Town of York
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York, Maine 03909-1314

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Town Clerk/ Tax Collector (207)363-1003
Finance/ Treasurer (207)363-1004
Code Enforcement (207)363-1002
Planning (207)363-1007
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York Beach Fire Department (207)363-1014
York Village Fire Department (207)363-1015
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BOARD OF SELECTMEN'S MEETING MINUTES
7:00PM MONDAY, NOVEMBER 18TH, 2013
YORK LIBRARY

Call to Order

Chairman, Ronald Nowell called the meeting to order at 7:00PM.

Present: Chairman Ronald Nowell, Vice Chairman, Kinley Gregg, Scott Fiorentino, Many Andrews, Torbert Macdonald, Town Manager, Robert G. Yandow, Recorder, Melissa M. Avery and members of the press and public

Opening Ceremonies

A. Minutes

1. October 7, 2013 Meeting Minutes
2. October 21, 2013 Meeting Minutes
3. November 4, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the October 7, October 21, November 4, 2013 Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Nowell stated that a recent article in a local paper gave the idea of a political conspiracy of him and Torbert both being absent from the last regular meeting, he denied that there was any truth to that. Also, Short Sands Park has received all of their permits and is ready to start on their project. Chairman Nowell also referred to conversation at a previous meeting regarding State Statute on eminent domain, and stated that it can only occur by the vote of the legislative body, not by the Board of Selectmen.

C. Manager's Report

Town Manager, Robert G. Yandow notified the public that a meeting has been arranged for Wednesday with the surveyors for the Town and York Wild Kingdom to hopefully come to an agreement on their boundary differences.

D. Awards

1. Village Survey Bid Award

The Town of York and the York Village Study Committee have been studying different ways to make York Village a more lively and attractive place for residents and visitors alike. On August 26, 2013 the Board of Selectmen approved the Village Study Committee's request to have an existing conditions survey of the Village Center completed.

The Town solicited bids from four local surveying companies. The following bid was received:

1. LinePro Land Surveying, Inc $22,500.00

Chair of the Village Study Committee, Ron McAllister stated that though there was one only bid received for the survey project, the Committee believes that it is a good bid and feel that there is a lot of risk going out for bid again and delaying conduction of the survey. Director of Public Works, Dean Lessard recommended that LinePro Surveying, Inc be awarded the bid for the York Village Survey.

Ms. Gregg stated that she will recuse herself from voting on the motion due to the location of her residence being in the project area.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to award the York Village Survey bid to LinePro Land Surveying, Inc. in the amount of $22,500.00 Vote 4-0-1, Ms. Gregg abstained, motion passes.

2. Salt Bid Award

In June the Department of Public Works requested competitive bid proposals through The Southern Maine Planning Commission for the purchase of sodium chloride (salt) for the 2013/2014 winter season. The following bids were received:

1.	International Salt Company, Inc.	$49.63 per ton – Delivered
		$49.00 per done – Picked up
2.	Eastern Salt Company, Inc.	$58.83 per ton – Delivered
		$53.83 per ton – Picked up

Director of Public Works, Dean Lessard recommended that International Salt Company, Inc. be awarded the bid for the 2013/2014 Winter Salt Bid.

Moved by Ms. Andrews, seconded by Ms. Gregg to award the 2013/2014 Winter Salt Bid to International Salt Company for $49.63 per ton. Vote 5-0, motion passes.

3. Short Sands Street Light Fixtures

The Department of Public Works solicited bids from three different lighting vendors that sell the Holophane utility post top street light fixtures that match

the fixtures previously installed on Beach Street. The following bids were received:

1.	Graybar	$23,906.34
2.	Wesco	$24,097.50
3.	NorthEast Electrical	$24,408.00

Director of Public Works, Dean Lessard recommended that Graybar be awarded the bid for the Short Sands Street Light Fixtures.

Mr. Macdonald questioned the limitations in the warranty on Graybar's bid, Mr. Lessard explained that Holophane is the manufacturer of the lights and the warranty is through them not Graybar.

Mr. Fiorentino asked if the electrical work is included in the bid, to which Mr. Lessard answered that the electrical work is not included and they will go out to bid for the electrical work and installation in the next few weeks.

Ms. Gregg asked why there only 18 lights listed to be purchased when the project requires 25. Mr. Lessard answered, that when they previously purchased the lights for the Beach Street project, there was a "buy one get one free" sale and they purchased more lights than necessary for that specific project and they have been storing the extras from that previous order to fulfill the other 7 lights needed for this project.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the purchase of 18 Holophane utility post top street light fixtures from Graybar in the amount of $23,906.34. Vote 5-0, motion passes.

E. <u>Reports</u>

None

F. <u>Citizens' Forum</u> – 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: Ted Little
Helen Rollins
Charles Stacy
Mike Micciche
Pat O'Conner
David Chase

Jim Gambrill
Fred Knox

G. Approval of Warrant #20

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #20. Vote 5-0, motion passes.

H. Public Hearings

1. New Business: York 54

Moved by Ms. Gregg, seconded by Mr. Fiorentino open the Public Hearing at 7:42PM. No objection, so moved.

Public Comment: None

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the Public Hearing at 7:42PM. Vote 5-0, motion passes.

I. Endorsements

Business Licenses:
1. William Holler DBA: 3 Buoys Seafood Shanty and Grille (Victualers/Liquor)

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the following license: William Holler DBA: 3 Buoys Seafood Shanty and Grille, located at 2 US Route One for Victualers and Liquor, 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 Purchase and Sale Agreement with Chamber of Commerce

This item was originally on the November 4, 2013 agenda but it was at the request of absent Selectman Macdonald that the item be postponed until this meeting to be discussed and possibly acted upon with a full board.

The Chamber of Commerce has submitted a revised Purchase and Sale Agreement, reflecting the Selectmen's comments to the previous Purchase and

Sale Agreement regarding their offer to purchase 2.02 acres of town owned land located at 571 US Route One.

After discussion with Chris Kehl of the Chamber of Commerce, the Board decided to add a size limit and condition of use on the current proposed deed: "Any building to serve as a year-round Farmer's Market shall be limited in size to 3,500 square feet and limited in use to non-profit organizations and events."

Ms. Gregg stated that she believes she had a misunderstanding of the current proposal coming into the meeting and for that reason she is going to vote against.

Moved by Mr. Macdonald, seconded by Mr. Nowell to amend the Purchase and Sale Agreement with the Chamber of Commerce adding the following language, "Any building to serve as a year-round Farmer's Market shall be limited in size to 3,500 square feet and limited in use to non-profit organizations and events". Vote 4-1, Ms. Gregg against, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Purchase and Sale Agreement, as amended with the Chamber of Commerce for Town owned property at 571 US Route One. Vote 4-1, Ms. Gregg against, motion passes.

2. Discussion Regarding Dangerous Building at 1 Justin Circle

Town of York Code Enforcement Officer, Amber Harrison received a complaint on April 30, 2013 regarding a vacant structure being well beyond repair and a danger to the immediate area at 1 Justin Circle. After a visit to the property and discussion with the property owner, Ms. Harrison is asking for direction from the Board on the building, which in her opinion falls under the Town and State Statues for a "Dangerous Building".

The Chairman stated that the Board should start the legal process for condemning said building.

3. Discussion and Possible Approval of Stormwater Management Plan

Stormwater Manager, Leslie Hinz and York County MS4 consultant, Kristie Rabasca of Integrated Environmental Engineering, gave a presentation regarding the Draft Stormwater Program Management Plan to be submitted to Maine Department of Environmental Protection by December 20, 2013. The presentation was required as a part of the Public Education and Outreach, under Part IV, H.1 of the 2013-2018 General Permit.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino that regarding the submission of the Draft Stormwater Management Plan: the Board approve the Draft Plan, with authorization to correct typographic and consistency errors as

discovered and authorize the Town Manager to sign the Certificate for the Draft Plan. Vote 5-0, motion passes.

Moved by Chairman Nowell, seconded by Ms. Gregg to adjourn the meeting for 10 minutes. Chairman Nowell then left the meeting.

In Chairman Nowell's absence from the meeting, Vice Chairman Gregg, now Acting Chair, called the meeting back to order at 9:03PM.

4. Historic District Commission Appointment

Ms. Gregg stated that she will be in opposition of the motion because, in her opinion the Historic District Commission should be an advocacy for historic preservation, not a commission with a variety of views, and after the interview and conversation with the applicant, the applicants profession, being a commercial real estate broker would bring in more of a pro-development prospective, to which Mr. Fiorentino saw as a positive influence and Ms. Gregg did not.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to appoint Kent White to the Historic District Commission as a regular member with a term expiring June 30, 2014. Vote 3-1, Ms. Gregg against, motion passes.

5. Discussion and Possible Approval of the Process to be Used for Hiring a Town Attorney

After discussion, the Board decided that each board member would submit to the Town Manager, proposed questions to ask during the interviews for Town Counsel and also, that any questions the public have for the potential Town Counsel would also be welcomed. The submitted questions will be gathered and presented at the December 2, 2013 Board of Selectmen's meeting.

6. Ana Gray Resignation

Ms. Andrews read Ms. Gray's Resignation letter into the record:
"To the Town of York Selectmen: After twelve years as a member of the Conservation Commission, it is time for me to tend my resignation from the Commission, as of November 3, 2013. I had planned to do so in person before the Board, but I am scheduled to work every Monday evening now and in the future, and therefore cannot attend. My time on the Conservation Commission has been very interesting and educational, with positive and encouraging decisions as well as some frustrations regarding the preservation of the natural resources of this beautiful town. I hope that the Town will continue to support and respect the "conservation" piece of this Commission. Respectfully, Ana I. Gray".

Moved by Ms. Andrews, seconded by Mr. Fiorentino to accept the resignation of Ana Gray, with regret. Vote 4-0, motion passes.

7. Application for License for Incorporated Civic Organization: Museums of Old York

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the License for Incorporated Civic Organizations for the Old York Historical Society DBA: Museums of Old York Event at 3 Lindsay Road on Saturday, December 14, 2013 at 5:30PM. Vote 4-0, motion passes.

8. Pole Location Permit: Brixham Road

Moved by Ms. Andrews, seconded by Mr. Macdonald to approve the Pole Location Permit for one pole on Brixham Road in a southeasterly direction, 50 feet from pole #14. Vote 4-0, motion passes.

9. Special Event Permit: Art in the Park

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Special Event Permit for the York Art Association's "Art in the Park" on Saturday, September 13, 2014 from 9:00AM to 4:00PM. Vote 4-0, motion passes.

L. Other Business

Ms. Andrews stated that she feels a "Police Station Project Update" should be a standing item under Reports at every Board of Selectmen's meeting.

Mr. Macdonald reiterated a comment that Chairman Nowell previous made about the board being a collaborative board of equals with leadership coming from each member, so a lack of leadership would be an indictment on each of them. He also referenced the Comprehensive Plan and its role as a guide to the policy formulation of the Town and suggested a work-session for the Selectmen and Department Heads to have a dialogue about it.

Mr. Fiorentino feels that the Board looks to the Chairman to provide proper decorum and guidance and with that, he feels the need to question the leadership of Chairman Nowell. Mr. Fiorentino stated that his comments are not questioning the Chairman's character or pointing any blame, he is only questioning Chairman Nowell's effectiveness as the current Chairman. Based on the Chairman's actions over the past six months, his public animosity and criticism of several Town Officials, he feels that several pertinent discussions and decisions that are important to the Town of York have been delayed. He fears that the Chair's, at times, confrontational style, will result in a "vote of no confidence" in the Board of Selectmen as a whole. He feels that the Board may need to change course now as they head into the most difficult time of the year with budgets, May 2014 Referendum items and with the Police Station Project moving forward. Mr. Fiorentino also stated that most importantly, the current status quo of the past six months where the Chairman does not correspond with

the Town Manager cannot continue, that at a minimum, they need to have a respectable working relationship for the work of the Citizen's of York to get done.

Moved by Mr. Fiorentino, seconded by Ms. Andrews to take a vote of no confidence of current Chairman Nowell. Motion withdrawn.

Acting Chair Gregg noted for the record that Mr. Macdonald left the meeting at 9:36PM.

After discussion with the remaining Board members, Vice Chairman Gregg, Mr. Fiorentino and Ms. Andrews, Mr. Fiorentino requested of the Town Manager after getting the Town Attorney's input on the issue, to put "Discussion with Possible Action on the Effectiveness of the Chair" on the December 2nd Board of Selectmen's meeting agenda.

M. Citizens' Forum

Public Comment: Fred Knox

Adjourn

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

Respectfully submitted,

Melissa M. Avery

Melissa M. Avery, Recorder