



# Town of York

186 York Street  
York, Maine 03909-1314

## SELECTMEN'S MEETING 7:00 P.M. MONDAY AUGUST 12, 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 and members of the press and public.

Call to Order

Opening Ceremonies

### A. Minutes

- June 24, 2013 Selectmen's Meeting Minutes  
No motion was made

### B. Chairman's Report

- Central Maine Power sprayed trees this spring and many are now dead or partly dead on Rte 1, creating an unpleasant roadway.
- On August 2nd there was a 19 yr old youth that walked along Long Sands Beach carrying a loaded rifle and went into a general store and warned the cashier not to touch it. Mr. Nowell wanted to express his gratitude to the Police Department for handling it the way they did. They had no idea what this man was doing. Mr. Nowell feels it is a sad way that someone would express their 2<sup>nd</sup> amendment rights this way.
- The Code Enforcement Office Amber Harrison responded to the concerns of the Board regarding the Meadowbrook. She put together a very long legal summary of all the things wrong at the plaza. They have started to correct the problems. Mr. Nowell appreciates the work Ms. Harrison has done to get this correct.
- Mr. Nowell does not have a computer or e-mail address. He uses his wife's e-mail account, and would appreciate no nasty e-mails. Letters can be mailed to him at Po Box 332 Cape Neddick Maine or you can contact him by phone at 363-2200.

### C. Manager's Report

- There are a few new faces at the Town Hall; Liam Gallagher from Westbrook has been appointed as the new HR Director. New Finance Director, Wendy Anderson started full time at the Town Hall today. Don Day the Harbor Master will be retiring and the town will be looking at replacing him over the next few months.
- Tax bills have been sent out with the payment first due Sept 13<sup>th</sup>.
- Many New England states, including Maine, have discovered EEE and West Nile Virus in Mosquito pools. The Town will provide ongoing information and Mr. Yandow reminded residents to take precautions.

### D. Awards:

#### 1. FY14 Heating Oil Bids

The Town recently initiated the annual process of soliciting heating oil bids for the upcoming heating season. A request for bids was advertised in the York Weekly, Portsmouth Herald and York County Coast Star. In addition, a direct solicitation was made to seven heating oil companies that had previously indicated an interest in bidding.

The low bid came in from York Oil at 3.025 a gallon with a high from Gibbons at \$3.49 a gallon.

Moved by Mr. Macdonald, seconded by Ms. Gregg to award the FY 14 heating oil bid to York Oil at 3.025 a gallon. Vote 5-0, motion passes.

#### 2. Award Bid for Grant House Boiler

The Energy Efficiency Steering Committee recently solicited bids for a new boiler at the Grant House. The RFP allowed bidders to submit prices on either a propane boiler or a wood pellet boiler. Five companies were represented at a pre-bid conference and subsequently three bids were received, although one bid was rejected for lack of information. The remaining two bidders proposed a total of three alternatives. The Energy Efficiency Steering Committee recommends that the bid be awarded to E.C. Robbins Construction for a wood pellet boiler priced at \$56,856.00. The second bid for a wood pellet boiler came in at \$169,753.00. The third bid was for a propane boiler in the amount of \$9,120.00.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to award the bid for a new boiler at the Grant House to E.C. Robbins Construction in an amount not to exceed \$56,856.00. Vote 5-0, motion passes.

**E. Reports:**

Matthew Webber, a Life Scout in Boy Scout Troop 301 of York Maine presented the board with his proposal to build and establish two osprey nesting platforms alongside Route 103.

Mr. Webber is requesting the board's approval in this project. Moved by Mr. Macdonald, seconded by Mr. Fiorentino to authorize Matthew Webber to place two osprey nesting platforms within the Wheeler Wildlife Refuge under the guidance of Mr. William Lee of UNH. Vote 5-0, motion passes.

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.

Bob Lascelles  
Michael Swant  
Ray McMahan  
Brian McGann  
Dave Emery  
Charles Stacy

**G. Approval of Warrant #6**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant # 6. Vote 5-0, motion passes.

**H. Public Hearings:**

1. Firearms Safety Ordinance-Map Amendment

Moved by Mr. Macdonald, seconded by Ms. Gregg to open the public hearing at 8:12 pm.

Public Comment: Doug Bracy, Chief of Police  
Brent Maynard

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to close the public hearing at 8:27pm. Vote 5-0, motion passes.

## 2. Street Opening and Culvert Ordinance Amendment

Moved by Mr. Macdonald, seconded by Ms. Gregg to open the public hearing at 8:27 pm.

Public Comment: Community Development Director, Stephen Burns

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to close the public hearing at 8:37pm. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to forward the proposed amendments; Street opening and Culvert Ordinance Amendment and Firearms Safety Ordinance to a second public hearing on August 26, 2013. Vote 5-0, motion passes.

### I. Endorsements- Business Licenses

1. Trevor Fitzgerald DBA Hawaiian Jim's Shave Ice (*Victualers*); Located at P.O.Box 186
2. Pat Rocheleau DBA Ledges Golf Club (*Victualers/Liquor*); Located at 1 Ledges Drive
3. Hannaford Bros. Co. DBA Hannaford Food and Drug (*Victualers*); Located at 5 Hannaford Drive

Moved by Mr. Macdonald seconded by Ms. Gregg, to approve the following license; Trevor Fitzgerald DBA Hawaiian Jim's Shave Ice (*Victualers*); located at P.O.Box 186, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following license; Pat Rocheleau DBA Ledges Golf Club (*Victualers/Liquor*); located at 1 Ledges Drive

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

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following license; Hannaford Bros. Co. DBA Hannaford Food and Drug (*Victualers*); located at 5 Hannaford Drive subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

1. Authorization for SMRT to Finalize Plans for Police Station Project and Ride Road Access Point

Moved by Ms. Gregg, seconded by Mr. Fiorentino to authorize SMRT to complete design plans for the York police station and the Ridge Road access point. Vote 3-2, Mr. Nowell and Mr. Macdonald opposed.

Mr. Nowell needs assurance from legal counsel that the project cannot be moved to another site. Until then he will not vote to give SMRT any more money for anything.

**K. New Business**

1. **Crosswalk at Cape Neddick Beach**

Mr. Nowell requested the possibility of putting crosswalks at Cape Neddick Beach on the agenda once again as a matter of public safety. Dean Lessard, Director of Public Works, explained to the board why putting a crosswalk across from the loading zone is not recommended.

Shore Road is a state highway and the state has guidelines that must be followed before they allow crosswalks in public road. Firstly is a safe landing area; a parking spot or gravel shoulder is not a safe landing area. Currently the loading zone is across from a 15 min parking spot. The second guideline is that a new crosswalk needs to be visible. This crosswalk would be between vehicles therefore it would require removing two parking spots allowing 20' on each side of the unsigned crosswalk. According to Mr. Lessard, we are bound by these rules.

Mr. Fiorentino asked if signs could be put up to slow people down. Mr. Lessard suggested a sign such as; Caution Pedestrians.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino for Mr. Lessard to install at least two if not three appropriate signs on both the north and south bound lanes. Vote 5-0, motion passes.

## **2. Selectmen's Liaison Positions**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to appoint Torbert Macdonald as Selectmen Liaison to the Energy Efficiency Committee. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to appoint Torbert Macdonald and Scott Fiorentino as Selectmen members to the Capital Planning Committee. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to appoint Kinley Gregg as Selectmen Liaison to the York Library. Vote 4-0-1, Ms. Gregg abstained, motion passes.

## **3. Discussion Regarding the Establishment of a Selectmen's Liaison Position to the Mount Agamenticus Steering Committee**

Moved by Mr. Fiorentino, seconded by Ms. Andrews to appoint Torbert Macdonald as Selectmen Liaison Position to the Mount Agamenticus Steering Committee. Vote 5-0, motion passes.

## **4. Business Directional Sign for GiGi's Italian Restaurant - 2 Beach Street**

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the single sided business directional signs requested at the intersection of Route 1 and Cape Neddick Road northbound & southbound for Gigi's Italian Restaurant. Vote 5-0, motion passes.

## **5. Ballot for MMA Elections**

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the slate of officers as proposed by the Maine Municipal Association. Vote 5-0, motion passes.

## **6. Discussion and Possible Action of Moving Firearms Safety Ordinance Amendments and Street Opening and Culvert Ordinance Amendments to a Second Public Hearing on August 26, 2013.**

No Action

**7. Acceptance of the Resignation of Janalee Moquin from the York Budget Committee and the Calling of a Special General Referendum**

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to accept the resignation of Janalee Moquin from the York Budget Committee and to call a Special General Referendum for November 5, 2013 in accordance with Article V, Section 3(D) of the Town of York Home Rule Charter. Vote 5-0, motion passes.

**8. Proposal Form Communications Facilities, Inc. for Management of Towers on Mount A**

Mike Sullivan, Parks and Recreation Director received a proposal for management of the Town-owned towers from Dave Libby of Communications Facilities, Inc. It was decided and agreed upon by the board that a legal advisor needs to review the contract before any decision can be made.

