



Town of York

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York, Maine 03909-1314

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Selectmen
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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/
Harbor Master
(207)363-1010

Senior Center/
General Assistance
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SELECTMEN'S MEETING 5:45/6:00/7:00 P.M. MONDAY NOVEMBER 19, 2012 YORK LIBRARY

5:45pm: Committee Interview

6:00pm: Joint Work Session with the Planning Board

Present: Chair; Mary Andrews, Vice Chair; Scott Fiorentino, Edward Little, Kinley Gregg, Ronald Nowell, Town Manager; Robert G. Yandow, Recorder; Katie McWilliams and members of the press and public.

Call to Order at 7:05pm

Pledge of Allegiance

A. Minutes

- **September 24, 2012 Selectmen's Meeting Minutes**

Moved by Ms. Gregg, second by Mr. Little to approve the September 24, 2012 Selectmen's Meeting Minutes. Without objection, so ordered.

- **October 15, 2012 Selectmen's Meeting Minutes**

Moved by Ms. Gregg, second by Mr. Little to approve the October 15, 2012 Selectmen's Meeting Minutes. Without objection, so ordered.

- **October 22, 2012 Selectmen's Meeting Minutes**

Moved by Ms. Gregg, second by Mr. Little to approve the October 22, 2012 Selectmen's Meeting Minutes. Without objection, so ordered.

B. Chairman's Report

1. A benefit by some of the emergency personnel in York and area towns to raise money for the Sandy relief.

2. Ms. Andrews provided the town with a brief update on the Police Station Project:

- The town's real estate attorney has been communicating with the Horn family attorneys regarding the provisions of the purchase and sale agreement which requires a mutually agreed upon legally sufficient description of the proposed roadway which serves as the southwest boundary of the town property. Discussions are continuing so that that matter can be resolved and the town can move forward. We are hoping that will be soon.
- PC Construction has prepared change orders to reflect the increase cost for restoration work, winter stabilization and delay. These change orders will be on the Selectmen's agenda, November 26, 2012.
- The town has received an amendment permit from DEP to modify the storm water management system and serve additional developed areas as requested in the town's minor amendment application; this is a result of the additional clearing that occurred at the property.

As soon as we learn more information or things get resolved, the public will be notified.

C. Manager's Report

1. Trash and recycle for Thanksgiving and Christmas will be picked up on the following Saturday, if these holidays fall on your normal pick-up day.
2. The Town of York is working with Waste Management to update our Recycling program. Mr. Yandow is hopeful that as early as February 1, 2013 we will go with single sort recycling, which means all items in the same bin. Mr. Yandow will keep us posted on this.
3. York Energy Efficiency Steering Committee is tentatively going on a tour of the Kittery waste plant on Dec 5. The members of the Board of Selectmen are invited to this event.

D. Awards

None

E. Reports

1. **Coastal Ridge Elementary Students**

Michelle Freitag, York Elementary teacher presented with three students Amelia Whitcomb, Evan Rankin, and Jay Gardoqui. These students got to choose a topic they were interested in learning more about or a topic they could make a difference in. They would like pet owners to clean up after their dogs. They feel it is unsanitary and can affect bodies of water in Maine. They would like to assist the town in any way they can to help this problem.

2. Village Study Committee- Designing York Village for the Next Century

The presentation is available on the quick links sections on the York Maine homepage.

York Village is broken down into three concentric rings; 2 minute/5 minute/10 minute village. Tonight's presentation is based upon the 2 minute village, which is from the top of Woodbridge Road, Parsons Center, and York Street beyond Bagel Basket. The Mission Statement of the Village Study Committee is to establish a framework that will promote the vitality and beauty of York Village as a dynamic, safe, and sustainable town center reflecting the history of a community that is both welcoming to visitors and supportive of local businesses.

The report is broken down into 25 recommendations, which are broken down into 8 categories; Parking, Sidewalks, Traffic, Streetscaping, Planning, Zoning, Properties, and Visual identify.

Kennebunk, Maine and Newburyport, Massachusetts, were used as examples of what York Village could look like after the renovation. The major elements of the village improvement project are; utilities moved underground; drainage improved, narrower travel lanes, parallel parking without diagonal or perpendicular spaces, less asphalt and more green space, shared bicycle lanes, broadwalks (with cafes), sidewalk extensions for shorter crosswalks, benches and street trees, period lighting; consistent and improved signage. RESULTS: Enhanced safety, aesthetics, and an environment where local businesses can thrive.

Four alternatives were drawn up for the new square.

A. Minimum Square Option- Traffic remains as it is, travel lanes better defined, shorter crosswalks, added broadwalks, less asphalt, some loss of on-street parking. Monument Place = 3,500 sq. ft. (+/-)

B. York Delta Option: Traffic modified a bit, travel lanes better defined, shorter crosswalks, added broadwalks, less asphalt, more loss of on-street parking. Monument Place = 4,500 sq. ft. (+/-)

C. Town Common Option: Traffic modified a lot, travel lanes better defined, shorter crosswalks, added broadwalks, less asphalt, greatest loss of on-street parking. Monument Place = 9,000 sq. ft. (+/-)

D. Roundabout Option: Traffic modified dramatically, clearly defined travel lanes, shorter crosswalks, added broadwalks, a lot less asphalt, loss of on-street parking (comparable to York Delta Option). Monument Place = 3,600 sq. ft. (+/-)

According to the Village Study Committee the next steps are:

1. Town to strike an agreement with York Hospital RE: parking
2. Obtain a valid inventory of available parking spaces
3. Hold a series of public conversations on the design options
4. Commission a Streetscape Design Plan
5. Complete an infrastructure survey of the Village
6. Create a physical model of the redesigned Village
7. Revise Comprehensive Plan and Zoning to create a Village Zone
8. Continue the dialogue with Cumberland Farms
9. Determine how to accommodate the needs of Town Hall
10. Plan for a relocation of the Village Fire Station
11. Appoint a Visual Identity Committee
12. Engage an interdisciplinary consultant team to develop and implement the Master Plan.

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.

Peter Ashley

G. **Approval of Warrant #20**

Moved by Mr. Little, seconded by Ms. Gregg, to approve Warrant # 20. Vote 5-0, motion passes.

H. Public Hearings:

None

I. Endorsements: Business Licenses

1. York Elks Lodge #2788 (Victualers & Liquor, Special Amusement & Coin-Op Amusement)

Moved by Mr. Little, seconded by Mr. Nowell to approve the following license applications; York Elks Lodge #2788 (Victualers & Liquor, Special Amusement & Coin-Op Amusement) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

2. Boardman Ellis VFW Post 6977 (Victualers, Liquor, Special Amusement & Coin-Op Amusement)

Moved by Mr. Little, seconded by Mr. Nowell to approve the following license applications; Boardman Ellis VFW Post 6977 (Victualers, Liquor, Special Amusement & Coin-Op Amusement) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0-1, Mr. Nowell abstained, motion passes.

J. Old Business

1. Remedy for Tax Calculation Error

On July 30, 2012 Finance Director Tracy Roy supplied Assessor Rick Mace with financial information concerning total FY13 town and school appropriations along with FY13 projected revenues. This information was then used by Rick Mace to complete the State of Maine 2012 Municipal Tax Rate Calculation Standard Form. When all of the calculations were complete it was determined that, based on the financial information supplied by the Finance Director and the annual assessment valuation calculations performed by the Town Assessor, the FY13 tax rate would be set at \$9.72 which was the lowest rate possible to raise the funds for all expenditures approved by the voters. Tax bills were then sent out with the first payment date being October 5, 2012.

On August 30, 2012 Finance Director Tracy Roy discovered that she had made an error when supplying projected revenue information to Rick Mace on July 30th. According to Roy, the error was made when she inadvertently added projected State Municipal Revenue Sharing of \$455,000 to total projected revenues rather than subtracting the \$455,000.

On September 6, 2012 Town Manager Rob Yandow contacted the MMA Legal Department to determine what options were available to the town to correct the revenue error and the subsequent shortfall in the amount calculated to be raised by taxes. After consulting with the MMA Legal Department it appears that there are two options available to address the error. The two options include the calling of a Special Budget Referendum or the issuance of a supplemental tax bill to recover the \$910,000.

On October 15, 2012 the Board of Selectmen discussed this issue and reviewed the two options. During this discussion Town Clerk and Tax Collector Mary-Anne Szeniewski expressed her concern as to whether the Town's Financial Director worked with the Town's financial software vendor to conduct a test run on both real estate and personal property taxes. The result of the test run illustrated that the calculations were performed accurately. With the exception of a few minor variances in the personal property test run, the supplemental bill shows a 2.47% increase in what the taxpayer had previously been billed.

Moved by Mr. Little, seconded by Mr. Fiorentino to approve a supplemental tax bill for all York taxpayers in the amount of .24 (twenty-four cents) per thousand dollars of assessed valuation. Vote 4-1, Mr. Nowell opposed. Motion passes.

3. Time Warner Cable Franchise Agreement Extension

On October 15, 2012 the Board of Selectmen discussed the expiring franchise agreement with Time Warner Cable. During that discussion, an extension of the existing franchise agreement was brought up as a preferred alternative to negotiating a new agreement. An extension of the existing agreement would allow for continued work on resolving programming issues, primarily recovery of lost Boston channels, and the possible development of additional rate packages.

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve a two year extension of the existing franchise agreement with Time Warner Cable with a said extension expiring November 28, 2014. Vote 4-1, Mr. Nowell opposed, motion passes.

K. New Business

1. May 2013 Ordinance Amendments

Community Development Director Stephen H. Burns discussed ordinance amendments he would like the Board to consider sending to the voters in May 2013. The two amendments include a complete repeal and replacement of the Town's various business licensing ordinances, and the second is a request to amend the build permit fees.

- Business Licensing Ordinance. There are currently five ordinances and two Selectman's policies that control business licensing in York. Mr. Burns would like to establish a single code which will be fully cross-referenced to the applicable State statutes, and to zoning and other Town ordinances as applicable.
- Building Permit Fee. Mr. Burns proposes increasing building permit fees from \$8 to \$9 per thousand of construction value. The current fees are not sufficient to meet the budget projections of the department. His goal is to continue to apply these user fees to the cost of code enforcement and GIS and thereby reduce the burden on taxpayers for the service provided. He would also like to recommend a policy which exempts a certain amount of work from being required to pay the application fee if it is undertaken to make a home handicap accessible.

2. FY13 Carry Forwards

Each year the Board of Selectman must vote to carry forward funds from the one fiscal year to the next. This procedure does not apply to funding for capital projects that have been specifically approved by voters.

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve carrying forward the recommended funds from FY12 to FY13. Vote 5-0, motion passes.

3. York Harbor Site Design Review Board Appointment

The York Harbor Site Design Review Board consists of five members. Each member must meet certain qualifications as follows: one member from the Planning Board; one specifically qualified by reason of education, training or experience in the financing of real estate property; one actively involved in business, commerce or industry; one who shall be an architect or specially qualified by reason of training, education or experience in the area of graphic or allied arts and one member of the Community-at-Large. Currently the Board includes a Planning Board Member, a

Business/Commerce Member, and a Community-at-Large Member. Mr. Jim Smith has experience in the Real Estate/Financing field and therefore would meet the qualifications.

Moved by Mr. Little, seconded by Mr. Fiorentino, to appoint Jim Smith to a one year term on the York Harbor Site Design Review Board. Vote 5-0, motion passes. His term to expire June 30, 2013.

4. York Housing Appointments

Moved by Mr. Little, seconded by Mr. Nowell, to reappoint Phyllis Newman as a resident member of York Housing with a term of 5 years. Vote 4-1, Ms. Gregg opposed, motion Passes. Her term to expire June 30, 2017. Ms. Gregg was opposed because residents were not consulted (or did not vote) on the appointment.

Moved by Mr. Little, seconded by Mr. Fiorentino, to reappoint Eileen Gmelch as a resident member of York Housing with a term of 5 years. Vote 4-1, Ms. Gregg opposed, motion Passes. Her term to expire June 30, 2017. Ms. Gregg was opposed because residents were not consulted (or did not vote) on the appointment.

Earl Olmstead's term as a resident member expired on June 30, 2011. Mr. Olmstead's reappointment was accidentally overlooked in 2011. To keep the terms of the board staggered, it is recommend Mr. Olmstead be reappointment for 4 years.

Moved by Mr. Little, seconded by Mr. Fiorentino, to reappoint Earl Olmstead as a resident member of York Housing with a term of 4 years. Vote 4-1, Ms. Gregg opposed, motion passes. His term to expire June 30, 2016. Ms. Gregg was opposed because residents were not consulted (or did not vote) on the appointment.

5. Assessment Review Board Appointment

The Assessment Review Board is a 5 Member Board. Currently there is only one member.

Moved by Mr. Little, seconded by Mr. Fiorentino, to appoint Gregory Gosselin to a three year term on the Assessment Review Board. Vote 4-1, Ms. Gregg opposed, motion passes. His term to expire in June 30, 2015.

Moved by Mr. Little, seconded by Mr. Fiorentino to appoint Joseph Carr to a three year term on the Assessment Review Board. Vote 4-1, Mr. Nowell opposed, motion passes. His term to expire in June 30, 2015.

6. Municipal Social Service Review Board Appointment

The Municipal Social Service Review Board is a 7 member board. Currently there is one vacancy.

Moved by Mr. Little, seconded by Mr. Nowell, to appoint Kathleen Vinet to a three year term on the Municipal Social Service Review Board. Vote 5-0, motion Passes. Term to expire June 30, 2015.

7. Transient Sellers License

Mr. Mark C. Svenson is a Financial Advisor with Edward Jones who wishes to go door to door making contacts, meeting new people and ultimately offering financial advice. The applicant has followed the direction of the Town of York Transient Sellers License and has filled out and submitted the town application, has had it reviewed by the York Police Department, and has obtained the appropriate state licensing.

Moved by Mr. Little, seconded by Mr. Nowell, to approve the transient seller's license for Mark C. Svenson, a Financial Advisor for Edward Jones, from November 19, 2012 through October 31, 2013. Vote 4-1, Mr. Fiorentino opposed. Motion passes.

8. Special Event Permit Application: Lighting of the Nubble

Moved Mr. Little, seconded by Mr. Nowell, to approve the Special Even Permit for the Lightning of the Nubble, Saturday November 24, 2012- Event to take place from 5:00pm to 6:00pm with a shuttle service running prior to and just after the event. Vote 5-0, motion passes.

9. Special Event Permit Application: Festival of Lights Parade

Moved by Mr. Little, seconded by Mr. Nowell, to approve the Special Event Permit for the Festival of Lights Parade, Saturday December 1st - 4:30 to 5:30pm. (Staging to begin at 3:00pm). Vote 5-0, motion passes

10. Special Event Permit Application: Drive Through Nativity, with Title: The Journey to Bethlehem

Moved by Mr. Little, seconded by Mr. Nowell, to approve the Special Event Permit for Drive Through Nativity, with Title: The Journey to Bethlehem, Saturday December 15, 2012 - Even to take place from 4:50pm to 7:30pm on "Parish Lane" which circles the First Parish Church and Town Hall. Vote 5-0, motion passes.

11. Special Event Permit Application: 5th Annual Arctic Hardshell Winter Plunge

Moved by Mr. Little, seconded by Mr. Nowell, to approve the Special Event Permit for the 5th Annual Arctic Hardshell Winter Plunge, Saturday February 2, 2013- Event to take place from 12:00pm to 3:00pm at the York Harbor Beach. Vote 5-0, motion passes.

12. Special Event Permit Application: Great Strides York-Cystic Fibrosis Awareness Walk

Moved by Mr. Little, seconded by Mr. Nowell, to approve the Special Event Permit for the Great Strides York-Cystic Fibrosis Awareness Walk, Sunday May 19, 2013- Event to take place from 10:00am to 12:00pm beginning at the York Beach Fire Department. Vote 5-0, motion passes.

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

Moved by Mr. Little, seconded by Mr. Nowell, to approve the Application for License for Incorporated Civic Organization for the Old York Historical Society event, "Whisky Tasting Public Educational Program". Event to be held Friday, December 7, 2012 from 5:30pm to 8:30pm at the Jefferds Tavern and Parsons Educational Center at 3 Lindsay Road, York. Vote 5-0, motion passes.

14. Whippoorwill Subdivision- release of financial security

In 2001 the developer of Whippoorwill Subdivision posted a financial security to ensure completion of improvements in Phase 4 of the project. When Phase 4 was complete, the security was left in place to cover the improvements in Phase 5. Now all roads and related infrastructure throughout the project have been complete, inspected, and accepted as Town roads. It is necessary for the Town to now release the financial guarantee provided back in 2001. There is \$44,500 in the security account, and this would be returned in its entirety to Bradford Realty Trust.

Moved by Mr. Little, seconded by Mr. Nowell to release all funds held in the Tri-Party Agreement to Bond Construction of Ways and the Installation of Municipal Services, an agreement between Bradford Realty Trust, Salem Five Cent Savings Bank and the Town of York executed on August 29, 2001. Vote 5-0, motion passes.

L. Other Business

M. Citizens Forum

Adjourn

Moved by Mr. Little, seconded Mr. Fiorentino to adjourn at 9:47 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder