

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
6:00/7:00PM MONDAY, MAY 11, 2015  
YORK LIBRARY**

**6:00PM:** Annual Meeting with Auditors and Budget Committee

**Present:** Chairman Mary Andrews, Vice-Chairman Robert E. Palmer, Jr., Torbert Macdonald, Town Manager Stephen H. Burns and members of the press and public.

**Call to Order**

Chairman Mary Andrews called the meeting to order at 7:00PM.

**Opening Ceremonies**

**A. Minutes**

**B. Chairman's Report**

Chairman Mary Andrews had no report but said that she hopes this past weekend means that summer is on its way.

**C. Manager's Report**

Town Manager Stephen H. Burns on the topic of summer, reminded everyone that along with summer comes insects and urged people to wear long sleeves, pants and to wear bug spray while outside. Also the Department of Public Works started working on the Cliff Path and should re-open in around two-weeks. This year's York Community Dialogue discussion will be held on the morning of May 30<sup>th</sup> in the York High School Cafeteria. Mr. Burns also noted that this is the last meeting for Chairman Mary Andrews and wished her well.

**D. Awards**

1. Bid Award: York Beach Fire Station - Insulation

Moved by Mr. Macdonald, seconded by Mr. Speers to award the bid for insulation improvements at the York Beach Fire Station to Bois Engineering, not to exceed \$11,640. Vote 4-0, motion passes.

2. Bid Award: York Beach Fire Station – HVAC

Moved by Mr. Macdonald, seconded by Mr. Speers to award the bid for HVAC improvements at the York Beach Fire Station to Intelligent Heat and Power, not to exceed \$19,261. Vote 4-0, motion passes.

3. Bid Award: York Beach Fire Station – Door Glazing

Moved by Mr. Macdonald, seconded by Mr. Speers to award the bid for glazing improvements at the York Beach Fire Station to the Overhead Door Company of Portsmouth, not to exceed \$4,125. Vote 4-0, motion passes.

**E. Reports**

1. Fiscal Year 2015 Year to Date Report – Wendy Anderson, Finance Director

Finance Director Wendy Anderson gave a brief report on Fiscal Year 2015 to date. At the end of March, 77% of Revenues have been collected and 74% of Expenditures have been spent. She also mentioned that the tree care budget is over budget because of the overwhelming work that needed to be done for the micro-burst.

Mr. Palmer stated that he thinks Quarterly reports for the last three quarters of each year would be beneficial to the board.

2. York River Steering Committee

Interim Community Development Director Beth Della Valle and Karen Arsenault gave a report briefly touching on the past 5 years that it took to get to the point the committee is at now.

3. Long Sands Bathhouse Building Committee Update and Inquiry – Jim Bartlett, Chairman

Bathhouse Building Committee Chairman Jim Bartlett gave a report on the beginnings of work the Building Committee has started, their 100% commitment to full transparency and their hopeful timeline of a mid-November 2015 start date and a mid-May 2016 end date.

**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: Frank Patstone  
Ted Little  
Todd Frederick

**G. Approval of Warrant #45**

Moved by Mr. Macdonald, seconded by Mr. Speers to approve Warrant #45. Vote 4-0, motion passes.

**H. Public Hearings**

1. New Business Licenses:
  - a. Stephen Dunne DBA: Dunne's Ice Cream; Located at 214 Nubble Road (Food Service)
  - b. York Elks; Located at 1704 US Route One (Flea Market)
  - c. Karen McElmurry DBA: Simply Grown Rocky Acres; Located at 73 Webber Road (Food Service)

Moved by Mr. Macdonald, seconded by Mr. Speers to open the public hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Speers to close the public hearing. Without objection, so ordered.

2. Fine Schedules for Board of Selectmen Adopted Codes
  - a. Collection, Transportation and Disposal of Refuse for Residences (Solid Waste Collection, Recycling and Disposal Ordinance)
  - b. Commercial Waste Ordinance
  - c. Mandatory Recycling for Residences and Special Residences (Solid Waste Collection, Recycling and Disposal Ordinance)
  - d. Operation of Town of York Transfer Station for Brush, Leaves, Grass Clippings, White Goods, and Scrap Metal (Solid Waste Collection, Recycling and Disposal Ordinance)
  - e. Transfer Station Permit Program Ordinance
  - f. York Landfill Use (Solid Waste Collection, Recycling and Disposal Ordinance)
  - g. Restricting Weight Limits on Posted Ways
  - h. Traffic Safety Ordinance
  - i. Permit Parking Ordinance
  - j. Ellis Short Sands Park Ordinance

Moved by Mr. Macdonald, seconded by Mr. Speers to open the public hearing.  
Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Speers to close the public hearing.  
Without objection, so ordered.

