

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, APRIL 28, 2014
YORK LIBRARY**

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

Call to Order

Chairman Ronald Nowell called the meeting to order at 7:00PM.

Opening Ceremonies

A. Minutes

1. March 4, 2014 Meeting Minutes
2. March 10, 2014 Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Macdonald to approve the March 4, 2014 and March 10, 2014 Meeting Minutes. Vote 3-0, motion passes.

B. Chairman's Report

No Chairman's Report.

C. Manager's Report

Town Manager Yandow alerted the public that a typographical error was discovered in the May 17, 2014 Budget Referendum; Article 19 on the Maintenance of Town Grounds and Beaches should read \$629,158 instead of \$631,158. Mr. Yandow reminded citizens that Absentee Ballots are available until May 14th and can be returned at Town Hall no later than May 16th or until 8:00PM at the High School Robert E. Butler Gymnasium on the 17th. Mr. Yandow also noted that the Open School Budget Meeting will be held at the High School on Tuesday May 6, 2014 at 6:30 PM, the School Budget Validation vote on May 17th will be in connection with the results of the Open School Budget Meeting.

D. Awards

1. Electrical Bids for Light Poles in York Beach

The Department of Public Works solicited bids for the electrical work and installation of 26 Holophane utility post top LED street light fixtures and 26 Mel Northerly street light poles with GFCI receptacles. DPW solicited the same local contactors that bid on the previous street light work on Beach Street. The following three bids were received:

1. Moran Electric \$10,300.00
2. Bridges Electric \$14,800.00
3. Woods Electric \$18,253.78

Director of Public Works Dean Lessard recommended awarding the bid to the low bidder, Moran Electric.

Moved by Mr. Macdonald, seconded by Ms. Gregg to award the bid for the electrical services and installation of 26 Holophane utility post top LED street light fixtures and 26 Mel Northerly street light poles with GFCI receptacles in the Short Sand's area of York Beach to Moran Electric in the amount of \$10,300.00. Vote 3-0, Motion passes.

E. Reports

1. Update From York Village Study Committee

Chairman of the Village Study Committee Ron McAllister gave an interim report on the work undertaken by the Village Study Committee since their last update to the Board of Selectmen. The Town was awarded a \$500,000 Municipal Participation Initiative grant from the Maine Department of Transportation in connection with the York Street Drainage and Reconstruction project and in connection with an expansion of the proposed project area to include work in York Village. Based on funds that have already been expended by the Town, MDOT has provided the \$500,000 grant award to the Town in full as compared in incremental reimbursements. These funds are available, with Selectmen approval, for future work done in the expanded project area.

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 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 #43

Moved by Ms. Gregg, seconded by Mr. Macdonald to approve Warrant #43. Vote 3-0, motion passes.

H. Public Hearings

1. New Business License: Barrell Homestead Kitchen
2. New Business License: Kinetic Kids

Moved by Ms. Gregg, seconded by Mr. Macdonald to open the Public Hearing on New Business Licenses: Barrell Homestead Kitchen and Kinetic Kids. Without objection, so moved.

Public Comment: None

Moved by Ms. Gregg, seconded by Mr. Macdonald to close the Public Hearing. Without objection, so moved.

I. Endorsements

Business Licenses:

1. Michael Specker DBA: The Brixham General Store (Victualers); Located at 435 Cider Hill Road
2. Kathryn Kelley DBA: Coppa Magica Gelato (Victualers); Located at 852 US Route One
3. Kent Kilgore and Randy Small DBA: Fisherman's Dock (Victualers/Liquor); Located at 855 US Route One
4. Joseph Lipton and Chris Crane DBA: Inn on the Blues (Victualers/Liquor/Special Amusement/Hotel/Motel w/Cooking Facilities); Located at 7 Ocean Avenue
5. Mark Anastas DBA: Liquid Dreams Surf Shop (Victualers); Located at 171 Long Beach Avenue
6. Betty Weaver DBA: Lobster in the Rough (Victualers/Liquor/Special Amusement); Located at 1000 US Route One
7. Edward and Deborah Flanagan DBA: Rossi's Italian Bakery (Victualers); Located at 2 Beach Street Suite #1
8. Maine Ice Cream LLC DBA: Village Scoop Ice Cream (Victualers/Special Amusement); Located at 226 York Street

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following licenses: Michael Specker DBA: The Brixham General Store for Victualers; Located at 435 Cider Hill Road, Kathryn Kelley DBA: Coppa Magica Gelato for Victualers; Located at 852 US Route One, Kent Kilgore and Randy Small DBA: Fisherman's Dock for Victualers and Liquor; Located at 855 US Route One, Joseph Lipton and Chris Crane DBA: Inn on the Blues for Victualers, Liquor, Special Amusement and Hotel/Motel w/Cooking Facilities; Located at 7 Ocean

Avenue, Mark Anastas DBA: Liquid Dreams Surf Shop for Victualers; Located at 171 Long Beach Avenue, Betty Weaver DBA: Lobster in the Rough for Victualers, Liquor and Special Amusement; Located at 1000 US Route One, Edward and Deborah Flanagan DBA: Rossi's Italian Bakery for Victualers; Located at 2 Beach Street Suite #1, Maine Ice Cream LLC DBA: Village Scoop Ice Cream for Victualers and Special Amusement; Located at 226 York Street, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 3-0, motion passes.

J. Old Business

1. Discussion and Possible Action on 65 Old Post Road

Chairman Nowell stated that the 65 Old Post Road case went in front of the Board of Appeals and was interpreted to be "untimely" because it was submitted after 30 days from the denial date. Mr. Nowell also stated that the Board of Selectmen received a legal opinion from Town Attorney Mary Costigan giving her opinion that the Public Works Director does not have the right to deny the driveway permit.

Torbert suggested that the Board request that the Town Manager to instruct the Director of Public Works to work with the property owner to come to a compromise and seek other options to resolve the sight distance issue.

Director of Public Works Dean Lessard explained to the Board the he has already told the proposed developer for 65 Old Post Road that they have the option to get a Civil Engineered stamped plan and he will approve the drive way, and that was an option they did not want to explore.

Moved by Mr. Macdonald, seconded by Mr. Nowell to request that the Town Manager instruct the Director of Public Works to engage in a negotiation with the representatives of 65 Old Post Road. Vote 3-0, motion passes.

K. New Business

1. Discussion and Possible Action on Providing Additional Information to the Planning Board Regarding Police Station Connector Road

During preliminary discussions of the Police Station and Connector Road project at the Planning Board, the concept of the Connector Road being constructed, but not opened, was suggested. During the discussion, the possibility of allowing emergency vehicle-only access to the Connector Road was brought up. This concept was mentioned in a letter dated March 13, 2014 from Tom Gorrill, the Town's traffic engineer, to Andrew Johnston. This letter was subsequently included in the Planning Board application. Andrew Johnston advised the Board that additional information will be required by the Planning Board relating to the terminus of the Connector Road. Andrew Previously advised the Planning Board

that the road would not be opened until the traffic study has been completed and reviewed but there was the possibility of use by emergency vehicles. The Town Manager recommended that the Board of Selectmen formally take action on this in order to provide input to the Planning Board.

Moved by Ms. Gregg, seconded by Mr. Nowell to authorize the Town Manager to provide information to the Planning Board indicating that the designed Connector Road will not be opened until all required studies have been completed, and further move that there will be no emergency vehicle use of the Connector Road until the road is opened to the public. Ms. Gregg and Mr. Nowell withdrew the motion and second on the floor.

Moved by Ms. Gregg, seconded by Mr. Nowell to postpone action on this item until the May 12, 2014 regular Selectmen's meeting. Vote 3-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Nowell to authorize the Town Manager to contact the Town Attorney to schedule an Executive Session with the Board of Selectmen. Vote 3-0, motion passes.

2. Discussion and Possible Action on Board of Selectmen Code of Conduct

Moved by Mr. Macdonald, seconded by Mr. Nowell to postpone this item until the May 12, 2014 regular Selectmen's meeting, should there be a full board present. Vote 3-0, motion passes.

3. Appointment of Election Warden for June Primary

Ms. Gregg stated that while she has no objection as to how Mr. Ott conducts the elections, she opposes this motion each year because she questions the propriety of someone conducting the election who actively supports specific candidates in the election.

Moved by Mr. Macdonald, seconded by Mr. Nowell to appoint David N. Ott as the Warden for the State of Maine Primary Election to be held on June 10, 2014 and to set the polling hours for said election as 8:00AM until 8:00PM. Vote 2-1, motion passes.

4. Special Event Permit: York Little League Parade

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit application for "York Little League Parade" event on Saturday, May 3, 2014 with the attached conditions given by Department Heads. Vote 3-0, motion passes.

5. Special Event Permit: Ampsurf

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit application for AmpSurf's "AmpSurf East Coast Learn to Surf Clinic" event on Saturday and Sunday June 21 and 22, 2014, as well as August 9 and 10, 2014 with the attached conditions given by Department Heads. Vote 3-0, motion passes.

L. Other Business

M. Citizens' Forum

Public Comment: Judy Romano

Adjourn

Chairman Nowell adjourned the meeting at 8:50PM.