



Town of York

186 York Street
York, Maine 03909-1314

SELECTMEN'S MEETING 6:30/7:00PM MONDAY, NOVEMBER 28, 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.

Call to Order

6:30PM: Executive Session: Real Estate (Pursuant to MRSA Title 1, Section 405 (6)(C))

Moved by Ms. Andrews and seconded by Mr. Little to enter into Executive Session: Legal (Pursuant to MRSA Title 1, Section 405 (6) (C) at 6:31PM.

Moved by Ms. Andrews and seconded by Ms. Gregg to exit the Executive Session: Legal (Pursuant to MRSA Title 1, Section 405 (6) (C) at 6:58PM.

Pledge of Allegiance

A. Minutes

- November 14, 2011 Selectmen's Meeting Minutes: Moved by Ms. Andrews, seconded by Mr. Little to approve the November 14, 2011 Selectmen's Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

None.

C. Manager's Report

Town Manager, Robert G. Yandow, confirmed the Selectmen would meet on December 12 and 19 in order to accommodate the Christmas holiday. The Festival of Lights is taking place this upcoming weekend, Friday through Sunday, and will include a sing-a-long, lighting of the village, judged parade and other activities. The public are welcome to visit Town Hall for cider and homemade cookies. Congratulated Mike Sullivan for induction into the York High School Hall of Fame.

D. Awards

None.

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

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E. Reports

1. Report from Cape Neddick Beach Task Force.

Ron McAllister, Cape Neddick Beach Task Force member, discussed the Selectmen appointing members to the Task Force in January 2011. Two principles that have led to the Task Force's recommendations are ensuring public access to and interest in Cape Neddick Beach. Deeds provided by the Town and homeowners revealed Cape Neddick Beach is privately owned. Four privately owned properties with three different owners make up the sandy portion of beach extending to the low water line. The Task Force interviewed these homeowners who are interested in working with the Task Force throughout the process. These civic minded families are interested in maintaining public access to the beach, and agreed with the draft report provided by the Task Force. Wise management of the beach rests on partnership between the Town and homeowners, and can be accomplished with the following recommendations: The Town recognize private ownership of the beach including the superiority of private rights over public access. Secondly, the local authority should protect the beach as a viable resource for public use but continue to secure private ownership of this area. Lastly, the Town should not commit to any improvements that would increase either access or use of the beach. The Task Force understood its charge from the Selectmen to include determining level of services to be provided to the beach including lifeguards, cleanliness, and trash collection. The recommendations provided in the report provide a viable alternative for continued public enjoyment of beach while addressing above concerns. The greatest concern of property owners is increased traffic to the area as neighbors would like the area to remain a drop off beach with no increased parking problems and usage of the beach. The Selectmen may want to consider incentives like a possible tax credit for placement of a portable toilet at a discreet location on an individual homeowner's land.

Selectmen Little inquired to liability issues relative to no lifeguard presence on the beach, issue of access to a portable toilet, and the overall monitoring of the beach for health and safety issues.

Mr. McAllister responded that after speaking with them, the neighbors felt they would not be liable for safety issues so long as the public were not personally invited onto the beach.

Mr. Sullivan stated there were no state laws requiring the Town to provide lifeguards at beaches. His department has dealt with these same issues specific to the trails at Mt. Agamenticus, and is confident the laws favor municipalities and public use of land. Cape Neddick Beach has always been treated as a public beach created by a partnership between the Town and private homeowners. The Town retains the authority to close or post beaches should toxic bacteria levels exceed healthy standards.

Selectmen Andrews recommended the focus be on cleaning the river water, and opposed any proposal that would change how this area has previously functioned.

Chuck Ott, Task Force member, discouraged Selectmen in pursuing a legal approach to evaluating this area, and encouraged Selectmen to rely on creating an enduring partnership with the local homeowners to preserve the use and enjoyment of this precious resource.

Mr. Sullivan recommended approval of the report, and offered to be the liaison for the Town, Task Force and neighbors in strengthening the relationship and discussing issues including negotiating a location for a portable toilet.

Town Manager Yandow confirmed it was appropriate for Selectmen to revisit this issue in the future but noted the Selectmen have the authority to act on the report at tonight's meeting.

The Selectmen discussed having the Town attorney review signage and liability issues prior to taking action, and thanked the Cape Neddick Beach Task Force for their presentation and hard work.

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: Ron Nowell
Carol Allen
Mike Sullivan

G. Approval of Warrant #22

Moved by Ms. Andrews, seconded by Mr. Little to approve Warrant #22, without objection, so ordered.

H. Public Hearings

- **Maine Municipal Association, General Assistance Ordinance: Annual Review of Appendices A, B and C.**

Moved by Ms. Andrews, seconded by Mr. Little to open the public hearing at 8:13pm, motion passes.

Town Manager Yandow described this annual exercise of the Selectmen approving the appendices for General Assistance changes in maximum allowances.

Public Comment: None.

Moved by Ms. Andrews, seconded by Ms. Gregg to close the public hearing at 8:14pm, motion passes.

I. Endorsements

License Applications

- **Justin Rosberg & Jason Parent dba The Meat House (Victualers)**
- **Sentry Hill York Harbor (Victualers)**

Moved by Mr. Little, seconded by Ms. Gregg to approve the following license applications: Justin Rosberg & Jason Parent dba The Meat House (Victualers), and Sentry Hill York Harbor, LLC (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. Maine Municipal Association, General Assistance Ordinance: Annual Review of Appendices A, B and C.

General Assistance Administrator, Luke Vigue, discussed the annual process in which the Board of Selectmen are requested to adopt maximum levels of General Assistance as set forth in Appendices A - C. Assistance levels are set each October 1, and this year increased by 1.3% for all municipalities including food and housing. Mr. Vigue believes these numbers are accurate and does not believe further studies are required.

Moved by Ms. Andrews, seconded by Mr. Little to approve the new 2011-2012 General Assistance Ordinance Appendices A, B and C of the Maine Municipal Association. Vote 5-0, motion passes.

2. RFP for Energy Improvements to Town Buildings.

Town Manager Yandow stated the Energy Efficiency Steering Committee (EESC) previously recommended MACTEC Engineering conduct an energy audit of municipal buildings, and based on the audit results, now recommends approval of the draft Request for Proposal (RFP) for completion of energy improvements to 5 town owned facilities.

EESC Acting Chairman, Wayne Boardman, discussed the original charge from the Selectmen in 2009 for the Committee to research methods to minimize the Town's carbon footprint, analyze energy audits, and utilize voter approved monies to improve energy performance for town owned facilities. Included in the 15 town owned buildings were both the library and school facilities as town funds were used for their maintenance. The library has since been removed from the list of recommended buildings as the library trustees have agreed to complete their own energy efficiency improvements. EESC member representing the school district requested their buildings be set aside for now as they are working on their own energy upgrades. The Committee focused

on 5 buildings including the Town Hall, Police Station/Senior Center, Grant House, and both York Beach and Village fire stations that were most in need of energy saving upgrades, and would realize the best return on investment in the least amount of time. A summary of energy audit recommendations totaling \$92,800 would encompass Phase I of the project allowing additional improvements to be proposed in a later Phase II. Committee members spoke with the fire chiefs and department heads for input for possible improvements. The Committee seeks Selectmen approval of the draft RFP for the Town to solicit proposals for construction of energy improvements of the 5 town owned facilities, and permission for the Committee to work with building occupants to better understand actual use of the buildings.

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the results of the municipal energy audit and the RFP as developed by the Energy Efficiency Steering Committee for solicitation of proposals for energy upgrades for five municipal buildings. Vote 5-0, motion passes.

3. Bids from Realtors for Marketing/Sale of Town Properties.

To be postponed until a later date as questions were raised in the Executive Session prior to the meeting.

4. Discussion of FY13 Operating Budget.

Town Manager Yandow began the FY13 budget review for continued discussion at upcoming meetings and possible workshops. Department Heads provided needs-based budgets for Manager review. Selectmen to provide direction as to parameters for budget recommendations including increases and/or decreases to the operating budget. Budget changes include providing both Human Resources and Technology exclusive line items separate from Finance. Other changes include a 2% Cost Of Living Adjustment per previously agreed collective bargaining, a health insurance increase of 1.9%, and increased Town contribution to Maine PERS. Mr. Yandow stressed the importance of adequately addressing previous' years reductions in personnel and in services, the resultant impacts to infrastructure, related tax impacts, and the debt service increasing to \$600,000.

The Selectmen requested a budget workshop with presentation of impacts resulting from the prior three years of cuts, and a more thorough review of the qualitative versus quantitative results.

5. Property Redemption Request: 35 Cider Hill Road (Tax Map 90, Lot 83).

Moved by Ms. Andrews, seconded by Mr. Little to allow with stated Conditions the redemption of Tax Map 0090, Lot 0083, 35 Cider Hill Road by the former property owner. Vote 5-0, motion passes.

6. **Property Redemption Request: 229 Mountain Road (Tax Map 96, Lot 126).**
Moved by Ms. Andrews, seconded by Mr. Little to allow with stated Conditions the redemption of Tax Map 0096, Lot 0126, 229 Mountain Road by the former property owner. Vote 5-0, motion passes.

7. **Catered Function by Qualified Catering Organization Application: Kitchen Chicks - Event December 14, 2011.**
Moved by Ms. Andrews, seconded by Mr. Little to approve the application for a Catered Function by Qualified Catering Organization for Kitchen Chicks for the event to be held Wednesday, December 14, 2011 from approximately 5:00pm to 9:00pm. Vote 5-0, motion passes.

L. Other Business

Selectmen Andrews discussed residents' concerns for increasing cable bills.

Town Manager Yandow stated the Town will start the cable contract review within 6 months at which time provisions could be discussed during the negotiation process with Time Warner Cable. In response to Selectmen inquiry to create an assistance fund that could assist residents with increasing cable costs, a fund could be established but would have to operate under similar guidelines like those for the General Assistance program with income requirements. Mr. Yandow noted that the paint striping on Ridge Road has been scheduled and should occur shortly.

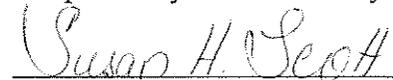
M. Citizens Forum

Public Comment: Carole Allen
Jerry Allen
Fred Knox

Adjourn

Moved by Ms. Andrews, seconded by Mr. Little to adjourn at 9:33PM.

Respectfully Submitted By:



Susan H. Scott; Recorder