



# Town of York

186 York Street  
York, Maine 03909-1314

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

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(207)363-1009  
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## SELECTMEN'S MEETING 5:30/7:00PM MONDAY, APRIL 9, 2012 YORK LIBRARY

**Present:** Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Edward Little, Kinley Gregg, and Scott Fiorentino.

### 5:30PM: Executive Session: Personnel/Real Estate/Legal [Pursuant to M.R.S.A. Title 1, §405 (6) (A)/(C)/(E)]

Moved by Ms. Andrews, seconded by Mr. Little to enter into Executive Session: Personnel/Real Estate/Legal [Pursuant to MRSA Title 1, Section 405 (6) (A)/(C)/(E)] at 5:35 PM.

Moved by Ms. Andrews, seconded by Mr. Little to exit the Executive Session: Personnel/Real Estate/Legal [Pursuant to MRSA Title 1, Section 405 (6) (A)/(C)/(E)] at 6:50 PM.

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

### Call to Order

### Pledge of Allegiance

#### A. Minutes

None.

#### B. Chairman's Report

None.

#### C. Manager's Report

Town Manager, Robert G. Yandow, announced the start of road paving in York Beach and York Street with completion date dependent on weather conditions.

Mr. Little announced the upcoming York Community Dialogue meetings scheduled for the next three Saturday mornings, 9:00 to 11:00am at the library. The topics

include: April 14<sup>th</sup> - Town Hall building, April 21<sup>st</sup> - Final Report: Home Rule Charter, and April 28<sup>th</sup> - York Street/Organug Road intersection.

**D. Awards**

**1. Award Bid for Granite Curbing on York Street.**

Dean Lessard, Public Works Director, provided an overview of the paving reclamation project currently underway with sidewalks previously removed. Three bids have been received, and Mr. Lessard recommends awarding the bid to Classic Curb as they are already mobilized in York with equipment which may account for the lower bid.

Moved by Mr. Little, seconded by Mr. Fiorentino to award the bid for installation of granite curb on York Street and Organug Road to Classic Curb, Inc. for the amount of \$58,815. Vote 3-1, with Ms. Gregg opposed, motion passes.

**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: Charles Stacy.

**G. Approval of Warrant #41**

Moved by Mr. Little, seconded by Ms. Gregg to approve Warrant #41, without objection, so ordered.

**H. Public Hearing**

**- Time Warner Cable franchise agreement.**

Moved by Mr. Little, seconded by Ms. Gregg to open the public hearing at 7:11pm, motion passes.

Town Manager Yandow provided an overview of the original 2007 five-year franchise agreement the Town has with Time Warner Cable. This meeting will be the first of a series of public meetings for public input.

Public Comment: Susan Meffert  
Charles Stacy

Vice Chair, Ms. Andrews, encouraged concerned residents to attend the next Selectmen meeting as a Time Warner representative will be in attendance to answer questions. Currently, there is no other cable company that has infrastructure in York although residents do have options to seek services like satellite television.

Public Hearing closed at 7:17pm.

**I. Endorsements**

**License Applications**

- John & Gail Stacy DBA Flo's Take-Out (Victualers)
- Gregory Tsairis DBA Maine Lobster Outlet (Victualers)
- Diana Hickey DBA Windbreaker (Victualers)
- Maine Ice Cream, LLC DBA Village Scoop Ice Cream (Victualers & Special Amusement)
- Barbara Sheff DBA Candleshop Inn (Bed & Breakfast)
- Raymond Ramsey DBA Anchorage Inn (Victualers, Liquor & Special Amusement)
- M-J Bailey DBA The Stolen Menu Café (Victualers)

Moved by Mr. Little, seconded by Ms. Gregg to approve the following license applications: John & Gail Stacy DBA Flo's Take-Out (Victualers), Gregory Tsairis DBA Maine Lobster Outlet (Victualers), Diana Hickey DBA Windbreaker (Victualers), Maine Ice Cream, LLC DBA Village Scoop Ice Cream (Victualers & Special Amusement), Barbara Sheff DBA Candleshop Inn (Bed & Breakfast), Raymond Ramsey DBA Anchorage Inn (Victualers, Liquor & Special Amusement) and M-J Bailey DBA The Stolen Menu Café (Victualers) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

**J. Old Business**

**1. Special Event Permit Application: Aggieman Triathlon - June 30, 2012**

Vice Chair Andrews read the email provided by Aggieman Triathlon Race Director, Ed Harvey, regarding safety concerns and precautions the group intend to take.

