

**SELECTMEN'S MEETING
7:00 P.M. MONDAY FEBRUARY 23rd, 2009
YORK LIBRARY**

MINUTES

Attendees: Michael L. Estes, David F. Marshall, Kinley Gregg, Edward W. Little, Catherine R. Goodwin, Robert G Yandow, Town Manager and, Kathryn Danylik, Recorder, and Members of the Press & Public

Mr. Little was not in attendance

Call to Order- Chairman Estes called the meeting to order at 7:05 PM

Pledge of Allegiance

A. Minutes

-February 5th 2009 Selectmen's Executive Session

-February 9th 2009 Selectmen's Meeting Minutes

Moved by Ms. Goodwin and seconded by Mr. Marshall to accept the minutes if the February 5th and February 9th Selectmen's Meeting without objection so ordered.

B. Chairman's Report

None

C. Manager's Report

Mr. Yandow congratulated Coach Rick Clark and the York Girls Basketball Team who won the Western Maine Finals and advanced to the State Championship Game.

Mr. Yandow reminded the public that there will be a public hearing on the Parking Study on March 9th at 7:00 PM at the York Library and on March 16th there will be a joint meeting with the York Beach Zoning Subcommittee to discuss the proposed streetscape plans. There will be an informal information session from 6:30-7:30 PM and the formal meeting will begin at 7:30 PM.

Mr. Yandow stated that we are starting to get some information on the stimulus package funds and how much money Maine will be receiving. We are not sure where the money is being distributed but week by week we seem to get more information.

D. Award

1. Police Cruiser Bid Award-

Three bids were received for the purchase of a 2009 Ford Crown Victoria police vehicle; Quirk, Starkey Ford, and M-H-Q Municipal Vehicles. Starkey Ford came in with the lowest bid of \$18,745 after trade.

Moved by Mr. Marshall and seconded by Ms. Goodwin to accept the transfer for \$18,745 from the police capital vehicle account to Starkey Ford for the purchase of a 2009 Ford Crown Victoria Police vehicle. Vote 4-0 motion passes.

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

Public Comment: Ronald Nowell
Len Dorrian

F. Approval of Warrant #34-

Moved by Mr. Marshall and seconded by Ms. Goodwin to approve Warrant #34. Without objection so ordered.

G. PUBLIC HEARINGS.

1. Proposed Ordinance Amendments:

Ord-1 Zoning Definition of Building Height

Moved by Mr. Marshall and seconded by Ms. Goodwin to open the public hearing on Ord-1 Zoning Definition of Building Height.

The goal of this amendment is to provide greater clarity of terms throughout the Zoning Ordinance. The part of this amendment that details how building height is calculated for buildings consisting of multiple sections is an explanation of how building height is currently calculated by Code Enforcement for this scenario, serving to make the current practice explicit and documented.

Public Comment: Bob Reed

Moved by Mr. Marshall and seconded by Ms. Goodwin to close the public hearing on Ord-1 Zoning Definition of Building Height.

Ord-2 Zoning Definition of Variance

Moved by Ms. Goodwin and seconded by Mr. Marshall to open the public hearing on Ord-2 Zoning Definition of Variance.

The changes to this ordinance are to amend the current definition of Variance, which currently contains regulatory language rather than a precise definition. The amendment also adds the ability to receive a Minor Variance on frontage

requirements, which is consistent with the Maine Revised Statutes definition of a Variance.

Public Comment: None

Moved by Ms. Goodwin and seconded by Ms. Gregg to close the public hearing on Ord-2 Zoning Definition of Variance.

Ord-3 Accessory Dwelling ADUs East of Route 1

Moved by Mr. Marshall and seconded by Ms. Gregg to open the public hearing on Ord-3 Accessory Dwelling ADU's East of Route 1

Passage of this amendment removes the prohibition of General Accessory Dwelling Units (ADU's) on non-conforming lots of record east of Route 1 that are not served by Town sewer and water. The goal of this amendment is to provide greater opportunity for the creation of a variety of housing opportunities.

Public Comment: None

Mr. Marshall stated that under the statement of fact in the fourth line from bottom the word with is missing.

There is no listed penalty for not doing the water monitoring test...what are the follow up repercussions? Ms. Goodwin stated that she hadn't thought about what practical repercussions could be.

Mr. Marshall asked to look at the purpose statement and simplify it a little bit.

Moved by Mr. Marshall and seconded by Ms. Gregg to close the public hearing on Ord-3 Accessory Dwelling ADU's East of Route 1.

Ord-4 Zoning Small Wind-

Moved by Mr. Marshall and seconded by Ms. Goodwin to open the public hearing on Ord-4 Small Wind.

Christine Grimando, Town Planner, stated that this is a substantive amendment. For the past year we have gotten a lot of calls from people wanting to build small windmills for personal use. Right now we have a height restriction of 35 feet which is not resourceful for wind turbines. This is being proposed as a stand alone article in the zoning ordinance. The proposal is for small windmills to be allowed in town to allow residents to explore alternative energy sources. There will be rigorous provisions for their potential impacts on abutters and the surrounding environments. Small Windmills are being proposed in the following districts: GEN-1, GEN-2, GEN-3, RES-2, Route 1-2, Route 1-3, and Route 1-4. However small windmills in GEN-3 are restricted to municipally owned land. They are not allowed in historic districts. We are looking at restrictions of 50kw for residential

use and no more the 100 kw for municipal use. Height, color, lighting and noise are all things that have been taken into consideration.

Public Comment: Charles Stacy,
Eric Hopkins,
Jack MacDonald,
Kurt???,
Tim Haskell,
Cindy Donnell

The Board stated some concern over the size and the look of these windmills. The Board asked that the Windmill be scaled down in size.

Ms. Grimando stated that if we are going to scale back do not think that height is the right place to scale down since height is the essential part of the effectiveness of the wind turbine. It is possible scale down the Kilowatts allowed possibly to 20kw for residential.

Mr. Marshall agreed with Ms. Grimando to scale down the kw allowed and asked that in the statement of fact include something about the State of Maine encouraging this and the long term this will be a payback. Municipal use will be scaled down to 50kw on at least 5 acres of land.

Other changes suggested are to take the word dwellings out of 9.a.2.3 and regarding noise correct the language to make it consistent at 50dba.

Ms. Grimando will look into what the rules and regulations are when it comes to sharing wind energy and the Public Utilities Commission issues on that.

Moved by Ms. Gregg and seconded by Mr. Marshall to close the public hearing on Ord-4 Small Wind.

Ord-5 Zoning Yard Sale Signs

Moved by Mr. Marshall and seconded by Ms. Goodwin to open the public hearing on Ord-5 Zoning Yard Sale Signs.

The purpose of this amendment is to allow off-site yard sale signs and to establish fair, enforceable regulation for yard sale signs.

Public Comment: None

Ms. Gregg asked is there is any penalty for non-compliance.

Moved by Ms. Gregg and seconded by Mr. Marshall to close the public hearing on Ord-5 Zoning Yard Sale Signs

Ord-6 Zoning Permits and Violations

Moved by Ms. Goodwin and seconded by Mr. Marshall to open the public hearing on Ord-6 Zoning Permits and Violations

The purpose of this amendment is to provide an additional enforcement tool to the Code Enforcement Office and Town Boards for properties with multiple violations. It has the effect of cutting off the supply of new permits and approvals when past violations of any Town code have been cited and remain unsolved.

Mr. DeCoteau stated that we did get a legal opinion on this and got a positive response.

If this is a site issue then all tenants are responsible but if it is a single tenant violation then that tenant would be held responsible.

Public Comment: None

Moved by Ms. Gregg and seconded by Mr. Marshall to close the public hearing on Ord-6 Zoning Permits and Violations

Ord-7 Supplemental Plumbing Definition of Controlled System

Moved by Ms. Goodwin and seconded by Ms Gregg to open the public hearing on Ord-7 Supplemental Plumbing Definition of Controlled System

This amendment alters the definition of a controlled septic system. It will allow for a small number of replacement septic systems to be exempted from the controlled system requirements. The reason for this exemption is that we have found some situations where the controlled system requirements cause an unnecessary burden on an owner who is trying to replace their system, therefore provide a disincentive for replacement.

Public Comment: none

Moved by Ms. Goodwin and seconded by Mr. Marshall to close the public hearing on Ord-7 Supplemental Plumbing Definition of Controlled System

Ord-8 Zoning Shoreland Zoning Minor Corrections-

Moved by Ms. Goodwin and seconded by Mr. Marshall to open the public hearing on Ord-8 Shoreland Zoning Minor Corrections-

This is to correct two errors that were made by our department that got by us, a Map correction and to add a few words to a definition that got left off.

Moved by Ms. Goodwin and seconded by Mr. Marshall to close the public hearing on Ord-8 Shoreland Zoning Minor Corrections

Ord-10 was taken out of order

Ord-10 Wireless Communications Facilities & Zoning Antenna Provisions for Water and Sewer Districts

Moved by Mr. Marshall and seconded by Ms. Gregg to open the public hearing on Ord-10 Wireless Communications Facilities & Zoning Antenna Provisions for Water and Sewer Districts

The purpose of this amendment is to allow water and sewer district to utilize small antennas to communicate to their remote pumping stations without the need to permit their communication systems as we would a new cell tower.

Don Neumann and Tim Haskell stated that currently the stations communicate through telephone lines and it is very inefficient and it is a public health and safety issue. If our lines go down then we don't get alarms or know what is going on. Once the initial investment is made then there will be no additional costs unlike telephone lines which cost every month

Moved by Mr. Marshall and seconded by Ms. Gregg to close the public hearing on Ord-10 Wireless Communications Facilities & Zoning Antenna Provisions for Water and Sewer Districts

Ord-9 Residential Growth & Zoning Growth Ordinance Amendments-

Moved by Ms. Goodwin and seconded by Ms. Gregg to open the public hearing on Ord-9 Residential Growth & Zoning Growth Ordinance Amendments

The purpose of this amendment is to allow flexibility and create more transparency on how the growth list is administered. Some of the major changes is the administration of it by allowing people to defer the issuance of their permits if they are not ready to build. We are looking to support residents by allowing people to not build while retaining their rights on the list but get those who are ready to build to the front of the list to keep the town economy moving.

Another change is that we closed the loop hole for the lottery the way it is written now the permit does not expire and we removed the exemption for teardowns and transferring residential units from one lot to another, removal of exemption for moving buildings and removal of maximum number of two bedroom ADU's exempted each year.

Public Comment: Jim Bartlett,
 Cliff Estes,
 Bob Reed,
 George Wilson,
 Charles Stacy,
 Cindy Donnell

Mr. Marshall stated that the Board of Selectmen asked the staff to look for a way to get permits to those who are ready to build without penalizing others this is a start but could use some tweaking. We need to stop making people do things that they are not ready to do but instead find those who are ready to build. Removal of the teardown exemption-think that this board has tweaked this many times to make it reasonable and don't think that we are looking to go this direction right now. Ok with eliminating the limit on ADU's but would like to stick the part of getting permits to those who are ready and then push the rest off to a future time.

Ms. Gregg agree that this re-write was not what I was expecting but like it-would like to see the removal of the tear down exemption. Is there is a limit to the number of current applications on the list?-Some can have up to three applications and they could possibly all end up at the top at the same time.

Ms. Gregg questioned why the timeline for expiration begins when you first are added to the list not when you hit the top of the list.

Mr. Estes stated that maybe something needs to be added in so that if someone has already taken their permit out then they can apply for extension

Mr. Marshall believes that we should just say that these permits are good for so many years from this point on no exemption required.

Mr. Burn's suggested going back to Mr. Bartlett's suggestion and suspend the growth cap for a year.

Mr. Marshall stated that this would be risky since 6,000 people voted to extend it in November and suggest writing it in as a possible tiered question

Mr. Burn's stated that the Community Development Department will draft another version and strip out everything that doesn't have to do with immediate relief and focus on getting permits to those who are ready to build.

This public hearing will be continued at the next meeting scheduled for march 2nd at 6:00 PM

Moved by Mr. Marshall and seconded by Ms. Goodwin to continue the public hearing on Ord-9 Residential Growth & Zoning Growth Ordinance Amendments to March 2nd vote 4-0.

H. ENDORSEMENTS **License Applications**

I. Old Business

J. New Business –New Business Items 5 and 1 were taken out of order

5. Approval of Proposed Ordinance Amendments and forward to the Second Public Hearing that will be held March 23rd 2009

Ord-1 Zoning Definition of Building Height

Ord-2 Zoning Definition of Variance

Ord-3 Accessory Dwelling ADUs East of Route 1

Ord-4 Zoning Small Wind

Ord-5 Zoning Yard Sale Signs

Ord-6 Zoning Permits and Violations

Ord-7 Supplemental Plumbing Definition of Controlled System

Ord-8 Zoning Shoreland Zoning Minor Corrections

Ord-9 Residential Growth & Zoning Growth Ordinance Amendments

Ord-10 Wireless Communications Facilities & Zoning Antenna Provisions for Water and Sewer Districts

Moved by Mr. Marshall and seconded by Ms. Gregg to approve proposed ordinance amendments Ord-1 Zoning Definition of Building Height, Ord-2 Zoning Definition of Variance, Ord-3 Accessory Dwelling ADUs East of Route 1, Ord-4 Zoning Small Wind, Ord-5 Zoning Yard Sale Signs, Ord-6 Zoning Permits and Violations, Ord-7 Supplemental Plumbing Definition of Controlled System, Ord-8 Zoning Shoreland Zoning Minor Corrections and Ord-10 Wireless Communications Facilities & Zoning Antenna Provisions for Water and Sewer Districts to the second public hearing with changes made tonight. Vote 4-0 motion passes.

2. Review of Winter Maintenance Road Salting Procedures-

Dean Lessard, Public Works Director, explained that right now the policy is that when we send the crews' home after a storm the pavement is black and wet. Currently the public works crews place road salt on every paved road in Town during its normal winter storm procedures. Due to the increase in sale process and the number of winter storm events in the last two years the salt budget has been expended and the salt supplies have depleted. We are proposing that we temporarily change the salting procedures and not salt side and connector roads for the reset of the 2009 winter season. We are proposing that we have the ability to salt the major ways and leave the side roads that are used to connect neighborhoods wear speed limits are low unsalted. Public works crews will still plow and if there is a really icy spot or a hill then salt would be used. Mr. Yandow stated that this new procedure would not jeopardize safety.

3. Request from MDOT for Vehicle Overweight Permits for Route 103 Bridge Work

We received an agreement from MDOT to replace three bridges on Route 103 in the next two years. This permit would allow MDOT's contractors to transport equipment that exceed legal weight limits, if the equipment can not be broken down in less then four hours to and from the site over municipal roads. We will request a bond from the contractor. Moved by Mr. Marshall and seconded by Ms.

Goodwin that the Board of Selectmen sign the construction over limit permit agreement with MDOT. Vote 4-0 motion passes.

4. Boards and Committee Appointments: Parks and Recreation Board, Historic District Commission

Moved by Ms. Gregg and seconded by Mr. Marshall to appoint Gary Glynn to the Historic District Commission. Vote 4-0 motion passes.

Moved by Ms. Gregg and seconded by Mr. Marshall to appoint Freddy Joye Jr. to the Parks and Recreation Board. Vote 4-0 motion passes.

1. Discussion of Budget Committee request for further reductions

Mr. Estes stated that Ron Nowell was correct when he stated that the Budget Committee is stepping out of their realm asking the Board of Selectmen to make additional cuts, the charter does not give us this power.

Mr. Marshall stated that he thinks that this was the most reasonable thing for them to do to send the whole budget back-we now have a chance to look at the budget again. Believe that it is better that they send it back to us then the budget committee making policy cuts. However he does disagree with Mr. Lincoln asking us to look at the personnel policy it is not fair to look to single out one labor group because we can.

Mr. Marshall read a letter from Mr. Little into the record.

M. Goodwin asked what is the point of the Tax Task Force if we go against them and believe that reducing salaries is sort of late in the game.

Mr. Yandow explained that after the budget meeting last Thursday night the Budget Committee basically remanded the budget back to the Selectmen. Mr. Yandow states that he had a conference call with the non-union and union reps and explained what was going on. He asked them to consider waiving increases for FY 10 however at that meeting they had not had a chance to speak with their people. Mr. Yandow has not heard back from the unions as of yet. What Mr. Yandow has done is to suggest a waive of the cola for the Town Manager and all department heads and one police department employee. Mr. Yandow also developed a list of potential cuts that could be made form the FY10 budget.

Ms. Goodwin stated that she is not in agreement with Mr. Little's proposal and is not trying to get us back to zero spending however agrees to look at Rob's list to see if there is anything that make sense to cut..

Ms. Gregg stated that she is aware the Ron Nowell is correct in that this is not what the charter envisions the Board of Selectmen doing. In the week since the budget committee sent the budget back have not received nay more information and do not know the reciprocations of certain actions are-don't know what to make

of this in the way that it is presented and tempted to send it back to the budget committee as is.

Mr. Marshall stated that we can choose a few things from this list or we can continue this conversation on Monday with more information. Think that it would make sense to take the recommendations that Mr. Yandow suggested and work with those and then get into the conversation of the fund balance.

Mr. Estes stated that it looks like the school has gotten themselves in a jam with reduced funding-the only one I don't agree with is the four day work week. Before we do anything with fund balance we need to look at what the school does. The Budget committee will not meet on the Town Budget before Monday

Items to cut from the list of recommendations

York Village traffic Study

Rental Space

Four Day Work Week

Paving

The Board will discuss Fund Balance on Monday, March 2nd.

K. Other Business

L. Executive Session Real Estate-(Pursuant to MRSA Title 1, Section 405.6.C)
Moved by Mr. Marshall and second by Ms. Gregg to go into Executive Session Real Estate-(Pursuant to MRSA Title 1, Section 405.6.C) at 11:55 PM.

Moved by ??? and seconded by ??? to come out of Executive Session Real Estate-(Pursuant to MRSA Title 1, Section 405.6.C) at ???

Adjourn

Moved by ??? and seconded by ??? to adjourn at ???.

Respectfully Submitted By

Kathryn Danylik, recorder