

**BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, SEPTEMBER 8, 2014
YORK LIBRARY**

Present: Chairman Mary Andrews, Vice-Chairman Robert E. Palmer Jr., Jonathan O. Speers, Torbert Macdonald, Ronald Nowell, Interim Town Manager Stephen H. Burns, Recorder Melissa M. Avery.

Call to Order

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

Opening Ceremonies

A. Minutes

1. August 25, 2014 Special Meeting Minutes
2. August 25, 2014 Meeting Minutes
3. August 28, 2014 Meeting Minutes
4. September 3, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Speers to accept the August 25 Special Meeting, August 25 Regular Meeting, August 28 and September 3, 2014 Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Mary Andrews introduced Stephen H. Burns as the Interim Town Manager. Ms. Andrews read off a list of current vacancies on various Town Boards and Committees.

C. Manager's Report

Interim Town Manager Stephen Burns reminded citizens that there has been a positive test for EEE in York and urged everyone to take the necessary precautions to avoid mosquito bites. Mr. Burns also announced on behalf of the Town Clerk that Nomination Papers for the current Budget Committee vacancy are available and need to be returned by September 19, 2014. Mr. Burns announced the York Community Dialogue project for this year - "The Future of

Education in York” – to be held on Saturday, September 20, 2014 in the York High School Cafeteria. Mr. Burns also informed the Board that the Energy Efficiency Steering Committee has discovered Renewable Energy Credits for the Town in the amount of \$5,000 associated with the solar project at the York Beach Fire Department. Mr. Burns announced that Melissa M. Avery has been appointed as the Town’s Public Access Officer. Mr. Burns also talked about the Maine Toll Plaza issue being brought up again and some of the concerns the citizens have.

D. Awards

1. Introduction of New Police Officer

Police Chief Doug Bracy introduced new Patrolman David McKinnon. Mr. McKinnon recently finished his field training component.

E. Reports

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: Helen Rollins
 Lew Stowe
 Windol Weaver

G. Approval of Warrant #10

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve Warrant #10. Vote 5-0, motion passes.

H. Public Hearings

1. New Business License: The Sand Dollar

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for a New Business License for The Sand Dollar. Without objection, so ordered.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Nowell to close the Public Hearing for a New Business License for The Sand Dollar. Without objection, so ordered.

2. Petition Submitted 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 a Petition Submitted for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York. Without objection, so ordered.

Public Comment: Sally Manninen
Sherry Dabiere
David Boyer
Jim Bartlett
David Brinkman
Sherry Dabiere

Moved by Mr. Speers, seconded by Mr. Macdonald to close the Public Hearing for a Petition Submitted for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York. Without objection, so ordered.

3. Ordinance Amendment to be Considered for November 2014 General Referendum: Require Septic System Inspections at Time of Property Transfer

Moved by Mr. Macdonald, seconded by Mr. Speers to open the Public Hearing on the Ordinance Amendment to be Considered for November 2014 General Referendum: Require Septic System Inspections at Time of Property Transfer. Without objection, so ordered.

Public Comment: Lew Stowe
Helen Rollins
Greg Gosselin
Lori Barrett
Arthur Krycos
Bill Conda
Sherry Dabiere
Helen Rollins
Greg Gosselin
Lori Barrett

Moved by Mr. Macdonald, seconded by Mr. Speers to close the Public Hearing on the Ordinance Amendment to be Considered for November 2014 General Referendum: Require Septic System Inspections at Time of Property Transfer. Without objection, so ordered.

4. November 2014 General Referendum

Moved by Mr. Macdonald, seconded by Mr. Speers to open the Public Hearing on the November 2014 General Referendum. Without objection, so ordered.

Public Comment: None

Moved by Mr. Palmer, seconded by Mr. Speers to close the Public Hearing on the November 2014 General Referendum. Without objection, so ordered.

5. November 2014 Special General Referendum

Moved by Mr. Speers, seconded by Mr. Palmer to open the Public Hearing on the November 2014 Special General Referendum. Without objection, so ordered.

Public Comment: None

Moved by Mr. Speers, seconded by Mr. Palmer to close the Public Hearing on the November 2014 Special General Referendum. Without objection, so ordered.

I. Endorsements

Business Licenses:

1. Kevin Evans DBA: Thai For You for Food Service and Liquor; located at 647 US Route One

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following Business License: Kevin Evens DBA: Thai For You for Food Service and Liquor; located at 647 US Route One 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 Regarding a Petition Submitted for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York

Town Clerk Mary-Anne Szeniaowski verified 767 signatures on the petition submitted 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. Nowell, seconded by Mr. Macdonald to place the proposed Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York on the November General Referendum. Vote 2-3, Mr. Speers, Mr. Palmer and Ms. Andrews against, motion fails.

Chairman Andrews took New Business Item #6 out of order.

2. "6. Discussion and Possible Action Regarding Purchase of a Plow Truck"

Director of Public Works Dean Lessard recommended that Liberty International Trucks be awarded the bid for the FY2015 Public Works Plow Truck Chassis.

The Board chose to move this item to their next regular meeting for

Chairman Andrews took New Business Item #9 out of order.

3. "9. Acceptance of Criminal Forfeiture from Docket No: 14-1063

Moved by Mr. Palmer, seconded by Mr. Speers to approve the signing of the Asset Forfeiture documented in the State of Maine Superior Court Criminal Action Docket No: 14-1063 and as required by Title MRSA Subsection 5824(3) and 5826(6). Vote 5-0, motion passes.

4. "2. Discussion and Possible Action Regarding a Proposed Ordinance Amendment to Require Septic System Inspections at Time of Property Transfer"

Moved by Mr. Speers, seconded by Mr. Nowell to place the proposed Ordinance Amendment to Require Septic System Inspections at Time of Property Transfer on the ballot of the November General Referendum. Vote 3-2, Mr. Palmer and Ms. Andrews against, motion passes.

5. "3. Discussion and Possible Action on Draft Warrant for November 2014 General Referendum"

Moved by Mr. Palmer, seconded by Mr. Speers to approve the warrant for the November General Referendum excluding Article 8. Vote 3-2, Mr. Nowell and Mr. Macdonald against, motion passes.

6. "4. Discussion and Possible Action on Draft Warrant for November 2014 Special General Referendum"

Moved by Mr. Palmer, seconded by Mr. Macdonald to approve the Warrant for the November Special General Referendum. Vote 5-0, motion passes.

7. "5. Preference Votes on All November General Referendum Warrant Articles"

Preference Votes:

1. 5-0
2. 5-0

3. 3-2; Ms. Andrews and Mr. Palmer against.
4. 5-0
5. 5-0
6. 5-0
7. 5-0
- ~~8. 0-0~~
9. 5-0

8. "7. Discussion Regarding the Board of Selectmen's Meeting Schedule Through the End of 2014"

The Board of Selectmen confirmed the following dates for their regularly scheduled meetings for the rest of 2014, as to work around the upcoming Holidays: September 8, 22 and 25; October 6 and 27; November 10 and 17; December 8 and 15.

9. "8. Discussion of the FY16 Budget"

Interim Town Manager, Stephen H. Burns asked the Board of Selectmen to use the next two weeks to think about what they would like to see, at a broad policy level, in the FY16 budgets coming from Departments and Boards.

10. Discussion and Possible Action Regarding Surveying, Deed Research, Construction/Drainage Easements, and Preparation of an Agreement With the York Sewer District Relating to Possible Acquisition of Property on the North Side of Bay Haven Road

The Board of Selectmen had a joint meeting with the York Sewer District Board of Trustees to discuss the possibility of transfer of two parcels of land on the ocean side of Bay Haven Road.

Moved by Mr. Macdonald, seconded by Mr. Nowell to direct staff to put out a Request for Proposals for a Maine-Licensed Professional Surveyor to locate and monument the properties being offered by the York Sewer District to the Town. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Nowell to direct the Interim Town Manager to work with the York Sewer District Superintendent to draft specific questions about liability and a possible agreement that would address shared responsibility for additional stormwater drainage that would cross the York Sewer District property. Vote 5-0, motion passes.

The Board directed the Interim Town Manager to send all the documentation to the Town attorney and ask if she believes that it justifies a title search.

11. Special Event: 1st Annual Walker John Family Foundation Garden Party and Art Auction

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit Application for the Walker John Family foundation's Annual Garden Party and Art Auction on Saturday, September 27, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

12. Special Event: 5th Annual Ride for Help and Hope

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit Application for the My Breast Cancer Support's Annual Ride for Help and Hope on Saturday, October 4, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

13. Special Event: Long Sands Beach: Run, Walk and Kids Fun Run

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit Application for the Agamenticus Ski Club's Long Sands Beach – Run, Walk and Kids Fun Run on Saturday, October 25, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

14. Special Event: Tri-State Seacoast Century

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the Special Event Permit Application for the Granite State Wheelmen's Tri-State Seacoast Century on Saturday and Sunday, September 20 and 21, 2014 with the attached conditions given by Department Heads. Vote 5-0, motion passes.

L. Other Business

Mr. Palmer stated that the School Committee is putting together an Ad-Hoc Committee to help go over the proposals they received regarding a new addition to one of the schools and that if no one else volunteered, he would accept being the Board of Selectmen representative on that Committee.

Mr. Nowell stated that he doesn't think the Sewer District and residents on Route 91 received any notification of the Road Construction taking place.

Ms. Andrews stated that she will be bringing information to the Board in a future Work Session a bill that the U.S. Government is looking at regarding "Wild and Scenic York River".

M. Citizens' Forum

Public Comment: None

Adjourn

Moved by Mr. Macdonald, seconded by Mr. Speers to adjourn the meeting at 9:58PM. Without objection, so ordered.