

**SELECTMEN'S MEETING
7:00 P.M. MONDAY AUGUST 10th, 2009
YORK LIBRARY
MINUTES**

Attendees: Michael L. Estes, Kinley Gregg, Mary Andrews, Tracy Jackson-McCarty, Catherine R. Goodwin, Robert G. Yandow, Town Manager and, Kathryn Danylik, Recorder, and Members of the Press & Public

Call to Order- Chairman Estes called the meeting to order at 7:07 PM

Pledge of Allegiance

A. Minutes

-July 27th, 2009 Selectmen's Meeting Minutes

Moved by Ms. Andrews and seconded by Ms. Gregg to approve the minutes as amended. Without objection so ordered.

B. Chairman's Report

None

C. Manager's Report

Mr. Yandow reported that the 2009 tax bills have gone out. The first payment is due taxes which are due on September 18th. Please contact the Town Clerks Office if you have not received your tax bill.

D. Awards

1. Bids for Police Vehicles

Moved by Ms. Andrews and seconded by Ms. Jackson-McCarty to accept the transfer of \$28,506 from the capital police vehicle account to Quirk Ford for the purchase of a 2010 Chevrolet Tahoe 4 WD, 4dr 1500 Special Services Police vehicle. Vote 5-0 motion passes.

This is a replacement vehicle; the current vehicle will be traded in.

Moved by Ms. Andrews and seconded by Ms. Gregg to accept the transfer of \$18,049.48 from the police vehicle account to Quirk Ford for the purchase of a 2010 Ford Crown Victoria police vehicle. Vote 5-0 motion passes.

2. Architectural Services for Town Hall Exterior Renovations

In May the voters approved a sum of \$95,000 for renovations to the Town Hall. Included in the capital proposal is the amount of \$5,000 for architectural services due to the historic nature of the building. We conducted a bid process and the lowest bid received was from Rykerson Architecture in the amount of \$9,800. We will make up the \$4800 shortfall in another area of the renovations.

Moved by Ms. Gregg and seconded by Ms. Goodwin to award the contract for architectural services related to the town hall exterior renovation to Rykerson Architecture of Kittery Point in the amount of \$9,800. Vote 5-0 motion passes.

Ms. Gregg stated that she was very pleased with the caliber of the applicants and feels that we will have a nice job done on the town hall.

E. Reports

1. Rick Mace-Assessor's Report

Rick Mace, Tax Assessor reported to the Board that the new tax rate is up \$.32 from \$8.26 to \$8.58. Bills were sent out on August 4th with the first half due on September 18th and the second half due on February 6th. The total taxable valuation of the town is \$4,037,653,357 which is down a total of \$63,263,473. This year we only picked up \$8,796,900 in new construction (includes additions and renovations) compared to \$40,078,000 last year. Building values have increased over the past 4 years however 37 of the 61 neighborhoods saw a decrease in value due to lower Market values. The average selling price for a home in York from April 2008 to April 2009 was \$430,862 with the average assessed home at \$411,158. Out of 10,565 properties in York a majority went down in value with the remainder staying flat, 648 properties did see an increase mainly due to new construction or renovations. The majority of properties that did decrease saw a decrease of anywhere between \$100 and \$10,000 with only 133 properties seeing a decrease of \$100,000 or greater.

2. York Beach Subcommittee Report

David Woods, Chair of the York Beach Subcommittee, and Dawn Fernald presented the York Beach Subcommittee's master plan recommendations.

The York Beach Subcommittee has been charged by the York Board of Selectmen with the responsibility for making recommendations with respect to the particular needs of the York Beach Village Area. The goals of the subcommittee is to make recommendations that will promote the maintenance and the development of an attractive, economically viable, safe, pedestrian and family friendly environment with a vibrant mix of business and residential uses.

The Master plan encompasses all of the streets within the Village Center and the immediate environment with emphasis placed on Railroad Avenue and Beach Street, the intersection at Ocean Avenue and Railroad Avenue, and Beach Street and Main Street as the streets that will be affected by the drainage project. This plan included three sidewalks, parking and travel lane alternatives for Railroad

Avenue, traffic flow, capacity and safety, pedestrian flow, amenities, sidewalk design, short term parking and truck deliveries, and the possible locations of utilities. The plan does not include construction design elements or cost estimates.

Please see the attached plan for the Phase I, II and III Streetscape Recommendations, Scenarios, and Parking Recommendations.

The Board of Selectmen did respond with some questions.

Ms. Andrews-You are planning on using the two church parking lots? This is hard to predict with weddings and funerals that take place they may not be available when they are needed. Ms. Fernald responded that it is just an idea and would have to coordinate with each specific church on when and if it would be appropriate to use their lots.

Ms. Goodwin- Stated that the committee did a great job and liked the 3 scenarios and how you have tried to incorporate some of what we have heard over the past five months. One surprise was the bump out which I assume is a safety issue.

Ms. Goodwin-On the issue of the trolleys on Ocean Avenue are you suggesting that they go into Ellis Park? Ms. Fernald responded that would be the suggestion.

Mr. Estes-Which scenario does the committee like the best? Ms. Fernald responded that if you look at the charge of our committee then scenario 2 is the much safer scenario for pedestrians however for businesses scenario 3 would be a better option. Mr. Woods stated that scenario 3 makes it a little more pleasing to the eye. When we went around and talked to the merchants some of them were pretty adamant that parking be a priority. We would not be doing our job properly if we didn't take them into account. Scenario 2 satisfies the charge but scenario 3 may satisfy the greater number of people.

Mr. Woods stated that the committee feels that the \$100,000 should be invested in the Beach Street infrastructure since they are going to be digging that area up anyway for the drainage project.

Ms. Andrews- You are going to put conduit under the road but will the new drainage be able to handle the plumbing?

Dean Lessard, Director of Public Works, stated that the pipe going in is 9 feet wide and 4 feet high almost 3x bigger then it is now. We believe that this pipe will handle the capacity of the rain however when the ocean comes up and over that cant be stopped but do believe that this pipe will allow for better drainage making the impact of the flooding shorter and less intense.

Ms. Andrews-Do any of these 3 scenarios propose an issue for public safety?

Dave Bridges, York Beach Fire Chief stated that we have worked very closely with this committee and they have pretty much met any requirement that I have asked them to consider.

Ms. Gregg- Would the new configuration of parking affect you?
Mr. Bridges responded no.

The Board will review the plan more closely and this will be placed on a future agenda for some final decisions to be made. We will look to September to review this again so that final plans can be made for October.

F. Citizens Forum - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. 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: Torbert Macdonald
Greg Gosselin
Lew Stowe

G. Approval of Warrant #6

Moved by Ms. Gregg and seconded by Ms. Andrews to approve Warrant #6.
Without objection so ordered.

H. PUBLIC HEARINGS

1. New License Applications

-Suzanne Gray and Julie D. Webber dba Two Sisters Catering LLC (Victualers)
-Leigh Ann and John MacFarlane dba Sea Rose Bed and Breakfast (Bed and Breakfast)

Moved by Ms. Andrews and seconded by Ms. Goodwin to open the public hearing on
-Suzanne Gray and Julie D. Webber dba Two Sisters Catering LLC (Victualers)
-Leigh Ann and John MacFarlane dba Sea Rose Bed and Breakfast (Bed and Breakfast)

Public Comment: None

Moved by Ms. Goodwin and seconded by Ms. Gregg to close the public hearing on
-Suzanne Gray and Julie D. Webber dba Two Sisters Catering LLC (Victualers)

-Leigh Ann and John MacFarlane dba Sea Rose Bed and Breakfast (Bed and Breakfast)

I. ENDORSEMENTS

License Applications

-Suzanne Gray and Julie Webber dba Two Sisters Catering (Victualers)

Moved by Ms. Gregg and seconded by Ms. Andrews to approve license applications for Suzanne Gray and Julie Webber dba Two Sisters Catering (Victualers) subject to taxes, fees, and inspections being current and compliant with the usual noise stipulations.. Vote 5-0 motion passes.

J. Old Business

K. New Business

1. Amendment to Traffic Safety Ordinance: Harmon Park Road-No Parking

The residents of Harmon Park Road brought a petition to the Police regarding parking at the intersection of Harmon Park Road and York Street. The Police have monitored the situation on several different days and have spoke with the residents who live right at the intersection.

When vehicles park close to the intersection there is no visibility to exit Harmon Park Road. Back in the 1970's and 1980's the area on both sides of Harmon Park were painted no parking for this reason.

Based on the safety of exiting Harmon Park Road it is recommended that a 50ft no parking ban on both sides of Harmon Park will make this a much safer area.

Moved by Ms. Gregg and seconded by Ms. Andrews to amend the Traffic Safety Ordinance Schedule A - No Parking Zones to prohibit parking on the westerly side of York Street (Route 1A) within 50 feet of the intersection of Harmon Park Road. Vote 5-0 motion passes.

2. Hilker Zoning Violation

Tim DeCoteau, Code Enforcement Officer, explained that there have been numerous complaints by the neighbors over the years and repeated efforts by the code enforcement office to correct the issues, located at 210 Southside Road, Map 68 Lot 13. Currently there are two barns that are collapsing, four un-registered/un-inspected motor vehicles, and miscellaneous rubble and junk. As early as 2003 a code enforcement officer, a policeman, and a representative from Adult Protective Services inspected the site and tried resolve safety issues with the tenant Edward R. Hilker. The property is still in the name of Edward H. Hilker which is the deceased father of the current tenant. Mr. Hilker appears cooperative when meeting with him and he has a small amount of progress but not enough to be in compliance. Mr. Hilker either cannot or will not correct these serious violations

and we are recommending that formal action be taken to enforce the state and local laws.

Mr. Goodwin asked is it would be possible to do a controlled burn by the fire department?

Mr. DeCoteau explained that it would be possible but difficult. Any hazardous materials need to be separated out and this building is unsafe and you need to clean up anything that is unsafe or hazardous. A control burn maybe possible but it would take a while to get there.

Mr. Estes asked if we can pay someone to come and demolish the barn and take away the cars and then put tax liens on the house to be paid?

Mr. DeCoteau stated that you need to get a court order and it is hard to determine who actually owns the property. This makes it difficult since we are not sure if there is an executor of the estate. We think that it is appropriate to have the town attorney get involved.

Mr. Yandow suggested that a formal process take place because the informal process has not been working

Ms. Gregg stated that by the discussion the Code Office did visit the property with a representative from Adult Protective Services and I am wondering if there are some extenuating circumstances here.

Mr. DeCoteau thinks that the best way to handle this is to get the attorney involved and let them be able to figure out who the appropriate person is to work with.

The Board asked that we authorize the Town Attorney to do some fact finding for the nature of the situation and then bring it back to the Selectmen for further explanation and action.

Moved by Ms. Goodwin and seconded by Ms. Gregg to have our attorney do fact finding and then report back to the board on their findings in 30 days. Vote 5-0 motion passes.

3. Discussion of Charge Given to the Planning Board for Land Area Between York Beach and Route 1

Moved by Ms. Jackson-McCarty and seconded by Ms. Gregg to charge the Planning Board with creating a vision, through a public participatory process for what the Town of York wants to happen in the land area between York Beach Fire Department and Route One, and provide proposals to the Board of Selectmen (with updates/meeting with the Board of Selectmen at least every 3 months) on Comprehensive Plan amendments, Zoning Ordinance amendments for mixed

commercial use/development, and Design Standards. Recommendations will promote the maintenance and development of an attractive, economically viable, safe, pedestrian and family-oriented environment with a vibrant mix of business uses. The time frame is 1-3 years with the Planning Board meeting with the Selectmen every 3 months on this topic. Vote 5-0 motion passes.

The Board of Selectmen and the Planning Board will meet every three months for updates on the progress of this charge.

4. Discussion Regarding Reconsideration of Vote on Growth Ordinance

At the last meeting this Board rejected a motion to move this forward to a second public hearing. There was a meeting last week with some proponents of the growth ordinance who are asking that we put the item back on the agenda to see if anyone who voted against it would reconsider to put back on the ballot. However a citizen petition was handed in today with a provision that strikes the Board of Selectmen's sunset clause to a three year provision that would go back to the voters automatically every three years.

Mr. Estes asked if anyone who voted no would reconsider their vote. No one decided to reconsider their vote therefore the vote was not reconsidered.

5. Request for Extension on Property Redemption: 182 Scitaute Road

Mr. Buckley's property was redeemed back to him on July 13th 2009. Due to some financial constraints related to his property he is asking the Board of Selectmen for an extension on the time frame to pay back his taxes.

Moved by Ms. Goodwin to approve the extension on the condition that he pays \$100 a week and will be paid in full by April 15th 2010. Vote 5-0 motion passes

6. Voting ballot for MMA Vice-President and Executive Committee Members

Moved by Ms. Andrews and seconded by Ms. Goodwin to vote for Mark Green as Vice President and Matthew Arnett, Joyce Maker, and Peter Nielsen as executive committee members for the Maine Municipal Association. Vote 5-0 motion passes.

7. Special Event Permit: Flags Over Maine Streets

Moved by Ms. Goodwin and seconded by Ms. Andrews to approve the special event permit application for Flags over Maine Streets that will be held on August 16th, 2009 from 1:30 PM to 2:00 PM. Vote 5-0 motion passes.

8. Business Directional Sign: Shore-Built Construction Inc

Ms. Jackson-McCarty stated that she would like to see these put on hold for a while until we discuss the sign ordinance.

Moved to Ms. Jackson-McCarty and seconded by Ms. Gregg hold these business directional signs until we have our discussion item on the sign ordinance. Vote 2-3 motion fails (Ms. Jackson-McCarty and Ms. Gregg in favor)

Moved by Ms. Andrews and seconded by Ms. Goodwin to approve the application for two of the three business directional signs at locations 1 and 2 for Shore-Built Construction. Vote 3-2 motion passes Ms. Gregg and Ms. Jackson-McCarty against.

9. Business Directional Sign: Coaching Our Youth

Moved by Ms. Andrews and seconded by Ms. Goodwin to approve one business directional sign at location 2 for Coaching our Youth Vote 3-2 motion passes Ms. Gregg and Ms. Jackson-McCarty against.

10. Discussion Regarding Future Meeting with MTA

On June 16th, 2009 the Board of Selectmen met with the MTA Board of Directors and received the engineering report from HNTB regarding rebuilding the existing York Toll plaza. The MTA has suggested a follow up meeting to discuss the contents of the report and any questions that the Selectmen may have.

Think Again has forward their questions and are waiting for responses-this is a parallel process to the request for this board to meet with them again.

Please get any questions that you would like answered to Kathryn by Wednesday afternoon and she will submit them to MTA.

L. Other Business

Adjourn

Moved by Ms. Andrews to adjourn at 10:50 PM.

Respectfully Submitted By:

Kathryn Danylik, Recorder