



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
(207)363-1011

Harbor Master
(207)363-1000

Senior Center/
General Assistance
(207)363-1036

Parks and
Recreation
(207)363-1040

Fax
(207)363-1009
(207)363-1019

www.yorkmaine.org

SELECTMEN'S MEETING 7:00 P.M. MONDAY FEBRUARY 14th 2011 YORK LIBRARY

Call to Order-

Pledge of Allegiance

A. Minutes

-January 31st, 2011 Selectmen's Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

E. Reports

F. Citizens Forum - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. 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.

G. Approval of Warrant #33

H. PUBLIC HEARINGS

1. Interim Plan for changes to the intersection of York Street, Long Sands Road and Hospital Drive

I. ENDORSEMENTS

License Applications

-Kevin Tacy dba Fosters Downeast Clambake (Victualers, Liquor, Special Amusement)

- Tom Robinson dba York Lobster and Seafood (Victualers, Liquor)
- The Goldenrod dba Lobster Cove (Victualers, Liquor, Special Amusement)
- York Golf and Tennis Club dba York Golf and Tennis Club (Victualers, Liquor, Special Amusement)

J. Old Business

K. New Business

1. Mediation Agreement with Paras Pizza
2. Overview of Business Licensing Process
3. Board and Committee Appointments

L. Other Business

Adjourn

SELECTMEN'S MEETING
7:00 P.M. MONDAY JANUARY 31st 2011
YORK LIBRARY

Attendees: Michael L. Estes, Mary Andrews, Tracy Jackson-McCarty, Edward W. Little, Robert G. Yandow, Town Manager Kathryn Danylik, Recorder and Members of the Press & Public

Call to Order- Chairman Jackson-McCarty called the meeting to order at 7:00 PM.

Pledge of Allegiance

A. Minutes

-January 24th, 2011 Selectmen's Meeting Minutes

Moved by Ms. Andrews and seconded by Mr. Estes to approve the January 24th 2011 Selectmen's meeting Minutes as amended.

B. Chairman's Report

Chairman Jackson-McCarty asked citizens to take caution as we brace for a few more storms this week.

Chairman Jackson-McCarty extended thanks to all the town employees who have done a great job this winter keeping our roads safe.

C. Manager's Report

Mr. Yandow asked citizens to please be mindful of the parking ban in place from midnight to 6 AM from Nov 1st through April 15th.

Mr. Yandow cautioned that based on the most recent forecast between tomorrow afternoon and Wednesday morning we could be looking at two feet of snow which could be very dangerous. If you have to go out please be careful and give yourself plenty of time to get where you need to go.

Mr. Yandow reminded everyone that the second half of property tax payments is due Friday February 4th.

Mr. Yandow reported that there is a health alert from the Center for Disease Control regarding influenza. The CDC is tracking 3 different strands of influenza and it is spreading rapidly. If you have not gotten a flu shot they are still available.

D. Awards

E. Reports

F. Citizens Forum - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. 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: Jack MacDonald
 Spiro Paras

G. Approval of Warrant #31

Moved by Ms. Andrews and seconded by Mr. Estes to approve Warrant #31. Vote 4-0 motion passes.

H. PUBLIC HEARINGS

I. ENDORSEMENTS

License Applications

- Andrew and Susan Wetzel dba Inn at Tanglewood Hall (Bed and Breakfast)
- The JKLT Group dba Wildcat Pizza (Victualers)
- The York Harbor Reading Room dba The York Harbor Reading Room (Victualers, Liquor, Special Amusement)

Moved by Mr. Little and seconded by Ms. Andrews to approve the following licenses: Andrew and Susan Wetzel dba Inn at Tanglewood Hall (Bed and Breakfast), The JKLT Group dba Wildcat Pizza (Victualers), The York Harbor Reading Room dba The York Harbor Reading Room (Victualers, Liquor, Special Amusement) subject to taxes, fees, and inspections being current and compliant with the usual noise stipulations. Vote 4-0 motion passes.

J. Old Business

1. Ms. Andrews revisited the Time Warner issue of cable bills that continue to rise. The citizens want the board to know that they are frustrated and upset.

