



Town of York

186 York Street
York, Maine 03909-1314

SELECTMEN'S MEETING

5:45/7:00 PM MONDAY SEPTEMBER 12, 2011

YORK LIBRARY

MINUTES

5:45 – Interviews for various Boards and Committees

Present: Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Edward W. Little, Kinley Gregg, Scott Fiorentino, Town Manager; Robert G. Yandow, Recorder; Susan Scott, and members of the press and public.

Chairman Jackson-McCarty called the meeting to order at 7:06 PM.

Pledge of Allegiance

A. Minutes

- August 22, 2011 and August 31, 2011 Selectmen's Meeting Minutes:
Moved by Ms. Andrews, seconded by Ms. Gregg to approve the August 22, 2011 and August 31, 2011 Selectmen's Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Jackson-McCarty cautioned drivers to proceed with caution throughout town as school is back in session. She also acknowledged those who came out to recognize the tragic and painful events of September 11th.

C. Manager's Report

Town Manager, Robert G. Yandow, stated that the Maine DOT project on Route 1 near Ice Pond is due to be completed October 2011. A concrete pipe needs to be fabricated across the pond which may delay final surface pavement until next spring. Tax bills were recently mailed with the first installment due September 30, 2011. The Town has issued the owners of Flagg's Trailer Park a violation notice, and will be discussed at the September 14, 2011 Board of Appeals meeting.

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

D. Awards

None

E. Reports

1. Update from Peter Mills, MTA Executive Director.

This past May, the Board of Selectmen wrote a letter to Peter Mills, Maine Turnpike Authority (MTA) Executive Director, requesting the MTA hire an independent traffic consultant to research potential conversion of the York location to All Electronic Tollway (AET). The Board does not think cash toll booths is a viable option nor are they in favor of relocating toll booths due to environmental and private property impacts. The Board still waits for an official meeting and response to discuss concerns posed in their May letter. Chairman Jackson-McCarty welcomed Mr. Mills to speak at this meeting but requested he return to York as the Board was not provided an opportunity to prepare materials for this presentation.

Mr. Mills responded he was happy to come to York on any occasion but thought it appropriate to speak tonight as he recently completed an extensive review of the York toll location, AET and the need for a regional emphasis on congestion due to the Maine and New Hampshire bridges and highway geometries. Along with Roger Mallar, who was appointed with Mr. Mills, they concluded that a thorough exam by an international firm would be required if AET is the issue. No responsible firm has provided opinions stating that AET can replicate similar revenue as traditional cash tollbooths. Thirty percent of MTA revenue is generated by the York tollbooth; half of which is cash, and is from out of state travelers. Traffic congestion in York is not the result of the toll but the high level bridge and the highway geometry of New Hampshire which poses a significant strategic problem. Maine needs to be cognizant of New Hampshire traffic. MTA is governed by banks and bond holders, and has to be careful to consider risks. Mr. Mills is currently satisfied that the existing toll booths can be used. Although a feasible process, if AET were to be immediately implemented, the resultant two consequences would include a higher rate for travelers paying cash via mail due to related processing costs, and "leakage" of travelers avoiding toll fees onto local roads. Mr. Mills is interested in meeting again in York, encourages concerned individuals to contact him day or night, and recommends smaller work sessions of 40 people to facilitate better dialogue.

Board members noted that the Town as a whole, not just the immediate abutters, feels passionately about the toll booth issue and the impacts to personal property, the environment/wetlands and recreational lands. Board members acknowledged bridge related congestion and traffic issues, and the need for more in-depth studies and focus on strategic highway problems.

Chairman Jackson-McCarty encouraged Mr. Mills to listen to recordings of past meetings where residents voiced their concerns.

2. Assessor's Annual Report.

Town Assessor, Rick Mace, provided the following overview for the 2010/2011 budget year:

- Increase of \$.25 for a new tax rate of \$9.35;
- Loss of \$57 Million in value for a total town valuation of \$3,909,591,408;
- Qualified Sales at 221, up from 179 the previous year (Qualified Sale = Willing Buyer/Seller with no foreclosures or short sales);
- 19 of 66 York neighborhoods decreased in value due to lower market values while 2 neighborhoods increased in value;
- Average assessed home value is \$436,648;
- Average \$100 increase in tax bills due to increase in tax rate and lower assessed home values;
- Circuit Breaker program was reduced allowing less people to qualify; and
- Free Adult Education class, "Understanding Your Property Assessment" scheduled for October 20, 2011, and to be advertised on Channel 3.

Mr. Yandow confirmed TIF monies totaled \$113,928 the first year, and currently total approximately \$60,000. TIF funding formulas are complicated and have not performed as originally hoped. Discussions are forthcoming in hopes of revising these formulas with intent to be approved by the voters.

Mr. Mace responded to Ms. Gregg's inquiry noting the Town's 66 neighborhoods were derived initially from the assessing software, Vision Appraisal, and the geographic breakdown of the Town. Neighborhood values are dictated, in part, by accessibility to and sight of water bodies. A digital map depicting these distinct neighborhoods is available.

3. Report on Summer Activities from Parks and Recreation Department.

Parks and Recreation Director, Mike Sullivan, provided the following report:

- Recreation: Experienced another successful year with 2,100 participants in their core offerings, and a total of \$296,000 was generated. No child is turned away from participating, and \$14,000 has been given away for this very purpose. He is very pleased with the quality of the programs, and is confident in the employees and leadership of Sarah Francke, a 20-year veteran with the department.

- Beach Management: Endured significant setbacks due to budgetary constraints and lack of staffing, maintenance and beach patrol. Although a lot of time was dedicated to streamlining and creating more efficient processes, this past year did not meet York's standards. Inadequate staffing in conjunction with a lack of police on the beach directly related to numerous complaints including lack of trash removal and an excessive amount of drinking on the beach. In light of difficult economic times, the argument can be made that the Town's beaches are the main attraction for visitors, and need to be addressed in the upcoming budget year. Encouraged a more aggressive plan and increased support from the Board of Selectmen.
- Sohier Gift Shop: Welcome center and gift shop building expansion underway with plans to be presented to the Planning Board this October. The new structure is twice as large as the current facility with increased restroom capacity, and has been attractively designed so as not to overpower Sohier Park. Last year realized approximately \$250,000 in gross sales with \$100,000 in net profit, and the shop is on target to meet this same amount. Karen Morgan, shop manager, manages 40 volunteers. Wished to thank these many volunteers for dedicating their time.
- Mt. Agamenticus: Trail remediation was productive with generous support from grant monies. Implementation of the trail gate closure program worked flawlessly with no known complaints thus moving the program forward. A \$20,000 Nathaniel L. Wheeler Trust grant will assist with the current Mt. A viewscaping project which has the full support of conservation partners. Viewscaping is set at 600 feet and will involve clear cutting of trees with eventual regrowth and replanting to restore the viewscape to the level it once was. Thanked the many volunteers and employees for their hard work. Robin Kerr will be on maternity leave as she just had a baby boy August 27th!

Mr. Sullivan responded to Ms. Gregg's inquiry about erosion control when viewscaping, and concerns about vandalism related to the trail gate closure program. The Steering Committee, comprised of all land owners, has unanimously approved of the viewscaping plan with additional assurance from licensed foresters as to the types and species of desired regrowth. Active alarm systems will provide security with the nature system.

- Senior Center: Robin Cogger is doing extremely well. Numerous new programs have been implemented. Awarded a \$12,500 challenge grant from a local bank which requires a match of \$12,500 to realize the \$25,000 total. The Senior Center is \$1,800 away from meeting this goal.

Mr. Little stated that the Board and Town Manager are aware more in depth budget discussions need to take place with regard to the Beach Management.

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 #11

Moved by Ms. Andrews, seconded by Mr. Little to approve Warrant #11, without objection, so ordered.

H. PUBLIC HEARINGS

November, 2011 General Referendum Warrant

Article ONE: Amendment of the Beach Ordinance to bring it into conformity with the policies of the Ellis Short Sands Park Ordinances, specifically relating to dressing, fires, grills and surfing.

Public Comment: None.

Article TWO: Amendment of the Wireless Communications Facilities Ordinance to exempt Town wireless communications facilities (towers) from the Ordinance.

Public Comment: Nancy Lambert, Cape Neddick.

Article THREE: Amendment of the Zoning Ordinance to change the format of the Schedule of Use Regulations, specifically amending: Article 4, Use Regulations; Article 8, Shoreland Overlay District; and Article 18, Administration.

Public Comment: None.

Article FOUR: Amendment of the Zoning Ordinance to establish a new performance standard to control soil erosion throughout Town, specifically amending Article 6, Supplemental Use Requirements.

Public Comment: None.

Article FIVE: Amendment to the Zoning Ordinance, specifically amending Article 2, Definitions, and Article 16, Sign Standards.

Public Comment: None.

Article SIX: Amendment to the Comprehensive Plan, specifically adding a new Future Land Use Area to Section 3, Future Land Use Area #22, Green Enterprise Recreation Overlay District.

Public Comment: None.

Article SEVEN: Amendments to the Comprehensive Plan, specifically amending Section 2, State Goal 1, by adding a new section, Town Goal 1.4: Sustainability.

Public Comment: None.

Article EIGHT: Amendment to the Comprehensive Plan, specifically amending Section 2, State Goal 2, by adding a new section, Town Goal 2.6: Support Accessibility in the Built Environment.

Public Comment: None.

Article NINE: Amendment to the Comprehensive Plan to amend Section 2, Town of York Goals and Actions, specifically adding a new Town Goal 3.4: Policies on Formula Businesses.

Public Comment: None.

Moved by Ms. Andrews, seconded by Mr. Little to close the public hearing on the November 2011 General Referendum Warrant.

I. ENDORSEMENTS

License Applications

- Jeremy A. Prescott dba Blues Burger (Liquor)
- Michael Specker (Aiden & Olivers Artisan Foods) dba The Brixham General Store (Liquor)

Moved by Mr. Little, seconded by Ms. Andrews to approve the following license applications: Jeremy A. Prescott dba Blues Burger (Liquor) and Michael Specker (Aiden & Olivers Artisan Foods) dba The Brixham General Store (Liquor) subject to taxes, fees, and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

None

K. New Business

1. Preference Votes for November Ordinance Amendments

Article ONE: Amendment of the Beach Ordinance to bring it into conformity with the policies of the Ellis Short Sands Park Ordinances, specifically relating to dressing, fires, grills and surfing. Board of Selectmen recommends approval 5-0.

Article TWO: Amendment of the Wireless Communications Facilities Ordinance to exempt Town wireless communications facilities (towers) from the Ordinance. Board of Selectmen recommends approval 4-1.

Article THREE: Amendment of the Zoning Ordinance to change the format of the Schedule of Use Regulations, specifically amending: Article 4, Use Regulations; Article 8, Shoreland Overlay District; and Article 18, Administration. Board of Selectmen recommends approval 4-1.

Article FOUR: Amendment of the Zoning Ordinance to establish a new performance standard to control soil erosion throughout Town, specifically amending Article 6, Supplemental Use Requirements. Board of Selectmen recommends approval 5-0.

Article FIVE: Amendment to the Zoning Ordinance, specifically amending Article 2, Definitions, and Article 16, Sign Standards. Board of Selectmen recommends approval 5-0.

Article SIX: Amendment to the Comprehensive Plan, specifically adding a new Future Land Use Area to Section 3, Future Land Use Area #22, Green Enterprise Recreation Overlay District. Board of Selectmen does not provide Preference Votes for this Article.

Article SEVEN: Amendments to the Comprehensive Plan, specifically amending Section 2, State Goal 1, by adding a new section, Town Goal 1.4: Sustainability. Board of Selectmen does not provide Preference Votes for this Article.

Article EIGHT: Amendment to the Comprehensive Plan, specifically amending Section 2, State Goal 2, by adding a new section, Town Goal 2.6: Support Accessibility in the Built Environment. Board of Selectmen does not provide Preference Votes for this Article.

Article NINE: Amendment to the Comprehensive Plan to amend Section 2, Town of York Goals and Actions, specifically adding a new Town Goal 3.4: Policies on Formula Businesses. Board of Selectmen does not provide Preference Votes for this Article.

2. Approve November 8, 2011 General Referendum Warrant

Moved by Ms. Andrews, seconded by Mr. Little to approve the November 8, 2011 General Referendum Warrant. Vote 5-0, motion passes.

3. Corrected Deed for Previously Approved Property Redemption Request at 35 Long Beach Avenue, Unit #27.

Moved by Ms. Andrews, seconded by Mr. Little to approve the corrected deed for the previously approved property redemption request at 35 Long Beach Avenue, Unit #27. Vote 5-0, motion passes.

4. Appointments to York Housing Authority Board of Directors.

Moved by Ms. Andrews, seconded by Mr. Little to appoint Robin Cogger and Patricia Murray to the York Housing Authority Board of Directors. Vote 5-0, motion passes.

The Board of Selectmen agreed how fortunate the Town was to have such qualified candidates in these new appointees some of which will now fulfill remaining unexpired terms of previous Committee members.

5. Appointments to York Energy Efficiency Steering Committee.

Moved by Ms. Andrews, seconded by Mr. Little to appoint Paul McGowan (regular member), Hilary Clark (regular) and Victoria Simon (alternate) to the York Energy Efficiency Steering Committee. Vote 5-0, motion passes.

6. Appointments to Municipal Social Services Review Board.

Moved by Ms. Andrews, seconded by Mr. Little to appoint Connie Hanley to the Municipal Social Services Review Board. Vote 5-0, motion passes.

7. Request for Extension for Redemption of Property at 62 Hooper Shores Road.

Moved by Ms. Andrews, seconded by Mr. Little to approve an extension in the redemption of Map 0084/Lot 0022 located at 62 Hooper Shores Road on the condition that all taxes, interest and administrative costs are paid in full by March 10, 2012. Vote 5-0, motion passes.

8. Special Event Permit Application: Harvest Cup 2011

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit application for Harvest Cup 2011, a three-day soccer tournament, which will be held starting October 8, 2011 at 8:00 A.M. through Monday, October 10, 2011 until 2:00 P.M. Vote 5-0, motion passes.

9. Application License for Incorporated Civic Organization: 3S Artspace.

Moved by Ms. Andrews, seconded by Mr. Little to approve the application for license for Incorporated Civic Organization for the 3S Artspace event, "21 Rooms" to be held on September 23, 2011 from 5:00PM to 9:00PM at the Nevada Motel at 139 Long Sands Road in York, Maine subject to Police approval. Vote 5-0, motion passes.

L. Other Business

None

M. Citizens Forum

None

Adjourn

Moved by Ms. Andrews, seconded by Mr. Little to adjourn at 9:15 P.M.

Respectfully Submitted By:



Susan H. Scott; Recorder