

**SELECTMEN'S MEETING**  
**7:00 P.M. MONDAY MARCH 30th, 2009**  
**YORK LIBRARY**

**MINUTES**

Attendees: Michael L. Estes, David F. Marshall, Kinley Gregg, Edward W. Little, 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 was called to order at 7:05 PM

**Pledge of Allegiance**

**A. Minutes**

-March 23<sup>rd</sup>, 2009 Selectmen Meeting Minutes

Moved by Mr. Marshall and seconded by Mr. Little to approve the minutes of the March 23<sup>rd</sup>, 2009 Selectmen's Meeting, without objection so approved.

**B. Chairman's Report**

Chairman Estes read a letter from Scott Berger and the York Community Service Association into the record thanking the Town for their contribution to heating assistance this winter.

**C. Manager's Report**

Mr. Yandow gave a reminder that this Thursday April 2nd the Community Development Department will be having a preview of the ordinance amendments for November. This will also be broadcast on channel 3.

Mr. Yandow reminded the public that on Saturday April 18<sup>th</sup> we will be having our annual tire drop off day from 9:00 AM to 4:00 PM. Car tires are \$2 each or \$3 with rims and \$10 per truck tire. Cash only will be accepted.

Mr. Yandow stated that the Public Works Department will be having debris clean up effort from the December Ice Storm starting on April 6th

Mr. Yandow reported that there is a Budget public hearing tonight and Preference Votes on April 6<sup>th</sup> followed by the final public hearing on the budget and the Warrants on April 13<sup>th</sup>.

Mr. Yandow stated that nomination papers are in the Town Clerk's office for the following positions; 2 selectmen-3 year term, town clerk/tax collector-3 year term, 3 budget committee positions-3 year term, 2 school committee positions-3 year term, 1 Water District Trustee Positions-5 year term and 1-Sewer District Trustee Position-5 year term. Paper are due back by April 14<sup>th</sup> with at least 25 voter signatures and no more than 100.

**D. Awards**

**1. Parks and Recreation Summer Brochure Bid**

Mike Sullivan, Parks and Recreation Director, reported that there were 6 bids received for this years Parks and Recreation Summer Brochure. Mr. Sullivan is recommending that the bid be awarded to Alliance Press even though they are not the low bidder. Alliance Press is able and willing to complete the specified work in the time frame requested.

Moved by Ms. Goodwin and seconded by Ms. Gregg to award the Parks and Recreation Summer Brochure Bid to Alliance Press in the amount of \$7,103.00.  
vote 5-0 motion passes

**2. Town Report Bid**

Moved by Ms. Goodwin and seconded by Mr. Marshall to award the Town Report bid to Select Print Solutions for 1000 reports totaling \$2,519 for 120 pages \$21 per extra page over 120 pages and color cover. Vote 5-0 motion passes.

**E. Citizens Forum** - Open to audience for comments on items to be addressed on this agenda; or, to propose items for board consideration.

**Public Comment:** None

**F. Approval of Warrant # 39**

Moved by Ms. Gregg and seconded by Mr. Marshall to approve Warrant #39. Without objection so approved.

**G. PUBLIC HEARINGS**

1. May 29<sup>th</sup>, 2009 FY2010 Budget Referendum

Moved by Mr. Marshall and seconded by Ms. Gregg to open the public hearing on the May 29<sup>th</sup>, 2009 FY 2010 Budget Referendum

Public Comment: None

Moved by Mr. Marshall and seconded by Ms. Gregg to close the public hearing on the May 29<sup>th</sup>, 2009 FY 2010 Budget Referendum

**H. ENDORSEMENTS**

**License Applications**

## **I. Old Business**

### **J. New Business**

#### **1. Request for Legal Funds from Think Again**

On September 22<sup>nd</sup>, 2008 the Board of Selectmen voted to carry forward \$39,772.50 in legal funds from FY08 to FY09. This was done specifically to have some funds available in the event it become necessary to incur legal cost associated with the Maine Turnpike's Authority's plan to relocate the toll plaza.

The group Think Again has been working on the issue of the toll plaza and has determined that it would be beneficial to hire an engineering firm to help the Town in their arguments against the Maine Turnpike.

Marshall Jarvis spoke on behalf of think again asking for funds for an engineer to help the town of York stand up to the Maine turnpike to refute their data if needed. This is to allow us to be ready for the event that the MTA continues with its plan to relocate the toll booth. We want to be able to accurately refute MTA's arguments. If this is approved then we would recommend that all the players sit down and discuss with the engineer what items to be looked at and studied.

Think Again has researched engineering firms that would be able to complete this type of work. Mr. Jarvis explained that it is important that if we do go this route that we use a respected and well known firm. Think Again and Mr. Jarvis are recommending that the Board of Selectmen approve up to \$13,000 to Pennoni Associates for the purpose of performing an initial Engineering Investigation and Environmental Due Diligence Report reviewing various proposed York toll Plaza site options

The Board of Selectmen agrees that this is an action that we need to take in order to ensure that we can stand against the MTA if they choose to continue with the plan to relocate the toll plaza.

The Board of Selectmen received an email from a local engineering firm, Western & Sampson, inquiring about the work and stated that they would like to be considered. Mr. Marshall and Mr. Estes asked that we give this other firm a week to look at the material and decide if this is something that they could perform and if they are interested in the project.

Ms. Goodwin stated that she does not believe that would be fair considering that they would know what this other firm has already proposed. She also stated that it would not be smart to wait on this.

Joan Jarvis stated that a week would not give this other firm enough time and she would not be able to even pull the material together for them in that short amount of time.

Mr. Yandow stated that according to the Selectmen's purchasing policy they are allowed to award the project to one company without going to bid on it.

Moved by Ms. Gregg and seconded by Ms. Goodwin to appropriate \$13,000 from the legal funds carry forwards to Pennoni Associates for the purpose of performing an initial Engineering Investigation and Environmental Due Diligence Report reviewing various proposed York toll Plaza site options. Vote 5-0 motion passes.

**2. Approval of the May 29<sup>th</sup> 2009 FY2010 Budget Referendum and move to the second public hearing on April 13<sup>th</sup>, 2009**

Moved by Mr. Marshall and seconded by Ms. Goodwin to forward the FY2010 to the second public hearing on April 13<sup>th</sup>, 2009. Vote 5-0 motion passes.

The Board of Selectmen had some question on the following the articles:

#1-fix typos

#5-This is a structural analysis of the beach itself and how the beach is holding up environmentally

#6-Mr. Yandow will look into debt service question and whether it should go back to last years figure or not

#3-Mr. Yandow will check on the percentage and whether this is a state obligation

#15-White goods disposal does have a cost-this is the whole recycling program.

#19-We have a legal obligation to maintain this road

#31-Sohier Park Gift Shop has done a great deal of business and that is where the extra revenue is from

#28-Charter provision that is why it goes back to zero

#32-Been practice that 4% is allocated for the whole operation

#41-Mr. Yandow stated that we will add the additional streets so that all are shown

Mr. Estes asked that since some of these projects are not as expensive would it be smarter to take some money out of fund balance to get them done so that we don't have a 20 year bond on a \$100,000 project. Mr. Yandow stated that not all of the projects are bonded-use borrowing vs. bonding.

**3. Request for Redemption: Map 0040/ Lot 0061-0037; 3 Eaton Franconia**

Moved by Mr. Marshall and seconded by Ms. Gregg to approve the redemption of Map 0040/Lot 0061-0037; 3 Eaton Franconia, as requested, on the condition that all taxes, interest and administrative costs are paid in full no later then May 30<sup>th</sup>, 2009. Vote 5-0 motion passes.

**4. Request for Redemption: Map 0019/ Lot 0020-A; 1279 US Route 1**

Moved by Ms. Goodwin and seconded by Mr. Little to approve the redemption of Map 0019/ Lot 0020-A; 1279 US Route 1, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later then May 30<sup>th</sup>, 2009. Vote 5-0 motion passes.

**5. Board and Committees Appointments: Senior Center Advisory Board**

Moved by Ms. Gregg and seconded by Mr. Marshall to appoint Jeanette McGrath, Jutta Brulek, Jeanne-Marie Porter, and Fern Dondero to the Senior Citizen Advisory Board. Vote 5-0 motion passes.

**K. Other Business**

**L. Executive Session**-Real Estate and Legal-(Pursuant to MRSA Title 1, Section 405.6 C and Section 405.6.E)

Moved by Mr. Marshall and seconded by Mr. Little to go into Executive Session-Real Estate and Legal-(Pursuant to MRSA Title 1, Section 405.6 C and Section 405.6.E) at 8:52 PM

Moved by Ms. Gregg and seconded by Ms. Goodwin to come out of Executive Session-Real Estate and Legal-(Pursuant to MRSA Title 1, Section 405.6 C and Section 405.6.E) at 9:45

**Adjourn**

Moved by Ms. Gregg and seconded by Mr. Marshall to adjourn at 9:45 PM.

Respectfully Submitted By:

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Kathryn Danylik, Recorder