

SELECTMEN'S MEETING
7:00 P.M. TUESDAY AUGUST 23, 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.

Call to Order - Chairman Marshall called the meeting to order at 7:06 pm.

Pledge of Allegiance

Chairman's Report

Mr. Marshall announced that he had given the wrong total evaluation for the town at the last meeting and that it was in fact 3.465 billion.

Mr. Marshall noted there are time sensitive issues on tonight's agenda including the public input on seasonal conversion. There is a discussion on the public forum policy, which due to the length of tonight's meeting the Board will move to the next meeting, September 6th work session, along with the discussion on the Cliff Path.

Mr. Marshall announced that meetings would shift to Monday nights after the September 6th work session. The next regular meeting is scheduled for Monday, September 12th and there is no meeting on September 19th. There is however a work session scheduled for Tuesday, September 20th.

Manager's Report

Mrs. McCann noted the summer season is nearly over and that there are fewer lifeguards on the beach at this time due to budget constraints.

Mrs. McCann also made note that the tax liens for 2004 have been sent out.

PUBLIC HEARINGS

York Sewer District Charter Amendment

Mr. Marshall gave a brief explanation of why this item is on the warrant and being sent forward to the ballot on November 8th.

Mrs. McCann read the attorney's wording that will go on the ballot for this amendment.

Moved by Mr. Macdonald and seconded, to open the public hearing. Without objection, it was so ordered.

Public comment: Mary Frietag
 Jack MacDonald
 Senator Mary Andrews
 Rick Boardman
 Tim Haskell
 Rudy Frietag
 Margaret McIntosh
 Stan Moody

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

York Charter Amendments

Animal Control Ordinance

Chief Doug Bracy summarized for the Board why they were bringing forth a new ordinance.

Moved by Mr. Bardwell and seconded, to open the public hearing. Without objection, it was so ordered.

Public comment: Helen Rollins Lord
 Michelle Moody

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

Town of York Beach Ordinance

Moved by Mr. Macdonald and seconded, to open the public hearing.
Without objection, it was so ordered.

Public comment: Michelle Moody
 Helen Rollins Lord

Moved by Mr. Bardwell and seconded, to close the public hearing.
Without objection, it was so ordered.

Town Acceptance of Squire Road / Town Acceptance of Tall Pines

Without objection, the Chair took both road acceptances as one.

Mr. Bray gave a brief statement on both roads being up to town standards
and recommending them both for town acceptance.

Moved by Mr. Bardwell and seconded, to open the public hearing.
Without objection, it was so ordered.

Public comment: Ken Smith
 Helen Rollins Lord
 Frank Barrett

Moved by Mr. Macdonald and seconded, to close the public hearing.
Without objection, it was so ordered.

November 8, 2005 Draft General Referendum Warrant

Moved by Mr. Macdonald and seconded, to open the public hearing.
Without objection, it was so ordered.

Articles 1 & 2 were discussed in separate public hearings.

Article 3: No public comment

Article 4: No public comment

Article 5: No public comment

Article 6: No public comment

Article 7: No public comment

Article 8: Public comment: Helen Rollin Lord
Doreen McGillis
Debbie Oberg
Barrie Munro
Kathryn Mulhern
Michelle Moody
David Ballou

The Chair called a 5-minute recess. The meeting was called back to order at 9:40 pm.

Article 9: Moved by Mr. Macdonald and seconded, to open the public hearing. Without objection, it was so ordered.

Public comment: None

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

Moved by Mr. Bardwell and seconded, to open the public hearings for the remaining articles. Without objection, it was so ordered.

Article 10: No public comment

Article 11: No public comment

Article 12: No public comment

Article 13: No public comment

Article 14: Public comment: David Ballou
Helen Rollins Lord

Article 15: No public comment

Article 16: No public comment

Article 17: No public comment

Article 18: Public comment: Helen Rollins Lord

Article 19: No public comment

Article 20: No public comment

Article 21: Public comment: Stan Moody
Michelle Moody
Steve Burns, Town Planner
Barrie Munro

Article 22: No public comment

Article 23: No public comment

Article 24: No public comment

Article 25: No public comment

Article 26: No public comment

Article 27: No public comment

Article 28: No public comment

Moved by Mr. Estes and seconded to close the public hearing. Without objection, it was so ordered.

The Chair announced they had skipped the public hearing on the Charter amendments and would open them now.

Moved by Mr. Macdonald and seconded, to open the public hearing on the Home Rule Charter amendments. Without objection, it was so ordered.

Public comments: None

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

November 8, 2005 Special General Referendum Warrant

Mr. Marshall read into the record the one article of the special general warrant.

Moved by Mr. Macdonald and seconded, to open the public hearing. Without objection, it was so ordered.

Public comment: None

Moved by Mr. Bardwell and seconded, to close the public hearing. Without objection, it was so ordered.

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

Public Comment: Michelle Moody
Valerie Doran
Helen Rollins Lord

ENDORSEMENTS

License Applications (Renewals)

- Lee Regan Jacks dba Dusted Things and Daisies (Victualer)
- Sheri & William Bastian, Kibecca, Inc. dba Shore road Deli & Market

Moved by Mr. Estes and seconded, to accept the CEO recommendation and to approve the license renewals subject to fees and taxes being current. Vote: 5-0. Motion passes.

Approval of Warrants

- Warrant #8

Moved by Mr. Bardwell and seconded, to approve Warrant #8. Without objection, it was so ordered.

Old Business - Discussion and Possible Action of the following:

1. Letter to the Tax Task Force -- Mr. Dorrian and Mr. Marshall would work on the wording of the letter and bring it back at the next meeting.
2. Carry forwards for FY 2005 -- Moved by Mr. Macdonald and seconded, to allow the carry forwards to be carried over into this fiscal year, however, it will not be allowed to happen again next year. Vote: 3-2. Motion passes. (Mr. Marshall and Mr. Bardwell against)

New Business - Discussion and Possible Action of the following:

1. Bid Opening: Backhoe

Mrs. McCann opened the bids and read them into the record:

Milton: No bid

Oliver Stores: \$77,500.
Nortrax: \$73,400

2. Bid Awards:

Salt – Moved by Mr. Bardwell and seconded, to award the salt contract to Morton Salt at \$42.00 per ton. Vote: 5-0. Motion passes.

Cruiser – Moved by Mr. Bardwell and seconded, to award the cruiser to Augusta Ford at \$16,013 with trade. Vote: 5-0. Motion passes.

4WD Truck – Moved by Mr. Bardwell and seconded, to award the 4WD truck to Rowe Ford at \$32,959.00 with trade. Vote: 5-0. Motion passes.

3. Sign Approval for Chapman Cottage

Moved by Mr. Bardwell and seconded, to approve the sign application for Chapman Cottage. Without objection, it was so ordered.

Without objection, the Chair stated the Board would take item number 6 out of order and hear it before the General Referendum Warrant.

6. Building and Growth Permits for Seasonal dwelling, Map 18/Lot 7 – 24 Wanaque Road. Receive public input.

Mark Badger, Code Enforcement Officer, gave the Board a brief explanation on the process that took place in the permitting of 24 Wanaque Road.

Public Comment: Attorney Greg Orso
 Sally Morganeli

1. General Referendum Warrant Issues:

- Charter Amendments relating to the York Sewer District and York’s Home Rule Charter. Decide what changes need to be presented to the voters to comply with LD413.

Moved by Mr. Macdonald and seconded, to send to the voters the charter amendments to the York Sewer District and York’s Home Rule Charter, as written by the Town Attorney in order to implement LD413. Vote: 5-0. Motion passes.

- Animal Control Ordinance

Moved by Mr. Macdonald and seconded, to table the Animal Control Ordinance amendments, to be deferred to the May Special General Referendum. Without Objection, it was so ordered.

➤ Town of York Beach Ordinance

Moved by Mr. Macdonald and seconded, to table the York Beach Ordinance amendments, to be deferred to the May Special General Referendum. Without objection, it was so ordered.

➤ Town Road Acceptance: Squire Lane and Tall Pines Road

Moved by Mr. Macdonald and seconded, to forward the acceptance of Squire Road and Tall Pines Road to the voters for their consideration. Vote: 3-2. Motion passes. (Mr. Bardwell and Mr. Dorrian against)

➤ Comprehensive Plan Amendments

Moved by Mr. Macdonald and seconded, to forward the amendments to the comprehensive plan to the voters, as read earlier; articles 3, 4, 5, and 6 of the General Referendum warrant. Vote: 5-0. Motion passes.

➤ Zoning Ordinance Amendments. Decide what will be posted for the final public hearing.

Moved by Mr. Macdonald and seconded, to defer the vote on the Zoning Ordinance and take item number 5. Without objection, it was so ordered.

5. November 8, 2005 Special General Referendum Warrant - Election of School Board Member.

Moved by Mr. Macdonald and seconded, to send the Special General Referendum warrant to the voters on November 8, 2005. Vote: 5-0. Motion passes.

➤ Zoning Ordinance Amendments. Decide what will be posted for the final public hearing.

Moved by Mr. Macdonald and seconded, to send Amendment #1 - Home Occupations - to the next public hearing as amended by the Planning Board; sections 7.4.2.5 additional workers, 7.4.4.d 2nd sentence and 7.4.5.g solid waste.

Moved by Mr. Estes and seconded, to make a friendly amendment to Mr. Macdonald's motion and strike the last sentence in section 7.4.4.d which

related to the parking and screening the area from abutters and roads. Vote: 1-4. Motion fails. (Mr. Estes voted for)

Mr. Macdonald asked the Chair to move the original question. Vote: 5-0. Motion passes

Vote on the original question: 5-0 Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #2 - Cluster Subdivision - forward to the September 12th public hearing with the following amendments; insert on page 12, after the series of qualities that are to be contained in the open space, this sentence - "the developer shall justify which of the above elements are contained in the area by reference to technical analysis by recognized experts in the subject area. On page 14 - Section 7.6.2 minimal size - change to minimum size and configuration and in section 7.6.2.1. change the wording to "configuration requirements; to the greatest extent possible, the open space should be in large contiguous areas rather than in separate pieces of land consisting of narrow buffer strips, which do not reflect the values defined in 1.3.12. and on page 16; #2 - 3rd sentence; "the conservation easement shall specify ownership of the cluster open space, i.e. homeowners association, e.g. homeowners association and then the next in the series - a holder (defender) e.g. the town of the legal document or conservation easement, which is separate from the ownership entity, this separation will ensure that restrictions of open space are upheld, and noting the new wording in section 7.6.4.b.3.g. Vote: 1-4. Motion fails. (Mr. Macdonald for)

Moved by Mr. Macdonald and seconded, to send Amendment #3 - Wetland Protection Incentive for Cluster Subdivision - forward to the September 12th public hearing as read. Vote: 5-0. Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #4 Route One Building Design Standards - forward to the September 12th public hearing as read. Vote: 5-0. Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #5 Increase Buffers for Elderly Congregate Housing - forward to the September 12th public hearing as read. Vote: 5-0. Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #6 - Change Boundaries of the BUS 3 Zone in York Beach - forward to the September 12th public hearing as read. Vote: 5-0. Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #7 -- Alter Regulation of Condominium Conversions - forward to the September 12th public hearing as read. Vote: 5-0. Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #8 - Reconsiderations by the Board of Appeals - forward to the September 12th public hearing as read. Vote: 5-0. Motion passes.

Moved by Mr. Macdonald and seconded, to send Amendment #9 - York River Watershed Overlay District - forward to the September 12th public hearing with the change in wording; "during this time period" by the Planning Board. Vote: 4-1. Motion passes. (Mr. Dorrian against)

Moved by Mr. Macdonald and seconded, to send Amendment #10 - Utility Pump Stations - forward to the September 12th public hearing with the following changes:

- Remove section 2.a.4 - buffers should not be disturbed.
- Section 2.b.3.b - change limbing harvest and replace with shoreland Regs.
- Building setbacks should go from 100' to 125'
- Add "d" - area between buffer and setback may be used for ancillary items.

Vote: 1-4. Motion fails. (Mr. Macdonald for)

Moved by Mr. Macdonald and seconded, to send Amendment #10 forward to the September 12th public hearing with a 25' change to the buffer that exists today. Vote: 3-2. Motion passes. (Mr. Macdonald and Mr. Bardwell against)

Moved by Mr. Estes and seconded, to send Amendment #11 - Historic Landmark Designation of Grant House forward to the September 12th public hearing as written. Vote: 4-1. Motion passes. (Mr. Macdonald against)

Moved by Mr. Estes and seconded, to send Amendment #12 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

Moved by Mr. Estes and seconded, to send Amendment #13 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

Moved by Mr. Estes and seconded, to send Amendment #14 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

Moved by Mr. Estes and seconded, to send Amendment #15 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

Moved by Mr. Estes and seconded to send forward the proposed drafts by Conservation Commission to be heard at the next public hearing. Vote: 4-1. Motion passes. (Mr. Dorrian against)

Moved by Mr. Estes and seconded, to send Amendment #16 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

Moved by Mr. Estes and seconded, to send Amendment #17 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

Moved by Mr. Estes and seconded, to send Amendment #18 forward to the September 12th public hearing as written. Vote: 5-0. Motion passes.

The next public hearing on zoning ordinances is scheduled for September 12, 2005.

Other Business

Adjourn Moved by Mr. Macdonald and seconded, to adjourn the meeting at 1:45 am.

Submitted by,

Karen Steadman
Secretary/Recorder