

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:30PM/7:00PM MONDAY, JULY 28, 2014
YORK LIBRARY**

6:30/6:45PM: MSSRB and EESC Interviews

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Torbert Macdonald, Ronald Nowell, Town Manager Robert G. Yandow, Recorder Melissa M. Avery and members of the press and public.

Call to Order

Chairman Andrews called the meeting to order at 7:00PM.

Opening Ceremonies

Mr. Macdonald asked that the Board observe a moment of silence for former State Representative Paul McGowan who passed away over the weekend.

A. Minutes

1. May 19, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Meeting Minutes for May 19, 2014. Vote 5-0, motion passes.

2. June 9, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Meeting Minutes for June 9, 2014. Vote 5-0, motion passes.

3. June 23, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Meeting Minutes for June 23, 2014. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Mary Andrews wanted to give credit and recognition to all the people who contributed the micro-burst clean up from Tuesday's storm.

C. Manager's Report

Town Manager Robert G. Yandow stated that to date the Town has spent \$30,209.36 on private contractor invoices, along with Police Department and Public Works costs for the response aspect of the micro-burst. The contractors and crews will start the cleanup phase this week. Mr. Yandow also mentioned that it appears that the total cost of this micro-burst will not be as high as the micro-burst in 2010. Easterly Surveying, the contracted company to do the survey of Long Beach Avenue for the Long Sands Bathhouse Project has not made substantial progress as of yet, but will be taking on extra help to get the project going in hopefully late July, early August. Mr. Yandow stated that the Board of Selectmen and School Committee have a tentative meeting scheduled for August 20, 2014 6:00PM at the York Public Library before the School Committee's regularly scheduled meeting. Another tentative meeting is scheduled for August 28, 2014 at 4:00PM with the York Sewer District to discuss easement and property issues, to be held at the York Sewer District Office. Last Thursday the Planning Board found a few issues with the Findings of Fact for the Police Station Project and has been scheduled to go back to the Planning Board on August 14, 2014. The Town Clerk advised Mr. Yandow that tax bills will be mailed out on August 5, with the first installment due September 19, 2014 and the second due February 6, 2015.

D. Awards

E. Reports

1. York Water District Report on Proposed Rate Increase

Water District Superintendent Don Neumann gave a report on the proposed rate increase for the York Water District.

F. Citizens' Forum – The Citizens' 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: Patricia McNally
Ed Woods

G. Approval of Warrant #4

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve Warrant #4. Vote 5-0, motion passes.

H. Public Hearings

1. November 2014 Referendum Ordinance Amendments

1) MS4 Post-Construction Stormwater Management Ordinance

Moved by Mr. Macdonald, seconded by Mr. Speers to open the Public Hearing for MS4 Post-Construction Stormwater Management Ordinance. No objection, so ordered.

Public Comment: None

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so ordered.

2) MS4 Non-Stormwater Discharge Ordinance

Moved by Mr. Nowell, seconded by Mr. Macdonald to open the Public Hearing for MS4 Non-Stormwater Discharge Ordinance. No objection, so ordered.

Public Comment: Arthur Kyricos

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so ordered.

3) Require Septic System Inspections at Time of Property Transfers

Moved by Mr. Nowell, seconded by Mr. Speers to open the Public Hearing for Requiring Septic System Inspections at Time of Property Transfers. No objection, so ordered.

Public Comment: Lew Stowe
Helen Rollins
Greg Gosselin
Bob Harris
Lori Barrett

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so moved.

4) Application Procedures for Piers, Wharfs, Docks and Floats

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for Application Procedures for Piers, Wharfs, Docks and Floats. No objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Nowell to close the Public Hearing. No objection, so ordered.

5) Standards for Piers, Wharfs, Docks and Floats

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for Standards for Piers, Wharfs, Docks and Floats. No objection, so ordered.

Public Comment: Name

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so ordered.

6) Medical Marijuana

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for Medical Marijuana. No objection, so ordered.

Public Comment: Sally Manninen
Louise Littlefield
Charlie Spear

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so ordered.

7) Enabling Ordinance for Special Events Regulations

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for Enabling Ordinance for Special Event Regulations. No objection, so ordered.

Public Comment: None

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so ordered.

2. New Business License Applications

- 1) Jacob Remiganti DBA: Dr. Claw's Lobster Rolls (Food Service); located at 11 Main Street
- 2) Woods Family, INC. DBA Woody's Brick Oven Pizza (Food Service); located at 11 Railroad Avenue

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for new Business Licenses for Jacob Remiganti DBA: Dr. Claw's Lobster Rolls and Woods Family, Inc. DBA: Woody's Brick Oven Pizza. No objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Speers to close the Public Hearing. No objection, so ordered.

