

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, FEBRUARY 24, 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 Ronald Nowell called the meeting to order at 7:02PM.

Opening Ceremonies

A. Minutes

None

B. Chairman's Report

Chairman Ronald Nowell mentioned that this week is the anniversary of the death of Gerald A. Door, a veteran helicopter pilot in Vietnam in 1967.

Mr. Nowell also asked that the Town Manager state in his report when Route 1A will be paved.

C. Manager's Report

Town Manager Robert G. Yandow responded to Mr. Nowell's question regarding 1A, stating that the Main Street project requires a drainage easement from the Sewer District that they are still waiting on which has delayed the starting of the project.

Mr. Yandow reminded citizens that nomination papers for the May 2014 Special General Referendum are available in the Town Clerk's Office to run for the following positions: Board of Selectmen, Budget Committee, School Committee, Water District Trustee, Sewer District Trustees and Town Moderator. Those nomination papers are due back to the Town Clerk by April 2, 2014.

Mr. Yandow also mentioned that Time Warner Cable will be adjusting their rates and will potentially merge with Comcast. At this time, we are not sure what direct impact the merge would have on Time Warner subscribers in the town of York.

Police Station project went in front of the Planning Board for a sketch review on Thursday, February 20, 2014. Andrew Johnston from SMRT, Inc. will be gathering additional information and submitting a formal application to the Planning Board and will be scheduling televised meetings.

Both the Town of Kennebunk and the State of Maine have filed motions for reconsideration with regard to the Goose Rocks Beach case. Town Attorney Mary Costigan will be meeting with the Board prior to their regularly scheduled meeting on Monday, March 10th to discuss what impacts that case has on the Town of York.

D. Awards

1. Bid for Washer/Extractor for York Beach Fire Department

The York Beach Fire Department went out of bid for a Milnor 35 pound washer/extractor with base, for the cleaning of firefighter gear. The York Beach Fire Department received the following bids:

- | | |
|-----------------------------------|------------|
| 1. Harrison Shrader Enterprises | \$6,232.50 |
| 2. Industrial Protection Services | \$6,325.00 |

The York Beach Fire Department recommends awarding the bid to Harrison Shrader Enterprises.

Moved by Mr. Macdonald, seconded by Ms. Andrews to award the bid for a washer/extractor for the York Beach Fire Department to Harrison Shrader Enterprises in the amount of \$6,232.50. Vote 5-0, motion passes.

E. Reports

None

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: Neil Mahoney

Ron McAllister
Helen Rollins
Charles Stacy

G. Approval of Warrant #34

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve Warrant #34.
Vote 5-0, motion passes.

H. Public Hearings

1. Proposed Ordinance Amendments to be considered at the May 2014 Special General Referendum:

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to open the Public Hearing on the Proposed Ordinance Amendments to be considered at the May 2014 Special General Referendum. No objection, so moved.

1. Allow Additional Uses in the Northern Portion of the Route One-2 Zone

Public Comment: John Gregg

2. Harbor Ordinance and Zoning Ordinance Amendments

Public Comment: Charles Stacy

3. Amend Standards for Commercial Functions on Residential Lots

Public Comment: Helen Rollins
John Gregg

4. Alter Membership Requirements for the Board of Design Review

Public Comment: None

5. Change the Definition of Leash in the Animal Control Ordinance

Public Comment: Robin Rubin
David Tibbetts
Gary Cameron
Cindy Collins

6. Business Licensing Ordinances

Public Comment: None

7. Massage Therapist Licensing

Public Comment: None

8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Gregg to close the Public Hearing.
Vote 5-0, motion passes.

I. Endorsements

None

J. Old Business

None

K. New Business

1. Discussion and Possible Action on Moving the Proposed Ordinance Amendments to a Second Public Hearing on March 24, 2014:
 1. Allow Additional Uses in the Northern Portion of the Route One-2 Zone
 2. Harbor Ordinance and Zoning Ordinance Amendments
 3. Amend Standards for Commercial Functions on Residential Lots
 4. Alter Membership Requirements for the Board of Design Review
 5. Change the Definition of Leash in the Animal Control Ordinance
 6. Business Licensing Ordinances
 7. Massage Therapist Licensing
 8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance

Ms. Gregg stated that she would be in objection of a motion moving the proposed ordinance amendments together as a group, rather than individually.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the moving of the proposed ordinance amendments (#1, 2, 3, 4, 5, 6 and 8, omitting #7) to a second Public Hearing on March 24, 2014. Vote 4-1, Ms. Gregg against, motion passes.

2. Discussion and Possible Action on Placing the Potential Sale of the Hodgkin Parking Lot on the May Referendum and/or Negotiating with the Hodgkin Family

Ms. Andrews stated that in her discussion with the Hodgkin heirs, they told her that they would be willing to drop the selling price to \$300,000 with the stipulation that the Town pay the closing costs.

Town Manager Yandow noted that in discussing of cost for this item should also include the costs that will be incurred to build a road, of which has been determined to be in the neighborhood of an additional \$10,000.

Mr. Macdonald stated that he feels the purchase of the Hodgkin parking lot would only make sense if the Town were to be guaranteed to be able to expand Town Hall at its current location on the First Parish Church's property.

Moved by Ms. Andrews, seconded by Mr. Nowell to put the purchase of the Hodgkin Parking Lot on the Capital Improvement Plan, for \$300,000 with the caveat that the Town will pay the closing costs. Vote 2-3, Ms. Gregg, Mr. Macdonald and Mr. Fiorentino against, motion fails.

3. Discussion and Possible Action on Ownership of Beaches in the Town of York

Ms. Andrews voiced her concerns of the Board of Selectmen being governed by newspaper articles and television cameras before the Board has had a chance to discuss issues together as a group.

Mr. Nowell stated that in his interviews and comments with the media regarding the ownership of the York beaches, he was simply exercising his rights with the first amendment of the United States Constitution. He stated that he put this item on the agenda only for discussion with the Board to see what direction they would like to go with it.

Mr. Macdonald suggested that the Board, discuss the issue on March 10, 2014 in Executive Session when the Town Attorney Mary Costigan will be present to discuss other issues.

Mr. Nowell called for a brief adjournment.

4. Discussion and Possible Action on Approval of Funding for Third Party Reviewers for Police Station Project

In a written communication with the Planning Board dated January 30, 2014 Lee Jay Feldman and Steve Bradstreet, the third party reviewers of the Police Station project, addressed a number of issues related to the sketch plan review on February 20, 2014. One of the issues addressed concerns funding for the payment of the third party review (outsourced technical assistance). According to the written communication, an amount of \$19,690 is required from the Town in order to compensate Mr. Feldman and Mr. Bradstreet for the outsourced technical assistance; the written communication indicated that "this project cannot proceed until that commitment has been made".

Moved by Ms. Andrews, seconded by Mr. Fiorentino to commit the amount of \$19,690 to be paid to the third party reviewers of the Police Station Project for outsourced technical assistance.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to amend the motion to read: I move to commit the amount of \$19,690 to be paid out of Police Station Project

Funds to the third party reviewers of the Police Station Project for outsourced technical assistance. Vote 3-2, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to commit the amount of \$19,690 to be paid out of the Police Station Project Funds to the third party reviewers of the Police Station Project for outsourced technical assistance. Vote 3-2, motion passes.

5. Discussion and Possible Action on the Drainage Easement at Short Sands Park and Williams A. Burnham Property

On October 3, 2013 the Board of Selectmen held a work session with the Ellis Park Trustees concerning the ownership of Penstock Road. At the end of the meeting it was determined that legal documents would be drawn up, which would document how the disputed ownership would be resolved. On February 5, 2014 Dennis Carrillo, attorney for Ellis Park and William Burnham, emailed the Town Attorney handling the matter, Durward Parkinson, a series of documents relating to the potential abandonment of Penstock Road and easements between the Town of York, William Burnham and Ellis Park Trustees.

Durward Parkinson has scheduled a conference call with Director of Public Works, Dean Lessard and Dennis Carrillo to discuss the documents and to ensure that the Town's interests are adequately represented in the final documents – This conference call is scheduled for Tuesday, February 25, 2014 at 10:00AM.

Mr. Fiorentino suggested that Mr. Nowell recuse himself on actions concerning the Drainage Easement with the Short Sands Park because he seems to be personally close with the owner of that property, Mr. Burnham and seems at times to be an advocate for them.

Moved by Mr. Fiorentino, seconded by Ms. Andrews to delay any action on the drainage easement at Short Sands Park and William A. Burnham's property until the lawyers have had their scheduled meeting to discuss the issue. Vote 5-0, motion passes.

6. Discussion and Possible Action on Release of Bond for Sparhawk Subdivision

All but \$40,000 of a guarantee between Turner Porter (Sparhawk Realty, LLC) and the Town of York was released in 2008. John Treat, who at the time performed inspections for the Town, recommended \$40,000 be retained to cover the outstanding items, all of which have been addressed in a letter from Mike Livingston titled, "Harbor Side Drive, York, Maine, February 2014".

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to authorize the release of the remaining \$40,000 of the original \$570,000 performance bond for Sparhawk

subdivision because the improvements it was meant to guarantee have been completed in accordance with the approved plan. Vote 5-0, motion passes.

7. Property Redemption: 337 Long Sands Road, Unit 16

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the redemption of Tax Map 0038-0015-0016; located at 337 Long Sands Road, Unit 16, as requested, subject to the attached conditions being met and that all taxes interest and administrative costs are paid in full by no later than April 25, 2014. Vote 5-0, motion passes.

8. Special Event Permit: Light the Night

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit application for the Leukemia and Lymphoma Society's "Light the Night Walk" on Saturday, September 24, 2014. Vote 5-0, motion passes.

L. Other Business

Ms. Andrews said that she received complaints about Town Employees parking in front of the Town Hall, making access to the Town Hall difficult for some citizens. Ms. Andrews also stated that she received comments from the public that it is too bad that the restaurant going in where Bosns' Landing was has to be under such a time crunch to meet a deadline from the Code Enforcement Office while other projects have several years to finish.

M. Citizens' Forum

Public Comment: Keith Bishop

Adjourn

Chairman Nowell adjourned the meeting at 10:30PM.

Respectfully Submitted,

Melissa M. Avery