

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
6:30/7:00PM MONDAY, MARCH 9, 2015  
YORK LIBRARY**

**6:30PM:** Executive Session – Pursuant to MRSA Title 1, Section 405.6. C; Real Estate  
– Davis Property

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Torbert Macdonald, and Town Manager Stephen H. Burns.

Moved by Mr. Speers, seconded by Mr. Macdonald to enter into Executive Session.  
Without objection, so ordered.

Moved by Mr. Speers, seconded by Mr. Palmer to exit out of Executive Session.  
Without objection, so ordered.

**7:00PM:** Regular Meeting

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer, Jr., Jonathan O. Speers, Torbert Macdonald, Town Manager Stephen H. Burns, 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**
- B. **Chairman's Report**

Chairman Andrews stated that the only thing she has to report is that “it finally feels like spring has sprung!”

- C. **Manager's Report**

Town Manager Stephen H. Burns stated that Nomination Papers are still available, through April 1 in the Town Clerk's Office for the Board of Selectmen, Budget

Committee, School Committee, Water and Sewer District Trustees, and the Town Clerk elected positions for the upcoming May election. The roads in York have been posted, restricting vehicles exceeding 23,000lbs from using Town maintained roads. Rick Mace, Town Tax Assessor received the State Valuation for the Town; it is up 4.3%, bringing the total valuation of the town to \$3,976,700,000. Mr. Burns also stated that the final draft of the FY16-20 Capital Program has been completed and available for public viewing. York River Steering Committee, will hold two community meetings in April, serving as an opportunity for people to hear what will be entailed in joining the steering committee. Mr. Burns stated that he is in receipt of a letter from Spiro Paras, of Paras Pizza regarding some issues with building permits on his property and Mr. Burns assured the Board that the Town will respond appropriately. Mr. Burns introduced Dave McCarthy from the Bicycle Coalition, and Mr. McCarthy awarded the coalition's "Just Do It Award" to Public Works Director Dean Lessard for his hard work and commitment to keeping the roads in good shape.

**D. Awards**

**E. Reports**

1. Winter Maintenance Budget – Dean Lessard, Director of Public Works
2. Think Again – Joan and Marshall Jarvis
3. York Community Auditorium – Dr. Debra Dunn, School Superintendent

**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: Dwight Bardwell, School Committee  
Tom Gordon  
Ben Edamon  
Tom Rose  
Mary and Maggie Hanlon  
John Gregg  
Shae and Maxi Adelson  
Charles Stacey  
Julie Edamon  
Gerald Akerman  
Jim Bartlett

**G. Approval of Warrant #36**

Moved by Mr. Macdonald, seconded by Mr. Speers to approve Warrant #36. Vote 4-0, motion passes.

**H. Public Hearings**

**I. Endorsements**

Business Licenses: Dockside Restaurant, Foster's Downeast Clambake, Greenleaves Chinese Restaurant, Lobster Cove, Stage Neck Inn, and York Village Emporium

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following licenses: Dockside Restaurant, Foster's Downeast Clambake, Greenleaves Chinese Restaurant, Lobster Cove, Stage Neck Inn, and York Village Emporium subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

**J. Old Business**

1. Discussion and Possible Action: Request to Change Restrictions Imposed on Property at 8 Gunnison Road

Moved by Mr. Macdonald, seconded by Mr. Speers to lift the conditions imposed on 8 Gunnison Road by the Board of Selectmen in a letter dated July 21, 1994 as follows: To allow 8 Gunnison Road (Tax Map 0030-0008-H) to expand in compliance with section 8.3.11.4.e. or as might be allowed by the Board of Appeals. The requirement for connection to public sewer must be completed in order to get a final occupancy permit for any expansion so allowed. Vote 4-0, motion passes.

2. Discussion and Possible Action: Establish a Charter for a new Cliff Walk Committee

The Board agreed that they would like to amend the draft charter to read that 3 members constitutes a public meeting but there must be four members present to vote with the majority being at least 3 affirmative votes.

Moved by Mr. Macdonald, seconded by Mr. Speers to approve and adopt the Committee Charter, as amended. Vote 4-0, motion passes.

