

**SELECTMEN'S MEETING
7:00 P.M. MONDAY MAY 4th, 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 to order at 7:00 PM

Pledge of Allegiance

A. Minutes

-April 27th, 2009 Selectmen's Meeting Minutes

Moved by Mr. Little and seconded by Mr. Marshall to approve the April 27th 2009 Selectmen's Meeting Minutes. Without objection so ordered

B. Chairman's Report

None

C. Manager's Report

Mr. Yandow reported that May 18th is the open school meeting at The Robert E. Butler Gymnasium at York High School starting at 6:00 PM. Doors will open at 5:00 PM for check in with the Town clerk.

Mr. Yandow stated that the Town Clerks Office will be closed on Friday May 29th for the Town-Wide Referendum.

Mr. Yandow reported that absentee ballots are available but would recommend that they not be returned until at least May 19th after the school meeting. The school ballot can not be returned until after May 18th or it can not be counted.

Mr. Yandow gave an update on the H1N1 Swine Flu. Yesterday another probable case in York County was identified; there is now 1 confirmed case and 6 probable cases in Maine. We encourage people to continue with the adequate and proper health practices, cover your mouth when you cough or sneeze, wash hands and stay home if you do not feel well.

D. Reports

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: Jack MacDonald
Dr. Pelletier

F. Approval of Warrant #44

Moved by Mr. Marshall and seconded by Ms. Goodwin to approve Warrant #44. Without objection so ordered.

G. PUBLIC HEARINGS

1. Addition of Ocean Avenue Extension to the Traffic Safety Ordinance, Schedule B: One Way Streets (Year-Round)

Moved by Ms. Gregg and seconded by Mr. Little to open the public hearing on the Addition of Ocean Avenue Extension to the Traffic Safety Ordinance, Schedule B: One Way Streets (Year-Round)

Christine Grimando gave a brief update

Public Comment: Fred Knox
Chief Bracy
Alan Adams
Dean Lessard
Dave Bridges
Jim Comody (???)

Moved by Mr. Marshall and seconded by Mr. Little to close the public hearing on the Addition of Ocean Avenue Extension to the Traffic Safety Ordinance, Schedule B: One Way Streets (Year-Round)

H. ENDORSEMENTS

License Applications

- Sandra Wilson dba York Restaurant (Victualers)
- Betty Weaver dba Lobster in the Rough (Victualers, Liquor, Special Amusement, and Coin-Op Amusement)
- Woody and Rowena Kislowski dba York's Best Seafood (Victualers)
- Donna Fitzgerald dba One Carrot Cake (Victualers)
- “Tax Department” Cumberland Farms DBA Cumberland Farms (Victulaers)

Moved by Ms. Gregg and seconded by Mr. Marshall to approve the license applications for -Sandra Wilson dba York Restaurant (Victualers), Betty Weaver dba Lobster in the Rough (Victualers, Liquor, Special Amusement, and Coin-Op

Amusement), Woody and Rowena Kislowski dba York's Best Seafood (Victualers), Donna Fitzgerald dba One Carrot Cake (Victualers), "Tax Department" Cumberland Farms DBA Cumberland Farms (Victulaers). Subject to taxes, fees and inspections being current and compliant with usual noise stipulations. Without objection so ordered.

I. Old Business

1. Business Directional Signs: York Family Eye Care

Moved by Mr. Little and seconded by Ms. Goodwin that the three business directional signs for York Family Eye Care be approved. Vote 4-1 motions passes Ms. Gregg against.

Dean Lessard, York Public Works, reported that these are applications for signs on a side road, changing direction onto Route one. He believes that this is the first one like this but after reading the ordinance could not find anything that would prohibit this.

Ms. Gregg is questioning the ordinance itself in that in can allow for an over abundance of signs.

2. Review Dates for Changing Directionality in Traffic Safety Ordinance

Last week the Board discussed Dean Lessard's proposal to change the starting and ending dates of one-way streets from May 1st to November 1st to the first Tuesday in May to the first Tuesday in November. The Board voted to change it to the Thursday before Memorial Day to the first Tuesday in November. Chief Bracy is here to discuss his recommendation regarding the changes.

Chief Bracy stated that the reasons that we extended the one-way is because we try to go along with the business season which over the years have extended from about the beginning of May through at least Columbus Day. The reason to go to November is to get through the Columbus Day weekend. Two-Way traffic trends to be dangerous when the beach area becomes busier. With one-way streets people only have to look one way and since this is a heavily pedestrian area and family friendly, it is much easier to handle.

Chief Bracy stated that he does support the request to change it to a Tuesday but he also supports changing it over earlier in May since our tourist season really starts in the beginning of May and extended it through November to get through Columbus Day and Harvest Fest.

Ms. Goodwin and Mr. Estes stated that they are hearing complaints from year round residents that it is too long and they are not able to get to the Post Office without getting into congestions one way or another.

Ms. Goodwin stated that there has been a lot of dialog in the background on this and that there are a lot of issues that need to be solved and think that a lot of it is intertwined. Ms. Goodwin is comfortable leaving it the way that it is for this year and deal with as part of the total master plan of traffic flow changes at a later time.

Mr. Estes suggested that we leave what we did last week, and change it over the Thursday before Memorial Day until the first Tuesday of November.

Moved by Mr. Marshall and seconded by Ms. Goodwin to amend the Traffic Safety ordinance Schedule B One Way streets to read "From the 2nd Tuesday in May to the first Tuesday in November" Vote 5-0 motion passes.

J. New Business

1. Addition of Ocean Avenue Extension to the Traffic Safety Ordinance, Schedule B: One Way Streets

The York Beach Zoning Subcommittee is proposing that a change be made to the Traffic Safety Ordinance to make Ocean Avenue Extension a one-way street year round. This proposal is being supported by the Community Development Department, Police Department, Fire Department and the Department of Public Works.

Some citizens brought up the idea of making Kendall Road a one way also due to the efficiency and safety issues of making both roads one-way. The Board decided that Kendall Road can not be decided on tonight, the Board would like a recommendation from the staff and the York Beach Zoning Subcommittee on this possibility.

Chief Bracy agreed that it would be beneficial to take some time to look at this situation and determine the best course of action.

Moved by Mr. Marshall and seconded by Ms. Goodwin to make Ocean Avenue Extension one way in a westerly direction from Kendall Road towards Ocean Avenue year round and to be effective the Thursday before Memorial Day. Vote 5-0 motion passes.

2. Discussion Regarding Parking on Ridge Road at Route 1A

Chief Bracy discussed the parking issue on Ridge Road near the York Beach Post Office. About two years ago residents brought it to the Police attention that parking on Ridge was causing safety problems for residents. One of the greatest problems in the beach is having places to park, especially places that are not

metered and it seemed as though people were finding their way to ridge road and parking there for hours at a time. This creates safety issues by crossing over the road and at the intersection with the post office.

People have been parking on private property; we are not sure of what our right of way is there.

The Board questioned whether having parking in that area would be beneficial.

Chief Bracy stated that if we do decide to establish spaces in that area then we need to make them designated parking spaces like the way we did on Route 103 and possibly put a sidewalk leading up to the post office. If we have the property available then putting spaces in is a good idea. If it is not clearly defined then people will park wherever they feel fit.

Ms. Gregg stated that the parking study that we just had done did not make any mention of parking on Ridge Road

Mr. Estes stated that there is some parking in York Beach that is being under utilized. We should work with the residents that own this property to work out some sort of deal.

Dean Lessard spoke to the right of way question that many times a right of way is established and the Town could argue that the should has been maintained by the town and therefore is a right of way by prescriptive right. Do believe that the Town could allow parking at that gravel area at the shoulder. If you want to make a more permanent and defined area then the town property would have to be determined.

The Board of Selectmen asked that town staff come back to the board with a recommendation after more research is done on the logistics of parking in that area.

3. Discussion Regarding Crosswalks, Signage, and Parking Spaces in York Beach

The existing pedestrian crossings in York Beach do not meet national safety standards. The Town of York can improve the safety of pedestrians' crossings by modifying existing crosswalks, adding additional signage and eliminating parking adjacent to crosswalks on town ways in York Beach.

Dean Lessard, Director of Public Works outlined a plan to improve the crosswalks and the signage for pedestrians. The plan that was outlined does call for the elimination of parking spaces in York Beach mostly around the crosswalks.

The Board decided to table this discussion until further input on this planned by other town departments is given.

Moved by Mr. Marshall and seconded by Ms. Gregg to table this to the next meeting for further defining of the plan with input from other departments. Without objection so ordered

4. Paving Bid for Remainder of FY 09

The Town approved a bid of \$60.25 from Libby-Scott Inc., last spring for paving in the Town of York for FY2009. Due to an increase from the supplier, Pike Industries, Libby-Scott, Inc. requested that the town help off-set some the increase with a \$12.00 price increase last summer. At the time the Board approved the increase until the end of the calendar year. We recently participated in the Greater Portland Council of Governments paving bid. The low bid was from Dayton Sand and Gravel in an amount of \$69.79 per ton. Steve Libby has offered to supply paving to the town for the remained of FY09 through June 30th 2009 at \$67.25 per ton.

Mr. Little asked what roads are left tot be done? Mr. Lessard replied Pine Hill South, complete the surfacing of York Street, Norward Farms and Cow Beach are areas that were not finished before. Depending on how far the money takes us we will do as much as we can

Mr. Estes asked what do you see for the bids next year? Mr. Lessard responded that one of the advantages of entering into the bids is that they are good for a year and makes the distributors work with us. Entering into a bid with Berwick and South Berwick could potentially give us some more options. Looks like asphalt process will stay more consistent then they were last year.

