

SELECTMEN'S MEETING
5:15/7:00PM MONDAY, MARCH 12, 2012
YORK LIBRARY

Present: Chair; Tracy Jackson-McCarty, 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.

5:15PM: Executive Session: Personnel (Pursuant to M.R.S.A. Title 1, §405 (6) (A))

Moved by Ms. Andrews, seconded by Mr. Little to enter into Executive Session: Personnel (Pursuant to MRSA Title 1, Section 405 (6) (A) at 5:22PM.

Moved by Ms. Andrews, seconded by Ms. Gregg to exit the Executive Session: Personnel (Pursuant to MRSA Title 1, Section 405 (6) (A) at 6:03PM.

Call to Order

Pledge of Allegiance

6:00PM: Joint Meeting with Water District

Water District Members: Don Neumann, Fred Ricker, Andy Belliveau, Karen Arsenault and Dana Moulton, II.

The last joint meeting between the Board of Selectmen and the York Water District occurred in October 2009.

Water District 2004 Master Plan

1. Protect Supply: Top priority accomplished in part with land acquisition involving 5 parcels since 2004.
2. Treatment Plant: Went online in 1990 to be paid for by 2012.
3. Completed Projects
4. Distribution System/Pipe Replacement: 82 miles of pipeline.
5. Completed since 2004 - last piece on Route 1
6. Budget: \$3.2 million annually; last rate increase of 16.8% in 2008; Operation and Maintenance is \$2.54 million with budget balance for principal payments on bonds.
7. Non-Revenue/Unaccounted: Water loss down from 1991 with current rate of 6% with Industry standard less than 15%.

8. Future Plans: Protect and maintain infrastructure, work toward efficiencies and succession planning, and continue to maintain good District morale.
9. Rate increase scheduled for January 2014 when postponed projects can finally be addressed.
10. District is under the purview of Public Utilities Commission.
11. Planned Water District facility tour scheduled for March 19, 2012 at 5pm. All board and committee members as well as the general public are invited to attend but encouraged to rsvp as space is limited.

Mr. Neumann concluded by stressing the importance for the Water District to remain a valuable resource to the Town. He is interested in finding ways to coordinate projects with both the Town, and regional sewer and water districts to reduce duplication of effort and effectively plan for the future. Mr. Neumann expressed interest in meeting with the town manager to discuss the future project schedule, prioritize individual projects as identified on the District's master plan.

Selectmen expressed interest in additional joint workshops with the Sewer and Water districts, and the Planning Board.

Chairman Jackson-McCarty thanked Mr. Neumann and the Trustees for their presentation, and stressed the importance of referencing the future needs of the community in upcoming workshops.

A. Minutes

None.

B. Chairman's Report

None.

C. Manager's Report

Town Manager, Robert G. Yandow, announced the meeting for the Seal Level Rise report scheduled for next Monday, March 19th at 7:00pm at Library.

D. Awards

1. Proclamation: Girl Scout Day.

Chairman Jackson-McCarty read the Proclamation Announcing March 16, 2012 as Girl Scout Day marking the 100th anniversary of Girl Scouts USA.

2. Department of Public Works: Truck Body/Snowplow Installation Bid.

Dean Lessard, Director of Public Works, discussed the new plow truck and associated equipment as approved by the voters in May 2011. Mr. The lowest bid from the two solicited was from HP Fairfield, and provides for options 1-3.

Moved by Ms. Andrews, seconded by Mr. Little to award the low bid from HP Fairfield for the Dump Body/Snowplow installation in the amount of \$69,975.00, and further move to award options 1, 2 and 3 from HP Fairfield in the amount of \$3,575.00. Vote 5-0, motion passes.

3. Department of Public Works: Plow Truck Chassis Bid.

Dean Lessard, Director of Public Works, stated that the Department solicited bids from four different vendors for the International 7400 truck chassis.

Moved by Ms. Andrews, seconded by Mr. Little to award the low bid from CB International for the 2013 Plow Truck Chassis in the amount of \$61,290.00, and further approve the Light/Radio package from Two-Way Communications in the amount of \$2,036.00. Vote 5-0, motion passes.

4. Department of Public Works: Relocation of Stone Wall Bid.

Dean Lessard, Director of Public Works, discussed that as a continuation of the York Street Drainage project, a private stone wall has to be moved 5 to 6 feet back to the property line. The Town is not taking any property by eminent domain, and only temporary construction easements are required. Mr. Lessard has met with the Lunds, owners of the stone wall, to secure a temporary easement in order to regrade the driveway to ensure a gentle grade. Mr. Lessard met with masonry contractor, Russell Hume. After reviewing past work with local projects and checking into professional references, Mr. Lessard recommends the Selectmen award the wall relocation bid to Russell Hume of York.

Moved by Ms. Andrews, seconded by Mr. Little to award the bid for relocation of the stone wall at 70 York Street to masonry contractor Russell Hume of York, Maine for an amount not to exceed \$13,800. Vote 3-2, motion passes with Ms. Andrews and Ms. Gregg opposed.

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 #37

Moved by Ms. Andrews, seconded by Mr. Little to approve Warrant #37, without objection, so ordered.

H. Public Hearing

- **Possible Warrant Article for the Blinn House at 1051 U.S. Route 1**

Town Manager Yandow explained that in May 2009 voters approved purchase of contiguous property on Route 1 for a new police station and connector road. Included on this property was the Donald Blinn building that requires substantial money by way of improvements in order to renovate into a structure that could serve any type of use. Therefore, voter authorization is required to sell this parcel as it has been determined to be in the town's best interest to see it. Community Development Director will draft warrant language for the selling of the structure and any additional acreage.

Ms. Andrews confirmed that because the Blinn house never received an Occupancy Permit, the building must now be reconstructed to meet all LEED requirements which was determined cost prohibitive and uneconomical.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to open the public hearing at 9:21pm, motion passes.

Public Comment: None.

Moved by Ms. Andrews, seconded by Mr. Little to close the public hearing at 9:31pm, motion passes.

I. Endorsements

License Applications

Moved by Mr. Little, seconded by Ms. Gregg to approve the following license applications: Arrows Restaurant, Inc. DBA Arrows Restaurant (Victualers and Liquor), Victor Guay & Ralph Goddard DBA Bittersweet Bed & Breakfast (Bed & Breakfast), and CNLP, Inc./Joseph A. Young DBA Cape Neddick Lobster Pound (Victualers, Liquor & Special Amusement) subject to taxes, fees and inspection being current and compliant with the usual noise stipulation. Vote 5-0, motion passes.

J. Old Business

None.

K. New Business

1. Approve sale of Town Owned property at 40 Walt Kuhn Road.

The Selectmen congratulated the Gosselin Group for the professional manner in which they have handled the selling of town owned properties.

Moved by Ms. Andrews, seconded by Mr. Little to authorize the town manager to sign a purchase and sale agreement for Troy M. Conant to purchase 40 Walt Kuhn Road (Map 228, Lot 70) for the amount of \$37,800. Vote 5-0, motion passes.

2. Discussion Regarding Citizen's Petition.

Chairman Jackson-McCarty explained that prior to this meeting the Selectmen met with the Town attorney in executive session to discuss options to address the citizen's petition as signed with 776 verified signatures. The attorney noted it was neither illegal nor mandatory to put the petition forward, and per the Town Charter, the Selectmen could refuse to approve it for the May referendum. The Chairman stressed that this was the first opportunity the Selectmen had a chance to discuss the petition and legal opinion as a board.

Public Comment: Keith Jackson
Fred Knox
Jack Johnson
Gerry Niekman
Robert Cathey
Jim Towle
Dorothy Henney
Ron McAllister
Paul MacGowan
Mary Merrill
Frank Coughlin
John Lund
Sue Koeppel

Mr. Fiorentino discussed how the project engineers and Director of Public Works provided additional information for this project as requested by the Board, and noted the installation of a traffic light is in the best interest of the town as whole. Mr. Fiorentino noted concern for setting of precedence by forwarding a non-ordinance petition to a town vote when the responsibility falls on the Selectmen to make the decision.

Ms. Andrews stated she was personally affected by this proposal, and expects the value of her home to go down along with the other historic homes in the

area. She agreed with Ms. Gregg in not knowing about the traffic light when she voted on the previous warrant, and finds this a horrible way for people to enter the historic town village. Ms. Andrews strongly believes the people should be allowed to vote on this issue.

Mr. Little stated this entire project had been properly vetted and based on professional studies and opinions. As this is a reconstruction and not a restoration project, incorporation of a traffic light is reasonable. Attractive and historical traffic lights are available. A police guard is directing traffic solely during pre/post school hours during the school year. Safety remains the main concern, and Mr. Little is concerned that if the Town delays this project, funds that are now available may not be available a few years from this point to install a light. The Charter empowers Selectmen and not residents to make these decisions, and the majority of the Selectmen did feel the light was necessary.

Ms. Gregg discussed the current Charter as limiting citizen's petitions to ordinance related issues, and stated that if the Selectmen unreasonably refuse to put forth this petition request, petitioners may follow State law and have a notary public call a town meeting per the number of petition signors as based on a designated percentage of voters. Ms. Gregg is personally aggrieved that while she sat on the Capital Planning Commission in 2010 she knew nothing of a proposed traffic light. She was lied to and misled about the 2010 warrant article, and apologized to the voters for her preference votes without having the full information. She supports and apologizes to petitioners.

Chairman Jackson-McCarty noted that tough decisions must be made when serving as an elected official. Selectmen have met several times, and have considered the traffic simulation presentation, recommendations from various professionals and department heads, and the additional information provided after Selectmen request. Selectmen represent the community as a whole, and are entrusted to provide a safe community. It is in the best interest of everyone in the community to follow the presented recommendations.

Moved by Ms. Gregg, seconded by Ms. Andrews to forward the citizen's petition to the May warrant ballot. Vote 3-2 with Mr. Little and Chairman Jackson-McCarty in opposed, motion passes.

- 3. Discussion Regarding Preliminary Report on Proposed Charter Changes.** Chairman Jackson-McCarty apologized to fellow board members in having scheduled the joint workshop with the Charter Commission prior to the Commission's public hearings as this restricted review and meaningful

dialogue for and between the Selectmen and the Commission. She also apologized to voters for requesting the revised charter go to a vote, recommended the Preliminary Report not be forwarded on to the May warrant, and inquired if the Selectmen should prepare a Minority Report. Ms. Jackson-McCarty recommends that all budgets including school budgets be reviewed on a line item basis.

Selectman Little previously provided his input to the Charter Commission and Selectmen, and discussed it at the last meeting. It is up to the Commission as to how they want to consider his input.

Mr. Fiorentino noted difficulty in reviewing the revised charter without having an original document for comparison purposes. He is concerned that proposed changes include the Selectmen taking more responsibility away from the Town Manager whereas Selectmen seek guidance from the Manager. He also is concerned of additional meetings in an already busy meeting schedule. Mr. Fiorentino questioned why the school budget and committee remains so separate from the Selectmen.

Ms. Gregg stated the Commission has prepared a document illustrating where the existing current charter references the proposed charter.

Ms. Andrews is not in favor of the Selectmen taking on more duties as proposed in the revised charter. The original charter was created because of the action of various committees, and the Budget Committee was established as a check and balance. The Town Manager with his expertise is paid to "oversee" department heads and town activities, and is ultimately accountable to the Selectmen. Ms. Andrews inquired if the proposed charter addresses family member conflicts especially in relation to the Budget Committee.

Chairman Jackson-McCarty will forward concerns to Charter Commission Chairman, Dave Marshall.

4. Request for Sewer Extension from York Sewer District.

State statute requires written assurance be provided to the Town with any request to extend sewer, and that the proposed extension proves complaint. Request is based on the proposed Town of York Police Station.

Motion by Ms. Andrews, seconded by Mr. Little to provide written assurances to the York Sewer District that the proposed sewer extension on Ridge Road for the York Police Department is consistent with adopted municipal plans and ordinances regulating land use, and further that the development of the

police station is in conformity with the adopted municipal plans and ordinances regulating land use, all pending approval by the Planning Board and all town departments. Vote 5-0. Motion passes.

5. **Property Redemption Request: 213 Pine Hill Road (Tax Map 6, Lot 4-F)**
Moved by Ms. Andrews, seconded by Mr. Little to approve the redemption of Tax Map 0006, Lot 0004-F, 213 Pine Road, as requested, subject to the attached conditions being met, and that all taxes, interest and administrative costs are paid in full by no later than May 11, 2012. Vote 5-0, motion passes.
6. **Games of Chance: 2012 Blanket Letter of Approval for American Legion Auxiliary.**
Moved by Ms. Gregg, seconded by Mr. Little to approve the 2012 Blanket Letter of Approval for the American Legion Auxiliary. Vote 5-0, motion passes.
7. **Special Event Permit Application: Aggieman Triathlon – June 30, 2012**
Selectmen voiced concern for placing the condition that all cyclists attach flags to their individual bikes as recommended by a department head, and requested Ms. Scott contact the event organizer to solicit feedback with regard to this specific request.

L. **Other Business**

None.

M. **Citizens Forum**

Public Comment: None.

Adjourn

Moved by Ms. Andrews, seconded by Mr. Little to adjourn at 10:19pm.

Respectfully Submitted By:

Susan H. Scott; Recorder