MINUTES OF ANNUAL TOWN MEETING
Saturday, May 13, 2006

105 Voters Present

Town Clerk brought meeting to order at 8:00AM.

Announcements were made and the 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 – 3
Town Clerk swore in Mark Greene as Moderator

Pledge of Allegiance.

Jim Wilber made a motion to allow the public to speak – 2nd by Meredith Sweet. Vote: U -1

Vote taken to allow prayer – **Vote: U –4** – Prayer led by Connie Brayley.

Moderator introduced special guests.

Moderator announced a typo in Article #2 and Article #3 – should read "effective from 7/1/2006 to 6/30/2009" not "6/30/2007" as appeared on Warrant.

Article 2. 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 7/1/2006 to 06/30/2009.

Nomination for Bradley Brown made by Lorinda Valls
Nomination for Michael Floyd made by Jim Thibault
Nomination for Scott Wood made by Don MacVane (Not known if nomination would be accepted by nominee whom was not present)

Vote: Michael Floyd – 72 Bradley Brown – 26 Scott Wood – 2 Tom MacVane – 1

Article 3. To elect by written ballot a School Committee member to serve on the School Committee for a term of three years, effective from 7/1/2006 to 06/30/2009.

Nomination for Melissa Brown made by Kim MacVane
Vote: Melissa Brown – 4

Moderator appointed Bob Jordan as Deputy Moderator

Moderator swore in Melissa Brown – School Committee, Michael Floyd – Selectman and Bob Jordan – Deputy Moderator

Article 4. 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.

Motion made by Steve Train to accept Art. 4 as read – 2nd by Craig Stewart
Vote: U -1

Article 5. 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.

Motion made by Robin Clarke to accept Art. 5 as read – 2nd by Emil Berges
Vote: U

Article 6. To see if the Town will authorize and direct the Board of Selectmen to screen and approve or appoint Sheriff's Deputies and/or Constables for the fiscal year 2006-2007.
The Selectmen recommend a "YES" vote.

Motion made by Anne-Marie Train to accept Art. 6 as read – 2nd by Jim Wilber
Vote: U

Article 7. To see if the Town will vote to authorize the Board of Selectmen, on behalf of the Town, to enter into a contract with a waste hauler for solid waste hauling, for a period not to exceed three years.
The Selectmen recommend a "YES" vote.

Motion made by Craig Stewart to accept Art. 7 as read – 2nd by Lorinda Valls
Vote: U

Article 8. To see if the Town will vote that the Town tax is due on September 15, 2006 and is payable in two (2) installments on September 15, 2006 and March 15, 2007 and to set the interest rate to be charged for late payments 11% per year.
The Finance Committee recommends a "YES" vote.

Motion made by Nancy Jordan to accept Art. 8 as read – 2nd by Emil Berges
Vote: U

Article 9. 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.

Motion made by Meredith Sweet to accept Art. 9 as read - 2nd by Karen Norcross
Vote: U

Article 10. 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.

Motion made by Carol Doughty to accept Art. 10 as read – 2nd by Meredith Sweet
Vote: U

Article 11. 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.
The Finance Committee and School Committee recommend a "YES" vote.

Motion made by Carol Doughty to accept Art. 11 as read – 2nd Helen Kay
Vote: U

Article 12. 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 2006-2007.
The Finance Committee recommends a "YES" vote.

Motion made by Emil Berges to accept Art. 12 as read – 2nd by Joanne Stevens
Vote: U

Article 13. 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 2006-2007 fiscal year.

Motion made by Jean Healy to accept Art. 13 as read – 2nd by Warren Brayley
Vote: U

Article 14. To see what sum of money the Town will vote to raise and appropriate for compensation for Town Officers and/or Appointees.

The Finance Committee recommends:	
Selectmen (3 at $2,538)	$ 7,614
(Chair)	$ 2,030
Parklands/Beaches	$ 661
Public Buildings	$ 2,250
Wharves/Floats	$ 2,000
Public Safety	$ 1,015
Solid Waste	$ 1,015
Rescue Boat	$ 1,015
Assessing/Map Updates	$ 1,015

Town Clerk	$10,656
Treasurer	$11,188
Tax Collector	$10,656
Office Assistant	$ 5,720
Road Commissioner	$ 2,000
Code Enforcement Officer	$ 9,450
Animal Control Officer	$ 1,000
Harbormaster	$ 550
Town Meeting Moderator	$ 100
Social Services Director	$ 550
Recreation Director	$ 3,045
Payroll Taxes	$ 7,300
Admin. Assistant to Selectmen	$ 2,256
Clam Warden	$ 250
Island Fellow Contribution	$ 1,500
TOTAL	**$84,836**

Motion made by Jim Wilber to accept Art. 14 as read – 2nd by Bob Jordan
Vote: U -1

Article 15. To see what sum of money the Town will vote to raise and appropriate for professional assistance.

The Finance Committee recommends:	
Town Accountant	$ 1,000
Town Annual Audit	$ 6,500
Town Counsel	$12,000
Tax Assessor	$ 800
Additional Professional Assistance	$ 5,000
Revaluation Expense Reserve	$ 5,000
Lawn Mowing Contract	$ 3,300
TOTAL	**$33,600**

Motion made by Anne-Marie Train to accept Art. 15 as read – 2nd by Laurie Wildes
Vote: U

Article 16. 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	**$66,270**

Motion made by Craig Stewart to accept Art. 16 as read – 2nd by Chris Papkee
Vote: U

Article 17. To see what sum Long Island will appropriate for its contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (Recommend $219,753) and to see what sum 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 Statues, Title 2-A, section 15688.
The School and Finance Committees Recommend $205,734

Explanation: Long Island's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Services and Programs Funding Act is the amount of money determined by State law to be the minimum amount that Long Island must raise in order to receive the full amount of State dollars.

Motion made by Craig Stewart to accept Art. 17 as read – 2nd by Kim MacVane
Vote: U -1

THE FOLLOWING ARTICLE (#18), MUST BE VOTED ON BY SECRET PAPER BALLOT

Article 18. Shall Long Island raise and appropriate $157,538 in additional local funds, which exceeds the State's Essential Programs and Services funding model by $137,715. **The School Committee and the Finance Committee recommend $157,538 for the following reasons:** *The EPS tuition rate is lower than the actual tuition cost to the Town. Long Island's student teacher ratio is lower than the EPS ratio. Operation and Maintenance of Plant, supplies and equipment and system administration exceed the EPS funding model.*

Explanation: The additional local funds are those locally raised funds over and above Long Island's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Program and Services Funding Act that will help achieve Long Island's budget for educational programs.

Motion made by Missy Brown to accept Art. 18 as read – 2nd by Anne-Marie Train

Motion made by Judy Paolini to move the pending question – 2nd by Steve Train
Vote to move the pending question: U

Vote on Art. 18: Yes – 77 No – 17

Article 19. To see what sum Long Island will authorize the School Committee to expend for the fiscal year beginning July 1, 2006 and ending June 30, 2007 from Long Island's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Act, additional local funds for school purposes under Main 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 $408,459

Summary of School Budge funding
$219,753.00 – Local and State EPS
157,538.00 – Local Optional
31,168.00 – Surplus and Misc. Income
$408,459.00 – Total Budget

Motion made by Carol Doughty to accept Art. 19 as read – 2nd by Steve Train
Vote: U -1

Article 20. To see what sum the Town will vote to raise and appropriate for the Long Island Community Library operating costs.

The Finance Committee recommends:	**$ 4,000**

Motion made by Cade Brown to accept Art. 20 as read – 2nd by Bob Jordan
Vote: U -1

Article 21. To see what sum of money the Town will vote to raise and appropriate for insurance.

The Finance Committee recommends:	
Insurance	**$18,722**

Motion made by Ruth Peterson to accept Art. 21 as read – 2nd by Rod Jacobs
Vote: U

Article 22. To see what sum of money the Town will vote to raise and appropriate for Public Safety.

The Finance Committee Recommends:	
Police Protection	$30,659
Fire Protection	$41,175
EMS Expense	$12,480
Rescue Boat Expense	$ 3,850
Emergency Preparedness	$ 1,200
Stipends & Payroll Costs	$23,011
TOTAL	**$112,375**

Motion made by Craig Stewart to accept Art. 22 as read – 2nd by Emil Berges
Vote: U

Article 23. To see what sum of money the Town will vote to raise and appropriate for Public Works.

The Finance Committee recommends:	
Public Works	**$79,038**

Motion made by Anne-Marie Train to accept Art. 23 as read – 2nd by Emil Berges
Vote: U

Article 24. To see what sum of money the Town will vote to raise and appropriate for Solid Waste.

The Finance Committee recommends:	
Solid Waste	**$83,229**

Motion made by Craig Stewart to accept Art. 24 as read – 2nd by Jean Healy
Vote: U

Article 25. To see what sum of money the Town will vote to raise and appropriate for Social Services.

The Finance Committee recommends:	
Social Services	**$ 4,900**

Motion made by Warren Brayley to accept Art. 25 as read – 2nd by Craig Stewart
Vote: U

Article 26. To see what sum of money the Town will vote to raise and appropriate for the Recreation Committee, including Community Center Operation.

The Finance Committee recommends:	**$18,098**

Motion made by Ruth Peterson to accept Art. 26 as read – 2nd by Meredith Sweet
Vote: U

Article 27. To see what sum of money the Town will vote to raise and appropriate for the Cemetery Operations.

The Finance Committee recommends:	**$ 7,455**

Motion made by Tom MacVane to accept Art. 27 as read – 2nd by Joanne Stevens
Vote: U

Article 28. To see what sum of money the Town will vote to accept and appropriate for the Painting, Planting & Chowder Society.

The Finance Committee recommends:	**$ 5,000**

Motion made by Judy Paolini to accept Art. 28 as read – 2nd by Connie Brayley
Vote: U -2

Article 29. To see what sum of money the Town will vote to raise and appropriate for Capital Debt Service.