K. New Business

1. Discuss Appointment of Cape Neddick Beach Task Force

On November 16th, 2010 the town hosted a meeting with the Maine Healthy Beaches Program, the Maine Department of Environmental Protection, and the Cape Neddick Rive Association and town staff. The primary purpose of the

meeting was to address the poor water quality in the Cape Neddick River. One of the discussion items during the meeting was specific to the Cape Neddick Beach and the need to develop an action plan for the beach itself.

A review of the Town Comprehensive Plan identified two areas that specifically reference the need for action at Cap Neddick Beach. The Comprehensive recommend that the Town establish a task force for the purpose of developing a plan of action. The task force will develop a plan that will address issues such as: Town ownership and potential conflict with the private property owners, public facilities; parking, restrooms, and sidewalks, services; lifeguards, beach cleaning, and trash collection, and traffic and pedestrian patterns near the beach.

Mike Sullivan, Parks and Recreation Director, recommends that the task force be given a time period of six months to complete the work. Once a plan is developed it will be presented to the Board of Selectmen of review and implementation.

Moved by Ms. Andrews and seconded by Mr. Little to appoint Chuck Ott, Donna Hayford, Michael Modern, Ron McAllister and Parks and Recreation Director Mike Sullivan to the Cape Neddick Beach Task Force with the addition of another member to be added at a later date.

The motion was amended by Ms. Andrews and seconded by Mr. Little to reference to the Comprehensive Plan Town Goal 7.2.1. Vote 4-0 motion passes.

2. Discussion of Options for Replacement of Birch Hill Road Culvert

Since the Mother's Day storm in 2006 the Department of the Public Works has observed and documented the water from Shorey's Brook/Pond over topping Birch Hill Road cause damage to the road and shoulder. With the financial help of FEMA Town crews have repaired the damage numerous times. In May 2008 the voters of York approved \$220,000 to replace the existing functionally deficient concrete box culvert. There are two different options in replacing the box culvert. The first is a precast concrete box culvert and the second is thermoplastic composite bridge.

Innovative Green Solutions (IGS), CLD Engineers and Parsons Brinckerhoff Engineers presented to the Board of Selectmen the thermoplastic composite bridge concept and what it would take to pursue this option.

Moved by Ms. Andrews and seconded by Mr. Little to request a bid from IGS and their town approved contractor to construct a thermoplastic bridge structure to replace the existing concrete box culvert adjacent to Shorey's Pond/Brook on Birch Hill Road. Vote 4-0 motion passes.

3. Discuss Process for improvements to York Village

On November 23rd, 2010 Mr. Yandow met with the York Village Business Association to discuss their concerns and to get some input as to how we should proceed in order to address their issues. The Village Business Association

provided Mr. Yandow with a list of relevant optics that had been identified as critical for York Village businesses. Mr., Yandow is recommending that the Board of Selectmen agree to appoint a committee, or a sub-committee to identify and prioritize the important issues in York Village. The sub-committee would explore the issues and then make recommendation to the Board of Selectmen. Mr. Yandow recommends that the membership on the committee be comprised of representatives from the York Village Business Association (2), York Hospital (1), Museums of Old York (1), Selectman (1), Planning Board (1), and town residents (2-3) and a town staff person.

Ms. Andrews stated that she would like to be involved in this. She thinks that a lot of village people feel that they are the forgotten ones. They deserve some work and some attention.

Mr. Little stated that he would like to see the residents be those who are in the affected area and strongly encourage those who live/work in the area to come forward.

Ms. Jackson-McCarty suggested that we make it a requirement that at least one citizen member be from York Village.

Mr. Yandow stated that we certainly need to open it up like we do with all committees but maybe we could have two members form the village area and one at large citizen.

Moved by Mr. Estes and seconded by Mr. Little to approve the initiating of the York Village sub-committee as outlined in the Town Managers plan from Jan 27th and to engage in the set up of the sub-committee. Vote 4-0 motion passes.

4. Discussion and Possible Approval of Collective Bargaining Agreements With York Firefighters Association (Local 3622 AFL-CIO-CLC) and York Department Of Public Works (Teamsters Local #340)

Moved by Ms. Andrews and seconded by Mr. Little to approve the negotiated collective bargaining agreements with Teamsters Local Union #340 representing the York Public Works Department and the York Firefighters Association Local 3622 AFL-CIO-CLC . Vote 4-0 motion passes.

5. Board and Committee Resignation: Gary Glynn HDC

Moved by Ms. Andrews and seconded by Mr. Little to accept with regrets the resignation of Gary Glynn from the Historic District Commission. Without objection so ordered.

L. Other Business

Adjourn

Moved by Ms. Andrews and seconded by Mr. Little to adjourn at 8:30 PM.



PUBLIC HEARING NOTICE

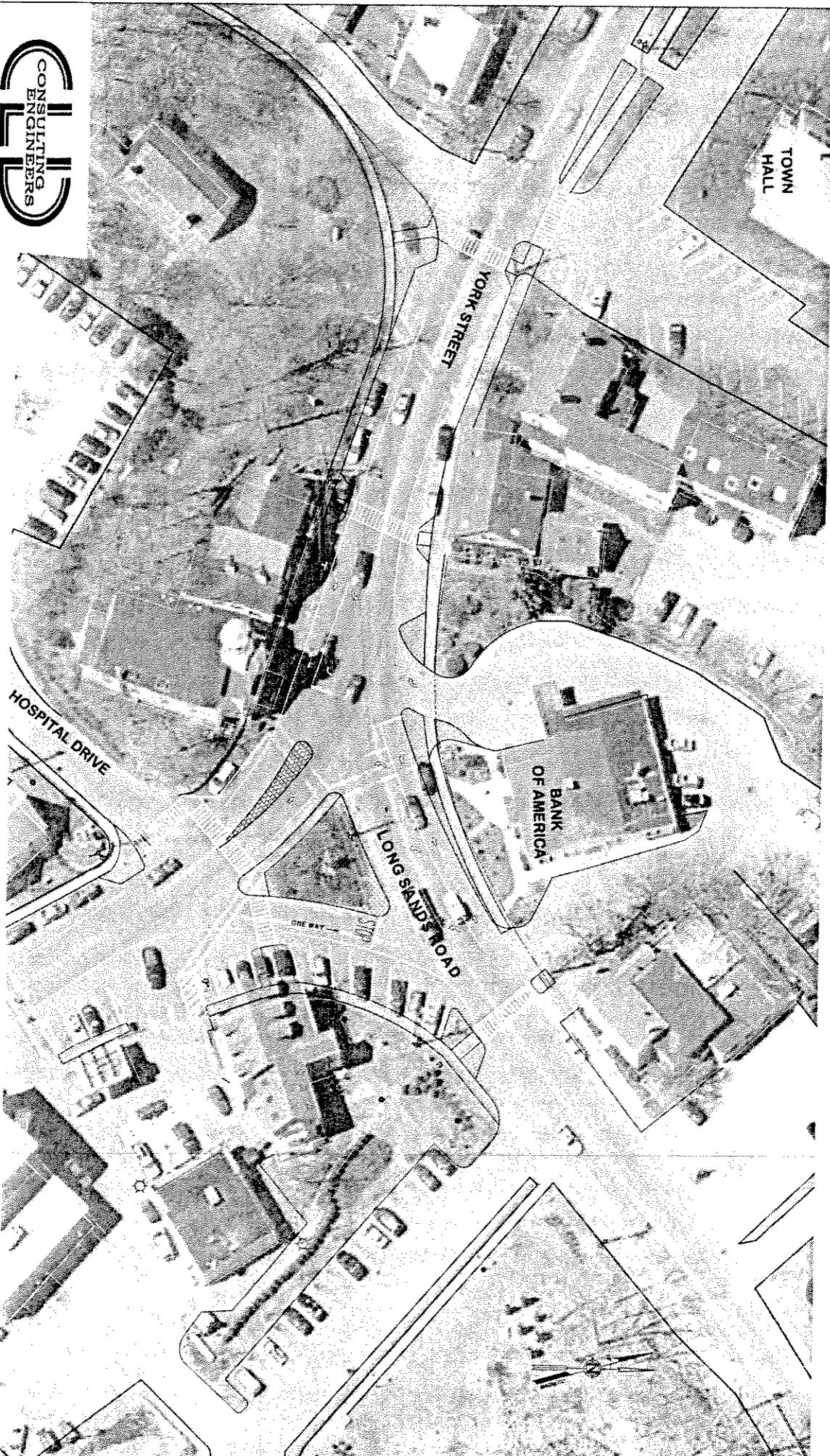
FEBRUARY 14th, 2011

7:00 PM

York Library

The Board of Selectmen will hold a public hearing on the Interim Plan for changes to the intersection of York Street, Long Sands Road and Hospital Drive

FIGURE 5: T-INTERSECTION INTERIM IMPROVEMENTS



Park Plaza Corporate Center
316 US Route 1, Suite D, W4E 03909
(207) 363-0669 • Fax: (207) 363-2384
cd@cdengineers.com www.cdengineers.com
Maine • New Hampshire • Vermont
PROJECT NO 100190



CONCEPT PLANS
YORK VILLAGE INTERSECTION

JULY 30, 2010



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 10, 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 14, 2011	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Public Hearing on York Village Intersection "Interim Plan"	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION:

Discussion: In the spring of 2010 CLD Consulting engineers was awarded a \$5,000 contract to study the intersection of Route 1A (York street) and Long Sands Road and develop recommendations in regard to potential improvements to the intersection. CLD met with staff and other interested parties and subsequently appeared before the Board of Selectmen to discuss their ideas and to get feedback. A public hearing was conducted and many residents and business owners offered their opinion about the various options. On July 30, 2010 CLD issued a final report entitled "**Study Report-Village Intersection-York Street/Long Sands Road/Hospital Drive-York, Maine.**" This report was later discussed by the Board of Selectmen and the board indicated interest in conducting a public hearing to get public feedback on an option in the report identified as the "Interim Plan".

