

**SELECTMEN'S MEETING
MONDAY SEPTEMBER 17th, 2007
7:00 PM YORK LIBRARY**

MINUTES

ATTENDEES: Michael L. Estes, David F. Marshall, J. Dwight Bardwell, Kinley Gregg, Edward W. Little and, Kathryn Danylik, Recorder, and Members of the Press & Public.

Mr. Yandow was not present at this meeting

A Videotape of the meeting is available in the Town Manager's office for clarification purposes.

Call to Order - Chairman Estes called the meeting to order at 7:02 PM

Pledge of Allegiance

A. Minutes

- August 13th, Selectmen's Meeting
- August 20th, Special Selectmen's Meeting
- August 27th, Selectmen's Meeting
- September 12th, Special Selectmen's Meeting

Moved by Mr. Bardwell and seconded by Mr. Marshall, to accept the meeting minutes of the August 13th Selectmen's Meeting, the August 20th Special Selectmen's Meeting, and August 27th regular Selectmen's Meeting with corrections. Vote 5-0 motion passes.

Moved by Mr. Marshall and seconded, to accept the minutes of September 12th Special Selectmen's Meeting as submitted. Without objection, it was so ordered.

B. Chairman's Report

Mr. Estes reported that he received a letter from Lawrence Greenlaw asking if the Town of York would be in favor of supporting a petition to repeal the current reconsolidation laws. Mr. Estes stated that this discussion will be re-visited.

Mr. Estes also reported that he received a letter from Jean and Tom Bridges asking to board to re-visit the dog ordinance at York Harbor Beach, they feel as though it is becoming a problem. Mr. Estes stated that he will talk to Mr. Yandow about getting some reports on the issues and we will look into putting it on the agenda in the future.

C. **Manager's Report-** Mr. Yandow was not present at this meeting

D. PUBLIC HEARINGS

1. Street acceptance recommendation: Styles Lane

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on the Street Acceptance recommendation: Styles Land

Mr. Bray gave a brief update and stated that all nine recommended corrections had been made and he has brought forward this as a favorable recommendation to accept the street, Styles Lane, and asks it to be placed it on the November 2007 General Referendum Ballot.

Public Comment-None

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

2. Proposed Ordinance Amendments

Ord-6-Road Spec. Amend the Public Road Acceptance Ordinance

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 6- to Amend the Public Road Acceptance Ordinance.

Public Comment: None

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 6- to Amend the Public Road Acceptance Ordinance. Without objection, it was so ordered

Ord-7-Floodplain Regulate Locally Designated Flood Prone Areas

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 7- to Regulate Locally Designated Flood Prone Areas.

Public Comment: David Woods

Mr. Marshall clarified for Mr. Woods that Capital Plan does not mean set in stone, it is a guideline.

Mr. Estes also responded to Mr. Woods's concern about the lack of a plan for Short Sands by explaining that it will take approximately \$38 million to fix both Short Sands and Long Sands. A grant was applied for and tax money was set aside for work on Short Sands however the grant was not received.

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 7- to Regulate Locally Designated Flood Prone Areas. Without objection, it was so ordered

Ord-8 Town Septic Update the Town's Supplemental Septic Rules

Moved by Mr. Bardwell and seconded to open the public hearing on Ordinance 8- to Update the Town's Supplemental Septic Rules

Public Comment: None

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 8- to Update the Town's Supplemental Septic Rules. Without objection, it was so ordered

Ord-9 Zoning Density and Use Standards with Respect to Public Utilities

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 9- Density and Use Standards with Respect to Public Utilities.

Public Comment: None

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 9- Density and Use Standards with Respect to Public Utilities. Without objection, it was so ordered

Ord-10 Zoning Shoreland Amendments

Moved by Mr. Bardwell and seconded to open the public hearing on Ordinance 10- Shoreland Amendments

Public Comment: Charles Stacey
Jack MacDonald
Pat Rushlow (?)

David Ballou

Moved by Mr. Bardwell and seconded to close the public hearing. Motion withdrawn

The Chair also acknowledged receiving a letter from Tom Blaisdell which was read into the record

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 10- Shoreland Admendments. Without objection, it was so ordered

Ord-11 Zoning Shoreland Amendments at the York Village Hospital Overlay District

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 11- Shoreland Amendments at the York Village Hospital Overlay District

Mr. Bardwell withdrew his motion, Mr. Burns explained that this ordinance was on by mistake, this ordinance has already been voted on

Ord-12 Zoning Special Exceptions

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 12- Special Exceptions.

Public Comment: None

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 12- Special Exceptions. Without objection, it was so ordered

Ord-13 Zoning Building on a Non-Conforming Lot

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 13- Building on a Non-Conforming Lot

Public Comment: None

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 13- Building on a Non-Conforming Lot. Without objection, it was so ordered

Ord-14 Zoning Historic Site Designation of the Town Farm Properties

Mr. Burns explained that this ordinance came out of the Historic District Commission. It recommends taking the Town Farm Properties that are owned by the Town of York and CMP and designate them as a historic site. Historic sites are new in the ordinance; we do not currently have any historic sites. One piece of the property that is used as the CMP right-of-way should be exempt from this ordinance however they will have to go in front of the HDC in order to make any changes.

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 14- Historic Site Designation of the Town Farm

Public Comment: None

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 14- Historic Site Designation of the Town Farm Properties. Without objection, it was so ordered

Ord-15 Growth Amendments to the Residential Growth Ordinance

Moved by Mr. Bardwell and seconded by Mr. Marshall to open the public hearing on Ordinance 15- Amendments to the Residential Growth Ordinance

Public Comment: Jim Nadeau
 David Ballou
 Charles Stacey
 Jack MacDonald
 Cliff Estes

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 15- Amendments to the Residential Growth Ordinance. Without objection, it was so ordered.

Ord-16 Growth Growth Ordinance Lottery for Long-Time Property Owners

Mr. Burns explained that this was discussed at the last meeting. It was also brought to the town Attorney for a legal opinion. The only substantive comment that was given was to take the definition of family straight from the state statute, do not try to define it ourselves. This ordinance sets up a once a year lottery that selectmen would run in the months of January and February. People would have the whole month of January to apply and then a 5 “winners” would be pulled in February. This gives potential for someone who has been a long time property

owner to not have to wait to build on their property. To be eligible you have to own the property for 25 or more years, however the growth ordinance would apply. This ordinance sets up a check and balances procedure for this lottery.

Moved by Mr. Bardwell and seconded by Ms, Gregg to open the public hearing on Ordinance 16- Growth Ordinance Lottery for Long-Time Property Owners.

Public Comment: Cliff Estes
 Jack MacDonald
 David Ballou
 Jim Nadeau

Moved by Mr. Bardwell and seconded by Mr. Marshall to close the public hearing on Ordinance 16- Growth Ordinance Lottery for Long-Time Property Owners.. Without objection, it was so ordered

The Chair called a short recess at 8:56 pm. The meeting was called back to order at 9:07 pm.

E. Citizens Forum - Open to Audience for comments or questions to be addressed on this agenda or items for consideration on future agendas.

Public Comment: None

F. Warrant Approval # 12

Moved by Mr. Bardwell and seconded by Mr. Marshall, to approve Warrant #7. Without objection, it was so ordered.

G. ENDORSEMENTS

License Applications (Renewals)

- Ward Hand and Venise Minkousky dba Sentry Hill at York Harbor (Victualers & Liquor)
- Hannaford Bros, Co. dba Hannaford Food and Drug (Victualers)
- TCF Corp, Donna Lewis dba Clay Hill Farm (Victualers, Liquor, Special Amusement)

Moved by Mr. Bardwell and seconded, to approve the licenses for “Sentry Hill at York Harbor, Hannaford Food and Drug, and Clay Hill Farm, subject to taxes, fees and inspections being current and compliance with the usual noise stipulations. Without objection, it was so ordered.

The public hearing on the November 6th General Referendum Warrant was inadvertently left off of the agenda for tonight. A Special Selectmen's Meeting has been scheduled for Thursday September 20th, 2007 at 6:00 PM at the York Library. This meeting will consist of the Public Hearing on the November 6th 2007 General Referendum Warrant and the vote to put the warrant through to the voters.

H. New Business

1. Approve the Road Acceptance of Styles Lane and forward to the November 6th General Warrant

Moved by Mr. Bardwell and seconded by Mr. Marshall to accept and move forward to the November 6th 2007 General Referendum, an article for public street acceptance of Styles Lane. Vote: 5-0 motion passes. Preference Vote 4-0-1 (Ms. Gregg abstained).

