



# 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  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

[www.yorkmaine.org](http://www.yorkmaine.org)

## SELECTMEN'S MEETING 6:00/7:00 P.M. MONDAY SEPTEMBER 26, 2011 YORK LIBRARY

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

### Pledge of Allegiance

### 6:00PM - Work Session: Short Sands Drainage Project Design

Public Works Director, Dean Lessard and Oak Engineers presented concept plans to replace and upgrade existing drainage system on Ocean and Railroad avenues, Franklin, Hawk and Bay streets to address major storm water problems existing in York Beach. On May 29, 2009, York voters approved \$800k to replace existing deficient underground road drainage pipes and catch basins. Some of the \$800,000 voter approved monies were used to supplement the FEMA related trunk line with \$150,000 used for Main Street improvements leaving a balance of \$540,000. New drainage pipes will tie into new box culvert that was constructed last winter which will minimize and possibly eliminate flooding with associated road and property damage. Mr. Lessard conferred with business owners in the affected areas to understand specific concerns and questions.

Drain and catch basin upgrades work in conjunction with the reconfiguration of the Ocean and Railroad Avenue intersection into a 3-crosswalk triangle creating shortened crossing distances. Proposed bump outs will provide visibility for safer pedestrian flow, and assist cars to stay in travel ways. Bump outs, road paint and the narrowing of certain streets can assist with the slowing of traffic. Local business owners are interested in dedicating a few parking spaces to 15-minute parking during certain times and locations.

Mr. Lessard is seeking Selectmen approval of the Short Sands Drainage Project Design for final design coordination, bidding and environmental permitting for Code and utilities. Other funding mechanisms can be researched to address further needs.

**A. Minutes**

- September 12, 2011 and September 20, 2011 Selectmen's Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Little to approve the September 12, 2011 Selectmen's Meeting Minutes, and the September 20, 2011 Selectmen's Executive Session Minutes, as amended. Vote 5-0, motion passes.

**B. Chairman's Report**

None.

**C. Manager's Report**

Town Manager, Robert G. Yandow reminded property owners the first installment of property taxes was due by September 30<sup>th</sup> or subject to interest fees. Confirmed adjusted October meeting schedule due to Columbus Day Holiday; new dates are October 17 and 24. Discussed Town issuance of bonds based on voter approval for the Police Station connector roads and public works vehicle. During the recent Standard and Poor's rating call, the Town Manager sought an AAA bond rating as York continues to perform consistently. The Town continues to maintain an AA+ rating. Tomorrow, the financial consultant will take bids for bonding of more than \$900,000 in voter approved projects with interest rate to be determined by day's end. The Town will refinance an earlier bond saving the Town \$90,000 in interest debt.

**D. Awards**

1. Proclamation for Jennie McCann: Chairman Jackson McCarty presented Jennie McCann with a plaque recognizing her valued 12-year term as Finance Director.
2. Knights of Columbus Tootsie Roll Proclamation: Vice Chair Andrews proclaimed this year's Tootsie Roll Drive to be held October 8<sup>th</sup> - 10<sup>th</sup> to raise funds by local businesses for special needs children and their families.
3. Bid for Police Cruiser: Purchase of this vehicle will allow use of all the same equipment currently owned by the Police Department.

Move by Ms. Andrews, seconded by Mr. Little to approve the transfer of \$22,783.48 from the Police Capital Vehicle account to The Irwin Zone for the purchase of one (1) 2011 Ford Crown Victoria police cruiser. Vote 5-0, motion passes.

**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.

Public Comment: Kevin Fennelly, Chuck Stacey, Rick and Kathy Boston, Torbert McDonald, Paul McGowan and Nick Papin.

Chairman Jackson-McCarty thanked the public for their input.

**G. Approval of Warrant #13**

Moved by Ms. Andrews, seconded by Mr. Little to approve Warrant #13, without objection, so ordered.

**H. Public Hearing**

None.

**I. Endorsements**

License Applications

- Mary Jane Merritt dba The Union Bluff Hotel (Victualer, Liquor, Special Amusement & Coin-OP Amusement)

Moved by Mr. Little, seconded by Ms. Gregg to approve the license application for Mary Merritt dba The Union Bluff Hotel (Victualer, Liquor, Special Amusement & Coin-OP Amusement), subject to taxes, fees, and inspections being current and compliant with the usual stipulations. Vote 5-0, motion passes.

Police Chief Bracy will research and respond to Selectmen inquiry about whether customers traveling from one portion of the

establishment to another via public ways constitute a State Liquor License violation.

- Joseph Lipton dba Inn on the Blues, LLC (No Charge Temporary Liquor License Extension)

Moved by Ms. Gregg, seconded by Mr. Little to approve Joseph Lipton dba Inn on the Blues, LLC (No Charge Temporary Liquor License Extension). Vote 0-5, motion unanimously denied due to public safety concerns.

The Board acknowledged the many wonderful things Mr. Lipton has done for the community.

**J. Old Business**

None.

**K. New Business**

**1. Short Sands Drainage Project Design.**

Chairman Tracy McCarthy stated there will ample opportunity for public input during this process. The Selectmen are to consider approval of project design in order to move forward with the project.

Public Works Director, Dean Lessard, discussed proposed changes to facilitate drainage. Mr. Lessard does not recommend delaying this project. There are some Capital Fund monies that could be used for sidewalk improvement as certain areas are in really bad shape. Some of the \$800,000 voter approved monies were used to supplement the FEMA related trunk line with \$150,000 used for Main Street improvements leaving a balance of \$540,000. There are 800 cubic yards of fill that can be used for the new Police Station project benefitting both projects. Five parking spaces will be gained with consideration for short limit parking which is much needed in this area.

Town Manager, Robert G. Yandow, discussed difficulty for the Town to meet the low to moderate income threshold for obtaining CDBG grant monies. He has not seen these types of grants used for these types of projects. Mr. Yandow discussed the Town moving forward with these improvements as he does not recommend relying on a future project to complete what needs to be done now. There are significant costs associated with undergrounding utilities, and the Capital Planning Committee will

research, review and make recommendations for future projects included in the 5-year plan.

Selectman Little discussed area businesses researching methods in which to fund expansion of undergrounding utilities.

Penstock Road is a Town owned road. In his Ellis Park research (FIG. 3), Mr. Lessard discovered this road was taken by eminent domain in 1910, allowing the Town to control parking and public blockages.

Moved by Ms. Andrews, seconded by Mr. Little to approve the Department of Public Works to secure environmental permits, finalize a design to replace and upgrade the existing drainage system on Ocean Ave., Railroad Ave., Franklin, Hawk and Bay streets. Vote 5-0, motion passes.

## **2. Approval of Schematic Design for Police Station.**

Robert Reed, Chairman of the Municipal Building Committee, presented the York Police Department schematic design. In conjunction with consultants from SMRT and PC Construction, and input from the Energy Efficiency Steering Committee, the Committee worked diligently to incorporate energy efficiency provisions including geothermal heating and cooling, radiant flooring, and a ventilation recovery system. The building was shifted in a more southerly orientation for energy efficiency purposes, and a new generator will serve the entire facility. This building design will serve the Police Department for many years to come.

In order not to exceed the voter approved budget, the Committee reduced the overall square footage of both the main police building and the storage building. The Committee previously and unanimously approved the final schematic design as presented to the Selectmen.

David Lay, SMRT, discussed the schematic design process occurring in phases including programming, design, and development. Once the Selectmen approve the budget, further effort can be expended for engineering modeling which includes the geothermal field. This approval will possibly determine funding for increased energy efficiency extras.

The Selectmen will vote to approve budget funds for the road and building although there is nothing new in the road design. The York Wild Kingdom is not interested in selling their property. Future road design and construction will include traffic studies. The Town is loath to use Eminent

Domain. The Energy Efficiency Steering Committee may be able to work with the Committee to secure grant monies for further energy efficiencies.

Moved by Ms. Andrews, seconded by Mr. Little to approve the York Police Department schematic design as approved by the Municipal Building Committee. Vote 5-0, motion passes.

**3. Approval of Collective Bargaining agreement with Teamster Local 340, York Communications Unit.**

Moved by Ms. Andrews, seconded by Mr. Little to approve a three year collective bargaining agreement between the Town of York and Teamsters Local 340: York Communications Unit effective July 1, 2010 through June 30, 2013 with provision that Step #12 not be included. Vote 5-0, motion passes.

**4. Approval of Collective Bargaining Agreement with the York Police Benevolent Association.**

Moved by Ms. Andrews, seconded by Mr. Little to approve a three year collective bargaining agreement between the Town of York and the York Police Benevolent Association effective July 1, 2010 through June 30, 2013. Vote 3-1-1 (Mr. Fiorentino in opposition and Ms. Gregg in abstention), motion passes.

Mr. Fiorentino and Ms. Gregg discussed their votes in terms of difficult economic times, and believing there should be no extra perks such as this provision for 20 hours compensatory time off upon successful completion of a second yearly physical agility test. The Town Manager stated this provision would have no financial impact as no overtime could result from an officer using their compensatory time off, and would provide increased incentives for officers.

**L. Other Business**

None.

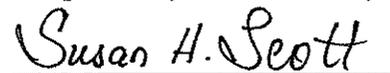
**M. Citizens Forum**

None.

**Adjourn**

Moved by Ms. Andrews, seconded by Mr. Little to adjourn at 10:04pm.

Respectfully Submitted By:



Susan H. Scott; Recorder