

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00/7:00PM MONDAY, OCTOBER 21ST, 2013
YORK LIBRARY**

Call to Order

Chairman Nowell called the meeting to order at 6:00PM

6:00PM: Executive Session – Real Estate; Pursuant to MRSA Title 1, Section 405 (6)(C) and Union Contracts; Pursuant to MRSA Title 1, Section 405 (6)(D)

Moved by Ms. Gregg, seconded by Mr. Fiorentino to enter into Executive Session at 6:02PM. Without objection, so ordered

Moved by Ms. Andrews, seconded by Mr. Fiorentino to exit out of Executive Session at 6:54PM. Without objection, so ordered

7:00PM

Present: Chairman, Ronald Nowell, Vice Chairman, Kinley Gregg, Scott Fiorentino, Mary Andrews, Torbert Macdonald, Town Manager, Robert G. Yandow, Recorder, Melissa M. Avery and members of the press and public

Opening Ceremonies

A. Minutes

1. August 26, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the August 26, 2013 Meeting Minutes as amended. Vote 5-0, motion passes

2. September 23, 2013 Meeting Minutes

Moved by Mr. Gregg, seconded by Ms. Andrews to approve the September 23, 2013 Meeting Minutes as amended. Vote 5-0, motion passes

B. Chairman's Report

Chairman Nowell stated that he left a series of pictures of Broadway Extension in all the Board of Selectmen's mailboxes and would like to address the condition of that road at an upcoming meeting.

He also wanted to remind the Board to bring up any questions or comments on the Request for Proposals they received regarding Town Counsel so that it can be addressed at a future meeting.

Mr. Nowell noted that he attended a meeting with the Maine Department of Environmental Protection regarding the Short Sands Beach Outfall and that a report will be generated about the meeting that will be made available to the newspapers and put on the Town website when it is finished. Also he mentioned that Peter Slovinsky of the Maine DEP would be willing to come to a town meeting to speak about the Short Sands drainage system.

C. Manager's Report

Town Manager, Robert G. Yandow informed the citizens that absentee ballots for the upcoming election are available in the Town Clerk's Office at Town Hall until October 31st and also that the Town Clerk's Office will be closed on Election Day, November 5, 2013 to man the polls.

Mr. Yandow also reminded the citizens to register with Public Works at 207-363-1010 for the annual Hazardous Waste Day happening on Saturday, October 26th from 9:00AM to 1:00AM.

D. Awards

None

E. Reports

None

F. Citizens' Forum - The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All 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: John Harrigan
Mike Micciche
Josh Mirick
Jim Carmody
Sam Horn
Helen Rollins
Charles Stacey
Ted Little

G. Approval of Warrant #16

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #16. Vote 5-0, motion passes

H. Public Hearings

None

I. Endorsements

None

J. Old Business

None

K. New Business

Moved by Mr. Macdonald, seconded by Ms. Andrews to take item 2 and times 5-12 in New Business out of order. Vote 5-0, motion passes

1. "2. Contract with York Ambulance"

The Town's current contract with York Ambulance will expire at the end of this fiscal year. Approval of a new two year contract will aid in the budgeting process for fiscal years 2015 and 2016.

Ms. Andrews stated that there were five "cardiac arrest" saves this year because of the care and timely manner of York Ambulance and applauded their commitment to saving lives.

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve a two year contract with York Ambulance for the provision of ambulance services in the Town of York for fiscal years 2015 and 2016 in the amount of \$40,000 per year subject to voter approval each year. Vote 5-0, motion passes

2. "5. Appointments to the Municipal Social Services Review Board"

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Edward Little and Roslyn Birger-Hershfield to the Municipal Social Services Review Board as Regular Members, with terms expiring June 30, 2016. Vote 5-0, motion passes

3. "6. Appointments to the Sohier Park Committee"

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Francis Hartwell and Tony Knox to the Sohier Park Committee as Alternate Members, with terms expiring June 30, 2016. Vote 5-0, motion passes

4. "7. Appointment to the Historic District Commission"

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to appoint Jon Powers to the Historic District Commission as a Regular Member with a term expiring June 30, 2016. Vote 5-0, motion passes

5. "8. Appointment to the York Harbor Site Design Review Board"

Ms. Gregg put out the suggestion of re-writing the ordinance(s) that contain(s) the York Harbor Site Design Review Board by-laws to omit the membership pigeonholing requirement to this board.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to appoint Dean A. Mello to the York Harbor Site Design Review Board as a Regular Member with a term expiring June 30, 2016. Vote 5-0, motion passes

6. "9. Appointment to the Senior Citizen Advisory Board"

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Deborah J. Meyers to the Senior Citizens Advisory Board as an Alternate Member with a term expiring June 30, 2016. Vote 5-0, motion passes

7. "10. Special Event Permit: Great Strides"