The interim plan offers recommendations concerning the placement of stop signs and the creation of turning lanes on both York Street and Long Sands. I am attaching the Interim Plan narrative from the study report along with a graphic of the intersection illustrating the optional improvements. Business owners in the Village were hand-delivered a public hearing notice and residents in the area received a notice via the mail.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert H. Gannon

Reviewed By: _____

the cost of placing such utilities underground as part of any construction contract would be quite expensive.

- The proposed new curbing layout will require full evaluation and expansion of the existing drainage system, which already has known deficiencies.

B. Interim Improvements – T-Intersection w/Stop (Long Sands Rd) – Figures 5/6

The ultimate layout concept has refined the long-term desires for roadway and intersection improvements in the Village study area, as defined by the Town and the stakeholders. The Town requested an evaluation of those elements of the ultimate concept that could be implemented fairly easily and at relatively low cost, without major construction disruptions in the Village.

Overview

This layout still creates a more standard 3-way T-intersection with York Street as the major roadway and Long Sands Road as the minor roadway under Stop sign control, with some minor differences.

- Separate left- and right-turn lanes are provided on Long Sands Road; however, Long Sands Road remains at a slightly skewed angle at the intersection, similar to today. The stop lines are staggered so that traffic in the right turn lane does not have their sight line obscured by traffic queued in the left lane.
- The island and monument remain essentially untouched, except for modifications at the southern tip to accommodate pedestrian crosswalks across York Street.
- The slip ramp is retained as a one-way road between York Street and Long Sands Road, so the head-in parking near the commercial building remains.
- York Street southbound would be designated as two lanes: a left turn lane to Long Sands Road and a through lane continuing on York Street; however, it will remain essentially on existing alignment, since none of the sidewalk work along the south side of the street near the Church is proposed at this time.
- York Street northbound at Long Sands Road would be a single lane for through traffic only; no right turns would be allowed, hence there is no impact on the island or monument.
- The Lindsay Road intersection improvements are not part of this interim condition.

Benefits

There are several advantages that this Interim improvement has over the existing condition.

- Should be relatively low-cost to implement, since most of the work involves pavement markings and signing, with some minor island reconfiguration



- There is some sight distance improvement on York Street for left turners, although not as much as in the ultimate case.
- This option also reduces conflicts with the bank driveway and directs vehicles to the right.
- Clear traffic control and lane use assignments are provided.
- Minor improvement to some pedestrian facilities is provided
- Preserves the island and monument in its current location.

Drawbacks

This is still not the complete solution for the following reasons

- This option does not address the angle of traffic exiting Long Sands Road. The sight lines are awkward and it does not provide a sufficient turn angle for right turns to control their speed, even though they are coming to a stop.
- Existing problems with the head-in parking along the slip ramp remain. It is still dangerous to enter/exit these spaces directly from the travel way. Even though there are less conflicts because it is only one-way traffic, this is still an undesirable situation
- This option does not increase public green space
- Pedestrian crossings are improved but not ideal

C. Options Investigated but not Pursued

As noted earlier, there were several other options that were investigated as part of the initial evaluations, but were dismissed early on because they did not meet the goals of the project, as outlined during the public participation process. These are noted below for informational purposes.

- Compensatory Parking at Library: Originally, it was believed that the Library lot could be expanded to compensate for the reduction in parking on the slip ramp and bank area, but restrictive deed covenants preclude this option. Without providing other parking, a total of 16 on-street spaces would be eliminated.
- Installation of Traffic Signals: From the traffic count information, it is clear that the volumes are sufficiently high to satisfy several of the standard traffic signal warrants, as defined by the Manual on Uniform Traffic Control Devices, or MUTCD; however, public attitude did not seem to be in favor of such an option, since it would substantially change the character of the Village. Furthermore, the limited right-of-way and the physical layout of the Village intersection would make such an installation challenging to fit all the necessary equipment at the relocated intersection.
- Roundabout: A roundabout is a smaller traffic circle that allows all traffic to keep moving, albeit at slower speeds. Traffic entering the roundabout must yield





Town of York

186 York Street
York, Maine 03909-1314

TO: Board of Selectmen

FROM: Kathryn Newell *K Newell*
Code Enforcement Officer

DATE: February 10, 2011

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on February 14, 2011.

ENDORSEMENTS

Kevin Tracy
DBA: Foster's Downeast Clambake **MAP 50/LOT 81**
Victualers/Liquor/Special Amusement

Kevin Tracy
P. O. Box 486
York Harbor, ME 03911

FACILITY	Restaurant/400 Seats
ZONE	BUS-1
USE	Conforming, Existing
RECOMMENDATION	Approval

Thomas Robinson
DBA: York Seafood & Lobster **MAP 94/LOT 69-B**
Victualers

Thomas Robinson
P. O. Box
York Harbor, ME 03911

FACILITY	Take-Out
ZONE	Rt. 1-
USE	Conforming, Existing
RECOMMENDATION	Approval

Town Manager/
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(207)363-1000

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(207)363-1002

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Parks and
Recreation
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Fax
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(207)363-1019

Page 2
License Inspections & Recommendations

The Goldenrod
DBA: Lobster Cove **MAP 40/LOT 62**
Victualer/Liquor/Special Amusement

The Goldenrod
P. O. Box 1140
York Beach, ME 03910

FACILITY	Restaurant/120 Seats
ZONE	BUS-2
USE	Conforming, Existing
RECOMMENDATION	Approval

York Golf & Tennis Club
DBA: York Golf & Tennis Club **MAP 61/LOT 17**
Victualer/Liquor/Special Amusement

York Golf & Tennis Club
62 Organug Road
York, ME 03909

FACILITY	Restaurant/120 Seats
ZONE	RES-1B
USE	Conforming, Existing
RECOMMENDATION	Approval



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 10, 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 14, 2011	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Proposed Mediation Agreement with Paras' Pizza	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION: I move to approve the proposed settlement agreement between the Town of York and Eleni, Ernest and Spiro Paras.

