

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
7:00PM MONDAY, JANUARY 13, 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 7:00PM.

**Opening Ceremonies**

**A. Minutes**

1. December 2, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the December 2, 2013 Meeting Minutes. Vote 5-0, motion passes.

2. December 16, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the December 16, 2013 Meeting Minutes, as amended. Vote 5-0, motion passes.

3. December 19, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the December 19, 2013 Meeting Minutes. Vote 5-0, motion passes.

4. January 8, 2014 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the January 8, 2014 Meeting Minutes, as amended. Vote 5-0, motion passes.

**B. Chairman's Report**

Chairman Ronald Nowell stated that he attended mediation with the Kittery Water District and that the agreement will restrict the referenced 60 acres to only 4 house lots. Mr. Nowell also noted that before the Board of Selectmen sign the agreement, they should obtain a plan of what KWD owns. In December's "Maine Townsman", there was an article which Mr. Nowell talked about, regarding a new law that will affect the Town of York regarding municipalities maintaining Veterans' graves.

**C. Manager's Report**

Town Manager Robert G. Yandow gave an update on Police Station Project: A meeting on December 19<sup>th</sup> with the third party reviewers resulted in the decision that the potential January 9<sup>th</sup> date for a sketch review was not practical due to Andrew Johnston needing more information. The necessary information will be submitted to the third party reviewers with the hopes of a February 13<sup>th</sup> Planning Board sketch review meeting. Mr. Yandow responded to a previous request of Selectmen Mary Andrews regarding an update on Paras property issues in the beach, stating that Community Development Director Stephen Burns is waiting to hear from the project engineer before they can give an accurate update. Mr. Yandow reminded the public that the current flu season is considered "wide spread" in Maine, and he strongly encouraged everyone to get a flu shot. Mr. Yandow announced that effective with a tentative date of October 3<sup>rd</sup>, 2014, he will be resigning from his position as Town Manager for the Town of York, and retiring after 42 years in local government.

**D. Awards**

None

**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: Carole Allen

**G. Approval of Warrant #28**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #28. Vote 5-0, motion passes.

**H. Public Hearings**

1. New Business License: Nancy's Catering, Inc.
2. New Business License: Morning Glory Inn

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing for the New Business License Applications for Nancy's Catering, Inc and Morning Glory Inn at 7:36PM. No objection, so moved.

Public Comment: None

Moved by Ms. Andrews, seconded by Ms. Gregg to close the Public Hearing at 7:37PM. Vote 5-0, motion passes.

**I. Endorsements**

Business Licenses:

1. Nancy Breen DBA: Nancy's Catering, Inc; Located at 1151 US Route One (Victualers, Liquor, and Special Amusement)
2. Patrick Cragin DBA: Ridge Road Inn; Located at 281 Ridge Road (Hotel/Motel with Cooking Facilities)
3. Douglas and Margery Mindell DBA: Morning Glory Inn; Located at 120 Seabury Road (Bed and Breakfast)
4. Stephen Dunne DBA: Brown's Old Fashion Ice Cream; Located at 232 Nubble Road (Victualers)
5. Mac's Convenience Stores LLC DBA: Circle K #7049; Located at 454 US Route One (Victualers)

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the following licenses: Nancy Breen DBA: Nancy's Catering, Inc; Located at 1151 US Route One for Victualers, Liquor, and Special Amusement, Patrick Cragin DBA: Ridge Road Inn; Located at 281 Ridge Road for Hotel/Motel with Cooking Facilities, Douglas and Margery Mindell DBA: Morning Glory Inn; Located at 120 Seabury Road for Bed and Breakfast, Stephen Dunne DBA: Brown's Old Fashion Ice Cream; Located at 232 Nubble Road for Victualers, Mac's Convenience Stores LLC DBA: Circle K #7049; Located at 454 US Route One for Victualers 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. Discussion and Possible Action on the Big A Universal Trail and Summit Deck Projects on Mount A

Early last year, the Board of Selectmen approved fundraising for the development of a new one mile loop trail located at the Mt. Agamenticus summit park. This project was incorporated into the Mt. Agamenticus Summit Planning Workshop that took place on July 31, 2013 at the summit Lodge.

Conservation Coordinator Robin Kerr explained that the goal for the proposed trail, pending available funding, is to make the entire trail universally accessible, develop a comprehensive way-finding/signage system, and implement key recommendations of a landscape plan such as enhancing early successional vegetation and shrubland habitat by planting native species, a venture that could cost up to \$193,000. Ms. Kerr asked that the Board approve the necessary ground work to make the "Big A" trail and deck as it is defined today, universally accessible.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the necessary groundwork to make the "Big A" trail and deck universally accessible. Vote 4-1, Ms. Gregg against, motion passes.

2. Discussion and Possible Action on a Confined Space Rescue Agreement between the York Village Fire Department, the York Water District, the York Sewer District and the York Beach Fire Department

The "Confined Space Rescue Agreement" between the York Village Fire Department, the York Beach Fire Department, the York Water District, the York Sewer District and the Kittery Water District constitutes an interlocal agreement and, therefore must be approved by governing bodies pursuant to MRSA 30-A, Section 2203. The purpose of the agreement is to provide a suitable confined space rescue service for the mentioned parties to share the costs, equipment, and manpower of such a service.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Confined Space Rescue Interlocal Agreement between the York Village Fire Department, the York Beach Fire Department, the York Water District, the York Sewer District and the Kittery Water District. Vote 5-0, motion passes.

3. Discussion and Possible Action on a Request from the Cape Neddick River Association to Fund a Proposal from Dr. Jones at UNH for a Beach Water Quality Monitoring Program

Linda Scotland of the Cape Neddick River Association requested an agenda item to discuss funding for a water quality monitoring program proposal by Dr. Stephen Jones of the University of New Hampshire.

Moved by Mr. Macdonald, seconded by Ms. Andrews to support a budget request through the Budget Committee for \$63,000 for a water quality monitoring plan. Vote 5-0, motion passes.

4. Discussion and Possible Action on Placing the Potential Purchase of the Davis Property on the May Budget Referendum

On December 16, 2013 Community Development Director Stephen Burns and Village Study Committee Chair Ron McAllister discussed the report from the York Community Dialogue Steering Committee concerning the issues surrounding the Town's possible purchase of land from the Davis family on York Street. After that discussion it was determined that the issue would be placed on a future agenda for action by the Board of Selectmen.

After discussion, the Board determined that they would need to schedule a work-session regarding the Davis property before taking any action.

Chairman Nowell chose to take New Business Item 6 out of order.

5. "6. Discussion and Possible Action Concerning the Town's Possible Purchase of the Hodgin Parking Lot"

The Board of Selectmen has had a number of previous discussions regarding the possible purchase of a parking lot owned by the Hodgin family at 190 York Street. The lot has been offered to the Town for \$325,000 but suitable public access to the lot has not yet been finalized.

The Board is going to seek an estimate from the Director of Public Works on the cost to put in a road for access to the lot, as that would be necessary for access. Ms. Andrews volunteered to have discussions with the First Parish Church Trustees and another abutter, Mr. Palmer regarding what land they own and possible easements to the parking lot.

Chairman Nowell called for a break at 9:04PM.

Chairman Nowell chose to take New Business Items 7, 8, 9, 10, 11 and 12 out of order.

6. "7. Discussion and Possible Action on a Three Year Collective Bargaining Agreement with the York DPW Association"

Moved by Ms. Andrews, seconded by Ms. Gregg to approve a three year collective bargaining agreement with the York DPW Association representing the

York Public Works Department, the duration of the agreement being July 1, 2013 through June 30, 2016. Vote 5-0, motion passes.

7. "8. School Committee Appointment"

The York School Committee has requested that the Board of Selectmen appoint Laurie Coffenberry, a former School Committee member, to temporarily fill the vacancy created by the death of School Committee member, Mary Jane Merrill.

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the appointment of Laurie Coffenberry to the York School Committee pursuant to Article V, Section 3(D) of the York Home Rule Charter, with said appointment to be in effect only until the May 17, 2014 Budget Referendum election. Vote 5-0, motion passes.

8. "9. York Housing Authority Appointment"

Moved by Ms. Andrews, seconded by Mr. Fiorentino to appoint Larry Harr as the Deerfield Place Resident Member of the York Housing Authority, with a term expiring June 30, 2017. Vote 5-0, motion passes.

9. "10. Municipal Social Services Review Board Resignation"

Chairman Nowell read the resignation letter of Katy Henderson into the record.

10. "12. Pole Location Permit: Mountain Road"

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Pole Location Permit for 1 pole on Mountain Road in a Southwesterly direction, 78 feet from pole #78. Vote 5-0, motion passes.

11. Pole Location Permit: Brave Boat Harbor Road"

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Pole Location Permit for 1 pole on Brave Boat Harbor Road, in a Southeasterly direction, 50 feet from pole #16. Vote 5-0, motion passes.

12. "5. Discussion of FY15 Operating and Capital Budgets"

Town Manager Robert G. Yandow gave a presentation of the draft FY15 Operating and Capital Budget. Mr. Macdonald stated that in light of the new State laws regarding Veterans' graves maintenance by municipalities, he feels the allotted amount in the draft budget wouldn't be adequate to deal with the town's new obligations. Mr. Macdonald also asked about possibly funding the new Public Access Channel equipment through a grant of sorts with Time Warner - Mr. Yandow responded that Time Warner would be willing to do that, but that they would in turn pass those costs on to their subscribers' bills in town.

L. Other Business

M. Citizens' Forum

Public Comment: None

**Adjourn**

Moved by Ms. Andrews, seconded by Ms. Gregg to adjourn the meeting at 10:00PM.

Respectfully Submitted,

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