

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
6:00/7:00PM MONDAY, APRIL 14, 2014  
YORK LIBRARY**

**6:00: Work Session with Runyon Kersteen Ouellette, Town Auditors**

**Call to Order**

Chairman Nowell called the meeting to order at 7:05PM.

**Opening Ceremonies**

**A. Minutes**

1. February 10, 2014 Meeting Minutes
2. February 24, 2014 Meeting Minutes
3. February 28, 2014 Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Macdonald to approve the minutes for February 10, 2014, February 24, 2014 and February 28, 2014 as corrected. Vote 5-0, motion passes.

**B. Chairman's Report**

No Chairman's Report

**C. Manager's Report**

Town Manager Robert G. Yandow reminded citizens that the Board of Selectmen's regular meeting schedule for May will be held on the 12<sup>th</sup> and 19<sup>th</sup> due to the Memorial Day Holiday. Mr. Yandow also announced that he was invited to visit the Sohier Park Welcome Center and that it is almost finished and the new facility is "simply gorgeous". Town Manager Yandow gave a financial report on the Police Station: After a discussion with PC Construction, they advised him that after December 31, 2012 the project was 19% completed but that because so much time has gone by it has now dropped to 17% due to some cost increases; PC Construction has been paid \$1,152,134 against the guaranteed maximum of \$6,620,100; PC Construction also believes that the Town owes them \$163,467.67 based on retainage withheld on the first three payments, this was

simply information that was passed on from PC Construction, not a request for payment; As of April 11, 2014 a total of \$2,061,160.32 of the \$8,437,421 approved by the voters representing 24.4% of the funds have been spent.

**D. Awards**

**E. Reports**

**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: Mike Micciche  
Bob Domernelle

**G. Approval of Warrant #41**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve Warrant #41. Vote 5-0, motion passes.

**H. Public Hearings**

1. New Business License: NoLita

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing for a New Business License for NoLita. No objection, so moved.

Public Comment: None

Moved by Ms. Andrews, seconded by Ms. Gregg to close the Public Hearing. No objection, so moved

2. Local Liquor Option Special General Referendum Warrant

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing on the Local Liquor Option Special General Referendum Warrant. No objection, so moved.

Public Comment: None

Moved by Ms. Andrews, seconded by Ms. Gregg to close the Public Hearing on the Local Liquor Option Special General Referendum Warrant. No objection, so moved

**I. Endorsements**

Business Licenses:

1. Raymond Ramsey DBA: Anchorage Inn (Victualers, Liquor, Special Amusement, Hotel/Motel with Cooking Facilities); Located at 265 Long Beach Avenue
2. Liberty North DBA: Candleshop Inn (Bed and Breakfast); Located at 44 Freeman Street
3. Neddick Place LLC DBA: Neddick Place/Countryview (Bed and Breakfast, Hotel/Motel with Cooking Facilities); Located at 1521 US Route One
4. Don and Erika Seydler DBA: Long Sands General Store (Victualers); Located at 121 Long Beach Avenue
5. Mojo's BBQ Shacks LLC DBA: NoLita (Victualers, Liquor); Located at 647 US Route One
6. Janet B. Stone DBA: Oceanside Store, Inc. (Victualers); Located at 179 Long Beach Avenue
7. Jonathan King and Jim Stott DBA; Stonewall Kitchen (Victualers, Liquor); Located at 2 Stonewall Lane
8. 150 US Route One LLC DBA: The York River House (Victualers, Liquor); Located at 150 US Route One
9. Diana Hickey DBA: Windbreaker Restaurant (Victualers); Located at 243 Long Beach Avenue
10. York Golf and Tennis DBA: York Golf and Tennis Club (Victualers, Liquor, Special Amusement); Located at 62 Organug Road

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following licenses: Raymond Ramsey DBA: Anchorage Inn (Victualers, Liquor, Special Amusement, Hotel/Motel with Cooking Facilities); Located at 265 Long Beach Avenue, Liberty North DBA: Candleshop Inn (Bed and Breakfast); Located at 44 Freeman Street, Neddick Place LLC DBA: Neddick Place/Countryview (Bed and Breakfast, Hotel/Motel with Cooking Facilities); Located at 1521 US Route One, Don and Erika Seydler DBA: Long Sands General Store (Victualers); Located at 121 Long Beach Avenue, Mojo's BBQ Shacks LLC DBA: NoLita (Victualers, Liquor); Located at 647 US Route One, Janet B. Stone DBA: Oceanside Store, Inc. (Victualers); Located at 179 Long Beach Avenue, Jonathan King and Jim Stott DBA; Stonewall Kitchen (Victualers, Liquor); Located at 2 Stonewall Lane, 150 US Route One LLC DBA: The York River House (Victualers, Liquor); Located at 150 US Route One, Diana Hickey DBA: Windbreaker Restaurant (Victualers); Located at 243 Long Beach Avenue, and York Golf and Tennis DBA: York Golf and Tennis Club (Victualers, Liquor, Special Amusement); Located at 62 Organug Road subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

Mr. Macdonald brought a map created by the York Water District that represents two weeks in the “off season” on the Mount Agamenticus trails and the number of dog waste piles (a total of 70 in the study that the map represents) found on them, which he feels shows that there is indeed a serious problem.

**K. New Business**

1. Discussion and Possible Action on a Request for Sewer Extension on Main Street

Tim Haskell, York Sewer District Superintendent submitted a request to the Town to extend the already approved Main Street utility extension.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to provide written assurances to the York Sewer District for the extension at 58 and 60 Main Street. Vote 5-0, motion passes.

2. Discussion and Possible Action on Deed Restrictions for the Bog Road Athletic Field Project

Parks and Recreation Director Michael Sullivan explained to the Board the Maine Department of Environmental Protection’s required deed restrictions relating to storm water buffers in connection with the Bog Road Athletic Field project. According to Town Attorney Mary Costigan, the deed restrictions are standard.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the deed restrictions for the Storm Water Management Program at Bog Road as required by the Maine DEP, as reviewed by the Town Attorney and further moved to authorize the Town Manager to sign the document. Vote 5-0, motion passes.

3. Purchase and Sale Agreement for 6 Forester’s Circuit

After a discussion by an abutter to 6 Forester’s Circuit during the Citizen’s Forum, the Board felt that the lot is not suitable for development and should be offered to abutters to the property exclusively.

Moved and withdrawn by Mr. Macdonald to schedule a Public Hearing for April 28, 2014 regarding the potential sale of 6 Forester’s Circuit.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reject the Purchase and Sale Agreement for property at 6 Forester’s Circuit as rendered by Joseph and Kim Collins. Vote 5-0, motion passes.

4. Discussion and Possible Action on an MDOT MPI Grant Opportunity on Route 1A

Director of Public Works Dean Lessard explained to the Board of Selectmen that the Parks and Recreation, Community Development and Public Works Departments proposed combining the survey work for three Town funded capital project on Long Beach Avenue. The idea was proposed in order to take advantage of economies of scale and improve coordination between the projects.

Moved by Ms. Andrews, seconded by Mr. Macdonald to approve the submittal of a 2014 grant application to Maine DOT's Municipal Partnership Initiative Program (MPI) in order to secure funds for Long Beach Avenue improvements. Vote 5-0, motion passes.

5. Discussion and Possible Action on Driveway Permit at 65 Old Post Road

Director of Public Works Dean Lessard explained to the Board of Selectmen how he came to the decision to deny 65 Old Post Road a driveway permit.

Moved by Ms. Andrews, seconded by Mr. Macdonald to get a Legal Opinion regarding the following: 1) Does the Street Culvert and Opening Ordinance apply to new driveways and 2) Do State and Federal guidelines apply in the Urban Compact Zone of Old Post Road? Vote 5-0, motion passes.

6. Status of Municipal Building Committee

Moved by Ms. Gregg, seconded by Mr. Fiorentino to advertise for Building Committee Members. Vote 4-1, Mr. Fiorentino against, motion passes.

7. Bernstein Shur Waiver

Moved by Mr. Macdonald, seconded by Ms. Andrews to authorize the Chairman to sign an agreement through which the Town waives any conflict of interest presented, by having Town Attorney Mary Costigan advise the Code Enforcement Officer on matters involving Green Forest, LLC. Vote 5-0, motion passes.

8. Planning Board Appointment

Moved by Ms. Andrews, seconded by Mr. Macdonald to appoint Peter Smith as a Regular Member of the Planning Board, with a term expiring June 30, 2017. Vote 5-0, motion passes.

9. Appointment of Election Clerks

Moved by Ms. Andrews, seconded by Ms. Gregg to appoint those registered voters as listed on the attachment, as Election Clerks for 2014-2016. Vote 5-0, motion passes.

10. Approve School Budget Town Meeting Warrant

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the warrant to call the Town of York School Budget Town Meeting on May 6, 2014 at 6:00PM for the purpose of determining the articles set forth in the warrant. Vote 5-0, motion passes.

11. Discussion and Possible Action on Previously Approved Pole Location Permit for Pole #26 on Main Street

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to revoke the approval for the Pole Location Permit for pole #26 on Main Street and further move to authorize the Town Manger to work with Central Maine Power and Ms. Speers to come to a mutually agreeable resolution. Vote 5-0, motion passes.

12. Discussion and Possible Action on Re-Paving Route 1-A into York Beach from North

Director of Public Works Dean Lessard explain that the paving project for Route 1-A has not been started yet because Public Works is still waiting on several easements that are required for the Town to gain "right title and interest" which is required to obtain the necessary Maine Department of Environmental Protection permits required for the drainage project proposed for Route 1-A. Mr. Lessard stated that in the next few weeks there will be some paving on Route 1-A to temporarily repair the parts of the road that are in extreme disrepair and that once Public Works has the easements and permits needed, they will ground up and repave the whole road.

13. Property Redemption: 3 Cappys Lane

Moved by Ms. Andrews, seconded by Ms. Gregg, to approve the redemption of 0023-0029; located at 3 Cappys Lane, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full no later than June 13, 2014. Vote 5-0, motion passes.

14. Property Redemption: 151 Mountain Road

Moved by Ms. Andrews, seconded by Ms. Gregg, to approve the redemption of 0096-0135; located at 151 Mountain Road, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full no later than June 13, 2014. Vote 5-0, motion passes.

15. Pole Location Permit: US Route One

Moved by Mr. Macdonald, seconded by Ms. Andrews, to approve the Pole Location Permit for one pole on US Route One, in a Southerly direction, 45 feet from pole #350. Vote 5-0, motion passes.

16. Special Event Permit: York Village Fire Department's Annual Firemen's Field Day

Moved by Mr. Macdonald, seconded by Mr. Fiorentino, to approve the Special Event Permit application for the York Village Fire Department's Annual Firemen's Field Day on Saturday, August 16, 2014. Vote 5-0, motion passes.

17. Special Event Permit: The York Harbor Reading Room Annual Fireworks

Moved by Ms. Andrews, seconded by Ms. Gregg, to approve the Special Event Permit application for The York Harbor Reading Room Annual Fireworks on Saturday, July 5, 2014. Vote 5-0, motion passes.

18. Special Event Permit: Masonic Youth Charities Motorcycle Run

Moved by Ms. Andrews, seconded by Mr. Macdonald, to approve the Special Event Permit application for the Masonic Youth Charities Motorcycle Run on Saturday, May 17, 2014. Vote 5-0, motion passes.

19. License for Incorporated Civic Organization: Museums of Old York

Moved by Ms. Andrews, seconded by Mr. Fiorentino, to approve the Application for License for Incorporated Civic Organization for the Old York Historical Society DBA: Museums of Old York event at 3 Lindsay Road on Friday, May 9, 2014. Vote 5-0, motion passes.

**L. Other Business**

Ms. Andrews stated that she will be out of town at the next regularly schedule Selectmen's meeting and asked that action on any controversial items be held off until she returns at the next meeting.

**M. Citizens' Forum**

Public Comment: None

**Adjourn**

Chairman Nowell adjourned the meeting at 9:45PM.

Respectfully Submitted,  
Melissa M. Avery