Moved by Mr. Marshall and seconded by Ms. Goodwin to approve the paving bid from Libby-Scott, Inc. for the remainder of FY09 in an amount of \$67.25 per ton. Vote 4-1 motion passes, Ms. Gregg against

5. FY10 Heating Oil Bids

Mr. Estes excused himself from the conversation as his business was part of the bid process.

In mid-April the town participated in a heating oil bid process with Maine Power Options. We received only one fixed price fro CN. Webber at \$2.049 per gallon. None of our local providers participated so Mr. Yandow solicited bids from Downeast Energy, York Oil, and Estes Oil. Two bids were submitted -Estes Oil at \$1.84 and Downeast Energy at \$2.099

Mr. Yandow recommends that the bid be awarded to Estes Oil at 1.84 per gallon.

Ms. Gregg questioned the bid process and that the bids were due on May 4th after Mr. Estes would have seen the bid price from CN Webber. Estes Oil submitted their bid before the packets were done and therefore Mr. Estes did not see anyone else's bid.

Moved by Mr. Little and seconded by Ms. Gregg to award the FY 2010 heating oil bid to Estes Oil at \$1.84 per gallon. Vote 4-0 motion passes, Mr. Estes abstained.

6. Appointment of Board of Selectmen Representative to the Maine/New Hampshire Connections Steering Committee

The Maine/New Hampshire Connections Steering Committee has been formed to evaluate the issues facing three existing bridges that connect Kittery and Portsmouth. Any local government can request a position on this committee.

Moved by Mr. Marshall and seconded by Mr. Little to appoint Ms. Gregg to the committee. vote 5-0 motion passes.

Memorial Bridge was listed as one of America's 11 most endangered places.

7. Appointment of Health Officer

The Town of York has been without a health officer for twenty years and according to 22 M.R.S.A Section 451 (1) each municipality is required to employ a local health officer.

Mr. Yandow has recommended that he be appointed to this position. He is qualified by training for this appointment and has successfully completed the mandated Local Health Officer Certification Training.

Moved by Ms. Gregg and seconded by Mr. little to appoint Town manager Robert G. Yandow as health Officer for the Town of York. Vote 5-0 motion passes.

Mr. Marshall commends Mr. Yandow for his work on this issue and he has received his certification as a health officer.

8. Approval of School Meeting Warrant

Original version has been amended one of the articles was left out, there are now 18 total articles.

Moved by Mr. Marshall and seconded by Ms. Gregg to approve the School Meeting Warrant and call a Town Meeting for Monday May 18th at 6:00 PM at the York High School Robert E. Butler Gymnasium. Vote 5-0 motion passes.

9. Update on Contingency Fund

At the last meeting Tom Whalen of the York Food Pantry presented to the Board the York County Food Rescue Program. After his presentation the Board asked Mr. Yandow for an update on the contingency fund. There is currently \$47,900 in the account. If the Board is interested in donating to the program then we will discuss it at the next meeting. This item will be placed on next week's agenda.

10. Boards and Committee Appointment: Historic District Commission

Moved by Ms. Gregg and seconded by Mr. Marshall to appoint Kurt Hultstrom to the Historic District Commission with his term commencing on July 1st, 2009. Vote 5-0 motion passes.

11. Pole Permit Application: Ridge Road

Moved by Mr. Marshall and seconded by Mr. Little to approve the pole permit application for a pole on Ridge Road approximately 87' Southerwesterly of Pole 70. This will be marked with No.70-1. Vote 5-0 motion passes.

12. Pole Permit Application: Scotland Bridge Road

Moved by Mr. Marshall and seconded Ms. Gregg to approve the pole permit application for 5 poles on Scotland Bridge Road approximately 763' Southeasterly of pole 6. These will be marked with No. 6S, 7, 8, 10 and 11. Vote 5-0 motion passes.

13. Business Directional Sign: 123 Restaurant and Inn

Moved by Ms. Goodwin and seconded by Mr. Little to approve three directional signs for the 123 Restaurant and Inn at Route 1 and Old Post Road, Ridge Road and Old Post Road and Beacon and Ridge Road. Vote 5-0 motion passes.

14. Business Directional Sign: Studio Four

Moved by Ms. Goodwin and seconded by Mr. Little to approve one business directional sign for Studio Four. Vote 5-0 motion passes,

15. Special Event Permit Application: York Hospital

Moved by Ms. Gregg and seconded by Ms. Goodwin to approve the special event permit for the York Hospital 5K Road and Cross Country Race 2009 that is to be held on Saturday, June 6th from 8:30 AM to 10:30 AM. Vote 5-0 motion passes.

K. Other Business

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

Moved by Ms. Gregg and seconded by Mr. Little to go into Executive Session Real Estate Pursuant to MRSA Title 1, Section 405.6C at 10:03 PM. Without objection so ordered

Moved by ??? and seconded by ??? to come out of Executive Session Real Estate Pursuant to MRSA Title 1, Section 405.6C at ??? PM. Without objection so ordered

Adjourn

Moved by ??? and seconded by ??? to adjourn at ???.

Respectfully Submitted By:

Kathryn Danylik, Recorder