

North Yarmouth Board of Selectmen
Minutes of Meeting
April 7, 1997

Meeting called to order at 7:30 PM. All member were present.

Minutes of previous meeting were reviewed and on motion of Don Smith, 2nd by Pat Hamel, approved.

Phil Cincotta - was present requesting permission to improve a section of the old range road that passed over the Town property. He noted that his property has legal access along the old railroad bed out to Route 231. Several members of the public asked questions of Mr. Cincotta. David Perkins noted that the Land Committee and the Conservation Committee had met and were not in favor of the idea of granting access over the town land. After much discussion with all present, it was moved by Don Smith, 2nd by Clark Whittier to enter executive session to discuss a legal issue and the possible acquisition and or disposition of Town Property. SO VOTED and entered at 8:05 PM. Exited at 8:30 PM. Motion by Clark Whittier, 2nd by Dick Brobst to table the matter until a special meeting to be held on April 14, 1997. Mr. Moulton explained that the reason for the tabling was to be able to confer with the Town's Attorney and to research all that needed to be researched so that Mr. Cincotta would be afforded every bit of public process he was entitled to. Motion to table to 4/14/97 was approved.

Treasurer's and Payroll Warrants - were reviewed and approved.

Fire Department Air Bottles - Seaver explained that it now appeared that the lease/purchase of the breathing apparatus that was included in the fire department budget approved at town meeting would need specific town meeting approval. Seaver recommended 2 options for funding the purchase, both of which would utilize the Capitol Improvement Fund rather than entering a third party lease agreement. The preferred option would be to "loan" the fire department \$23,095 to purchase the equipment. \$5,400 would be reimbursed to the fund from the current year fire department budget. The remaining funds would be reimbursed over the subsequent 4 years in the amount of \$4,424 per year. Motion by Clark Whittier, 2nd by Pat Hamel to bring this option to a special town meeting to be scheduled soon. SO VOTED

MDOT Correspondence - Seaver referred to the attached correspondence regarding the fact that the projects funded at town meeting were not approved by the MDOT, therefore the funds would not be raised in the tax commitment. Mr. Smith wanted to be sure the state took another look at the culvert at Mr. Mays home on Walnut Hill Road, as one of the projects would have corrected this drainage problem. Seaver will communicate in writing with the Division 6 office.

Wescustogo Hall Committee - Mr. Moulton reported that a meeting had been held and that a deed transfer was being scheduled for the earliest time, and that the Town office would soon take over the booking of the hall. He also reported that improvements being considered, and soon to be recommended would be replacement windows, handicapped ramp, upstairs bathroom, roof repair and floor refinishing. Seaver noted that Grange accounts would be closed out soon, with all funds being transferred to the Town, and the Town will disburse the grange funds as directed. In the end, approximately \$20,000 would transfer to the town for capitol improvements of the hall, and about \$5,000 for operating expenses. Guy Watts noted that he had given a price on replacement windows in the past to the Grange, and would hope to be able to bid on the project.

North Yarmouth Board of Selectmen
Minutes of Meeting
November 12, 1996

Meeting began informally at 6:30 with a tour of the public works garage hosted by Road Commissioner Dick Lowell. Equipment was inspected and discussion held regarding equipment replacement schedules.

Meeting reconvened at 7:45 PM at the Municipal Building. All members were present as was Administrative Assistant Scott Seaver and reporter Jim Saunders.

Minutes of previous meeting -motion by Pat Hamel, 2nd by Clark Whittier to approve as printed. So Voted.

Grange Hall Agreement - Seaver reviewed the agreement drafted for the acceptance of the Grange Hall Property at annual meeting in March. He noted a few changes including the addition of an item dealing with the transfer of any rights or interest the grange holds in a lease of land executed to New England Telephone in 1989. He reminded the Board that there is no action being taken by an affirmative vote other than to agree to take the matter to town meeting under the terms described in the agreement. Motion by Pat Hamel, 2nd by Clark Whittier to approve as printed. SO VOTED. Document was executed by the Chairman.

Sand/Salt building-Seaver noted that he had received a check in the amount of \$59,011.88 as reimbursement for the construction of the Sand/Salt storage building built in 1988. Seaver wanted to confirm with the board that the funds should be returned to the Capitol Improvement Fund as this was a bonded item approved under that program in 1988. The debt is retired completely. Motion by Clark Whittier to return the funds to the Capitol Improvement Fund, 2nd by Carl Tiedemann. Ms. Hamel asked why this should happen as other funds received from the state are returned to the general fund. Seaver noted that the only other reimbursement received such as this has been the refund of money under the landfill closure program , and those funds were returned to the CIP fund since there were ongoing cost in excess of the reimbursement amount. Mr. Smith noted that he felt the funds should go to general fund. Mr. Whittier felt that money should go back to the CIP and still more money should be appropriated in 1997 as he felt bridges and other items were needed in the future.

Motion was approved unanimously.

CMP Pole permit--CMP pole permit request for pole location on West Pownal Road south of Milliken. Motion by Pat Hamel, 2nd by Jim Moulton to approve. SO VOTED.

March 1997

- (d) Areas within 250 feet of the Royal River or Chandler Brook which cannot be built upon pursuant to Section VIII(D) of this ordinance.
- (e) Areas classified as wetlands as defined by the State of Maine, Department of Environmental Protection, Natural Resources Protection Act;
- (f) Areas which have been created by filling or draining a pond or wetland;
- (g) Areas consisting of unreclaimed gravel pits, unless the subdivision application includes a reclamation plan;
- (h) Areas having slopes greater than 20 percent;
- (i) Areas having very poorly drained soils;
- (j) Fifty percent (50%) of areas having poorly drained soils; and
- (k) Areas subject to existing right-of-way and/or easement.

1. In addition, fifteen percent (15%) of the total acreage of the site remaining after subtracting those areas listed above shall be deducted as an allowance for roads, parking and right of ways, whether or not the actual area devoted to roads is greater or less than fifteen percent (15%). However, the fifteen percent deduction shall not be subtracted when there are no roads planned as part of a subdivision.

2. For determination of poorly and very poorly drained soils, the following guidelines shall apply:

- (a) Soil classifications shall be developed based upon high intensity soils mapping conducted by a certified soil scientist, in accordance with the standards established by the Maine Association of Professional Soil Scientists and the national Cooperative Soils Survey unless waived by the Planning Board pursuant to Paragraph (b) below.
- (b) In cases where the requirement of a high-intensity soils map is waived by the Planning Board, deductions for unsuitable soils shall be determined in the following manner:

- (1) Land areas with a water table within six (6) inches of the surface for three (3) or more months a year shall be deducted. In making this determination, the Planning Board shall consider medium-intensity soils maps, perform site visits, consult experts and review other available information as provided by the applicant.

Motion seconded by Carl Tiedemann of Haskell Road. Christopher Vaniotis, Planning Board Chairman, gave an explanation of this article, that is will clear up the "gray areas" in the Zoning Ordinance definitions. Donald Smith of Walnut Hill Road and Selectman, commended the Planning Board for all their work and efforts in the year 1996. Comments were also made by Jenny Tuemmler of Pine Meadow Lane, Dan Dwyer of Lufkin Road, and Rob Taisey of Mountfort Road. **Article 5 passed.**

Christopher Vaniotis resumed his post as moderator.



Article 6: Motion by Lincoln Merrill, Jr. of North Road, chairman of the Wescustogo Grange Association. Shall the Town of North Yarmouth accept, as a gift, various assets of the Wescustogo Grant Association as set forth in the agreement stated below, including but no limited to certain real estate (land and buildings) located at 1134 Walnut Hill Road (Tax map 4, lot 211), or take any action thereon? Motion seconded by Richard Brobst, Sr. of Walnut Hill Road.

The following conditions shall be imposed upon the acceptance of the property by the Town of North Yarmouth:

- 1. The Hall shall be permanently known as Wescustogo Hall.
- 2. The Hall shall continue to provide dining room and kitchen facilities.
- 3. The Hall shall continue to be available as in the past for use by local groups including but not limited to nonprofit and churches. Local includes organizations that citizens of the Town belong to which may be outside the borders of the Town but fit the character of the intended use. It shall be available to these groups at a reasonable cost. Ability to pay shall be a factor in determining if there will be a charge and what that charge shall be.

Wescustogo Hall

4. The main floor of the Hall shall continue to be maintained as a large open hall for the purposes of show, concerts, weddings, dances, and large meetings. It shall not be subdivided into smaller rooms or offices.

5. At least 65% of the square foot surface of the entire property must be kept open as "green space". This limitation shall apply to any additional buildings, roads, driveways, and parking areas. No more than 35% of the surface of the land area shall become other than "green space". This provision shall insure that land will always be available for gatherings such as Fun Day, celebrations, concerts, etc.

6. The Board of Selectmen shall establish a five member committee for the purpose of overseeing the use, maintenance, and rules pertaining to the property as well as keeping the intent of this agreement. It shall consist initially of 3 members chosen from the current membership of the Wescustogo Grange Hall Association who shall serve for staggered 3 year terms, and 2 from the Board of Selectmen.

7. Income from the rental or use of the property shall be dedicated to the maintenance and operation of the Wescustogo Hall.

8. A permanent marker or display shall be allowed on the property for the purposes of conveying a history of the Grange and the Hall and the efforts of the Townspeople in erecting the building. It shall be allowed to have pictures, plaques, a showcase or any other needed items to provide a permanent record for the Town of the Hall's significance to the Town.

9. The Town shall agree to maintain in perpetuity the records of the Wescustogo Grand #27 and the Wescustogo Grange hall Association. These are to be kept available for research as are other Town documents.

10. The use of this building shall remain the same as conveyed by the agreement. Should the building become damaged or destroyed, or outdated and need replacement, the Town shall replace it with another which will serve the same function of a meeting hall with a large open room, kitchen and dining facilities. The condition of the 655 open space shall remain the same as well. After the year 2025, the Townspeople, through an annual town meeting or public referendum, may by a majority vote change the use of the property if it is determined to be no longer necessary for the use for which it is being conveyed to the Town.

11. The Town of North Yarmouth shall pay all expenses related to the transfer of the property including but not limited to legal, deed, and filing fees.

12. The Wescustogo Grange Association shall provide warranty deed to the property to the Town of North Yarmouth. The Wescustogo Grange Association shall also transfer to the Town of North Yarmouth any rights or privileges it holds that are provided for in an Easement Deed to New England Telephone and Telegraph Company dated April 13th, 1989.

(for informational purposes, the following schedule of funds required for a capitol program have been put together for the Grange building. It is not anticipated to request funding through tax dollars for 1997, however a motion to approve the above article will be offered which will allow for income from the rental of the property to pay for operative expenses, and to allow for the acceptance of funds from the Wescustogo Grange Association to help make improvements)

Handicapped Access	\$20,000
Replacement Windows	\$15,000
Electrical Upgrade	\$ 1,500
Utilities - Electrical	\$ 1,500
Utilities - Heating Fuel	\$ 1,900
Utilities - Phone	\$ 240

Discussion and comments made by Alvin Ahlers of North Road, Linc Merrill, Jr. of North Road and Grange member, Patricia Hamel of Memorial Highway and Selectwoman, James Moulton of Mill Road and Selectmen, Clark Whittier of Walnut Hill and Selectman, Donald Smith of Walnut Hill Road and Selectmen, Blaine Barter of Walnut Hill Road and a member of the Grange, Frannie Sweetser of Walnut

Hill Road, Leslie Taisey of Mountfort Road, Mike Brown of Sweetser Road and Scott Seaver - Administrative Assistant of North Yarmouth. Robert Sweetser of Walnut Hill Road made a motion to move to question, motion seconded by Kevin Balvin of Lufkin Road. **Article 6 passed.**

