

From: Tom Manzi [tomanzi@gmail.com]
Sent: Wednesday, April 09, 2014 11:35 PM
To: rnowell@yahoo.com; tfreder2@maine.rr.com; sburns@yorkmaine.org
Subject: Re: BoS & PB meetings this week

Gentlemen:

I'm sure you also have read the article in the YW quoting AJ as saying he's responsible for the plans (not seen by the BoS before presentation to the PB) but **not** for the OUTCOMES. If that is the case, who is? Is the architect? Is the construction company which has given notice of withdrawing from the contract because of the delay exit loophole?

How can he, AJ - "just an engineer", possibly have the official standing necessary to legitimately represent the municipality, presenting an application un-vetted by the owners? Sort this out please. Who is signing and paying his invoice for the time he's spending appearing before the PB? Who decided: emergency road only?

I'm hopeful we now have a new town attorney to help cut **through** this Gordian knot. The next PB presentation of this un-vetted application should rightfully be tabled, until the BoS, as owners, have clarified the question of who is responsible for the results on the ground, previously, and today, and the day after; and by vote of the BoS declared that they support the "new" plans to be presented. Otherwise how can the application possibly be "complete for purposes of preliminary review"? By charter the "Municipal Building Committee" which has "supervisory" responsibility is defunct since their terms of appointment expired. By default the BoS is holding the bag and is not acting in conformance with those Charter requirements.

The Police Station/Road application can't be complete because the agent presenting it has been disqualified as a legitimate,

authorized, "owner representative" on streaming TV last week. At the core he is a false witness for any facts or plans presented to the PB.

That's what I make of the situation, which is extraordinary, without precedent, and a trap no commercial developer has ever repeated in an appearance before the PB.

Just a citizen at large,
Tom

On Sun, Apr 6, 2014 at 8:56 AM, Tom Manzi <tomanzi@gmail.com> wrote:
Good Morning Guys:

Now after a cup of coffee I'm re reading what I wrote last night on the mid-watch to see if my observations were just flashing lights on the horizon without real shapes in the light of day.

But, that's the best I can say it after listening to five hours of streaming video TV dialogue. Who is conning this boat lies in your collective hands.

I'm confident that together you can unravel this tangled web; this schmergle of who's authorized to delegate what to whom, to accomplish what task for whom the taxpayers have committed ten million dollars and counting. Who's the owner, who's the contractor? What's the current deal?

Now I'm going to my granddaughter's
ice skating capades to watch kids
spin in circles,

Tom

----- Forwarded message -----

From: **Tom Manzi** <tomanzi@gmail.com>
Date: Sun, Apr 6, 2014 at 4:22 AM
Subject: BoS & PB meetings this week
To: rnowell@yahoo.com, "tfreder2@maine.rr.com"
Cc: sburns@yorkmaine.org

Dear Chairmen:

I have just watched your two meetings this week, back to back. I find discontinuities between the assumptions of fact and roles used in the two meetings about the Police Station/Connector Road NEW site plan application. Let me enumerate them, and suggest the watchful audience of York may have similar questions.

1. Andrew, a third level down project engineer in the SMRT corporation, contracted for design and construction, was referred to by the PB chair as "**the applicant**" and there was laughter, also by Andrew, who said "I am not the applicant, I am the applicant's representative".

The Chairman corrected the mistake and "Yes, you are the applicant's/owner's/the town's representative; you yourself are not the applicant." Yes, says Andrew "I'm the **representative of the applicant, the town**".

2. The Planning Board chair said; "I have **no documentation** from the town CEO that there are any town ordinance violations outstanding on the property in this application. "Another member said: "Don't you remember the **slide show** presentation by the Community Director on

violations he has determined currently exist and has written a memo to that effect?"

The Chair responded; "Yes, but I have nothing in writing in front of me officially stating that is the case." The contract planner said: "That has **no relevance** to this new application; that's the old application." A member said: "according to our site plan ordinance we don't hear applications with **outstanding** violations until they are resolved". The contract planner responded "that is not relevant to this new application; it's up to the **CEO** to deal with that. not the PB's job or mine".

3. At the Board of Selectmen meeting, the Chair said, and the members concurred, that the BoS **had not even seen** nor reviewed nor agreed with the application submitted to the PB two days later. All nodded that that was the case. **No one** said that Andrew from SMRT has been delegated the responsibility to be the town/or BoS owner representative; who subsequently presented the application **claiming** he was the owner's representative.

4. The BoS chair said: "It's not the construction and gravel company that withdrew from the contract citing legal fine print that's the issue; the issue is that I don't trust the SMART folks to **represent** us; in fact, I'd fire them, they've served us so badly." The Town Manager was not present; having at times declared he was the project manager and **town as owner representative**; and also declared recently to the BoS on TV that: "I am not now, nor have I ever been the project manager of this project". They did not refer to Andrew from SMRT as their representative as elected members of the BoS representing the town of York.

5. The PB tabled the application finding it **incomplete**, and identified what was missing for the next hearing.

6. It is common knowledge that the Pol sta/con rd **Building Committee** appointments have expired and no longer has official standing or meets. The last two members of that BC are on the BoS; and Selectman

SF speaks as if he/we were the last representative of policy decisions made by that now **defunct** committee or perhaps the project manager pro tem.. The Town Manager was not present to clarify.

Did you hear what I heard in the paragraphs above; at three twenty eight in the morning perhaps I misunderstand. I would conclude that:

1. The **chain of accountability** to the voters' pocket book has been broken.
2. SMRT took under its own initiative to declare itself York's representative **without** BoS sanction and approval and review of its intent to present the current application.
3. The elected owners, BoS, were not present at the PB to comment on the validity of what the SMRT project engineer was saying was his **delegated authority** to speak on behalf of the owner, the town of York. Nor was the Town Manager present to clarify his role vis a vis his own, since he controls the money flow.
4. Town folks watching these two meetings back to back would probably be scratching their heads in disbelief. Who is running this ten million dollar show on behalf of the citizens/tax payers of York? **Where does the buck stop?** They could only conclude that this project is out of control. Nobody is really in charge except Andrew who plows ahead with a presentation the PB heard two years ago and rejected then. And it has to be obvious to all that a paid employee of SMRT to be the owner's sole representative is a conflict of interest.

What would I **recommend** after these reflections:

1. The two chairman BoS/PB meet and confirm who the **owner's representative** is officially and write out his duties.

2, The Community Development Director confirm his **findings** as CEO on the property. officially in writing, copies to all parties.

3. The Town Manager receive from the BoS what his **delegated duties** are now re this project, in writing.

4. Who ever turns out to be the BoS official owner **representative**, review with the BoS what he intends to present to the PB **prior to** the next PB meeting, and receive **approval** of that submittal by a vote of the BoS.

5. These steps will **re-establish** who is in charge, who is accountable, who sets policy, and the proper relationship between BoS, PB, the Town Manager, and owner's representative (town project manager) on this application.

Perhaps when I wake up in the morning I'll have a better idea.

Sincerely, I believe this the only way to cut through the confusion. Somebody has to wind up to be the "Harry Truman" to get this project mobilized with a coherent chain of command and accountability.

Tom