

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

Call to Order- Chairman Estes called the meeting to order at 7:01 PM

Pledge of Allegiance

A. Minutes

-June 23rd Selectmen's Meeting Minutes

Moved by Mr. Marshall and seconded by Mr. Little to approve the minutes of the June 23rd, 2008 Selectmen's Meeting Minutes, without objection so ordered.

B. Chairman's Report

Chairman Estes asked if one of the other Board Members would be able to take Chairman Estes place on the Hartley Mason Trust due to conflicts between different meetings. Hartley Mason trust is in agreement that someone can fill this position for the Chairman even though it is the Chairman that is supposed to be the representative. Mr. Marshall has volunteered to fill this position.

Chairman Estes also reported that Dwight Bardwell was the Selectmen's representative to the York Library Board of Trustees and that position now needs to be filled. Mr. Marshall has volunteered to fill this position.

Chairman Estes read a letter from Peter Dunfey into the record. Mr. Dunfey is involved with the renovations being done at the Kearsarge House and there is a dispute over a Code Enforcement decision. The Board of Appeals has ruled with the Town and now there is a court case pending. Mr. Dunfey would like the Board of Selectmen to take a different route so that a court case does not have to go forward. The Town Attorney has advised us that we should not take action against an Appeals Board decision.

Chairman Estes stated that the new Freedom of Access Training is required for all elected officials, Board of Selectmen, Budget Committee and School Board. The training can be done online or at the Maine Municipal Conference that is held in October. The must be completed by Nov 1st, 2008. Please provide Kathryn with a copy of your certification once the training is done

Mr. Little reported that a meeting was held by MDOT about a proposed traffic light at River Road and Route 1. Representative Dawn Hill is writing a letter to

Mr. Yandow stating what happened at this meeting and what future actions may take place.

C. Manager's Report

Mr. Yandow stated that he and Ms. Gregg met with the Army Corps of Engineers and a few members of Think Again to go over the process that the Army Corps follows. The Army Corps of Engineers will not get involved with the Maine Turnpike relocation project until DEP has issued a permit.

Mr. Yandow reported that we have been trying to set up a meeting with community partners regarding fuel assistance this winter. We hope to have meeting set in the next couple of weeks to determine what can be done this year. We will also have more solid numbers in the next few weeks on the town's fuel costs and where we stand. We just ended FY2008 and so we will have a better idea in the coming weeks.

Mr. Yandow reported that the Maine CDC issued an air quality report from Tuesday and Wednesday due to high Ozone levels. Those with respiratory problems should be aware.

D. Reports

1. Microwave Communications Study

Chief Bracy reported that the last upgrade to radio equipment was in 1993. The town stayed on an analog set up but found that we had to have auxiliary pick up sites. This is what triggered interest in the Microwave Systems. Microwave is the way of the future and is cost effective in the long run. The biggest problems that the town faces with this new proposed system are towers and where they can go.

Lieutenant Scamman spoke on the Microwave System and the need for a new system. Currently there are a lot of dead spots in town which causes a problem for emergency vehicles communicating with dispatch and each other. The Coast Guard and the State have come to us with an interest of putting equipment in town. The State of Maine wants something as soon as possible with money available through grant opportunities.

A new system would save us thousands in phone line bills. Currently we are spending between \$18,000 and \$20,000 and it is not a very reliable service. A microwave system will improve the reliability especially during storms; it is also a much more secure feature. Our current system is aging and will have to be replaced eventually; it would be in our best interest to work together with these other entities to get this fixed.

Bill Bakus from Yankee Microwave, looked at the existing sites and the area covered and at the areas that did not have coverage and what could be done to enhance their coverage. The topography of the land in York is very rolling hills and to use the existing structure from point to point will not work.

Two sites that were deemed appropriate for new towers were on Mt. Agamenticus and Chases Pond Road. The other sites that are needed are the existing sites at the PD, the Highway, Mt. A, and the Ogunquit Water Tower. The other towers in town that could be utilized would have to be pushed up in height and possibly something new would need to be constructed on Mt. A.

The Board would like to see where towers need to be and how high they need to be in order to have 100% coverage. The Board which had not seen the report requested copies.

Mr. Yandow stated that we will take the raw data out of this report and summarize it and bring it back for further discussion.

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: Cliff Estes
 Jack McDonald
 Doug Truman

F. Approval of Warrant # 1

Moved by Mr. Marshall seconded by Ms. Gregg to approve Warrant #1, without objection so ordered.

G. PUBLIC HEARINGS

H. ENDORSEMENTS

License Applications

-Jervis Allen dba Jamaican Jerk Center (Victualers, Dance Hall)

-Trevor A. Fitzgerlad dba Hawaiian Jim's Shave Ice (Victualers)

-Robert Byers and Harry Norton Jr. dba The Cherry Tree (Victualers)

Moved by Ms. Gregg and seconded by Mr. Little to approve license application for Jervis Allen dba Jamaican Jerk Center (Victualers, Dance Hall), Trevor A.

Fitzgerlad dba Hawaiian Jim's Shave Ice (Victualers), Robert Byers and Harry Norton Jr. dba The Cherry Tree (Victualers) Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations, without objection so ordered.

I. Old Business

1. Old Post Road/Ridge Road Intersection Improvement Project

Dean Lessard, Director of Public Works and Joann Fryer of CLD Engineers gave an update on the Old Post Road and Ridge Road Intersection Improvement Project. Since the last project proposal there have been two meetings with the neighborhood where neighbors were able to express their concerns on speed, pedestrians, removal of the stop sign ect.. CLD went back to adjust the plan according to people's concerns and to try and make things safer.

The geometric design that CLD is proposing is consistent with the existing traffic pattern with Ridge Road as the “stopped leg” Old Post Road traffic remains continuous with the addition of a left turn lane at Ridge Road. Alignment of Ridge Road adjusted north to provide more of a T-intersection. The existing grades heading South along Old Post Road are approximately 4% and transition to 7% at the intersection with Ridge Road. Traffic heading east on Ridge Road will be required to make a sharper right hand turn, slowing vehicle speeds. Curbing has been added along the south side of Ridge Road to keep vehicles in the traffic lanes. A raised island is provided on Ridge Road at the intersection to prevent traffic turning left from Old Post Road from crossing over into the opposing lane. A stop sign will also be located on the island. The westerly edge of pavement of Old Post Road has been shifted approximately 5 feet east to gain better sight distance. With addition of a designated left turn lane on Old Post Road, this is a centerline of roadway shift of approximately 15 feet towards the east.

This revised alternative along with trimming, meets all stopping and intersection sight distance criteria required for the project. Centerline radius on the stopped leg of Ridge Road does not meet minimum criteria for design speed; however given that vehicles are approaching a stop sign as well as the desire to minimize ROW impacts and costs this design exception should be accepted.

Moved by Mr. Marshall and seconded by Ms. Gregg to accept this project design, subject to a public hearing. Vote 5-0 motion passes.

J. New Business

1. Ballots for Election to MMA’s Legislative Policy Committee

Moved by Ms. Goodwin and seconded by Mr. Little to endorse Mr. Miller from the Board of Assessment Review, Town of Ogunquit, for the Maine Municipal Association’s Legislative Policy Committee. Vote 5-0 motion passes

2. Traffic Safety Ordinance Change for Mopeds

Captain Kevin Leconte explained that due to economic changes mopeds have increased in town. The recommendation is to add the word moped to the Town of York's parking permit ordinance.

Moved by Mr. Marshall and seconded by Ms. Goodwin to accept adding the word moped to the parking permit ordinance as recommended by Captain LeConte. Vote 5-0 motion passes.

3. Permit Parking for Route 103 Parking Lot

Ms. Goodwin stated that it would be counter productive to have permit parking in this area and might prohibit York residents who don't buy a parking sticker from going there and being able to park there.

Mr. Little stated that this weekend there were up to 24 cars parked in this area. He believes that permit parking would increase the number of York Residents that are able to park there and require those who do not have a parking sticker to park up on York Street.

Chief Bracy expressed concern that people will park in other inappropriate areas and will be walking in dangerous areas. We want to be user friendly; unfortunately parking is always an issue. Chief Bracy recommends having a handicapped space and then half permit and half non-permit.

Ms. Goodwin stated that Chief Bracy's recommendation would be a fair conclusion.

Moved by Mr. Marshall and seconded by Ms. Goodwin to mark the spaces as follows one handicap and 5 permit and 5 non-permit parking spaces. Vote 5-0 motion passes.

4. Board and Committee Re-Appointments

Mr. Marshall respectfully requests that Mr. Estes not vote on York Housing Authority Board appointments due to a conflict of interest in the fact that Mr. Estes sells oil to the York Housing Authority.

Moved by Mr. Marshall and seconded by Ms. Gregg that Mr. Estes recuse himself from voting on York Housing Authority Appointments. Vote 1-2 1, motion fails. Ms. Gregg abstained and Mr. Estes did not vote.

Moved by Mr. Marshall and seconded by Ms. Gregg to appointment Jane Morris to the York Housing Authority Board of Directors. Vote 5-0 motion passes.

Moved by Ms. Goodwin and seconded by Mr. Little to appoint James Gambrell to the York Housing Authority Board of Directors. Vote 3-2 Ms. Gregg and Mr. Marshall against.

Moved by Ms. Goodwin and seconded by Mr. Marshall to appoint Robert Lascelles to the Board of Appeals Vote 4-0 motion passes, Ms. Gregg abstained.

5. Letter from York Beach Business Owners

A letter was received by Mr. Bill Thomson from a group of concerned Business Property Owners in Downtown York Beach. Mr. Yandow read the letter in to the record.

The Planning Board has been moving forward with the York Beach Subcommittee and they continue to work on changes.

The Board will continue with this subject at the public hearing on July 28th.

6. Review of Growth Ordinance

Steve Burns, Community Development Director, has done a little bit of research into some outside studies on growth ordinances in different towns. Community Development has been trying to get some of this done in house but due to a busy season have not gotten very far. Christine Grimando, Town Planner, has been working on a section of the comprehensive plan that also addresses this issue and narrows down the pressure points. It would be a very expensive project to have an outside source come in and do a full study.

Moved by Mr. Marshall and seconded by Ms. Gregg to move the Growth Ordinance to the Public Hearing on July 28th with a date changed by 2 years making it November 15th 2010. Vote 5-0 motion passes

7. Business Directional Sign for Redman Marine Fabricators

Moved by Mr. Marshall and seconded by Mr. Little to approve the application for two business directional signs for Redman Marine Fabricators. Without objection so ordered

8. Appointment of Benjamin McDougal as an alternate Local Plumbing Inspector

Moved by Mr. Marshall and seconded by Ms. Gregg to appoint Benjamin McDougal as an alternate Local Plumbing Inspector. This is a first appointment for Mr. McDougal, and the term of the appointment shall last for the duration of Mr. McDougal's employment with the town. Vote 5-0 motion passes.

K. Other Business

-Public participation and issues around interaction between board and citizens during the selectmen meetings

- Moving the meetings to an earlier time
- Length of the Public Hearings

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 Ms. Gregg to move into executive session Real Estate and Legal Pursuant to MRSA Title 1, Section 405.6 C and Section 405.6 E at 10:48 PM

Moved by Mr. Estes and seconded by Ms. Gregg 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 11:00 PM

Adjourn

Moved by Mr. Estes and seconded by Ms. Gregg to adjourn at 11:00 PM. Without objection so ordered

Respectfully Submitted

Kathryn Danylik, Recorder