

SELECTMEN'S MEETING
7:00 P.M. TUESDAY JANUARY 11, 2005
YORK LIBRARY

MINUTES

ATTENDEES: Stanley G. Wilson, Michael V. Palumbo, Carole H. Allen, Torbert Macdonald, David Marshall, Ryan Hada, Interim Town Manager, Karen Steadman, Recorder, and Members of the Press & Public.

Videotapes of the meeting are available in the Town Manager's office for clarification purposes.

Call to Order - Chairman Wilson called the meeting to order at 7:03 pm.

Pledge of Allegiance

Minutes

Moved by Mrs. Allen and seconded, to approve the minutes of the December 7, 2004 Selectmen's Work Session & Special Meeting as presented. Without objection, it was so ordered.

Moved by Mr. Palumbo and seconded, to approve the minutes of the December 14, 2004 Selectmen's Meeting & Work Session as corrected. On page 3, item 8 - change the majority vote to "5" and delete the rest of the sentence. Without objection, it was so ordered.

Chairman's Report

Mr. Wilson announced the CEO Review Committee has started their meetings on Monday nights, they are an ad hoc committee to the Selectmen and the meetings are open to the public.

Mr. Wilson advised the town the Bond Rating has come out and York has an AA rating, which is the highest a town can have.

The Shipyard Association is once again asking towns to back them with a donation, as there is a new round of base closings to get through. The Board will need to decide how much to donate and forward it to the voters for approval.

The York Street / Route One intersection improvement will begin in the spring and at this time the York Street Ramp has been excluded from the project.

Manager's Report

Mr. Hada read his manager's report, dated January 11, 2005 into the record.

Citizens Forum - Open to Audience for comments or questions to be addressed on this Agenda

Public comments: None

ENDORSEMENTS

License Applications (Renewals)

- Bob Kyllonen & Steven Charron dba Agamenticus Catering & Spice Co. (Victualer)
- Stephen Dunne dba Brown's Old Fashion Ice Cream (Victualer)
- Thea & John Shaw dba Frankie & Johnny's (Victualer)
- John Garfield dba Garfield's (Victualer)
- Susan Antal dba Inn at Harmon Park (Bed & Breakfast)
- Betty Weaver dba Lobster Barn Restaurant (Victualer, Liquor & Coin Operated Amusement)
- Alice & Michael Kubacki dba Pudding Lane B&B (Bed & Breakfast)
- Janet B. Stone dba Oceanside Store, Inc. (Victualer)
- Steven Bernstein dba Old Ellis House (Bed & Breakfast)
- Patricia & John Stanton dba Sentry Hill Inn (Bed & Breakfast)
- Irving Oil Corporation dba York Irving Mainway (Victualer)
- Arthur Berger & Scott Berger dba York Village Emporium (Victualer)

There being no objection, the Chair took the licenses as a whole. Moved by Mr. Palumbo and seconded, to approve the license renewals as read, subject to taxes and fees being current and the usual noise stipulations for those establishments with special amusement licenses. Without objection, it was so ordered.

Applications

- Michelle Moody -- Planning Board
- Stanley C. Moody -- Planning Board

The Chair asked that the two applications be put on the next regular agenda for nomination and appointment.

New Business

- 05-1(1)** Ordered, to approve the General Assistance Ordinance Appendixes A-C for 2004/2005

Moved by Mr. Palumbo and seconded, to approve the appendixes for the General Assistance Ordinance. Without objection, it was so ordered.

05-2(2) Ordered, to approve the Municipal Social Service Review Boards recommendations for FY 2006 funding

Moved by Mr. Palumbo and seconded, to approve the recommendations of the Municipal Social Service Review Board for the FY2006 funding. Without objection, it was so ordered.

05-3(3) Ordered, to authorize the abatement of 2002 taxes for Tax Map 22/Lot 8; 1104 US Route One, owned by Rita B. Mathews

Moved by Mr. Palumbo and seconded, to approve the abatement of the 2002 taxes for the property located at 1104 US Route One - Map 22/Lot 8. Without objection, it was so ordered.