**I. Endorsements**

1. Business Licenses:
  - a. American Legion Post 56 (Food Service, Liquor, Special Amusement and Coin-Operated Amusement) Located at 9 Hannaford Drive
  - b. Kiersten Mayes DBA: The Central Restaurant and Bar (Food Service and Liquor) Located at 127 Long Sands Road #7
  - c. York Elks 2788 (Flea Market) Located at 1704 US Route One
  - d. Rising Tide, LLC DBA: Fun-O-Rama (Coin-Operated Amusement) Located at 7 Beach Street
  - e. John and Agnes Biagioni DBA: The Candy Corner, Inc. (Food Service) Located at 14 Railroad Avenue
  - f. Chapman Family Realty Trust DBA: Chapman Cottage (Food Service, Liquor, Special Amusement and Bed & Breakfast) Located at 370 York Street
  - g. James James, LLC DBA: GiGi's (Food Service, Liquor and Special Amusement) Located at 2 Beach Street
  - h. The Goldenrod DBA: The Goldenrod (Food Service) Located at 2 Railroad Avenue
  - i. IOTB, LLC DBA: Guac-N-Roll (Food Service, Liquor and Special Amusement) Located at 6 Railroad Avenue
  - j. IOTB, LLC DBA: Inn on the Blues (Food Service, Liquor, Special Amusement and Innkeeper) Located at 7 Ocean Avenue
  - k. Mojo's BBQ Shacks, LLC DBA: NoLita (Food Service and Liquor) Located at 647 US Route One
  - l. Martha Danilowicz DBA: Wicked Good Ice Cream (Food Service) Located at 4 Main Street
  - m. York Golf and Tennis Club (Food Service, Liquor and Special Amusement) Located at 62 Organug Road
  - n. Sandra Wilson DBA: York Restaurant (Food Service) Located at 1 Railroad Avenue

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following licenses: American Legion Post 56 (Food Service, Liquor, Special Amusement and Coin-Operated Amusement) Located at 9 Hannaford Drive, Kiersten Mayes DBA: The Central Restaurant and Bar (Food Service and Liquor) Located at 127 Long Sands Road #7, York Elks 2788 (Flea Market) Located at 1704 US Route One, Rising Tide, LLC DBA: Fun-O-Rama (Coin-Operated Amusement) Located

at 7 Beach Street, John and Agnes Biagioni DBA: The Candy Corner, Inc. (Food Service) Located at 14 Railroad Avenue, Chapman Family Realty Trust DBA: Chapman Cottage (Food Service, Liquor, Special Amusement and Bed & Breakfast) Located at 370 York Street, James James, LLC DBA: GiGi's (Food Service, Liquor and Special Amusement) Located at 2 Beach Street, The Goldenrod DBA: The Goldenrod (Food Service) Located at 2 Railroad Avenue, IOTB, LLC DBA: Guac-N-Roll (Food Service, Liquor and Special Amusement) Located at 6 Railroad Avenue, IOTB, LLC DBA: Inn on the Blues (Food Service, Liquor, Special Amusement and Innkeeper) Located at 7 Ocean Avenue, Mojo's BBQ Shacks, LLC DBA: NoLita (Food Service and Liquor) Located at 647 US Route One, Martha Danilowicz DBA: Wicked Good Ice Cream (Food Service) Located at 4 Main Street, York Golf and Tennis Club (Food Service, Liquor and Special Amusement) Located at 62 Organug Road, Sandra Wilson DBA: York Restaurant (Food Service) Located at 1 Railroad Avenue subject to taxes, fees and inspections be current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

**J. Old Business**

1. Discussion and Possible Action: Fine Schedule for Ordinances Adopted by Board of Selectmen

1. Collection, transportation and Disposal of Refuse from Residences
2. Commercial Waste Ordinance
3. Mandatory Recycling for Residences and Special Residences
4. Operation of Town of York Transfer Station for Brush, Leaves, Grass Clippings, White Goods and Crap Metal
5. Transfer Station Permit Program Ordinance
6. York Landfill Use
7. Restricting Weight Limits on Posted Ways
8. Traffic Safety Ordinance
9. Permit Parking Ordinance
10. Ellis Short Sands Park Ordinance

Moved by Mr. Macdonald, seconded by Mr. Speers to adopt the 10 fore mentioned amended ordinances. Vote 4-0, motion passes.

