

**SELECTMEN'S MEETING**  
**7:00 P.M. MONDAY MAY 12th, 2008**  
**YORK LIBRARY**  
**MINUTES**

**Attendees:** Michael L. Estes, David F. Marshall, J. Dwight Bardwell, Kinley Gregg, 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 7:05 PM

Edward W. Little was not in attendance

**Pledge of Allegiance**

**A. Minutes**

-April 28th, 2008 Selectmen's Meeting

Moved by Mr. Bardwell and seconded by Ms. Gregg to approve the minutes for the April 28<sup>th</sup>, 2008 Selectmen's Meeting. Without objection so ordered.

**B. Chairman's Report**

Chairman Estes stated that Ted Little is not in attendance tonight.

Chairman Estes reported that Mr. Yandow has drafted a letter for the Selectmen to sign thanking the Turnpike Authority Board of Directors for meeting with us. Chairman Estes read the letter into the record.

**C. Manager's Report**

Mr. Yandow reminded the public that the polls will be open on Saturday May 17<sup>th</sup> from 8:00 AM to 8:00 PM at the Robert E. Butler Gymnasium at the York High School.

Mr. Yandow stated that the next Selectmen's Meeting will be held on May 19<sup>th</sup>, 2008 at 7:00 PM at the York Library.

Mr. Yandow reported that the Town's Annual Town Report is in. Copies can be picked up at the Town Hall.

Mr. Yandow expressed Good luck to all the candidates and thanked Mr. Bardwell for all his hard work.

**D. Reports**

**1. Surfing Zone at Long Beach**

Mike Sullivan, Director of Parks and Recreation, reported to the Board of Selectmen the progress of the surfing ordinance that was implemented this past summer. Mr. Sullivan read the surfing ordinance into the record. The primary reason for amending this ordinance was for surfers’ safety and the Parks Department felt that it would be easier to regulate. The area was expanded only four times and for a less than a total of eight hours. The majority of surfers try to obey the ordinance but the Parks Department feels there really was no change nothing got better and nothing got worse. The experience has been that surfers followed the waves, but for the most part they are trying to obey the ordinance. Opening up the areas did not necessarily create a safer area. It continues to be a difficult issue for the lifeguard staff. Mr. Sullivan did not recommend any changes to the existing ordinance and suggested that we should try another year and see how it goes. The Board of Selectmen asked that Mr. Sullivan come back in the fall and report on how the situation unfolds this summer.

**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:                    Dick Balkite  
    Jud Knox  
    Charles Stacey  
    Steve Haight  
    Jim Gambrell-  
    Elizabeth Bardwell  
    Jack MacDonald

**F. Approval of Warrant #46**

Moved by Mr. Bardwell and seconded by Mr. Marshall to approve Warrant #46.  
Without objection so ordered

**G. PUBLIC HEARINGS**

**1. Possible Transfer of Town-Owned Property at 8 Hemlock Avenue to Habitat for Humanity-**

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing for the Possible Transfer of Town-Owned Property at 8 Hemlock Avenue to Habitat for Humanity

Public Comment:                    Michelle Frenny  
    Art Fosser  
    Steve Broshue  
    Stacey Marotta on behalf of Brenda Field,  
    Jack MacDonald  
    Charles Stacey

Joseph Games  
Nancy Fosser

Moved by Mr. Bardwell and seconded by Ms. Gregg to close the public hearing on to close the public hearing for the Possible Transfer of Town-Owned Property at 8 Hemlock Avenue to Habitat for Humanity

**2. Sale of Town-Owned property at 21 Axholme Road-**

Moved by Mr. Bardwell and seconded by Ms. Gregg to open the public hearing on the Sale of Town-Owned Property at 21 Axholme Road.

Public Comment: Greg Orso

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on the Sale of Town-owned Property at 21 Axholme Road.

**H. ENDORSEMENTS**

License Applications (Renewals)

- Rachel Anastas dba Liquid Dreams Surf Shop (Victualers)
- Agnes and John Biagioni dba The Candy Corner, Inc (Victualers)
- Martha Danilowicz dba Wicked Good Ice Cream (Victualers)
- Benjamin J. Lawlor dba The York Harbor Reading Room (Victualers, Special Amusement)
- Richard E. Boston dba The Goldenrod (Victualers)
- Cumberland Farms Inc dba Cumberland Farms #5567 (Victualers)
- Woody and Rowena Kislowski dba York's Best Seafood (Victualers)
- Janet B. Stone dba Oceanside Store (Victualers)
- Arnold Undzis dba The Village Scoop of Cape Neddick (Victualers)
- John Lamarre dba Roast and Crumb (Victualers)
- Francis and Janet Robbins dba York Beach Fish Market, Inc (Victualers)
- York Village Hotel Holdings LLC dba Microtel Inn and Suites (Victualers)
- Betty Weaver dba Lobster in the Rough (Victualers, Liquor, Special Amusement)

Moved by Mr. Bardwell and seconded by Ms. Gregg to approve the license applications for Rachel Anastas dba Liquid Dreams Surf Shop (Victualers) Agnes and John Biagioni dba The Candy Corner, Inc (Victualers) Martha Danilowicz dba Wicked Good Ice Cream (Victualers) Benjamin J. Lawlor dba The York Harbor Reading Room (Victualers, Special Amusement) Richard E. Boston dba The Goldenrod (Victualers) Cumberland Farms Inc dba Cumberland Farms #5567 (Victualers) Woody and Rowena Kislowski dba York's Best Seafood (Victualers) Janet B. Stone dba Oceanside Store (Victualers) Arnold Undzis dba The Village Scoop of Cape Neddick (Victualers) Francis and Janet Robbins dba York Beach Fish Market, Inc (Victualers) York Village Hotel Holdings LLC dba Microtel Inn and Suites (Victualers) and Betty Weaver dba Lobster in the Rough (Victualers, Liquor, Special Amusement). Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0 motion passes

Moved by Mr. Marshall and seconded by Mr. Bardwell to approve the license application for the Roast and Crumb subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote- 3-0-1 motion passes, Mr. Estes abstained.

## **I. Old Business**

### **1. Mount Agamenticus Towers**

Mr. Sullivan presented to the Board of Selectmen the draft of the lease agreement between the Town of York and the Boston and Maine Corporation. Previously the Board had expressed an interest in trying to negotiate a more short term lease. Mr. Sullivan had recommended one five year initial term and one five year renewal term, for a total of ten years. The final draft of the lease still calls for one five year term and one five year renewal with the following condition; "In any event either party may terminate the lease with the consent of the other party, said consent not to be unreasonably withheld, by giving the other party one hundred and eighty (180) days written notice of its intent to terminate."

Moved by Mr. Bardwell and seconded by Mr. Marshall to authorize the Town manager to execute the lease as presented tonight, between the Town of York and the Boston and Maine Corporation for tower space at Mt. Agamenticus. Vote 4-0 motion passes.

## **J. New Business**

### **1. Acceptance of Asset Forfeiture of a 2005 Silver Pontiac-**

Moved by Mr. Bardwell and seconded by Mr. Marshall to have the Town of York accept the asset transfer of a 2005 Silver Pontiac 4-door VIN 1G2NE52E45M240234. Vote 4-0 motion passes

### **2. Set Date for Public Hearing on Citizen's Petition-**

On April 28<sup>th</sup>, 2008 the said petition was submitted to the Town Clerk and the appropriate number of signatures was verified which validated the petition. The Town of York Home Rule Charter requires a public hearing on the petition pursuant to Section 22 (A). Prior to the Public Hearing the Ad Hoc Committee of three will meet to review the language in the petition.

Moved by Mr. Bardwell and seconded by Ms. Gregg to schedule a public hearing for June 9<sup>th</sup> 2008 regarding a citizen petition submitted to the Town of York entitled "Procedures for Acceptance of Non-York Land Development Impacting Municipal Services in the Town of York. Vote 4-0 motion passes.

### **3. Revised Memorandum of Understanding for Woodside Meadows Estates-**

The Memorandum of Understanding between the Town of York and the Town of Kittery was revised to eliminate automatic response by the Town of York. Under the terms of the revised MOU York will respond only when requested which is

consistent with the terms of existing Mutual Aid Agreements for both police and fire. The language included states that York will respond on request from Kittery. Moved by Mr. Bardwell seconded by Ms. Gregg to approve the revised Memorandum of Understanding (MOU) between the Town of York and the Town of Kittery related to Woodside Meadows Estates. Vote 4-0 motion passes

**4. Meeting with Maine Turnpike Board of Directors-**

The Board of Selectmen and a group of citizens met with the Maine Turnpike's Board of Directors on April 29<sup>th</sup> 2008 at the Maine Turnpike Authority's headquarters. The Board felt as though the MTA Board of Directors listened to our concerns and we thank them for that but urged citizens to keep this issue on the forefront.