2. Approve Proposed Ordinance Amendments and forward to the November General Referendum:

Ord-6 Road Spec. Amend the Public Road Acceptance
Ordinance

Moved by Mr. Bardwell and seconded by Mr. Marshall to approve Ordinance 6- Amend the Public Road Acceptance Ordinance and send it forward to the November 6th 2007 General Referendum. Vote 5-0 Motion Passes. Preference Vote 5-0.

Ord-7 Floodplain Regulate Locally Designated Flood Prone
Areas

Moved by Ms. Gregg and seconded by Mr. Bardwell for discussion to approve Ordinance 7- Regulate Locally Designated Flood Prone Areas and send it forward to the November 6th 2007 General Referendum.. Vote 1-4 Motion Fails. (Ms. Gregg in favor)

The selectmen discussed the issue and decided that there are alternatives that need to be looked at and discussed. They did not feel that there was enough information present to vote to pass this ordinance through. They expressed concern that people would not be ready for this change.

Ord-8 Town Septic Update the Town's Supplemental Septic
Rules

Moved by Mr. Bardwell and seconded by Mr. Little to forward to the November 6th 2007 General Referendum Ordinance 8 - Update the Town's Supplemental Septic Rules. Vote 5-0 Motion Passes. Preference Vote 5-0.

Ord-9 Zoning Density and Use Standards with Respect to
Public Utilities

Moved by Mr. Bardwell and seconded by Ms. Gregg to approve and move forward to the November 6th 2007 General Referendum Ordinance 9- Density and Use Standards with Respect to Public Utilities. Vote 5-0 Motion Passes. Preference Vote 5-0.

Ord-10 Zoning Shoreland Amendments

Moved by Mr. Bardwell and seconded by Ms. Gregg to move forward to the November 6th 2007 General Referendum Ordinance 10- Shoreland Amendments. Vote 1-4 Motion Fails. (Ms. Gregg in favor)

Ord-11 Zoning Shoreland Amendments at the York Village
Hospital Overlay District

Moved by Mr. Bardwell and seconded by Mr. Marshall to move forward to the November 6th 2007 General Referendum Ordinance 11- Shoreland Amendments at the York Village Hospital Overlay District. Vote 4-0-1 (Ms. Gregg excused herself due to her being an abutter) Motion Passes.

Ord-12 Zoning Special Exceptions

Moved by Mr. Bardwell and seconded by Mr. Marshall to move forward to the November 6th 2007 General Referendum Ordinance 12- Special Exceptions. Vote 5-0 Motion Passes. Preference Vote 5-0.

Ord-13 Zoning Building on a Non-Conforming Lot

Moved by Mr. Bardwell and seconded by Mr. Marshall to move forward to the November 6th 2007 General Referendum Ordinance 13- Building on a non-conforming Lot. Vote 5-0 Motion Passes. Preference Vote 5-0.

Ord-14 Zoning Historic Site Designation of the Town Farm Properties

Moved by Mr. Bardwell and seconded by Ms. Gregg to move forward to the November 6th 2007 General Referendum Ordinance 14- Historic Site Designation of the Town Farm Properties. Vote 1-4 Motion Fails.(Ms. Gregg in favor)

Ord-15 Growth Amendments to the Residential Growth Ordinance

Moved by Mr. Bardwell and seconded by Ms. Gregg to move forward to the November 6th 2007 General Referendum Ordinance 15-Amendments to the Residential Growth Ordinance. Vote 1-4 Motion Fails (Ms. Gregg in favor)

Ord-16 Growth Growth Ordinance Lottery for Long Time Property Owners

Moved by Mr. Bardwell and seconded by Ms. Gregg not to move forward the November 6th 2007 General Referendum Ordinance 16- Growth Ordinance Lottery for Long Time Property Owners. Vote 3-2 Motion Passes. (Mr. Marshall and Mr. Estes against)

I. Old Business

-Mr. Marshall read in to the record a letter written by Valerie Doran

Due to an error on the agenda it was decided to table the Public Hearing on the November 6th 2007, General Referendum until Thursday night September 20th at 6:00 PM at the York Library.

Moved by Mr. Marshall and seconded to continue this meeting Thursday night at the same location to have a public hearing on the November 6th 2007 General Referendum. Without objection it was so ordered.

Respectfully Submitted

Kathryn Danylik, Recorder