

**SELECTMEN'S MEETING**  
**7:00 P.M. MONDAY JANUARY 26th, 2009**  
**YORK LIBRARY**

**MINUTES**

Attendees: Michael L. Estes, David F. Marshall, Catherine R. Goodwin, Kinley Gregg, Edward W. Little, 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**

-January 12th, 2009 Selectmen's Meeting Minutes

Moved by Mr. Marshall and seconded by Mr. Little to accept the minutes of the January 12th, 2009 Selectmen's Meeting. Without objection so approved.

**B. Chairman's Report**

Chairman Estes reported that Tom Manzi. Chairman of the Planning Board is on the mend and is feeling much better. He has continued to be very involved and we wish him well in his recovery.

**C. Manager's Report**

Mr. Yandow reported that we did a quick analysis of the winter weather this year and as of today we are reporting 16 storm events, which is where we were last year at this time.

Mr. Yandow stated that we have received 3 applications for the energy steering committee so far. It is being advertised on Channel 3 and online.

Mr. Yandow stated that letters were sent out to all the suggested parties in regard to support for the Memorial Bridge.

Mr. Yandow reported that he received a letter from MDOT stating that they are going to be doing some road work on Route 1 this summer that

will start .2 of a mile down from the Spur Road and stretch to the Ogunquit line.

Mr. Marshall stated that the Kevin Brown Fuel Assistance Fund has begun to disperse money and applications are still being accepted for funds. Donations are also still being accepted.

## **D. Reports**

### **1. York Beach Subcommittee**

Dawn Fernald and Tracy McCarty of the York Beach Zoning Subcommittee presented to the Board of Selectmen four different streetscape scenarios for York Beach.

Lew Stowe of the Planning Board presented the Board of Selectmen with the findings and recommendations of the Planning Board. The Planning Board was presented with the four scenarios and found that each scenario focused on traffic flow and has the potential for a great impact upon future growth and circulation. The traffic pattern in York Beach functions as a system where changes in one area will affect other areas but the existing traffic situation has not kept up with demand or requirements that York Beach has.

The Planning Board recommends that a five step review process be established involving the overall design process for traffic flow, understand the thought process that the Subcommittee went through in making their recommendations, and emphasized that a communication strategy/program is a priority and the necessary steps need to be taken to gain input and acceptance.

The Subcommittee has had numerous public meetings and has taken any public input received into considerations the Subcommittee has also met with Town staff to gather additional input. It is clear that there is a need for streetscape and infrastructure improvement, traffic pattern improvement, and parking improvements.

While working on these four scenarios the Subcommittee came up with five objectives that they are ultimately trying to achieve:

Improve traffic flow in the York Beach Village Center (Railroad Ave, Ocean Ave, Bay Street, Church Street, and County Road)

Provide better access to, through and from the beach area for nearby residents and visitors (ie, Nubble, Freeman, ect)

Create a safer environment for pedestrians and vehicular traffic

Comply with state and federal traffic and roadway guidelines

Improve ADA compliance

Scenario 1-Change traffic pattern in York Beach Village Center to Two-Way Year Round. This scenario would meet the last two of the five objectives

Scenario 2- Change traffic pattern in York Beach Village Center to a mix of one and two way year round traffic. This scenario meets all five of the proposed objectives

Scenario 3- This is a what-if plan that would include using the ball field as a parking area. This idea does meet the objectives but the Subcommittee feels as though it is too different and has not been vetted with public input. It would meet all of the proposed objectives

Scenario 4- This is a do nothing scenario. This option would leave things the way that they are but would not meet any of the proposed objectives.

The York Beach Zoning Subcommittee recommends that we investigate and create a permanent parking facility but in the meantime there are some things that can be done to help right away. Some short term goals would be to talk to the school department about the possibility of using Coastal Ridge and the High School as parking areas and perhaps contract with a trolley service or buses for transportation, coordinate with church lots to have non-profit groups manage additional parking when their lots are not being used, and work with private lots in negotiating staff parking permits.

The Board of Selectmen thanked the Subcommittee for all their hard work and stated that this was a great presentation, very thorough.

Ms. Goodwin asked for the Board of Selectmen to talk CMP about the replacement of the street lights and possibly hiring an engineering firm to do an analysis of the width of the sidewalks and different alternatives.

Mr. Estes questioned what might happen if we brought an access road in from Route 1. Mr. Estes asked the subcommittee to develop and look at a scenario that would involve such as access road.

Mr. Yandow will work on scheduling a meeting with the subcommittee to discuss short term issues and the subcommittee will look at a scenario involving an access road to Route 1. Staff will also contact CMP to discuss power and lighting,

Mr. Marshall asked that Mr. Yandow call Oscar Plotkin to see where this project is and if he is still interested.

**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:** Carol Allen  
Debbie Albert  
Jack MacDonald  
Charles Stacey  
Joseph Lipton

Chairman Estes called at Break at 9:01 PM  
The Meeting was called back to order at 9:12 PM

**F. Approval of Warrant #30**

Moved by Mr. Marshall and seconded by Mr. Little to approve Warrant #30. Without objection so moved.

**G. PUBLIC HEARINGS**

**H. ENDORSEMENTS**

**License Applications**

-Atlantic House LLC dba The Atlantic House (Hotel/Motel with cooking facilities)

-M.J. Bailey dba The Stolen Menu Café (Victualers)

Moved by Ms. Gregg and seconded by Mr. Marshall to approve the license applications for Atlantic House LLC dba The Atlantic House (Hotel/Motel with cooking facilities) and M.J. Bailey dba The Stolen Menu Café (Victualers). Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations, without objection so ordered.

**I. Old Business**

**1. Municipal Social Services Review Board FY10 Recommendations**

Moved by Mr. Marshall and seconded by Mr. Little to adopt the FY2010 funding recommendations of the Municipal Social Services Review Board and forward them to the Budget Committee. Vote 4-1 motion passes, Ms. Gregg against.

#1 of New Business, The Economic Growth Study was taken out of order

**1. RFP for Growth Ordinance Economic Analysis**

Based on previous action by the Board of Selectmen a Request for Proposal was developed and published regarding and economic study of the Town's residential growth ordinance. There were two proposals received, one from Jeffrey Donohoe Associates of Manchester, NH and one from Planning Decisions in South Portland. The Donohoe proposal contained a cost estimate of \$125,000-\$165,000 for the study. Planning Decisions fee to complete the analysis was \$20,940 with a fee of \$3,990 for a framework for analyzing policy options without conducting the full analysis. Mr. Yandow stated that he does not think that the framework would provide enough information and therefore recommends that if this study is to go forward to add \$25,000 to the FY10 budget for the completion of the study by Planning Decisions.

Steve Burns, Director of Community Development, evaluated both proposals and determined that they both comply with the RFP and both will do what you are asking for. Planning Decisions does not have as many public meetings in their RFP as Donohoe does.

Mr. Estes asked if study will have value in future planning. Mr. Burns stated that not so much in land use planning but there might be some future use in Capital Planning and it would be interesting to understand how the housing market actually works.

Mr. Little asked Mr. Yandow if it were his decision would he go forward with this study. Mr. Yandow stated that he would be able to use that money to offset some of the cuts that we have to make and it would be his personal decision to make less cuts rather than to conduct the study.

Ms. Goodwin stated that for her the issue remains that we are in such unknown territory for what our future tax revenues are going to be. We are building a capital plan out for 5 years assuming that our past situation is going to be our future situation and we would not be doing our job if we do not get a better handle on the what our future could be based on the current situation. Ms. Goodwin stated that she think that this analysis would give us the tools for making some future financial decisions and that this is much more critical then buy another pick up truck it is about paying the bills tomorrow.

Ms. Gregg stated that the voters overwhelmingly supported the growth ordinance in November and believes that is based on a more qualitative and subjective reasoning rather the fiscal reasons. Ms. Gregg feels as

though this study would be irrelevant considering how people feel about the growth ordinance.

Mr. Estes stated that it has never been part of the discussion that this study would be used to get rid of the Growth Ordinance but rather to understand the financial impact that the Growth Ordinance has on this Town.

Moved by Ms. Goodwin and seconded by Mr. Little to approve the proposal submitted by Planning Decisions for an economic analysis of the Town's residential growth ordinance in an amount not to exceed \$25,000.

Mr. Little amended the motion to include that the item will presented to the budget committee as a separate line item, Ms. Goodwin seconded the amendment. Vote 3-2 motion passes, Ms. Gregg and Mr. Marshall against.

## **2. FY2010 Operating Budget**

Mr. Yandow presented an FY10 operating budget that included the \$25,000 study with a 1.7% increase in spending and a 4.5% impact on the taxpayer. The Board discussed the meter revenues and whether or not they are to go into the general fund or the reserve account for the beach. Ms. Goodwin stated that she would not vote for the budget due to the fact that the meter revenue goes to the general fund.

Moved by Mr. Marshall and seconded by Mr. little to approve the Town Manager's FY2010 Operating Budget and to forward the budget along to the Budget Committee. Vote 4-1 motion passes, Ms. Goodwin against.

## **3. FY2010 Capital Budget**

At the meeting on Thursday night the capital plan was discussed and it was stated that the only year that dollars are subject to voting is year 1. Each year we vote on the dollars for the 1st year of the capital plan and talk about projects for the next four years. Each year this plan is updated and revised

Moved by Mr. Marshall and seconded by Ms. Gregg to approve the five year capital plan as adopted by the Capital Planning Committee and as submitted by the Town Manager. Vote 5-0 motion passes.

## **J. New Business**

### **2. Property Redemption: Tax Map 97 Lot 47: 2 Nonantum Trail**

Moved by Mr. Marshall and seconded by Mr. Little to approve the redemption of property owned by Ronald Ramsdell located at 2

Nonantum Trail; known as Tax Map 0097/ Lot 0047 and subject to taxes being paid in full no later than March 26th, 2009 and all conditions being completed as stated in the Redemption memo dated January 23rd, 2009. Vote 4-0 motion passes.

**3. Approval of Quitclaim for 22 Atlantic Avenue; Map 23 Lot 40**

Moved by Mr. Marshall and seconded by Mr. Little to approve the Quitclaim Deed to Miriam Gasparrini for 22 Atlantic Avenue, Map 23/Lot40. Vote 4-0 motion passes

**4. Special Event Permit: Light the Night**

Moved by Mr. Marshall and seconded by Mr. Little to approve the special event permit application for Light the Night: the Leukemia and Lymphoma Society fundraising event on Saturday October 3rd, 2009 from 5:00 PM to 8:00 PM. Vote 4-0 motion passes.

**5. Pole Location Permits: Beech Ridge Road**

Moved by Mr. Marshall and seconded by Mr. Little to approve the application for pole permit locations for 3 poles on Beech Ridge Road approximately 407' northwesterly of Post Road, US Route 1. Vote 4-0 motion passes.

**6. York Hospital Coordinated Expansion Performance Guarantee Reduction Request**

Moved by Mr. Marshall and seconded by Mr. Little to authorize the reduction of the performance guarantee held for York Hospital from \$1,525,000 to \$1,197,301 because sufficient work has been completed, inspected and found satisfactory to warrant this partial reduction in guaranteed funds. Vote 3-0-1 motion passes, Ms. Gregg abstained.

**7. Re-appointment of Town Assessor**

Moved by Mr. Marshall and seconded by Mr. Little to reappoint Rick Mace to a consecutive 3 year term to begin at his current expiration date. Vote 4-0 motion passes/

**K. Other Business**

None

**L. Executive Session Personnel -(Pursuant to MRSA Title 1, Section 405.6 A)**

Moved by Ms. Gregg and seconded by Mr. Marshall to move into Executive Session pursuant to MRSA Title 1, Section 405.6 A at 10:45 PM

Moved by Ms. Gregg and seconded by Mr. Little to come out of executive session pursuant to MRSA Title 1, Section 405.6 A at 11:45 PM

**Adjourn**

Moved by Ms. Gregg and seconded by Mr. Little to adjourn at 11:46 PM

Respectfully Submitted By:

---

Kathryn Danylik, Recorder