

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:30/7:00PM MONDAY, JULY 27, 2015
YORK LIBRARY**

6:30PM: Executive Session: Pursuant to MRSA Title 1, Section 405.6.F – Abatement

Present: Chairman Robert E. Palmer, Jr., Vice Chairman Jonathan O. Speers, Torbert Macdonald, Dawn Sevigny Watson, Todd A. Frederick and Town Manager Stephen H. Burns.

Moved by Mr. Speers, seconded by Mr. Macdonald to enter into Executive Session. Without objection, so ordered.

Moved by Mr. Speers, seconded by Mr. Sevigny Watson to exit out of Executive Session. Without objection, so ordered.

7:00PM: Regular Meeting

Present: Chairman Robert E. Palmer, Jr., Vice Chairman Jonathan O. Speers, Torbert Macdonald, Dawn Sevigny Watson, Todd A. Frederick, Town Manager Stephen H. Burns and members of the press and public.

Call to Order

Opening Ceremonies

- A. **Minutes**
- B. **Chairman's Report**
- C. **Manager's Report**

Town Manager Stephen H. Burns congratulated and thanked lifeguards, Brad Taillon and Adam Legg for their saves on Long Sands Beach a few weeks ago. Mr. Burns mentioned an upcoming workshop with the Maine Turnpike Authority to start the process of reviewing MTA's engineering study regarding a new toll plaza site at mile 8.8. Mr. Burns challenged all Town Employees to walk or run the Southern Maine Thin Blue Line 5K on October 24th stating that he will donate \$5 for every employee who crosses the finish line and \$10 for every employees who crosses the finish line before him.

D. Awards

1. Bid Award: Public Works – Heavy Truck Plow and Dump Body

The Department of Public Works solicited bids from two different equipment vendors. The following bids were received:

1. Viking Cives \$84,575
2. H.P. Farifeild \$86,999

Moved by Mr. Macdonald, seconded by Mr. Frederick to award the bid for the Dump body/Snowplow Installation to Viking Cives in the amount of \$84,575. Vote 5-0, motion passes.

2. Bid Award: Propane

This item was moved to later in the agenda.

3. Bid Award: Wood Pellets

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to award the pellet bid to Maine Energy Systems, LLC of Bethel, Maine in the amount of \$249 per ton, for the period of July 1, 2015 to June 30, 2016. Vote 5-0, motion passes.

E. Reports

1. Maine Turnpike Authority – Peter Mills, Executive Director

2. Jim Bartlett, Bathhouse Building Committee Chair

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on any matter. 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: Gordon Eldredge
 Spiro Paras
 Dave McCarthy

G. Public Hearings

1. November Ordinances Amendments

a. Hotel/Motel Definition Change Relative to Cooking Facilities

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

b. GEN-3 Zoning District Permitted Uses

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

c. YBVC Zoning District Prohibited Uses

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: Spiro Paras
Dylan Smith, Town Planner
Spiro Paras

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

d. GEN-3 York Base Zoning District Map Amendment

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

e. York Village Center Overlay District Map Amendment

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

f. RES-7 Front Setback Footnote Change for Municipal Functionally Water Dependent Uses

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

g. Single-Use Plastic Carryout Bag Ordinance

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: Victoria Simon
Carolyn Neal
Peyton Nichorson
Rozanna Patane
Sarah Lakeman
Sue Sweitek via written comment

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

2. New Business License

- a. 3rd Gen, LLC DBA: Woody's Brick Oven Pizza; Located at 11 Railroad Avenue (Food Service and Liquor)
- b. R.J. Poulin Properties, LLC DBA: Sunrise Motel; Located at 340 Long Sands Road (Innkeeper)

Moved by Mr. Macdonald, seconded by Ms. Sevigny-Watson to open the Public Hearing. Without objection, so ordered.

Public Comment: Spiro Paras

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to close the Public Hearing. Without objection, so ordered.

I. Old Business

1. Discussion and Possible Action: Rescind TDRC Bid Award

Moved by Mr. Speers, seconded by Ms. Sevigny Watson 1) In accordance with the notice given in the call of this meeting, move to rescind the bid award to TDRC for

schematic design and design development work for the Village Study Committee. Vote 5-0, motion passes.

2. Discussion and Possible Action: Village Study Committee's Recommendation to Award a Contract Extension to TDRC

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the extension of the Town's contract with the consultants of the Downtown Revitalization Collaborative in the amount of \$272,186, eliminating the inclusion of the signage program, so they can continue their work on schematic design, preliminary engineering and the design development phase of the revitalization of York Village as proposed. Vote 4-0-1, Mr. Palmer abstained, motion passes.

3. Discussion and Possible Action: Kearsarge House Demolition/Road Closure

Moved by Mr. Macdonald, seconded by Mr. Speers to allow the road and sidewalk closures relating to the demolition and construction of the Kearsarge House starting September 21, 2015 subject to the stipulations stated in the Action Form and agreed to in discussion. Vote 5-0, motion passes.

1. Start Date 9/21/2015
2. Setting of a perimeter fence in the roadway to enclose the demolition/construction site for safety
3. The pedestrian passage way and all traffic lanes be restored by May 25, 2016
4. The job site will only be active externally Monday through Thursday until 10/19/2015
5. No obstructions are in place from the Kearsarge project on Bay Street Friday through Monday prior to 10/19/2015
6. The perimeter fence will be reset in compliance with Highway Department snow removal needs
7. Traffic will be directed through Ellis Short Sands Park for the first two days of active demolition
8. The traffic will be controlled by York Police Department officers for the initial phase of demolition
9. A clear passage way be open on Ocean Avenue and Bay Street every evening for emergency vehicle response

4. Discussion and Possible Action: Seaweed Policy

Moved by Mr. Macdonald, seconded by Mr. Frederick to authorize the Town Manager to have the seaweed moved from Long Sands and Harbor Beaches in the manner described in this action form, based on recommendations from the Parks and Recreation Director and Director of Public Works. Factors to be considered

before moving the seaweed would include; weather reports, thickness of seaweed, odor, tide cycle and availability of equipment and personnel. Vote 5-0, motion passes.

The Board took New Business item number 2 out of order.

5. "New Business 2. Discussion and Possible Action: Purchasing Propane Tanks (Grant House, Senior Center and Mt. Agamenticus Lodge)

Moved by Mr. Macdonald, seconded by Mr. Speers to purchase the propane tanks located at the Grant House, Senior Center and Mount Agamenticus Lodge from York Oil and Propane, using the accounts specified in the memo from Parks and Recreation Director Mike Sullivan, dated July 24, 2015. Vote 5-0, motion passes.

The Board is now addressing the Bid Award for Propane from earlier in the agenda.

6. "Awards: 2. Bid Award: Propane"

Moved by Mr. Frederick, seconded by Mr. Speers to award the 2016 Fiscal Year Town Building Propane Bid to Estes Oil for \$1.24 per gallon. Vote 4-1, Mr. Macdonald against, motion passes.

7. "Old Business 5. Discussion and Possible Action: Police Station/American Legion Acquisition Update"

Town Manager Burns gave a quick update on the Town's recent purchase of the property at 9 Hannaford Drive to be used as the new police station.

8. "Old Business 6. Discussion and Possible Action: Forward Draft Ordinance Amendments to Referendum or a Second Public Hearing"

Moved by Mr. Macdonald, seconded by Mr. Speers to approve proposed ordinance Amendments 1-6 which include: 1. Hotel/Motel Definition Change Relative to Cooking Facilities 2. GEN-3 Zoning District Permitted Uses 3. YBVC Zoning District Prohibited Uses 4. GEN-3 York Base Zoning District Map Amendment 5. York Village Overlay District Map Amendment 6. RES-7 Front Setback Footnote Change for Municipal Functionally Water Depended Uses to be placed on the November 2015 ballot. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Speers to hold a second public hearing on the proposed "Single-Use Carryout Bag Ordinance" at the August 24, 2015 Board of Selectmen meeting that incorporated the Town Attorney's suggested revisions. Vote 5-0, motion passes.

J. New Business

1. Discussion and Possible Action: Bonding – Declaration of Intent

Moved by Mr. Macdonald, seconded by Mr. Speers that the Declaration of Intent, as signed by the Treasurer be ratified. Vote 5-0, motion passes.

2. Discussion and Possible Action: Purchasing Propane Tanks (Grant House, Senior Center and Mt. Agamenticus Lodge)

Addressed earlier in Old Business.

3. Discussion and Possible Action: MMA Vice President and Executive Committee Members Ballot

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the Maine Municipal Association Voting Ballot as recommended by MMA. Vote 5-0, motion passes.

4. Discussion and Possible Action: Off-Premise Business Directional Sign

a. The Central Bar and Grill

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the single sided business directional signs requested for Long Beach Avenue at the intersection of Long Sands Road and Route One (Northbound) at the intersection of Old Post Road for The Central Restaurant and Bar. Vote 5-0, motion passes.

b. Dunne's Ice Cream

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the single sided business directional signs requested for Long Beach Avenue (Northbound and Southbound) at the intersection of Nubble Road for Dunne's Ice Cream. Vote 5-0, motion passes.

5. Possible Action: Abatement Request

Moved by Mr. Macdonald, seconded by Mr. Speers to grant an Abatement Request for Case #15-01 made pursuant to MRSA Title 36 § 841.2 in the sum of \$380.90 for Tax year 2015. Vote 5-0, motion passes.

6. Special Event Permits

- a. Open Doors of York, Home and Garden Tour – August 12-13, 2015
- b. York Fire Department's Firemen's Field Day – August 15, 2015
- c. The Big Andrew Surf Competition and Fundraiser – August 2, 2015

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following Special Event Permit Applications subject to all, if any, conditions given by Department Heads: Open Doors of York, Home and Garden Tour – August 12-13, 2015, York Fire Department’s Firemen’s Field Day – August 15, 2015, The Big Andrew Surf Competition and Fundraiser – August 2, 2015. Vote 5-0, motion passes.

K. Future Agendas

L. Other Business

Mr. Frederick thanked the Department of Public Works for the temporary fix to Route 91 to make for a smoother drive for him and many others.

M. Citizens’ Forum

Public Comment: Charles Stacey
Gordon Eldridge
Charles Stacey

Adjourn

Moved by Mr. Macdonald, seconded by Mr. Speers to adjourn the meeting at 10:45PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager