



# Town of York

186 York Street  
York, Maine 03909-1314

## SELECTMEN'S MEETING

6:00/7:00 P.M. MONDAY FEBRUARY 25, 2013  
YORK LIBRARY

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works/  
Harbor Master  
(207)363-1010

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Grant House  
(207)351-1204

Fax  
(207)363-1009  
(207)363-1019

www.yorkmaine.org

6:00 PM: Work Session-Greater York Recreational Complex

**Present:** Chair; Mary Andrews, Vice Chair; Scott Fiorentino, Kinley Gregg, Ted Little, Ronald Nowell, Town Manager; Robert G. Yandow Recorder; Katie McWilliams and members of the press and public.

Call to Order at 7:00pm

### Pledge of Allegiance

#### A. Minutes

- February 11, 2013 Selectmen's Meeting Minutes

Moved by Ms. Gregg, second by Mr. Nowell to approve the January 28, Selectmen's Meeting Minutes as amended. Without objection, so ordered.

#### B. Chairman's Report

- Ms. Andrews would like to congratulate the York High School Girls and Boys basketball teams on a great season.
- Former police Chief Al Moulton passed away past week and will be greatly missed.

#### C. Manager's Report

- The Efficiency Steering Committee has been working on making energy improvements to various York buildings. Recently the town received a reimbursement from the Seacoast Energy Initiative for \$15,497.50.
- The Polar Dip at York High School was originally scheduled on Feb 9<sup>th</sup> and has been rescheduled to March 2<sup>nd</sup>.
- Mr. Yandow recently received an e-mail from York Turnpike Authority indicating that they will be paving the York section of Highway and ramps.

The work will be completed from Mid-May to Mid-July during the nighttime hours.

- Nomination papers are available for the May Referendum for the following elective offices:
  - Selectmen-(1) 3 year term
  - Budget Committee Member (2) 3 year terms
  - Superintending School Committee Member (2 ) 3 year terms
  - Treasurer- (1) 3 year term
  - York Sewer District Trustee-(1) 4 year term
  - York Sewer District Trustee- (1) 5 year term
  - York Water District Trustee- (1) 5 year term

Applications need to be returned to the town Clerk no later than April 3, 2013.

**D. Awards**

None

**E. Reports: York Village Study Committee**

On November 19, 2012 the York Village Study Committee made a presentation to the Board of Selectmen to update the board on their progress. The purpose for this agenda item is for the Committee Chair to refresh the memory of the previous presentation to set the stage for a work session before the March 11, 2013 meeting. Ron McAllister made a brief presentation.

F. **Citizens Forum** - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the town manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the town manager's office.

Helen Rollins

**G. Approval of Warrant #34**

Moved by Mr. Little, seconded by Mr. Fiorentino, to approve Warrant # 34. Vote 4-1, Mr. Nowell opposed.

**H. Public Hearings:**

**Proposed Ordinance Amendments for May 2013 General Referendum**

Moved by Mr. Little, seconded by Mr. Fiorentino to open the Public Hearing at 7:29 pm. After no discussion motion was made by Mr. Nowell, seconded by Mr. Little to close the Public Hearing at 7:29 pm.

**I. Endorsements- Business Licenses**

1. Barbara Sheff DBA Candleshop Inn (Bed and Breakfast)

Moved by Mr. Little, seconded by Ms. Gregg to approve the following license application; Barbara Sheff DBA Candleshop Inn (Bed and Breakfast) subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

None

**K. New Business**

1. **May 2013 Ordinance Amendments**

Town Planner, Christine Grimando recommends the three proposed ordinance amendments be forwarded to a second public hearing on March 25<sup>th</sup>. The Amendments are as follows:

- **Amendment #1 Protecting the Capacity of the Stormwater Drainage System**

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the Zoning Ordinance to help improve floodplain management, specifically amending: Article 6, Supplemental Use Requirements.

Statement of Fact: The purpose of this amendment is two-fold. First, it expands the purpose of the current erosion control standard to include protection from flooding. Second, it established a prohibition for dumping any

material other than water into a stream, water body, wetland or drainage ditch. This amendment is generally consistent with the Comprehensive Plan, and it's is not expected to have a significant impact on the cost of Town administration.

- **Amendment #2 Enforcement Tools**

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the Zoning Ordinance to amend enforcement language, specifically amending: Article 2, Definitions; and Article 19, Enforcement and Violations.

Statement of Fact: The purpose of this amendment is to strengthen the enforcement tools of the Zoning Ordinance. Most notable, it broadens the definition of violations, it allows the Board of Selectmen to take action earlier, and it provides an option for imposing daily fines starting as early as the first day of the violation. This amendment is generally consistent with the Comprehensive Plan, and is not expected to have a significant impact on the cost of Town administration.

- **Amendment #3 Dimensional and Performance Standards for Accessory Dwelling Units**

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendments to the General Accessory Dwelling Unit Ordinance and the Zoning Ordinance.

Statement of Fact: The purpose of this amendment is to establish standards that clarify the intent of the General Accessory Dwelling Unit Ordinance to be small apartments that are clearly secondary to existing single family owner-occupied homes. It's become clear in recent years of permitting of Accessory Dwelling Units that the "clearly secondary" standard needs greater clarification through better sitting standards, reduced maximum square footage, and clarification on what portions of the units are considered towards total allowed area. This amendment also eliminated the freestanding General Accessory Dwelling Unit Ordinance altogether, and incorporated its standards into the Zoning Ordinance. This amendment is consistent with the Comprehensive Plan, specifically section 4.2.3, which supports the

continuation of allowing accessory dwelling units in York, as well as suggesting that adjustments to the ordinance might be necessary in the future. It is not expected to have a significant impact on the cost of Town administration.

Moved by Mr. Nowell, seconded by Mr. Little, to move the following ordinance amendments to be forwarded to a second public hearing for consideration with the on March 25<sup>th</sup>: Protecting the Capacity of the Stormwater Drainage System (Zoning); Zoning Enforcement Tools (Zoning); ADU Dimensional and Performance Standards (Zoning and General Accessory Dwelling Unit Ordinance). Vote 5-0, motion passes.

## **2. Charter Amendment**

Pursuant to the York Home Rule Charter the Town Attorney (Salaried Solicitor) is appointed by the Town Manager for an indefinite term. It was recently suggested that a charter amendment be proposed which would vest that appointment authority with the Board of Selectmen. At the time that the suggestion was made it was unknown if that change would constitute an amendment which is a minor or a revision which would require the establishment of a charter commission.

Town Manager, Rob Yandow sent an inquiry to the MMA Legal Department for an opinion. Attorney Michael Stultz verbally advised Mr. Yandow that he believed the change was minor and could be pursued through a charter amendment rather than a charter revision.

Pursuant to 30-A M.R.S.A. Section 2104 (5)(A) a public hearing must be conducted on the proposed amendment. That public hearing will be scheduled for March 11, 2013. Subsequent to the public hearing the final proposed amendment must be filed with the Town Clerk along with a written opinion by an attorney admitted to the bar in Maine that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine. The amendment would be then placed on the May 18, 2013 Special General Amendment.

Moved by Mr. Nowell, seconded by Mr. Little to schedule a public hearing for March 11, 2013 for the purpose of receiving public input on a proposed amendment to Article III, Section 8 (A) of the York Home Rule Charter regarding the appointment of the Salaried Solicitor (Town Attorney). Vote 5-0, motion passes.

## **3. Special Event Permit- York Rodeo**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the Special Event Permit for the York Rodeo- Saturday, June 1, 2013 and Sunday, June 2, 2013. Event to be

held at York's Wild Kingdom upper parking lot (Route 1 side) from 12:00pm-5:00pm daily. Vote 4-1, Mr. Nowell abstained.

**4. Special Event Permit- Aptalis CF Cycle for life: Seacoast Safari**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the Special Event Permit for the Aptalis CF Cycle for Life: Seacoast Safari- Saturday, July 20, 2013 and Sunday, July 21, 2013. Even to begin at VFW Post 6977, York, beginning at 7:00 am. Vote 5-0, motion passes.

**5. Special Event Permit- Walk MS: York 2013**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the Special Event Permit for the Walk MS: York 2013 - Sunday, September 29, 2013. Event to begin at York High School from 10:00 am-2:00pm. Vote 5-0, motion passes.

**6. Special Event Permit- Seacoast Bike Tour**

Moved by Mr. Little, seconded by Mr. Fiorentino to approve the Special Event Permit for the Seacoast Bike Tour- Saturday, May 18, 2013 and Sunday, May 19, 2013. This is a two day event beginning at Pease Tradeport and finishing in Ogunquit. They expect to pass through York on Saturday, May 18<sup>th</sup>. **(amendment 8:35)** Vote 5-0, motion passes.

**7. License for Incorporated Civic Organization: Old York Historical Society**

Moved by Mr. Little, seconded by Mr. Nowell to approve the Application for License for Incorporated Civic Organization for the Old York Historical Society event, Mud Season Survivors Celebration and Dinner Fundraiser. Event to be held Saturday, April 6, 2013 from 6:00pm to 9:00pm at the Jefferds Tavern and Parsons Educational Center at 3 Lindsay Road, York. Vote 5-0, motion passes.

**L. Other Business**

**M. Citizens Forum**

Chuck Stacy  
Nelson Giordano

**Adjourn**

Moved by Mr. Little, seconded by Ms. Gregg to adjourn at 8:55 PM.

Respectfully Submitted By:

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Katie McWilliams; Recorder