The Finance Committee recommends:	
Capital Debt Service	**$68,692**

Motion made by Craig Stewart to accept Art. 29 as read – 2nd by Anne Wary
Vote: U

Article 30. To see if the Town will vote to accept the categories of funds listed below as provided by the Maine State Legislature. Funds to be expended pursuant to M.S.R.A. by municipal legislative body. The amount of each category is an estimate only.

Beach (State Park Revenue Sharing)	$ 4,500
Civil Emergency Funds	unknown
General Assistance Reimbursement	$ 0

Local Road Assistance	$10,000
Municipal Revenue Sharing	$15,000
Registration Refund	unknown
Property Tax Relief	unknown
Public Library State Aid per Capital	unknown
Public Library Stipend	$ 130
Special Ed. Entitlement	$ 6,000
State Gen. Purpose Aid to Education	$14,019
ECIA Title I	$ 0
ECIA Title II	$ 0
School Lunch Reimbursement	$ 1,000
Cert. Block Grant	unknown
Tree Growth	$ 0
Veteran's Exemption Reimbursement	$ 100

The Finance Committee recommends a "YES" vote.

Motion made by Dick Murphy to accept Art. 30 as read – 2nd by Michael Floyd
Vote: U

Article 31. To see if the Town will vote to appropriate, for the fiscal year beginning 1-July-2006 and ending 30-June-2007, all revenues, grants, fees and designated surplus, for the purpose of reducing 2006-2007 tax commitment.

The Finance Committee recommends:	
Revenues, Fees & Grants	$125,492
Audited 04-05 Government Surplus	$ 69,402

Motion made by Craig Stewart to accept Art. 31 as read – 2nd by Ruth Peterson
Vote: U

Article 32. To see what sum of money the Town will vote to raise and transfer to the Minimum Balance Set Aside with the condition that the Town authorize the Selectmen to reduce or increase that amount to stabilize the mil rate.

The Finance Committee recommends:	**$ 450**

Motion made by Chris Papkee to accept Art. 32 as read – 2nd by Warren Brayley
Vote: U

Article 33. To see what sum of money the Town will vote to raise and appropriate for Social Service Referrals.

The Finance Committee recommends:	
Social Service Referrals	**$ 0**

Motion made by Paul Stevens to accept Art. 33 as read – 2nd by Anne-Marie Train
Vote: U

Article 34. To see if the Town will vote to authorize 2005-2006 CIP Surplus to be transferred to CIP Reserve Fund.
The Finance Committee recommends a "YES" vote.

Motion made by Steve Train to accept Art. 34 as read – 2nd by Rod Jacobs
Vote: U

Article 35. To see what sum of money the Town will vote to transfer from the CIP Reserve Fund (including accumulated interest) and appropriate for 2006-2007 Capital Improvement Projects.

The Finance Committee recommends:	**$ 0**

Motion made by Chris Papkee to accept Art. 35 as read – 2nd by Craig Stewart
Vote: U

Article 36. 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:	**$ 0**

Motion made by Chris Papkee to accept Art. 36 as read – 2nd by Joanne Stevens
Vote: U

Article 37. To see what sum the Town will vote to raise and appropriate for capital spending.

The Finance Committee recommends:	**$ 4,750**

Motion made by Chris Papkee to accept Art. 37 as read – 2nd by Zachery Whitener
Vote: U

Article 38. Shall the Town a) approve a project to improve the town-owned cemetery on Fern Avenue; b) appropriate a sum not to exceed $11,760 to meet the cost; and c) to 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 $11,760, 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 Board of Selectmen and Finance Committee recommend a "YES" vote.

FINANCIAL STATEMENT
Estimated 03/21/2006

1. Total indebtedness:

   A. Bonds outstanding and unpaid:
      1. Cumberland County $ 32,138
      2. Marsh Guard Rail $ 4,300
      3. Road Paving $100,000

4. Trash Truck	$ 10,000
5. Tennis Court	$ 10,800

B. Bonds to be issued if this Article is approved: $ 11,760

2. Costs:
At an estimated interest rate of 4.75% for 3 year maturity, the estimated costs of this bond issue will be:

Principal	$ 10,760
Interest	$ 1,620
Total New Debt Service	$ 12,380

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.

/s/ Nancy Jordan
Nancy Jordan, Treasurer

Motion made by Craig Stewart to accept Art. 38 as read – 2nd by Anne-Marie Train
Vote: U

Article 39. Shall the Town a) approve a project to re-roof certain town buildings; b) appropriate a sum not to exceed $16,000 to meet the cost; and c) to 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 $16,000, 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 Board of Selectmen and Finance Committee recommend a "YES" vote.

FINANCIAL STATEMENT
Estimated 03/21/2006

2. Total indebtedness:
A. Bonds outstanding and unpaid:

1. Cumberland County	$ 32,138
2. Marsh Guard Rail	$ 4,300
3. Road Paving	$100,000
4. Trash Truck	$ 10,000
5. Tennis Court	$ 10,800

B. Bonds to be issued if this Article is approved: $ 16,000

2. Costs:

At an estimated interest rate of 4.75% for 3 year maturity, the estimated costs of this bond issue will be:

Principal	$ 16,000
Interest	$ 2,500
Total New Debt Service	$ 18,500

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.

/s/ Nancy Jordan
Nancy Jordan, Treasurer

Motion made by Craig Stewart to accept Art. 39 as read – 2nd by Jim Wilber
Vote: U

Article 40. Shall the Town a) approve a project to purchase a second new fire truck; b) appropriate a sum not to exceed $90,000 to meet the cost; and c) to 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 $90,000, 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 Board of Selectmen and Finance Committee recommend a "YES" vote.

FINANCIAL STATEMENT
Estimated 03/21/2006

3. Total indebtedness:
   A. Bonds outstanding and unpaid:

1. Cumberland County	$ 32,138
2. Marsh Guard Rail	$ 4,300
3. Road Paving	$100,000
4. Trash Truck	$ 10,000
5. Tennis Court	$ 10,800

   B. Bonds to be issued if this Article is approved: $ 90,000

2. Costs:

At an estimated interest rate of 4.75% for 3 year maturity, the estimated costs of this bond issue will be:

Principal	$ 90,000
Interest	$ 11,700
Total New Debt Service	$101,700

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.

/s/ Nancy Jordan
Nancy Jordan, Treasurer

Motion made by Craig Stewart to accept Art. 40 as read – 2nd by Jim Wilber

Motion made by Nancy Jordan to have a paper ballot – 2nd by Helen Kay
Vote on paper ballot for Art. 40: Yes – 50 No – 29

Deputy Moderator stood in @ 10:38AM

Motion made by Anne-Marie Train to move the pending question – 2nd by Anne Wary
Vote on to move the pending question: U

Moderator resumed @ 10:48AM

Vote on Art. 40: Yes – 76 No – 18

Article 41. To see if the Town will vote to adopt an Ordinance entitled "Chapter 14 Land Use – Article 16: Driveway Standards.

ARTICLE 16: DRIVEWAY STANDARDS

16.1 Authority and Purpose. This ordinance is adopted under the general authority granted pursuant to and consistent with Article VIII, Part Second, "Municipal Home Rule", of the Maine Constitution and Title 30-A sections 3001, "Ordinance Power" and 3009 "Authority of Municipal Officers to Enact Ordinances" of the Maine Revised Statutes Annotated (M.S.R.A.). The purpose of this Ordinance is to promote and further the orderly development of the Town of Long Island, to ensure safe and appropriate conditions of the public ways in the Town and to promote the public health, safety and general welfare of the Long Island community by establishing standards governing the location, entrance and construction of driveways connecting with the Town of Long Island public ways.

16.2 Definitions. The following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

a. **Driveway** - A private or joint or commercial drive, road, field road, paper street, or other avenue used primarily for vehicular travel that runs through any land and that connects or will connect to a public way. For purposes of this definition driveways shall also include the apron area where a driveway connects with a public way and any associated drainage improvements, including but limited to, drainage ditching and culverts and related structures or other structures or improvements that control or influence stormwater runoff.

b. **Topography** - The surficial and topographic features of an area of land.

c. **Field Road** - An avenue of vehicular travel used exclusively for agricultural, silvicultural or horticultural purposes or to access other land areas exclusively for such purposes.

d. **Residential Driveway** - A driveway the sole purpose of which is to provide access from a public way to a single or multi-family dwelling.

e. **Commercial Driveway** - A driveway, the primary purpose of which, is to provide access from a public way to a commercial use.

f. **Joint Driveway** - One or more driveways serving one or more dwelling or commercial uses on the same or adjoining properties which converge to a single access point connecting to a public way.

g. **Driveway Relocation** - A proposed change in the general location, grade, design, length or drainage of an existing driveway or the location where the driveway connects to a public way.

h. Culvert Replacement - The repair, relocation, replacement or removal of an existing culvert or associated drainage improvements that serve a driveway.

i. Temporary Driveway - A driveway used to access property from a public way over a temporary, finite and short period of time that is not used or intended to be used to provide long term or permanent access to a property.

j. Driveway Improvement - The surfacing, resurfacing, re-graveling, paving, upgrading, relocation, expansion or re-construction an existing driveway, including but is not limited to, adding area, widening or regarding of driveways, the installation of new or the replacement of culverts, ditching or grading, or similar or related drainage improvements, or driveway any similar activities.

16.3 Application Requirements and Procedures.

a. Permit Required. All new building construction requires a driveway permit. Before constructing, paving, expanding, rebuilding or relocating a driveway or any associated drainage improvements, property owners or their agent must seek and obtain a Driveway Permit from the Code Enforcement Officer (CEO). Permits are not required for minor maintenance of a driveway.

b. Application Form. Applications for Driveway Permits shall be made on a form approved by the Town Planning Board. Applications for Driveway Permits shall be available at the Town Office.

c. Information Required on Application Form. Applications for Driveway Permits shall be filed with the Town Clerk along with the required application fee. Applications must also include the following information:

1) A plan drawn to scale of the parcel showing the precise location of the driveway or proposed driveway, the location of all buildings and structures existing or and proposed, the topography of the site and the existing and proposed drainage conditions. The plan must include the distances of the existing or proposed driveway and the improvements and buildings from property lines to the centerline and edges of the driveway and the public way connecting to the proposed or existing driveway and associated drainage improvements. The plan must also provide the slope, grade and cross section dimensions of the existing or proposed driveway. Applicants may use the plans or drawings used to apply for a building permit as long as such plans provide the required detail.

2) Application Review and Approval/Denial. The CEO and Road Commissioner will review applications for Driveway Permits for conformance with the requirements of this and other Town Ordinances and determine appropriate conditions to govern the proposed activity so that it conforms to the standards of this Ordinance (as part of their review process) the CEO and Road Commissioner may visit the proposed site to inspect the site conditions. The CEO will then either issue or deny the application. If an application is denied, the CEO will advise in writing of the reason(s) for the denial.

d. Permit Period and Expiration. Driveway Permits are effective for twelve (12) months from the date of issue. Construction must commence within that period and be completed within six months from the date that construction is started or the permit shall be deemed expired. For good cause the CEO may enlarge the six month construction period.

e. Pre-construction Meeting and Final Inspection. Before commencing any construction, applicants or their contractors must meet with the CEO and Road Commissioner for a pre-construction review and inspection of the site. Before any construction or work commences on the driveway, applicants or their contractors must also obtain a DIG SAFE permit by calling 1-888-DIG-SAFE (1-888-344-7233) and must submit certification that they have obtained a DIG SAFE permit to the CEO. Upon completion of the construction of the driveway or improvements, applicants or their contractors shall notify the CEO that the work has been completed. The CEO and Road Commissioner shall then complete an inspection of the driveway to ensure that construction is in full compliance with the provisions of this ordinance and terms of the Driveway Permit.

f. Driveway Construction as Part of Other Construction Projects. The CEO and Road Commissioner shall determine whether a proposed driveway or driveway improvements must be completed before the commencement of other construction on a parcel. The CEO may condition the activities authorized under a building permit upon the completion of a driveway if the CEO determines:

1) That the construction of the driveway will lessen the tracking and/or deposition of soil, gravel, vegetation or other material related to the construction onto a public roadway, or

2) That the construction of the driveway before other construction commences will improve conditions for the safe and efficient access of construction vehicles entering or leaving the construction site.

In such cases, the CEO may also require Applicants or their contractors, as conditions to the Driveway Permit:

1) That the Applicants or their contractors, at their sole cost, clean up and ensure that debris deposited within the public way from construction activities is cleared from any public way impacted by the construction or activities; and

2) That the Applicants or their contractors, at their sole cost, repair any damage to public ways caused by the construction to the same or better condition as existed before the construction.

g. **Application Fee.** The Board of Selectmen may establish and set fees for Driveway Permit applications or overseeing the orderly and safe administration of this Ordinance, including but not limited to the review of applications or the oversight of inspections or the enforcement process.

h. **Town Authority Preserved.** The issuance of a Driveway Permit under this Ordinance does not create in the holder of a Driveway Permit any property right or license, easement or entitlement whatsoever which in any way limits, impacts or restricts the future discretion, rights or responsibilities of the Town of Long Island to maintain, govern or administer the public ways within the Town. The Town expressly reserves the right to maintain, improve and administer public ways as it determines to be in the best interests of the Town, and further, to make, install or remove any alterations, grade or drainage improvements, changes, additions, repairs as may be necessary to portions of any driveway as may lie within the bounds of any public way, including, but not limited to, the relocation of any part of a driveway located within the bounds of any public way at any time. Such activities of the Town shall be without compensation to the owners of such private driveways or related improvements.

i. **Right to Appeal and Variances.** Applicants denied Driveway Permits, dissatisfied with conditions included in a Driveway Permits, or seeking Variances from the terms of this Ordinance may appeal to the Long Island Board of Appeals. Appeals must be in writing and filed with the Board of Appeals within thirty (30) days of the issuance or non-issuance of the Driveway Permit.

16.4 Driveway and Culvert Location, Design and Construction Requirements. The location, design and construction of driveways shall be in conformance with the following criteria:

a. **General Design.** Driveways shall be located and designed in profile and grade to afford safe and convenient access to and from public ways, to maintain or improve the integrity of adjoining pubic ways, with adequate sight distances to and from adjoining public ways, with proper erosion controls, so that stormwater runoff or associated debris will not flow onto public ways or adjacent properties, and with proper measures to prevent damage or erosion to the public way or adjacent properties. As conditions to Driveway Permits, applicants will be required to site all driveways and employ all necessary and appropriate construction, erosion and stormwater control techniques and improvements for these ends.

b. **Sight Distances.** New driveways must be designed and located so that the location, profile, grading and siting provide a minimum of two hundred (200') feet of clear sight distance in each direction along the public way to which the driveway connects. These sight distances are measured from the point 3 ½ feet above the final grade of the proposed or finally improved driveway and 15 feet from the end of the proposed driveway where it intersects the edge or pavement of the connecting public way, to the two points located 200 feet in opposite directions down the course of the adjoining public way to a point located 4 ¼ feet above the surface of the public way. The CEO may grant reductions in the above-defined sight distances if the applicant demonstrates a particular need and the CEO determines that the reduction in the sight distances will not significantly increase traffic hazards.

c. **Number.** Individual lots, whether commercial or residential, are to be serviced by one driveway. The CEO may grant permission for more than a single driveway to a lot where an applicant demonstrates a special need and the CEO determines that more than one driveway on the lot will not impair the efficient movement of traffic on the connecting public way or significantly increase traffic hazards.

d. **Drainage and Driveway Apron Areas.** New driveways must be designed in cross-section, slope and with drainage structures and improvements so that surface water and debris do not flow onto adjoining public ways or property. Driveway apron areas connecting with public ways shall not extend any further into the public way than the edge of the improved surface of the public way. Driveways and apron areas must be constructed so that they do not interfere with the drainage, maintenance or integrity of adjacent public ways or with drainage improvements associated with the public ways, roadside areas or existing structures in the public right-of-way. Property owners that construct driveways that discharge storm water materials onto public roadways shall be responsible to remedy and abate such conditions and for costs of the Town in addressing or abating such conditions.

e. **Grades.** Driveways must be designed and constructed to prevent erosion and stormwater discharge onto public ways and so that the integrity of public ways and associated improvements or adjacent properties are not adversely impacted. The slope or grade of the travel corridor of any driveway, except in the area connecting with a public way, shall not exceed ten percent (10%). The slope or grade of the travel corridor of a driveway where it connects with a

public way shall not to exceed a slope or grade greater than three percent (3%) over the last twenty feet (20' of the driveway) from the edge of the public right-of-way. The CEO may allow steeper slopes or grades if an applicant demonstrates a special need and agrees to install and maintain erosion control and other measures that the CEO and Road Commissioner determine are required to prevent erosion, maintain site stability, protect the integrity of the adjacent public way or to prevent unsafe traffic conditions.

f. Orientation of Driveway to Public Road. The angle of intersection between the centerline of the connecting public way and a proposed driveway shall not be less than seventy degrees (70°) on either side. The CEO may relax this standard if the applicant demonstrates a special need and the CEO determines the orientation will not create adverse or unsafe traffic conditions.

g. Relocation of Existing Utilities. The CEO shall determine if a proposed or to be improved driveway will require the relocation or re-siting of existing utility or public improvements, including but not limited to, utility poles, culverts, drainage ditches, paved or improved shoulder areas or signage. The full costs of relocating such improvements or structures shall be borne solely by the applicant. The relocation of such utilities or improvements shall be a condition of the permit.

h. Special Requirements for Commercial Driveways. No part of a commercial driveway located within the a public right-of-way shall, except as hereinafter provided, be greater than twenty feet (20') in width as measured perpendicular to the centerline of said driveway. The CEO may authorize driveways greater than twenty feet (20') if the applicant makes a special showing of need and provided that the CEO determines that any additional width will not impair traffic movement and will not create adverse or unsafe traffic conditions.

i. Special Requirements for Residential Driveways. Single lane driveways shall not be less than twelve feet (12') in width and shall not exceed twenty feet (20') in width, with the preferred width for single lane driveways being twelve feet (12'). Two lane driveways shall not be less than eighteen feet (18') in width and shall not exceed twenty-four feet (24') in width, with the preferred width for two land driveways being eighteen feet (18') feet.

j. Special Requirements for Temporary Driveways. The applicant shall, as part of his or her application, include the date that a temporary driveway will be taken out of service. The CEO and Road Commissioner shall review the application and determine materials and construction standards as appropriate for temporary driveways. When permission to use a temporary driveway has expired, the applicant shall restore the area, ditch and shoulder areas of the site and the public way as impacted by the temporary driveway to original or better condition. The CEO and Road Commissioner shall include the date of expiration of a temporary driveway and the requirement that the area impacted be restored to original or better condition when the driveway is no longer in service as conditions of the Driveway Permit.

k. Prohibited Driveways. No driveway shall be closer than fifteen feet (15') from the edge of public way in the vicinity of an intersection or located in a manner that the CEO, Road Commissioner or safety officials of the Town determine will create unsafe traffic conditions or adversely the flow of traffic or impair traffic control.

l. Culvert and Erosion Control Installations and Standards. Culverts, erosion control or drainage improvements that are part of a larger construction project may be required to be installed as conditions of a Driveway Permit and, unless the CEO and Road Commissioner determines otherwise, must be installed prior to commencement of construction or other work. All culverts shall be constructed of galvanized steel, aluminized type 2 steel, concrete or plastic and must meet any load, dimensional and material standards required by the Road Commissioner.

1) Minimum Size. Culverts shall not be smaller than six inches (6") in diameter and must be sized adequately for the for the expected stormwater flows and site conditions as determined by the Road Commissioner and CEO.

2) Placement. Culverts shall be properly placed within existing or required drainage ditches so as to adequately and properly convey stormwater run off, minimize erosion and assure proper drainage for the proposed or improved driveway, abutting properties and public ways. Culvert installations shall be installed with pitches and at elevations as determined by the Road Commissioner and CEO.

3) Backfill and Cover Material. Culverts must be protected and covered with gravel fill suitable for road construction. The minimum cover, measured from top of sub-grade material to the top of the culvert, shall be four inches (4").

4) Construction/Reconstruction of Curbs and Existing Ditching. When construction of a driveway requires the interruption of existing curbing, drainage improvements or ditching, the applicant shall be responsible to replace or restore curbing and install appropriate curb returns. The CEO and Road Commissioner shall determine the standards and material specifications for curbing replacements and curb returns to be installed. The requirement for reinstallation of curbing and the installation of curb returns and the specifications for materials and locations for such installations shall be conditions of the Driveway Permit.

5) Restoration of Ditches. Following the upgrade or installation of a driveway or culvert, applicants shall restore

drainage ditches and improvements and the shoulder area impacted by the installation to the pre-construction or better condition and ensure that the area and installation remain protected from erosion.

6) Maintenance Responsibility. Applicants are solely responsible for the cost and installation of any culvert and drainage improvements required by a Driveway Permit. The Town, as part of its road maintenance programs will thereafter maintain properly installed and approved culverts located in the public a right-of-way.

16.5 Enforcement. The CEO will enforce the provisions of this Ordinance under the authority and procedures set forth in Title 30-A §4452 M.S.R.A. or otherwise available under Maine law. The CEO may issue stop-work orders regarding installation of improvements or construction that is carried out without a Driveway Permit, inconsistent with the terms of this Ordinance or in violation of the conditions of a Driveway Permit.

16.6 Penalties.

Any person who constructs or modifies any driveway without a Driveway Permit shall be subject to a fine of one hundred dollars ($100) per a day and shall also be required to reimburse the Town the full costs of its expenses, including attorney fees and any costs incurred by the Town in remedying or enforcing the terms of this Ordinance.

Any person who constructs or modifies a driveway in violation of any other provisions of this ordinance, shall, unless the violation is corrected within thirty (30) days of the date of written notice from the CEO, shall be subject to a fine of one hundred dollars ($100) per day and shall also be required to reimburse the Town the full costs of its expenses, including attorney fees and any costs incurred by the Town in remedying or enforcing the terms of this Ordinance.

Each day of a violation of this Ordinance continues a separate violation. Unlawful driveways constitute a public nuisance and may be subject to closure or removal by the Town or other remedies at law.

16.7 Validity and Severability. If any section or provision of this ordinance is determined by a court to be invalid, such decision shall not invalidate the other sections or provisions of this ordinance.

16.8 Conflict with Other Standards. The provisions of this ordinance are not intended to interfere with or conflict with other applicable rules, standards, ordinances, regulations, permitting procedures or provisions of law. Where this ordinance is inconsistent with another rule, standard, ordinance, regulation, permitting procedure or provision of law, the more restrictive provision shall apply.

Motion made by Rod Jacobs to accept Art. 41 as read – 2nd by Craig Stewart

Motion made by Jim Thibault to move the pending question – 2nd by Craig Stewart
Vote on to move the pending question: U –2

Vote on Art. 41: Fails -1

Article 42. Shall the Town vote to repeal and replace an Ordinance entitled "Chapter 14 Land Use – Article 4: Shoreland Zoning District Standards – ss 4.2 Authority".

4.2 Authority. This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.S.R.A.).

Motion made by Anne-Marie Train to accept Art. 42 as read – 2nd by Joanne Stevens
Vote: U

Article 43. Shall the Town vote to repeal and replace an Ordinance entitled "Chapter 14 Land Use – Article 4: Shoreland Zoning District Standards – ss 4.5 Interpretation".

4.5 Interpretation. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Motion made by Emil Berges to accept Art. 43 as read – 2nd by Craig Stewart
Vote: U

Article 44. Shall the Town vote to repeal an Ordinance entitled "Chapter 14 Land Use – Article 4: Shoreland Zoning District Standards – ss 4.17 Shoreland Zone Performance Standards – Paragraph L. Agriculture".

~~L. Agriculture:~~

1. ~~All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.~~
2. ~~Manure shall not be stored or stockpiled within seventy-five (75) feet, horizontal distance, of water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the five-year period.~~
3. ~~Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the shoreland zone shall require a soil and water conservation plan to be filed with the code enforcement officer.~~
4. ~~There shall be no new tilling of soil within seventy-five (75) feet, horizontal distance, from water bodies or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands when such new tilling, by itself or combined with all other contiguous tillage, shall exceed forty thousand (40,000) square feet in surface area. When the new tilling, by itself or combined with all other contiguous tillage, shall total forty thousand (40,000) square feet or less, the tillage shall be set back a minimum of twenty-five (25) feet from all water bodies, tributary streams or wetlands.~~
5. ~~Livestock grazing areas shall not be permitted within seventy-five (75) feet, horizontal distance, of water bodies or within twenty-five (25) feet, horizontal distance, of tributary streams and wetlands.~~

Motion made by Chris Papkee to accept Art. 44 as read – 2nd by Charlie Healy

Motion made by Anne Wary to move the pending question – 2nd by Anne-Marie Train
Vote on to move the pending question: U

Vote on Art. 44: Fails -2

Article 45. Shall the Town vote to repeal and replace an Ordinance entitled "Chapter 14 Land Use – Article 4: Shoreland Zoning District Standards – ss 4.18 Administration – Paragraph C".

C. For purposes of these land use ordinances the maximum spring tide level ~~mean high tide mark~~ shall be considered to be the shoreline lot line.

Motion made by Emily Jacobs to accept Art. 45 as read – 2nd by Craig Stewart

Motion made by Emil Berges to move the pending question – 2nd by Anne Wary
Vote on to move the pending question: U –4

Vote on Art. 45: Fails -3

Article 46. Shall the Town vote to repeal and replace an Ordinance entitled "Chapter 14 Land Use – Article 13: Zoning Board of Appeals – ss 13.5 Variances – Paragraph 4. Limited Variance from Dimensional Standards. **(This change is required by the State of Maine, Dept. of Environmental Protection, Bureau of Land and Water Quality)**

4. Limited Variance from Dimensional Standards

Applicants may obtain a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance to the applicant and applicant's property would cause a practical difficulty as hereafter defined and when the following conditions exist:

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
c. The practical difficulty is not the result of action taken by the petitioner or a prior owner.
d. No other feasible alternative to a variance is available to the petitioner;
e. The granting of a variance will not unreasonably adversely affect the natural environment; and
f. The property is not located in whole or in part within Shoreland areas as described in Title 38, section 435.

As used in this subsection, dimensional standards means and is limited to the ordinance provisions relating to lot area, lot coverage, frontage and setback requirements.

As used in this subsection, practical difficulty means that the strict application of the ordinance to the property precludes the ability of the applicant to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

A variance under this subsection is strictly limited to permitting a variance from dimensional requirements. Except as follows, a variance under this subsection may not exceed 20% of any dimensional requirement. A variance under this subsection may exceed 20% of a set-back requirement~~, except for minimum setbacks from a wetland or water body required within Shoreland zones y rules adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B of the Maine Revised Statutes Annotated~~, if the applicant meets all of the criteria under this subsection, has obtained the written consent of all affected abutting landowners and the variance is not prohibited under subsection D.

Motion made by Craig Stewart to accept Art. 46 as read – 2nd by Tom MacVane
Vote: U -6

Article 47. Shall the Town vote to repeal and replace an Ordinance entitled "Chapter 17 Sheriff & Constable – Article III Offenses Against Public Safety – Division 2. ATV's and Golf Cart Registration – Sec. 17-11. Operation of an ATV on publicly-owned property".

Sec. 17-11. Operation of an ATV on publicly-owned property.

(a) No person shall operate an all-terrain vehicle on any publicly owned property within the town except as specifically provided in subsections (b) and (c).
(b) An All-terrain vehicle may be operated on specifically designated publicly owned ~~property and~~ streets ~~in special events of limited duration conducted according to prearranged schedule, under a permit from the selectmen~~.
(c) ~~On any street where the operation is of a motor vehicle registered with the Secretary of State under Title 29 M.R.S.A.~~ An all-terrain vehicle may only be operated on publicly owned property/streets by licensed drivers with proof of insurance with the vehicle.

Motion made by Steve Train to accept Art. 47 as read – 2nd by Chris Papkee

Motion made by Tom MacVane to move the pending question – 2nd by Steve Train
Vote on to move the pending question: U –4

Vote on Art. 47: Yes – 44 No – 37 Article Passes

Article 48. To see if the Town will vote to participate in the Cumberland County housing and community development programs of the Federal Department of Housing and Urban Development, including but not limited to the Community Development Block Grant Program (CDBG) and the HOME program; to designate its population to be included in the calculation of Cumberland County's funds by the U.S. Department of Housing and Urban Development (HUD) and to authorize the Board of Selectmen to execute an agreement with Cumberland County to formalize the same.
The Board of Selectmen recommend a "Yes" vote.

Motion made by Joanne Stevens to accept Art. 48 as read – 2nd by Steve Train
Vote: U -1

Article 49. To see if the Town will vote to authorize the Planning Board to draft a proposed amendment to the Land Use Ordinance to allow multi-family housing on Long Island, for consideration at the Long Island Annual Town Meeting in 2007.

Motion made by Chris Papkee to accept Art. 49 as read – 2nd by Steve Train
Moderator read request by the Planning Board to have a paper ballot
Vote: Yes – 51 No – 31

Article 50. Shall the Town vote to sell lot 97-O-3 an 11,049 square foot parcel located on Beach Avenue to Ben and Carol Doughty for the sum of $30,000. The purchasers will pay all legal expenses incurred by the Town through its attorney's for the title transfer.

Motion made by Craig Stewart to accept Art. 50 as read – 2nd by Rod Jacobs

Deputy Moderator stepped in @ 12:35PM

Motion made by Nancy Jordan to have paper ballot – 2nd by Rod Jacobs
Vote on paper ballot: U –1

Motion made by Joanne Stevens to move the pending question – 2nd by Karen Norcross
Vote on to move the pending question: U

Moderator resumed @ 12:55

Vote on Art. 50: Yes – 63 No – 14

Motion made by Cade Brown to adjourn – 2nd by Steve Train
Meeting Adjourned 1:05PM

Brenda L. Singo
Town Clerk

ATTEST: "A true copy of the Minutes of the Annual Town Meeting, May 13, 2006."