

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:45PM/7:00PM MONDAY, MAY 19, 2014
YORK LIBRARY**

6:45PM: Conservation Commission Interview

Present: Ronald Nowell, Mary Andrews, Torbert Macdonald, Robert E. Palmer Jr., Jonathan O. Speers, 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. Mr. Nowell welcomed Mr. Palmer and Mr. Speers to the Board of Selectmen.

Opening Ceremonies

A. Minutes

1. April 1, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve the April 1, 2014 Meeting Minutes. Vote 5-0, motion passes.

B. Chairman's Report

Mr. Nowell stated that the "Cemetery Committee" will be meeting in the next few weeks and that everyone that has a private cemetery on their property will be notified before a crew shows up to start "clean-up" of the cemeteries. Mr. Nowell also stated that "Rolling Thunder Motorcycle Club" wants to build a home for a homeless veteran in Southern Maine and will be asking the Town of York if there is a Town-Owned piece of property that is buildable that they would be able to donate.

C. Manager's Report

Town Manager Robert G. Yandow gave his appreciation to the voters for approval for all of the Budget items in the May 17th election, his 9th and final election with the Town of York. In regards to a comment made by Mr. Nowell at

a previous meeting regarding adjustments to bump-outs on Beach Street, Mr. Yandow referenced the minutes from the June 24, 2013 Board of Selectmen's meeting where the Board entertained two options for turning County Road from one way, back to two way; at that meeting the Board of Selectmen voted 4-1, with Mr. Fiorentino against to approved option the "paint only option". Mr. Yandow also stated that the Board of Selectmen will need to call a Special General Referendum at a future meeting as Mr. Speers has left his seat on the Budget Committee to join the Board of Selectmen, leaving a vacancy on an elected Board. Mr. Yandow's Police Station Project Update: The project has received preliminary approval from the Planning Board and on May 31st a Site Walk will be conducted by the Planning Board at 10:00AM. Mr. Yandow informed the public that a Work Session for the Board of Selectmen regarding the Long Sands Bath House will be scheduled for Friday, May 30th at 8:30AM at York Public Library. Mr. Yandow also mentioned that his office periodically receives complaints about the quality of the recordings of Town meetings and the inability to hear all the discussion and urges all Board members to remember to speak into the microphone.

D. Awards

1. Senior Center Bus

At the March 24, 2014 Selectmen's meeting the Board authorized the Parks and Recreation Department to seek bids for the purchase of a wheelchair assessable passenger bus, for the Senior Center. The following five bids were received:

1. TESCO (Oregon, OH)	\$ 76,188.00
2. Patsy's Bus Sales (Concord, NH)	\$ 79,977.00
3. Alliance Bus Group (Hudson, NH)	\$ 81,096.00
4. Trans Tech Bus Sales & Service of NE (Northwood, NH)	\$ 86,475.00
5. O'Connor Motor Company (Portland, ME)	\$107,730.00

None of the received bids met all of the specification requirements however, after careful review and comparison, the Parks and Recreation Department determined that Patsy's Bus Sales offered the most competitive and comprehensive bid and there for recommend the Board vote to award the bid to Patsy's Bus Sales of Concord, NH.

Moved by Ms. Andrews, seconded by Mr. Speers to award the bid for a 2014 Goshen wheelchair assessable passenger coach bus to Patsy's Bus Sales in Concord, NH for the base price of \$79,799.00 plus options priced at \$1,977.00 for a total purchase price of \$81,776.00. 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: Judy Romano
 Tom Manzi
 Ted Little

G. Approval of Warrant #46

Moved by Mr. Macdonald, seconded by Mr. Speers to approve Warrant #46. Vote 5-0, motion passes.

H. Public Hearings

I. Endorsements

Business Licenses:

1. Sean Mitchell DBA: Bagel Basket (Victualers); Located at 280 York Street
2. Jane Eastman DBA: Harry's Seafood and Grill (Victualers, Liquor); Located at 15 Railroad Avenue
3. Joseph Golzbein DBA: Kingdom Concessions (Special Amusement); Located at 23 Railroad Avenue
4. Nancy St. Pierre DBA: M and N Concession Services LLC (Victualers); Located at 23 Railroad Avenue
5. Joseph Barberi DBA: York's Wild Kingdom (Coin-Operated Amusement); Located at 23 Railroad Avenue
6. Robert Morgan DBA: York Beach Grocery and Deli (Victualers); Located at 9 Ocean Avenue

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve the following licenses: Sean Mitchell DBA: Bagel Basket (Victualers); Located at 280 York Street, Jane Eastman DBA: Harry's Seafood and Grill (Victualers, Liquor); Located at 15 Railroad Avenue, Joseph Golzbein DBA: Kingdom Concessions (Special Amusement); Located at 23 Railroad Avenue, Nancy St. Pierre DBA: M and N Concession Services LLC (Victualers); Located at 23 Railroad Avenue, Joseph Barberi DBA: York's Wild Kingdom (Coin-Operated Amusement); Located at 23 Railroad Avenue, Robert Morgan DBA: York Beach Grocery and Deli (Victualers); Located at 9 Ocean Avenue subject to taxes, fees and inspections being current compliant and with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

1. Discussion and Possible Action on Request to Vacate Right of Way at 11 Pinecrest

The Board received a Legal Opinion from Town Attorney Mary Costigan regarding vacating the right-of-way on 11 Pinecrest Drive, in which she offered to draft a vacation order for the Board to approve.

Moved by Ms. Andrews, seconded by Mr. Macdonald to direct Town Counsel to proceed with the recommendations of the Town Attorney. Vote 5-0, motion passes.

K. New Business

1. Election of Chair and Vice-Chair

Mr. Nowell opened nominations for Chair. Mr. Speers nominated Ms. Andrews for Chair. Secret Ballot Vote 3-0-1 in favor of Ms. Andrews for Chair with three votes for Ms. Andrews, one for Mr. Nowell and one blank vote.

Ms. Andrews, now Chairman, opened nominations for Vice-Chair. Mr. Speers nominated Mr. Palmer for Vice-Chair. Secret Ballot Vote 3-0-1 in favor of Mr. Palmer for Vice-Chair with three votes for Mr. Palmer, one for Mr. Nowell and one blank vote.

2. Establish a Fixed Schedule of Meetings

It was established by the Board to continue having regular business meetings on the second and fourth Monday of each month, and with special workshops scheduled as needed.

3. Adopt the "Selectmen's Policy Manual" as the Board's Rules of Procedure

Mr. Nowell suggested having a workshop to get the Selectmen's Policy Manual rewritten before it is approved. Chairman Andrews stated that she feels the Board should adopt the Selectmen's Policy Manual at this meeting and schedule a workshop to make edits as necessary.

Moved by Mr. Macdonald, seconded by Mr. Speers to adopt the Selectmen's Policy Manual as the Board's Policy of Procedure excepting the definitions of "Special Interest" and "Bias" in Section 8B of the Ethics Policy. Vote 4-1, Mr. Nowell against, motion passes.

4. Adopt the Selectmen's Policy Entitled "Disbursement of Wages to Municipal Employees"

Moved by Mr. Palmer, seconded by Mr. Speers to adopt the Selectmen's Policy entitled "Disbursement of Wages to Municipal Employees". Vote 5-0, motion passes.

5. Adopt Selectmen's Policy Entitled "Order of Municipal Officers"

Moved by Mr. Palmer, seconded by Mr. Speers to adopt the Selectmen's Policy entitled "Order of Municipal Officers". Vote 5-0, motion passes.

6. Call a Special Budget Referendum in accordance with Article 2, Section 14 (F) of the Town of York Home Rule Charter; If Necessary

No action necessary, and none taken.

7. Adopt the Town Budget as Certified by the Town Clerk and Approved by the Voters per Article 2, Section 14 (B) of the Town of York Home Rule Charter

Moved by Mr. Nowell, seconded by Mr. Macdonald to adopt the Town Budget as certified by the Town Clerk and approved by the voters. Vote 5-0, motion passes.

8. Discussion and Possible Action on the Draft Letter to Maine Turnpike Authority

At the May 12, 2014 Selectmen's meeting, "Think Again" requested a resolution be placed on the agenda for the May 19th Selectmen's Agenda. Selectmen Macdonald authored a draft resolution that was distributed to the Board and included in the packet for this meeting. Marshal Jarvis, a spokesperson for "Think Again" stated that he and the other members do support the draft resolution drafted by Selectmen Macdonald. Dave Linney of "Think Again" stated that he feels the resolution letter should mention the quality of life that will be lost with the moving of the Toll Plaza.

Moved by Mr. Macdonald, seconded by Mr. Nowell to adopt the letter to be sent to the Maine Turnpike Authority Board of Directors and Peter Mills, and further move to incorporate into item C) of the draft letter: "and the avoided impact of any quality of life diminishment and any impact of land taking in a community unified in opposition to such action.". Vote 5-0, motion passes.

9. Conservation Commission Appointment

The interview for earlier this evening was cancelled; no action taken on this item.

10. Energy Steering Appointments

Moved by Mr. Speers, seconded by Mr. Macdonald to appoint Hilary Clark as an Alternate Member, and Nan Graves as a Regular Member to the Energy Steering Committee, with terms expiring June 30, 2017. Vote 5-0, motion passes.

11. Request to Stay in RV During Construction at 480 Cider Hill Road

Moved by Mr. Nowell, seconded by Mr. Macdonald to authorize Barry Estey of K. Barry Estey Builders out of Hancock, Maine to locate a recreational vehicle on a building site at 480 Cider Hill Road for a period of one year while a home is being constructed. Vote 5-0, motion passes.

12. Request From Bergen & Parkinson to Represent a Client Before the Board of Appeals

Durward Parkinson, former Town Attorney, has requested consent from the board of Selectmen to represent Robert Grant before the York Board of Appeals.

Moved by Mr. Nowell, seconded by Mr. Macdonald to grant consent to Bergen and Parkinson to represent Robert Grant before the Board of Appeals. Vote 5-0, motion passes.

13. Special Event Permit: Memorial Day Observance Parade and Service

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit for the "Memorial Day Observance Parade and Service" event on Monday, May 26, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

14. Special Event Permit: Village Faire/Bean Supper at First Parish

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit for the "Village Faire and Bean Supper at First Parish" event on Saturday, July 12, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

15. Pole Location Permit: Cross Street

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Pole Location Permit for one pole on Cross Street, in a Southerly direction, 50 feet from pole #4. Vote 5-0, motion passes.

16. Pole Location Permit: Angel Avenue

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Pole Location Permit for one pole on Angel Avenue, in a Northeasterly direction, 100 feet from pole #2. Vote 5-0, motion passes.

17. Business Directional Sign: Rose Law, LLC

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the double sided Business Directional Sign requested at the intersection of Long Sands Road and Woodbridge Road for Rose Law, LLC. Vote 5-0, motion passes.

18. Business Directional Sign: The Inn at Ridge Road

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the single sided Business Directional Signs requested at the intersections of Route One and Old Post Northbound and Old Post Road and Ride Road Southbound for The Inn at Ridge Road. Vote 5-0, motion passes.

L. Other Business

Mr. Macdonald stated that he as the “Board Liaison” for the Energy Efficiency Steering Committee, would like the Board’s support to pursue the municipalities of Kittery, Eliot and South Berwick to put together a regional proposal for a 5 million dollar contest with the project idea of swapping street lights with LED lights.

Mr. Macdonald also stated that he is interested in applying to serve on Maine Municipal Association’s Legislative Policy Committee with the Board’s support.

M. Citizens’ Forum

Public Comment: Charles Stacey

Adjourn

Moved by Mr. Speers, seconded by Mr. Palmer to adjourn the meeting at 8:16PM. No objection, so moved.