

SELECTMEN'S MEETING
7:00 P.M. TUESDAY APRIL 26, 2005
YORK LIBRARY

MINUTES

ATTENDEES: David F. Marshall, J. Dwight Bardwell, Leonard V. Dorrian, Michael L. Estes, Torbert H. Macdonald Jr., Elizabeth McCann, Acting 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.

6:00 PM Ordered, to enter into Executive Session pursuant to MRSA Title 1, Section 405, 6.E. (Legal - Update on York Independent LLC lawsuit)

Moved by Mr. Marshall and seconded, to go into Executive Session at 6:00 PM. Vote: 2-3. Motion fails. (Mr. Macdonald, Mr. Bardwell and Mr. Palumbo against)

Moved by Mr. Marshall, to delay going into Executive Session until 7:00 PM. No second.

Moved by Mr. Dorrian and seconded, to go into Executive Session in order to hear options only from the Town Attorney. Vote: 4-1. Motion passes. (Mr. Macdonald against)

Moved by Mr. Bardwell and seconded, to come out of executive session at 6:45 PM. Without objection, it was so ordered.

6:45 PM Ordered, to enter into Executive Session pursuant to MRSA Title 1, Section 405, 6.F. (Poverty Abatement)

Moved by Mr. Bardwell and seconded, to enter in Executive Session at 6:47 PM. Vote: 5-0. Motion passes.

Moved by Mr. Bardwell and seconded, to come out of Executive Session at 7:10 PM. Without objection, it was so ordered.

The Chair called for a 5-minute recess.

Call to Order – Vice Chairman Palumbo called the regular meeting to order at 7:20 PM. Mr. Palumbo noted the lateness was due to the executive sessions.

Pledge of Allegiance

Minutes

Moved by Mr. Macdonald and seconded, to accept the minutes of the February 22, 2005 Selectmen’s meeting as submitted. Vote: 3-0-2. Motion passes. (Mr. Bardwell and Mr. Dorrian abstained)

Moved by Mr. Macdonald and seconded, to accept the minutes of the March 22, 2005 Selectmen’s meeting as corrected. Vote: 3-0-2. Motion passes (Mr. Bardwell and Mr. Dorrian abstained)

Chairman’s Report

Mr. Palumbo announced that the Selectmen would take public input on the criteria for a Town Manager at their May 3rd work session. Mr. Palumbo also noted that if a citizen could not make the meeting, they were welcome to email Karen Steadman at Town Hall or write to the Board c/o Town Hall and the letter/email would be read into the record.

Mr. Palumbo advised the citizens that the Recall Election cost the town approximately \$4,500.

Mr. Palumbo noted that there were openings on town Boards and Committee’s and the town is looking for residents from York Beach to fulfill the requirements of the ordinance. If interested a resident could pick up an application at Town Hall in the Town Manager Assistant’s office.

Manager’s Report

Mrs. McCann advised that the Code Enforcement Office would be reviewing Route 1 for the screening requirements for commercial business as a whole in the near future, as we have had some complaints.

Mrs. McCann announce that Public Works would be participating in a Snow Plow Rodeo in Sanford on Thursday of this week

Mrs. McCann also reminded the businesses of York that tomorrow, April 27th is Secretaries Day.

Mrs. McCann reported that this past week was Spring Clean-Up week and this year we had 13 students from the High School of which they picked up 800 bags

of trash. She took a moment to commend the students and thanked them for a job well done.

PUBLIC HEARINGS

License Applications (New)

- Zhi Qiang He & Shu-Hul Chen dba Panda & Sakura Cuisine
(Victualer & Liquor)

Moved by Mr. Marshall and seconded to open the public hearing for Panda & Sakura Cuisine. Without objection, it was so ordered.

Public Comments: Charles Stacy

Moved by Mr. Bardwell and seconded, to close the public hearing and grant the license subject to final approvals of the Fire Chief and the Code Enforcement Office and also subject to all taxes and fees being current. Without objection, it was so ordered.

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

Public Comment: Helen Rollins Lord
Charles Stacy
Larry McKenna
Jack MacDonald
Stanley Wilson

ENDORSEMENTS

License Applications (Renewals)

- Donna Archibald dba Chapman Cottage (Bed & Breakfast)
- Jay C. Edwards dba Harborside Limited Ptr. (Bed & Breakfast)
- Garry & Joseph Dominguez dba Harbor Hill Inn (Bed & Breakfast)
- Jervis Allen dba Jamaican Jerk Center (Victualer)
- R.J. Poulin dba Sea Latch Motel (Victualer)
- Ursula Apgar dba The Country Gourmet (Victualer)
- Diane Hickey dba Windbreaker Restaurant (Victualer)
- Garry & Joseph Dominguez dba York Harbor Inn (Victualer, Liquor & Special Amusements)
- Paul Karoutas dba York House of Pizza (Victualer)
- Joseph Barberi dba York's Wild Kingdom (Coin Operated Amusement)

There being no objection, the Chair took the licenses as a whole. Moved by Mr. Macdonald and seconded, to grant the license renewals as read, subject to all taxes and fees being current, establishments with special amusements are subject to the Noise Ordinance stipulations with windows and doors closed at 9:00 pm and the following establishments being subject to final approval by the Fire

Inspector and the Code Enforcement Office; Chapman Cottage, Jamaican Jerk Center, Windbreaker Restaurant and York's Wild Kingdom. Vote: 5-0.

