

**SELECTMEN'S MEETING
7:00 P.M. MONDAY JUNE 15th, 2009
YORK LIBRARY
MINUTES**

Attendees: Michael L. Estes, Kinley Gregg, Mary Andrews, Tracy Jackson-McCarty, Catherine R. Goodwin, Robert G. Yandow, Town Manager, Kathryn Danylik, Recorder, and Members of the Press & Public

Call to Order- Chairman Estes called the meeting to order at 7:00 PM

Pledge of Allegiance

A. Minutes

-June 8th 2009 Selectmen's Meeting Minutes

Moved by Ms. Gregg and seconded by Ms. Andrews to approve the June 8th 2009 Selectmen's Meeting Minutes. Without objection so ordered

B. Chairman's Report

Chairman Estes reported that tomorrow the Board is meeting with the HNTB who will be unveiling its recent study of the tollbooth situation and its recommendations on what they will do with the existing toll booth.

Chairman Estes stated that the Growth Ordinance will be coming up again for review this year and we would like to hear from the public. We would like to hear what the public would like the selectmen to do. We would like to schedule some time at the July 13th meeting to discuss this.

C. Manager's Report

Mr. Yandow reported that we received responses from 71 people on the waiting list for permits and 31 are interested in obtaining a permit under the new "safety valve" provision. 132 people did not respond at all, we will send a second letter out to these 132 people.

Mr. Yandow reported that the Ocean Avenue Extension Ad-Hoc Committee will meet tomorrow afternoon at the York Library. The committee consists of town staff, residents, and a representative from the York Beach Subcommittee. The Committee will meet to form a possible recommendation for the Selectmen on the status of Ocean Avenue Extension.

Mr. Yandow stated that WHO (World Health Organization) has declared a full scale world pandemic for the H1N1 Virus (swine flu). This just means it is

spreading more quickly than originally thought but it does not necessarily mean that it is more severe. There are currently 44 confirmed cases in Maine, and over 2000 cases in New England.

D. Reports

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: Jack MacDonald

F. Approval of Warrant #50

Moved by Ms. Gregg and seconded by Ms. Andrews to approve Warrant #50. Without objection so ordered.

G. PUBLIC HEARINGS

1. New License Application

MAR Hospitality Group, LLC dba Roost Café (Victualers, Liquor, and Special Amusement)

Moved by Ms. Gregg and seconded by Ms. Andrews to open the public hearing on MAR Hospitality Group, LLC dba Roost Café (Victualers, Liquor, and Special Amusement)

Public Comment: None

Moved by Ms. Andrews and seconded by Ms. Gregg to close the public hearing on MAR Hospitality Group, LLC dba Roost Café (Victualers, Liquor, and Special Amusement)

H. ENDORSEMENTS

License Applications

-Peggy Fennelly dba Sweet Josie's Candy Shoppe (Victualers)

-Mary McKinnon dba Molly O's Restaurant (Victualers)

-SC Ventures, Inc dba Ruby's Wood Grill (Victualers, Liquor, Special Amusement, Coin-Op Amusement)

Moved by Ms. Gregg and seconded by Ms. Andrews to approve the License applications for -Peggy Fennelly dba Sweet Josie's Candy Shoppe (Victualers), Mary McKinnon dba Molly O's Restaurant (Victualers), SC Ventures, Inc dba Ruby's Wood Grill (Victualers, Liquor, Special Amusement, Coin-Op Amusement) subject to taxes, fees, and inspections being an current and complaint with the usual noise stipulations.

I. Old Business

J. New Business

1. York Community Garden Sign Proposal

Mr. Yandow stated that he received a request from Lori Paro regarding the donation of a new sign for the York Community Gardens. She has been advised that she needs speak with Code Office about the rules and regulations of signs in York.

Ms. Paro asked for the Town's permission to donate a new sign in hopes to catch the community's eye and maybe motivate people to work with the garden. She is looking to create a similar look to the Welcome to Historic York sign. She has spoken with Steve and understands that she needs a permit and what the size and regulations are for the sign.

The board thanked Ms. Paro and looks forward to the new sign

Moved by Ms. Goodwin and seconded by Ms. Andrews to approve the donation of a new sign at the town's community gardens on Long Sands Road. Vote 5-0 motion passes.

Mr. Estes stated that if there is going to be a lot more community involvement at the Garden then maybe we should develop a policy or a plan on how it should be run and used. It might beneficial to start looking at some master planning on that.

2. Discussion of Formula Restaurant Ordinance

Ms. Goodwin stated that she asked to put this issue on the agenda after it came to her attention that a grocery store that wanted to make sandwiches were told that they could not because they would be in violation of the formula restaurant ordinance. After looking at this ordinance it is clear that we do not have a definition of a restaurant and think that this issue should be addressed.

Ms. Gregg stated that she is happy with the way the ordinance is.

Mr. Estes stated that there are some issues with this. If you follow this ordinance then there would be some current businesses that are in violation. Chairman Estes stated that what started out by trying to keep Dunkin Donuts out has bottled up some of the local people trying to expand their business. The chairman thinks that we should have the Planning Board look at this and see where it can be revised and maybe relaxed a little to allow businesses to expand.

Ms. Goodwin stated that we have a flaw in the ordinance that needs clarification.

Mr. Burns, Community Development Director stated that it was specifically designed to keep formula restaurants out of town whether they stand alone or are in conjunction with something else.

Ms. Goodwin asked that in the short term an amendment be made that will allow grocery stores to make and sell sandwiches.

Mr. Estes asked Mr. Burns to amend the formula restaurant ordinance for the July 27th public hearing. Mr. Burns will get the draft to the Planning Board and to the Selectmen before it is posted in case you want to give any feedback

Moved by Ms. Goodwin and seconded by Ms. Jackson-McCarty to direct the staff to draft an amendment to the formula restaurant ordinance to allow grocery stores to make on-site sandwiches. Vote 4-1 motion passes, Ms. Gregg against.

3. Discussion of Infrastructure Implementation Committee

Ms. Goodwin asked that this be on the agenda due to the short turn around period for infrastructure improvements with the scheduled draining project. Ms. Goodwin thinks that the Board of Selectmen need to take the lead and form a committee that would take the recommendations of the York Beach Subcommittee, Planning Board, and town staff and move forward with them for technical review and implementation. The underlying issue is that there has been a great deal of work done and now we need some action and get some questions resolved, we don't want to let the opportunity go by. Ms. Goodwin stated that she doesn't want to stop the work of the subcommittee but instead to bring all the work together and decide how to go forward.

Ms. Jackson-McCarty stated that she believes that the York Beach Subcommittee is perfectly capable of carrying out any further work that needs to be done to get infrastructure improvements moving. The members of that committee are familiar with the work and have developed relationships with staff and the community. Ms. Jackson-McCarty stated that she doesn't think that it is necessary to form another committee when there is one already established that is more than capable. She stated that the relationships that have already been established are strong and should be taken advantage of

Ms. Andrews stated that she believes that it is the Board of Selectmen's responsibility to move the action forward but not to establish another committee, especially when we can't fill the positions on other critical town committees. She stated that it is the Board of Selectmen's job to carry the policy forward.

Ms. Gregg asked what is the timeline for the drainage project?

Mr. Yandow reported that the FEMA approved project is possible either late this fall or early next spring, we will suspend it in summer so will take two years. The project on Long Sands will not take that long but the Short Sands project will take a significant amount of time. Overall the entire group of projects will be drawn out over a couple of years.

Mr. Estes stated that we should keep subcommittee intact and maybe change who they report to. Mr. Estes is concerned that over the past three years the vision of York Beach has changed with each different committee.

Mr. Estes stated that the first thing that we should do is to hear from the Subcommittee on what their infrastructure ideas are right now and what we can do and afford to do right now and get that out to the public. Thinks that the committee should continue and stay intact and just change who they report to.

Ms. Goodwin stated that the form the committee takes doesn't matter to her, she just wants a clear signal that it is time to move forward with this.

Mr. Yandow will schedule a workshop meeting with the Planning Board and will try to pick a time that would be good for both boards-either a Monday or a Thursday-will try for Monday June 29th.

4. Discussion Regarding Building Permit Fees

Steve Burns, Director of Community Development reported to the Board that the Community Development Department is looking increase the building permit fees from \$6 per \$1000 to \$8 per \$1000.

The total budget for the department remains almost unchanged with an actual decrease in total spending of 1%. There is however a major shift in the source of revenues used to fund the department. The portion of the budget to be paid by property tax revenues is declining while the portion paid by user-fees is increasing. This shift was an integral part of the overall Town plan to prevent a significant increase in the property tax rate.

There is one additional staff position that has been added to the Community Development Department for FY10. This is not a new position for the Town instead it is being shifted from one department to another. The position that is currently held by Rosie Avery in the Assessing Department will be transferring over to Community Development. The total annual cost for the position is \$50,000.

Ms. Burns stated that he projects actual building fees received in FY09 will be \$244,000. It is the hope that the building activity remains at least level with the current year's activity. Mr. Burns researched the surrounding area and the fees that other towns charge and York is actually the lowest at \$6 per \$1000 with Ogunquit the highest at \$14 per \$1000.

Mr. Burns is recommending that the permit fees be increased from \$6 per \$1000 to \$8 per \$1000 with a minimum fee of \$50.

Ms. Andrews stated that with state of the current economy she could not support an increase in fees.

Ms. Gregg stated that when she voted for the budget she was unaware that there would be an increase in fees and wishes that she had known that information.

Ms. Jackson-McCarty stated that in these economic times this is a smart and responsible way to generate revenue instead of immediately putting the cost on the tax payer.

Moved by Ms. Jackson-McCarty and seconded by Ms. Goodwin to request staff to bring forward an ordinance amendment to increase building fees from \$6 to \$8 per \$1000 and to increase the minimum permit fee from \$25 to \$50. Vote 4-1 motion passes, Ms. Andrews against.

5. Board and Committee Reappointments

Moved by Ms. Goodwin and seconded by Ms. Andrews accept as a full list the board and committee re-appointments for 2009, Michael Swant-Appeals Board, Sarah Newick-York Housing Authority, Eileen Gmelch-York Housing Authority, Ana Gray-Conservation Commission, Joseph Donnelly-Harbor Board, Ala Reid-Municipal Social Services Review Board, Tom Manzi-Planning Board, Sidney Boardman-Senior Center Board of Directors, Eileen Gmelch-Senior Center Board of Directors, Timothy Sheehan-Shellfish Conservation Commission, Evelyn Lipka-Sohier Park, Lorraine Moulton-Sohier Park, Brenda Knapp- Parks and Recreation and Sohier Park, Thomas Carnicelli-Tax Task Force and Shiela Chaney-Tax Task Force, without objection so ordered.

6. Board and Committee Appointments: Harbor Board and Planning Board

Moved by Ms. Gregg and seconded by Ms. Andrews to appoint Dave Gittins as a regular member of the Harbor Board, without objection so ordered

Moved by Ms Gregg and seconded by Ms. Andrews to appoint Todd Frederick as a regular member of the Planning Board, without objection so moved.

7. Appointment of Selectmen Liaison to Library Board

Moved by Ms. Andrews and seconded by Ms. Gregg to appoint Ms. Jackson-McCarty as the Selectmen Representative to the Library Board. Vote 5-0 motion passes.

8. Special Event Permit: York Days Fireworks Display

Moved by Ms. Andrews and seconded by Ms. Jackson-McCarty to approve the special event permit application for the York Days Fireworks Display on Saturday, July 25th 2009 from 5:00 PM to 10:30 PM. Vote 5-0 motion passes.

9. Special Event Permit: Fire Department Muster

Moved by Ms. Goodwin and seconded by Ms. Andrews to approve the special event permit application for the York Beach Fire Department's Firemen's Muster on June 28th from 12:00 PM to approximately 3:00 PM. Vote 5-0 motion passes.

10. Parade Permit: Fire Department Muster Parade

Moved by Ms. Goodwin and seconded by Ms. Andrews to approve the parade permit application for the York Beach Fire Department's Firemen's Muster Parade on June 28th from 11:00 AM to 12:00 PM. Vote 5-0 motion passes.

K. Other Business

-Ms. Gregg asked about the procedure for the updates on the Selectmen's policies
-The Board has until the end of the month to identify the policies they believe need to be reviewed-currently we have set July 23rd as the meeting date to discuss policies.

Adjourn

Moved by Ms. Andrews and seconded by Ms. Gregg and seconded by to adjourn at 9:10 PM

Respectfully Submitted By:

Kathryn Danylik