

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00 PM/7:00 PM MONDAY, JANUARY 9, 2017
YORK PUBLIC LIBRARY**

6:00PM: Executive Sessions

- Title 1 MRS §405.6.A (Personnel - input prior to Town Manager's annual review)
- Title 1 MRS §405.6.A (Personnel - input prior to Tax Assessor's annual review)
- Title 1 MRS §405.6.C (Real Estate)

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Michael L. Estes, Town Manager Stephen H. Burns and Director of Human Resources Liam Gallagher.

Absent: Dawn Sevigny-Watson

Moved by Mr. Speers, seconded by Mr. Frederick to enter into executive session. Without objection, so ordered.

Moved by Mr. Speers, seconded by Mr. Frederick 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, Todd A. Frederick, Michael L. Estes, Town Manager Stephen H. Burn, and members of the press and public.

Absent: Dawn Sevigny-Watson

Call to Order

Chairman Robert E. Palmer, Jr. called the meeting to order at 7:00PM.

Opening Ceremonies

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

C. Manager's Report

Town Manager Stephen H. Burns announced that the Town's financial audit was completed in December, meeting the goal of having it finished by the end of the calendar year. He also announced that the Town will be having two radar speed signs installed by the State soon.

D. Awards

1. Reject All Bids - SHIPs Project

Moved by Mr. Estes, seconded by Mr. Frederick to reject all bids submitted for the construction of the York River Access Project, because bids came in above budget. Vote 4-0, motion passes.

E. Reports

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: Dick Bilden
Wendy Bilden
David Loon
Randy Small
Don Rhodes
Todd Beazel
Norma Clark
Amy Catling
Christina Young
Dave Linney
Vicky Carr

G. Public Hearings

1. General Assistance Ordinance and Appendices

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

Public Comment: None

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

2. New Business License: IOTB, LLC DBA: Viewpoint Hotel (Innkeeper); located at 229 Nubble Road

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

Public Comment: None

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

H. Endorsements

Business Licenses:

- IOTB, LLC DBA: Viewpoint Hotel (Innkeeper); located at 229 Nubble Road
- John Shaw DBA: Frankie and Johnny's (Food Service); located at 1594 US Route One
- Miller Brothers, LLC DBA: York54 (Food Service, Liquor); located at 449 US Route One
- Miller Brothers, LLC DBA: St. Joe's Coffee (Food Service); located at 449 US Route One

Moved by Mr. Frederick, seconded by Mr. Speers to approve the following licenses: IOTB, LLC DBA: Viewpoint Hotel (Innkeeper); located at 229 Nubble Road, John Shaw DBA: Frankie and Johnny's (Food Service); located at 1594 US Route One, Miller Brothers, LLC DBA: York54 (Food Service, Liquor); located at 449 US Route One, Miller Brothers, LLC DBA: St. Joe's Coffee (Food Service); located at 449 US Route One, all subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

I. Old Business

1. Discussion & Possible Action: Draft FY18 Operating Budget

Mr. Burns last discussed the FY18 Operating Budget with the Board on December 12 and the primary charge from the Board was to bring back proposals to bring the budget down within the original proposed limit, which would maintain the current tax rate of \$11.15/thousand.

2. Discussion & Possible Action: Select Real Estate Services - General

The Town Manager's Office recently solicited local real estate offices for interest in entering in a listing agreement with the Town for public sale of town-owned

residential properties. Only two replies were received, consequently we will do more outreach and advertising to the real estate offices again, and hope for a better turn out.

3. Discussion: Marijuana Moratorium/Regulation

Moved by Mr. Estes, seconded by Mr. Frederick to post notice and hold public hearing on the proposed ordinance prohibiting retail marijuana establishments and retail marijuana social clubs. Vote 3-1, Mr. Speers against, motion passes.

Moved by Mr. Estes, seconded by Mr. Frederick to post notice and hold a public hearing on the proposed ordinance establishing a moratorium on retail marijuana establishments and retail marijuana social clubs. Vote 4-0, motion passes.

4. Discussion: Shoreland Zoning Policies

At the direction of the Board of Selectmen, the Town Planner Dylan Smith put together additional information relative to the proposed shoreland amendments for the May 2017 Special General Referendum to help them understand some of the changes to the shoreland ordinance that are being proposed regarding current ordinances in place compared to current state minimum guidelines in place.

5. Discussion & Possible Action: Revised Charge for Energy Steering Committee

Moved by Mr. Speers, seconded by Mr. Estes to postpone this item until the Energy Steering Committee can be in attendance. Vote 4-0, motion passes.

6. Discussion & Possible Action: Minor Charter Amendments

Moved by Mr. Speers, seconded by Mr. Estes to direct the Town Manager to prepare a minor charter amendment to address the process of approval of the weekly warrant. Vote 4-0, motion passes.

7. Discussion & Possible Action: MTA Toll Plaza Process

Moved by Mr. Estes, seconded by Mr. Frederick to allocate \$25,000 from contingency with the understanding that Think Again will need to raise additional funding for the upcoming public hearing, along with making the request with DEP for a deferral. Vote 4-0, motion passes.

J. New Business

1. Discussion & Possible Action: Property Redemption, 19 Intervale Road (0013-0020-C)

Moved by Mr. Speers, seconded by Mr. Frederick to approve the property redemption of Tax Map 0013-0020-C, located at 19 Intervale Road, as requested, subject to the condition that all taxes, interest and administrative costs totaling \$81,041.08, are paid in full by no later than March 3, 2017 with cash or bank check. Vote 4-0, motion passes.

2. Discussion & Possible Action: Foreclosure Waivers

Moved by Mr. Speers, seconded by Mr. Frederick to waive foreclosure on the following properties: 123 Burnette's Trailer Park and 19 Caincrest Road. Vote 4-0, motion passes.

3. Discussion: Lost ROW Statute Process for Ocean Avenue Extension

Director of Public Works Dean Lessard discussed major storm water issues that continue to exist in York Beach in the old Broadway and Airport Drive Drainage Project. Public Works while looking for other locations for a new outfall, the was informed by the Town's consulting engineers and surveyors that they could not find any written documentation that Ocean Avenue Extension was ever accepted as a public way. Dow and Coulombe from Saco, Maine who specialize in researching old documents, after considerable work were not able to find any additional documentation to support the public acceptance of Ocean Avenue Extension. The Board asked the Town Manager and the Director of Public Works contact the Town Attorney and discuss options regarding the number of rods allowed.

4. Discussion & Possible Action: Town Energy Investment Policy

The Board agreed that they would like to have a discussion with the Energy Steering Committee and the Fiscal Sustainability Committee regarding the two committees working together to propose to the Board of Selectmen a draft standard method for the financial analysis on energy-saving investments.

5. Discussion & Possible Action: General Assistance Ordinance and Appendices

Moved by Mr. Speers, seconded by Mr. Frederick to approve the 2016 General Assistance Ordinance and Appendices. Vote 4-0, motion passes.

K. Future Agendas

L. Other Business

M. Citizens' Forum

Public Comment: None

Adjourn

Moved by Mr. Speers, seconded by Mr. Frederick to adjourn the meeting at 10:20PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager