

**SELECTMEN'S MEETING
7:00 P.M. MONDAY APRIL 14th, 2008
YORK LIBRARY
MINUTES**

Attendees: Michael L. Estes, David F. Marshall, J. Dwight Bardwell, 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

Moved by Mr. Bardwell and seconded by Mr. Marshall to approve the March 31st, 2008 Selectmen's Meeting Minutes. Without objection for ordered.

B. Chairman's Report

Chairman Estes reported that he received a letter from *A Family for Me*, a foster care advocacy group, regarding the recognition of May as foster care month. Chairman Estes read the letter into the record.

As chairman of the Board of Selectmen by virtue of authority vested in me as Chairman of the Board of Selectmen I do hereby proclaim May as Foster Care Month in the Town of York of the State of Maine and urge all citizens to come forward to do something positive that can help change a lifetime for children and youth in foster care. Without objection so ordered.

C. Manager's Report

Mr. Yandow put out a reminder that Saturday April 19th is the annual Tire-Drop Off day, the hours are 9-4 and cash only will be accepted.

Mr. Yandow reported that he received notice from the County Budget Committee who will be having a meeting on April 23rd at 7:00 at the County Jail in Alfred to discuss amendments to the FY 2009 Budget.

Mr. Yandow stated that he has been in contact with the Government Relations Manager at the Maine Turnpike Authority. The staff at the MTA has been meeting to follow up on questions and comments from the April 3rd meeting. They have proposed a schedule to address these comments and concerns:

Week of April 14th -24th- Create a York Citizen's Group

Week of May 5th- MTA submits written answers to questions from the April 3rd meeting and mail to citizens

Week May 12th-First meeting with York Citizens Group
Week of June 19th- MTA staff report to MTA Board of Directors about the process to date
Week of June 30th-MTA to hold a public meeting with results of the MTA process
Week of June 31st-MTA staff report to MTA Board on recommendations for The York Toll Plaza Relocation Project
Week of August 4th - Potential submission of LEDPA to the Army Corps of Engineers

D. Awards-

-Bid Award for Parks and Recreation Summer Brochure

Moved by Mr. Bardwell and seconded by Mr. Little to award the bid for the Parks and Recreation Department Summer Brochure to Graphic Image Inc in Milford Connecticut in the amount of \$4,980.00. Vote 5-0 motion passes.

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

Public Comment: David Lincoln
Charles Stacey
Marshall Jarvis
Torbert Macdonald
Bob Tarbox
Lawerence Decato
Brad Monehayden

F. Approval of Warrant #42-Moved by Mr. Bardwell and seconded by Mr. Marshall to approve Warrant #42. Without objection so approved

G. ENDORSEMENTS

License Applications (Renewals)

- Sue Antal dba Inn at Harmon Park (Bed and Breakfast)
- Philip Lusty dba Dockside Restaurant (Victualers, Liquor)
- Arrows Restaurant Inc. dba Arrows Restaurant (Victualers, Liquor)
- Tom Robinson dba York Lobster and Seafood (Victualers)
- Margaret Bowden dba Country View Motel (Motel/Guest House with Cooking Facilities)
- Raymond A. Ramsey dba The Anchorage Inn (Vicutalers, Liquor, Special Amusement)
- Maureen Peard dba Mainiax Café, LLC. (Victualers, Liquor)
- BB Hill Inc. dba York Beach Grocery and Deli (Victualers)
- Paul Karoutas dba York House of Pizza (Victualers)
- Jonathan King and James Scott dba Stonewall Kitchen (Victualers, Liquor)
- Linmure Inc. dba Sea Latch Motor Inn (Victualers)
- Irene K. Kocka dba The Rowan Tree (Victualers)
- Victor Guay Jr. and Ralph Goddard dba Bittersweet Bed and Breakfast (Bed and Breakfast)

-Diana Hickey dba Windbreaker Restaurant (Victualers, Liquor)