Moved by Mr. Little, seconded by Ms. Gregg to approve the special event permit application for the Aggieman Triathlon that will be held on Saturday,

June 30, 2012 from approximately 8:00am to 1:00pm with the condition that cyclists wear bright clothing. Vote 4-0, motion passes.

**K. New Business**

**1. Approve York County Hazard Mitigation Plan.**

Police Chief Douglas Bracy provided an overview, stating that in order to vie for federal grant monies, Town must have a mitigation plan in place. Chief Bracy indicated the mitigation projects for the Town of York. Chief Bracy meets with Public Works Director Dean Lessard to confirm these projects yearly. Chief Bracy confirmed that all projects do require Selectmen approval to commit to these FEMA projects. Citizens must vote to approve monies and the Board of Selectmen then authorize payments for these projects.

Chief Bracy advised that the Town's current local emergency shelters (6) are: Middle and Elementary schools, both fire departments, the Senior Citizens Center, and the American Legion, which is currently working towards becoming an official shelter with staff as volunteer responders.

Moved by Mr. Little, seconded by Ms. Gregg to approve and sign the resolution of adoption statement for the Town of York endorsing the 2011 York County Hazard Mitigation Plan. Vote 4-0, motion passes.

**2. Approve Consent Agreement with Flagg's RV Resort.**

Town Manager Yandow advised the Board that in previous months, individuals from Flagg's RV Resort were in contact with the Code Enforcement Office pertaining to extra-large or over-sized trailers arriving within the park. The Code Enforcement Officer determined that these models were in fact not complaint with the Town's Zoning Ordinance, and subsequently issued a Notice of Violation. This Notice of Violation was brought to the Board of Appeals, who denied the appeal. Resulting from this, the affected parties and the Town of York have formed a Consent Judgment.

The conditions of said judgment outlines a mutual agreement that, within 60 days of said judgment's approval, Flagg's RV Resort will remove all six offending trailers which do not meet the allowances set forth in the existing Zoning Ordinance, and furthermore that no more trailers of this kind will be allowed in the future. It does allow for additional units to be added, provided said units meet the requirements set forth in Exhibit A, which in essence outlines rules set forth in the Town's Zoning Ordinance. A letter from the Code Enforcement Office recommends approval of the Consent Judgment, and feels that it is in the best interest of the Town.

Town Manager Yandow confirmed that the Town Attorney has been involved with the court proceedings. The Town will recover any attorney's fees.

Selectmen Kinley Gregg stated she could not support the agreement due to insufficient time and information to make a decision.

Moved by Mr. Little, seconded by Mr. Fiorentino to authorize the Board of Selectmen to sign the proposed Consent Agreement with Flagg's RV Resort, LLC. Vote 3-1, with Ms. Gregg opposed, motion passes.

**3. Approve Quit Claim Deed for Atlantic House at York Beach.**

Town Manager Yandow stated that while the Town did in fact foreclose upon property located at 6 Main Street in York Beach automatically under State statute 18 months following the first notice, that the Town did not formally follow through with this process, as the property owners were in bankruptcy at this time. Lienholder TD Bank contacted the Finance Director asking them to issue a Quit Claim Deed to the property owners so that TD Bank could then appropriately foreclose on the properties.

Town Manager Yandow also mentioned that it should be noted that while the owner of this property is the Atlantic House at York Beach, that this is not, in fact, being issued for the Atlantic House itself, but rather property at 6 Main Street in York Beach, and that, furthermore, TD Bank did pay the associative property taxes in full.

Moved by Mr. Little, seconded by Ms. Gregg to approve a quit claim deed to the Atlantic House at York Beach, LLC of York, Maine thereby releasing any right, title and interest the Town of York may have acquired in property at 6 Main Street by virtue of tax liens dated June 15, 2010 and July 18, 2011. Vote 4-0, motion passes.

**4. Approve Purchase and Sale for 60 and 66 Vineyard Lane.**

Town Manager Yandow stated the Selectmen conducted a public hearing for this purchase and sale at the previous meeting. These two properties are part of the ten properties that are being handled by the Gosselin Group. The closing timeframe is 30 days from acceptance, and there are no due diligence or outstanding conditions for this agreement.

Vice Chair Andrews acknowledged fine work by Mr. Gosselin.

Moved by Mr. Little, seconded by Mr. Fiorentino to authorize the town manager to sign a purchase and sale agreement with Mark and Robin McCarthy for the sale of 60 and 66 Vineyard Lane, Map 229, Lot 074 and Map 229, Lot 080, in the amount of \$40,000. Vote 4-0, motion passes.

**5. Special Event Permit Application: York Little League Opening Day Parade/Ceremony.**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the special event permit application for the York Little League Opening Day Parade/Ceremony that will be held on Saturday, April 28, 2012 from approximately 12:00pm to 1:00pm. Vote 4-0, motion passes.

**6. Special Event Permit Application: Breathe New Hampshire Seacoast Bike Tour.**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the special event permit application with stated Condition for Breathe New Hampshire Seacoast Bike Tour that will be held on Saturday, May 19, 2012 and Sunday, May 20, 2012. Vote 4-0, motion passes.

Approval paperwork will reinforce use of non-permanent road paint, and confirm awareness of possible road construction on the part of the event organizers.

**7. Special Event Permit Application: AmpSurf East Coast Learn to Surf Clinics.**

Moved by Mr. Little, seconded by Ms. Gregg to approve the special event permit application for the AmpSurf East Coast Learn to Surf Clinics that will be held June 30, July 28, August 25 and September 29, 2012. Vote 4-0, motion passes.

**8. Special Event Permit Application: York Beach Fire Department Annual Field Day/Parade.**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the special event permit application for the York Beach Fire Department Annual Field Day/Parade that will be held on Sunday, July 1, 2012 from approximately 11:00am to 3:00pm. Vote 4-0, motion passes.

**9. Special Event Permit Application: Ellis Short Sands Park Fireworks.**

Moved by Mr. Little, seconded by Ms. Gregg to approve the special event permit for the Ellis Short Sands Park Fireworks that will be held on Wednesday, July 4, 2012 at approximately 9:30pm with a rain date scheduled for Friday, July 6, 2012 at same time of 9:30pm. Vote 4-0, motion passes.

**10. Special Event Permit Application: The York Harbor Reading Room July Independence Day Fireworks.**

Moved by Mr. Little, seconded by Ms. Gregg to approve the special event permit application for The York Harbor Reading Room July Independence Day Fireworks that will be held on Saturday, July 7, 2012 from approximately 9:00 to 9:15pm. Vote 4-0, motion passes.

**11. Special Event Permit Application: "End of York Days" Fireworks.**

Moved by Mr. Little, seconded by Ms. Gregg to approve the special event permit application for the York Beach Fire Department "End of York Days" Fireworks that will be held on Sunday, August 5, 2012 from approximately 9:00pm to 10:00pm. Vote 4-0, motion passes.

**L. Other Business**

None.

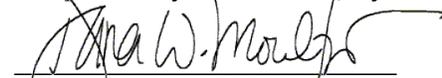
**M. Citizens Forum**

Public Comment: Charles Stacy  
Dave Marshall, Charter Commission Chairman

**Adjourn**

Moved by Mr. Little, seconded by Mr. Fiorentino to adjourn at 8:10pm.

Respectfully Submitted By:

  
\_\_\_\_\_

Dana W. Moulton, IV; Recorder