**5. CEO Appointment of Benjamin McDougal-**

Moved by Mr. Marshall and seconded by Ms. Gregg to have the Board of Selectmen appoint Benjamin McDougal as an Assistance Code Enforcement Officer in the areas of Shoreland Zoning, Land Use and Building Inspection. This is a first time appointment for Mr. McDougal, and the term of the appointment shall last at the discretion of the Town Manager and the duration of Mr. McDougal's employment with the Town. Mr. McDougal shall be required to obtain state certification in each of these aspects of code enforcement within one year of appointment. Vote 4-0 motion passes.

**6. Approval of Special Event Permit for the York Harbor Reading Room-**

Moved by Mr. Bardwell seconded by Ms. Gregg to approve the special event permit application for the York Harbor Reading Room for their annual fireworks display on Saturday July 5<sup>th</sup> from 9:00 PM to 9:20 PM with the stipulations that they will have the appropriate Police detail and a permit from the state fire Marshall. Vote 4-0 motion passes.

**7. Redemption Request for Map 0019/Lot 0018-A; 1216 US Route 1-**

Moved by Mr. Bardwell seconded by Ms. Gregg to approve the redemption of Tax Map 0019 Lot 0018-A; 1216 US Route One by the former owner Earle, Luella, HRS., C/o EK Earle, subject to payment of all taxes interest and fees no later then July 12<sup>th</sup>, 2008. Vote 4-0 motion passes

**8. Re-approval of Country View Motel and Guest House Licenses Due to Change in Ownership**

Moved by Mr. Bardwell and seconded by Ms. Gregg to accept the re-approval of the Country View Motel and Guesthouse Bed and Breakfast and Hotel/Motel with Cooking Facilities licenses due to a change in ownership. Without objection so ordered

**9. Approval of York Hospital's request to hold a Community Yard Sale-**  
Moved by Bardwell and seconded by Mr. Marshall to approve the Community Yard Sale request for the York Hospital on Saturday, May 31<sup>st</sup>, 2008 from 8:00 AM to 12:00 PM. Without objection so ordered.

**10. Transfer of Town-Owned Property at 8 Hemlock Avenue to Habitat for Humanity-**

The Board of Selectmen asked Mr. Yadow to please speak with Habitat for Humanity and make sure that they are aware of the road conditions and the contributions that residents make in order to maintain the road. The Board of Selectmen suggested that Habitat for Humanity come to a meeting to discuss some of these issues before the transfer is made.

**11. York Housing Authority Appointment-**

Moved by Ms. Gregg and seconded by Mr. Bardwell to appoint Tina Johnson to the York Housing Authority Board of Directors. Vote 4-0 motion passes

**12. Appointment of David N. Ott as Warden for the June 10th, 2008 State Primary and Referendum Election-**

Moved by Mr. Bardwell and seconded by Mr. Marshall to appoint David N. Ott as Warden for the June 10<sup>th</sup>, 2008 State Primary and Referendum Election. Vote 3-1 motion passes, Ms. Gregg against.

**13. Partial Bond Reduction for Bayberry Ridge at Spring Pond Estates Subdivision-**Moved by Mr. Bardwell and seconded by Mr. Marshall to authorize the reduction of the performance bond held for Bayberry Ridge at Spring Pond Estates from \$93,750.00 to #23,125.00 because sufficient work has been completed, inspected, and found satisfactory to warrant all but the remaining \$23,125.00 to be released. Vote-4-0 motion passes.

The Board of Selectmen recommended that other money will not be released until the community center issue is resolved

**K. Other Business**

Mr. Marshall reflected on all the accomplishments that this Board has made in the past year and thanked Mr. Bardwell for his time and dedication

**Adjourn**

Moved by Mr. Bardwell and seconded by Ms. Gregg to adjourn at 10:00 PM. Without objection so ordered

Respectfully Submitted By:

---

Kathryn Danylik