



Town of York

186 York Street
York, Maine 03909-1314

SELECTMEN'S MEETING 6:15/7:00 P.M. MONDAY JULY 22, 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.

Call to Order

Pledge of Allegiance

Mr. Nowell read a poem, For the Fallen by Robert Lawrence Binyon. 45th anniversary of a combat action he was involved in, in Vietnam. 16 were wounded and two KIA, these men were very good friends of Mr. Nowell and one was his little brother.

A new flag for the Meeting Room was presented to Mr. Yandow from the Knight of Columbus, VFW, American Legion and the Elks.

A. Minutes

- July 8, 2013 Selectmen's Meeting Minutes

Moved by Mr. Macdonald, second by Ms. Gregg to approve the July 8, 2013 Selectmen's Meeting Minutes, as amended. Without objection, so ordered.

B. Chairman's Report

- If anyone has any questions about the shape of the beaches in York, Mr. Nowell suggests you talk to Peter Sylovinsky at the Maine Creological Survey.

C. Manager's Report

1 of 11	Selectmen's Meeting Monday, July 22, 2013
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- The Town of Farmington ME has started a relief fund for those affected by the tragic oil explosion in Lac-Mégantic, Farmington's sister city. Those interested in contributing can go to a TD Bank to make a donation.
- Effective July 23 those who do not have a digital box or a digital ready TV will not be able to watch analog channels that are being converted to digital, this includes channel 3 on Time Warner. You can get a digital adaptor from Time Warner which would allow Channel 3 be viewed. This can be picked up before December 31 for free and after that it will cost \$.99 per month.

D. Awards:

None

E. Reports:

1. Presentation by Don Neumann, Superintendent of York Water District on Capital Projects

York Water District delivers a public service by providing public health protection, fire protection, support for the economy, protection of watershed & Chase's Pond, and by planning for the future.

YWD has a 3.19 million dollar annual Budget with the last rate increase being April 1, 2008 for 16.8%. Residential & Commercial water use was up 1.49% in 2012 over 2011.

Currently YWD has 82 miles of water mains, 366 Public and 69 Private Fire Hydrants, 131 Private Fire Services, 5179 metered service connections, 6"- 16" Cast Iron- DI, and 17 miles of summer mains 2"-8" .

The Treatment Plan has been online since 1990 and was designed to produce a max of 4 MGD. On the average .99MG is produced daily with the summer max 2.46 on July 15, 2012. A total of 359 MG was produced in 2012.

Some recently completed projects:

- Completed interconnections- north & south / Rte 1
- 2008 the Simpson Hill Tank was rehabilitated and Depreciation was used to fund that project which totaled \$562,621.64.
- 2012 the backwash tank was rehabilitated and Depreciation was used to fund that project which totaled \$300,000.

- York Heights which will be scheduled in the near future. Anticipated cost of approximately \$600,000.
- 3 bridge replacements on 103, 1 on Clark Road and Sewell's Bridge. A cost of \$610k+ combined.
- Drainage Project on Beach St, Ocean Ave Area, LBA, Mitchell, York Street. A cost of \$135+

Scheduled Projects:

Fall of 2014

- Cape Neddick Road: 1100' from VFW- Simpson Hill tank access road \$250 K

Spring of 2015

- Church Street: 1200' from Ball Field to LBA \$240K
- Shore Road: 1600' from Market to Shore Road bridge \$320K

Summer of 2015

- Organug Road: 3230' from Organug Lane to Sewall's Bridge \$650K

Fall of 2015

- Seabury Road: 2800' from Harbor Lights to Southside Road 560K
- Route 91: 640' from Webber's building to edge/ Rte 95 130K
- Plaisted Road: 350' from Rte 1 to just past Gorgeana Way 70K

Spring of 2016

- Freeman Street Phase 1: 950' from top of Beach Street to 50 Freeman St 200K

Summer of 2016

- Harmon Park: 860' from 1-A to Varrel Lane 175K

Fall of 2016

- Freeman Street Phase 2: 1420' from 50 Freeman St to end of Freeman St 290K

Treatment- Pumping upgrades:

- Switch from Hazardous Gas Ammonia to non-hazardous Ammonium Sulfate Liquid
- Mechanical Equipment Upgrades and Replacements to Water Treatment Facility, and 4 pump stations.
 - Critical valve actuator replacements
 - Replace outdated/ original pump controls and pumps (3 systems)
 - Upgrade/replace remote site PLCs
 - Updated digital flow and pressure transmitters
- Lagoon Modifications

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.

G. **Approval of Warrant #3**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant # 3. Vote 5-0, motion passes.

H. **Public Hearings:**

1. **Ord-1 Zoning Cluster Subdivision Standards Amendment**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 7:36pm.

Public Comment: John Gregg
Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the public hearing at 7:58pm.

2. **Ord-2 Zoning Seasonal Conversions Amendment**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 7:59 pm.

Public Comment: None
Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the public hearing at 8:17 pm.

3. Ord-3 Zoning On-Site Commercial Sign Requirement Amendment

Moved by Mr. Macdonald, seconded by Ms. Gregg to open the public hearing at 8:18 pm.

Public Comment: None
Town Planner, Christine Grimando

Moved by Mr. Macdonald, seconded by Ms. Gregg to close the public hearing at 8:24 pm.

4. Ord-4 Zoning Farm Enterprise Overlay District Amendment

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 8:25 pm.

Public Comment: Carrie Roman
Town Planner, Christine Grimando

Moved by Mr. Fiorentino, seconded by Ms. Gregg to close the public hearing at 8:33pm.

I. Endorsements- Business Licenses

1. China Bistro Inc. DBA China Bistro (*Victualers/Liquor*); Located at 8 Market Place Drive
2. Bruce Larson DBA Southern Maine Lobster (*Victualers*); Located at 1021 US Route 1
3. Kathryn Kelley DBA Copa Magica Gelato (*Victualers*); Located at 852 US Route One
4. Nancy and John Stern DBA Pie in the Sky (*Victualers*); Located at One River Road

Moved by Mr. Macdonald , seconded by Mr. Fiorentino to approve the following licenses; China Bistro Inc. DBA China Bistro (*Victualers/Liquor*); Located at 8 Market Place Drive, Bruce Larson DBA Southern Maine Lobster (*Victualers*); Located at 647 US Route One, Kathryn Kelley DBA Copa Magica Gelato (*Victualers*); Located at 852 US Route One and Nancy and John Stern DBA Pie in the Sky (*Victualers*); Located at One

River Road, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

No action was taken on King Weinstein DBA York Pizza (*Victualers*); Located at 647 US Route One; it will be placed on the next agenda.

J. Old Business

None

K. New Business

1. Discussion and Possible Action of Moving Ordinance Amendments to Second Public Hearing

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-1 Zoning Cluster Subdivision Standards Amendment to a second public hearing. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-2 Zoning Seasonal Conversions Amendment to a second public hearing. Vote 4-1, Ms. Gregg opposed, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-3 Zoning On- Site Commercial Sign Requirement Amendment to a second public hearing. Vote 4-1, Ms. Gregg opposed, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-4 Zoning Farm Enterprise Overlay District Amendment to a second public hearing. Vote 5-0, motion passes.

2. Authorization for York Water District and York Sewer District to Negotiate Utility Easements with the Norton Estate

Moved by Mr. Macdonald, seconded by Ms. Gregg to authorize the York Water District and York Sewer District to negotiate utility easements with the Norton Estate for the police station project. Vote 5-0, motion passes.

3. Authorization for SMRT to Finalize Plans for Police Station Project and Ridge Road Access

Based on a discussion with SMRT at the work session on July 10, 2013, Mr. Nowell has requested that authorization be provided to SMRT to complete design plans for the police station project and the Ridge Road access point. Further discussion will be necessary regarding the connector road.

Moved by Ms. Gregg, seconded by Ms. Andrews, to authorize SMRT to complete design plans for the York police station and a Ridge Road access point.

After discussion it was agreed that Andrew Johnson at SMRT would provide information about what is required to finish the plans before anything gets voted on. More information will be available at the next meeting.

4. Board and Committee Reappointments

Mr. Nowells feels that Joe Carr should not be reappointment as there is a conflict of interest; a contractor should not be on the board of appeals.

Moved by Ms. Gregg, seconded by Ms. Andrews to reappoint Joe Carr for a three year term on the appeals board. Vote 2-2-1, Mr. Nowell and Mr. Macdonald opposed, Mr. Fiorentino abstained, motion fails.