Miscellaneous Applications

- Robert N. Witham dba Bob's Beach Rental Inc.

Moved by Mr. Bardwell and seconded, to approve the application renewal for Bob's Beach Rental, Inc., pending further discussion of the fee charged. Vote: 5-0. Motion passes.

Old Business

- Juniper Restaurant Corp. dba Gabby Sullivan's (Victualer, Liquor & Special Amusements)

Moved by Mr. Macdonald and seconded, to grant the renewal license subject to taxes and fees being current, compliance with the Noise Ordinance and doors and windows closed at 9:00 PM, and final approval from the Fire Inspector and Code Enforcement Office. License shall be held until approved by the CEO and Fire Chief. Vote: 5-0. Motion passes.

New Business

05-74(1) Ordered, to discuss and approve the Certificate of Appropriateness for the Lancaster Condominium Association by the Historic District Commission on April 6, 2005.

Moved by Mr. Macdonald and seconded, to approve the consideration and approval by the Historic District Commission of the Certificate of Appropriateness allowing the Lancaster Condo Association approval to replace windows with doors meeting code and safety requirements. Vote: 5-0. Motion passes.

05-75(2) Ordered, to approve letters of support for the funding of Rachel Carson Wildlife conservation areas

Moved by Mr. Macdonald and seconded, to approve the letters of support for funding the Rachel Carson Wildlife Conservation areas. Without objection, it was so ordered.

05-76(3) Ordered, to approve the request for redemption of Map 94/ot 16B - 20 Mainely York Trailer Park

Moved by Mr. Macdonald and seconded, to approve the redemption of Map 94/Lot 16B subject to the 3 conditions as read in the memo dated April 5, 2005. Without objection, it was so ordered.

05-77(4) Ordered, to approve the request for redemption of Map 2/Lot 29A
- 9 Raccoon Ridge Road

Moved by Mr. Macdonald and seconded, to approve the redemption of Map 2/Lot 29A subject to the 3 conditions as read in the memo dated April 5, 2005. Vote: 4-1. Motion passes. (Mr. Palumbo against)

05-78(5) Ordered, to authorize the Town Clerk to send reminder letters to those business owners owning personal property taxes where licensing renewals may be withheld

Moved by Mr. Macdonald and seconded, to authorize Mary-Anne Szeniawski, Town Clerk to proceed as recommend in the memo dated April 12, 2005. Vote: 5-0. Motion passes.

05-79(6) Ordered, to approve a refund to John Goodwin for overpayment of taxes from a prior year

Moved by Mr. Macdonald and seconded, to approve a refund to John Goodwin in the amount of \$183.97 for taxes paid in error for property know as Map 92/Lot 18A, which belongs to Eastlake Timber. Vote: 5-0. Motion passes.

05-80(7) Ordered, to accept with regrets the resignation of Russell Baker from the CEO Review Board

Moved by Mr. Macdonald and seconded, to accept with regrets the resignation from Russell Baker from the CEO Review Board. Without objection, it was so ordered.

05-81(8) Ordered, to accept with regrets the resignation of Elizabeth Bardwell from the Appeals Board

Moved by Mr. Macdonald and seconded, to accept with regrets the resignation from Elizabeth Bardwell from the Appeals Board. Vote: 4-0-1. Motion passes. (Mr. Bardwell abstained)

05-82(9) Ordered, to accept with regrets the resignation of Leonard Dorrian from the Tax Task Force Committee

Moved by Mr. Marshall and seconded, to accept with regrets the resignation from Leonard Dorrian from the Tax Task Force Committee. Vote: 4-0-1. Motion passes. (Mr. Dorrian abstained)

05-83(10) Ordered, to accept with regrets the resignation of Dwight Bardwell from the School Committee

Moved by Mr. Marshall and seconded, to accept with regrets the resignation from Dwight Bardwell from the School Committee. Vote: 4-0-1. Motion passes. (Mr. Bardwell abstained)

05-84(11) Ordered, to discuss/consider a replacement member to the CEO Review Committee

Moved by Mr. Macdonald and seconded, to nominate and appoint Brian Shaw to the CEO Review Committee as a replacement member. Vote: 3-2. Motion passes. (Mr. Marshall and Mr. Dorrian against)

05-85(12) Ordered, to discuss the Town Manager position

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

Public Comments: Jack MacDonald
 Charles Stacy
 Margaret McIntosh
 Larry McKenna
 Stanley Wilson

Approval of Warrant #43 Moved by Mr. Marshall and seconded, to approve Warrant #43. Without objection, it was so ordered.

Other Correspondence and Business

Adjournment Moved by Mr. Marshall and seconded, to adjourn the meeting at 9:34 pm. Without objection, it was so ordered.

Submitted by,

Karen Steadman
Secretary/Recorder