

SELECTMEN'S MEETING
6:00/7:00 P.M. MONDAY JULY 25th, 2011
YORK LIBRARY
MINUTES

6:00 PM: Executive Session: Labor Contracts (Pursuant to MRSA Title 1, Section 405.6 D) Real Estate (Pursuant to MRSA, Title 1, Section 405.6 (C) and Poverty Abatement (Pursuant to MRSA Title 36, Section 841 (2) (E)

Attendees: Chair; Tracy Jackson-McCarty, Vice Chair; Mary Andrews, Edward W. Little, Kinley Gregg, Scott Fiorentino, Town Manager; Robert G. Yandow, Recorder; Melissa Avery and members of the press and public

Chairman Jackson-McCarty called the meeting to order at 7:00PM

Pledge of Allegiance

A. Minutes

- July 11th, 2011 Selectmen's Meeting Minutes; Moved by Ms. Andrews and seconded by Mr. Little to approve the July 11th, 2011 Selectmen's Meeting Minutes, as amended. Vote 5-0, motion passes.
- June 27th, 2011 Selectmen's Meeting Minutes; Moved by Ms. Andrews and seconded by Mr. Little to approve the June 27th, 2011 Selectmen's Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Jackson-McCarty did not have a Chairman's report

C. Manager's Report

Town Manager, Robert G. Yandow stated that on Wednesday, July 27th the Town hall will be upgrading the phone system. Throughout the day, phone availability for Town Hall will be intermittent, we anticipate a 2-2 ½ hour outage in the morning, and another hour to an hour and a half outage in the afternoon. All calls will be forwarded to one back-up line, so inbound and outbound landline calls will be limited during this time.

D. Awards

1. Birch Hill Road Bridge Project

Dean Lessard, Director of Public Works asked that the selectmen approve to continue work with Innovative Green Solutions (IGS), CLD Engineers and Parsons Brinckerhoff Engineers to construct a thermoplastic bridge structure to replace the existing concrete box culvert adjacent to Roger's Brook/Shorey's Pond on Birch Hill Road using the local contractor, Maritime Construction.

Moved by Ms. Andrews and seconded by Mr. Little to authorize the Department of Public Works to order the thermoplastic bridge materials for the Birch Hill Road Culvert Replacement and, further, to award the construction of the bridge structure to local contractor, Maritime Construction. Vote 5-0, motion passes.

E. Reports

No Reports at this time

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.

Public Comment: No Public Comment

G. Approval of Warrant #4

Moved by Ms. Andrews and seconded by Mr. Little to approve Warrant #4, without objection, so ordered.

H. PUBLIC HEARINGS

1. November, 2011 Ordinance Amendments

Moved by Ms. Andrews and seconded by Mr. Little to open the public hearing on the November 2011 Ordinance Amendments

Ord-1 Amend Standards in the Beach Ordinance Relative to Ellis Short Sands Park

Public Comment: No Public Comment

Ord-2 Change to Date Range for Fires on Public Beaches

Public Comment: No Public Comment

Ord-3 Amend Wireless Communications Ordinance to Exempt Town Wireless Communications Facilities

Public Comment: No Public Comment

Ord-4 Best Management Practices for Docks

Public Comment: Dave Emery

Ord-5 Reformat Article 4 of Zoning Ordinance, Use Regulations

Public Comment: No Public Comment

Ord-6 Performance Standards to Control Soil Erosion

Public Comment: No Public Comment

Ord-7 Revisions to Sign Standards

Public Comment: No Public Comment

Moved by Ms. Andrews and seconded by Mr. Little to close the public hearing on the November 2011 Ordinance Amendments

I. ENDORSEMENTS

License Applications

- Sean Mitchell; dba: Bagel Shack (Victualers)
- Trevor Fitzgerald; dba: Hawaiian Jim's Shave Ice (Victualers)
- Jervis Allen; dba: Jamaican Jerk Center (Victualers/Dance Hall)
- Linda Sirois; dba: My Winey Sister (Victualers)

Moved by Mr. Little and seconded by Ms. Andrews to approve the following license applications: Sean Mitchell; dba: Bagel Shack (Victualers), Trevor Fitzgerald; dba: Hawaiian Jim's Shave Ice (Victualers), Jervis Allen; dba: Jamaican Jerk Center (Victualers/Dance Hall), Linda Sirois; dba: My Winey Sister (Victualers), subject to taxes, fees and inspections be current and compliant with the usual noise stipulations. Vote 5-0, motion passes

J. Old Business

Ms. Andrews asked Community Development Director, Stephen Burns for an update on the Flagg's Trailer Park Issue. Mr. Burns stated that from conversations with the owners of Flagg's Trailer Park, they do intend to appeal the Notice of Violation given to them by the Code Enforcement Officer, Ben McDougal.

Ms. Gregg asked the Chief of Police, Douglas Bracy for an update on motorcycle noise. Chief Bracy stated that in their training with the State Police three weeks ago on motorcycle detail, they did indeed learn a lot, but have had other enforcement responsibilities, such as, OUI details the past two weekends, not leaving much time for motorcycle details.

K. New Business

1. Discussion and Approval of Proposed Ordinance Amendments and Forward to Second Public Hearing to be Held August 22, 2011

Ord-1 Amend Standards in the Beach Ordinance Relative to Ellis Short Sands Park

Moved by Ms. Andrews and seconded by Mr. Little to forward the Ordinance #1; Amend Standards in the Beach Ordinance Relative to Ellis Short Sands Park with any amendments and corrections to a second Public Hearing to be held on August 22, 2011. Vote 5-0, motion passes

Ord-2 Change to Date Range for Fires on Public Beaches

Moved by Ms. Andrews and seconded by Mr. Little to forward the Ordinance #2; Change to Date Range for Fires on Public Beaches with any amendments and corrections to a second Public Hearing to be held on August 22, 2011. Vote 5-0, motion passes

Ord-3 Amend Wireless Communications Ordinance to Exempt Town Wireless Communications Facilities

Moved by Ms. Andrews and seconded by Mr. Little to forward the Ordinance #3; Amend Wireless Communications Ordinance to Exempt Town Wireless Communications facilities with any amendments and corrections to a second Public Hearing to be held on August 22, 2011. Vote 4-1, motion passes, Ms. Gregg against.

Ord-4 Best Management Practices for Docks

Moved by Ms. Andrews and seconded by Mr. Little to not forward the Ordinance #4; Best Management practices for Docks to a second Public Hearing to be held on August 22, 2011. Vote 4-1, motion passes, Mr. Fiorentino against.

Ord-5 Reformat Article 4 of Zoning Ordinance, Use Regulations

Moved by Ms. Andrews and seconded by Mr. Little to forward the Ordinance #5; Reformat Article 4 of Zoning Ordinance, Use Regulations with any amendments and corrections to a second Public Hearing to be held on August 22, 2011. Vote 4-1, motion passes, Ms. Gregg against.

Ord-6 Performance Standards to Control Soil Erosion

Moved by Ms. Andrews and seconded by Mr. Little to forward the Ordinance #6; Performance Standards to Control Soil Erosion with any amendments and corrections to a second Public Hearing to be held on August 22, 2011. Vote 5-0, motion passes

Ord-7 Revisions to Sign Standards

Moved by Ms. Andrews and seconded by Mr. Little to forward the Ordinance #7; Revisions to Sign Standards with any amendments and corrections to a second Public Hearing to be held on August 22, 2011. Vote 5-0, motion passes

2. Request for Sewer Extension from the Ogunquit Sewer District

State law mandates that any sewer district interested in pursuing a sewer extension must acquire written assurances from the municipal officers that the extension is in conformance with adopted municipal plans and that any development, lot or unit intended to be served by the extension is in conformance with any adopted municipal plans and ordinance regulating land use. The Ogunquit Sewer District is requesting a 75' extension on Pine Hill Road that would provide service to a residence at 4 Dirigo Drive. The Community Development Department has determined that the requested sewer extension is in full compliance with Town of York plans and ordinances.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve a sewer extension on Pine Hill Road North and to provide written assurances to the Ogunquit Sewer District that the proposed sewer extension, along with the property served by the extension, is consistent with municipal plans and York ordinances regulating land use pursuant to M.R.S.A. Title 38, Section 1252.7(A). Vote 5-0, motion passes

3. Special Event Permit Application: The Big Andrew Surf Competition and Fundraiser

Moved by Ms. Andrews and seconded by Mr. Little to approve the Special Event Permit Application for the Big Andrew Surf Competition and Fundraiser to be held on Sunday, August 14, 2011 from 6:30AM to 6:00PM at Long Sands Beach with the stipulation that all grills are roped off with a 20'x20' area. Vote 5-0, motion passes.

4. Special Event Permit Application: Erika's Wish Fire

This Special Event Permit Application is for a fire and fundraiser in memory of Erika Jolie, who died on October 9, 2010. The application is in conformity with the relevant town beach ordinance and the applicant has indicated a willingness to be flexible in terms of location on the beach and in terms of timing of the fire. It is recommended that the permit application be approved with conditions outlined by the Park Department.

Moved by Ms. Andrews and seconded by Mr. Little to approve the Special event Permit for Erika's Wish Fire to be held on Saturday, August 20, 2011 from 6:00PM to 10:00PM at Long Sands Beach with condition outline by town staff. Vote 5-0, motion passes

5. Approval of Selectmen's Representative to the Southern Maine Regional Planning Commission

At the request of the Southern Maine Regional Planning Commission, Moved by Chairman Jackson-McCarty and seconded by Ms. Andrews appoint Kinley Gregg to be the Representative to the Southern Maine Regional Commission. Vote 4-0-1, Ms. Gregg abstained.

L. Other Business

M. Citizens Forum

Public Comment: Andrew Beal
Cindy Collins
Dave Emery

Adjourn

Moved by Ms. Andrews and seconded by Mr. Little to adjourn at 9:45PM

Respectfully Submitted by:

Melissa M. Avery; Recorder