



Town of York
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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)363-4444

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
(207)363-1036

Parks and
Recreation
(207)363-1040

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(207)363-1009
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www.yorkmaine.org

**BOARD OF SELECTMEN'S
MEETING AGENDA
7:00PM MONDAY, SEPTEMBER 12, 2016
YORK LIBRARY**

Call to Order

Opening Ceremonies

A. Minutes

1. June 27, 2016 Meeting Minutes
2. June 29, 2016 Meeting Minutes
3. July 18, 2016 Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Knights of Columbus Proclamation

E. Awards

1. Fire Truck Purchase – York Village Fire Department
2. Bid Award: Police Cruiser
3. Bid Award: Audio Video Cameras
4. Bid Award: Access Control System

F. Reports

1. Bicycle & Pedestrian Committee Update
2. Final Report of the Village Study Committee
3. York River Study Committee

G. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on any matter. 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.

H. Public Hearings

1. Shoreland Overlay Zoning

2. Alarm Systems Ordinance
3. Special General and General Referenda Warrant
4. Special Kennebunk, Kennebunkport and Wells Water District Fluoridation Referendum Warrant

I. Endorsements

1. Business Licenses
 - Bradford Leigh DBA: Cat 'N Nine Tails Country Store (Food Service); located at 1294 US Route One
 - Kevin Evans DBA: Thai for You (Food Service, Liquor); located at 647 US Route One Suite 7

J. Old Business

1. Discussion & Possible Action: Village Study Committee
2. Discussion & Possible Action: Property Disposition Policy
3. Discussion & Possible Action: Actions Relating to the November Referenda
 - a. Send Shoreland Overlay Zoning to the November Referendum
 - b. Send Alarm Systems Ordinance to the November Referendum
 - c. Approve the Referenda Warrants and Forward to Town Clerk
 - d. Preference Votes Relating to the General Referendum
 - e. Set Polling Hours
 - f. Appoint Election Warden

K. New Business

1. Discussion & Possible Action: Provide Policy Guidance to the Town Manager for the preparation of FY18 Operating Budget
2. Discussion & Possible Action: Special Event Permits

L. Future Agendas

M. Other Business

N. Citizens' Forum

Adjourn

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:45/7:00PM MONDAY, JUNE 27, 2016
YORK LIBRARY**

6:45PM: Executive Session: Pursuant to M.R.S. § 405.6.F (Poverty Abatement #2016-03)

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, and Town Manager Stephen H. Burns.

Absent: Michael L. Estes

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to enter into executive session. Without objection, so ordered.

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to exit out of executive session. Without objection, so ordered.

7:00PM: Regular Meeting

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, Town Manager Stephen H. Burns, and members of the press and public.

Absent: Michael L. Estes

Call to Order

Chairman Robert E. Palmer, Jr. called the meeting to order at 7:00PM

Opening Ceremonies

A. Minutes

1. July 13, 2016 Meeting Minutes

Moved by Mr. Speers, seconded by Mr. Frederick to approve the July 13, 2016 Meeting Minutes, as amended. Vote 4-0, motion passes.

B. Chairman's Report

C. Manager's Report

D. Awards

1. Bid Award: LED Building Lights Upgrade

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to approve to authorize the Town Manager to sign a contract with Affinity LED Light to upgrade lighting in five municipal facilities as outlined in the submitted proposal. Vote 4-0, motion passes.

2. Bid Award: Heating Oil and Propane

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to award the FY17 #2 Heating Oil Bid to Fieldings at a fixed price of \$1.749 per gallon. Vote 4-0, motion passes.

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to award the FY17 Propane Bid to Downeast Energy at a fixed price of \$1.205 per gallon. Vote 4-0, motion passes.

3. Bid Award: Pass-Through Evidence Lockers for the Police Station

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to award the bid for a pass through evidence locker system to Systematic Inc. in the amount of \$18,427. Vote 4-0, motion passes.

4. Bid Award: Town Facility Waste Contract

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the Town Manager to sign the one-year agreement extension between the Town of York and Waste Management of New Hampshire, Inc. for the weekly collection, transportation and disposal of Municipal Soil Waste from Town facility dumpsters. Vote 4-0, motion passes.

E. Reports

1. Michelle Surdoval, York Community Service Association
2. Theresa Galvin, York County Soil & Water Conservation District
3. Wayne Martin, Police Station Building Committee
4. Jim Bartlett, Bathhouse Building Committee

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on any matter. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and

to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up. Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager's Office.

Public Comment: None

G. Public Hearings

1. Traffic Safety Ordinance Amendments

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to open the public hearing. Without objection, so ordered.

Public Comment: Jim Carmody

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to close the public hearing. Without objection, so ordered.

2. Ellis Short Sands Park Ordinances Amendments

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to open the public hearing. Without objection, so ordered.

Public Comment: Holly Roberts
Jennifer Thibedeau
David Peck
Peggy Fennelly
Jeff and Ann Thompson
Linda Sirois

Moved by Ms. Sevigny-Watson, seconded by Mr. Frederick to close the public hearing. Without objection, so ordered.

H. Endorsements

Business Licenses:

- Canaan Letourneau DBA: Maine Lobster Outlet, LLC (Food Service); located at 360 US Route One
- Sean Mitchell DBA: Bagel Basket (Food Service); located at 280 York Street
- Two Pars, Inc. DBA: The Union Bluff Meeting House (Food Service, Liquor, Innkeeper, Special Amusement); located at 4 Beach Street
- Mike and Jim Manos DBA: York Beach Dairy Bar (Food Service); located at 97 Long Beach Avenue

- Dan Poulin DBA: Fat Tomato Grill (Food Service, Liquor); located at 241 York Street
- Peter Wagner DBA: Camp Eaton, Inc. (Food Service); located at 750 York Street

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the following Business Licenses: Canaan Letourneau DBA: Maine Lobster Outlet, LLC (Food Service); located at 360 US Route One, Sean Mitchell DBA: Bagel Basket (Food Service); located at 280 York Street, Two Pars, Inc. DBA: The Union Bluff Meeting House (Food Service, Liquor, Innkeeper, Special Amusement); located at 4 Beach Street, Mike and Jim Manos DBA: York Beach Dairy Bar (Food Service); located at 97 Long Beach Avenue, Dan Poulin DBA: Fat Tomato Grill (Food Service, Liquor); located at 241 York Street, Peter Wagner DBA: Camp Eaton, Inc. (Food Service); located at 750 York Street, subject to taxes, fees and inspections be current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

I. Old Business

1. Discussion and Possible Action: Adopt Changes to Traffic Safety Ordinance

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to adopt the changes to the Traffic Safety Ordinance dated. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that the Traffic Safety Ordinance Section 18: Violations and Penalties be reinstated to the pre December 14, 2015 fine schedule. Vote 4-0, motion passes.

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to schedule a Public Hearing on June 29, 2016 at 4:30PM at the York Public Library regarding parking meter rates in the Traffic Safety Ordinance and the Ellis Short Sands Park Ordinance. Vote 4-0, motion passes.

2. Discussion and Possible Action: Adopt Changes to Ellis Short Sands Park Ordinances

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that the Short Sands Park Ordinance Section 3 Area III, subsection I, and to amend to make them to be consistent with the Town of York's Traffic Safety Ordinance. Vote 4-0, motion passes.

3. Discussion and Possible Action: Ordinance Proposals to Bring Forward at the November General Referendum

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to hold a hearing on July 18, 2016 regarding the following ordinance amendments: Interpretation of District Boundaries; Wetlands Protection Overlay District; Article 8 – Shoreland Overlay

District; Definition of Building Height; Definition of Wireless Communications Facility; Expansion of the Village Center Local Historic District, and Alarm Systems Ordinance. Vote 4-0, motion passes.

J. New Business

1. Discussion: Parking Kiosk Selection Process

Police Chief Bracy provided the Board with a brief summary of the status of his research into parking kiosks and the process moving forward to next parking season. Mr. Frederick expressed interest in an eventual field trip regarding the different kiosks.

2. Discussion and Possible Action: Communications Facility
Memorandum of Understanding with The Cliff House

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to adopt the Memorandum of Understanding between the Town of York and the owners of the Cliff House properties – RBDD Cliff House Acquisitions LLC regarding communications equipment and allow the Town Manager to have the authority to sign the MOU and any other agreements necessary to accomplish the transfer of ownership and fulfill the obligations needed to meet the requirements for this system to become part of the Town's emergency communication infrastructure. Vote 4-0, motion passes.

3. Discussion and Possible Action: Union Contracts

a. New England Police Benevolent Association Local #640 for the
York Communication Unit

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the collective bargaining agreement between the Town of York and the York Firefighters Association Local 3622 date July 1, 2016 through June 30, 2019. Vote 4-0, motion passes.

b. York Fire Fighters Association Local 3622 AFL-CIO-CLC

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the collective bargaining agreement between the Town of York and the NEPBA Local 640 for the York Communication Unit date July 1, 2016 through June 30, 2019. Vote 4-0, motion passes.

4. Discussion and Possible Action: Non-Union Employee COLA

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to implement a 2.25% Cost of Living adjustment to the non-union wage scales, as proposed and approved in the fiscal year 2017 budget. Vote 4-0, motion passes.

5. Discussion and Possible Action: Authorization to Apply to Maine DEP for a 319 Grant for Cape Neddick River Watershed Restoration Project, Phase I

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that the Board of Selectmen authorize the Town Manager to sign the 319 Grant Application, as submitted, to receive funding for the Cape Neddick River Watershed Restoration Project, Phase 1. Vote 4-0, motion passes.

6. Discussion and Possible Action: Excise Tax Exemption for Members of the Armed Forces

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to direct the Town Manager to prepare a draft ordinance to exempt certain military personnel from the requirement to pay vehicle excise taxes, and to bring this forward for an initial public hearing in July. Vote 4-0, motion passes.

7. Discussion and Possible Action: Possible Minor Amendments to the Town of York Home Rule Charter

Town Manager Burns discussed with the Board the possibility of some minor amendments to the Town Charter. The Board agreed that this would be a suitable topic for a workshop in the fall.

8. Discussion and Possible Action: Board and Committee Re-Appointments

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Joseph Carr as a Regular Member to the Board of Appeals, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Leon Moulton as a Regular Member to the Board of Appeals, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint John Kraus as an Alternate Member to the Board of Appeals, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Leah Drennan as a Regular Member to the Bicycle and Pedestrian Committee, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Edward Little as a Regular Member to the Cliff Walk Committee, with a term expiring June 30, 2020. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Rozanna Patane as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Victoria Simon as a Regular Member to the Energy Steering Committee, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint David Gittins as a Regular Member to the Harbor Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Edward Little as a Regular Member to the Municipal Social Services Review Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Nancy O'Connor Stolberg as a Regular Member to the Parks and Recreation Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Ron McAllister as a Regular Member to the Parks and Recreations Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Al Cotton as a Regular Member to the Planning Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Lew Stowe as a Regular Member to the Planning Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Emily Cambray as a Regular Member to the Senior Citizens Advisory Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Peter Jones as a Regular Member to the Shellfish Commission, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Harold O'Rourke as a Regular Member to the Tax Task Force, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Richard Bilden as a Regular Member to the Tax Task Force, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Dean Mello as a Regular Member to the York Harbor Site Design Review Board, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Jud Knox as a Regular Member to the York Housing Authority, with a term expiring June 30, 2019. Vote 4-0, motion passes.

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to reappoint Ellen Baldwin as a Regular Member to the York Housing Authority, with a term expiring June 30, 2019. Vote 4-0, motion passes.

9. Discussion and Possible Action: Use of Contingency and/or Supplementary Contingency Funds

Each year the Town has raised and appropriated \$50,000 for the Board of Selectmen to have available as contingency of \$100,000, which could be spent directly from the Town's fund balance. Both are to accommodate unforeseen issues, problems and emergencies. When the Town first found out there would be a legal bill of over \$30,000 to address past compliance issues the initial reaction was to use contingency funds to over the over expenditure. After further research, the line item approved by the voters for Article 4 was \$2,345,892 – within that line are twelve subcategories, one being the legal budget. While the legal budget will be over-spent, the budget line as a whole is underspent, giving us the ability to absorb the legal costs through the surplus in other expenses within the same budget line.

10. Discussion and Possible Action: Driving Budget Goals

Mr. Burns gave an overview of his goals for upcoming budgets. He created a 5-year budget forecasting tool to gain better managerial control of the overall budget. To start driving the budgets from an overall perspective, he plans to reverse the calculation process of the forecast, giving a realistic sense of what the tax rate would be as a starting point.

11. Discussion and Possible Action: Committee Functions

The Board of Selectmen agreed to postpone this item until the next meeting in July.

12. Discussion and Possible Action: Appoint Selectmen's Representative to the Cliff Walk Committee

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to appoint Jon Speers to serve as a non-voting member of the Cliff Walk Committee. Vote 4-0, motion passes.

13. Discussion and Possible Action: Poverty Abatement Request

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to grant an Abatement Request for Case #16-03 made pursuant to MRSA Title 36 subsection 841.2 in the sum of \$964.14 for the 2015 Tax Year. Vote 4-0, motion passes.

K. Future Agendas

L. Other Business

M. Citizens' Forum

Public Comment: David Brinkman

Adjourn

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to adjourn the meeting at 10:00PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager

**BOARD OF SELECTMEN'S
MEETING MINUTES
4:30PM WEDNESDAY, JUNE 29, 2016
YORK PUBLIC LIBRARY**

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, Michael L. Estes, Town Manager Stephen H. Burns, and members of the press and public.

Call to Order

Chairman Robert E. Palmer, Jr. called the meeting to order at 4:30PM.

A. Public Hearings

1. Traffic Safety Ordinance Amendments

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to open the public hearing. Without objection, so ordered.

Public Comment: Diane Bright

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to close the public hearing. Without objection, so ordered.

2. Ellis Short Sands Park Ordinances Amendments

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to open the public hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to close the public hearing. Without objection, so ordered.

B. New Business

1. Discussion and Possible Action: Amendments to the Traffic Safety Ordinance

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to amend the Traffic Safety Ordinance and Ellis Short Sands Park Ordinance to restore the parking meter rates back to \$1 per hour, effective July 2, 2016. Vote 5-0, motion passes.

2. Discussion and Possible Action: Amendments to the Ellis Short Sands Park Ordinance

This item was addressed in the forgoing motion in New Business.

Adjourn

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to adjourn the meeting at 4:50PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00/7:00PM MONDAY, JULY 18, 2016
YORK LIBRARY**

6:00PM: Joint Planning Board Workshop

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Michael L. Estes, Dawn Sevigny-Watson, Todd A. Frederick, Town Manager Stephen H. Burns, and members of the press and public.

Call to Order

Chairman Robert E. Palmer, Jr. called the meeting to order at 7:00PM.

Opening Ceremonies

- A. **Minutes**
- B. **Chairman's Report**
- C. **Manager's Report**

The Town Manager announced that Town Hall will close on Thursday afternoon at 3:00PM to allow employees to attend the funeral of a coworker's spouse. Mr. Burns also announced that Code Enforcement's erosion control class had great participation. He also stated that the Town is still on track for the goal of the annual audit to be completed by the end of calendar year 2016. He also gave the reminder that bids for the police station building renovation project are due Friday.

D. **Awards**

- 1. Bid Award: Utility Compact Tractor

Moved by Mr. Frederick, seconded by Mr. Speers to award the bid for a new compact utility tractor with loader to MB Tractor in the amount of \$12,620. Vote 5-0, motion passes.

E. **Reports**

- 1. Mary-Anne Szeniaowski – Report-out on May 2016 Election Problems

2. Chris Claudio, WinXnet – Proposed New Municipal IT Project

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

Public Comment: Gordon Eldridge
Sue Larson
Jim Carmody
Ron Nowell
Patty Hymanson
Joel Macellow
David Chase

G. **Public Hearings**

1. First Hearing on November 2016 Ordinance Amendments

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to open the public hearing. Vote 5-0, motion passes.

Public Comment: None

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to close the public hearing. Vote 5-0, motion passes.

2. New Business Licenses: Faircrest and Morning Glory Inn Amendment

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to open the public hearing. Vote 5-0, motion passes.

Public Comment: None

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to close the public hearing. Vote 5-0, motion passes.

H. **Endorsements**

Business Licenses:

- Linda Sirois DBA: My Wine-y Sister (Food Service); located at 2 Beach Street
- Maine Ice Cream, LLC. DBA: The Ice Cream House (Food Service); located at 226 York Street

- Mark Anastas DBA: Liquid Dreams Surf Shop (Food Service); located at 171 Long Beach Avenue
- Jose and Kathleen Perez DBA: Sweet Josie’s Candy Shoppe (Food Service); located at 7 Railroad Avenue
- Doug and Margie Mindell DBA: Morning Glory Inn (Bed and Breakfast); located at 120 Seabury Road

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to approve the following licenses: Linda Sirois DBA: My Wine-y Sister (Food Service); located at 2 Beach Street, Maine Ice Cream, LLC. DBA: The Ice Cream House (Food Service); located at 226 York Street, Mark Anastas DBA: Liquid Dreams Surf Shop (Food Service); located at 171 Long Beach Avenue, Jose and Kathleen Perez DBA: Sweet Josie’s Candy Shoppe (Food Service); located at 7 Railroad Avenue, Doug and Margie Mindell DBA: Morning Glory Inn (Bed and Breakfast); located at 120 Seabury Road, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes

I. Old Business

1. Discussion and Possible Action: Ordinances for the November 2016 General Referendum

Moved by Mr. Estes, seconded by Ms. Sevigny-Watson to forward all proposed ordinances to a second public hearing. Vote 5-0, motion passes.

2. Discussion: Non-Ordinance Matters for the November 2016 General Referendum

The Town Manager stated that currently the only non-ordinance matters that will be on the November ballot are a few easements from Public Works.

3. Discussion and Possible Action: Long Beach Avenue and Bathhouse Master Plan – Building, Site and Road Design Concepts

Moved by Mr. Estes, seconded by Ms. Sevigny-Watson to approve the center line as proposed tonight to be included in the Long Beach Master Plan. Vote 5-0, motion passes.

4. Discussion and Possible Action: Review the Charge of the Energy Steering Committee

The Energy Steering Committee was originally charged by the Board of Selectmen back in May 2009. The charge is now dated, and work of the committee appears to have expanded beyond the charge (drafting an Energy Chapter for the Comprehensive Plan, for instance). Mr. Burns felt it was appropriate for the Board of Selectmen to review the committee’s charter after seven years to see if there could be some appropriate updates made to it. The Selectmen agreed that the

charter needs to be refreshed and asked the Energy Steering Committee to report on the items in their original charge that have been completed, and asked their thoughts on a new charge and projects for the committee.

5. Discussion and Possible Action: Village Revitalization Steering Committee

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to approve the proposed Charter for the Village Revitalization Steering Committee for assistance in the planning of project phasing, and seek volunteers for membership to the committee. Vote 5-0, motion passes.

J. New Business

1. Discussion: Ideas for Budget Ballot Simplification

Mr. Burns stated that he has heard complaints from citizens and officials that the budget ballot language should be simplified. The Board of Selectmen gave approval for additional research to be conducted to identify possibilities.

2. Discussion and Possible Action: Tax Task Force

Mr. Burns and Harry Kluger, Chair of the Tax Task Force discussed option for the committee moving forward as their original charge is dated. The Selectmen asked that the Tax Task Force draft a letter stating what they think they can do as a committee.

3. Discussion and Possible Action: Off-Site Business Directional Sign

Moved by Mr. Speers, seconded by Ms. Sevigny-Watson to approve the single sided business directional sign requested on Ocean Avenue for The Pomp Boutique. Vote 5-0, motion passes.

4. Discussion and Possible Action: Special Event Applications

- a. The Big Andrew Foundation's *Big Andrew Car Classic*
- b. The Big Andrew Foundation's *Big Andrew Surf Contest*
- c. York Hospital's *Breast Cancer Walk for Hope*
- d. York Youth Football's *Southern Maine Youth Football League Jamboree*
- e. National Multiple Sclerosis Society's *Bike MS – Great Maine Getaway*
- f. Dream Factory's *Outdoor Family Movie Night*

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to approve the following Special Event Permit applications subject to all, if any, conditions given by department heads: The Big Andrew Foundation's Big Andrew Car Classic on August 13, 2016, The Big Andrew Foundation's Big Andrew Surf Contest on August 14, 2016, York Hospital's Breast Cancer Walk for Hope on July 28, 2016, York Youth Football's Southern Maine Youth Football League Jamboree on

August 27, 2016, National Multiple Sclerosis Society's Bike MS – Great Maine Getaway on August 13, 2016, Dream Factory's Outdoor Family Movie Night on July 21, 2016. Vote 5-0, motion passes.

K. Future Agendas

L. Other Business

M. Citizens' Forum

Public Comment: Sue Larson

Adjourn

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to adjourn the meeting at 11:00PM. Without objection, so ordered.

Executive Session: Pursuant to: Title 1 MRS §405.6.C (Real Estate) – York Beach Parkway; and Cliff Walk

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Michael L. Estes, Dawn Sevigny-Watson, Todd A. Frederick and Town Manager Stephen H. Burns.

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to enter into executive session. Without objection, so ordered.

Moved by Mr. Frederick, seconded by Ms. Sevigny-Watson to exit out of executive session. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager



REQUEST FOR ACTION BY BOARD OF SELECTMEN

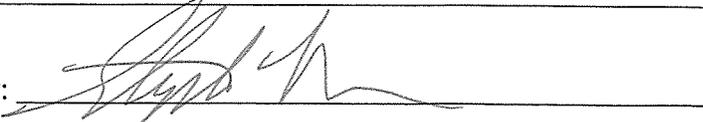
DATE SUBMITTED: August 12, 2016	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: September 12, 2016	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: York Fire Department Apparatus Purchase-Pumper Tanker as funded by voters	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The YFD requests the BOS approve the signing of a contract entering into agreement with Pierce Manufacturing for the purpose of purchasing a pumper tanker. We further request utilization of HGACBuy in this process due to available discounting and streamlining of the purchasing & bid process. Please see additional two pages of documentation and pricing with discounts noted on attachments.

RECOMMENDATION: The recommendation is that the BOS approve and give authority to the Town Manager and Village Fire Chief to enter into contract with contingencies and documentation enclosed for the purchase of this vehicle

PROPOSED MOTION: To approve the Town Manager in entering into the above contract

FISCAL IMPACT:	\$655,000	(reference Art. 67, May 2016 vote)
DEPARTMENT LINE ITEM ACCOUNT:	FY17 — acct. # not yet established	
BALANCE IN LINE ITEM IF APPROVED:	\$0	

Prepared by Stephen H. Burns, Town Manager: 

It is recommended that we utilize HGACbuy in our process for procuring the YFD Pumper/Tanker.

Further information is available by consulting www.hgacbuy.org.

Essentially the HGAC process involves public safety, public works, and communication related projects and equipment whereby the bid process has already taken place which provides purchaser access to volume discounts due to purchasing with other municipalities in like projects or equipment. All HGAC Contracts have been awarded by virtue of a competitive bid or RFP process in accordance with government purchasing statutes.

Pierce Manufacturing in Appleton , Wisconsin is a participant in this process which has been our primary supplier of fire apparatus for the past 15 years with a strong track record. HGAC is an expert in managing vendor contracts. York has access to HGAC as a free service because we are a municipal/ governmental organization.

The purchase price, in our case, a fire vehicle, can be reduced by approximately \$7502.00 by utilization of this process. HGAC offers a variety of emergency service vehicles via competitively bid contracts.

They contract with the manufacturers to provide high quality vehicles for all levels of emergency services needs. Throughout this specification writing process involved with fire apparatus, HGACBuy offers customization of said vehicle to meet particular local municipalities' needs.

Some Maine based towns/cities who have utilized this service are:

Ellsworth, Lewiston, Saco, Freeport, Gorham, Kennebunkport, Monmouth, Old Orchard Beach, Raymond, Skowhegan, Vassalboro, Windham, and Waterville.

Any of these municipal managers will gladly speak with us to verify that this is a considerable savings in any of these types of purchases.

Our contact person in this project is: Ms Jackie Palmer at 1-713-993-2466

Further, if we enter into an agreement with HGAC, we can additionally pre-pay the contract price at the time of contract signing and save up to \$27,000.00 .

As you can see, we have a significant advantage by invoking some of these purchasing contingencies.

This is a very similar process to the Greater Portland Council of Governments group purchasing program here in Maine except the HGAC is a much larger consortium, offering considerable leverage to the purchaser.

The York Fire Department has participated in a similar process for the purchase of self contained breathing apparatus approximately five years ago with the utilization of the Massachusetts Bid Process at a significant savings to the Town of York.

Pierce Minuteman Pricing for YFD Tanker Pumper August 10, 2016

Specification dictated list price total:	\$696,455.00	Before any discounts
	\$27,000.00	100% prepay discount
	\$669,455.00	Cost of truck after prepay discount
	\$7502.00	Discount if truck is purchased using HGAC
	\$661,953.00	Final Quoted \$\$ of truck as specified.

Available funding --Town Of York--- Warrant article-Town Meeting Vote \$ 655,000.00

\$661,953.00

\$655,000.00

Balance to be paid: \$6953.00 York Fire Dept Corporation Funds Donation
Additional Funding: \$15,000.00 VVFA Redshirts Donation-Equipment Purchases for new truck , not part of truck purchase.

Costs:

At an estimated interest rate of 3.25% for a five (5) year maturity, the estimated cost of the bond issue will be:

Principal	\$124,000
Interest	12,200
Total Debt Service	\$136,200

Total estimated project costs including debt service: \$136,200

Validity: The validity of the bonds and the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Margaret M. McIntosh, Town Treasurer

Budget Committee recommends approval (6-0),
Board of Selectmen recommends approval (5-0).

A YES vote authorizes an appropriation of \$124,000.

A NO vote authorizes an appropriation of \$0.

2346
YES
NO 1122

S/ Margaret M. McIntosh, Town Treasurer

Budget Committee recommends approval (6-0).
Board of Selectmen recommends approval (5-0).

A YES vote authorizes an appropriation of \$655,000.

A NO vote authorizes an appropriation of \$0.

2206
YES
NO 1222

ARTICLE SIXTY-EIGHT

Shall the Town approve raising the levy limit of the Town of York Municipal Budget for the purpose of funding all of the preceding articles of the municipal budget approved by the voters hereunder?

Statement of Fact: The State law known as LD 1 requires an affirmative vote to allow a municipality to raise the property tax limit higher than allowed under LD 1. Under LD 1 the maximum property tax levy for the Town of York municipal budget is \$12,255,021. If all articles contained herein concerning the municipal budget are approved, the amount appropriated will be \$13,185,721.

Board of Selectmen recommends approval (5-0).

A YES vote will allow the appropriation of all voter-approved articles.

A NO vote may result in an appropriation less than what has been approved.

1986
YES
NO 1423

ARTICLE SIXTY-NINE

Shall the Town approve the Five (5) Year Capital Improvements Program as proposed by the Board of Selectmen?

Statement of Fact: The Town Charter requires the Board of Selectmen to adopt a Five-Year Capital Improvements Program. A Capital Item is defined as: any equipment, facility, infrastructure or land that costs more than \$20,000 and provides a useful life of three or more years, and all licensed motor vehicles. Approval of this article does not authorize any expenditure.

Board of Selectmen recommends approval (5-0).

2731
YES
NO 659

ARTICLE SEVENTY

Shall the Town authorize the acceptance of a \$30,000 fire truck from the York Beach Fire Department for Town use?

2992
YES
NO 411

ARTICLE SIXTY-SEVEN

Shall the Town (1) approve the purchase of a Fire Truck for Village Fire Department; (2) appropriate a sum not to exceed \$655,000 for the cost of this project; and (3) hereby ordain to fund this appropriation; authorize the Treasurer and the Chairman of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$655,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), places(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chairman of the Board of Selectmen? The first year payment of principal and interest, estimated to be \$66,400, will occur in 2018.

Statement of Fact: This article would approve the purchase of a fire truck for the Village Fire Department that will retire two existing fire trucks.

FINANCIAL STATEMENT

Total Town Indebtedness:

A. Bonds outstanding and unpaid	\$28,502,021
B. Bonds authorized and un-issued	0
C. Bonds to be issued if the Article is approved	655,000
Total	\$29,157,021

Costs:

At an estimated interest rate of 3.25% for a twenty (20) year maturity, the estimated cost of the bond issue will be:

Principal	\$655,000
Interest	215,500
Total Debt Service	\$870,500

Total estimated project costs including debt service: \$870,500

Validity: The validity of the bonds and the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

CONTINUE VOTING ON NEXT CARD



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 9, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: Acceptance of the bid for one 2017 Ford Utility Police Cruiser

RECOMMENDATION: For the BOS to approve the bid for one 2017 Ford Utility Police Cruiser from Quirk Ford of Augusta, Maine

PROPOSED MOTION: I move to award the bid for the purchase of one 2017 Ford Utility Police Cruiser to Quirk Ford of Augusta, Maine in the amount of \$23,483.00 dollars from the Capitol Cruiser Account of the Police Department

FISCAL IMPACT: \$23,483.00

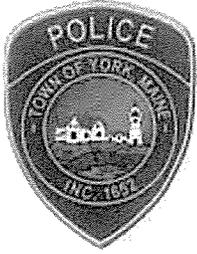
DEPARTMENT LINE ITEM ACCOUNT: Capitol Cruiser Account

BALANCE IN LINE ITEM IF APPROVED: \$29,303.00

PREPARED BY: Captain Charles J Szeniewski

REVIEWED BY: 

CJS



TOWN OF YORK, MAINE

Police Department

Douglas P. Bracy
Chief of Police

Mailing Address:
36 Main Street
York, Maine 03909

Dispatch
Non Emergency
(207) 363-4444

Administration
(207)363-1031

Facsimile
(207) 361-6818

www.yorkpolice.org

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to excellence**

Memorandum

Date: September 9, 2016
To: Board of Selectmen
Cc: Town Manager Steven H Burns
From: Captain Charles J Szeniewski *CJS*
RE: Ford Police Utility Interceptor Bid Acceptance

The Police Department is requesting to replace a 2011 Crown Victoria Cruiser that is used by patrol in the performance of their duties. The current vehicle has 102,220 road miles. Maintenance due to its road miles and engine hours is becoming a concern. The replacement vehicle we are looking to purchase is a 2017 Ford Utility Police Cruiser with a V6 engine.

A bid request for a 2017 Ford Utility Police Cruiser was forwarded to seven Ford Dealers. Three bids were received by the closing deadline of September 8, 2016 and were opened in the Town Managers Office on Friday September 9, 2016 at 1000 am.

Quirk Ford of Augusta, Maine submitted a total bid price of \$23,483.00 dollars. This reflected a base price of \$27,083.00 for the unit minus \$3,600.00 for the trade in value on the 2011 Crown Victoria.

Starkey Ford of York, Maine submitted a total bid price of \$24,412. This price reflected a base unit price of \$26,987.00 for the new vehicle minus the trade in value of \$2,575.00 for the 2011 Crown Victoria.

Yankee Ford of South Portland, Maine submitted a total bid price of \$25,062.00. This price reflected a base unit price of \$27,562.00 for the new vehicle minus the trade in value of \$2,500.00 for the Crown Victoria.

This process reflected a difference of \$929.00 between the bids of Starkey Ford and Quirk Ford and a difference of \$1,579.00 between the bids of Yankee Ford and Quirk Ford. In light of these differences, it is my recommendation that the Board of Selectmen award the bid to Quirk Ford of Augusta for the purchase of a 2017 Ford Utility Police Interceptor.

PURCHASE OF ONE 2017 FORD UTILITY POLICE INTERCEPTOR

The Town of York is now accepting bids for one (1) 2017 Ford Utility Police Interceptor K8A AWD 4DR vehicle. Bids should be forwarded to the office of the Town Manager, 186 York Street, York, Maine 03909 no later than 3:00 P.M., on Thursday, September 8, 2016. Mark the outside of the envelope "Bid for Utility Police Interceptor Vehicles".

Bids will be opened by the Town Manager's office on Friday, September 9, 2016 at 10:00 A.M. and awarded on Monday, September 12, 2016, at the Selectmen's Meeting. The Board of Selectmen reserves the right to accept or reject any or all bids.

SPECIFICATIONS:

Type and model:	2017 Ford Utility Police Interceptor K8A AWD 4 door vehicle.
Exterior color:	Sterling Gray Metallic (UJ)
Interior color:	Charcoal Black (9W)
Engine assembly:	3.7L V6 TI-VCT FFV – Inc.: High efficient police calibrated (99R)
Wheelbase:	Standard
Rear Axle:	3.65 Axle Ratio
Transmission:	6 Speed Automatic – Inc.: Exclusively police calibrated for Maximum acceleration and faster closing speeds.
Electrical system:	12 volt, with at least 220 amp heavy duty alternator, Noise Suppression Bonds – Inc.: ground straps (60R). Instrumentation; Speedometer Certified, digital readout in message center and analog gauge. Air Conditioning, Rear Defroster, Power Driver's Seat.

Suspension: Independent front and rear.

Brakes: 4 wheel heavy duty disc w/H.D. Front and Rear Calipers, ABS with traction Control.

Wheels/Tires: Five (5) wheels heavy duty steel vented with center cap, includes full size spare tire. Tires 245/55R18 A/S BSW.

Steering: Electric Power-Assist (EPAS)

Speedometer: Certified, digital readout in message center and analog gauge.

Floor Mats: Heavy Duty Vinyl

Additional: Heated side view mirrors (549), Front license plate bracket (153), Drive only Whalen LED spot lamp (51T), Keyed alike (1294X), Rear door handles inoperable/lock operable (68L), Dark car feature – inc: Courtesy lamp disabled when any door is opened (43D), Red/White dome lamp in cargo area (17T), Rear View Camera(87R) Reverse Sensing (76R), Noise suppression Bonds – inc: ground straps (60R), Rear power window delete – inc: Operable from front driver side switches, Front Headlamp/Police Interceptor Housing Only (86P).

Delivery: Within ninety (90) days of bid award. Final acceptance and approval by the Chief of Police upon inspection and satisfaction that all specifications are met.

Trade in: 2011 Ford Crown Victoria (Unit 90), cruiser should have an estimated 105,000 miles at trade time.

POLICE CRUISER BID PROPOSAL DEALERSHIP

Starkey Ford, Inc.
ATTN: Mr. Robert Berry
P.O. Box 37, 422 Route 1
York, ME 03909

Phone: 363-2483
FAX: 363-3547

Quirk Ford of Augusta
ATTN: Mr. Leo Chicoin
P.O. Box 1055, Lower State Road
Augusta, ME 04332-0859
lchicoine@quirkauto.com

FAX: 207-622-9528

Arundel Ford
Attn: Mr. Rod Brackett
P.O. Box 560B
Arundel, ME 04046

Phone
800-889-7171
FAX: 985-7173

Casco Bay Ford
ATTN: Mr. Joe Cook
1213 US RT 1,
Yarmouth, ME 04096

Phone: 800-295-1505
207-846-5577
Fax: 207-846-5064

Yankee Ford
Attn: Mr. Scott Bonney
165 Waterman Drive
South Portland, ME 04106

scott@yankeeford.com

Phone: 207-799-5591
Fax: 207-799-9412

Rodman Ford
Attn: Mike Wagner
53 Washington Street
Foxborough, MA 02035

mwagner@rodmanford.com

Phone: 508-698-4037
FAX: 508-698-4101

MHQ, Inc.
Attn: Mike Curtin
401 Elm Street
Marlborough, MA 01752

mcurtin@mhq.com

Phone: 508-573-2600
FAX: 508-573-2720

Prepared For:
2017 FORD INTERCEPTOR
TOWN OF YORK
186 YORK STREET
YORK, ME 03909

Prepared By:
LEO CHICOINE
QUIRK AUTO GROUP
7 WATER STREET
HALLOWELL, ME 04347
Phone: (207) 430-1621
Fax: (207) 991-5539
Email: lchicoine@quirkauto.com

2017 Fleet/Non-Retail Ford Police Interceptor Utility AWD 4dr K8A

WINDOW STICKER

Advert/Adjustments	\$0.00
Destination Charge	\$945.00
TOTAL PRICE	\$34,065.00

Est City: 16.00 mpg
Est Highway: 21.00 mpg
Est Highway Cruising Range: 390.60 mi

Fleet Discount < 6982.00 >

\$27,083.00

2011 Ford Crown Vic. < -3600.00 >

\$ 23,483.00

*Leo Chicoine
Fleet Manager
430-1621*

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 453.0, Data updated 8/23/2016
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Customer File:



STARKEY FORD, Inc.

Tel. 207.363.2483
Fax. 207.363.3547
E-mail. info@starkeyford.com

422 Route 1
P.O. Box 37
York, Maine 03909-0037
www.starkeyford.com

SEPTEMBER 9, 2016
TOWN MANAGER
186 YORK STREET
YORK, ME 03909

DEAR SIR;

STARKEY FORD INC SUBMITS THE FOLLOWING BID FOR ONE (1)
2017 FORD UTILITY POLICE INTERCEPTOR.

AS QUOTED FOR THE YORK POLICE DEPARTMENT THE PRICE FOR
ONE (1) 2017 FORD UTILITY POLICE INTERCEPTOR IS A FOLLOWS:

PRICE OF ONE (1) 2017 FORD POLICE INTERCEPTOR	\$26,987.00
LESS TRADE OF 2011 FORD CROWN VICTORIA	<u>2,575.00</u>
NET PRICE OF BID	\$24,412.00

SINCERELY,



ROBERT BERRY JR
SALES & LEASE CONSULTANT

1. DELIVERY DATE AS DICTATED BY MANUFACTURER
2. ENC: 2

CNGP530

VEHICLE ORDER CONFIRMATION

09/02/16 16:47:30

==>

Dealer: F11209

2017 EXPLORER 4-DOOR

Page: 1 of 2

Order No: 0001 Priority: K4 Ord FIN: QK866 Order Type: 5B Price Level: 725
Ord Code: 500A Cust/Flt Name: YORK P.D. PO Number:

YORK

	RETAIL	DLR INV		RETAIL	DLR INV
K8A ✓ 4DR AWD POLICE	\$31510	\$30407.00	59C ✓ KEY CODE C	\$50	\$49.00
.112.6" WB			60R ✓ NOISE SUPPRESS	100	95.00
UJ ✓ STERLING GRAY			68L ✓ RR DR HND INOP	35	33.00
9 ✓ CLTH BKTS/VNL R			76R ✓ REVERSE SENSING	275	261.00
W EBONY BLACK			794 ✓ PRICE CONCESSN		
500A ✓ EQUIP GRP			REMARKS TRAILER		
. PREM SINGLE CD			86P ✓ FRT LMP HOUSING	125	119.00
99R ✓ 3.7L V6 TIVCT	NC	NC			
44C ✓ 6-SPD AUTO TRAN	NC	NC	TOTAL BASE AND OPTIONS	33615	31562.72
17T ✓ CARGO DOME LAMP	50	49.00	TOTAL	33615	31562.72
18W ✓ RR WINDOW DEL	25	24.00	*THIS IS NOT AN INVOICE*		
422 ✓ CALIF EMISSIONS	NC	NC	*TOTAL PRICE EXCLUDES COMP PRICE ALLOW*		
43D ✓ COURTESY DISABL	20	19.00			
51T ✓ SPT LAMP DR LED	420	399.00	* MORE ORDER INFO NEXT PAGE *		
549 ✓ PWR MIRR HTD	60	58.00	F8=Next		

CNGP530

VEHICLE ORDER CONFIRMATION

09/02/16 16:47:37

==>

Dealer: F11209

2017 EXPLORER 4-DOOR

Page: 2 of 2

Order No: 0001 Priority: K4 Ord FIN: QK866 Order Type: 5B Price Level: 725
Ord Code: 500A Cust/Flt Name: YORK P.D. PO Number:

	RETAIL	DLR INV		RETAIL	DLR INV
87R ✓ RR VIEW MIR/CAM	NC	NC			
153 ✓ FRT LICENSE BKT	NC	NC			
SP FLT ACCT CR		(900.00)			
FUEL CHARGE		4.72			
DEST AND DELIV	945	945.00			

*3451 GPC
980 HB
4431*

*\$ 31562 DLR COST
- <4000> GPC & HB*

BID: \$ 27562

-TRADE - <2500> 2011 CR.VIC.

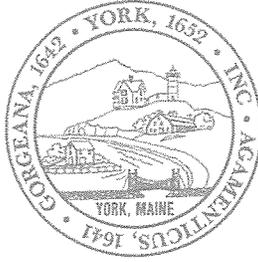
TOTAL BASE AND OPTIONS 33615 31562.72
TOTAL 33615 31562.72

THIS IS NOT AN INVOICE
TOTAL PRICE EXCLUDES COMP PRICE ALLOW

*BID: \$ 25062
<LESS TRADE>*

SAB

9/2/16



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 8, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: Award the contract for the purchase of additional Audio Video cameras etc. for new station

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Refer to Memo for information.

RECOMMENDATION: To approve the purchase of additional Audio Video cameras etc. for the new station from Norris Inc. in the amount of \$27,992.00.

PROPOSED MOTION: I move to approve the purchase of the additional Audio Video cameras and necessary equipment for the Audio Video System at the new police station from Norris Inc. in the amount of \$27,992.00.

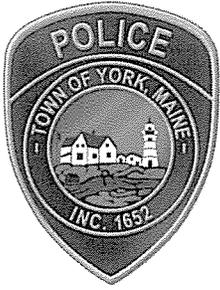
FISCAL IMPACT: \$27,992.00.

DEPARTMENT LINE ITEM ACCOUNT: 229.0000.8001

BALANCE IN LINE ITEM IF APPROVED: \$ 2,653,340.77

PREPARED BY: Chief Douglas P. Bracy

REVIEWED BY: 



TOWN OF YORK, MAINE

Police Department

Douglas P. Bracy
Chief of Police

Mailing Address:
36 Main Street
York, Maine 03909

Dispatch:
Non-Emergency
(207) 363-4444

Administration:
(207) 363-1031

Facsimile:
(207) 361-6818

www.yorkpolice.org

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Memorandum To: Board of Selectmen
Subject: New Cameras and Equipment for
Audio / Video System at new police station
Date: September 8, 2016
From: Chief Douglas P. Bracy

As part of the process for the building of the new police station, we need to acquire additional cameras, mounting equipment, licenses and computer equipment to be added to our current Audio / Video System.

We are looking to a Sole Source Contract with Norris Inc. out of South Portland, Maine for this equipment. We utilized an extensive bid process to acquire the current Audio / Video System back in the fall of 2014 and Norris Inc. was the most cost effective solution by far. To say that we have been satisfied with the quality of the equipment and the services provided by Norris Inc. would be an understatement. It is our plan to move forward with the relationship we have developed with Norris Inc. as we move into our new police station.

We also have to remove all of the cameras and equipment at the current police station and move them over to the new police station and I can't think of anyone better than those who installed the system.

I am recommending that the Board of Selectmen allow us to purchase the additional equipment as outlined in the attached proposal from Norris Inc. of South Portland, Maine in the amount of \$27,992.



Advancing security, life safety, and communications.

Norris Inc
 2257 West Broadway
 South Portland, ME 04106

phone. 1-800-370-3473
 fax. 1-207-879-0540
<http://www.norrisinc.com>

Customer

ROBERT SCAMMAN
 TOWN OF YORK POLICE DEPARTMENT
 YORK, ME 03909

Tel. 207-363-1031

Proposal Details

Project Number 323867SP
 York PD New Station Cameras
 Proposal Date 9/7/2016
 Purchase Order # _____
 Proposal Total \$ 27,992.00

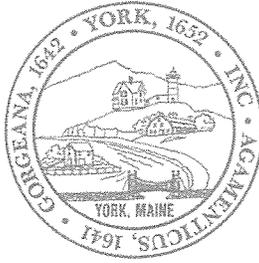
Qty	Part Description	
	NEW CAMERAS ADDED + EXISTING CAMERAS ADDED	
	- (27) Interior, (6) Exterior, (3) PTZ, (7) Audio Rooms	
	- customer/contractor provides CAT6 cabling runs, termination, and testing	
7	IP CAMERA, 1.3 MP, 4 MM	
10	IP CAMERA, 1.3 MP, 2.8 MM	
3	IP CAMERA, 2 MP, WDR, 4 MM	
1	PTZ, 2 MP, WDR, 23X	
1	BRACKET, PTZ, WALL MOUNT, LONG	
1	BRACKET, PTZ, CORNER MOUNT	
20	EXACQVISION LICENSE	
1	MISC HARDWARE	
	LABOR	
	NEW AUDIO ADDED (3) + EXISTING ADDED (4)	
3	SNGLEZONE BSE STATN-W/ VERFAC-A	
7	MUTE SWITCH FOR MUTING MIC	
3	P8221 I/ O AUDIO MODULE	
3	EXACQVISION LICENSE	
1	MISC HARDWARE	
	LABOR	
	HEADEND/SERVER ROOM WORK/EQUIPMENT	
	*customer provides rack space for equipment.	
	* CAT6 patch panels and terminations not included	
1	SWITCH, POE+, 24 PORT	
6	4 TB SATA DRIVES	
1	MISC HARDWARE	
	LABOR	
	REMOVE EXISTING EQUIPMENT (OLD STATION)	
	LABOR	
1	LIFT (1 DAY)	
	TOTAL	\$27,992.00

Qty	Part Description

Signature: _____ Date: _____

Customer Signature

Project Total: \$ 27,992.00



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 8, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: Award the contract for the purchase of Access Control System for the new police station

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Refer to Memo for information.

RECOMMENDATION: To approve the purchase of a new Access Control System for the new police station from Norris Inc. in the amount of \$24,830.00.

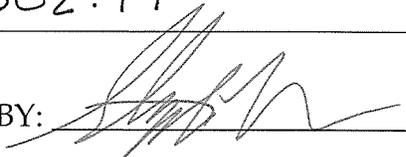
PROPOSED MOTION: I move to approve the purchase of the Access Control System for the new police station from Norris Inc. in the amount of \$24,830.00.

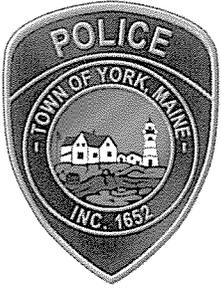
FISCAL IMPACT: \$24,830.00.

DEPARTMENT LINE ITEM ACCOUNT: 229. 0000. 8001

BALANCE IN LINE ITEM IF APPROVED: \$ 2,656,502.77

PREPARED BY: Chief Douglas P. Bracy

REVIEWED BY: 



TOWN OF YORK, MAINE

Police Department

Douglas P. Bracy
Chief of Police

Mailing Address:
36 Main Street
York, Maine 03909

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Administration:
(207) 363-1031

Facsimile:
(207) 361-6818

www.yorkpolice.org

Memorandum To: Board of Selectmen
Subject: Access Control System
for the new police station
Date: September 8, 2016
From: Chief Douglas P. Bracy

As part of the process for the building of the new police station, we also need to acquire an access control system that will allow us to monitor and control access to most of our interior and exterior doors.

Once again we are looking to a Sole Source Contract with Norris Inc. out of South Portland, Maine for this equipment. As I mentioned in my earlier memo on the Audio / Video System we have been more than satisfied with the quality of the equipment and the services provided by Norris Inc. Since it is our plan to move forward with the relationship we have developed with Norris Inc. it only makes sense for us to use them for this system as well.

I am recommending that the Board of Selectmen allow us to purchase the necessary equipment for the new Access Control System at the new police station as outlined in the attached proposal from Norris Inc. of South Portland, Maine in the amount of \$24,830.

*Committed
to excellence*

Customer

ROBERT SCAMMAN
 TOWN OF YORK POLICE DEPARTMENT
 YORK, ME 03909

Tel. 207-363-1031

Proposal Details

Project Number 324167SP
 York PD, Access Control System
 Proposal Date 8/2/2016
 Purchase Order #QUOTE
 Proposal Total \$ 24,830.00

Qty	Part Description	
	Access Control System: (per plans A1, A4; spec 16820; Addendum (AC Hardware Details))	
1	S2 NetBox Extreme Controller - (16) portals rack mount	
2	Network Node - 2 readers, expandable	
6	Access Control Blade - Standard	
14	ICLASS SE RP40 READER - BLACK	
1	MULTICLS SE RPK40, WIEG, KYPD	
100	ICLASS SMART CARD PROG 2K	
2	Power Supply	
6	12V 7AH SLA battery	
1	SURF MNT 1-1/2" GAP DPDT	
20	1" REC S-DR LEAD 1/2" DPDT WHT	
20	Mag rare earth	
1	Misc. install material	
	Device installation & terminations	
	Engineering & Programming	
	Training	
	Sub Total Base System (less tax)	\$24,830.00
	Notes: Conduit pathways and wiring is by others Electrified locks/strikes are provided and installed by others Pwr supplies for electrified vertical rods on #2 & #13 by others Installation of all door position switches is by Norris Inc. 100 credential cards -- 13.56MHz included above	
1		

Qty	Part Description
	<p>THIS IS A QUOTE FOR A SPLICE & DEVICE PACKAGE WITH ALL CABLE, CONDUIT PATHWAYS, BACK-BOXES & CABINETS TO BE INSTALLED BY THE ELECTRICAL CONTRACTOR PER NORRIS, INC. DIRECTION</p> <p>THIS QUOTE INCLUDES FROM NORRIS, INC.:</p> <ul style="list-style-type: none"> - Only the items and quantities of devices listed on this quotation. - One site visit for final connection of devices and head-end equipment w/ training and all testing performed during the same visit. - An electronically delivered submittal package - One manual for head end controls provided at project close-out - Acceptance and testing documentation (when applicable) - For alarm systems with a key lock box, if shown on plans the least expensive lock box will be provided unless specified otherwise - Norris, Inc. work is to be performed during the hours of 8:00 AM and 5:00 PM - Norris, Inc. may choose to make a network connection in the building to facilitate commissioning and service remotely. <p>THIS QUOTE DOES NOT INCLUDE:</p> <ul style="list-style-type: none"> - Multiple site visits for phased projects unless Norris, Inc. was specifically advised of the phasing schedule prior to providing this quote. - Permits, licenses, sales tax or shipping costs to the customer - Cable, conduit pathways or standard electrical back-boxes/cabinets - Third party approvals or third party testing or inspections - Return visits if other trades could not be coordinated to be present during our original site visit - Labeling of devices, controls or any required signage <p>IT IS THE ELECTRICAL CONTRACTORS RESPONSIBILITY TO:</p> <ul style="list-style-type: none"> - Provide a revised equipment count if the quantities shown are incorrect - Provide a minimum of FIVE business days to schedule Norris, Inc. - Assure that all circuits are 100% free from grounds, shorts and opens before scheduling Norris, Inc. - Provide as-built installation drawings, labeling and required signage - If there is a custom annunciator/map or custom control panel, etc. then AutoCAD files must be provided to Norris Inc. at no cost - Assure that the building owners have received proper approvals if the building is being altered or has a change in use - To pay additional travel and labor costs for any additional unplanned site-visits <p>TERMS:</p> <ul style="list-style-type: none"> - Net 30 days with approved credit - LATE FEE @ 2% PER MONTH - 24% ANNUALLY - FOB: S. Portland, ME; Invoices are dated when shipped or when customer is informed materials are ready for pick-up - Maximum Credit Card purchase value allowed is \$2,500.00 - Customer cannot hold retainage unless specifically agreed to before the PO is issued and accepted - Acceptance by the customer of any materials indicates that the customer agrees to all Norris, Inc. terms and conditions

Signature: _____ Date: _____

Customer Signature

York Village Study Committee
Final Report to the Board of Selectmen

September 8, 2016

Introduction

For most of the last century, the Town of York has talked about improving York Village. One of the most notable of these moments resulted in a plan developed at the request of the York Garden Club in 1946. The following quote from renowned Town Planner Arthur C. Comey's *Report on the Development of York Village, Maine* shows how persistent the need has been:

York Village center was once convenient, charming if not beautiful, and safe. Today it is inconvenient, ugly and to a degree dangerous. Are we of this generation, with all our "progress" and technical inventions to admit that we cannot contrive so simple an area as this village center? Why have we not done so?

Sixty-five years later, the Town Manager and York's Board of Selectmen decided it was time to do something about the state of the Village center. They created the Village Study Committee (VSC). Many documents and records created since the committee was established are archived at the VSC website — www.yorkvillage.org.

The Village Study Committee

At the end of May 2011, the York Board of Selectmen appointed a nine member committee to study and make recommendations about the future of York Village. The original members of the VSC were: Mary Andrews, **Stuart Dawson**, **Antonia DeSoto**, **Gloria Gustafson**, Steve Pelletier, Jennifer Smith, **Scott Stevens**, **Lew Stowe** and **Ron McAllister** (who was designated Chair by the Town Manager).¹ Rob Yandow and Christine Grimando also attended many meetings of the VSC as *ex officio* members.

In the years since its creation, the composition of the committee changed as individuals resigned and were replaced or as other members were added. Other community members serving on the committee are Dawn Fernald, **Chris Hartwell**, **Joel Lefever**, **Dean Lessard**, Jody Merrill, Ron Nowell, **Robert Palmer**, **Dylan Smith** and **Peter Smith**.

The VSC held its first meeting in July 2011. One of its first tasks was to clarify its mission. After considerable discussion, the following statement was adapted as the committee's formal mission statement:

To establish a framework that will promote the vitality and beauty of York Village as a dynamic, safe, and sustainable town center reflecting the history of a community that is both welcoming to visitors and supportive of local businesses.

¹ Names in **bold** indicate current members of the VSC.

Critical Issues First Identified

Once the mission was made clear, the committee turned to its strategic work. This began by focusing on what people in the community meant when they thought about York Village. The concepts of the 2-minute, 5-minute and 10-minute villages were developed. Most of what followed over the next five years has focused on the area within the 5-minute village — extending roughly 1/4 mile from the monument.

Three temporary sub-committees were created during the VSC's first year. These drilled down into the committee's three major areas of concern: traffic and pedestrian issues (e.g., parking), focal points (e.g., the monument), and land use (e.g., zoning). Over the next eighteen months, the VSC developed a series of 26 recommendations on parking, sidewalks, traffic, streetscaping, planning, zoning, public/private properties and the Village's visual identity.

Options for Village Revitalization

As the work of the committee progressed, they developed a series of design options. At least five alternatives were developed for improving traffic flow in and through the monument area. These were whittled down by the committee to the three most feasible options based on the historic character of the village and the VSC's stated charge to revitalize York Village for residents, visitors and businesses alike. These three options were referred to as the Monument Garden Option, the Village Park Option, and the Town Common Option. Each of these alternatives was based on the assumption that the monument would remain in its existing location.

The Committee also developed an outreach strategy centered on open public forums and on separate meetings with identified stakeholder groups (business owners, residents, and public safety/infrastructure agencies). Major stakeholder group meetings, open forums and numerous conversations with members of the public-at-large (many gathered at MarketFest) resulted in identification of a series of "most favored" and "least favored" features of a potentially revitalized York Village. These inputs helped the committee understand what people wanted by way of village improvements: better crosswalks, sidewalks, and more green space, safer parking options, bicycle lanes, etc.

At that point (Spring/Summer 2014), the committee recognized that it needed technical expertise in various disciplines and a request for qualifications (RFQ) was developed and presented to the Board of Selectmen. The decision to draw in outside experts who could bring skills and expertise largely beyond the scope of the committee was a crucial turning point. It led eventually to contracting with The Downtown Revitalization Collaborative (TDRC) — one of six firms responding to the RFQ. TDRC was hired by the BOS after an extensive vetting and interview process. TDRC was charged to develop a Master Plan built on the work previously completed by the VSC but going well beyond it.

The Master Plan

TDRC's commitment to a public process was what made the difference for the VSC in its decision to recommend the collaborative to the BOS. True to their word, Denis Lachman and his colleagues from TDRC spent the next year hosting multiple hands-on design workshops that attracted a large number of people to discuss in small groups their ideas about York Village. These workshops and a series of empirical studies conducted by TDRC led to the writing of "*The York Village Master Plan: A Revitalization Framework to Put the Village Back in York Village.* "

Parking

From the outset, the VSC had been aware of the importance of parking which had featured in the committee's own internal studies from 2011. Parking was also among the most important issues raised by the public at every turn. TDRC's Master Plan also dealt with parking in great detail. Traffic and parking studies were central to TDRC's empirical work. Below is an excerpt from Chapter 3 of the Master Plan "Curb-side and Off-street Parking" which summarizes the existing parking analysis:

Availability of parking is a key necessity for attracting customers to the downtown, and the most highly valued spaces are the most convenient on-street spots. York Village currently has 57 marked curbside spaces within the central business area. Curbside parking is free with no time restrictions. Parking inventory data showed an average occupancy rate of 44% weekday and 37% weekend during the late August peak-season. The weekday, mid-December off-peak occupancy rate was 37%. Our data revealed that when parking use was highest during weekday, occupancy was 68% during summer season and 55% off-season. Observed higher occupancies were generally during business hours (9am-5pm) when weekday occupancy rates were an average of 56.5% in the summer and 44.8% in the winter.

To better understand these figures, we also analyzed the duration of parking. On average, vehicles parked 2.6 hours on peak season weekdays, 1.8 hours on off-peak season weekdays, and 1.3 hours on peak season weekends. A closer examination of the duration and occupancy data showed that approximately a quarter of the curbside parking is used for periods of four hours or more. For example, during normal weekday business hours in peak season, approximately 14 curbside spaces on average are being used for long-term parking. For the time examined, nearly 50% of these were being used for 8 hours or more. If long-term parking was shifted to off-street lots, the average occupancy of curbside parking would be significantly reduced. When we adjusted our calculations to remove long-term use of these spaces, the average occupancy during peak season business hours fell from 56.5% to under 25% with a peak hour maximum of 39.7% compared to the 68% observed rate. This suggests that a minimum of 27 curbside spaces are needed to meet peak hour parking demand and to ensure that there is always an adequate number of available spaces (typically 15%).

The parking study focused largely on parking in the public domain - on-street parking - but there also was some discussion of long-term solutions involving off-street parking. In a section of the Master Plan called "Beyond the Master Plan," TDRC imagined how the village might look going forward. Off-street parking opportunities including the Hodgin Lot (behind Bank of America) which the VSC recommended the town should buy, and the area on the North side of York Street (e.g, behind the York Realty building) offer reasonable options for meeting future demands for parking in the Village. In addition, a parking management strategy is included in this chapter of the Master Plan as a vital element of this discussion. See the Master Plan's Section 3.3 for its recommendations.

The Master Plan's Conceptual Design

Submission of the York Village Master Plan to the Board of Selectmen was the signature event of 2015. This three volume plan was completed, delivered and distributed to the BOS in April 2015. The Master Plan provided the conceptual basis for everything that has happened since its delivery.

The consulting team from TDRC came up with numerous creative solutions for revitalizing the village. They realized that if the Civil War monument could be moved just a few feet, then a number of better options for re-routing traffic through the center would be feasible, yet still keep the monument as the the Village focal point.

Ultimately, after a variety of engineering studies were completed, TDRC recommended one best option from among its own alternative designs. This came to be known as the "York Street Tee." People attending the February 2015 workshop strongly favored this option to bring traffic coming down Long Sands Road to a 90 degree connection with York Street. Computer modeling of the alternatives also supported this option as the best for minimizing traffic back-ups in the Village. In addition to improved traffic flow, the audience was also enthused about the sense of open space and creating a great place for people to congregate around the monument, at the heart of the Village. This option was recommended to the BOS.

Following receipt of the Master Plan, the BOS extended its commitment to the project by challenging the consultant team to create a schematic design for the York Street Tee.

Schematic Design/Design Development

In July 2015, the Board offered a contract to a consulting team led by one of TDRC's principals, landscape architect Regina Leonard now with Milone and MacBroom. The full team of associated consultants includes specialists in survey and civil engineering, traffic engineering, geo-technical services and a variety of associated disciplines.

The proposal to fund this phase of the work passed the BOS with a 3-2 vote which was later rescinded following the VSC's submission of "A White Paper on the Scope of Services." The revised motion (minus a signage element²) was passed by a 4-0 vote of

²Signage remains one of the future issues that will need to be addressed at some point. See **Remaining Issues** section below.

the BOS which committed \$272,660 to fund the work. This design development phase has been underway for the last year.

Support for the Project

In November 2015, an amendment to the Town's Comprehensive Plan, incorporating the York Village Master Plan into it, was approved by a referendum vote of 1,751 to 978. The committee was encouraged by this strong show of support. The real test came in May 2016 when voters were asked to authorize municipal bonding to finance the local portion of the construction expenses.

On May 21, voters approved funding of \$400,000 (a 10% match to available federal and state funding) which would allow the project to go forward. The vote in May was closer - 1970 YES to 1658 NO. The success of this initiative was due in no small part to the efforts of a group of citizens organized as the Friends of York Village and dedicated to the VSC's Village revitalization plan. This group raised funds from private donors allowing them to design and place "YES ON 60" signs all over town, purchase ads in local newspapers and otherwise promote the successful campaign. The VSC is very grateful to the citizens who took on the task on behalf of the VSC and to the York Village Association (formerly known as the York Village Business Association) which contributed \$1,000 in support of Village revitalization.

With the voters' acceptance of the plan and approval of local funding, the work of the Village Study Committee has come to an end. The work of revitalization is not over, however. Thus we are grateful to the BOS for establishing a follow-on committee to work with the DPW and other parties to bring the project to completion.

This report would be incomplete if it did not acknowledge the existence of some opposition to the plan. In particular, a small group of merchants has spearheaded a campaign of resistance. This resulted in the Maine Department of Transportation (MDOT) calling an additional meeting for abutters to the principal intersection in order to hear for themselves what people think of the plan and of the process by which it was generated. This meeting was held on July 13, 2016 bringing together representatives from the MDOT, Town officials, the abutters and the team of consultants.

Funding the Project

A variety of ways to fund the project were considered; both in the development of the Master Plan and since its completion. It was decided that the leading sources of external money to support implementation of the project are federal and state governments through the Kittery Area Comprehensive Transportation System (KACTS), a committee responsible for distributing federal and state funds for projects like this one.

KACTS has made York Village revitalization a top priority and for FY18 has allocated \$545,107 to the effort with the understanding that 10% of that amount will be contributed by the Town of York. It is our expectation that funding for FY19 and beyond also will be made available through KACTS in an amount which will ultimately total approximately \$3.6 million (including the 10% match from the Town mentioned above).

Because of the decision to pursue federal funding, the Maine Department of Transportation has an essential role to play. Had it been determined that the Town of York could successfully self-fund the project, management of the project by MDOT would not have been necessary. But because there are federal funds involved, close oversight of the expenditure of these funds must be provided by the State. A \$38,000 contract for these services was signed in mid-August by the Town and by the MDOT, clearing the way for our consultants to resume work on the schematic design/design development phase of the project.

Five Outstanding Issues

As noted in our last periodic report (March 17, 2016) several major issues remain. Among them are these:

- **Parking Management.** As noted above, parking is an area of persistent concern for the Village. This is an issue which must be addressed. See the Master Plan's Section 3.3 for its recommendations on solving the parking problems.
- **Relocation of above-ground utility wires.** The VSC considers the relocation of utility lines and poles in the central area of the Village a notable feature of the Master Plan. We anticipate that voters will be asked to consider future funding for relocating the existing wires and poles.
- **Additional external funding.** Someone should pursue additional funds for supplementary tree planting, landscaping, lighting, street furnishings, etc. The KACTS matching funds may make possible some of this work, but local, state and national grants and private funds should be pursued as well.
- **Signage.** The Master Plan did not specify the style, size or design of any elements of public signage. The consulting team did suggest that a comprehensive program of informational, directional and regulatory signs be developed. The committee believes this should be done in order to assure the preservation of the village's historic character while also being mindful of the benefits of coherent signage to businesses, public safety and convenience.
- **Economic development.** While the VSC felt that this was outside its charge, we believe economic development is vitally important to the Village. As a resource for Town leaders, the April 2015 Master Plan includes discussion and recommendations by the consulting team with regard to the potential for developing a program to encourage and support Village businesses.

Conclusion

The Village Study Committee's charge has been brought to a successful conclusion. Everyone involved should realize that the plan approved by the Town, whatever details it may contain, is still a conceptual plan. Everything is subject to change as various federal, state and local agencies deal with the realities on the ground.

Members of the Village Study Committee are grateful for the opportunity to be of service to the Board of Selectmen and to the voters of the Town of York. It has been a wonderful project to work on. We are confident that members of the Village Revitalization Steering Committee will come to feel the same.

York River Study Committee

Town-appointed Members:

- Karen Arsenaault, York
- Stefan Claesson, Eliot
- Jean Demetracopoulos, South Berwick
- Cindy Donnell, York
- Thom Kearns, York
- Joan LeBlanc, York
- Jack Murphy, Eliot
- Chuck Ott, York (Committee Chair)
- Stephen Pelletier, York
- Judy Spiller, Kittery
- Bryce Waldrop, York
- Beth Walter, York

Agency Members:

- Paul Dest, Wells Nat'l Estuarine Research Reserve (Vice Chair and Treasurer)
- Jamie Fosburgh, National Park Service
- Jim MacCartney, National Park Service
- Judy Gates, Maine Dept. of Transportation
- David Gardner, Maine Dept. of Transportation
- Theresa Torrent, Maine Coastal Program

York River Study Coordinator:

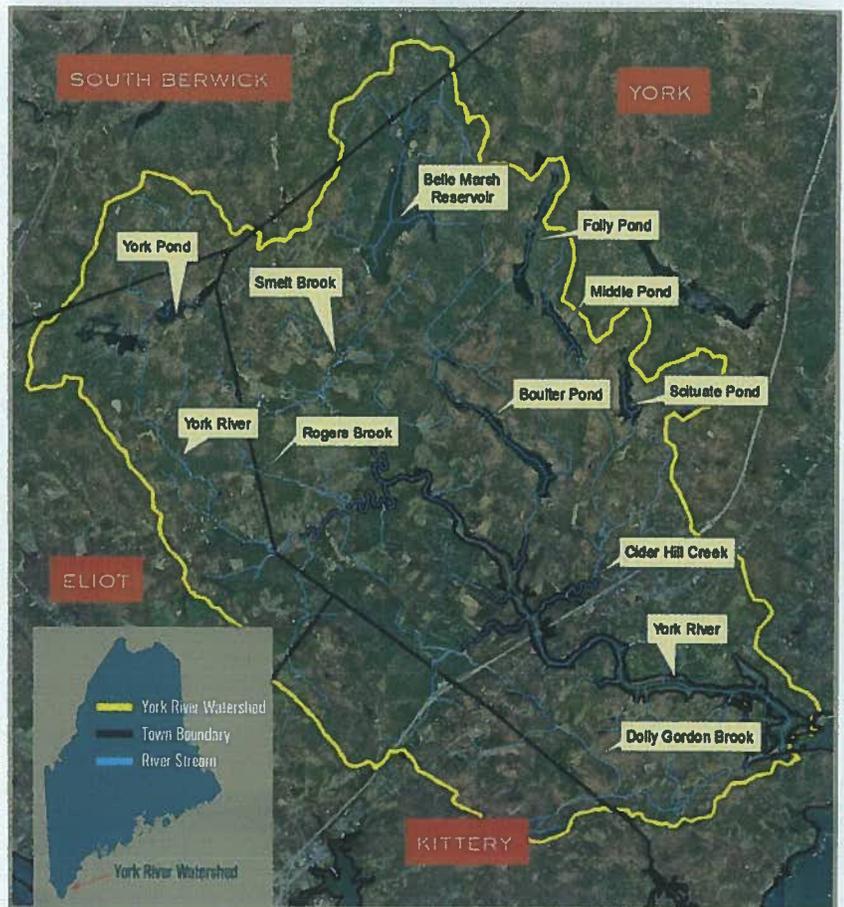
Jennifer Hunter, jh.yorkriver@gmail.com

Upcoming Events and Meetings

- September 24 – Booth at Eliot Festival
- October 3 – Public meeting with the Eliot Historical Society and Eliot Conservation Commission, 7:00 p.m.
- October 14 & 15 – Booth at York Village Marketfest
- October 17 – Public meeting at the York Public Library, 6:30 p.m.
- October 24 – Public meeting with the Kittery Town Council, 6:00 p.m.

Public meetings with the Eliot Board of Selectmen and South Berwick Town Council are planned for November.

For more information: www.yorkrivermaine.org



The York River Study Committee was formed to work with community members to develop a York River Watershed Management Plan and evaluate the suitability of a Partnership Wild and Scenic River designation. The Committee includes members from Eliot, Kittery, South Berwick, and York.



**Notice of Public Hearing
Board of Selectmen
September 12, 2016
7:00 PM
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed ordinance amendments to be considered at the November 8, 2016 General Referendum as follows:

1. Article 8-Shoreland Overlay District
2. Alarm Systems Ordinance

Printed copies of the proposed amendments (draft document dated August 23, 2016) are available with the Town Clerk at the Town Hall, and a digital copy is available on the Town's Web page (www.yorkmaine.org).

Proposed Ordinance Amendments

to be considered at a

November 2016 General Referendum

Amendment

1. Article 8-Shoreland Overlay District
2. Alarm Systems Ordinance

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Amendment #1

ARTICLE 8-SHORELAND OVERLAY DISTRICT

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending: Article 2, Definitions; Article 8, Shoreland Overlay District; Article 17, Non-Conforming Situations; and Article 18, Administration.

Statement of Fact: The purpose of this amendment is to modify Article 8, Shoreland Overlay District, to correspond with newly enacted (January 26, 2015) State Chapter 1000, Guidelines for Municipal Shoreland Zoning Ordinances. The Town is required under the **Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-448**, to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. Specifically, the intent of the amendments are to follow current state standards relative to current shoreland district definitions, expansions, timber harvesting, removing of vegetation other than timber harvesting, hazard trees, contractor certification and ensure proper plan filing requirements with the registry. As required by State Law and specific to the proposed changes, within Chapter 1000, municipalities have three options to choose for timber harvesting in shoreland areas. The Town of York currently utilizes Option 3 that allows a municipality to retain its current timber harvesting standards. This option is inconsistent with the State's timber harvesting standards, which means the Town administers timber harvesting standards without State assistance. Repealing and replacing §8.3.12 with "Option 1" would mean the Bureau of Forestry (Maine Forest Service) will administer and enforce statewide standards. The state has the personnel to administer timber harvesting whereas the Town of York does not employ a licensed forester to regulate harvesting activities.

Amendment: Amend Article 2, Definitions, as follows:

CERTIFIED EXCAVATION CONTRACTOR: *An individual or firm, certified by the Maine Department of Environmental Protection, engaged in a business that causes the disturbance in the shoreland area of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.*

FOOTPRINT: *The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.*

HAZARD TREE: *A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.*

LAND MANAGEMENT ROAD: ~~A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed by the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trail.~~

SKID TRAIL: ~~A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.~~

STORM DAMAGED TREE: *a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.*

STREAM: A channel between defined banks. A channel is created by the action of surface water and has 2 or more of the following characteristics:

- A. It is depicted as a solid or broken blue line on the most recent, ~~edition of the U.S. Geological Survey 7.5-minute series of topographic map~~ *highest resolution version of the national hydrography dataset available from the United States Geological Survey.*
- B. It contains or is known to contain flowing water continuously for a period of at least 6 months of the year in most years.
- C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.
- E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

“Stream” does not mean a ditch or other drainage way constructed, or constructed and maintained, solely for the purpose of draining stormwater, or a grassy swale.

TEMPORARY DOCKS: *A structure that remains in or over the water for six (6) months or less in any period of twelve (12) consecutive months, and shall not have a permanent fixed location on or in the ground.*

TIDAL WATERS: All waters affected by tidal action during the ~~maximum spring~~ highest annual tide.

TIMBER HARVESTING: ~~The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.~~ *timber for the primary purpose of selling or processing forest products. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to 8.3.3, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.*

Tree: *A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.*

TRIBUTARY STREAM: ~~A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a waterbody or wetland as defined.~~ *which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by*

human activity. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

WETLAND, COASTAL: All tidal and subtidal lands; all lands with vegetation present that is tolerant to salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the ~~maximum spring~~ *highest annual* tide level for the year in which an activity is proposed as identified in the tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. NOTE: All areas below the ~~maximum spring~~ *highest annual* tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Amendment: Amend Article 8.1.3, regarding maximum lot coverage with the following:

- 8.1.3 Maximum Lot Coverage. The total area of all structures and other ~~impervious~~, non-vegetated surfaces, *which includes but is not limited to, driveways, parking areas and other areas from which vegetation has been removed* within the Shoreland Overlay District, shall not exceed the least restrictive of the following:
- a. 70% of the land area of the lot, or portion thereof, located within the Mixed Use Subdistrict;
 - b. 20% of the land area of the lot, or portion thereof, located within any other subdistrict of the Shoreland Overlay District; or
 - c. 30% of the land area of the lot, or portion thereof, for an existing lot of record with a total area less than 12,000 square feet.
 - d. *Naturally occurring ledge and rock outcroppings are not counted as non-vegetative surfaces when calculating lot coverage for existing lots of record as of March 24, 1990 and in continuous existence since that date.*

Amendment: Amend the following land uses permitted in section 8.2.1.B:

Article 8.2.1.B Limited Residential Subdistrict
Commercial Use Category (Limited Res. Shoreland)

- Restaurants - Expansion is defined as meaning: 1) construction of additions to existing facilities, buildings and structures, and 2) construction of new free standing facilities buildings and structures. Under definition 1 and 2 above, construction is limited to an expansion, within lot lines existing as of November 5, 1996, of existing facilities, buildings and structures and other facilities, buildings and structures reasonably or customarily associated with

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said existing facilities, buildings and structures. All expansions, regardless of the amount of expansion, shall satisfy to the maximum extent ~~practical~~ *practicable*, as determined by the Planning Board, the requirements of the Town of York Planning Board Subdivision and Site Plan Regulations. Also, a Shoreland Permit from the Planning Board is required.

- Ice Cream Stands - Expansion is defined as meaning: 1) construction of additions to existing facilities, buildings and structures, and 2) construction of new free standing facilities buildings and structures. Under definition 1 and 2 above, construction is limited to an expansion, within lot lines existing as of November 5, 1996, of existing facilities, buildings and structures and other facilities, buildings and structures reasonably or customarily associated with said existing facilities, buildings and structures. All expansions, regardless of the amount of expansion, shall satisfy to the maximum extent ~~practical~~ *practicable*, as determined by the Planning Board, the requirements of the Town of York Planning Board Subdivision and Site Plan Regulations. Also, a Shoreland Permit from the Planning Board is required.

Amendment: Amend the following land uses permitted in sections 8.2.1 A-D:

Timber Harvesting- Shoreland Permit ~~from the~~ *Notification to the CEO after review and approval from the Maine Bureau of Forestry*

Land Management Road- Shoreland Permit ~~from the~~ *Notification to the CEO after review and approval from the Maine Bureau of Forestry*

Amendment: Amend section 8.3.3.2 by including Cape Neddick River, Brave Boat Harbor and their tributaries to the same vegetation buffer requirements as required for the York River; and amend 8.3.3.2(a) regarding a single footpath and access to the shoreline:

8.3.3 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

8.3.3.2 Except in areas as described in §8.3.3.1, above, and except to allow for the development of permitted uses, a buffer strip of vegetation shall be preserved within a strip of land extending: 100 feet, horizontal distance, inland from the normal high-water mark of a great pond; 100 feet, horizontal distance, from the normal high water mark of the tidal waters or upland edge of coastal wetlands along ~~the~~ York River, *Cape Neddick River, Brave Boat Harbor and its their* tributaries; or 75 feet, horizontal distance, from any other waterbody or the upland edge of a wetland. The following standards shall apply:

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- (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a *single* footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed *for accessing the shoreline* provided that a cleared line of sight to the water through the buffer strip is not created.

Amendment: Amend section 8.3.6 regarding uses that extend over water with the following:

8.3.6 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and uses extending over or ~~below~~ *beyond* the Normal High Water Mark of a Waterbody or within a Wetland, and Shoreline Stabilization.

8.3.6.9 ~~Along the York River~~ A pier may be built only on a tract of land with river frontage *on the York River existing as of March 5, 1977; and only on a tract of land with river frontage on the Cape Neddick River or shore frontage on Brave Boat Harbor existing as of November 8, 2016*, provided that there is no pier presently on the land and that the following requirements are met:

a. The total area of all floats associated with any single pier shall not exceed 200 square feet, ~~excepting~~ that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained and repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as “Public, Semi-Public, Institutional” per the use tables of Article 4.

b. Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.

c. Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer.

8.3.6.11 *No more than one pier, dock, wharf or similar structure extending or located beyond the normal high-water line of a water body or within a wetland is allowed on a single lot.*

Amendment: Amend section 8.3.11 Structures by repealing and adding language regarding expansions of structures that do not comply with setback requirements as follows:

8.3.11.4 Expansions of Structures that Do Not Comply with Setback Requirements

~~In the Shoreland Overlay District, only that portion of the structure which is in compliance with the required setback from the normal high water mark may expand without the 30% limitation, provided all expansions conform to the current setback requirement.~~

~~In the Shoreland Overlay District, the portion of a principal structure that does not satisfy the required shoreland setback may be expanded only in accordance with the following provisions:~~

Expansions. All new principal and accessory structures, excluding functionally water dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in this ordinance. A non-conforming structure may be added to or expanded after obtaining a permit from the authorized permitting authority, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with the subparagraphs below.

- ~~a. Expansion of the nonconforming portion of the structure is limited as follows: total expansion of the nonconforming portion can not exceed 30% of the floor area or building volume of the nonconforming portion of the structure as it existed as of January 1, 1989. Basements which have a ceiling height of greater than 6 feet and a solid non earthen floor shall be considered in calculating the permitted amount of floor area and volume expansion. No accessory structure shall be included in the calculation of existing floor area or building volume calculations. In the event that the principal structure is destroyed or removed by any means, the Code Enforcement Officer shall determine the base floor area and volume of that structure using the measurements shown on a prior building permit, property tax card, or the most reasonable record available.~~
- a. Expansion of any portion of a principal structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high water mark of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not*

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increase nonconformity with the water body, tributary stream, or wetland setback requirement.

- ~~b.~~ *b. All other legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section §8.3.11.4 or §8.3.11.4.a above.*
- 1. For structures located less than 75 feet from the high water mark of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.*
 - 2. For principal and accessory structures located less than the required 100 foot setback specified in section 8.3.11 or less than 100 feet from a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high water mark of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in §8.3.11.4.b.1 above.*
 - 3. In addition to the limitations in subparagraphs 1 and 2, for structures that are legally non-conforming due to their location within the Resource Protection Overlay when located at less than 250 feet from the normal high water mark of a water body or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection Overlay was established on the lot, whichever is greater. The maximum*

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height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high water mark of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in §8.3.11.4.b.1 above.

~~e. c.~~ *An approved plan for expansion of a non-conforming structure must be recorded by the applicant with the York County registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.*

~~d. d.~~ No part of the addition that does not comply with a minimum setback requirement shall be closer to any waterbody, tributary, stream, or wetland than any part of the existing structure.

~~e. e.~~ Any non-conforming use of such structure shall not be expanded or intensified and;

~~f. f.~~ For structures within the Resource Protection Subdistrict which are less than 100 feet, within the Limited Residential Subdistrict which are less than 75 feet, within the Stream Protection Subdistrict which are less than 50 feet, or within the Mixed Use Subdistrict which are less than 75 feet (but 35 feet on Harris Island only) from the Normal High Water Mark or upland edge of the shoreland resource, the new addition must be on the side of the structure located the furthest away from the high water mark or upland edge and the direction of the expansion must be away from the water. The requirements of §8.3.11.4.~~d~~ *f* does not apply to vertical expansion above existing interior enclosed living space for the principal building (not to include screen porches, decks, patios and similar structures, but does include attached garages) which shall be permitted so long as the expansion does not exceed the height of the building as it existed on January 1, 1989.

~~g. g.~~ *Foundations.* Whenever a new, enlarged or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is

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met to the greatest ~~practical~~ *practicable* extent as determined by the Planning Board *or its designee*, basing its decision on the criteria specified in subsection “h” below. This section shall expressly supersede any conflicting provisions of §17.2. ~~If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with subsections “b” “c” and “d” “f” above, and the foundation does not cause the structure to be elevated by more than 3 additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.~~

- h.* Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest ~~practical~~ *practicable* extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In no case shall relocation be required for a building which has been determined by a qualified historic resources expert to be eligible for National Register listing.

In determining whether the building relocation meets the setback to the greatest ~~practical~~ *practicable* extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

1. Trees removed in order to relocate a structure must be replanted with at least one native tree, ~~three (3)~~ *four and one*

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half (4.5) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

2. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
 - i. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with waterbody or wetland setback requirements to the greatest ~~practical~~ *practicable* extent as determined by the Planning Board or its designee in accordance with the purposes of this Overlay District. In no case shall a structure be constructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to §8.3.11.4 above, as determined by the non-conforming ~~floor area and volume~~ *footprint* of the reconstructed or replaced structure at its new location. If the total ~~footprint amount of floor area and volume~~ of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or reconstructed at less than the setback requirement for a new structure. When it is necessary to remove

vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with §8.3.11.4.f h above.

Any non-conforming structure which is located less than the required setback from a waterbody or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest ~~practical~~ *practicable* extent the Planning Board or its designee shall consider, in addition to the criteria of §8.3.11.4.f h above, the physical condition and type of foundation present, if any.

Amendment: Amend section 8.3.12 Timber Harvesting by repealing and replacing the section with the following reference language and by adding a new section regarding hazard trees, storm damaged trees and dead tree removal as follows:

8.3.12 Timber Harvesting- *All timber harvesting and forestry activities shall be administered by the Maine Bureau of Forestry*

NOTE: This section pertains to timber harvesting only. For provisions regarding the clearing for approved development, see section 8.3.3.

- ~~8.3.12.1~~ — ~~No substantial accumulation of slash shall be left within fifty (50) feet of the normal high water mark of any waterbody. At distances greater than fifty (50) feet from the normal high water mark of such waters and extending to the limits of the Shoreland Overlay District, all slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high water mark of a waterbody shall be removed.~~
- ~~8.3.12.2~~ — ~~Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbances results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.~~
- ~~8.3.12.3~~ — ~~Harvesting operations shall be conducted in such a manner that a well-disturbed stand of trees and other natural vegetation is retained.~~
- ~~8.3.12.4~~ — ~~In any stand, harvesting shall remove not more than forty (40) percent of the trees 4 inches or more in diameter, measured at 4 ½ feet above ground~~

level, in any ten (10) year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

- ~~8.3.12.5~~ Within one hundred (100) feet, horizontal distance of the normal high water mark of a great pond, and within seventy five (75) feet, horizontal distance, of the normal high water mark of other waterbodies, tributary streams, or the upland edge of a wetland, there shall be no clear cut openings and a well disturbed stand of trees and other vegetation, including existing ground cover, shall be maintained.
- ~~8.3.12.6~~ In areas other than those described in section 8.3.12.5 above, harvesting operations shall not create single clear cut openings greater than 7,500 sq. ft. in the forest canopy. Where such openings exceed five thousand (5,000) sq. ft. they shall be at least one hundred (100) feet apart. Such clear cut openings shall be included in the calculation of total volume removal.
- ~~8.3.12.7~~ No roads requiring earthmoving, cut or fill shall be constructed within the Shoreland Overlay District solely for the purpose of Timber Harvesting.
- ~~8.3.12.8~~ Within any Resource Protection Subdistrict abutting a great pond, there shall be no timber harvesting within the strip of land extending 75 feet inland from the normal high water mark except to remove safety hazards.
- ~~8.3.12.9~~ Timber harvesting equipment shall not use stream channels as travel routes except when:
- ~~a.~~ Surface waters are sufficiently frozen to support the weight of the equipment; and
 - ~~b.~~ The activity will not result in any ground disturbance.
- ~~8.3.12.10~~ All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- ~~8.3.12.11~~ Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the waterbody, tributary stream or wetland. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- ~~8.3.12.12~~ Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high water mark of a waterbody or wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the waterbody or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high water mark of a waterbody or wetland.

8.3.12.1

Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. *Hazard trees in the shoreland may be removed provided a shoreland permit is obtained from the Code Enforcement Officer, and complies with the following:*
 - a. *Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four and one half (4.5) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.*
 - b. *Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half(4.5) feet above the ground level.*
 - c. *The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.*
 - d. *The Code Enforcement Officer shall require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.*

- e. *The Code Enforcement Officer shall require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half(4.5) feet above the ground level.*
- 2. *Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:*
 - a. *Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:*
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;*
 - (ii) Stumps from the storm-damaged trees may not be removed;*
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1 /3) of the tree; and*
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.*
 - b. *Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting, as long as the removal does not result in the creation of new lawn, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.*

Amendment: Add Section 8.3.19 Revegetation Requirements by incorporating the states minimum standards as follows:

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8.3.19 Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 8.3.3, to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

- 1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.*
- 2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.*
- 3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.*
- 4. Revegetation activities must meet the following requirements for trees and saplings:*
 - a. All trees and saplings removed must be replaced with native noninvasive species;*
 - b. Replacement vegetation must at a minimum consist of saplings;*
 - c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;*
 - d. No one species shall make up 50% or more of the number of trees and saplings planted;*
 - e. If revegetation is required for a shoreline stabilization project and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and*
 - f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.*

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5. *Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:*
 - a. *All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;*
 - b. *Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of storm water;*
 - c. *If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;*
 - d. *No one species shall make up 50% or more of the number of planted woody vegetation plants; and*
 - e. *Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.*

6. *Revegetation activities must meet the following requirements for ground vegetation and ground cover:*
 - a. *All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;*
 - b. *Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and*
 - c. *Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.*

Amendment: Amend Article 17, specifically section 17.2 Non-Conforming Structures by adding section “I” to the list of requirements for the enlargement of non-conforming structures as follows:

17.2 Non-Conforming Structures

17.2.1 Repair, Enlargement

17.2.1.1 Maintenance, Repair and Improvement Without Enlargement. A non-conforming structure may be maintained, repaired and improved, provided

there is no enlargement of the structure with respect to its footprint and/or its volume.

17.2.1.2 Enlargement. The standards applicable to Enlargement of Non-Conforming structures, as amended by the voters on November 4, 2008, shall retroactively apply to any application accepted by the Planning Board or Code Enforcement Officer on or after June 26, 2008, the date on which the first public hearing was posted for the amendments. The former Enlargement of Non-Conforming Structures provisions shall apply to applications accepted prior to this date. A non-conforming structure may be enlarged only in conformance with the provisions of this Section. A Code Enforcement Officer shall review the application to determine conformance with these standards, and may impose conditions on an approval to ensure conformance. Criteria for approval include each of the following:

- I. *An approved plan for expansion of a non-conforming structure shall be recorded by the applicant with the York County Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.*

Recommended by the Planning Board:
Recommended by the Board of Selectmen:

Amendment #2
Alarm Systems Ordinance

Ballot Language: The following language would appear on the ballot:

Article X

The Town hereby ordains amendment of the **Public Safety Ordinances** to adopt a new standalone ordinance herein referred to as the “Alarm Systems Ordinance.”

Statement of Fact: The purpose of this ordinance is to recognize the need for a regulation of the installation and use of alarm systems in order to ensure compatibility of equipment with the facilities of the Town of York’s Communications Center, to avoid use of improper equipment and ensure adequate installation of equipment. The ordinance also attempts to minimize false alarms and to compensate the town for the inappropriate use of municipal resources in response to false alarms. This ordinance also clarifies the rights and responsibilities of the property owner and town.

Amendment:

Incorporate the following ordinance to the existing Public Safety ordinances in town:

Please see attached “Alarm Systems Ordinance.”

Recommended by the Board of Selectmen:

Town of York
Alarm Systems Ordinance

I. Purpose.

This ordinance recognizes the need for the regulation of the installation and use of Alarm Systems in order to ensure compatibility of equipment with the facilities of the Town of York Communications Center, to avoid use of improper equipment, ensure adequate installation of equipment, to minimize false alarms and to compensate for the inappropriate use of municipal resources in response to false alarms, and to clarify the rights and responsibilities of the property owner and of the Town.

II. Definitions.

As used herein, the following definitions shall apply:

- a. **Alarm System:** any mechanism, equipment or device designed to automatically transmit a signal, message or warning indicating fire, burglary, health emergency or like need for public safety assistance, from any mode, telephone, dialer, private third party monitors, Municipal Fire Alarm etc., directly or indirectly to the York Communications Center.
- b. **Appropriate Departments:** the Fire Department for fire or rescue alarms and the Police Department for alarms of unlawful entry, theft or other criminal activity.
- c. **Appropriate Chief:** the Chief of the Appropriate Department.
- d. **Center:** the Communications Center for the Town of York.
- e. **Non-emergency Alarm:** any alarm transmitted to the Center when there is no actual emergency or no other circumstances requiring a response from the appropriate department; it shall include, but shall not be limited to, false alarms caused by malfunctioning equipment, accidental or negligent activation of the alarm, or improperly monitored equipment.

III. Permit Required.

No person shall install, operate, maintain, alter, or replace an Alarm System within the Town of York after July 1, 2016, without holding an effective permit from the Center. Upon receipt of the completed application, the Center will issue a permit to the owner. Owners of premises served by an existing Alarm System as of July 1, 2016 shall have until July 1, 2017 to obtain a permit.

IV. Application Procedure.

Applications for an Alarm System permit shall be made to the Center by the owner of the premises to be protected or by the owner's authorized agent upon forms prepared by the Town, accompanied by a signed, dated receipt acknowledging that the owner or owner's authorized agent has received a copy of this ordinance and is aware of its terms.

The application form shall contain the name, telephone number and address of the owner of the premises to be protected along with the designated agent and of the proposed installer of the Alarm System. The proposed installer must have the capacity to maintain and service such Alarm System. The application form shall also contain a description of the principal use of the premises to be protected, a description of the proposed system and, in case of the Fire Department, the location of its installation [except that said location shall not be required for single family or two family homes], and such other data as the Appropriate Chief may reasonably require in order to ensure the use of proper equipment when responding to and combating a fire or other emergency.

The Center shall issue a permit upon receipt of a fully completed application form.

V. Prohibited Systems.

No system shall be permitted that automatically calls the Communication Center telephone lines with an automated message, each alarm shall be reported individually, and by a person that can answer questions posed by a Communications Specialist. No system shall be permitted which uses a constant signal for one type of alarm and a pulsating signal for another.

VI. Alarm Response.

The property owner or their designated agent, as kept on file at the Center, shall respond to each alarm at the request of the Appropriate Department for the purpose of securing the premises.

VII. False Alarms.

Any property owner whose alarm system causes the transmittal of a Non-emergency Alarm more than four (4) times in a 365 day period, after a 30-day start-up period for new installations, may be issued a summons for said violation. Each violation is a separate offense. The Chief of the Appropriate Department shall give suitable written warning to any permit holder, or to their designated agent, whose alarm system sends a fourth non-emergency alarm in any consecutive 365 day period by registered mail. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (i.e. disruption of electrical service due to storm, motor vehicle accident, and the like), no fee shall be imposed per the discretion of the Chief of the Appropriate Department.

VIII. Permit Revocation.

The Chief of the Appropriate Department may revoke the permit for any Alarm System in the event that:

- a. Payment of any penalty fee is not made within sixty (60) days after the due date;
- b. Any deficiency therein reported to the owner is not corrected within 48 hours, or such extended time as the Chief of the Appropriate Department may permit;
- c. Such Alarm System causes the transmittal of more than 3 non-emergency alarms in any 24-hour period, or more than 6 non-emergency alarms in any 7-day period, or otherwise interferes with the orderly operation of the Center;
- d. Any data provided in the application form for such system is found to have been willfully falsified or due to gross negligence of the applicant; and
- e. Failure to make reasonable notification of changes to existing pertinent information contained within the permit application.

No revocation shall become effective until the Chief of the Appropriate Department has given the permit holder, or their designated agent, actual notice of the reason for the revocation and reasonable opportunity to dispute the revocation by registered mail.

IX. Appeal.

In the event of the refusal to issue or the revocation of any permit hereunder, the applicant may appeal to the Board of Selectmen or their designee within twelve (12) business days after the actual notice of such decision is given to the applicant or their designated agent. The Board of Selectmen or their designee may affirm, modify or rescind such decision, and their action thereon shall be final and conclusive without right of further appeal.

X. Violations.

In addition to the foregoing grounds for revocation, the following events shall each constitute a violation of this ordinance.

- a. The installation, operation, maintenance, alteration, or replacement of an Alarm System in the absence of an effective permit;
- b. The falsification of any data provided on an application form for an Alarm System done willfully or through gross negligence;
- c. The release of any information concerning an Alarm System to someone not associated with the maintenance or operation of the system or with the enforcement of this ordinance.

XI. Notice of Violation.

Any person who violates any provision of this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

XII. Waiver / Payment of Fines.

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to

have committed the offense in court; fines, applicable court fees, attorney's fees, and prosecution costs may apply.

XIII. Government Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the emergency response may be influenced by factors such as: the availability of Emergency Medical Assistance (EMA), priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

XIV: Severability

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SUNSET CLAUSE: This Ordinance shall remain valid until July 1, 2019. After this date the ordinance shall be repealed. It is expected that this ordinance will be continued, with or without modification. This Sunset Clause is provided to allow evaluation of this ordinance, the ordinance's effectiveness, and make adjustments if needed without causing adverse impacts.



PUBLIC HEARING NOTICE
Town of York – Board of Selectmen
September 12, 2016
7:00PM
York Public Library

The Town of York Board of Selectmen will hold a Public Hearing on September 12, 2016 regarding Warrants for the upcoming election in November:

- November 2016 Special General and General Referenda Warrant
- November 2016 Special General Kennebunk, Kennebunkport and Wells Water District Fluoridation Referendum Warrant

TOWN OF YORK
SPECIAL GENERAL AND GENERAL REFERENDUM WARRANT
ARTICLES TO BE ACTED UPON AT THE SPECIAL GENERAL AND GENERAL REFERENDUM
YORK, MAINE | NOVEMBER 8, 2016

TO: Douglas Bracy, Constable of the Town of York, York, Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of York, in said County, qualified by law to vote in Town affairs, to meet at the **York High School Robert E. Butler Gymnasium in said Town on Tuesday, the 8th day of November, 2016** between the hours of 7:00 o'clock in the forenoon and 8:00 o'clock in the afternoon, then and there to act on Articles 1 through 13, said Articles being set out below to wit:

ONE: To elect the following:

One (1) Budget Committee Member – Term Expiring May 2018

TWO: The Town hereby ordains amendment of the **Zoning Ordinance** to include a section within Article Three - Establishment of Zoning Districts that clarifies the interpretation of district boundary lines.

Statement of Fact: The purpose of this amendment is to clarify within the zoning ordinance that district boundary lines extend vertically from the ground surface essentially forming an invisible vertical plane whereby district ordinances and regulations shall be adhered to.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES _____ NO _____

THREE: The Town hereby ordains amendment of the **Zoning Ordinance** to repeal a provision out of section 11.3.2 of the Wetland Protection Overlay District and add a reference to section 11.4 regarding wetland impact.

Statement of Fact: The purpose of this amendment is to eliminate arbitrariness within the ordinance and to clarify wetland impact requirements.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES _____ NO _____

FOUR: The Town hereby ordains amendment of the **Zoning Ordinance**, specifically amending: Article 2, Definitions; Article 8, Shoreland Overlay District; Article 17, Non-Conforming Situations; and Article 18, Administration.

Statement of Fact: The purpose of this amendment is to modify Article 8, Shoreland Overlay District, to correspond with newly enacted (January 26, 2015) State Chapter 1000, Guidelines for Municipal Shoreland Zoning Ordinances. The Town is required under the Mandatory Shoreland Zoning Act, 38 M.R.S.A. sections 435-448, to adopt, administer, and enforce ordinances which regulate land use activities within 250 feet of great ponds, rivers, freshwater and coastal wetlands, including all tidal waters; and within 75 feet of streams as defined. Specifically, the intent of the amendments are to follow current state standards relative to current shoreland district definitions, expansions, timber harvesting, removing of vegetation other than timber harvesting, hazard trees, contractor certification and ensure proper plan filing requirements with the York County Registry of Deeds. As required by State Law and specific to the proposed changes, within Chapter 1000, municipalities have three options to choose for timber harvesting in shoreland areas. The Town of York currently utilizes Option 3 that allows a municipality to retain its current timber harvesting standards. This option is inconsistent with the State's timber harvesting standards, which means the Town administers timber harvesting standards without State assistance. Repealing and replacing §8.3.12 with "Option 1" would mean the Bureau of Forestry (Maine Forest Service) will administer and enforce statewide standards. The state has the personnel to administer timber harvesting whereas the Town of York does not employ a licensed forester to regulate harvesting activities.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES _____ NO _____

FIVE: The Town hereby ordains amendment of the **Wireless Telecommunications Facilities Ordinance** to amend the definition of "wireless communications facility".

Statement of Fact: The purpose of this amendment is to update the definition of wireless communications facility to accurately represent changes in wireless telecommunication capabilities.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

SIX: The Town hereby ordains amendment of the **Zoning Ordinance** to alter the definition of building height as well as to include a section requiring professional certification of allowed maximum building height.

Statement of Fact: The purpose of this amendment is to clarify how to calculate average grade of the ground for the purpose of measuring maximum building height on a site or property. The amendment also ensures proper professional certification is obtained when a building is proposed to be constructed within five (5) feet of the allowed maximum building height.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

SEVEN: The Town hereby ordains amendment of the **Zoning Ordinance** to change the boundaries of the York Village Center Historic District to include an additional 12 parcels as shown on the map "Proposed Expansion of the Village Center Historic Local District" dated June 17, 2016.

Statement of Fact: The purpose of this amendment is to expand the protections of the existing York Village Center Local Historic District by including an additional twelve (12) properties. The intent of this amendment is to compliment and preserve the Villages historic architecture, heritage and character. This is in keeping with the goals outlined in York's Comprehensive plan specifically Town Goal 9.1.1 and Future Land Use recommendation 3 for the York Village Center Area.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

EIGHT: The Town hereby ordains a new ordinance entitled, "**Alarm Systems Ordinance.**"

Statement of Fact: The purpose of this ordinance is to recognize the need for a regulation of the installation and use of alarm systems in order to ensure compatibility of equipment with the facilities of the Town of York's Communications Center, to avoid use of improper equipment and ensure adequate installation of equipment. The ordinance also attempts to minimize false alarms and to compensate the town for the inappropriate use of municipal resources in response to false alarms. This ordinance also clarifies the rights and responsibilities of the property owner and town.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

NINE: The Town hereby ordains amendment of the **Street Opening and Culvert Ordinance** to waive the application fee for public water and sewer suppliers.

Statement of Fact: The purpose of this amendment is to waive the application fee for public water or public sewer providers that do work within a public street, sidewalk, right-of-way or drainage way.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

TEN: The Town hereby ordains a new ordinance entitled, "**Active Duty Military Personnel Vehicle Excise Tax Exemption Ordinance.**"

Statement of Fact: The purpose of this ordinance is to provide a vehicle excise tax exemption for York residents who are on active duty serving in the United States Armed Forces and are either permanently stationed at a military or naval post, station or base outside of Maine or are deployed for military service for a period of more than 180 days and desire to register their vehicle(s) in York.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

ELEVEN: The Town hereby ordains amendment of the **Ordinance Regulating Use of the Cliff Path and Fisherman's Walk** to alter the hours the path is open to the public, to prohibit domestic animals on the Cliff Walk, and to prohibit municipal off-site signs relating to the Cliff Walk or the Fisherman's Walk.

Statement of Fact: The purpose of this amendment is to alter Town regulations in a manner that will reduce adverse impacts to the property owners along the Cliff Walk.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

TWELVE: Shall the Town vote to accept a certain easement from Long Sands by the Sea Condominiums at 149 and 151 Long Beach Avenue in York, Maine?

Statement of Fact: If approved, this article would grant the Town of York an easement for the installation, maintenance, repair and replacement of a storm drain system and related improvements including, but not limited to, pipes for the collection and flowage of water.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

THIRTEEN: Shall the Town grant, via quitclaim deed, to the York Water District and York Sewer District, an easement to install water and sewer utilities in Ray Avenue?

Statement of Fact: The Town owns a parcel of land at 2 Ray Avenue, which is a private road. If approved, this article would grant to the York Water District and York Sewer District, an easement to install water and sewer utilities in Ray Avenue, to the extent the Town has ownership rights in the road.

Board of Selectmen recommends approval (0-0)

YES _____ NO _____

Dated at York this 12th day of September, Two Thousand Sixteen:

BOARD OF SELECTMEN

Robert E. Palmer, Jr., Chairman

Jonathan O. Speers, Vice-Chairman

Michael L. Estes

Dawn Sevigny-Watson

Todd A. Frederick

**TOWN OF YORK
SPECIAL GENERAL KENNEBUNK, KENNEBUNKPORT AND WELLS WATER DISTRICT
FLUORIDATION REFERENDUM WARRANT
ARTICLES TO BE ACTED UPON AT THE SPECIAL GENERAL KENNEBUNK, KENNEBUNKPORT AND
WELLS WATER DISTRICT FLUORIDATION REFERENDUM
YORK, MAINE | NOVEMBER 8, 2016**

TO: Douglas Bracy, Constable of the Town of York, York,
Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of York, in said County, qualified by law to vote in Town affairs, to meet at the **York High School Robert E. Butler Gymnasium in said Town on Tuesday, the 8th day of November, 2016** between the hours of 7:00 o'clock in the forenoon and 8:00 o'clock in the afternoon, then and there to act on Article 1, said Article being set out below to wit:

ONE: Shall fluoride be added to the public water supply for the intended purpose of reducing tooth decay?

YES ____ NO ____

Dated at York this 12th day of September, Two Thousand Sixteen:

BOARD OF SELECTMEN

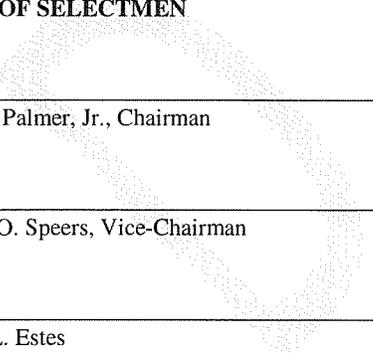
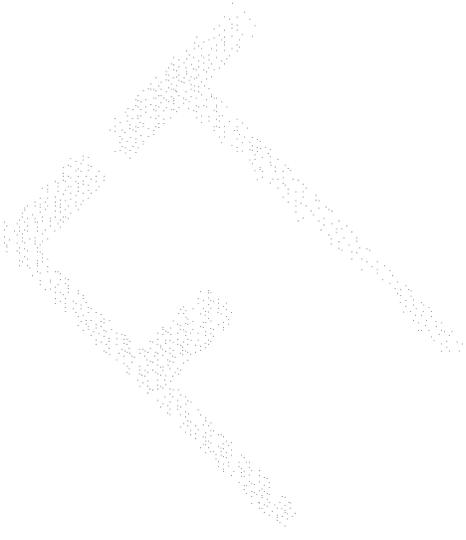
Robert E. Palmer, Jr., Chairman

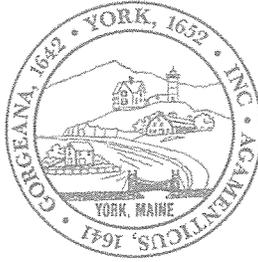
Jonathan O. Speers, Vice-Chairman

Michael L. Estes

Dawn Sevigny-Watson

Todd A. Frederick





REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 9, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: Business License Application

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All approvals are contingent on taxes being current and all appropriate departments (inspections) giving approval; See "Department Approvals" on page two of each application. Signed business license applications and certificates will not be released to the applicant until all necessary department approvals have been received.

RECOMMENDATION: Approve the Business License(s) attached.

PROPOSED MOTION: I move to approve the following licenses:

- *Bradford Leigh DBA: Cat 'N Nine Tails Country Store (Food Service); located at 1294 US Route One*
- *Kevin Evans DBA: Thai for You (Food Service, Liquor); located at 647 US Route One Suite 7*

All subject to taxes, fees and inspections being current and compliant with the usual noise stipulations.

PREPARED BY: Melissa M. Avery

REVIEWED BY: 

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: Thai For You

Street Address: 647 US1 Ste 7 York ME 03909

Business Owner: Kevin Evans Business Manager: Sasiporn Evans

Mailing Address: 647 US1 Ste 7 York ME 03909 Mailing Address: 647 US1 Ste 7 York ME 03909

Phone Number: 207-631-4355 Phone Number: 207-351-8590

E-mail Address: Thai4oryou15@gmail.com E-mail Address: Thai4oryou15@gmail.com

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 NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms:

Food and Beverage:

Food Service License (C/F)

Number of Seats: 45 / (Existing / Proposed)

Liquor License (F/P)

Bottle Club License (F/P)

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

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
S - Sewer District Inspection Required W - Water District Inspection Required*

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

York Sewer District: (207) 363-4232,

York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

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: CAT N NINE TAILS County Store

Street Address: 1294 US RT ONE

Business Owner: BRADFORD LEIGH Business Manager: _____

Mailing Address: P.O. Box 99 Mailing Address: _____
CAPE NEDDICK ME 03902

Phone Number: 207-363-5572 Phone Number: _____

E-mail Address: CAT N NINE TAIL 5572 @ YAHOO . com 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 NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:

___ Bed and Breakfast License (C/F)

___ Innkeeper License (C/F)

Number of Rooms: ___

Food and Beverage:

Food Service License (C/F)

Number of Seats: 10 / 10 (Existing / Proposed)

___ Liquor License (F/P)

___ Bottle Club License (F/P)

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

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
S - Sewer District Inspection Required W - Water District Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

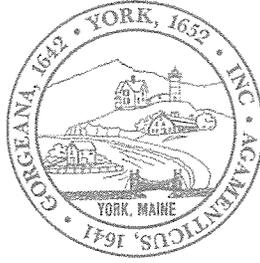
Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

York Sewer District: (207) 363-4232

York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 9, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: Village Study Committee

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Please see the attached final report of the Village Study Committee.

RECOMMENDATION: I recommend the Board thank and then disband the VSC now that they have completed their work and the Town is moving forward with the new Village Revitalization Steering Committee.

PROPOSED MOTION: (I'll leave the expression of thanks up to the Board as it would be inappropriate to script that.)

I move to dissolve the Village Study Committee effective immediately.

Prepared by Stephen H. Burns, Town Manager:



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 8, 2016	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: September 12, 2016	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Property Acquisition and Disposition Policy	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: This matter was before the Board on January 11th and subsequently on April 11th, and a legal review was requested at that time. Because we were the recipients of that federal matter that required significant legal expenses late last year, I put on hold all optional legal work including review of this policy. I am now pleased to bring forward a significantly improved policy, ready for the Board's consideration, and hopefully for adoption.

This policy would replace 2 current policies of the Board: Procedural Policy for Disposition of Foreclosed Properties, and Policy for Acceptance of Gifts of Land. Each of these would be repealed concurrently when the new policy is adopted. Copies of all 3 are provided with this action form.

This proposed policy will provide the Board with a process framework that ensure fair, impartial treatment of all people in property acquisition and disposition matters. I have flagged one policy choice for the Board – that relating to ensuring the water and sewer districts have been made whole before allowing a property to be redeemed by the former owner or their immediate heirs.

RECOMMENDATION: I recommend the Board include the language to require that utility districts be paid in full before permitting a property to be redeemed, and with or without this policy I recommend the Board enact the new Policy.

PROPOSED MOTION: I move to (insert the policy about payment of utility districts on page 4 and) approve the proposed Property Acquisition and Disposition Policy, and concurrently repeal the Board's Procedural Policy for Disposition of Foreclosed Properties and Policy for Acceptance of Gifts of Land.

Prepared by Stephen H. Burns, Town Manager:

Town of York, Maine

Board of Selectmen's Property Acquisition and Disposition Policy

DRAFT: September 8, 2016

I. PURPOSE OF POLICY

The policy establishes a process for the Town and Board of Selectmen to use when acquiring or disposing of tax-acquired and surplus properties and when acquiring gifts of land.

II. TAX-ACQUIRED PROPERTIES

A. **DEFINITION:** Tax-acquired Property is defined as any property that has come into the possession of the Town of York as a result of tax lien foreclosure within the previous seven years.

B. ACQUISITION

1. The Town Treasurer shall annually prepare a warrant article for adoption at the Budget Referendum that allows the Board of Selectmen the authority to waive foreclosure on any potential tax-acquired properties. Following is recommended language for the warrant article:

To see if the Town will vote to authorize the Town Treasurer to waive foreclosure of any tax lien during the calendar year, said waiver requiring approval of the Board of Selectmen pursuant to the Property Acquisition and Disposition Policy.

2. The Town Treasurer shall annually prepare a list identifying all property to be acquired by automatic tax lien foreclosure and shall provide the Board of Selectmen, Town Manager, Tax Assessor, Town Clerk/fax Collector, and Code Enforcement Officer a copy of this notice. This list shall be provided no later than December 1st of the year prior to the scheduled foreclosures on the list.
3. The Tax Assessor shall provide the following information for all potential tax-acquired property to the Code Enforcement Officer within two weeks of receiving the list prepared by the Town Treasurer: map and lot number of the parcel, a map identifying location of the parcel, and a photocopy of the tax card of record.
4. The Code Enforcement Officer shall conduct an onsite inspection of each potential tax-acquired property to look for possible hazardous wastes, environmental impacts, dangerous buildings or other concerns relating to

the property. He or she shall also review any files associated with the parcel (building files, business licensing files, Board of Appeals files, Planning Board files, etc.) to identify other possible concerns, such as but not limited to violations, unpaid impact fees, etc. The Code Enforcement Officer analysis and recommendation shall be completed within one month of the receipt of information supplied by the Tax Assessor and shall be submitted to the Town Manager and Town Treasurer.

5. The Town Treasurer shall submit to the Board of Selectmen within two weeks of receipt of the Code Enforcement Officer's report, those properties identified for foreclosure waiver.
6. The Board of Selectmen may vote to waive foreclosure of a tax lien where foreclosure would prove injurious to the Town of York, such as but not limited to, the presence of hazardous waste upon the property, environmental impacts or the presence on the property of one or more dangerous buildings for which the cost of removal or repair would exceed the value of the property.
7. The Board of Selectmen may act to waive foreclosure at any time prior to foreclosure date.

C. DISPOSITION

1. The Planning Director shall conduct an analysis of all tax-acquired property and identify potential and preferred uses of each parcel. The analysis shall consider potential short and long term public uses of the property. The Planning Director shall provide a recommendation to the Town Manager regarding the retention or disposition of the property. The Planning Director shall consult with appropriate Town Departments, Boards/Commissions, and the Town's Comprehensive Plan in conducting this analysis. The Planning Director's analysis and recommendation shall be updated annually no later than March 1st to include the foreclosed properties from the previous year.
2. The Town Manager shall review the analysis and recommendation prepared by the Planning Director and shall recommend a specific action for each property to the Board of Selectmen. The Manager may recommend retaining ownership or disposing of ownership consistent with the options identified in the warrant article.
3. Upon receipt of a recommendation from the Town Manager, the Board of Selectmen shall, acting at a regular meeting, decide how to address the disposition of each tax- acquired property, following the procedures of Article IV, Disposition Options.

III. SURPLUS PROPERTY

A. **DEFINITION:** Surplus Property is defined as any property that has come into the possession of the Town of York by way of purchase, donation, or tax lien foreclosure, provided that the foreclosure occurred more than seven years prior.

B. **DISPOSITION:**

1. The Town Manager and Board of Selectmen may periodically prepare a warrant article for adoption at a General Referendum that authorizes the Board of Selectmen to dispose of any surplus property. Following is recommended language for the warrant article:

To see if the Town will vote to authorize the Board of Selectmen to dispose of the following surplus properties pursuant to the Property Acquisition and Disposition Policy (specific properties to be listed here).

2. When requested by the Town Manager, the Planning Director shall conduct an analysis of all surplus property and identify potential and preferred uses of each parcel. The analysis shall consider potential short and long term public uses of the property. The Planning Director shall provide a recommendation to the Town Manager regarding the retention or disposition of the property. The Planning Director shall consult with appropriate Town Departments, Boards/Commissions, utility districts serving the property, and the Town's Comprehensive Plan in conducting this analysis.
3. The Town Manager shall review the analysis and recommendation prepared by the Planning Director and shall recommend a specific action for each property to the Board of Selectmen. The Manager may recommend retaining ownership, disposing of ownership consistent with the options identified in the warrant article, or seeking new authorization for the Legislative Body.
4. Upon receipt of a recommendation from the Town Manager, the Board of Selectmen shall, acting at a regular meeting, decide how to address the disposition of each surplus property, following the procedures of Article IV, Disposition Options.

IV. DISPOSITION OPTIONS

A. **REDEMPTION:** The Board of Selectmen may dispose of tax acquired property by allowing the immediate former owner or their immediate heirs, one generation, to redeem title to the property from the Town within one (1) year from date of

foreclosure. This option shall generally be the primary choice of disposition of any tax-acquired property as defined herein.

1. The former owner or immediate heir shall pay all taxes, interest due, lien costs, and filing costs, on said taxes to the date of redemption, for all years which taxes are outstanding;

2. The former owner or immediate heir shall pay all other costs due to the Town. [BOARD'S POLICY CHOICE: This could also state that all costs owed to relevant utility districts must be paid as well, which would be beneficial in our efforts to coordinate with the utility districts.]

3. The former owner or immediate heir may be required to pay an administrative fee based on the Town's direct and indirect costs for redeeming the property. These costs may include, but are not limited to, staff time spent researching the property and developing conditions, if any, mailing expenses and third party expenses, including attorney's fees.

4. The Board of Selectmen may assess an amount up to ten (10) percent of the then current assessed valuation as set by the Tax Assessor.

5. The former owner or immediate heir shall satisfy all other conditions established by the Board of Selectmen. By way of example only, these conditions may include the need to eliminate a non-conforming use, to connect a property to public services, or to eliminate a hazardous condition.

6. The former owner or immediate heir shall comply with terms of the redemption established by the Board of Selectmen within 60 days of the Board of Selectmen action to allow the redemption, unless other conditions are stipulated by the Board of Selectmen.

7. The Board of Selectmen shall issue a quit claim deed to convey title to tax-acquired property which a former owner redeems. The property is sold as is, where is, with no warranties or guaranties. If the property is occupied or encumbered it will be the responsibility of the grantee to evict or vacate.

B. PUBLIC SALE, SEALED BID OR LIVE AUCTION: The Board of Selectmen may dispose of tax acquired property or surplus property by public sale, sealed bid, or live auction. This shall be the default option, other than redemption of tax-acquired properties, unless the Board finds sufficient reason for an alternative means of disposition.

1. When it decides to dispose of a property in this manner, the Board of Selectmen shall decide whether to offer the property for public sale, for a sealed bid, or for a live auction.
2. For a public sale, the Board may choose a real estate firm to list the property on the open market. Asking price will be determined by the Board of Selectmen, with advice from the real estate firm. The Board shall respond to all offers received. The Board shall ensure the prospective purchaser has the ability to satisfy all conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all offers received and to act in the best interests of the Town.
3. For a sealed bid, a public notice of the bid procedure shall be provided as follows: post notice in Town Hall a minimum of 14 days prior to the sale; publish notice in at least 2 newspapers of local circulation a minimum of 14 days prior to the sale; and send notice by certified registered return receipt letter to the former owner(s) and mortgage holder(s), if they may be reasonably identified, a minimum of 45 days prior to the sale. The notice shall describe the time, date and place of the sale, and all bid terms. The Board of Selectmen shall open and act upon all bids received. The Board of Selectmen shall ensure the bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.
4. For a live auction, a public notice of the rules of the live auction shall be provided as follows: post notice in Town Hall a minimum of 14 days prior to the sale; publish notice in at least 2 newspapers of local circulation a minimum of 14 days prior to the sale; and send notice by certified registered return receipt letter to the former owner(s) and mortgage holder(s), if they may be reasonably identified, a minimum of 45 days prior to the sale. The notice shall describe the time, date and place of the live auction, and all bid terms. The Board of Selectmen shall act upon the winning bid. The Board of Selectmen shall ensure the winning bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.
5. For any property sold, the Board of Selectmen shall issue a quit claim deed to convey title to any property. The property is sold as is, where is, with no warranties or guaranties. If the property is occupied or encumbered it will be the responsibility of the grantee to evict or vacate.

C. LIMITED PUBLIC SALE TO ABUTTERS: The Board of Selectmen may dispose of tax acquired property or surplus property by limited public sale to

abutters if necessary to address public concerns, which may be harmed if the property were made available for sale to all members of the public. By way of example only, harm to public concerns could include: a lot which does not conform to present minimum lot size standards, where this situation could be addressed by requiring merger with an abutting property; the abutting lots are non-conforming in size and the addition of this land could make one or more abutting lots conforming; or the soils on the lot are too poor for on-site septic disposal. The Board of Selectmen shall ensure fairness in considering the bids of all abutters and that all sales demonstrably satisfy the public good.

1. The Board of Selectmen shall establish terms for the sale of the parcel which address the public concerns identified in the Planning Office analysis and recognized by the Board of Selectmen. The Board of Selectmen shall state these terms, which may include terms other than price, in a request for bid proposal.
2. The request for proposal for the limited sale to abutters shall be sent by certified registered return receipt a minimum of 45 days prior to the sale to all parties who directly abut the parcel. The request for proposal shall describe the time, date and place of sale and the bid terms. The bid terms shall specifically identify the criteria the Board of Selectmen shall use to award a bid. The request for proposal shall request all bidders to describe why they believe their proposal should be considered, particularly for bidders who may not satisfy all preferred terms identified in the request for proposal.
3. The Board of Selectmen shall open and act upon all bids received in response to the request for proposals. The Board of Selectmen shall ensure the successful bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town. The Board of Selectmen specifically have the authority to award the bid to the abutter who they determine best meets terms they have identified and to choose among competing bids from abutters. Notwithstanding bid award criteria identified in the request for proposal, nothing in this policy shall be construed to preclude the Board of Selectmen from awarding the bid based on special circumstances described in a respondent's bid proposal. The Board of Selectmen may alternately accept bids from more than one abutter and permit each abutter to purchase only a portion of the property provided this property is merged with the bidder's property.
4. The Board of Selectmen shall issue a quit claim deed to convey title to any property which is disposed of by the method of limited public sale to abutters. The property is sold as is, where is, with no warranties or

guaranties. If the property is occupied or encumbered it will be the responsibility of the grantee to evict or vacate.

- D. DONATION OR DISCOUNTED SALE:** The Board of Selectmen may choose to donate or sell at a discounted value a property to another government entity or non-profit organization when such action is consistent with the Town's Comprehensive Plan, or is otherwise found to be in the best interests of the Town.
- E. MUNICIPAL USE:** The Board of Selectmen may vote to retain any property for municipal use if it is determined to be in the best interests of the Town to do so.

V. ACCEPTANCE OF GIFTS OF LAND

A. REVIEW OF OFFERS OF GIFTS OF LAND:

1. Offers of gifts of land to the Town shall be reviewed by all appropriate Town Boards and Commissions, including but not limited to the Planning Board, Conservation Commission, and the Parks and Recreation Board. Each Board or Commission shall develop its own criteria to evaluate proposed gifts of land. The reviewing Boards and Commissions shall make a recommendation to the Board of Selectmen as to whether the Town should accept the gift of land, along with its reasoning.
2. Offers of gifts of land to the Town shall be reviewed by all appropriate Town Departments, including but not limited to the Tax Assessor, Public Works, Parks & Recreation, and Planning. Each reviewing Department shall make a recommendation to the Town Manager as to whether the Town should accept the gift of land. The Town Manager shall formulate a unified staff recommendation for consideration of the Board.

B. BOARD OF SELECTMEN RECOMMENDATION: Upon receipt of recommendations from the appropriate Boards, Commissions and the Town Manager, the Board of Selectmen shall review the potential uses of proposed gifted land and determine if acceptance of the gift is warranted.

C. TOWN MEETING VOTE: If the Board of Selectmen determines that the gift of land warrants acceptance, the proposed acceptance of the gift of land shall be presented at a General or Special General Referendum for a public vote.

NOTE: This Policy replaces two earlier Board policies:

- *Procedural Policy for Disposition of Foreclosed Properties, initially adopted by the Board of Selectmen on June 18, 1990, and amended on 9/10/1990, 7/27/1993, 11/2/1993, 2/22/1994, and 5/14/1996; and*

- *Policy for Acceptance of Gifts of Land, initially adopted by the Board of Selectmen on August 25, 1986, and as amended through May 26, 1998.*

a.

Proposed to be recalled

POLICY FOR ACCEPTANCE OF GIFTS OF LAND

In setting procedures in accepting gifts of land for the Town, the Board of Selectmen may want to consider the following before placing the issue before Town Meeting:

- 1. Review by various Boards or Commissions:
 - A. Planning Board
 - B. Conservation Commission
 - C. Parks Commission
 - D. Recreation Commission

Each of these Boards or Commissions should develop their own criteria as to the land that the Town should accept. It should also be understood that there may be other Boards, Commissions, or agencies that may want to be consulted.

- 2. Review by various Town Departments:
 - A. Tax Assessor (for title, description, and restrictions on the proposed gift)
 - B. Public Works
 - C. Town Planner

Following the various reviews, the Board of Selectmen should determine if the gift warrants acceptance by the Town and the possible uses the gift may be put to. If the gift should then be judged to be of value to the Town, the proposal should be presented at Town Meeting.

Selectmen's Policy
Adopted 8/25/86 Vote: 5-0-0.

6

Proposed to be recalled

PROCEDURAL POLICY FOR DISPOSITION OF FORECLOSED PROPERTY

PURPOSE OF POLICY: The policy establishes a definitive process for the Town and Board of Selectmen to use to determine the appropriate public use or disposition of property acquired through tax lien foreclosure. The process also provides the tax payer an opportunity, after tax lien foreclosure to attempt to redeem his property by quitclaim deed, while ensuring the Town's ability to sell/dispose of the property by public bid, to sell/dispose of the property by public sale to one or more abutters, or retain the property.

POLICY: The procedures identified in this policy are presented in chronological order.

1. The Town Treasurer shall annually prepare two warrant articles for adoption at Town meeting that authorize the Board of Selectmen to hold or dispose of all tax titles acquired by tax lien foreclosure and that allow the Board authority to waive foreclosure. Following is recommended language for the warrant articles:

The Town Treasurer has the authority to waive foreclosure of any tax lien during the 1994 calendar year, said waiver requiring approval of the Board of Selectmen. The Board of Selectmen shall grant said approval only in circumstances where foreclosures would prove injurious to the Town of York, such as, but not limited to, the presence of hazardous waste upon the property, or the presence on the property of one or more substandard structure(s) for which the cost of removal or repair would exceed the value of the property. (Amendment adopted at November 2, 1993 General Referendum).

To see if the Town will vote to authorize the Board of Selectmen to make one of the following decisions for each tax lien acquired property:

- 1. To dispose of the property by allowing the immediate former owner or their immediate heirs, one generation, to buy back title to the property from the Town. Buy back of the property shall require: payment of all taxes due plus interest to date of redemption and lien costs; payment of all other costs; and an amount determined by the Selectmen up to ten (10) percent of the then current assessed valuation as set by the Tax Assessor; and satisfaction of all other conditions established by the Selectmen.
2. To dispose of the property by public sealed bid auction.
3. To dispose of the property by conducting a limited public sale among the parties who own property which directly abut this property.

4. To hold Town title to the property.

The decision of the Selectmen to use any of the above options shall adhere to the Selectmen Procedural Policy for the Disposition of Foreclosed Property.

2. The Town Treasurer shall annually prepare a notice identifying all property acquired by automatic tax lien foreclosure and shall provide the Board of Selectmen, Town Manager, Town Assessor, Town Clerk/Tax Collector and Planning Department a copy of this notice. This notice shall be provided within one month of the date of foreclosure.

3. The Town Assessor shall provide the following information for all tax lien foreclosure property to the Board of Selectmen and Planning Department within two weeks of receiving the notice prepared by the Town Treasurer: map and lot number of the parcel, a map identifying location of the parcel, and a photocopy of the tax card of record.

4. The Planning Department shall conduct an analysis of all property acquired by tax lien foreclosure and identify potential and preferred uses of each parcel. The analysis shall consider potential short and long term public uses of the property and will result in a recommendation to the Town Manager regarding the retention or disposition of the property. The Planning Department shall consult with appropriate Town Departments and Boards/Commissions in conducting this analysis. The Planning Department analysis and recommendation shall be completed within four months of the receipt of information supplied by the Tax Assessor.

5. Town Attorney, concurrent with the Planning Department analysis, may review and determine, if requested by the Planning Department, the Town's position and cost to acquiring "quiet title" of selected properties identified on the Town Treasurer's annual notice list. The review shall be limited to those selected parcels which the Town may want to retain ownership of, and will be done to make information available to the Selectmen regarding the cost and potential concerns involved with obtaining "quiet title".

6. The Planning Department shall provide notice of commencing its analysis by using the following methods: post notice in Town Hall; publish this notice in a newspaper with local circulation; send notice by certified registered return receipt letter to the former immediate property owner(s) and mortgage holder(s); and send this notice to the York and Kittery Water Districts. The notice shall identify the purpose of this analysis, a schedule to complete the analysis and the opportunity for the tax payer to potentially reclaim his property by paying all taxes and costs owed and satisfying all conditions established by the Selectmen.

7. The Town Manager shall review the analysis and recommendation prepared by the Planning Department and information regarding determination of title which Town Attorney may provide and recommend a specific action for each property to the Selectmen. This recommendation shall consider granting the York and Kittery Water Districts a preferential bid to purchase tax acquired property within their respective watersheds. The Selectmen shall adopt one of the actions authorized in the warrant article adopted by the Legislative Body for each tax lien acquired property, or shall seek other authorization from the Legislative Body.

8. The Selectmen, acting at a regular Selectmen meeting, shall use the following standards to govern the disposition of tax lien acquired parcels by the method of allowing the immediate former owner or their immediate heirs, one generation, to buy back the property:

- a) The former owner shall pay all taxes, interest due on said taxes to the date of redemption, lien costs and filing costs, for all years which taxes are outstanding;
- b) The former owner shall pay all other costs due;
- c) The former owner may be required to pay an administrative fee based on the Town's direct and indirect costs for redeeming the property. These costs may include, but are not limited to, staff time spent researching the property and developing conditions, if any, mailing expenses and third party expenses.

The Selectmen shall have the discretionary authority to determine the amount of the administrative fee to assess.

- d) The Selectmen may assess an amount up to ten (10) percent of the then current assessed valuation as set by the Tax Assessor unless the redemption occurs within six (6) months of foreclosure by the Town.
- e) The former owner shall satisfy all other conditions established by the Selectmen. By way of example only, these conditions may be the need to eliminate a non-conforming use, to connect a property to public services, or to eliminate a hazardous condition. If redemption occurs within six (6) month of foreclosure, only conditions that correct or eliminate a hazardous situation or non-conforming use can be required.

The former owner shall comply with terms of the buy back established by the Selectmen within 60 days of the Selectmen action to allow the buy back, unless other conditions are stipulated by the Selectmen.

- g) The Selectmen shall issue only a quit claim deed to convey title to tax acquired property which a former owner buys back.

9. The Selectmen, acting at a regular meeting, shall act to use the following standards to govern the disposition of a tax lien acquired property by the method of disposal by public sealed bid:

- a) The Selectmen shall solicit public bids for the disposal of the property. Public notice of the bid procedure shall be provided as follows: post notice in Town Hall a minimum of 14 days prior to the sale; publish notice in at least 2 newspapers of local circulation a minimum of 14 days prior to the sale; and sending notice by certified registered return receipt letter to the former owner(s) and mortgage holder(s) a minimum of 45 days prior to the sale. The notice shall describe the time, date and place of the public sale, and all bid terms.
- b) An immediate former owner or their immediate heirs, one generation, may buy back the property within 30 days following notification, provided all cost and conditions which may be established by the Selectmen in conformance with clause 8, above, of this policy are satisfied.
- c) The Selectmen shall open and act upon all bids received. The Selectmen shall ensure the bidder has the ability to satisfy all bid conditions within 60 calendar days. The Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.
- d) The Selectmen shall issue a quit claim deed to convey title to any property which is disposed of by public sealed bid auction, unless the Selectmen specifically act to "quiet title" prior to the public notice of the sale.

10. The Selectmen, voting at a regular meeting, shall act to use the following standards to govern the disposition of a tax lien acquired property by the method of conducting a limited public sale among parties who directly abut this property. This limited method of sale is primarily used to address public concerns which may be harmed if the property were made available for sale to all members of the public. By way of example only, harm to public concerns could include: a lot which does not conform to present minimum lot size standards, where this situation could be addressed by requiring merger with an abutting property(ies); the abutting lots are non-conforming in size and the addition of this land could make one or more abutting lots conforming; or the soils on the lot are too poor for on-site septage disposal. The Selectmen shall ensure fairness in considering the bids of all abutters and that all sales demonstrably satisfy the public good.

- a) The Selectmen shall establish terms for the sale of the parcel which address the public concerns identified in the Planning Department analysis and recognized by the Selectmen. The Selectmen shall state these terms, which may include terms other than price, in a request for bid proposal.

- b) The request for proposal for the limited sale to abutters shall be provided by certified registered return receipt letter a minimum of 45 days prior to the sale to all parties who directly abut the parcel. The request for proposal shall describe the time, date and place of sale and the bid terms. The bid terms shall specifically identify the criteria Selectmen shall use to award a bid. The request for proposal shall request all bidders to describe why they believe their proposal should be considered, particularly for bidders who may not satisfy all preferred terms identified in the request for proposal.
 - c) The Selectmen shall open and act upon all bids received in response to the request for proposals. The Selectmen shall ensure the successful bidder has the ability to satisfy all bid conditions within 60 calendar days. The Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town. Selectmen specifically have the authority to award the bid to the abutter who they determine best meets terms they have identified and to choose among competing bids from abutters. Notwithstanding bid award criteria identified in the request for proposal, nothing in this policy shall be construed to preclude the Selectmen from awarding the bid based on special circumstances described in a respondent's bid proposal. The Selectmen may alternately accept bids from more than one abutter and to permit each abutter to purchase only a portion of the property, provided this property is merged with the bidder's property.
 - d) The Selectmen shall issue a quit claim deed to convey title to any property which is disposed of by the method of limited public sale to abutters. The Selectmen may act to "quiet title", but such action shall be reserved for sales which may be better accomplished when a warranty deed is required.
11. The Selectmen, voting at a regular meeting, shall use the following standards to govern a decision to hold Town title to a property. A Selectmen decision to retain Town title to a property will mostly reflect a determination that the public interest would best be served by keeping this property in public ownership. By way of example only, a compelling public interest may include: the use of the property to serve as a site for a public facility; a significant natural resource, such as a wetland, which could be harmed if this property is developed; and providing needed open space.
- a) The Selectmen will consult with Town Attorney to determine potential need to obtain "quiet title" to the property. "Quiet title" will usually be pursued only when the Town desires to use the property for a specific public purpose, such as a site for a public building.

- b) Property retained by the Town shall be recorded as Town owned land by the Assessor's Office following its acceptance by the Selectmen.

Adopted at Selectmen's Meeting June 18, 1990.

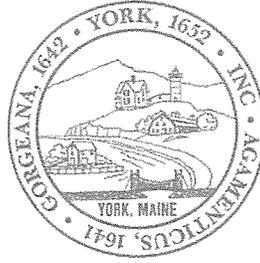
Amended at Selectmen's Meeting September 10, 1990.

Amended at Selectmen's Meeting July 27, 1993.

Amendment approved at November 2, 1993 General Referendum -

(Adopted at Sel. Mtg. 2/22/94)

Amendment at Selectmen's Meeting May 14, 1996



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 8, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: Ordinance Amendments and Warrants for November 2016

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Conduct a public hearing on the proposed ordinance amendments then vote to place them on the November 8, 2016 General Referendum Ballot.

- 1. Alarm Systems Ordinance:** The Police Department has developed this ordinance to ensure proper installation and use of alarm systems, minimize false alarms and inappropriate use of municipal resources in response to these false alarms, and to clarify rights and responsibilities of the property owner and of the Town.
- 2. Article 8- Shoreland Overlay District:** The amendment incorporates state mandated changes to the Shoreland Zoning Act. Additional language has been integrated within the ordinance to enhance wetland and surface water resource protection. I have provided language that would allow these amendments to be voted in November, but to delay the effective date to next May. This would allow us to move forward to new issues, but would offer property owners more time to utilize current regulations before the new standards take effect.
- 3. Referenda Warrants:** It is the responsibility of the Board to approve the warrants to be presented to the voters at each referendum.

RECOMMENDATION: Hold Public Hearings on the proposed ordinance amendments and approve them to be placed on the November 8, 2016 General Referendum Ballot, possibly delaying the effective date of the Shoreland amendments to May 20, 2017, then approve the two Referenda Warrants as amended.

PROPOSED MOTION: There are 3 separate motions to be made:

- 1. I move to place the proposed Alarm Systems Ordinance on the November 2016 General Referendum Warrant.**

2. I move to place the proposed Shoreland Overlay Zoning amendments on the November 2016 General Referendum Warrant (if desired: to become effective on May 20, 2017).

3. I move to approve the Special Kennebunk, Kennebunkport and Wells Water District Fluoridation Referendum Warrant, and the Special General and General Referendum Warrant (if desired: with the modification of question #4 to add the following at the end of the question: and if approved these changes shall not take effect until May 20, 2017.)

PREPARED BY: Dylan Smith, Planning Director

REVIEWED BY:

A handwritten signature in black ink, appearing to be 'D. Smith', written over a horizontal line.



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 8, 2016	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: September 12, 2016	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Preference Votes	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board needs to take preference votes for Articles 2 through 13 of the Special General and General Referendum Warrant. Here is a simple list to record the votes:

- 2. YES___ NO___
- 3. YES___ NO___
- 4. YES___ NO___
- 5. YES___ NO___
- 6. YES___ NO___
- 7. YES___ NO___
- 8. YES___ NO___
- 9. YES___ NO___
- 10. YES___ NO___
- 11. YES___ NO___
- 12. YES___ NO___
- 13. YES___ NO___

Prepared by Stephen H. Burns, Town Manager:



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 7, 2016	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: next regular meeting	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: To approve the appointment of David N. Ott as the Warden for the State of Maine Referendum Election that will be held on November 8, 2016 and to set polling hours.	

TO: Board Of Selectmen
FROM: Mary-Anne Szeniewski, Town Clerk
RECOMMENDATION: N/A
PROPOSED MOTIONS: 1. Motion to approve the Town Clerk's appointment of David N. Ott as the Warden for the State of Maine Referendum Election on November 8, 2016 pursuant to Title 21A, Section 501. 2. Motion to set the polling hours to be 7:00 a.m. until 8:00 p.m. at the York High School Gymnasium on November 8, 2016.

Discussion:

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: MAS _____

Reviewed By: 



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 9, 2016

ACTION

DATE ACTION REQUESTED: September 12, 2016

DISCUSSION ONLY

SUBJECT: FY18 Budget Target

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Attached is a memo in which I outline my proposal to set a target mil rate of \$11.15 per thousand for FY18, unchanged from FY17. We should discuss this at this meeting, and again when the Board of Selectmen and Budget Committee have a joint meeting on October 3rd.

When this packet is distributed to the Board, I will have Missy forward copies to the members of the Budget Committee and to the School Department. The School Committee is under no obligation to respond to this proposed target, but I don't want them to be taken by surprise.

I will also add that I think any up-front target is going to be arbitrary. There is no scientific means of setting the "right" budget target. I ask everyone to keep this in mind as we have this discussion.

RECOMMENDATION: n.a.

PROPOSED MOTION: n.a.

Prepared by Stephen H. Burns, Town Manager:

MEMO



TO: Board of Selectmen
FROM: Stephen H. Burns, Town Manager
DATE: September 9, 2016
RE: FY18 Budget Target

SHB

I have consistently rejected the concept forwarded by the Tax Task Force that the Town and School operating expenses should be capped at a percent based on some measure of inflation. I believe it is important to approach budgeting from the perspective of maintaining current services and facilities, and this crosses capital and operating budgets. If we under-fund operating we may, in fact, pay way too much in capital. This was our problem, for instance, with road paving in the past. Save now, pay later.

While my focus will be on bringing forward a responsible budget that maintains current functions and services, I understand the desire to have a budget target. That point was referenced several times when the Board of Selectmen and Budget Committee met together some months ago. The Budget Committee wants a target.

I am offering up my thoughts about a better way of creating a target. Earlier I presented to the Board of Selectmen and Budget Committee the 5-Year Operating Budget Forecast spreadsheet (copy attached). It's a simplistic way of looking at anticipated changes in the future and seeing what we're likely to face. There's no magic or science, but it allows us to flag possible surprises ahead of time. For instance, if we don't know what might happen to the State's Municipal Revenue Sharing in FY20, we can plug in a range of possible outcomes and find out how big a deal this might be. This is sensitivity analysis.

I have taken the basic layout of the budget forecasting spreadsheet and have reversed the order of calculations. Whereas in that tool I projected Town and School expenses and revenues and then worked my way down to the tax rate, here I propose to set a target by starting with the tax rate and working backwards. It is only important to look out one year for this purpose, so the resulting analysis is a comparison of FY17 to FY18.

I have analyzed the past decade's mil rates (table attached). The mil rate has grown from \$8.10 up to \$11.15 per thousand. Without adjusting for inflation, this is an increase of 3.25% compounded annually. Factoring in inflation, this is an annual increase of 2.13% over the past decade.

I have prepared a series of calculations based on a mil rate ranging from \$11.15 to \$11.39 per thousand (sheets attached). The mil rate of \$11.39 represents an increase of 2.13%, which is

the 10-year inflation-adjusted average annual increase. Based on the assumptions I have set forth on those sheets, increases to net Town or School expenses could range between 3.7% and 6.1% above FY17 levels. Anything below the high level will result in a lower than average increase in the mil rate.

I propose to the Board of Selectmen that we shoot for an FY18 mil rate \$11.15 per thousand, unchanged from FY17. I believe the increase in assessed valuation and the decrease in overlay will provide enough room for modest increases in net costs. I don't believe we can maintain current functions and services without increasing costs, and I expect to be proposing some modest increases in functions and services as well. Being a target and not a limit, my proposal is to come back to the Board with a budget which meets this target, and if I can't then I need to explain why I haven't. At that point the Board of Selectmen will be in a good position to make policy decisions that affect the proposed budget. Though the Charter doesn't provide for this, it simply makes sense.

And note, the loss of parking revenue in FY17 will hurt if we don't make that rate increase again for FY18, but I am hopeful that with electronic parking kiosk options we'll be okay in that regard. This is my primary reservation at this time.

In the end, we may not achieve the target, but I think this is a reasonable and rational way forward.

York Mil Rate

10-Year History

SHB, 9/9/16

Year	\$/1,000	Annual Change		CPI-U	CPI-U (FY08 base)	Inflation-Adjusted Mil Rate	Tax Base (\$billions)	
FY08	\$8.10	-\$0.04	-0.5%	211	1.000	\$8.10	3.99	15%
FY09	\$8.26	\$0.16	2.0%	211	1.000	\$8.26	4.08	2%
FY10	\$8.58	\$0.32	3.9%	217	1.028	\$8.34	4.02	-1%
FY11	\$9.10	\$0.52	6.1%	220	1.043	\$8.73	3.95	-2%
FY12	\$9.35	\$0.25	2.7%	227	1.076	\$8.69	3.89	-2%
FY13	\$9.96	\$0.61	6.5%	230	1.090	\$9.14	3.83	-2%
FY14	\$10.43	\$0.47	4.7%	234	1.109	\$9.40	3.86	1%
FY15	\$10.70	\$0.27	2.6%	234	1.109	\$9.65	3.92	2%
FY16	\$11.00	\$0.30	2.8%	237	1.123	\$9.79	3.96	1%
FY17	\$11.15	\$0.15	1.4%				4.03	2%
10 Yr. Ave.	\$9.66	\$0.30	3.25%				2.13%	

\$96.63

1.376543

1.032474

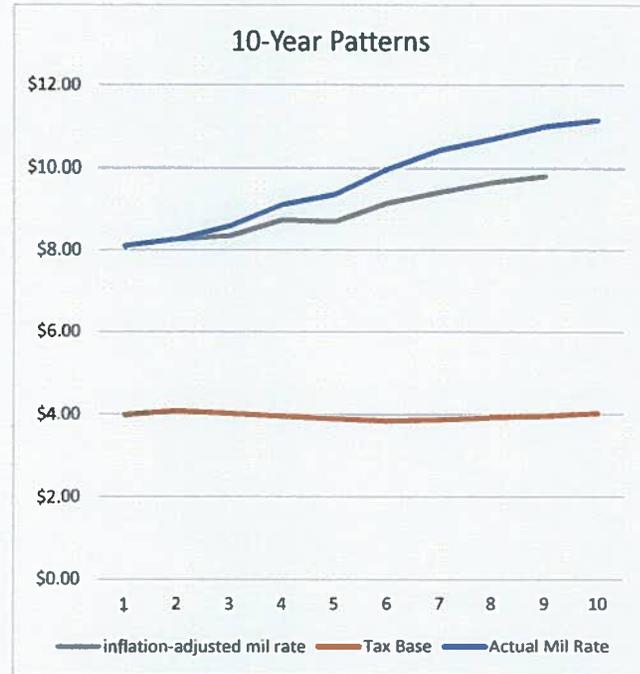
1000.042

\$80.11

1.208642

1.0212785

979.18557



FY18 Budget Target Calculation

SHB, 9/9/2016

	FY17 Budgeted	FY18 Projected	Dollar Increase	Percent Increase	
Net Municipal Funded by Property Taxes	13,123,675	13,610,684	487,009	3.7%	31%
Net School Funded by Property Taxes	29,080,018	30,159,155	1,079,137	3.7%	69%
Net Municipal & School Funded by Prop. Taxes	42,203,693	43,769,839			
County Tax	2,398,831	2,438,550	39,719	1.7%	
Base Tax	2,173,964	2,217,443		2.0%	
FY13 Financed - Principal	217,347	217,347			
FY13 Financed - Interest	7,520	3,760			
Overlay	869,614	100,000	-769,614	-88.5%	
TOTAL Funded by Property Taxes	45,472,138	46,308,389	836,251	1.8%	
Taxable Property Valuation	4,078,218,785	4,153,218,785	75,000,000	1.8%	
Tax Rate Calculated	11.15	11.15	0.00	0.0%	

Steps

- 1 Set target tax rate
- 2 Increase Taxable Property Valuation by \$75M (about \$40M less than FY17 increase)
- 3 Calculate amount generated by Property Taxes
- 4 Set Overlay at \$100,000
- 5 Set County Tax based on 2% increase to base tax, per discussion with G. Zinser
- 6 Calculate combined Net Mun. & School Funded by Property Taxes
- 7 Allocated Total Net Cost to Town and School based on FY17 ratio

FY18 Budget Target Calculation

SHB, 9/9/2016

	FY17 Budgeted	FY18 Projected	Dollar Increase	Percent Increase	
Net Municipal Funded by Property Taxes	13,123,675	13,675,259	551,584	4.2%	31%
Net School Funded by Property Taxes	29,080,018	30,302,241	1,222,223	4.2%	69%
Net Municipal & School Funded by Prop. Taxes	42,203,693	43,977,500			
County Tax	2,398,831	2,438,550	39,719	1.7%	
Base Tax	2,173,964	2,217,443		2.0%	
FY13 Financed - Principal	217,347	217,347			
FY13 Financed - Interest	7,520	3,760			
Overlay	869,614	100,000	-769,614	-88.5%	
TOTAL Funded by Property Taxes	45,472,138	46,516,050	1,043,912	2.3%	
Taxable Property Valuation	4,078,218,785	4,153,218,785	75,000,000	1.8%	
Tax Rate Calculated	11.15	11.20	0.05	0.4%	

Steps

- 1 Set target tax rate
- 2 Increase Taxable Property Valuation by \$75M (about \$40M less than FY17 increase)
- 3 Calculate amount generated by Property Taxes
- 4 Set Overlay at \$100,000
- 5 Set County Tax based on 2% increase to base tax, per discussion with G. Zinser
- 6 Calculate combined Net Mun. & School Funded by Property Taxes
- 7 Allocated Total Net Cost to Town and School based on FY17 ratio

FY18 Budget Target Calculation

SHB, 9/9/2016

	FY17 Budgeted	FY18 Projected	Dollar Increase	Percent Increase	
Net Municipal Funded by Property Taxes	13,123,675	13,739,833	616,158	4.7%	31%
Net School Funded by Property Taxes	29,080,018	30,445,328	1,365,310	4.7%	69%
Net Municipal & School Funded by Prop. Taxes	42,203,693	44,185,161			
County Tax	2,398,831	2,438,550	39,719	1.7%	
Base Tax	2,173,964	2,217,443		2.0%	
FY13 Financed - Principal	217,347	217,347			
FY13 Financed - Interest	7,520	3,760			
Overlay	869,614	100,000	-769,614	-88.5%	
TOTAL Funded by Property Taxes	45,472,138	46,723,711	1,251,573	2.8%	
Taxable Property Valuation	4,078,218,785	4,153,218,785	75,000,000	1.8%	
Tax Rate	Calculated 11.15	11.25	0.10	0.9%	

Steps

- 1 Set target tax rate
- 2 Increase Taxable Property Valuation by \$75M (about \$40M less than FY17 increase)
- 3 Calculate amount generated by Property Taxes
- 4 Set Overlay at \$100,000
- 5 Set County Tax based on 2% increase to base tax, per discussion with G. Zinser
- 6 Calculate combined Net Mun. & School Funded by Property Taxes
- 7 Allocated Total Net Cost to Town and School based on FY17 ratio

FY18 Budget Target Calculation

SHB, 9/9/2016

	FY17 Budgeted	FY18 Projected	Dollar Increase	Percent Increase	
Net Municipal Funded by Property Taxes	13,123,675	13,804,407	680,732	5.2%	31%
Net School Funded by Property Taxes	29,080,018	30,588,415	1,508,397	5.2%	69%
Net Municipal & School Funded by Prop. Taxes	42,203,693	44,392,822			
County Tax	2,398,831	2,438,550	39,719	1.7%	
Base Tax	2,173,964	2,217,443		2.0%	
FY13 Financed - Principal	217,347	217,347			
FY13 Financed - Interest	7,520	3,760			
Overlay	869,614	100,000	-769,614	-88.5%	
TOTAL Funded by Property Taxes	45,472,138	46,931,372	1,459,234	3.2%	
Taxable Property Valuation	4,078,218,785	4,153,218,785	75,000,000	1.8%	
Tax Rate	Calculated 11.15	11.30	0.15	1.3%	

Steps

- 1 Set target tax rate
- 2 Increase Taxable Property Valuation by \$75M (about \$40M less than FY17 increase)
- 3 Calculate amount generated by Property Taxes
- 4 Set Overlay at \$100,000
- 5 Set County Tax based on 2% increase to base tax, per discussion with G. Zinser
- 6 Calculate combined Net Mun. & School Funded by Property Taxes
- 7 Allocated Total Net Cost to Town and School based on FY17 ratio

FY18 Budget Target Calculation

SHB, 9/9/2016

	FY17 Budgeted	FY18 Projected	Dollar Increase	Percent Increase	
Net Municipal Funded by Property Taxes	13,123,675	13,868,982	745,307	5.7%	31%
Net School Funded by Property Taxes	29,080,018	30,731,501	1,651,483	5.7%	69%
Net Municipal & School Funded by Prop. Taxes	42,203,693	44,600,483			
County Tax	2,398,831	2,438,550	39,719	1.7%	
Base Tax	2,173,964	2,217,443		2.0%	
FY13 Financed - Principal	217,347	217,347			
FY13 Financed - Interest	7,520	3,760			
Overlay	869,614	100,000	-769,614	-88.5%	
TOTAL Funded by Property Taxes	45,472,138	47,139,033	1,666,895	3.7%	
Taxable Property Valuation	4,078,218,785	4,153,218,785	75,000,000	1.8%	
Tax Rate	Calculated 11.15	11.35	0.20	1.8%	

Steps

- 1 Set target tax rate
- 2 Increase Taxable Property Valuation by \$75M (about \$40M less than FY17 increase)
- 3 Calculate amount generated by Property Taxes
- 4 Set Overlay at \$100,000
- 5 Set County Tax based on 2% increase to base tax, per discussion with G. Zinser
- 6 Calculate combined Net Mun. & School Funded by Property Taxes
- 7 Allocated Total Net Cost to Town and School based on FY17 ratio

FY18 Budget Target Calculation

SHB, 9/9/2016

	FY17 Budgeted	FY18 Projected	Dollar Increase	Percent Increase	
Net Municipal Funded by Property Taxes	13,123,675	13,920,641	796,966	6.1%	31%
Net School Funded by Property Taxes	29,080,018	30,845,971	1,765,953	6.1%	69%
Net Municipal & School Funded by Prop. Taxes	42,203,693	44,766,612			
County Tax	2,398,831	2,438,550	39,719	1.7%	
Base Tax	2,173,964	2,217,443		2.0%	
FY13 Financed - Principal	217,347	217,347			
FY13 Financed - Interest	7,520	3,760			
Overlay	869,614	100,000	-769,614	-88.5%	
TOTAL Funded by Property Taxes	45,472,138	47,305,162	1,833,024	4.0%	
Taxable Property Valuation	4,078,218,785	4,153,218,785	75,000,000	1.8%	
Tax Rate	Calculated 11.15	11.39	0.24	2.2%	

Steps

- 1 Set target tax rate
- 2 Increase Taxable Property Valuation by \$75M (about \$40M less than FY17 increase)
- 3 Calculate amount generated by Property Taxes
- 4 Set Overlay at \$100,000
- 5 Set County Tax based on 2% increase to base tax, per discussion with G. Zinser
- 6 Calculate combined Net Mun. & School Funded by Property Taxes
- 7 Allocated Total Net Cost to Town and School based on FY17 ratio



MEMO

TO: Budget Committee
FROM: Stephen H. Burns, Town Manager
DATE: May 10, 2016
RE: 5-Year Operating Budget Forecasts

To enhance my understanding of the Town's budget and my role in managing the budget over time, I have prepared a 5-year forecast of operating budget. I look forward to presenting this to the Budget Committee on May 19th so we can begin using this new tool.

The 5-year operating budget forecasts began with a compilation of FY12 through FY16 budgets for historical reference. To this I added our FY17 budget as currently before the voters. Finally, I projected FY18 through FYFY22 budgets. This includes Town, School and County operating budgets, including both revenues and expenses. County Administrator Greg Zinser provided his input and assistance, though I make the forecast projections of County expenses. School Department Business Manager Jim Amoroso generated the school revenue and expense projections himself.

A copy of my forecast tables are attached. The summary page shows expenses and revenues for the municipal and school budgets, the County tax, overlay, assessed value, and the tax rate. Cells highlighted in green are formulas, and numbers in red are variables. At this point I have not yet documented the reasons for the changes I have proposed, but I did take the time to think through each Town and County line item. I'm sure Jim did the same for school revenues and expenses. What you're seeing is the work in progress. A second table titled, "Town Expense Details" shows my projections for each expense line in the Town operating budget. These are fed by formula into the cost centers on the summary spreadsheet.

The basis of my forecasts is maintaining current public service. I didn't start with a TTF-type maximum spending cap as I don't believe in that approach. At this point I have done nothing to refine the numbers based on the initial outcome produced, which granted are a bit rough and unrefined. My goal in preparing this budget analysis tool is to begin driving the budget system rather than reacting to requests.

After presenting the concept to the Budget Committee next week, my next step will be to write up the documentation of reasons for the initial assumptions I have made. Good, bad or ugly, I took a stab at each budget line based on my understanding (or lack thereof). Once I document my reasons, then we can start refining the numbers and begin to use this tool to analyze the implications of financial decisions. I will engage my Department Heads in a similar process so they can see how their requests affect others.

And please accept my gentle warning right now – please don't get too fixated on any of the numbers in here. It shows a picture of stability, but that's because I don't know of (or account for) any radical changes that may loom out of sight over the horizon. This is simply a tool to help us improve our efforts, and used in this capacity it should be a great help as we move forward.

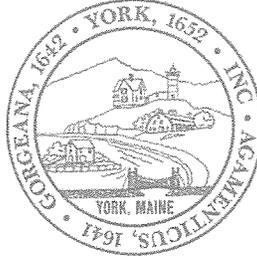
Credit goes to Don Lawton for his budget analysis spreadsheet that we used this year to evaluate changes to the proposed budgets. I used Don's conceptual layout to create my own for projection purposes. Any errors or problems, however, are mine alone at this point.

I look forward to our discussion next week.

Five-Year Operating Budget Forecast - Summary Table

SHB, 5/10/2016

	FY12	FY13	FY14	FY15	FY16	Current Year	FY18	FY19	FY20	FY21	FY22
	Actual	Actual	Actual	Actual	Budgeted	FY17	Projected	Projected	Projected	Projected	Projected
						Budgeted					
Municipal Budgeted Expenses	14,750,260	15,340,241	16,297,369	17,125,266	18,093,315	18,338,918	18,964,106	19,616,812	20,305,104	21,005,083	21,695,430
Administration	2,240,527	2,021,490	2,351,322	2,542,647	2,699,019	2,771,649	2,857,330	2,951,015	3,071,078	3,183,047	3,274,999
Public Safety	5,456,598	5,627,682	5,816,866	5,844,259	6,302,115	6,517,783	6,669,475	6,859,905	7,051,355	7,254,059	7,458,259
Public Works	4,120,296	4,138,024	4,332,603	4,795,165	5,067,929	4,859,387	5,010,147	5,181,433	5,358,519	5,541,658	5,731,117
Parks/Grounds/Beaches	751,113	792,119	828,933	811,635	906,172	973,312	1,010,794	1,050,105	1,090,910	1,133,266	1,177,237
Boards & Committees	10,328	11,075	6,746	10,475	24,853	48,627	48,938	49,256	49,580	49,911	50,248
Human Services	440,294	463,908	495,449	510,520	500,294	549,730	564,981	581,600	598,628	616,077	633,959
Other	507,168	507,427	466,906	550,941	534,373	612,284	672,172	688,227	704,763	721,796	739,340
Capital-Related Operating Expenses	1,223,936	1,778,516	1,998,544	2,059,624	2,058,560	2,006,146	2,130,270	2,255,270	2,380,270	2,505,270	2,630,270
Municipal Budgeted Revenues	5,106,795	5,034,409	5,099,949	5,238,736	5,034,800	5,155,200	5,000,000	5,135,000	5,160,000	5,260,000	5,360,000
Vehicle Excise Taxes	2,510,477	2,665,269	2,835,233	3,013,822	2,860,000	3,100,000	3,200,000	3,300,000	3,400,000	3,500,000	3,600,000
Parking Revenues	380,442	381,491	411,116	393,602	430,000	555,000	575,000	575,000	575,000	575,000	575,000
State: Municipal Revenue Sharing	505,814	462,286	301,520	282,826	269,400	282,000	290,000	300,000	200,000	200,000	200,000
State: Local Roads Subsidy	201,220	198,548	204,548	186,756	175,000	224,000	225,000	225,000	225,000	225,000	225,000
Cable TV Franchise Revenue	190,329	192,484	194,602	198,371	193,000	198,000	200,000	200,000	200,000	200,000	200,000
Other	528,513	484,331	502,930	513,359	507,400	496,200	510,000	535,000	560,000	560,000	560,000
Use of Fund Balance	790,000	650,000	650,000	650,000	600,000	300,000	0	0	0	0	0
Net Municipal Funded by Property Taxes	9,643,465	10,305,832	11,197,420	11,886,530	13,058,515	13,183,718	13,964,106	14,481,812	15,145,104	15,745,083	16,335,430
School Budgeted Expenses	25,833,171	26,374,559	27,487,166	28,647,341	29,684,473	30,963,013	32,212,347	33,230,272	34,254,278	34,709,155	35,828,327
School Budgeted Revenues	1,634,945	1,605,695	1,676,249	1,832,597	1,807,075	1,882,995	1,928,849	1,990,054	2,054,254	1,981,603	2,052,261
State	1,029,738	1,214,090	972,376	1,115,414	1,160,971	1,254,436	1,317,158	1,383,016	1,452,166	1,524,775	1,601,014
Other	605,207	216,605	299,928	447,033	376,104	428,559	411,691	407,038	402,088	256,828	251,247
Fund Balance	0	175,000	403,945	270,150	270,000	200,000	200,000	200,000	200,000	200,000	200,000
Net School Funded by Property Taxes	24,198,226	24,768,864	25,810,917	26,814,744	27,877,398	29,080,018	30,283,498	31,240,218	32,200,024	32,727,552	33,776,066
County Tax	2,180,669	2,188,134	2,384,101	2,390,073	2,416,154	2,398,831	2,438,550	2,261,792	2,284,410	2,307,254	2,330,327
Base Tax	2,180,669	2,188,134	2,166,754	2,157,686	2,187,527	2,173,964	2,217,443	2,261,792	2,284,410	2,307,254	2,330,327
FY13 Financed - Principal	0	0	217,347	217,347	217,347	217,347	217,347	0	0	0	0
FY13 Financed - Interest	0	0	0	15,040	11,280	7,520	3,760	0	0	0	0
Overlay	76,908	84,104	233,315	146,209	255,837	260,000	260,000	260,000	260,000	260,000	260,000
TOTAL Funded by Property Taxes	36,099,268	37,346,934	39,625,753	41,237,556	43,607,904	44,922,567	46,946,154	48,243,823	49,889,538	51,039,890	52,701,822
Taxable Property Valuation	3,909,591,408	3,849,714,344	3,855,034,616	3,915,250,959	3,964,520,605	4,014,077,113	4,064,253,076	4,115,056,240	4,166,494,443	4,218,575,623	4,271,307,819
Tax Rate	Calculated	9.23	9.70	10.28	10.53	11.00	11.19	11.55	11.72	11.97	12.10
	Actual	9.35	9.96	10.43	10.70	11.00	-	-	-	-	-



REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 9, 2016	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: September 12, 2016	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Special Event Permit Application	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All appropriate departments have been notified and have given approval. Options available to the Board: 1) Approve/Deny all Special Event Permit Applications listed below in one motion. 2) Approve/Deny Special Event Permit Applications in separate motions

RECOMMENDATION: Approve all Special Event Permit Applications in one motion.

PROPOSED MOTION: I move to approve the following Special Event Permit application subject to all, if any, conditions given by Department Heads:

- a. Parks and Recreation's *Trailfest* on September 18, 2016

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: Melissa M. Avery

REVIEWED BY: 



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: 8-8-16

Name of Event: Trailfest

Type of Event: Unveiling of the universal access trail on Mt. A

Organization Name: York Parks & Recreation Phone #: 363-1040

Organization Address: 186 York St City: York State: ME Zip: 03909

Applicant Name: Lynzi Pacitti / Robin Kerr Phone #: 363-1040

Applicant Address: 186 York St City: York State: ME Zip: 03909

Contact Name for Day of Event: Lynzi Pacitti Contact Phone #: 808-780-4215

Date of Event: 9/18/16 Day of Week: Sunday

Starting Time: 11:00 Ending Time: 4:00

Assembly Area: Mount Agamenticus

Dispersal Area: Mount Agamenticus

Event Route: We will be using busses to transport event participants to the mountain from the court house

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

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

Festival with 2 bands, food vendors, ribbon cutting ceremony

Describe how group is organized and supervised to insure order: We will be utilizing Parks & Recreation staff and a detail PD officer

Purpose of the Event: To celebrate a capital project and bring attention to recreation at Mount Agamenticus

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

Signature of Applicant: [Handwritten Signature]