Discussion: On January 20, 2011 a mediation session was conducted in Portland in an attempt to resolve the long standing code violations and stop work order at Paras' Pizza located at 16 Railroad Avenue. A tentative Settlement Agreement was reached and was signed by the Paras family, the Paras' attorney, the mediator, the town attorney and town staff. The proposed Settlement Agreement now must be ratified by the Board of Selectmen. Attached is the proposed agreement for your review.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: _____

Robert G. Yandow

Reviewed By: _____

CASE NAME: Town of York v. Spiro Paras, Ernest Paras and Eleni Paras

COURT: York County Superior Court

DOCKET NO: CV-10-216

SETTLEMENT AGREEMENT

The parties agree to resolve the above-referenced matter on the following terms, with respect to work at 16 Railroad Avenue in York, Maine:

Defendants will provide to the Town a construction permit from the State Fire Marshal's office or written verification from the State Fire Marshal that no construction permit is required.

Within 30 days, Defendants will provide to the Town, in lieu of formal construction drawings, a simplified drawing from Fred Emanuel, P.E. of the structural elements of the work to be done on the foundation, kitchen and dining area, with a certification that the foundation, kitchen and dining area will meet the structural building code.

The 2003 IBC will apply to this project and all requirements set forth herein.

Upon receipt of the said permit or verification from the State Fire Marshal and the drawing and certification from Mr. Emanuel, the Town will revoke the stop work order and will extend by one year the time during which the Building Permits issued to Defendants are valid.

Defendants will have a Maine licensed master plumber obtain a plumbing permit from the Town.

Before a certificate of occupancy will issue, Mr. Emanuel will provide certification to the Town that all structural work done on the foundation, kitchen and dining area meets the structural building code.

Defendants will give the Town a reasonable opportunity to inspect insulation in the renovation areas before the walls are closed, and to inspect the renovation area for fire separation, to verify that the work complies with the said building code.

The Town agrees that Benjamin McDougal will have primary responsibility for code compliance inspections related to this work.

Defendants will pay to the Town the total sum of \$3,900 within 30 days of the date the Board of Selectmen approve this agreement, or when the stop work order is revoked, whichever occurs first.

Defendants will pay to the Town a second total sum of \$3,900 within 90 days of the date the Board of Selectmen approve this agreement, or when the certificate of occupancy issues, whichever occurs first.

Handwritten initials: M.E.P.

The Town agrees to waive all rights to recover fines against Defendants if they comply with all terms of this agreement, *and upon issuance of the certificate of occupancy.*

4-2
SUB
SP
EP
N

Both parties agree to act reasonably and in good faith in their dealings with one another.

The parties acknowledge that this agreement is subject to the approval of the Town's Selectmen, that this document forms the agreement in principle, subject to such approval.

The parties agree that if such approval is given by the Town Board of Selectmen, the parties will enter into a Consent Order incorporating the terms of this agreement so that the Court may enter the Order as its judgment in the pending lawsuit.

Date: January 20, 2011

Katherine Newell, Ass. Code Enforcement
Joseph A. Newell
Town of York
Steve Burns, Community Dev. Dept. Asst. Code Enf.
Durward Parkinson

Durward Parkinson - Counsel for Plaintiff

Other(s)

Elizabeth A. Germani
Elizabeth A. Germani, Mediator

Spiro Paras

Spiro Paras

J.P. Nadeau

J.P. Nadeau - Counsel for Defendant

Eleni Paras

Eleni Paras

Ernest Paras
Ernest Paras by *Eleni Paras*

Ernest Paras by



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: 02/10/2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: 02/14/2011	
Regular <u> X </u> Work Session	
Subject: Board and Committee Appointments	

TO: BOARD OF SELECTMEN
FROM: Kathryn Danylik
RECOMMENDATION:
PROPOSED MOTION: I move to appoint Arthur Berger to the Cable TV Regulatory Commission and Neil Hickey to the Parks and Recreation Board.

Discussion:

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By:

Kathryn Danylik

Reviewed By:

Robert M. Gandon