3. Petition Submitted to the Town Clerk for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for Petition Submitted to the Town Clerk for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York

Public Comment: Windol Weaver
Scott Gonyer
Devon Ryol
Sally Manninen
Arthur Kyricos
Gina Kyricos-Brodsky
Dave Boyer
Deb Erickson-Irons
Doug Bracy
Chris Rioux
Louise Littlefield
Meg Goldberg
Sherry Dabiere

Moved by Mr. Nowell, seconded by Mr. Macdonald to close the Public Hearing. No objection, so moved.

I. Endorsements

Business Licenses:

1. Paul A. Gagnon Trustee DBA: Chapman Cottage (Food Service, Liquor, Special Amusement, and Bed and Breakfast)
2. Yau Chung Ming DBA: China Bistro, Inc. (Food Service and Liquor)
3. Trevor A. Fitzgerald DBA: Hawaiian Jim's Shave Ice (Food Service)
4. Pat Rocheleau DBA: The Ledges Golf Course (Food Service and Liquor)

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the following Licenses: Paul A. Gagnon Trustee DBA: Chapman Cottage for Food Service, Liquor, Special Amusement, and Bed and Breakfast, Yau Chung Ming DBA: China Bistro, Inc. for Food Service and Liquor, Trevor A. Fitzgerald DBA: Hawaiian Jim's Shave Ice for Food Service, Pat Rocheleau DBA: The Ledges Golf Course for Food Service and Liquor subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes

J. Old Business

K. New Business

1. Discussion and Possible Action on Marijuana Petition

On July 7, 2014 The Board of Selectmen discussed a petition that has been submitted to, and verified by, the Town Clerk, Mary-Anne Szeniewski that would allow the use and possession of one ounce or less of marijuana by persons 21 years of age or older.

Moved by Mr. Macdonald, seconded Mr. Nowell to send the Petition for Enactment of an Ordinance: Use of Marijuana by Persons 21 Years of Age or Older to the November 2014 Special General Referendum. Vote 2-3, Mr. Speers, Ms. Andrews and Mr. Palmer against, motion fails.

2. Appointment of Dylan Smith as one of York's Representatives to KACTS

Moved by Mr. Nowell, seconded by Mr. Macdonald to appoint Dylan Smith as one of York's representatives to the Kittery Area Comprehensive Transportation Study. Vote 5-0, motion passes.

3. General Assistance Ordinance 2014-2015: Adoption of Appendices A

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the new 2014-2015 General Assistance Ordinance Appendices A. Vote 5-0, motion passes.

4. Move November 2014 General Referendum Ordinance Amendments to Second Public Hearing on August 25, 2014

Moved by Mr. Macdonald, seconded by Mr. Nowell to schedule each of the 7 proposed ordinance amendments for a second Public Hearing to be held on August 25, 2014: MS4 Post-Construction Stormwater Management, MS4 Non-Stormwater Discharge Ordinance, Require Septic System Inspections at the time of Property Transfers, Application Procedures for Piers, Wharfs, Docks and Floats, Standards for Piers, Wharfs, Docks and Floats, Medical Marijuana and Enabling Ordinance for Special Events Regulations. Vote 5-0, motion passes.

5. Ballot for Election to MMA Legislative Policy Committee

Moved by Mr. Palmer, seconded by Mr. Nowell to cast ballots for Torbert Macdonald and Perry Ellsworth for membership on the MMA Legislative Policy Committee representing District 35. Vote 5-0, motion passes.

6. Property Redemption: 4 Cape Neddick Camp Ground

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the property redemption of Tax Map 0018-0018-0004; located at 4 Cape Neddick Camp Ground, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full by no later than September 26, 2014. Vote 5-0, motion passes.

7. Special Event Permit: Zumba with Marianela

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit application for Zumba with Marianela, on Sunday, August 24, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

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

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit application for The Big Andrew Surf Competition and Fundraiser, on Sunday, August 10, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

9. Special Event Permit: The Big Andrew Car Classic

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit application for The Big Andrew Car Classic, on Sunday, August 9, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

10. Special Event Permit: Great Maine Getaway

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit application for the Great Maine Getaway, on Saturday, August 9, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

L. Other Business

Mr. Macdonald spoke about an ordinance which he is proposing for the November Election; Artisanal Food and Drink Amendment.

Moved by Mr. Macdonald, seconded by Mr. Nowell to forward the proposed Artisanal Food and Drink Amendment to the Planning Board and bring it forward for a Public Hearing. Vote 4-1, Mr. Palmer opposed, motion passes.

Mr. Speers inquired about the status of the Municipal Building Committee for the Police Station Project.

Mr. Nowell stated that he has received complaints and that he feels that many road in the York are substandard.

M. Citizens' Forum

Public Comment: None

Adjourn

Moved by Mr. Nowell, seconded by Mr. Macdonald to adjourn the meeting at 10:54PM. No objection, so ordered.