**9. Appointment to Parks and Recreation Board**

Moved by Mr. Macdonald seconded by Ms. Gregg, to appoint Nancy Stolberg to a three year term on the York Parks and Recreation Committee with a term expiring on June 30, 2016. Vote 5-0, motion passes.

**10. Appointment to York Harbor Board**

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Joe Foote to a two year term as an alternate to the York Harbor Board with said term expiring on June 30, 2015. Vote 5-0, motion passes.

**11. Discussion of Letter from Jon Doyle to the Town of York Regarding Bath House Project at Ellis Short Sands Park**

Mr. Nowell asked that this item be put on the agenda. Attorneys for Ellis Short Sands Park and Bill Burnham provided a letter to the board in reference to the bath house project at Ellis Short Sands Park and the depiction of Penstock Road on the final plan set approved by the Planning Board.

**12. Discussion of Issues with Short Sands Drainage Pipes**

The drainage pipe in is not draining due to the amount of sand and seaweed in it. However the pipe cannot be cleaned out properly. It was suggested by Mr.

Macdonald that Mr. Yandow have Steven Bradstreet come in and see what his suggestions are for fixing it. He was the original designer of the pipe.

**13. Discussion and Possible Action on Request for Osprey Nesting Platforms**

Motion made out of order in Reports

**14. Special Permit for Catering Privileges off Premise - Bill Foster's Downeast Clambake**

Moved by Ms. Gregg ,seconded by Mr. Macdonald to approve the Special Permit for Catering Privileges Off Premises for Bill Foster's Downeast Clam Bake at View Point Hotel, on August 30, 2013 from 2:00PM - 9:00PM. Vote 5-0, motion passes.

**15. Special Permit for Incorporated Civic Event- Hilton - Winn Farm**

Moved by Ms. Gregg , seconded by Mr. Macdonald to approve the Incorporated Civic Organization for The Youth Enrichment Center at Hilton Winn Farm Inc., Saturday, September 7, 2013 from 1:00pm-6:00pm. Event to be held at 186 Ogunquit Rd, Cape Neddick, ME 30902. Vote 5-0, motion passes.

**16. Special Permit for Catering Privileges Off Premise- TFC DBA Clay Hill Farm**

Moved by Ms. Gregg , seconded by Mr. Macdonald to approve the Special Permit for Catering Privileges Off Premises for TCF Corp. DBA Clay Hill Farm, Friday August 23, 2013 from 4:45pm- 11:45pm. Vote 5-0, motion passes.

**17. Special Event Permit- Walk MS-York**

Moved by Ms. Gregg, seconded by Mr. Macdonald to approve the Special Event Permit for the Walk MS- York, Sunday September 29, 2013 from 10:00am- 12:00pm. Event to begin at York High School, follow Long Sands Beach to the Nubble area, short sands then back on Long Sands Beach. Vote 5-0, motion passes.

**18. Special Event Permit Application: Clay Hill Farm's Fall Festival**

Moved by Ms. Gregg , seconded by Mr. Fiorentino to approve the Special Event Permit for the Clay Hill Farm's Fall Festival, Monday October 14, 2013 from 11:00am-2:00. Event will be located at Clay Hill Farm's Front Lawn. Vote 5-0, motion passes.

**19. Special Permit for Catered Function - The Black Tie Co. at Camp Hammond**

Moved by Ms. Gregg, seconded by Mr. Macdonald to approve the application for a Catered Function by Qualified Catering Organization, Saturday, August 24, 2013 from 12:00pm-12:00am. The event will be held at Josiah's River Farm. Vote 5-0, motion passes. Vote 5-0, motion passes.

**20. Special Permit for Catered Function- The Black Tie Co. at Camp Hammond**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the application for a Catered Function by Qualified Catering Organization, Saturday, September 7, 2013 from 12:00pm-12:00am. The event will be held at Josiah's River Farm. Vote 5-0, motion passes. Vote 5-0, motion passes.

**L. Other Business**

Moved by Mr. Fiorentino, seconded by Ms. Andrews to appoint Joseph Carr to the Appeals Board. Vote 3-2, Mr. Nowell and Mr. Macdonald opposed, motion passes.

**M. Citizens Forum**

Charles Stacy

**Adjourn**

Moved by Ms. Andrews, seconded by Mr. Nowell to adjourn at 10:33 PM.

Respectfully Submitted By:

\_\_\_\_\_  
Katie McWilliams; Recorder