

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, AUGUST 25, 2014
YORK LIBRARY**

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Torbert Macdonald, Ronald Nowell, Recorder Melissa M. Avery 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

1. August 5, 2014 Meeting Minutes
2. August 11, 2014 Meeting Minutes
3. August 13, 2014 Meeting Minutes
4. August 18, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Nowell to accept the August 5, 11, 13 and 18, 2014 Meeting Minutes as amended. No objection, so ordered.

B. Chairman's Report

Chairman Mary Andrews stated that in her most recent report from Town Manager Yandow the current total cost for the Micro-Burst cleanup is \$36,914.36, included in that cost is the bills from two of the three private contractors hired to assist with clean up. The Town is still waiting on one invoice from the last private contractor and also the cost of cleaning up the hanging branches throughout the damage area. Ms. Andrews stated that years ago the Board of Selectmen carried forward funds for Maine Turnpike Authority legal issue costs regarding the relocation of the toll plaza. Ms. Andrews stated that there is currently \$10,738.40 left in that fund to aid in any additional upcoming reports and/or peer reviews necessary on that topic.

C. Manager's Report

No Manager's Report.

D. Awards

1. Police Cruiser Bid

The Police Department is replacing a 2010 Chevrolet Tahoe SUV cruiser with a 2015 Chevrolet Tahoe SUV. The department put out a bid request for (1) Chevrolet Tahoe Special Service 4x4 vehicle and received the following bid:

1. Quirk Ford; Augusta \$24,173.00

Police Chief Doug Bracy recommended that the board award the bid for the 2015 Chevrolet Tahoe to Quick Ford of Augusta.

Moved by Mr. Macdonald, seconded by Mr. Nowell to award the bid for the purchase of a 2015 Chevrolet Tahoe Special service Police Package to Quick Ford of Augusta in the amount of \$24,173.00. Vote 5-0, motion passes.

E. Reports

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: Judy Romano
 Crawford Yorke
 Joan Jarvis
 Mike Dabiere
 Helen Rollins
 Mike Sullivan
 Marshal Jarvis
 Sarah Sanford

G. Approval of Warrant #8

Moved by Mr. Macdonald, seconded by Mr. Speers to approve Warrant #8. Vote 5-0, motion passes.

H. Public Hearings

1. Amendments to be Considered at the November 2014 General Referendum:

- 1) MS4 Post-Construction Stormwater Management Ordinance
- 2) MS4 Non-Stormwater Discharge Ordinance
- 3) Require Septic System Inspections at Time of Property Transfers
- 4) Application Procedures for Piers, Wharfs, Docks and Floats
- 5) Standards for Piers, Wharfs, Docks and Floats
- 6) Medical Marijuana
- 7) Enabling Ordinance for Special Events Regulations
- 8) Artisanal Food and Drink Amendment

Moved by Mr. Macdonald, seconded by Mr. Palmer to open the public hearing.
Vote 5-0, motion passes.

Public Comment: Lew Stowe
 Mike Dabiere
 Peter Smith
 Helen Rollins
 Greg Gosselin for Lori Barrett
 Sally Mannahan
 Mike Dabiere
 Helen Rollins

Moved by Mr. Macdonald, seconded by Mr. Nowell to close the public hearing.
No objection, so ordered.

I. Endorsements

Business Licenses:

1. Hannaford Bros. Co. Inc. DBA: Hannaford Food and Drug #8384 (Food Service); Located at 5 Hannaford Drive
2. Hong Ji, Inc. DBA: Bamboo Garden (Food Service, Liquor, Special Amusement); Located at 8 Market Place Drive

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the following licenses: Hannaford Bros. Co. Inc. DBA Hannaford Food and Drug #8384 for Food Service and Hong Ji Inc. DBA Bamboo Garden for Food Service, Liquor and 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

Chairman Andrews chose to take Item #6 out of order, as there are many citizen's present for that topic.

1. "6. Discussion and Possible Action on the Purchase of Property in York by the Maine Turnpike Authority"

Moved by Mr. Macdonald, seconded by Mr. Nowell to appropriate for the purpose of having the Jacobs Engineering Study evaluated for Peer Review that \$10,738.40 be brought forward from the account it was previously carried forward to, for those purposes; and also add to the account \$4,261.00 from Selectmen's Contingency for the same purposes. Vote 5-0, motion passes.

Chairman Mary Andrews called a 10 minute recess.

2. "1. Discussion and Possible Action on Moving Ordinance Amendments to the November 4, 2014 Referendum"

Moved by Mr. Macdonald, seconded by Mr. Nowell to send the *MS4 Post Construction Stormwater Management Ordinance* amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Palmer, seconded by Mr. Speers to send the *MS4 Non-Stormwater Discharge Ordinance* amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Speers, seconded by Mr. Palmer to table the *Require Septic System Inspection at Time of Property Transfer* ordinance amendment. Vote 5-0, motion passes.

Moved by Mr. Nowell, seconded by Mr. Macdonald to send the *Application Procedures for Piers, Wharfs, Docks and Floats* ordinance amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Nowell, seconded by Mr. Palmer to send the *Standards for Piers, Wharfs, Docks and Floats* ordinance amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Palmer to send the *Medical Marijuana* ordinance amendment to public vote at the November General Referendum. Vote 5-0

Moved by Mr. Palmer, seconded by Mr. Macdonald to send the *Enabling Ordinance for Special Event Regulations* amendment to public vote at the November General Referendum. Vote 5-0

Moved and withdrawn by Mr. Macdonald to send the *Artisanal Food and Drink Amendment* to public vote at the November General Referendum.

3. "2. Discussion and Possible Action on Enforcement Request from CEO Regarding Notice of Violation at 69 Long Beach Avenue"

Code Enforcement Officer Amber Harrison asked that the Board of Selectmen take enforcement action on the lack of action on the property owner and order an immediate Cease and Desist of what she found to be the illegal commercial parking lot at 69 Long Beach Avenue. The Board stated that they consider the use a grandfathered uses and asked Ms. Harrison to continue attempting to communicate with the property owner to come to a resolution regarding a Parking Plan.

4. "3. Discussion and Possible Action on the Issuance of a Request for Qualifications for the Mount A Universal Trail Project"

In January of 2014 the Board of Selectmen voted to approve the necessary ground work to make the Big A trail and deck universally accessible. The Parks and Recreation Department asked for approval from the Board to move forward with selecting a design-build firm thru an initial Request for Qualification and subsequent Request for Proposal bid process.

Moved by Mr. Macdonald, seconded by Mr. Palmer to approve the RFQ and RFP process as proposed for selecting a Design/Build Firm(s) to design and construct the four phases of the 1-mile Big A Universal Access Trail. Vote 5-0, motion passes.

5. "4. Discussion and Possible Action on a Request From the Police Chief Regarding Statewide Arrest Powers"

Police Chief Doug Bracy asked that the board approve the authorization for York Police Officers to have statewide arrest powers pursuant to MRSA Title 30-A Section 2671.2.A who have met the requirements of MRSA Title 30-A, Section 2804.C.

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve the resolution by this Board to hereby authorize the police officers of the Town who have met the requirements of MRSA Title 30, Section 2804.C, the authority to exercise statewide arrest powers pursuant to, and authorized by MRSA, Title 30-A, Section 2671.2.A. Vote 5-0, motion passes.

6. "5. Replacement of Coin Machine at Police Department"

A motion was moved and withdrawn by Mr. Macdonald to approve the purchase of a Jetsort 4601 coin counter/sorter machine by the Police Department from Contingency not to exceed \$6,040.

After discussion, Police Chief Bracy agreed to absorb the cost through carry-forwards of the proposed coin counter rather than using funds from the Contingency fund.

7. Discussion and Possible Action on the Appointment of an Interim Town

Moved by Mr. Macdonald, seconded by Mr. Palmer to appoint Stephen H. Burns as the Interim Town Manager for an undetermined period of time. Vote 5-0, motion passes.

8. Abatement of Building Permit Application Fees: 2 Raydon Road

Moved by Mr. Macdonald, seconded by Mr. Palmer to approve the request for Abatement of Building Permit Application Fees at 2 Raydon Road for damage caused in the July micro-burst per the Selectmen's Policy Concerning Abatement of Building Permit Application Fees. Vote 5-0, motion passes.

9. Pole Location Permit: Cider Hill Road

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve the Pole Location Permit for 1 pole on Cider Hill Road, in an easterly direction, 50 feet from pole #9. Vote 5-0, motion passes.

10. Special Event Permit: Marketfest

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the Special Event Permit for the York Village Association's *Marketfest – York Village* event on Friday and Saturday, October 17 and 18, 2014 subject to any attached conditions given by Department Heads. Vote 5-0, motion passes.

11. Special Event Permit: Halloween Hop

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the Special Event Permit for the York Parks and Recreation's *Halloween Hop* event on Friday, October 31, 2014 subject to any attached conditions given by Department Heads. Vote 5-0, motion passes.

L. **Other Business**

M. **Citizens' Forum**

Public Comment: None

Adjourn

Chairman Andrews adjourned the meeting at 9:55PM.