3. Discussion and Possible Action: Route One Maintenance

Senator Dawn Hill arranged a meeting with Maine Department of Transportation and Town staff, including Town Manager Stephen Burns and Director of Public

Works Dean Lessard, for the upcoming Friday, March 13<sup>th</sup> to discuss the factual basis for our objection to the State's proposed actions.

**K. New Business**

1. Discussion Regarding Goodrich Park Management

Michael Sullivan, Parks and Recreation Director gave an in depth history overview of Goodrich Park and the Parks and Recreation Department's operations at the location.

2. Discussion and Possible Action: Appoint 2 Board Members to meet with First Parish Church Officials to Discuss Future Town Hall Expansion

Moved by Mr. Macdonald, seconded by Mr. Palmer to appoint Mr. Palmer and Mr. Speers to engage in a dialogue with the First Parish Church about the possibility of future expansion of Town Hall. Vote 4-0, motion passes.

3. Discussion and Possible Action: New Selectmen's Policy About Timing of Referendum-related Requests

The Board thought it would be best to table this item and get some additional feedback from the Planning Board on it before taking action.

4. Discussion: May Referenda Preparations

a. Sewer District Properties

There are 3 properties owned by the York Sewer District that will require voter authorization for acceptance. Two are the properties along Bay Haven Road across the street from the sewer treatment plant -to be donated once we hammer out a drainage liability agreement associated with the Main Street reconstruction project. One is the parcel purchased by the District to facilitate utility access from Caddy's Way to the new Police Station site. The cost of that parcel will be charged to the project as a sewer cost so no new money is required, but the Sewer District doesn't want to retain ownership.

b. Traffic Signal Ballot Question

Dean Lessard has been directed by the Town Manager to apply for a Municipal Partnership Grant from MDOT, with funds to be used to construct a traffic signal and related improvements at the intersection of Route One and the new connector road from the Police Station site. A traffic signal is required per the Planning Board approval. Local match would be provided by bringing in the road construction project under budget. This has been discussed in the past by the Board. The Town Manager does not believe a traffic signal can be installed at this intersection

without approval of the voters, even if no additional money is requested because of the following - May 2013 at the Budget Referendum, voters rejected question 48-"Shall the Town (1) approve a Traffic Signal and Road Improvements on Route 1 at the proposed police station connector road; and 92) appropriate a sum not to exceed \$525,000 and appropriate \$4,988 from taxation for the first year cost of interest and cost of debt for this project ... " This failed by a wide margin-1,184 for vs. 1,722 against. In part the voters said no money, but they also said no signal. Mr. Burns proposes a vote that simply splits off the question of constructing a new signal without any funding issues.

c. Gift of Land at 21 Field Avenue

Zak Harding, Facilities Manager for the School Department notified the Town Manager that an owner has offered a gift of land adjacent to Coastal Ridge that needs voter approval.

5. Discussion: Ordinance Amendment Preparations

a. Zoning Amendment to Allow for Greater Residential Density in the York Beach Village Center Zone

This relates to a request from the owners of the Kearsarge House, who plan to demo and rebuild that property. They have been working on this for some time though their request for a zoning change came to the Board of Selectmen late in the process. The owners submitted a letter accompanied by a letter from the Chair of the Historic District Commission, which supports this request moving forward. Dylan Smith, Town Planner spoke to this proposal and relayed the perspective of the Planning Board as well.

b. Artisanal Food and Beverage Ordinance

Dylan Smith, Town Planner updated the Board on the Planning Board and their sub-committee's work on the Artisanal Food and Beverage Ordinance.

c. Amend Ordinance Fines in 21 Town Ordinances

The Police Department is bringing forward 21 Town Ordinance fine structures to bring them into compliance with a new set of procedures being introduced into the State court system.

6. Preview of May Budget Referendum and May Special General Referendum

This was simply a preview of what is going to be on the warrants for the May election.

**L. Future Agendas**

M. Other Business

N. Citizens' Forum

Public Comment: None

Adjourn

Moved by Mr. Macdonald, seconded by Mr. Speers to adjourn the meeting at 10:00PM. Without objection, so ordered.