

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, FEBRUARY 10, 2014
YORK LIBRARY**

Present: Chairman Ronald Nowell, Vice Chairman Kinley Gregg, Mary Andrews, Scott Fiorentino, 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 7:00PM

Opening Ceremonies

A. Minutes

None

B. Chairman's Report

Chairman Nowell stated that he received a copy of the recent Kennebunk, "Goose Rocks Beach" court decision. With reference to the "Shore Path" Mr. Nowell feels that the Goose Rocks Beach case is a real word of warning for the Town of York about its beaches and that the Town needs to address the ownership issues of our beaches. Mr. Nowell also mentioned that a drainage easement regarding Penstock Road that has been brought forth to the Town is being reviewed by the Town Attorney and will be addressed a future Selectmen's meeting.

C. Manager's Report

Town Manager Robert G. Yandow reminded citizens registered to receive notifications, that the Code Red Emergency Notification System will be conducting a test of their system on February 11, 2014 at 10:00AM. Mr. Yandow also announced that there will be a meeting on February 14th at 8:30AM with Steve Landry of the Maine Department of Transportation and the Board of Selectmen regarding the speed limit on Route One. Mr. Yandow gave a Police Station Project update: The Police Station Project has been reviewed by the third party reviewers and is scheduled for sketch review with the Planning Board on

February 20, 2014. Town Manager Yandow also reminded citizens that nomination papers for the May 2014 Special General Referendum can be pulled in the Town Clerk's office starting Friday, February 21, 2014 for the following elected office vacancies: 2 (two) three year terms for the Board of Selectmen, 2 (two) three year terms for the Budget Committee, 1 (one) three year term and 1 (one) two year term for the School Committee, 1 (one) five year term as a York Water District Trustee, 1 (one) five year and 1 (one) two year term as York Sewer District Trustees, and 1 (one) three year term as the Town Moderator. Mr. Yandow let the citizens know that in the March billing from Time Warner Cable there will be a notice about an upcoming bill adjustment that will be going to their subscribers in town.

D. Awards

None

E. Reports

1. Review of Paper Streets Procedure

Town Assessor Richard Mace explained that in Maine, communities have the opportunity to retain an interest in "paper streets" if they take certain actions by the deadline of September 2017. The Town of York will need to decide about retaining interests in paper streets in 54 subdivisions or any of 356 other plans that were all listed in documents approved by the Board of Selectmen in September of 1997. With there being over 400 plans to be located and analyzed in order to make recommendations to the Board, Mr. Mace and Community Development Director Stephen H. Burns suggest the best way to approach this project is to try to complete reviews of 40 plans per quarter, giving some leeway time if any issues arise. Mr. Mace and Mr. Burns asked for, and received the Board's support in having staff in the Community Development, Assessing and Public Works departments assess each of the papers streets identified in the 1997 extension of deadline documents for their potential value to the community.

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: None

G. Approval of Warrant #32

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #32. Vote 5-0, motion passes.

H. Public Hearings

None

I. Endorsements

Business Licenses:

1. Kevin Tacy DBA: Foster's Downeast Clambake for Victualers, Liquor and Special Amusement; Located at 5 Axholme Road
2. Qing Wen Wang DBA: Greenleaves Chinese Restaurant for Victualers and Liquor; Located at 647 US Route One
3. The Golden Rod DBA: Lobster Cove for Victualers, Liquor and Special Amusement; Located at 756 York Street

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the following licenses: Kevin Tacy DBA: Foster's Downeast Clambake for Victualers, Liquor and Special Amusement; Located at 5 Axholme Road, Qing Wen Wang DBA: Greenleaves Chinese Restaurant for Victualers and Liquor; Located at 647 US Route One, The Golden Rod DBA: Lobster Cove for Victualers, Liquor and Special Amusement; Located at 756 York Street subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

None

K. New Business

1. Request for Sewer Extension from York Sewer District

Town Planner Christine Grimando did a consistency review of the Request for Sewer Extension for 42 to 50 Main Street and she recommended the Board of Selectmen approve the request and provide written assurances.

Moved by Mr. Macdonald, seconded by Ms. Gregg to provide written assurances to the York Sewer District that the proposed sewer extension from 42 to 50 Main Street is consistent with adopted municipal plans and ordinances regulating land use, and further that the lots served are in conformity with adopted municipal plans and ordinances regulating land use. Vote 5-0, motion passes.

Chairman Nowell took New Business Item 6 out of order.

2. "6. Discussion and Possible Action Regarding the Process for a Town Manager Recruitment"

Director of Human Resources Liam Gallagher discussed with the Board, the possibilities for commencing the search for a new Town Manager given current Town Manager Robert G. Yandow's intent to retire October 3, 2014. He stated that the search process can be either administered internally, by the Board of Selectmen with support from the Human Resources Director, or externally, by a qualified search firm. Should the Board wish to contract with a third party, Mr. Gallagher stated that they first need to determine the selections process for such a firm, for example would they require a formal RFP process.

The Board requested the documentation from the firms Mr. Gallagher reached out to regarding their proposals for a Town Manager search.

3. "2. Discussion Possible Action on Transfer Station Permit Application"

On June 20, 2012 the Department of Public Works received a letter from Eric Hamlin of the Maine Department of Environmental Protection, stating that the Town's operations at its Recycling and Composting Facility on Witchtrot Road has exceeded the Maine DEP Permit by Rule (S-003607-CB-B-P). The Department of Environmental Protection requested that the Town of York work to come into compliance with the State's applicable Solid Waste Transfer Station Regulations (06-096 CMR 400 and 402). With the help of CLD Consulting Engineers, the Public Works Department worked on the items that were required to be submitted to Maine DEP as part of the permit. At this time, the Town's permit is ready to submit to Maine DEP and the Director of Public Works Dean Lessard recommends the Board of Selectmen approve the Department of Public Works to submit the application for a Solid Waste Transfer Station Permit.

Moved by Mr. Macdonald, seconded by Ms. Gregg to authorize the Town Manager to sign the Maine DEP's application for a Solid Waste Transfer Station Permit for York's Recycling and Composting Facility on Witchtrot Road. Vote 5-0, motion passes.

4. "3. Discussion and Possible Action on Acceptance of SHIP Grant Agreement for Public Access Improvements Along the York River"

On May 22, 2010 the York voters approved Warrant #48 appropriating the sum of \$150,000 for the Pathway Route to 103 Causeway from the Fisherman's Walk. This project involved constructing a new path and pedestrian connection to the causeway, Wiggly Bridge and Steedman Woods under the new Route 103 Bridge. With the help of CLD Engineers, the Department of Public Works submitted a letter of intent to apply for State funding through a Small Harbor Improvements Program (SHIP) grant program. On January 29, 2014 the Town was informed by the Maine Department of Transportation that the application for Small Harbor Improvements had been approved for design and/or construction in 2014. Director of Public Works Dean Lessard recommended that

the board accept the Maine DOT Small Harbors Improvement Program Grant to improve safety and public access to Fisherman's Walk.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to authorize the Town Manager to sign the Small Harbors Improvement Program agreement with Maine DOT in order to secure \$150,000 in State funds for the Department of Public Work's proposed Fisherman's Walk pathway improvements. Vote 4-1, Ms. Gregg against, motion passes.

5. "4. Discussion and Possible Action on Including the Purchase of the Hodgkin Parking Lot in the FY15 Capital Plan"

The Board of Selectmen has had a number of discussions regarding the possible purchase of the Hodgkin parking lot, located at 190 York Street. During the last meeting it was requested that staff develop a sketch of a driveway/entryway into the lot from the access road behind Town Hall, also known as Parish Lane. Based on a sketch design by Director of Public Works Dean Lessard, the estimate to construct the entryway/driveway is \$5,000 - \$10,000.

Robert Palmer, owner of the adjacent parking lot, has indicated that he will provide an easement across the corner of his lot to facilitate the driveway providing it does not encroach on his parking lot and affect the number of available parking spaces. The Town will also need an easement from the First Parish Church for the driveway.

Mr. Macdonald expressed concern over the purpose of the parking lot being Town owned. He feels that as an adjunct to off street parking, to which there has been no official study, would be considered "the cart before the horse". As parking to a possibly expanded Town Hall, he feels that would be much more practical.

Chairman Nowell asked that the next meeting agenda hold an action item on what direction the Board would like to head in regarding negotiating with the Hodgkin heirs.

6. "5. Discussion and Possible Action on Engagement Letter with Bernstein Shur

Mr. Fiorentino asked that the Chair, when signing the agreement add "As a result of a vote by the Board of Selectmen". The Chair agreed.

Moved by Mr. Macdonald, seconded by Ms. Gregg to authorize the Chairman to sign the Engagement Letter with Bernstein Shur. Vote 5-0, motion passes.

7. Application for License Incorporated Civic Organization: Old York Historical Society

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Application for License for Incorporated Civic Organization for Old York Historical Society's Hard Cider Tasting, Public Educational Program on Friday, February 21, 2014. Vote 5-0, motion passes.

8. Special Event Permit: Seacoast Safari

Moved by Ms. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit application for the Cystic Fibrosis Foundation's Cycle for Life - Seacoast Safari event on Saturday and Sunday, July 19th and 20th, 2014. Vote 5-0, motion passes.

L. Other Business

M. Citizens' Forum

Public Comment: None

Adjourn

Chairman Nowell adjourned the meeting at 8:47PM.

Respectfully Submitted,

Melissa M. Avery