Moved by Mr. Macdonald, seconded by Ms. Andrews to reappoint Leon Moulton for a three year term on the appeals board. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to reappoint John Kraus to the board of appeals as an alternate. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Andrews to reappoint Priscilla Cookson to a three year term to the Conservation Commission term. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Victoria Simon to a three year term on the Energy Efficiency Steering Committee. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Robert Cutts to a three year term on the Historic District Commission. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Thomas Green as the Lindsay Road district representative to a three year term on the Historic District Commission. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Diane Kleist to a three year term on the Municipal Social Service Board. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Michael Modern to a three year term on the Parks and Recreation Board. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to reappoint Ron McAllister to a three year term on the Parks and Recreation Board. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to reappoint David Woods to a three year term on the Planning Board. Vote 1-3-1, Ms. Andrews approved, Mr. Fiorentino abstained, motion fails.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to reappoint Lew Stowe to a three year term on the Planning Board. Vote 3-1-1, Ms. Gregg opposed, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Emily Cambray to a three year term on the Senior Citizens Advisory Board. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Peter Jones to a three year term on the Shellfish Commission. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Edward and Sally Mac Gorman to 3 year terms on the Sohier Park Committee. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint James Smith to the York Harbor Site Design Review Board. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Jud Knox, Ellen Baldwin, Jane Sweeney Beecher and Sandy McCartney to York Housing Authority. Vote 5-0, motion passes.

5. Appointments to York Harbor Board

Moved by Ms. Gregg, seconded by Mr. Fiorentino to appoint Matthew Donnell to a one year term as a full member on the York Harbor Board with a term expiring 2014. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Ms. Gregg to appoint Dave Robbins to a three year term as alternate to the Harbor Board with a term expiring June 30, 2016. Vote 5-0, motion passes.

6. Appointments to York Planning Board

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Planning Board Alternate member Al Cotton to a three year term as a regular member effective July 22, 2013 with the term to expire on June 30, 2016. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Planning Board Alternate member Brud Weger to a two year term as a regular member effective July 22, 2013 with the term to expire on June 30, 2015. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Planning Board Alternate member Peter Smith to a one year term as a regular member effective July 22, 2013 with the term to expire on June 30, 2014. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

7. Re-appointment of Kathy Newell as Assistant CEO/Alternate LPI

Moved by Ms. Gregg, seconded by Ms. Andrews to renew the appointment of Kathy Newell as Assistant Code Enforcement Officer and Alternate Local Plumbing Inspector. The term of this appointment shall be indefinite, at the pleasure of the Board of Selectmen. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

8. Discussion and Possible Action on an RFP for Legal Services

Discussion regarding issuing a Request for Proposals for Legal Services. Due date for proposals will be 8/26/13.

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the issue for Request for Proposals for Legal Services based on the draft RFP discussed as corrected. Vote 5-0, motion passes.

9. Discussion and Possible Action of a Crosswalk at Cape Neddick Beach

Postponed to a future meeting

10. Selectmen's Liaisons to Energy Efficiency Steering Committee, Capital Planning Committee and Library Board

Postponed to a future meeting

11. Discussion and Possible Action on Establishing a Selectmen's Liaison to the Mount A Steering Committee

Postponed to a future meeting

12. Ballot for MMA Elections

Postponed to a future meeting

13. Special Event Permit- The Big Andrew Surf Contest

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for The Big Andrew Surf Contest for Sunday August 11, 2013 at 7:00 am, on Long Sands Beach. Vote 5-0, motion passes.

14. Special Event Permit- Eastern Surfing Association contest series

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for the Eastern Surfing Association Contest Series on Saturday July 27th, 2013, at 7:00am, on Long Sands Beach. Vote 5-0, motion passes.

15. Special Event Permit- Catering Privileges Off Premises- Bill Foster's Downeast Clambake

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Permit for Catering Privileges Off Premises for Bill Fosters Downeast Clambake at 749 Shore Road, Cape Neddick, on August 10, 2013 from 11:00 AM - 3:00 PM. Vote 5-0, motion passes.

16. Business Directional Sign for GiGi's Italian Restaurant- 2 Beach Street

Postponed to a future meeting

L. Other Business

M. Citizens Forum

Adjourn

Moved by Mr. Macdonald, seconded by Ms. Gregg to adjourn at 10:09 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder