



Town of York

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Treasurer
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Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
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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

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SELECTMEN'S MEETING 7:00 P.M. MONDAY JANUARY 28, 2013 YORK LIBRARY

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.

Call to Order at 7:00pm

Pledge of Allegiance

A. Minutes

- January 14, 2013 Selectmen's Meeting Minutes

Moved by Mr. Little, second by Mr. Nowell to approve the January 14, 2013 Selectmen's Meeting Minutes. Without objection, so ordered.

B. Chairman's Report

C. Manager's Report

- Mr. Yandow congratulated John Lizanecz for being chosen to represent Maine in the International Law Enforcement Torch Run Final Leg for the Special Olympics World Games in Pyeong Chang, Korea.
- On March 1st Time Warner Cable rates will be increasing. Expect an increase of approximately \$3 to \$5 per month.
- The second installment for Real Estate and Personal Property taxes are due on February 8, 2013.

D. Awards

In conjunction with the voter approved renovation project at the York Fire Department, the department recently solicited bids for an LP boiler to replace the 1970's era oil fired furnace. Two bids were received in response to the solicitation.

The first bid was from Rymes Propane and Oils in the amount of \$28,590.00 and the second bid was from Performance Plumbing and Heating in the amount of \$38,200.00. Chris Ballentine, York Fire Chief recommended the bid be awarded to Rhymes.

Moved by Mr. Little, seconded by Mr. Nowell to award the bid for an LP Boiler at the York Fire Department to Rymes Propane and Oils in the amount of \$28,590.00. 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.

Mike Micciche
Mike Estes
Helen Rollins
Jim Towle

G. Approval of Warrant #30

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant # 30. Vote 3-2, Mr. Nowell and Ms. Gregg opposed.

H. Public Hearings

None

I. Endorsements- Business Licenses

1. Andrew & Susan Wetzel DBA Inn at Tanglewood (Bed & Breakfast)
2. Jon Adelson DBA Rick's All Seasons Restaurant (Victualers & Liquor)

3. Stephen Dunne DBA Brown's Ice Cream (Victualers)
4. Stage Neck Inn, Inc. DBA Stage Neck Inn (Victualers, Liquor & Special Amusement)

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the following license applications; Andrew & Susan Wetzel DBA Inn at Tanglewood (Bed & Breakfast), Jon Adelson DBA Rick's All Seasons Restaurant (Victualers & Liquor), Stephen Dunne DBA Brown's Ice Cream (Victualers), Stage Neck Inn, Inc. DBA Stage Neck Inn (Victualers, Liquor & Special Amusement) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

K. New Business

1. Change Orders from PC Construction

- a. Change order #CP0004 from PC Construction. This change order includes the costs of construction delays for PC Construction and sub-contractors. This delay has been broken down into two separate items. 1. Delayed DEP initial approval: for the time period that PC needed to wait (without doing any construction) for DEP approvals. The GMP schedule had expected DEP and Building permits by May 21, 2012. The delay cost is for the time period from June 4, 2012 (the GMP start date) to July 9, 2012 when we actually got the Notice to Proceed on the Police Station portion of the work. The cost of this delay is \$15,480.00. 2. Town approval delay: for the time period when the foundations footing forms were complete, but PC could not go any further without a building permit. This is the point that PC was on site, but not working on critical schedule activities while they were waiting for a permit. This eventually led to subcontractors demobilizing from the site and shutting down for winter. The critical activities, and time associated with them will still need to be done under the GMP, so compensation for the period of time not accomplishing critical activity work is warranted. The cost for this delay is \$60,494.00. This change Proposal does not include any escalation or unforeseen costs. Cost for winter protecting the site (covering forms, rebar and perimeter fence around the foundation) are not included in the change proposal.
- b. Change order #CP0005 from PC Construction. This change order includes the cost of additional mulching of the Ridge Road and Route 1 stockpiles.

The mulching approved in change order #CP0001 was not sufficient to complete all of the necessary work. The cost in this change order is the hay mulching of the 3.75 acre area that makes up the two stock piles locations. The cost in this change proposal is to stabilize the stock piles at the higher hay rate with no seed for winter stabilization per SMRT winter stabilization notes. Upon completion of the site work, Gorham Sand & Gravel will stabilize the stockpiles with seed and mulch as part of their contract agreement with PC Construction. This change order will increase the value of this contract by \$10,505.00.

- c. Change order #CP0006 from PC Construction. This change order includes the cost incurred by Gorham Sand and Gravel when they could not haul sand to the project site from Eliot and rather had to haul the sand from Sanford. According to PC Construction, the delay in receiving the DEP permit and approval from the Planning Board resulted in the Eliot sand no longer being available. This CP does not include any possible additional fill that may need to be imported when the project resumes. This change order will increase the value of the contract by \$15,873.00.

After much discussion, no action was taken by the Board of Selectmen at this time. This item will be placed on a later agenda.

2. FY14 Operating Budget

At the January 14, 2013 Selectmen's meeting the Board discussed the proposed changes in the FY14 operating budget. As a result of that discussion the Board of Selectmen determined that the FY14 operating budget should represent no more than 3% increase in taxpayer impact. The final draft of the FY14 operating budget summary reflects a total increase of 4.26%, however when debt service is subtracted and an increase in revenue is calculated, the impact of the budget is 2.84%. The reductions necessary to reach the 2.84% include the following:

- \$25,000 from Paving
- \$12,500 from the Police Department Budget
- \$3,000 from the Harbor Master Budget
- \$10,000 from the Police Vehicle Account
- \$32,000 from the Hydrant Account
- \$2,000 from the Academic Reimbursement Account

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the FY14 Municipal Operating Budget as submitted by the Town Manager. Vote 3-2, Mr. Nowell and Ms. Gregg opposed, motion passes.

