



# Town of York

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York, Maine 03909-1314

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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  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
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## SPECIAL SELECTMEN'S MEETING 4:30 P.M. WEDNESDAY, NOVEMBER 2, 2011 YORK LIBRARY

**Present:** Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Edward W. Little, Kinley Gregg, Scott Fiorentino, Recorder; Susan Scott, and members of the media and public.

Town Staff: Town Attorney; Durward Parkinson, Community Development Director; Steve Burns, and Code Enforcement Officer; Ben McDougal.

### Pledge of Allegiance

#### 1. **Proposed Agreement with Old York Quarry.**

Messrs. Parkinson, Burns and McDougal responded to Selectmen inquiries, and provided an overview of the 11-01-11 Draft Consent Order and the Temporary Restraining Order in the Andrew Beal case. There are currently 2 pending cases with the Town versus the Old York Quarry. Boston College should not be listed as a Party In Interest as Old York Quarry are both owner and operator of the quarry. Any fees incurred for potential future violations would be imposed by the Court as penalty for non-compliance, and would constitute a separate violation. Local permitting is contingent on State permitting. Use permits are directly tied to Right, Title and Interest to land, and could be revoked should the applicant fall out of compliance. Mr. Parkinson confirmed he is comfortable with the Consent Order as written, and assured the Selectmen that the Town will not lose any rights if there were future dealings with Old York Quarry. This is a settlement of facts as they are presented at this time.

Lawyers for both Old York Quarry and Boston College agreed to provide the Town copies of accurate vehicle delivery logs from Old York Quarry.

Mr. Fiorentino stated Old York Quarry has proven to be untrustworthy as they have shown a blatant disrespect for Town officials and regulations.

Ms. Andrews stated that it was a sad state of affairs that big money and big people could run rough shot over the people of York, and found this situation deplorable.

Public Comment: Andrew Beal  
Cindy Collins  
Michelle Palmer  
Amy Beal

Mr. Orso, Old York Quarry attorney, expressed appreciation for this forum for the vetting of concerns. In response to Ms. Gregg, he stated the \$35,000 fine was one of the larger amounts granted in the state. Old York Quarry will not realize any profits from the Boston College project due to the delays caused by the injunction. The injunction was solely related to the building and not the quarry site, and now that access has been granted, the Defendants are in full compliance for the building.

Ms. Andrews stated that although she is not happy she will support this decision as the neighbors seem satisfied with the agreement.

Mr. Little discussed removing emotion from facts when deciding this case, and stressed the importance of ensuring that the laws of the Town are not flaunted, and these situations do not occur again.

Ms. Gregg discussed site access satisfactory to town standards, and remained uneasy about coming to a decision.

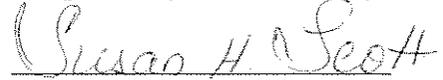
Mr. Fiorentino concurred with the statement of Mr. Little in removing emotion from fact in so much as the Defendants are permitted to use the site as a quarry. As the Defendants did not receive the proper permits, they now have to pay a substantial fine and are paying the Town's legal fees. The Defendants also agreed to drop their counter claim against the Town. Town Officials have spent a significant amount of time on this issue and feel this is the best resolution. Most importantly, the Town now has a court document stating the Defendants' responsibilities from this point forward, and this document will provide greater protection for the Town and community.

Chairman Jackson-McCarty discussed Town regulations and rules as a result of individuals doing as they please with no regard for their community. She noted Town staff as undervalued, and not deserving of such disrespect. She stressed the need to be accountable for our behavior, and doing the right thing.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to adopt the Consent Order for Town of York versus Old York Quarry, Inc., Lawrence E. Willey and Michael Del Sesto with Docket number CV-11-173, as amended. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Mr. Little to adjourn the meeting at 5:40pm.

Respectfully Submitted By:

A handwritten signature in cursive script that reads "Susan H. Scott". The signature is written in black ink and is positioned above a horizontal line.

Susan H. Scott; Recorder