

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00/7:00PM MONDAY, APRIL 13, 2015
YORK LIBRARY**

6:00PM: Executive Session – Pursuant to MRSA Title 1, Section 405.6. C and E; Real Estate and Consultation with Town Attorney – Regarding the Long Sands Bathhouse Project, and Discussion of the Possible Acquisition of Real Estate.

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer, Jr., Torbert Macdonald, Jonathan O. Speers, Town Manager Stephen H. Burns and Town Attorney Mary Costigan.

Moved by Mr. Palmer, seconded by Mr. Speers to enter into Executive Session. Vote 4-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Speers to exit out of Executive Session at 6:45PM. Without objection, so ordered.

7:00PM: Regular Meeting

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer, Jr., Torbert Macdonald, Jonathan O. Speers, Town Manager Stephen H. Burns, Recorder Melissa M. Avery and members of the press and public.

Call to Order

Chairman Mary Andrews called the meeting to order at 7:00PM

Opening Ceremonies

- A. **Minutes**
- B. **Chairman's Report**

Chairman Mary Andrews said that she is happy to see that Spring is finally here!

- C. **Manager's Report**

Town Manager Stephen H. Burns said that he received the latest numbers from Public Works Director, Dean Lessard and it looks like the Winter Budget is

surprisingly on track after the busy winter we have had. Also, the annual Tire Drop off Day is this Saturday, and folks should call the Department of Public Works for more information. Mr. Burns also announced that Village Fire Chief Christopher Balentine has met the criteria with the MFCA to be a “Chief Fire Officer – Level 3”, and congratulated him.

D. Awards

E. Reports

1. Mt. Agamenticus Park and Conservation 2014 Program Summary Report – Robin Kerr

Conservation Coordinator Robin Kerr gave the Board a report on the 2014 highlights of the Mount Agamenticus Park. There was continuous improvements of both trail conditions and trail information, as well as significant outreach and environmental education initiatives on the summit grounds and in program development.

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: None

G. Approval of Warrant #41

No Warrant available.

H. Public Hearings

1. Maynard Dock Application – 12 Barrell Lane Extension

Moved by Mr. Macdonald, seconded by Mr. Speers to open the Public Hearing. Without objection, so ordered.

Public Comment: Sandra Guay, Applicant Representative
Zachary Taylor, Applicant Representative
David Webber, Harbor Board Chair
Joe Hogan, Assistant Harbor Master
David Hutchinson, Harbor Master

Moved by Mr. Macdonald, seconded by Mr. Speers to close the public hearing. Without objection, so ordered.

2. Possible Sale of Town Owned Property – 6 Forester’s Circuit

Moved by Mr. Macdonald, seconded by Mr. Speers to open the Public Hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Speers to close the public hearing. Without objection, so ordered.

I. Endorsements

1. Business Licenses:

- a. Hong Ji, Inc. DBA: Bamboo Garden (Food Service, Liquor, Special Amusement)
- b. Robert N. Witham DBA: Bob’s Beach Rental (Float Rentals)
- c. Barbara Sheff DBA: Candleshop Inn (Bed and Breakfast)
- d. Phyllis W. Fox DBA: Fox’s Lobster House (Food Service, Liquor)
- e. Jeremy Prescott DBA: Kettle Boys Popcorn Co. (Food Service)
- f. Donald Seydler DBA: Long Sands General Store (Food Service)
- g. Nancy’s Catering, Inc. DBA: Nancy’s Catering (Food Service, Liquor, Special Amusement)
- h. Andrew Stone DBA: Oceanside Store (Food Service)
- i. Edward and Deborah Flanagan DBA: Rossi’s Italian Bakery (Food Service)
- j. Stonewall Kitchen, LTD DBA: Stonewall Kitchen (Food Service, Liquor)
- k. Ray Ramsey DBA: Sun N’ Surf (Food Service, Liquor, Special Amusement)
- l. Carolyn Brennan DBA: Village Scoop (Food Service)
- m. Susan Palmaris DBA: York House of Pizza (Food Service)
- n. Kenneth West DBA: The York River Landing (Food Service, Liquor)

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following Business Licenses: Hong Ji, Inc. DBA: Bamboo Garden (Food Service, Liquor, Special Amusement), Robert N. Witham DBA: Bob’s Beach Rental (Float Rentals), Barbara Sheff DBA: Candleshop Inn (Bed and Breakfast), Phyllis W. Fox DBA: Fox’s Lobster House (Food Service, Liquor), Jeremy Prescott DBA: Kettle Boys Popcorn Co. (Food Service), Donald Seydler DBA: Long Sands General Store (Food Service), Nancy’s Catering, Inc. DBA: Nancy’s Catering (Food Service, Liquor, Special Amusement), Andrew Stone DBA: Oceanside Store (Food Service), Edward and Deborah Flanagan DBA: Rossi’s Italian Bakery (Food Service), Stonewall Kitchen, LTD DBA: Stonewall Kitchen (Food Service, Liquor),

Ray Ramsey DBA: Sun N' Surf (Food Service, Liquor, Special Amusement), Carolyn Brennan DBA: Village Scoop (Food Service), Susan Palmaris DBA: York House of Pizza (Food Service), and Kenneth West DBA: The York River Landing (Food Service, Liquor) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

J. Old Business

1. Discussion and Possible Action: Maynard Dock Application - 12 Barrell Lane Extension

Moved by Mr. Macdonald, seconded by Mr. Speers to deny the Dock Application for Steve and Pamela Maynard at 12 Barrell Lane Extension. Vote 4-0, motion passes.

2. Discussion and Possible Action: Proposed New Selectmen's Policy About Timing of Referendum-Related Requests

After discussion amongst the Board and the Town Manager, it was decided that Mr. Burns would make some changes to the proposed policy and bring it back to the Board to review again before taking action on it.

3. Discussion and Possible Action: Accept Long Sands MPI Grant

Last April, the Town of York applied for and was granted a Municipal Partnership Initiative grant to improve Long Beach Avenue in conjunction with three voter approved capital projects.

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the Town Manager to sign the Long Beach Avenue Municipal Partnership Initiative Grant agreement and accept the funds from Maine DOT for the Long Sands Avenue improvements. Vote 4-0, motion passes.

4. Discussion and Possible Action: Pan Am Railroad's Restriction on the York Beach Fire Station Property

At two or more of the 2014 meetings of the Board of Selectmen it was suggested that the Town reach out to Pan Am Railroad (formerly Guilford Transportation, and B&M Railroad prior to that) to request release of the deed restriction on the York Beach Fire Station property. The deed restriction dates back to the original donation of land from the B&M Railroad, and states that the property may only be used for a fire station.

Moved by Mr. Macdonald, seconded to Mr. Speers to direct the Town Manager to offer \$500 to Pan Am Railroad for the release of the deed restriction on the York Beach Fire Station property, to be paid from contingency if the offer is accepted. Vote 4-0, motion passes.

K. New Business

1. Discussion and Possible Action: Calling of the School Budget Meeting

Moved by Mr. Macdonald, seconded by Mr. Palmer to approve the warrant to call the Town of York School Budget Town Meeting on May 4, 2015 at the York High School Robert E. Butler Gymnasium at 6:00PM for the purpose of determining the article set forth in the warrant. Vote 4-0, motion passes.

2. Discussion: Mackey Skate Park Warming Hut Collapse

This winter the warming hut at Mackey Skate Park collapsed. The Town has received an insurance payment of about \$25,600 for the loss of the building and will receive another \$7,300 if the building is replaced in-kind. Locals Richard Bartlett, Charlie Pratt and Wayne Martin have volunteered their efforts in the past to build and maintain the old warming hut and engaged in conversation with the Board on possibilities of the re-build.

Moved by Mr. Macdonald, seconded by Mr. Palmer to turn over the insurance check in the amount of \$25,575.32 for the collapse of the Mackey Skate Park Warming Hut, to the Mackey Skate Park founders and preservers. Vote 4-0, motion passes.

3. Discussion and Possible Action: Possible Sale of Town Owned Property – 6 Forester’s Circuit

Moved by Mr. Macdonald, seconded by Mr. Speers to authorize the Town Manager to execute the necessary documents to submit a counter-offer for the sale of the property at 6 Forester’s Circuit, for the price of \$5,000, by means of a quitclaim deed, not a warranty deed, and with a restriction added to the deed that prevents future building construction and addresses the existing vernal pools on the lot. Vote 4-0, motion passes.

4. Discussion and Possible Action: Agreement with Maine Department of Transportation Regarding “Construction Over-limit Permit”

Dean Lessard, Director of Public Works explained that the Maine Department of Transportation advertised a Hot Mix Asphalt Overlay project with drainage improvements on US Route One here in York. According to 29-A, Section 2382 MRSA, the construction over-limit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the signing of the Maine DOT contactor construction over-limit agreement allowing a construction over-limit agreement allowing a construction over-limit permit to be issued to

the contractor to use overweight equipment and loads on municipal ways. Vote 4-0, motion passes.

5. Discussion and Possible Action: Authorize the Town Manager to Draft and Release a Request for Proposals for an Existing Conditions Survey and Inventory for the Police Station and Connector Road Sites

At their April 6th meeting the Police Station Building Committee unanimously passes a motion to request the Board of Selectmen hire a firm to complete an existing conditions inventory and survey of all the constructed site work for the road, police station site and the material stockpiles.

Moved by Mr. Macdonald, seconded by Mr. Speers to authorize the Town Manger to draft and release a Request for Proposals for an inventory and survey of existing conditions of the partially-constructed connector road and police station site, and the material stockpiles related to that construction. Vote 4-0, motion passes.

6. Discussion and Possible Action: 2015 Parking Agreement with York's Wild Kingdom

Moved by Mr. Macdonald, seconded by Mr. Speers to direct the Town Manager to sign the lease agreement with the York's Wild Kingdom for the parking lot located on Town property at 414 Ridge Road. Vote 4-0, motion passes.

7. Discussion: Polling Board about County Involvement in EB-5

After discussion amongst the Board Mr. Andrews stated that the Town Manager has unanimous decent from the Board in participating in this program.

8. Discussion and Possible Action: Energy Efficiency Steering Committee Resignation and Appointment

Moved by Mr. Macdonald, seconded by Mr. Speers to accept the resignation of Nan Graves as a Regular Member on the Energy Efficiency Steering Committee. Vote 4-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Speers to appoint Rozanna Patane as a Regular Member to the Energy Efficiency Steering Committee, with a term expiring June 30, 2016. Vote 4-0, motion passes.

9. Discussion and Possible Action: Conclusion of the Town Manager's Probation Period

No action, as requested.

10. Special Event Permit Applications

- a. The Greater York Region Chamber of Commerce's Salefest – October 10-12, 2015
- b. The Greater York Region Chamber of Commerce's Harvestfest/Kidsfest – October 17, 2015
- c. The York Harbor Reading Room's Annual July Independence Day Fireworks – July 4, 2015
- d. Old York Garden Club's Annual Plant Sale – May 30, 2015

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following Special Event Permit Applications subject to all, if any, conditions given by Department Heads: The Greater York Region Chamber of Commerce's Salefest – October 10-12, 2015, The Greater York Region Chamber of Commerce's Harvestfest/Kidsfest – October 17, 2015, The York Harbor Reading Room's Annual July Independence Day Fireworks – July 4, 2015, and Old York Garden Club's Annual Plant Sale – May 30, 2015. Vote 4-0, motion passes.

11. Discussion and Possible Action: Appoint a Selectmen Representative Regarding the Davis Property

Moved by Mr. Palmer, seconded by Mr. Speers to appoint Torbert Macdonald as the selectmen Representative for the David Property. Without objection, so ordered.

L. Future Agendas

M. Other Business

N. Citizens' Forum

Adjourn

Moved by Mr. Macdonald, seconded by Mr. Speers to adjourn the meeting at 9:35PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager