



Town of York

186 York Street
York, Maine 03909-1314

SELECTMEN'S MEETING

5:30/6:00/7:00 P.M. MONDAY MARCH 25, 2013

YORK LIBRARY

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
(207)363-1003

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
(207)363-1036

Parks and
Recreation
(207)363-1040

Grant House
(207)351-1204

Fax
(207)363-1009
(207)363-1019

5:30 PM: Executive Session Pursuant to M.R.S.A. Title 1, Section 405 (6) (D),
Specifically to Discuss Labor Contracts

6:00 PM: Work Session with Runyon, Kersteen and Ouelette to Discuss FY12
Financial Audit

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

Call to Order at 7:00pm

Pledge of Allegiance

A. Minutes

- **March 11, 2013 Selectmen's Meeting Minutes**

Moved by Mr. Little, second by Mr. Fiorentino to approve the March 11, 2013, Selectmen's Meeting Minutes as amended. Without objection, so ordered.

B. Chairman's Report

- Last Saturday 3/23/13, Ms. Andrews attended a two hour presentation on the Cliff Walk. She found it extremely informative and recommends attending if a meeting like this comes up again. It will be on the television for public viewing at some point soon.
- Police Station Update: There was a follow up meeting with the utilities and others; PC Construction and SMRT involved with the Police Station project, the results of the meeting are as follows: The York Sewer District trustees have approved a design contract with CLD for redesign of the sewer to the Police Station from Ridge Road to Caddy's Way. Andrew Johnston from SMRT will send plans to the CLD for their use. York Sewer District Trustees will review the redesign at their April 25th meeting. CLD on behalf of the water and sewer

districts will be working with CMP to obtain an expanded use agreement under the power lines on the Norton property. We will continue to negotiate with the Norton estate concerning expansion of the utilities easement on the Norton property between Caddy's Way and the Police Station. SMRT will have preliminary information ready for the planning in early May. The town will schedule an appearance before the planning board after the May 18th vote, possibly on May 23 and will send an amended application to DEP at the same time. PC Construction will work on an amended guarantee maximum price and will provide that to the municipal building committee in early July. The revised GMP will tentatively come before the Selectmen On July 22. The Town is tentatively looking at August 1, 2013 as a target date to start the construction.

- Ms. Andrews has met with PC Construction and Town Manager Rob Yandow two times to discuss the clear cutting and stock piling errors that were made last summer as part of the Police Station project. Representatives from PC Construction to include Senior Management have been very responsive to the town's concerns. At the current time the town manager is looking at all projected costs associated with the clear cutting issues. These costs will be the basis for future meetings with PLC. We are looking at all the issues and attempting to work thru them.

C. Manager's Report

- Regarding the business application for the Cape Neddick Lobster Pound; the property taxes had been paid when the application was approved at a prior meeting. There had been some discussion during the meeting that the taxes had not been paid, however in fact they had been and the information had not gotten to the right person before the meeting. Mr. Yandow would like to apologize for any discussion that took place regarding the taxes not being paid on time.

D. Awards:

1. Recreation Department Summer Brochure Bid

The 2013 summer brochure for the Parks and Recreation was quoted by four bidders. The bidders included Graphic Image \$7,740, Ram Printing \$12,089, Creative Imaging Group \$12,769, and JS McCarthy Printers \$12,540.14. Mike Sullivan, Parks and Recreation Director recommend the bid be awarded to Graphic Image, Inc. of Milford, CT. This bid price is based on 7,000 copies (68 pages plus cover, page size

8x8) Graphic Image has printed many brochures for the town in the past producing nice quality.

Moved by Mr. Nowell, seconded by Mr. Fiorentino to award the 2013 Recreation Department Summer Brochure Bid to Graphic Image of Milford, CT in the amount of \$7,740.00. Vote 5-0, motion passes.

E. Reports:

1. Mount Agamenticus Conservation Program Annual Report

Presentation by Robin Kerr the Mount Agamenticus Conservation Coordinator.

The 2012 season was highlighted by major improvements to Mount Agamenticus summit area. The most significant addition is the creation of a summit loop trail that traverses the open park area and new shrub land habitat of Mount A. This trail is exactly one mile long and has been designed with the intention for most of the trail to be upgradable to meet handicap accessible parameters. Despite initial concern about cutting trees, all conservation activities continue to be praised by the public. This year, feedback has been overwhelmingly positive concerning the remarkable summit views and the condition and availability of area trails as they continue to carefully balance the management of water quality and wildlife habitat with recreation opportunities and visitor experience.

The following is a review of the great work accomplished this year at the summit and beyond by the conservation crew, interns and community volunteers.

New Trail Development:

- Built a new 150' woodchip path at the summit
- A new 1.0 mile summit loop that has been completely mapped and identified.
- Built a new 150' trail off of Cedar trail to an old beaver dam.
- Cleared, flagged and GPS mapped a new .05 mile trail connector between Notch and Great Marsh trails.

Trail Remediation:

- Repaired and rerouted 5 1st Hill trails leading to and thru the new shrub land area. Rerouted trails were all marked with new signs and directions.
- Repaired and upgraded trail surface on Search & Rescue trails. Deposited 38 tons of crushed rock and gravel on Normal Mill and Notch trails and Great Marsh trails.
- Rock armored over 6 areas along SAR trails: 2 each on Notch, Great Marsh, and Wheel trails and 20' section on Ring Trail to facilitate better passage.

- Built nearly 30' of ATV supportable boardwalk on Cedar trail and over 70' total of bog bridging on Normal Mill, Fisher and the Summit trails.

Trail Maintenance:

- Replaced decking on 7 boardwalks along multiple use trails totaling 50' of repair.
- Re-blazed approximately 7 miles of trails along the Dragon Fly loop trail and Notch and Great Marsh trails.
- Hurricane recovery: removed nearly 30 trees on all trails.

Trail and Habitat Related Work:

- Miscellaneous sign construction
- A fourth loop trail and Owl icon was selected and blazed.
- All trails (just over 40 miles) were GPS mapped to assist upgrading/updating GIS filed and information
- An invasive plant survey identified 9 species that were mapped and hand pulled.
- An annual soil compaction and erosion survey was conducted
- Liter/Dumping pick up- many truck loads of rash collected.
- Work resulting in vandalism:
 - Rebuilt several platforms and reposted 23 StoryWalk stations
 - Rebuilt 3 trail boxes
 - Closed spider trails that were purposefully opened

Summit Area Improvements:

- Removed 5 truckloads of trash from cut area
- 3 new picnic areas
- All 14 picnic areas were mulched, painted, etc.
- 2 new picture post locations were established
- 8 new bluebird and swallow birdhouses were built and installed
- All 16 native garden areas were mulched, weeded, etc.
- Parking areas and driveway were recovered and lined with rock.
- Crew workshop roof was patched 3 times.
- Viewing platforms were sanded, painted and railing repaired.

Volunteer Efforts:

- More than 12,750 hours of volunteer labor have been contributed since 2000.

Public outreach/Education:

- Published a new brochure and map featuring 3 recommended loop trails.
- Completed interpretive panels for a 3-D site model.

- Agamenticus.org website was re-designed
- The Friends of Mount A developed the “Summit View” newsletter and published the first 2 editions

Several other general tasks such as: trail box repairs, trail brushing, drainage repairs, and monitoring; liter pick-up; boardwalk tread cleaning, general mulching; volunteer workdays; tool repair/maintenance; public information sharing; and summit maintenance such as workshop, lodge, and deck repairs, supplemented the significant achievements of this season.

This conservation work ensures that water quality and wildlife habitat continue to be protected while visitor experience, safety, and awareness are improved within a sustainable trail network. There have been many successes to report thanks in large part to the Recreation Trails Program, the Town of York, and Mt. Agamenticus Steering Committee. It takes a lot of work to take care of this land and a fully funded trail crew is essential to our program.

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.

Janice Marshall Colby
Nancy Lambert

G. **Approval of Warrant #38**

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant # 38. Vote 4-1, Mr. Nowell opposed, motion passes.

H. **Public Hearings:**

1. **Ordinance Amendments for May 2013 Special General Referendum**

- Protecting the Capacity of the Stormwater Drainage System
- Enforcement Tools

Moved by Mr. Nowell, seconded by Mr. Fiorentino to open the Public Hearing at 7:55 pm, without objection, so moved

Public Comment: None

Moved by Mr. Nowell, seconded by Mr. Little to close the Public Hearing at 7:55 pm, without objection so moved.

- Dimensional and Performance Standards

Moved by Ms. Gregg, seconded by Mr. Little to open the Public Hearing at 8:06 pm, without objection so moved.

Public Comment: None

After no discussion, Ms. Andrews closed the public hearing at 8:06, without objection so moved.

2. May 2013 Special Referendum Warrant

Moved by Mr. Little, seconded by Mr. Nowell to open the Public Hearing at 8:07 pm, without objection, so moved.

Public Comment: None

Moved by Mr. Little, seconded by Ms. Gregg to close the Public Hearing at 8:10 pm, without objection, so moved.

3. May 2013 Budget Referendum Warrant

Moved by Mr. Little, seconded by Ms. Gregg to open the Public Hearing at 8:10 pm, without objection, so moved.

Public Comment: None

Moved by Mr. Little, seconded by Ms. Gregg to close the Public Hearing at 8:10 pm, without objection so moved.

4. May 2013 School Budget Validation Referendum Warrant

Moved by Mr. Little, seconded by Mr. Nowell to open the Public Hearing at 8:11 pm, without objection so moved.

Public Comment: None

Moved by Mr. Little, seconded by Mr. Nowell to close the Public Hearing at 8:11 pm, without objection so moved.

5. New Business License Applications for Carrie Yakola DBA York Art Association and Edward & Deborah Flanagan DBA Rossi's Italian Bakery

Moved by Mr. Little, seconded by Mr. Nowell to open the Public Hearing at 8:11 pm, without objection so moved.

Public Comment: None

Moved by Mr. Nowell, seconded by Mr. Little to close the Public Hearing at 8:12 pm, without objection so moved. .

I. Endorsements- Business Licenses

1. Phillip Sterns Jr. DBA Shore Road Restaurant & Market (Victualers)
2. Edward & Deborah Flanagan DBA Rossi's Italian Bakery (Victualers)
3. Robert Witham DBA Bob's Beach Rental Inc.

Moved by Mr. Little, seconded by Ms. Gregg to approve the following license application; Phillip Sterns Jr. DBA Shore Road Restaurant & Market (Victualers) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the following license application; Edward & Deborah Flanagan DBA Rossi's Italian Bakery (Victualers) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Ms. Gregg moved to amend the motion to approve the license for Rossi's Italian Bakery to include the language the Victualers License Rossi's Bakery is issued subject to the understanding that the Atlantic House/Gull Street violation cited in 2008 will be successfully resolved on or before May 31, 2013. Further, the license hereby granted shall be suspended on June 1, 2013, without further action by the Board of Selectmen if this violation has not been fully resolved within this timeframe to the satisfaction of the Code Enforcement Officer, seconded by Mr. Little. Vote 4-1, Mr. Nowell opposed, motion passes.

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the following license application; Robert Witham DBA Bob's Beach Rental Inc. 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. Police Communications Tower at New Police Station

There will be two things to consider in regards to a new cell tower in York says Chief of Police Doug Bracy; is this partnership in the best interest of the Town and will it

serve the needs of the Town's public safety communications requirements and will it serve the needs of the citizens of York to enhance the cellular wireless service in the areas of Cape Neddick, York Beach, and York Harbor, especially along the Coast?

Bracy states; the proposal brought before the board includes a long term lease agreement with Portland Cellular Partnership d/b/a Verizon Wireless to build a 140 foot galvanized lattice tower on the site of the proposed new police department site near the York's Wild Kingdom. The Town will locate it's communications at the top of the structure and Verizon Wireless will locate their equipment at the 100 foot mark of the tower. This contract will turn the ownership of the tower over to the Town of York once the tower becomes operational. Verizon Wireless will then pay the Town of York on a monthly basis for the rights to maintain equipment on this tower and will donate a 10'x20' equipment hut to the Town to be used for its communications equipment and generator on the tower sight. Verizon Wireless will be reimbursed for their initial capital investment into the construction of the new tower through the monthly lease fees they will pay the Town. Terms of the agreement involve a yearly rental fee starting at \$14,400 per year with a 3% escalator for each year thereafter. The projections indicate that the company's initial capital investment for construction will be repaid over about a ten year period at which pint the Town will begin to realize a positive revenue source form the rental of the space on the tower. The agreement and design of the tower have been crafted and engineered to potentially provide the Town with additional revenue from the site.

The projected price tag of Verizon Wireless' initial investment to construct the tower is estimated to be in the vicinity of \$150,000 to bring it to an operation mode. This price does not include the cost of the equipment and cabling necessary to complete the Town's communication needs on this tower.

Chief of Police, Douglas Bracy recommends that Board of Selectmen agree to enter into the partnership with Verizon and to engage them in a long term lease to build the Town of York a 140 foot lattice communication tower.

The Town of York is exempt from the wireless communications facilities ordinance and the tower would not comply as a private developer.

Moved by Mr. Nowell, seconded by Mr. Little to approve the lease agreement with Portland Cellular Partnership d/b/a Verizon Wireless to build a 140' cellular tower to be owned by the Town of York and located on the site of our new police facility. Vote 3-2, Ms. Gregg and Mr. Fiorentino opposed, motion passes.

2. Move Ordinance Amendments to Special General Referendum

Moved by Ms. Gregg, seconded by Mr. Nowell, to move the following ordinance amendment; Protecting the Capacity of the Stormwater Drainage System (Zoning) to the May 2013 Special General Referendum warrant; Protecting the Capacity of the Stormwater Drainage System (Zoning). Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Mr. Little, to move the following ordinance amendment; Zoning Enforcement Tools (Zoning) to the May 2013 Special General Referendum warrant). Vote 4-1, Ms. Gregg opposed, motion passes.

Moved by Ms. Gregg , seconded Mr. Little to move the following ordinance amendment; ADU Dimensional and Performance Standards (Zoning and General Accessory Dwelling Unit Ordinance) to the May 2013 Special General Referendum warrant. Vote 4-1, Ms. Andrews opposed, motion passes.

3. Approve May 18, 2013 Budget Referendum Warrant

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the May 18, 2013 Budget Referendum Warrant. It was agreed by the board to remove the Statement of Fact on Question 26 from the Referendum as it is a holdover from last year. Vote 5-0, motion passes.

4. Approve May 18, 2013 Special General Referendum Warrant

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the May 18, 2013 Special General Referendum Warrant. It was agreed by the board that they would like to rephrase on the Statement of Fact on the easement grants to: If approved this article would grant the Town of York an easement for the installation maintenance, repair and replacement of the storm drain system and related improvements including but not limited to pipes for the collection and flowage of water. It was also decided on Item Fourteen to change the last line in the Statement of Fact to: If the land swap is not approved the Town will be forced to locate the access road though an area that contains wetlands which **may** be more costly to the Town. Vote 4-1, Mr. Nowell opposed, motion passes.

5. Approve School Budget Validation Referendum

Moved by Mr. Nowell, seconded by Ms. Gregg to place Budget Validation warrant articles one and two on the Referendum Ballot May 18, 2013. Vote 5-0, motion passes.

Selectmen Ron Nowell requested item J (7), Appointment of Amber Harrison Code Enforcement Officer, be moved up on the agenda.

6. Appointment of Amber Harrison as Code Enforcement Officer

Amber Harrison has been hired to become the Town's primary Code Enforcement Officer, and she will begin work March 25th. Ms. Harrison has been an Assistant CEO in the Town of Kittery and currently possesses Shoreland and Land Use certifications from the State. From the time of appointment Amber will have one year to become fully certified in MUBEC (building codes). Community Development Director Steve Burns recommends the Board of Selectmen Appoint Amber Harrison as the Code Enforcement Officer for the Town of York., with responsibilities in the areas of land use, shoreland zoning, and all aspects of building code enforcement.

Moved by Mr. Little, seconded by Ms. Gregg to appoint Amber Harrison as the Code Enforcement Officer for the Town of York. The term of this appointment shall be indefinite, at the pleasure of the Board of Selectmen. Vote 5-0, motion passes.

7. Preference Votes on Budget Referendum and Special General Referendum

Selectmen provided the following preference votes for the Budget Referendum Warrant:

Article One: N/A
Article Two: 5-0
Article Three: 5-0
Article Four: 4-1 (KG Opposed)
Article Five: 5-0
Article Six: 5-0
Article Seven: 5-0
Article Eight: 5-0
Article Nine: 5-0
Article Ten: 5-0
Article Eleven: 5-0
Article Twelve: 5-0
Article Thirteen: 4-0-1 (MA Abstained)
Article Fourteen: 5-0
Article Fifteen: 5-0
Article Sixteen: 5-0
Article Seventeen: 5-0
Article Eighteen: 5-0

Article Nineteen: 5-0
Article Twenty: 5-0
Article Twenty-One: 4-1 (KG Opposed)
Article Twenty-Two: 5-0
Article Twenty-Three: 5-0
Article Twenty-Four: 5-0
Article Twenty-Five: 4-1(KG Opposed)
Article Twenty-Six: 5-0
Article Twenty-Seven: 4-1 (KG Opposed)
Article Twenty-Eight: 4-1(KG Opposed)
Article Twenty-Nine: 5-0
Article Thirty: 5-0
Article Thirty-One: 3-2 (KG, RN Opposed)
Article Thirty-Two: 4-1 (RN Opposed)
Article Thirty-Three: 4-1 (KG Opposed)
Article Thirty-Four: 4-1 (KG Opposed)
Article Thirty-Five: 5-0
Article Thirty-Six: 5-0
Article Thirty-Seven: 5-0
Article Thirty-Eight: 5-0
Article Thirty-Nine: 4-1 (KG Opposed)
Article Forty: 4-1 (KG Opposed)
Article Forty-One: 3-2 (KG, RN Opposed)
Article Forty-Two: 3-2 (MA, KG Opposed)
Article Forty-Three: 5-0
Article Forty-Four: 5-0
Article Forty-Five: 3-2 (MA, KG Opposed)
Article Forty-Six: 4-1 (KG Opposed)
Article Forty-Seven: 4-1 (KG Opposed)
Article Forty-Eight: 3-2 (RN, KG Opposed)
Article Forty-Nine: 3-2 (TL, KG Opposed)
Article Fifty: 5-0
Article Fifty-One: 5-0
Article Fifty-Two: 5-0
Article Fifty-Three: 5-0
Article Fifty-Four: 2-3 (TL, RN, KG Opposed)
Article Fifty-Five: 5-0

Selectmen provided the following preference votes for the Special General Referendum Warrant:

Article One: 5-0
Article Three: 4-1 (KG Opposed)
Article Five: 5-0
Article Seven: 5-0
Article Nine: 5-0
Article Eleven: 3-2 (TL, RN Opposed)
Article Thirteen: 3-2 (RN, KG Opposed)
Article Two: 5-0
Article Four: 4-1 (MA Opposed)
Article Six: 5-0
Article Eight: 5-0
Article Ten: 5-0
Article Twelve: 3-2 (RN, KG Opposed)
Article Fourteen: 3-2 (RN, KG Opposed)

Chair Mary Andrews suggest the following items will be postponed to a later meeting due to time restraints:

8. Appointment of Representative to KACTS
9. Release the Indemnification and Reimbursement Agreement with Maine Coast, LLC
10. Special Event Permit- York Lion's Annual Fun (D) Raising Auction
11. Special Event Permit- "York Days" Fireworks
12. Application for License for Incorporated Civic Organization: Old York Historical Society
13. Resolution Regarding Governor's Biennial Budget

L. Other Business

M. Citizens Forum

Nancy Lambert

Adjourn

Moved by Mr. Nowell, seconded by Ms. Gregg to adjourn at 10:27 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder