



# Town of York

186 York Street  
York, Maine 03909-1314

## SELECTMEN'S MEETING

7:00 P.M. MONDAY AUGUST 26, 2013

### 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; Ronald Nowell, Vice Chair; Kinley Gregg, Scott Fiorentino, Mary Andrews, Torbert Macdonald, Town Manager; Robert G. Yandow, Recorder; Katie McWilliams and members of the press and public.

### Opening Ceremonies

Introduction of Jonathan Rogers, new Patrol Officer for the York Police Department.

### A. Minutes

- Moved by Ms. Gregg, seconded by Mr. Fiorentino to accept the July 22, 2013 minutes as amended. Vote 5-0, motion passes.
- Moved by Ms. Gregg, seconded by Mr. Fiorentino to accept the August 19, 2013. Vote 5-0, motion passes.

### B. Chairman's Report

- None

### C. Manager's Report

- EEE has been discovered in York. Informational packet is available at the Town Hall and can also get on yorkmaine.org.
- York residents no longer need to use only the blue bins for recycling. Effective immediately residents can use any container as long as it is 35 gallons or less. A sticker can be attached to the container that can be picked up at the town hall.
- As a result of the Town's good loss experience in terms of workers compensation and loss prevention programs we received a dividend check in the amount of \$8,058 from MMA, our insurer.

**D. Awards:**

1. RFP for Engineering on Bog Road Field Project

Bid award for Design Consultant and Engineering for the Multipurpose Athletic Field and Parking Lot Project at the Bog Road Athletic Complex.

The Town received ten proposals from design consultants for the Multipurpose Athletic Field and Parking Area at the Bog Road Athletic Complex. This provided a competitive field of highly qualified candidates for the Town to choose from.

After a thorough review three finalists were selected; Fay, Spofford and Thorndike, Oak Point Associates and Plymouth Engineering, Inc.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to award the bid for Design Consultant and Engineering Services for the Multipurpose Athletic Field and Parking Project at the Bog Road Athletic Complex to Fay, Spofford and Thorndike of South Portland, Maine in the amount of \$27,532. Vote 5-0, motion passes.

2. Senior Center Coach Bus Bid Award

At the May 20, 2013 Selectman's meeting the Board approved a motion to grant the York Parks and Recreation Department Senior Center the permission to seek bids for the purchase of a 25/30 passenger coach bus to be used by the Senior Center for the purpose of Senior Transportation with the request from the Last Will and Testament of Marjorie Duffy.

One bid was received, from Patsy's Bus Sales in Concord, NH for a Goshen 25 passenger coach bus in the amount of \$58,370.00. Robin Cogger, Senior Center Coordinator, Michael Sullivan, Parks and Recreation Director, and the Senior Center Advisory Board feel the bid is fair, reasonable, meets all of the specifications, and falls in line with the estimated cost of approximately \$55,000.00.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to award the bid for a Goshen 25 passenger coach bus to Patsy's Bus Sales, 31 Hall Street, Concord, NH, in the amount of \$58,370.00 Vote 5-0, motion passes.

**E. Reports:**

1. Post-Issuance Tax Compliance Procedures for Tax-Exempt and Tax-Advantaged Bonds- Dick Ranaghan, Town Financial Adviser

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.

Helen Rollins  
Matthew Croizer  
Nancy & Alan Junkins

G. **Approval of Warrant #8**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant # 8. Vote 5-0, motion passes.

H. **Public Hearings:**

1. **Proposed Amendments to the Firearms Safety Ordinance**

Moved by Ms. Gregg to open the public hearing at 7:50pm.

Public Comment: Helen Rollins  
Joel Goldstein  
Doug Bracy, Chief of Police

Moved by Ms. Gregg, seconded by Mr. Macdonald to close the public hearing at 8:00pm. Vote 5-0, motion passes.

2. **Proposed Amendments to the Street Opening and Culvert Ordinance**

Moved by Ms. Gregg, seconded by Ms. Andrews to open the public hearing at 8:01 pm.

Public Comment:

Stephen Burns, Community Development Director

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the public hearing at 8:02pm. Vote 5-0, motion passes.

3. Proposed Zoning Ordinance Amendments for the Cluster Subdivision Standards

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 8:02pm.

Public Comment: None

Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the public hearing at 8:03 pm. Vote 5-0, motion passes.

4. Proposed Zoning Ordinance Amendments for Seasonal Conversions

Moved by Ms. Gregg, seconded by Ms. Andrews to open the public hearing at 8:03pm.

Public Comment: None

Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Ms. Andrews to close the public hearing at 8:05pm. Vote 5-0, motion passes.

5. Proposed Zoning Ordinance Amendments for On-Site Commercial Sign Requirements

Moved by Ms. Gregg, seconded by Ms. Andrews to open the public hearing at 8:05pm.

Public Comment: None

Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Mr. Macdonald to close the public hearing at 8:08 pm.

6. Proposed Zoning Ordinance Amendments for the Farm Enterprise Overlay District

Moved by Ms. Gregg, seconded by Ms. Andrews to open the public hearing at 8:09pm.

Public Comment: Kerry Roman

Moved by Ms. Gregg, seconded by Ms. Andrews to close the public hearing at 8:10 pm. Vote 5-0, motion passes.

7. Proposed Ordinance Amendments to the General Assistance Ordinance

Moved by Ms. Gregg, seconded by Mr. Andrews to open the public hearing at 8:10pm. Vote

Public Comment: None  
Katie McWilliams, General Assistance Director

Moved by Ms. Gregg, seconded by Mr. Andrews to close the public hearing at 8:12 pm. Vote 5-0, motion passes.

8. Possible Sale of Town Owned Property at 32 Pine Mountain Road

Moved by Ms. Gregg, seconded by Ms. Andrews to open the public hearing at 8:14 pm.

Public Comment: None

Moved by Ms. Gregg, seconded by Mr. Andrews to close the public hearing at 8:14 pm. Vote 5-0, motion passes.

**I. Endorsements- Business Licenses**

1. John Shaw DBA Frankie and Johnny's (Victualers); Located at 1594 US Route One

Moved by Ms. Gregg seconded by Mr. Fiorentino, to approve the following license; John Shaw DBA Frankie and Johnny's (Victualers); Located at 1594 US Route One

subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0-1, Mr. Nowell abstained, motion passes.

**J. Old Business**

None

**K. New Business**

**1. Discussion with Legal Counsel for Ellis Short Sands Park Concerning Penstock Road**

John Doyle, Attorney in Augusta with the law office of Doyle & Nelson, filed a memorandum with the Board of Selectmen. The purpose was to address the status of William Burnham's dispute with the Town over an alleged public way called Penstock Road.

It was decided by the Board to have a work session, inviting Mr. Doyle, representation of business affected by this, Ellis Park and Town Counsel.

**2. Discussion and Possible Action on Adopting Post-Issuance Tax**

Dick Ranaghan, the Town's bond financial adviser, has recommended that the Town of York formally adopt the Post-Issuance Tax Compliance Procedures for Tax-Exempt and Tax-Advantaged Bonds. According to Mr. Ranaghan, the Municipal Securities Rulemaking Board (MSRB), which is to municipal bonds what the Securities and Exchange Commission is to corporate bonds, would like municipalities to formally adopt procedures that they have informally agreed to do in the past.

Moved by Ms. Andrews, seconded by Ms. Gregg, to approve and adopt the Post-Issuance Tax Compliance Procedures for Tax-Exempt or Tax- Advantaged Bonds. Vote 5-0, motion passes.

**3. Discussion and Possible Action Regarding Issuing an RFP for Survey Services in York Village**

During the joint meeting with the York Village Study Committee on August 19, 2013 it was decided that the first step in moving forward with improvement plans would be to have a survey conducted in York Village to determine property and right of way boundaries.

Moved by Ms. Gregg, seconded by Ms. Andrews to authorize the Director of Public Works to issue a Request for Proposals for Survey Services in York Village in connection with the York Village Study Committee's intent to develop design plans. Vote 5-0, motion passes.

**4. Discussion and Possible Action an Offer to Sell a Parking Lot located at 190 York Street to the Town of York**

The Town of York has been approached by the Hodgkin family about possibly buying a 33 space parking lot located at 190 York Street, located behind the Bank of America building and adjacent office building on Long Sands Road. The parking lot is approximately one-third acre in size. Town of York representatives have met with the Hodgkin family on multiple occasions to discuss the property, including discussions on the assessed and commercially appraised value.

The parking lot currently has 33 spaces lined for parking and access to the lot is from the Bank of America entrance driveway. There is potential to add seven additional spaces should the access point be changed to land currently owned by the First Parish Congregational Church.

The property has been commercially appraised for \$275,000 and the Hodgkin family was originally asking \$75,000 for the remaining (possible) seven parking spaces for a total of \$350,000. The Hodgkin family has since proposed selling the property to the Town of York for \$325,000. The Town has assessed the parking lot for \$184,900 under its current configuration and with the current access from the Bank of America entrance. Should the access be changed to an entrance through the First Parish Church land, the assessed value would increase to \$245,000.

Additional, the Hodgkin family has indicated that if the Town is interested in pursuing the purchase of the parking lot, the Town would need to lease the parking lot until such time as the Town would be in a financial position to actually close on the property. The price to lease the parking lot would be \$3,000.00 per month, starting with the month of September. If the purchase is approved in May of 2014 the lease would continue through June 30, 2014. During any lease period the property would continue to be maintained by the Hodgkin family.

The cost to lease the lot would be \$30,000 (September, 2013 – June 2014). A possible funding source for the \$30,000 would be the Supplemental Contingency Account with was approved by the voters on May 18, 2013. The voter approval authorizes the Selectmen to use up to \$100,000 from the Town's fund balance under certain

circumstances. One of these circumstances is “A down payment or earnest money for securing unusual buying opportunities for parcels of land, buildings or significant capital assets; to hold such potential purchase under contract until the next viable opportunity to offer the choice to the voters in a referendum.”

No motion made at this time until more information is gathered.

**5. Discussion and Possible Action Regarding a Complaint for Declaratory Judgment Filed Against the Town to Quiet Title for Property Located at 100 Mill Road**

For the past few years the Kittery Water District (KWD) has inquired with the Town of York about formally receiving a quit claim deed for property at 100 Mill Road. The KWD supports this request for a quit claim deed with the fact that they have been paying taxes on the property for 100 Mill Road since 1966. Rick Mace, Town Assessor, has indicated that there is no recorded deed from the Town of York to the Kittery Water District.

Moved by Ms. Andrews, seconded by Ms. Gregg to negotiate with The Kittery Water District to grant a quick claim deed on property located at 100 Mill Road along with a conservation easement held by the York Land Trust. Motion 5-0, motion passes.

**6. Forward Proposed Amendments’ to the Firearms Safety Ordinance and the Street Opening and Culvert Ordinance to the November 5<sup>th</sup> General Referendum**

Moved by Ms. Andrews, seconded by Mr. Fiorentino to place the proposed amendments to the Firearms Safety Ordinance and the Street Opening and Culvert Ordinance to the November 5<sup>th</sup> General Referendum. Vote 5-0, motion passes.

**7. Forward Proposed Zoning Ordinance Amendments to the November 5<sup>th</sup> General Referendum**

Moved by Ms. Gregg, seconded by Ms. Andrews to forward the following Zoning Ordinance amendment to the November 2013 Special General Referendum: Cluster Subdivision Standards Amendment. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to forward the following Zoning Ordinance amendment to the November 2013 Special General Referendum: Seasonal Conversions Amendment. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to forward the following Zoning Ordinance amendment to the November 2013 Special General Referendum: On-Site Commercial Sign Requirement Amendment. Vote 3-2, Ms. Gregg and Mr. Fiorentino opposed, motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to forward the following Zoning Ordinance amendment to the November 2013 Special General Referendum: Farm Enterprise Overlay District Amendment. Vote 5-0, motion passes.

#### **8. Forward Proposed Action on the General Assistance Ordinance Amendments**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the new 2013-2014 General Assistance Ordinance Appendices A-F of the Maine Municipal Association. Vote 5-0, motion passes.

#### **9. Discussion and Possible Action on the Sale of Town Owned Property at 32 Pine Mountain Road**

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve a purchase and sale agreement with Kevin Talty for the sale of town owned land property located at 32 Pine Mountain Road in the amount of \$60,000. Vote 4-1, Ms. Gregg opposed. Motion passes.

#### **10. Pole Location Permit- North Village Road**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Pole Location Permit for 1 pole on North Village Road in a southeasterly direction, 50 feet from pole, # 43. Vote 5-0, motion passes.

#### **11. Special Event Permit- Sarah's Ride**

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Special Event Permit for the "4<sup>th</sup> Annual Sarah's Ride" from the Portsmouth Firefighters Charitable Association on September 7<sup>th</sup>, 2013 arriving in York at approximately 10:30AM. Vote 5-0, motion passes.

#### **12. Special Event Permit- Hosmer/Welgel Wedding at Josias River Farm**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for the "Hosmer/Welgel Wedding" at Josias River Farm, located at 171 Logging Road on September 7<sup>th</sup>, 2013 from approximately 10:00AM-11:00PM. Vote 5-0, motion passes.

**13. Special Event Permit- Lund/Nightengale Wedding at Josias River Farm**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for the "Lund/Nightengale Wedding" at Josias River Farm, located at 171 Logging Road on September 14<sup>th</sup>, 2013 from approximately 10:00AM-11:00PM. Vote 5-0, motion passes.

**14. Special Event Permit- Welch/Olson Wedding at Josias River Farm**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for the "Welch/Olson Wedding" at Josias River Farm, located at 171 Logging Road on September 21<sup>st</sup>, 2013 from approximately 10:00AM-11:00PM. Vote 5-0, motion passes. Approval of this did not establish precedence over the zoning ordinance.

**L. Other Business**

**M. Citizens Forum**

Richard Schmid

**Adjourn**

Moved by Mr. Macdonald, seconded by Ms. Gregg to adjourn at 9:51 PM.

Respectfully Submitted By:

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Katie McWilliams; Recorder