Moved by Mr. Bardwell and seconded by Ms. Gregg to approve license renewal applications for Sue Antal dba Inn at Harmon Park (Bed and Breakfast), Philip Lusty dba Dockside Restaurant (Victualers, Liquor), Arrows Restaurant Inc. dba Arrows Restaurant (Victualers, Liquor), Tom Robinson dba York Lobster and Seafood (Victualers), Margaret Bowden dba Country View Motel (Motel/Guest House with Cooking Facilities), Raymond A. Ramsey dba The Anchorage Inn (Victualers, Liquor, Special Amusement), Maureen Peard dba Mainiax Café, LLC. (Victualers, Liquor), BB Hill Inc. dba York Beach Grocery and Deli (Victualers), Paul Karoutas dba York House of Pizza (Victualers), Jonathan King and James Scott dba Stonewall Kitchen (Victualers, Liquor), Linmure Inc. dba Sea Latch Motor Inn (Victualers), Irene K. Kocka dba The Rowan Tree (Victualers), Victor Guay Jr. and Ralph Goddard dba Bittersweet Bed and Breakfast (Bed and Breakfast), Diana Hickey dba Windbreaker Restaurant (Victualers, Liquor) Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Without objection so ordered.

H. PUBLIC HEARINGS

1. New Town Hall Proposal

Moved by Mr. Bardwell seconded by Mr. Estes to open the Public Hearing on the New Town Hall Proposal.

Public Comment: Charles Stacey
Jim Bartlett
Lori Nelson
David Lincoln
Jack MacDonald
Torbert Macdonald
Chief Doug Bracy
Steve Burns
Mary-Anne Szeniawski
Peter Smith,
Joseph Donnelly,

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing

Chairman Estes called a break at 9:17 PM
The meeting was called back to order at 9:30 PM

I. Old Business

1. Citizen Petition for Procedures Regarding Acceptance of Non-York Land Development Impacting Municipal Services

Mr. Bardwell stated that at our last session we had an executive session to discuss the citizen's petition and then decided to table it until this week.

Moved by Mr. Bardwell and seconded by Mr. Marshall based on the advice from the town's attorney, not to place the citizens petition before the voters.

Mr. Little does not feel that it is up to the Selectmen to not put this forward when it was presented legally. Mr. Little expressed that the tax payers and voters need to decide on this issue.

Me. Estes stated that the Town followed the advice of the charter by establishing the 3 member Ad-Hoc Committee to address and changes. There were changes made that alter the original petition that citizens signed. For this reason the petition should go back to the people who put it forward to look at the language. In advice from our attorney, there were substantive changes made that materially changed the meaning and effect and for that reason it should not go to the voters.

Mr. Yandow stated that the Town Attorney does not believe that this petition should go forward to the voters

Vote 3-2 motion passes. (Mr. Little and Ms. Gregg against)

New Business

#2 # 1 and #4 were taken out of order

2 .Discussion on Maine Turnpike relocation project and Non-Binding Referendum for June Ballot-

Marshall Jarvis read the resolution by the Selectmen into the record. Moved by Mr. Bardwell and seconded by Ms. Gregg to strongly support the resolution and send it to the Board of Directors for their morning meeting. Vote 5-0 motion passes. It was suggested that all the Selectmen sign the resolution to be sent to the Board of Directors

Mr. Yandow stated that since the May ballots have already been printed the Town Clerk suggested that we put the non-binding referendum on a separate sheet of paper for the May vote. Mr. Yandow has a draft written up that states "Do the voters approve of the Maine Turnpike Authority's plan to relocate the York Toll Plaza to another site in York." Mr. Marshall suggested that Mr. Yandow work with some citizens to develop the language, the simpler the language the better.

Moved by Mr. Marshall and seconded by ??? to place a non-binding referendum for the May 17th vote with wording similar to Mr. Yandow's statement with input from the Citizen's group and schedule a public hearing for May 12th. Vote 5-0 motion passes.

1. Revisions, Changes and Added Information to the Town of York Senior Center and the York Senior Center Inc, Mission Statement and By-Laws

Lori Nelson, Director of the Senior Center, presented changes and updates to the bylaws and mission statement of the York Senior Center. Ms. Nelson stated that both the Staff and the Board of Directors have worked on this to make sure that the Senior Center is meeting the needs of the people.

Moved by Mr. Bardwell and seconded by Mr. Marshall to approve the attached copy of the revised Mission Statement of the York Senior Center Inc., and the revised attached copy of the By-Laws for the York Senior Center, Inc. Vote 5-0 motion passes.

4. License agreement for York Golf and Tennis Club-

Mr. Bardwell disclosed that he is a member of the York Golf and Tennis Club, no concern was expressed.

Moved by Mr. Marshall and seconded by Mr. Little that the Town of York grant the York Golf and Tennis Club the right to cross under Organug Road for the purpose of installing an eight inch (8") chase way containing electrical, telephone, and cable conduit underneath Organug Road from an existing utility pole to the York Golf and Tennis Club Property. Vote 5-0 motion passes

Old Business Continued

#2. Vartko Property Redemption Request

Moved by Ms. Gregg and seconded by Mr. Bardwell that the Town of York retain ownership of Lake Carolyn Tax Map 9 Lot 20 formerly the property of Theodore Vartko and Catherine Webber.

Mr. Bardwell stated that this had come up in a previous meeting and information was requested regarding whether or not the owners had been properly notified, which clearly they had been. Another concern that was raised was the condition of the dam on the property. The previous owners have not kept up on the maintenance. If the Town decided to keep the property the issue of repair for the dam would become the Town's liability. Dean Lessard, Department of Public Works Director, stated that it would be in the tens of thousands to fix it.

Mr. Estes stated that this property is listed in the Comprehensive Plan as a property to purchase for the use of Town recreation. Mr. Marshall expressed concern that there is not enough information regarding the dam on this property and would like to request more information and research in to what it would take to repair it.

Mr. Yandow stated that since we own the property already we do not have to make a motion to do anything while the research is being done.

Ms. Gregg withdrew her motion and Mr. Bardwell withdrew his second

Mr. Marshall suggested making a motion to take no action and ask Mr. Yandow to work with staff to develop more information on the condition of the dam and what needs to be done to make this property stable.

Moved by Ms. Gregg and seconded by Mr. Bardwell that the Town of York retain ownership of Lake Carolyn Tax Map 9 Lot 20 formerly the property of Theodore Vartko and Catherine Webber. Vote 4-1 motion passes (Mr. Estes against)

#3 Sale of Town-Owned Property at 21 Axholme Road

Moved by Mr. Bardwell and seconded by Mr. Little to schedule a public hearing on May 12th, 2008 concerning the sale of town-owned property at 21 Axholme Road. Vote 5-0 motion passes.

New Business Continued

3. Possible Transfer of Town-Owned Property to Habitat for Humanity

Moved by Mr. Bardwell and seconded by Mr. Little to schedule a public hearing on May 12th, 2008 for the purpose of discussing the donation of town-owned property at 8 Hemlock Avenue to Habitat for Humanity Vote 5-0 motion passes.

5. Approve Typographical Changes to the FY2009 Budget Referendum

Warrant-

Moved by Mr. Marshall and seconded by Mr. Bardwell to approve the corrected May 17th, 2008 FY2009 Budget Referendum Warrant. Vote 5-0 motion passes.

6. Reduction in Performance Guarantee for the Atlantic House-

Moved by Mr. Marshall and seconded by Mr. Bardwell to authorize the reduction of the performance guarantee held for the Atlantic House from \$90,362.50 to \$3,750 because sufficient work has been completed, inspected, and found satisfactory to warrant all but the remaining \$3,750 to be released. Vote 5-0 motion passes.

K. Other Business

Adjourn

Moved by Mr. Bardwell and seconded by Ms. Gregg to adjourn at 10:59 PM, without objection so ordered

Respectfully Submitted

Kathryn Danylik, Recorder