2. Discussion: Fund Balance Policies

The Town Manager had been asked to create a new fund balance policy which he anticipates will take several meetings and additional research. He feels there is a workable policy in place for the start of the FY17 operating budget, so if the Board is comfortable with his recommendations, he will continue to work on the next steps.

3. Discussion and Possible Action: Findings of Fact, Maynard Dock Application

Moved by Mr. Macdonald, seconded by Mr. Speers approve the Findings of Fact, Conclusions of Law, and Decision regarding the application by Steven and Pamela Maynard. Vote 4-0, motion passes.

4. Discussion and Possible Action: Proposed New Selectmen's Policy Regarding Timing of Referendum-Related Requests

Moved by Mr. Macdonald, seconded by Mr. Speers to adopt the proposed Selectmen's Policy entitled, "Timing of Referendum-Related Requests" as amended. Vote 4-0, motion passes.

**K. New Business**

1. Discussion and Possible Action: Request a Special Budget Referendum and Address Other Related Issues

Moved by Mr. Macdonald, seconded by Mr. Speers to request a Special Budget Referendum, to be held at the York High School gymnasium on Saturday, July 11, 2015. Vote 4-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Speers to authorize the expenditure not to exceed \$10,000 in total from the contingency account to be utilized for the due diligence tasks identified by the Town Manager's Request for Action. Vote 4-0, motion passes.

2. Discussion and Possible Action: Application for Maine Coastal Program Grant in Partnership with Wells Reserve and York Golf and Tennis

Moved by Mr. Macdonald, seconded by Mr. Speers that the Town of York agrees to be a municipal partner with the Wells Reserve and York Golf and Tennis Club's \$50,000 grant application to the Maine Coastal Program for salt marsh restoration at the York Country Club's property at 6s2 Organug Road. It is understood that the Wells Reserve and the York Golf and Tennis Club will prepare, submit, and manage the grant application and provide any required match for the grant. Vote 4-0, motion passes.

3. Discussion and Possible Action: Request Contingency Funds to Hire a Consultant to Work with the Energy Efficiency Steering Committee on LED Street Lighting

Moved by Mr. Macdonald, seconded by Mr. Speers authorize the use of \$20,000 of contingency funds from the FY2015 operating budget to hire an energy consultant to guide the Town's efforts to replace its current street light system with LEDs. Vote 4-0, motion passes.

4. Discussion and Possible Action: Graduate School for the Town Manager

Moved by Ms. Andrews, seconded by Mr. Speers to approve the selection of University of North Dakota School of Graduate Studies for the Town Manager to pursue continuing education in public administration, per section 9(d) of his employment contract. Vote 4-0, motion passes.

5. Property Redemptions  
a. 23 Prospect Street (0025-0052)

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the property redemption of Tax Map 0025-0052, located at 28 Prospect Street, as requested, subject to the condition that all taxes, interest and administrative costs are paid in full by no later than July 24, 2015 with cash or certified bank check. Vote 4-0, motion passes.

b. 7 Eaton Pacific West (0040-0061-0162)

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the property redemption of Tax Map 0040-0061-0162, located at 7 Eaton Pacific West, as requested, subject to the condition that all taxes, interest and administrative costs are paid in full by no later than July 24, 2015 with cash or certified bank check. Vote 4-0, motion passes.

6. Special Event Permits  
a. Zumba with Marianela  
b. Josias River Farm Weddings

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: VLD Fitness – Zumba with Marianela: June 14, 2015 and Josias River Farm Weddings: May 30, June 6, 13 and 20, July 18, August 8, 15 and 22, September 12 and 19, and October 3 and 10. Vote 4-0, motion passes.

L. Future Agendas

M. Other Business

N. Citizens' Forum

Public Comment: Kathleen Kluger  
Dawn Sevigny Watson

Adjourn

Moved by Mr. Macdonald, seconded by Mr. Speers to adjourn the meeting at 10:00PM. Without objection, so ordered.

Respectfully Submitted,

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Melissa M. Avery  
Assistant to the Town Manager