3. Request for Sewer Extension- 4 US Rte 1

It was recommended by Christine Grimando, Town Planner to find the application for the sewer extension at 4 US Route 1 from the Town of Kittery Sewer Department into York consistent with local land use ordinances and plans.

Moved by Mr. Little, seconded by Mr. Fiorentino to provide a written determination to the Town of Kittery Sewer Department on their request for assurances pursuant to the provisions of Title 38 finding that the request is consistent with local land use ordinances and plans. Vote 4-1, Mr. Nowell opposed, motion passes.

4. Request from Energy Efficiency Steering Committee to issue two Requests for Proposals.

Wayne Boardman, Chair of the Energy Efficiency Steering Committee has requested that the EESC be authorized to send out two Requests for Proposals (RFP's).

1. Approval to issue an RFP for design services for upgrading the insulation in the attic of the Village Fire Station. The project started out as blowing in cellulose insulation to bring the original part of the building up to standards. However, to do it right will require removing the drop ceiling above the second floor, replacing it with sheetrock, sealing numerous gaps between the second floor and the attic, ensuring that the structure will hold the extra weight of the insulation and the potential extra weight of the snow on the cooler roof, and designing proper ventilation for the attic space. The EESC would also recommend replacing all the older fluorescent and incandescent lighting on the second floor with high-efficiency lighting fixtures. This RFP would be to solicit an engineering firm to draw up detailed specifications for a separate RFP to do the actual insulation and air sealing work.
2. Approval to issue a design/build RFP for replacement of the Grant House boiler with a pellet boiler. The EESC believes they can find an engineering firm which can both design the housing for the boiler and pellet storage and coordinate its construction and installation. (There is insufficient space in the building's basement, but it's not uncommon to house a pellet boiler in a separate structure.) The design work would include sizing the new boiler and calculating the expected dollar savings and greenhouse gas savings over the life of the equipment. In this case, a design/build RFP as opposed to two separate RFP's should help speed up the replacement of the old oil boiler, which is a priority. The EESC will work with the Historic District

Commission to find a suitable location for the boiler and pellet storage structure and have initiated discussions with that committee.

Moved by Mr. Little, seconded by Mr. Nowell to authorize the Energy Efficiency Steering Committee to issue a Request for Proposals for the design/build of a pellet boiler at the Grant House and for design services relating to an insulation upgrade in the attic of the York Village Fire Station. Vote 4-1, with Ms. Gregg opposed, motion passes.

5. Amended Consent Agreement with Dana Willis

On December 17, 2012 the Board of Selectmen authorized the Town Manager to sign a Consent Agreement with Dana Willis. Subsequent to that meeting Mr. Willis requested two changes to the agreement. The first change makes the release mutual as compared to the original agreement with reflected only that Mr. Willis would release his claims against the Town. The second change adds more specificity to the issuance of a shorefront mooring and the waiting list for additional moorings. The Town Attorney does not believe that the two changes adversely impact the Town.

Moved by Mr. Little, seconded by Mr. Fiorentino to authorize the Town Manager to sign an amended Consent Agreement with Dana Willis under which all claims against the Town for denial of a dock permit will be dismissed. Vote 4-1, Ms. Gregg opposed motion passes.

6. Final release of Phase II financial security for Whippoorwill Subdivision

On November 2012 it was Community Development Director, Stephen Burns understanding that the Board of Selectmen was releasing the last of the financial security accounts held for the Whippoorwill Subdivision. Upon informing Salem Five Bank of the Board's action to release the remaining security for phases 4 and 5, they in turn posed a question about securities they still hold on Phases 1 and 2. Mr. Burns had documentation about the Board of Selectmen authorizing full release of the remaining balance of the Phase 1 security at its meeting of September 25, 2000. Mr. Burns forwarded that information to the Bank again and Phase 1 should be all set. Phase 2, however, still has \$32,400 remaining. This was considered Phase 2A. Phase 2A securities covered road and drainage construction for Chickadee Drive above Nighthawk and for Meadowlark Drive between its 2 intersections with Chickadee. These roads were long ago inspected and accepted by the Town as public roads. There is no reason to continue to have the Bank retain these funds.

Moved by Mr. Little, seconded by Ms. Gregg to release the remaining \$32,400 in funds held in the Tri-Party Agreement to Bond Construction of Ways and the Installation of Municipal Services, an agreement between Bradford Realty Trust, Salem Five Cent Savings Bank and the Town of York executed on April 15, 1999. Vote 5-0, motion passes.

7. Pole Location Permit

The permit for 1 pole on Scituate Road in a northwesterly direction 50 feet from pole #74 has been reviewed by Dean Lessard, Director of Public Works and an onsite inspection of the area has been completed.

Moved by Ms. Gregg, seconded by Mr. Nowell to approve the pole location permit for 1 pole on Scituate Road in a northwesterly direction 50 feet from pole #74. Vote 5-0, motion passes.

8. Special Event Permit-YHS Interact Club Polar Dip February 9, 2013

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the Special Event Permit-YHS Interact Club Polar Dip February 9, 2013. Event to take place from 11:30am to 12:30pm at the Bath House at Long Sands Beach. Vote 5-0, motion passes.

9. Special Event Permit-York Light the Night Walk September 28, 2013

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the Special Event Permit-York Light the Night Walk September 28, 2013. Event to take place from 9:00am to 9:00pm beginning at the York Beach Ball Field. Approval contingent on receiving insurance. Insurance will arrive in April. Vote 5-0, motion passes.

L. Other Business

M. Citizens Forum

Mike Micciche

Adjourn

Moved by Mr. Little, seconded by Mr. Fiorentino to adjourn at 10:09 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder