



Town of York

186 York Street
York, Maine 03909-1314

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

www.yorkmaine.org

SELECTMEN'S MEETING 6:30/7:00 P.M. MONDAY DECEMBER 17, 2012 YORK LIBRARY

6:30 PM: 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 at 7:00pm

Pledge of Allegiance

A. Minutes

None

B. Chairman's Report

- Happy holidays from the Board of Selectmen!
- Beginning the first of the year the board will be setting up informal monthly Saturday morning meetings that will be open to the public.
- The Board of Selectmen will be setting up a meeting sometime in January to discuss many of the questions surrounding the Police Station Project.

C. Manager's Report

- Reminder that on Jan 28, 2013 all recycling in the town York will be single stream. The recyclables can all be in the same bins and no longer need to be separated. Waste Management will separate and sort it on their end.
- The town hall will be closing at noon on December 24, 2012 for the Christmas Holiday.

- Fred Jaissle, Gretchen Seaver's father, was featured on the Today Show to celebrate his 100th birthday by Willard Scott.

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.

Bruce McGlaufflin
Christopher Baudo

Moved by Mr. Nowell, seconded by Mr. Fiorentino to move new business item K3, request for Sewer Extension from Kittery Sewer District out of order.

1. New Business Item 3: Request for Sewer Extension from Kittery Sewer District for 4 US Route 1

The applicant is applying for a sewer extension to 4 US Route 1, so that they can pursue the following approvals with the Planning Board: Route 1 Use Permit, Major Site Plan and Major Subdivision. The project is proposing that sewer capacity be provided from Kittery (the Kittery Town line is very near this property). Proposed for the site are two principal buildings, with a combination of retail and office space on the ground floors and apartments above. The project would also require public water be supplied, but this does not require Select Board approval.

The Board of Selectmen had a discussion with Town Planner Christine Grimando, the applicant's representative Chris Baudo and Community Development Director Steve Burns.

Motion was made by Mr. Nowell, seconded by Mr. Little to provide a written determination to the Town of Kittery Sewer Department that the requested sewer extension from the Town of Kittery into the Town of York on US Route 1, pursuant to the provisions of Title 38, is not consistent with local land use ordinances and plans. Vote 4-1, Ms. Gregg opposed. It was suggested that the applicant come back to the Board with another approach to this request.

G. Approval of Warrant #24

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant # 24. Vote 4-1, Mr. Nowell opposed.

H. Public Hearings

Close-Out Public Hearing for the York/Maine Coast CDBG Grant

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the Public Hearing at 8:44 pm. After no discussion motion was made by Ms. Gregg, seconded by Mr. Little to close the Public Hearing at 8:44pm.

I. Endorsements- Business Licenses

1. Mac's Convenience Stores LLC DBA Circle K #7049 (Victualers)
2. Randy Zaninetti DBA Lighthouse Inn (Victualers)

Moved by Mr. Little , seconded by Mr. Fiorentino to approve the following license applications; Mac's Convenience Stores LLC DBA Circle K #7049 (Victualers and Randy Zaninetti DBA Lighthouse Inn (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. Close-Out Public Hearing for the York/Maine Coast CDBG Grant

The Town received a \$200,000 Community Development Block Grant under the State's Economic Development Program. This money was awarded specifically to help Maine Coast develop 7 or more new jobs, 51% of which are required to aid low-to moderate- income workers. The funds were received from the State, provided to

Maine Coast, and the job creation requirement has been verified by the State. On May 7th the Board of Selectmen conducted a meeting to close out this project. In the on-line streaming it is the business conducted between 7:29 and 7:36 PM, with Christine Grimando presenting. The Board of Selectmen is required to conduct a public hearing in order to close out the grant. The Public Hearing was held today, December 17, 2012.

2. Legal Research Concerning Ownership of Cape Neddick Beach

On November 28, 2011 the Cape Neddick Beach Task Force submitted a report to the Board of Selectmen. The Task Force had been appointment by the Selectmen to assess current use of patterns as well as future use and management of the beach. The report contained a series of recommendations as well as an opinion that Cape Neddick Beach was privately owned. That opinion was subsequently challenged and so on May 14, 2012 the Selectmen voted to authorize the town attorney to conduct the legal research necessary to determine ownership of the beach up to a maximum of \$2500.00.

Preliminary research extending back to the 1700's was conducted and they found no definitive answer as to who owns the beach. The attorney further stated that they did not uncover any evidence that the Town of York owns the beach.

Moved by Mr. Nowell seconded by Mr. Little suggesting that the Cape Neddick Beach Task Force meet with Virginia Spiller at the Old York Historical Society to learn more about the history of the beach. Vote 5-0, motion passes.

3. Request for Sewer Extension from Kittery Sewer District

Was discussed after public forum; see above.

4. FY14 Operating Budget Discussion

Town Manager, Rob Yandow presented a power point to the Board with a second discussion of the FY14 draft Operating Budget.

- The FY13 approved spending was \$15,804,256
- The FY14 proposed budget without a wage increase/ debt service would be \$16,461,589 which is a 3.3% increase over the current budget.
- The FY14 proposed budget with a 2% wage increase would be \$16,582,358 which is a 4.06% increase over the current budget.

5. FY14 Capital Budget Discussion

The Capital Planning Committee has been meeting regularly and has tentatively approved the FY14-FY18 Capital Plan. The Committee will be conducting a public hearing on January 3, 2013 at 7:00pm to receive public input on the plan before the Committee finalizes its approval. The Capital Plan will then come back to the Board of Selectmen for formal approval.

Town Manager, Rob Yandow presented a power point on the FY14 Capital Plan. Listed are tentative items that will go to the voters for approval:

- Major drainage in the Long Sands area \$350,000
- Long Sands Bathhouse \$687,000
- Road Construction on Birch Hill Rd \$250,000
- Alternate Energy Solutions & Energy Conservation \$100,000
- Heavy Plow Truck \$147,000
- School Paving \$115,000
- VES roof \$100,000
- CRES roof \$305,000
- Athletic field upgrades (various fields) \$150,000
- York Beach Lighting \$75,000
- Bog Road Parking Lot-Enlarge \$375,000
- Mt A. Barn Renovations \$20,000
- Route 1/Connector Road Improvements \$525,000
- Land Use Study for Davis Property \$50,000
- Feasibility Study for Auditorium/Performing Arts Center \$50,000

These items total: \$3,299,000

6. Consent Agreement with Dana Willis

The Town of York has been involved in ongoing litigation with Dana Willis as a result of the Town denying Mr. Willis a permit for a dock in 2006. Since the original denial, the litigation has proceeded through Superior Court and has resulted in judgments favorable to the Town. After the most recent judgment by Justice Brennan, Mr. Willis appealed the judgments to the Maine Supreme Judicial Court alleging discrimination and constitutional violations.

Moved by Mr. Little, seconded by Mr. Fiorentino to authorize the Town Manager to sign the Consent Agreement with Dana Willis under which all claims against the Town for denial of a dock permit will be dismissed. Vote 4-1, Ms. Gregg opposed.

7. Appointments to Conservation Commission

Moved by Mr. Little, seconded by Mr. Nowell, to appoint Jeffrey Normandin to a three year term on the Conservation Commission as a Regular Member. Without objection, so ordered. His term to expire on June 30, 2015.

Due to the recent resignation of board member David Tibbetts, it was recommended Priscilla Cookson fill the remainder of his term, which will expire on June 30, 2013. This will allow the board to maintain staggered terms.

Moved by Mr. Little, seconded by Mr. Fiorentino, to appoint Priscilla Cookson to the Conservation Commission as a Regular Member. Without objection, so ordered. Her term to expire on June 30, 2013.

Moved by Mr. Little, seconded by Mr. Fiorentino, to appoint Gregory S. Baker to a two year term on the Conservation Commission as an Alternate Member. Without objection, so ordered. His term to expire on June 30, 2014. It was recommended Mr. Baker be appointed for 2 years to keep terms staggered.

8. Pole Location Permit-Kendall Road

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

Moved by Mr. Little, seconded by Mr. Nowell to approve the pole location permit for 1 pole on Kendall Road in a northerly direction 14 feet from pole #2. Vote 5-0, motion passes.

L. Other Business

M. Citizens Forum

Mike Micciche
Dave Emery

Adjourn

Moved by Mr. Andrews, seconded by Mr. Little to adjourn at 10:18 PM.

Respectfully Submitted By:

Katie McWilliams; Recorder