



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works/  
Harbor Master  
(207)363-1010

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Grant House  
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## SELECTMEN'S MEETING 6:15/7:00 P.M. MONDAY DECEMBER 10, 2012 YORK LIBRARY

**6:15 PM:** Committee Interviews

**Present:** Chair; Mary Andrews, Vice Chair; Scott Fiorentino, Edward Little, Kinley Gregg, Ronald Nowell, Town Manager; Robert G. Yandow, Recorder; Katie McWilliams and members of the press and public. Mr. Nowell left the meeting at 8:50 pm.

**Call to Order** at 7:00pm

**Pledge of Allegiance**

### A. Minutes

- **November 19, 2012 Selectmen's Meeting Minutes**

Moved by Mr. Little, second by Mr. Fiorentino to approve the November 19, 2012 Selectmen's Meeting Minutes as amended. Vote 5-0, motion passes.

- **November 26, 2012 Selectmen's Meeting Minutes**

Moved by Mr. Little, second by Mr. Fiorentino to approve the November 26, 2012 Selectmen's Meeting Minutes as amended. Vote 5-0, motion passes.

### B. Chairman's Report

On Nov 5<sup>th</sup> 2012 the town's real estate attorney sent an e-mail to the three attorneys representing the Horn brothers concerning the provision of the purchase and sale agreement. Paragraph 3 of that agreement states that the seller should obtain a survey to establish a legally sufficient description of the south westerly sideline of the proposed road as it crosses the land of the seller. Upon receipt approval of the survey the parties will enter a boundary line agreement containing a survey

description of said boundary line to be recorded. The Horn's have not obtained the survey but the town did and that was sent to the town attorneys. The e-mail that we sent to them on November 5<sup>th</sup> contained all of the legal documents along with the proposed legal description of the south westerly boundary line. Since then we have heard nothing, so a follow up e-mail was sent on November 8<sup>th</sup>. On November 15<sup>th</sup> we got a response that did not address the boundary line description but whether a resolution would leave the Horn's with a approximately 7.29 acres north of the proposed road. Then on November 16<sup>th</sup> the attorney spoke with the attorney representing the Horn's to clarify their response. November 26<sup>th</sup> we asked the town attorney if we received any response from the Horn's attorneys, and he stated he had not heard anything. He left a voicemail that the town was going to proceed with the boundary line agreement. On December 4<sup>th</sup> the attorney was asked again if he had gotten any response from the Horn's attorney, he indicated he had not but was working on the boundary line agreement. On December 6<sup>th</sup> a draft boundary line agreement was sent to the Horn's attorney for their review with a request that a response be sent back to the town by December 12<sup>th</sup>. On December 10<sup>th</sup> the Horn's attorney requested a more legible copy of the master plan which was originally attached to the purchase of sale agreement and the town attorney has provided that.

Ms. Andrews will keep the town informed of any other updates on the agreement.

### **C. Manager's Report**

The Supplemental Tax Bills went out last week for .24c per \$1,000 of the assessed valuation, the amount not originally billed due to an error on the town's part. If you did not get the bill please check with the Town Collector's office.

A flyer was included in the Supplemental Tax Bill, indicating that on Jan 28, 2013 all recycling in the town of York will be single stream. The recyclables can all be in the same bins and no longer need to be separated. Waste Management will separate and sort it on their end.

### **D. Awards**

#### **1. DPW Highway Garage waste oil furnace bid recommendation**

The two existing oil fired Modine Hot air furnaces at the Chases Pond garage were condemned during the annual cleanings back in mid October due to cracks in the combustion chambers. After the Department of Public Works researched 5 different waste oil heating systems the selection was narrowed down to two manufacturers, EconHeat, and Energy Logic. The following bids were received; EconHeat, OWH 150 for \$7,785.50 and Energy Logic 140 for \$7,955.40.

Dean Lessard, Director of Public Works recommended that EconoHeat Inc. be awarded the bid for a Waste Oil Heating System (Model OWH-150, Chimney Kit and & 250 gallon oil tank) for the Highway Garage.

Motion was made by Mr. Nowell, seconded by Mr. Little to award the low bid from EconHeat Inc. for a Waste Oil heating System for the Highway garage on Chases Pond Road in the amount of \$7,875.50. Vote-5-0, motion passes.

**E. Reports**

None

**F. Citizens Forum** - The citizen's 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.

Joey Donnelly  
Nancy Lambert  
Gary Green  
Betty Rose

**G. Approval of Warrant #23**

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant # 23. Vote 3-2, Mr. Nowell and Ms. Gregg opposed.

**H. Public Hearings**

**Dangerous Building located at 16 Acorn St, Unit #1**

Motion was made by Mr. Little, seconded by Mr. Fiorentino to open the Public Hearing at 7:33 pm. After no discussion, a motion was made by Mr. Nowell, seconded by Mr. Fiorentino to close the Public Hearing at 7:33.

**I. Endorsements- Business Licenses**

None

**J. Old Business**

None

**K. New Business**

**1. Dangerous Building Located at 16 Acorn Street Unit #1**

The Community Development Department believes that the structure at 16 Acorn Street is dilapidated and it constitutes a hazard to public health because of inadequate maintenance. At the October 22, 2012 Selectmen's meeting the Selectmen approved scheduling a public hearing to determine if the structure is, in fact, a dangerous building. Since that meeting an agreement has been negotiated between the Town, the property owner Minna G Selig, and Kenneth J Bucci the proposed buyer for the property. The proposed agreement, which has been signed by both the current owner and the proposed buyer of the property, will remedy this situation with no fiscal impact to the town. Mr. Bucci has agreed to demolish the building, remove and dispose of all debris associated and grade the site. This agreement ensures that the building is removed in a timely manner and the Town will recuperate all costs. If for some reason the new owner fails to demolish the house, the agreement allows the Town to retain all of our rights that the dangerous buildings statute affords us. The only concession the Town gives in the agreement is that the owner has 5 years to rebuild the structure, where the present Zoning only allows 2 years.

Motion was made by Mr. Nowell, seconded by Mr. Little for the Board of Selectman to sign the necessary agreement for demolition and removal of a dangerous building under state statute and furthermore that the board approve and sign the attached agreement for demolition and removal of the dangerous building. Vote 4-1, with Ms. Gregg opposed. Motion passes.

**2. Cliff Path Discussion**

On October 22, 2012 the Board of Selectman met with the Friends of the Cliff Walk in a work session to discuss the legal status of the Cliff Path. During this meeting, and again during the regular meeting, the Chair indicated that the Town would be pursuing legal action to ensure the public's right to sue the Cliff Path. At this meeting there was also some discussion about a recent Superior Court case in Kennebunkport (Robert F. Almeder, et al. v. Town of Kennebunkport, et al.) which in many respects is quite similar to the Cliff Path issue. The Court had issued a partial

ruling in favor of the Town of Kennebunkport, along with some individuals, but the case was going to be appealed to the Law Court. It was unknown at the time as to whether the appeal would go forward based on the partial decision or if the appellant would have to wait until the entire case was decided.

Motion was made by Mr. Nowell, seconded by Mr. Little to authorize the Town Manager, Mr. Yandow to contact Geoff Hole to start preparing the case for summary judgment, doing the following:

1. Come back to the Board of Selectmen with an estimate of the cost to litigate the case right straight thru the judicial law court.
2. To keep the Board of Selectman updated on the Almeder case
3. Ms. Andrews added that the Budget Committee needs to put the amount decided up on the next ballot.

Vote 5-0, motion passes.

Motion was made by Mr. Little, seconded by Mr. Fiorentino to direct the town manager, Mr. Yandow to mail certified letters to the owners of the two properties that are in question and explain we are happy to resolve this matter. Vote 3-2, Mr. Nowell and Ms. Gregg opposed.

### **3. Public Safety Communications Tower**

Police Chief, Doug Bracy has been working with Verizon Wireless and 2Way Communications to determine how best to meet the public safety communications needs in connection with the police station project.

Chief Bracy and Tom Hildreth made a presentation to the board with more information for the communication tower for the new police station and a possible lease agreement with Verizon.

The Board of Selectmen asked Chief Bracy to come back with a concrete proposal.

### **4. FY14 Operating Budget Discussion**

Town Manager, Rob Yandow provided a power point presentation to the Board with a preliminary discussion of the FY14 Operating Budget.

Known costs:

- Municipal Separate Storm Sewer System MS4 \$144,996
- Health Insurance increase \$83,771

- MePers Employer increase \$24,389
- Earned Account and Unemployment Cost \$10,000
- Insurance increase \$13,401
- York Water District-Hydrants \$36,970

Totaling \$313,527, which equals a 2% increase over FY13 Operating Budget.

The first draft of the FY14 Budget will include, a Police Vehicle Fund, ACO truck, Recycle Bins, Complaint Reporting and Resolution Software, Streetlights, and a Mt. A. Conservation Coordinator.

Assessed Valuation Problem- Taxable Valuation has decreased 6.3% over the past 4 years. Total decrease \$251,202,486.00 Revenue projections for FY14 will be stable.

In summary, it's time to consider a serious discussion about economic development.

#### **5. Special Even Permit- Walk to End Alzheimer's- September 14, 2013**

Motion was made by Mr. Little, seconded by Ms. Gregg, to approve the Special Event Permit for the Walk to End Alzheimer's- September 14, 2013. Event to take place from 6:00 am to 1:00pm beginning at the York Beach Fire Department. Vote 5-0, motion passes.

#### **6. Special Event Permit- Nubble Light Challenge- July 20, 2013**

Motion was made by Mr. Little, seconded by Mr. Fiorentino, to approve the Special Event Permit for the Nubble Light Challenge- Saturday July 20, 2013. Event to take place from 8:00 am to 1:00 pm beginning at the Long Sands Beach Bath House. Vote 5-0, motion passes.

#### **L. Other Business**

1. Ms. Andrews would like to start having public forums or discussions each month starting after the 1<sup>st</sup> of the year, she asked the board to be thinking of some ideas.
2. The town's people in York have many questions on what is going on with the new police station project. Ms. Andrews feels like the public needs to be addressed.

**M. Citizens Forum**

Sam Horn  
Mike Micciche  
Nancy Lambert

**Adjourn**

Moved by Mr. Little, seconded by Mr. Fiorentino to adjourn at 10:00 PM.

Respectfully Submitted By:

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Katie McWilliams; Recorder