BOARD OF SELECTMEN'S MEETING MINUTES 7:00PM MONDAY, MARCH 24, 2014 YORK LIBRARY

<u>Present</u>: Chairman Ronald Nowell, Vice Chairman Kinley Gregg, Mary Andrews, Scott Fiorentino, Torbert Macdonald, Town Manager Robert G. Yandow, Recorder Melissa M. Avery and members of the press and public.

Call to Order

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

Opening Ceremonies

A. Minutes

B. Chairman's Report

Chairman Nowell said that the current CEO of Time Warner retired after 80 days on the job and was paid \$80 million dollars. Mr. Nowell also let the public know that the appraisal of the Davis Property on York Street from Amidon Appraisal will be available for the public to view online. Mr. Nowell stated that he asked the Town Assessor to do research on the ownership of all the local beaches in York County.

C. Manager's Report

Town Manager Yandow stated that PC Construction sent a letter to the Town that due to the delays in the project for the past 17 months, they are going to invoke a provision in the contract that allows them to be able to terminate the contract. PC Constriction plans to work with SMART, Inc. to design a bid package for the project, and do intend to bid on that package.

Ms. Gregg suggested a special meeting by the Board of Selectmen dedicated to discussing Police Station Project issues and the recent letter from PC Construction.

D. Awards

1. Parks and Recreation Summer Brochure Bid

The Town received two bids for the Parks and Recreation Department's Summer Brochure. It has been determined that the Parks and Recreation Department will need to print 8,000 brochures, and with the Department not being certain of the number of pages that would need to be printed. Parks and Recreation Director Michael Sullivan would like award the bid for the higher option for number of pages in the case that the Department needs the extra 8 pages when the brochure if finished. The Town received the following two bids:

\$8,020.00 1. Graphic Image, Inc. 2. RAM Printing \$9,736.00

Moved by Ms. Andrews, seconded by Mr. Fiorentino to award the bid for the Parks and Recreation Department's Summer Brochure to Graphic Images, Inc. of Milford, Connecticut in an amount not to exceed \$8,520. Vote 5-0, motion passes.

E. Reports

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: Stephanie Vallee

G. Approval of Warrant #38

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #38. Vote 5-0, motion passes.

H. **Public Hearings**

- 1. Proposed Amendments for the May Special General Referendum
 - a. Allow Additional Uses in the Northern Portion of the Route One-2 Zone
 - b. Harbor Ordinance and Zoning Ordinance Amendments
 - c. Amend Standards for Commercial Functions on Residential Lots
 - d. Alter Membership Requirements for the Board of Design Review
 - e. Change the Definition of Leash in the Animal Control Ordinance
 - f. Business Licensing Ordinances
 - g. Repeal the Property Tax Relief for Low Income Circuit Breaker **Program Ordinance**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the Public Hearing for the Proposed Amendments for the May Special General Referendum. No objection, so moved.

Public Comment: None

Mr. Nowell closed the Public Hearing at 7:26PM. No objection, so moved.

2. May 2014 Special General Referendum Warrant

Moved by Ms. Gregg, seconded Ms. Andrews to open the Public Hearing on the May 2014 Special General Referendum Warrant. No objection, so moved.

Public Comment: None

Moved by Ms. Gregg, seconded by Ms. Andrews to close the Public Hearing at 7:27PM. No objection, so moved.

3. May 2014 Budget Referendum Warrant

Moved by Ms. Gregg, seconded Mr. Fiorentino to open the Public Hearing on the May 2014 Budget Referendum Warrant. No objection, so moved.

Public Comment: None

Mr. Nowell closed the Public Hearing at 7:28PM. No objection, so moved.

4. May 2014 School Budget Validation Referendum Warrant

Moved by Ms. Gregg, seconded Ms. Andrews to open the Public Hearing on the May 2014 School Budget Validation Referendum Warrant. No objection, so moved.

Public Comment: None

Mr. Nowell closed the Public Hearing at 7:28PM. No objection, so moved

5. New Business License: Wiggly Bridge Distillery

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing on a new Business License Application for the Wiggly Bridge Distillery.

Public Comment: Joe Lipton (Letter Read by Ms. Gregg)

Mr. Nowell closed the Public Hearing at 7:37PM. No objection, so moved.

6. New Business License: The Cliff House Resort and Spa

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing on the New Business License Application for The Cliff House Resort and Spa. No objection, so moved.

Public Comment: None

Mr. Nowell closed the Public Hearing at 7:38PM. No objection, so moved.

I. <u>Endorsements</u>

Business Licenses:

- 1. Robert N. Witham DBA: Bob's Beach Rentals for Rental of Floats
- 2. Longhorn Trading Company DBA: Wild Willy's Burgers for Victualers and Liquor; Located at 765 US Route One
- 3. Phyllis W. Fox DBA: Fox's Lobster House for Victualers and Liquor; Located at 8 Sohier Park Road
- 4. Jessica Elsemore, and Gary and Joseph Dominguez DBA: 1730 Harbor Crest Inn for Bed and Breakfast; Located at 378 York Street
- 5. Richard Leigh, and Gary and Joseph Dominguez DBA: Harbor Hill for Bed and Breakfast; Located at 472 York Street
- 6. Joseph and Gary Dominguez DBA: Harbor Cliffs B&B for Bed and Breakfast; Located at 484 York Street
- 7. Garry Dominguez DBA: York Harbor Inn for Victualers, Liquor and Special Amusement; Located at 480 York Street
- 8. Jon Adelson DBA: Ricks All Seasons for Victualers and Liquor; Located at 240R York Street
- 9. RBDD Cliff House Acquisitions LLC DBA: The Cliff House Resort and Spa for Victualers, Liquor and Special Amusement; Located at 591 Shore Road
- 10. CNLP, Inc. DBA: Cape Neddick Lobster Pound for Victualers, Liquor and Special Amusement; Located at 60 Shore Road
- 11. Kettle Boys, Inc. DBA: The Kettle Boys for Victualers; Located at 15 Railroad Avenue
- 12. John and Gail Stacy DBA: Flo's Take-Out for Victualers; Located at 1359 US Route One
- 13. Scott and Art Berger DBA: York Village Emporium for Victualers; Located at 241 York Street
- 14. Wiggly Bridge Distilleries LLC DBA: Wiggly Bridge Distillery for Victualers and Liquor; Located at 19 Railroad Avenue

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the following licenses, Robert N. Witham DBA: Bob's Beach Rentals for Rental of Floats, Longhorn Trading Company DBA: Wild Willy's Burgers for Victualers and Liquor; Located at 765 US Route One, Phyllis W. Fox DBA: Fox's Lobster House for Victualers and Liquor; Located at 8 Sohier Park Road, Jessica Elsemore, and Gary and Joseph Dominguez DBA: 1730

Harbor Crest Inn for Bed and Breakfast; Located at 378 York Street, Richard Leigh, and Gary and Joseph Dominguez DBA: Harbor Hill for Bed and Breakfast; Located at 472 York Street, Joseph and Gary Dominguez DBA: Harbor Cliffs B&B for Bed and Breakfast; Located at 484 York Street, Garry Dominguez DBA: York Harbor Inn for Victualers, Liquor and Special Amusement; Located at 480 York Street, Jon Adelson DBA: Ricks All Seasons for Victualers and Liquor; Located at 240R York Street, RBDD Cliff House Acquisitions LLC DBA: The Cliff House Resort and Spa for Victualers, Liquor and Special Amusement; Located at 591 Shore Road, CNLP, Inc. DBA: Cape Neddick Lobster Pound for Victualers, Liquor and Special Amusement; Located at 60 Shore Road, Kettle Boys, Inc. DBA: The Kettle Boys for Victualers; Located at 15 Railroad Avenue, John and Gail Stacy DBA: Flo's Take-Out for Victualers; Located at 1359 US Route One, Scott and Art Berger DBA: York Village Emporium for Victualers; Located at 241 York Street subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

Ms. Andrews stated that she would feel more comfortable taking any action on the Wiggly Bridge Distillery Business License after getting a legal opinion.

Moved by Mr. Macdonald, seconded by Ms. Gregg to table the Wiggly Bridge Distillery Business License until after the Board receives a legal opinion regarding the business. Vote 5-0, motion passes.

J. Old Business

 Discussion and Possible Action on Legal Documents Regarding Penstock Road and the Town, Ellis Park Trustees and William Burnham

Mr. Macdonald noted that on page three of the Quitclaim deed it reads "with the William H. Burnham Irrevocable Trust's", where in the rest of the document it reads "William H. Burnham Revocable Trust".

Moved by Ms. Andrews, seconded by Mr. Macdonald to place a warrant article on the May 17, 2014 Special General Referendum which proposes the discontinuance of Penstock Road, the conveyance of property to the William H. Burnham Trust via quitclaim deed, without covenant and an easement and maintenance agreement from the William H. Burnham Revocable Trust to the Town of York. Vote 3-2, Ms. Gregg and Mr. Fiorentino opposed, motion passes.

K. New Business

 Discussion and Possible Action on a Proposal to Seek Bids for a Senior Center Bus

Senior Center Coordinator Robin Cogger sent a memorandum to the Board of Selectmen with the endorsement of the Senior Citizens' Advisory Board to make a proposal that they grant the York Senior Center permission to seek bids for the purchase of a new 28

passenger, wheelchair assessable bus to be purchased with monies donated to the Senior Center by the estate of Marjorie Duffy.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to have the Senior Center seek bids for the purchase of a 28 passenger, wheelchair assessable bus to be purchased with the funds left to the Senior Center by Marjorie Duffy "for the sole purpose of providing capital and operating funds for the senior's transportation needs". Vote 5-0, motion passes.

2. Move Ordinance Amendments to May 17, 2014 Special General Referendum

Community Development Director Stephen H. Burns revised the amendments after the most recent discussion with the Board of Selectmen on February 24, 2014 regarding the proposed amendments and forwarded them to Mary Costigan for legal review.

Ms. Gregg asked that the amendments be voted on individually, as she is opposed to supporting the continuation of commercialization of the more rural Route One areas.

Moved by Ms. Andrews, seconded by Mr. Macdonald to place the amendment to "Allow Additional Uses in the Northern Portion of the Route One-2 Zone" on the ballot for consideration at the May 2014 Special General Referendum. Vote 4-1, Ms. Gregg opposed, motion passes.

Ms. Gregg noted for the public that the proposed amendments for the Harbor Ordinance had been forwarded on to the Town Attorney and her changes to the standards have been incorporated into the new proposed draft of the amendments.

Moved by Ms. Andrews, seconded by Ms. Gregg to place the amendment to the "Harbor Ordinance and the Zoning Ordinance" on the ballot for consideration at the May 2014 Special General Referendum. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to place the amendment to "Amend Standards for Commercial Functions on Residential Lots" on the ballot for consideration at the May 2014 Special General Referendum. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Ms. Gregg to place the amendment to "Alter Membership Requirements for the Board of Design Review" on the ballot for consideration at the May 2014 Special General Referendum. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to place the amendment to "Change the Definition of Leash in the Animal Control Ordinance" on the ballot for consideration at the May 2014 Special General Referendum. Vote 5-0, motion passes.

Mr. Macdonald questioned if existing places with Special Amusement License would still be able to have music and dancing outside, of which is prohibited in section 4.2.6 on

page 15 of the draft proposed Business Licensing Ordinance". Mr. Macdonald also mentioned that in section 4.2.11 regarding Flea Markets, it states that 3 parking spots per vendor is require, he feels that such a parking standard is unreasonable. Mr. Burns answered Mr. Macdonald that existing Special Amusement Licenses would not be affected because section 4.2.6.C of the Business Licensing Ordinance states: "Establishments with Special Amusement Licenses that date back prior to the establishment of this standard shall be vested in their right to continue with past practice provided there has been no gap of 2 years or more in their past licensing". As for his Flea Market parking standard issue, "Flea Market" is a "use" in zoning and once you are granted the use on a property, you are then approved and vested to use the property thereafter.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to place the amendment to the "Business License Ordinances" on the ballot for consideration at the May 2014 Special General Referendum. Vote 5-0, motion passes.

Per the Town Attorney's advice, the Board chose to hold off of taking any action on the Circuit Breaker Ordinance for the May 2014 Special General Referendum.

3. Discussion and Possible Action on FY15-FY19 Capital Plan

Ms. Gregg expressed concern over leaving the Davis Property off the Capital Plan. She feels it doesn't make sense to ask the voters if they want to be asked a question at the next election in November after the tax rate has been set, resulting in the Town not having the funds to purchase said property.

Moved by Mr. Macdonald, seconded by Ms. Andrews send the FY15-19 Capital Plan as printed to the voters for approval. Vote 5-0, motion passes.

4. Discussion and Possible Action on Moving Acceptance of Harbor Side Drive to the May 17, 2014 Special General Referendum

Moved by Ms. Andrews, seconded by Mr. Fiorentino that an article be placed on the May 2014 ballot for Public Street Acceptance of Harbor Side Drive. Vote 5-0, motion passes.

5. Approve May 17, 2014 Special General Referendum

Town Manager Yandow suggested removing Article 9 and 10 from the May Special General Referendum and place them on the November Referendum after further information is acquired.

Moved by Mr. Macdonald, seconded by Ms. Gregg to remove Articles 9 and 10 from the May 17, 2014 Special General Referendum. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the May 17, 2014 Special General Referendum. Vote 5-0, motion passes.

6. Approve May 17, 2014 Budget Referendum

Ms. Gregg noted that the article relating to Debt Service is worded differently than in past years; Mr. Yandow explained that the Bond Counsel does all the wording for the finance articles.

Ms. Gregg also noted that a change suggested by the Budget Committee regarding the wording of Article Forty (Cider Hill Road Reconstruction) was not applied to the current draft of the warrant.

Ms. Gregg also questioned that wording of Article Forty-Two, suggesting that "to the building" was extraneous. Mr. Fiorentino explained that the "to the building" is important because in some circumstances the water line is only brought to the property line, not all the way to the building.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the May 17, 2014 Budget Referendum. Vote 5-0, motion passes.

7. Approve May 17, 2014 School Budget Validation Referendum

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve the May 17, 2014 School Budget Validation Referendum. Vote 5-0, motion passes.

> 8. Approve May 17, 2014 Special General Local Liquor Option Referendum

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the May 17, 2014 Special General Local Liquor Option Referendum. Vote 5-0, motion passes.

9. Preference Votes on May 17, 2014 Special General Referendum

Article One: 5-0

Article Two: 4-1 (Ms. Gregg against)

Article Three: 5-0 Article Four: 5-0 Article Five: 5-0

Article Six: 4-1 (Ms. Andrews against)

Article Seven: 5-0

Moved by Ms. Gregg, seconded by Mr. Fiorentino to remove Article 8, regarding the Property Tax Relief for Low Income Circuit Breaker Program Ordinance from the current draft of the Special General Referendum. Vote 5-0, motion passes.

Please note that after the motion above, Articles 8, 9 and 10 of the current draft of the Special General Referendum have now been removed during this meeting. The remaining article numbers for the preference votes relating to the Special General

Referendum have been have been re-numbered and therefore do not coincide with the Referendum draft included in the packet for this date.

Article Eight: 5-0 Article Nine: 5-0 Article Ten: 5-0 Article Eleven: 5-0 Article Twelve: 5-0 Article Thirteen: 5-0 Article Fourteen: 5-0 Article Fifteen: 5-0 Article Sixteen: 5-0 Article Seventeen: 5-0 Article Eighteen: 5-0 Article Nineteen: 5-0 Article Twenty: 5-0 Article Twenty-One: 5-0 Article Twenty-Two: 5-0 Article Twenty-Three: 5-0 Article Twenty-Four: 5-0

Article Twenty-Five: 3-2 (Ms. Gregg and Mr. Fiorentino against)

10. Preference Votes on May 17, 2014 Budget Referendum

Article One: 5-0 Article Two: 5-0 Article Three: 5-0 Article Four: 5-0 Article Five: 5-0 Article Six: 5-0 Article Seven: 5-0 Article Eight: 5-0 Article Nine: 5-0 Article Ten: 5-0 Article Eleven: 5-0 Article Twelve: 5-0

Article Thirteen: 4-0-1 (Ms. Andrews abstained)

Article Fourteen: 4-1 (Ms. Gregg against)

Article Fifteen: 5-0 Article Sixteen: 5-0 Article Seventeen: 5-0 Article Eighteen: 5-0 Article Nineteen: 5-0 Article Twenty: 5-0 Article Twenty-One: 5-0 Article Twenty-Two: 5-0 Article Twenty-Three: 5-0 Article Twenty-Four: 4-1 (Ms. Gregg against)

Article Twenty-Five: 5-0 Article Twenty-Six: 5-0 Article Twenty-Seven: 5-0

Article Twenty-Eight: 4-1 (Ms. Gregg against)

Article Twenty-Nine: 5-0

Article Thirty: 5-0 Article Thirty-One: 5-0 Article Thirty-Two: 5-0 Article Thirty-Three: 5-0

Article Thirty-Four: 4-1 (Ms. Gregg against)

Article Thirty-Five: 5-0 Article Thirty-Six: 5-0 Article Thirty-Seven: 5-0 Article Thirty-Eight: 5-0

Article Thirty-Nine: 4-1 (Ms. Gregg against)

Municipal and School Capital Plan:

Article Forty: 5-0 Article Forty-One: 5-0 Article Forty-Two: 5-0 Article Forty-Four: 5-0 Article Forty-Five: 5-0 Article Forty-Six: 5-0 Article Forty-Seven: 5-0 Article Forty-Eight: 5-0

Article Forty-Nine: 4-1 (Ms. Gregg against)

Article Fifty: 5-0 Article Fifty-One: 5-0

"Non-Binding Referendum: Do the voters support a negotiation process for the potential purchase of approximately 97 acres of land at 142 York Street known as the "Davis Property" for \$5.5 million dollars (\$5,500,000)? Statement of Fact: The Davis property has been offered to the Town of York for \$5,500,000. The Town Assessor has attached a value of \$4,350,000 to \$7,900,000 (after subtracting projected infrastructure, utility and access costs) based on the potential for 71 building lots which is what current ordinances would allow. The Town commissioned an independent appraisal from Amidon Appraisal Company of Portland and that appraisal reveals a market value of \$1,380,000 based on market demand for 51 lots over a 10 year period. This analysis factors in development costs, time value of money and profit for a development. A "YES" vote means you support purchasing the Davis Property. A "NO" vote means you do not support purchasing the Davis Property."

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Non-Binding Referendum Question as amended for the May 17, 2014 Election. Vote 3-2, Ms. Gregg and Ms. Andrews against, motion passes.

> 11. Discussion and Possible Action to Separate the Police Station Project and Connector Road for purposes of Planning Board Review

The Board chose to schedule one or two Work Sessions with Andrew Johnston of SMRT, if possible, before and after the upcoming Planning Board Completeness Review on April 3, 2014. Topics of the meeting to include, the letter from PC Construction, Project Finances, Costs vs. Work Completed/To-be Completed, Clerk of the Works, Municipal Building Committee Status, etc.

The Board decided to take no action on items 11 and 12 until a future meeting.

12. Discussion and Possible Action on Police Station and Connector Road Application for Planning Board

See note above.

13. Property Redemption: 291 Long Sands Road

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the redemption of Tax Map 0038-0095; located at 291 Long Sands Road, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full by no later than May 23, 2014. Vote 5-0, motion passes.

> 14. Special Event Permit: York Beach Fire Department's Annual Parade and Muster

The Board decided to take no action on items 14 through 17 until the next meeting on April 1, 2014.

15. Special Event Permit: Spring Ride for the Troops

See note above.

16. Special Event Permit: Big A 50K

See note above.

17. Pole Location Permit: Pine Hill Road

See note above.

L. **Other Business**

Public Comment:	<u>None</u>	
<u>Adjourn</u>		
Moved by Ms. Andrews, se 10:26PM. No objection, so n	•	Gregg to adjourn the meeting at
		Respectfully Submitted,
		Melissa M. Avery

M.

Citizens' Forum