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## Important Events in the History of Short Sands Park

The management of Short Sands Park today is truly unique because of its unusual creation and evolution, and it is therefore important to have a shared understanding of its history. This report documents some of the key events along the way. These include establishment of the Park, property transactions, infrastructure development, litigation, municipal regulation, and the agreements regarding park operations. Material is presented in chronological order to allow the reader to understand the progression of events which have led to current circumstances. Copies of important documents are included in the appendices.

For the sake of brevity and consistency, the following names are used:

- Park. The Park known by any of several names – Short Sands Park, Ellis Park, or Ellis Short Sands Park.
  - Trustees. The Board of Trustees of the Park – the people who control and manage the Park.
- Corporation. The York Beach Village Corporation, a municipal entity within the Town of York which existed from 1901 to 1977.
  - Assessors. The Board of Assessors of the Corporation. This is essentially the equivalent of the Board of Selectmen of the Town.
- Town. The Town of York, which took over all Corporation responsibilities when the Corporation was dissolved in 1977.
  - Selectmen. The Board of Selectmen of the Town.

### 1887, August 15<sup>th</sup>. Park Created.

August 15, 1887, is the date on which the Park was established. The land was transferred from the owners (Ellen N. Ellis, Hazen Z. Ellis, Carlos B. Moseley, and William G. Garmon) to Trustees (H.Z. Ellis, Charles Bowden, James Edgeley, and Chauncy W. Clement). The transfer was subject to the following restrictions:

*The land herein conveyed is to be forever used and occupied by the public for a Park and is not to be enclosed by a fence or wall of any description and is to be forever under the management and control of the Trustees, their successors and assigns.*

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*“The Trustees shall have power to organize and select from their number a President, Secretary and Treasurer and adopt suitable By Laws for the protection and management and improvement of said Park. The unanimous consent of the Trustees shall be require to increase their number and in case of the death of a Trustee or the refusal of any one to act for one year the remaining Trustees by unanimous consent may appoint another in his place, but in all other matters a majority shall have power to act. No building not of a public nature shall be erected on said Park, but all buildings and Plank walks shall be allowed to remain so long as they shall be kept by the owners in good repair to the satisfaction of the trustees.”*

The Park was privately owned, but reserved in perpetuity for use as a public park. Management and control of the park rested in the hands of the Trustees. The basic responsibilities of, and ground rules for the Trustees are spelled out in this deed language.

Think about the number of people who have enjoyed this park over the past 123 years, and about its place in the community through the years. The generosity and foresight of the original donors enviable, and the public benefit derived from the donation is simply amazing. In the overall context of York Beach development, creation of this Park was one of a series of extraordinary private undertakings. Others around that time included private establishment of the fire department, creation of a public water system, extension of a railroad spur to the village, and later extension of the street trolley to and through the village area. The Park was a cornerstone in making York Beach the attraction it is to this day.

This deed is recorded at the York County Registry of Deeds at: Book 418, Page 34. A copy of this deed is included in Appendix A.

## **1897, August 27<sup>th</sup>. First Trolley Arrives in York Beach.**

On August 25, 1897, the first trolley arrived in front of the Goldenrod. The significance of this with respect to the Park is that the trolley tracks crossed through the Park property.

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## **1917, July 30<sup>th</sup>. Park Transferred to Corporation Ownership.**

On July 30, 1917, the Trustees transferred ownership of the Park to the Corporation. Because the Corporation was a municipal entity, the Park became publicly owned with this property transfer. The two paragraphs quoted above were each changed in a few important respects, as follows:

*“The land herein conveyed is to be used and occupied forever, by the public for a Park, and is not to be enclosed by a fence or wall of any description and is to be under the management and control of said York Beach Village Corporation its successors and assigns.”*

*“The Corporation shall have power to organize and select a President, Secretary and Treasurer or Trustees, and adopt suitable By-laws for the protection, management and improvement of said ‘Park’, the unanimous consent of the Officers or Trustees shall be require to increase their number and in case of the death of a Trustee, or the refusal of any one to act for one year, the remaining Trustees by unanimous consent may appoint another in his place, but in all other matters a majority shall have power to act. No building not of a public nature shall be erected on said Park but all buildings and plank walks shall be allowed to remain so long as they shall be kept by the owners in good repair to the satisfaction of the Corporation.”*

These revisions blurred the distinction between responsibilities of the Corporation and the Trustees. In fact, the Corporation never appointed any Trustees to the Park.

This deed is recorded at the York County Registry of Deeds at: Book 683, Page 397. A copy of this deed is included in Appendix B.

## **1923, March 17<sup>th</sup>. Trolley Service to York Beach Discontinued.**

On March 17, 1923, trolley service to York Beach, with its route through the Park, was discontinued. The date on which the tracks were removed is unknown.

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## **1950s. Sewer Infrastructure in the Park.**

The York Sewer District was created in 1951, and at that time the various pieces of sewer infrastructure owned by the Town, the Corporation, and others were turned over to the District. Tim Haskel, Superintendent of the York Sewer District, indicated that prior to the construction of the current pump station in 1952 there were large concrete settling tanks where sewage collected and was allowed to settle prior to being discharged either into the Ocean or onto the beach. Subsequently, the pump station re-directed the flow out of the Park north towards the Cape Neddick River. Those concrete tanks still exist under the parking lot, but are not in use as part of the sewer system.

Regardless of the details about the infrastructure itself, the York Sewer District obtained property rights when the Park was owned and operated by the Corporation, before the Trustees were appointed in 1956. Mr. Haskel didn't believe that any easements were provided by the Corporation to the District for the sewer infrastructure that was turned over to the District, but that later sewer infrastructure additions, like the force main out of the pump station, did obtain easements.

## **1956, January 3<sup>rd</sup>. Court Order to Re-Establish Trustees.**

In the early 1950s the Corporation was dealing with parking policy, and apparently in 1954 matters came to a head with regard to the Park and the Corporation. On the March 16, 1954, annual town meeting warrant, Article 20 was to authorize the Assessors to install parking meters and make related rules. (Additional information may well be contained in Corporation records in the Town Clerk's vault.) Per a letter from an attorney representing one of the Ellis heirs to the Assessors dated June 8, 1954, it appears that the Corporation was proposing to fence off the Park and to charge 25¢ per car to park in the parking lot. (This letter is part of an extensive collection of documents relating to this lawsuit, housed in the archives of the Old York Historical Society, filed under the papers of Alpheus Spiller.) In short, the Corporation's action triggered a lawsuit.

The lawsuit essentially challenged the authority of the Corporation to manage the Park, which was viewed as a contradiction of the deeds of trust. The decision that resulted from this case was that the Corporation had no, "authority to

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manage and control said 'Park' by ordinance..." Further, the Court re-established the Trustees as the controlling body in the Park.

The reference for this court decision is a Final Decree issued on January 3, 1956 by Cecil J. Siddall, Justice, of the York County Superior Court for Case No. 1547, Alpheus D. Spiller et als. vs. York Beach Village Corporation et als.. A copy of this decision is included in Appendix C.

### **1966, March 15<sup>th</sup>. Short Sands Park Ordinance Enacted.**

On March 15, 1966, the voters of the York Beach Village Corporation met to adopt the annual budget and to make other decisions on behalf of the Corporation. Article 56 of the Warrant was:

*FIFTY-SIXTH -- to see if the Corporation will enact the following ordinance:*

*All the ordinance and rules and regulations of the York Beach Village Corporation do also apply to that area within the York Beach Village Corporation known as Short Sands Park and are enforceable by the York Beach Village Corporation Police Department.*

The motion to adopt with a minor technical correction was made by Edward Ellis and seconded by James Hansen. "It was a vote in the affirmative." Note that Edward Ellis was the Chairman of the Short Sands Park Board of Trustees several years later (see list of Trustees in the Short Sands Park Regulations dated July 15, 1970, in Appendix F).

It is important to consider the meaning of this Ordinance with respect to the court decision handed down a decade earlier. This Ordinance stated that all the rules and regulations of the Corporation applied within the Park. On its face this seems to contradict the Court decision, which stated that the Corporation had no, "authority to manage and control said 'Park' by ordinance..." In fact, the other rules and regulations were not specifically addressing *management* of the Park - they were addressing broader police power issues such as regulation of business activities on Sundays and holidays, controlling hawkers and peddlers, limiting the sale of food from vehicles, ensuring removal of rubbish, and so forth. Those codes were not intended to usurp management of the Park from the Trustees and were therefore acceptable.

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A copy of this Ordinance as printed in the 1966 booklet of Corporation codes is included in Appendix D.

### **1969, March 18<sup>th</sup>. Short Sands Park Ordinance Amended.**

On March 18, 1969, the voters of the York Beach Village Corporation met to adopt the annual budget and to make other decisions on behalf of the Corporation. Article 34 of the Warrant was:

*THIRTY-FOUR – To see if the Corporation will vote to amend Chapter IV of the Ordinances of the York Beach Village Corporation known as Short Sands Park, so-called, by adding:*

*“Section 1. The area within the limits of the York Beach Village Corporation know as Short Sands Park and Short Sands Beach, so-called, shall be closed to pedestrians and to vehicle traffic between the hours of 1:00 A.M. and 5:00 A.M.*

*Section 2. Exceptions. Operators of vehicles may enter the Park area for the purpose of parking the vehicle with the intention of leaving the vehicle for overnight parking. In parking in the above described area, the operator and passengers must not remain in the area beyond that reasonable length of time that it takes to accomplish parking of the vehicle.*

*Section 3. Penalties. The penalty for violation of the foregoing sections shall be a fine of not more than \$50.00 nor less than \$10.00 for each violation, to be paid to the use of said Corporation.”*

The motion to adopt was made by James Hansen and seconded by John Matthews. With the main motion pending, an amendment was proposed and approved to change the hours in Section 1, and to limit the applicability of the code from June through September. Regarding the main motion, “It was a vote in the affirmative.” Note that John Matthews was a Trustee the year after this vote (see list of Trustees in the Short Sands Park Regulations dated July 15, 1970, in Appendix F).

This Ordinance, as amended in 1969, remains in effect to this day. A copy of this Ordinance as printed in the 1972 booklet of Corporation codes is included in Appendix E.

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## **1970. Bronze War Memorial Plaques Installed.**

At some time in 1970 the Assessors installed a set of 4 bronze plaques on a granite slab near the gazebo. These plaques list Town participants in the Revolutionary War, the War of 1812, and the Civil War. These were part of “The Soldier’s Monument” erected in St. Aspinquid Park in York Beach in 1898. In the 1920s the monument was moved to the vicinity of the York Beach Fire Station. The main part of the monument was scrapped for metal during World War II, and the plaques remained in storage from then until 1970.

## **1970, July 15<sup>th</sup>. Short Sands Park Regulations Adopted by Trustees.**

On July 15, 1970, the Trustees adopted regulations for management of the Park. This is the first reference to such regulations which has been found to date, so it is assumed the Park Regulations originated at this point in time.

These Regulations are much more extensive than the Short Sands Park Ordinance. These regulations divided the Park into four functional areas – the beach, the playground, the parking lot, and the lawn. Specific standards for conduct, behavior and activities were established for each of these areas. Matters such as changing clothes, walking dogs, playing games, having fires, littering, speeding, tempering with parking meters, sleeping on the beach, and so forth were addressed.

These Regulations are interesting in that they completely avoid the matters addressed in the then-existing Short Sands Park Ordinance. There is no question that the Trustees would have known about the Ordinance because one made the motion for the Corporation to adopt the original Ordinance in 1966, and another Trustee seconded the motion for the Corporation to adopt amendments of the Ordinance in 1969. At this point in time there doesn’t seem to have been any conflict or problem about the existence of both a Corporation-adopted Ordinance and the Park-adopted Regulations.

## **1975. Short Sands Park Regulations Adopted by Assessors.**

Correspondence from Attorney Jon Doyle dated July 9, 2010, indicates there is documentation to show that the Assessors and Trustees in February 1975 were

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seeking a legal opinion about Park rules. Apparently there was agreement that the Trustees would “draw up ordinances” and the Assessors would adopt and enforce them.

I have no first-hand documentation to support this claim – I have none of the correspondence referenced by Mr. Doyle, nor do I have Assessors’ minutes. The hypothesis, however, makes sense based on circumstantial evidence. The Corporation published its codes in booklets in 1972 and 1977. Although there were Park Regulations as early as 1970, they were not included in the 1972 Corporation booklet. They were included in the 1977 Corporation booklet, supporting the notion that something happened between 1972 and 1977. Further support for the assertion that the codes were adopted by the Assessors is the fact that the codes enacted by the voters of the Corporation were each titled as chapters in the booklets. When the Park Regulations appear in 1977, they are the only code without a chapter designation. Clearly they are presented as a code of the Corporation, but they are somehow different from all the other codes in the booklet. A copy of these Regulations as printed in the 1977 booklet of Corporation codes is included in Appendix F. (As this code has been amended multiple times, see discussion about “Amendment of Short Sands Park Regulations” for further information about different versions of these Regulations.)

### **1977. Agreement between Trustees and Assessors.**

The legislation which terminated the Village Corporation referenced a “1977 agreement which the park has with the York Beach Village Corporation.” This agreement is referenced in the context of the Town being directed to continue this type of cooperative arrangement. To date a copy of this agreement has not been found, but correspondence with Bill Burnham indicates that the language in the subsequent agreement between the Trustees and the Town dated February 20, 1979, “directly mirrors that” of the 1977 agreement. It would be useful to have a copy of this agreement for historical reference.

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## **1977, October 15<sup>th</sup>. Park Transferred to Town Ownership.**

On October 15, 1977, legislation terminated the York Beach Village Corporation and turned its duties, responsibilities, assets and liabilities over to the Town. All property of the Corporation became Town property as of this date, including Short Sands Park. Of particular relevance to Short Sands Park is the second paragraph of Section 7 of the legislative act, which reads as follows:

*“With respect to Short Sands Park, so called, located in York Beach, the town shall continue the cooperative arrangement which Short Sands Park enjoys with York Beach in sharing duties and responsibilities similar to the 1977 agreement which the park has with the York Beach Village Corporation. The Town of York shall continue the practice of York Beach in enforcing police power ordinances over the park.”*

The reference for the legislation cited above is 180<sup>th</sup> Legislature, Legislative Document No. 1809, H.P. 1601, House of Representatives, May 25, 1977 (Emergency, after deadline). A copy of this legislation is included in Appendix G.

The transfer sets a benchmark for Town codes pertaining to the Park. The versions of the Short Sands Park Ordinance and Short Sands Park Regulations in effect at the time the Corporation was terminated are contained in the Corporation booklet of ordinances dated March 22, 1977. There can be no question that both the Ordinance and the Regulations were in effect on the date which the Town took over for the Corporation.

## **1979, February 20<sup>th</sup>. Agreement between Trustees and Selectmen.**

On February 20, 1979, a two page agreement which specifies the division of responsibilities of the Town and the Park was signed by the Trustees and the Selectmen. In general, the Town is responsible for cleaning the Park, providing lifeguards and police, maintaining certain infrastructure, cleaning the public bathrooms, collecting the trash, covering the Park in the Town’s liability insurance, and other assorted matters. The Park, in turn, is generally responsible for collecting parking meter revenue, maintaining certain infrastructure, paying for certain operating and capital expenses, and managing the Park.

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This is the only agreement to have existed between the Trustees and the Town. A subsequent effort in the early 1990s to negotiate a new agreement never came to fruition.

A copy of this Agreement is included in Appendix H.

### **1979, November 19<sup>th</sup>. Property Donation by Martha F. Gordon.**

Two parcels of land located near Ocean Avenue Extension were transferred from Martha Gordon to the Town of York, with the following restrictions:

*The land herein conveyed is to be forever used and occupied by the public for a "Park" and is not to be enclosed by a fence or wall of any description and is to be forever under the management and control of the Trustees of Short Sands Park.*

This is essentially the same language used in the original deed to create the Park.

This deed is recorded at the York County Registry of Deeds at: Book 2595, Page 244. A copy of this deed is included in Appendix I.

### **1983, August. Park Survey Prepared by H.I. & E.C. Jordan – Surveyors.**

A survey of the boundaries of Short Sands Park was prepared by John P.R. Cyr, Maine Registered Land Surveyor, of H.I. & E.C. Jordan, Surveyors (a division of Edward C. Jordan Co., Inc., of Portland, Maine). This survey brings together very diverse information – historic stream locations, former parcel boundaries relating to the Buswell and Gordon donations, the location of the use easement held by the Ocean House (see below), approximate utility locations, four different layouts of Ocean Avenue along and through the Park, and deed references for properties shown on the plan.

Note: the book and page cited for the original park deed listed on this plan is incorrect. The correct reference is Book 418, Page 34. The plan mistakenly lists the Book as 419.

This plan is recorded at the York County Registry of Deeds at: Plan Book 125, Page 13. A reduced copy of this plan is included in Appendix J.

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## **1985, October 23<sup>rd</sup>. Easement Donation by Seabury Housing Associates.**

Within Short Sands Park there was a use easement for an area 100' by 100' for the use of the Ocean House. The land under this easement has been part of the Park since its original creation, so this donation was simply the release of the easement to use a portion of the Park for other purposes. The easement was given by Seabury Housing Associates to the Town, with the following restrictions:

*This release is give subject to the conditions that no buildings or structures of any kind shall be erected on said 100 square foot area, and that no trees or shrubs of a height greater than 10 feet shall be planted or placed within said area.*

Because the land was already within the Park prior to this donation, the above-stated restrictions are in addition to those imposed by the original Park deed of 1887.

This deed is recorded at the York County Registry of Deeds at: Book 3802, Page 89. A copy of this deed is included in Appendix K.

## **Property Donation by Mary Buswell Crosby.**

It is believed there was a property donated by Mary Buswell Crosby to the Park, but specific documentation regarding this donation has not located. The Trustees are in the process of researching this matter. The property is located adjacent to the Gordon property donation, and the general area is denoted on the 1983 Park plan.

