

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:45/7:00PM MONDAY, JANUARY 27, 2014
YORK LIBRARY**

6:45PM: Planning Board Interview

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

None

C. Manager's Report

Town Manager Yandow reminded citizens that the second portion of their property tax bills are due Friday, February 7th. He also gave a reminder that the Town Clerk/Tax Collector's office at Town Hall will be closed tomorrow, January 28th for computer training. Also regarding the Town Clerk's Office, to avoid a \$25 late fee, dog licenses are due by January 31st. Mr. Yandow announced that David Hutchinson, former Assistant Harbor Master, is the new Harbor Master for the Town of York; and Don Day, former Harbor Master, will be coming back as the Assistant Harbor Master.

D. Awards

1. Bid for Long Beach Avenue/Long Sands Beach Survey

In order to take advantage of economies of scale and improve coordination the survey needs for three capital projects were combined in this request for proposals. The voters of York had also approved two drainage projects on Long Beach Avenue in close proximity to the Long Sands Bathhouse project. The drainage project just north of the Anchorage Hotel was approved by the voters on May 19, 2012. The drainage project just north of the Long Sands Bathhouse was approved by the voters on May 18, 2013.

The Town of York solicited six surveying companies and the following bids were received:

1. North Easterly Surveying, Inc. - \$19,465
2. Jones Associates - \$22,900
3. LinePro Land Surveying, LLC - \$26,500
4. Dow & Coulombe, Inc. - \$28,500
5. Fall & Sons Land Surveys, Inc. - \$36,000
6. CLD Consulting Engineers, Inc. - \$53,500

The Public Works Department recommended that the Long Beach Avenue Existing Survey bid be awarded to North Easterly Surveying, Inc.

Moved by Ms. Andrews, seconded by Ms. Gregg to award the Long Beach Avenue Existing Conditions Survey bid to North Easterly Surveying, Inc. Vote 5-0, motion passes.

2. Bid for Police Interceptor Utility Vehicle

The York Police Department is in the process of replacing their aging Ford Crown Victoria cruisers with Ford Police Interceptor Utility Vehicles.

The Town of York solicited a bid request for one Ford Police Interceptor Utility Vehicle and the following bids were received:

1. Yankee Ford - \$19,701
2. Quirk Ford - \$22,083

The Police Department recommended that the Ford Police Interceptor Utility Vehicle purchase bid be awarded to Yankee Ford.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the award of the bid for a 2014 Ford Police Interceptor Utility Vehicle from Yankee Ford and move to accept the transfer of \$19,701 from the police vehicle capital account. Vote 5-0, motion passes.

E. Reports

1. Municipal Social Services Review Board Recommendations

Chair of the Municipal Social Services Review Board Connie Hanley discussed the report on the Municipal Social Services Review Board's recommendations for funding of social services agencies that provide services to York residents. In the fall of 2013, fourteen eligible agencies requested a total of \$39,284. After review and discussion, the Municipal Social Services Review Board recommends \$36,400 for the fourteen agencies as stated in the report.

2. Proposed Ordinance Amendments for May, 2014 Referendum

Community Development Director Stephen Burns presented four proposed ordinance amendments for the May 2014 Referendum, that have been forwarded from the Planning Board and four proposed ordinance amendments that start with the Board of Selectmen.

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

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 Ordinance
7. Massage Therapist Licensing
8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance

After discussion and suggested edits from the Board of Selectmen, it was determined that Mr. Burns would send the lot of proposed amendments to the Town Attorney for general legal review. Particular to Amendment #7 (Massage Therapist Licensing), Mr. Burns would pose the question to the Town Attorney of alternative approaches that might be more palatable.

3. Status Report - Paras Properties in York Beach

Community Development Director Stephen Burns discussed with the Board of Selectmen his Status Report regarding the Paras properties in York Beach that are currently under construction. Mr. Burns explained that despite the extremely slow pace of construction going on with the project, he suggests to let the remaining year on the current building permits lapse as long as work continues during that time.

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 #30

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve Warrant #30. Vote 5-0, motion passes.

H. Public Hearings

1. New Business: Lighthouse Inn

Moved by Mr. Mr. Macdonald to open the public hearing at 9:14PM. No objection, so moved.

Public Comment: Diane Pace

Moved by Chairman Nowell to close the public hearing at 9:15PM. No objection, so moved.

