



Town of York

186 York Street
York, Maine 03909-1314

SELECTMEN'S MEETING 7:00 PM MONDAY, AUGUST 27, 2012 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

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. Mr. Little left at 9:30pm.

Call to Order

Pledge of Allegiance

A. Minutes- August 13, 2012 Selectmen's Meeting Minutes

Moved by Mr. Little, seconded by Mr. Fiorentino to approve August 13, 2012 Selectmen's Meeting Minutes, as amended. Without objection, so ordered.

B. Chairman's Report

None

C. Manager's Report

1. Confirmed cases of West Nile Virus (WNV) and Eastern Equine Encephalitis (EEE) have been detected in New Hampshire and Massachusetts and now there are reported cases of both in Maine, one of which was a human case of WNV. Maine CDC officials are awaiting confirmation from the federal CDC in Atlanta, however the tests conducted in-state were both positive. In addition, WNV was identified in mosquitoes that were trapped and tested in York County. It is important to take the necessary precautions to protect yourself from being bitten by a disease carrying mosquito. Try to stay inside from dusk to dawn; wear long sleeve shirts and pants when going out during these times and use mosquito repellent with EPA approved DEET. Avoid standing pools of water on your property and be vigilant.

2. Tax bills have gone out. If you have not received one let the town clerk know. The first payment is due October 5th, 2012.

D. Awards

- York Village Fire Department Renovation and Addition Project

Christopher Balentine Fire Chief of York Fire Department gave a recommendation for the improvements to the Village Firehouse. The construction proposals were reviewed by the York Fire Department Board of Engineers and the Officer Review Board and recommend Carr Development Corporation to provide the work at a cost of \$364,000. On May 19, 2012 the voters approved a total of \$455,000 for improvements to the York Fire Department Building. The approval included improvements to the front apparatus bay (new doors and widening) and the construction of an enclosed apparatus bay at the rear of the building which will also house a bunkroom. This leaves \$91,000 under the \$455,000 allotted for this project. Mr. Balentine requested a portion of the surplus could be used to install a Maine life safety sprinkler system for both the existing fire station and the new addition, at an additional cost of no more than \$25,000.

Moved by Mr. Little, seconded by Ms. Gregg to award the bid for construction of building improvements at the York Village Fire Department to Carr Development Corporation in an amount not to exceed \$364,000. Vote 5-0, motion passes.

Moved by Mr. Nowell, seconded by Mr. Little to authorize Mr. Balentine to go out and seek bids for the life safety sprinkler system. Vote 5-0, motion passes.

E. Reports

-Update on York Street/Organug Project

Dean Lessard, Director of Public Works provided the community with an update to the York Street/Organug Project. To date we have base pavement on the roadway, the new drainage system installed, the new sidewalks are about 95% complete, granite curbs have been installed on the northerly and southerly sides of the streets, and the utility companies' have moved the eight poles that needed to be moved. Surface pavement is scheduled for Thursday August 30th, 2012. Once this is complete the roads will be striped and completed. Ms. Andrews added that they have met with the Coughlin's who expressed concerns during August 13th meeting and the problems on their property have been addressed. Discussion was had regarding the Organug/York Street intersection and it was requested by the board to allow Mr. Lessard to stripe it the way that the engineers have suggested and will discuss later in the year if they feel like it is not working effectively.

- 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: None

G. **Approval of Warrant #8**

Moved by Mr. Little, seconded by Ms. Gregg, to approve Warrant #8. Vote 4-1, with Mr. Nowell opposed. Motion passes.

H. **Public Hearing**

Proposed Ordinance Amendments for November 2012

- Zoning Ordinance-Reformat Article 4, Civic and Public Use Regulations
- Zoning Ordinance-Dimensional Requirements for Non-Conforming Lots
- Supplemental Plumbing Ordinance-Administration and Pumping Standards

Moved by Mr. Nowell, seconded by Mr. Little to open the public hearing at 7:57 pm, motion passes.

Staff Comments: Christine Grimando
Stephen Burns
Leslie Hinz

Moved by Mr. Nowell, seconded by Mr. Fiorentino to close the public hearing at 8:15 pm, motion passes.

I. **Endorsements**

License Applications

1. Sean Mitchell DBA Bagel Shack (Victualers)
2. John Shaw DBA Frankie & Johnny's (Victualers)

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the following license applications, Sean Mitchell DBA Bagel Shack (Victualers) John Shaw DBA Frankie & Johnny's (Victualers) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Without objection, so ordered.

J. Old Business

None.

K. New Business-

1. Ordinance Amendments for November 2012

- a. Moved by Mr. Little, seconded by Mr. Nowell to forward to the November 2012 General Referendum warrant for consideration by the voters, Reformat of Article 4, Civic and Public Use Regulations in the Zoning Ordinance. Vote 4-1, Ms. Gregg opposed, motion passes.
- b. Moved by Mr. Little, seconded by Mr. Nowell to forward to the November 2012 General Referendum warrant for consideration by the voters to Amend Dimensional Requirements for Non-Confirming Lots in the Zoning Ordinance. Vote 5-0, motion passes.
- c. Moved by Mr. Little, seconded by Mr. Nowell to forward to the November 2012 General Referendum warrant for consideration by the voters to Amend Administration and Pumping Standards in the Supplemental Plumbing Ordinance. Vote 5-0, motion passes.

2. Amendment of Street Opening and Culvert Ordinance

York Water District Superintendent, Don Neumann discussed the concerns he has in regard to the street opening standards of the Street Opening and Culvert Ordinance. Mr. Neumann and York Sewer District Superintendent, Tim Haskell both have a very different perspective on street openings than that of the Public Works Director, Dean Lessard.

Motion was made by Ms. Gregg, seconded by Mr. Nowell to delete the sentence on page 4, failure to provide a written decision by the end of the 10 day period shall constitute approval by default and forward the rest of the street opening and culvert ordinance draft date July 30, 2012, to a public hearing on September 10th. Vote 3-1, Ms. Andrews opposed, motion passes.

3. Proposed stone wall for 66 York St & 1 Andrew's Way

On May 22, 2010 the York voters approved the sum on \$1,000,000 for the York Street Reconstruction Project. This project involves roadway and culvert work on York Street and Organug Road along with sidewalks, paving and other drainage work. The project also involves the reconstruction of the intersection at York Street and Organug. On May 19, 2012 the residents of York voted not to install a traffic signal at that intersection. The elimination of the traffic signal from the project by the voters provided an opportunity for the town to utilize funds left in the project to upgrade or enhance the sidewalks. On June 11, 2012 the Board of Selectman requested Dean Lessard, Director of Public Works to look into removing the granite back curb at 66 York Street and 1 Andrews Way and replacing it with a stone wall.

Moved by Mr. Nowell, seconded by Ms. Gregg, to approve the proposed stone wall design and to have DPW secure easements and solicit construction bids to be opened and awarded at the first meeting in October, to construct new stone walls at 66 York Street and 1 Andrews Way. Vote 2-1-1, Mr. Fiorentino opposed, Ms. Andrews abstained.

4. Quitclaim Deed to the State of Maine Department of Inland Fisheries and Wildlife

On May 18, 2002 the voters approved a warrant article (#5 under General Referendum) authorizing the Selectman to quitclaim a parcel of property in the Mount Agamenticus region to the State of Maine Department of Inland Fisheries and Wildlife. The parcel to be deeded was identified as map 95, lot 31 (new map 406-lot 029) having approximately 10 acres. It appears that the acreage for this warrant article was reversed with warrant article #4 (also a quitclaim to Maine IF&W) which showed approximately 36 acres. According to the York Land Trust the property listed under Article #4 was never located and may not exist. The warrant article for old map 95, lot 31 should have read approximately 36 and not approximately 10 acres; however the voters approved both warrant articles by a wide margin. A subsequent survey commissioned by York Land Trust revealed that the parcel is approximately 19 acres.

Moved by Mr. Nowell, seconded by Ms. Gregg to approve a quitclaim deed to the State of Maine Department of Inland Fisheries and Wildlife for approximately 19 acres of tax acquired property identified as old Map 95, Lot 31-new map 406, lot 029, based on voter approval on May 18, 2002. Vote 5-0, motion passes.

5. Voter Approval to Dispose of Town Owned Land

During early discussions regarding utility locations for the police station project the York Water District advised that an easement would be required to extend a waterline from Caddy's Way to the police station location. The easement would allow access through and across the Norton property located at 410 Ridge Road. The easement was subsequently obtained from the Norton estate with one of the conditions being that a very small (.08acre) parcel of town-owned land located at 430 Ridge Road (Map 26/Lot 0002-A) be quitclaimed to the abutter, Roger and Melody Norton of 440 Ridge Road.

Moved by Mr. Nowell, seconded by Mr. Fiorentino to approve placing a warrant article on the November 6, 2012 General Referendum requesting voter approval to dispose of town-owned land located on 430 Ridge Road identified as Map 26/Lot 0002-A. Vote 4-0, motion passes.

6. Appointment of Katie McWilliams as General Assistance Director

Moved by Mr. Nowell, seconded by Mr. Fiorentino to appoint Katie McWilliams as General Assistance Director. The term of this appointment shall be indefinite, at the pleasure of the Town Manager. Vote 4-0, motion passes.

7. Conservation Commission Appointment

Moved by Mr. Nowell, seconded by Mr. Fiorentino, to appoint Michael Mahlman from an alternate to a full member on the Conservation Commission. Vote 4-0, motion passes.

8. Special Event Permit Application: Costume Parade and Halloween Hop- Monday October 29, 2012

Moved by Mr. Nowell, seconded by Ms. Gregg to approve the Special Event Permit for the Costume Parade and Halloween Hop- Monday, October 29, 2012. Vote 4-0, motion passes.

9. Special Event Permit Application: Eco-Fest October 8, 2012

Moved by Mr. Nowell, seconded by Mr. Fiorentino to approve the Special Event permit for Eco-Fest on October 8, 2012, 10:00AM-3:00PM, contingent upon the following conditions from Charles Szeniewski, Commander of the Patrol Division. Clay Hill Road in both directions from the entrance to Clay Hill farm will have to be posted no parking by the PD for approx. 200 + yards to avoid accidents. Logging Rd will have to be posted near the intersection. We will also require 1 Police Officer on Detail to address traffic at the driveway and intersection. The officer will be assigned with a cruiser for safety. Vendor will have to cover the cost of the officer. PD will post the area with our community service signs. Vote 4-0, motion passes.

L. Other Business

Mr. Nowell asked when the police station and the connector road will be on the agenda. Ms. Andrews stated that it will likely be on the next agenda.

M. Citizens Forum

Public Comment: Roger Pratt
Art Berger
Lew Stowe
Richard Smith

Adjourn

Moved by Ms. Andrews, seconded by Mr. Fiorentino to adjourn at 10:47 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder