



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

www.yorkmaine.org

## BOARD OF SELECTMEN'S MEETING AGENDA 6:00/7:00PM MONDAY, JULY 7, 2014 YORK LIBRARY

**6:00PM: Work Session – Town Manager Search Committee**

### Call to Order

### Opening Ceremonies

**A. Minutes**

**B. Chairman's Report**

**C. Manager's Report**

**D. Awards**

1. Bid for Bog Road Field Project

**E. Reports**

1. Energy Efficiency Steering Committee Grant Update

**F. Citizens' Forum** – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager's Office.

**G. Approval of Warrant #1**

**H. Public Hearings**

**I. Endorsements**

Business Licenses:

1. Jennifer Sterns DBA: Shore Road Restaurant and Market
2. 216 Atlantic Keepers, LLC DBA: Atlantic House Inn
3. Michael L. Stotts DBA: Sea Rose Inn

Transient Seller's License:

1. Hinkle – Southwestern Advantage

**J. Old Business**

1. Discussion and Possible Action on Revised Code of Ethics Policy
2. Discussion and Possible Action on the Issuance of a Driveway Permit at 65 Old Post Road

**K. New Business**

1. Discussion with Senior Center Advisory Board Regarding Future Needs
2. Discussion and Possible Action on Process for Negotiation of Time Warner Franchise Agreement
3. Discussion and Possible Action on Petitions Submitted Requesting Enactment of an Ordinance for Use of Marijuana by Persons 21 Years of Age or Older
4. Discussion and Possible Action for Conflict Waiver from Bernstein Shur
5. Special Event Permit: York Hospital Breast Cancer Walk for Hope
6. Special Event Permit: New England Classic Tour de Cure

**L. Other Business**

**M. Citizens' Forum**

**Adjourn**



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> June 30, 2014  | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014  |  |
| Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> |  |
| <b>Subject:</b> Award bid for Bog Road Athletic Field and Parking Project         |  |

|  |
|--|
| <b>TO:</b> Board of Selectmen  |
| <b>FROM:</b> Michael Sullivan, Parks and Recreation Director   |
| <b>RECOMMENDATION:</b> Per the revised and negotiated agreement with Shaw Brothers Construction, Inc. dated June 25, 2014 I recommend awarding the contract for the Multipurpose Athletic Field and Parking Area at Bog Road to Shaw Brothers Construction, Inc. of Gorham , Maine in the amount of \$354,883. Funding for the project to include \$337,000 from bonding as approved by the voters and \$17,883 from fundraising through the "Charlie Brown Basketball Classic". Additionally I recommend authorizing the use of 516 cubic yards of reclaimed asphalt to be supplied from Public Works reserves at no cost to the project. |
| <b>PROPOSED MOTION:</b> (2 Motions)<br><br>I move to award the bid for the Multipurpose Athletic Field and Parking Area to Shaw Brothers Construction, Inc. in the amount of \$354,883 per the revised agreement dated June 25 <sup>th</sup> , 2014. Funding for the project to include \$337,000 from bonding as approved by the voters and \$17,883 from fundraising through the "Charlie Brown Basketball Classic" .<br><br>I move to authorize the use of up to 516 cubic yards of reclaimed asphalt from Public Works reserves for the Bog Road Parking Area.   |

**Discussion:** We received bids from six contractors for the construction of the multipurpose athletic field and parking area at Bog Road. The bids were as follows;

|  |           |
|--|-----------|
| Shaw Brothers Construction Inc., Gorham, Maine | \$438,665 |
| R.J. Grondin and Sons, Gorham, Maine           | \$459,670 |
| NorthEast Earth Mechanics Inc., Pittsfield, NH | \$498,800 |
| Brex Corporation, Kennebunk, Maine             | \$512,312 |
| Foglio Inc., Waterboro, Maine                  | \$524,385 |
| Altus Construction LLC, Saco, Maine            | \$609,097 |

The amount appropriated for the project was \$375,000 to include engineering, permitting and construction. With engineering and permitting complete the amount available for construction is approximately \$337,000.

Selectmen will note that the bid submittals required unit pricing for certain aspects of the project. Specifically the unit pricing centered around fencing, the parking area and drainage. Selectmen will also note that the majority of the drainage work or storm water management as required by DEP is retroactive to the existing fields and parking area and not the new project.

The engineer and myself have met with the low bidder to discuss potential savings and how we could move this project forward. I am proposing a two phased project; phase one would construct the field in its entirety, rough in the parking area, build the access road and do all drainage work associated with the project. Phase two would supply the type D gravel and reclaimed asphalt to finish the parking area. With respect to phase one I am recommending the following changes to the contract specifications;

|   |         |
|---|---------|
| Eliminate the perimeter fencing   | -22,279 |
| Change sand drainage blanket to granular borrow and reduce from 6" in the middle and 12" on the sides to 4" in the middle and 9" on the side. | -17,751 |
| Eliminate requirement for performance bond  | -3,000  |
| Deduct initial mowing during grow in period   | -1,500  |
| Build access road to parking area and field   | 5,590   |

These changes represent a significant saving for the project and I feel strongly that it can be realized without compromising overall quality. The total cost to accomplish phase one as negotiated is \$354,883. (see attached estimate from Shaw Brothers)

As stated earlier the budgeted amount available for construction is \$337,000. In addition to these tax appropriated funds the Parks and Recreation Department has been fundraising for this project also. Through the "Charlie Brown Basketball Classic" we have to date raised approximately \$20,000. While we were hoping to use the funding for field amenities such as bleachers, scoreboards and goals, we now feel that given the circumstances it would be better spent at this stage of the project. This brings the total amount available to \$357,000, enough to complete phase one.

With respect to phase two the field will need one full year of grow in before it can be used, making it available in the fall of 2015. This will give us time to work on the gravel base and reclaimed asphalt for the parking area. Based on Shaw Brothers bid the Type D gravel was figured at \$21,630 and the reclaimed asphalt at \$16,512 for a total of \$38,142 remaining to complete the project. In speaking with

Dean Lessard the Town has nearly 5,000 yards of reclaimed asphalt they have built up over the years. This project calls for 516 cubic yards, a small portion of what Public Works has on hand. With Dean's blessing I am asking that the Selectmen consider supplying this material at no cost to the project.

|   |
|---|
| <b>FISCAL IMPACT: \$337,000</b>                   |
| <b>DEPARTMENT LINE ITEM ACCOUNT: \$337,644.67</b> |
| <b>BALANCE IN LINE ITEM IF APPROVED: \$644.67</b> |

Prepared By: Michael Sullini Reviewed By: Robert B. Gandon



**SHAW BROTHERS CONSTRUCTION, INC.**

P.O. Box 69 • 341 Mosher Rd. • Gorham, Me 04038

Tel: (207) 839-2552 • Fax: (207)839-6239

Website: [www.shawbrothers.com](http://www.shawbrothers.com)

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June 26, 2014

Town of York Parks and Recreation Department  
186 York Street  
York, ME 03909

Attn: Michael J. Sullivan  
Parks and Recreation Director

Re: Bog Road Athletic Field Facility  
Site Work Contract

Dear Mr. Sullivan:

Shaw Brothers Construction agrees to construct the Bog Road Athletic Field as described in the contract documents and as revised with changes outlined in our bid estimate worksheet provided to you on 6-25-14 and attached. Please feel free to contact us with any questions.

Sincerely,  
Shaw Brothers Construction, Inc

*Robert Brady*

Robert Brady  
Estimator

Encl.

C: File



SECTION 2-B1  
 CONTRACTOR'S PROPOSAL FORM  
 FOR  
 BOG ROAD ATHLETIC FIELD FACILITY  
 YORK, MAINE

BIDDER: SHAW BROTHERS CONSTRUCTION, Inc.  
341 Mosher Road, Gorham, ME 04038

TO: TOWN OF YORK

A. The bidder has reviewed the Form of Contract, General Conditions, Special Provisions and Plans and Specifications dated May 14, 2014, prepared by Fay, Spofford & Thorndike, as well as the premises and conditions affecting the Work and proposes to furnish all labor, equipment, and materials necessary for and reasonably incidental to the construction and completion of this proposal work for the amount of:

Four hundred thirty eight thousand Dollars (438,665.00)\*

B. Six hundred sixty five dollars & No Cents  
 Unit prices are provided on Page 2B-3 of this Proposal form. This page includes a cost of the unit price multiplied by the bid quantity set by the Owner (extended unit prices). The extended unit prices and the lump sum for other work is as follows:

| Bid Item | Description   | Amount        |
|----------|---|---------------|
| 1A       | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | \$ 21,384.00  |
| 1B       | 4' Double Leaf Swing Gate (12' Wide)  | \$ 895.00     |
| 2A       | Supply Reclaim Asphalt  | \$ 16,512.00  |
| 2A-1     | Supply Type "D" Subbase Gravel  | \$ 21,630.00  |
| 2B       | Place, Compact, and Fine Grade Reclaim Asphalt  | \$ 2,580.00   |
| 2B-1     | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | \$ 4,120.00   |
| 2C       | Supply Sand Drainage Blanket  | \$ 63,544.00  |
| 3A       | Supply and Install Type F Catch Basin   | \$ 2,700.00   |
| 3B       | Provide and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | \$ 5,187.00   |
| 3C       | Provide and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 1,968.00   |
| 3D       | Provide and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,580.00   |
| 3E       | Provide and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 11,385.00  |
| 4        | All Other Work Required for Construction of the Project   | \$ 284,300.00 |

\*The total of Items 1 through 4 should equal the amount entered in Paragraph A.

The Owner reserves the right to accept any or all unit price items, to revise the quantities of unit price work. The Owner may also elect to not award a Contract, to negotiate a Contract with any bidder, to determine the low bid based on the base bid or the base bid and any combinations of alternates, to waive any bid informalities and to reject any or all bids.

It is the responsibility of the Contractor to include all work required by the project within the bid amount in Paragraph A of this Proposal.

C. This proposal includes the following addenda to the plans and specifications:

Addendum No. 1, Dated 5-23-2014

Addendum No. 2, Dated 6-2-2014

Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

D. The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Bonds and Affidavits of all Insurance specified within five (5) calendar days after the date of notification of such acceptance, except if the 5th day falls on a holiday, a Saturday or Sunday, then the conditions will be fulfilled if the required documents are received before 12 o'clock noon on the day following the holiday, or the Monday following the Saturday or Sunday, and as a guarantee thereof, herewith submits a Certified or Cashier's Check or Bid Bond as required.

E. The undersigned agrees, if awarded the Contract, to complete the work in accordance with the project phase schedule contained in the Contract Documents.

F. This Proposal includes the cost of a 100% Performance Bond and a 100% Payment Bond.

G. This proposal includes unit prices for several work items provided on 2B-3 which is attached and made a binding portion of this bid proposal.

H. This bid is valid for a period of 15 days.

Signed: [Signature] PRESIDENT

By JONATHAN E. SHAW, President SHAW BROTHERS CONSTRUCTION, Inc.

Address: 341 Mosher Rd, Gorham ME 04038

NOTE: If Bidder is a Corporation, write State of Incorporation and, if a Partnership, give full names of all Partners.

MAINE

LONG FORM CONTRACT COST BREAKDOWN

CONTRACTOR: SHAW BROTHERS CONSTRUCTION, Inc DATE: 6-4-2014

ADDRESS: 341 Mosher Rd. Gorham ME 04038

PROJECT: Bog Road Athletic Field Facility

Note: This Proposal shall be filled in by the Bidder including the computation of the bid quantity. Unit price shall be written in numerals and the extensions made by the bidder. The certain bid items have predetermined quantities determined by the Engineer for incorporation into the project. The cost breakdown is for Owner's use in review of bids only. All base bid work is part of a lump sum bid.

| ITEM NO.                   | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE<br>(in numerals) | COST<br>(in numerals) |
|----------------------------|--|------|----------|-----------------------------|-----------------------|
| 1A                         | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap  | LF   | 1,188    | 18.00                       | 21,384.00             |
| 1B                         | 4' Double Leaf Swing Gate (12' Wide)   | EA   | 1        | 895.00                      | 895.00                |
| 2A                         | Supply Reclaim Asphalt   | CY   | 516      | 32.00                       | 16,512.00             |
| 2A-1                       | Supply Type "D" Subbase Gravel   | CY   | 1,030    | 21.00                       | 21,630.00             |
| 2B                         | Place, Compact, and Fine Grade Reclaim Asphalt   | CY   | 516      | 5.00                        | 2,580.00              |
| 2B-1                       | Place, Compact, and Fine Grade Type "D" Subbase Gravel   | CY   | 1,030    | 4.00                        | 4,120.00              |
| 2C                         | Supply Sand Drainage Blanket   | CY   | 2,444    | 26.00                       | 63,544.00             |
| 3A                         | Supply and Install Type F Catch Basin  | EA   | 2        | 1,350.00                    | 2,700.00              |
| 3B                         | Supply and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | LF   | 275      | 19.60                       | 5,187.00              |
| 3C                         | Supply and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 53       | 36.00                       | 1,908.00              |
| 3D                         | Supply and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 60       | 42.00                       | 2,520.00              |
| 3E                         | Supply and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 253      | 45.00                       | 11,385.00             |
| 4                          | All Other Work Required for Construction of the Project  | LS   | 1        | 284,300.00                  | 284,300.00            |
| <b>TOTAL FOR BASE BID*</b> |  |      |          |                             | <b>438,665.00</b>     |

\*(This is the amount to be entered on the Bid Form Page 2B-1)

**SHAW BROTHERS CONSTRUCTION, INC.**

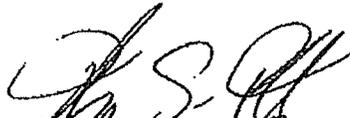
I, Peter S. Plumb, Clerk of SHAW BROTHERS CONSTRUCTION, INC., certify that the following named individuals hold the offices set forth opposite their respective names as of the date below:

President: Jonathan E. Shaw  
Treasurer: Daniel H. Shaw  
Vice-President: Thomas B. Biegel  
Clerk: Peter S. Plumb

I further certify that the following are true and exact copies of resolutions of the Corporation's Board of Directors and that said resolutions have not been altered or amended to the date of this certificate:

**RESOLVED:** To authorize the President, Vice-President and Treasurer of SHAW BROTHERS CONSTRUCTION, INC., or any one of them, to make verbal and written bids on behalf of the Corporation for construction work of any type and nature, including but not limited to earth work, road work, sidewalk work, foundation work and all other manner of work which can be reasonably described as construction work to any organization, whether public or private, anywhere within the State of Maine, at any time, and to fill out, execute and sign on behalf of the Corporation any and all documents which may be required from time to time by the person or organization or governmental entity seeking the bid. The authority of the Vice-President is limited to contracts with a face amount of no more than two million dollars (\$2,000,000).

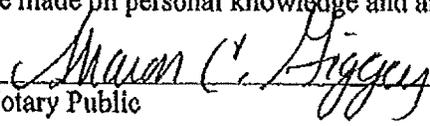
Dated: July 22, 2013

  
Peter S. Plumb, Clerk

State of Maine  
Cumberland, ss.

July 22, 2013

Personally appeared before me the above-named Peter S. Plumb in his capacity as Clerk and made oath that the foregoing statements are made on personal knowledge and are true.

  
Notary Public

SHARON C. GIGGEY  
A NOTARY PUBLIC OF MAINE  
MY COMMISSION EXPIRES JULY 24, 2018

SECTION 2-C1  
SHORT FORM  
FORM OF GENERAL CONTRACT BID BOND  
(5% OF BASE BID AMOUNT)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED (1) SHAW  
BROTHERS CONSTRUCTION, INC., (2) a corporation

OF P.O. Box 69, Gorham AND STATE OF Maine  
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, AGENCY :  
AS PRINCIPAL AND (3) P.O. Box 511, Concord, NH 03302-0511

AS SURETY, ARE HEREBY HELD AND FIRMLY BOUND UNTO (4) THE TOWN OF YORK,  
186 York Street, York, ME 03909 IN THE PENAL SUM OF FIVE PERCENT OF AMOUNT BID  
(5% OF AMOUNT BID )  
FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY  
AND SEVERALLY BIND OURSELVES, OUR HEIRS, EXECUTORS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS, SIGNED THIS (5) 4th DAY OF June 20 14.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE  
PRINCIPAL HAS SUBMITTED TO (6) OWNER TOWN OF YORK

186 York Street, York, ME 03909  
A CERTAIN PROPOSAL, ATTACHED HERETO AND HEREBY MADE A PART HEREOF, TO  
ENTER INTO A CONTRACT IN WRITING, FOR THE CONSTRUCTION OF (7) \_\_\_\_\_

BOG ROAD ATHLETIC FIELD FACILITY, YORK, MAINE  
NOW THEREFORE:

(A) IF SAID PROPOSAL SHALL BE REJECTED, OR, IN THE ALTERNATE,

(B) IF SAID PROPOSAL SHALL BE ACCEPTED AND THE PRINCIPAL SHALL EXECUTE AND DELIVER A CONTRACT IN THE FORM OF CONTRACT ATTACHED HERETO (PROPERLY COMPLETED IN ACCORDANCE WITH SAID PROPOSAL) AND SHALL FURNISH A BOND FOR HIS FAITHFUL PERFORMANCE OF SAID CONTRACT, AND FOR THE PAYMENT OF ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIAL IN CONNECTION THEREWITH, AND SHALL IN ALL OTHER RESPECTS PERFORM THE AGREEMENT CREATED BY THE ACCEPTANCE OF SAID PROPOSAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE THE SAME SHALL REMAIN IN FORCE AND EFFECT: IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT THE LIABILITY OF THE SURETY FOR ANY AND ALL CLAIMS HEREBY UNDER SHALL, IN NO EVENT, EXCEED THE PENAL AMOUNT OF THIS OBLIGATION AS HEREBY STATED.

THE SURETY, FOR VALUE RECEIVED HEREBY STIPULATES AND AGREES THAT THE OBLIGATION OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF TIME WITHIN WHICH THE PRINCIPAL MAY ACCEPT

SUCH PROPOSAL: AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICES, THE DAY AND YEAR FIRST SET ABOVE.

SIGNED AND SEALED THIS (5) 4TH DAY OF June 2014.

WITNESS: \_\_\_\_\_ CONTRACTOR: SHAW BROTHERS CONSTRUCTION, INC  
Robert Byer By Jonathan E. Shaw, President (L.S.)  
By \_\_\_\_\_ (L.S.)  
By \_\_\_\_\_ (L.S.)

WITNESS: \_\_\_\_\_ SURETY TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA  
By Michael P. O'Brien, Attorney-in-Fact (L.S.)  
By \_\_\_\_\_ (L.S.)

APPROVED AS TO FORM \_\_\_\_\_, 20\_\_\_\_.

BY \_\_\_\_\_  
(Owner's Attorney)

Legend

- (1) Correct name of contractor.
- (2) A corporation, a partnership, or an individual, as the case may be.
- (3) Correct name of surety.
- (5) Same date as that of proposal.
- (7) Name of project as designated in the contract documents.

If contractor is a partnership, all partners should execute bond. A power of attorney document, together with a statement that it still is in full force and effect shall be provided by the person executing this bond.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 226027

Certificate No. 005521452

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Daniel E. Church, Bruce H. Langley, William Ver Planck, Paula J. Cantara, John P. Timmeny, John T. Whiting, Michael P. O'Brien, Christine M. Hosmer, and Ryan Stevens

of the City of Concord, State of New Hampshire, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 7th day of June, 2013.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
Robert L. Raney, Senior Vice President

On this the 7th day of June, 2013, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 30th day of June, 2016.



[Signature]
Marie C. Tetreault, Notary Public

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

SECTION 2-B1  
 CONTRACTOR'S PROPOSAL FORM  
 FOR  
 BOG ROAD ATHLETIC FIELD FACILITY  
 YORK, MAINE

BIDDER: R. J. Grandin & Sons,  
11 Bartlett Road Gorham, ME 04038

TO: TOWN OF YORK

A. The bidder has reviewed the Form of Contract, General Conditions, Special Provisions and Plans and Specifications dated May 14, 2014, prepared by Fay, Spofford & Thorndike, as well as the premises and conditions affecting the Work and proposes to furnish all labor, equipment, and materials necessary for and reasonably incidental to the construction and completion of this proposal work for the amount of:

four hundred fifty nine thousand six hundred Dollars (459,670.00)\*  
*seventy*

B. Unit prices are provided on Page 2B-3 of this Proposal form. This page includes a cost of the unit price multiplied by the bid quantity set by the Owner (extended unit prices). The extended unit prices and the lump sum for other work is as follows:

| Bid Item | Description   | Amount        |
|----------|---|---------------|
| 1A       | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | \$ 27,324.00  |
| 1B       | 4' Double Leaf Swing Gate (12' Wide)  | \$ 1,300.00   |
| 2A       | Supply Reclaim Asphalt  | \$ 10,191.00  |
| 2A-1     | Supply Type "D" Subbase Gravel  | \$ 20,342.50  |
| 2B       | Place, Compact, and Fine Grade Reclaim Asphalt  | \$ 7,353.00   |
| 2B-1     | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | \$ 14,677.50  |
| 2C       | Supply Sand Drainage Blanket  | \$ 34,827.00  |
| 3A       | Supply and Install Type F Catch Basin   | \$ 3,600.00   |
| 3B       | Provide and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | \$ 5,460.00   |
| 3C       | Provide and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,199.50   |
| 3D       | Provide and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 1,920.00   |
| 3E       | Provide and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 8,475.50   |
| 4        | All Other Work Required for Construction of the Project   | \$ 322,000.00 |

\*The total of Items 1 through 4 should equal the amount entered in Paragraph A.

LONG FORM CONTRACT COST BREAKDOWN

DATE: 6/4/2014

CONTRACTOR: R.J. Goodwin & Sons  
 ADDRESS: 11 Bartlett Road Gorham ME 04038

PROJECT: Bog Road Athletic Field Facility York Maine

Note: This Proposal shall be filled in by the Bidder including the computation of the bid quantity. Unit price shall be written in numerals and the extensions made by the bidder. The certain bid items have predetermined quantities determined by the Engineer for incorporation into the project. The cost breakdown is for Owner's use in review of bids only. All base bid work is part of a lump sum bid.

| ITEM NO.            | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE<br>(in numerals) | COST<br>(in numerals) |
|---------------------|--|------|----------|-----------------------------|-----------------------|
| 1A                  | 4" Vinyl Coated Chain Link Fence and Fence Safety Cap  | LF   | 1,188    | 23.00                       | 27,324.00             |
| 1B                  | 4' Double Leaf Swing Gate (12' Wide)   | EA   | 1        | 1,300.00                    | 1,300.00              |
| 2A                  | Supply Reclaim Asphalt   | CY   | 516      | 19.75                       | 10,191.00             |
| 2A-1                | Supply Type "D" Subbase Gravel   | CY   | 1,030    | 19.75                       | 20,342.50             |
| 2B                  | Place, Compact, and Fine Grade Reclaim Asphalt   | CY   | 516      | 14.25                       | 7,353.00              |
| 2B-1                | Place, Compact, and Fine Grade Type "D" Subbase Gravel   | CY   | 1,030    | 14.25                       | 14,677.50             |
| 2C                  | Supply Sand Drainage Blanket   | CY   | 2,444    | 14.25                       | 34,827.00             |
| 3A                  | Supply and Install Type F Catch Basin  | EA   | 2        | 1,800.00                    | 3,600.00              |
| 3B                  | Supply and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | LF   | 273      | 20.00                       | 5,460.00              |
| 3C                  | Supply and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 53       | 41.50                       | 2,199.50              |
| 3D                  | Supply and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 60       | 32.00                       | 1,920.00              |
| 3E                  | Supply and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 253      | 33.50                       | 8,475.50              |
| 4                   | All Other Work Required for Construction of the Project  | LS   | 1        | 322,000.00                  | 322,000.00            |
| TOTAL FOR BASE BID* |  |      |          | \$                          | 459,670.00            |

\*(This is the amount to be entered on the Bid Form Page 2B-1)

The Owner reserves the right to accept any or all unit price items, to revise the quantities of unit price work. The Owner may also elect to not award a Contract, to negotiate a Contract with any bidder, to determine the low bid based on the base bid or the base bid and any combinations of alternates, to waive any bid informalities and to reject any or all bids.

It is the responsibility of the Contractor to include all work required by the project within the bid amount in Paragraph A of this Proposal.

C. This proposal includes the following addenda to the plans and specifications:

Addendum No. 1, Dated 5/28/14  
Addendum No. 2, Dated 6/22/14  
Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

D. The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Bonds and Affidavits of all Insurance specified within five (5) calendar days after the date of notification of such acceptance, except if the 5th day falls on a holiday, a Saturday or Sunday, then the conditions will be fulfilled if the required documents are received before 12 o'clock noon on the day following the holiday, or the Monday following the Saturday or Sunday, and as a guarantee thereof, herewith submits a Certified or Cashier's Check or Bid Bond as required.

E. The undersigned agrees, if awarded the Contract, to complete the work in accordance with the project phase schedule contained in the Contract Documents.

F. This Proposal includes the cost of a 100% Performance Bond and a 100% Payment Bond.

G. This proposal includes unit prices for several work items provided on 2B-3 which is attached and made a binding portion of this bid proposal.

H. This bid is valid for a period of 45 days.

Signed: Philip Grandin Jr.

By Philip Grandin Jr., Treasurer

Address: 11 Bartlett Rd, Gorham, ME

NOTE: If Bidder is a Corporation, write State of Incorporation and, if a Partnership, give full names of all Partners.

SECTION 2-C1  
SHORT FORM  
FORM OF GENERAL CONTRACT BID BOND  
(5% OF BASE BID AMOUNT)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED (1) \_\_\_\_\_  
R.J. GRONDIN & SONS, (2) \_\_\_\_\_ Corporation  
OF 11 Bartlett Road, Gorham AND STATE OF Maine 04038  
AS PRINCIPAL AND (3) BERKLEY INSURANCE COMPANY /AGENCY: P.O. Box 511, Concord, NH 03302-0511  
AS SURETY, ARE HEREBY HELD AND FIRMLY BOUND UNTO (4) TOWN OF YORK,  
186 York Street, York, ME 03909 IN THE PENAL SUM OF FIVE PERCENT OF AMOUNT BID  
(5% OF AMOUNT BID)  
FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY  
AND SEVERALLY BIND OURSELVES, OUR HEIRS, EXECUTORS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS, SIGNED THIS (5) 28th DAY OF May 20 14.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE  
PRINCIPAL HAS SUBMITTED TO (6) OWNER TOWN OF YORK, MAINE

A CERTAIN PROPOSAL, ATTACHED HERETO AND HEREBY MADE A PART HEREOF, TO  
ENTER INTO A CONTRACT IN WRITING, FOR THE CONSTRUCTION OF (7) BOG ROAD  
ATHLETIC FIELD FACILITY, YORK, MAINE

NOW THEREFORE:

(A) IF SAID PROPOSAL SHALL BE REJECTED, OR, IN THE ALTERNATE,

(B) IF SAID PROPOSAL SHALL BE ACCEPTED AND THE PRINCIPAL SHALL EXECUTE AND DELIVER A CONTRACT IN THE FORM OF CONTRACT ATTACHED HERETO (PROPERLY COMPLETED IN ACCORDANCE WITH SAID PROPOSAL) AND SHALL FURNISH A BOND FOR HIS FAITHFUL PERFORMANCE OF SAID CONTRACT, AND FOR THE PAYMENT OF ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIAL IN CONNECTION THEREWITH, AND SHALL IN ALL OTHER RESPECTS PERFORM THE AGREEMENT CREATED BY THE ACCEPTANCE OF SAID PROPOSAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE THE SAME SHALL REMAIN IN FORCE AND EFFECT: IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT THE LIABILITY OF THE SURETY FOR ANY AND ALL CLAIMS HEREBY UNDER SHALL, IN NO EVENT, EXCEED THE PENAL AMOUNT OF THIS OBLIGATION AS HEREIN STATED.

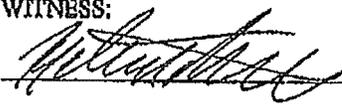
THE SURETY, FOR VALUE RECEIVED HEREBY STIPULATES AND AGREES THAT THE OBLIGATION OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF TIME WITHIN WHICH THE PRINCIPAL MAY ACCEPT

SUCH PROPOSAL: AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREBY SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICES, THE DAY AND YEAR FIRST SET ABOVE.

SIGNED AND SEALED THIS (5) 28th DAY OF May 2014

WITNESS: CONTRACTOR: R.J. GRONDIN & SONS  
By \_\_\_\_\_ (L.S.)  
By \_\_\_\_\_ (L.S.)  
By \_\_\_\_\_ (L.S.)

WITNESS: SURETY BERKLEY INSURANCE COMPANY  
By  \_\_\_\_\_ (L.S.)  
By Michael P. O'Brien, Attorney-In-Fact \_\_\_\_\_ (L.S.)

APPROVED AS TO FORM \_\_\_\_\_ 20

BY \_\_\_\_\_  
(Owner's Attorney)

Legend

- (1) Correct name of contractor.
- (2) A corporation, a partnership, or an individual, as the case may be.
- (3) Correct name of surety.
- (5) Same date as that of proposal.
- (7) Name of project as designated in the contract documents.

If contractor is a partnership, all partners should execute bond. A power of attorney document, together with a statement that it still is in full force and effect shall be provided by the person executing this bond.



SECTION 2-B1  
 CONTRACTOR'S PROPOSAL FORM  
 FOR  
 BOG ROAD ATHLETIC FIBLD FACILITY  
 YORK, MAINE

BIDDER: Northeast Earth Mechanics Inc.

TO: TOWN OF YORK

A. The bidder has reviewed the Form of Contract, General Conditions, Special Provisions and Plans and Specifications dated May 14, 2014, prepared by Fay, Spofford & Thorndike, as well as the premises and conditions affecting the Work and proposes to furnish all labor, equipment, and materials necessary for and reasonably incidental to the construction and completion of this proposal work for the amount of:

FOUR HUNDRED NINETY EIGHT THOUSAND EIGHT HUNDRED Dollars (\$498,800.00)\*

B. Unit prices are provided on Page 2B-3 of this Proposal form. This page includes a cost of the unit price multiplied by the bid quantity set by the Owner (extended unit prices). The extended unit prices and the lump sum for other work is as follows:

| Bid Item | Description   | Amount        |
|----------|---|---------------|
| 1A       | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | \$ 23,760.00  |
| 1B       | 4' Double Leaf Swing Gate (12' Wide)  | \$ 1,000.00   |
| 2A       | Supply Reclaim Asphalt  | \$ 18,060.00  |
| 2A-1     | Supply Type "D" Subbase Gravel  | \$ 19,540.00  |
| 2B       | Place, Compact, and Fine Grade Reclaim Asphalt  | \$ 1,032.00   |
| 2B-1     | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | \$ 2,060.00   |
| 2C       | Supply Sand Drainage Blanket  | \$ 46,736.00  |
| 3A       | Supply and Install Type F Catch Basin   | \$ 4,400.00   |
| 3B       | Provide and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | \$ 2,720.00   |
| 3C       | Provide and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 1,537.00   |
| 3D       | Provide and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 1,860.00   |
| 3E       | Provide and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 9619.00    |
| 4        | All Other Work Required for Construction of the Project   | \$ 367,771.00 |

\*The total of Items 1 through 4 should equal the amount entered in Paragraph A.

The Owner reserves the right to accept any or all unit price items, to revise the quantities of unit price work. The Owner may also elect to not award a Contract, to negotiate a Contract with any bidder, to determine the low bid based on the base bid or the base bid and any combinations of alternates, to waive any bid informalities and to reject any or all bids.

It is the responsibility of the Contractor to include all work required by the project within the bid amount in Paragraph A of this Proposal.

C. This proposal includes the following addenda to the plans and specifications:

Addendum No. 1, Dated 23 MAY 17  
Addendum No. 2, Dated 2 JUNE 19  
Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

D. The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Bonds and Affidavits of all Insurance specified within five (5) calendar days after the date of notification of such acceptance, except if the 5th day falls on a holiday, a Saturday or Sunday, then the conditions will be fulfilled if the required documents are received before 12 o'clock noon on the day following the holiday, or the Monday following the Saturday or Sunday, and as a guarantee thereof, herewith submits a Certified or Cashier's Check or Bid Bond as required.

E. The undersigned agrees, if awarded the Contract, to complete the work in accordance with the project phase schedule contained in the Contract Documents.

F. This Proposal includes the cost of a 100% Performance Bond and a 100% Payment Bond.

G. This proposal includes unit prices for several work items provided on 2B-3 which is attached and made a binding portion of this bid proposal.

H. This bid is valid for a period of 45 days.

Signed: \_\_\_\_\_

President

By \_\_\_\_\_

James N. Lodge II

Address: \_\_\_\_\_

159 Barnstead Road, Pittsfield NH 03263

NH

NOTE: If Bidder is a Corporation, write State of Incorporation and, if a Partnership, give full names of all Partners.

LONG FORM CONTRACT COST BREAKDOWN

DATE: 6/4/14

CONTRACTOR: Northeast Earth Mechanics Inc.  
 ADDRESS: 159 Burnstee Rd, Pittsford, NY 03267  
 PROJECT: Boj Road Athletic Facility

Note: This Proposal shall be filled in by the Bidder including the computation of the bid quantity. Unit price shall be written in numerals and the extensions made by the bidder. The certain bid items have predetermined quantities determined by the Engineer for incorporation into the project. The cost breakdown is for Owner's use in review of bids only. All base bid work is part of a lump sum bid.

| ITEM NO.                   | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE<br>(in numerals) | COST<br>(in numerals) |
|----------------------------|--|------|----------|-----------------------------|-----------------------|
| 1A                         | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap  | LF   | 1,188    | 20.00                       | 23,760.00             |
| 1B                         | 4' Double Leaf Swing Gate (12' Wide)   | EA   | 1        | 1,000.00                    | 1,000.00              |
| 2A                         | Supply Reclaim Asphalt   | CY   | 516      | 35.00                       | 18,060.00             |
| 2A-1                       | Supply Type "D" Subbase Gravel   | CY   | 1,030    | 18.00                       | 18,540.00             |
| 2B                         | Place, Compact, and Fine Grade Reclaim Asphalt   | CY   | 516      | 2.00                        | 1,032.00              |
| 2B-1                       | Place, Compact, and Fine Grade Type "D" Subbase Gravel   | CY   | 1,030    | 3.00                        | 3,090.00              |
| 2C                         | Supply Sand Drainage Blanket   | CY   | 2,444    | 19.00                       | 46,436.00             |
| 3A                         | Supply and Install Type F Catch Basin  | EA   | 2        | 2,100.00                    | 4,200.00              |
| 3B                         | Supply and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | LF   | 273      | 10.00                       | 2,730.00              |
| 3C                         | Supply and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 53       | 29.00                       | 1,537.00              |
| 3D                         | Supply and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 60       | 31.00                       | 1,860.00              |
| 3E                         | Supply and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 253      | 38.00                       | 9,614.00              |
| 4                          | All Other Work Required for Construction of the Project  | LS   | 1        | 367,711.00                  | 367,711.00            |
| <b>TOTAL FOR BASE BID*</b> |  |      |          | <b>\$ 498,800.00</b>        |                       |

\*(This is the amount to be entered on the Bid Form Page 2B-1)

SECTION 2-C1  
SHORT FORM  
FORM OF GENERAL CONTRACT BID BOND  
(5% OF BASE BID AMOUNT)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED (1) NORTHEAST  
EARTH MECHANICS, INC., (2) Corporation

OF 159 Barnstead Rd., Pittsfield AND STATE OF New Hampshire 03263  
UNITED STATES SURETY COMPANY,  
AS PRINCIPAL AND (3) AGENCY: P.O. Box 511, Concord, NH 03302-0511

AS SURETY, ARE HEREBY HELD AND FIRMLY BOUND UNTO (4) TOWN OF YORK,  
186 York Street, York, ME 03909 IN THE PENAL SUM OF FIVE PERCENT OF AMOUNT BID  
(5% OF AMOUNT BID)

FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY  
AND SEVERALLY BIND OURSELVES, OUR HEIRS, EXECUTORS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS, SIGNED THIS (5) 28th DAY OF May 20 14

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE  
PRINCIPAL HAS SUBMITTED TO (6) OWNER TOWN OF YORK, ME  
186 York Street, York, ME 03909

A CERTAIN PROPOSAL, ATTACHED HERETO AND HEREBY MADE A PART HEREOF, TO  
ENTER INTO A CONTRACT IN WRITING, FOR THE CONSTRUCTION OF (7)   
BOG ROAD ATHLETIC FIELD FACILITY, YORK, ME

NOW THEREFORE:

(A) IF SAID PROPOSAL SHALL BE REJECTED, OR, IN THE ALTERNATE,

(B) IF SAID PROPOSAL SHALL BE ACCEPTED AND THE PRINCIPAL SHALL EXECUTE AND DELIVER A CONTRACT IN THE FORM OF CONTRACT ATTACHED HERETO (PROPERLY COMPLETED IN ACCORDANCE WITH SAID PROPOSAL) AND SHALL FURNISH A BOND FOR HIS FAITHFUL PERFORMANCE OF SAID CONTRACT, AND FOR THE PAYMENT OF ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIAL IN CONNECTION THEREWITH, AND SHALL IN ALL OTHER RESPECTS PERFORM THE AGREEMENT CREATED BY THE ACCEPTANCE OF SAID PROPOSAL, THEN THIS OBLIGATION SHALL BE VOID; OTHERWISE THE SAME SHALL REMAIN IN FORCE AND EFFECT: IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT THE LIABILITY OF THE SURETY FOR ANY AND ALL CLAIMS HEREBY UNDER SHALL, IN NO EVENT, EXCEED THE PENAL AMOUNT OF THIS OBLIGATION AS HEREIN STATED.

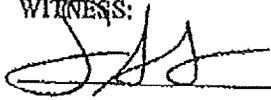
THE SURETY, FOR VALUE RECEIVED HEREBY STIPULATES AND AGREES THAT THE OBLIGATION OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF TIME WITHIN WHICH THE PRINCIPAL MAY ACCEPT

SUCH PROPOSAL: AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

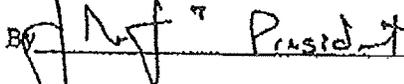
IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICES, THE DAY AND YEAR FIRST SET ABOVE.

SIGNED AND SEALED THIS (5) 28th DAY OF May 2014.

WITNESS:



CONTRACTOR: NORTHEAST EARTH MECHANICS, INC.

By  President (L.S.)

By \_\_\_\_\_ (L.S.)

By \_\_\_\_\_ (L.S.)

WITNESS:

  
Christina M. Hosmer

SURETY UNITED STATES SURETY COMPANY

By  (L.S.)  
William Ver Plonck, Attorney-In-Fact

By \_\_\_\_\_ (L.S.)

APPROVED AS TO FORM \_\_\_\_\_, 20\_\_\_\_.

BY \_\_\_\_\_  
(Owner's Attorney)

Legend

- (1) Correct name of contractor.
- (2) A corporation, a partnership, or an individual, as the case may be.
- (3) Correct name of surety.
- (5) Same date as that of proposal.
- (7) Name of project as designated in the contract documents.

If contractor is a partnership, all partners should execute bond. A power of attorney document, together with a statement that it still is in full force and effect shall be provided by the person executing this bond.

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation (collectively, the "Companies"), do by these presents make, constitute and appoint:

**Daniel E. Church, William VerPlanck, John P. Timmeny, John T. Whiting, Paula J. Cantara, Christina M. Hosmar, Michael P. O'Brien, Ryan M. Stevens**

its true and lawful Attorney(s) in fact, each in their separate capacity if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship, to include riders, amendments and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*Unlimited\*\*\*\*\* Dollars (\$\*\*\*unlimited\*\*\*).

This Power of Attorney shall expire without further action on December 08, 2016. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be It Resolved*, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s) in Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney in Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents cancelling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney in Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

*Be It Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of December, 2012.

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



*[Signature]*  
Daniel P. Aguilar, Vice President

State of California

County of Los Angeles SS

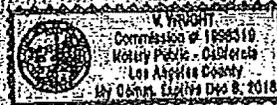
On 10th day of December, 2012, before me, Vanessa Whigh, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature

*[Signature]*

(Seal)



I, Jeannie Lee, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 28th day of *May* 2014.

Corporate Seals



*[Signature]*  
Jeannie Lee, Assistant Secretary

Bond No.

Agency No. 12156

SECTION 2-B1  
 CONTRACTOR'S PROPOSAL FORM  
 FOR  
 BOG ROAD ATHLETIC FIELD FACILITY  
 YORK, MAINE

BIDDER: BREX CORP.  
258 MAGUIRE RD, KENNEBUNK ME 04043

TO: TOWN OF YORK

A. The bidder has reviewed the Form of Contract, General Conditions, Special Provisions and Plans and Specifications dated May 14, 2014, prepared by Fay, Spofford & Thorndike, as well as the premises and conditions affecting the Work and proposes to furnish all labor, equipment, and materials necessary for and reasonably incidental to the construction and completion of this proposal work for the amount of:

FIVE HUNDRED TWELVE THOUSAND  
THREE HUNDRED TWELVE 00/100 Dollars (512,312<sup>00</sup>)<sup>\*</sup>

B. Unit prices are provided on Page 2B-3 of this Proposal form. This page includes a cost of the unit price multiplied by the bid quantity set by the Owner (extended unit prices). The extended unit prices and the lump sum for other work is as follows:

| Bid Item | Description   | Amount                   |
|----------|---|--------------------------|
| 1A       | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | \$ 21,384 <sup>00</sup>  |
| 1B       | 4' Double Leaf Swing Gate (12' Wide)  | \$ 1,100 <sup>00</sup>   |
| 2A       | Supply Reclaim Asphalt  | \$ 12,384 <sup>00</sup>  |
| 2A-1     | Supply Type "D" Subbase Gravel  | \$ 14,420 <sup>00</sup>  |
| 2B       | Place, Compact, and Fine Grade Reclaim Asphalt  | \$ 4,128 <sup>00</sup>   |
| 2B-1     | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | \$ 2,060 <sup>00</sup>   |
| 2C       | Supply Sand Drainage Blanket  | \$ 36,660 <sup>00</sup>  |
| 3A       | Supply and Install Type F Catch Basin   | \$ 4,200 <sup>00</sup>   |
| 3B       | Provide and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | \$ 4,914 <sup>00</sup>   |
| 3C       | Provide and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 1,908 <sup>00</sup>   |
| 3D       | Provide and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,160 <sup>00</sup>   |
| 3E       | Provide and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 10,120 <sup>00</sup>  |
| 4        | All Other Work Required for Construction of the Project   | \$ 396,874 <sup>00</sup> |

\*The total of Items 1 through 4 should equal the amount entered in Paragraph A.

The Owner reserves the right to accept any or all unit price items, to revise the quantities of unit price work. The Owner may also elect to not award a Contract, to negotiate a Contract with any bidder, to determine the low bid based on the base bid or the base bid and any combinations of alternates, to waive any bid informalities and to reject any or all bids.

It is the responsibility of the Contractor to include all work required by the project within the bid amount in Paragraph A of this Proposal.

C. This proposal includes the following addenda to the plans and specifications:

Addendum No. 1, Dated 05/23/14  
Addendum No. 2, Dated 06/02/14  
Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

D. The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Bonds and Affidavits of all Insurance specified within five (5) calendar days after the date of notification of such acceptance, except if the 5th day falls on a holiday, a Saturday or Sunday, then the conditions will be fulfilled if the required documents are received before 12 o'clock noon on the day following the holiday, or the Monday following the Saturday or Sunday, and as a guarantee thereof, herewith submits a Certified or Cashier's Check or Bid Bond as required.

E. The undersigned agrees, if awarded the Contract, to complete the work in accordance with the project phase schedule contained in the Contract Documents.

F. This Proposal includes the cost of a 100% Performance Bond and a 100% Payment Bond.

G. This proposal includes unit prices for several work items provided on 2B-3 which is attached and made a binding portion of this bid proposal.

H. This bid is valid for a period of 45 days.

Signed: \_\_\_\_\_

By MARK D. BROWN, PRESIDENT

Address: 258 MAQUINA RD

NOTE: If Bidder is a Corporation, write State of Incorporation and, if a Partnership, give full names of all Partners.

MAINZ

LONG FORM CONTRACT COST BREAKDOWN

DATE: 06/04/2014

CONTRACTOR: BALSA COST  
 ADDRESS: 255 MARIANNE RD KENNETHSINK, WA 99043  
 PROJECT: BOG ROAD IMPROVEMENTS

Note: This Proposal shall be filled in by the Bidder including the computation of the bid quantity. Unit price shall be written in numerals and the extensions made by the bidder. The certain bid items have predetermined quantities determined by the Engineer for incorporation into the project. The cost breakdown is for Owner's use in review of bids only. All base bid work is part of a lump sum bid.

| ITEM NO.            | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE<br>(in numerals) | COST<br>(in numerals) |
|---------------------|--|------|----------|-----------------------------|-----------------------|
| 1A                  | 4" Vinyl Coated Chain Link Fence and Fence Safety Cap  | LF   | 1,188    | 18 <sup>00</sup>            | 21,384 <sup>00</sup>  |
| 1B                  | 4" Double Leaf Swing Gate (12' Wide)   | EA   | 1        | 1100 <sup>00</sup>          | 1,100 <sup>00</sup>   |
| 2A                  | Supply Reclaim Asphalt   | CY   | 516      | 24 <sup>00</sup>            | 12,384 <sup>00</sup>  |
| 2A-1                | Supply Type "D" Subbase Gravel   | CY   | 1,030    | 14 <sup>00</sup>            | 14,420 <sup>00</sup>  |
| 2B                  | Place, Compact, and Fine Grade Reclaim Asphalt   | CY   | 516      | 8 <sup>00</sup>             | 4,128 <sup>00</sup>   |
| 2B-1                | Place, Compact, and Fine Grade Type "D" Subbase Gravel   | CY   | 1,030    | 2 <sup>00</sup>             | 2,060 <sup>00</sup>   |
| 2C                  | Supply Sand Drainage Blanket   | CY   | 2,444    | 15 <sup>00</sup>            | 36,660 <sup>00</sup>  |
| 3A                  | Supply and Install Type F Catch Basin  | EA   | 2        | 2100 <sup>00</sup>          | 4,200 <sup>00</sup>   |
| 3B                  | Supply and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | LF   | 273      | 18 <sup>00</sup>            | 4,914 <sup>00</sup>   |
| 3C                  | Supply and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 53       | 36 <sup>00</sup>            | 1,908 <sup>00</sup>   |
| 3D                  | Supply and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 60       | 36 <sup>00</sup>            | 2,160 <sup>00</sup>   |
| 3E                  | Supply and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 253      | 40 <sup>00</sup>            | 10,120 <sup>00</sup>  |
| 4                   | All Other Work Required for Construction of the Project  | LS   | 1        |                             |                       |
| TOTAL FOR BASE BID* |  |      |          | \$ 512,312 <sup>00</sup>    | 396,834 <sup>00</sup> |

\*This is the amount to be entered on the Bid Form Page 2B-1)

 **AIA** Document A310™ - 2010

**Bid Bond**

**CONTRACTOR:**  
*(Name, legal status and address)*

**BREX CORP.**  
268 MAGUIRE ROAD  
Kennebunk, ME 04043-1159

**SURETY:**  
*(Name, legal status and principal place of business)*

**BERKLEY INSURANCE COMPANY**  
475 STEAMBOAT ROAD  
Greenwich, CT 06830

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

**OWNER:**  
*(Name, legal status and address)*

**TOWN OF YORK, MAINE**  
186 York Street  
York, ME 03909

**BOND AMOUNT: FIVE PERCENT OF ATTACHED BID (5%)**

**BOND NUMBER: BREX57**

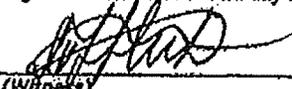
**PROJECT: BOG ROAD ATHLETIC FACILITY, YORK, MAINE.**  
*(Name, location or address, and Project number, if any)*

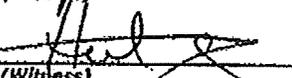
The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

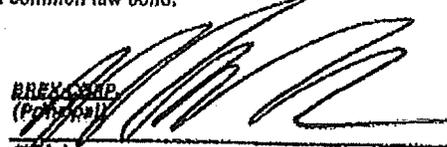
If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 22nd day of May, 2014.

  
*(Witness)*

  
*(Witness)*

**BREX CORP.**  
*(Party)*  *(Seal)*

**BERKLEY INSURANCE COMPANY**  
*(Party)*  
 *(Seal)*  
*(Title) Nancy L. Castonguay, ATTORNEY-IN-FACT*

**CAUTION:** You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



SECTION 2-C1  
SHORT FORM  
FORM OF GENERAL CONTRACT BID BOND  
(5% OF BASE BID AMOUNT)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED (1) \_\_\_\_\_  
\_\_\_\_\_, (2) \_\_\_\_\_  
OF \_\_\_\_\_ AND STATE OF \_\_\_\_\_  
AS PRINCIPAL AND (3) \_\_\_\_\_  
AS SURETY, ARE HEREBY HELD AND FIRMLY BOUND UNTO (4) \_\_\_\_\_  
\_\_\_\_\_ IN THE PENAL SUM OF \_\_\_\_\_

FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY  
AND SEVERALLY BIND OURSELVES, OUR HEIRS, EXECUTORS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS, SIGNED THIS (5) \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE  
PRINCIPAL HAS SUBMITTED TO (6) OWNER \_\_\_\_\_  
\_\_\_\_\_ A CERTAIN PROPOSAL, ATTACHED HERETO AND HEREBY MADE A PART HEREOF, TO  
ENTER INTO A CONTRACT IN WRITING, FOR THE CONSTRUCTION OF (7) \_\_\_\_\_

NOW THEREFORE:

(A) IF SAID PROPOSAL SHALL BE REJECTED, OR, IN THE ALTERNATE,

(B) IF SAID PROPOSAL SHALL BE ACCEPTED AND THE PRINCIPAL SHALL EXECUTE AND DELIVER A CONTRACT IN THE FORM OF CONTRACT ATTACHED HERETO (PROPERLY COMPLETED IN ACCORDANCE WITH SAID PROPOSAL) AND SHALL FURNISH A BOND FOR HIS FAITHFUL PERFORMANCE OF SAID CONTRACT, AND FOR THE PAYMENT OF ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIAL IN CONNECTION THEREWITH, AND SHALL IN ALL OTHER RESPECTS PERFORM THE AGREEMENT CREATED BY THE ACCEPTANCE OF SAID PROPOSAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE THE SAME SHALL REMAIN IN FORCE AND EFFECT: IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT THE LIABILITY OF THE SURETY FOR ANY AND ALL CLAIMS HEREBY UNDER SHALL, IN NO EVENT, EXCEED THE PENAL AMOUNT OF THIS OBLIGATION AS HEREIN STATED.

THE SURETY, FOR VALUE RECEIVED HEREBY STIPULATES AND AGREES THAT THE OBLIGATION OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF TIME WITHIN WHICH THE PRINCIPAL MAY ACCEPT

SUCH PROPOSAL; AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICES, THE DAY AND YEAR FIRST SET ABOVE.

SIGNED AND SEALED THIS (5) \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_.

WITNESS:

CONTRACTOR:

\_\_\_\_\_ By \_\_\_\_\_ (L.S.)

\_\_\_\_\_ By \_\_\_\_\_ (L.S.)

\_\_\_\_\_ By \_\_\_\_\_ (L.S.)

WITNESS:

SURETY

\_\_\_\_\_ By \_\_\_\_\_ (L.S.)

\_\_\_\_\_ By \_\_\_\_\_ (L.S.)

APPROVED AS TO FORM \_\_\_\_\_, 20\_\_.

BY \_\_\_\_\_  
(Owner's Attorney)

Legend

- (1) Correct name of contractor.
- (2) A corporation, a partnership, or an individual, as the case may be.
- (3) Correct name of surety.
- (5) Same date as that of proposal.
- (7) Name of project as designated in the contract documents.

If contractor is a partnership, all partners should execute bond. A power of attorney document, together with a statement that it still is in full force and effect shall be provided by the person executing this bond.

SECTION 2-B1  
 CONTRACTOR'S PROPOSAL FORM  
 FOR  
 BOG ROAD ATHLETIC FIELD FACILITY  
 YORK, MAINE

BIDDER: Foglio Inc.

TO: TOWN OF YORK

A. The bidder has reviewed the Form of Contract, General Conditions, Special Provisions and Plans and Specifications dated May 14, 2014, prepared by Fay, Spofford & Thorndike, as well as the premises and conditions affecting the Work and proposes to furnish all labor, equipment, and materials necessary for and reasonably incidental to the construction and completion of this proposal work for the amount of:

*Five hundred twenty-four thousand three hundred eighty-five dollars and no cents* Dollars (\$524,385<sup>00</sup>)\*

B. Unit prices are provided on Page 2B-3 of this Proposal form. This page includes a cost of the unit price multiplied by the bid quantity set by the Owner (extended unit prices). The extended unit prices and the lump sum for other work is as follows:

| Bid Item | Description   | Amount                   |
|----------|---|--------------------------|
| 1A       | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | \$ 35,640 <sup>00</sup>  |
| 1B       | 4' Double Leaf Swing Gate (12' Wide)  | \$ 1,000 <sup>00</sup>   |
| 2A       | Supply Reclaim Asphalt  | \$ 15,400 <sup>00</sup>  |
| 2A-1     | Supply Type "D" Subbase Gravel  | \$ 18,540 <sup>00</sup>  |
| 2B       | Place, Compact, and Fine Grade Reclaim Asphalt  | \$ 3,096 <sup>00</sup>   |
| 2B-1     | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | \$ 6,180 <sup>00</sup>   |
| 2C       | Supply Sand Drainage Blanket  | \$ 41,548 <sup>00</sup>  |
| 3A       | Supply and Install Type F Catch Basin   | \$ 3,600 <sup>00</sup>   |
| 3B       | Provide and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | \$ 8,190 <sup>00</sup>   |
| 3C       | Provide and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,120 <sup>00</sup>   |
| 3D       | Provide and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,700 <sup>00</sup>   |
| 3E       | Provide and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 13,915 <sup>00</sup>  |
| 4        | All Other Work Required for Construction of the Project   | \$ 372,376 <sup>00</sup> |

\*The total of Items 1 through 4 should equal the amount entered in Paragraph A.

The Owner reserves the right to accept any or all unit price items, to revise the quantities of unit price work. The Owner may also elect to not award a Contract, to negotiate a Contract with any bidder, to determine the low bid based on the base bid or the base bid and any combinations of alternates, to waive any bid informalities and to reject any or all bids.

It is the responsibility of the Contractor to include all work required by the project within the bid amount in Paragraph A of this Proposal.

C. This proposal includes the following addenda to the plans and specifications:

Addendum No. 1, Dated 5/23/14  
Addendum No. 2, Dated 6/2/14  
Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

D. The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Bonds and Affidavits of all Insurance specified within five (5) calendar days after the date of notification of such acceptance, except if the 5th day falls on a holiday, a Saturday or Sunday, then the conditions will be fulfilled if the required documents are received before 12 o'clock noon on the day following the holiday, or the Monday following the Saturday or Sunday, and as a guarantee thereof, herewith submits a Certified or Cashier's Check or Bid Bond as required.

E. The undersigned agrees, if awarded the Contract, to complete the work in accordance with the project phase schedule contained in the Contract Documents.

F. This Proposal includes the cost of a 100% Performance Bond and a 100% Payment Bond.

G. This proposal includes unit prices for several work items provided on 2B-3 which is attached and made a binding portion of this bid proposal.

H. This bid is valid for a period of 45 days.

Signed: Douglas Foglio

By Douglas Foglio Sr

Address: P.O. Box 308 Waterboro, Me 04087

NOTE: If Bidder is a Corporation, write State of Incorporation and, if a Partnership, give full names of all Partners.

Incorporated in the State of Maine

LONG FORM CONTRACT COST BREAKDOWN

CONTRACTOR: Foglio Inc DATE: 6/4/14

ADDRESS: P.O. Box 308 Wadesboro NC 28087

PROJECT: Bog Road Athletic Field Facility

Note: This Proposal shall be filled in by the Bidder including the computation of the bid quantity. Unit price shall be written in numerals and the extensions made by the bidder. The certain bid items have predetermined quantities determined by the Engineer for incorporation into the project. The cost breakdown is for Owner's use in review of bids only. All base bid work is part of a lump sum bid.

| ITEM NO.                   | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE<br>(in numerals) | COST<br>(in numerals)       |
|----------------------------|--|------|----------|-----------------------------|-----------------------------|
| 1A                         | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap  | LF   | 1,188    | 30 <sup>00</sup>            | 35,640 <sup>00</sup>        |
| 1B                         | 4' Double Leaf Swing Gate (12' Wide)   | EA   | 1        | 1,000 <sup>00</sup>         | 1,000 <sup>00</sup>         |
| 2A                         | Supply Reclaim Asphalt   | CY   | 516      | 30 <sup>00</sup>            | 15,480 <sup>00</sup>        |
| 2A-1                       | Supply Type "D" Subbase Gravel   | CY   | 1,030    | 18 <sup>00</sup>            | 18,540 <sup>00</sup>        |
| 2B                         | Place, Compact, and Fine Grade Reclaim Asphalt   | CY   | 516      | 6 <sup>00</sup>             | 3,096 <sup>00</sup>         |
| 2B-1                       | Place, Compact, and Fine Grade Type "D" Subbase Gravel   | CY   | 1,030    | 6 <sup>00</sup>             | 6,180 <sup>00</sup>         |
| 2C                         | Supply Sand Drainage Blanket   | CY   | 2,444    | 17 <sup>00</sup>            | 41,548 <sup>00</sup>        |
| 3A                         | Supply and Install Type F Catch Basin  | EA   | 2        | 1,800 <sup>00</sup>         | 3,600 <sup>00</sup>         |
| 3B                         | Supply and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | LF   | 273      | 30 <sup>00</sup>            | 8,190 <sup>00</sup>         |
| 3C                         | Supply and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 55       | 40 <sup>00</sup>            | 2,120 <sup>00</sup>         |
| 3D                         | Supply and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 60       | 45 <sup>00</sup>            | 2,700 <sup>00</sup>         |
| 3E                         | Supply and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | LF   | 253      | 55 <sup>00</sup>            | 13,915 <sup>00</sup>        |
| 4                          | All Other Work Required for Construction of the Project  | LS   | 1        | 372,376 <sup>00</sup>       | 372,376 <sup>00</sup>       |
| <b>TOTAL FOR BASE BID*</b> |  |      |          | <b>\$</b>                   | <b>524,385<sup>00</sup></b> |

\*(This is the amount to be entered on the Bid Form Page 2B-1)

SECTION 2-C1  
SHORT FORM  
FORM OF GENERAL CONTRACT BID BOND  
(5% OF BASE BID AMOUNT)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED (1) \_\_\_\_\_  
Foglio, Inc. \_\_\_\_\_, (2) \_\_\_\_\_ a Corporation  
OF \_\_\_\_\_ Waterboro \_\_\_\_\_ AND STATE OF \_\_\_\_\_ Maine \_\_\_\_\_  
AS PRINCIPAL AND (3) \_\_\_\_\_ United States Surety Company \_\_\_\_\_  
AS SURETY, ARE HEREBY HBLD AND FIRMLY BOUND UNTO (4) \_\_\_\_\_ Town of York \_\_\_\_\_  
\_\_\_\_\_ IN THE PENAL SUM OF \_\_\_\_\_ 5% of Amount Bid \_\_\_\_\_

FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY  
AND SEVERALLY BIND OURSELVES, OUR HEIRS, EXECUTORS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS, SIGNED THIS (5) \_\_\_\_\_ 4th \_\_\_\_\_ DAY OF \_\_\_\_\_ June \_\_\_\_\_ 20 \_\_\_\_\_ 14 \_\_\_\_\_.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE  
PRINCIPAL HAS SUBMITTED TO (6) OWNER \_\_\_\_\_ Town of York \_\_\_\_\_

\_\_\_\_\_ A CERTAIN PROPOSAL, ATTACHED HERETO AND HEREBY MADE A PART HEREOF, TO  
ENTER INTO A CONTRACT IN WRITING, FOR THE CONSTRUCTION OF (7) \_\_\_\_\_  
\_\_\_\_\_ Bog Road Athletic Field Facility \_\_\_\_\_

NOW THEREFORE:

(A) IF SAID PROPOSAL SHALL BE REJECTED, OR, IN THE ALTERNATE,

(B) IF SAID PROPOSAL SHALL BE ACCEPTED AND THE PRINCIPAL SHALL EXECUTE AND DELIVER A CONTRACT IN THE FORM OF CONTRACT ATTACHED HERETO (PROPERLY COMPLETED IN ACCORDANCE WITH SAID PROPOSAL) AND SHALL FURNISH A BOND FOR HIS FAITHFUL PERFORMANCE OF SAID CONTRACT, AND FOR THE PAYMENT OF ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIAL IN CONNECTION THEREWITH, AND SHALL IN ALL OTHER RESPECTS PERFORM THE AGREEMENT CREATED BY THE ACCEPTANCE OF SAID PROPOSAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE THE SAME SHALL REMAIN IN FORCE AND EFFECT: IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT THE LIABILITY OF THE SURETY FOR ANY AND ALL CLAIMS HEREBY UNDER SHALL, IN NO EVENT, EXCEED THE PENAL AMOUNT OF THIS OBLIGATION AS HEREIN STATED.

THE SURETY, FOR VALUE RECEIVED HEREBY STIPULATES AND AGREES THAT THE OBLIGATION OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF TIME WITHIN WHICH THE PRINCIPAL MAY ACCEPT

SUCH PROPOSAL: AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICES, THE DAY AND YEAR FIRST SET ABOVE.

SIGNED AND SEALED THIS (5) 4th DAY OF June 20 14

WITNESS:

Steve L. Bragdon

CONTRACTOR:

By [Signature] (L.S.)

By \_\_\_\_\_ (L.S.)

By \_\_\_\_\_ (L.S.)

WITNESS:

Brenda Arnold

SURETY

United States Surety Company

By [Signature] (L.S.)

David C. Erickson, Attorney-in-Fact

By \_\_\_\_\_ (L.S.)

APPROVED AS TO FORM \_\_\_\_\_, 20 \_\_\_\_\_.

BY \_\_\_\_\_  
(Owner's Attorney)

Legend

- (1) Correct name of contractor.
- (2) A corporation, a partnership, or an individual, as the case may be.
- (3) Correct name of surety.
- (5) Same date as that of proposal.
- (7) Name of project as designated in the contract documents.

If contractor is a partnership, all partners should execute bond. A power of attorney document, together with a statement that it still is in full force and effect shall be provided by the person executing this bond.

**POWER OF ATTORNEY**

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

KNOW ALL MEN BY THESE PRESENTS: That American Contractors Indemnity Company, a California corporation, United States Surety Company, a Maryland corporation and U.S. Specialty Insurance Company, a Texas corporation, (collectively, the "Companies"), do by these presents, make, constitute and appoint:

**Dave Erickson, Todd Erickson**

Its true and lawful Attorney(s) in fact, each in their separate capacity, if more than one is named above, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include riders, amendments, and consents of surety, providing the bond penalty does not exceed \*\*\*\*\*Unlimited\*\*\*\*\* Dollars (\$ \*\*\*unlimited\*\*\*).

This Power of Attorney shall expire without further action on December 08, 2016. This Power of Attorney is granted under and by authority of the following resolutions adopted by the Boards of Directors of the Companies:

*Be It Resolved*, that the President, any Vice President, any Assistant Vice President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s) in fact to represent and act for and on behalf of the Company subject to the following provisions:

*Attorney In Fact* may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings, including any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts, and any and all notices and documents cancelling or terminating the Company's liability thereunder; and any such instruments so executed by any such Attorney In Fact shall be binding upon the Company, as if signed by the President and sealed and effected by the Corporate Secretary.

*Be It Resolved*, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached.

IN WITNESS WHEREOF, The Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 10th day of December, 2012.

**AMERICAN CONTRACTORS INDEMNITY COMPANY UNITED STATES SURETY COMPANY U.S. SPECIALTY INSURANCE COMPANY**

Corporate Seals



*[Signature]*  
Daniel P. Aguilar, Vice President

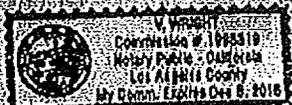
State of California

County of Los Angeles SS:

On 10th day of December, 2012, before me, Vanessa Wright, a notary public, personally appeared Daniel P. Aguilar, Vice President of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature *[Signature]* (Seal)



I, Jeannie Lee, Assistant Secretary of American Contractors Indemnity Company, United States Surety Company and U.S. Specialty Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Los Angeles, California this 10th day of December, 2012.

Corporate Seals



*[Signature]*  
Jeannie Lee, Assistant Secretary

Bond No. \_\_\_\_\_  
Agency No. 12146

SECTION 2-B1  
 CONTRACTOR'S PROPOSAL FORM  
 FOR  
 BOG ROAD ATHLETIC FIELD FACILITY  
 YORK, MAINE

BIDDER: ALTUS CONSTRUCTION, LLC  
210 McKenney Rd, Saco, ME 04072

TO: TOWN OF YORK

A. The bidder has reviewed the Form of Contract, General Conditions, Special Provisions and Plans and Specifications dated May 14, 2014, prepared by Fay, Spofford & Thorndike, as well as the premises and conditions affecting the Work and proposes to furnish all labor, equipment, and materials necessary for and reasonably incidental to the construction and completion of this proposal work for the amount of: Six Hundred & Nine Thousand, NINETY - SEVEN Dollars (\$609,097)\*

B. Unit prices are provided on Page 2B-3 of this Proposal form. This page includes a cost of the unit price multiplied by the bid quantity set by the Owner (extended unit prices). The extended unit prices and the lump sum for other work is as follows:

| Bld Item | Description   | Amount                  |
|----------|---|-------------------------|
| 1A       | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | \$ 21,384 <sup>-</sup>  |
| 1B       | 4' Double Leaf Swing Gate (12' Wide)  | \$ 900 <sup>-</sup>     |
| 2A       | Supply Reclaim Asphalt  | \$ 49,020 <sup>-</sup>  |
| 2A-1     | Supply Type "D" Subbase Gravel  | \$ 20,600 <sup>-</sup>  |
| 2B       | Place, Compact, and Fine Grade Reclaim Asphalt  | \$ 4,644 <sup>-</sup>   |
| 2B-1     | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | \$ 9,270 <sup>-</sup>   |
| 2C       | Supply Sand Drainage Blanket  | \$ 21,996 <sup>-</sup>  |
| 3A       | Supply and Install Type F Catch Basin   | \$ 4,400 <sup>-</sup>   |
| 3B       | Provide and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration   | \$ 7,371 <sup>-</sup>   |
| 3C       | Provide and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,120 <sup>-</sup>   |
| 3D       | Provide and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 2,460 <sup>-</sup>   |
| 3E       | Provide and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipe, and Surface Restoration | \$ 11,891 <sup>-</sup>  |
| 4        | All Other Work Required for Construction of the Project   | \$ 453,041 <sup>-</sup> |

\*The total of Items 1 through 4 should equal the amount entered in Paragraph A.

LONG FORM CONTRACT COST BREAKDOWN

CONTRACTOR: ACTS CONSTRUCTION, LLC

DATE: 6/4/14

ADDRESS: 210 McLenney Rd, Saco, ME 04072

PROJECT: BOG RD ATHLETIC FIELD FACILITY

Note: This Proposal shall be filled in by the Bidder including the computation of the bid quantity. Unit prices shall be written in numerals and the extensions made by the bidder. The certain bid items have predetermined quantities determined by the Engineer for incorporation into the project. The cost breakdown is for Owner's use in review of bids only. All base bid work is part of a lump sum bid.

| ITEM NO.                   | DESCRIPTION   | UNIT | QUANTITY | UNIT PRICE<br>(in numerals) | COST<br>(in numerals) |
|----------------------------|---|------|----------|-----------------------------|-----------------------|
| 1A                         | 4' Vinyl Coated Chain Link Fence and Fence Safety Cap   | LF   | 1,188    | 18.00                       | 21,384.00             |
| 1B                         | 4' Double Leaf Swing Gate (12' Wide)  | EA   | 1        | 900.00                      | 900.00                |
| 2A                         | Supply Reclaim Asphalt  | CY   | 516      | 95.00                       | 49,020.00             |
| 2A-1                       | Supply Type "D" Subbase Gravel  | CY   | 1,030    | 20.00                       | 20,600.00             |
| 2B                         | Place, Compact, and Fine Grade Reclaim Asphalt  | CY   | 516      | 9.00                        | 4,644.00              |
| 2B-1                       | Place, Compact, and Fine Grade Type "D" Subbase Gravel  | CY   | 1,030    | 9.00                        | 9,270.00              |
| 2C                         | Supply Sand Drainage Blanket  | CY   | 2,444    | 9.00                        | 21,996.00             |
| 3A                         | Supply and Install Type F Catch Basin   | EA   | 2        | 2,200.00                    | 4,400.00              |
| 3B                         | Supply and Install 6" Diameter Underdrain Including Common Excavation, Backfill, Fabric, Pipes, and Surface Restoration   | LF   | 273      | 27.00                       | 7,371.00              |
| 3C                         | Supply and Install 12" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipes, and Surface Restoration | LF   | 53       | 40.00                       | 2,120.00              |
| 3D                         | Supply and Install 15" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipes, and Surface Restoration | LF   | 60       | 41.00                       | 2,460.00              |
| 3E                         | Supply and Install 18" Diameter Storm Drain Including Common Excavation, Backfill, Fabric, Pipes, and Surface Restoration | LF   | 253      | 47.00                       | 11,891.00             |
| 4                          | ALL Other Work Required for Construction of the Project   | LS   | 1        | 453,091.00                  | 453,091.00            |
| <b>TOTAL FOR BASE BID*</b> |   |      |          | <b>\$ 609,097.00</b>        |                       |

\*(This is the amount to be entered on the Bid Form Page 2B-1)

Site Work Cost Breakdown  
Bog Road Athletic Field Facility

Section 2B

The Owner reserves the right to accept any or all unit price items, to revise the quantities of unit price work. The Owner may also elect to not award a Contract, to negotiate a Contract with any bidder, to determine the low bid based on the base bid or the base bid and any combinations of alternates, to waive any bid informalities and to reject any or all bids.

It is the responsibility of the Contractor to include all work required by the project within the bid amount in Paragraph A of this Proposal.

C. This proposal includes the following addenda to the plans and specifications:

Addendum No. 1, Dated MAY 23, 2014  
Addendum No. 2, Dated JUNE 2, 2014  
Addendum No. \_\_\_\_\_, Dated \_\_\_\_\_

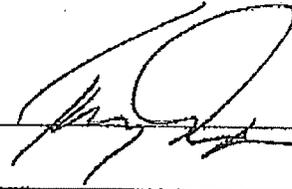
D. The undersigned agrees, if this Proposal is accepted, to sign a Contract and deliver it, along with the Bonds and Affidavits of all Insurance specified within five (5) calendar days after the date of notification of such acceptance, except if the 5th day falls on a holiday, a Saturday or Sunday, then the conditions will be fulfilled if the required documents are received before 12 o'clock noon on the day following the holiday, or the Monday following the Saturday or Sunday, and as a guarantee thereof, herewith submits a Certified or Cashier's Check or Bid Bond as required.

E. The undersigned agrees, if awarded the Contract, to complete the work in accordance with the project phase schedule contained in the Contract Documents.

F. This Proposal includes the cost of a 100% Performance Bond and a 100% Payment Bond.

G. This proposal includes unit prices for several work items provided on 2B-3 which is attached and made a binding portion of this bid proposal.

H. This bid is valid for a period of 45 days.

Signed: ALTUS CONSTRUCTION, LLC   
By: Tony Campbell, PRESIDENT  
Address: 210 McKennas Rd, SACO, ME 04072

NOTE: If Bidder is a Corporation, write State of Incorporation and, if a Partnership, give full names of all Partners.

LLC  
MAINE

SECTION 2-C1  
SHORT FORM  
FORM OF GENERAL CONTRACT BID BOND  
(5% OF BASE AMOUNT BID)

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED (1) Altus Construction, (2) LLC  
OF 210 McKenney Road, Saco AND STATE OF Maine  
AS PRINCIPAL AND (3) Allegheny Casualty Company  
AS SURETY, ARE HEREBY HELD AND FIRMLY BOUND UNTO (4) Treasurer of the Town of York  
IN THE PENAL SUM OF Five Percent of Amount Bid  
FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE, WE HEREBY JOINTLY  
AND SEVERALLY BIND OURSELVES, OUR HEIRS, EXECUTORS, ADMINISTRATORS,  
SUCCESSORS AND ASSIGNS, SIGNED THIS (5) 4th DAY OF June 20 14.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH THAT WHEREAS THE  
PRINCIPAL HAS SUBMITTED TO (6) OWNER Town of York

A CERTAIN PROPOSAL, ATTACHED HERETO AND HEREBY MADE A PART HBREOF, TO  
ENTER INTO A CONTRACT IN WRITING, FOR THE CONSTRUCTION OF (7) Bog Road Athletic Field Facility  
NOW THEREFORE:

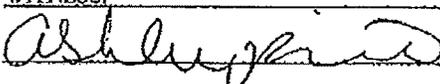
(A) IF SAID PROPOSAL SHALL BE REJECTED, OR, IN THE ALTERNATE,  
(B) IF SAID PROPOSAL SHALL BE ACCEPTED AND THE PRINCIPAL SHALL  
EXECUTE AND DELIVER A CONTRACT IN THE FORM OF CONTRACT ATTACHED  
HERETO (PROPERLY COMPLETED IN ACCORDANCE WITH SAID PROPOSAL) AND SHALL  
FURNISH A BOND FOR HIS FAITHFUL PERFORMANCE OF SAID CONTRACT, AND FOR  
THE PAYMENT OF ALL PERSONS PERFORMING LABOR OR FURNISHING MATERIAL IN  
CONNECTION THEREWITH, AND SHALL IN ALL OTHER RESPECTS PERFORM THE  
AGREEMENT CREATED BY THE ACCEPTANCE OF SAID PROPOSAL, THEN THIS  
OBLIGATION SHALL BE VOID, OTHERWISE THE SAME SHALL REMAIN IN FORCE AND  
EFFECT: IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT THE

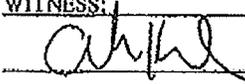
LIABILITY OF THE SURETY FOR ANY AND ALL CLAIMS HEREUNDER SHALL, IN NO EVENT, EXCEED THE PENAL AMOUNT OF THIS OBLIGATION AS HEREIN STATED.

THE SURETY, FOR VALUE RECEIVED HEREBY STIPULATES AND AGREES THAT THE OBLIGATION OF SAID SURETY AND ITS BOND SHALL BE IN NO WAY IMPAIRED OR AFFECTED BY ANY EXTENSION OF TIME WITHIN WHICH THE PRINCIPAL MAY ACCEPT SUCH PROPOSAL: AND SAID SURETY DOES HEREBY WAIVE NOTICE OF ANY SUCH EXTENSION.

IN WITNESS WHEREOF, THE PRINCIPAL AND THE SURETY HAVE HEREUNTO SET THEIR HANDS AND SEALS, AND SUCH OF THEM AS ARE CORPORATIONS HAVE CAUSED THEIR CORPORATE SEALS TO BE HERETO AFFIXED AND THESE PRESENTS TO BE SIGNED BY THEIR PROPER OFFICES, THE DAY AND YEAR FIRST SET ABOVE.

SIGNED AND SEALED THIS (5) 4th DAY OF June 2014.

WITNESS: \_\_\_\_\_ CONTRACTOR: \_\_\_\_\_  
By  (L.S.)  
By \_\_\_\_\_ (L.S.)  
By \_\_\_\_\_ (L.S.)

WITNESS: \_\_\_\_\_ SURETY: \_\_\_\_\_  
By  (L.S.)  
By \_\_\_\_\_ (L.S.)

APPROVED AS TO FORM \_\_\_\_\_, 20\_\_\_\_,

BY \_\_\_\_\_  
(Owner's Attorney)

Legend

- (1) Correct name of contractor.
- (2) A corporation, a partnership, or an individual, as the case may be.
- (3) Correct name of surety.
- (4) Treasurer of the municipality or school administrative district, as the case may be.
- (5) Same date as that of proposal.
- (6) Owner shall be the municipality or school administrative district, as the case may be.
- (7) Name of project as designated in the contract documents.

If contractor is a partnership, all partners should execute bond. A power of attorney document, together with a statement that it still is in full force and effect shall be provided by the person executing this bond.

# POWER OF ATTORNEY

## INTERNATIONAL FIDELITY INSURANCE COMPANY ALLEGHENY CASUALTY COMPANY

ONE NEWARK CENTER, 20TH FLOOR NEWARK, NEW JERSEY 07102-5207

KNOW ALL MEN BY THESE PRESENTS, That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing under the laws of the State of New Jersey, and ALLEGHENY CASUALTY COMPANY, a corporation organized and existing under the laws of the State of Pennsylvania, having their principal office in the City of Newark, New Jersey, do hereby constitute and appoint:

CATHERINE L. DAVIS, NATASHA M. PLOURDE, MICHAEL VARNEY, AUTUMN KING,  
TIMOTHY WILLIAM VARNEY, MARY E. KANE, MICHAEL HENNESSEY, GREGORY PALMAN,  
BRANDY M. ELLIS, PAULA DIMILLO, BUFFY WARE, GEORGE N. GOULD, JR., MICHELLE SHAW

Bangor, ME.

their true and lawful attorney(s) in fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by their regularly elected officers at their principal offices.

This Power of Attorney is executed and may be revoked pursuant to and by authority of the By-Laws of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY and is granted under and by authority of the following resolution adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting duly held on the 20th day of July, 2010 and by the Board of Directors of ALLEGHENY CASUALTY COMPANY at a meeting duly held on the 16th day of August, 2010.

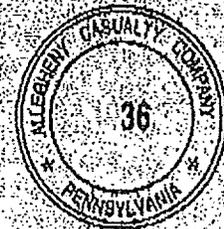
\*RESOLVED, that: (1) the President, Vice President, Executive Vice President or Secretary of the Corporation shall have the power to appoint, and to revoke the appointments of, Attorneys-in-Fact or agents with power and authority as defined or limited in their respective powers of attorney, and to execute on behalf of the Corporation and affix the Corporation's seal thereto, bonds, undertakings, recognizances, contracts of indemnity and other written obligations in the nature thereof, or related thereto; and (2) any such Officers of the Corporation may appoint and revoke the appointments of joint-control custodians, agents for acceptance of process, and Attorneys-in-Fact with authority to execute waivers and consents, on behalf of the Corporation; and (3) the signature of any such Officer of the Corporation and the Corporation's seal may be affixed by facsimile to any power of attorney or certification given for the execution of any bond, undertaking, recognizance, contract of indemnity or other written obligation in the nature thereof or related thereto; such signature and seal when so used whether heretofore or hereafter, being hereby adopted by the Corporation as the original signature of such officer and the original seal of the Corporation, to be valid and binding upon the Corporation with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY have each executed and attested these presents on this 12th day of March, 2012.



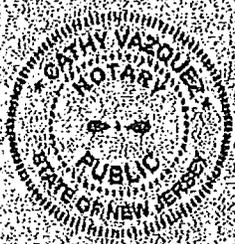
STATE OF NEW JERSEY  
County of Essex

ROBERT W. MINSTER  
Executive Vice President/Chief Operating Officer  
(International Fidelity Insurance Company)  
and President (Allegheny Casualty Company)



On this 12th day of March 2012, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said file is the therein described and authorized officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY; that the seals affixed to said instrument are the Corporate Seals of said Companies; that the said Corporate Seals and his signature were duly affixed by order of the Boards of Directors of said Companies.

IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.



A NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Mar. 27, 2014

### CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY and ALLEGHENY CASUALTY COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Sections of the By-Laws of said Companies as set forth in said Power of Attorney, with the originals on file in the home office of said Companies, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 4th day of March 2012.

MARIA BRANCO, Assistant Secretary



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> July 2, 2014   | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014  |  |
| <b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> |  |
| <b>Subject:</b> Business License Applications (3)   |  |

|  |
|--|
| <b>TO:</b> BOARD OF SELECTMEN  |
| <b>FROM:</b> Melissa M. Avery; Assistant to the Town Manager   |
| <b>RECOMMENDATION:</b> Approve all Business License Applications (3)   |
| <b>PROPOSED MOTION:</b> I move to approve the following licenses:<br><br><ol style="list-style-type: none"><li>1. Jennifer Sterns DBA: Shore Road Restaurant and Market for Victualers; Located at 10 Shore Road</li><li>2. 216 Atlantic Innkeepers, LLC DBA: Atlantic House Inn for Hotel/Motel with Cooking Facilities; Located at 2 Beach Street</li><li>3. Michael L. Stotts DBA: Sea Rose Inn for Bed and Breakfast; Located at 2 Southside Road</li></ol> <p style="text-align: center;"><i>... subject to taxes, fees and inspections being current and compliant with the usual noise stipulations</i></p> |

---

**Discussion:** The following Business Licenses will not be released until I have received Beach Fire Department sign offs: Shore Road Restaurant and Market, and Atlantic House Inn

---

**FISCAL IMPACT: N/A**

**DEPARTMENT LINE ITEM ACCOUNT: N/A**

**BALANCE IN LINE ITEM IF APPROVED: N/A**

Prepared By:

Naelina M. Arroyo

Reviewed By:

Robert S. Gannon

**TOWN OF YORK- (186 York Street, York Me 03909)  
BUSINESS LICENSE APPLICATION**



Business Name SHORE ROAD Restaurant + Market  
 Business Location 10 Shore Rd. York Beach, ME  
 Telephone Number 207-363-6533

OWNER'S Name and Mailing Address Jennifer Stearns  
PO Box 637  
York Beach, ME 03910

APPLICANT'S Name and Mailing Address Jennifer Stearns  
PO Box 637  
York Beach, ME

Is applicant same operator as prior year?  Yes  No

| INSPECTION DATA (Office Use Only) |         |             |
|-----------------------------------|---------|-------------|
| DEPARTMENT                        | DATE    | INITIALS    |
| Zoning/Land Use                   |         |             |
| Building Structural               |         |             |
| Electrical                        |         |             |
| Plumbing                          |         |             |
| Fire                              |         |             |
| Tax Collector                     | 6/17/14 | Szeniaowski |

**APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.**

|  |  |
|--|--|
| MAP/LOT: <u>0020-0020</u><br>License Year: <u>2014-2015</u><br>No. Of Seats: <u>22</u><br>No. Of Parking Spaces: <u>30</u> <u>ZOKN</u><br>New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/><br>License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/><br>Bed and Breakfast License: # of Rooms <u>N/A</u><br>Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u><br>Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> | REQUESTING THE FOLLOWING LICENSES:<br><input checked="" type="checkbox"/> \$25.00 Victualers<br><input type="checkbox"/> \$25.00 Liquor<br><input type="checkbox"/> \$25.00 Special Amusement<br><input type="checkbox"/> \$25.00 Bottle Club<br><input type="checkbox"/> \$25.00 Theater<br><input type="checkbox"/> \$25.00 Dance Hall<br><input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)<br>Nature of Entertainment (If Applicable):<br>_____<br><input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____<br><input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____ |
|--|--|

Have you ever been convicted of a Felony? YES (Please Explain) \_\_\_\_\_ NO

I certify the above statements are true and understand false statements may be cause to revoke a license.  
 Date 6/16/14 Applicant's Signature Jennifer Stearns

**Please Read and Initial the Following Statements:**  
 I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.  
 I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval  
 I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.  
 I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department  
 I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature Jennifer Stearns Business Manager Signature (If Applicable) \_\_\_\_\_  
 Date \_\_\_\_\_ Town Manager for the Board of Selectmen \_\_\_\_\_

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$75.00 RECEIPT NO. #522 RECEIPT DATE 6/16/14 MI PM MM MS  
MA

## Melissa M. Avery

---

**From:** Mary-Anne Szeniawski  
**Sent:** Tuesday, June 17, 2014 12:58 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Shore Road Restaurant and Market

current

*Mary-Anne Szeniawski*  
Town Clerk/Tax Collector  
Town of York, Maine  
186 York Street, York, ME 03909-1314  
i: [www.yorkmaine.org](http://www.yorkmaine.org)  
e: [mszeniawski@yorkmaine.org](mailto:mszeniawski@yorkmaine.org)  
p: (207) 363-1003, Ext. 272  
f: (207) 363-1009

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**From:** Melissa M. Avery  
**Sent:** Monday, June 16, 2014 3:54 PM  
**To:** Mary-Anne Szeniawski; David K. Bridges  
**Subject:** Business License: Shore Road Restaurant and Market

Attached is the Business License Application for Shore Road Restaurant and Market, located at 10 Shore Road (0020-0020).

Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

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**TOWN OF YORK- (186 York Street, York Me 03909)**  
**BUSINESS LICENSE APPLICATION**

**Business Name** Atlantic House Inn  
**Business Location** 2 Beach Street  
York Beach, Maine 03909  
**Telephone Number** 207.361.6677

**OWNER'S Name and Mailing Address** Lawrence Investment Holding, LLC  
1 Winthrop Square  
Boston, MA 02110

**APPLICANT'S Name and Mailing Address** Robert John Greene c/o 216 Atlantic Innkeepers, LLC  
180 Locust Street  
Dover, NH 03820

Is applicant same operator as prior year?  Yes  No

| INSPECTION DATA (Office Use Only) |           |          |
|-----------------------------------|-----------|----------|
| DEPARTMENT                        | DATE      | INITIALS |
| Zoning/Land Use                   | 20 JUN 14 | KJW/MJM  |
| Building Structural               |           |          |
| Electrical                        |           |          |
| Plumbing                          |           |          |
| Fire                              |           |          |
| Tax Collector                     |           |          |

**APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.**

**MAP/LOT:** Mblu 0024/0044/0010/ +book&page-16250/656  
**License Year:** 2014  
**No. Of Seats:** N/A  
**No. Of Parking Spaces:** N/A

**New License (One Time \$30 Fee):** YES  NO

**License Renewal:** YES  NO

**Bed and Breakfast License: # of Rooms** N/A

**Hotel/Motel with Cooking Facilities: # of Rooms** 9

**Is Your Establishment Closed for More Than 120 Consecutive Days?** YES  NO

**REQUESTING THE FOLLOWING LICENSES:**

\$25.00 Victualers  
 \$25.00 Liquor  
 \$25.00 Special Amusement  
 \$25.00 Bottle Club  
 \$25.00 Theater  
 \$25.00 Dance Hall  
 Coin-OP Amusement (\$75 each or \$250 for 3 or more)

**Nature of Entertainment (If Applicable):**

Bed and Breakfast (\$10 Per Room): Total \_\_\_\_\_  
 Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total \$25 \_\_\_\_\_

Have you ever been convicted of a Felony? YES (Please Explain) \_\_\_\_\_ NO

*I certify the above statements are true and understand false statements may be cause to revoke a license.*

05.15.2014  
Date

[Signature]  
Applicant's Signature

**Please Read and Initial the Following Statements:**

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature [Signature]

Business Manager Signature (If Applicable) \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Manager for the Board of Selectmen

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. \$75.00 RECEIPT NO. #279 RECEIPT DATE 6/5/2014 MI PM MM MS

[Signature]

**TOWN OF YORK- (186 York Street, York Me 03909)  
BUSINESS LICENSE APPLICATION**



Business Name Sea Rose Inn  
 Business Location 2 Southside Road  
YORK, ME 03909  
 Telephone Number 361-4159

OWNER'S Name and Mailing Address Michael L. Stotts  
2 Southside Road  
YORK, ME 03909

APPLICANT'S Name and Mailing Address SAME

Is applicant same operator as prior year?  Yes  No

| INSPECTION DATA (Office Use Only) |                |                  |
|-----------------------------------|----------------|------------------|
| DEPARTMENT                        | DATE           | INITIALS         |
| Zoning/Land Use                   |                |                  |
| Building Structural               |                |                  |
| Electrical                        | <u>6/26/14</u> | <u>K Maxwell</u> |
| Plumbing                          |                |                  |
| Fire                              | <u>6/6/14</u>  | <u>Appgar</u>    |
| Tax Collector                     |                |                  |

**APPLICATION FEE IS \$50.00 PLUS \$25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.**

|  |   |
|--|---|
| <p>MAP/LOT: <u>0073-0009</u><br/>                 License Year: <u>2014</u><br/>                 No. Of Seats: _____<br/>                 No. Of Parking Spaces: _____<br/>                 New License (One Time \$30 Fee): <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br/>                 License Renewal: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/><br/>                 Bed and Breakfast License: # of Rooms <u>3</u><br/>                 Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u><br/>                 Is Your Establishment Closed for More Than 120 Consecutive Days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> | <p><b>REQUESTING THE FOLLOWING LICENSES:</b><br/> <input type="checkbox"/> \$25.00 Victualers<br/> <input type="checkbox"/> \$25.00 Liquor<br/> <input type="checkbox"/> \$25.00 Special Amusement<br/> <input type="checkbox"/> \$25.00 Bottle Club<br/> <input type="checkbox"/> \$25.00 Theater<br/> <input type="checkbox"/> \$25.00 Dance Hall<br/> <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)</p> <p>Nature of Entertainment (If Applicable):<br/> <input checked="" type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total <u>30</u><br/> <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____</p> |
|--|---|

Have you ever been convicted of a Felony? YES (Please Explain) \_\_\_\_\_ NO

*I certify the above statements are true and understand false statements may be cause to revoke a license.*

Date \_\_\_\_\_

Applicant's Signature \_\_\_\_\_

**Please Read and Initial the Following Statements:**

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
- I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
- I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
- I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature \_\_\_\_\_

Michael L. Stotts

Business Manager Signature (If Applicable) \_\_\_\_\_

Date \_\_\_\_\_

Town Manager for the Board of Selectmen \_\_\_\_\_

Issued pursuant to the provisions of Title 30A MRS Chapter 3811 through 3814

AMT. RECD. \$100.00 RECEIPT NO. \_\_\_\_\_ RECEIPT DATE \_\_\_\_\_ MI PM MM MS

**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Friday, June 06, 2014 2:57 PM  
**To:** Amber Harrison  
**Cc:** Melissa M. Avery  
**Subject:** Fire Dept Sign-off Sea Rose Inn

Please accept this as York Village Fire Department sign-off for the new Sea Rose Inn Bed & Breakfast located at # 2 South Side Road.

David Apgar  
Deputy Fire Chief  
York Village Fire Dept  
Fire Inspector  
207-451-8258

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact [town@yorkmaine.org](mailto:town@yorkmaine.org). This footnote also confirms that this email message has been checked for the presence of computer viruses.



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> July 1, 2014   | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014  |  |
| <b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> |  |
| <b>Subject:</b> Business License: Transient Seller's License                                    |  |

|   |
|---|
| <b>TO:</b> BOARD OF SELECTMEN   |
| <b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager  |
| <b>RECOMMENDATION:</b>  |
| <b>PROPOSED MOTION:</b> I move to approve the Transient Seller's License for Kathleen Hinkle with Southwestern Advantage. |

**Discussion:** Ms. Hinkle is an independent contractor affiliated with Southwestern Advantage who goes door to door selling educational books, software and online tutoring. The applicant has followed the direction of the Town of York Transient Sellers License and has submitted the town application, approved by the York Police Department, and has obtained the appropriate state licensing.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By: \_\_\_\_\_

Reviewed By: \_\_\_\_\_

*Robert S. Gannon*

~~0257~~ ~~0307~~ ~~0407~~  
~~0407~~

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

*NOTE: Business Licenses are not transferable to another person, business or location.*

Business Name: Southwestern Advantage  
Street Address: 2451 Atrium Way, Nashville TN 37214  
Business Owner: Kathleen Hinkle Business Manager: \_\_\_\_\_  
Mailing Address: 18 Old County Road Mailing Address: \_\_\_\_\_  
North Benwick ME 03906  
Phone Number: 660-342-2764 Phone Number: \_\_\_\_\_  
E-mail Address: knh936@mol.missouri.edu E-mail Address: \_\_\_\_\_

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

*Please indicate which Licenses or Local Approvals you seek:*

### Lodging:

Bed and Breakfast License (C/F)  
 Innkeeper License (C/F)  
Number of Rooms: \_\_\_\_\_

### Entertainment:

Special Amusement License (F/P)  
 Dance Hall License (F/P)  
 Bowling Alley License (F)  
 Coin-Operated Amusement License (P)  
 Bingo, Beano and Games of Chance

### Food and Beverage:

Food Service License (C/F)  
 Liquor License (F/P)  
 Bottle Club License (F/P)  
Number of Seats: \_\_\_\_\_

### Miscellaneous:

Transient Seller's License  
 Flea Market License  
 Junkyard, Auto Graveyard/Recycling License  
Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

[Back to Agenda](#)

Provide the following information about any relevant State licenses:

| STATE LICENSE INFORMATION |                           |  |  |
|---------------------------|---------------------------|--|--|
| ID Number(s):             | EM 10203                  |  |  |
| Expiration Date(s):       | April 30 2015             |  |  |
| Classification(s):        | Transient Seller Employee |  |  |

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: *Kathleen Hinder*      Have you ever been convicted of a Felony? YES / NO  
*Signature*

Business Manager: \_\_\_\_\_      Have you ever been convicted of a Felony? YES / NO  
*Signature*  
 (If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

| FEES                                 | Amount          | Map - Lot: _____ - _____                            |
|--------------------------------------|-----------------|---|
| Application and First License (\$60) | 60.00           | Processed By: <i>mmavery</i>                        |
| Subsequent Licenses (\$30 each)      | —               | Received Date: <i>7/1/14</i>                        |
| New License Fee (\$50)               | —               | Amount Received: \$ <i>60.00</i>                    |
| License Amendment (\$25)             | —               | Check # <i>104</i> or Cash <input type="checkbox"/> |
| Other: _____                         | —               | LICENSE #: _____ - _____                            |
| <b>TOTAL DUE</b>                     | \$ <i>60.00</i> |   |

| Department Approvals      | Date of Approval  | Special Conditions<br>(Attached if Necessary) |
|---------------------------|---|---|
| Code Enforcement          | <input checked="" type="checkbox"/> N/A                 | YES NO  |
| Fire                      | <input checked="" type="checkbox"/> N/A                 | YES NO  |
| Police                    | <i>Ch. S. Douglas P. Brany 06/23/14</i>                 | YES <u>NO</u>                                 |
| Tax Collector             | <input checked="" type="checkbox"/> N/A                 | YES NO  |
| <b>Board of Selectmen</b> | _____<br><i>Town Manager for the Board of Selectmen</i> | YES NO  |
|                           | _____<br><i>Date</i>                                    |   |

**Back to Agenda**



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|  |  |
|--|--|
| <b>Date Submitted:</b> July 1, 2014                      | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014               |  |
| Regular <input checked="" type="checkbox"/> Work Session |  |
| <b>Subject:</b> Revised Code of Ethics Policy            |  |

|  |
|--|
| <b>TO:</b> Board of Selectmen  |
| <b>FROM:</b> Robert G. Yandow, Town Manager  |
| <b>RECOMMENDATION:</b> Approve Revised Policy  |
| <b>PROPOSED MOTION:</b> I move to approve the revised Code of Ethics Policy based on the changes made at the June 17, 2014 work session. |

**Discussion:** During the discussion on June 17, 2014 a decision was made by the Board of Selectmen to remove some sections of the existing Code of Ethics Policy. As such, the former Section 6. Decisions Based on Merit, has been removed from the updated policy. Additionally, the terms Special Interest and Bias were removed from Section 8 B. Definitions. Finally, the MEMBER STATEMENT (Former page 11) has been removed.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By: Robert G. Yandow      Reviewed By: \_\_\_\_\_

**TOWN OF YORK**  
**SELECTMEN'S POLICY**  
**CODE OF ETHICS**

**For Members of All Town Boards, Committees, and Commissions Except the School  
Committee and their Appointments**

**Preamble**

To ensure that the Citizens and businesses of York have fair, impartial, ethical, and accountable local government that is responsive to the needs of the people and each other and that has the Citizens' full confidence in the integrity of the Town's government, the Board of Selectmen has adopted this Code of Ethics. In keeping with a commitment to excellence, the effective functioning of democratic York Town government requires that:

- i. elected and appointed public officials comply with both the letter and spirit of laws and policies affecting the Town Government;
- ii. elected and appointed public officials be independent, impartial, and fair in judgment and action;
- iii. elected and appointed public office be used for the public good and not personal gain;
- iv. public deliberations and processes be conducted openly, unless legally confidential and;
- v. all discussions and debate be conducted in an atmosphere of respect and civility.

This Code of Ethics applies to members of the Board of Selectmen and to all elected and appointed members of Town boards, committees, and commissions (hereinafter referred to as "Members") except for the School Committee and their appointees. The Town's boards, committees, and commissions consist of all statutory and non-statutory boards, commissions or committees now existing or hereafter created.

The Town Manager shall endeavor to ensure that all Town employees adhere to the standards of this Code of Ethics.

## **Code of Ethics**

### **1. Actions in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern; Members will work for the common good of the Citizens of York and not for any private interest or personal gain. Members shall provide fair and equal treatment of all persons, claims, and transactions that come before the Board of Selectmen or any Town board, committee, or commission.

### **2. Compliance with the Law**

Members shall comply with the laws of the United States, the State of Maine, and the Town of York in the performance of their public duties. These laws include, but are not limited to, the United States and Maine State constitutions and statutes; the York Town Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and Town ordinances and policies, all of which are hereby incorporated herein by reference and made applicable.

### **3. Conduct of Members**

The professional and personal conduct of Members must be above reproach and must avoid any appearance of impropriety. Members shall refrain from abusive conduct, from making personal charges or disparaging remarks, or from verbal attacks upon the character or motives of Members of Town boards, committees, or commissions, of Town Staff or the Citizens.

### **4. Respect for the Process**

Members shall perform their duties in accordance with the processes and rules of order established by the Board of Selectmen and by the other Town boards, committees, and commissions. Each member shall be committed to respect the democratic process that encourages meaningful involvement of the public and that governs the deliberation of public policy issues in the Town of York. Members must abide by any lawful decision made by a majority of the board, commission, or committee. Members should strive to thoughtfully consider the opinions and recommendations of other Members, Citizens, and Town staff appearing before Town boards, committees, or commissions and shall remain respectful in all interactions with these individuals. Members shall have no legal authority outside of the meetings of their respective board, commission, or committee unless this authority has been specifically delegated to the Member through an adopted policy or majority vote of the board.

## **5. Conduct of Public Meetings**

Members shall prepare themselves for open discussion of public issues, shall listen courteously and attentively to all public discussions before the body, and shall focus on the business at hand. Members shall refrain from unnecessarily interrupting other speakers, from making personal comments not germane to the business of the body, and from otherwise interfering with the orderly conduct of meetings. The Chairman of each board, committee, or commission shall use his or her best efforts to ensure that the public who attend such meetings adhere to the same standards of conduct in this Code of Ethics as outlined for Members.

## **6. Communication**

Members shall publicly share information that is relevant to any matter under consideration by a board, committee, or commission. Concerns involving the conduct of Town employees shall be communicated to the Town Manager.

## **7. Conflict of Interest**

### **A. General Standard**

Members shall avoid any situation that may give rise to an actual or perceived conflict of interest. Where circumstances may cause a reasonable person to question the Member's impartiality or may otherwise give rise to an appearance of a conflict of interest, the Member shall not participate in a matter unless the Member has appropriately disclosed the situation and there has been a determination by the Member's board, committee, commission, staff official, or the Board of Selectmen that the Member's participation is appropriate.

### **B. Definitions**

Immediate Family. The Immediate Family of a Member shall include the Member's spouse, children, parents, in-laws and siblings.

Financial Interest. Financial Interest shall mean any direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of shares or stock.

Conflict of Interest: A conflict between a person's private interests and public obligations.

### **C. Disclosure of Conflict**

Any Member who believes that they or a member of their Immediate Family has a Financial Interest or a Special Interest, other than an interest held by the public generally, in any agenda item before their collective body, shall disclose the nature and extent of such interest. Additionally, any Member who believes that any fellow Member, or any member of such fellow Member's Immediate Family has a Financial Interest or a Special Interest, other than an interest held by the public generally, in any agenda item before their collective body, shall disclose such interest. Such disclosure shall be made no later than at the time the agenda items are to be discussed

#### **D. Determination of Conflict**

All conflict-of-interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned. Each Member of that board, committee, or commission shall be entitled to vote on all conflict-of-interest questions relating to that Town board, committee, or commission.

All votes of conflict-of-interest questions shall be recorded. A majority vote shall determine the question except that a tie vote shall have the effect of determining that a conflict exists. If there is a determination that a conflict of interest in fact exists, the Member concerned shall be excused from participating in discussion, deliberation, or vote on the relevant agenda item for so long as the agenda item shall appear on the agenda.

#### **E. Record of the Conflict of Interest Decision**

A written record by the Chairperson of the Town board, committee, or commission making the determination, explaining and summarizing any consideration of conflict of interest or intervention and the action taken shall be promptly forwarded to the Chairman of the Board of Selectmen for review by the Board of Selectmen. The Town Manager shall maintain these records on behalf of the Board of Selectmen for a period of five years.

#### **F. Avoidance of Appearance of Conflict of Interest**

Once any Member is determined to have a conflict of interest in respect to any agenda item, and once all conflict-of-interest questions relating to the agenda item concerned have been determined, as provided in this Code, the Member should either immediately leave the meeting room or, if the Member has a personal interest in the matter to be discussed, move to the area of the room occupied by the general public. The Member shall not return to their regular seat as a member of the body until deliberation and action on the item has been completed. Nothing herein shall require an individual Member to remove himself or herself for any item on which there is no deliberation, on which the individual's conflict has been determined by the other members, and on which the right to abstain from voting on the item has been granted.

## **G. Incompatible Offices**

No Member shall occupy any other elected or appointed office when the duties of such office are incompatible with the proper discharge of the Member's official duties to the Town. The occupancy of any other office by a Member is prohibited by any one of the following circumstances:

1. where the duties of the other office make it impossible to discharge the duties of the Town office, or
2. where one office is subordinate of the other, or
3. where one office carries the power of appointment or removal of the other, or
4. where the occupancy of both offices is prohibited by Charter or by law.

Notwithstanding the foregoing, a Member may serve as a non-voting liaison or ex-officio Member of a board, committee, or commission with the approval of the Board of Selectmen; or in special circumstances a member may serve as a voting member of a board, committee, or commission if so designated by the Board of Selectmen.

## **8. Gifts and Favors**

Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. Members shall refrain from accepting gifts, favors, or promises of future benefits that might compromise their independence of judgment or action, or that might give the appearance of such compromise.

No Member shall accept any thing of value unless it can be clearly established that it has a de minimus market value (\$25 or less) and is received infrequently from any source.

## **9. Confidential Information**

No member shall, without proper legal authorization, discuss or disclose confidential information concerning the property, personnel, government or affairs of the Town, nor shall any member use such information to advance the private or financial interests of himself or herself or members of his or her immediate family. Members shall not discuss the privileged knowledge, executive sessions, or confidential business of the board, committee, or commission with unauthorized parties, either orally or in writing. For purposes of this subsection, "confidential information" shall mean any information, oral or written, which comes to the attention of or is available to such Member due to his or her position with the Town and is not a matter of public record. Information received and discussed during any executive session shall be considered within the constraints of this section and shall not be disclosed to any party unless permitted by affirmative vote of a majority of such board.

## **10. Use of Public Resources**

Members shall not use public resources not available to the general public for private gain or personal purposes, such as Town staff time, equipment, supplies, or facilities.

## **11. Representation of Third Party Interests**

As stewards of the public interest, Members of the Board of Selectmen, the Planning Board, and the Board of Appeals shall not represent the interests of third parties before any Town board, committee, or commission, nor shall they appear before any of these bodies on behalf of the interests of third parties on matters related to the areas of service of these bodies. Members of all other boards, committees, or commissions must give notice to the Board of Selectmen prior to any representation of any third party interests before any Town board, committee, or commission. Nothing herein shall be construed to prohibit any Member from representing his or her own personal interest, or the interest of immediate family, by appearing before any Board on any item.

## **12. Advocacy**

Members shall represent the official policies and positions of the Board of Selectmen and of other Town boards, committees, and commissions when designated as delegates for this purpose to the best of their ability. When presenting personal opinions and positions Members shall explicitly state that these opinions and positions do not represent their body or the Town of York, and they shall not allow any inference that they do.

## **13. Policy Role of Members**

Members shall respect and adhere to the Town Manager Structure of Town government, as outlined in the York Town Charter. The Board of Selectmen shall determine the policies of the Town, with advice, information, and analysis provided by Town staff, by the Town's boards, committees, and commissions, and by the Citizens.

Members shall therefore not interfere with the administrative functions of the Town or with the professional duties of Town staff, nor shall they impair the ability of Town staff to implement the policy decisions of the Board of Selectmen except as provided by the Town Charter.

## **14. Independence of Boards, Committees, and Commissions**

Members shall refrain from using their positions to unduly influence the deliberations or outcomes of any board, committee, or commission proceedings or to inhibit free discussion and exchange of ideas of these groups.

## **15. Positive Workplace Environment**

Members shall support a positive and constructive workplace environment for Town employees and for Citizens and businesses dealing with the Town. Members shall recognize their special role when dealing with Town employees and shall in no way create the perception of inappropriate direction of staff.

## **16. Implementation**

This expression of the standards of conduct expected of Members of boards, committees, and commissions is intended to be self-enforcing. It is most effective when Members are thoroughly familiar with it and embrace its provisions.

For this reason, this Code of Ethics shall be included in the orientation of candidates for, or applicants to boards, committees, and commissions; and of newly elected or appointed Town officials. Members entering office shall sign a statement acknowledging that they have received a copy, and read, and understand the Town of York Code of Ethics. This Code of Ethics shall be reviewed regularly by the Board of Selectmen as well as by the Town's other boards, committees, and commissions. The Board of Selectmen shall consider recommendations from these bodies in updating the Code of Ethics as necessary.

## **17. Freedom of Access Training**

Members of boards, committees and commissions, and newly elected and/or appointed Town Officials are to complete the Freedom of Access Training that is located on the on the State of Maine website under Your Right to Know Law/Frequently Asked Questions. This training is to be completed within one year of initial appointment or election.

## **18. Compliance and Enforcement**

The Town of York Code of Ethics expresses standards of conduct expected of Members of the Town's boards, committees, and commissions. Members themselves have the primary responsibility for ensuring that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The Chairs and Vice-Chairs of boards, committees, and commissions have the responsibility for intervening when actions of Members appear to be in violation of this Code of Ethics.

The penalty for any violation of the Town of York Code of Ethics may vary dependent on the position held by the offending individual:

1. **Board of Selectmen/Municipal Officers:** Action taken against any member of the Board of Selectmen shall result from the remaining members of the board

voting to take said action. The action may vary from a public admonishment to public censure. The recall of any Selectmen is a remedy available to the public pursuant to the Town of York Home Rule Charter.

2. **Elected Officials:** Action taken against any elected official, other than a member of the Board of Selectmen, may vary from a reprimand by the Chair of the elected body to a public censure after a majority vote by the elected body. The Board of Selectmen, after a majority vote, may intervene if the board feels that the ethics violation is not being adequately addressed. The recall of any elected official is a remedy available to the public pursuant to the Town of York Home Rule Charter.
3. **Appointed Officials:** Action taken against any appointed official may vary from a letter of reprimand by the Chair of the appointed board to a public censure after a majority vote by the appointed board. Additionally, the appointed board may vote to request the resignation of the offending individual. If the requested resignation is not forthcoming the appointed board may request that the Board of Selectmen remove the offending individual from the appointed board. As the appointing authority, the Board of Selectmen on their own initiative may remove the offending individual from the appointed board.

In addition to any other penalties or remedies as may be provided by law, the Board of Selectmen may intervene and counsel Members whose conduct does not comply with the Town's ethical standards and may censure Members or remove them from office, after notice and hearing conducted by the Board of Selectmen. The Board of Selectmen may issue interpretative policy statements to clarify any ambiguities in this Code. Members of boards, committees, and commissions may seek clarifying opinions from, or appeal decisions of their boards, committees, and commissions to the Board of Selectmen on particular situations addressed by this Code of Ethics.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a board, committee, or commission decision but may be used as a basis for the board, committee, or commission to reconsider its decision.

## **19. Separability**

If any section, subsection, sentence clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity of the remaining portions of this Code.

Adopted 11/26/2001  
Amended 02/28/2011



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|  |  |
|--|--|
| <b>Date Submitted:</b> July 2, 2014                      | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014               |  |
| Regular <input checked="" type="checkbox"/> Work Session |  |
| <b>Subject:</b> Driveway Permit at 65 Old Post Road      |  |

|   |
|---|
| <b>TO:</b> Board of Selectmen               |
| <b>FROM:</b> Robert G. Yandow, Town Manager |
| <b>RECOMMENDATION:</b>                      |
| <b>PROPOSED MOTION:</b>                     |

**Discussion:** The Chair has requested that this item be placed on the agenda as a follow up to previous discussions. Attached is emailed correspondence dated June 4, 2014 from Dean Lessard, Public Works Director, to Jesse Braley of Patco Construction with copies to the Board of Selectmen.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By: Robert G. Yandow Reviewed By: \_\_\_\_\_

## Robert G. Yandow

---

**Subject:** FW: 65 Old Post Road  
**Attachments:** Driveway Permit Approval (Signed) - 65 Old Post Road.pdf

**From:** Dean Lessard  
**Sent:** Wednesday, June 04, 2014 3:25 PM  
**To:** Gene Corey; sbourque@patco.com; jbraley@patco.com  
**Cc:** Robert G. Yandow; Ronald Nowell; Mary Andrews; Torbert Macdonald; Robert Palmer Jr; Jonathan Speers; Greg Orso; Steve Bourque; mark patterson; Ray Pape  
**Subject:** RE: 65 Old Post Road

Mr. Corey  
Please find the attached letter approving the driveway permit contingent on required site work for 65 Old Post Road.

Dean

**Dean A. Lessard, P.E.** | *Director of Public Works*  
**Town of York, Maine**  
186 York Street | York, Maine 03909  
Phone: (207) 363-1010, Ext. 6201  
Fax: (207) 363-1012  
E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)  
Online: [www.yorkmaine.org](http://www.yorkmaine.org)

Follow us!

Facebook: [www.facebook.com/YorkMainePublicWorks](http://www.facebook.com/YorkMainePublicWorks)

TEL. 207-363-1010  
207-363-1011  
FAX 207-363-1012



*Dean A. Lessard, P.E.*

Director of Public Works  
Town of York  
York, Maine 03909  
[dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

May 30, 2014

Jesse Braley  
Project Manager  
Patco Construction, Inc.  
Sanford, Maine

Re: Driveway Permit Application – 65 Old Post Road.

Dear Mr. Braley:

This letter is in response to Gene Corey's email request on May 19, 2014 that I reconsider my decision and approve the driveway application for 65 Old Post Road. As you are aware I originally denied your driveway permit application request dated February 6, 2014. This letter may seem formal but it seems necessary given the circumstances. Due to the controversial nature of this driveway permit application I have summarized the events associated with this permit and have attached them to this letter for the record.

#### RELEVANT INFORMATION CONSIDERED

- The property know as 65 Old Post Road (Map 94, Lot 8) has been owned and undeveloped by Jeffrey S. and Jean w. Soule since August 23, 1996.
- The applicant Jesse Braley of Patco Construction Inc. is proposing to install a new driveway to a new home to be built on the property.
- The lot has been considered a buildable lot by the Town of York.
- State law provides that it is unlawful to construct or maintain any driveway within the right of way of any state highway that lies outside the compact area of an urban compact municipality without a written permit from MDOT or, if within the compact area, without a written permit from the proper municipal officials. 23 M.R.S. Sec. 704.
- The property owner is required to obtain a permit from the Town of York before constructing a driveway.
- The Director of Public Works is the municipal official responsible for the issuance of driveway entrance permits with the compact area of the Town of York.
- The Proposed Driveway enters on to Old Post Road.
- Old Post Road is a State Highway classified as State Aid/Minor Collector.
- Old Post Road is entirely within the Compact Urban Limits (CUL).
- The Compact Urban Limits (CUL) defines who is responsible for road maintenance on State Highways.
- The Official Speed Limit for Old Post Road is 35 MPH.
- The Average Annual Daily Traffic (AADT) vehicle count for Old Post Rd in 2007 was 6,930.

- The Average Annual Daily Traffic (AADT) vehicle count for Old Post Rd in 2010 was 6,600.
- The Town of York doesn't have any driveway location standards within its ordinances and doesn't have any specific local technical rules to follow for driveway permits.
- The State rules required a minimum safe sight distance for this state classification of roadway (State Aid/Minor Collector) and speed limit (35 mph) of 305 feet.
- The Town is not required to apply the State rules in the Compact Area.
- Under state rules minimum safe sight distance is not a requirement that can be waived outside the Urban Compact area.
- Professional Land Surveyor William Anderson PLS #1197 measured the sight distances from the proposed driveway and reported them as 431 feet to the south and 274 feet to the north.
- The sight distance to the north as measured by PLS William Anderson is 36 feet short of the States minimum safe sight distance requirement at the proposed driveway location without additional work.
- Approval of an unsafe driveway is a concern not only for the property owner but for the users of the public roadway.
- Allowing a driveway/entrance that does not meet minimum safe sight distance has the potential for creating accidents.
- The Maine Tort Claims Act provides immunity to the Town and the Public Works Director on all tort claims.
- The Tort Claims Act specifically provides immunity to municipal employees for granting or refusing to grant a permit.

DECISION. I approve the attached driveway permit application for 65 Old Post Road at the proposed location with the following contingency: The approval is contingent on the applicant performing sufficient site work (tree removal & excavation) to the extent that the proposed driveway meets Maine Department of Transportation basic safety standards for minimum allowable sight distance. The required sight distance for this state classification of roadway (State Aid/Minor Collector) and speed limit (35 mph) is 305 feet. The information can be found in the Department of Transportation Chapter 299, Highway Driveway and Entrance Rules: Part A, Driveway Rules: Section 2.1 Technical Standards – Basic Safety Standards: Subsection A. Sight Distance, Table 1 – Sight Distance. I am applying this contingency based upon my expertise as a professional engineer and safety guidance provided by the State Rules. It is my professional opinion that a driveway onto Old Post Road at the proposed location, without additional work, would not be safe due to the insufficient sight distance and would pose a safety risk to the future property owner and the traveling public.

The methodology used to measure the sight distance at the proposed driveway location is the standard established by the Maine Department of Transportation (MDOT). Their specifications call for a driver's eye height of 3.5 feet above the finish grade in the centerline of the proposed driveway location at a point 10 feet back from the edge of the traveled way. The sight distance from this point is measured to an object with a height of 4.25 feet in the roadway.

APPEAL RIGHTS. You have a right to appeal this decision in whole or in part. This right to appeal must be exercised within 30 days or the right to appeal will be lost. Your appeal should be directed to the York Board of Appeals. You may contact Reenie Johnson at Town Hall (363-1000) to find out the requirements to file an appeal.

If you have any questions or concerns please don't hesitate to contact me.

Sincerely,



Dean Lessard, P.E.  
Director of Public Works

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  - Hire an Engineer to find a location that has safe sight distance and give me a letter from a PE that certified that the driveway was safe.
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can roadside signs such as "Blind Driveway Ahead" or something similar help mitigate liability? Below is a summary of major points in her response:

**TOWN OF YORK**  
**Driveway Installation Permit**

MAP: 94 LOT: 8 DATE: 2/6/2014

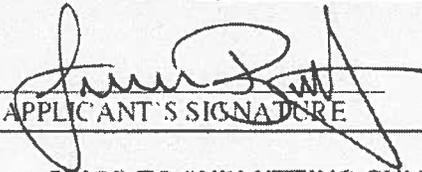
LOCATION OF PROPERTY: 65 OLD POST RD.

APPLICANT'S NAME: PATCO CONSTRUCTION, INC.

MAILING ADDRESS: 1293 Main St, Sanford ME 04073

PHONE NUMBER: 207-324-5574 Cell: 207-651-7181

RX 115



APPLICANT'S SIGNATURE

2/6/2014  
DATE

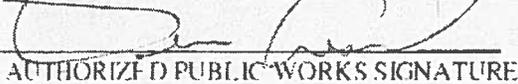
PRIOR TO SUBMITTING CULVERT APPLICATION. PLEASE MARK THE PROPOSED DRIVEWAY.

FOR OFFICE USE ONLY: DO NOT WRITE BELOW THIS LINE.

SKETCH OF REQUIRED WORK: DRIVEWAY SHALL BE CONSTRUCTED TO STATE OF MAINE DOT STANDARD ENTRANCE/DRIVEWAY DETAILS. SEE ATTACHED LETTER AND DRIVEWAY DETAILS.

DESCRIPTION OF REQUIRED WORK: APPROVAL CONTINGENT ON THE APPLICANT PERFORMING SUFFICIENT SITE WORK (TREE REMOVAL + EXCAVATION) TO THE EXTENT THAT THE PROPOSED DRIVEWAY MEETS MAINE DOT BASIC SAFETY STANDARDS FOR MINIMUM ALLOWABLE SIGHT DISTANCE, SEE ATTACHED APPROVAL LETTER.

SPEED LIMIT: 35 mph SIGHT DISTANCE LEFT: 275'!!? RIGHT: 475'



AUTHORIZED PUBLIC WORKS SIGNATURE

MAY 30, 2014  
DATE

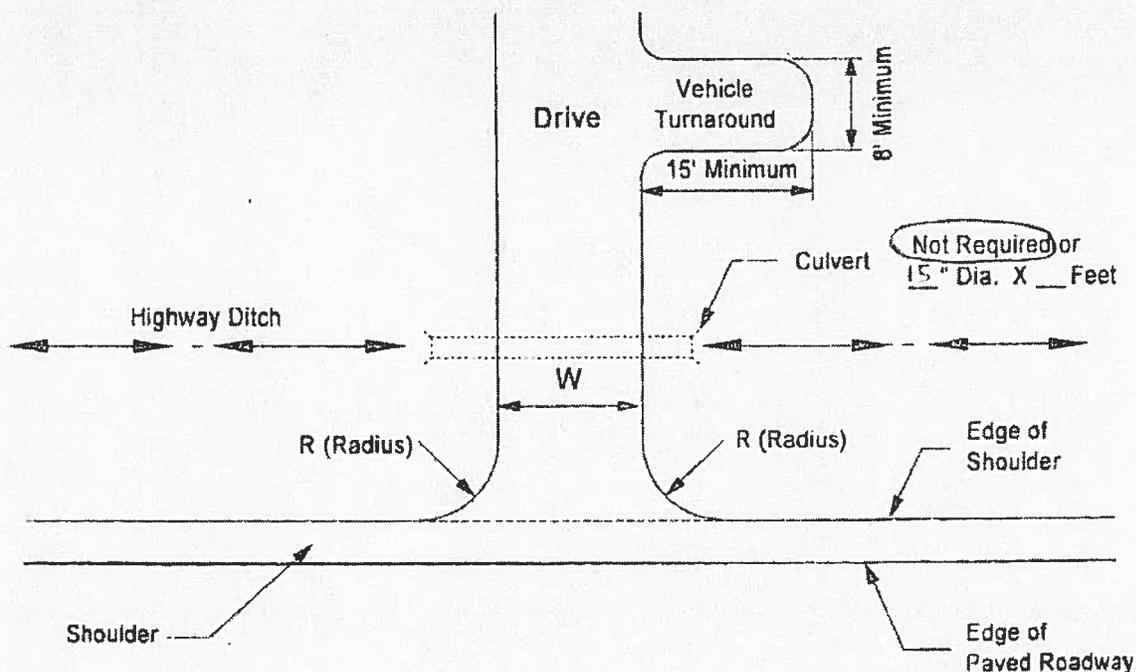
FINISH WORK INSPECTED: \_\_\_\_\_ PERMIT EXPIRES: MAY 30, 2015

.....  
PERMIT IS NOT VALID UNLESS SIGNED BY THE TOWN OF YORK DIRECTOR OF PUBLIC WORKS OR HIS AGENT.



State of Maine  
 Department of Transportation  
**Entrance / Driveway Details**

PLAN

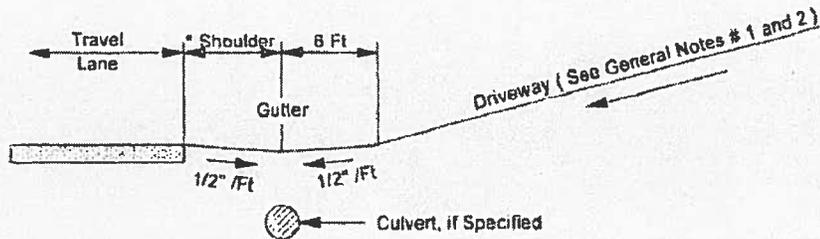


**GENERAL NOTES -**

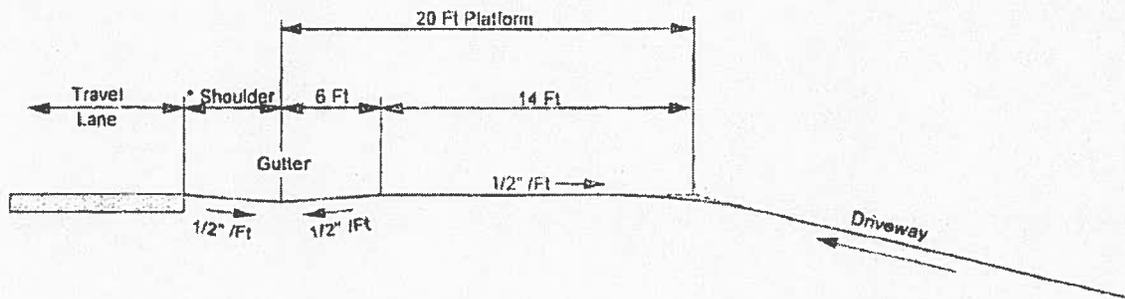
1. ALL RESIDENTAL OR COMMERCIAL DRIVES WITH 10% GRADE OR MORE SLOPING DOWN TOWARDS THE HIGHWAY SHALL BE PAVED TO THE RIGHT OF WAY LINE, AS A MINIMUM, INCLUDING SHOULDER, IF GRAVEL AND HAVE DITCHES TO CONTROL RUNOFF.
2. DRIVES SLOPING TO THE HIGHWAY SHALL BE CROWNED ( 1/2" PER FT. MINIMUM ).
3. TO THE MAXIMUM EXTENT PRACTICAL, THE ENTRANCE MUST BE CONSTRUCTED PERPENDICULAR TO THE HIGHWAY AT THE POINT OF ACCESS. EXCEPT WHERE CURBING EXISTS OR IS PROPOSED, THE MINIMUM RADIUS ON THE EDGES OF THE ENTRANCE MUST BE 10 FEET OR AS OTHERWISE REQUIRED AS SHOWN.
4. ENTRANCES/DRIVEWAYS WILL BE BUILT WITH AN ADEQUATE TURN-AROUND AREA ON SITE TO ALLOW ALL VEHICLES TO MANUEVER AND PARK WITHOUT BACKING ONTO THE HIGHWAY. THIS TURN-AROUND SHALL BE AT LEAST 8 FEET WIDE BY 15 FEET LONG.
5. ENTRANCES/DRIVEWAYS AND OTHER ASSOCIATED SITE WORK WHICH DIRECTS WATER (RUNOFF) TOWARD THE HIGHWAY MUST BE CONSTRUCTED, CROWNED STABILIZED AND MAINTAINED WITH MATERIALS AND APPROPRIATE TEMPORARY/PERMANENT EROSION CONTROL MATERIALS IN ACCORDANCE WITH MDOT BEST MANAGEMENT PRACTICES.
6. THE PROFILE OF THE ENTRANCES MUST COMPLY WITH THE DETAILS SHOWN ON PAGE 2.

# MDOT Entrance / Driveway Details, Continued

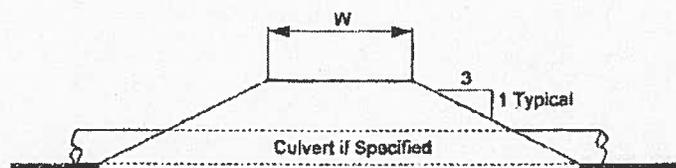
## PROFILE Details

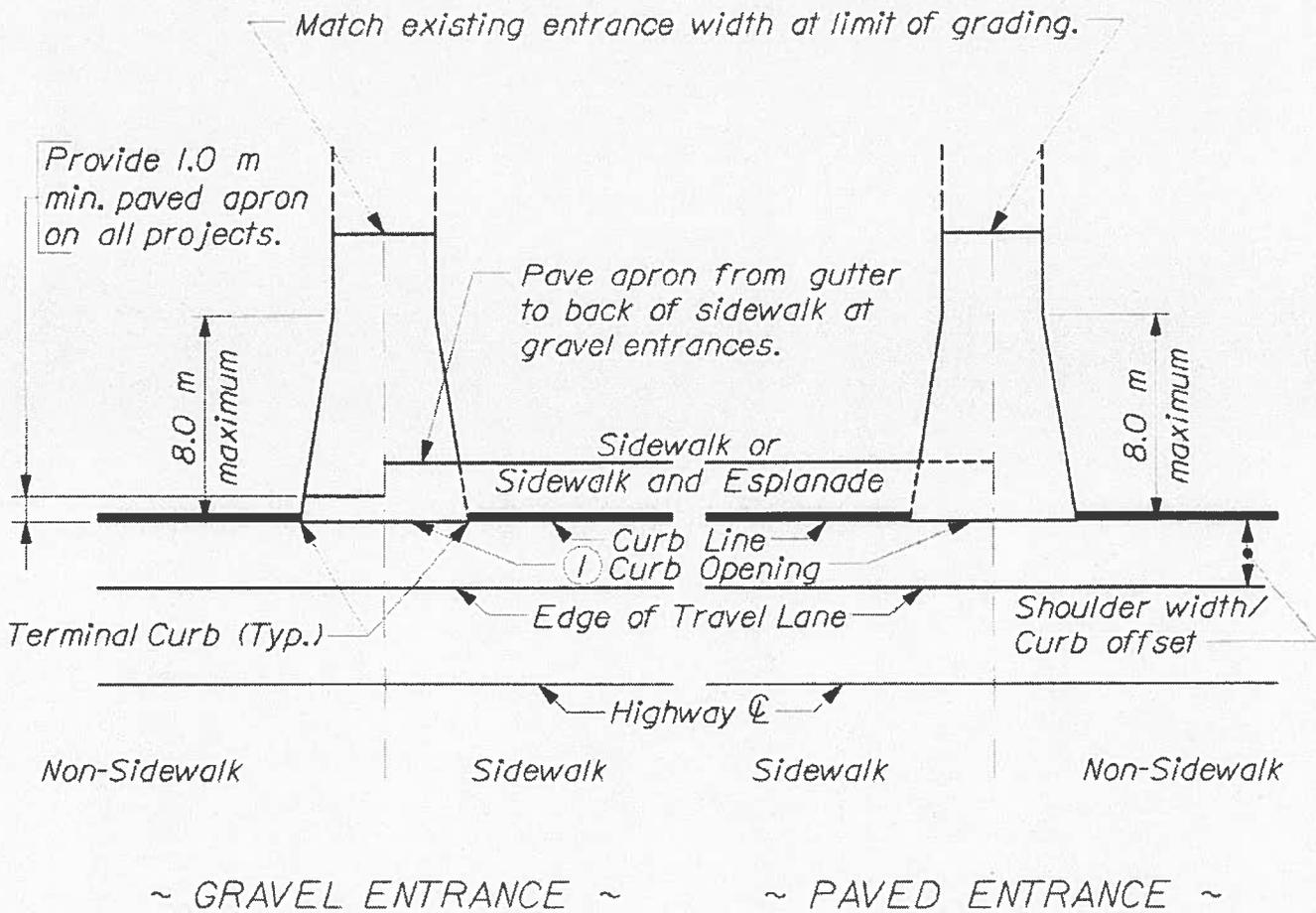


NOTE:  
 Grade of Existing Shoulder Should Be Maintained To Create A Gutter  
 With a Minimum Of Three Inches Below The Edge Of Traveled Way.  
 \* Distance Of The Gutter From The Edge Of Traveled Way Should Be  
 The Same As Existing Shoulder Or A Minimum Of 4 Feet.



## Driveway Cross Section

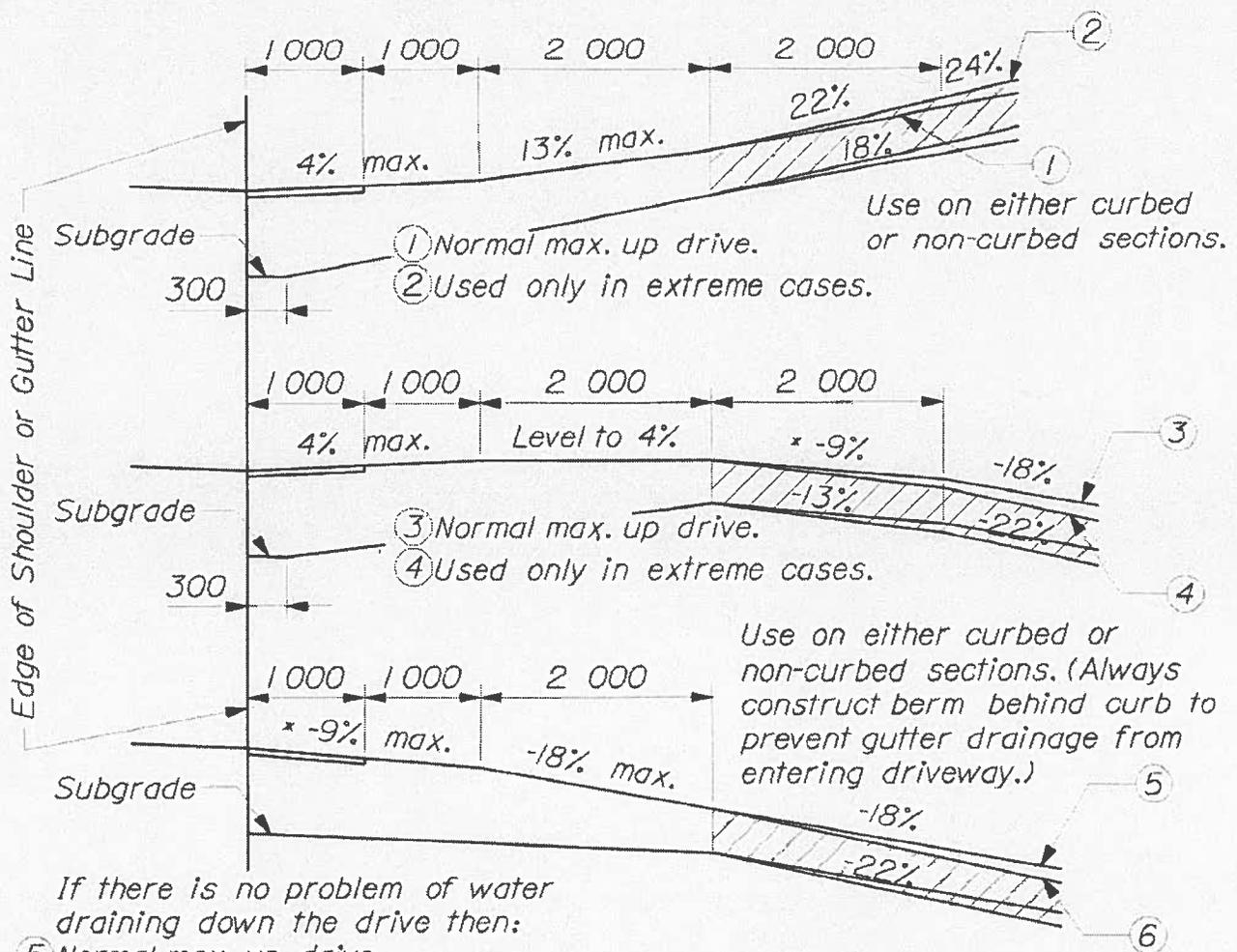




① Minimum curb opening is 6.0 m where the shoulder width is  $> 2.0$  m and 8.0 m where the shoulder width is  $< 2.0$  m.

## RESIDENTIAL ENTRANCE ONTO CURBED HIGHWAY WITH/WITHOUT SIDEWALKS

80(06)



Edge of Shoulder or Gutter Line

Subgrade  
300

- ① Normal max. up drive.
- ② Used only in extreme cases.
- ③ Normal max. up drive.
- ④ Used only in extreme cases.
- ⑤ Normal max. up drive.
- ⑥ Used only in extreme cases.

Use on either curbed or non-curbed sections.

Use on either curbed or non-curbed sections. (Always construct berm behind curb to prevent gutter drainage from entering driveway.)

If there is no problem of water draining down the drive then:

Use only on non-curbed sections on seasonal or limited use entrances or when drainage is not a factor.

**GENERAL NOTES:**

1. The first 1000 mm shown as pavement shall be paved only when abutting a paved area.
2. All residential or commercial drives 10% and over shall be paved.

**NOTES ON MAXIMUM DRIVEWAY PROFILES:**

1. These profiles are a guide for the majority of cases, but should be field checked when the main line grade is steep (4% to 6% or greater) or the angle of approach to the drive is unusual.
2. Generally the majority of drives on a project will be built with flatter profiles than these maximum cases.
- \* 3. When grading drives which are flatter than the maximum profiles the following rule of thumb should be used: Do not exceed a grade % change of more than 9% in a 2000 mm increment of driveway length. This applies to both up and down profiles.

**DRIVES ON NON-SIDEWALK SECTIONS**

7/1/14

Mary Andrews, Chairman of the York Board of Selectmen

186 York Street

York, Maine 03909

Dear Mary,

We are writing to you to request that you place our property at 65 Old Post Road, York, on the Board of Selectmen's Agenda for Monday, 7/7/14. As you know, Dean Lessard has issued a "conditional approval" for the proposed driveway, which is located adjacent to the southerly sideline of the lot. The condition of the approval is that a minimum sight distance of 305 feet be obtained, through excavation and tree removal, by the applicant. This condition can only be met for the proposed driveway location by lowering the elevation of Old Post Road at the hill, which is the limiting factor for sight distance to the North of the proposed driveway, as shown on the application. Obviously, it is not feasible for us or our buyers to do this. Nor is it feasible to locate the driveway anywhere else on our lot, as stated in the Driveway Analysis letter from Anderson/Livingston Engineers.

We have two other options. The first is we can pursue an appeal all the way to the Maine Supreme court. The second option is to purchase a driveway easement from the neighbor to the North to use their existing driveway for access, as this driveway is "grandfathered" and would not require a permit from the town. The neighbor to the South has refused to provide an easement to use their driveway or their property. The existing driveway belonging to the neighbor to the North has about 100 feet of sight distance. The proposed driveway for 65 old Post Road, which Dean has conditionally approved, has 274 feet of sight distance to the North, which is clearly preferable and much safer for all concerned. Unfortunately, unless the Board of Selectmen is willing to take action to approve the proposed driveway location without the 305 foot condition, we will proceed with the second option and purchase a driveway easement from the neighbor to the North with substantially less sight distance than the proposed driveway on our property. We hope that the Board of Selectmen will realize that the proposed driveway location on our land, with 274 feet of sight distance to the north, is a much better option for the town and everyone concerned.

Therefore, we request that the Board of Selectmen take action and approve the proposed driveway location, without the 305 foot condition, by signing the attached driveway application.

Attached are the driveway application, Anderson/Livingston's Driveway Analysis letter, conditional approval letter, town attorney 4/22/14 letter, and town attorney 5/21/14 memo.

Thank you.

Sincerely,

Handwritten signature of Jeffrey Soule in cursive script.

Jeffrey and Jean Soule

Handwritten signature of Jean Soule in cursive script.

**TOWN OF YORK**  
**Driveway Installation Permit**

MAP: 94 LOT: 8 DATE: 2/6/2014  
LOCATION OF PROPERTY: 65 OLD POST RD.  
APPLICANT'S NAME: PATCO CONSTRUCTION, INC.  
MAILING ADDRESS: 1293 Main St, Sanford ME 04073  
PHONE NUMBER: 207-324-5574 Cell: 207-651-7181  
[Signature] EX 115  
APPLICANT'S SIGNATURE DATE: 2/6/2014

PRIOR TO SUBMITTING CULVERT APPLICATION. PLEASE MARK THE PROPOSED DRIVEWAY.

FOR OFFICE USE ONLY: DO NOT WRITE BELOW THIS LINE.

SKETCH OF REQUIRED WORK:

DESCRIPTION OF REQUIRED WORK: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
AUTHORIZED PUBLIC WORKS SIGNATURE DATE

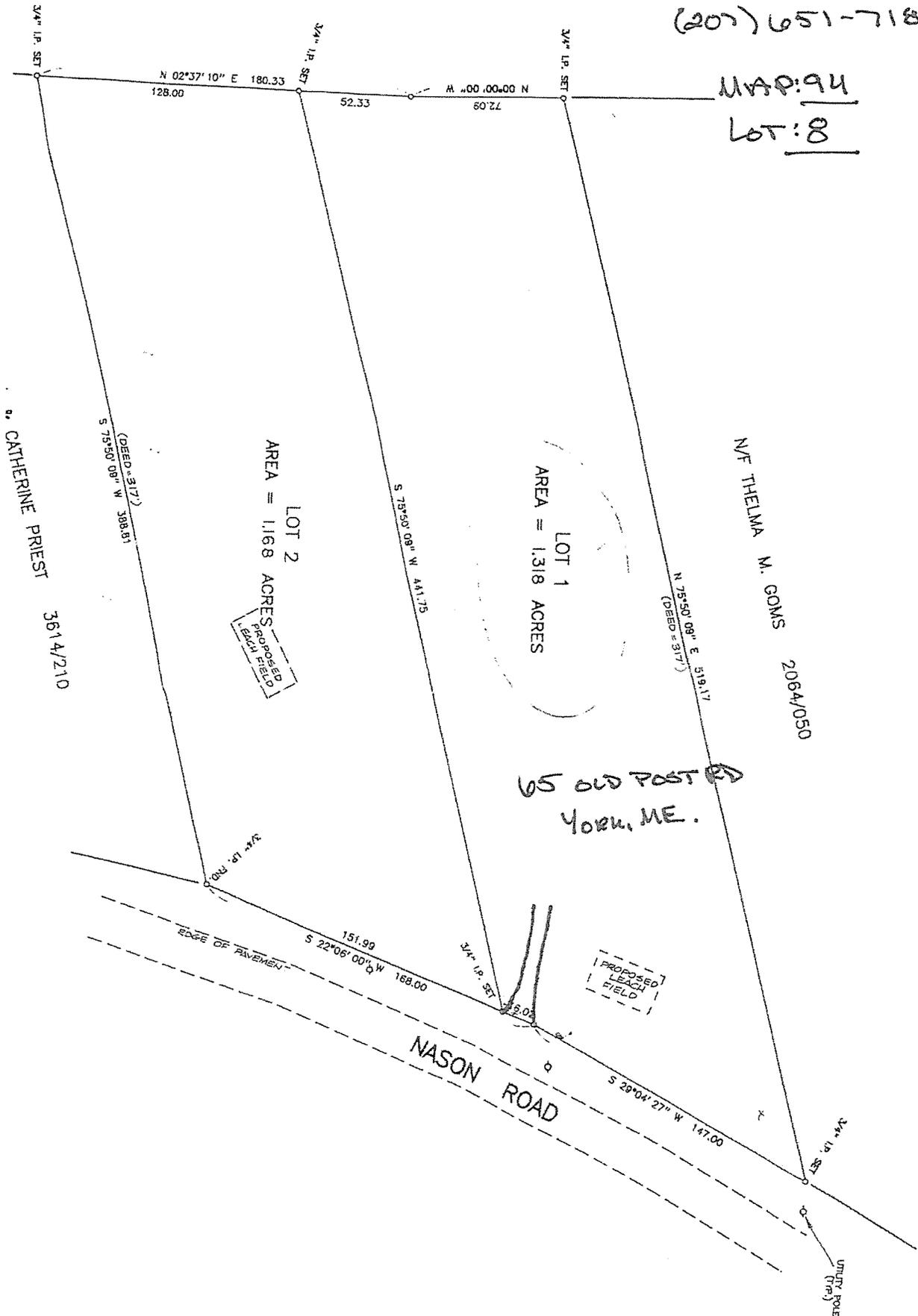
FINISH WORK INSPECTED: \_\_\_\_\_ PERMIT EXPIRES: \_\_\_\_\_

.....  
PERMIT IS NOT VALID UNLESS SIGNED BY THE TOWN OF YORK DIRECTOR OF PUBLIC WORKS OR HIS AGENT.

Patco Construction  
(207) 651-7181

MAP: 94

LOT: 8

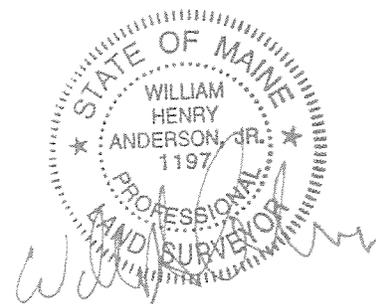


File No. 5409  
May 19, 2014

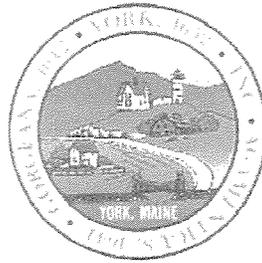
DRIVEWAY ENTRANCE ANALYSIS  
for  
JEFF SOULE PROPOSED RESIDENCE  
York, Maine

This project involves construction of a new driveway onto Old Post Road approximately 600 feet southerly of its intersection with Bluestone Lane. This will access a new home to be constructed on an existing lot of record (York Tax Map 94 Lot 8).

The methodology used to determine the sight distances at the proposed driveway location is the standards established by the Maine Department of Transportation (MDOT). Their specifications call for a for a drivers eye height of 3.5 feet above the finish grade in the centerline of the proposed driveway location at a point 10 feet back from the edge of the traveled way. The sight distance from this point is measured to an object with a height of 4.25 feet in the roadway. We proposed the driveway at the extreme southerly corner of the lot to maximize the sight distance to the north. We measured a sight distance of 431 feet to the south and 274 feet to the north using a Leica Total Station survey instrument. The Town of York has no regulations on driveway sight distances, but the Director of Public Works has been using the MDOT requirements for a driveway entering onto a state highway. Even though this is the old Route One, the state standards would not apply as it is located in an Urban Compact Area and falls under local review. The MDOT requirement for a road with a posted speed limit of 35 MPH as Old Post Road has is 305 feet. The proposed location easily meets this requirement to the south but has less than this to the north. Improving the sight distance to the north from this point would require lowering the crest of the hill in Old Post Road as this is the limiting factor. There is extensive ledge in this area so doing any work in this section would require blasting in and beside the road which would be cost prohibitive for a single family residence. Locating the driveway at this location is the safest feasible location for this site.



TEL. 207-363-1010  
207-363-1011  
FAX. 207-363-1012



*Dean A. Lessard, P.E.*

*Director of Public Works*

*Town of York*

*York, Maine 03909*

*dlessard@yorkmaine.org*

May 30, 2014

Jesse Braley  
Project Manager  
Patco Construction, Inc.  
Sanford, Maine

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PHONE NUMBER: 207-324-5574 Cell: 207-651-7101  
[Signature] 2/6/2014  
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SKETCH OF REQUIRED WORK: DRIVEWAY SHALL BE CONSTRUCTED TO STATE OF MAINE DOT STANDARD ENTRANCE/DRIVEWAY DETAILS. SEE ATTACHED LETTER AND DRIVEWAY DETAILS.

DESCRIPTION OF REQUIRED WORK: APPROVAL CONTINGENT ON THE APPLICANT PERFORMING SUFFICIENT SITE WORK (TREE REMOVAL + EXCAVATION) TO THE EXTENT THAT THE PROPOSED DRIVEWAY MEETS MAINE DOT BASIC SAFETY STANDARDS FOR MINIMUM ALLOWABLE SIGHT DISTANCE. SEE ATTACHED APPROVAL LETTER.

SPEED LIMIT: 35 mph SIGHT DISTANCE LEFT: 275'!!? RIGHT: 475'  
[Signature] MAY 30, 2014  
AUTHORIZED PUBLIC WORKS SIGNATURE DATE

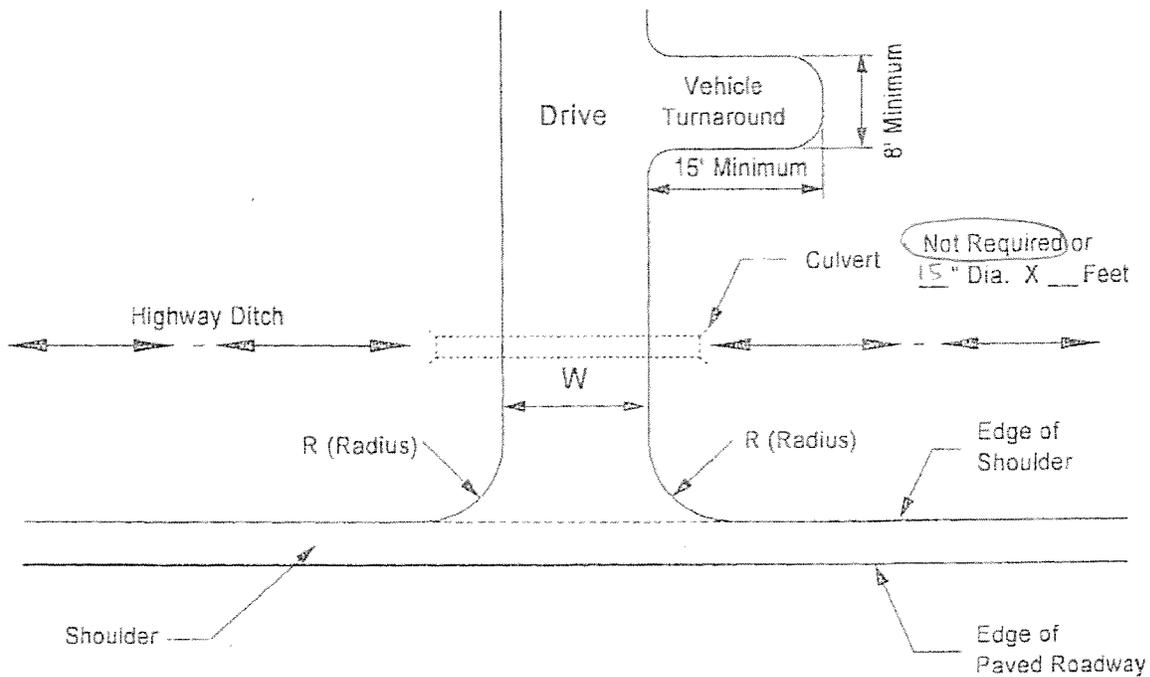
FINISH WORK INSPECTED: \_\_\_\_\_ PERMIT EXPIRES: MAY 30, 2015

.....  
PERMIT IS NOT VALID UNLESS SIGNED BY THE TOWN OF YORK DIRECTOR OF PUBLIC WORKS OR HIS AGENT.



State of Maine  
Department of Transportation  
**Entrance / Driveway Details**

PLAN

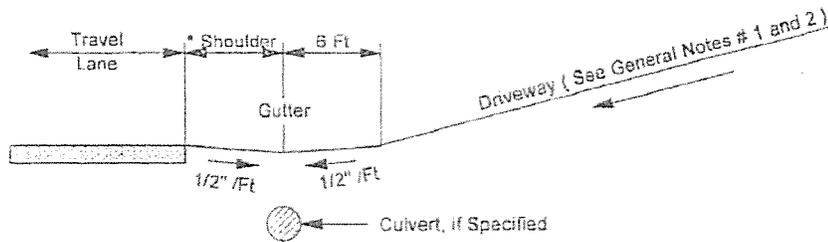


GENERAL NOTES -

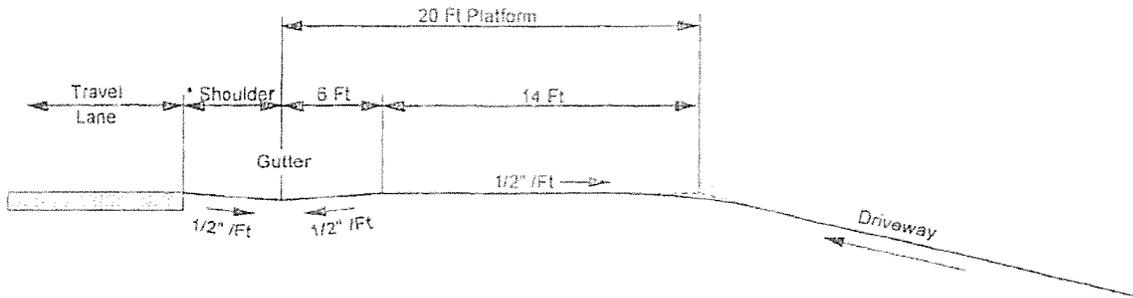
1. ALL RESIDENTAL OR COMMERCIAL DRIVES WITH 10% GRADE OR MORE SLOPING DOWN TOWARDS THE HIGHWAY SHALL BE PAVED TO THE RIGHT OF WAY LINE, AS A MINIMUM, INCLUDING SHOULDER, IF GRAVEL AND HAVE DITCHES TO CONTROL RUNOFF.
2. DRIVES SLOPING TO THE HIGHWAY SHALL BE CROWNED ( 1/2" PER FT. MINIMUM ).
3. TO THE MAXIMUM EXTENT PRACTICAL, THE ENTRANCE MUST BE CONSTRUCTED PERPENDICULAR TO THE HIGHWAY AT THE POINT OF ACCESS. EXCEPT WHERE CURBING EXISTS OR IS PROPOSED, THE MINIMUM RADIUS ON THE EDGES OF THE ENTRANCE MUST BE 10 FEET OR AS OTHERWISE REQUIRED AS SHOWN.
4. ENTRANCES/DRIVEWAYS WILL BE BUILT WITH AN ADEQUATE TURN-AROUND AREA ON SITE TO ALLOW ALL VEHICLES TO MANUEVER AND PARK WITHOUT BACKING ONTO THE HIGHWAY. THIS TURN-AROUND SHALL BE AT LEAST 8 FEET WIDE BY 15 FEET LONG.
5. ENTRANCES/DRIVEWAYS AND OTHER ASSOCIATED SITE WORK WHICH DIRECTS WATER (RUNOFF) TOWARD THE HIGHWAY MUST BE CONSTRUCTED, CROWNED STABILIZED AND MAINTAINED WITH MATERIALS AND APPROPRIATE TEMPORARY/PERMANENT EROSION CONTROL MATERIALS IN ACCORDANCE WITH MDOT BEST MANAGEMENT PRACTICES.
6. THE PROFILE OF THE ENTRANCES MUST COMPLY WITH THE DETAILS SHOWN ON PAGE 2.

# MDOT Entrance / Driveway Details, Continued

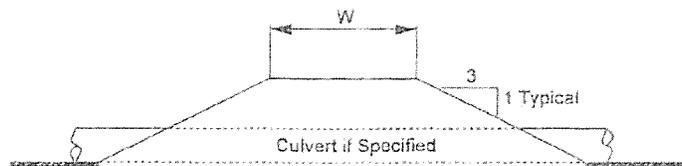
## PROFILE Details



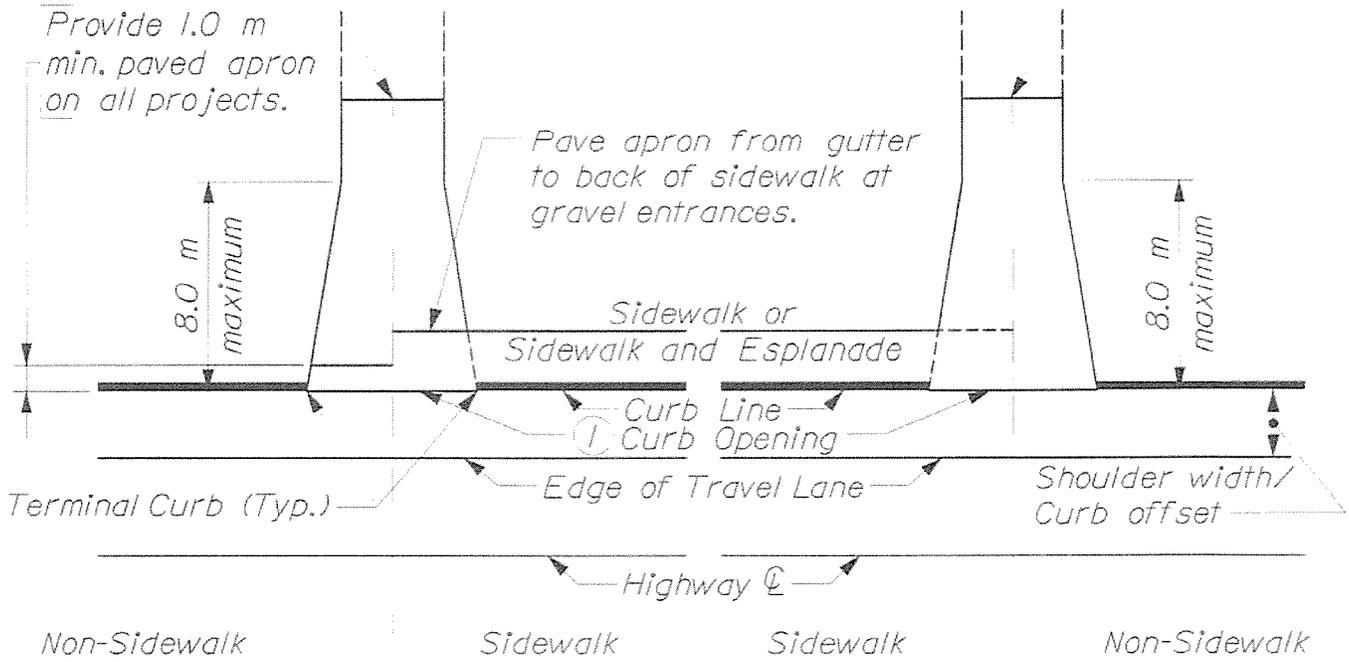
NOTE :  
 Grade of Existing Shoulder Should Be Maintained To Create A Gutter  
 With a Minimum Of Three Inches Below The Edge Of Traveled Way.  
 \* Distance Of The Gutter From The Edge Of Traveled Way Should Be  
 The Same As Existing Shoulder Or A Minimum Of 4 Feet.



## Driveway Cross Section



— Match existing entrance width at limit of grading. —



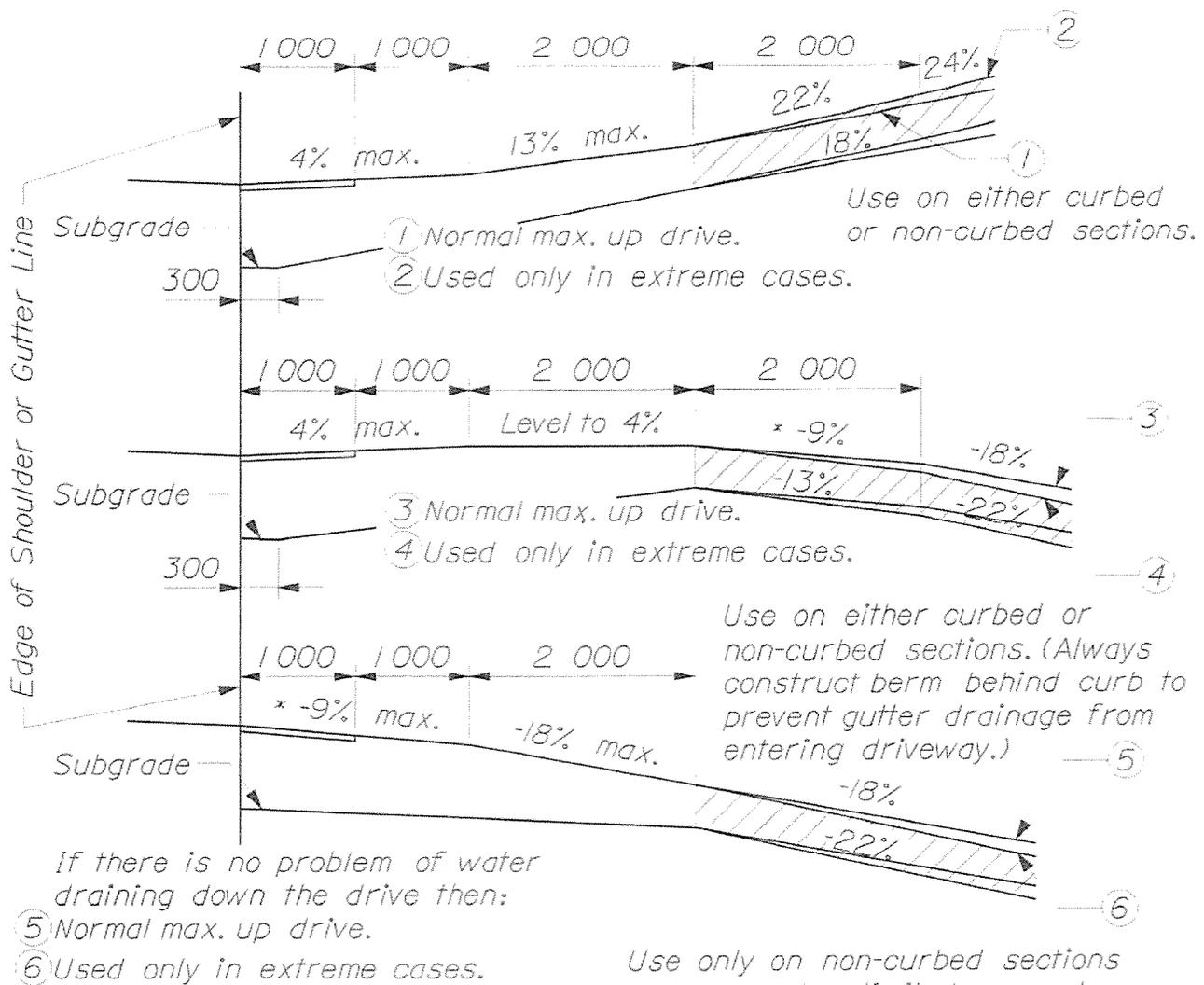
~ GRAVEL ENTRANCE ~

~ PAVED ENTRANCE ~

① Minimum curb opening is 6.0 m where the shoulder width is > 2.0 m and 8.0 m where the shoulder width is < 2.0 m.

## RESIDENTIAL ENTRANCE ONTO CURBED HIGHWAY WITH/WITHOUT SIDEWALKS

801(06)



GENERAL NOTES:

1. The first 1000 mm shown as pavement shall be paved only when abutting a paved area.

2. All residential or commercial drives 10% and over shall be paved.

NOTES ON MAXIMUM DRIVEWAY PROFILES:

1. These profiles are a guide for the majority of cases, but should be field checked when the main line grade is steep (4% to 6% or greater) or the angle of approach to the drive is unusual.

2. Generally the majority of drives on a project will be built with flatter profiles than these maximum cases.

\* 3. When grading drives which are flatter than the maximum profiles the following rule of thumb should be used: Do not exceed a grade % change of more than 9% in a 2000 mm increment of driveway length. This applies to both up and down profiles.

DRIVES ON NON-SIDEWALK SECTIONS

207 774-1200 main  
207 774-1127 facsimile  
bernsteinshur.com

## **BERNSTEIN SHUR**

**COUNSELORS AT LAW**

100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

# Memorandum

**DO NOT DISCLOSE:** Attorney-Client Privileged / Attorney Work Product

To: York Board of Selectmen

Cc: Rob Yandow  
York Zoning Board of Appeals

From: Mary Costigan

Date: April 22, 2014

Re: Soule Zoning Board Appeal of Driveway Permit Denial

This memo is regarding a Zoning Board appeal by Jeffrey and Jean Soule of a decision by the Public Works Director, Dean Lessard, to deny their application for a driveway permit at 65 Old Post Road. I have been asked two specific questions by the Board of Selectmen:

1. Does the Director have the right to deny a driveway opening permit based upon the Street Opening and Culvert Ordinance?
2. Since the CEO has decided to issue a building permit without a driveway, does this constitute a taking since the building would not have access to a public road?

With regard to the first question, state law provides that it is unlawful to construct or maintain any driveway within the right-of-way of any state highway that lies outside the compact area of an urban compact municipality without a written permit from MDOT or, if within the compact area, without a written permit from the proper municipal officials. 23 M.R.S. § 704. For those areas located outside the compact area, MDOT applies the Highway Driveway and Entrance Rules. The Rules contain standards such as sight distance and driveway spacing requirements. Those Rules, however, do not apply to driveways located on state highways within compact areas and the Soule's property is located within such an area. Therefore, the Town of York is responsible for issuing the driveway entrance permit for that location. In doing so, the Town may look to the State Rules for guidance, but is not required to apply the standards set forth in the Rules.

The Soules' application falls into a gray area because the Town is responsible for issuing a permit, and yet it does not have any standards under which to analyze an application. Therefore, Mr. Lessard, as set forth in his March 31, 2014 letter to the Board, looked to the

BERNSTEIN, SHUR, SAWYER & NELSON, P.A. | Portland, ME | Augusta, ME | Manchester, NH

LEX MUNDI  
THE WORLD'S LEADING ASSOCIATION  
OF INDEPENDENT LAW FIRMS

State Rules to determine the appropriate sight distance for the location of the driveway. It is very reasonable to look to the State Rules for guidance and is, of course, preferred by MDOT. However, my understanding is different from Mr. Lessard, as according to his letter, he believes that the State Rules must be followed. As I understand the Rules after speaking with the regional traffic engineer at MDOT, the Rules do not have to be followed within compact areas. The Town is therefore is not required to apply the State Rules in determining whether to issue a driveway entrance permit.

In his letter, Mr. Lessard relies on the Street Opening and Culvert Ordinance as his authority to administer the issuance of driveway entrance permits. Although a driveway may technically be considered an opening in a public right of way, that ordinance regulates the issuance of street opening permits for temporary openings resulting from excavations within the right of way and culvert installation permits. The ordinance does not mention driveway entrance permits, nor does it contain any standards for the issuance of such permits. That said, it is a logical extension of his responsibility under that ordinance and his expertise that he is the municipal official responsible for the issuance of driveway entrance permits.

Based on the above analysis, the answer to your direct question posed is that Mr. Lessard could not deny a driveway entrance permit based upon the Street Opening and Culvert Ordinance, because there are no standards within the ordinance that apply. However, Mr. Lessard could deny a driveway entrance permit based upon his expertise and guidance provided by the State Rules.

With regard to whether the denial of the driveway entrance permit constitutes a taking, the Soules would have to prove that they have been denied all economically viable use of their land. That is a very fact-specific inquiry to be made by a court. Without further fact finding regarding potential uses of the property without a driveway, it is difficult to answer the question posed.

I will note, however, that I understand that MDOT tries to work with property owners to find a reasonable solution, particularly when the lot was created prior to enactment of the Rules in 2001. Solutions may include waiver of spacing requirements, shared driveways, or waiver of sight distances in some cases. Without knowing more specifics about the property I am unsure of what alternative solutions there might be in this case. However, with the knowledge that the State Rules do not apply within the compact areas and knowing that the Soules purchased the property in 1996, before the State Rules were effective, Mr. Lessard may be able to discuss such alternatives with the applicants.

# Memorandum

**DO NOT DISCLOSE: Attorney-Client Privileged / Attorney Work Product**

To: York Board of Selectmen

Cc: Rob Yandow  
York Zoning Board of Appeals

From: Mary Costigan

Date: May 21, 2014

Re: Driveway Permit at 65 Old Post Road

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This memo is regarding an application for a driveway permit at 65 Old Post Road. You have asked the following questions:

1. Does the Town of York incur any liability by denying the issuance of a driveway permit under the current configuration?
2. Does the Public Works Director, or the Town of York, incur any liability if a driveway permit is issued and a subsequent accident(s)/incident(s) related to the location of the driveway results in injury to anyone?
3. If the answer to #2 is yes or maybe, can roadside signs such as “Blind Driveway Ahead” or something similar help mitigate liability?

To provide some context for this matter, it is helpful to first summarize the issue and the law and rules that apply. State law provides that it is unlawful to construct or maintain any driveway within the right-of-way of any state highway that lies outside the compact area of an urban compact municipality without a written permit from MDOT or, if within the compact area, without a written permit from the proper municipal officials. 23 M.R.S. § 704. The location in question here, 65 Old Post Road, falls within a compact area and thus the property owner is required to obtain a permit from the Town of York before constructing a driveway. The statute directs the Maine Department of Transportation (MDOT) to adopt rules and regulations for the design, location and construction of driveways and authorizes (but does not direct) municipalities to do the same.

The Public Works Director has been tasked with the issuance of driveway permits. The Town of York does not have any driveway location standards within its ordinance for the Public Works Director to apply. Although not required to do so, the Public Works Director has applied the Highway Driveway and Entrance Rules developed by MDOT in determining whether to issue a driveway permit. In the absence of local rules, it is reasonable to rely on the state safety standards. In this particular case, the state rules require a 305-foot sighting distance for driveways entering roads posted at 65 miles per hour. As I understand from the recent Board of Appeals hearing, the proposed driveway at 65 Old Post Road has a sighting distance in one direction of 274 feet. It is this fact that the proposed driveway does not have a safe sighting distance pursuant to the state rules that has presented the current issued faced by the Public Works Director and the Board.

Your first question is regarding liability to the Town if it were to deny the driveway permit. I understand that there has been concern expressed by some Board members that denying a permit for the proposed driveway could be considered a taking. As I stated in my April 22<sup>nd</sup> memo, the property owners would have to prove that they have been denied all economically viable use of their land to demonstrate a taking. That is a very fact-specific inquiry to be made by a court. Without further fact finding regarding potential uses of the property without a driveway or other possible driveway locations or shared driveway possibilities, it is difficult to know what the result would be. In addition, depending upon the reason for denial, the property owners could appeal the Town's decision in a Rule 80B action, claiming the decision to deny the permit was arbitrary, due to the lack of local standards. Given the fact that there are clear state standards and that state law requires the municipality to issue a permit but does not require the municipality to adopt rules, the Town has a good chance of prevailing in an appeal. Each of the above actions would of course require the Town to incur legal costs to defend.

Your second and third questions concern potential liability to the Town and the Public Works Director if a driveway permit is granted in the currently proposed location. The Maine Tort Claims Act provides immunity to the Town and the Public Works Director from suit on all tort claims. There are certain exceptions to that rule, but the issuance of a permit is not one of the exceptions. In fact, the Tort Claims Act specifically provides immunity to the Town, even in the case of an exception, for granting or failing to grant a permit. In addition, the Tort Claims Act specifically provides immunity to employees, such as the Public Works Director, for granting or refusing to grant a permit.

If an accident does occur in the location of the driveway, there is nothing to prevent a party from suing the Town, but it is likely that the Maine Tort Claims Act would provide immunity in that circumstance. As you mention in your third question, anything the Town can do to make the situation safer is helpful, including the addition of blind drive signs, or something similar.

Proposed FY15 - FY19  
Capital Plan

| PROJECT FUNDING COSTS                              |                     |                     |                     |                   |                     |
|--|---------------------|---------------------|---------------------|-------------------|---------------------|
| DESCRIPTION  | FY 2015             | FY 2016             | FY 2017             | FY 2018           | FY 2019             |
| Major Drainage                                     |                     |                     |                     |                   |                     |
| York Beach Traffic Improvements                    |                     |                     |                     |                   |                     |
| Long Sands Bathhouse                               |                     |                     |                     |                   |                     |
| Senior/Community Center                            |                     |                     | 3,500,000           |                   |                     |
| Substations/Ponds                                  |                     |                     |                     |                   | 1,000,000           |
| Road Reconstruction                                | 400,000             | 500,000             | 500,000             | 500,000           | 500,000             |
| Other Open Space                                   |                     |                     |                     |                   |                     |
| Alternate Energy Solutions and Energy Conservation | 100,000             | 100,000             |                     | 100,000           |                     |
| Heavy Plow Truck                                   | 153,000             | 159,000             | 165,000             | 170,000           | 175,000             |
| Town Hall Expansion                                |                     | TBD                 |                     |                   |                     |
| Auditorium   |                     | 5,500,000           |                     |                   |                     |
| School Paving                                      | 100,000             |                     |                     |                   |                     |
| Generator at YMS                                   |                     |                     |                     |                   |                     |
| YHS Field House                                    |                     |                     | 500,000             |                   |                     |
| VES Roof   | 630,000             |                     |                     |                   |                     |
| CRES Roof  |                     |                     |                     |                   |                     |
| School Network Hardware                            |                     | 150,000             |                     |                   |                     |
| HS Aged HVAC Equipment Replacement                 |                     |                     |                     |                   |                     |
| VES Aged HVAC Equipment Replacement                |                     |                     |                     |                   |                     |
| MS Boiler Plant                                    |                     |                     |                     |                   |                     |
| Replace VES Water Main                             | 110,000             |                     |                     |                   |                     |
| School Telephone System                            |                     |                     |                     |                   |                     |
| Hodgin Parking Lot                                 |                     |                     |                     |                   |                     |
| Land Use Study for Davis Property                  |                     |                     |                     |                   |                     |
| Design/Cost Analysis for Aud/PAC                   | 80,000              |                     |                     |                   |                     |
| Channel 3 Broadcast Upgrade                        | 46,000              |                     |                     |                   |                     |
| Fiber Optic Wide Area Network                      |                     | 275,000             |                     |                   |                     |
| Storage Building for Town Records                  |                     |                     |                     |                   |                     |
| Financial Software                                 |                     |                     | 200,000             |                   |                     |
| Mount A Trail Phase I                              | 61,000              |                     |                     |                   |                     |
| York Middle School Roof                            |                     |                     |                     |                   | 212,000             |
| Roadside Mower                                     | 125,000             |                     |                     |                   |                     |
| <b>Totals</b>                                      | <b>\$ 1,805,000</b> | <b>\$ 6,684,000</b> | <b>\$ 4,865,000</b> | <b>\$ 770,000</b> | <b>\$ 1,887,000</b> |



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> July 1, 2014             | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014      |  |
| <b>Regular</b> <u>  X  </u> <b>Work Session</b> |  |
| <b>Subject:</b> Time Warner Franchise Agreement |  |

|  |
|--|
| <b>TO:</b> Board of Selectmen                          |
| <b>FROM:</b> Robert G. Yandow, Town Manager            |
| <b>RECOMMENDATION:</b> Develop Process to Move Forward |
| <b>PROPOSED MOTION:</b>                                |

**Discussion:** As indicated previously, the Town's Franchise Agreement with Time Warner Cable expires on November 28, 2014. The Board of Selectmen needs to determine how to approach the negotiation of a new or extended Franchise Agreement.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By:

*Robert G. Yandow*

Reviewed By: \_\_\_\_\_



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|  |  |
|--|--|
| <b>Date Submitted:</b> July 1, 2014                      | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014               |  |
| Regular <input checked="" type="checkbox"/> Work Session |  |

**Subject:** Petition for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older

|   |
|---|
| <b>TO:</b> Board of Selectmen                                       |
| <b>FROM:</b> Robert G. Yandow, Town Manager                         |
| <b>RECOMMENDATION:</b> Request Legal Opinion from the Town Attorney |
| <b>PROPOSED MOTION:</b>   |

**Discussion:** On June 19, 2014 at 8:45 a.m. Sherry Dabiere submitted petitions to the Town Clerk requesting that an ordinance be placed before the voters in the Town of York. Specifically, the ordinance, if passed, would allow use and possession of one ounce or less of marijuana by persons 21 years of age or older providing the use or possession were not in a public place. The Town Clerk subsequently verified that the petitions contained 174 signatures of registered York voters.

Attached you will find a memorandum from the Town Clerk, a copy of the petition and relevant sections of the York Home Rule Charter relating to petitions.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By: Robert B. Gannon

Reviewed By: \_\_\_\_\_



## TOWN CLERK / TAX COLLECTOR

TOWN OF YORK  
186 YORK STREET  
YORK, ME 03909

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Community  
Development/  
Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Senior Center/  
General Assistance  
(207)363-1036

Parks and Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

www.yorkmaine.org

TO: The Board of Selectmen

MAS

FROM: Mary-Anne Szeniaowski, Town Clerk/Tax Collector

DATE: June 27, 2014

SUBJECT: Petition for Enactment of an Ordinance (Use Of Marijuana By  
Persons 21 Years Of Age Or Older)

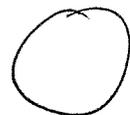
I have attached the above cited Petition that was submitted by Sherry Dabiere at  
8:45 a.m. on June 19, 2014.

In our capacity as Registrar of Voters, we have confirmed that one hundred and  
seventy four (174) signatures are those of Registered Voters in the Town of York.

I respectfully submit this for the Board's review and action.

MAS:mji  
Attachment

PETITION FOR ENACTMENT OF AN ORDINANCE



10/11

The Town hereby ordains the adoption of a new ordinance enacted to read:

**Use Of Marijuana By Persons 21 Years Of Age Or Older**

*Section. 1. Preamble.*

*WHEREAS, a 1995 study commissioned by the World Health Organization concluded marijuana poses a much less serious public health problem than is currently posed by alcohol;*

*WHEREAS, an assessment published in 2009 in British Columbia's Mental Health and Addictions Journal found health-related costs for alcohol consumers are more than eight times greater than those for marijuana consumers;*

*WHEREAS, according to the National Institutes of Health, more than 300 Americans die annually as the result of alcohol overdoses, and there has never been a confirmed marijuana overdose death recorded in the medical literature, as noted by the British Medical Journal in September 2003;*

*WHEREAS, studies conducted in 1999 by the National Academy of Sciences Institute of Medicine and 1994 by the National Institute on Drug Abuse concluded marijuana is less addictive than alcohol;*

*WHEREAS, the U.S. Centers for Disease Control and Prevention attributes more than 30,000 American deaths per year to the health effects of alcohol and zero deaths directly to the health effects of marijuana;*

*WHEREAS, extensive research documented in official reports by the British government's Advisory Council on the Misuse of Drugs and the Canadian Senate Special Committee on Illegal Drugs, among others, shows that — unlike alcohol use — marijuana use is not generally a cause of violence or aggressive behavior, and, in fact, tends to reduce violence and aggression;*

*WHEREAS, police officers' and prosecutors' time and resources would be better spent addressing violent crimes and property crimes instead of citing and prosecuting adults 21 years of age and older for possession of small amounts of marijuana;*

*WHEREAS, marijuana laws are disproportionately enforced against communities of color, and, according to a 2013 report produced by the American Civil Liberties Union, African Americans in Maine are more than two times more likely to be arrested for marijuana possession than white citizens are, despite similar rates of consumption;*

*WHEREAS, in an interview published in The New Yorker in January 2014, President Barack Obama acknowledged that marijuana is less harmful than alcohol in terms of its impact on the consumer;*

WHEREAS, police officers and prosecutors have the discretion to refrain from issuing citations to and filing charges against adults 21 years of age and older for possession of small amounts of marijuana; and

Therefore, in the interest of the public health and public safety, and in order to better focus law enforcement resources on crimes involving violence and personal property, the voters of the Town of York find and declare that the use of marijuana should be legal for persons 21 years of age or older.

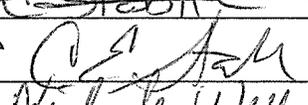
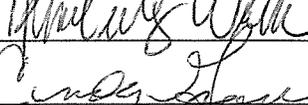
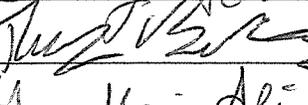
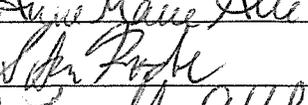
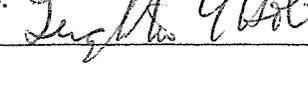
Sec. 2. Notwithstanding any other ordinance, it shall not be unlawful in the Town of York, and must not be used as the basis for prosecution or penalty by the Town of York for persons 21 years of age or older, to possess or use marijuana paraphernalia or one ounce or less of marijuana, except that it is not lawful for a person to:

- (a) use or display marijuana or marijuana paraphernalia in a public place; or
- (b) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana.

Sec. 3. The Town of York, through adoption of this ordinance, resolves to support a change in state law to tax and regulate the sale of marijuana in a manner similar to alcohol.

We, the undersigned voters of the Town of York, residing respectively at the addresses placed opposite our names, hereby petition the Board of Selectmen to call a public hearing in the manner prescribed in Article II, Section 21 and to submit to a vote the question of adopting this ordinance.

PLEASE USE INK TO COMPLETE THIS FORM

| SIGNATURE   | PRINTED NAME  | STREET & NUMBER      | DATE    |
|---|---------------|----------------------|---------|
| ✓ <sup>1</sup>           | Kathy Twomey  | 34 Old East Scituate | 6/12/14 |
| ✓ <sup>2</sup>           | Aux Lewis     | 10 Sonny Creek Rd    | 6/12/14 |
| <sup>3</sup> <del></del> |               |                      |         |
| ✓ <sup>4</sup>           | C STABILE     | 8 MAIN STREET        | 6/12/14 |
| ✓ <sup>5</sup>           | K. Walker     | 35 Harvest Ln        | 6/12/14 |
| ✓ <sup>6</sup>           | Cindy Gould   | PO BOX 11            | 6-12-14 |
| NR <sup>7</sup>          | Theo Bullock  | PO Box 413           | 6-12-14 |
| ✓ <sup>8</sup>           | Anne Alie     | 10 Norwood Ave       | 6/12/14 |
| NR <sup>9</sup>          | Stan Roche    | 15 Church St         | 6/12/14 |
| ✓ <sup>10</sup>          | Leighton Hoff | 158 A Oak St         | 6/12/14 |

existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing them in brackets or by strikeout type and shall indicate new matter(s) by underscoring or by italics.

- B. PROCEDURE: An ordinance may be introduced by any member of the Board of Selectmen at any regular or special meeting of the Selectmen. The Town Clerk shall provide a copy to each Selectman and the Town Manager and shall make a reasonable number of copies available in the office of the Town Clerk, and shall publish in one or more newspapers of general circulation in the town a notice setting out the time and place for a public hearing thereon, which may be adjourned from time to time. All persons interested shall have an opportunity to be heard at the meeting.
- C. After the public hearing, the Town Clerk shall provide a copy of the ordinance (with amendments, if any) to the Town Manager, who in turn shall publish, in one or more newspapers of general circulation in the Town, a notice that a vote on a proposed or referred ordinance shall be held.

The notice shall show the date of the Referendum, as determined by the Board of Selectmen. The date shall be no less than forty (40) days and no more than one (1) year from the date of the public hearing on the ordinance. If the General Referendum meeting is not scheduled to be held within 120 days of the date of the public hearing, the Board of Selectmen may provide for a Special General Referendum, provided the Board of Selectmen has determined there is a compelling reason not to wait until the General Referendum, and further provided the Board of Selectmen shall make every effort to schedule the Special General Referendum on the same date that another election/referendum has been scheduled.

**Section 22: PETITION FOR ENACTMENT OF ORDINANCES**

- A. Voters of the Town may at any time propose the enactment of any lawful ordinance by filing, with the Town Clerk, a petition stating the complete text of such ordinance and signed by registered voters of the Town numbering not less than one hundred (100) voters of the Town. The Board of Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21.B and shall within forty-five (45) days after said public hearing call a Special General Referendum for the purpose of submitting to a vote the question of adopting such ordinance.
- B. Such ordinance shall take effect upon the enactment of the ordinance/s by the voters of the Town, provided a majority of those voting thereon shall have voted in the affirmative.

**Section 23: COMMITTEE ON ORDINANCES**

- A. Before it is submitted to the voters, any ordinance proposed as in Article II, Section 22 shall be examined by a committee of three (3) consisting of the Town Manager, the Town Attorney and one of the petitioners who signed the proposing petition. This Ad Hoc committee is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its texts and preferences and clarity and precision in its phraseology, but they shall not be empowered to materially change its meaning and effect.

**Section 24: PETITION FOR ORDINANCE RECONSIDERATION AND OVERRULE OF ACTION OR INACTION BY THE BOARD OF SELECTMEN**

- A. All ordinances shall be subject to reconsideration by a General Referendum or Special General Referendum as follows:
  - 1. If, within thirty (30) days after the enactment of an ordinance, a petition signed by registered voters of the town, numbering not less than ten (10) percent of the votes cast in the previous gubernatorial election by the voters of the Town, is filed with the Town Clerk requesting reference of the ordinance to reconsideration at a General Referendum or a Special General Referendum, the Board of Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21 to be held within thirty (30) days of the date of the filing of said petition with the Town Clerk and shall schedule the General Referendum or a Special General Referendum within forty-five (45) days after said public hearing for the purpose of submitting to a vote the reconsideration of said ordinance. Pending action by the voters of the Town, a referred ordinance shall be suspended from becoming effective until it has received a majority of the votes cast on said reconsideration referendum.
- B. The actions or inactions of the Board of Selectmen are subject to overrule by a General Referendum or Special General Referendum as follows:
  - 1. If, within thirty (30) days after the refusal by the Board of Selectmen to act upon a legally presented ordinance petition, a petition signed by registered voters of the town, numbering not less than ten (10) percent of the votes cast in the previous gubernatorial election by the qualified voters of the Town, is filed with the Town Clerk requesting reference of the petition to a General Referendum or a Special General Referendum, the Board of

Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21 to be held within thirty (30) days of the date of the filing of said petition with the Town Clerk and shall schedule the General Referendum or a Special General Referendum within forty-five (45) days after said public hearing for the purpose of submitting to a vote the question of adopting the provisions of said petition.

**Section 25: SECRET BALLOT VOTE**

- A. All votes or elections related to elected officials and/or related to ordinances and budget items allowed by law or this Charter shall be by a secret ballot vote at the appropriate Budget Referendum, Special Budget Referendum, General Referendum, or Special General Referendum.

**Section 26: LINE-ITEM BUDGET**

- A. All budget matters allowed by law or this Charter shall be presented to the Legislative Body for a vote at the appropriate Budget Referendum or Special Budget Referendum in a line-item format agreed upon by the Budget Committee and the Town Manager. Each budget line-item may be approved or disapproved individually and severally in a manner as indicated in Article II, Sections 12 & 14 of this Charter.

**ARTICLE III: THE MUNICIPAL GOVERNMENT**

**Section 1: BOARD OF SELECTMEN**

- A. **COMPOSITION:** The Board of Selectmen shall consist of five (5) members elected by the voters of the Town.
- B. **TERM OF OFFICE:** The term of office for each Selectman shall be for a period of three (3) years, staggered, effective at the Budget Referendum in May 1996, when the two candidates receiving the largest number of votes shall be elected to three year terms and the candidate receiving the next largest number of votes shall be elected to a two year term.
- C. **COMPENSATION AND EXPENSES:** Selectmen shall be compensated monthly at rates set by the annual Budget Referendum and shall be reimbursed for documented reasonable expenses incurred during the course of their official duties, as such expenses occur pursuant to standing Town policy.



