



Town of York

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York, Maine 03909-1314

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Selectmen
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Tax Collector
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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
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SELECTMEN'S MEETING 6:00/7:00 P.M. MONDAY MARCH 11, 2013 YORK LIBRARY

5:30 PM: Board and Committee Interviews

6:00 PM: Executive Session: Legal (Pursuant to M.R.S.A. Title 1, Section 405 (6)(E) and Real Estate (Pursuant to M.R.S.A. Title 1, Section 405 (6)(C) for the Purpose of Meeting with the Town Attorney to Discuss Legal and Real Estate Issues Relating to the Police Station and Connector Road Projects

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

Call to Order at 7:00pm

Pledge of Allegiance

A. Minutes

- February 25, 2013 Selectmen's Meeting Minutes

Moved by Mr. Little, second by Mr. Fiorentino to approve the February 25, 2013, Selectmen's Meeting Minutes as amended. Without objection, so ordered.

B. Chairman's Report

None

C. Manager's Report

- In the near future there will be a series of public hearings in Augusta having to do with the Governors biennial budget and the move to reduce or eliminate revenue sharing, homestead exemption and other various sources of state revenues for municipalities. The first is on Wednesday March 13th at 1pm relating to suspension of revenue sharing. Secondly on, Monday March 18th at 1pm regarding the proposed cuts to education and the Governors budget, one of which is related to the retirement costs that are now recommended to be

pushed on towns and cities. Closer to York will be a public hearing on Monday April 1 in Wells relating to some of the same issues. When we get more information on the time and location we will let the town know.

- On Friday March 8th, the Governor submitted his request for Federal disaster funds from Washington as a result of the “Nemo” storm on February 9, 2013. Hopefully we will be eligible for some FEMA funding.

D. Awards:

1. Bid for Design Services Related to Insulation Upgrade at the York Village Fire Station

On January 28, 2103 the York Energy Efficiency Steering Committee received authorization from the Board of Selectmen to issue tow Requests for Proposals (RFP). One of these RFPs was for design services related to an insulation upgrade in the attic of the York Village Fire Station. That RFP was subsequently sent to two firms (AMEC Environment and Infrastructure and Allied Engineering) based on their expertise. Responses to the RFP were due to at the Town Hall by 1:00 on March 1, 2013. The proposal from Allied arrived prior to the deadline; however the proposal from AMEC arrived electronically at 1:37 p.m. which was past the deadline. As a result, only one qualified bid was received in a timely manner.

Moved by Mr. Little, seconded by Mr. Fiorentino to award the bid for design services relating to an insulation upgrade in the attic at the York Village Fire Station to Allied Engineering in an amount not to exceed \$16,625.00. Vote 4-1, Mr. Fiorentino opposed, motion passes.

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.

Helen Rollins
Mike Micciche

G. Approval of Warrant #36

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant # 36. Vote 5-0, motion passes.

H. Public Hearings:

Proposed Amendment to Article III, Section 8 of the York Home Rule Charter

Moved by Mr. Little, seconded by Mr. Fiorentino to open the Public Hearing at 7:25 pm.

Helen Rollins

Moved by Mr. Nowell, seconded by Mr. Little to close the Public Hearing at 7:27 pm.

I. Endorsements- Business Licenses

1. Downeast Resorts LLC DBA Cape Neddick Inn (Victualers/Liquor/Special Amusement)
2. Jonathan King & James Stott DBA Stonewall Kitchen (Victualers/Liquor)
3. Clark Frasier & Mark Gaier DBA Aarows Restaurant (Victualers/Liquor)
4. CNLP/Joseph Young DBA Cape Neddick Lobster Pound (Victualers/Liquor/Special Amusement)
5. James H. Williams DBA Wild Willys Burgers (Victualers/Liquor)
6. Victor Guay/Ralph Goddard DBA Bittersweet Bed & Breakfast (Bed & Breakfast)

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the following license application; Downeast Resorts LLC DBA Cape Neddick Inn (Victualers/Liquor/Special Amusement), Jonathan King & James Stott DBA Stonewall Kitchen (Victualers/Liquor), Clark Frasier & Mark Gaier DBA Aarows Restaurant (Victualers/Liquor), CNLP/Joseph Young DBA Cape Neddick Lobster Pound (Victualers/Liquor/Special Amusement), James H. Williams DBA Wild Willys Burgers (Victualers/Liquor) and Victor Guay/Ralph Goddard DBA Bittersweet Bed & Breakfast (Bed & Breakfast) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0-1, Mr. Nowell abstained, motion passes

J. Old Business

None

K. New Business

1. Proposed Land Swap with the Patrick J. Cragin 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 the Ridge Road through the easterly sideline of property owned by the Patrick J. Cragin Revocable Trust.

Prior to development of plans for a new police station and connector road from US Route 1 through the 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 Cragin Trust property to the westerly side. The Cragin 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 Cragin Trust. The site plan amendment was subsequently approved by the planning board on March 8, 2012. That approval has subsequently lapsed as the mylars were not signed within the required time allowance. The site plan amendment will need to go back to the planning board for a second approval.

After a lengthy discussion by the board with Richard A. Shinay Attorney for the town from Drummond Woodsum, a motion was made by Mr. Fiorentino, seconded by Mr. Little, to approve a land swap between the Town of York and the Patrick J. Cragin Revocable Trust, as identified in the attached Land Swap agreement as Exhibit B, dated May, 2012 by BH2M and title Land Swap Plan: Land of Patrick J. Cragin Living Revocable Trust & Town of York, Ridge Road, York, Maine and further to forward the approved land swap to the May 18, 2013 Special General Referendum for voter approval. Vote 3-2, Mr. Nowell and Ms. Gregg opposed, motion passes.

2. Application for Necessary Permits for Police Station and Connector Road Projects

The York Planning Board rescinded all approvals for the new police station and connector road projects. As a result of that rescission, it will be necessary to submit a new application to the Planning Board, the Maine DEP and the US Army Corps of Engineers. While most of the information to be contained in the new applications will be identical to the original applications, it will be necessary to revise the plans that were part of the original submission. The revisions will include the elimination of lots not part of the project, subdivision of the Blinn property and the relocation of utilities.

On February 27, 2013 a meeting was held with all parties involved with the police station and connector road projects. These parties included town staff, architects and engineers, PC Construction, the York Water and Sewer Districts and the Chair of the Municipal Building Committee. During the meeting all outstanding issues were discussed as was a method for addressing these issues. During the meeting it was reinforced that all outstanding issues needed to be addressed, along with the corrective action necessary to ensure that future applications would be accurate and would contain all relevant and necessary information. These issues include subdivision of the Blinn property as the Board of Selectmen and voters previously agreed to sell the property; redesign and relocation of sewer which will be extended from Caddy's Way rather than from Ridge Road; the negotiation of an expanded utility easement from the Norton family to facilitate the sewer redesign; a land swap with the Patrick J. Cragin Trust; reservation of previously cleared land for a small park and related amenities on the connector road and the location of a communications tower on the police station site.

While many of these issues will take time to resolve, Mr. Yandow is recommending formally approving the process of moving forward towards submitting new applications.

He is also recommending that the Board of Selectmen have a discussion in the near future regarding the appointment of a project manager.

Ms. Andrews asked the Town Manager to keep the board updated at every meeting in regards to any progress made to this project.

Moved by Mr. Little, seconded by Mr. Fiorentino to authorize the Town Manager to apply for all local, state and federal permits and approvals necessary for construction of a new police station and connector road between Ridge Road and US Route 1. Vote 4-1, Ms. Gregg opposed, motion passes.

3. Proposed Charter Amendment Relating to Appointment of Town Attorney

At the February 25, 2013 meeting the Board of Selectmen approved scheduling a public hearing to receive public input on a proposed charter amendment which would vest authority for the appointment of the Town Attorney (Salaried Solicitor) with the Board of Selectmen rather than the Town Manager. As indicated above, the amendment, if approved, would vest the authority for appointment the Town Attorney with the Board of Selectmen.

Moved by Mr. Nowell, seconded by Mr. Little, that the proposed amendment to Article III, Section 8(A) of the York Home Rule Charter relating to appointment of the Town Attorney be moved to the May 18, 2013 Special General Referendum. Vote 5-0, motion passes.

4. Warrant Article for School Resource Officers at Village Elementary and Coastal Ridge

On March 6, 2013 the York School Committee voted to submit a special warrant article to support a police officer at each of the two elementary schools and to send a formal request to the Selectmen, via the Town Manager, that the Selectmen support/endorse the article. This was originally scheduled for the School Committee's January 30, 2103 meeting but was postponed.

The proposal is to place a police officer in each of the two elementary schools. If approved, this would mean placing a veteran police officer at each of the schools and hiring two new officers to replace the veteran officers in the patrol division. It is expected that the initial cost associated with the two new officers would be in the neighborhood of \$75,000 each including wages and benefits. The Board of Selectmen will need to decide whether to support the warrant article and, if so, to determine which budget (Town or School) should include the expense.

Police Chief Doug Bracy reminded the board that York is 56 square miles, and it is not possible to guarantee that a police officer can be at the school within minutes based on the staff they keep on each day.

The Board was in agreement that more discussion needs to be held on this topic preferably with the School Committee, and agreed not to move anything to the budget referendum.

5. Warrant Article for Use of Meter Funds- Discussion

Last year, as part of discussions regarding improvements to York Beach, the topic of parking pay stations and meters with credit card capability was discussed. During that discussion it was noted that there are funds available in the beach reserve account for the purchase of new parking devices; however voter approval is required for use of the funds. We currently have a number of meters that are being repaired and it is unclear if they are still under warranty. We are soliciting pricing on pay stations for use in lieu of meters as well as new meter heads with credit card capability. We will be developing a warrant article for Selectmen approval that will include sufficient funding to meet parking enforcement needs. There is over \$200,000 in the Beach Reserve Account and it is estimated that the request for voter approval will be approximately \$75,000.

Many studies have been done on using the Smart Meters. On York Beach Square they would work well, but it's recommend to keep them off Long Sands. The salt air would not be good for them, and the cell phone service is not good therefore they won't work. More discussion will be on this topic in the future.

6. Approval of Pole Permit

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the pole location permit for 2 poles on Berwick Road in an easterly direction 550 feet from pole #8. Vote 5-0, motion passes.

7. Special Event Permit- 4th of July Fireworks

Moved by Mr. Little, seconded by Mr. Nowell, to approve the Special Event Permit for the 4th of July Fireworks- Friday July 5, 2013 with a rain date of Saturday, July 6, 2013. Event to be held at Short Sands Beach, with the fireworks being launched off a barge. Vote 5-0, motion passes.

L. Other Business

M. Citizens Forum

Sam Horn

Adjourn

Moved by Mr. Nowell, seconded by Ms. Gregg to adjourn at 10:06 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder