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Long Island Maine - Minutes of Annual Town Meeting - Saturday May 13, 2017

Long Island, Me.

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**MINUTES OF ANNUAL TOWN MEETING
Saturday – May 13, 2017**

85 Voters Present

Town Clerk brought meeting to order at 8:00AM.
Public announcements were heard.
Town Clerk read the Warrant and Return on Warrant.

Article 1. To choose a moderator by written ballot to preside at said meeting.

Nomination for Mark Greene made by Bob Jordan

Vote: Mark Greene – 5

Town Clerk swore in Moderator

Opening statement by Moderator

Motion made by Marie Harmon to move Articles 2 – 61

2nd by John Condon

Selectmen agreed unanimously - no objections to Selectmen moving/seconding each article

Pledge of Allegiance

Motion made by Jim Wilber to allow the public to speak

2nd by Meredith Sweet

Vote: U

Ralph Sweet will serve as Deputy Moderator as needed - sworn in by Moderator

Article 2. To see if the Town will vote to authorize the Board of Selectmen to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S.A. {2953.

Vote: U -1

Article 3. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to procure a loan or loans in anticipation of taxes, such loan or loans (principal and interest) to be repaid during the municipal year out of money raised from municipal year taxes.

The Finance Committee recommends a “YES” vote.

Vote: U

Article 4. To see if the Town will vote to authorize and direct the Board of Selectmen to screen and approve or appoint Sheriff’s Deputies and/or Constables for the fiscal year 2017-2018.

Vote: U

Article 5. To see if the Town will vote that the Town tax is due on September 15, 2017 and is payable in two (2) installments on September 15, 2017 and March 15, 2018 and to set the interest rate to be charged for late payments 7% per year.

The Finance Committee recommends a “YES” vote.

Vote: U

Article 6. To see if the Town will vote to authorize the Tax Collector to accept tax money in advance of receiving the tax commitment from the assessors. The Town will pay no interest on these advance payments.

The Finance Committee recommends a “YES” vote.

Vote: U

Article 7. To see if the Town will vote to authorize the Board of Selectmen and the School Committee to accept, on behalf of the Town: gifts, donations and contributions in the form of money, personal services and materials. Said gifts will be for the benefit of the Town, its government including legal departments and public facilities thereof, for the purpose of aiding and enhancing the delivery of public services. Said gifts to be without conditions and not require the voters to raise additional maintenance monies.

The Finance Committee and School Committee recommend a “YES” vote.

Vote: U

Article 8. To see if the Town will authorize the Board of Selectmen and the School Committee, on behalf of the Town, to secure grants, funds and other available revenues from the state, federal and other agencies and sources and authorize the expenditure of said dedicated funds provided that such grants, funds and other revenues do not require expenditure of Town funds not previously appropriated.

The Finance Committee and School Committee recommend a “YES” vote.

Vote: U

Article 9. To see if the Town will vote to authorize the Selectmen to borrow or appropriate from un-appropriated surplus as they deem advisable to meet unanticipated expenses and emergencies that occur during fiscal year 2017-2018.

The Finance Committee recommends a “YES” vote.

Vote: U

Article 10. To see if the Town will vote to set the interest rate to be paid by the Town on abated taxes at 5% for the 2017-2018 fiscal year.

Vote: U

Article 11. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to enter into multi year contracts with various service providers, for a period not to exceed 3 years.

Vote: U

Article 12. To see what sum of money the Town will vote to raise and appropriate for compensation for Town Officers, Appointees, and Professional Assistance.

The Finance Committee recommends:	
Selectmen (3)	\$ 9,900
(Chair)	\$ 2,030
Parklands/Beaches	\$ 817
Wharves/Floats/Public Buildings	\$ 3,100
Assessing/Map Updates	\$ 1,107
Town Clerk	\$16,626
Treasurer	\$17,795
Tax Collector	\$16,626
Office Assistant/Deputy	\$ 7,500
Administrative Assistant	\$ 2,955
Town Hall Employee Benefits	\$ 5,000
Code Enforcement Officer	\$11,123
Animal Control Officer	\$ 1,059
Harbormaster	\$ 1,059
Town Meeting Moderator	\$ 100
Social Services Director	\$ 264
Recreation Director	\$ 4,434
Payroll Taxes	\$12,102
Town Administrator	\$16,066
Health Officer	\$ 264
Island Fellow Contribution	\$ 8,000
Town Annual Audit	\$ 9,000
Town Counsel	\$11,000
Tax Assessor	\$ 2,000
Additional Professional Assistance	\$ 4,000
Lawn Mowing Contract	\$10,900
LICLOC	\$ 5,000
TOTAL	\$179,327

Vote: U -1

Article 13. To see what sum of money the Town will vote to raise and appropriate for Town government administration.

The Finance Committee recommends:	
Town Government Administration	\$111,454

Vote: U

Articles 14 through 24 Authorize Expenditures in Education Cost Center Categories.

Article 14. To see what sum the Town of Long Island will authorize the School Committee to expend for **REGULAR INSTRUCTION.**

School and Finance Committees Recommend \$324,051

Vote: U

Article 15. To see what sum the Town of Long Island will authorize the School Committee to expend for **SPECIAL EDUCATION.**

School and Finance Committees Recommend \$30,257

Vote: U

Article 16. To see what sum the Town of Long Island will authorize the School Committee to expend for **TECHNICAL EDUCATION.**

School and Finance Committees Recommend \$0

Vote: U

Article 17. To see what sum the Town of Long Island will authorize the School Committee to expend for **OTHER INSTRUCTION.**

School and Finance Committees Recommend \$0

Vote: U

Article 18. To see what sum the Town of Long Island will authorize the School Committee to expend for **STUDENT AND STAFF SUPPORT.**

School and Finance Committees Recommend \$10,500

Vote: U

Article 19. To see what sum the Town of Long Island will authorize the School Committee to expend for **SYSTEM ADMINISTRATION.**

School and Finance Committees Recommend \$35,170

Vote: U

Article 20. To see what sum the Town of Long Island will authorize the School Committee to expend for **SCHOOL ADMINISTRATION.**

School and Finance Committees Recommend \$20,195

Vote: U

Article 21. To see what sum the Town of Long Island will authorize the School Committee to expend for **TRANSPORTATION AND BUSES.**

School and Finance Committees Recommend \$22,400
Vote: U

Article 22. To see what sum the Town of Long Island will authorize the School Committee to expend for **FACILITIES MAINTENANCE.**

School and Finance Committees Recommend \$42,417
Vote: U

Article 23. To see what sum the Town of Long Island will authorize the School Committee to expend for **DEBT SERVICE.**

School and Finance Committees Recommend \$0
Vote: U

Article 24. To see what sum the Town of Long Island will authorize the School Committee to expend for **ALL OTHER EXPENDITURES.**

School and Finance Committees Recommend \$9,845
Vote: U

ARTICLES 25 AND 26 RAISE FUNDS FOR THE PROPOSED SCHOOL BUDGET

Article 25. To see what sum the Town of Long Island will appropriate for the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends **\$230,804.87**) and to see what sum the Town of Long Island will raise as its contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Act in accordance with Maine Revised Statutes, Title 20-A, section 15688.

The School and Finance Committees Recommend \$225,834.87
Vote: U

Explanation: The Town's contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars minus General Purpose Aid, which this year is projected to be \$4,970.

ARTICLE 26 IS REQUIRED TO HAVE AN ACCURATE RECORDED HAND COUNT

Article 26. Shall the Town of Long Island raise and appropriate **\$229,100.13** in additional local funds, which exceeds the State's Essential Programs and Services funding model by **\$269,000.13** as required to fund the budget recommended by the School Committee?

The School and Finance Committees recommend **\$219,100.13** for additional local funds and gives the following reasons for exceeding the State's Essential Programs and Services funding model by **\$264,030.13**: EPS does not fully support all the necessary costs of a K-12 educational program, such as: (1) Special Education cost (2) transportation and bus costs and (3) escalating fuel and electricity costs.

Vote: Yes - 65 No - 0

Explanation: The additional local funds are those locally raised funds over and above the Town's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town budget for educational programs.

ARTICLE 27 SUMMARIZES THE PROPOSED SCHOOL BUDGET

Article 27. Shall the Town authorize the School Committee to expend **\$494,835.00** for the fiscal year beginning July 1, 2017 and ending June 30, 2018 from the Town's contribution to the total cost of funding public education from Kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional

local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools?

The School and Finance Committees Recommend \$494,835.00.

Vote: U

Explanation: This is a summary article and approves expenditures of the proposed budget of \$494,835.00. This article authorizes the School Committee to spend the money appropriated in the previous articles, plus other revenues. This article does not raise any additional money

Article 28. Shall the Town vote to appropriate the following Revenues, Balances Carried and Fund Transfers, to cover the expenditures appropriated in the previous articles? Remaining funding required to be raised by taxation.

School Undesignated Fund Balance	\$36,233
Tuition	\$21,000
REAP Federal Grant Funds	\$18,000
School Nutrition Revenues	\$ 450
State School Nutrition Reimbursement	\$ 400
General Purpose Aid (estimated)	\$ 4,970
Total	\$81,053

The School and Finance Committee Recommend Adoption

Vote: U

Article 29. To see what sum the Town will vote to raise and appropriate for the Long Island Community Library operating costs.

The Finance Committee recommends:	\$ 5,000
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Vote: U

Article 30. To see what sum of money the Town will vote to raise and appropriate for insurance.

The Finance Committee recommends:	
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Insurance	\$ 29,869
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Vote: U

Article 31. To see what sum of money the Town will vote to raise and appropriate for Public Safety.

The Finance Committee recommends:	
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Police	\$ 36,045
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Fire and EMS	\$124,123
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Rescue Boat	\$ 11,691
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Emergency Preparedness	\$ 2,250
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TOTAL	\$174,109
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Vote: U

Article 32. To see what sum of money the Town will vote to raise and appropriate for Public Works.

The Finance Committee recommends:	
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Public Works	\$122,900
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Vote: U

Article 33. To see what sum of money the Town will vote to raise and appropriate for Solid Waste.

The Finance Committee recommends:	
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Solid Waste	\$ 92,526
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Vote: U

Article 34. To see what sum of money the Town will vote to raise and appropriate for Social Services.

The Finance Committee recommends:	
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Social Services	\$ 1,250
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Vote: U

Article 35. To see what sum of money the Town will vote to raise and appropriate for the Recreation Committee.

The Finance Committee recommends:	\$ 23,350
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Vote: U

Article 36. To see what sum of money the Town will vote to raise and appropriate for the Community Center facility costs.

The Finance Committee recommends:	\$ 13,230
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Vote: U

Article 37. To see what sum of money the Town will vote to raise and appropriate for the Cemetery operations.

The Finance Committee recommends:	\$ 8,300
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Vote: U -1

Article 38. To see what sum of money the Town will vote to raise and appropriate for Capital Debt Service.

The Finance Committee recommends:	
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Capital Debt Service	\$ 93,735
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Vote: U

Article 39. To see if the Town will vote to appropriate, for the fiscal year beginning 1-July-2017 and ending 30-June-2018, all revenues, grants, fees and undesignated surplus, for the purpose of reducing 2017-2018 tax commitment.

The Finance Committee recommends:	
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Revenues, Fees & Grants	\$155,779
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Audited 15-16 Surplus	\$ 54,548
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Vote: U

Article 40. To see what sum of money the Town will vote to raise and transfer to the Minimum Balance Set Aside with the condition that it be used to maintain the mil rate established at Town Meeting.

The Finance Committee recommends:	\$ 7,500
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Vote: U

Article 41. To see what sum of money the Town will vote to raise and appropriate for Social Service Referrals.

The Finance Committee recommends:	
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Social Service Referrals	\$ 0
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Vote: U

Article 42. To see if the Town will vote to authorize 2016-2017 CIP Surplus to be transferred to CIP Reserve Fund.

The Finance Committee recommends a “YES” vote.

Vote: U

Article 43. To see what sum of money the Town will vote to transfer from the CIP Reserve Fund and appropriate for 2017-2018 Capital Improvement Projects.

The Finance Committee recommends:	\$ 0
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Vote: U

Article 44. To see what sum of money the Town will vote to raise and appropriate for the Capital Improvement Project Reserve Fund.

The Finance Committee recommends:	\$ 5,800
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Vote: U

Article 45. To see what sum the Town will vote to raise and appropriate for capital spending.

The Finance Committee recommends:	\$ 0
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Vote: U

Article 46. To see what sum the Town will vote to raise and appropriate for the Teacher Deferred Compensation Fund.

The School Committee and Finance Committee Recommend:	\$ 1,500
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Vote: U

Article 47. To see what sum the Town will vote to transfer from the Animal Control Officer Fund and appropriate for 2017-2018 Animal Control Officer Expenses.

The Finance Committee recommends:	\$ 250
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Vote: U

Article 48. To see what sum the Town will vote to raise and appropriate for a Snow Plowing Reserve that can be used for snow plowing in FY 2018 should the FY 2018 plowing costs exceed budget. Any funds remaining in the reserve after the winter of 2018, will remain in the reserve.

The Finance Committee recommends:	\$ 15,000
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Vote: U

Recess: President of LICA will present the 2017 Francis “Tiny” Murphy Civic Award
Awarded to Amy Tierney

Article 49. To see if the Town will vote to amend the following Town of Long Island Municipal Fees to be effective July 1, 2017: (note: strikethrough text would be deleted - underlined text to be added)

****COMMUNITY CENTER BUILDING****

Historical Society Space (per year)	\$700
Pottery Room Rental (per year)	\$200

Rental Fees:

Town Depts./Associations/LICA	No Fee
& Island Non-Profit Groups	No Fee
Rental Deposit	\$50
Private Events/Off Isl. Groups	\$200

Non-Commercial/Community Purposes

Rental \$300 1st Day/\$150 Additional Days
(may be waived or reduced by the Board of Selectmen for charity/community events)
Cleaning/Mgt. \$150/Day

Wedding – Resident/Property Owner

Rental \$1,000 ~~1st 2 days/\$150~~ \$250 Additional Days
Cleaning/Mgt. \$250

Wedding – Non-Resident/Non-Property Owner

Rental \$2,500/\$250 Additional Days
Cleaning/Mgt. \$250

Non-Island Users

Rental \$400/\$150 Additional Days
Cleaning/Mgt. \$150

Commercial Users

~~Negotiable up to \$1,000/Day~~
Cleaning/Mgt. \$150

Late cleanup fee \$150

Additional Fees:

Day before Event Fee	\$25
Day after Event Fee	\$25
Optional Table & Chair	
Set up/breakdown fee	\$75
Tables (per table)	\$5
Metal Chairs (per chair)	\$1
Padded Chairs (per chair)	\$2
Clean Up Fee	\$75

Program Fees:

TBE by Recreation Director

****TOWN VFW HALL****

Non-Commercial/Community Purposes

Rental \$300 1st Day/\$150 Additional Days

(may be waived or reduced by the Board of Selectmen for charity/community events)

Cleaning/Mgt. \$150/Day

Wedding – Resident/Property Owner

Rental \$1,000 ~~1st 2 days/\$150/~~ \$250 Additional Days

Cleaning/Mgt. \$250

Wedding – Non-Resident/Non-Property Owner

Rental \$2,500/\$250 Additional Days

Cleaning/Mgt. \$250

Non-Island Users

Rental \$400/\$150 Additional Days

Cleaning/Mgt. \$150

Commercial Users

Negotiable up to \$1,000/Day

Cleaning/Mgt. \$150

Late cleanup fee \$150

Motion made by Meredith Sweet to amend to delete Historical Society Space fee of \$700

2nd by Penny Murley

Vote: U -1

Motion made by Chris Papkee to amend to delete Pottery Room Rental fee of \$200

2nd by Alanna Rich

Motion made by Louis Papkee to move the pending question

2nd by Chris Papkee

Vote: Carries by 2/3 on moving the pending question

Vote: Fails U -12 on this amendment

Motion made by Annie Donovan to amend to remove "(may be waived or reduced by the Board of Selectmen for charity/community events)" from Community Center Building & Town VFW Hall under "Non-Commercial/Community Purposes" to above title of Community Center Building (as

listed on this warrant) so that all fees under Community Center Building & Town VFW Hall "may be waived or reduced by the Board of Selectmen for charity/community events"

2nd by Bob Jordan

Motion made by Tom Hohn to move the pending question

2nd by Bob Jordan

Vote: U on moving the pending question

Vote: U -2 on this amendment

Vote on Article 49 as amended: U

Article 50. To see if the Town will vote to amend the following Town of Long Island Transfer Station Fees to be effective July 1, 2017: (Note: strikethrough text would be deleted and underlined text to be added)

Wood/Const. (per cy) – Commercial ~~\$55~~ \$80

Metal/Debris (per cy) – Commercial ~~\$33~~ \$50

Vote: U -4

Article 51. Shall the Town authorize the Board of Selectmen to enter into a Purchase and Sale Agreement of the former Generator Building located at 470 Island Avenue in an amount of \$25,000?

The Finance Committee and the Board of Selectmen recommend a "YES" vote.

Motion made by Joe Donovan to move the pending question

2nd by Sam Whitener

Vote: Passes with 2/3 to move the pending question

Request for written ballot fails by 2/3

Vote on Article 51: Yes - 37 No - 34

Explanation: The "Generator Building" is a 3,500 sq. ft. cement block constructed building circa 1943 with a wood-framed roof. The exterior has no doors or windows (boarded up). The interior is poured cement floors with pits from the generators and piping that has been removed. There is no insulation, power, water or septic. At the 2014 Town Annual Meeting, the voters authorized through Article 55 the Board of Selectmen to solicit proposals for the Wharf Street Garage Bays, the Marine Building and the Generator Building.

Municipal Resources, Inc. of Concord, NH assisted the Town with the Request for Proposal (RFP) process. Two letters for the Generator Building, indicating an interest with unspecified terms, were received. One of those two people subsequently withdrew from further consideration in the disposal process.

In October of 2016, the remaining interested party submitted a bid in the amount of \$25,000. Sale of this property would relieve the Town of any maintenance responsibilities and future liabilities, as well as return the property to the tax rolls.

Article 52. Shall the Town vote that if the above **Article 51** passes and the sale of property goes through, to have proceeds from this sale be placed into the CIP Reserve Fund?

Vote: U

Article 53. Shall the Town vote to a) approve a **handicapped bathing facility and clinic space construction project in the basement of the Long Island Learning Center, at a cost not to exceed \$95,000**; b) appropriate a sum not to exceed **\$95,000** to meet the cost; c) and fund the said appropriation by authorizing the Treasurer and Chairman of the Board of Selectmen to issue general obligation securities of the Town of Long Island, Maine (including temporary notes in anticipation of the sale thereof), in an aggregate principal amount not to exceed **\$95,000**, and the discretion to fix the date(s), maturity(ies), calls for redemption, place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Long Island, and to provide for the sale thereof, is hereby delegated to the Treasurer and Chairman of the Board of Selectmen.

The Finance Committee and the Board of Selectmen recommend a ‘YES’ vote.

**Motion made by Bob Jordan to move the pending question
2nd by Chris Papkee**

Vote: U on moving the pending question

Vote on Article 53: U -1

FINANCIAL STATEMENT
Estimated 04/01/2017

1. Total indebtedness:

A. Bonds outstanding and unpaid:

1. Cumberland County	\$127,200
2. School Lighting	\$ 5,000
3. CCRP #1	\$138,000
4. CCRP #2	\$252,000
5. Misc. FY2015 Projects	\$208,000
6. Roads Project	\$200,000
7. Misc. FY 2016 Projects	\$285,590

(#2-#7 reflect the amount of principal still outstanding on loans)

B. Bonds to be issued if this Article

Is approved: **\$ 95,000**

2. Costs:

At an estimated interest rate of **3.5%** for **20 year maturity**, the estimated costs of this bond issue will be:

Principal	\$ 95,000
Interest	<u>\$ 35,000</u>
Total New Debt Service	\$130,000

3. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bonds

issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Article 54. Shall the Town vote to a) approve the **purchase of a trash truck at a cost not to exceed \$100,000**; b) appropriate a sum not to exceed **\$100,000** to meet the cost; c) and fund the said appropriation by authorizing the Treasurer and Chairman of the Board of Selectmen to issue general obligation securities of the Town of Long Island, Maine (including temporary notes in anticipation of the sale thereof), in an aggregate principal amount not to exceed **\$100,000**, and the discretion to fix the date(s), maturity(ies), calls for redemption, place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Long Island, and to provide for the sale thereof, is hereby delegated to the Treasurer and Chairman of the Board of Selectmen.

The Finance Committee recommends a 'NO' vote.

**Motion made by John Lortie to move the pending question
2nd by Sam Whitener**

Vote: U -2 on moving the pending question

Vote on Article 54: Fails

FINANCIAL STATEMENT

Estimated 04/01/2017

4. Total indebtedness:

A. Bonds outstanding and unpaid:

1. Cumberland County	\$127,200
2. School Lighting	\$ 5,000
3. CCRP #1	\$138,000
4. CCRP #2	\$252,000
5. Misc. FY2015 Projects	\$208,000
6. Roads Projects	\$200,000
7. Misc. FY 2016 Projects	\$285,590

(#2-#7 reflect the amount of principal still outstanding on loans)

B. Bonds to be issued if this Article

Is approved: **\$100,000**

5. Costs:

At an estimated interest rate of **3.5%** for **10 year maturity**, the estimated costs of this bond issue will be:

Principal	\$100,000
Interest	<u>\$ 14,000</u>
Total New Debt Service	\$114,000

6. Validity:

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bonds

issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Article 55. Shall an ordinance entitled "Chapter 14 Land Use" be amended by adding the underlined language to "Article 7: Townwide Performance Standards - Section 7.16 - Paragraph A" as shown below?

7.16 Septic Inspections required at time of property title transfer. (Adopted May 5, 2001)

A. Prior to any title transfer of ownership of a lot containing a Subsurface Wastewater Disposal (SSWD) system or a structure connected to a SSWD system, the present owner of the property shall comply with the standards established in this section. A licensed Site Evaluator (SE) shall be hired, not at public expense, to test the SSWD system. The SSWD system will be tested with a standard die test, and the system evaluated to determine if it meets the standards in the Maine SSWD rules. The SE shall issue a written report of the findings, and a full copy of the report shall be forwarded to the Town by the seller/current owner within two weeks of the title transfer.

Vote: U

Article 56. Shall an ordinance entitled "Chapter 14 Land Use" be amended by moving jurisdiction for granting and denying applications for conditional uses from the Board of Appeals to the Planning Board by adding the underlined language and deleting the language in strikeover type as shown below?

ARTICLE 3: ZONING DISTRICT STANDARDS

Section 3.2.C. Conditional Uses:

The following uses are permitted only upon the issuance of a conditional use permit by the ~~Appeals Board~~ Planning Board, subject to the provisions of Article ~~13~~ 14 (~~Zoning Board of Appeals~~ Planning Board) of this chapter and any special provisions, standards or requirements specified below: ...

Section 3.3.C. Conditional Uses:

The following uses are permitted only upon the issuance of a conditional use permit by the ~~Appeals Board~~ Planning Board, subject to the provisions of Article ~~13~~ 14 (~~Zoning Board of Appeals~~ Planning Board) of this chapter and any special provisions, standards or requirements specified below: ...

Section 3.8.C. Conditional uses. The following uses are conditional uses in the recreation and open space zone, subject to approval by the ~~Board of Appeals~~ Planning Board. ...

Section 3.8.D. Standards for conditional uses. In addition to the criteria listed in Article ~~13~~ 14(~~Zoning Board of Appeals~~Planning Board), the Planning Board ~~board of appeals~~ shall consider the following criteria when reviewing conditional uses in the recreation and open space zone: ...

Section 3.9.C. Conditional Uses:

The following uses are permitted only upon the issuance of a conditional use permit by the ~~Appeals Board~~ Planning Board, subject to the provisions of Article ~~13~~ 14(~~Zoning Board of Appeals~~ Planning Board) of this Chapter and any special provisions, standards or requirements specified below: ...

Section 3.10.C. Conditional uses: The following uses are permitted only upon the issuance of a conditional use permit by the ~~Appeals Board~~ Planning Board, subject to the provisions of Article ~~13~~ 14(~~Zoning Board of Appeals~~ Planning Board) of this ~~article~~ chapter and any special provisions, standards or requirements specified below: ...

ARTICLE 7: TOWNWIDE PERFORMANCE STANDARDS

Section 7.10.D. A home occupation that is not listed in paragraph (C) of this section but is similar to and no more objectionable than those home occupations listed in that paragraph, shall be permitted as a conditional use subject to the requirements of this Article 7 (Townwide Performance Standards) and Article ~~13~~ 14 (Planning Board ~~Zoning Board of Appeals~~) of this chapter. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

Section 7.23.B.7. Prior to permitting an Accessory Dwelling Unit in either an existing structure or a new structure, the Board of Appeals shall require the applicant to hire a licensed Site Evaluator (SE), not at public expense, to certify that any existing subsurface wastewater disposal system (SSWD) proposed to be used, or a new system to be built, meets or will meet the current standards of the Maine State Plumbing Code Subsurface Wastewater Disposal Rules for the number of bedrooms being proposed for the structure. A full copy of the results shall be included in the Conditional Use Permit Application and submitted to the ~~Board of Appeals~~Planning Board.

ARTICLE 13: ZONING BOARD OF APPEALS

13.1 Jurisdiction and authority.

The board of appeals shall have the following jurisdiction and authority:

A. Subject to the provisions of section 13.4, to hear and decide appeals from, and review orders, decisions, determinations or interpretations made by the building authority;

B. Subject to the provisions of section 13.5, to hear and grant or deny applications for variances from the terms of this article;

~~C. Subject to the provisions of section 13.6, to hear and grant or deny applications for conditional uses, as specified in this article;~~

~~C.~~ D. To initiate changes and amendments to this Article 13.

13.3 Conduct of Hearings

C. Public hearings.

(2) Notice.

(b) In the case of hearings related to a use variance, or a nonconforming use, ~~or a conditional use~~ involving a particular parcel or tract of land, by mail to the owners of all the property within five hundred (500) feet of such parcel or tract;

~~13.6 Conditional uses~~

~~A. Authority: The board of appeals may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.~~

~~B. Procedure:~~

~~(1) Application: Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the selectmen to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the code enforcement officer but shall in all instances contain at least the following information and documentation:~~

~~a. The applicant's name and address and his or her interest in the subject property and a copy of the deed;~~

~~b. The owner's name and address if different than the applicant;~~

~~c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;~~

~~d. The zoning classification and present use of the subject property;~~

~~e. The particular provision of this article authorizing the proposed conditional use;~~

~~f. A general description of the proposed conditional use;~~

g. Where site plan approval is required by Article 10 (Site Plan Review), a copy of a site plan application that has been determined by the Planning Board to be complete as defined by Article 10 (Site Plan Review).

(Amended May 14, 2011)

(2) Public hearing. A public hearing shall be set at a reasonable place and time (not to exceed 60 days from receipt of a completed application for conditional use), advertised and conducted by the board of appeals in accordance with this Article 13 (Zoning Board of Appeals).

(3) Action by the board of appeals. Within thirty (30) days following the close of the public hearing, the board of appeals shall render its decision, in a manner and form specified by Article 13 (Zoning Board of Appeals), granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant.

C. Conditions for conditional uses:

(1) Authorized uses. A conditional use permit may be issued for any use listed as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

(2) Standards. Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;

b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

D. Conditions on conditional use permits. The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

E. Effect of issuance of a conditional use permit. The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the town, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

F. ~~Limitations on conditional use permits. No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.~~

G. ~~Appeals from board decisions. Appeals from any decision of the board of appeals or, where applicable, the planning board respecting a conditional use permit shall be to superior court.~~

ARTICLE 14: PLANNING BOARD

14.4 Conditional uses

A. Authority. The Planning Board may, subject to the procedures, standards and limitations set out in this section, approve the issuance of a conditional use permit authorizing development of conditional uses listed in this article.

B. Procedure:

(1) Application. Applications for conditional use permits shall be submitted to the building authority. A nonrefundable application fee, as established from time to time by the selectmen to cover administrative costs and costs of a hearing, shall accompany each application. The application shall be in such form and shall contain such information and documentation as shall be prescribed from time to time by the code enforcement officer but shall in all instances contain at least the following information and documentation:

- a. The applicant's name and address and his or her interest in the subject property and a copy of the deed;
- b. The owner's name and address if different than the applicant;
- c. The address, or chart, block and lot number as shown in the records of the office of the assessor of the subject property;
- d. The zoning classification and present use of the subject property;
- e. The particular provision of this article authorizing the proposed conditional use;

f. A general description of the proposed conditional use;

g. Where site plan approval is required by Article 10 (Site Plan Review), a copy of a site plan application that has been determined by the Planning Board to be complete as defined by Article 10 (Site Plan Review).

(2) Public hearing. A public hearing shall be set at a reasonable place and time (not to exceed 60 days from receipt of a completed application for conditional use), advertised and conducted by the Planning Board in accordance with the provisions in Article 10, Section 10.3(D)(10).

(3) Action by the Planning Board. Within thirty (30) days following the close of the public hearing, the Planning Board shall render its decision granting the application for a conditional use permit, granting it subject to conditions as specified in subsection (d), or denying it. The failure of the board to act within thirty (30) days shall be deemed an approval of the conditional use permit, unless such time period is mutually extended in writing by the applicant and the board. Within five (5) days of such decision or the expiration of such period, the secretary shall mail notice of such decision or failure to act to the applicant.

C. Conditions for conditional uses:

(1) Authorized uses. A conditional use permit may be issued for any use listed as a conditional use in the regulations applicable to the zone in which it is proposed to be located.

(2) Standards. Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;

b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and

c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

D. Conditions on conditional use permits. The Planning Board may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.

E. Effect of issuance of a conditional use permit. The issuance of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be

required by the codes and ordinances of the town, including but not limited to a building permit, a certificate of occupancy, subdivision approval and site plan approval.

F. Limitations on conditional use permits. No conditional use permit shall be valid for a period longer than six (6) months from the date of issue, or such other time as may be fixed at the time granted not to exceed two (2) years, unless the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; provided, however, that one (1) or more extensions of said time may be granted if the facts constituting the basis of the decision have not materially changed, and the two-year period is not exceeded thereby. A conditional use permit shall be deemed to authorize only the particular use for which it was issued and such permit shall automatically expire and cease to be of any force or effect if such use shall for any reason be discontinued for a period of twelve (12) consecutive months or more.

G. Appeals from board decisions. Appeals from any decision of the planning board respecting a conditional use permit shall be to superior court.

Vote on Article 56: Fails

Article 57. Shall an ordinance entitled “Chapter 14 Land Use” be amended by adding the underlined language and deleting the language in strikeover type to Article 3: Zoning District Standards, Section 3.2 IR-1 Island Residential Zone, Paragraph E. Dimensional requirements,-subparagraph 3 as shown below?

(3) Minimum yard dimensions: yard dimensions shall mean setbacks of structures from property lines:

- a front yard: Principle or accessory structures: ~~Thirty (30) feet~~ Twenty five (25) Feet
- b. Rear Yard: Principle or accessory structures: ~~Thirty (30) Feet~~ twenty Five (25) Feet
- c. Side yard: Principle or accessory structures: ~~Twenty (20) feet~~ Fifteen (15) feet.
- d Side yard on side streets: Principle or accessory structures: Twenty (20) feet.

Motion made by Louis Papkee to move the pending question

2nd by Emily Jacobs

Vote: U to move the pending question

Vote on Article 57: Fails -9

Article 58. Shall an ordinance entitled “Chapter 14 Land Use“ be amended by adding the underlined language and deleting the language in strikeover type to Article 3: Zoning District Standards, Section 3.2 IR-1 Island Residential Zone, Paragraph E. Dimensional requirements, subparagraph 4 as shown below?

(4) Maximum lot coverage: the combined area of all structures, including accessory structures shall not cover more than ~~45~~ 20% of all contiguous area of the lot which is to be built upon or otherwise improved.

Vote: Fails -11

Article 59. Shall an ordinance entitled "Chapter 14 Land Use" be amended by adding the underlined language and deleting the language in strikeover type to Article 3 Zoning District Standards, Section 3.3 IR-2 Island Residential Zone-Paragraph E. Dimensional requirements, subparagraph 3 as shown below?

Front yard: Principle or accessory structures: ~~Thirty (30) feet~~ Twenty Five (25) Feet

Rear yard: Principle or accessory structures: ~~Thirty(30)Feet~~ Twenty five (25) Feet

Side yard: Principle or accessory structures: ~~Twenty (20) feet~~ Fifteen (15) feet.

Side yard on side streets: Principle or accessory structures: Twenty (20) feet

Vote: Fails U

Article 60. Shall an ordinance entitled "Chapter 14 Land use" be amended by adding the underlined language and deleting the language in strikeover type to Article 3: Zoning District Standards, Section 3.3 IR-2 Island Residential Zone,-Paragraph E. Dimensional requirements, subparagraph 4: Be amended as indicated below?

(4) Maximum lot coverage: The combined area of all structures, including accessory structures, shall not cover more than ~~15~~ 20% of the contiguous area of the lot which is to be built upon or other wised improved.

Vote: Fails -4

Article 61. Shall an ordinance entitled "Chapter 14 Land Use" be amended by adding the underlined language and deleting the language in strikeover type to Article 3 - Zoning District Standards - Section 3.2 IR-1 Island Residential Zone - Paragraph C. Conditional uses - (2) Other - "o" as shown below?

3.2 IR-1 ISLAND RESIDENTIAL ZONE

C. Conditional uses:

The following uses are permitted only upon the issuance of a conditional use permit by the Appeals Board, subject to the provisions of Article 13 (Zoning Board of Appeals) of this chapter and any special provisions, standards or requirements specified below:

(1) Institutional: **(Amended May 14, 2016)**

- a. Schools and other educational facilities including seasonal day camps other than campgrounds;
- b. Churches, or other places of worship;
- c. Private clubs, fraternal organizations, excluding yacht clubs and marinas;
- d. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped to ensure compatibility with the surrounding neighborhood;

Such uses shall be subject to the following standards:

- i. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential area;
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of July 15, 1985, or thereafter; and
- iii. When more than one of the conditional uses exists, the applicable minimum lot sizes shall be cumulative.

(2) Other:

- a. Utility substations including sewage and water pumping stations and standpipes, electric power substations, transformer stations, buried and underwater electric and telephone transmission cables (entering the Town of Long Island from the ocean only), telephone electronic equipment enclosures, and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- b. Nursery schools, kindergarten, and day care facilities for seven (7) or more children;
- c. Cemeteries;
- d. Raising of domesticated animals, excluding swine and reptiles, with no animals kept on any lot less than three (3) acres or closer than one hundred (100) feet to any street or lot line, and provided that such use will not create any odor, noise, health or safety hazards, or other nuisance to neighboring properties; except domesticated fowl as regulated in Ch. 5 Animals and Fowl – Article III Keeping of Domesticated Fowl. This ordinance, to include all of the above text, does not apply to cats and dogs. **(Amended May 14, 2011)**
- e. Wharves, piers, docks, or landing ramps;
- f. Bed and breakfasts

- g. Handicapped family unit, as defined in Article 2 (Definitions) for handicapped persons, plus staff.
- h. Lodging houses, with more than two (2) but not more than nine (9) lodging rooms.
- i. Wireless Communication Facilities that comply with standards herein.
- j. Limited Bed and Breakfast Restaurants that comply with standards herein.
- k. Accessory Dwelling Units. **(Adopted May 12, 2007)**
- l. Agriculture **(Adopted May 14, 2016)**
- m. Aquaculture **(Adopted May 14, 2016)**
- n. Material Storage Area **(Adopted May 14, 2016)**

o. Medical Clinic

Vote: U

Article 62. To elect by written ballot a School Committee member to serve on the School Committee for a term of three years, effective from 7/1/2017 to 06/30/2020.

Nomination for Margaret Donovan made by Amy Tierney

Vote: 7

Article 63. To elect by written ballot a Selectman to serve on the Board of Selectmen (those elected shall also serve as the assessors and overseers of the poor), for a term of three years, effective from 7/1/2017 to 06/30/2020.

Nomination for Paul Watts made by Ralph Sweet

Vote: 15

Motion made by Emily Jacobs to adjourn

2nd by Patricia Papkee

Meeting adjourned 11:26AM

A True Copy Attested of the Minutes for the May 13, 2017 Town of Long Island Annual Meeting:

____ s/
Brenda L. Singo – Town Clerk