05-4(4) Ordered, to approve the Capital Improvement Plan and forward it to the Budget Committee for their review

Moved by Mr. Palumbo and seconded, to approve as corrected and to forward it to the Budget Committee for review. Vote: 4-0-1 (Mr. Macdonald abstained)

05-5(5) Ordered, to discuss the waiver of growth permits as exempted under Section 6 of the Residential Growth Ordinance (Riverwood Drive)

Mrs. Allen recused herself on this discussion as her family has business dealings with the contractor involved. Mrs. Allen went and sat in the audience.

Moved by Mr. Palumbo and seconded, to have Mr. DeCoteau put in writing the discussions he had with the applicant and state the reasons why he exempted the growth permits and to also have the Town Manager initiate an investigation on the remaining 5 houses and submit documentation to the Selectmen for those 5 houses that were determined to be exemptions from the growth ordinance. Vote: 4-0. Motion passes.

Moved by Mr. Palumbo and seconded, to order the CEO, that to be clear on any exemptions from the growth ordinance, that the entire dwelling must be moved and arrive at the new location, be hooked up and be habitable. Vote: 4-0. Motion passes.

The Chair called a 5-minute recess. The meeting reconvened at 8:55 pm.

05-6(6) Ordered, to approve the agreement between the Town and the McGann's

Moved by Mr. Macdonald and seconded and to hire Civil Consultants to go out and place the shack on their existing survey of the property. Without objection, it was so ordered.

05-7(7) Ordered, to discuss Ulan Pond

Moved by Mr. Palumbo and seconded, to pursue an easement for Ulan Pond to the Town. Without objection, it was so ordered.

05-8(8) Ordered, to accept the resignation from Janalee Moquin from the Conservation Commission with regrets

There being no objection, the resignation of Janalee Moquin was accepted by the Board with regrets.

05-9(9) Ordered, to appoint Regina Godfrey to the Parks & Recreation Board

There being no objection, the Chair cast one vote and Mrs. Godfrey was appointed to the Parks and Recreation Board.

Citizen/Selectmen Forum - Open to Audience - General Questions or Concerns

Public comments: None

Approval of Warrant #28 Moved by Mr. Palumbo and seconded, to approve Warrant #28. Without objection, it was so ordered.

Other Correspondence and Business

- Shipyard Association Funding
- Clarification of wording on growth permit waivers for an executive session

05-10(10) Ordered, to enter into Executive Session pursuant to MRSA Title 1, Section 405,6.A & Section 405,6.C (Discussion and action regarding Interim Town Manager (ITM), ITM contract and its milestones; and the hiring process and plans for the regular position of Town Manager and Real Estate)

Moved by Mr. Palumbo and seconded, to not go into Executive Session as only discussing format and calendar of events. Vote: 2-3. Motion fails. (Mr. Wilson, Mr. Marshall and Mrs. Allen against)

Moved by Mr. Marshall and seconded, to go into Executive Session pursuant to MRSA Title 1, Section 405.6.A. at 9:25 PM. Vote: 3-2. Motion passes. (Mr. Palumbo and Mr. Macdonald against)

Let the record show that Michael Palumbo and Torbert Macdonald did not participate in the Executive Session.

Let the record show that Ryan Hada did not participate in the Executive Session.

Moved by Mr. Marshall and seconded, to come out of Executive Session at 9:32 pm. Without objection, it was so ordered.

The Chair called the regular meeting back to order at 9:32 pm.

Mr. Marshall made the following motion: Under the terms of the employment contract for the Interim Town Manager, for the Town of York and under the terms of the contract, specifically Paragraph 3A and 3C, I move we terminate the contract during the probationary period and make the Interim Town Manager eligible for the various payments that are made in that part of the contract. Seconded by Mrs. Allen. Vote: 3-0-1. Motion passes. (Mr. Palumbo abstained)

Mr. Marshall suggested they could go back into Executive Session with Mr. Hada to further personnel discussion.

Mr. Hada asked to have the discussion in open forum.

Mr. Marshall stated for the record that Mr. Hada was handed a letter in reference to his contract terms, signed by the Chair.

Adjournment Moved by Mr. Marshall and seconded to adjourn the meeting at 9:47 pm.

Submitted by,

Karen Steadman
Recorder/Secretary