



# Town of York

186 York Street  
York, Maine 03909-1314

## SELECTMEN'S MEETING

5:45/6:00/7:00 P.M. MONDAY APRIL 8, 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

5:45 PM: Board and Committee Interviews

6:00 PM: Work Session with the Village Study Committee

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

Call to Order at 7:00pm

### Pledge of Allegiance

#### A. Minutes

- **March 25, 2013 Selectmen's Meeting Minutes**

Moved by Mr. Little, second by Ms. Gregg to approve the March 25, 2013, Selectmen's Meeting Minutes as amended. Without objection, so ordered.

#### B. Chairman's Report

None

#### C. Manager's Report

- Article 55 was incomplete when the board approved the Budget Referendum on March 25<sup>th</sup>. This was due to the fact that the financial figures were not available at that time. The wording of the ballot will read as follows:
  - Statement of Fact: The state law known as LD1 requires an affirmative vote to allow a municipality to raise the property tax limit higher than allowed under LD1. Under LD1 the maximum property tax levy for the Town of York municipal budget is \$11,307,142. If all articles

contained herein concerning the municipal budget are approved, the amount appropriated will be \$11,672,205.

**D. Awards:**

None

**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.

Joe Lipton  
Bill Burnham

**G. Approval of Warrant #40**

Moved by Mr. Little, seconded by Ms. Gregg, to approve Warrant # 40. Vote 3-1, Mr. Nowell opposed, motion passes.

**H. Public Hearings:**

None

**I. Endorsements- Business Licenses**

1. Diana Hickey DBA Windbreaker Restaurant (Victualers)
2. John & Gail Stacy DBA Flo's (Victualers)
3. Jessica Elsemore/Garry & Joseph Dominguez DBA 1730 Harbor Crest Inn (Bed & Breakfast)
4. Richard Leigh/Garry & Joseph Dominguez DBA Harbor Hill ( Bed & Breakfast)
5. Joseph & Garry Dominguez DBA Harbor Cliffs B&B (Bed & Breakfast)

6. Garry Dominguez DBA York Harbor Inn ( Victualers/Liquor/Special Amusement)
7. Carolyn Garrett DBA Village Scoop Ice Cream (Victualers/Special Amusement)
8. Donald & Erika Seydler DBA Long Sands General Store (Victualers)
9. Philip Lusty DBA Harris Island Inc. (Vicutalers/ Liquor/Bed & Breakfast)
10. Michael Specker DBA The Brixham General Store (Vicutalers)

Moved by Mr. Little, seconded by Mr. Nowell to approve the following license applications; Diana Hickey DBA Windbreaker Restaurant (Victualers), John & Gail Stacy DBA Flo’s (Victualers), Jessica Elsemore/Garry & Joseph Dominguez DBA 1730 Harbor Crest Inn (Bed & Breakfast), Richard Leigh/Garry & Joseph Dominguez DBA Harbor Hill ( Bed & Breakfast), Joseph & Garry Dominguez DBA Harbor Cliffs B&B (Bed & Breakfast), Garry Dominguez DBA York Harbor Inn ( Victualers/Liquor/Special Amusement), Carolyn Garrett DBA Village Scoop Ice Cream (Victualers/Special Amusement), Donald & Erika Seydler DBA Long Sands General Store (Victualers), Philip Lusty DBA Harris Island Inc. (Vicutalers/ Liquor/Bed & Breakfast) and Michael Specker DBA The Brixham General Store (Vicutalers). Vote 4-0, motion passes.

**J. Old Business**

None

**K. New Business**

**1. Proposed Changes to the Traffic Safety Ordinance**

The Traffic Safety Ordinance is the code which establishes traffic and parking controls in the Town. Amendment of this Ordinance is within the jurisdiction of the Board of Selectmen. The following amendments have been drafted by Steve Burns, Chief Bracy and Captain LeConte of the Police Department, Dean Lessard from Public Works, and Chief Bridges of the York Beach Fire Department. The amendments are broken out into 6 component parts. There are two reasons for this request; the regulations currently in effect don’t match the physical conditions of the ground and they need to be brought into synch and the increases in parking meter rates and fines would generate additional non-property-tax revenues.

Moved by Mr. Nowell, seconded by Mr. Little to direct the Town Manager to prepare and post for a public hearing the following amendments to the Traffic Safety Ordinance:

- Time Limited Parking Zones
- One-Way Designation of County Road
- Increase Parking Meter Rates
- Increase Fines
- Parking Spaces Reserved for the York Beach Fire Department
- Amend the Parking Meter Zones section

The public hearing shall be held on April 22, 2013. Vote 4-0, motion passes.

## **2. Proposed Increase in Fees for Town Permit Parking Program**

Moved by Mr. Little, seconded Ms. Andrews to recommend the Board review the proposed changes to the Permit Parking Program and provide direction about changes to this Ordinance and direct to a public hearing on the 22<sup>nd</sup> of April. Vote 2-2, Mr. Nowell and Ms. Gregg opposed, motion fails.

## **3. Disaster Mutual Aid Agreement for York County**

The Disaster Mutual Aid Agreement for York County is being circulated to all communities in York County. The purpose of the agreement is to have all communities participate in a cooperative program to plan for disaster preparedness and response. The agreement was developed by Tom Reinour, Transportation Director for the Southern Maine Regional Planning Commission and it has been reviewed by the town attorney.

Moved by Mr. Nowell, seconded by Mr. Little to approve the Disaster Mutual Aid Agreement for York County and to forward the agreement to the Director of the Maine Emergency Management Agency for approval. Vote 4-0, motion passes.

## **4. Appointment of Representative to KACTS**

KACTS is the regional transportation planning authority for the urbanized area of York and neighboring Maine communities to our south and west. This organization is the region's Metropolitan Planning Organization, or MPO. All state and federal transportation funding for projects within our urbanized area now must funnel through this MPO, and must be consistent with plans and programs adopted by the organization.

Moved by Mr. Little, seconded by Mr. Nowell to appoint Dean Lessard as York's primary representative and Christine Grimando as York's alternate representative to Kittery Area Comprehensive Transportation Study (KACTS). The terms of these

appointments shall be indefinite, at the pleasure of the Board of Selectmen. Vote 4-0, motion passes.

#### **5. Resolution Regarding Governor's Biennial Budget**

Moved by Mr. Nowell, seconded by Ms. Andrews to approve the resolution in opposition to the Governor's biennial budget. Vote 2-2, Mr. Nowell and Ms. Gregg opposed, motion fails.

#### **6. Appointments to York Village Study Committee**

On February 15, 2013 Ron McAllister sent correspondence to the Chair requesting two appointments to the York Village Study Committee. Specifically, Mr. McAllister requested that Joel Lefever and Peter Smith be appointed to the committee. Joel Lefever would replace Jen Smith, an original committee member who resigned, and Peter Smith would be a new appointment, representing the York Public Library. On March 11, both were interviewed by the Board.

Moved by Mr. Little, seconded by Mr. Nowell to appoint Joel Lefever and Peter Smith to the York Village Study Committee. Vote 4-0, motion passes.

#### **7. Release the Indemnification and Reimbursement Agreement with Maine Coast, LLC**

The Indemnification and Reimbursement Agreement with Maine Coast LLC agreement was initiated by the Town to protect its financial interests. Maine Coast LLC asked the Town to apply for \$200,000 in CDBG funds on their behalf. The Town's grant application was successful, and as a condition of receiving the money the business was required to create seven new jobs, more than half of which were to be filled by low- to moderate- income people. If the business failed to create the jobs after the Town received the grant money and turned it over to the business, the State could require repayment by the Town. This agreement was put in place to safeguard against that occurrence. The Board of Selectmen authorized the Town Manager to execute the agreement on November 14, 2011, and the Manager and business owner executed the agreement the following day.

The business fulfilled the job creation requirement. Subsequent to this, the business and Town fulfilled all their obligations under the grant and the State issued its Final Certificate of Completion. The grant is now closed. With the grant closed, there is no need to retain this agreement and it should be terminated.

Moved by Mr. Little, seconded by Mr. Nowell to direct the Town Manager to terminate the Indemnification and Reimbursement Agreement with Maine Coast LLC because the business has fulfilled its obligations, the Town has successfully passed the audit requirement, and the State has formally closed out the Community Development Block Grant. Vote 4-0, motion passed.

**8. Special Event Permit - 2013 Independence Day Fireworks**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Special Event Permit for the 2013 Independence Day Fireworks, Saturday, July 6, 2013 from 9:15pm-9:30pm. Event to be held at York Harbor Beach. Vote 4-0, motion passes.

**9. Special Event Permit - Salesfest**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Special Event permit for Salefest (York Beach Sidewalk Sales) on Saturday, October 12, Sunday, October 13, and Monday October 14, 2013, from 10:00am-4:00pm. Event to be held on Ocean Ave., Beach Street, Main Street, Railroad Ave., and Church Street. Vote 4-0, motion passes.

**10. Special Event Permit - Harvestfest/Kidsfest**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Special Event Permit for the Harvestfest/Kidfest, Saturday October 19, 2013 from 7:00am-8:00pm and Sunday, October 20, 2013 from 7:00am-4:00pm. Event to be held at Short Sands Ball Field, Railroad Ave., Ocean Ave., Ridge Road, Church Street, and parking area across from the York Beach Ball Field. Vote 4-0, motion passes.

**11. Special Event Permit - York Lions Annual Fun (D) Raising Auction**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Special Event Permit for the York Lion's Annual Fun (D) Raising Auction, Friday, August 2, 2013 from 3:00pm-9:30pm. Event to be held at York Beach Ball Field. Vote 4-0, motion passes.

**12. Special Event Permit - "York Days" Fireworks**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Special Event Permit for "York Days" Fireworks, Sunday, August 4, 2013 from 9:00pm-10:00pm. Event to be held on a barge off Short Sands. Vote 4-0, motion passes.

**13. Application for License for Incorporated Civic Organization: Old York Historical Society**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Application for License for Incorporated Civic Organization for the Old York Historical Society event, Run Tasting public Educational Program. Event to be held Friday, May 3, 2013 from 5:30pm to 9:00pm at the Jefferds Tavern and Parsons Educational Center at 3 Lindsay Road, York.. Vote 4-0, motion passes.

**L. Other Business**

**M. Citizens Forum**

Bill Burnham

Joe Lipton

Charles Stacy

Ms. Andrews read a letter from Pam O'Dice, Christina Mandravelis, and Karen Mason

**Adjourn**

Moved by Mr. Little, seconded by Mr. Nowell to adjourn at 8:24 PM.

Respectfully Submitted By:

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Katie McWilliams; Recorder