Article 7: Motion by Carl Tiedeman, Selectmen, to set compensation for Town Administration and see what sum, if any, the Town will vote to appropriate and raise the sum of \$136,225 in support of same. Motion seconded by Patricia Hamel, Selectwoman. There was discussion regarding the \$35,000 for a town wide professional revaluation by, Guy Watson of Sligo Road Ext., Al Ahlers of North Road, Scott Seaver - Administrative Assistant, Norman Smith of Walnut Hill Road, Donald Smith of Walnut Hill Road and Selectman, and Kenneth Allen of New Gloucester Road. Richard Lowell of New Gloucester made a motion to move to question, motion seconded by Frank Coffin of Mountfort Road. **Article 7 passed.**

Article 8: Motion by Richard Baston, Fire Chief of Walnut Hill Road, to see what sum, if any, the Town will vote to appropriate and raise \$58,515 in support of the Fire and Rescue Department or take any action thereon. Motion seconded by Richard Lowell of New Gloucester Road. Chief Baston explained his budget. There was no discussion. **Article 8 passed.**

Article 9: Motion by Patricia Hamel, Selectwoman of Memorial Highway. To see what sum, if any, the Town will vote to appropriate and raise \$21,645 in support of Public Service Accounts, or take any action thereon. Motion seconded by Donald Smith, Selectmen of Walnut Hill Road. Gil Healy of West Pownal Road ask why the Town's General Assistance is being reduced by 1/3? Scott Seaver replied that General Assistance requests have dropped in the past two years therefore the decrease in the budget. No further discussion. **Article 9 passed.**

Article 10: Motion by Donald Smith, Selectman from Walnut Hill Road. To see what sum, if any, the Town will vote to appropriate and raise \$5,000 in order to develop a long range land use plan for property abutting town property (public works facility), and to see if the Town vote to provide funding for this project from the Future Land Fund. (The purpose of the long range conceptual plan will be to provide the Town with information by which to consider, at an upcoming Annual Meeting, the possible acquisition of property abutting the town property where the Public Works Facility is located.) Motion seconded by Linc Merrill, Jr. David Perkins of New Gloucester Road, Chairman of the Future Land Fund, further explained article 10. Comments made by Linc Merrill, Jr. of North Road, Robert Sweetser of Walnut Hill Road, James Moulton of Mill Road and Selectman, and Donald Smith of Walnut Hill Road and Selectman. **Article 10 passed.**

Article 11: Motion by Richard Lowell of New Gloucester and Road Commissioner. to see what sum, if any, the Town will vote to appropriate and raise \$274,400 in support of the Public Works Department, or take any action thereon. Motion seconded by Patricia Hamel, Selectwoman from Memorial Highway. Norman Smith of Walnut Hill Road requested that the amount actually spent in the previous year be printed in the annual report. Rob Taisey of Mountfort Road agreed and support this request. Comments were also made by James Moulton of Mill Road and Selectman, Clark Whittier of Walnut Hill Road and Selectman, and Patricia Hamel of Memorial Highway and Selectwoman. **Article 11 passed.**

Article 12: Motion by Richard Lowell of New Gloucester Road and Road Commissioner. To see what sum, if any, the Town will vote to appropriate and raise \$67,375 in support of certain proposed road improvement projects on state and local roads, and to see if the Town will vote to authorize the Selectmen to fund the projects over a 5 year period of time, to be financed at 0% interest with the State of Maine. (All projects are subject to final approval by the State of Maine.) Motion seconded by Donald Smith, Selectman from Walnut Hill Road. Kathryn Dion, of North Road, made a motion to *amend Article 12* to have the State of Maine include preparation and plans for sidewalks in the area of the junction of routes 9 and 115. Motion seconded by Carl Tiedeman of Haskell Road. Comments made by Kenneth Allen of New Gloucester Road, Elsie-May Moreau of Cumberland Road, David Kennedy of North Road, Rob Taisey of Mountfort Road, , Robert Close of Mountfort Road, and Lewis Holman of North Road. Motion by Wakefield McGorrill of Mountfort Road to move the question, motion seconded by Lewis Holman of