



Town of York

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Treasurer
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Code Enforcement
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Planning
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Assessor
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Police Department
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Dispatch
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York Beach Fire
Department
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York Village Fire
Department
(207)363-1015

Public Works/
Harbor Master
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Senior Center/
General Assistance
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SELECTMEN'S MEETING 6:00/7:00 PM MONDAY, OCTOBER 15, 2012 YORK LIBRARY

6:00PM- Executive Session: Legal (Pursuant to M.R.S.A. Title 1, Section 405 (6) (E))

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

Pledge of Allegiance

A. Minutes-

September 10, 2012 Selectmen's Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Nowell to approve the September 10, 2012 Selectmen's Meeting Minutes. Without objection, so ordered.

September 24, 2012 Selectmen's Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Nowell to table the approval the September 24, 2012 Selectmen's Meeting Minutes to October 22, 2012. Without objection, so ordered.

B. Chairman's Report

York Harbor Cliff Path

The Cliff Path will be on the agenda at the next Selectmen's Meeting October 22, 2012. The public is invited to comment at this meeting.

Police Station Update

Things are currently at a standstill. The following is an update on the project from the Building Committee Meeting, read by Ms. Andrews.

- Water and Sewer Departments cannot move forward with final utility designs until the town confirms access from Ridge Road.
- Mike Estes has questions on permits to be acquired from the planning board and wants to know if the town could access the site from route one if necessary while the Ridge Road entrance continues to be discussed.
- Committee discussed being more informed as the decisions are made on the project especially while the wetland and vernal buffer issues are being resolved.
- Steve Burns will be presenting the town site issues at the upcoming Planning Board meeting.
- The building committee needs directions from the Board of Selectmen as the project moves forward with the issues to be addressed.
- David Lay, Project Architect, discussed that the connector road will require a revised submission to the planning board which will take a minimum of two weeks to complete. They hope to present to the planning board at the end of October.
- Army Corps of Engineers will have to approve the proposed buffer restoration project prior to the planning board approving the revised drawings submission.
- Cell Tower presentation to the Planning Board will come later in the project. The location will require planning board approval also. The Board of Selectmen will also need to approve the cell tower plan as well.
- The buffer restoration will have to be shown on the revised site plan. Wetland restoration will take place now, prior to the road construction moving forward if approved.

- Army Corps of Engineers is receptive to providing a 30 day extension for culvert work over the streams, which is being requested. Bob Reed noted that initial discussions with DEP, Army Corps of Engineers, and 3rd party inspector was positive and looks like the stock pile material could stay in place on the property as it is.
- File amendment to Bill Bullard of DEP to build a temporary storm water buffer located adjacent to the Blinn Property.
- Army Corps of Engineers Project Manager Jay Clement has been provided restoration area draft proposal. Gorham Sand and Gravel will charge additional cost to remobilize.
- Don Neumann suggested that the prefer way for the water and sewer is from Caddy's Way. If decision is made to install the sewer main along the connector road to Ridge Road, sewer will be gravity fed from site to Ridge Road which will require some site grade adjustment.
- The building committee originally agreed earlier in the project to keep the site grade lower in order to keep site costs down thereby requiring a pumping station.
- Mark Donovan from PC Construction will be meeting with Gorham Sand and Gravel to discuss working against the 14 day clock and discussing site preparation for winter stabilization for the connector road and building site.
- Mike Estes questioned why the building could not be smaller to address the site and building overruns, due to temporary project delays.
- Howard Koepfel questioned moving forward on the project until the site issues and land acquisition is resolved. He noted the planning board will dictate the future construction scheduled based on their future decisions.
- Mary Andrews expressed her concerns of potential cost overruns and felt these will need to be outlined and funding addressed prior to the project moving forward.
- Question on discussing Dave Emery's comments regarding the CMP building or vacant Bournival car dealership. Structure is a potential for the new police station. The building committee felt the project had moved forward too far to

look at any other options. The CMP building has been looked at in the past and was not financially feasible. LEED certification could be an issue on either structure. Most of all the citizens of York have voted for the current road and location.

- Jon Speers questioned the monitoring issues thus far in the project which included the town requiring a dollar value on the proposed restoration plan and the town working with all parties involved to discuss responsibility of violation.
- Mark Donovan at PC went thru additional cost, contractors involved in current road work, form work, remobilization, and additional monies to address, revised site plans.

Mike Estes and the Building Committee discussed at this point in the project hiring the Clerk of the Works for the project to represent the town's interest. It was agreed for the Board of Selectmen to look at possibly retaining a clerk of the works.

C. Manager's Report

1. Hazardous Waste Day will be held October 20, 2012 from 9:00 AM to 1:00 PM at the Recycling Facility on Witchtrot Road. A Permit is required and is available at the Town Hall for \$25.00. Items that will be accepted are oil based paints, stains and varnishes, paint thinners, solvents and strippers, poisons, charcoal lighter fluid, pesticides, aerosol cans, gasoline/other fuels and pool chemicals. Ms. Andrews shared that having to get a permit might be a burden for some and it would be nice if it was included in the taxes.
2. Sewell's Bridge will be closed starting 10/16/2012 for approximately one year.
3. Absentee ballots for the November election are available at the York Town Hall until November 1, 2012 after that only with special circumstances.

D. Awards

1. **Stone Wall Bids- York Street**

On August 27, 2012 the Selectman passed a motion to approve the design of a stonewall in front of two properties on York Street, for DPW to secure easements and to solicit construction bids which would be opened at the first meeting in October. Bids were solicited and six local masons/contractors expressed an interest in the project. All bids were due on October 1st and at the time of closing only one bid was received.

After much discussion Ms. Gregg made the motion to open the bid, seconded by Mr. Fiorentino. Vote 3-1-1, Ms. Andrews abstaining, Mr. Fiorentino opposed. Motion passes.

Bid was received from Dale Avery in the amount of \$65,400.

Motion was made by Mr. Fiorentino to table the bid to the next meeting on October 22, 2012, seconded by Ms. Gregg. Vote 3-1-1, Ms. Andrews abstaining, Mr. Nowell opposed. Motion passes.

2. 2012/2013 Winter Salt Bid

In May the Department requested competitive bid proposals through The Southern Maine Planning Commission for the purchase of sodium chloride (salt) for the 2012/2013 winter season. Bids were opened on Thursday, June 7, 2012. Two companies responded to the regional bid request, International Salt Company of Clarks Summit, PA and Eastern Salt Company of Lowell, MA.

Motion was made by Mr. Nowell, seconded by Ms. Gregg to award the 2012/2013 winter salt bid to International Salt Company for \$50.34 per ton. Vote, 5-0, motion passes.

The Fiscal Impact: The \$50.34 per ton received from International Salt represents at \$3.10 per ton decrease from the previous year bid price.

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
Lew Stowe
Deborah Oberg
Charles Stacy

G. Approval of Warrant #15

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant #15. Vote 5-0, motion passes.

H. Public Hearing

Motion was made by Ms. Gregg seconded by Mr. Little to open the public hearing at 7:58.

1. New Business License- Brianne Carrier DBA The Breakfast Bistro LLC (Victualers)

I. Endorsements

License Applications

1. Brianne Carrier DBA The Breakfast Bistro LLC (Victualers)
2. TCF Corp DBA Clay Hill Farm Restaurant (Victualers, Liquor & Special Amusement)

Moved by Mr. Little, seconded by Mr. Nowell to approve the following license applications Brianne Carrier DBA The Breakfast Bistro LLC (Victualers), TCF Corp DBA Clay Hill Farm Restaurant (Victualers, Liquor & Special Amusement) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

None

K. New Business

1. Request for Three Way Stop on York Street at Intersection with Organug

York resident Deborah Oberg has requested an agenda item so that the Selectman can discuss her proposal for a three way stop at the intersection of York Street and Organug Road.

Public Works Director, Dean Lessard spoke on the topic. He said a three way stop would provide for breaks in traffic to make turns, however, because of the large volume of traffic on York Street, it would back up into Route 1. This would then involve the state. The striping for York Street and Organug keeps being delayed because of weather.

After discussion it was decided it would not be a good idea to put a three way stop in at this time.

2. 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 bill 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. It appears there are two options available to address the error.

Correction of Commitment Warrant- Title 5 M.R.S.A., Section 95-B authorized the correction of errors in municipal records. Under this option, a new commitment warrant would be prepared and submitted to the state. The cost of this option would include the cost of printing a supplemental tax bill and the cost of mailing the bills. It is anticipated that these costs would be approximately \$10,000.

Calling a Special Budget Referendum- The Town of York Home Rule Charter authorizes the calling of a special budget referendum under certain circumstances. The subject matter in this case would be authorization to use \$910,000 in fund balance money to make up for the shortage in funds to be raised by taxes. If the Selectman were interested in pursuing a Special Budget Referendum it would require four votes (a 2/3 majority) to move a request to the Budget Committee. The budget Committee would then have 10 days to call a public hearing. After the public hearing the Budget Committee would vote on whether or not to approve the subject matter for the Special Budget Referendum. If approved, the Board of Selectman would then call a Special Budget Referendum to be held no sooner than forty (40) days and no later than seventy (70) days after the vote of the Budget Committee. The cost of this option would include the cost associated with conducting a special election which is anticipated to be approximately \$3,000.00. Additional impacts would include a reduction in unappropriated fund balance from \$4.3 M to \$3.4M and the potential costs associated with a future downgrade of the Town's AA+ credit rating.

Town Clerk and Tax Collector, Mary-Ann Szeniaowski has informed Mr. Yandow that she prefers the Special Budget Referendum option. The supplemental tax bill would create an additional impact to the operation of her office.

Mr. Yandow supports a supplemental tax bill over the Special Budget Referendum for the following reasons.

- Calling a Special Budget Referendum requires approval of both the Board of Selectman and the Budget Committee.
- If a Special Budget Referendum is called, the voters may, or may not, approve the use of \$910,000 in current fund balance money.
- If approved by the voters, the use of \$910,000 would adversely reduce the Town's fund balance and, potentially, the Town's bond rating.
- The voters have authorized the Town to tax them for all of the items approved at the Budget Referendum held on May 19, 2012. The Town

did not set the tax rate high enough to collect sufficient property tax revenue to pay for authorized expenditures. The supplemental tax bill would simply raise the remainder of the necessary property tax revenue.

After a lengthy discussion it was decided the topic would be revisited at a later meeting.

3. Appointment to Planning Board

Motion Ms. Gregg, seconded by Mr. Little to appoint David Glazebrook to a two year term on the Planning Board with his term to expire on June 30, 2014. Vote 5-0, motion passes.

Motion Ms. Gregg, seconded by Mr. Little to appoint Alfred J. Cotton Jr. as an alternate member on the Planning Board with his term to expire on June 30, 2015. Vote 5-0, motion passes.

Motion Ms. Gregg, seconded by Mr. Little to appoint Brud Weger as an alternate member on the Planning Board with his term to expire on June 30, 2014. Vote 5-0, motion passes.

4. Discussion Regarding Time Warner Cable Franchise Agreement

Earlier this year public hearings were conducted regarding the Town's Franchise Agreement with Time Warner Cable. The current agreement with Time Warner was signed in 2007 and expires on November 27, 2012. During the public hearings the primary concerns expressed by the public were related to the 2009 loss of Boston channels WBZ and WGBH from the Time Warner channel lineup and the rising cost of cable service.

On April 24, 2012 formal notification was made to Time Warner advising of the Town's intent to negotiate a new cable agreement. This formal notification was required in order to prevent the current five year agreement from automatically renewing.

On September 27, 2012 Selectman Ted Little, Cable Committee member Mike Segroves and Town Manager Mr. Yandow met with Mike Edgecomb from Time Warner Cable. Mr. Yandow recommended that the Selectman determine if

proceeding with a limited extension of the current agreement would be the best option while resolution of some areas of concerns are explored.

5. Appointments to the Senior Citizen's Advisory Board

Motion Ms. Gregg, seconded by Mr. Fiorentino to appoint Jacqueline A. Valentino as a full term member to a three year term on the Senior Citizen's Advisory Board. Vote 5-0, motion passes.

Motion Ms. Gregg, seconded by Mr. Fiorentino to appoint Carollyn Anderson as a full term member to a three year term on the Senior Citizen's Advisory Board. Vote 5-0, motion passes.

6. Appointment to the Historic District Commission

Motion Mr. Nowell, seconded by Mr. Fiorentino to appoint Scott Stevens as a full member to a three year term on the Historic District Commission. Vote 4-1, Ms. Gregg opposed, motion passes.

7. Appointment to Appeals Board

Motion Mr. Little, seconded by Mr. Fiorentino to appoint Gary Adamson to a three year term on the Appeals Board as an alternate member. Vote 5-0, motion passes.

8. Special Permit for Catering Privileges Off Premises- Bill Foster's Downeast Clambake

Motion Mr. Little, seconded by Mr. Fiorentino to approve the Special Permit for Catering Privileges Off Premises for Bill Foster's Downeast Clambake. Event to be held October 20, 2012 at View Point, 229 Nubble Road, York, Maine from 4:00pm to 4:30pm. Vote 5-0, motion passes.

9. Pole Location Permit- Scotland Bridge Road

The permit request has been reviewed by the Director of Public Works and an onsite inspection of the area completed. Mr. Lessard, Director of Public Works has given his approval of the permit request.

Motion Mr. Nowell, seconded by Mr. Little to approve the pole location for 1 pole on Scotland Bridge Road in a westerly direction 50 feet from pole #15. Vote 5-0, motion passes.

10. Pole Location Permit- Scituate Road

The permit request has been reviewed by the Director of Public Works and an onsite inspection of the area completed. Mr. Lessard, Director of Public Works has given his approval of the permit request.

Motion Mr. Little, seconded by Ms. Gregg to approve the pole location for 3 poles on Scituate Road in a northwesterly direction 50 feet from poles 53, 75, and 76. Vote 5-0, motion passes.

11. Appointment of Election Warden

Motion by Mr. Little, seconded by Mr. Nowell to appoint David N. Ott as the Warden for the November 6, 2012 General Election and further, to set polling hours on that date as 8:00 a.m. until 8:00 p.m. Vote 4-1, Ms. Gregg opposed, motion passes.

L. Other Business

M. Citizens Forum

Public Comment: Dave Emery
Brent Maynard

Adjourn

Moved by Mr. Little, seconded by Mr. Fiorentino to adjourn at 9:32 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder