

**SELECTMEN'S MEETING**  
**5:00/6:00 P.M. MONDAY FEBRUARY 28th 2011**  
**YORK LIBRARY**

**Attendees:** Michael L. Estes, Mary Andrews, Tracy Jackson-McCarty, Edward W. Little, Robert G. Yandow, Town Manager Kathryn Danylik, Recorder and Members of the Press & Public.

**5:00 PM-**Selectmen's Policy Review

The Board met to continue their review of the Selectmen's Policy Book.

**Call to Order-** Chairman Jackson-McCarty called the meeting to order at 6:00 PM.

**Pledge of Allegiance**

**6:00 PM-**Joint meeting with the Planning Board

The Planning Board and the Board of Selectmen held a quarterly meeting where they continued their discussion on the York Beach re-zoning project. The Planning Board stated that they are in the 4<sup>th</sup> phase of the project and they hope to start writing Comprehensive Plan amendments for November 2011. The Planning Board is proposing new uses for 4 zones. These zones would be an overlay to the base zones. The overlay could give us the opportunity to bring in some new tools for some different development options.

The Board of Selectmen provided their input on the work that the Planning Board has done. The Board congratulated the Planning Board on their hard work and think that they are on the right track. The Planning Board will take the comments from the Board of Selectmen and continue to work on this project and will come back to the Board at another date to present more detail on the proposed zones and what changes in uses are proposed for the Comprehensive Plan.

**A. Minutes**

-February 14th, 2011 Selectmen's Meeting Minutes

Moved by Ms. Andrews and seconded by Mr. Estes to approve the February 14<sup>th</sup> 2011 Selectmen's Meeting Minutes. Without objection so ordered.

## **B. Chairman's Report**

-Chairman Jackson-McCarty reported that we are still looking for applicants to participate on the York Village Subcommittee. There is currently and opening for two York Village residents and 1 citizen at large. Please contact the Town Manager's office for more information and for an application.

## **C. Manager's Report**

-Mr. Yandow stated that nominations papers for elected officials are available in the Town Clerk's office. The following positions are available: two Selectmen, one Moderator, one York Water District Trustee, one Sewer District Trustee, two budget committee members, and one School Committee member. Nomination papers must be returned the Town Clerk by April 6<sup>th</sup>.

Mr. Yandow congratulated the York High School Girls Hockey Team for making it to the State Championship game and to the York High School Girls Basketball team for making it to the Western Maine Championship game.

Mr. Yandow stated the Municipal Building Committee will be having their first public hearing on the proposed new police station on Thursday, March 17<sup>th</sup> at 7:00 PM at the York Library.

My. Yandow reported that the Board of Selectmen will be meeting three times in March: March 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup>.

## **D. Awards**

### 1. Police Cruiser Bid

Moved by Ms. Andrews and seconded by Mr. Little to award the bid for a 2011 Chevrolet Tahoe police vehicle to Quirk Ford in the amount of \$22,745 and to award the bid for a 2011 Ford Crown Victoria police vehicle to Quirk Ford in the amount of \$15,673. Vote 4-0 motion passes.

## **E. Reports**

### 1. Mt. Agamenticus Conservation Annual Report

Robin Kerr, Mt. Agamenticus Conservation Coordinator, reported to the Board of Selectmen the progress that was made at Mt. Agamenticus last year. Major progress was made in upgrading the trail system beyond the Mt. Agamenticus 1<sup>st</sup> Hill area along with a major achievement in identification, construction, and the installation of a standard trailhead signage system. There were also valuable contributions and accomplishments made to improve the trail system, assist in public outreach, and progression on turning the lodge into an educational center. The work that is done by the Mt. Agamenticus Conservation Program ensures that water quality and wildlife habitat continue to be protected while visitor experience, safety, and awareness are improved within a sustainable trail system.

**F. Citizens Forum** - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. 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: Charles Stacey

**G. Approval of Warrant #35**

Moved by Mr. Estes and seconded by Ms. Andrews to approve Warrant #35. Without objection so moved.

**H. PUBLIC HEARINGS**

**1. May 2011 Ordinance Amendments:**

Moved by Mr. Estes and seconded by Mr. Little to open the public hearing on the May 2011 Ordinance Amendment.

Ord-1 Change Language about the Date of Application Approval

Public Comment: None

Ord-2 Revise the Historic Site Boundary at the Town Farm

Public Comment: None

Ord-3 Define Commercial Functions

Public Comment: None

Ord-4 Amend the Farm Enterprise Overlay District

Public Comment: Tom Blaisdell  
Charles Stacey

Ord-5 Amend the Standards for First Time Septic Variances

Public Comment: None

Ord-6 Repeal the Short Sands Park Ordinance

Public Comment: None

Ord-7 Establish Criteria for Emergency Beach Closure

Public Comment: None

Ord-8 Amend the Business Directional Sign Ordinance

Public Comment: None

Ord-9 Amend the Supplemental Building Ordinance

Public Comment: None

Ord-10 Adopt a Property Assessed Clean Energy (PACE) Ordinance

Public Comment: Eric Hopkins

George ???  
Paul McGowen

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

**I. ENDORSEMENTS**

**License Applications**

- W. Mark Foster/Stage Neck Inn, Inc dba Stage Neck Inn (Victualers, Liquor, Special Amusement)
- John and Gail Stacy dba Flo's Take Out (Victualers)
- Harris Island Corp dba Dockside Restaurant & Guest Quarters (Victualers, Liquor, Bed and Breakfast)
- Paul Karoutas dba York House of Pizza (Victualers)
- Kenneth D. Heavner dba Cape Neddick Inn (Victualers, Liquor, Special Amusement)
- Cliff Realty dba The Grille at Cape Neddick Country Club (Victualers, Liquor, Special Amusement)

Moved by Mr. Little and seconded by Ms. Andrews to approve the license applications for W. Mark Foster/Stage Neck Inn, Inc dba Stage Neck Inn (Victualers, Liquor, Special Amusement), John and Gail Stacy dba Flo's Take Out (Victualers), Harris Island Corp dba Dockside Restaurant & Guest Quarters (Victualers, Liquor, Bed and Breakfast), Paul Karoutas dba York House of Pizza (Victualers), Kenneth D. Heavner dba Cape Neddick Inn (Victualers, Liquor, Special Amusement), Cliff Realty dba The Grille at Cape Neddick Country Club (Victualers, Liquor, Special Amusement), subject to taxes, fees, and inspections being current and compliant. Vote 4-0 motion passes.

**J. Old Business**

-Ms. Andrews reported on complaints about Time Warner and suggested that people call Time Warner and inform them that they are thinking of leaving Time Warner and at times they will give a better rate.

-The Board also encourages people to attend the Cable TV Regulatory Commission meeting. The Next one will be held in April. The Meeting will be posted on the public meeting schedule.

**K. New Business**

1. Discussion and approval of Proposed Ordinance Amendments and forward to the Second Public Hearing that will be held March 28<sup>th</sup>, 2011.

**Ord-1** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-1 Change Language About the Date of Application Approval forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

**Ord-2** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-2 Revise the Historic Site Boundary at the Town Farm forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

**Ord-3** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-3 Define Commercial Functions forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

**Ord-4** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-4 Amend the Farm Enterprise Overlay District forward to the second public hearing scheduled for March 28<sup>th</sup>. Moved by Ms. Andrews and seconded by Mr. Little to amend the motion to include current language with a change to the second paragraph to include a threshold of 50 people. Vote 4-0 motion passes.

**Ord-5** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-5 Amend Standards for First Time Septic Variances forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

**Ord-6** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-6 Repeal the Short Sands Park Ordinance forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

**Ord-7** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-7 Establish Criteria for Emergency Beach Closure forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

**Ord-8** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-8 Amend the Business Direction Sign Ordinance forward to the second public hearing scheduled for March 28<sup>th</sup>. Moved by Ms. Andrews and seconded by Mr. Estes to amend B.3 and add the word "new" before business. Vote 4-0 motion passes.

**Ord-9** Moved by Ms. Andrews and seconded by Mr. Estes to move Ord-9 Amend the Supplemental Building Ordinance forward to the second public hearing scheduled for March 28<sup>th</sup>. Moved by Ms. Andrews and seconded by Mr. Estes to amend the statement of fact and remove the word retroactive. Vote 4-0 motion passes.

**Ord-10** Moved by Ms. Andrews and seconded by Mr. Little to move Ord-10 Adopt a Property Assessed Clean Energy (PACE) Ordinance forward to the second public hearing scheduled for March 28<sup>th</sup>. Vote 4-0 motion passes.

## **2. Cape Neddick River Discussion**

Steve Burns, Community Development Director, reported to the Board that the Code Enforcement Office is currently working with neighborhoods to enforce septic pumping in the Cape Neddick Water Shed area. They will eventually branch out to other areas but they are focusing on the watershed at this time. There has also been a Cape Neddick Beach Task Force formed to work with the

Cape Neddick Beach Management Plan and to work toward a clean and healthy beach.

On January 6<sup>th</sup>, 2011 members of the Cape Neddick River Association made a presentation to the Board of Selectmen concerning water quality in the Cape Neddick River. As part of that presentation the Cape Neddick River Association made several requests to the board including the request for \$10,000 to fund technical assistance, scientific advising, and grant writing and outreach. At this point it is too late to request funding on the FY 12 budget however if the Board deems appropriate the request could be funded out of the Selectmen's Contingency Account.

The Board of Selectmen asked that the Cape Neddick River Association come up with a plan to figure out what needs to be done to fix the problem as opposed to more testing and survey taking. The Board would like to see some action taken and a plan developed for the short term and long term solutions before any funding is allocated. The Board suggested that an RFP be put together in order to hire a company to come in and look at the data that we have and provide us with some guidance on what to do next and the cost will be. Once the RFP's are received the Board will be able to make an informed decision on what the next steps are and money could be allocated. The Board would like to see it examined from a few different perspectives, including what a phase system would look like rather than the all or nothing approach.

### **3. Adoption of Selectmen's Ethics Policy**

Moved by Ms. Andrews and seconded by Mr. Estes to adopt the Selectmen's Ethics Policy as amended. Vote 4-0 motion passes.

### **4. Property Redemption Requests for:**

**-801 US Route 1 C3-**Moved by Mr. Estes and seconded by Mr. Little to approve the redemption of Map 0094/Lot 0011 A 00C3: 801 US Route 1 C3, as requested, on the condition that all taxes, interest, and administrative costs are paid in full no later than April 30<sup>th</sup>, 2011. Vote 4-0 motion passes.

**-10 Tenney Rose Lane-** Moved by Mr. Estes and seconded by Mr. Little to approve the redemption of Map 0034/Lot 0003: 10 Tenney Rose Lane, as requested, on the condition that all taxes, interest, and administrative costs are paid in full no later than April 30<sup>th</sup>, 2011. Vote 4-0 motion passes.

**-7 Ledge Pasture Lane-** Moved by Mr. Estes and seconded by Mr. Little to approve the redemption of Map 0002/Lot 0004: 7 Ledge Pasture Lane, as requested, on the condition that all taxes, interest, and administrative costs are paid in full no later than April 30<sup>th</sup>, 2011. Mr. Estes amended his motion and Mr. Little seconded it to allow the former owner 6 months to pay the outstanding amount. Vote 4-0 motion passes.

**-184 Mountain Road-** Moved by Mr. Estes and seconded by Mr. Little to approve the redemption of Map 0096/Lot 0036 F: 184 Mountain Road, as requested, on the condition that all taxes, interest, and administrative costs are paid in full no later than April 30<sup>th</sup>, 2011. Vote 4-0 motion passes.

**L. Other Business**

**Adjourn**

Moved by Ms. Andrews and seconded by Mr. Little to adjourn at 11:00 PM.

Respectfully Submitted By:

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Kathryn Danylik, Recorder