

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
6:45/7:00PM MONDAY, JUNE 27, 2016  
YORK LIBRARY**

**6:45PM:** Executive Session: Pursuant to M.R.S. § 405.6.F (Poverty Abatement #2016-03)

**Present:** Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, and Town Manager Stephen H. Burns.

**Absent:** Michael L. Estes

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to enter into executive session. Without objection, so ordered.

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to exit out of executive session. Without objection, so ordered.

**7:00PM:** Regular Meeting

**Present:** Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, Town Manager Stephen H. Burns, and members of the press and public.

**Absent:** Michael L. Estes

**Call to Order**

Chairman Robert E. Palmer, Jr. called the meeting to order at 7:00PM

**Opening Ceremonies**

**A. Minutes**

1. July 13, 2016 Meeting Minutes

Moved by Mr. Speers, seconded by Mr. Frederick to approve the July 13, 2016 Meeting Minutes, as amended. Vote 4-0, motion passes.

**B. Chairman's Report**

**C. Manager's Report**

**D. Awards**

1. Bid Award: LED Building Lights Upgrade

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to approve to authorize the Town Manager to sign a contract with Affinity LED Light to upgrade lighting in five municipal facilities as outlined in the submitted proposal. Vote 4-0, motion passes.

2. Bid Award: Heating Oil and Propane

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to award the FY17 #2 Heating Oil Bid to Fieldings at a fixed price of \$1.749 per gallon. Vote 4-0, motion passes.

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to award the FY17 Propane Bid to Downeast Energy at a fixed price of \$1.205 per gallon. Vote 4-0, motion passes.

3. Bid Award: Pass-Through Evidence Lockers for the Police Station

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to award the bid for a pass through evidence locker system to Systematic Inc. in the amount of \$18,427. Vote 4-0, motion passes.

4. Bid Award: Town Facility Waste Contract

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the Town Manager to sign the one-year agreement extension between the Town of York and Waste Management of New Hampshire, Inc. for the weekly collection, transportation and disposal of Municipal Soil Waste from Town facility dumpsters. Vote 4-0, motion passes.

**E. Reports**

1. Michelle Surdoval, York Community Service Association
2. Theresa Galvin, York County Soil & Water Conservation District
3. Wayne Martin, Police Station Building Committee
4. Jim Bartlett, Bathhouse Building Committee

**F. Citizens' Forum** - The Citizens' Forum is open to any member of the audience for comments on any matter. 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: None

**G. Public Hearings**

1. Traffic Safety Ordinance Amendments

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to open the public hearing. Without objection, so ordered.

Public Comment: Jim Carmody

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to close the public hearing. Without objection, so ordered.

2. Ellis Short Sands Park Ordinances Amendments

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to open the public hearing. Without objection, so ordered.

Public Comment: Holly Roberts  
Jennifer Thibedeau  
David Peck  
Peggy Fennelly  
Jeff and Ann Thompson  
Linda Sirois

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to close the public hearing. Without objection, so ordered.

**H. Endorsements**

Business Licenses:

- Canaan Letourneau DBA: Maine Lobster Outlet, LLC (Food Service); located at 360 US Route One
- Sean Mitchell DBA: Bagel Basket (Food Service); located at 280 York Street
- Two Pars, Inc. DBA: The Union Bluff Meeting House (Food Service, Liquor, Innkeeper, Special Amusement); located at 4 Beach Street
- Mike and Jim Manos DBA: York Beach Dairy Bar (Food Service); located at 97 Long Beach Avenue

- Dan Poulin DBA: Fat Tomato Grill (Food Service, Liquor); located at 241 York Street
- Peter Wagner DBA: Camp Eaton, Inc. (Food Service); located at 750 York Street

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the following Business Licenses: Canaan Letourneau DBA: Maine Lobster Outlet, LLC (Food Service); located at 360 US Route One, Sean Mitchell DBA: Bagel Basket (Food Service); located at 280 York Street, Two Pars, Inc. DBA: The Union Bluff Meeting House (Food Service, Liquor, Innkeeper, Special Amusement); located at 4 Beach Street, Mike and Jim Manos DBA: York Beach Dairy Bar (Food Service); located at 97 Long Beach Avenue, Dan Poulin DBA: Fat Tomato Grill (Food Service, Liquor); located at 241 York Street, Peter Wagner DBA: Camp Eaton, Inc. (Food Service); located at 750 York Street, subject to taxes, fees and inspections be current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

## **I. Old Business**

### **1. Discussion and Possible Action: Adopt Changes to Traffic Safety Ordinance**

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to adopt the changes to the Traffic Safety Ordinance dated. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that the Traffic Safety Ordinance Section 18: Violations and Penalties be reinstated to the pre December 14, 2015 fine schedule. Vote 4-0, motion passes.

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to schedule a Public Hearing on June 29, 2016 at 4:30PM at the York Public Library regarding parking meter rates in the Traffic Safety Ordinance and the Ellis Short Sands Park Ordinance. Vote 4-0, motion passes.

### **2. Discussion and Possible Action: Adopt Changes to Ellis Short Sands Park Ordinances**

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that the Short Sands Park Ordinance Section 3 Area III, subsection I, and to amend to make them to be consistent with the Town of York's Traffic Safety Ordinance. Vote 4-0, motion passes.

### **3. Discussion and Possible Action: Ordinance Proposals to Bring Forward at the November General Referendum**

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to hold a hearing on July 18, 2016 regarding the following ordinance amendments: Interpretation of District Boundaries; Wetlands Protection Overlay District; Article 8 - Shoreland Overlay

District; Definition of Building Height; Definition of Wireless Communications Facility; Expansion of the Village Center Local Historic District, and Alarm Systems Ordinance. Vote 4-0, motion passes.

**J. New Business**

1. Discussion: Parking Kiosk Selection Process

Police Chief Bracy provided the Board with a brief summary of the status of his research into parking kiosks and the process moving forward to next parking season. Mr. Frederick expressed interest in an eventual field trip regarding the different kiosks.

2. Discussion and Possible Action: Communications Facility  
Memorandum of Understanding with The Cliff House

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to adopt the Memorandum of Understanding between the Town of York and the owners of the Cliff House properties - RBDD Cliff House Acquisitions LLC regarding communications equipment and allow the Town Manager to have the authority to sign the MOU and any other agreements necessary to accomplish the transfer of ownership and fulfill the obligations needed to meet the requirements for this system to become part of the Town's emergency communication infrastructure. Vote 4-0, motion passes.

3. Discussion and Possible Action: Union Contracts

a. New England Police Benevolent Association Local #640 for the York Communication Unit

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the collective bargaining agreement between the Town of York and the York Firefighters Association Local 3622 date July 1, 2016 through June 30, 2019. Vote 4-0, motion passes.

b. York Fire Fighters Association Local 3622 AFL-CIO-CLC

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the collective bargaining agreement between the Town of York and the NEPBA Local 640 for the York Communication Unit date July 1, 2016 through June 30, 2019. Vote 4-0, motion passes.

4. Discussion and Possible Action: Non-Union Employee COLA

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to implement a 2.25% Cost of Living adjustment to the non-union wage scales, as proposed and approved in the fiscal year 2017 budget. Vote 4-0, motion passes.

5. Discussion and Possible Action: Authorization to Apply to Maine DEP for a 319 Grant for Cape Neddick River Watershed Restoration Project, Phase I

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that the Board of Selectmen authorize the Town Manager to sign the 319 Grant Application, as submitted, to receive funding for the Cape Neddick River Watershed Restoration Project, Phase 1. Vote 4-0, motion passes.

6. Discussion and Possible Action: Excise Tax Exemption for Members of the Armed Forces

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to direct the Town Manager to prepare a draft ordinance to exempt certain military personnel from the requirement to pay vehicle excise taxes, and to bring this forward for an initial public hearing in July. Vote 4-0, motion passes.

7. Discussion and Possible Action: Possible Minor Amendments to the Town of York Home Rule Charter

Town Manager Burns discussed with the Board the possibility of some minor amendments to the Town Charter. The Board agreed that this would be a suitable topic for a workshop in the fall.

8. Discussion and Possible Action: Board and Committee Re-Appointments

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Joseph Carr as a Regular Member to the Board of Appeals, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Leon Moulton as a Regular Member to the Board of Appeals, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint John Kraus as an Alternate Member to the Board of Appeals, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Leah Drennan as a Regular Member to the Bicycle and Pedestrian Committee, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Edward Little as a Regular Member to the Cliff Walk Committee, with a term expiring June 30, 2020. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Rozanna Patane as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Victoria Simon as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint David Gittins as a Regular Member to the Harbor Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Edward Little as a Regular Member to the Municipal Social Services Review Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Nancy O'Connor Stolberg as a Regular Member to the Parks and Recreation Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Ron McAllister as a Regular Member to the Parks and Recreations Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Al Cotton as a Regular Member to the Planning Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Lew Stowe as a Regular Member to the Planning Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Emily Cambray as a Regular Member to the Senior Citizens Advisory Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Peter Jones as a Regular Member to the Shellfish Commission, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Harold O'Rourke as a Regular Member to the Tax Task Force, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Richard Bilden as a Regular Member to the Tax Task Force, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Dean Mello as a Regular Member to the York Harbor Site Design Review Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Jud Knox as a Regular Member to the York Housing Authority, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Ellen Baldwin as a Regular Member to the York Housing Authority, with a term expiring June 30, 2019. Vote 4-0, motion passes.

#### 9. Discussion and Possible Action: Use of Contingency and/or Supplementary Contingency Funds

Each year the Town has raised and appropriated \$50,000 for the Board of Selectmen to have available as contingency of \$100,000, which could be spent directly from the Town's fund balance. Both are to accommodate unforeseen issues, problems and emergencies. When the Town first found out there would be a legal bill of over \$30,000 to address past compliance issues the initial reaction was to use contingency funds to cover the over expenditure. After further research, the line item approved by the voters for Article 4 was \$2,345,892 – within that line are twelve subcategories, one being the legal budget. While the legal budget will be over-spent, the budget line as a whole is underspent, giving us the ability to absorb the legal costs through the surplus in other expenses within the same budget line.

#### 10. Discussion and Possible Action: Driving Budget Goals

Mr. Burns gave an overview of his goals for upcoming budgets. He created a 5-year budget forecasting tool to gain better managerial control of the overall budget. To start driving the budgets from an overall perspective, he plans to reverse the calculation process of the forecast, giving a realistic sense of what the tax rate would be as a starting point.

#### 11. Discussion and Possible Action: Committee Functions

The Board of Selectmen agreed to postpone this item until the next meeting in July.

#### 12. Discussion and Possible Action: Appoint Selectmen's Representative to the Cliff Walk Committee

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to appoint Jon Speers to serve as a non-voting member of the Cliff Walk Committee. Vote 4-0, motion passes.

13. Discussion and Possible Action: Poverty Abatement Request

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to grant an Abatement Request for Case #16-03 made pursuant to MRSA Title 36 subsection 841.2 in the sum of \$964.14 for the 2015 Tax Year. Vote 4-0, motion passes.

K. Future Agendas

L. Other Business

M. Citizens' Forum

Public Comment: David Brinkman

Adjourn

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to adjourn the meeting at 10:00PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery  
Assistant to the Town Manager