

Town of North Yarmouth  
Board of Selectmen  
Meeting Minutes of Tuesday, April 19, 2016

 ORIGINAL

I. **Call to Order**

Members Present: Chairman Alex Carr, Jeanne Chadbourne, & Jim Moulton. Town Manager Rosemary Roy was also present.

II. **Public Hearing – Knight’s Pond Preserve Management Plan**

Selectperson Chadbourne move to go into Public Hearing. Selectman Moulton seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

Town Manager presented an overview regarding Knight’s pond.

Selectman Moulton commented about the group.

Pam Ames spoke to the management plan.

Al Ahlers inquired why there was no parking in North Yarmouth.

Joel Fuller spoke about the map that was published and stated that most people do not understand that there is currently no public access to the property in North Yarmouth. He requested that an alteration of the map be made to show that the North Yarmouth side is privately owned.

Alan Stearns of the Royal River Conservation Trust stated that they plan on sticking with the property to improve trails and such.

Selectman Moulton moved to close the public hearing. Selectperson Chadbourne seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

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

Selectman Moulton moved to approve the minutes of March 29, 2016. Selectperson Chadbourne seconded the motion. Discussion: Chairman Carr requested one line discussion lines for minutes. **Vote: 3- Yes 0- No.**

Selectperson Chadbourne moved to approve the minutes of April 5, 2016. Selectman Moulton seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

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

None.

V. **Management Reports & Communications**

Town Manager’s Report: “The Town Manager provided the Board with a brief summary of her report which contained recent town and departmental activities.”

The Town Manager spoke about the a Town Survey for the November Election.

VI. **Old Business**

Town Comprehensive Plan Committee – Appointments: Selectperson Chadbourne moved to approve the applications of Grace Lovell, Patrick Gilligan, Ken Filliter, David Kleban, Trudy Dibner, & Katryn Gabrielson to the Town Comprehensive Plan Committee. Selectperson Chadbourne amended her motion to include the charge of the committee as well as including Ryan Keith, Town Manager Rosemary Roy & Stephanie Carver. Selectman Moulton seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

Warrant Article Approval for Special Town Meeting – June 14, 2016: Chairman Carr inquired why the warrant article was number three (3). Chairman Carr read the warrant article and gave an overview of the background for this article. Chairman Carr moved to approve warrant article three as written. Selectman Moulton seconded the motion. Discussion: None. **Vote: 2- Yes 0- No 1- Abstention (Selectperson Chadbourne).**

## **VII. New Business**

Citizen's Petition - The Board discussed the Citizen's Petition and proceeded with to document written findings.

### **SELECT BOARD - WRITTEN FINDINGS**

#### **Placing Citizen's Petition Question on the June 14, 2016 Ballot**

#### **1. Would the citizen language be a "second" vote on matters recently decided by the town meeting?**

Select Board's findings:

- The wording of the citizen's petition is almost identical to that of Question 1 in November minus the sewer and the addition of characterizing how funds might be used.
- The petition directly calls for refutation of specific sections of the Question 2 November referendum.
- Second votes are not commonly performed in municipal voting and it would lead to confusion voting back and forth on particular measures.

#### **2. Is it feasible/possible/legal for the Town to comply with the article if it were to pass?**

Select Board's findings:

- The third party involvement comes into play; the Town has already completed the judicial process on Question 2 by going through the RFP process and the Town would face potential legal action if not followed through.
- Potential legal action from the Wescustogo Grange, now being reconstituted.
- The Town could face litigation from the proponents of Question 2 from November.
- Prevents the ability to conduct municipal business.

#### **3. Would adding this article to the town meeting warrant interfere with the ability to rely upon municipal decisions in the Town of North Yarmouth with any finality?**

Select Board's findings:

- Adding the question to the warrant would never allow for a vote to be conclusive and a municipal decision would have no finality.
- It sends negative signals to future companies that may be considering development in the Town.
- Leads people looking at North Yarmouth to conclude that the town cannot make decisions.

**4. What are other important risks associated with adding this article to the town meeting warrant?**

Select Board's findings:

- Expiration of the ability to exercise the Wescustogo insurance claim to its maximum reconstruction value with code upgrades.
- It has been stated by members of the Grange that if the gymnasium becomes a replacement structure for Wescustogo Hall the Grange Association would litigate.
- The existing operational costs of NYMS (\$60,000-\$100,000) would continue for another 2-5 years with a building that increasingly requires more upkeep.
- Missing an opportunity of not getting the most value from the property.
- Potential litigation from the acquiring of the Sharp's property.
- Litigation from the developer selected from the RFP process.
- Confusing to the voter.

Selectman Moulton made a motion to accept the Findings as written. Chairman Carr seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

Chairman Carr moved to deny putting the Citizen's Petition on the June ballot. Selectman Moulton seconded the motion. Discussion: Chairman Carr stated that he personally felt as though it would pass and was surprised to see the opinion of legal counsel. Selectman Moulton spoke to the confusion that it would cause as well as the experiences that other towns have had regarding similar matters. Selectperson Chadbourne stated she appreciated the effort that went into the petition.

Diane Morrison inquired about the process. She also shared her concerns with the Board.

Katie Murphy requested to see figures regarding fixing/ renovating the current Town Offices.

Audrey Lones inquired about operating costs for Wescustogo.

Kim Cox shared her concerns with the Board.

Al Ahlers spoke about the commitment with A.H. Grover.

Rob Wood spoke about the petition.

Linc Merrill spoke about the petition.

Steve Morrison inquired about the attorney and when the findings of facts would be available. He also spoke to his thoughts regarding the proposal.

Virginia Van Dyke requested that information be sent out to everyone in the town regarding the Grover proposal.

Pam Ames inquired about the warrant article mentioned in Old Business.

Steve Morrison inquired about how the appraiser was selected.

Audrey Lones inquired about the estimated costs.

Dixie Hayes followed up on Ms. Van Dyke's thoughts regarding visuals of the project being presented.

**Vote: 3- Yes 0- No.**

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

Chairman Carr moved to approve the accounts payable in the amount of \$619,801.05. Selectman Moulton seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

**IX. Any Other Business**

Selectperson Chadbourne thanked Pam Ames and the Budget Committee. She was very impressed with the North Yarmouth Fire Rescue for their response to a call.

**X. Executive Session – Personnel Matter**

Chairman Carr moved that the Board of Selectmen enter into executive session pursuant to Title 1 MRSA § 405 6(A) to discuss a personnel matter. Selectman Moulton seconded the motion. Discussion: None. **Vote: 3- Yes 0- No.**

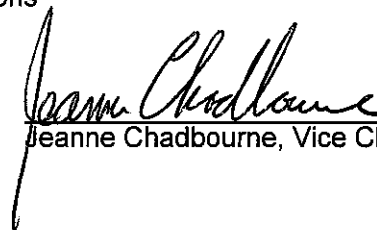
**XI. Adjournment**

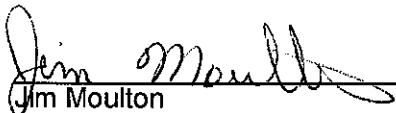
Chairman Carr moved to adjourn at 9:40PM

Melissa Henes  
ACS II- Recording Secretary

Board of Selectpersons

  
\_\_\_\_\_  
Alex Carr, Chairperson

  
\_\_\_\_\_  
Jeanne Chadbourne, Vice Chairperson

  
\_\_\_\_\_  
Jim Moulton