I. Endorsements

Business Licenses:

1. Global Motello Group Corporation DBA: Mr. Mike's; Located at 519 US Route One (Victualers)
2. The York Harbor Reading Room; Located at 491 York Street (Victualers, Liquor, Special Amusement)
3. Cliff Realty Corporation DBA: Cape Neddick Country Club; Located at 650 Shore Road (Victualers, Liquor, Special Amusement)
4. Norma Clark DBA: Norma's Restaurant Inc.; Located at 529 US Route One (Victualers)
5. Diane Pace DBA: Lighthouse Inn; Located at 20 Nubble Road (Victualers)

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following licenses: Global Motello Group Corporation DBA: Mr. Mike's; Located at 519 US Route One for Victualers, The York Harbor Reading Room; Located at 491 York Street for Victualers, Liquor and Special Amusement, Cliff Realty Corporation DBA: Cape Neddick Country Club; Located at 650 Shore Road for Victualers, Liquor and Special Amusement, Norma Clark DBA: Norma's Restaurant Inc.; Located at 529 US Route One for Victualers, Diane Pace DBA: Lighthouse Inn; Located at 20 Nubble Road for Victualers, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

Chairman Nowell called for a 5 minute break.

J. Old Business

None

K. New Business

1. Discussion and Possible Action on FY15 Operating Budget

Town Manager Robert G. Yandow gave a presentation on the proposed FY15 Operating Budget for the Town of York.

Ms. Gregg stated that she would oppose a motion to approve the proposed budget because she doesn't feel the Board has taken the time to go over and discuss the details of the proposed budget thoroughly as a group.

Moved by Ms. Macdonald, seconded by Ms. Andrews to approve the Proposed FY15 Operating Budget. Vote 4-1, Ms. Gregg opposed motion passes.

2. Discussion and Possible Action on FY15-FY19 Capital Plan

On January 16, 2014 the Capital Planning Committee adopted the FY15-FY19 Capital Plan. The committee's adoption included recognition that the Board of Selectmen would later decide whether to include the possible purchase of the Davis property and the Hodgin parking lot in the Capital Plan.

The Board chose to defer any action on the FY15-FY19 Capital Plan until their next regular meeting.

3. Discussion and Possible Action on Agreement with Kittery Water District

On January 8, 2014 Chairman Nowell, Mr. Macdonald, Town Attorney Durward Parkinson and Town Assessor, Richard Mace represented the Town in a mediation session resulting from pending Quiet Title and Declaratory Judgment litigation with the Kittery Water District. As a result of the mediation, a proposed settlement was reached which is reflected in an email from the Town Attorney dated January 21, 2014.

Ms. Gregg read an email from Kittery Water District's Attorney, Bruce Whitney dated January 20, 2014 into the record.

Moved by Ms. Andrews, seconded by Mr. Macdonald that the Board of Selectmen enter into a Consent Order with the Kittery Water District in final resolution of the matter and approved by the Court under which the Town

grants a quitclaim release deed to the subject parcel to the Kittery Water District with a restrictive covenant limiting development on the subject parcel to 4 single family residences and that the Selectmen be authorized to execute any further documents reasonably necessary to finalize this settlement. Vote 5-0, motion passes.

4. Discussion and Possible Action on Appointment of a Town Attorney

On Tuesday, January 14, 2014, the Board of Selectmen interviewed three law firms for the position as Town Attorney.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Bernstein Shur as the Town Attorney. Vote 3-2, Ms. Andrews and Mr. Fiorentino against, motion passes.

5. Planning Board Appointment

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Amy Phalon as an Alternate Member of the Planning Board with a term expiring June 30, 2017. Vote 5-0, motion passes.

6. Special Event Permit: Ellis Park 4th of July Fireworks

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit application for Ellis Short Sands Park Trust's "Ellis Park 4th of July Fireworks" event on Friday, July 4, 2014. Vote 5-0, motion passes.

7. Special Event Permit: Walk to End Alzheimer's

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the Special Event Permit application for the Alzheimer's Association's "Walk to End Alzheimer's" event on Saturday, September 13, 2014. Vote 5-0, motion passes.

8. Special Event Permit: Seacoast Bike Tour

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve Breathe New Hampshire's "Seacoast Bike Tour" event passing through York on Saturday and Sunday, May 17th and 18th, 2014. Vote 5-0, motion passes.

L. Other Business

Ms. Gregg suggested a future agenda item or work session on starting the process for a Town Manager search with such process tending to be a long one. Ms. Gregg also expressed interest in a possible Fireworks Ordinance for the Town in reference to commercial fireworks on private property to which Community Development Director, Stephen Burns explained to the board that he contacted Maine Municipal Association regarding such an ordinance and they

explained that commercial fireworks are under the realm of the State Fire Marshal's Office. Ms. Gregg also mentioned that repealing the requirement that municipal buildings be LEED certified would obviate the need for geothermal and save money.

M. Citizens' Forum

Adjourn

Chairman Nowell adjourned the meeting at 10:35PM.