

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00/7:00PM MONDAY, MARCH 10, 2014
YORK LIBRARY**

6:00PM: Executive Session – Pursuant to M.R.S.A. Title 1, Section 405 (6)(E);
Discussion with Town Attorney Regarding the Cliff Walk and Beach Ownership

Present: Chairman Ronald Nowell, Vice Chairman Kinley Gregg, Mary Andrews, Scott Fiorentino, Torbert Macdonald, Town Manger Robert G. Yandow

Moved by Mr. Gregg, seconded by Ms. Andrews to enter into Executive Session at 6:03PM. Vote 4-1, Mr. Nowell against, motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to exit out of Executive Session at 6:45PM. Vote 5-0, motion passes.

Present: Chairman Ronald Nowell, Vice Chairman Kinley Gregg, Mary Andrews, Scott Fiorentino, Torbert Macdonald, Town Manger Robert G. Yandow, Recorder Melissa M. Avery and members of the press and public.

Call to Order

Chairman Ronald Nowell called the meeting to order at 7:00PM.

Opening Ceremonies

A. Minutes

1. January 13, 2014 Meeting Minutes
2. January 27, 2014 Meeting Minutes
3. January 29, 2014 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the January 13, 27 and 29, 2014 Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Ronald Nowell asked of the Town Manager, when in 2014 is the Town planning to pave Main Street. Town Manager Robert G. Yandow responded that

there isn't a specific date scheduled for that paving, but that it will be done in coordination with Sewer Utility construction in that area.

C. Manager's Report

Town Manager Robert G. Yandow stated that there has been a confirmed case of H1N1 reported in York and reminded citizens to take necessary precautions to stay healthy. Nominating Petitions are available for anyone wishing to run for Elected Office at the May 2014 Referendum, those need to be returned by April 2, 2014. There is Winter Storm Watch for Wednesday and Thursday, Mr. Yandow cautioned the citizens to be safe.

D. Awards

E. Reports

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager's Office.

Public Comment: None

G. Approval of Warrant #36

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve Warrant #36. Vote 5-0, motion passes.

H. Public Hearings

1. New Business License: The York River House

Moved by Mr. Macdonald, seconded by Ms. Andrews to open the Public Hearing for a New Business License for The York River House at 7:09PM.

Public Comment: Ken West

Moved by M. Andrews, seconded by Ms. Gregg to close the Public Hearing at 7:10PM.

I. Endorsements

Business Licenses:

1. Andrew and Susan Wetzel DBA: Inn at Tanglewood for Bed and Breakfast; Located at 611 York Street
2. Harris Island Corporation DBA: Dockside Restaurant and Guest Quarters for Victualers, Liquor and Bed and Breakfast; Located at 22 Harris Island Road
3. Paul Karoutas DBA: York House of Pizza for Victualers; Located at 274 York Street
4. Victor Guay and Ralph Goddard DBA: Bittersweet Bed and Breakfast for Bed and Breakfast; Located at 167 Cape Neddick Road
5. Stage Neck Inn Inc. DBA: Stage Neck Inn for Victualers, Liquor and Special Amusement; Located at 8 Stage Neck Road
6. Arrows Restaurant Inc. DBA: Arrows Restaurant for Victualers and Liquor; Located at 39 Ogunquit Road
7. Raymond Ramsey DBA: Sun N' Surf for Victualers, Liquor, and Special Amusement; Located at 264 Long Beach Avenue
8. Kathryn M. Weare DBA: The Cliff House and Motels Inc. for Victualers, Liquor and Special Amusement; Located at 591 Shore Road
9. Downeast Resorts, LLC DBA: Cape Neddick Inn for Victualers, Liquor and Special Amusement; Located at 1273 US Route One

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the following licenses: Andrew and Susan Wetzel DBA: Inn at Tanglewood for Bed and Breakfast; Located at 611 York Street, Harris Island Corporation DBA: Dockside Restaurant and Guest Quarters for Victualers, Liquor and Bed and Breakfast; Located at 22 Harris Island Road, Paul Karoutas DBA: York House of Pizza for Victualers; Located at 274 York Street, Victor Guay and Ralph Goddard DBA: Bittersweet Bed and Breakfast for Bed and Breakfast; Located at 167 Cape Neddick Road, Stage Neck Inn Inc. DBA: Stage Neck Inn for Victualers, Liquor and Special Amusement; Located at 8 Stage Neck Road, Arrows Restaurant Inc. DBA: Arrows Restaurant for Victualers and Liquor; Located at 39 Ogunquit Road, Raymond Ramsey DBA: Sun N' Surf for Victualers, Liquor, and Special Amusement; Located at 264 Long Beach Avenue, Kathryn M. Weare DBA: The Cliff House and Motels Inc. for Victualers, Liquor and Special Amusement; Located at 591 Shore Road and Downeast Resorts, LLC DBA: Cape Neddick Inn for Victualers, Liquor and Special Amusement; Located at 1273 US Route One, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

1. Discussion and Possible Action on Legal Documents Regarding Penstock Road and the Town, Ellis Park Trustees and William Burnham

As requested by Dennis Corrillo, the Attorney for Ellis Park Trustees and William Burnham, the Board chose to take no action until the next meeting.

K. New Business

1. Discussion and Possible Action on Town Legal Policy

Ms. Gregg stated that she would prefer to see “with copies provided to the Board of Selectmen” to carry over from the previous version of the Legal Policy, along with a change in the order of some items.

Mr. Macdonald requested that “The request for legal opinion as well as the response shall be transmitted to the Board of Selectmen in writing.” be replaced where it had been struck throughout the policy. Ms. Costigan explained that “4. C. When feasible and advisable, i.e. would not reveal confidential information, communications with Town Counsel shall be in writing” covers that aspect of the Policy. Mr. Macdonald in reference to “4. H. The Town Manager shall provide the Selectmen with a written report each month summarizing the communications with Town Counsel”, stated that he wants more than a summary, he wants all communications as verbatim as possible.

Mr. Fiorentino suggested that the Board possibly have something in the written policy that the Board takes a vote each year that they feel the current Town Counsel is representing the Town properly and feel they should continue to use the current firm. Mr. Nowell was against that suggestion stating that the Town and the Attorney can leave the agreement with one another at anytime.

Town Attorney Mary Costigan took note of the Board’s change requests.

2. Discussion and Possible Action on Placing a Warrant Article on the May Referendum Seeking Voter Approval to Transfer Town Owned Parcels to the York Land Trust and Daniel Rosa

Executive Director of the York Land Trust Doreen MacGillis gave a short overview of the parcel transfer between the Town and the York Land Trust.

In January of 2012, Stantec Consulting presented a Conceptual Mitigation (Compensation) Plan to the United States Army Corps of Engineers (USACE) and the Maine Department of Environmental Protection (MDEP) on behalf of the Town of York. This plan was required by the regulators in order to mitigate the effects of wetland and vernal pool buffer disturbance as part of the Town’s proposed Police Station Project. The mitigation plan included conveying Town owned parcels located on Bell Marsh Road to the York Land Trust where the parcels would be put into conservation. The Conceptual Mitigation Plan, as well as a subsequent revised plan, was approved by both the USACE and MDEP.

As the York Land Trust, working with Stantec Consulting and the Town, was performing due diligence by way of survey and title work it was discovered that there was a boundary discrepancy, along with ownership issues, pertaining to

the parcels included in the mitigation plan. An abutter, Daniel Rosa, claimed some ownership of two of the Town owned parcels. Subsequent to this discovery a series of discussions were held involving the York Land Trust, Stantec Consulting, Daniel Rosa and the Town. As a result of these discussions, an agreement was reached which re-aligned some parcel boundaries and changed the configuration of the mitigation parcels. The revised mitigation package was submitted to the regulators by Stantec Consulting and both the USAC and the MDEP approved the revised package. In fact, the revise package actually put more environmentally sensitive land into conservation than the original package.

Moved by Ms. Andrews, seconded by Mr. Macdonald to approve placing a warrant article on the May Referendum seeking authorization to convey parcels of Town-owned land on Bell Marsh Road to the York Land Trust and Daniel Rosa.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to amend the motion to read: approve placing a warrant article on the May Referendum seeking authorization to convey parcels 0092-0017-C and 0092-0006-F of Town-owned land on Bell Marsh Road to the York Land Trust and Daniel Rosa. Vote 5-0, motion passes.

3. Discussion and Possible Action on a Lien Enforcement Agreement with the York Sewer District

The York Sewer District has proposed a Lien Enforcement Agreement to the Town of York. The agreement is designed to prevent confusion when liens are filed by either party but the other party is unaware of the filing. The agreement contains a provision where annual listings of delinquent accounts will be provided to the other party as well as an exchange of lien certificates when the other party also has a lien filing against the property. The Town Attorney has worked with the attorney for the York Sewer District and has indicated that the agreement covers all scenarios and is fair to both the Town and the Sewer District.

Moved by Ms. Andrews, seconded by Ms. Gregg to authorize the Town Manager to sign a Lien Enforcement Agreement with the York Sewer District. Vote 4-1, Mr. Nowell against, motion passes.

4. Shellfish Commission and Harbor Board Resignation

The Board of Selectmen accepts, with regret the resignation of Joseph Foote from the Shellfish Commission and the Harbor Board.

5. Discussion and Possible Action on Selecting a Consultant for the Town Manager Search

Moved by Mr. Macdonald, seconded by Ms. Andrews to hire Maine Municipal Association to assist the Town is searching for and selecting a new Town Manager.

Moved by Ms. Gregg, seconded by to amend the motion to add an amount not to exceed \$4,900 to from the Contingency Fund for the hiring of Maine Municipal Associated. Vote 5-0, motion passes.

6. Discussion and Possible Action on a Three Year Collective Bargaining Agreement with the New England Police Benevolent Association Representing York Police Dispatchers

The proposed agreement includes the following changes from the previous three year agreement: 1) Inclusion of a new Health Insurance Plan 2) Option for Town Employees to Contribute to Retirement Health Savings Plan 3) Change in Recognized Holidays 4) One Time Payment for Work in Identifying Operational Efficiencies to Reduce Department costs 5) Cost of Living Adjustments of 1.7%, 2% and 2% over the three year period

Moved by Ms. Andrews, seconded by Ms. Gregg to approve a three year collective bargaining agreement with the New England Police Benevolent Association on behalf of the York Police Dispatchers, the duration of the agreement being July 1, 2013 through June 30, 2016. Vote 5-0, motion passes

7. Special Event Permit: Filming for "Rm. 124"

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit Application for Mark Espinola's filming of "Rm. 124" on Long Sands Beach, Friday through Saturday, April 11 through 13, 2014. Vote 5-0, motion passes.

8. Special Event Permit: "York Days" Fireworks

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit Application for the York Beach Fire Department's "York Day's" Fireworks event on Sunday, August 3, 2014. Vote 5-0, motion passes.

9. Special Event Permit: Salefest

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit Application for the Greater York Region Chamber of Commerce's Salefest event on Saturday, Sunday and Monday, October 11 through 13, 2014. Vote 5-0, motion passes.

10. Special Event Permit: Harvestfest/Kidsfest

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit Application for the Greater York Region Chamber of Commerce's Harvestfest/Kidsfest event on Saturday, October 18, 2014. Vote 5-0, motion passes.

11. Special Event Permit: York Hospital 5K Road & Cross Country Race

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit Application for York Hospital's 5K Road and Cross Country Race on Saturday, June 7, 2014. Vote 5-0, motion passes.

12. Special Event Permit: Old York Garden Club's Annual Plant Sale

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the Special Event Permit Application for the Old York Garden Club's Annual Plant Sale on Saturday, May 17, 2014. Vote 5-0, motion passes.

L. Other Business

Ms. Andrews asked of the Town Manager, when the lights will be going in down at the beach. Mr. Yandow stated that they should be installed by Memorial Day.

Ms. Gregg mentioned that the work done at the Transfer Station over the past few years, approximately \$125,000 that was folded into their operational budget took her by surprise. Ms. Gregg also mentions that the Charter requires quarterly meetings with the Planning Board and the recent issues surrounding Grow Facilities in Town would be a good topic of discussion for such a meeting.

M. Citizens' Forum

Public Comment: Judy Romano

Adjourn

Moved by Mr. Macdonald, seconded by Mr. Nowell to adjourn the meeting at 8:20PM.

Respectfully Submitted,

Melissa M. Avery