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> July 1, 2014   | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> Next available  |  |
| <b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> |  |
| <b>Subject:</b> Release letter of credit for Bangor Savings Bank at 460 U.S. Route 1            |  |

|   |
|---|
| <b>TO:</b> BOARD OF SELECTMEN   |
| <b>FROM:</b> Dylan Smith, Town Planner  |
| <b>RECOMMENDATION:</b> I recommend the Board of Selectmen release the irrevocable letter of credit, which secures site work at the Bangor Savings Bank, located at 460 U.S. Route 1.  |
| <b>PROPOSED MOTION:</b> I move to authorize full release of the Irrevocable Letter of Credit held by Bangor Savings Bank on behalf of Bangor Savings Bank at 460 U.S. Route 1, in the amount of \$92,000.00, because all required work has been completed in accordance with the approved plans and has passed inspections. |

**Discussion:** The Bangor Saving Bank is located at 460 U.S. Route 1. The applicant has completed all their site work. Stephen R. Bushey, P.E. of Fay, Spofferd & Thorndike has submitted a letter certifying that all site work and utilities installed as part of this project are substantially complete. Amber Harrison, CEO, has also inspected the site and found it to be in full conformance with the approved plans.

Prepared By: *Dylan Smith*

Reviewed By: *Robert S. Gendron*



# Town of York

186 York Street  
York, Maine 03909-1314

## MEMO

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Fax  
(207)363-1009  
(207)363-1019

www.yorkmaine.org

**TO: Board of Selectmen**

**CC: Community Development Staff**

**FROM: Amber L. Harrison, CEO**

**DATE: July 1, 2014**

**RE: 460 US Route 1 (Map 48 Lot 24)**

The purpose of this memo is to evaluate the status of current permits, licenses and permitted uses at 460 US Route 1 (M48 L24). Likewise, I wish to detail any remedial action necessary to attain compliance or conditions to be placed upon the approval of certain permits and/or licenses.

On July 24<sup>th</sup>, 2013, a demolition permit (permit # 2013-486), was issued to Old Port Realty Corporation care of John Gendron. The pre-existing 2.5 story, 1984 sf home and accessory structures were demolished, including the removal of the pre-existing driveway. The demo permit was signed off by Assistant Code Enforcement Officer Kathy Newell on February 12<sup>th</sup>, 2014. On October 24<sup>th</sup>, 2013, a building permit (permit # 2013-725), was issued to French Construction for the construction of a new commercial bank branch (Bangor Savings Bank), per Planning Board approval. The building permit was signed off and closed by Code Enforcement Officer Amber Harrison on June 30<sup>th</sup>, 2014. All applicable reports and inspections were submitted to the CEO prior to the final inspection on June 30<sup>th</sup>, 2014, including: state electrical, structural inspections, smoke, carbon, and alarm system reports, architectural reports and landscaping inspections have been completed. The site and submitted inspection reports for the Bangor Savings Bank at 460 US Route 1 were found to be in full conformance with the approved plans.

If you have any other concerns or questions please contact the Code Enforcement Office at 363-1002.

Amber L. Harrison, CEO



March 21, 2014

Amber Harrison  
Code Enforcement Office  
Town of York  
186 York Street  
York, ME 03909

RE: Bangor Savings Bank Site Work and Utilities

Dear Ms. Harrison,

The undersigned, duly licensed in Maine as a professional engineer, hereby certifies, to the best of his knowledge after appropriate inquiry, that the site work and utilities installation related to the Bangor Savings Bank, located at 460 U.S. Route 1, have been substantially completed. I have conducted a site visit, and communicated with the Contractor, and on the basis of this information can confirm that the work has been completed in substantial conformance with the approved plans and permitting requirements. Based on these findings it is my opinion that the development is acceptable for occupancy pending, positive findings related to the building permits and related certificate of occupancy requirements.

If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE

A handwritten signature in black ink, appearing to read 'Stephen R. Bushey', written over a horizontal line.

Stephen R. Bushey, P.E.  
Senior Principal Engineer

SRB/cmd/smk



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> July 2, 2014   | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014  |  |
| Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> |  |
| <b>Subject:</b> Special Event Permit: York Hospital Breast Cancer Walk for Hope   |  |

|  |
|--|
| <b>TO:</b> BOARD OF SELECTMEN  |
| <b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager   |
| <b>RECOMMENDATION:</b>   |
| <b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the York Hospital Breast Cancer Walk for Hope event on Thursday, July 31, 2014 subject to the attached conditions given by Department Heads |

**Discussion:** All appropriate departments have been notified and given approval, see attached.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert H. Gandon*



# Town of York, Maine Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: June 5, 2014

Name of Event: York Hospital Breast Cancer Walk In Hope  
Type of Event: Walk (2 miles) to raise money for Breast Cancer  
Organization Name: York Hospital Breast Cancer Survivors Group Phone #: 207-351-1324  
Organization Address: 10 Chestnut Lane City: York State: Me Zip: 03909  
Applicant Name: Joann Noel Phone #: 207-351-1324  
Applicant Address: 10 Chestnut Ln City: York State: Me Zip: 03909  
Contact Name for Day of Event: Joann Noel Contact Phone #: 207-351-1324  
Date of Event: July 31, 2014 Day of Week: Thursday  
Starting Time: 3:00 PM Ending Time: 9:00 PM  
Assembly Area: York Beach Ball Park  
Dispersal Area: Down Church St to Long Sands Beach  
Event Route: Down Church St to Long Sands Beach and back to the Ball Field

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
300

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):

Walking

Describe how group is organized and supervised to insure order: York Police Department help us with the walk

Purpose of the Event: To raise money for Breast Cancer patients & research in the State of Maine  
The above information is true to the best of my knowledge and belief.

Signature of Applicant: Joann J. Noel

**For Town Use Only**

Reviewed by:

| <u>Department</u> | <u>Initials</u>              |
|-------------------|------------------------------|
| Police Department | <u>Szeniawski 06-09-2014</u> |
| Public Works      | <u>Lessard 06-09-2014</u>    |
| Parks/Recreation  | <u>Sullivan 06-30-2014</u>   |
| Village Fire      | <u>Apgar 06-08-2014</u>      |
| York Beach Fire   | <u>Bridges 06-06-2014</u>    |
| Code Enforcement  | <u>Burns 06-06-2014</u>      |
| York Ambulance    | <u>Prince 06-09-2014</u>     |

Special Conditions:

**Police:** An officer will assist at the Church Street/Long Beach Avenue intersection. \_\_\_\_\_

Any Questions: Lieutenant Charlie Szeniaawski (207) 363-1031 \_\_\_\_\_

**Beach Fire:** Organizers will need to supply 3 port-a-potties in the ball field. \_\_\_\_\_

Any Questions: Dave Bridges (207) 363-1014 \_\_\_\_\_

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Monday, June 09, 2014 9:48 AM  
**To:** Melissa M. Avery; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: York Hospital Breast Cancer Walk for Hope

We are all set with this an officer will assist at the Church St. Long Beach Avenue intersection .

**From:** Melissa M. Avery  
**Sent:** Friday, June 06, 2014 4:08 PM  
**To:** David K. Bridges; David Apgar; Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: York Hospital Breast Cancer Walk for Hope

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!  
Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Friday, June 06, 2014 10:07 PM  
**To:** Melissa M. Avery  
**Cc:** David Apgar; Dean Lessard; Charles J. Szeniewski; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Re: Special Event Permit: York Hospital Breast Cancer Walk for Hope

Since this walk starts at the York Beach Ball Field, the organizers will need to supply 3 port a potties in the ball field like all the other walking events that start in the Ball field. I have no other problems with the event. Dave

Sent from my iPhone. Dave

On Jun 6, 2014, at 4:08 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!  
Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

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<York Hospital Breast Cancer Walk for Hope.pdf>

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**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Sunday, June 08, 2014 6:55 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: York Hospital Breast Cancer Walk for Hope

Village Fire approval.

David Apgar  
Deputy Fire Chief  
York Village Fire Dept  
Fire Inspector  
207-451-8258

---

**From:** Melissa M. Avery  
**Sent:** Friday, June 06, 2014 4:08 PM  
**To:** David K. Bridges; David Apgar; Dean Lessard; Charles J. Szeniewski; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: York Hospital Breast Cancer Walk for Hope

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!  
Thank you!  
Missy

---

Melissa M. Avery  
Assistant to the Town Manager

Town of York, Maine<<http://www.yorkmaine.org/>>  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Friday, June 06, 2014 5:05 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event Permit: York Hospital Breast Cancer Walk for Hope

Missy,  
I have no code issues with this event and recommend approval.  
Steve

Stephen H. Burns  
Community Development Director  
Town of York, Maine  
186 York St., York, ME 03909  
(207) 363-1007

On Jun 6, 2014, at 4:08 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!  
Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

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<York Hospital Breast Cancer Walk for Hope.pdf>

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**Melissa M. Avery**

---

**From:** Ellen Prince <ellenprince@gmail.com>  
**Sent:** Monday, June 09, 2014 10:44 AM  
**To:** Melissa M. Avery  
**Cc:** David K. Bridges; David Apgar; Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Re: Special Event Permit: York Hospital Breast Cancer Walk for Hope

I'll let the crews know about this. Good with York Ambulance.

Ellen

*Ellen Prince  
Asst. Chief  
York Ambulance Association, Inc.  
15 Salisbury Ave.  
P.O. Box 238  
York, ME 03909-0238  
Phone: 207-363-4403  
Fax: 207-363-2041*

On Fri, Jun 6, 2014 at 4:08 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!

Thank you!

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

Phone: (207) 363-1000 - Fax: (207) 363-1019

## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Monday, June 09, 2014 2:02 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: York Hospital Breast Cancer Walk for Hope

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipated any issues with this event. DPW recommends approval.

Thanks  
Dean

**Dean A. Lessard, P.E.** | *Director of Public Works*

**Town of York, Maine**

186 York Street | York, Maine 03909

Phone: (207) 363-1010, Ext. 6201

Fax: (207) 363-1012

E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

Online: [www.yorkmaine.org](http://www.yorkmaine.org)

Follow us!

Facebook: [www.facebook.com/YorkMainePublicWorks](http://www.facebook.com/YorkMainePublicWorks)

**From:** Melissa M. Avery

**Sent:** Friday, June 06, 2014 4:08 PM

**To:** David K. Bridges; David Apgar; Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; Stephen H. Burns; Ellen Prince

**Subject:** Special Event Permit: York Hospital Breast Cancer Walk for Hope

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!

Thank you!

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

Phone: (207) 363-1000 - Fax: (207) 363-1019

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**Melissa M. Avery**

---

**From:** Michael J. Sullivan  
**Sent:** Monday, June 30, 2014 4:31 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: York Hospital Breast Cancer Walk for Hope

Yep...good to go

*Michael J. Sullivan, Director  
Parks and Recreation*

*Town of York, Maine  
186 York Street  
York, Maine 03909  
(207) 363-1040  
[msullivan@yorkmaine.org](mailto:msullivan@yorkmaine.org)*

**From:** Melissa M. Avery  
**Sent:** Monday, June 30, 2014 3:24 PM  
**To:** Michael J. Sullivan  
**Subject:** FW: Special Event Permit: York Hospital Breast Cancer Walk for Hope

Hey Mike,

Are you all set with this permit?

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

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**From:** Melissa M. Avery  
**Sent:** Friday, June 06, 2014 4:08 PM  
**To:** Dave Bridges; Dave Apgar; Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: York Hospital Breast Cancer Walk for Hope

Attached is the Special Event Permit Application for York Hospital's Breast Cancer Walk for Hope, scheduled for July 31, 2014.

Please let me know when you've had a chance to review!  
Thank you!  
Missy

---

Melissa M. Avery



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

|   |  |
|---|--|
| <b>Date Submitted:</b> July 2, 2014   | <b>Type of Action:</b><br><input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action<br><input type="checkbox"/> Other: _____ |
| <b>Date Action Requested:</b> July 7, 2014  |  |
| <b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> |  |
| <b>Subject:</b> Special Event Permit: New England Classic Tour de Cure                          |  |

|   |
|---|
| <b>TO:</b> BOARD OF SELECTMEN   |
| <b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager  |
| <b>RECOMMENDATION:</b>  |
| <b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the New England Classic Tour de Cure event on Sunday, July 13, 2014 subject to the attached conditions given by Department Heads |

**Discussion:** All appropriate departments have been notified and given approval, see attached.

|  |
|--|
| <b>FISCAL IMPACT:</b>                    |
| <b>DEPARTMENT LINE ITEM ACCOUNT:</b>     |
| <b>BALANCE IN LINE ITEM IF APPROVED:</b> |

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert M. Gannon*



Rec'd 5/23/14  
MMA

# Town of York, Maine Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: 4/25/14

Name of Event: New England Classic Tour de Cure

Type of Event: Bicycle charity ride

Organization Name: American Diabetes Association Phone #: 888.342.2383 ext 3456

Organization Address: 10 Speen Street, 2<sup>nd</sup> floor City Framingham State: MA Zip: 01701

Applicant Name: Ryan Williams Phone #: 888.342.2383 ext 3456

Applicant Address: 139 Abby Lane City: Portland State: ME Zip: 04103

Contact Name for Day of Event: Ryan Williams Contact Phone # same

Date of Event: 7/13/14 Day of Week: Sunday

Starting Time: 9AM Ending Time: 11AM

Assembly Area: Parking lot (2-3 spaces) at Sohier Park/Nubble

Dispersal Area: same

Event Route:

|                   |  |
|-------------------|--|
| L                 | Onto Bridge Street                       |
| Straight          | Bridge Street becomes Walker Street      |
| L                 | Onto Wentworth Street/103                |
| R                 | Onto Whipple Road/103                    |
| R                 | Onto Whipple Road/103                    |
| R                 | Onto Barrel Lane                         |
| R                 | Onto York Street/1A                      |
| R                 | Onto Nubble Road                         |
| <b>Checkpoint</b> | <b>Onto Sohier Park Rd. Nubble Light</b> |
| R                 | Onto Nubble Rd                           |
| Brief L           | Becomes Broadway                         |
| R then Brief L    | US 1A (Ocean Ave)                        |
| R then L          | Follow US 1A (Main St)                   |

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed) 150 cyclists, 15 volunteers

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):

\_\_\_\_\_2 vehicles (mini van and an SUV with water, fruit, and chips for the riders; First Aid kits, sunscreen, etc. Bicycles will ride up to the park and leave between the hrs of 9AM and 11AM\_\_\_\_\_

Describe how group is organized and supervised to insure order: This is a seven day, 550 mile cycling event. The event is not timed, however, our Support and Gear vehicles sweep the roadway in search of errant cyclists, issues, etc. All riders must be in Biddeford (our overnight location) by 4pm. SAG vehicles will then pick up any stragglers and transport to the finish line bypassing all rest stops (Eliot Firehouse, Nubble Light, Archie's Off Road & Performance Center and Lucas on 9 Restaurant). Use of HAM radios and cell phones insure constant communication.

Purpose of the Event: \_\_\_\_\_fundraising event for the American Diabetes Association

The above information is true to the best of my knowledge and belief.

Signature of Applicant: \_\_\_\_\_  \_\_\_\_\_

**For Town Use Only:**

Reviewed by:

| <u>Department</u> | <u>Initials</u> |
|-------------------|-----------------|
| Police Department | _____           |
| Public Works      | _____           |
| Parks/Recreation  | _____           |
| Village Fire      | _____           |
| York Beach Fire   | _____           |
| Code Enforcement  | _____           |

Special Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/8/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|  |  |                                      |
|--|--|--------------------------------------|
| <b>PRODUCER</b><br>The Novick Group<br>One Church Street<br>Suite 400<br>Rockville MD 20850                            | <b>CONTACT NAME:</b> Margretta Palya, AAI  |                                      |
|  | <b>PHONE (A/C No. Ext):</b> (301) 795-6600 | <b>FAX (A/C No.):</b> (301) 795-6610 |
| <b>E-MAIL ADDRESS:</b> mpalya@novickgroup.com  |  |                                      |
| <b>INSURER(S) AFFORDING COVERAGE</b>   |  | <b>NAIC #</b>                        |
| <b>INSURER A:</b> Philadelphia Indemnity Ins. Co.  |  | 18058                                |
| <b>INSURED</b><br>American Diabetes Association<br>National Center<br>1701 N. Beauregard Street<br>Alexandria VA 22311 | <b>INSURER B:</b>                          |                                      |
|  | <b>INSURER C:</b>                          |                                      |
|  | <b>INSURER D:</b>                          |                                      |
|  | <b>INSURER E:</b>                          |                                      |
|  | <b>INSURER F:</b>                          |                                      |

**COVERAGES** CERTIFICATE NUMBER: Events REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE  | ADDITIONAL INSURER                       | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS  |
|----------|--|--|----------|---------------|-------------------------|-------------------------|---|
| A        | GENERAL LIABILITY  | X  |          | PHPK1115993   | 1/1/2014                | 1/1/2015                | EACH OCCURRENCE \$ 1,000,000  |
|          | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY               |  |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000  |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR |  |          |               |                         |                         | MED EXP (Any one person) \$ 20,000  |
|          | <input checked="" type="checkbox"/> Participant Liability                      |  |          |               |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000  |
|          |  |  |          |               |                         |                         | GENERAL AGGREGATE \$ 2,000,000  |
|          |  |  |          |               |                         |                         | PRODUCTS - COMP/OP AGG \$ 2,000,000   |
|          |  |  |          |               |                         |                         | GEN'L AGGREGATE LIMIT APPLIES PER:<br><input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC |
|          | AUTOMOBILE LIABILITY   |  |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident) \$  |
|          | <input type="checkbox"/> ANY AUTO  |  |          |               |                         |                         | BODILY INJURY (Per person) \$   |
|          | <input type="checkbox"/> ALL OWNED AUTOS                                       | <input type="checkbox"/> SCHEDULED AUTOS |          |               |                         |                         | BODILY INJURY (Per accident) \$   |
|          | <input type="checkbox"/> HIRED AUTOS   | <input type="checkbox"/> NON-OWNED AUTOS |          |               |                         |                         | PROPERTY DAMAGE (Per accident) \$   |
|          |  |  |          |               |                         |                         | \$  |
|          | UMBRELLA LIAB  |  |          |               |                         |                         | EACH OCCURRENCE \$  |
|          | <input type="checkbox"/> EXCESS LIAB   | <input type="checkbox"/> OCCUR           |          |               |                         |                         | AGGREGATE \$  |
|          |  | <input type="checkbox"/> CLAIMS-MADE     |          |               |                         |                         | \$  |
|          | DED  | RETENTION \$                             |          |               |                         |                         |   |
|          | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                  |  |          |               |                         |                         | WC STATUTORY LIMITS OTHER   |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)    | <input type="checkbox"/> Y/N             | N/A      |               |                         |                         | E.L. EACH ACCIDENT \$   |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                         |  |          |               |                         |                         | E.L. DISEASE - EA EMPLOYEE \$   |
|          |  |  |          |               |                         |                         | E.L. DISEASE - POLICY LIMIT \$  |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Primary Insured's use of facility for rest stop/water stop for New England Classic Tour de Cure on 07/13/14.

The Town of York is an Additional Insured but only with respect to claims arising out of the negligence of the Named Insured at the above event.

|  |   |
|--|---|
| <b>CERTIFICATE HOLDER</b><br><br>Town of York<br>186 York Street<br>York, ME 03909 | <b>CANCELLATION</b><br><br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
|  | <b>AUTHORIZED REPRESENTATIVE</b><br><br>Louis Novick/PALYA  |

**For Town Use Only**

Reviewed by:

| <u>Department</u> | <u>Initials</u>   |                   |
|-------------------|-------------------|-------------------|
| Police Department | <u>Szeniawski</u> | <u>06-05-2014</u> |
| Public Works      | <u>Lessard</u>    | <u>05-23-2014</u> |
| Parks/Recreation  | <u>Sullivan</u>   | <u>06-30-2014</u> |
| Village Fire      | <u>Apgar</u>      | <u>05-23-2014</u> |
| York Beach Fire   | <u>Bridges</u>    | <u>06-08-2014</u> |
| Code Enforcement  | <u>Burns</u>      | <u>06-04-2014</u> |
| York Ambulance    | <u>Prince</u>     | <u>06-16-2014</u> |

Special Conditions:

**Police:** Required to obey all traffic control and direction. Must post major intersections with "Rider Ahead" signs as with the other bike rides.

Any Questions: Lieutenant Charlie Szeniaowski (207) 363-1031

**Beach Fire:** Should have signs at the intersections of these narrow winding roads to warn motorists of the possibility of cyclists in the roadway.

Any Questions: Dave Bridges (207) 363-1014

**Parks and Recreation:** Will provide a place for them to park in the grassy area at the entrance to the Park.

Any Questions: Mike Sullivan (207) 363-1040

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Thursday, June 05, 2014 10:38 AM  
**To:** Melissa M. Avery  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: New England Classic Tour de Cure

Require they obey all traffic control and direction . Post major intersections with Rider Ahead signs as with the other bike rides.

**From:** Melissa M. Avery  
**Sent:** Thursday, June 05, 2014 10:32 AM  
**To:** Charles J. Szeniaowski  
**Subject:** FW: Special Event Permit: New England Classic Tour de Cure

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

**From:** Melissa M. Avery  
**Sent:** Friday, May 23, 2014 10:34 AM  
**To:** Dean Lessard; Charles J. Szeniaowski; Dave Bridges; Dave Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** Special Event Permit: New England Classic Tour de Cure

Attached is the Special Event Permit for the New England Classic Tour de Cure on July 13.

Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

10:03:00  
Fax: (

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**Melissa M. Avery**

---

**From:** Michael J. Sullivan  
**Sent:** Monday, June 30, 2014 4:35 PM  
**To:** Melissa M. Avery  
**Cc:** Ryan E. Avery  
**Subject:** RE: Special Event Permit: New England Classic Tour de Cure

We will provide a place for them to park in the grassy area at the entrance of the Park. We don't reserve parking spaces.

*Michael J. Sullivan, Director  
Parks and Recreation*

*Town of York, Maine  
186 York Street  
York, Maine 03909  
(207) 363-1040  
[msullivan@yorkmaine.org](mailto:msullivan@yorkmaine.org)*

**From:** Melissa M. Avery  
**Sent:** Monday, June 30, 2014 3:25 PM  
**To:** Michael J. Sullivan  
**Subject:** FW: Special Event Permit: New England Classic Tour de Cure

Hey Mike,

Are you all set with this permit?

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

**From:** Melissa M. Avery  
**Sent:** Thursday, June 05, 2014 10:32 AM  
**To:** Charles J. Szeniewski  
**Subject:** FW: Special Event Permit: New England Classic Tour de Cure

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909

## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Sunday, June 08, 2014 8:38 PM  
**To:** Melissa M. Avery  
**Cc:** David K. Bridges  
**Subject:** Events

ESA surf - no problem with this

NE Tour de Cure - the paperwork doesn't say where they go after Main St. Route 1 or Shore rd? I believe they should have signs at the intersections of these narrow winding roads to warn motorists of the possibly of cyclists in roadway.

Walter Woods Bonfire- he will need to pay for firefighter coverage just as last year. He will need to follow the ordinance for Bonfires on the Beach.

I think you need to correct the event for Village Elementary School because they are NOT getting approval for a bonfire just gas grills on the beach.

Sent from my iPhone. Dave

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## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Friday, May 23, 2014 11:24 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: New England Classic Tour de Cure

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

**Dean A. Lessard, P.E.** | *Director of Public Works*

**Town of York, Maine**

186 York Street | York, Maine 03909

Phone: (207) 363-1010, Ext. 6201

Fax: (207) 363-1012

E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

Online: [www.yorkmaine.org](http://www.yorkmaine.org)

Follow us!

Facebook: [www.facebook.com/YorkMainePublicWorks](http://www.facebook.com/YorkMainePublicWorks)

**From:** Melissa M. Avery  
**Sent:** Friday, May 23, 2014 10:34 AM  
**To:** Dean Lessard; Charles J. Szeniewski; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** Special Event Permit: New England Classic Tour de Cure

Attached is the Special Event Permit for the New England Classic Tour de Cure on July 13.

Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

Phone: (207) 363-1000 - Fax: (207) 363-1019

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## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Friday, May 23, 2014 12:10 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: New England Classic Tour de Cure

Village Fire approval.

David Apgar  
Deputy Fire Chief  
York Village Fire Dept  
Fire Inspector  
207-451-8258

---

**From:** Melissa M. Avery  
**Sent:** Friday, May 23, 2014 10:34 AM  
**To:** Dean Lessard; Charles J. Szeniawski; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** Special Event Permit: New England Classic Tour de Cure

Attached is the Special Event Permit for the New England Classic Tour de Cure on July 13.

Thank you!  
Missy

---

Melissa M. Avery  
Assistant to the Town Manager

Town of York, Maine<<http://www.yorkmaine.org/>>  
186 York Street, York, ME 03909  
Phone: (207) 363-1000 - Fax: (207) 363-1019

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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Wednesday, June 04, 2014 1:11 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: New England Classic Tour de Cure

Missy,

I have no code issues with this event.

Steve

Stephen H. Burns  
Community Development Director

**From:** Melissa M. Avery  
**Sent:** Friday, May 23, 2014 10:34 AM  
**To:** Dean Lessard; Charles J. Szeniewski; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** Special Event Permit: New England Classic Tour de Cure

Attached is the Special Event Permit for the New England Classic Tour de Cure on July 13.

Thank you!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
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**Melissa M. Avery**

---

**From:** Ellen Prince <ellenprince@gmail.com>  
**Sent:** Monday, June 16, 2014 3:51 PM  
**To:** Melissa M. Avery  
**Subject:** Re: FW: Special Event Permit: New England Classic Tour de Cure

Sorry - I don't remember seeing this one! It's fine with York Ambulance.

Ellen

*Ellen Prince  
Asst. Chief  
York Ambulance Association, Inc.  
15 Salisbury Ave.  
P.O. Box 238  
York, ME 03909-0238  
Phone: 207-363-4403  
Fax: 207-363-2041*

On Mon, Jun 16, 2014 at 3:45 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Are you guys all set with this special event permit?

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

Phone: (207) 363-1000 - Fax: (207) 363-1019

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