

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESULTS
TOWN OF YORK OF THE NOVEMBER 8, 2022 TOWN OF YORK
 GENERAL AND SPECIAL REFERENDUM ELECTION.
 ATTEST: *[Signature]* **LYNN OSGOOD, TOWN CLERK**

SPECIAL REFERENDUM ELECTION
SPECIMEN BALLOT
NOVEMBER 8, 2022

Instructions to Voters

- ♦ TO VOTE, fill in the OVAL to the LEFT of your choice like this: ●.
- ♦ To have your vote count, do not erase or cross out your choice.
- ♦ If you make a mistake, ask for a new ballot.

Budget Committee
Member
 Term Expiring May 2024
 Vote for One

Littlefield, Julie M. 5781

Write-in

TWO:
 Shall the Town adopt the Town of York 2022 Comprehensive Plan.

YES 5499
 NO 1374

THREE:

The Town hereby ordains amendment of the Zoning Ordinance to allow outdoor dining for restaurant uses permitted in town. Specifically amending Article Seven Special Provisions by permitting outdoor seating for permitted restaurant uses in town and include a sunset clause to allow for ordinance evaluation.

7.19 Outdoor Seating for Restaurant Uses

7.19.1 General. Outdoor seating for dining purposes shall be allowed where a restaurant use is permitted per Article Four Use Regulations. This provision shall supersede any zoning ordinance section that states otherwise. Outdoor seating used for dining purposes shall not be included for determining maximum gross floor area calculations for restaurant uses where applicable.

7.19.2 Outdoor Seating in the Public Right of Way. Outdoor seating for a restaurant use may be permitted in a public right-of-way after Selectboard approval. Selectboard approval or denial shall occur after either Planning Board or Code Enforcement approval as prescribed in Article Eighteen Administration of this ordinance. The Planning Board or Code Enforcement shall ensure outdoor seating for dining purposes meets applicable ordinances or regulations, that the seating locations are secure, and that safe passage for pedestrian, bicycle, and vehicular traffic is ensured. The York Police Department, appropriate York Fire Department, and York Department of Public Works shall provide comment prior to an approval granted by the authorized permitting authority.

SUNSET CLAUSE: This ordinance shall remain valid until November 30, 2024. Notwithstanding the provisions of 1 M.R.S. § 302, this ordinance amendment shall apply retroactively to any applications accepted by the Planning Board or Code Enforcement on or after May 27, 2022, which is the date when the first public hearing was posted for this amendment. This sunset clause provision is provided to allow evaluation of this and other ordinances pertaining to restaurant uses, the ordinances effectiveness and adjust if needed without causing adverse impacts.

YES 6910
 NO 632

FOUR:

The Town hereby ordains to amend the Emergency Management Ordinance by adding a line of succession in Section 4, changing the timeline for Emergency Plan adoptions in Section 9, and incorporating gender-neutral language.

Amendment: Amend Sections 4, 6, 7, 8, 9 to reflect the adoption of gender neutral Selectboard.

Section 4: Organization and Operation

A. Emergency Management Director. There shall be an Emergency Management Director (Director) appointed to organize and manage the Office, as required by Title 37-B MRS §782. The Director shall be appointed by the Selectboard per Title 37-B MRS §782.1. The duration of this appointment shall be a 3-year term.

C. Operation. The Director shall be the executive head of the Office. The Director shall head the Office and shall work under the general supervision of the Town Manager Assistant Town Manager with the concurrence of the Town Manager and the Selectboard.

D. Administration. The Director shall administer the Office in accordance with the provisions of this ordinance, the provisions of the Emergency Plan and any other related policies adopted by the Selectboard and the provisions of any applicable state and federal laws and rules which may apply in a particular emergency situation.

Section 6: Powers and Duties During a Declared Emergency

B. Obtain Vital Supplies, Materials, Equipment. The Director may obtain vital supplies, materials, equipment and other such products as deemed necessary. Such purchases shall be charged to operating budgets of participating departments. Affected Departments may approach the Selectboard to seek reimbursement from contingency fund accounts as limited in Section 7.

C. Obtain Assistance. The Director may require emergency services of any Town Officer or employee. If regular Town forces are deemed inadequate, the Director may hire people, accept and appoint volunteers, and may retain the services of people, businesses or organizations. Any such actions shall be considered temporary, and no person hired by the Director shall be considered a permanent or full-time employee of the Town. All duly authorized persons rendering emergency services shall be entitled to all privileges and immunities provided by law. Associated costs shall be charged to operating budgets of participating departments. Affected Departments may approach the Selectboard to seek reimbursement from contingency fund accounts as necessary.

Section 7: Financial Authority

C. Post-Emergency. When a Declared Emergency ends, or 30 days after the date of disaster declaration, whichever occurs earlier, all decisions about spending related to the emergency which are not funded through approved operating budgets shall be brought to the Selectboard for action.

D. External Financial Assistance. All decisions about external financial assistance, including the initial decision whether or not to seek such assistance, shall be the responsibility of the Selectboard. External financial assistance shall include, but not be limited to, FEMA assistance. Any request to the Board shall include a description of the process and identify risks involved.

E. Local Spending Authority. 1. Operating Budgets. To the extent expenses during and after an emergency can be charged to approved operating budgets, they shall be. Typically this will include costs of fuel, labor, and other costs which occur regardless of the emergency.

2. Supplementary Contingency. The Selectboard may vote to utilize funds available in Supplementary Contingency. The authorizing warrant article sets the amount and means of utilization.

3. Restricted Fund Balance. A designated portion of the Town's fund balance could be set aside to pay for storm- or emergency-related expenses. In the event this has been authorized by voters, this funding shall be available for the Town's emergency response, subject to prior approval of the Selectboard.

4. Special Budget Referendum. In the event the Selectboard believes there is a need for more funding to properly respond to an emergency, it may call for a Special Budget Referendum in accordance with the Town of York Home Rule Charter. This would be likely if costs are likely to exceed the amount of Supplementary Contingency and external financial assistance.

Section 8: Duties of the Director

F. Assuming such authority and conducting such activity as the Town Manager or the Selectboard may direct to promote and better execute Emergency Preparedness activities.

G. In the event the Town seeks external financial assistance, the Director shall be responsible for coordinating the actions of all Town officials in the application process, subsequently for monitoring and ensuring compliance with all requirements of the funding entity, and providing monthly updates to the Selectboard.

Section 9: Emergency Plan

An Emergency Plan shall be adopted annually biennially by the Selectboard. An initial draft Plan shall be prepared by the Director and the Town Manager. The Selectboard may amend this Plan prior to adoption. The Plan shall complement this Ordinance and shall provide the framework within which Emergency Response activities shall happen.

Amendment: Amend Section 4 to create an independent Emergency Management Director position under the Assistant Town Manager, and to establish a line of succession.

Section 4: Organization and Operation

C. Operation. The Director shall be the executive head of the Office. The Director shall head the Office and shall work under the general supervision of the Town Manager Assistant Town Manager with the concurrence of the Town Manager and the Selectboard.

E. Line of Succession. In the event of incapacitation or absence of any party, in order to ensure the continuity of operations of disasters, a line of succession has been established. The successor shall have all of the powers and responsibilities as outlined in this ordinance until the return of the official. The line of succession for officials will be as follows:

1. Town Manager. Succession will fall to the Assistant Town Manager, followed by the Chair of the Town of York's Selectboard.

2. Emergency Management Director. Succession will fall to the Police Chief, followed by the Deputy Police Chief, and then the Senior Fire Chief.

Amendment: Amend Section 5 to reflect updated line of succession.

Section 5: Locally Declared Emergency

A. Declaration. Whenever a local disaster exists or appears imminent, the Town Manager, or in the event of their absence, their successor the Chairperson of the Town of York's Board of Selectmen shall, by proclamation, declare that fact and that an emergency exists in the Town of York. A copy of the proclamation shall be posted in the same manner as a warrant calling a town meeting, with the return to be made by the person posting it and a copy of the proclamation provided to the Town Clerk who shall retain it as a permanent record of the Town.

Amendment: Amend Section 6 to reflect updated line of succession.

Section 5: Locally Declared Emergency

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Amendment: Amend Section 5 to reflect updated line of succession.

Section 6: Powers and Duties During a Declared Emergency

During the period of a Declared Emergency, the Director shall have the following authority:

D. Promulgate Regulations. The Director may promulgate such regulations as deemed necessary to protect life and property and preserve critical resources. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the movement of persons from critical areas within the Town.

2. Regulations pertaining to the movement of persons deemed vulnerable to disaster or at risk, to include orders of evacuation.

3. Such other regulations as may be necessary to preserve public health and safety.

Amendment: Amend Section 8 to reflect the addition of the Assistant Town Manager position.

Section 8: Duties of the Director

The Director shall be responsible to the Assistant Town Manager in regards to all phases of Emergency Preparedness activity. The Director shall be responsible for planning, coordinating and operating the Emergency Preparedness activity within the Town. The Director shall maintain liaison with county, state and federal authorities and the authorities of nearby municipalities to insure the most effective response to an emergency. The duties of the Director shall include but not be limited to the following:

Amendment: Amend Section 9 to change the adoption schedule of the Town of York Emergency Plan from annually, to biennially.

Section 9: Emergency Plan

An Emergency Plan shall be adopted annually biennially by the Selectboard. An initial draft Plan shall be prepared by the Director and the Town Manager. The Selectboard may amend this Plan prior to adoption. The Plan shall complement this Ordinance and shall provide the framework within which Emergency Response activities shall happen.

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PLEASE VOTE BOTH SIDES OF BALLOT