



Town of York

186 York Street
York, Maine 03909-1314

SELECTMEN'S MEETING 7:00 PM MONDAY, SEPTEMBER 24, 2012 YORK LIBRARY

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
(207)363-1003

Finance/
Treasurer
(207)363-1004

Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
(207)363-1005

Police Department
(207)363-1031

Dispatch
(207)363-2557

York Beach Fire
Department
(207)363-1014

York Village Fire
Department
(207)363-1015

Public Works/
Harbor Master
(207)363-1010

Senior Center/
General Assistance
(207)363-1036

Parks and
Recreation
(207)363-1040

Grant House
(207)351-1204

Fax
(207)363-1009
(207)363-1019

www.yorkmaine.org

Present: Chair; Mary Andrews, Vice Chair; Scott Fiorentino, Edward Little, Kinley Gregg, Ronald Nowell, Town Manager; Robert G. Yandow, Recorder; Katie McWilliams and members of the press and public.

Call to Order

Pledge of Allegiance

A. Minutes- September 10, 2012 Selectmen's Meeting Minutes

Moved by Mr. Little, seconded by Mr. Fiorentino to table the approval of the September 10, 2012 Selectmen's Meeting Minutes to October 15, 2012. Without objection, so ordered.

B. Chairman's Report

There is an individual in town that has some needs. Two businesses have stepped up to offer help, plumber, Walter Pidgeon and carpenter, Gary Woods. Ms. Andrews wanted to thank and recognize them for what they are doing for this person.

C. Manager's Report

On September 10, 2012 discussion was held concerning whether or not the voters needed to approve the drainage easements, and it was decided to remove them from the warrant. Mr. Yandow was asked to get an opinion on the necessity of having drainage easements approved by the voters. MMA responded that a deeded easement for drainage is a type of property interest and the general rule under state law is that it requires an act from the legislative body to accept property interest from the town. Therefore drainage easements do need to go before the voters because it is property interest. Looking back between 2001-2008 eight drainage easements have been on the ballots.

D. Awards

1. Prescription Drug Abuse Awareness Day September 28,2012

The nonmedical use or abuse of prescription drugs is a serious and growing public health and safety problem in Maine. Between 2000 and 2010 the number of persons being treated for opiate addiction in Maine has increased by 500% and 16% of 9-12th graders in York County have used prescription drugs without permission at least once in their lifetime, and 14% do not think abusing prescription drugs is very harmful (2012 Maine Integrated Youth Health Survey). Prescription drug abuse is an issue that affects the lives of all of our residents and visitors; and improper disposal of unwanted or expired prescription drugs may negatively impact wildlife, pets, and people. York County police and community members collected nearly 5,000 pounds of unused and unwanted prescription drugs on Drug Take Back Days in the past year and the next Drug Take Back Day is September 29, 2012. The York Board of Selectman join The Choose To Be Healthy Coalition and York youth in raising awareness about prescription drug abuse; and so proclaim September 28, 2012 as Prescription Drug Abuse Awareness Day.

York High School, Tidalwavse, President Eleni Zotos, and Vice President Courtney Cole presented to the board. Tidalwavse is a group of students who pledge to be chemical free until graduation. They shared with us that prescription drugs is the third most used things by Maine teens. The impact of improper disposal of medications can be very harmful for the environment making national take back day very important.

2. Knights of Columbus Weekend October 6th-8th 2012

York has been the home of the Star of the Sea Council 11940 of the Knight of Columbus and will join thousands of other local councils in a fundraising effort for Special Needs Children and their Families through the event know as the "Tootsie Roll Drive". This event is scheduled to take place on Saturday, Sunday and Monday, of the Columbus Day Weekend, at the entrance of local business establishments. The "Tootsie Roll Drive" is the Knights of Columbus Nationwide Fundraiser to aid local Special Needs Children and their Families, and it is the goal of the Members of the Local 11940 and the Citizenry of York to make the "Tootsie Roll Drive" a success. The York Board of Selectman extend an invitation to all York's Citizens, their Friends and Family to support this great cause and the efforts of our local Knights of Columbus by

patronizing local establishments and supporting the Kings of Columbus "Tootsie Roll Drive" for the local Special Needs Children and their Families.

Grand Knight of the Star of the Sea Council 11940 of the Knights of Columbus, Jim Carmody spoke. The money collected mostly goes to organizations that are very local, and those that are not, do help disable children in the state of Maine. They have a very successful council; Mr. Carmody thanked Bob McKenna and the aggressiveness in this campaign as they are one of the top councils in the state. Some of the money that will be collected already has been designated for specific function in the town of York.

E. Reports

None

- F. Citizens Forum** - The citizen's 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:

Dave Emery

Chuck Stacy

Greg Gosselin

David Brinkman

Mike Micciche

John Gregg

Letter from Richard Smith read by Ms. Andrews

Letter from Kenneth Wood, PE read by Ms. Andrews

G. Approval of Warrant #12

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant #12. Vote 4-1, with Mr. Nowell opposed. Motion passes.

H. Public Hearing

None

I. Endorsements

License Applications

1. Patrick Cragin DBA Ridge Road Inn (Victualers)
2. Woods Family Inc DBA The Daily Grind (Victualers)
3. Brent & Mary Jane Merritt DBA The Union Bluff Hotel
(Victualers, Liquor, Special Amusement & Coin-OP Amusement)

Moved by Mr. Little, seconded by Mr. Nowell to approve the following license applications Patrick Cragin DBA Ridge Road Inn (Victualers), Woods Family Inc DBA The Daily Grind (Victualers), and Brent & Mary Jane Merritt DBA The Union Bluff Hotel subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

1. Discussion of Police Department and Connector Road Project continued from September 10, 2012.

On September 10, 2012 a motion was made by Ms. Gregg, seconded by Mr. Nowell to disband the Municipal Building Committee and take applications for a new committee. After a lengthy discussion a vote was taken, 2-3 with Mr. Little, Mr. Fiorentino, and Ms. Andrew opposed, motion fails.

Per Ms. Andrews's request, Mr. Yandow provided an update on the Police Station Connector Road project, which is currently on hold.

Mr. Yandow replied that a foundation could be poured this fall or work stopped altogether to be picked up this spring. Either choice is contingent on the building permit that has not yet been issued. In addition, there are three project violations: 1. Army Corp of Engineers regarding the vernal pool areas 2. DEP Violations relative to the wetlands/ stone water buffers and 3. Local ordinances relative to shore land violations. However, the town has not received any notice of violations from Army Corp, Federal or the DEP. There is no tentative date to pick up the project based on all the things that need to be addressed at this time.

Mr. Nowell brought up the possibility of having a Clerk of the Works. Ms. Andrews was under the assumption that the Project Manager did the same thing as the Clerk of the Works. She asked Mr. Nowell to explain what the Clerk of the Works did. He responded that the Clerk of the Works is someone the owner of the project hires to represent their interest to make sure everything in the contract is being done according to the contract. Any change orders would go to the Clerk of the Works who would forward the request to the owner for approval.

Ms. Andrews asked Mr. Yandow to explain what the Clerk of the Works does versus a Construction Manager. The current Construction Manager of this project is PC Construction. The Board of Selectman approved them as the town's construction manager. The guaranteed maximum price (GMP) the town will pay for this project is \$6,614,100, which has been approved by the Board of Selectman. If the project goes over in budget, PC Construction would have to absorb the cost. PC Construction will build everything construction related. The Clerk of the Works is there to represent and interact to make sure the town's interest is being met in the architectural, engineering and construction phases. Ms. Andrews referred to this as being the "eyes and ears" for the town.

It was agreed upon by all members of the board that a Clerk of the Works would be a good idea for this project. Mr. Fiorentino recommended that any Clerk of the Works be a part time/consultant in the beginning as the project gets going. There are professional businesses that supply Clerk of the Works. Ms. Andrews stated she would be e-mailing all the board members to keep them informed of any updates related to adding a Clerk of the Works.

K. New Business-

1. York Housing Appointment

Ms. Gregg questioned the legality of York Housing Authority by-laws with respect to reappointment of Commissioners and other matters.

Motion by Mr. Little, seconded by Mr. Fiorentino to appoint James Gambrill as a member of York Housing with a term of 5 years. Vote 3-2, Mr. Nowell, and Ms. Gregg opposed, motion passes.

2. Shellfish Commission Reappointment

Motion by Mr. Little, seconded by Mr. Nowell to reappoint Timothy Sheehan to a three year term on the Shellfish Commission. Vote 5-0, motion passes.

3. Voting Delegate for Main Municipal Association Convention

The MMA convention is being held October 3rd and 4th with the business meeting being conducted on October 3rd. The MMA bylaws allow each community to have one voting delegate who may vote on behalf of their respective community. The only item to be voted is acceptance of the 2011 business meeting minutes.

Motion Mr. Little, seconded by Mr. Fiorentino to appoint the town manager Mr. Yandow to represent the town of York to the meeting of the MMA Convention being held October 3-4th, 2012. Vote 5-0, motion passes.

L. Other Business

Update on the status of the stone walls to be build on York Street. Per Mr. Yandow the bids will be open October 15th.

M. Citizens Forum

Public Comment: Dave Emery
 Mike Micciche
 John Gregg
 Roger Pratt
 Chuck Stacy

Adjourn

Moved by Mr. Nowell, seconded by Mr. Little to adjourn at 10:00 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder