

**BOARD OF SELECTMEN'S  
MEETING AGENDA  
6:00PM/7:00PM MONDAY, FEBRUARY 27, 2017  
YORK PUBLIC LIBRARY**

**6:00PM Executive Sessions:**

- Title 1 MRS §405.6.A (Personnel – Town Manager's annual review)
- Title 1 MRS §405.6.D (Collective Bargaining)

**Present:** Chairman Robert E. Palmer, Jr., Todd A. Frederick, Michael L. Estes, Dawn Sevigny-Watson, Town Manager Stephen H. Burns, and Director of Human Resources Liam Gallagher.

**Absent:** Jonathan O. Speers

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to enter into executive session. Without objection so ordered.

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to exit out of executive session. Without objection, so ordered.

**7:00PM Regular Meeting**

**Present:** Chairman Robert E. Palmer, Jr., Todd A. Frederick, Michael L. Estes, Dawn Sevigny-Watson, Town Manager Stephen H. Burns, and members of the press and public.

**Absent:** Jonathan O. Speers

**Call to Order**

Chairman Robert E. Palmer, Jr. called the meeting to order at 7:00PM.

**Pledge of Allegiance**

**A. Minutes**

1. December 12, 2016 Meeting Minutes
2. January 9, 2017 Meeting Minutes
3. January 23, 2017 Meeting Minutes
4. February 16, 2017 Meeting Minutes

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to approve the December 16, 2016, January 9, 2017, January 23, 2017 and February 16, 2017 Meeting Minutes. Vote 4-0, motion passes.

**B. Chairman's Report**

**C. Manager's Report**

Town Manager Burns announced that Nomination Papers are available for Selectmen, School Committee, Budget Committee and Utility District Trustees elections at the May Referendum; those papers must be returned by April 4. The Notice of Road Postings is starting February 27, any questions please call Public Works.

**D. Awards**

1. Bid Award – Police Station Replacement Roof at 36 Main Street

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to award the bid for reroofing the police station at 36 Main Street to Superior Roofing in the amount of \$24,400. Vote 4-0, motion passes.

**E. Reports**

1. Chief Bracy – Microwave Communications Capital Project
2. Chief Bracy – Police Station Status
3. Energy Steering Committee – LED Streetlight Project

**F. Citizens' Forum** – The Citizens' Forum is open to any member of the audience for comments on any matter. 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: Dan Raposa  
Michael Kaufman  
Ed MacGorman  
Dennis O'Connor

**G. Public Hearings**

1. New Business Licenses: Wicked Mini Donuts (7 York Street), Burrito Betty's (2 US Route One)

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to open the public hearing. Without objection, so ordered.

Public Comment: None

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to close the public hearing. Without objection, so ordered.

## 2. Ordinance Amendments

*Regarding proposed ordinance amendments: Following this hearing the Board may terminate a proposal, refer it elsewhere for further work, schedule it for a second public hearing with or without amendment, or place it on the ballot for voter consideration.*

- a. Ordinance Establishing a Moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs
- b. Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to open the public hearing. Without objection, so ordered.

Public Comment: Julie Eniman  
Ron Fousek

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to close the public hearing. Without objection, so ordered.

- c. Article 9 - Green Buildings
- d. Shellfish Conservation Ordinance
- e. Short Term Residential Rentals
- f. Business Licensing Ordinance
- g. Article 8 - Shoreland Overlay District

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to open the public hearing. Without objection, so ordered.

Public Comment: Amy Phalon, Planning Board Chair  
Kathleen Kluger, Planning Board  
Leeann Leoni  
Olivia Waterhouse  
Fred Knox  
Magdalene Kane  
Barbara Campbell  
Rob Crossley  
Mike Ouellet  
Al Cotton

John Beckwith  
Ed McKenna

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to close the public hearing. Without objection, so ordered.

#### **H. Endorsements**

Business Licenses: Ocean Hospitality, Inc. DBA: Best Western York Inn (innkeeper); located at 2 Brickyard Lane, Hannaford Bros. Co., LLC DBA: Hannaford Food and Drug #8384 (Food Service); located at 5 Hannaford Drive, John and Gail Stacy DBA: Flo's Take-Out (Food Service); located at 1359 US Route One, Jervis Allen DBA: Jamaican Jerk Center (Food Service, Dance Hall); located at 1400 US Route One, Edward and Deborah Flanagan DBA: Rossi's Italian Bakery (Food Service); located at 647 US Route One, Joseph Hogan DBA: Sentry Hill (Food Service); located at 2 Victoria Court, Anthony Sienicki DBA: Tj's (Bed and Breakfast); located at 1287 US Route One.

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to approve the following business licenses: Ocean Hospitality, Inc. DBA: Best Western York Inn (innkeeper); located at 2 Brickyard Lane, Hannaford Bros. Co., LLC DBA: Hannaford Food and Drug #8384 (Food Service); located at 5 Hannaford Drive, John and Gail Stacy DBA: Flo's Take-Out (Food Service); located at 1359 US Route One, Jervis Allen DBA: Jamaican Jerk Center (Food Service, Dance Hall); located at 1400 US Route One, Edward and Deborah Flanagan DBA: Rossi's Italian Bakery (Food Service); located at 647 US Route One, Joseph Hogan DBA: Sentry Hill (Food Service); located at 2 Victoria Court, Anthony Sienicki DBA: Tj's (Bed and Breakfast); located at 1287 US Route One, all subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

#### **I. Old Business**

##### **1. Discussion & Possible Action: Ordinance Amendments**

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to place the posted proposed Shellfish Conservation Ordinance on the May 21, 2017 Special General Referendum Ballot. Vote 4-0, motion passes

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to forward the Ordinance Prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs to a second hearing. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Fredrick to not place the posted proposed Short Term Residential Rentals Ordinance on the May 21, 2017 Special General Referendum Ballot. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to place the posted proposed amendment to Article 9 – Green Buildings on the May 21, 2017 Special General Referendum Ballot. Vote 3-1, Mr. Estes against, motion passes.

2. Discussion & Possible Action: Capital Budget

Town Manager Burns discussed with the Board of Selectmen, their option for the Capital Budget, including the 40 acre property on Route One that the State offered to the Town for \$1,000,000 without any restrictions, or for \$625,000 with a restriction that the property be used only for governmental non-commercial uses. The Board was supportive of the \$1,000,000 option for the Route One Property.

3. Discussion & Possible Action: Real Estate – MDOT Route One Facility

This item was discussed during the Capital Budget discussion.

4. Discussion & Possible Action: Ellis Short Sands Park

Moved by Ms. Sevigny-Watson, seconded by Mr. Palmer to appoint Mr. Frederick and Mr. Estes to form an ad hoc subcommittee to work with Town staff to solicit public input, to re-negotiate the 1979 agreement, and to bring a draft back to the Board for its consideration. Vote 4-0, motion passes.

J. New Business

K. Future Agendas

L. Other Business

M. Citizens' Forum

Public Comment: None

Adjourn

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to adjourn the meeting at 10:35PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery  
Assistant to the Town Manager