



# Town of York

186 York Street  
York, Maine 03909-1314

**SELECTMEN'S MEETING**  
**7:00 PM MONDAY AUGUST 22, 2011**  
**YORK LIBRARY**  
**MINUTES**

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

**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 7:03 PM.

## Pledge of Allegiance

### **A. Minutes**

- July 25, 2011 and August 8, 2011 Selectmen's Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Little to approve the July 25, 2011 and August 8, 2011 Selectmen's Meeting Minutes, as amended. Vote 5-0, motion passes.

### **B. Chairman's Report**

None

### **C. Manager's Report**

Town Manager, Robert G. Yandow, stated that CLD Engineers will conduct a meeting at York Middle School on Tuesday, August 23, 2011 at 6:00pm to discuss the design of the intersection on York Street, and concerns of the York Street neighbors. CMP has replaced about 21% of meters within York per the Smart Meter program. Superior Court issued a temporary restraining order for the Old York Quarry based on a land use violation. As a civil violation, enforcement is provided through the courts and the Town's Code Enforcement office, and is not criminal in nature. A preliminary injunction hearing is scheduled for tomorrow. This afternoon, the Town created a strengthened version of the existing restraining order to address additional regulations important to the Town, and if all involved parties agree to this document, tomorrow's hearing will be postponed until September 6<sup>th</sup> or 9<sup>th</sup> depending on the courts schedule. This new document will be in effect until such time as a final ruling is given by Superior Court, and the Town will be in a better position of enforcement including police enforcement per the authority of the judge. If all parties do not agree to this new document,

the Town will proceed with the preliminary injunction and this same request. Prior to this Selectmen's meeting, the Municipal Building Committee held a public input session at 6:00pm during which the public provided insightful information regarding the new Police Department building and connector road project. These ideas will be further explored at an upcoming joint meeting with the Energy Efficiency Committee.

#### **D. Awards**

1. Heating Oil Contract FY12: The Town Manager provided the Selectmen a spreadsheet illustrating several bids for an estimated 31,900 gallons of fuel oil for the fiscal year 2012. Estes Oil provided the lowest bid.

Moved by Ms. Andrews, seconded by Mr. Little to award the FY12 heating oil bid to Estes Oil in the amount of \$3.19 per gallon. Vote 5-0, motion passes.

2. Police Cruiser Bid and Purchase of Additional Cruiser: Police Chief, Douglas Bracy, requested approval to purchase a 2011 cruiser to replace the aging vehicle that will be traded-in upon new vehicle purchase. A police cruiser acquires upwards of 60,000 miles a year although actual engine time can be increased 2 to 3 times the odometer reading due to maintaining internal moderate temperatures during extreme seasons. Replacement parts and service will not be an issue although Ford is no longer producing this vehicle model.

Moved by Ms. Andrews, seconded by Mr. Little to accept the transfer of \$18,289.00 from the police capital vehicle account to Quirk Ford for the purchase of one (1) Ford Crown Victoria police vehicle. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Mr. Little to accept the transfer of \$22,266.24 from the police capital vehicle account to The Irwin Zone for the purchase of one (1) 2011 Ford Crown Victoria police vehicle. Vote 5-0, motion passes.

3. Geotechnical and Environmental Engineering Services: Acting as the Town's agent, SMRT requested bids for geotechnical and environmental engineering services for the Police Station and Connector Road projects. Four proposals were received, and although not the lowest bid, SMRT endorses SW Cole Engineering as a difference in \$280.00 will provide the Town a total of 73 probes/ borings opposed to 35 probes/borings as proposed by the lowest bidder, Terracon. The SW Cole contract price is \$12, 790.00.

Moved by Ms. Andrews, seconded by Mr. Little to award the Explorations and Geotechnical Services Contract to SW Cole. Vote 5-0, motion passes.

4. Land Survey Services: Acting as the Town's agent, SMRT requested bids for land surveying services for the Police Station and Connector Road projects. Four proposals were received. SMRT endorses BH2M based on them providing the lowest bid at \$9,540.00.

Moved by Ms. Andrews, seconded by Mr. Little to award a contract for land survey services for the Police Station and Connector Road projects to Berry, Huff, McDonald, Milligan, Inc. d/b/a BH2M in an amount not to exceed \$9,540.00. Vote 5-0, motion passes.

**E. Reports**

None

**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: Jim Carmody and Walter Woods.

**G. Approval of Warrant #6**

Moved by Ms. Andrews, seconded by Mr. Little to approve Warrant #6, without objection, so ordered.

**H. PUBLIC HEARINGS**

**1. Purchase and Sale Agreement for 61 Pine Mountain Road.**

Public Comment: None

Moved by Ms. Andrews, seconded by Ms. Gregg to close public hearing. Vote 5-0, motion passes.

**2. November, 2011 Ordinance Amendments.**

Moved by Ms. Andrews, seconded by Mr. Little to open public hearing on the November 2011 Ordinance Amendments.

**Ord-1 Amend Standards in the Beach Ordinance Relative to Ellis Short Sands Park**

Public Comment: None

Community Development Director, Steve Burns, clarified the purpose of this amendment is to make the Beach Ordinance consistent with the existing Ellis Short Sands Park and related policies.

**Ord-2 Change to Date Range for Fires on Public Beaches**

Public Comment: Chief David Bridges, York Beach Fire Department, and Mr. Truman.

**Ord-3 Wireless Communications Facilities Ordinance – Municipal Towers**

Public Comment: None

**Ord-4 Reformat the Use Regulations**

Public Comment: None

**Ord-5 Performance Standard to Control Soil Erosion**

Public Comment: None

**Ord-6 Revisions to Sign Standards**

Public Comment: None

**I. ENDORSEMENTS**

None

**J. Old Business**

None

**K. New Business**

**1. Move Ordinance Amendments to November Special General Referendum**

- Ord-1 Amend Standards in the Beach Ordinance Relative to Ellis Short Sands Park  
Moved by Ms. Andrews, seconded by Mr. Little to move forward the amendment to amend standards in the Beach Ordinance relative to Ellis Short Sands Park for the November General Referendum. Vote 5-0, motion passes.
- Ord-2 Change the Date Range for Fires on Public Beaches

Moved by Ms. Andrews, seconded by Mr. Little to move amendment forward for the November General Referendum, motion passes. Motion by Ms. Andrews, second by Mr. Little to withdraw the motion and not move forward the amendment to change the date range for fires on public beaches for the November General Referendum on the condition that a revised amendment be presented for the May 2012 Special Referendum. Vote 5-0, motion passes.

- Ord-3 Wireless Communications Facilities Ordinance – Municipal Towers  
Moved by Ms. Andrews, seconded by Mr. Little to move forward the amendment for Wireless Communications Facilities Ordinance – Municipal Towers for the November General Referendum. Vote 4-1, motion passes with Ms. Gregg in opposition.
- Ord-4 Reformat the Use Regulations  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to move forward the amendment to reformat the use regulations for the November General Referendum. Vote 4-1, motion passes with Ms. Gregg in opposition.
- Ord-5 Performance Standards to Control Soil Erosion  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to move forward the amendment for performance standards to control soil erosion for the November General Referendum. Vote 5-0, motion passes.
- Ord-6 Revisions to Sign Standards  
Moved by Ms. Andrews, seconded by Mr. Fiorentino to move forward the amendment for revisions to Sign Standards for the November General Referendum. Vote 5-0, motion passes.

## **2. Final Approval of Purchase and Sale Agreement for 61 Pine Mountain Road**

Moved by Ms. Andrews, seconded by Mr. Little to authorize the town manager to sign a purchase and sale agreement with Erik Heyland in the amount of \$78,000 for the sale of .88 acres of town-owned property (map 11/lot 225) located at 61 Pine Mountain Road. Vote 5-0, motion passes.

## **3. Special Event Permit Application: Salefest**

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit application by the Greater York Chamber of Commerce for Salefest to be held October 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> from 10:00 A.M. to 4:00 P.M. on Ocean Avenue, Beach Street, Main

Street, Railroad Avenue and Church Street with the stipulation that there be no set up in any public parking spaces and that all roadways remain open. Vote 5-0, motion passes.

**4. Special Event Permit: Carfest**

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit application by the Greater York Chamber of Commerce for Carfest to be held October 8<sup>th</sup>, 2011 from 7:00 A.M. to 2:00 P.M. at the York Beach Ball Field with the stipulation that the event will be cancelled if the ball field is wet so as to avoid damage to the field. Vote 5-0, motion passes.

**5. Special Event Permit: Harvestfest/Kidsfest**

Moved by Ms. Andrews, seconded by Mr. Little to move, for purpose of discussion, the special event permit application by the Greater York Chamber of Commerce for Harvestfest/Kidsfest to be held October 15<sup>th</sup> and 16<sup>th</sup> from 7:00 A.M. to 8:00 P.M. on Ocean Avenue, Church Street, Railroad Avenue, Ridge Road and the York Beach Ball Field with the stipulation that there be no set up in any public parking spaces and that all roadways remain open.

The Town Manager confirmed that both Police and Fire departments have reviewed and approved this application with the understanding that all safety conditions remain the same as in the previous year. Selectmen continued to have public safety concerns. The Town Manager will coordinate a meeting with the Chamber, public safety officials and Selectmen to further review this application with a plan for Selectmen's consideration outlining public and traffic safety concerns and stipulations, and parking requirements.

**6. Special Event Permit Application: Sarah's Ride II – Motorcycle Poker Run**

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit application for Sarah's Run II, a motorcycle poker run, which will be held on Saturday, September 17, 2011 from 8:30 A.M. to 1:00 P.M. Vote 5-0, motion passes.

**7. Application for License for Incorporated Civic Organization: Old York Historical Society**

Moved by Ms. Andrews, seconded by Mr. Little to approve the Application for License for Incorporated Civic Organization for the Old York Antiques Show: Preview Party to be held on September 9 from 5:00 P.M. to 8:00 P.M. Vote 4-0-1, motion passes with Ms. Gregg in abstention as she is an abutter.

**8. Greater York Chamber of Commerce Brick Project**

Moved by Ms. Andrews, seconded by Mr. Little to approve the proposal from the Greater York Chamber of Commerce to conduct a benefit brick project in conjunction with the town's Short Sands Drainage Project. Vote 5-0, motion passes.

**L. Other Business**

None

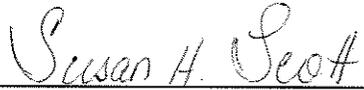
**M. Citizens Forum**

None

**Adjourn**

Moved by Ms. Andrews, seconded by Mr. Little to adjourn at 9:29 P.M.

Respectfully Submitted By:



Susan H. Scott; Recorder