



Town of York

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York, Maine 03909-1314

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Selectmen
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Town Clerk/
Tax Collector
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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
(207)363-1011

Harbor Master
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Senior Center/
General Assistance
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SELECTMEN'S MEETING

6:00/7:00 P.M. MONDAY NOVEMBER 14, 2011
YORK LIBRARY

Present: Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Edward W. Little, Kinley Gregg, Scott Fiorentino, Town Manager; Robert G. Yandow, Recorder; Susan Scott, and members of the press and public.

Pledge of Allegiance

6:00PM: Work Session - York Street Improvements

Public Works Director, Dean Lessard, discussed additional information provided the Selectmen including traffic volume counts, new crash data, and intersection models graphing traffic volumes with and without a light. Meetings have been held with abutters, neighborhood residents and Selectmen to review and receive project input.

CLD Project Engineer, JoAnn Fryer, discussed the MDOT Crash Summary Report specific to the Organug/York St. intersection, traffic analyses reports, neighborhood meeting notes including written and verbal public input, and mast options to meet requirements. Traffic volume was measured and presented at four separate peak times. Traffic volume counts were taken this past June and February, and were appropriately factored down with the opening of Route 103, and factored up for the summer peak. Volume factors provide for an average weekday count for 2011, were then factored up for design year 2021 which includes a 1% increase every year in between. Destination and origin studies would be required to obtain specific routes of drivers. Costs strictly associated for the traffic light approximate \$90,000 to \$100,000.

CLD Senior Transportation Engineer, Robert Lyford, presented a traffic simulation illustrating traffic flows for both morning and afternoon traffic peaks, unsignalized and signalized, and for current year and future year, 2021. A traffic signal continued to be warranted even accounting for a possible 25% reduction in traffic volume resulting from the new beach connector road. Traffic lighting can be programmed for different times of the day and different times of year.

Public Works Director Lessard responded to Selectmen inquiries regarding the light at Southside Road. This light was installed because of safety related issues including inadequate site distances for turning vehicles. The Organug/York St. intersection is unrelated to the Southside Road light as volume level and not site distance issues justify having a traffic light. Discourages traffic lights from being turned on and off as this would serve only to confuse drivers. Traffic lights monitor traffic flows to direct traffic accordingly. The Selectmen can choose to review and approve light mast arms prior to installation. The crosswalk will be slightly relocated to provide compliance of required American with Disabilities Act standards. Temporary signage placed in or nearby roadway can become a safety hazard if it becomes a projectile. Organug Road functions as a collector road, and it is important to keep collector road volumes on collector roads instead of smaller neighborhood roads. Data used to evaluate performance of the intersection warrants a traffic light, and installation of a signal is the safest alternative for Organug vehicular traffic and pedestrians.

Chairman Jackson-McCarty closed the Work Session at 7:10pm.

Call to Order

A. Minutes

- October 24, 2011 Selectmen's Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Little to approve the October 24, 2011 Selectmen's Meeting Minutes, as amended. Vote 5-0, motion passes.

- October 27, 2011 Selectmen's Special Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Little to approve the October 27, 2011 Selectmen's Special Meeting Minutes, as amended. Vote 5-0, motion passes.

- October 31, 2011 Selectmen's Special Meeting Minutes: Moved by Ms. Gregg, seconded by Mr. Little to approve the October 31, 2011 Selectmen's Special Meeting Minutes, as amended. Vote 5-0, motion passes.

- November 2, 2011 Selectmen's Special Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Little to approve the November 2, 2011 Selectmen's Special Meeting Minutes. Vote 5-0, motion passes.

B. Chairman's Report

None.

C. Manager's Report

Town Manager, Robert G. Yandow, noted the convoy for Wreaths Across America will make its way through York on December 5th on its way to Arlington Cemetery. Congratulated York's Junior Wildcats for winning their final game, and York girls' and boys' soccer teams, football and field hockey teams for all their successes.

D. Awards

None.

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: Jack Johnson
Fred Oberg
Fred Oberg
Lew Stowe
Robert Caffey
John Lund

G. Approval of Warrant #20

Moved by Ms. Andrews, seconded by Mr. Little to approve Warrant #20, without objection, so ordered.

H. Public Hearings

- **NEW LICENSE: Bill Park dba York's Best Seafood & Deli (Victualers & Liqour) - New Name: 3 Buoys.**

Moved by Ms. Andrews, seconded by Mr. Little to open the public hearing at 7:45pm, motion passes.

Public Comment: None.

Moved by Ms. Andrews, seconded by Ms. Gregg to close the public hearing at 7:46pm, motion passes.

- **Community Development Block Grant Application: Maine Coast Shellfish.**

Moved by Ms. Andrews, seconded by Mr. Little to open the public hearing at 7:46pm, motion passes.

Community Development Director, Steve Burns, provided an overview of the Community Development Block Grant for Maine Coast Shellfish, and was available to answer any questions for the Selectmen and public. These types of grants are designed to benefit low to moderate income earners. This application includes \$200,000 for direct business support and equipment, and is expected and required to create new jobs, seven of which are for low to moderate income earners. The Town will have a very limited role in this process, mainly to accept State funds to later distribute on to the business.

Public Comment: None.

Moved by Ms. Andrews, seconded by Mr. Little to close the public hearing at 7:51pm, motion passes.

I. Endorsements

License Applications

- **Bill Park dba 3 Buoys Seafood** (Victualers & Liquor)
- **Boardman-Ellis V.F.W. Post 6977**
(Victualers, Liquor, Special Amusement & Coin-OP Amusement)
- **Elaine Stone dba The 123 Restaurant & Inn, LLC**
(Victualers, Liquor, Special Amusement & Bed and Breakfast)
- **Elizabeth Butler dba York Elks Lodge #2788**
(Victualers, Liquor, Special Amusement & Coin-OP Amusement)
- **Jason Miller dba St. Joe's Coffee** (Victualers)

Moved by Mr. Little, seconded by Ms. Andrews to approve the following license applications: Bill Park dba 3 Buoys Seafood (Victualers & Liquor), Boardman-Ellis V.F.W. Post 6977 (Victualers, Liquor, Special Amusement & Coin-OP Amusement), Elaine Stone dba The 123 Restaurant & Inn, LLC (Victualers, Liquor, Special Amusement & Bed and Breakfast), Elizabeth Butler dba York Elks Lodge #2788 (Victualers, Liquor, Special Amusement & Coin-OP

Amusement), and Jason Miller dba St. Joe's Coffee (Victualers) 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. Maine Municipal Association, General Assistance Ordinance: Annual Review of Appendices A, B and C.

General Assistance Administrator, Luke Vigue, discussed the annual process in which the Board of Selectmen are requested to adopt maximum levels of General Assistance as set forth in Appendices A - C. Assistance levels are set each October 1, and this year increased by 1.3% for all municipalities including food and housing. The Selectmen have the ability to conduct their own survey should they disagree with the numbers as presented for food and housing. Mr. Vigue believes these numbers are accurate and does not believe further studies are required.

A public hearing is scheduled for November 28, 2011 for input and adoption of the General Assistance Ordinance.

2. York Street Road Improvements.

Chairman Jackson-McCarty described the amount of data provided to the Selectmen from CLD Engineering in response to requests for additional information including traffic studies, simulated traffic data, input from neighborhood meetings and signal mast arm information.

Town Manager Yandow confirmed that allocated funding includes signalizing the intersection should the Selectmen vote to do so.

Moved by Ms. Jackson-McCarty, seconded by Ms. Andrews to approve DPW to finalize the design and solicit construction bids to reconstruct York Street including the Organug intersection, upgrade the existing drainage system and sidewalks. Vote 3-2, Ms. Andrews and Ms. Gregg in opposition, motion passes.

Mr. Fiorentino sympathized for immediate abutters who may find the signal disruptive and unsightly. In discussing the pros and cons of signalizing the intersection, safety issues become a predominant concern especially as all Town officials agree a light is needed. The

best time for the Town to act on this project is now as the Town currently has the funds allocated, and may not necessarily have those funds in the future.

Ms. Gregg stated she would not have provided her favorable preference vote on the 2010 warrant had specific language for a traffic light been proposed. Signalizing this intersection will be blight on the town, and focus should be given more to attentive driving if the public is genuinely concerned about traffic safety.

Mr. Little concurred with Town officials for needing a light to address safety issues as well as use of available funds allocated for installation of a light. Concerned about the aesthetic impact of a light to the neighborhood, and requested assurance the Selectmen would have the ability to review light structures in the upcoming process.

Ms. Andrews stated she was an abutting property owner with no financial gain involved in the project. Discussed the negative impact for her tenants' accessibility to and from their residences, and aesthetic concerns of a light when trying to promote York as a historic destination. Felt she was provided information in a piece meal fashion.

Chairman Jackson-McCarty stated the Selectmen have done their due diligence in reviewing the extensive information provided to them. Selectmen are presented with tough decisions that need to be made with consideration of the community and tax payers' best interest. There are few communities that do not experience traffic near schools. Stated she does not like the impact a traffic light will have on the Johnsons and Lunds. Inquired as to the rationale of having highly capable department heads and qualified professionals providing expertise only to not consider and follow their recommendations. Expressed dismay in response to a public comment in which the Town would want to discourage children from walking to and from school, or other local activities.

Town Manager Yandow stated the difficult decision made by the Selectmen in considering signalizing the intersection with many variables including levels of services, safety issues and access from driveways. The traffic simulation presentation illustrated a need for a traffic signal. Having spent 24 years in public safety, Mr. Yandow has serious concerns for any potential pedestrian fatality.

3. Community Development Block Grant Application: Maine Coast Shellfish.

Chairman Tracy Jackson-McCarty recused herself from the proceedings.

Moved by Mr. Fiorentino, seconded by Ms. Andrews to establish a CDBG Ad Hoc Advisory Committee and appoint members to fill the positions. Members shall include: Edward Little (Selectmen), Stephen Burns (Community Development Director), and Tracy Jackson-McCarty (Maine Coast Shellfish). Vote 3-1 with Ms. Gregg in opposition, motion passes.

Moved by Mr. Little, seconded by Mr. Fiorentino to adopt the Standards of Conduct. Vote 4-0, motion passes.

Moved by Mr. Little, seconded by Ms. Gregg to adopt the Fair Housing Resolution. Vote 4-0, motion passes.

Moved by Mr. Little, seconded by Ms. Gregg to sign the Section 504 Evaluation. Vote 4-0, motion passes.

Moved by Mr. Little, seconded by Ms. Gregg to adopt the Equal Employment Opportunity Statement. Vote 4-0, motion passes.

Moved by Mr. Little, seconded by Mr. Fiorentino to direct the Town Manager to execute the Indemnification and Reimbursement Agreement with Maine Coast Shellfish. Vote 3-1 with Ms. Gregg in opposition, motion passes.

Moved by Mr. Little, seconded by Mr. Fiorentino to authorize the Town Manager to submit the Phase 2 application. Vote 3-1 with Ms. Gregg in opposition, motion passes.

4. Special Event Permit Application: Turkey Trot 5K Road Race 11/26/11.

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit for the York Parks and Recreation Department's Turkey Trot 5K Race that will take place on Saturday, November 26, 2011 from approximately 9:30am to 1:00pm. Vote 5-0, motion passes.

5. **Special Event Permit Application: Drive-Through Nativity 12/17/11.**

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the special event permit for the First Parish Church's Drive-Through Nativity that will take place on Saturday, December 17, 2011 from approximately 5:00pm to 7:30pm. Vote 5-0, motion passes.

6. **Special Event Permit Application: Lighting of the Nubble w/Free Concert 11/26/11.**

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit for the York Parks and Recreation Department's Lighting of the Nubble in Christmas Lights with Free Concert that will take place on Saturday, November 26, 2011 from approximately 3:00pm to 7:00pm. Vote 5-0, motion passes.

7. **Special Event Permit Application: Cystic Fibrosis Foundation fundraiser walk 5/20/12.**

Moved by Ms. Andrews, seconded by Mr. Little to approve the special event permit for the Cystic Fibrosis Foundation fundraiser walk that will take place on Sunday, May 20, 2012 from approximately 10:00am to 12:00pm. Vote 5-0, motion passes.

8. **Business Directional Sign Application: Beyond the Sea.**

Moved by Ms. Andrews, seconded by Mr. Little to approve the business directional signs for Beyond the Sea to be located at two separate locations, one at York Street and Route 103, and the other at Route 1 and Old Post Road. Vote 5-0, motion passes.

9. **Business Directional Sign Application: Rick's All Seasons Restaurant.**

Moved by Ms. Andrews, seconded by Mr. Little to approve the business directional signs for Rick's All Seasons Restaurant to be located at two separate locations at Route 1 and Old Post Road, one via northbound and one via southbound. Vote 5-0, motion passes.

L. Other Business

Mr. Little inquired about the color of the Wiggly Bridge as a few residents voiced concern about the shade of green used to repaint the bridge. Public Works Director Lessard responded that in working with both the historic district and York Harbor residents, it was discussed and agreed to use the higher quality paint that was available only in a limited array of colors including the forest green color that most resembles the green previously used. Originally, the Wiggly Bridge was painted black, then silver, and

then green. The paint most recently used will last longer and be least susceptible to corrosion.

M. Citizens Forum

Public Comment: Frank Patstone.

Adjourn

Moved by Ms. Andrews, seconded by Ms. Gregg to adjourn at 9:20pm.

Respectfully Submitted By:



Susan H. Scott; Recorder