

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, MAY 12, 2014
YORK LIBRARY**

Present: Chairman Ronald Nowell, Vice-Chairman Kinley Gregg, Scott Fiorentino, Mary Andrews, Torbert Macdonald, Town Manager Robert G. Yandow, Recorder Melissa M. Avery, and members of the press and public.

Call to Order

Chairman Nowell called the meeting to order at 7:00PM

Opening Ceremonies

A. Minutes

1. March 24, 2014 Meeting Minutes
2. March 27, 2014 Meeting Minutes
3. April 24, 2014 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the March 24, 2014, March 27, 2014 and April 24, 2014 Meeting Minutes. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Nowell said that he was surprised to see in the Sentinel News Paper that Short Sands Beach was rated one of the top ten beaches in the United States. Mr. Nowell also stated that he feels Short Sands Beach's condition is the best it has been in in thirty years thanks to Mother Nature. Many people have thanked Mr. Nowell and the rest of the Board for pushing to get Main Street paved. Also Mr. Nowell also questioned the bump-out at the end of Beach Street that he believes was supposed to be cut back last year and hasn't been done yet.

C. Manager's Report

Town Manager Yandow reminded citizens that voting day is Saturday, May 17th at the High School and to pick up your absentee ballot at the Town Hall before Wednesday if you cannot make it to the poles on Election Day. Mr. Yandow

stated that the Selectmen will holding their next regular meeting next week on May 19th, as a result of the Memorial Day holiday.

D. Reports

1. Election Information from Town Clerk

Town Clerk/Tax Collector Mary-Anne Szeniaewski explained to the Board and the public that her office is using new equipment this year that digitally scans ballots to count votes. With this election, each voter has 14 ballots to scan, making York the largest election in the State this year. Ms. Szeniaewski stated that her office has issued 1,300 absentee ballots as of today and that there are 11,000 registered voters in York.

2. Update from “Think Again” Regarding Maine Turnpike Authority

Joan and Marshal Jarvis of the “Thing Again” group stated that though there has been progress there are still problems with the Maine Turnpike Authority. Ms. Jarvis stated that MTA is planning on spending 70 million dollars on a toll plaza using “obsolete equipment” and that the MTA report does not discuss where the employee parking will be or where the access road will be. Ms. Jarvis requested on behalf of “Thing Again” that an agenda item be placed on the May 19, 2014 Selectmen’s agenda to request that MTA reopen identifying all sites North of York.

E. 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: Tom Manzi

F. Approval of Warrant #45

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve Warrant #45. Vote 5-0, motion passes.

G. Public Hearings

1. New Business License: The Central Restaurant and Bar
2. New Business License: A Lifestyle Emporium
3. New Business License: Stonesthrow

Moved by Mr. Macdonald, seconded by Ms. Gregg to open the Public Hearings on the following New Business Licenses: The Central Restaurant and Bar, A Lifestyles Emporium and Stonesthrow at 7:26PM.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Andrews to close the Public Hearings at 7:27PM. Vote 5-0, motion passes.

H. Endorsements

Business Licenses:

1. Wiggly Bridge Distilleries, LLC DBA: Wiggly Bridge Distillery (Victualers, Liquor); Located at 19 Railroad Avenue
2. James James, LLC DBA: GiGi's Italian Food and Drink (Victualers, Liquor, Special Amusement); Located at 2 Beach Street Unit 7A
3. IOTB, LLC DBA: Guac-N-Roll (Victualers, Liquor, Special Amusement); Located at 6 Railroad Avenue
4. Zhiqiang He DBA: Panda and Sakura (Victualers, Liquor); Located at 9 Ocean Avenue
5. IOTB, LLC DBA: STONESTHROW (Victualers, Liquor, Special Amusement, Bed and Breakfast); Located at 123 Long Beach Avenue
6. William H. Burnham DBA: Surfside (Victualers, Liquor); Located at 1 Main Street
7. Agnes and John E. Biagioni DBA: The Candy Corner, Inc. (Victualers); Located at 14 Railroad Avenue
8. The Goldenrod DBA: The Goldenrod (Victualers); Located at 2 Railroad Avenue
9. Maine Ice Cream, LLC DBA: The Ice Cream House (Victualers); Located at 1300 US Route One
10. Martha Danilowicz DBA: Wicked Good Ice Cream (Victualers); Located at 4 Main Street
11. William H. Burnham DBA: York Beach Bowling Alley (Victualers, Coin Operated Amusement, Bowling Alley); Located at 3 Beach Street
12. Sandra Wilson DBA: York Restaurant (Victualers); Located at 3 Railroad Avenue
13. Mainstream Restaurants, LLC DBA: The Central Restaurant and Bar (Victualers, Liquor); Located at 127 Long Sands Road #7

Moved by Mr. Macdonald, seconded by Ms. Gregg to approval the following licenses: James James, LLC DBA: GiGi's Italian Food and Drink (Victualers, Liquor, Special Amusement); Located at 2 Beach Street Unit 7A, IOTB, LLC DBA: Guac-N-Roll (Victualers, Liquor, Special Amusement); Located at 6 Railroad Avenue, Zhiqiang He DBA: Panda and Sakura (Victualers, Liquor); Located at 9 Ocean Avenue, IOTB, LLC DBA: STONESTHROW (Victualers, Liquor, Special Amusement, Bed and Breakfast); Located at 123 Long Beach Avenue, William H. Burnham DBA: Surfside (Victualers, Liquor); Located at 1 Main Street, Agnes

and John E. Biagioni DBA: The Candy Corner, Inc. (Victualers); Located at 14 Railroad Avenue, The Goldenrod DBA: The Goldenrod (Victualers); Located at 2 Railroad Avenue, Maine Ice Cream, LLC DBA: The Ice Cream House (Victualers); Located at 1300 US Route One, Martha Danilowicz DBA: Wicked Good Ice Cream (Victualers); Located at 4 Main Street, William H. Burnham DBA: York Beach Bowling Alley (Victualers, Coin Operated Amusement, Bowling Alley); Located at 3 Beach Street, Sandra Wilson DBA: York Restaurant (Victualers); Located at 3 Railroad Avenue, Mainstream Restaurants, LLC DBA: The Central Restaurant and Bar (Victualers, Liquor); Located at 127 Long Sands Road #7 subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

Mr. Nowell noted that the Board received a Legal Opinion from the Town Attorney Mary Costigan regarding the Wiggly Bridge Distillery Business License Application but have been advised by the Ms. Costigan to not disclose the opinion in the chance that there is any litigation regarding the matter.

Mr. Macdonald stated that he will oppose a motion to approve the Wiggly Bridge Distillery Business License on procedural grounds.

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Business License for Wiggly Bridge Distilleries LLC, DBA: Wiggly Bridge Distilleries for Victualers and Liquor, located at 19 Railroad Avenue subject to the following conditions: A limit of 1, 60 gallon capacity still and annual submission of financial records, per Code Enforcement Officer's Memo dated 05/05/2014. Vote 3-2, Mr. Nowell and Mr. Macdonald against, motion passes.

I. Awards

1. Introduction of Police Officer and New Sergeant

Police Chief Doug Bracy in produced new Police Officer Jordan Floyd and new Police Sergeant Luke Ernwein to the member of the Board and the public.

J. Unfinished Business

1. Discussion and Possible Action on Providing Additional Information to the Planning Board Regarding Police Station Connector Road

Moved by Ms. Andrews, seconded by Ms. Gregg to take the existing motion from the April 28, 2014 meeting off the table. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Ms. Gregg to amend the motion to add the three words "and approvals received", making the motion read as follows: to authorize the Town Manager to provide information to the Planning Board indicating that the designed Connector Road will not be opened until all required studies have been completed and approvals received. And further

moved that there will be no emergency vehicle use of the connector road until the road is opened to the public. Vote 3-2, Ms. Nowell and Mr. Macdonald against, motion passes.

2. Discussion and Possible Action on Selectmen Code of Conduct

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to defer this item to be discussed at the next meeting when the two new elected Board of Selectmen's members are present. Vote 5-0, motion passes.

3. Discussion and Possible Action Regarding a Driveway Permit at 65 Old Post Road

Town Manager Yandow as instructed by the Board of Selectmen, requested a Legal Opinion from Town Attorney Mary Costigan regarding the liability under various scenarios and is still awaiting her response.

K. New Business

1. Discussion and Possible Action on a Resolution to the Maine Emergency Management Agency

Police Chief Douglas Bracy explained to the Board and the public that Emergency Management Directors across the State are being asked to have their elected officials support the Maine Emergency Agency in their efforts to have the Federal Emergency management Agency change their policy regarding federal disaster assistance for significant ice related storms. FEMA's denial in March of this year to declare a "Federal Disaster" in Maine after a prolonged winter ice storm that occurred between December 21, 2013 and January 1, 2014 was the result of a new interpretation of their Winter Storm Policy. The Town of York has twice received Federal Disaster Assistance for significant icing events in the past ten years; the last one in 2009 allowed the Town to recover some \$303,000 in the costs of labor, equipment, materials and debris removal of damaged trees.

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the resolution by the Board of Selectmen supporting Maine Emergency Management Agency's efforts to request the Federal Emergency Management Agency to amend their policy regarding Federal Disaster Assistance for significant ice related storms. Vote 5-0, motion passes.

2. Discussion and Possible Action on a Parking Agreement with York's Wild Kingdom

Moved by Ms. Andrews, seconded by Mr. Fiorentino to authorize the Town Manager to enter into a parking agreement with York's Wild Kingdom for use of an unimproved parking area owned by the Town of York and located adjacent to the York Wild Kingdom access road. Vote 5-0, motion passes.

3. Discussion and Possible Action on a Request to Vacate Town Rights to a Paper Street Right of Way at 11 Pinecrest Drive

Jorge and Ruth Larenas of 11 Pinecrest Drive formally requested that the Board of Selectmen sign and grant a Consent Agreement eliminating the Town's right-of-way to the paper road contained on their lot. The property is listed in the Extended Deadline of Automatic Vacation of Proposed but Unaccepted Ways, dated September 23, 1997. Mr. and Mrs. Larenas feel that the Town has an obligation to assist them in clearing the title restrictions by eliminating the Town's right to build the road based upon the actions and/or inactions of the CEO and the Planning Board.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to vacate Town rights to a paper street right-of-way at 11 Pinecrest Drive. Ms. Andrews withdrew her motion.

Moved by Ms. Gregg, seconded by Mr. Macdonald to place this item on the May 19th agenda pending legal advice regarding required abutter notification in this matter. Vote 5-0, motion passes.

4. Special Event Permit: Elks Club Yard Sale

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the York Elk's Yard Sale event on Saturday, Sunday and Monday, May 24-26, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

5. Special Event Permit: Four on the Fourth Road Race

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the Parks and Recreation Department's "Four on the Fourth Road Race" event on Friday, July 4, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

6. Special Event Permit: Amidon Dentistry York Days 5K

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the Parks and Recreation Department's "Amidon Dentistry York Days 5K" event on Sunday, July 27, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

7. Special Event Permit: York Days Craft Fair

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the Parks and Recreation Department's "York Days Craft Fair" event

on Saturday and Sunday, August 2 and 3, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

8. Special Event Permit: Christmas in July - Lighting of the Nubble

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the Parks and Recreation Department's "Christmas in July - Lighting of the Nubble" event on Sunday, July 27, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

9. Special Event Permit: Turkey Trot 5K

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the Parks and Recreation Department's "Turkey Trot 5K" event on Saturday, November 29, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

10. Special Event Permit: November Lighting of the Nubble

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the Parks and Recreation Department's "November Lighting of the Nubble" event on Saturday, November 29, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

11. Special Event Permit: Festival of Lights Parade

Moved by Ms. Andrews, seconded by Mr. Macdonald to approve the Special Event Permit for the Parks and Recreation Department's "Festival of Lights Parade" event on Saturday, December 6, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

12. Special Event Permit: York Lion's Annual Fun(d) Raising Auction

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Special Event Permit for the York Lion's "Annual Fun(d) Raising Auction" event on Friday, August 1, 2014, with the attached conditions given by Department Heads. Vote 5-0, motion passes.

L. Other Business

With it being the last meeting in his term as a member of the Board of Selectmen, Mr. Fiorentino thanked the citizens of York for allowing him to represent them on the Board for the past three years.

Ms. Andrews thanked Mr. Fiorentino for his public service.

Ms. Gregg wished Mr. Fiorentino the best of luck in his future endeavors.

M. Citizens' Forum

Public Comment: David Breckman
Nancy Lambert (Email read by Ms. Gregg)

Adjourn

Chairman Nowell adjourned the meeting at 8:45PM.