Examination of the Gordon deed (Appendix I) indicates that the description of the two donated lots was based on, "a survey dated October 17, 1919 of property of George E. Gordon, Concordville, York Beach, Maine." The written description of the second parcel does not appear to match the boundary shown on that survey, and that second parcel was owned jointly by Gordon and Alice M. Buswell. In 1923 Gordon relinquished ownership to Buswell (deed in Book 719, Page 308). Could it be that the Buswell donation was, in fact, actually a part of the Gordon donation? A reduced copy of this survey and the 1923 Gordon/Buswell deed is included in Appendix L.

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## **Amendment of the Short Sands Park Regulations.**

Regarding the matter of subsequent updates to these Regulations, the exact sequence of changes is not yet clear. Correspondence from Attorney Doyle referenced earlier indicates that there was an amendment on April 28, 1975. Presumably these amendments are reflected in the Corporation's 1977 booklet printing of these Regulations (see Appendix F). Correspondence from William Burnham, current Chairman of the Trustees, to Stephen Burns dated November 29, 2010, indicates that the current version of the Regulations was enacted in 1993. He also indicates that version has been amended several times since to account for changes to Park hours of operation, parking meter costs, and so forth. At this time the sequence of changes to the Regulations has not been tracked and documented, and the Town does not possess a clean, up-to-date copy of these Regulations.

The mechanism to amend the Regulations is clear, however. The Trustees propose changes to the Regulations, then the Selectmen decide whether or not to adopt the changes proposed by the Trustees. Only the Trustees have authority to propose changes because this is essence of their exclusive park management authority. The Selectmen handle proposed amendments in a manner similar to any other amendment of a code within their jurisdiction – they hold one or more public hearings and then make a decision to enact or reject. The critical difference is that the Selectmen don't have the authority to alter or modify the proposal. The Selectmen essentially have veto power over Regulation changes, but nothing more. If the Selectmen reject the proposed amendment then the existing Regulations remain in effect. If the Selectmen enact the proposed amendment then the Regulations are updated. The Selectmen's adoption makes these Regulations a public rule and enables the legitimate use of its public police powers to enforce the Regulations.

## **Conclusion.**

This is a working document and will always be subject to revision and improvement as additional historical information comes to light, mistakes are identified and corrected, and omissions are found and fixed. This report is offered simply in hopes of compiling documents and references in one place, and of documenting in writing our current state of understanding of the history of Short Sands Park.

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Respectfully submitted,

Stephen H. Burns  
Community Development Director, Town of York

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**Appendix A**  
1887 Park Deed

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Elizabeth Rogers her heirs and assigns forever. And we do covenant with the said grantee her heirs and assigns, that we will warrant and forever defend the premises to her the said grantee, her heirs and assigns forever, against the lawful claims and demands of all persons claiming by through or under us.

In Witness Whereof, we the said grantors, and Mary Wakefield in testimony of my relinquishment of my right of dower in the above described premises, have hereunto set our hands and seals this 25<sup>th</sup> day of July in the year of our Lord one thousand eight hundred and eighty seven.

Signed, Sealed and Delivered in Presence of

John S. Rogers <sup>to sig of</sup>	Jacob Wakefield	{ seal }
	Geo. W. Wakefield	{ seal }
	Minnie A. Thompson	{ seal }
James J. Wakefield	Israel Wakefield	{ seal }
to sig of of Mary Wakefield	Mary <sup>her</sup> Wakefield	{ seal }
and Betsey Wakefield	Betsy <sup>her</sup> Wakefield	{ seal }
	Lydia A. Lord	{ seal }
	Sarah J. Grant	{ seal }
	Mary J. Bradbury	{ seal }
	Daniel G. Wakefield	{ seal }
	_____	{ seal }
	_____	{ seal }

State of Maine.

York ss. August 30. 1887. Then personally appeared the above named Mary Wakefield and acknowledged the above instrument to be her free act and deed.

Before me

John. W. Emerson Justice of the Peace.

Recorded according to the original received August 30. 1887. at 2 h. 13 m. P.M.

Attest. Justin M. Leavitt, Register.

Know all Men by these Presents, That We Ellen N. Ellis of York in the County of York and State of Maine, wife of H. J. Ellis of York aforesaid in the right of the said Ellen, Carlos B. Moseley of Concord County of Merrimac and State of New Hampshire,

Ellis et alii  
to  
Parties

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and William S. Harmon of Manchester County of Hills-  
 boro State aforesaid in consideration of one dollar paid  
 by Carlos B. Moseley of Concord aforesaid, H. J. Ellis and  
 Charles S. Bowden both of said York and James A. Edgeley  
 of Somersworth County of Strafford and State of New  
 Hampshire and Clarence W. Clement of Manchester  
 County aforesaid: Trustees, the receipt whereof we do  
 hereby acknowledge, do hereby give, grant, bargain, sell  
 and convey unto the said Trustees their successors and  
 assigns forever the following described piece or parcel of  
 land situated in York aforesaid and lying between  
 Concordville and Union Bluff viz- Beginning at the north  
 westerly corner of said piece or parcel at the Short Sands  
 Brook by the Bridge running thence southeasterly by the  
 road leading from Union Bluff past the Ocean House to  
 Concordville to the road leading from said Concordville  
 to Long Sands, thence northeasterly by said Concord-  
 ville road to the Bridge upon said road, thence north-  
 westerly by the Brook and a row of small trees lately set  
 out by said Ellis to the Ocean, thence northwesterly  
 by said Ocean to the Brook between the Ocean House and  
 Union Bluff, thence southwesterly by said Brook to the point  
 of beginning, Reserving however in this conveyance,  
 to the said Ellis, from the above described tract or  
 piece, a parcel upon the northerly side of the first  
 mentioned road, directly in front of the Ocean House,  
 one hundred feet square to be used in connection  
 with the Ocean House for a Pleasure Ground.

To have  
 and to hold the above granted premises with all  
 the privileges and appurtenances thereto belonging  
 to the said Trustees their successors and assigns  
 forever, in trust however for the use and purpose  
 and upon the terms and conditions hereinafter  
 set forth and declared.

The land herein conveyed  
 is to be forever used and occupied by the public for  
 a Park, and is not to be enclosed by a fence or wall  
 of any description, and is to be forever under the  
 management and control of the Trustees, their  
 successors and assigns.

The Trustees shall have power

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to organize and select from their number a President, Secretary and Treasurer, and adopt suitable By Laws for the protection and management and improvement of said Park. The unanimous consent of the Trustees shall be required to increase their number and in case of the death of a Trustee or the refusal of any one to act for one year, the remaining Trustees by unanimous consent may appoint another in his place, but in all other matters a majority shall have power to act, no Building not of a public nature shall be erected on said Park but all buildings and Plank walks shall be allowed to remain so long as they shall be kept by the owners in good repair to the satisfaction of the Trustees

And for the consideration aforesaid we H. J. Ellis husband of said Ellen N. Ellis, Nellie A. Moseley wife of Carlos B. Moseley and Mary J. Garmon wife of William G. Garmon, do hereby release unto the said Trustees their Successors and assigns all right of or to dower or curtesy in the above described premises.

In Witness Whereof, we have hereunto set our hands and seals this fifteenth day of August in the year of our Lord one thousand eight hundred and eighty seven.

Signed, Sealed and Delivered in presence of

	Ellen N. Ellis	{seal}
	Hazen J. Ellis	{seal}
Samuel W. Jenkins	Carlos B. Moseley	{seal}
Abraham L. Garmon	Nellie A. Moseley	{seal}
	Wm. G. Garmon	{seal}
	Mary J. Garmon	{seal}

York, ss. August 15<sup>th</sup> 1887. Personally appeared Ellen N. Ellis, Carlos B. Moseley and William G. Garmon and acknowledged the above instrument to be their free act and deed. Before me,

Samuel W. Jenkins Justice of the Peace  
Recorded according to the original received August 18, 1887. at 9 h. 20 m. A.M.

Attest. Justin M. Leavitt Register

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**Appendix B**  
1917 Park Deed

Recorded according to the original received October 5, 1920, at 8h. 15m. A.M.

Know all men by these presents that We, Will C. Hildreth, Charles L. Bowden and Frank H. Ellis all of York in the County of York in the State of Maine and Carlos B. Moseley of Concord and Chauncy W. Clement of Manchester, both in the State of New Hampshire, Trustees under a certain deed given by H. Z. Ellis and others dated August, 15, A.D. 1887 and recorded in York County Registry of Deeds, Book 418 Page 34, duly authorized, in consideration of one dollar and other valuable considerations, paid by the "York Beach Village Corporation", a Corporation duly existing under the laws of the State of Maine, The receipt whereof we do hereby acknowledge, do give, grant, bargain, sell and convey unto said York Beach Village Corporation its successors and assigns forever the following described parcel of land situated in York aforesaid and lying between "Concordville" and "Union Bluff", so called and bounded thus:-

Beginning at the northwesterly corner of said parcel at the "Short Sands Brook Running thence southeasterly by the road leading from "Union Bluff" past the Ocean House to Concordville to the road leading from said Concordville to "Long Sands," Thence northeasterly by said Concordville Road to the bridge upon said road, thence northerly by the brook and formerly a row of small trees set out by H. Z. Ellis, to the Ocean, thence northwesterly by said Ocean to the brook between the Ocean House and "Union Bluff" Thence southwesterly by said brook to the point of beginning. Reserving however in this conveyance from the above described tract, a parcel upon the northerly side of the first mentioned road, directly in front of the Ocean House, one hundred feet square to be used in connection with the Ocean House for a Pleasure Ground.

To have and to hold the above granted premises, with all the privileges and appurtenances thereto belonging, to the said York Beach Village Corporation its successors and assigns forever, in trust however for the uses and purposes and upon the terms and conditions herein after set forth and declared.

The land herein conveyed is to be used and occupied forever, by the public for a Park, and is not to be enclosed by a fence or wall of any description and is to be under the management and control of said York Beach Village Corporation its successors and assigns.

The Corporation shall have power to organize and select a President, Secretary and Treasurer or Trustees, and adopt suitable By-laws for the protection, management and improvement of said "Park", the unanimous consent of

the Officers or Trustees shall be required to increase their number and in case of the death of a Trustee, or the refusal of any one to act for one year, the remaining Trustees by unanimous consent may appoint another in his place, but in all other matters a majority shall have power to act. No building not of a public nature shall be erected on said Park but all buildings and plank walks shall be allowed to remain so long as they shall be kept by the owners in good repair to the satisfaction of the Corporation.

In Witness whereof, we have hereunto set our hands and seals this thirtieth day of July in the year of our Lord one thousand nine hundred and seventeen.

Signed, Sealed and delivered		Will C. Hildreth	(seal)
in presence of		Frank H. Ellis	(seal)
	C.B.M.	C. L. Bowden	(seal)
Samuel W. Junkins to F.H.E. &		Carlos B. Moseley	(seal)
Jesse B. Patten to C.W.C.		Chauncey W. Clement	(seal)

York ss. July 30, 1917. Personally appeared W. C. Hildreth, Charles L. Bowden, Frank H. Ellis and acknowledged the above instrument to be their free act and deed.

(L.S.) Before me Richard F. Talpey Notary Public.

State of New Hampshire

Hillsborough SS. Sept. 7, 1917. Personally appeared Chauncey W. Clement and acknowledged the above instrument by him subscribed to be his free act and deed.

(- - ) Before me, Jesse B. Patten Notary Public.

Recorded according to the original received October 5, 1920, at 11h. 50m. A.M.

*Unpaid Release,  
Book 771  
Page 63*

*Assignment  
Book 771  
Page 199*

*See  
G.S. 781 @ 220*

*Assignment  
Book 860  
Page 96*

*St. of Hore.  
Book 859  
Page 4 12*

*Discharge  
Book 879  
Page 34*

Know all Men by these Presents, That WE, George Clarence Day and E. Percy Day, both of Lyman in the County of York, and State of Maine, in consideration of TWENTY SEVEN HUNDRED AND FIFTY DOLLARS paid by Lizzie W. Day of said Lyman, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said Lizzie W. Day, her heirs and assigns forever, a certain lot or parcel of land situated in Lyman and bounded as follows: On the northwest by land formerly of Jacob Goodwin; on the northeast by land formerly of Wm. Waterhouse; on the southeast by land formerly of John L. Taylor; on the southwest by the Kennebunk Stream or Mill Pond; containing 80 acres, more or less, with the buildings thereon.

Also another certain lot or parcel of land and being the farm in said Lyman whereon William S. Day formerly lived; containing about 75 acres and

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**Appendix C**  
1956 Court Decision

STATE OF MAINE

COUNTY OF YORK, ss.

SUPERIOR COURT  
IN EQUITY

Case No. 1547

ALPHEUS D. SPILLER ET ALS.  
Complainants

vs.

YORK BEACH VILLAGE CORPORATION ET ALS.  
Respondents

FINAL DECREE

This cause came on to be heard August 30, 1954, September 2, 1954, September 29, 1954, and was submitted to the Court on Complainants' Amended Bill, Demurrers, Answers, Replications, evidences, exhibits, stipulations of fact, written briefs and arguments and was further heard this day. The Attorney General of the State of Maine at the instance of the Respondents was joined and admitted as a party Plaintiff on August 30th, 1954 to represent the interest of the public in the subject matter of the Complainants' Bill. The individual Complainants were represented by Messrs. N. B. & T. B. Walker; Messrs. Waterhouse, Spencer & Carroll; and Lester M. Bragdon, Esq., and the Respondents were represented by L. Orlo Williams, Esq. and Messrs. Willard & Hanscom. The cause was fully heard and argued on both sides and maturely considered and the Court finds and rules:

1. That the "Park" at Short Sands, described in Complainants' Bill was the subject matter of two Deeds of Trust, one of August 15, 1887, recorded in York County Registry of Deeds, Book 418, Page 34, and another dated July 30, 1917 and recorded in said Registry, Book 683, Page 397, the latter deed running to York Beach Village Corporation upon substantially the same Trusts as the deed of 1887.

2. That under said 1917 Deed of Trust it was incumbent upon said Respondent York Beach Village Corporation to choose Trustees for the protection, management and improvement of the "Park", and that subsequent to said deed of 1917 no Trustees had been so chosen by said York Beach Village Corporation.
3. That under the 1917 Deed of Trust, neither the Respondent York Beach Village Corporation or its Assessors ex officio had authority to control and manage said "Park" by ordinance; and that the votes and ordinances of said Respondent Village Corporation and acts of its Assessors described in Complainants' Bill were beyond the authority of said Village Corporation and its Assessors under said Deed of Trust, and hence invalid.
4. That under date of November 4, 1955, the Attorney General of the State of Maine, acting on behalf of the general public, filed a motion for the appointment of Trustees for the protection, management and improvement of said "Park" in accordance with said Deed of Trust, which said motion is being granted as a part of this Decree.
5. That also, on November 4, 1955, said Respondent York Beach Village Corporation by its Assessors and Attorneys of record, nominated Lawrence R. Ellis, Alpheus D. Spiller, Vincent D. Adjutant, John R. Garfield and Martin G. Chase, all of York, in the County of York and State of Maine, as a Board of Trustees to have all and singular the duties, powers, discretions and be subject to the terms, conditions, confidences, and contingencies

set forth in Deed of Trust from Will C. Hildreth, et al, Trustees to York Beach Village Corporation, dated July 30, 1917, and that said nomination has been seen and agreed to by the Attorney General of the State of Maine and by all counsel for Complainants, that said persons so nominated are responsible persons and suitable as Trustees of said "Park".

6. Since the case may be fully disposed of upon the foregoing facts and rulings, the Court makes no other or further findings of fact or rulings of law on any other issues involved in said case.

**WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED:**

1. That said York Beach Village Corporation be perpetually enjoined from taking any action under said votes and ordinances.
2. That the motion of the Attorney General for appointment of Trustees is hereby granted, and said Lawrence R. Ellis, Alpheus D. Spiller, Vincent D. Adjutant, John R. Garfield and Martin G. Chase, are hereby appointed and confirmed as Trustees of said "Park" with all and singular the duties, powers, discretions and subject to all conditions, confidences and contingencies set forth in said 1917 Deed of Trust to protect, manage and improve said "Park" in accordance with

the terms of said deed.

3. That no costs are awarded to any party hereto.

Dated at Alfred, Maine, this third day of January,  
A. D. 1956.

Cecil J. Siddall

Justice, Superior Court in Equity

Seen and Agreed To:

Frank F. Harding  
ATTORNEY GENERAL OF SAID  
STATE OF MAINE.

WATERHOUSE, SPENCER & CARROLL

By Lincoln Spencer

N. B. & T. B. WALKER

By Edwin G. Walker

Lester M. Bragdon  
Lester M. Bragdon

COUNSEL FOR COMPLAINANTS

L. Orlo Williams  
L. Orlo Williams

WILLARD & HANSCOM

By George E. Willard

COUNSEL FOR RESPONDENTS

STATE OF MAINE

COUNTY OF YORK, ss.

SUPERIOR COURT  
IN EQUITY

Case No. 1547

ALPHEUS D. SPILLER ET ALS.  
Complainants

VS.

YORK BEACH VILLAGE CORPORATION ET ALS.  
Respondents

We, the undersigned, hereby accept appointment as Trustees by Decree of the Justice of the Superior Court in Equity, dated January 3, 1956, and undertake to perform the duties of said office.

LAWRENCE R. ELLIS

ALPHEUS D. SPILLER

VINCENT D. ADJUTANT

JOHN R. GARFIELD

MARTIN G. CHASE

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**Appendix D**  
Short Sands Park Ordinance - As Adopted in 1966

CHAPTER IV  
SHORT SANDS PARK

All the ordinances as contained herein, and all the rules and regulations of the York Beach Village Corporation do also apply to that area within the York Beach Village Corporation known as Short Sands Park and are enforceable by the York Beach Village Corporation Police Department.

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**Appendix E**  
Short Sands Park Ordinance – As Revised in 1969

## CHAPTER IV

### SHORT SANDS PARK

All the ordinances as contained herein, and all the rules and regulations of the York Beach Village Corporation do also apply to that area within the York Beach Village Corporation known as Short Sands Park and are enforceable by the York Beach Village Corporation Police Department.

#### Section 1. Vehicle traffic

The area within the limits of the York Beach Village Corporation known as Short Sands Park and Short Sands Beach, so-called, shall be closed to pedestrians and to vehicle traffic between the hours of 12:00 M. and 4:00 A. M., E. S. T. during June, July, August and September of each year.

#### Section 2. Exceptions

Operators of vehicles may enter the Park area for the purpose of parking the vehicle with the intention of leaving the vehicle for overnight parking. In parking in the above described area, the operator and passengers must not remain in the area beyond that reasonable length of time that it takes to accomplish the parking of the vehicle.

#### Section 3. Penalties

The penalty for violation of the foregoing sections shall be a fine of not more than \$50.00 nor less than \$10.00 for each violation, to be paid to the use of said Corporation.

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**Appendix F**  
Short Sands Park Regulations – As Printed in 1977

## SHORT SANDS PARK REGULATIONS

**Background:** The area known as Short Sands Park is the result of a generous gift of private individuals who owned this land in 1887. On August 15th of that year the following persons deeded this property under a "Deed of Trust" to be used as a park:

Ellen N. Ellis  
Hazen Z. Ellis  
Carlos Moseley  
Nellie Moseley  
William G. Garmon  
Mary J. Garmon

The Park is a tribute to their interest and foresight in the future of York Beach.

Short Sands Park is an entity owned by, and maintained within the boundaries of, the York Beach Village Corporation; which, under the "Deed of Trust", is to be forever under the management and control of five trustees.

1. For the purposes of these regulations, the Park is divided into four (4) areas as follows:

a. Area I.

The bathing beach, i.e., the area between the Boardwalk (so-called) and the Atlantic Ocean.

b. Area II

Children's Playground, i.e., the area enclosed by a chain link fence.

c. Area III

Vehicle Parking area, i.e., the hard surfaced area with delineated parking spaces, on the northwesterly end of the Park.

d. Area IV

Grassed area, i.e., the area southeasterly of the Children's Playground and the Vehicle Parking Area, between Ocean Avenue, Ocean House property and the Boardwalk; including all pedestrian walkways in the entire Park.

2. THE FOLLOWING REGULATIONS PERTAIN TO AREA I

a. Dressing — Dressing, undressing and the changing of clothes is not permitted; except for children under 10 years of age.

\*b. Removal of Sand — Sand, rocks and plant life shall not be removed.

c. Powered Aircraft (including toys and models) shall not be operated in this area.

d. Playing of Games — The playing of hard or soft ball, football, soccer, lacrosse, golf, iron horseshoes, or any other games which endanger other persons are prohibited from June 1 through

September 15 of each year except by written permission of the Trustees.

- e. Vehicles — Motor vehicles, motor scooters, and bicycles are prohibited; except by written permission of the Trustees.
  - f. Animals — Dogs, horses, ponies, or any other domesticated animals are prohibited from June 1 through September 15 of each year.
  - g. Littering — The disposal of bottles, cans, garbage or rubbish of any kind is prohibited; except in receptacles provided for that purpose.
  - h. Surfing — Surfing and use of surf boards is prohibited.
  - i. Sleeping — This area of the Park shall be closed from 12:00 P.M. E.D.T., until sunrise. Overnight sleeping and/or camping is prohibited.
  - j. Fires — (1) Fires contained in authorized grille which is screened and does not produce noxious fumes or smoke are allowed. (2) Open fires of any kind are prohibited; except by written permission of the Chief of the York Beach Fire Department and the Trustees.
3. THE FOLLOWING REGULATIONS PERTAIN TO AREA II
- a. Age Limit — This area is reserved for use by children under 13 years of age.
  - b. Young Children — Children under six (6) years of age must be accompanied by persons over 15 years of age.
  - c. Older Children — Persons more than 12 years old shall not use equipment in this area; except to assist younger children.
  - d. Dogs — Dogs and other domesticated animals are prohibited.
  - e. Removal of Sand — Sand and rocks shall not be removed.
  - f. Time Available — This area shall be open daily from 7:00 A.M. until 9:00 P.M., E.D.T., from June 1 until October 30 of each calendar year.
4. THE FOLLOWING REGULATIONS PERTAIN TO AREA III  
(Vehicles parking)
- a. Right of Way — Pedestrians shall have the right of way over vehicular traffic at all times.
  - b. Parking — Vehicle parking shall be controlled by parking meters beginning on the first Monday of June and continue to the second Monday of September in each year, between the hours of 9:00 A.M. and 9:00 P.M., E.D.T.

- c. Fee — Parking fee shall be 10 cents per hour and twenty-five cents for two and one-half hours except for those parking spaces immediately fronting on the boardwalk and designated by a meter post of contrasting color for a charge of 25 cents per hour shall be made.
- d. Parking Spaces Marked — The Board of Trustees shall have markings painted or placed upon the curb and/or upon the street adjacent to each parking meter for purposes of designating the parking space for which said meter is to be used and each vehicle parking adjacent or next to any parking meter shall park within the limits or markings so established. It shall be unlawful and a violation of this regulation to park any vehicles across any such line or marking or to park said vehicle in such a position that the same shall not be entirely within the area so designated by such lines or markings.
- e. Depositing Money in Meter — When any vehicle shall be parked in any space to which a parking meter is located in accordance with the provisions of this ordinance, the operator of said vehicle shall, upon entering the said parking space, immediately deposit or cause to be deposited a coin of United States or Dominion of Canada as designated on the meter, in such parking meter, and thereby put such meter in operation, and failure to deposit such coin and put meter in operation shall constitute a violation of this regulation and shall subject such person to the penalty prescribed hereinafter.
- f. Tampering With Meters — It shall be unlawful and a violation of the provisions of this ordinance for any person to deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this regulation.
- g. Slugs — It shall be unlawful and a violation of the provisions of this regulation to deposit or cause to be deposited in any parking meter any slug, device, or metallic substitute, or any other substitute for a coin of the United States of America.
- h. Duties of Meter Officer — It shall be the duty of the police officers of the York Beach Village Corporation, acting in accordance with instruction issued by the Board of Trustees to report:
  - 1. The number of each parking meter which indicates that a vehicle occupying the parking space adjacent to such parking meter is or has been in violation of any of the provisions of this ordinance.
  - 2. The State license number of such vehicle.
  - 3. The time of day such vehicle is found parked in violation of any of the provisions of this ordinance.
  - 4. Any other facts, or knowledge which may be necessary to a

thorough understanding of the circumstances attending such violation.

Each such police officer shall also attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of a provision of this regulation and instructing such owner or operator to report to the police station of the York Beach Village Corporation, in regard to such violation. Each owner or operator, may within 24 hours of the time when such notice was attached to such vehicle, pay to the Desk Officer at the Police Station a penalty for and in full satisfaction of such violation, the sum of two dollars (\$2.00). The failure of such owner or operator to make such payment within said 24 hours, shall render such owner or operator subject to the penalty of three dollars (\$3.00) for and in full satisfaction of such violation.

- i. Use of Revenue — All monies collected from parking meters and received from fines for any violation, shall be used exclusively for maintenance and improvement of the Short Sands Park at the direction of the Trustees.
  - j. The Board of Trustees shall designate such collectors and establish such methods as may be necessary for the proper collection of all coins deposited in the meter boxes. Such collectors shall be only such employees as may be bound in a sum not less than One Thousand Dollars (\$1,000) for their duties. All monies so collected, meaning and including fines shall be deposited with the Treasurer of Short Sands Park.
  - k. Revenues from Meter Violations — All Parking Meter penalties collected shall be deposited with the Treasurer of Short Sands Park.
  - l. Speed Limit — Vehicular traffic shall not exceed 15 miles per hour, and shall proceed with caution at all times.
  - m. Dogs — Dogs, horses, ponies or any other domesticated animals are prohibited; except that dogs restrained by a hand leash may be allowed.
  - n. Littering — The disposal of bottles, cans, garbage or rubbish of any kind is prohibited; except in receptacles for that purpose.
  - o. Overnight sleeping and/or camping is prohibited.
  - p. Fires — Open or contained fires of any kind are prohibited.
  - q. Commercial Vehicles — Commercial vehicles and equipment are prohibited except for maintenance and service of the Park.
4. THE FOLLOWING REGULATIONS PERTAIN TO AREA IV
- a. Pedestrians shall have the right of way over vehicular traffic on crosswalks at all times.

- b. Motor vehicles, motor scooters and bicycles are prohibited except bicycles may be used on Pedestrian walkways from October 1 until May 31 of the following year.
  - c. Dressing, undressing and changing of clothes is not permitted; except for children under 10 years of age.
  - d. Removal of Sand—Sand, rocks and plant life shall not be removed.
  - e. Powered Aircraft — Powered aircraft (including toys and models) shall not be operated in the area.
  - f. Playing of Games — The playing of hard or soft baseball, football, soccer, lacrosse, golf, iron horseshoes or any other game which endanger other persons are prohibited from June 1 through September 15 of each calendar year; except by written permission of the Trustees.
  - g. Dogs — Dogs, horses, ponies or any other domesticated animals are prohibited; except that dogs restrained by a hand leash may be allowed.
  - h. Littering — The disposal of bottles, cans, garbage or rubbish of any kind is prohibited; except in receptacles for that purpose.
  - i. Overnight sleeping and/or camping is prohibited.
  - j. Fires — Open or contained fires of any kind are prohibited except by written permission of the Chief of the York Beach Fire Department and the Board of Trustees.
5. Damage of any facility or equipment within the confines of Short Sands Park is prohibited.

#### 6. PENALTY FOR REGULATION INFRACTIONS

Any person who shall violate any of the provisions of this regulation, and any person who aids, abets, or assists therein shall, upon conviction thereof, be subject to a fine of not more than One Hundred Dollars (\$100.00) to the use of the Short Sands Park for each offense or violation.

#### 7. EFFECTIVE DATE AND CONFLICTING REGULATIONS

These regulations shall be in full effect upon approval and publication by the Short Sands Park Trustees. All regulations or parts of regulations in conflict with these regulations, are hereby superseded.

July 15, 1970

BOARD OF TRUSTEES  
SHORT SANDS PARK  
Edward Ellis, Chairman  
John Garfield, Secretary  
Elwyn Boston  
John Matthews  
Dexter Spiller

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**Appendix G**  
Legislation Which Terminated York Beach Village Corporation

Governor by the Senate on JUN 1 1977  
and has become law without his signature.  
(Constitution, Article IV, Part Third)

# STATE OF MAINE

JUN 3 0 1977

B

Received in the office of the  
Secretary of State JUN 3 0 1977

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

H. P. 1601 — L. D. 1809

## AN ACT Repealing the York Beach Village Corporation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the following legislation is necessary to carry into effect the intent of the citizens of York Beach Village Corporation to consolidate the corporation with the Town of York; and

Whereas, in the interests of good government and the welfare of the people within the York Beach Village Corporation the following legislation is necessary; and

Whereas, it is vital that the duties and responsibilities of the Town of York with respect to the future of York Beach Village Corporation be carefully spelled out; and

Whereas, it is vital that the voters of the entire Town of York, including the voters of York Beach Village Corporation, be permitted to vote upon the merits of the proposed legislation as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

*Be it enacted by the People of the State of Maine, as follows:*

Sec. 1. P&SL 1901, c. 455, repealed. Subject to the provisions of section 14 of this Act, chapter 455 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Beach Village Corporation," is repealed.

Sec. 2. Rights, etc., of the York Beach Village Corporation vested in the Town of York. Upon the acceptance of this Act as provided in section 14 hereof, all real and personal property, or any interests therein, then owned by the York Beach Village Corporation, together with all accounts receivable, choses in action and all other rights and benefits that may be either then due and payable to, or would accrue to, or for the benefit of the York Beach Village Corporation, but for this Act, shall be and become the property of the Town of York without the payment of any consideration; the town being hereby vested with all rights and powers of holding, disposing of or enforcing of such rights so acquired. All litigation pending in any court involving the York Beach Village Corporation shall not abate and shall be prosecuted or defended, as the case may be, by the Town of York and the Town of York shall, in all instances, be held to be the successor in interest to the York Beach Village Corporation. The Town of York shall prosecute the litigation in accordance with the intention of the Overseers of York

Beach Village Corporation, which intention shall be expressed in a document to be signed by the overseers and directed to the selectmen to be filed with them after the effective date of this Act, it being the Legislature's intention that the litigation shall proceed according to the original intention of the Overseers of York Beach Village Corporation.

Sec. 3. Contracts, etc., to be assumed by the Town of York. Upon the acceptance of this Act, as provided in section 14, all responsibilities, duties, contracts, obligations and liabilities of the York Beach Village Corporation incurred or undertaken prior to the acceptance of this Act, shall be assumed and performed by the Town of York. The term "liabilities" shall include, but not be limited to, the maintenance and snowplowing of all publicly accepted roads and ways in the York Beach and the provision and construction of drains according to a vote of the York Beach Village Corporation and to the plans and specifications drawn in response to the vote. The York Beach Village Corporation will submit to the Town of York a map outlining such roads and ways. "Obligations" shall include obligations voted at the 1977 meeting of the York Beach Village Corporation.

Sec. 4. Police department. The Town of York shall maintain the staffing level of the York Beach Police Department at York Beach based on the minimal level of staffing existing at York Beach in the summer of 1977, it being the intention of the Legislature that at a minimum the current level and types of police protection and the maintenance of sufficient numbers of police personnel to provide adequate protection to citizens at York Beach be maintained so as to provide adequate police protection for the geographical area, particularly during the summer months of each year. In connection with the provision of police services to York Beach, the Town of York shall maintain and provide sufficient equipment and a physical facility at York Beach to be used as a base for police operations. The reserve officers of York Beach Police Department shall be placed on the list of reserve officers of the Town of York for consideration for appointment by the selectmen of the Town of York at their last meeting to be held in March of 1978.

The present Chief of the Police Department of York Beach shall be integrated into the Police Department of the Town of York at the level of Sergeant. His salary shall continue at its present level until the normal end of the York Beach Village Corporation fiscal year, at which time his salary will be commensurate with a sergeant position in the Town of York Police Department.

The present Sergeant of the Police Department of York Beach shall be integrated into the Town of York Police Department at the level of a patrolman.

Police personnel at York Beach now paid by CETA funds or part-time funds need not be integrated into the Town of York Police Department, except for reserve officers as above.

Sec. 5. Fire department. The Town of York shall maintain and provide financial support for the York Beach Fire Department at least as on its present basis and shall continue the practice of the York Beach Village Corporation in making incremental payments of such financial support of at least \$1,000 per payment until funds are exhausted. The Town of York shall assume any and all existing obligations of York Beach Village Corporation with respect to the York Beach Fire Department. The Town of York shall appoint, as Chiefs, persons elected by the York Beach Fire Department. Existing trucks and equipment of the York Beach Fire Department will remain in the York Beach Fire Department station. The York Beach Fire Department will continue to have its existing sphere of key availability for fire zones C and D according to the map entitled "Territorial Responsibility of Fire Departments" in accordance with an agreement between the municipal officers and the fire department chiefs of York, York Beach and Ogunquit. The fire inspector for fire zones C and D shall continue to be appointed from the membership of the York Beach Fire Department and with the approval of that department. The

present building utilized by the York Beach Fire Department will be continued in its present use and may also be used for public purposes for a public meeting hall area, except for that portion of the building known as the "firemen's room." It is understood that the Fire Department itself may determine the applicability and use of the permanent-man concept.

The Legislature recognizes that there exists certain deed restrictions with respect to real estate owned by the York Beach Village Corporation and used by the York Beach Fire Department. A certain portion of land has been given by the York Beach Village Corporation to the York Beach Fire Department. The Legislature intends that the town abide by any and all restrictions, covenants and conditions with respect to gifts, conveyances and other transfers to the end that the Legislature's intention be carried out that the Fire Department is to remain and continue as on the present basis.

**Sec. 6. Existing ordinances to remain in force.** Upon the acceptance of this Act as provided in section 14 hereof, all ordinances then in force in the York Beach Village Corporation, including the zoning bylaws, the building code and those relating to traffic and parking control, to the bathing beaches and to public health and safety, shall become valid and enforceable ordinances within the Town of York. All such ordinances of the York Beach Village Corporation as set forth in the pamphlet entitled "York Beach Village Corporation, York Beach, Maine, Charter and Ordinances as of 1972," as further amended from time to time by York Beach Village Corporation, are hereby ratified, confirmed and declared valid and a copy of the ordinances shall be filed with the Town of York by the York Beach Village Corporation as of the effective date of this Act, except that such filing shall not be construed as a prerequisite to validation. As between such ordinances and the ordinances of the Town of York existing as of the effective date of this Act, the stricter of the ordinances shall control. All building permits, variances, special permits and other licenses issued or granted by the York Beach Village Corporation prior to the acceptance of this legislation by the voters of the Town of York shall remain in full force and effect in accordance with their terms when issued or granted.

**Sec. 7. Existing facilities to be maintained.** Upon and after the acceptance of this Act as provided in section 14 hereof, the Town of York shall maintain all street lights and signs, fire hydrants, parking meters, traffic signals and signs, public beaches, public walks, sewer and drainage systems and public parks as they exist at the time of such acceptance or as they may be from time to time improved. The Town of York shall maintain the parking meters at York Beach at least at their present level and placement.

With respect to Short Sands Park, so-called, located in York Beach, the town shall continue the cooperative arrangement which Short Sands Park enjoys with York Beach in sharing duties and responsibilities similar to the 1977 agreement which the park has with the York Beach Village Corporation. The Town of York shall continue the practice of York Beach in enforcing police power ordinances over the park.

With respect to Sohier Park, the town shall assume the duties and responsibilities of York Beach concerning the park and the town shall abide by all restrictions, covenants and impositions of trust contained in conveyances with respect to the park. The town shall specifically assume the duties and responsibilities under a certain lease now existing with respect to the use of facilities at the park. The town shall continue a representative from the York Beach geographical area on the park Committee. The town shall further carry forward and discharge the responsibilities of York Beach with respect to the so-called "Five-Year Plan" with respect to improvements on the park. The Overseers of York Beach Village Corporation shall provide the Selectmen of the Town of York with documentation of the "Five-Year Plan" after the effective date of this Act.

The town shall maintain all restrooms, lifeguards and beach cleaning at the level existing during the summer of 1977 so as to continue the favorable economic impact of such activities in the York Beach geographical area.

**Sec. 8. Employees; personnel.** The existing full-time Highway Department employees of York Beach shall become employees of the Town of York.

**Sec. 9. Administrative services.** The Town of York shall provide adequate personnel and facilities to carry out all administrative duties of the Town of York, including functions relating to police protection and administration at a location within the York Beach geographical area, it being the intention of the Legislature that because of the press of administrative problems at York Beach, particularly in the summer, the town place an administrator, at least on a part-time basis, after the effective date of this Act, to handle matters relating to police protection and other administrative matters.

**Sec. 10. Planning Board and Board of Appeals appointments.** The Town of York shall maintain at least one member on its Planning Board and one member on its Appeals Board from the York Beach geographical area.

**Sec. 11. Park next to fire station.** The Town of York shall continue to maintain the land next to the fire station presently used for recreational purposes and as a park area in the same fashion. The Board of Overseers of York Beach Village Corporation shall furnish the Selectmen of the Town of York with a statement concerning the mode and type of use of the park area and the Selectmen shall follow the mode of use insofar as possible, giving preference to those organizations indicated to be entitled to such preference by the Overseers of York Beach Village Corporation.

**Sec. 12. Deeds, documents town to abide by.** The Town of York shall abide by all restrictions, covenants, trusts and any and all encumbrances or limitations upon the use of land with respect to real estate which it acquires pursuant to the terms of this Act.

**Sec. 13. Authority and documents.** The Overseers of York Beach Village Corporation are authorized and empowered to execute any and all such documents, including but not limited to, instruments of conveyance and assignments, as may be necessary to carry this Act into effect and their authority to so act shall extend until such date as their terms would have expired but for the passage and acceptance of this Act. The town shall use the Overseers of the York Beach Village Corporation as they are constituted on the effective date of this Act as an advisory board to its Board of Selectmen in order that any transition with respect to the consolidation operates as smoothly as possible and the town shall involve those overseers actively in the transition in any problems occurring as a result thereof and shall fully consider their advice and recommendations with respect to solutions.

**Sec. 14. Referendum; effective date; certificate to Secretary of State.** This Act shall be submitted to the legal voters of the Town of York at a special meeting thereof held on or before September 1, 1977, provided that the warrant calling such meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing annual and special meetings of the town, except voting on the article relating to this action shall be accomplished by written ballot to be prepared for the meeting by the town clerk. The town clerk shall prepare proper ballots upon which this action shall be reduced to the following question:

"Shall 'An Act Repealing the York Beach Village Corporation,' as passed by the First Regular Session of the 108th Legislature, be accepted?"

Qualified voters of the town shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same.

In view of the emergency cited in the preamble, this Act shall take effect for all purposes hereof on October 15, 1977, if accepted by the inhabitants of the Town of York by a majority of the legal voters present and voting at the meeting.

The results of the vote taken at the meeting as specified shall be declared in open meeting by the municipal officers of the town and a certificate of the result of the voting shall be filed by the clerk of the town with the Secretary of State.

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IN HOUSE OF REPRESENTATIVES,.....1977

Read twice and passed to be enacted.

.....*Speaker*

---

IN SENATE,.....1977

Read twice and passed to be enacted.

.....*President*

---

Approved.....1977

.....*Governor*

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**Appendix H**  
Agreement Between Trustees and Selectmen

A G R E E M E N T

Town of York

and

Short Sands Park Trustees

Town Responsibilities:

1. Clean Park daily during summer season (includes beach, parking area, playground, walks, and lawn).
2. Provide adequate Lifeguards.
3. Provide adequate Police protection and enforcement.
4. Provide general maintenance of walks, culverts, and drains.
5. Provide maintenance of playground equipment.
6. Maintain and service public restrooms (including providing attendants) during summer months.
7. Provide daily trash collection during summer months.
8. Provide for adequate lighting and safety.
9. Provide and store benches, playground equipment and trash containers.
10. Provide for emergency and disaster procedures in conjunction with Trustees.
11. Include liability insurance for Park in Town insurance plan.

Park Responsibilities:

1. Pay any and all capital loans and projects.
2. Contribute towards cost of police protection and enforcement.
3. Collect parking meter funds (except fines).
4. Provide for maintenance and repair and replacement of parking meters.
5. Provide for payment of: Restroom Attendants during off season  
Flood Lights and Street Lighting  
Power for hand dryers  
Telephone
6. Provide Maintenance of trees, shrubs, and plantings.
7. Provide benches and playground equipment when needed.
8. Provide maintenance on flag pole.
9. Supervise and manager all activities within the Park.
10. Responsible for new structures servicing the beach area.

AGREEMENT

Town of York and Short Sands Park Trustees

Page 2

Park Responsibilities continued:

11. Provide striping of parking lot.
12. Provide for mowing grass in Park.
13. This Agreement as set forth above in no way is to be interpreted to restrict or limit the management and control of the Park Trustees as set forth in the Deed of Trust dated August 15, 1887.

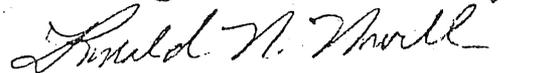
SIGNED:

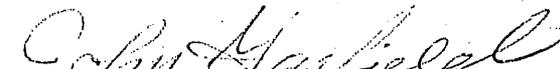
SIGNED:

  
Elywn Boston, Trustee

  
George S. Hutchins, Jr., Selectman

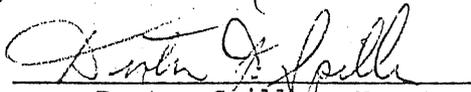
  
Edward M. Ellis, Trustee

  
Ronald N. Nowell, Selectman

  
John Garfield, Trustee

  
Arthur A. Berger, Selectman

  
John F. Matthews, Trustee

  
Dexter Spiller, Trustee

Signed this 20th day of February, 1979.

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**Appendix I**  
1979 Deed of the Gordon Donation

# Know all Men by these Presents,

That I, MARTHA F. GORDON of York, County of York and State of Maine

in consideration of One Dollar and other valuable considerations

paid by TOWN OF YORK, a body politic of York, County of York and State of Maine,

~~and whose mailing address is~~

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said Town of York, its successors,

~~heirs~~ and assigns forever,

a certain lot or parcel of land situated in York, County of York and State of Maine at York Beach, so-called, and bounded and described as follows:

BEGINNING at the center of a culvert on the northerly side of Ocean Avenue, so-called, and running thence by and along said Ocean Avenue about North 68° East and crossing a pedestrian way known as the Boardwalk, 180 feet, more or less, to a point; thence turning and running northerly 84 feet, more or less, to an iron in the ground at Short Sands Park; thence turning and running about South 51° West by and along said Short Sands Park 42 feet to said "Boardwalk"; thence continuing on the same course across said Boardwalk 16 feet to an iron in the ground; thence continuing on the same course 134-1/2 feet by said Park to a point; thence running about South 7° East 27 feet to the point of beginning.

Also another certain lot or parcel of land adjoining the above described parcel and beginning at the point marked by an iron in the northeasterly corner of the above described parcel and thence running about North 51° East by said Park land 42 feet, more or less, to an iron; thence running South 37° East by Short Sands Beach about 64 feet to a point; thence turning and running southwesterly by land formerly of Alice M. Buswell 70 feet, more or less, to a point; thence turning and running northwesterly by the first above described lot 62 feet, more or less, to the point of beginning.

The descriptions of the above are taken from a survey dated October 17, 1919 of property of George E. Gordon, Concordville, York Beach, Maine.

The land herein conveyed is to be forever used and occupied by the public for a "Park" and is not to be enclosed by a fence or wall of any description and is to be forever under the management and control of the Trustees of Short Sands Park.

through, or under me.

In Witness Whereof, the said Martha F. Gordon, grantor and a widow, ~~and~~

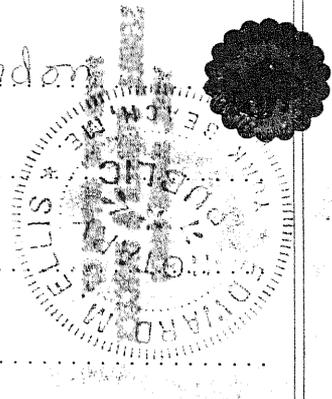
~~wife~~ of ~~the said~~

~~joining in this deed as grantor, and relinquishing and conveying all rights by descent and all other rights in the above described premises,~~ have hereunto set my hand and seal this 19th day of November, in the year of our Lord one thousand nine hundred and seventy-nine.

Signed, Sealed and Delivered in presence of

*Charles L. Hilda*

Martha F. Gordon



State of Maine, YORK } ss.

November 19, 1979 .

Personally appeared the above named

Martha F. Gordon

and acknowledged the above instru-

ment to be her free act and deed.

Before me,

*Edward M. Ellis*

Justice of the Peace.

Notary Public.

Attorney at Law.

YORK, ss.

Received NOV 21 1979

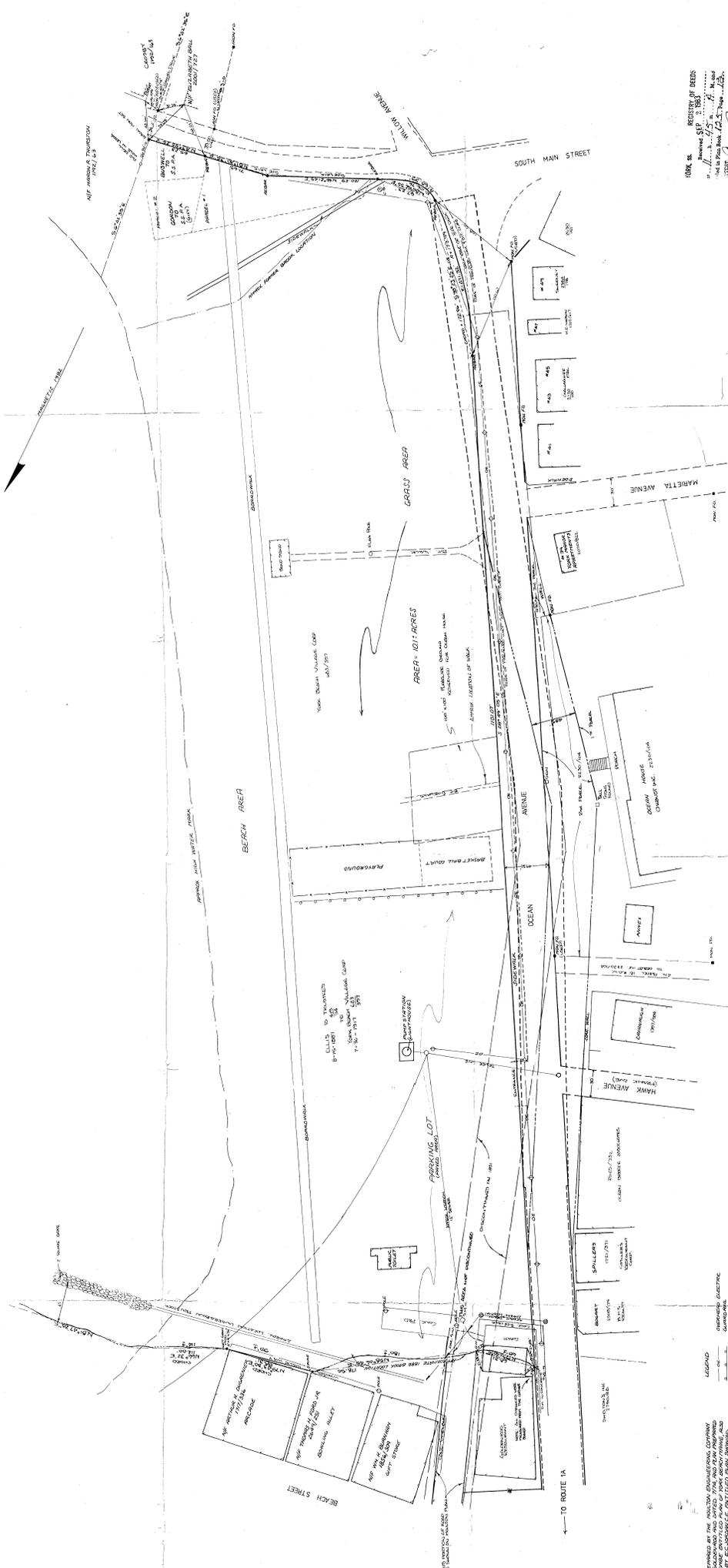
at 12:15 P.M.

and recorded from the original

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**Appendix J**  
1983 Park Survey

ATLANTIC OCEAN



BOOK 88  
 REGISTRY OF DEEDS  
 FILED  
 1932

165142

DATE	PLAN OF PROPERTY
YORK BEACH, MAINE	
Elias Park	
SHORT SANDS	
H. I. & C. JORDAN	
SURVEYORS	
SCALE 1" = 40'	DATE
BOOK 88	PAGE 165142



THIS PLAN WAS PREPARED BY THE NATIONAL ENGINEERING EXAMINERS TO THE CODE AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE NATIONAL ENGINEERING EXAMINERS.

BOOK 88  
 REGISTRY OF DEEDS  
 FILED  
 1932

165142

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**Appendix K**  
1985 Deed of the Seabury Housing Associates Donation



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**Appendix L**  
1919 Survey of the Property of George E. Gordon  
and  
1923 Gordon/Buswell Deed

BUBWELL former in Soutlack

89 1/2 ft. fence  
S. 15° 45' E

N 79° 15'

Geo. E. GORDON  
GONDORVILLE YORK BEACH ME.  
Surveyed Oct. 8th 1898.

Geo. W. LOTHEN

ROAD  
Ocean Ave  
Entrance

Hook SAND

HURVET  
OCT. 17. 1919.  
SCALE 1" = 20'

Martha S. Gordon  
Wife of Edward  
Gordon  
Deceased  
Filed by Hurvet  
with instructions

ELLIS AGENCY, INC.  
Insurance  
BOX E  
YORK BEACH, ME 03910

1" = 20'

1" = 20'

1" = 20'

1" = 20'

1" = 20'

308

Book 719

STATE OF MAINE, )  
 YORK, ) ss. July 18th, 1923. Personally appeared  
 the above named Philippe E. Paquet and Rosilda Paquet, and acknowledged the  
 above instrument to be their free act and deed.

Before me, John A. Snow Justice of the Peace.  
 Recorded according to the original received July 19, 1923, at 8h. 30m. A. M.

KNOW ALL MEN BY THESE PRESENTS: That Sanford Loan & Building Association, a corporation existing under the laws of the State of Maine, and having its place of business at Sanford, York County, Maine, is the owner of a certain mortgage given by William D. Fall to said Sanford Loan and Building Association dated May 29, 1923, and recorded in York Registry of Deeds Book 725, Page 11, does hereby release so much of said mortgaged premises as is described as follows, to wit:

Lot numbered thirteen (13) on plan of lots surveyed by S. E. Hammond, for said Fall in May 1923, said plan recorded in York Registry of Deeds, Plan Book 9, Page 19.

Said mortgage to remain in full force and effect as to all other property contained in said mortgage.

In witness whereof, the Sanford Loan & Building Association has caused its corporate name to be hereto subscribed by John Wright, its Treasurer, and its corporate seal to be hereunto affixed this eleventh day of June, 1923.  
 Witness.

Belle A. Leavitt Sanford Loan & Building Association (L.S.)  
 By John Wright Its Treasurer.  
 State of Maine.

York, ss. June 11, 1923. Personally appeared John Wright, Treasurer of Sanford Loan & Building Association and acknowledged this discharge to be his free act and deed in his said capacity, and the free act and deed of said Association.

Before Me, Belle A. Leavitt Appointed to acknowledge deeds, etc.  
 Recorded according to the original received July 19, 1923, at 8h. 30m. A. M.

Know All Men by These Presents, That I, George E. Gordon of Suncook, in the county of Merrimack, and state of New Hampshire, in consideration of one dollar and other valuable consideration, paid by Alice M. Buswell, of the city of Concord, in the state of New Hampshire, the receipt whereof I do

I.R.S.  
 One  
 Dollar.

TO RICK

hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Alice M. Buswell, her Heirs and Assigns forever, a fractional one-half interest in common and undivided, in and to a certain parcel of land situate at York Besch in the town and county of York in the State of Maine, and being a certain part of Grantor's land as set off by the extension of the line of division between the "Hotel lots" of Grantor and of Grantee herein, viz:

Beginning at an iron pin set in a stone in said line of division and at the Southerly side of a roadway as now used; thence by one straight line crossing said roadway and running Northwesterly to an iron pin or hub set at the point of intersection with the Northwesterly boundary of Grantor's land and forty-two feet Easterly from the Easterly side of the concrete walk or way running Northwesterly from said roadway. The said interest herein conveyed being in the land as set off and situate Easterly of said line of division and between said line of division and another marked line near the ocean.

TO HAVE AND TO HOLD the same, with all the privileges and appurtenances thereof, to the said Alice M. Buswell, her Heirs and Assigns, to their use and behoof forever. And I do covenant with the said Grantee, her Heirs and Assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid, and that I and my Heirs will warrant and defend the same to the said Grantee, her Heirs and Assigns forever, against the lawful claims and demands of all persons claiming by through, or under me, and none other.

In Witness Whereof, I the said Grantor, and Lillian E. Gordon, wife of the said George E. Gordon, joining in this deed as Grantor, and relinquishing and conveying all her right by descent and all other rights in the above described premises, have hereunto set our hands and seals this sixteenth day of June, in the year of our Lord one thousand nine hundred and twenty-three.

Signed, Sealed and Delivered

in presence of

Lillian G. Malanzo

George E. Gordon (seal)

Lillian E. Gordon (seal)

YORK, ss. June 16th, 1923.

Personally appeared

George E. Gordon, and acknowledged the above instrument to be his free act and deed.

(L.S.) Before me, Albert Lord Notary Public.

Recorded according to the original received July 19, 1923, at 8h. 30m. A. M.