special town meeting to pass. Deb MacLeod asked for clarification. Town Manager Roy responded. Pam Ames spoke to how the formula works. Motion passed. Vote: 58 Yes, 11 No.

Explanation: It is not projected that the town's budget will exceed tax levy limits established by State law, but as a preventive housekeeping action it is recommended the Town vote to approve Article 20. By State Law, the vote on this article must be by written ballot.

ARTICLE 21:

- 1) To see if the Town will vote to make all taxes assessed for the Town's 2020 fiscal year, July 1, 2019 through June 30, 2020, due in four (4) installments, with the first quarter (1/4) of the total amount assessed due and payable on **September 15, 2019**, the second quarter (1/4) due **December 15, 2019**, the third quarter (1/4) due **March 15, 2020**, and the remaining quarter (1/4) due on **June 15, 2020**; and to charge **interest** at the rate of eight percent (**9.00%**) per year computed on a daily basis on any portion of the installment due that remains outstanding as of September 16, 2019, December 16, 2019, March 16, 2020, and June 16, 2020.
- 2) To see if the Town will permit the Tax Collector or her designee to waive unintentional tax interest payment shortages in an amount not to exceed \$5.00; and
- 3) To see if the Town will vote to authorize the Tax Collector to accept payment of real estate property taxes not yet due or assessed pursuant to M.R.S.A. Title 36, Section 506-A. The Town does not apply interest on such collections, and
- 4) To see if the Town will vote to authorize the Treasurer to release payment of tax abatements and applicable interest approved by the Town's Assessor from the property tax overlay account.

Chairperson Speirs moved to pass article as read, seconded by Selectperson Morrison. Discussion: Daniel Smith asked if the date needs to be addressed. Lincoln Merrill questioned language "due and payable". Town Manager Roy clarified it is not necessary. Audrey Lones clarified percentage rate. Selectperson Whitten stated this will help with cash flow. Motion passed.

ARTICLE 22: To see if the Town will vote to authorize the Select Board and the Treasurer, on behalf of the Town and any of the Town's departments, to accept gifts, real estate, donations and other funds, including trust

funds that may be given or left to the Town and to grant the Select Board the further authority to expend up to **\$25,000** from undesignated funds, if necessary, to match the grant, funding such sums of money as they deem necessary from these funds for their designated purposes. These expenditures may be reflected outside of the Town's approved budget.

Selectperson Whitten moved to pass article as read, seconded by Selectperson Graham. Discussion: None. Motion passed.

ARTICLE 23: To see if the Town will vote to authorize the Town Manager acting in concurrence with the Select Board to accept and expend, on behalf of the Town, any Federal or State funds received in the form of grants during the period July 1, 2019, until June 30, 2020. These expenditures may be reflected outside of the Town's approved budget.

Selectperson Morrison moved to pass article as read, seconded by Selectperson Whitten. Discussion: None. Motion passed.

ARTICLE 24: To see if the Town will vote to authorize the transfer of all unexpended balances to the Undesignated Fund Balance and to authorize any overdrafts that may occur in Town operations during the fiscal year ending June 30, 2020, to be taken from Undesignated Fund Balance.

Chairperson Speirs moved to pass article as read, seconded by Selectperson Morrison. Discussion: Paul Napolitano of Mill Road asked if the Town had ever transferred for overdrafts. Town Manager Roy answered yes, once when Wescustogo Hall was not started when expected. Mr. Napolitano is not in favor of this article. Rob Taisey asked where do the Undesignated Fund Balance stand. "Is it sitting there for a rainy-day fund?" Town Manager Roy stated, " 1.1 million has been used to lower taxes." Lincoln Merrill asked if the money could be used for overage of Wescustogo. Motion passed.

Selectperson Graham moved to adjourn, seconded by Selectperson Whitten.

Recording by: Cheryl Trenoweth, Deputy Town Clerk

Attest: A True Copy


Debbie Allen Grover, Town Clerk