



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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SELECTMEN'S MEETING 7:00 PM MONDAY, AUGUST 13, 2012 YORK LIBRARY

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

Call to Order

Pledge of Allegiance

A. Minutes

- July 23rd, 2012 Selectmen's Meeting Minutes.

Moved by Mr. Little, seconded by Mr. Fiorentino to approve July 23rd, 2012 Selectmen's Meetings Minutes, as amended. Without objection, so ordered.

B. Chairman's Report

None

C. Manager's Report

Town Manager, Robert G. Yandow alerted the public that Tax bills will be going out August 21st, with a tax rate of \$9.72 per 1,000. This is a .37 increase from last year; .22 as a result of the voter approval at the budget referendum in May and .15 from a reduction in York's total base valuation. This is the 3rd year that our base value has gone down.

D. Awards

None

E. Reports

1. Presentation by Ray McMahon on the Greater York Recreation Complex

Representative Ray McMahon reviewed the purpose of the project in order to keep the board in the loop. Board has 10-11 members right now to get things started on this project. Long ways from anything solid right now. An architect is working on

preliminary plans, exploring locations, and cost for the project. 300 people will be called to do a preliminary survey in addition to an e-mail survey in order get information on what opinions. Wells, Ogunquit, Eliot, Kittery, South Berwick and York will use this and are looking to them for support and economic development. This will not be a private club, but for everyone. York County has 197,000 people. This committee understands the importance of keeping the public informed, and is hoping to work with York Parks Recreation to help get the word out for this project. This complex could include three indoor swimming pools; swimming team pool, handicap pool and a therapy pool with six indoor tennis courts. Private funding, corporate sponsors and grants are what they are hoping will fund this project. Julie Edminster reminded us this would also be a good teen center and senior center location. York is the ideal location for the Complex.

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: Richard Smith
Ray McMahan
Mike Sullivan
Charles Stacy

G. **Approval of Warrant #6**

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant #6. Vote 4-1, with Mr. Nowell opposed. Motion passes.

H. **Public Hearing**

Moved by Mr. Nowell seconded by Mr. Little to open the public hearing at 7:36 pm, motion passes.

1. **New Business License- Aimee Perrin DBA Aimee's Livin' Magic (Victualers)**

Public Comment: None

Moved by Ms. Andrews, seconded by Mr. Little -to close the public hearing at 7:36 pm, without objection, so ordered.

I. Endorsements

License Applications

Moved by Mr. Little, seconded by Mr. Nowell to approve the following license applications: Pat Rocheleau DBA The Ledges Golf Course (Victualers & Liquor) Trevor Fitzgerald DBA Hawaiian Jim's Shave Ice (Victualers)Aimee Perrin DBA Aimee's Livin' Magic (Victualers), 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. Sewer Extension- Kiddie Corner Lane

Prior to the vote Tim Haskell Sewer District Superintendent provided a point of clarification regarding the permits.

Moved by Mr. Little, seconded by Mr. Fiorentino to provide written assurances to the York Sewer District for the extension in Kiddie Corner Lane, subject to: 1) a condition precedent that the property at 8 Kiddie Corner Lane obtain an occupancy permit to close out their open 2003 building permit; and 2) a condition subsequent that the York Sewer District obtain the required Shore land and Floodplain permits from the Town prior to commencement of construction. Vote 5-0, motion passes.

2. Approve Sewer Connection to Town Owned Property at 153 Long Sands Road

In 2011 the Town of York foreclosed on property at 153 Long Sands Road for failure to pay taxes. After foreclosure the Town worked with the former owner, his attorney-in fact and a finance company in an attempt to find a way to redeem the property to the former owner. All options for redemption failed so the Town remains the owner of the property. As owner of the property, the Town must now connect to the sewer system due to a failing septic system. The actual cost to connect to the sewer is unknown at this time, however a list of qualified contractors has been provided by the York Sewer District and estimates are being solicited. Money for this project will be supplied from the Selectmen's Contingency Fund.

Moved by Mr. Little, seconded by Mr. Fiorentino to move the sewer connection to town-owned property located at 153 Long Sands Road. Vote 5-0, motion passes.

3. Financing for Sohier Park Gift Shop Expansion

On January 24, 2011 the Board of Selectman awarded a contract for architectural design for the Sohier Park Gift Shop expansion project. The project has since gone before the planning board and is currently awaiting final approval. It is anticipated that the expansion of the Sohier Park Gift Shop will cost up to \$200,000. The Sohier Park Committee believes it will be able to generate \$50,000 through fundraising efforts leaving a balance of \$150,000. The Sohier Park Committee has asked that the Selectman place an article before the voters requesting approval for the use of up to \$150,000 in town funds to pay for the remainder of the expansion costs. The \$150,000, plus interest, would be repaid to the town fund balance from gift shop profits over a six year schedule. Ed MacGorman, Chairman of the Sohier Park Committee shared that the ultimate goal is to enhance the experience of the visitors, improving and increasing the public restrooms as well. Based upon a line place in the road they have 1600-1900 cars per day in July and August, 225,000-250,000 annually.

Moved by Mr. Nowell, seconded by Mr. Little to approve a warrant article on the May, 2013 Budget Referendum asking the voters to approve the use of up to \$150,000 in existing fund balance funds to assist in the financing of the Sohier Park Gift Shop expansion. Vote 4-1, with Ms. Gregg opposed, motion passes.

4. Land Swap Between Town of York and Dewey, Harry, Samuel and Noreen Horn

In May 2009 voters in the Town of York approved the sum of \$2,000,000 for the purchase of land for a new public safety facility. On May 28, 2010 the Town of York purchased approximately 12-15 acres of land on Ridge Road from Dewey, Harry and Samuel Horn. The exact acreage of the property was unknown at the time as a proposed town roadway was to be southern boundary of the property purchased by the Town and final design of the roadway, to include a survey, had not been completed. After the Town had purchased the land from the Horn family it was determined that the Town did not own all of the land necessary to allow for the construction of a proposed connector road from Ridge Road to the police station and further to US Route 1. As a result, negotiations began with the Horn family to identify an appropriate land swap. After many months of negotiations a parcel suitable to the Horn's was identified.

Moved by Mr. Fiorentino, seconded by Mr. Little to approve a land swap with Dewey, Harry, Samuel and Noreen Horn through which the Town of York will accept a Quitclaim deed which clarifies and revises the description set forth in the original deed from the Horn family dated May 28, 2010 and the Town of York will provide a Quitclaim deed to Samuel and Noreen Horn and further move to approve an easement deed to Samuel and Noreen Horn providing access to the town road abutting the property to be conveyed. After a lengthy discussion Mr. Little moved the question. Board voted 3-2, with Ms. Gregg, and Mr. Fiorentino opposed, motion passes. Board voted on original motion 2-3, Ms. Gregg, Mr. Nowell, and Mr. Fiorentino opposed, motion fails.

5. Land Swap Plan Between the Town of York and the Patrick J. Cragin Living Revocable Trust

In May, 2009 voters in the Town of York approved the sum of \$2,000,000 for the purchase of land for a new public safety facility. In May, 2010 the Town of York purchased land on Ridge Road from the Horn family and in June, 2010 the Town of York purchased land on US Route 1 from Donald Blinn. Access to the property on Ridge Road purchased from the Horn family was through a fifty foot right of way onto Ridge Road through the easterly sideline of property owned by the Patrick J. Cragin Living Revocable Trust. During development of plans for a new police station, along with a new roadway from US Route 1 through the former Horn property to Ridge Road, it was determined that it would be environmentally less damaging to move access to Ridge Road from the easterly sideline of the Patrick J. Cragin Living Revocable Trust property to the westerly side. The Patrick J. Cragin Living Revocable Trust was in agreement to move the fifty foot right of way providing that reconfiguration of an existing parking lot could be approved by the planning board as a site plan amendment to a previously approved site plan filed by the Patrick J. Cragin Living Revocable Trust. The site plan amendment was subsequently approved by the planning board on March 8, 2012.