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit for Great Strides on Sunday, May 18, 2014 from 9:00AM to 12:00PM. Vote 5-0, motion passes

8. "11. Special Event Permit: Costume Parade and Halloween Hop"

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for Parks and Recreation's "Halloween Hop and Parade" on Friday, November 1, 2013 starting at 4:30PM. Vote 5-0, motion passes

9. "12. Special Event Permit: Festival of Lights Parade"

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for Parks and Recreation's "Festival of Lights Parade" on Sunday, December 7th 2013 starting at 4:30PM. Vote 5-0, motion passes

10. "1. Discussion and Possible Action on Moving Forward with Connector Road or Other Alternative"

At the October 7, 2013 Selectmen's meeting, the Board discussed the Connector Road between Route One and the new police station. During that discussion, the Board talked about revisiting a consolidated road with the York Wild Kingdom. Chairman Nowell read the memorandum from the Town Manager dated October 18, 2013 and also a memorandum from Andrew Johnston of SMRT dated October 15, 2013 into the record.

Mr. Macdonald expressed concern of having two roads within such a short distance of each other in a high speed zone on Route One and agrees with note #6 of Town Manager Yandow's memo that a meeting with all local, state and federal regulators would be necessary to determine the feasibility of a connector road that is partially shared with York Wild Kingdom to which he thinks will rectify, in his view the wrong decision of the currently designed project.

Ms. Andrews reiterated a previous point that she made that the Board of Selectmen knew that there would be a traffic light at the intersection of the Connector Road and Route One, but assumed they would be held to following the State protocol which would result in a delay of that light being put in; It wasn't until the Planning Board proposed the traffic light that it became the Town's responsibility to pay for it. She feels that going through the process of the possibility of changing of the current design will push the project back further and cost more of the taxpayers' money.

Mr. Fiorentino stated that the traffic engineering study that was done of the proposed intersection has been confirmed by Maine Department of Transportation to exceed and/or meet national standards. Mr. Fiorentino also stated that the current design for the project is what was presented to and approved by the voters and it is the responsibility of the Selectmen to see the project through as approved and put personal bias aside.

Ms. Gregg expressed that she is sympathetic to the York Wild Kingdom's ingress and egress and that even though she is not a fan of the intersection being where it is currently designed, that in the essence of time and money, it needs to move forward.

Chairman Nowell stated that he and Mr. Macdonald are not trying to delay the project, as per some people's perception and that he feels that the project has been drawn out due to the Board of Selectmen delegating the Town Manager to direct the project. He feels that the project has not moved forward because it is not ready to go to the Planning Board. Mr. Nowell voiced concern that no one is taking responsibility of the authorization of the tasks that took place and resulted in environmental violations that on the town property.

Moved by Mr. Fiorentino, seconded by Ms. Andrews to authorize SMRT to complete the engineering documents for the Connector Road as currently

designed. Vote 3-2, Chairman Nowell and Mr. Macdonald opposed, motion passes

11. "3. Process for Requesting Speed Limit Reduction on Route 1"

On October 7, 2013 the Town Manager was asked by the Board of Selectmen to contact the Maine Department of Transportation and determine the steps necessary to request a speed limit reduction on US Route One. Steve Landry, State Traffic Engineer for MDOT advised that a letter from the Town is all that is required to initiate the process.

Chairman Nowell suggested contacting local Legislators, Senators, Representatives and the York Police Department for their support and to get them on board with pushing the speed limit reduction petition on Route One. The Board asked the Town Manager to contact Steve Landry of the Maine Department of Transportation to set up a meeting to discuss the speed limit reduction process.

12. "4. Resolution for Penstock Road"

At a work session on October 3, 2013, the existence of Penstock Road was discussed with information being provided by Dennis Carrillo, attorney for Ellis Short Sands Park and Bill Burnham, and by Director of Public Works, Dean Lessard. At the end of the meeting it was determined that the Town and Ellis Park/Bill Burnham would meet in an attempt to come up with a mutually agreeable resolution. On October 17, 2013 Dennis Carrillo met with Dean Lessard and Town Manager, Robert G. Yandow and discussed the Town's need for future access to the area in the event the road is formally abandoned or discontinued. Mr. Carrillo, with assistance from Town Attorney, Durward Parkinson will draft an easement document for the Town's review.

L. Other Business

The Board discussed setting a date in the next few weeks for a work session to discuss the request for proposals that were received for Town Legal Counsel.

M. Citizens' Forum

Public Comment: Jim Carmody
John Harrigan
Helen Rollins
Betty Weaver
Charles Stacey
Mike Micciche
Tom Hoffman
Sam Horn
David Brinkman

Adjourn

Chairman Nowell adjourned the meeting at 10:05PM

Respectfully Submitted,

Melissa M. Avery, Recorder