Moved by Mr. Little, seconded by Mr. Nowell to move a land swap between the Town of York and the Patrick J. Cragin Revocable Trust as identified in the attached Exhibit B, dated May, 2012 by BH2M and titled Land Swap Plan: Land of Patrick J. Cragin Living Revocable Trust & Town of York, Ridge Road, York, Maine. After a lengthy discussion Mr. Little moved the question. Board voted 5-0, motion passes. Board voted on original motion 0-5, motion fails.

6. Appointment of Luke Vigue as an Assistant Code Enforcement Officer

Moved by Mr. Little, seconded by Mr. Fiorentino to appoint Luke Vigue as an Assistant Code Enforcement Officer for all aspects of building code enforcement, this

being a first time appointment for Mr. Vigue with respect to these duties. The term of his appointment shall be indefinite, at the pleasure of the Town Manager. Vote 4-1, Ms. Gregg opposed, motion passes.

7. Annual re-appointment of Kathy Newell as Assistant CEO/LPI

Moved by Mr. Nowell, seconded by Mr. Fiorentino to renew the appointment of Kathy Newell as Assistant Code Enforcement Officer and Alternate Local Plumbing Inspector through August 31, 2013. Vote 4-0-1, Mr. Little abstaining, motion passes.

8. Reappointments

Tax Task Committee Reappointment

Moved by Mr. Nowell, seconded by Mr. Little, to reappoint Thomas Carnicelli to a three year term on the Tax Task Committee. Vote 5-0, motion passes.

Municipal Social Service Review Board Reappointment

Moved by Mr. Nowell, seconded by Mr. Little, to reappoint Dan Gardoqui to a three year term on the Municipal Social Service Review Board. Vote 5-0, motion passes.

York Harbor Site Design Review Board Reappointment

Moved by Mr. Nowell, seconded by Mr. Little, to reappoint Joseph Donnelly to a three year term on the York Harbor Site Design Review Board. Vote 5-0, motion passes.

9. Redemption Request: Tax Map 0040, Lot 0061-0102-5 Eaton A

Moved by Mr. Nowell, seconded by Ms. Gregg to approve the redemption of Tax Map 0040, Lot 0061-0102, 5 Eaton A, 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 October 15, 2012. Vote 5-0, motion passes.

10. Redemption Request: Tax Map 0032, Lot 0014 I- 4 Hemlock Avenue

Moved by Mr. Nowell, seconded by Ms. Gregg to approve the redemption of Tax Map 0032, Lot 0014 I-4 Hemlock Ave, 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 October 15, 2012. Vote 5-0, motion passes.

11. Application for Special Permit for Catering Privilege Off Premises

Moved by Mr. Nowell, seconded by Mr. Little to approve the Special Permit for Catering Privileges off Premises for Stage Neck Inn. Event to be held October 6, 2012 at Stage Neck Road from 5:00 pm to 12:00 am. Vote 5-0, motion passes.

12. Quit Claim Deed for Gray Capital Investments, LLC for property located at 2 Beach Street, Unit #13 and Real Estate Transfer Tax Declaration

Moved by Mr. Nowell, seconded by Mr. Little to approve the quit claim deed to Gray Capital Investments, LLC thereby releasing any right, title and interest the Tow of York may have acquired in property at 2 Beach Street, Unit #13 by virtue of tax liens against Witch1 productions, LLC dated June 15, 2010 and July 18, 2011. Vote 5-0, motion passes.

L. Other Business

Kinley Gregg
Ronald N. Nowell

M. Citizens Forum

Public Comment: Frank Coughlin
Charles Stacy
Mary Coughlin
Sam Horn

Adjourn

Moved by Mr. Nowell, seconded by Ms. Andrews to adjourn at 10:20 PM.

Respectfully Submitted By:

Katie L McWilliams; Recorder