



# Town of York

186 York Street  
York, Maine 03909-1314

## BOARD OF SELECTMEN'S MEETING AGENDA

7:00PM MONDAY, AUGUST 12<sup>th</sup>, 2013  
YORK LIBRARY

### Call to Order

### Opening Ceremonies

#### A. Minutes

June 24<sup>th</sup>, 2013 Selectmen's Meeting Minutes

#### B. Chairman's Report

#### C. Manager's Report

#### D. Awards

1. Award FY14 Heating Oil Bid
2. Award Bid for Grant House Boiler

#### E. Reports

1. Presentation by Matthew Webber Regarding Eagle Scout Project

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

#### G. Approval of Warrant #6

#### H. Public Hearings

1. Firearms Safety Ordinance-Map Amendment
2. Street Opening and Culvert Ordinance Amendment

#### I. Endorsements

Business Licenses:

1. Trevor Fitzgerald DBA Hawaiian Jim's Shave Ice (*Victualers*);  
Located at P.O. Box 186

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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



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2. Pat Rocheleau DBA Ledges Golf Club (*Victualers / Liquor*); Located at 1 Ledges Drive.
3. Hannaford Bros. Co. DBA Hannaford Food and Drug (*Victualers*); Located at 5 Hannaford Drive

## J. Old Business

1. Authorization for SMRT to Finalize Plans for Police Station Project and Ridge Road Access Point

## K. New Business

1. Discussion and Possible Action of a Crosswalk at Cape Neddick Beach
2. Selectmen's Liaisons to Energy Efficiency Steering Committee, Capital Planning Committee and Library Board
3. Discussion and Possible Action on Establishing a Selectmen's Liaison to the Mount A Steering Committee
4. Business Directional Sign for GiGi's Italian Restaurant- 2 Beach Street
5. Ballot for MMA Elections
6. Discussion and Possible Action of Moving Firearms Safety Ordinance Amendments and Street Opening and Culvert Ordinance Amendments to a Second Public Hearing on August 26, 2013.
7. Acceptance of the Resignation of Janalee Moquin from the York Budget Committee and the Calling of a Special General Referendum.
8. Proposal From Communications Facilities, Inc. for Management of Towers on Mount A
9. Appointment to Parks and Recreation Board
10. Appointment to York Harbor Board
11. Discussion of Letter From Jon Doyle to the Town of York Regarding Bath House Project at Ellis Short Sands Park
12. Discussion of Issues with Short Sands Drainage Pipe
13. Discussion and Possible Action on Request for Osprey Nesting Platforms
14. Special Permit for Catering Privileges off Premise – Bill Foster's Downeast Clambake
15. Special Permit for Incorporated Civic Event- Hilton- Winn Farm
16. Special Permit for Catering Privileges Off Premise – TFC DBA Clay Hill Farm



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(207)363-1036

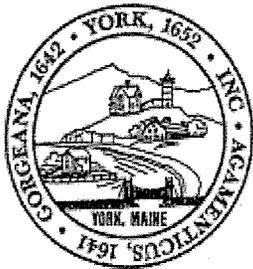
Parks and  
Recreation  
(207)363-1040

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

17. Special Event Permit - Walk MS-York
18. Special Event Permit – Clay Hill Farm’s Farm Festival
19. Special Permit for Catered Function – The Black Tie Co. at  
Camp Hammond
20. Special Permit for Catered Function – The Black Tie Co. at  
Camp Hammond

**L. Other Business**

**M. Citizens’ Forum**  
**Adjourn**



# Town of York

186 York Street  
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## SELECTMEN'S MEETING

6:00/7:00 P.M. MONDAY JUNE 24, 2013

### YORK LIBRARY

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works/  
Harbor Master  
(207)363-1010

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Grant House  
(207)351-1204

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

6:00 pm: Executive Session: Personnel- Pursuant to M.R.S.A Title 1, Section 405 (6) (A), specifically to discuss the Town Manager's annual performance review.

Moved by Ms. Gregg and seconded by Mr. Macdonald to go into Executive Session Personnel- (Pursuant to M.R.S.A Title 1, Section 405 (C) (A), at 6:00 PM. Vote 4 -0.

Moved by Ms. Gregg and seconded by Mr. Macdonald to come out of Executive Session Personnel-(Pursuant to M.R.S.A Title 1, Section 405 (C) (A) at 6:30 PM. Vote 4-0.

**Present:** Chair; Ronald Nowell, Vice Chair; Kinley Gregg, Scott Fiorentino, Torbert Macdonald, Town Manager; Robert G. Yandow, Recorder; Katie McWilliams and members of the press and public.

Call to Order at 7:00pm

### Pledge of Allegiance

Shortly after Mr. Nowell called the meeting to order, Selectmen Mary Andrews led the public in reciting the Pledge of Allegiance.

Mr. Nowell apologized to the Board of Selectmen that he did not let them know prior to the June 10<sup>th</sup> meeting that he was going to remove the pledge of allegiance from the meeting. He intended to have a discussion with them prior to the meeting. Mr. Nowell requested the opinions of each of the board opinions about the pledge being said during the Board meetings.

Ms Andrews felt that at the beginning of any governmental body it is appropriate to say the Pledge of Allegiance and it is also listed in Robert's Rules as being such. Ms. Andrews will continue to say the pledge Allegiance at the Selectmen Meetings. Every time she says the pledge she thinks of the men and women and what they have done for this country, and she will continue to show her respect to them.

Ms. Gregg requested to retract her statement given last week in which she agreed with Mr. Fiorentino to put the pledge up for a vote. The decision to recite the pledge

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1 of 11 | Selectmen's Meeting  
Monday, June 24, 2013

is a civil liberty; the right to be free from Government compelled speech. Ms. Gregg feels a civil liberty should not be put up for a vote and that the words are hollow if not followed up with action. Ms. Gregg is very happy Mr. Nowell has raised this issue.

Mr. Fiorentino shared his feelings that the Pledge is for Americans to get together as a whole and in this democratic forum to Pledge Allegiance to this county. It is not just words, its pride in our country; that allows the individual to have their voice. If this is not the forum for the pledge, what is? Mr. Fiorentino feels it is a good way for the community as a whole to come together as one and Pledge their allegiance. Mr. Fiorentino reminded Mr. Nowell the pledge was voted in and it should be voted out, it should not be the Chairman's decision.

Mr. Nowell had rumors spoken about him the 90's regarding his Veteran Status, which was very emotional to him. The VA could not understand that the Navy had people in combat, and it took him 14 years to get his veteran's status. He was in Task Force 116 for 12 months of combat during the Vietnam War. The Pledge of Allegiance to Mr. Nowell means a lot and it has appropriate places. Mr. Nowell wishes it wouldn't but feels this is turning into who's a patriot and who is not. Mr. Nowell would like to put more emphasis into the upkeep of all the veteran's graves in York.

Mr. Macdonald reminded the audience and board that everyone is entitled to their view, and that is what liberty means. He personally has no problem with saying the pledge, because it is the ultimate aspirational statement; liberty and justice for all. Mr. Macdonald reminded us all that the country was founded by slaves, women could not vote, we have come a long way since that time, and it is a struggle and that struggle makes us worthy of respect. Saying the Pledge of Allegiance is a tradition at the Selectmen Meetings, and because of that he feels it should be left alone. However, the American way allows you the decision to do what you want to do, and do what is right for you. It is not our right to try to persuade our option on someone else. Everyone's value is sacred and that is why we are Americans. Mr. Macondald feels the issue should go to a referendum question in November. He also suggested the camera focus on the flag at the beginning of the meeting so on Broadcast you cannot see who is saying the pledge, but those who wish to do so can.

Mr. Fiorentino said we should continue to say the Pledge of Allegiance, because it was voted in and Mr. Nowell cannot just stop it. Ms. Gregg does not agree with the pledge going to the November Referendum. The board will make a decision at a future Board of Selectmen meeting.

## **A. Minutes**

- **May 20, 2013 Selectmen's Meeting Minutes**
- **June 10, 2013 Selectmen's Meeting Minutes**

Moved by Ms. Gregg, second by Mr. Fiorentino to approve the May 20, 2013 and June 13, 2013 as amended Selectmen's Meeting Minutes. Without objection, so ordered.

#### **B. Chairman's Report**

- On July 10<sup>th</sup> the Board of Selectmen will be having a meeting with SMRT regarding the police station. This meeting will be televised. The planning board and conservation commission are welcome to attend.
- The Board of Selectmen is hoping to have a meeting with the Sewer District. Mr. Nowell will inform the public when it is officially scheduled.
- York Water District meeting is scheduled on July 22.

#### **C. Manager's Report**

- Effective July 23 those who do not have a digital box or a digital ready TV will not be able to watch analog channels that are being converted to digital, this includes channel 3 on Time Warner. You can get a digital adaptor from Time Warner which would allow Channel 3 to come in. This can be picked up before December 31 for free and after that it will cost \$.99 per month.
- Reminder of the Fireworks Ordinance adopted May 19, 2012. Under this ordinance the sale or use of consumer fireworks is prohibited in the Town Of York.

#### **D. Awards:**

##### **1. Bid for Parks Department Pick Up Truck**

The York Parks and Recreation Department received voter approval to replace their 2002 GMC Sierra extended cab 1500 4x2 pickup truck, with 139,000 miles with a new 2013/2014 4wd regular cab ¾ ton pickup truck. The department received two bids; Starkey Ford., York, Maine \$24,200 and Weirs Motor Sales, Inc., Arundel, Maine \$25,115. The amount budgeted and approved for this purchase was \$27,500. It was

recommended by Michael Sullivan, Parks and Recreation Director to award the bid to Starkey Ford., of York, Maine in the amount of \$24,200.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to award the bid for one new ¾ ton heavy pick-up truck from Starkey Ford in the amount of \$24,200. Vote 5-0, motion passes.

## 2. Replacement of Power Lines at Cape Neddick Light Station

In March 2013 a storm frayed the power line leading from the mainland at Sohier Park to the Island and Lighthouse. There has been no power on the island since that time. Central Maine Power's responsibility for delivering power to the island ends at the second to last pole on the mainland. From that point on the poles and lines are the owners responsibility. This involves three poles (one on the mainland and two on the Island) and three runs of wire approximately 500 feet each.

In April of 2010 the Parks and Recreation Department contact On Target Utility Services to provide recommendations and cost estimates. On Target concurred with Central Maine Power that the lines were getting old and should be replaced and further recommended replacing the poles at the same time. The estimate to replace the poles and lines was \$33,588.85.

The Coast Guard is responsible for the "Aid to Navigation" (the beacon itself) and needed electricity to power it. Faced with the issue of no power on the island, the Coast Guard has decided it would be more cost effective to install an LED light and power it by solar. This decision to go solar eliminates their need for electricity and participation in restoring it.

The Lighthouse is listed on the National Historic Register and the State Historic Preservation Office (SHPO) holds covenants on the property. Any change to the historic structure has to be approved by this office.

The new LED light will look a lot different than the existing lens. The Sohier Park Committee is opposed to the modernization of the light. The current Fresnel lens is one of only a hand full left in the State of Maine. York Parks and Recreation Director Michael Sullivan recommends that the Board send a letter to SHPO expressing their opposition to the modernization plan. Replacing electricity to the island does not mean the Coast Guard will change their mind about modernization; however restoring the electricity to the Island might take the urgency out of the Coast Guards quest for a light on the island.

The Town needs electricity on the Island not only to maintain the buildings and grounds but to power the early detection fire alarm system located in the keepers' house and Christmas lights during the holiday system.

The original recommendation was to replace the lines and poles. Mr. Sullivan also received two additional quotes from On Target Utility Services; one to replace the lines only, \$16,525 and the second to replace the lines and poles if the Town gets the poles and equipment to the island for them, \$29,550.00

Mr. Sullivan also contacted Evergreen Electric of Casco, Maine. They feel as though the poles pass the minimum safety test and should be serviceable for some time. They recommend replacing the electric lines, guy wires, markers, hardware and anchors. Their estimate for this work is \$6,316.00. This quote is based on Town Parks staff working with them to transport workers and supplies to the island. It is recommended by Mr. Sullivan that the Town contract with Evergreen Electric.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to authorize the Parks and Recreation Department to contract with Evergreen Electric of Casco, Maine to replace the power lines, guy wires and hardware at Cape Neddick Light Station in the amount of \$6,316. Funding to come from the Sohler Park Enterprise Account. Vote 5-0, motion passes.

**E. Reports:**

None

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

Helen Rollins  
Jay Garfield  
Bob McKenna  
Charles Stacy  
Mel Bates  
Chuck Gove

John Johnston  
Fred Knox  
Robin Green  
Jackie Gorman  
Gail Meccurio

**G. Approval of Warrant #51**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant # 51. Vote 5-0, motion passes.

**H. Public Hearings:**

1. New Business Licenses

- Bruce Larson DBA Southern Maine Lobster (Victualers); Located at 1021 US Route One

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to open the public hearing at 9:07pm.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Gregg to close the public hearing at 9:08 pm.

**I. Endorsements- Business Licenses**

1. Mary Jane Merritt DBA Two Pars, Inc (*Victualers/Liquor/ Special Amusement/ Dance Hall*); Located at P.O. Box 1860
2. Sean Mitchell DBA Bagel Shack (*Victualers*); Located at 29 Algonquin Drive.
3. Bradford Leigh DBA Cat N' Nine Tails (*Victualers*); Located at 32 Brixham Road
4. James and Michael Manos DBA York Beach Diary Bar (*Victualers*); Located at P.O. Box 600
5. Linda Sirois DBA My Wine-y Sister (*Victualers*); Located at P.O. Box 1733
6. Dan Poulin DBA Fat Tomato Grill (*Victualers/ Liquor*); Located at P.O. Box 701

Moved by Mr. Macdonald , seconded by Mr. Fiorentino to approve the following licenses; Mary Jane Merritt DBA Two Pars, Inc (*Victualers/Liquor/ Special Amusement/ Dance Hall*);

Located at P.O. Box 1860, Sean Mitchell DBA Bagel Shack (*Victualers*); Located at 29 Algonquin Drive, Bradford Leigh DBA Cat N' Nine Tails (*Victualers*); Located at 32 Brixham Road, James and Michael Manos DBA York Beach Diary Bar (*Victualers*); Located at P.O. Box 600, Linda Sirois DBA My Wine-y Sister (*Victualers*); Located at P.O. Box 1733, Dan Poulin DBA Fat Tomato Grill (*Victualers/ Liquor*); Located at P.O. Box 701, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

None

**K. New Business**

**1. MS4 Notice of Intent to Maine DEP**

Beginning in July 1, 2013, the Town of York will be required to join 4 other Southern Maine communities, Berwick, Eliot, Kittery and South Berwick (York County MS4) in the State's MS4 General permit in accordance with the Federal Clean Water Act. This Notice of Intent states that the Town of York will comply with the requirements of the York County MS4 General Permit.

Stormwater Manager, Leslie Hinz recommends that the Town Manager to file a Notice of Intent to the Maine State DEP in compliance with the MS4 General Permit, effective July 1, 2013.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino, to direct the Town Manager to file a Notice of Intent to the Maine DEP to be in compliance with the MS4 General Permit, effective July 1, 2013 as mandated by the State. Vote 5-0, motion passes.

**2. Approve RFP for Energy Upgrade at York Fire Station**

The Energy Efficiency Steering Committee is looking to perform the following energy upgrades to the York Village Fire Station; attic insulation, air sealing, lighting upgrades, ceiling renovation, and various structural modifications.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to authorize the Energy Efficiency Steering Committee to issue a Request for Proposals to perform energy efficiency upgrades at the York Village Fire Station. Vote 5-0, motion passes.

**3. Options for Returning Country Road to Two-Way Traffic**

At the direction of the Town Manager and Board of Selectmen, department heads from community development, public works, and police met on Wednesday June 12, 2013 to look at options for physically changing County Road back to a two-way street. They came up with two different options.

The first option is a “paint only” option. Existing markings, some of which are paving and others of which are plastic embedded in asphalt, would be ground off as necessary. New markings would be painted. Signs installed. The 3 parking spaces of the Whispering Sand side of the road would be eliminated as well as 3 or 4 of the 6 on the Goldenrod side of the road. The Traffic Safety Ordinance would need to be amended to move the temporary loading zone to the Goldenrod side of the road. Not having a full engineering evaluation and design, these changes may pose a somewhat greater liability risk to the Town in the event of an accident. This option isn’t optimized on vehicular, bicycle or pedestrian safety. This is a quick option-probably involving only a few hours of work.

The second option would involve changing the physical structure of the road by redesigning the pedestrian bump outs. Proper engineering design would be needed as well as a contractor to complete the work. Utility impacts will be significant, as well as the costs.

Moved by Mr. McDonald, seconded by Ms. Gregg to approve the change in County Road back to a two way traffic pattern utilizing Option #1, as memorialized by Chief Bracy in his memo of June 18, 2013. Vote 4-1, Mr. Fiorentino opposed, motion passes.

#### **4. Discussion and Action on Loss of Municipal Revenue Sharing**

When the Town’s proposed FY14 operating budget was being crafted there was some uncertainty about the status of municipal revenue sharing. For the past three years the Town had budgeted \$455,000 for revenue sharing but had received, on the average, \$506,903. The State of Maine is, by law, supposed to allocate 5% of all income and sales tax revenues to a revenue sharing pool which is then distributed to all Maine communities. Historically, the legislature has raided the revenue sharing pool when funds are needed so the annual distribution was less than the required 5%. The past few years approximately 3.5% of sales and income taxes were allocated to the revenue sharing pool. Based on the past three year’s receipts and the potential for restoration of revenue sharing at the 5% level, which would add approximately \$200,000 in FY14, the revenue sharing projection for FY14 was set at \$505,000.

Prior to the proposed FY14 operating budget being delivered to the Budget Committee; Governor LePage proposed a biennial budget that, among other things,

eliminated revenue sharing. At that time it appeared unlikely that revenue sharing would be eliminated so the operating budget was submitted to the Budget Committee on the premise that adjustments could be made at a later time if necessary.

The budget that went to the full legislature from the Appropriations Committee reduced revenue sharing in FY14 from a total of \$95 million to \$65 million, a 33% reduction. This budget was approved by both the House and Senate and is awaiting action by the Governor. The Governor has stated that he will veto the bill, however at this point it appears there may be enough votes to override the veto should it occur. The Governor is also proposing a 60 day "continuing resolution" of sorts which would allow for budget negotiations over that period and postpone a state shutdown which would occur on July 1, 2013 if the legislature does not override the Governor's promised budget veto.

The impact to the Town of York from reduced state budget is a projected loss of \$191,219 in revenue sharing for FY14. There are three options available to the Board of Selectmen:

1. Increase the amount to be raised by taxes by \$191,219. This will result in a .045-.05 increase in the tax rate. The Town Assessor has indicated that the total taxable valuation will increase by \$8M-\$10M which should lower the total tax rate by approximately .02 per \$1,000.
2. Reduce the voter approved operating budget by \$191,219. This will result in a significant reduction in service and/or personnel.
3. Consider a combination of options #1 and #2.

Should the Governor veto the budget, and the legislature is unable to override the veto, the Town will be facing far more drastic circumstances as 100% of our revenue sharing would be eliminated. An impact of approximately \$500,000.

No decision needed tonight only policy direction from the board. Mr. Nowell suggested we wait to see what happens in Augusta.

#### **5. Discussion Regarding the Appropriateness of a Member of the Board of Selectmen Representing a Client Before a Municipal Board**

Mr. Nowell requested this be put on the agenda in reference to Mr. Fiorentino who is representing a client on the board of appeals. Mr. Nowell thinks this sets a bad example especially since the Board of Selectmen elects members to the Appeals Board. Mr. Fiorentino reminded Mr. Nowell that appoints the role of Selectmen is a

volunteer position, and his business is located in the Town of York. Mr. Fiorentino would like to see where it is written in a public notice. No motions were made.

#### **6. Appointment of a Neutral Party to Negotiate with the Horn Brothers**

Ms. Andrews asked why we need to appoint a neutral party, since the town already has a deed. Mr. Nowell reminded the board that there is a potential lawsuit hanging over their heads regarding the title and boundary line. David Marshall has offered free services to negotiate with the Horn's so they town can fulfill the purchase and sale. The Horn brothers have a purchase and sale offer on part of their sale and to get that sold they need a boundary line agreement. The Horns according to the correspondence from their attorney said they wanted to wait till the road was built before they determine a boundary line.

Mr. Nowell want to get the title clear and get this over with and done with. Mr. Mcdonald feels it is an opportunity to bypass the formal litigation process, to see if progress can be made. Mr. Fiorentino and Ms. Andrews were asking what Dave Marshall would negotiate? Mr. Greggs feels like Mr. Marshall might open up the communication, and it is a risk free way to improve the situation.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint David Marshall as a neutral party to negotiate with the Horn Brothers. Vote 3-2, Ms. Andrews and Mr. Fiorentino opposed.

#### **7. Discussion and Possible Action Regarding York Village Study Committee Request for Amendment to the Comprehensive Plan**

Moved to the next agenda

#### **8. Business Directional Sign for Fernald Construction- Property Services, Chases Garage Artist Studios & Gallery- 16 Main Street & Fogg Brothers Drywall Corp. (original agenda items 8-10)**

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve single sided business directional signs requested at the intersection of Route 1 & Brickyard Court and Rte 1 & Brickyard Lane for Fernald Construction- Property Services, at the intersections of Route 1 and Cape Neddick Road northbound and southbound for Chases Garage Artist Studios & Gallery, and at the intersection of Route 1 & Brickyard Court and Rte 1 and Brickyard Lane for Fogg Brothers Drywall Corp. Vote 5-0, motion passes.

#### **9. Special Event Permit- York Hospital Break Cancer Walk for Hope**

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event permit for York Hospital's Breast Cancer Walk for Hope on August 1, 2013 at the York Beach Ball Field at 3:00pm. Vote 5-0, motion passes.

**10. Approve Special permit for Catering Privileges Off Premises- Divine Cuisines, LLC DBA Tulsi on August 23 and 24<sup>th</sup>, 2013**

Moved by Mr. Mcdonald, seconded by Ms. Gregg to approve the Special Permit for Catering Privileges Off Premises for Divine Cuisines, LLC DBA Tulsi on August 23<sup>rd</sup> and 24<sup>th</sup> at View Point Hotel at 4pm-11pm on both days. Vote 5-0, motion passes.

**L. Other Business**

Mr. Macdonald would like to get a crosswalk at the loading zone at Cape Neddick Beach. It will be a future agenda item.

**M. Citizens Forum**

Sam Horn  
Chuck Andrews

**Adjourn**

Moved by Mr. Nowell, seconded by Mr. Macdonald to adjourn at 10:42 PM.

Respectfully Submitted By:

\_\_\_\_\_  
Katie McWilliams; Recorder



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 9, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> FY14 Heating Oil Bids	

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

**Discussion:** The Town recently initiated the annual process of soliciting heating oil bids for the upcoming heating season. A request for bids was advertised in the *York Weekly, Portsmouth Herald and York County Coast Star*. In addition, a direct solicitation was made to seven heating oil companies that had previously indicated an interest in bidding. All bids will be as of August 12<sup>th</sup> as some companies will base their bid on the price of oil on the bid due date. A spreadsheet will be compiled with the results of the bid process for action on Monday night.

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

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Bids for Boiler at the Grant House	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve EESC Recommendation for Wood Pellet Boiler
<b>PROPOSED MOTION:</b> I move to award the bid for a new boiler at the Grant House to E.C. Robbins Construction in an amount not to exceed \$56,856.00.

**Discussion:** The Energy Efficiency Steering Committee recently solicited bids for a new boiler at the Grant House. The RFP allowed bidders to submit prices on either a propane boiler or a wood pellet boiler. Five companies were represented at a pre-bid conference and subsequently three bids were received, although one bid was rejected for lack of information. The remaining two bidders proposed a total of three alternatives which are included in the attached information. The Energy Efficiency Steering Committee is recommending that the bid be awarded to E.C. Robbins Construction for a wood pellet boiler priced at \$56,856.00. The second bid for a wood pellet boiler came in at \$169,753.00. The third bid was for a propane boiler in the amount of \$9,120.00.

<b>FISCAL IMPACT:</b> \$56,856.00
<b>DEPARTMENT LINE ITEM ACCOUNT:</b> Energy Efficiency Funds
<b>BALANCE IN LINE ITEM IF APPROVED:</b> \$136,259.01

Prepared By: Robert B. Gannon

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

## Robert G. Yandow

---

**From:** Wayne Boardman [wayne31r@gmail.com]  
**Sent:** Wednesday, August 07, 2013 3:06 PM  
**To:** Robert G. Yandow  
**Subject:** Proposal from ESC for new Grant House boiler  
**Attachments:** Grant House boiler documents for BOS.zip

Rob,

I am forwarding documents in support of the Energy Steering Committee's request for approval of a proposal to replace the existing oil burner in the Grant House. As you may recall, the ESC put together an RFP that allowed interested contractors to bid on either a propane boiler or a wood pellet boiler (or both). The RFP was advertised in several regional publications. Representatives from five different contractors came to the pre-bid conference/walk-through on July 8.

We received bids from three contractors. One proposal was dropped from consideration because it was substantially lacking in information requested by the RFP. The remaining two bidders proposed a total of three alternatives:

1. McCormick Energy Group: \$169,753 for the pellet boiler including the building to house the boiler and storage bin.
2. E.C. Robbins Construction: \$56,856 for the pellet boiler including the building to house the boiler and storage bin.
3. E.C. Robbins Construction: \$9120 for a propane boiler.

Both contractors appear to be fully qualified to perform the work in question. The committee voted to recommend Option 2 (\$56,856). Even though the initial cost of the pellet system is higher, the annual cost of pellet fuel is almost 50% cheaper than propane at this time. And since there are good reasons to expect the price of propane to rise faster than the price of pellets, the pellet system should pay for itself in a reasonable time frame, while being more environmentally friendly as well.

In the attached zipped folder is a document providing more details on the comparisons between wood pellet systems and propane systems. Also included are the proposals from E.C. Robbins and McCormick (minus several pages of references and qualifications).

Thanks,  
~Wayne Boardman  
Chair, Energy Steering Committee

E. C. ROBBINS CONSTRUCTION  
859 GOODWIN ROAD  
ELIOT, MAINE 03903  
207 752-1943

July 13, 2013

PROPOSAL

---

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

**RE: Replacement Boiler Proposal – Grant House**

**Section 1. Statement of Qualifications.**

- a. E.C. Robbins Construction  
859 Goodwin Road  
Eliot, Maine 03903**
- b. Cell – 207 752-1943 Fax 207 748-1056  
email – [ecrobbins@comcast.net](mailto:ecrobbins@comcast.net)**
- c. Elwood Robbins – Owner  
Maine – Master – Oil and solid fuel # MS20003293  
Plumber # MS2341  
Electrician # MS60004459**

**Section 2. Project Experience.**

- a. Kittery Waste Water Facility  
18 Rogers Road  
Kittery, Maine 03904

Description of work

1. Removal of HB Smith Oil fired boiler
2. Installed new Okofen 56 kw pellet boiler with 9 ton pellet storage bag, vacuum system,
3. installed 400' insulated 1 inch two pipe pex pipe for remote building heating.
4. Installed 40 gal boiler mate for domestic hot water.
5. Built 10' x 20' wood framed metal sided building for pellet storage and pellet boiler.
6. Installed second Okofen 56 kw pellet boiler with 9 ton pellet storage, vacuum system.
7. Removed 6 propane unit heaters and replaced with hot water unit heaters – heated from pellet boiler.

b. Henry Pelletroni  
5 Rockrimmon Rd.  
North Hampton, NH 03862  
603 379-2419

1. Removal of Crown oil fired boiler
2. Installed new 35kw Okofen pellet boiler with 4 ton auger pellet storage system.
3. Piped Header, installed new controls.

c. John Reilly  
133 Fletcher St.  
Kennebunk, Maine 04043

1. Repairs to 25kw Okofen pellet boiler.
2. Replace damaged parts and cleaning.

d. Lukas Kolm  
20 Lavengers Lane  
New Castle, NH  
603 498-9634

1. New Home – Installation of Plumbing 6 bathrooms, Kitchen
2. Installation of two – 4 ton A/C systems.
3. Install Rannai 170,000 BTU Gas fired boiler, 9 circulators, Taco Controls
4. Radiant floor heat throughout house.

## Project Description:

1. Building for Pellet Boiler and 9 Ton vacuum pellet storage – 10' x 20'  
8' high walls, 7 pitch gable roof.

## Construction Specifications.

- a. Slab – 10' x 20' x 6" – 3000 psi concrete slab with fiber mesh.
  - b. Building – 2 x 6 construction with Gable roof – 7 pitch.
  - c. 2 x 6 kd spruce. Walls
  - d. 2 x 8 rafters.
  - e. ½ OSB exterior siding, ½ AC plywood interior walls and ceiling.
  - f. R-19 fiberglass Kraft faced insulation.
  - g. Vinyl siding double 4" clapboard – Certinteed white.
  - h. 30 year asphalt fiberglass architectural shingles, 6" drip edge, ice and water shield
  - i. Typar building wrap.
  - j. Front Door – double door, 3'0 x 6'8" with 1/3 glass. Steel Therma-thru.
  - k. Rear door – single door 3'0 x 6'8" with 1/3 glass, Steel Therma-tru.
  - m. Electrical wiring – 10-3, 30 amp circuit for lights over doors and interior florescent light. Two 20 amp GFCI receptacles. One 14 amp boiler circuit.
  - n. Interior paint – Sherwin Williams satin white. Interior trim Primed pine 1 x 4.
  - o. Exterior trim – Azak PVC trim.
2. Boiler Specifications.
    - a. PE32 kw 109500 BTU Pellet Boiler – Okofen ASME Certified.
    - b. Kgt2626 Flexilo Compact 9.0 Ton Pellet storage bag Vacuum system.
    - c. Taco Controls, Grunfos- 3speed circulators.
    - d. Heater piping shall be Type M copper tubing.
    - e. 8" Metalbestos chimney thru the roof with proper flashings.
    - f. Insulated pex pipe – two 1" insulated pipes within 4" pvc Pipe to Grant house.
    - g. 2" Conduit from slab to Grant House foundation for 10-3 Electrical wiring circuit.
    - h. Install 40 gallon Hot water Tank – indirect fired from pellet boiler.
  3. Excavation.
    - a. removal of all loam to be reused around new building.
    - b. Dig for 6" slab on grade.
    - c. Trench for Pex Hot water lines, Electrical conduit.
    - d. Additional conduit for future needs thru the slab.
    - e. Backfill all dirt removed from 10' x 20' slab site.
    - f. Spread loam and reseed.

Section 4 – Cost and Timeline

**Bid Alternative No. 1**

a. Pellet Boiler

1. 32kw Okofen Pellet Boiler vacuum fed
2. Flexilo 9 ton pellet storage bag with vacuum assembly.
3. Taco controls, Grundfos Circulators
4. 7” Metalbestos Chimney with flashings.
5. 40 Gallon indirect fired water heater.
6. Insulated Pex Pipe assembly 25’
7. 2” conduit for 10-3 – 30 amp circuit. \$ 21,465.00 two weeks

b. Boiler Labor \$ 5,000.00

b. Wood Framed building 10’ x 20’ x 8’ walls with 7 Pitch roof.  
Materials and Labor \$ 20,800.00 three weeks

c. Excavation.

1. Remove Loam and dirt for building slab.
2. Trench for Conduit and Pex Pipe.
3. Backfill dirt, Loam and seed. \$ 2,500.00 three days

d. Demo existing Boiler and oil tank and Removal \$ 1,000.00 1 day

Total Price \$ 50,765.00

Profit and overhead 12% \$ 6,091.00

**Final Total \$ 56,856.00**

**From start to finish 5 weeks**

**Additional work to charged at \$ 65.00 per hr.**

**Bid Alternative No. 2.**

a. Removal of existing boiler and oil tank and properly disposed of.	\$ 1,000.00
b. Installation of Rannai 120,000 BTU Combination Hot water and Domestic wall hung gas fired, Direct vent Boiler.	\$ 3,800.00
c. New header shall be copper type M and be tied to existing zones.	included
d. Install three Grundfos three speed circulators.	included
e. Install new Taco Control with outside reset.	included
f. Propane Tank location to be coordinated with supplier.	Included
g. Labor	\$ 2,800.00
h. Profit and overhead 20%	\$ 1,520.00

**Total Price which includes labor and materials \$ 9,120.00**

**Additional work to be performed @ \$ 65.00 per hr.**

Grant House

1. Expected Fuel Usage for pellet boiler      9.73 tons
  2. Price per ton \$ 240.00
  3. Heating oil \$ 3.60 per gal.
  4. Annual pellet cost \$ 2,334.00
  5. Annual Oil cost \$ 4,536.00
  6. Annual savings \$ 2,201.00
- Total savings \$ 54,555.00 heating oil and pellet fuel inflation 2.0%

Thank you

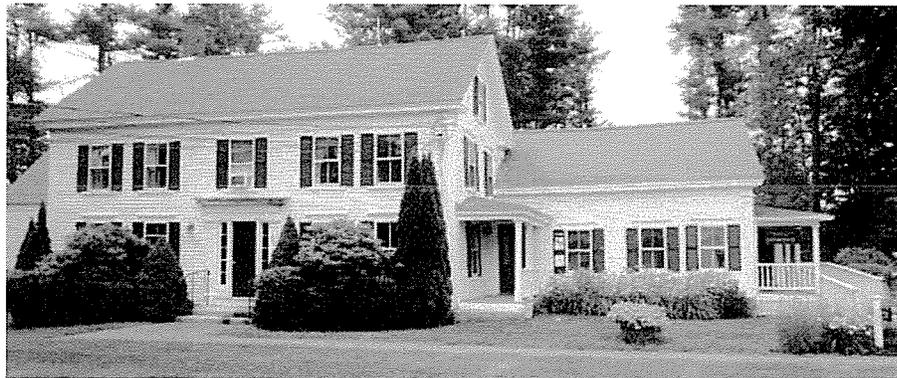
Elwood Robbins



*Town of York - Grant House*

*Response to RFP*

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***Response to Energy Assessment Project  
Request for Proposals***

*Presented to:*                      *Office of the Town Manager  
York Town Hall  
186 York Street  
York, ME 03909*

*Presented by:*                    *McCormick Facilities Management  
8 Main Street  
Dexter, Maine 04930*

**July 18, 2013**



**Table of Contents**

Letter of Interest-----3

Section I: Statement of Qualifications -----5

Section II: Project Experience -----9

Section III: Cost and Timeline -----14

**Project Cost -----15**

    Heat Load Analysis -----17

    Estimated Annual Fuel Costs -----18

    Project Milestones and Completion-----19

Section IV: Alternate Project Options and Information-----20

    Alternate Options-----21

    Fuel Savings Chart and CO<sub>2</sub> Reduction-----22

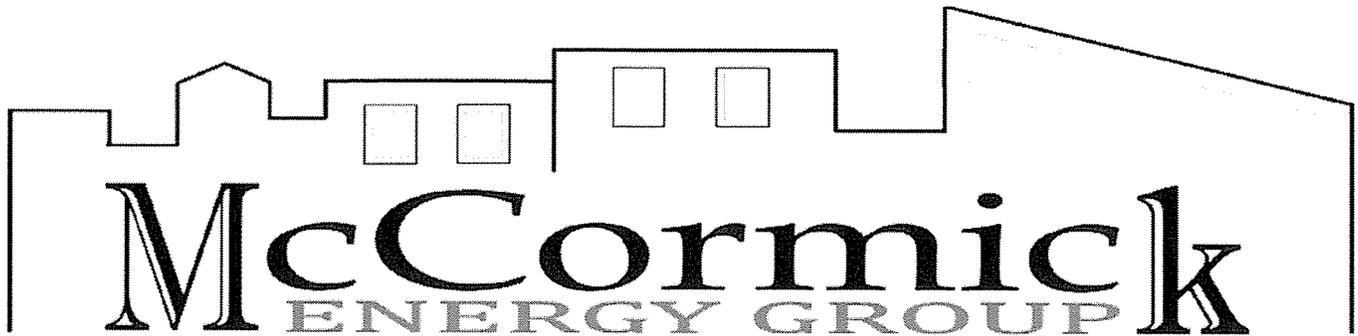
    20-year savings illustration -----23

    20-year savings with maintenance costs -----25

    Estimated maintenance costs chart -----27

Attachments

    OkofEN Information -----29



July 18, 2013

Office of the Town Manager  
York Town Hall  
186 York Street  
York, ME 03909

RE: Request for Proposals for Energy Assessment Project

Dear Selection Committee,

McCormick Energy Group is pleased to submit our qualifications to your Request for Proposals for the design services, labor and materials for the boiler replacement at the Grant House. McCormick Energy Group is well known for our facility and energy management qualifications, knowledge of municipal operations and needs, and intimate knowledge of most energy systems and ways to save energy.

Having been a School Board Director and Chair of the Facilities Committee for 12 years, I understand the importance of selecting the best organization for a project such as yours. I am confident that the team we have assembled and our approach to this response will not only exceed your expectations, but will provide the most cost efficient delivery method for the Grant House.

We are a local, well-respected facility and energy management firm, with strategic partnerships that puts us in the best position to research and develop an engineered solution utilizing state of the art techniques, science, and equipment. It is this combination of our large customer base, past projects, building systems knowledge, equipment expertise, and facility controls experience that provides us with the unique perspective to provide the best long-term solutions for the facilities served through this contract.

McCormick Energy Group is a business group of McCormick Facility Management, Inc. Our parent company has been providing operations and maintenance solutions to public schools and municipalities for nearly 30 years. We have provided total facility systems upgrades in hundreds of buildings throughout the State of Maine and New England in the public sector. Our proven approach has delivered many projects meeting customers' most critical needs including energy efficiency, modernization, improved comfort, reliability and sustainability.

McCormick Energy Group specializes in customized total solutions. Our offering will be a turnkey solution that will provide the design, supply and installation of the pellet boiler and associated equipment and accessories. The energy and operational cost avoidance savings associated with this efficiency improvement will reduce operational costs for this, allowing your management team to invest their

scarce capital in other business activities. McCormick Energy Group can provide a guaranteed solution. By alleviating operating and reliability concerns, McCormick Energy Group helps its customers to focus on core business issues. For more than 30 years, McCormick Energy Group's hallmark has been a spirited drive for achieving proven solutions for the marketplace.

We have reviewed your RFP requirements. We will meet and exceed all the requirements of the RFP but will also provide other options we feel will better your project and make it more efficient. There are many unknown variables in this project at this point, such as permitting, zoning, soil condition, and more. These are factors that will have an affect on the final pricing of this project. Until these variables can be assessed further, our price is not firm. However, this will give the Grant House an idea where the project stands and direction it can go.

McCormick Energy Group is eager to work with you and your community to bring our portfolio of Guaranteed Energy Solutions and project management to the York's Grant House. We will enthusiastically pursue all viable energy opportunities, funding options, and grants for this project.

We look forward to having the opportunity to apply our energy reduction philosophies to the York community. Upon reviewing our submission, we would be honored to present ourselves and abilities during an interview with your selection committee.

Sincerely,

A handwritten signature in black ink that reads "Michael McCormick". The signature is written in a cursive, flowing style.

Michael McCormick, CPE  
Principal in Charge  
President, CEO  
McCormick Facilities Management, Inc.  
mmccormick@memccormick.com

Our fee for this project will be a fixed, not to exceed, cost to complete the work as outlined in the scope of work. Change orders would only be presented if discoveries are made that could not have been detected, or at the request of the Town of York. As requested, our hourly fee schedule is included should work outside of the SOW be requested.

We are providing a response to Bid Alternative No. 1. Due to unknown local codes and requirements, we cannot provide permits of any type until selected and design work is concluded. A more detailed assessment of the physical building attributes is necessary. All local, state, and federal site-planning issues must be resolved prior to final design and pricing. We cannot at this time provide a firm price due to this and other unknown conditions. Items such as permitting, soil conditions, historic preservation, and the building conditions being able to accept the proposed changes, our price may, or may not, be firm until we are selected and can complete an appropriate design.

Our firm attended the walk-through on July 8<sup>th</sup>, and is familiar with the building needs and project guidelines.

**Option #1**

**Proposed cost per the RFP with exceptions as listed above or elsewhere in this proposal:**

(a) OkoFEN automated pellet boiler	<b>\$ 68,856.00</b>
(b) Design and construction of exterior building	<b>\$ 100,897.00</b>
Total project cost per RFP	<b>\$169,753.00</b>
(c) Installation of underground water lines beyond 20' included in item (a)	<b>\$100 per linear foot</b>

**Option #2**

This option is to locate the pellet boiler inside the workshop adjacent to the Grant house. The boiler and a pellet storage bag system capable of holding four tons of pellets, roughly one-third of the annual need would both be located inside the workshop, therefore eliminating the construction and maintenance of a boiler house building as suggested in the RFP. Historic preservation and site setback issues would be eliminated with this solution. Insulated piping would be installed underground from the workshop to the Grant House basement and connected to the 5-zones.

**Proposed cost per the RFP with boiler located in the workshop:**

OkoFEN automated pellet boiler system	<b>\$114,849.00</b>
See a complete description of Option #2 under our Alternative options section below.	

**Option #3**

This option is a "deduction" from the Option #2 price to NOT remove the existing oil boiler, chimney, oil tank, and other associated accessories from the Grant House basement

**Cost for us to NOT remove the existing oil boiler, tank, and accessories:**

OkoFEN automated pellet boiler system	DEDUCT FROM OPTION #2	<b>\$6,635.00</b>
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McCormick Facilities Management  
SCHEDULE OF FEES AND CONDITIONS

A. FEES FOR SERVICES

Fees for services are based on the time actually worked on the project, by professional and technical personnel, including travel time. The fee is computed as the sum of the following items:

1. Retainer –Not required

2. <u>Hourly rates</u> -	Principals at	\$120.00/hour
	Analysts at	\$100.00/hour
	Clerical at	\$45.00/hour

3. Reimbursable expenses

- a. Automobile travel at 55 cents per mile, plus tolls and parking at cost; rental cars, if used, at cost.
- b. Other means of travel at cost.
- c. Long distance telephone and cell phone calls at cost.
- d. Printing costs for drawings, specifications, reports, etc. at cost.
- e. Meals and lodging at cost.

B. CONSULTANTS

Services provided to us will be billed on the basis of their direct charges plus 10%.

C. PAYMENTS

Invoices will generally be submitted twice a month for services performed unless the agreement specifically states otherwise. Payment in full will be due within 20 days of invoice date after which time interest, at the rate of 1.0% per month, will be charged to the outstanding balance. Any administrative and legal costs incurred by McCormick Facilities Management to collect an unpaid bill will be paid by the Client.

D. TERMINATION

Our services may be terminated by you at any time, subject only to previous commitments we have made to others in your behalf for assistance in the work.

E. LIMITATION OF LIABILITY

For any damage or costs resulting from error, omission or other professional negligence in the performance of our services, the liability of McCormick Facilities Management, to all claimants will be limited to an annual aggregate sum not to exceed our fee for services or actual expense, which ever is less.

# Heat Load Analysis

York Grant House

## HEAT LOSS CALCULATION SUMMARY

Manual J calculation

**DATE:** July 16, 2013  
**CUSTOMER NAME:** Town of York, Maine  
**ROOM NAME:** Grant House

**ROOM DETAILS**

LENGTH OF ROOM ( FT )	70	# OF OUTSIDE WALLS	4
WIDTH OF ROOM ( FT )	60	# OF OUTSIDE WALLS	2
HEIGHT OF ROOM ( FT )	16		

<b>WINDOW DETAILS</b>	DOUBLE PANE		
TOTAL WINDOW AREA	223	SQ FT	HEAT LOSS THROUGH WINDOWS 2767

<b>DOOR DETAILS</b>	WOOD		
TOTAL DOOR AREA	168	SQ FT	HEAT LOSS THROUGH DOORS 1253

<b>WALL INSULATION</b>	R12		HEAT LOSS THROUGH WALLS 11237
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<b>CEILING INSULATION</b>	R26		HEAT LOSS THROUGH CEILING 3696
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**FLOOR TYPE**

**INSULATION LEVEL**

CONCRETE SLAB ON GRADE	NO	N/A
BASEMENT SLAB BELOW GRADE	NO	N/A
FRAME FLOOR	NO	N/A

HEAT LOSS THROUGH FLOORS	0
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<b>INFILTRATION TYPE</b>	GOOD	<b>INFILTRATION LOSSES</b>	12684
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**DESIGN TEMPERATURE DIFFERENCE** 72 DEGREES FAHRENHEIT

<b>TOTAL HEAT LOSS =</b>	30,384	<b>WATTS</b>
<b>TOTAL HEAT LOSS =</b>	103,674	<b>BTUs</b>

**IMPORTANT:** This heat loss calculator is designed for estimation purposes only, due to the many variables in both building construction and materials that may exist no responsibility can be taken for inappropriately installed equipment

**Estimated Annual Fuel Costs**

For estimating future fuel costs, it is common practice to assume a 5% increase annually. Historically, this has stood true and is a common practice in this industry. Assuming the Town of York will be paying approximately \$195 per ton of pellets, we can assume the following table accurately displays a 20-year fuel cost prediction. Further, we are estimating that the Grant House will need 14 tons of pellets each heating season. Of course, there are many variables in this calculation and it is meant to be rudimentary but gives a good insight as to what the Town can expect.

Tons/Year	14
% annual increase	5%

Heating year

	1	2	3	4	5	6	7	8	9	10	10 year total
Price/ton	\$195.00	\$204.75	\$214.99	\$225.74	\$237.02	\$248.87	\$261.32	\$274.38	\$288.10	\$302.51	
TOTAL	\$2,730.00	\$2,866.50	\$3,009.83	\$3,160.32	\$3,318.33	\$3,484.25	\$3,658.46	\$3,841.38	\$4,033.45	\$4,235.13	\$34,337.65

	11	12	13	14	15	16	17	18	19	20	20 year total
Price/ton	\$317.63	\$333.52	\$350.19	\$367.70	\$386.09	\$405.39	\$425.66	\$446.94	\$469.29	\$492.76	
TOTAL	\$4,446.88	\$4,669.23	\$4,902.69	\$5,147.82	\$5,405.21	\$5,675.47	\$5,959.25	\$6,257.21	\$6,570.07	\$6,898.57	\$90,270.05

**Project Milestones and Completion**

This is an expected timeline based on rough dates. It is our full expectation to have the boiler running in time for the 2013-2014 heating season. However, delay of contracts, requested materials etc. may delay the projected dates as listed below.

Bids opened .....	July 19
Project awarded.....	July 22
Contracts signed.....	July 30
Design completed.....	August 30
Permits received.....	September 30
Construction begins.....	October 1
Construction complete.....	November 15
First firing of pellet boiler.....	November 16
Project complete.....	November 30

## Section IV: Alternate Project Options and Information

## ALTERNATE PROJECT OPTIONS AND INFORMATION

---

We feel the project with the Grant House is at a good starting point to implement a pellet boiler. However, upon our visit during the walk-through, some variables were discovered that could affect the final outcome and pricing of this project. Foremost, it is the intention to have an additional building erected to house the pellet boiler, but permits have not been secured, soil testing has not been completed, and so on. It may not be possible to build a boiler house in the desired location.

We are offering the following ideas in order to reduce costs for the project and, hopefully, make the alternative energy project more attractive to the Grant House.

Option #2: There is an existing equipment storage shed located approximately 130 feet from the desired location of a boiler house. We purpose using the storage shed to house the boiler instead of building a new structure. This option will have many benefits:

- Additional soil testing and zoning costs will be avoided by using an existing structure
- Building Permits to build a structure likely can be avoided
- Using the storage shed will allow the facility to maintain its historical integrity and disturb the original house and grounds very little
- By locating the boiler in the shed, the shed will be heated too and the propane heater can be discontinued, providing uniform heat throughout the entire facility

Option #3 Deduction: Removing the existing oil boiler, tank, and chimney systems within the basement only adds cost to the project and provides no payback to the pellet boiler installation. The oil furnace can either be decommissioned when the pellet boiler comes online and left in place. Or, the Grant House could also use the oil furnace during shoulder seasons and run it until it eventually becomes obsolete. At which time, it could be removed or just left in place and decommissioned.

Additional Project Information: The follow graphics are provided as details to support our approach to the project. In the previous section, a heat load analysis and 20 year estimated fuel savings were provided. In our experience, it is also important to consider the following information in support of an alternative energy project.

The chart below considers the amount of #2 oil the Grant House is currently using. Based on an estimated price per gallon of #2 oil of \$3.50 and \$195 per ton price for pellets, the Grant House stands to save \$3,538 annually with this project. The Carbon emissions will be reduced by 16 tons annually. Over 20 years, this project will prevent 320 tons of Carbon from being released.

**York, Maine - Grant House**

FUEL TYPE	FUEL SOURCE			
	50% MC Hardwood	Pellets (premium)	#2 Fuel Oil	Propane
GROSS HEATING VALUE	8,600,000	16,400,000	138,690	91,300
COMBUSTION EFFICIENCY	Btu/ton	Btu/ton	Btu/gal	Btu/ccf
NET HEATING VALUE	80%	87%	80%	90%
	6,880,000	14,300,000	111,000	82,000
	Btu/ton	Btu/ton	Btu/gal	Btu/ccf

**COST ASSUMPTIONS**

- 100% Projected Energy Displacement % with alternative fuel
- \$ 3.50 Projected price per gallon #2 oil
- \$ 2.85 Projected price per CCF Propane
- \$ 70.00 Per ton Biomass chips 50% MC
- \$ 195.00 Per ton Pellets

Fuel conversion cost only  
Does not consider cost of equipment to convert

- 100% Projected Displacement with Alternative Fuel of total campus consumption
- 1,427 Total Gallon's consumed annually - reported average
- 1,427 Projected Gallon's of Displacement with Alternative Fuel of total campus consumption
- 198 mmBTUs consumed/year
- 198 mmBTU's displaced with alternative fuel

158

WOOD CHIP CONVERSION	
\$ 3.50	Budgeted cost/gal #2
\$ 70	per ton budget cost chips
\$ 31.55	Cost per mmBTU #2 oil
\$ 10.17	Cost per mmBTU Chips @ 50% MC
\$ 21.37	Cost savings per mmBTU

WOOD PELLET CONVERSION	
\$ 3.50	Budget cost/gal #2
\$ 195	per ton budget cost Pellets
\$ 31.55	Cost per mmBTU #2 Oil
\$ 13.67	Cost per mmBTU Pellets
\$ 17.88	Cost savings per mmBTU

Propane CONVERSION	
\$ 3.50	Budget cost/gal #2
\$ 2.85	per CCF budget cost CNG
\$ 31.55	Cost per mmBTU #2 Oil
\$ 34.68	Cost per mmBTU Propane
\$ (3.14)	Cost savings per mmBTU

\$ 4,229	Projected annual savings with wood chips	\$ 3,538	Projected annual savings with wood pellets	\$ (621)	Projected annual savings with Propane
29	Tons of chips annually	14	Tons of pellets annually	2,414	CCF annually

\$ 42,295	10 year savings	\$ 35,383	10 year savings	\$ (6,212)	10 year savings
\$ 169,180	40 life cycle savings	\$ 141,532	40 life cycle savings	\$ (24,850)	40 life cycle savings

16 Tons CO<sub>2</sub> offset annually  
0.1 Tons SO<sub>2</sub> offset annually  
0.0 Tons NO<sub>2</sub> offset annually

**ALTERNATE PROJECT OPTIONS AND INFORMATION**

This chart displays the 20-year life cycle with predicted fuel escalators. History shows that #2 heating oil rises approximately 10% and pellet prices rise at 5%. We have used these figures in our 20-year illustration to show the life cycle savings the Grant House could save by implementing a pellet boiler.

Due to the length of the spreadsheet, it is broken into two parts. The section at the bottom shows the summary and tells that in 20 years, the Grant House can expect to save \$207,531 with a pellet boiler. There's an expected 52% savings just in the first year.

\*Please Note the information in this, and other spreadsheets, is based on information we received from the Town of York and may vary upon further exploration.

7/15/2013 15:55

York Grant House	Unknown at this time									
Project construction Cost (basis)	1	2	3	4	5	6	7	8	9	10
Savings Illustration	1,427	1,427	1,427	1,427	1,427	1,427	1,427	1,427	1,427	1,427
Calculations	Source									
Use in Fuel Oil per year (gal)	(a) from Customer									
Cost per Gallon of Fuel	\$ 3.50	\$ 3.85	\$ 4.24	\$ 4.66	\$ 5.12	\$ 5.64	\$ 6.20	\$ 6.82	\$ 7.50	\$ 8.25
Rate of Inflation in Oil Prices	(c) 20 year average Maine HO increase 10%									
Cost per year of Fuel Oil	\$ 4,995	\$ 5,494	\$ 6,043	\$ 6,648	\$ 7,312	\$ 8,044	\$ 8,848	\$ 9,733	\$ 10,706	\$ 11,777
Boiler efficiency	(d)=a*b 80%									
BTU/gal	(e) Customer data 138,690									
MMBTU/yr	(f) Industry data 158									
Effective cost in MMBTU with Oil	\$31.55	\$34.70	\$38.17	\$41.99	\$46.19	\$50.80	\$55.88	\$61.47	\$67.62	\$74.38
Escalator	(i) Fixed/Var index cost increase 5.0%									
Cost in Biomass MMBTU	\$15.00	\$ 15.75	\$ 16.54	\$ 17.36	\$ 18.23	\$ 19.14	\$ 20.10	\$ 21.11	\$ 22.16	\$ 23.27
Customer Cost of Biomass heat per year	\$ 2,375	\$ 2,494	\$ 2,618	\$ 2,749	\$ 2,887	\$ 3,031	\$ 3,183	\$ 3,342	\$ 3,509	\$ 3,684
Savings for Customer	\$ 2,620	\$ 3,000	\$ 3,425	\$ 3,898	\$ 4,426	\$ 5,013	\$ 5,665	\$ 6,391	\$ 7,197	\$ 8,092
Percentage Savings	52%	55%	57%	59%	61%	62%	64%	66%	67%	69%

Total projected oil costs next 20 years \$ 286,060  
 Total projected cost of biomass fuel \$ 78,529  
 Total 20 savings to York \$ 207,531

Total cost to York over 20 years \$ 78,529



7/15/2013 15:56

York Grant House

Project construction Cost (basis)

Savings Illustration	11	12	13	14	15	16	17	18	19	20
Use in Fuel Oil per year (gal)	1,427	1,427	1,427	1,427	1,427	1,427	1,427	1,427	1,427	1,427
Cost per Gallon of Fuel	\$ 9.08	\$ 9.99	\$ 10.98	\$ 12.08	\$ 13.29	\$ 14.62	\$ 16.08	\$ 17.69	\$ 19.46	\$ 21.41
Rate of Inflation in Oil Prices										
Cost per year of Fuel Oil	\$ 12,954	\$ 14,250	\$ 15,675	\$ 17,242	\$ 18,967	\$ 20,863	\$ 22,950	\$ 25,245	\$ 27,769	\$ 30,546

Boiler efficiency

BTU/gal	11	12	13	14	15	16	17	18	19	20
MMBTU/yr										
Effective cost in MMBTU with Oil	\$81.82	\$90.00	\$99.00	\$108.90	\$119.79	\$131.77	\$144.95	\$159.44	\$175.39	\$192.93

Escalator

Cost in Biomass MMBTU	11	12	13	14	15	16	17	18	19	20
Customer Cost of Biomass heat per year	\$ 24.43	\$ 25.66	\$ 26.94	\$ 28.28	\$ 29.70	\$ 31.18	\$ 32.74	\$ 34.38	\$ 36.10	\$ 37.90
Savings for Customer	\$ 9,086	\$ 10,188	\$ 11,410	\$ 12,764	\$ 14,264	\$ 15,926	\$ 17,765	\$ 19,801	\$ 22,053	\$ 24,545

Percentage Savings

	70%	71%	73%	74%	75%	76%	77%	78%	79%	80%
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**ALTERNATE PROJECT OPTIONS AND INFORMATION**

The chart below is a 20-year life cycle illustration that shows the overall estimated cost and maintenance expenses of running a pellet boiler at the Grant House. We've tailored this chart to the specifications of this project to the best of our knowledge.

Due to the length of the spreadsheet, it is broken into two parts.

7/16/2013 14:54

York Grant House	Year										
Life cycle costs	1	2	3	4	5	6	7	8	9	10	
Item	Frequency	3.0%									
Fuel - Pellets	Annual inflation rate 3%	3.0%									
Ash Removal	34 tons annually	\$ 2,590.00	\$ 2,667.70	\$ 2,747.73	\$ 2,830.16	\$ 2,915.07	\$ 3,002.52	\$ 3,092.60	\$ 3,185.37	\$ 3,280.93	\$ 3,379.36
Annual service - cleaning, adjusting	Once per every 2.5 tons of pellets	\$ 112.00	\$ 115.35	\$ 118.82	\$ 122.39	\$ 126.06	\$ 129.84	\$ 133.73	\$ 137.75	\$ 141.88	\$ 146.13
Annual licensing	Once per year	\$ 250.00	\$ 257.50	\$ 265.23	\$ 273.18	\$ 281.38	\$ 289.82	\$ 298.51	\$ 307.47	\$ 316.69	\$ 326.19
Electricity	Once per year	\$ 85.00	\$ 87.55	\$ 90.18	\$ 92.88	\$ 95.67	\$ 98.54	\$ 101.49	\$ 104.54	\$ 107.88	\$ 110.91
Heating Season	Heating Season	\$ 72.00	\$ 74.16	\$ 76.38	\$ 78.68	\$ 81.04	\$ 83.47	\$ 85.97	\$ 88.55	\$ 91.21	\$ 93.94
Annual cost of ownership		\$ 3,109	\$ 3,202	\$ 3,298	\$ 3,397	\$ 3,499	\$ 3,604	\$ 3,712	\$ 3,824	\$ 3,938	\$ 4,057
Projected cost of oil if no changes to existing system	Annual inflation rate 10%	\$ 5,351.25	\$ 5,886.38	\$ 6,475.01	\$ 7,122.51	\$ 7,834.77	\$ 8,618.24	\$ 9,480.07	\$ 10,428.07	\$ 11,470.88	\$ 12,617.97
Savings for Customer	includes servicing, etc. same as pellets	\$ 2,242	\$ 2,684	\$ 3,177	\$ 3,725	\$ 4,336	\$ 5,014	\$ 5,768	\$ 6,604	\$ 7,532	\$ 8,561
Percentage Savings		42%	46%	49%	52%	55%	58%	61%	63%	66%	68%



Total projected oil costs next 20 years \$ 306,493  
 Total projected cost of biomass fuel \$ 83,540  
 Total 20 savings to York \$ 222,953

Total cost to York over 20 years \$ 83,540

ALTERNATE PROJECT OPTIONS AND INFORMATION

7/16/2013 14:55

York Grant House

Life cycle costs

Item	Frequency	11	12	13	14	15	16	17	18	19	20
	Annual inflation rate 3%										
Fuel - Pellets	14 tons annually	\$ 3,480.74	\$ 3,585.17	\$ 3,692.72	\$ 3,803.50	\$ 3,917.61	\$ 4,035.14	\$ 4,156.19	\$ 4,280.88	\$ 4,409.30	\$ 4,541.58
Ash Removal	Once per every 2.5 tons of pellets	\$ 150.52	\$ 155.03	\$ 159.69	\$ 164.48	\$ 169.41	\$ 174.49	\$ 179.73	\$ 185.12	\$ 190.67	\$ 196.39
Annual service - cleaning, adjusting	Once per year	\$ 335.98	\$ 346.06	\$ 356.44	\$ 367.13	\$ 378.15	\$ 389.49	\$ 401.18	\$ 413.21	\$ 425.61	\$ 438.38
Annual licensing	Once per year	\$ 114.23	\$ 117.66	\$ 121.19	\$ 124.83	\$ 128.57	\$ 132.43	\$ 136.40	\$ 140.49	\$ 144.71	\$ 149.05
Electricity	Heating Season	\$ 96.76	\$ 99.66	\$ 102.65	\$ 105.73	\$ 108.91	\$ 112.17	\$ 115.54	\$ 119.01	\$ 122.58	\$ 126.25
<b>Annual cost of ownership</b>		<b>\$ 4,178</b>	<b>\$ 4,304</b>	<b>\$ 4,433</b>	<b>\$ 4,566</b>	<b>\$ 4,703</b>	<b>\$ 4,844</b>	<b>\$ 4,989</b>	<b>\$ 5,139</b>	<b>\$ 5,293</b>	<b>\$ 5,452</b>
Projected cost of oil if no changes	Annual inflation rate 10%	\$ 13,879.76	\$ 15,267.74	\$ 16,794.51	\$ 18,473.97	\$ 20,321.36	\$ 22,353.50	\$ 24,588.85	\$ 27,047.73	\$ 29,752.51	\$ 32,727.76
to existing system	includes servicing, etc. same as pellets										
<b>Savings for Customer</b>		<b>\$ 9,702</b>	<b>\$ 10,964</b>	<b>\$ 12,362</b>	<b>\$ 13,908</b>	<b>\$ 15,619</b>	<b>\$ 17,510</b>	<b>\$ 19,600</b>	<b>\$ 21,909</b>	<b>\$ 24,460</b>	<b>\$ 27,276</b>
<b>Percentage Savings</b>		<b>70%</b>	<b>72%</b>	<b>74%</b>	<b>75%</b>	<b>77%</b>	<b>78%</b>	<b>80%</b>	<b>81%</b>	<b>82%</b>	<b>83%</b>

**ALTERNATE PROJECT OPTIONS AND INFORMATION**

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Maintenance costs are important to consider with any heating system. The OkoFEN AutoPellet requires about the same maintenance cleaning and attention as a typical oil furnace, with the exception of the ash removal. In a system such as the one we are suggesting for the Grant House, the ash removal will likely need to be done once a month. There's a bin that is removed easily and the ashes are either disposed of or can be used as a fertilizer. The system will automatically clean itself twice during a heating season and a technician should be scheduled to complete a cleaning annually. An annual cleaning is comparable to an oil furnace at approximately \$125-\$150 per visit.

An AutoPellet brochure with its features is attached in the following section. A 20-year maintenance schedule and costs is drawn out below. For tasks such as removing the ashbin, we assume a Town employee can perform this task at \$15-\$18 per hour.

<b>Task</b>	<b>Frequency</b>	<b>Cost per year</b>	<b>Cost over 20 years</b>
Cleaning of the system	1x per year	\$250.00	\$6,718.00
Remove and empty ash bin (performed by Town employee)	1x per 2.5 tons of pellets	\$196	\$3,009.00
Annual license	1x per year	\$85	\$2,284.00
<b>TOTAL 20 YEAR MAINTENANCE COST</b>			<b>\$12,011.00</b>

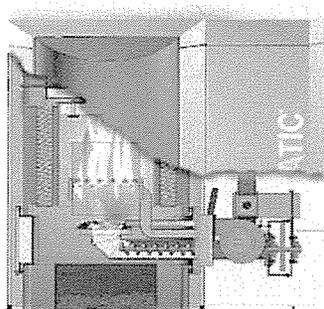
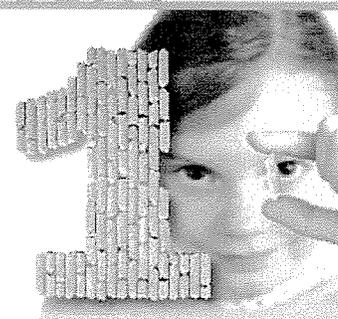
Note: See the attached Life cycle costs sheet for total costs of ownership over a 20 year life span.

## Attachments

# AutoPellet Boiler System

The AutoPellet boiler systems are UL approved for use with premium grade pellets. Suitable for direct replacement of an existing oil/gas boiler, or as the main heat source while maintaining the existing oil/gas boiler. An AutoPellet system is the ideal solution for decreasing our dependence on fossil fuels in times of unpredictable energy prices without reducing the level of convenience.

Each AutoPellet boiler system comes standard with either an auger or vacuum pellet feed system and automatic ash removal equipment.



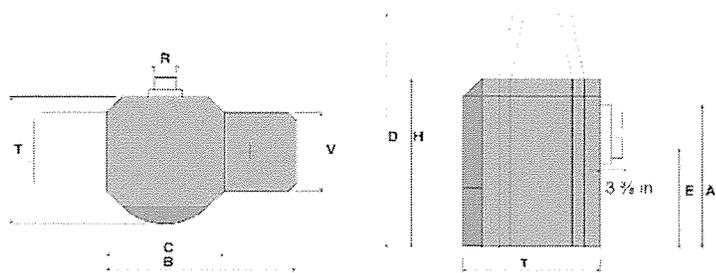
### Venting and Installation Requirements:

The boiler must have its own chimney/flue chase approved for solid fuel firing. Use a black smoke pipe for boiler breeching to the chimney. Install a furnished barometric in vertical direction. Slope flue pipe to chimney at least 1/4" per foot upward to the chimney. Ensure adequate combustion air at all times. Extend chimney at least 3 ft above roof penetration and at least 2 ft above any part of the roof within a radius of 10 ft. Follow Table below for minimum chimney heights. Maintain at least 4 ft lateral clearance between pellet boiler and pellet fuel storage.

Boiler - Type		PE(S)12	PE(S)15	PE(S)20	PE(S)25	PE(S)32	PES36	PES46	PES56
Boiler-rated power:	BTU/hr	41,000	51,000	68,300	85,300	109,500	123,000	164,000	191,000
Width - total	B Inch	44 1/2	44 1/2	44 1/2	46 3/4	46 3/4	51	51	51
Width - boiler	C Inch	27 1/2	27 1/2	27 1/2	29 3/4	29 3/4	34	34	34
Height - boiler	H Inch	43	43	43	50 3/4	50 3/4	61 1/2	61 1/4	61 3/4
Height - vacuum suction system D	Inch	60	60	60	67 1/2	67 1/4	73	73	73
Depth - boiler	T Inch	32	32	32	34 3/4	34 3/4	39	39	39
Depth - casing	V Inch	20	20	20	20	20	20	20	20
Water supply/return - dimensions	Inch	1	1	1	1/4	1/4	2	2	2
Water supply/return - height of connector	A Inch	35 3/4	35 3/4	35 3/4	43 3/4	43 3/4	52	52	52
Flue size - diameter	R Inch	5	5	5	6	6	7	7	7
Flue - height of connection	F Inch	25 1/2	25 1/2	25 1/2	33 3/4	33 3/4	41	41	41
Overall Weight	Lb	534	542	551	697	705	1,327	1,336	1,345
Water capacity	Gal	15.0	15.0	15.0	23.6	23.6	30.6	30.6	30.6

Chimney Size	Min. Height
6" x 6"	17 ft
7" x 7"	16 ft
8" x 8"	16 ft
6" round	19 ft
7" round	17 ft

The AutoPellet system must be installed by a trained service technician. The boiler will require cleaning and brushing of the boiler heating surfaces once a year.

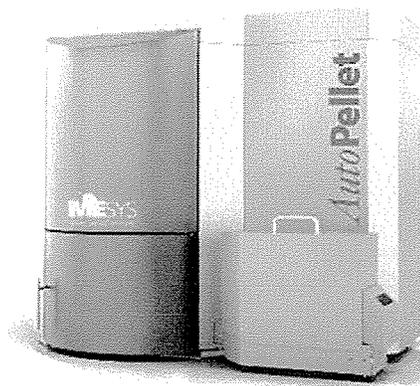
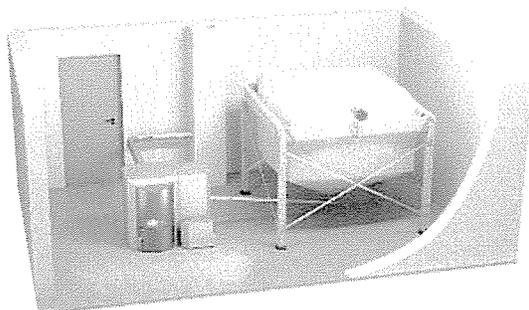


Maine Energy Systems, LLC IMLSys1 8 Airport Road P.O. Box 547 Bethel, Maine 04217  
207.824.NRGY (6749) info@maineenergysystems.com

MESys Certified Contractor



# The MESys AutoPellet is the best choice for fully-automatic wood pellet central heating.



FEATURE	MESYS	THE MESYS BENEFIT
Automatic Ash Removal	YES	Ash is automatically removed and compressed into a storage container to be emptied by an easy one-to two-minute process about four times a year in the MESys AutoPellet boiler
Automatic Tube Cleaner	YES	MESys AutoPellet boiler tubes are automatically cleaned daily and never require manual cleaning. There is no need to cool down the boiler prior to cleaning the tubes resulting in less down time.
Bottom Fed Burner	YES	Bottom fed burners minimize the number of cold starts, eliminate emptying ash from burn chamber for a restart, and result in no by-product build-up in the MESys AutoPellet boiler After a period of low demand, the bottom fed design requires only the application of air in order to restart.
100%-33% Output Modulation	YES	The MESys AutoPellet burner modulates power over 17 intervals between 100% and 33% output allowing for high efficiency and low emissions at all levels.
Alarm Port	YES	MESys AutoPellet boilers have an alarm port that will trigger dialers or other alerts.
Ethernet Port	YES	An optional ethernet port is available to access the data that the MESys AutoPellet boiler control unit gathers. Data can be viewed from any internet enabled device with this option.
UL, ASME, EN 303-5 Certified	YES	MESys AutoPellet boilers are tested to UL standards and are available with ASME stamped or EN 303-5 certified vessels.
Trained Installers	500+	MESys has trained and certified over 500 plumbing and heating contractors to install and maintain AutoPellet boilers from Maine to Alaska.
Maintenance Frequency	ANNUAL	MESys AutoPellet boilers require only annual maintenance by service personnel.
Warranty	30 YEAR	MESys AutoPellet boilers have an industry leading 30 year warranty at no additional annual cost. For complete warranty details, visit <a href="http://MaineEnergySystems.com/warranty">MaineEnergySystems.com/warranty</a> .
Back-up System	UNNECESSARY	MESys AutoPellet boilers are stand-alone central heating systems.
Burner Ashscrape	UNNECESSARY	Many competitors require a complete shut down of the boiler to allow the burner to cool down for ashscrape. Because of the unique bottom fed burner design of the MESys AutoPellet boiler, there is no need for burner ashscrape.
Accumulator Tank	UNNECESSARY	MESys AutoPellet boilers modulate cleanly and restart quickly so an accumulator tank for emissions control is not needed.



207-824-NRGY (6749) [MaineEnergySystems.com](http://MaineEnergySystems.com)

*Cheaper. Cleaner. Closer.*

## Pellet boiler vs. propane boiler – presentation for Board of Selectmen Aug. 12, 2013

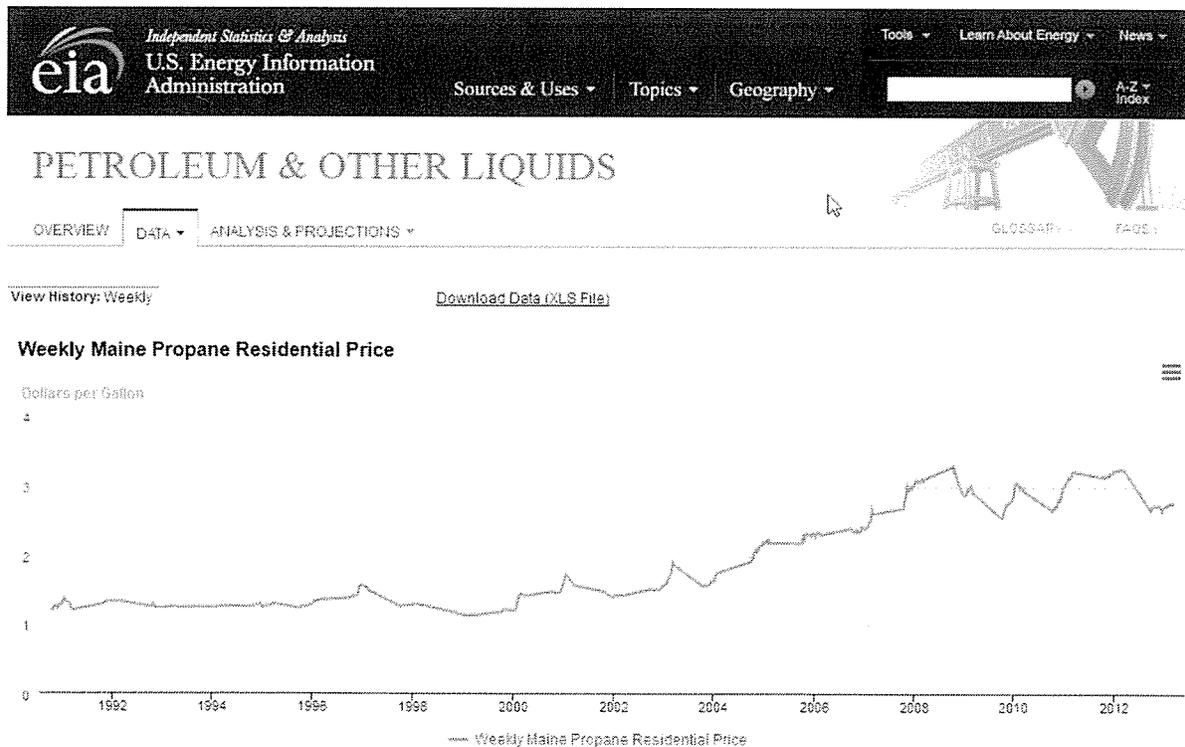
### About Pellets

Heating with wood pellets offers distinct advantages over conventional fossil heating fuels and other forms of wood burning

- Using pellet fuel reduces our dependence on oil, natural gas and propane – all non-renewable fossil fuels
- Pellet fuel is a renewable fuel when wood is derived from sustainable sources
- Using locally-sourced pellet fuel circulates your fuel dollar in the local economy, rather than exporting your fuel dollar for oil or propane sourced from outside our region.
- Displacing fossil fuels with pellet fuels reduces the emission of greenhouse gases such as carbon dioxide, thereby helping to mitigate climate change
- Since pellet stove and boiler emissions are comparatively low, they are often allowed in areas that have conventional wood burning restrictions.

Source: <http://www.pelletheat.com/for-consumers/all-about-pellets.html>

Below is a chart of the historical price of propane in Maine. In the last 10 years, propane prices have approximately doubled.



### What Influences Propane Prices?

Propane prices are subject to a number of influences, some common to all petroleum products, and others unique to propane. Because propane is easily transported, it can serve many different markets, from fueling barbecue grills to producing petrochemicals. The price of propane in these markets is influenced by many factors, including the prices of competing fuels in each market; the distance propane has to travel to reach a customer; and the volumes used by a customer.

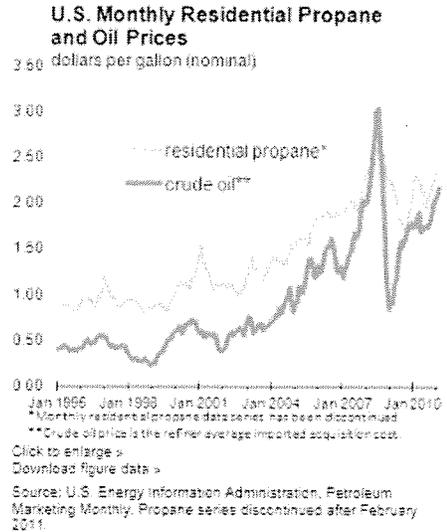
**Crude Oil and Natural Gas Prices** — Although propane is produced from both crude oil refining and natural gas processing, its price is influenced mainly by the cost of crude oil. This relationship is because propane competes mostly with crude oil-based fuels.

**Supply/Demand Balance** — Propane supply and demand is subject to changes in domestic production, weather, and inventory levels, among other factors. While propane production is not seasonal, residential demand is highly seasonal. This imbalance causes inventories to be built up during the summer months when consumption is low and for inventories to be drawn down during the winter months when consumption is much higher. When inventories of propane are low at the start of the winter heating season, chances increase that higher propane prices may occur during the winter season.

Colder-than-normal weather can put extra pressure on propane prices during the high-demand winter season because there are no readily available sources of increased supply except for imports. And imports may take several weeks to arrive, during which time larger-than-normal withdrawals from inventories may occur, sending prices upward. Cold weather early in the heating season can cause higher prices sooner rather than later, because early inventory withdrawals affect supply availability for the rest of the winter.

**Proximity of Supply** — Due to transportation costs, customers farthest from the major supply sources (the Gulf Coast and the Midwest) will generally pay higher prices for propane.

Propane prices tend to follow crude oil prices.

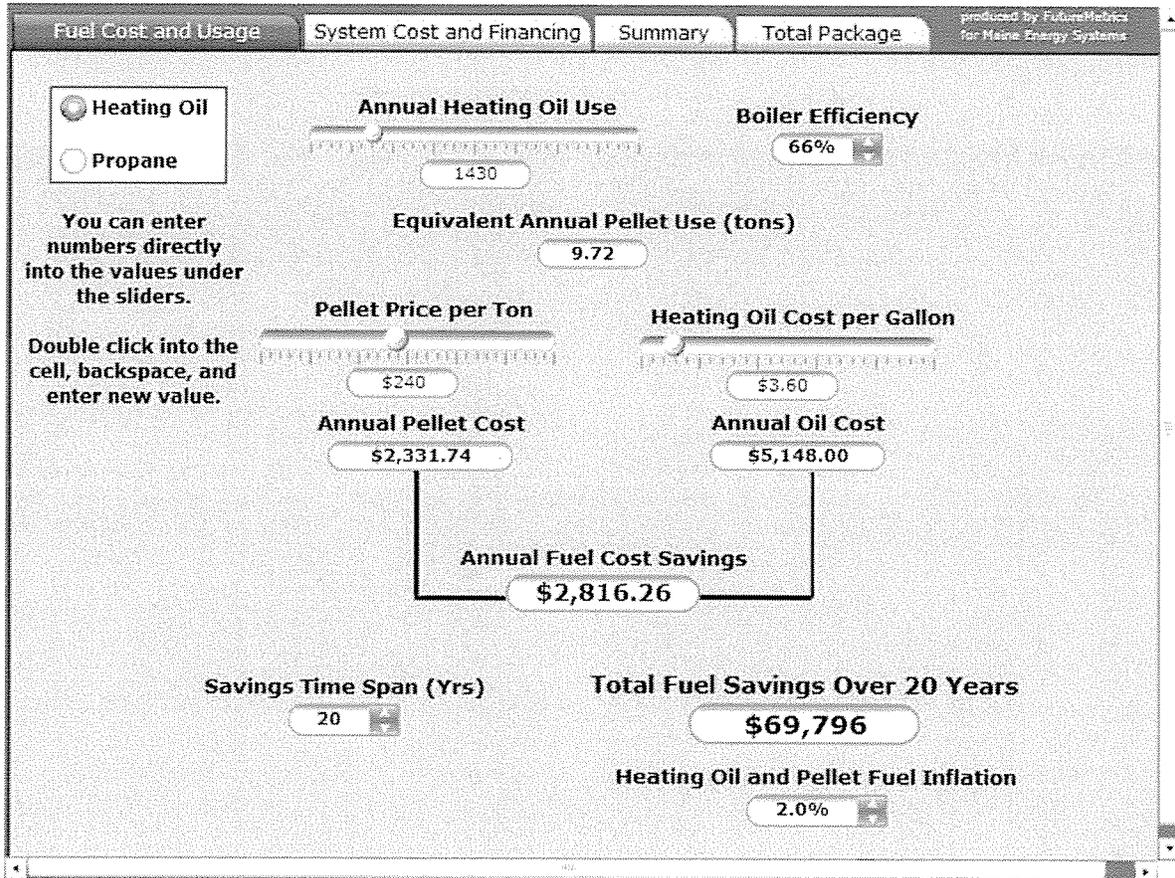


Source: eia.gov

Pellet boiler vs. propane boiler – presentation for Board of Selectmen Aug. 12, 2013

Below is a calculation of fuel savings for pellets compared to heating oil. It assumes very conservatively that both oil and pellets will increase in price at 2% per year.

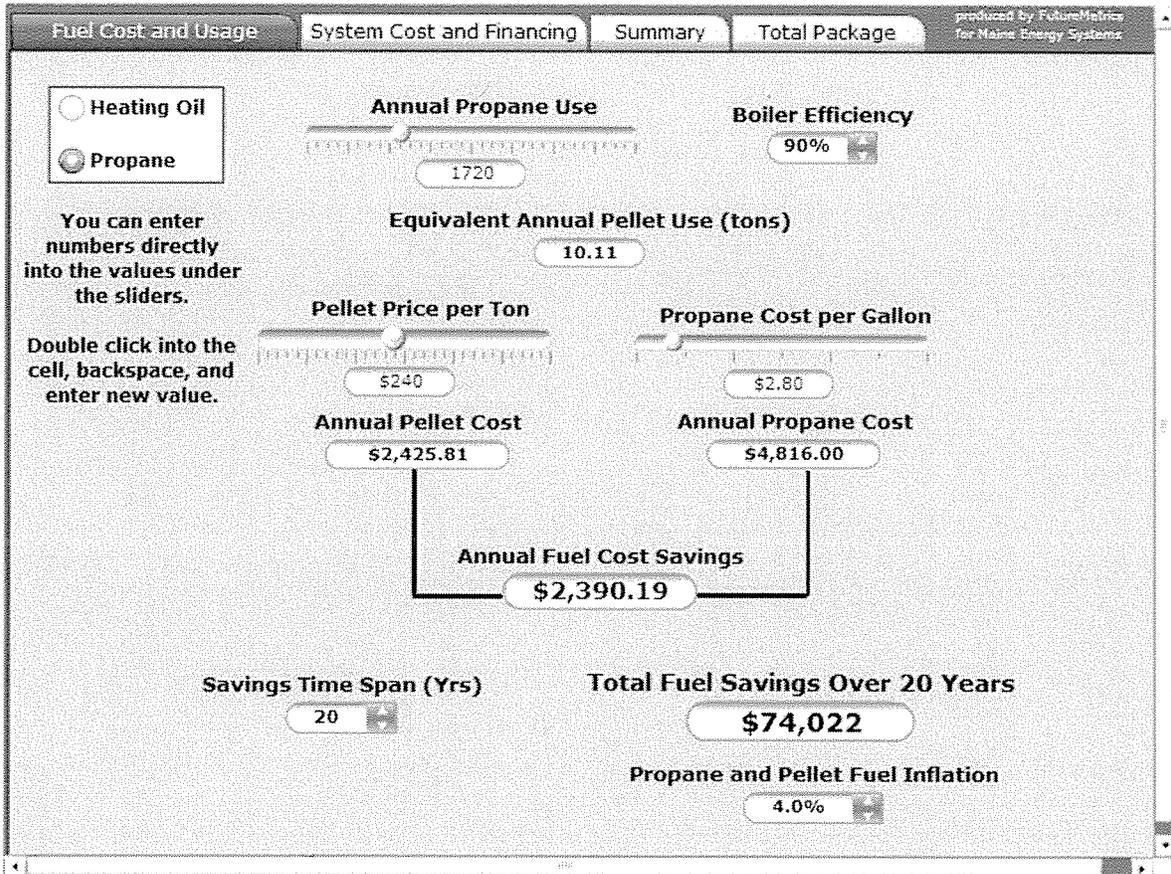
Residential Calculator



Pellet boiler vs. propane boiler – presentation for Board of Selectmen Aug. 12, 2013

Below is a comparison of pellet heat with propane. It estimates slightly higher pellet use per year, and it assumes that both propane and pellets will increase in price at 4% per year.

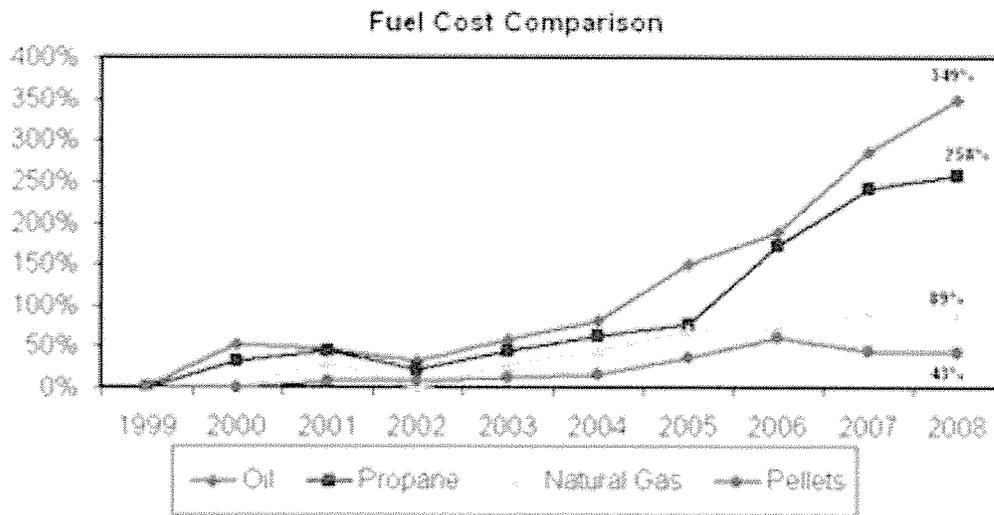
### Residential Calculator



Pellet boiler vs. propane boiler – presentation for Board of Selectmen Aug. 12, 2013

Wood pellet heat has been consistently the most price-stable and affordable source of building heat for the last ten years.

This graph shows changes in fuel pricing since 1999, with pellet fuel costs rising substantially slower than alternatives.



Note: This graphic illustrates a percentage of change comparison, not a comparison of prices.  
Sources: [www.nh.gov/oepp/index.htm](http://www.nh.gov/oepp/index.htm) and [www.pelletheat.org](http://www.pelletheat.org) \*Updated 3/25/2008

It is therefore reasonable to assume that the price of propane will rise faster than the price of wood pellets in coming years.

Note: This graphic illustrates a percentage of change comparison, not a comparison of prices.

Sources: NH Office of Energy and Planning and The Pellet Fuel Institute. Updated 10/31/2007

Matthew Webber  
June 28, 2013  
Eagle Scout Project Proposal

Mr. Robert Yandow  
Town of York, Town Manager  
186 York Street  
York, Maine 03909

Dear Mr. Robert Yandow,

My name is Matthew Webber. I am a Life Scout in Boy Scout Troop 301 of York, Maine. In my direction towards Eagle Scout, I am proposing to build and establish two nesting platforms for birds of prey including the osprey population specifically. This past Sunday, June 23, I met with a professor of Ornithology from the University of New Hampshire, Mr. William Lee in York Harbor by the Wheeler Wildlife Refuge alongside Route 103. After speaking with him, the conclusion was that the Wheeler Wildlife Refuge would be a suitable area for these platforms to be located.

My father and I have spoken to Mr. Steven Burns regarding this project. He has advised that the Wheeler Wildlife Refuge ordinance is administered by the Town of York Board of Selectmen. He explained that I would need to present this proposal to the Board of Selectmen for approval. Would you please place my proposal and I on the Board of Selectmen's agenda?

My presentation to the Board of Selectmen will include a diagram of the osprey nest platforms I hope to build, a plan for maintenance of the platforms moving forward and a letter from Mr. Lee confirming his observations regarding the placement of the osprey nest platforms in the Wheeler Wildlife Refuge.

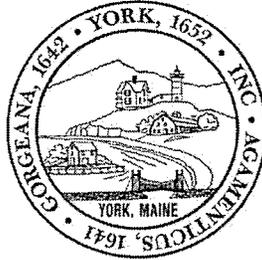
Thank for your time on this matter.

Sincerely,

Matthew J. Webber

Matthew Webber

Enclosure: Wheeler Wildlife Refuge Ordinance  
Osprey Nest Platform Design



**Notice of Public Hearing  
Board of Selectmen  
Monday, August 12, 2013  
7:00 PM  
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed amendments to the **Firearms Safety Ordinance** and to the **Street Opening and Culvert Ordinance**. Printed copies of the text of these amendments (draft document dated July 16, 2013) are available at Town Clerk's office in Town Hall, and digital copies are available on the Town's Web page ([www.yorkmaine.org](http://www.yorkmaine.org)).



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 6, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Proposed amendments for the Firearms Safety Ordinance and the Street Opening and Culvert Ordinance.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Community Development Director
<b>RECOMMENDATION:</b> I recommend the Board take input received at the public hearing, adjust the amendments as it sees fit, and forward each of these amendments to a second public hearing on August 26 <sup>th</sup> .
<b>PROPOSED MOTION:</b> I move to forward the proposed amendments to the <u>Firearms Safety Ordinance</u> and the <u>Street Opening and Culvert Ordinance</u> to a second public hearing on August 26 <sup>th</sup> ( <i>in any changes are to be made, identify these here</i> ).

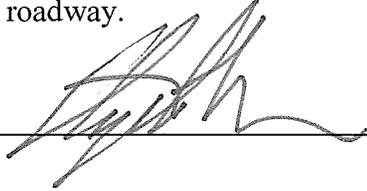
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### **Discussion:**

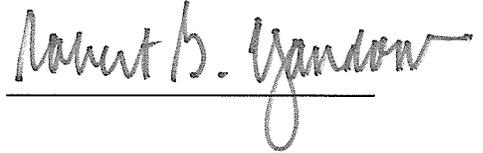
Firearms Safety Ordinance: The change to this Ordinance was requested by Police Chief Bracy in response to a recent incident. A memo from the Chief explaining his reasoning is attached. The Chief has also identified several typos which I will clean up prior to posting for the subsequent public hearing (“area” to “areas” in the statement of fact, and two pre-existing instances of “form” rather than “from” in Section 4.B).

Street Opening and Culvert Ordinance: This amendment includes several changes which were worked out with Don Neumann of the York Water District, Tim Haskell of the York Sewer District, and Dean Lessard, Superintendent of Public Works, in hopes of making this ordinance work better for all 3 parties. We had this worked out last April, just a little too late for a May vote. In reaching the compromises necessary to bring this forward, everybody got something but nobody got everything they wanted, and this represents an output we will all live with. Essentially, the changes give some added flexibility to the utility districts, and shift the re-paving responsibilities back to the entity which excavates in the roadway.

Prepared By:

A handwritten signature in black ink, appearing to be 'T. Haskell', written over a horizontal line.

Reviewed By:

A handwritten signature in black ink, appearing to be 'Robert B. Gannon', written over a horizontal line.

To: Board of Selectmen  
Cc: Town Manager Robert Yandow  
From: Douglas P. Bracy  
Chief of Police  
Date: July 10, 2013  
RE: Firearms Discharge – Phillips Pond and Lake Carolyn

As most know, we enacted new regulations to our firearms safety ordinance back in November 07, 2000 after several close calls involving residences that were struck by errant bullets. A committee was convened to look at all the concerns town wide and to look at how to best strike a balance between the rights of hunters and gun owners and the safety of the town's residents and visitors. Those changes enacted in 2000 raised awareness and have stood the test of time as a prudent and balanced approach to the issue.

This year was the first year since then that we experienced firearm-involved complaints that again raised serious public safety concerns to me. These complaints involved several individuals wanting to exercise their right to hunt waterfowl (ducks and Canadian geese) on several town owned small water bodies off of Shore Road. The first was the area known as Phillip's Pond. This area has homes surrounding the westerly side of the estuary to within 320 feet of the water and a public road running along the easterly side that borders the estuary. Shore Road is used by pedestrians, bicyclists, and motor vehicles on a regular daily basis. The other area involved Lake Carolyn which is located a short distance from Phillips Pond off the westerly side of Shore Road. This pond is surrounded on three sides with residential homes and the old trolley tracks to the westerly side of the pond which many residents use to walk on.

It is my opinion that neither one of these bodies of water are big enough to promote safe waterfowl hunting due to the proximity of homes and roads that border them. Currently, the town's firearm safety ordinance for these areas allows any type of weapon to be used. State game laws concerning this area only required hunters to be 10 feet from a paved road, not shoot over it, and be 300 feet from a dwelling. They also allow hunters to utilize a boat. Taking all of these rules and ordinances into account one can legally find areas to discharge weapons of any type legally on these bodies of water.

When one considers that firearms are capable of discharging projectiles that travel at several thousand feet per second, and travel for distances up to a mile, it becomes obvious that the 300-foot distance is not realistic even with shotguns in these areas. The recommended "safe zone" for trap shooting on a range utilizing 12 ga. shotguns is 300 yards or 900 feet. The nature of bird hunting also adds an additional element where hunters must focus on a moving target and may easily forget the background for where the shot is discharged. Shotgun shells use the principle of firing multiple pellets at one time assuming not all will hit their intended target thus leaving some to fall where they were aimed. With the increasing population and use of the areas outlined in these areas, it is my judgment that these two areas are no longer safe to discharge firearms either on or within 300 feet of these bodies of water. Both areas are owned by the Town of York and are our responsibility to manage.

# **Proposed Ordinance Amendments**

to be considered by the

## **Board of Selectmen**

for the

### **November 2013 General Referendum**

#### Amendments

1. Firearms Safety Ordinance – Map Amendment
2. Street Opening and Culvert Ordinance Amendment

**Amendment #1**  
*Firearms Safety Ordinance – Map Amendment*

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

Article X

The Town hereby ordains amendment of the **Firearms Safety Ordinance** to establish new no-discharge zones on and around Lake Carolyn and Phillips Pond, and to adopt written descriptions of each zone.

Statement of Fact: The purpose of this amendment is primarily to establish zones on and around Lake Carolyn and Phillips Pond because these area are too close to roads and houses to safely allow firearms discharge. Secondly, the maps showing the various discharge zones are supplemented with written descriptions in the text of the Ordinance to help people interpret the maps.

**Recommendations:**

Recommended by the Board of Selectmen:

**Amendment:** Amend the Ordinance as follows:

**FIREARMS SAFETY ORDINANCE OF THE TOWN OF YORK,  
MAINE**

*As Amended on November 5, 2013*

**Adopted by the Town of York, November 7<sup>th</sup>, 2000**

**~~Effective January 1<sup>st</sup>, 2001~~**

**SECTION 1 – TITLE**

This Ordinance shall be known as the Firearms Safety Ordinance of the Town of York, Maine.

**SECTION 2 – PURPOSE**

This Ordinance is enacted pursuant to Title 30-A MRSA § 3001 and the home rule authority of the Town in order to provide safety to the population and the property of the Town and to recognize responsible wildlife management.

**SECTION 3 – DEFINITIONS**

**Firearm** – “firearm” includes any instrument used in the propulsion of projectiles by action of gunpowder or gas exploded or released within it.

**Rifle** – a firearm designed to be fired from the shoulder; firing center fire fixed ammunition, propelling a single projectile through a rifled bore. Included in this definition of “rifle” are those firearms commonly known as .22 Rim Fire Magnums and firing .22 Rim Fire Magnum fixed ammunition.

#### **SECTION 4 – REGULATIONS AND RESTRICTIONS**

The following regulations and restrictions shall apply:

##### **A. Restriction by Zone**

Except as otherwise permitted by Paragraph 3, the discharge of firearms shall be geographically restricted as follows:

Zone A – No discharge of firearms.

Zone B – No Restrictions except for Rifles, which shall be restricted during the State of Maine open firearms season on deer.

Zone C – No restrictions.

The boundaries of all Zones shall be as defined on the “*Firearms Safety Ordinance – York, Maine; Effective Date: November 5, 2013*” ~~Firearms Discharge Map on file at the York Town Clerk’s office dated September 15<sup>th</sup>, 2000 and a “Detailed Firearms Discharge Map for the Lake Carolyn/Phillips Pond Area: November 5, 2013.”~~ *Written descriptions of the zones are included in Appendix A, Zone Descriptions. In cases of conflict between the map and the written descriptions, the map shall prevail.*

##### **B. Proximity to Dwellings and Occupied Structures**

It shall be unlawful for any person to discharge firearms of any kind or description in the Town of York within 100 yards of a dwelling or occupied structure or which causes the projectile(s) from such firearm to come within 100 yards of a dwelling or occupied structure without having received prior consent from the owner and/or occupants of said dwelling or occupied structure.

##### **C. Exceptions**

1. With prior written permission of the York Police Department, it shall be lawful to discharge a firearm for rodent/pest control in Zone A.
2. Landowners, and their dependants, residing in Zone B on 25 or more contiguous acres of agricultural, forested, or undeveloped land, are exempt from Section 4.A. of this Ordinance while on said land.
3. Nothing in this Ordinance shall be construed to prohibit the use of legal firearms when justified for the protection of human life or property.

4. This Ordinance shall not be construed to prohibit the discharge of firearms by duly authorized law enforcement officers in the proper exercise of their governmental duties.

#### **SECTION 5 – INDIVIDUAL RESPONSIBILITY**

While the Town of York and other entities provide awareness and educational materials, it remains the sole responsibility of the individual to fully familiarize him/her self with this Ordinance and to comply with its requirements.

#### **SECTION 6 – PUBLIC NOTICE**

Upon adoption, the York Selectmen shall make all reasonable efforts to assure that the public is made aware of the existence of this Ordinance. Signs shall be posted and maintained on roads entering the Town of York at or near the Town line; on Route 1, Route 103, Bartlett Road, Betty Welch Road, Frost Hill Road, Brixham Road, Route 91, Bell Marsh Road, Mountain Road, Ogunquit Road, Shore Road, Pine Hill Road, Clay Hill Road, Chases Pond Road near the Spur Road, and Route One north and south of the Spur Road.

#### **SECTION 7 – ADMINISTRATION**

##### **A. Savings Clause**

If any portion of this Ordinance is found to be invalid, it shall not affect the remainder of this Ordinance.

##### **B. Enforcement**

Enforcement shall be the responsibility of the York Police Department.

##### **C. Amendment**

This Ordinance may be amended following the procedures specified in the Town of York Home Rule Charter. *Amendments shall become effective upon adoption unless otherwise specified on the ballot question.*

#### **SECTION 8 – VIOLATION AND PENALTIES**

Any one person violating this Ordinance shall be punished by a civil penalty of at least One Hundred Dollars (\$100.00), but not more than One Thousand Dollars (\$1,000.00). Each violation shall be considered a separate offense, and may be assessed whether or not the violation was willful. In addition to police officers, employees of the Town of York authorized to conduct inspections or investigations are hereby declared to be lawful enforcement officers authorized to issue or file citations for violations under this Ordinance.

## **Appendix A**

### **Zone Descriptions**

#### **Zone A - NO DISCHARGE ZONE** **(HIGHLIGHTED IN RED ON MAP)**

*Area of land east of Route One from the intersection of River Road to the York River. Northern most boundary extends from intersection of Route 1 / Rover Road east to Shore Road and then south to where Shore Road intersects the Cape Neddick River. The zone extends south on Route 1 to the Route 95 spur where the boundary then precedes west to Route 95 and then south along its boundary to the York River. The southern boundary starts at the intersection of Route 95 and the York River and precedes east down the river to Sewall's Bridge. From the bridge to the boundary follows Seabury Road to Route 103 to Braveboat Harbor Road to Western Point Road to the Atlantic Ocean. There is also a no discharge zone on and around Phillips Pond and Lake Carolyn.*

#### **ZONE B - SHOTGUN ONLY** **(HIGHLIGHTED IN GREEN ON MAP)**

*Shotgun zone encompasses several different areas. Covers areas east of Shore Road to the Atlantic Ocean from its intersection with the Cape Neddick River north to Ogunquit line. Also includes the area of Pine Mountain Subdivision – intersection of Shore Road west along Sylvan Circuit to Pine Mountain Road to intersection with Shore Road (all area within these boundaries). Also covers area from the Atlantic Ocean south of the York River to the Kittery town line west (inland) to where after crossing Birch Hill Road the York River ends in Eliot. This zone also covers the area west of Route 95 from the Mountain Road overpass west to the intersection of Mountain Road then south on Chases Pond Road to Scituate Road to Bog Road it then travels west along Fall Mill Road to Route 91 to the intersection of Scotland Bridge Road where it then travels south to the bridge crossing the York River. The last area of this zone encompasses the area east of Route 95 from the Spur Road to Newtown Road to the point where the road ends. (the line then proceeds directly to Route 95).*

#### **ZONE C - UNRESTRICTIVE ZONE** **(HIGHLIGHTED IN YELLOW ON MAP)**

*All areas within the Town of York not mentioned in the previous two zones. Only exception would be area of posted State Game Preserve land in area of Clay Hill Road from the Josiah River to Route 95.*

## **Amendment #2**

### *Street Opening and Culvert Ordinance Amendment*

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

Article X

The Town hereby ordains amendment of the **Street Opening and Culvert Ordinance** to allow certain utility work adjacent to streets to occur without a permit, and to alter the financial responsibilities and physical standards for paving after excavations into Town streets, specifically amending: Section 2, Applicability; and Section 5, Street Openings.

Statement of Fact: The purpose of this amendment is to alter the street opening procedures and standards to better facilitate coordination between the Department of Public Works and the various water and sewer utility districts which serve York.

**Recommendations:**

Recommended by the Board of Selectmen:

**Amendment:** Amend Section 2, Applicability, inserting a new Section C as follows:

**SECTION 2:** **APPLICABILITY**

The provisions of this Ordinance apply to any excavation, construction, filling or culvert installation work which occurs in a public street, sidewalk, right-of-way or drainage way, except as follows:

- A. Town Projects.** Work undertaken by the Town, or by others working under the direction of the Town, shall not be required to obtain a permit, but shall be required to meet or exceed the general provisions and the construction specifications contained in this Ordinance.
  
- B. Work in Advance of Road Repaving or Reconstruction.** Before a Town road is re-paved or reconstructed, it is desired that any utility repairs, improvements, extensions or upgrades be completed in advance to minimize the future need to cut into the road afterwards. The Town shall provide a minimum of 60 days advanced notice to all utilities which are known to have underground infrastructure within the right-of-way. Upon receipt of such notice, the utility shall be authorized to prepare its infrastructure without being required to obtain a permit. All such work shall be required to meet or exceed the construction specifications contained in this Ordinance, but paving by the utility shall not be required.

- C. **Work on Utility Service Lines.** *Except along State roads within the Urban Compact where State rules must be followed, utility providers may work on underground service lines between their mains and buildings served without being required to obtain a permit provided all such work does not disturb the surface or sub-surface of a public road or sidewalk, or impact any Town drainage infrastructure. All work shall be required to meet or exceed any applicable specifications contained in this Ordinance. Three days prior to commencement of such work, the utility provider shall provide to the Superintendent a completed application form as advance notification of the proposed project. Approval of the permit shall not be required except when the Superintendent determines there is an unusual situation that requires a permit.*

Amend Section 5, Street Openings, as follows:

**SECTION 5: STREET OPENINGS**

**5.1. General Provisions.**

- A. **Permit Required.** A Street Opening Permit shall be obtained from the Superintendent prior to creating any opening in any public street, sidewalk or right-of-way.
- B. **Winter Permits.** No Street Opening Permit will be issued *for work* between December 1<sup>st</sup> in any one year and March 15<sup>th</sup> of the following year. The Superintendent may make exceptions to accommodate emergencies, and to accommodate long-duration projects which are scheduled to avoid summertime construction and traffic disruption.
- C. **Utility Emergencies.** In the case of an emergency situation involving a utility, the utility may excavate without a Street Opening Permit. However, the utility shall be responsible for obtaining a Street Opening Permit as soon as possible after the emergency and, in any case, before the excavation is permanently resurfaced.
- D. **Dig Safe.** Compliance with 23 MRSA §3360-A shall be required.
- E. **~~Reserved. Permanent Resurfacing.~~** ~~The Town shall establish minimum qualifications for paving contractors. The applicant shall hire a paving contractor which meets or exceeds these standards to complete the permanent resurfacing of the opening, and all work shall comply with the construction specifications of this Ordinance.~~
- F. **Financial Security.** The Superintendent shall require the applicant to post in advance a bond, secured letter of credit, or cash for a project which will cost

\$50,000 or more, or when blasting is proposed. The Town and quasi-municipal water or sewer districts shall be exempt from this requirement. The amount of the security shall be equal to 125% of the cost of all work which would be necessary for the Town to completely repair the infrastructure in the event the applicant fails to fulfill their responsibilities at any point in the project. The purpose of the financial security shall be to guarantee proper completion of all work and protection of the Town infrastructure. When posted, the value of the security may be reduced once during the course of the project, but never such that it is less than 125% of the cost of remaining work. The balance shall be retained until the final inspection of all work pursuant to §5.2.B.4. The Board of Selectmen shall be solely responsible for reductions and releases of all financial securities.

- G. Traffic Control.** All work zone traffic control applications and traffic control devices shall conform to the latest edition adopted by the State of Maine of the Manual on Uniform Traffic Control Devices (MUTCD), Part 6, when used on any street or highway open to public travel. Only traffic control devices including signs, barricades, vertical panels, drums, warning lights, arrow boards, changeable message signs, cones and tubular markers that meet the requirements of American Traffic Safety Services Association (ATSSA), “Quality Standard for Work Zone Traffic Control Devices- 2006” shall be used.
- H. State Laws.** Actions pursuant to this Ordinance shall be consistent with provisions of State law. In particular, the following sections of Title 23 are applicable: §3351-9, and §3351.

## **5.2. Standards.**

### **A. Responsibilities of the Applicant.**

1. The applicant shall be responsible for preparing and submitting to the Superintendent an application for the proposed street opening. This application shall:
  - a. Be on a form provided by the Public Works Department;
  - b. State the purpose of the street opening;
  - c. Show the physical extent of excavation;
  - d. Include a \$100 application fee.
  - e. Provide a plan and materials specifications for filling and resurfacing the street opening to demonstrate compliance with the construction specifications of this Ordinance;
  - f. Specify the timeframe for work;

- g. Detail the plan for traffic control and protection of public safety during the project;
  - h. Obtaining any other required permits;
  - i. Provide the financial security, if required (see §5.1.F); and
  - j. Provide other information relevant to the application.
2. The applicant shall be responsible for all completing all work in accordance with the Street Opening Permit obtained pursuant to this Ordinance. All costs are the responsibility of the applicant.
  3. The applicant shall be responsible for maintaining the temporary surface and keeping it safe for travel until permanent resurfacing is completed. If it is not possible to maintain the temporary surface in a condition safe for all modes of travel, the applicant shall establish and maintain barriers and warning devices.
  4. *The applicant shall notify the Superintendent 2 business days prior to the installation of the permanent pavement. The Superintendent may allow less advance notice on a case by case basis, particularly following emergency utility repairs.*
  54. The applicant shall be fully responsible to correct any deficiencies identified by Town inspection. All costs are the responsibility of the applicant.
  65. The applicant shall be responsible to guarantee the quality of their work and materials. *Upon receipt of notice from the Superintendent that if any backfill and/or permanent surface of an excavation has proven prove to be unsatisfactory within 2 years after finishing the permanent surface on the trench as been completed, the area involved shall be re-excavated, re-filled and re-surfaced as directed by the Superintendent. The applicant shall be given a reasonable amount of time to perform this work, and if they fail then it shall be performed by the Department of Public Works, and the applicant shall be responsible for the full cost of such repair work plus 25%.*

**B. Responsibilities of the Superintendent.**

1. The Superintendent, or his or her designee, shall be responsible for reviewing and deciding on each Street Opening Permit application received within 10 business days of receipt. The Superintendent shall have authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions in order to protect the integrity of the public street. Each decision regarding a Street Opening Permit application shall be made in writing, and shall detail the

requirements to be met by the applicant. Only written requirements specified as part of the Permit shall be binding on the applicant.

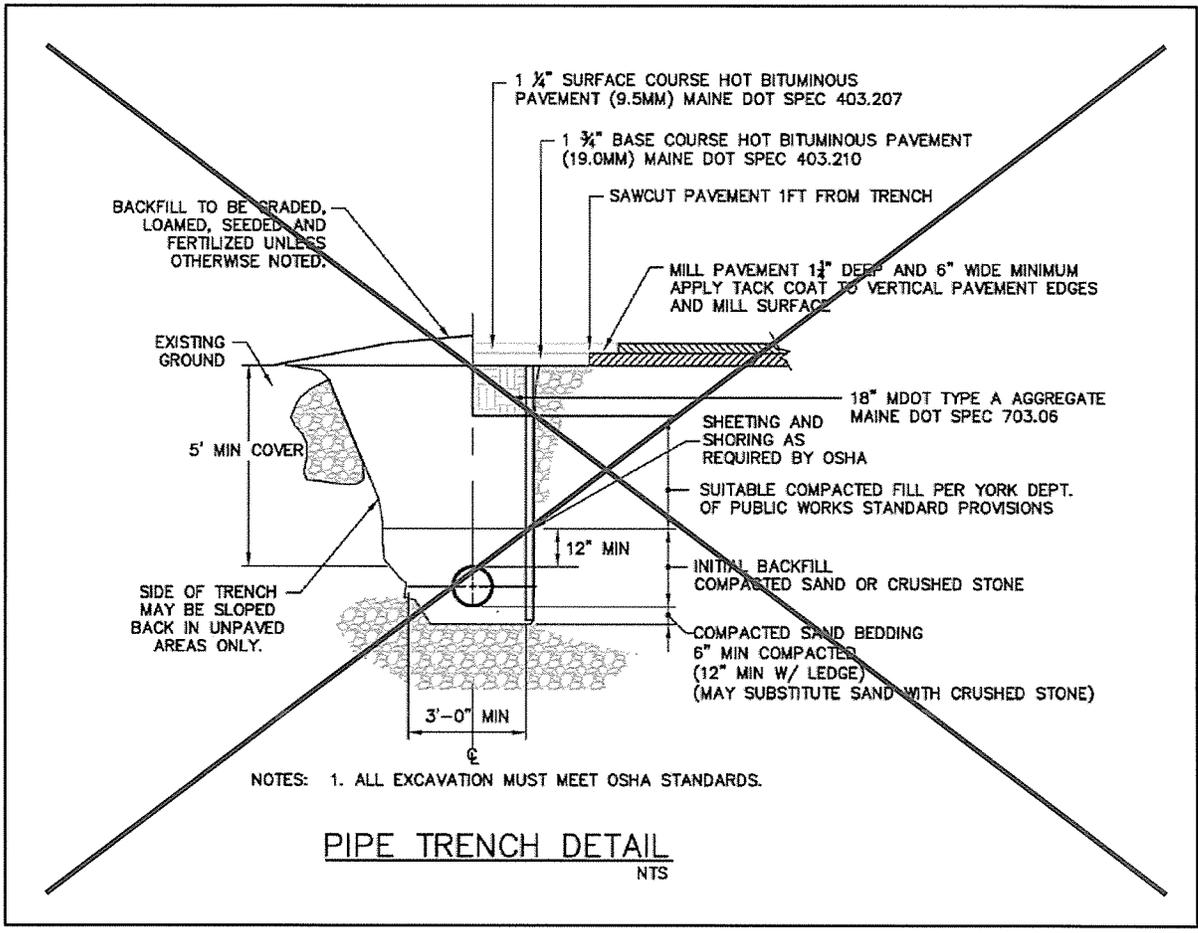
2. The Superintendent, or his or her designee, shall be responsible for obtaining independent expert technical assistance when he or she believes it is necessary to protect the public interest, and for obtaining reimbursement from the applicant for the Town's costs in obtaining such independent expert assistance prior to issuance of a Street Opening Permit.
3. The Superintendent, or his or her designee, shall be responsible for inspecting and approving all work completed pursuant to a Street Opening Permit.
4. If permanent resurfacing is not completed by the applicant within 6 months of backfilling the excavation, the Superintendent may initiate the permanent repairs and assess the applicant for 125% of the cost of such work. Before such deadline, however, the applicant may request a time extension for good cause.
5. To ensure the long-term acceptability of repairs, the Superintendent shall inspect the street opening any time within 2 years following completion of the permanent resurfacing by the applicant. Acceptance or rejection of the work shall be made in writing. *If rejected, the Superintendent shall specify the required work and a reasonable amount of time for the applicant to fix the deficiencies, and lacking sufficient response by the applicant the Superintendent shall be authorized to undertake the work and bill the applicant for the 125% of the cost of such work.* ~~and failure~~ Failure to provide a written decision by the end of the 2 year period shall constitute approval by default.

**C. Construction Specifications.**

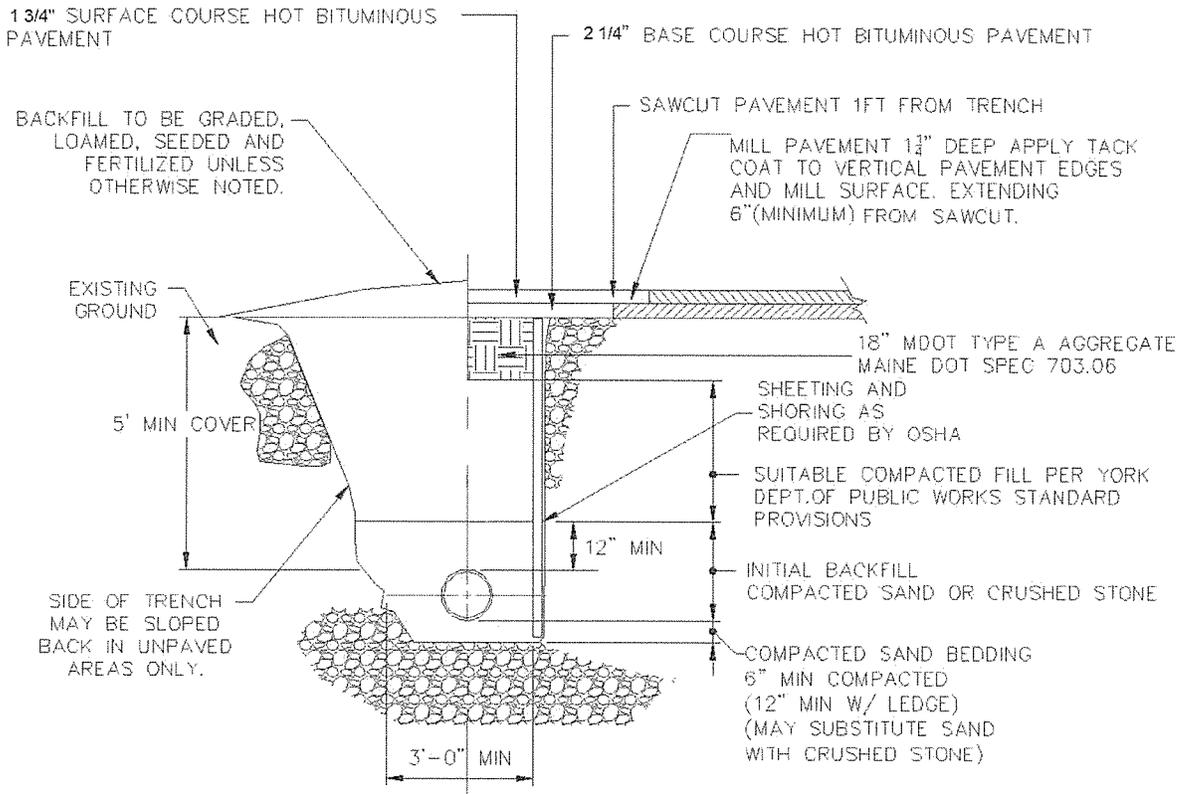
The Superintendent shall ensure that construction pursuant to this Ordinance complies with the following 3 standards plus the trench detail. Exceptions to these standards may be allowed by the Superintendent for good cause, consistent with the need to exercise good engineering practice and judgment.

1. Excavation. The following standards shall apply:
  - a. Existing pavement in Trench area to be excavated shall be neatly cut with pavement saw before pavement is excavated.
  - b. Disturbed non paved shoulder areas shall be restored with ¾ inch crushed gravel compacted to a depth of 8-inches and two feet wide with a vibratory compactor.
  - c. Materials excavated from trench will be used whenever possible to back fill trench up to 18 inches below the pavement or six inches below surface in vegetated areas.

- d. Disturbed grass areas will be restored with loam placed 6 inches deep and compacted with 100 pound roller and seeded.
  - e. Disturbed roadway areas will be restored with a crushed gravel base placed 18 inches deep and compacted in two lifts with a vibratory compactor.
2. Paving. The following standards shall apply:
- a. Excavated trench pavement may be patched temporarily with 4-inches of cold patch until a permanent surface is in place.
  - b. Prior to paving the pavement around the excavated trench shall be cut back an additional 12 inches on all sides. The edges of the trench shall be tack coated prior to paving.
  - c. Roadway pavement joints will not be stacked. Existing pavement surface will be milled to a depth of 1¼ inches roughly 6 inches from the base joint and paved with hot mix “surface” asphalt. Tack coat shall be used on all exposed pavement edges.
  - d. The excavated pavement surface will be paved with a minimum of 4-inch hot mix asphalt placed and compacted in two lifts. Tack coat shall be used on all exposed pavement edges.
  - e. Removed shoulder and sidewalk pavement areas shall be paved with at least 2-inches of hot mix asphalt placed and compacted in two lifts. Tack coat shall be used on all exposed pavement edges.
  - f. *The applicant shall notify the Superintendent 2 business days, or as soon as possible during emergency repairs, prior to the installation of the permanent pavement. This ensures the Superintendent has the opportunity to see the work before permanent paving begins.*
3. Accounting for Existing Road Conditions. Many older public roads were not constructed to standards now in effect *or are in poor condition*. Standards may be varied on a case by case basis to account for local conditions, as when working in a road which was built to lesser standards or which is in poor repair, or when other unusual conditions are encountered (for example, a stretch of road with 20” pavement thickness *actual York examples include roads with pavement thickness as thin as 2” or as thick as 20”*). *It is also important to avoid aligning paving patch seams with wheel ruts, and other such factors.*



**NOTE: Delete the above graphic and insert the following graphic.**



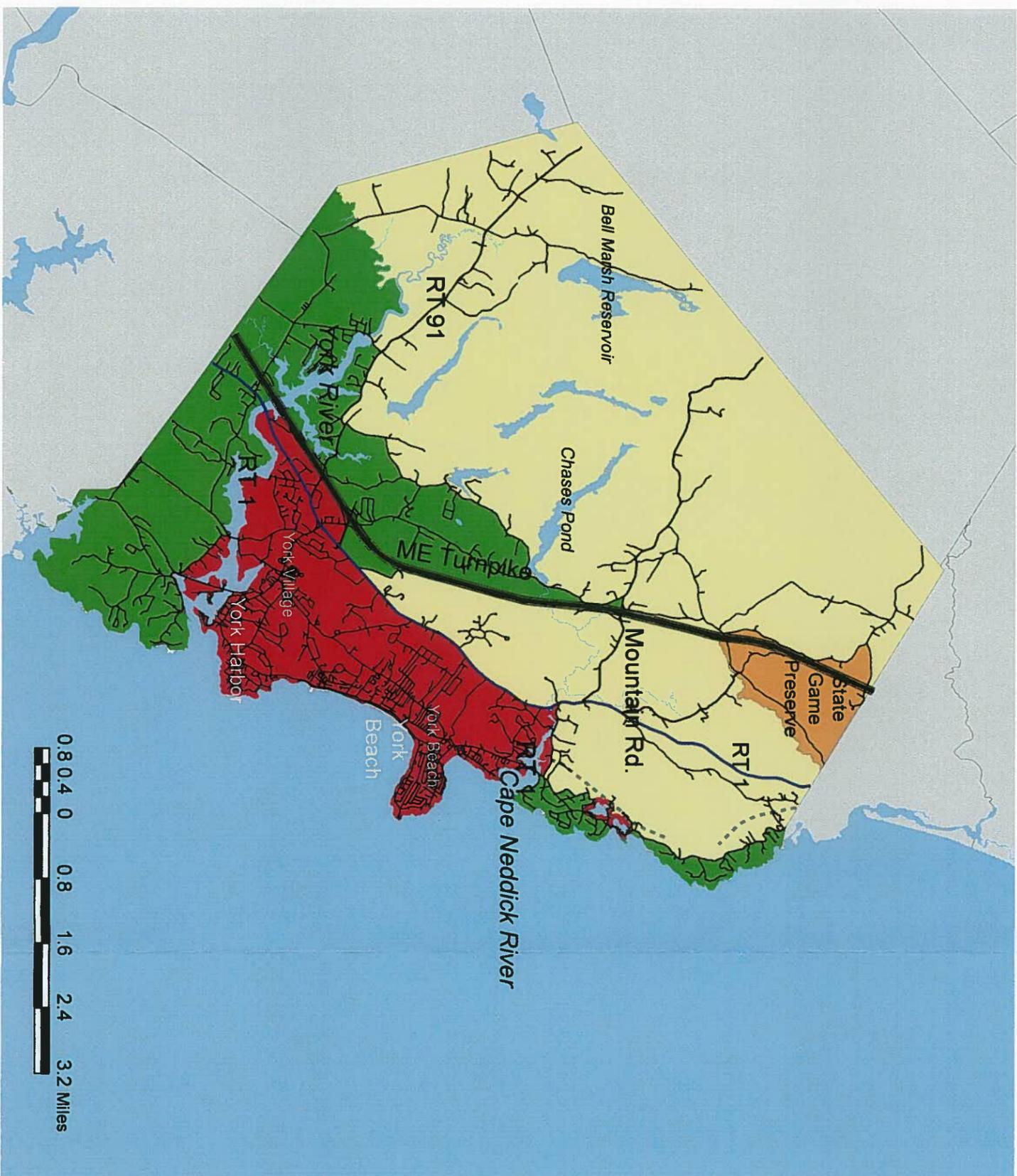
NOTES: 1. ALL EXCAVATION MUST MEET OSHA STANDARDS.

PIPE TRENCH DETAIL

NTS

# Firearms Safety Ordinance--York, Maine

## Effective Date: November 5, 2013



- Major Roads**
- Roads
- I-95
- US ROUTE 1
- CIDER HILL ROAD
- MOUNTAIN ROAD
- LOGGING ROAD
- State Game Preserve
- Firearms Discharge Zones**
- Zone A
- Zone B
- Zone C

**Discharge of firearms is prohibited on the York River below Sewall's Bridge, on the Cape Neddick River below Rt. 1, and on the waters of Lake Carolyn and Phillips Pond & within 300 feet of the water bodies**

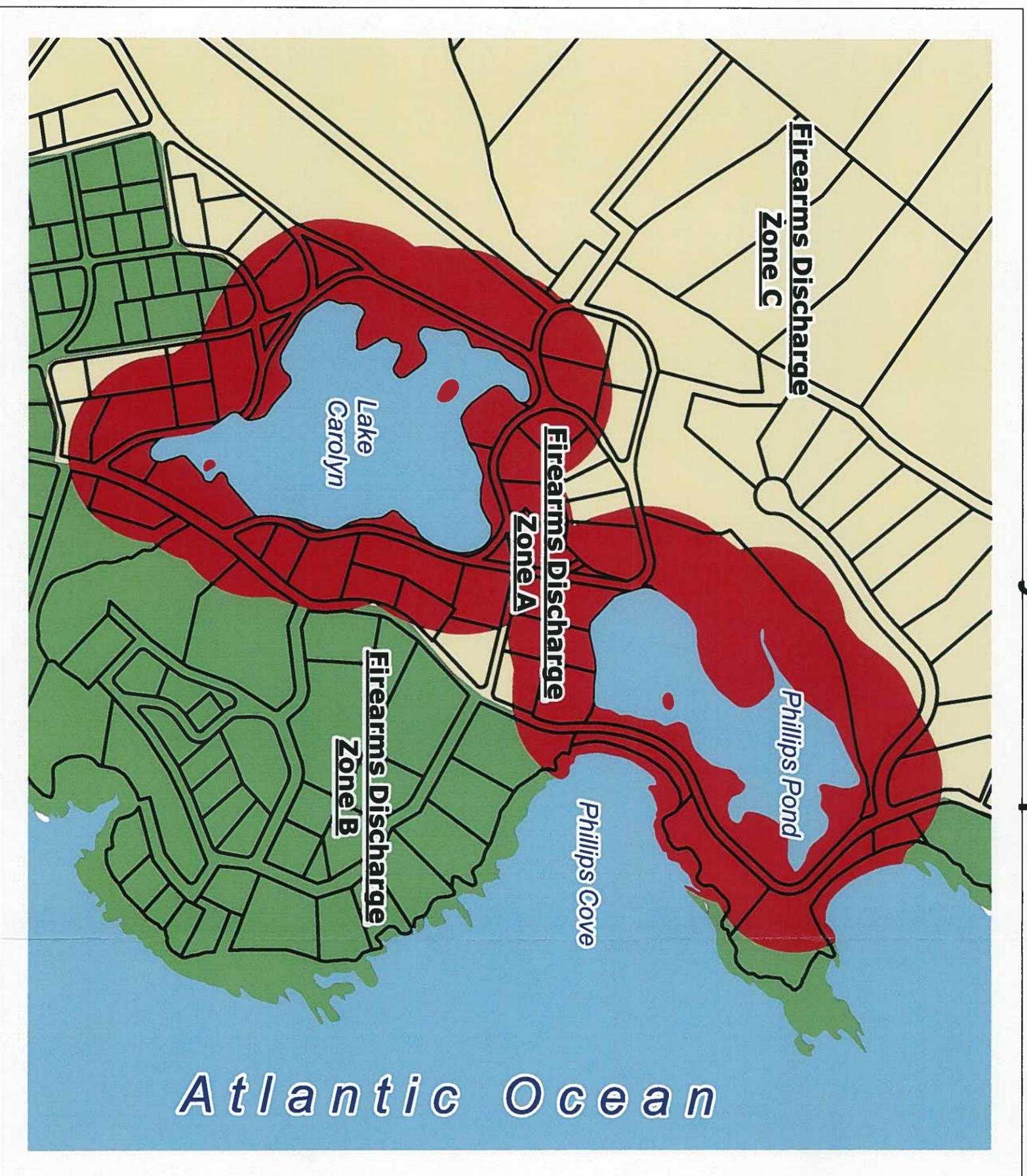
**State Game Preserve**

**The approximate boundaries of this area are shown for the convenience of the reader. The Preserve is not addressed in the Ordinance. It is entirely within the Town's Zone C.**

Map prepared by:  
York Code & Planning  
Department July 16, 2013  
Based on York GIS data.



# Detailed Firearm Discharge Map for the Lake Carolyn/Phillips Pond Area: Nov. 5 2013



Parcel Boundaries  
Firearms Discharge Zones

- Zone A
- Zone B
- Zone C

Lake Carolyn and Phillips Pond  
Discharge of firearms is prohibited on the  
waters of Lake Carolyn and Phillips Pond  
& within 300 feet of the water bodies

Original Map prepared by:  
Town of York GIS  
April 24, 2013  
Based on York GIS data.





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 9, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Business License Applications (3)	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve Business License Applications (3)
<b>PROPOSED MOTION:</b> <i>I move to approve the following licenses:</i>  <ol style="list-style-type: none"><li>1. Trevor Fitzgerald DBA Hawaiian Jim's Shave Ice (<i>Victualers</i>); Located at P.O. Box 186</li><li>2. Pat Roucheleau DBA The Ledges Golf Course (<i>Victualers/Liquor</i>); Located at 1 Ledges Drive</li><li>3. Hannaford Bros. Co DBA Hannaford Food &amp; Drug (<i>Victualers</i>); Located at P.O. Box 1000</li></ol> <p><i>... subject to taxes, fees and inspections being current and compliant with the usual noise stipulations</i></p>

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

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

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

Reviewed By: Robert B. Gaudin



# Town of York

186 York Street  
York, Maine 03909-1314

TO: Board of Selectmen

FROM: Kathryn Newell *K. Newell*  
Code Enforcement Officer

DATE: August 7, 2013

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works/  
Harbor Master  
(207)363-1010

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Grant House  
(207)351-1204

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

Based on my review, I recommend the following position on the licenses to be heard on August 12, 2013.

## ENDORSEMENTS

Trevor Fitzgerald  
**DBA: Hawaii Jim's Shave Ice**  
Victualers

**MAP 23/LOT 5-3**

Trevor Fitzgerald  
P.O. Box 186  
York Beach, ME 03910

**FACILITY  
ZONE  
USE  
RECOMMENDATION**

Specialty Food/Take-Out  
YBVC  
Conforming, Existing  
Approval

Pat Rocheleau  
**DBA: The Ledges Golf Course**  
Victualers/Liquor

**MAP 89/LOT 45-A**

Pat Rocheleau  
1 Ledges Drive  
York Beach, ME 03910

**FACILITY  
ZONE  
USE  
RECOMMENDATION**

Golf Course/Restaurant/80 Seats  
GEN-2  
Conforming, Existing  
Approval

Hannaford Bros. Co.  
**DBA: Hannaford Food & Drug**  
Victualers

**MAP 54/LOT 23**

Hannaford Bros. Co.  
Attn: J. Goulet-MS9805  
P.O. Box 1000  
Portland, ME 04104

<b>FACILITY</b>	Grocery Store w/Food Prep
<b>ZONE</b>	Rt. 1-3
<b>USE</b>	Conforming, Existing
<b>RECOMMENDATION</b>	Approval

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



Business Name Hawaiian Tim's Shave Ice  
 Business Location 7 Railroad Ave  
York Beach, ME 03910  
 Telephone Number 603-799-9528

OWNER'S Name and Mailing Address Trevor Fitzgerald  
P.O. Box 186  
York Beach ME 03910

APPLICANT'S Name and Mailing Address Same

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire	8/7	Bridges
Tax Collector	6/25	Szeniewski

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

MAP/LOT: <u>23-05-3</u> License Year: <u>2013</u> No. Of Seats: <u>4</u> No. Of Parking Spaces: _____  New License (One Time \$30 Fee): YES _____ NO _____ License Renewal: <u>(YES)</u> _____ NO _____ Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? <u>(YES)</u> _____ NO _____	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)  Nature of Entertainment (If Applicable): _____  <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---	--

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

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

6/20/13  
Date

[Signature]  
Applicant's Signature

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

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

Business Owner Signature [Signature]

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

6/20/13  
Date

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

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

AMT. RECD. 975.00 RECEIPT NO. 196 RECEIPT DATE 6/24/2013 MI PM MM MS

DB

## Devon Bettinson

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Tuesday, June 25, 2013 8:14 PM  
**To:** Devon Bettinson  
**Subject:** RE: Business License- Hawaiian Jim's

Current on taxes

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

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---

**From:** Devon Bettinson  
**Sent:** Monday, June 24, 2013 2:36 PM  
**To:** Mary-Anne Szeniaewski; David K. Bridges; David Apgar  
**Cc:** Devon Bettinson  
**Subject:** Business License- Hawaiian Jim's

Afternoon,

Attached is a business license for Hawaiian Jim's Shaved Ice, 7 Railroad Ave (23-05). Let me know when you've had a chance to review.

Thank you,  
Devon

---

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## Devon Bettinson

---

**From:** David K. Bridges  
**Sent:** Wednesday, August 07, 2013 10:02 PM  
**To:** Devon Bettinson  
**Subject:** RE: Business License- Hawaiian Jim's

Yes they were inspected and ok. You can grant their license. Dave

---

**From:** Devon Bettinson  
**Sent:** Wednesday, August 07, 2013 4:11 PM  
**To:** David K. Bridges  
**Subject:** Business License- Hawaiian Jim's

Afternoon,  
Attached is the business license for Hawaiian Jim's shave ice. Let me when you've had a chance to review.

Thank you,  
Devon

---

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



Business Name Hedges Golf Club  
 Business Location One Hedges Drive  
York, ME 03909  
 Telephone Number 207-351-3000

OWNER'S Name and Mailing Address Pat Rochekau

APPLICANT'S Name and Mailing Address Same

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire		
Tax Collector	<u>7/8/13</u>	<u>Szeniauwski</u>

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

MAP/LOT: <u>89/45A GEN-2</u> License Year: <u>9/30/13 - 9/30/14</u> No. Of Seats: <u>70</u> No. Of Parking Spaces: <u>150</u>  New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>    </u> Hotel/Motel with Cooking Facilities: # of Rooms <u>    </u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)  Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
--	--

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

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

Date 6/29/13

Applicant's Signature [Signature]

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

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

Business Owner Signature [Signature]

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

Date \_\_\_\_\_

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

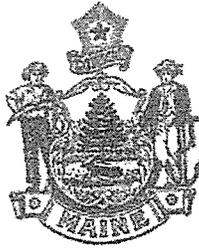
Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. 100 RECEIPT NO. 28819 RECEIPT DATE 7/9/13 MI PM MM MS

DB

**Department of Public Safety  
Division**

**Liquor Licensing & Inspection**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** 9-9-13

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)  | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)             |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV)                |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)        | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I)       |
| <input type="checkbox"/> CLUB (Class V)                  | <input checked="" type="checkbox"/> GOLF CLUB (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)               | <input type="checkbox"/> OTHER: _____                             |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Ledges Golf Course</u> DOB: _____	<b>2. Business Name (D/B/A)</b> <u>Sam</u>
DOB: _____	
DOB: _____	<b>Location (Street Address)</b>
<b>Address</b> <u>One Ledges Drive</u>	<b>City/Town</b> _____ <b>State</b> _____ <b>Zip Code</b> _____
	<b>Mailing Address</b>
<b>City/Town</b> <u>York</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03769</u>	<b>City/Town</b> _____ <b>State</b> _____ <b>Zip Code</b> _____
<b>Telephone Number</b> <u>207-351-3000</u> <b>Fax Number</b> <u>207-363-8256</u>	<b>Business Telephone Number</b> _____ <b>Fax Number</b> _____
<b>Federal I.D. #</b> <u>01-6428191</u>	<b>Seller Certificate #</b> <u>1938077</u>

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$      FOOD \$      LIQUOR \$
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: \_\_\_\_\_
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: One Ledges Drive, York, ME 03709
10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Patrick Rachelson	12/15/53	Tampa, FL
Barbara Doregan	12/6/50	Mpls. MN
Sharon Sullivan	9/24/79	Pittsfield, MA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Clubhouse, deck + golf course

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES  NO  Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 4 mi. Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: Bank of America Mortgage

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: York, ME on 6/29, 20 13  
Town/City, State Date

[Signature]  
Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**FILING FEE** ..... \$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: York, Maine York ss  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: Town Manager & Municipal Officers of the  
City of York, Maine

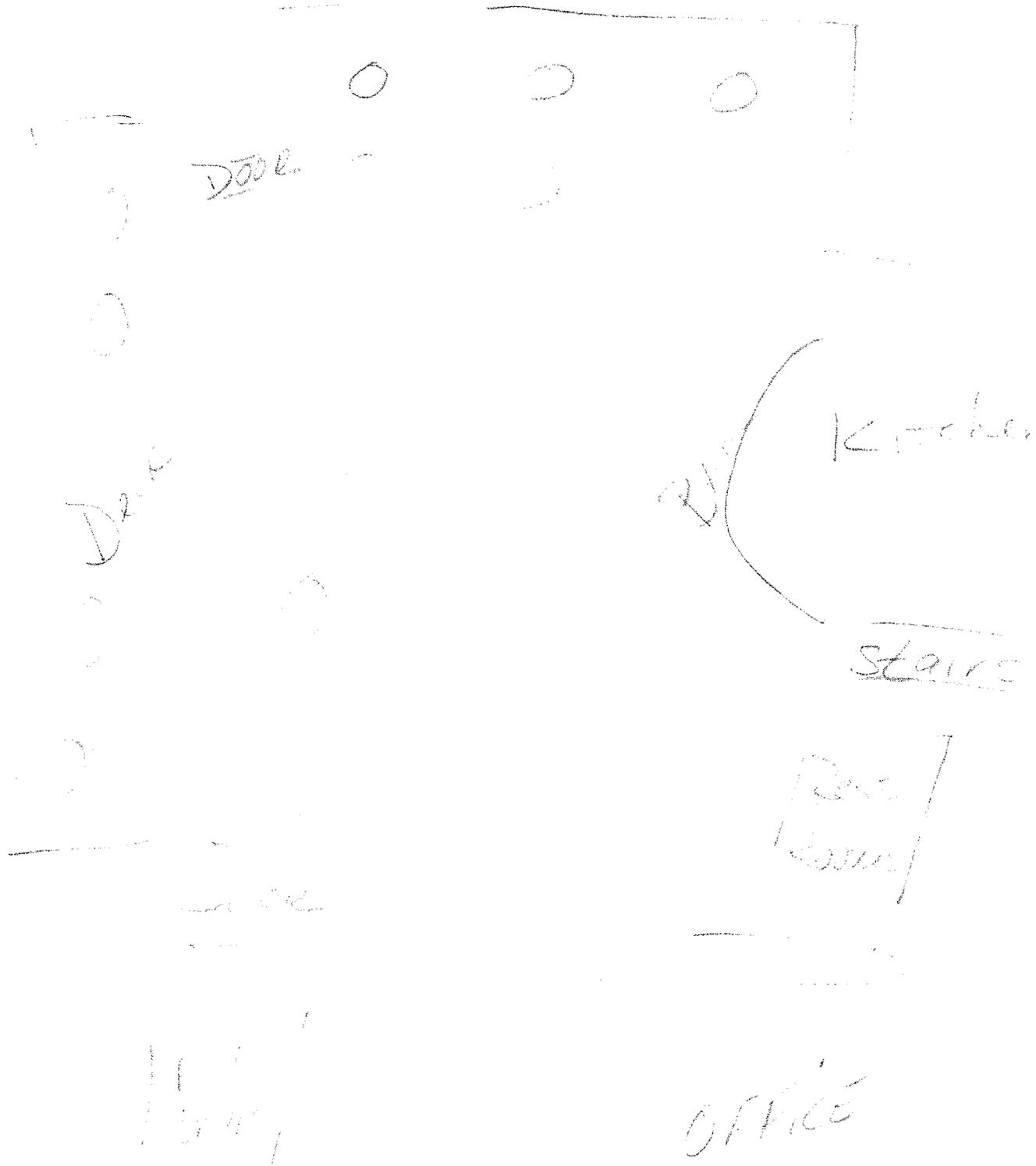
Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS  
NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

PREMISE DIAGRAM



STATE OF MAINE  
 Liquor Licensing & Inspection Unit  
 164 State House Station  
 Augusta, Maine 04333-0164  
 Tel: (207) 624-7220 Fax: (207) 287-3424

**SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS**

1. Exact Corporate Name: The Ledges Golf Course Co. Inc  
 Business D/B/A Name: Same
2. Date of Incorporation: 2/1/93
3. State in which you are incorporated: ME
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
 \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Patrick Rocheteau	York, ME	12/5/53	25	Pres
Barbara Donagan	Buxford, ME	12/6/50	25	Treas.
Sharon Sullivan	York, ME	9/25/49	50	Sec.

6. What is the amount of authorized stock? 10000 Outstanding Stock? \_\_\_\_\_
7. Is any principal officer of the corporation a law enforcement official? ( ) YES ( ) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (X) NO.
9. If yes, please complete the following: Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_

Location: \_\_\_\_\_ Disposition: \_\_\_\_\_

Dated at: York ME On: \_\_\_\_\_  
City/Town Date

 Date: 6/29/13

Signature of Duly Authorized Officer

Print Name of Duly Authorized Officer

STATE OF MAINE  
Liquor Licensing & Inspection Unit  
164 State House Station  
Augusta, Maine 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS

1. Exact Club Name: The Ledges Golf Club

2. Title, name, birth date and telephone number of each principal officer of the club:

Title	Name	Birth Date	Telephone #
Pres	Patrick Rocheleau	12/5/53	207-351-3000
Treas	Barbara Doregen	12/6/56	207-351-3000
Secy	Sharon Sullivan	9/25/49	207-351-3000

3. Date Club was incorporated: 1973

4. Purpose of Club: ( ) Social  Recreational ( ) Patriotic ( ) Fraternal

5. Date regular meetings are held: October each year

6. Date of election of Club Officers: Same

7. Date elected officers are installed: Same

8. Total Membership: \_\_\_\_\_ Annual Dues: \_\_\_\_\_ Payable When: \_\_\_\_\_

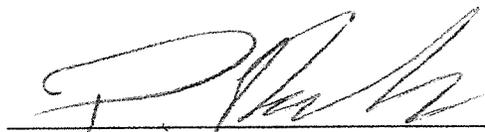
9. Does the Club cater to the public or to groups of non-members on the premises?  YES ( ) NO

10. Excluding salaries, will any person other than the Club, receive any of the financial profits from the sale of liquor?

( ) YES  NO

11. If a manager or steward is employed, complete the following:

Name: Pat Rocheleau Date of Birth: 12/5/53

  
Signature and Title of Club Officer

\_\_\_\_\_  
Print Name and Title of Club Officer

## Devon Bettinson

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Monday, July 08, 2013 12:27 PM  
**To:** Devon Bettinson  
**Subject:** RE: Business License Ledges Golf Club

Current.

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

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---

**From:** Devon Bettinson  
**Sent:** Monday, July 08, 2013 11:56 AM  
**To:** David Apgar; David K. Bridges; Mary-Anne Szeniaewski  
**Cc:** Devon Bettinson  
**Subject:** Business License Ledges Golf Club

Hello,

Attached is the application for Ledges Golf Club, 1 Ledges Dr (89-45-A). Just let me know when you've had a chance to review.

Thank you,  
Devon

---

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



Business Name HANNAFORD Food & Drug  
 Business Location 5 HANNAFORD Drive  
YORK, ME 03909  
 Telephone Number 207-363-5357

OWNER'S Name and Mailing Address HANNAFORD BROS. Co.  
P.O. BOX 1000, ATTN: J. Goulet - MS9805  
PORTLAND, ME 04104

APPLICANT'S Name and Mailing Address SAME AS ABOVE

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire	7/19/13	Apgar
Tax Collector	6/17/13	Szeniewsk

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

MAP/LOT: <u>54/33</u> License Year: <u>2013/2013</u> No. Of Seats: _____ No. Of Parking Spaces: <u>297</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---	--

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

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

5-31-13  
Date

Jeudy Knapp  
Applicant's Signature

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

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

Business Owner Signature Jeudy Knapp

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

\_\_\_\_\_  
Date

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

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

AMT. RECD. \$75.00 RECEIPT NO. 7444 RECEIPT DATE 6/5/13 MI PM MM MS

DB

## Devon Bettinson

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Monday, June 17, 2013 3:22 PM  
**To:** Devon Bettinson  
**Subject:** RE: New Business License

Current

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

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

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**From:** Devon Bettinson  
**Sent:** Monday, June 17, 2013 3:08 PM  
**To:** David K. Bridges; David Apgar; Mary-Anne Szeniaewski  
**Cc:** Devon Bettinson  
**Subject:** New Business License

Afternoon,

Here's a business license for your review. Hannaford Bros. Co. 5 Hannaford Drive (54-23). Let me know when you've had a chance to review.

Thank you,  
Devon

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## Devon Bettinson

---

**From:** David Apgar  
**Sent:** Friday, July 19, 2013 3:47 PM  
**To:** Devon Bettinson  
**Subject:** Inspection Completed - Hannaford's

Hi Devon,

I have completed a fire inspection at Hannafords. Please proceed with their license renewal .

Thank you,

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

Issues: None

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Final authorization for SMRT to Complete Plans for Police Station Project	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to authorize SMRT to complete design plans for the York police station and the Ridge Road access point.

**Discussion:** This topic was discussed at the July 22<sup>nd</sup> meeting; however more information was requested from SMRT concerns the tasks that remain in order to complete the plans. Attached you will find a letter from SMRT that addresses the remaining issues along with a letter from CLD Engineering addressing the utility issues the need to be completed.

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

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



August 2, 2013

Mr. Robert Yandow, Town Manager  
The Town of York  
186 York Street  
York, ME 03909

Reference: York Police Department Project, 12022

Dear Mr. Yandow:

We understand that the Select Board has asked for a memo which describes tasks necessary to revise the Planning Board submission documents. We understand that the desire is for the project scope to be adjusted to exclude road construction west of the original Blinn/Horn property line. With this understanding, we offer the following listing:

1. Outstanding survey items include easements, the land swap with Craigin, possible subdivision of the Blinn property, and potential errors identified by neighbors. With the resolution of all potential changes to the survey and each change recorded with the town as needed, a final sealed survey should be produced. This final survey will be included in the materials to be submitted for permits. SMRT will also use updated survey information to revise design plans to reflect all changes as well.
2. SMRT will update the drawings and provide a preliminary plan set for the Board of Selectmen's review. At this stage we understand that the project will include the police station building and parking areas as previously designed, the new communications tower and access drive, the revised sewer and water configuration, and the road towards US Route 1 terminating at the east boundary of the former Blinn property. A turn-around will be designed at the end of the road, which would allow future extension to Route 1 at a location to be determined.
3. The reforestation plan originally reviewed and approved by the town, and presented to MDEP and USACE in October 2012 did not propose to reforest the entire area. Both agencies have reviewed this plan and have no objections. If the Board of Selectmen decides to revise this, SMRT and sub-consultant, Stantec, can provide assistance in forming and negotiating a suitable revised plan for review by State and Federal agencies when requested.

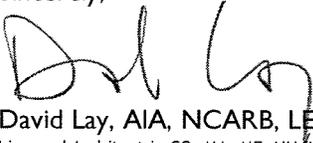
We recommend that all necessary modifications needed to the drawings be done at the same time to save effort and cost. With this approach, we expect the effort to update permit drawings per items 1 and 2 above will cost between \$3,000 and \$4,000. The design drawings for the building and the parking/planting area near it will not be affected by the requested changes, and so no revisions to these are required.

Town of York, Maine  
Robert Yandow  
August 2, 2013

Provided the Select Board approves the preliminary revised plans, SMRT will need to subsequently update stormwater calculations, and will need to submit these and the revised plans to the state in amendments revising prior submissions. The project plans will then be ready to submit for Planning Board approval.

Please call or write with any question. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "David Lay". The signature is fluid and cursive, with the first name "David" being larger and more prominent than the last name "Lay".

David Lay, AIA, NCARB, LEED AP  
Licensed Architect in CO, MA, ME, NH, NY, OH, & TN  
*Principal*

**SMRT**

144 Fore Street, PO Box 618 Portland, Maine 04104  
p 207.321.3830 f 207.772.1070  
www.smrtinc.com



August 1, 2013

Mr. Andrew D. Johnston, P.E.  
Senior Civil Engineer  
SMRT Inc.  
144 Fore Street, PO Box 618  
Portland, Maine 04104

**COPY**

Re: York Police Station - Utility Design Review  
"Issued for York Water District Review"  
York Water District / York Sewer District  
**CLD Reference No. 12-0202 / 12-0259.0030**

Dear Mr. Johnston:

On behalf of the York Water District and the York Sewer District, CLD Consulting Engineers, Inc., has completed a review of the proposed water and sewer utilities shown on the following SMRT plans, entitled "Issued for York Water District Review 6-03-13" and received by the York Water District on July 9, 2013.

1. Sheet CU101 Utility Plan
2. Sheet CP204 Road Plan and Profile
3. Sheet CP205 Ridge Road Plan and Profile

General Comments:

1. The plans are difficult to read due to various scales and superfluous information that does not pertain to the utility design. It is requested that a complete utility plan set be prepared at 20-scale and include the full extents of the proposed water and sewer utility run. The plans should include profile information at the same horizontal scale as the plans.
2. The utility detail sheets should be included and submitted as part of the utility plan set for review.
3. The proposed construction alignment is missing from Sheet CU101.

York Sewer District Review Comments:

1. General Note 2 on CU101 is in reference to the previously proposed sewer force main. All references to a sewer force main should be removed from the plan set.
2. A note should be added to the General Notes that states "See CLD plans entitled "Proposed Sewer Extension, Connector Road, York, ME" for proposed sewer design and construction details."



York Police Station – Utility Design Review  
CLD Reference No. 12-0202 / 12-0259  
August 1, 2013  
Page - 2

3. The roadway underdrain is shown to be below the proposed sewer main and directly adjacent to proposed sewer manholes 1 and 2. The elevation of the underdrain needs to be adjusted to be located above the sewer main and offset a minimum of 5 feet from the proposed sewer manholes.
4. The proposed road underdrain is shown to conflict with proposed sewer manhole #1 on the profile found on Sheet CP205.
5. The sewer manhole located at Station 0+00 on Sheet CP205 is an existing manhole, not a proposed manhole. Please adjust labeling accordingly.
6. The proposed sewer extends beyond the limits of Sheet CU101. See General Comment #1.
7. Please provide the proposed invert of the sewer service entering sewer manhole #2 from the police station.

York Water District Review Comments:

1. There are two labels on Sheet CP205 pointing out the “Proposed 50.0’ Easement Across Norton Property”. One of these labels is pointing to the wrong location.

Please contact CLD Consulting Engineers, Inc., or the York Water District and York Sewer District if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ryan McCarthy', written over a light blue horizontal line.

Ryan McCarthy, Project Engineer

RMM

cc: Tim Haskell, York Sewer District  
Don Neumann, York Water District  
Ronald Nowell, York Board of Selectmen  
Kinley Gregg, York Board of Selectmen  
Mary Andrews, York Board of Selectmen  
Scott Fiorentino, York Board of Selectmen  
Torbert MacDonald, York Board of Selectmen



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 1, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Crosswalk at Cape Neddick Beach	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b>

**Discussion:** The Chair has asked that the crosswalk at Cape Neddick Beach be placed on the agenda for additional discussion and possible action.

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

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

Reviewed By: Robert G. Yandow



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 1, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Selectmen's Liaison Positions	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b>

**Discussion:** Annually, the Board of Selectmen appoints liaisons to various boards and committees. Earlier this year Mary Andrews was reappointed as the liaison to the Harley Mason estate. The following liaison positions have not been filled for the current year:

- Energy Efficiency Committee (Previously filled by Ted Little)
- Capital Planning Committee (Previously filled by Mary Andrews and Scott Fiorentino)
- York Library (Previously filled by Kinley Gregg)

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

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

Reviewed By: Robert G. Yandow



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 1, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Discussion Regarding the Establishment of a Selectmen's Liaison Position to the Mount Agamenticus Steering Committee	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b>

**Discussion:** Selectmen Macdonald has requested that the Board of Selectmen discuss and possibly take action on the establishment of this position.

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

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

Reviewed By: Robert G. Yandow



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 1, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Business Directional Sign for GiGi's Italian Restaurant – 2 Beach Street.	
<b>TO:</b> BOARD OF SELECTMEN	
<b>FROM:</b> Dean Lessard, Director of Public Works	
<b>RECOMMENDATION:</b> Approve OBDS sign requests for GiGi's Italian Restaurant.	
<b>PROPOSED MOTION:</b> I move to approve the single sided business directional signs requested at the intersection of Route 1 and Cape Neddick Road northbound & southbound for GiGi's Italian Restaurant.	

**Discussion:** GiGi's Italian Restaurant has requested approval of single sided business directional signs. The sign would be located on existing posts that have vacant space. Please see attached photo's of requested locations.

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

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

Reviewed By: Robert S. Gaudin

Recd 7/18/13

TOWN OF YORK

APPLICATION FOR OFFICIAL BUSINESS DIRECTIONAL SIGN

Business Name: GiGi's  
Mailing Address: 1 Middle Street, Suite 1, Portsmouth, NH 03801  
Contact Person: James Woodhouse  
Email Address: jmwjmw79@gmail.com Phone Number 603-957-0888

Location of Requested Sign(s)- Please be specific  
Requested Location 1: ROUTE ONE N & ROUTE 1A (CAPE NEEDICK Rd)  
Requested Location 2: ROUTE ONE S - COLUMBIAN HOUSE  
BT

Information as it will appear on Each Sign:  
Sign 1: GiGi's - Italian Food & Drink  
Sign 2: GiGi's - Italian Food & Drink

Initial Fee (\$30) per Sign: \$80.00 Annual Fee (\$10) per sign  
<sub>x2</sub> <sub>x2</sub>

Following approval by the Board of Selectmen the applicant can deliver the sign(s) to the Department of Public Works garage at 115 Chases Pond Road for installation.

Business Directional Sign Specifications:

Each sign must be 10" high & 42" wide and made of Durable Composite Material (No wood or plywood). The background must be white, the lettering black, and the back of the sign Dark Green. The lettering must be a minimum of 4" high. Each business is allowed a maximum of 2 business directional signs.

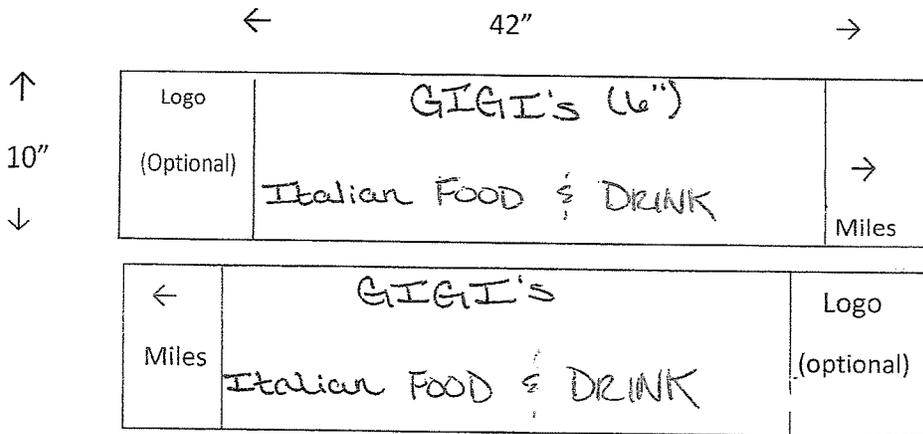
Owners of each business directional sign are responsible for maintenance and replacement of the signs; owners of signs that are in need of repair will be sent a note via email.

The owner of each Business Directional Sign is responsible for informing the DPW of change of business status or mailing address.

Approved by: [Signature] Date: 7/18/2013

Approved by: Robert M. Gendron Date: 7.22.13  
Town Manager

Sign Specifications



Letters must be a minimum of 4" High

28 →

McGarrick 363-3440

HARBORSIDE  
RESTAURANT →

ATLANTIC HOUSE HOTEL →

BLUE SKY  
RESTAURANT →

OLD TIME PHOTOS →



NO  
PARVING  
ANY  
TIME

CAPE NEDDICK  
LOBSTER POUND  
HARBORSIDE  
RESTAURANT  
BITTERSWEET  
BED & BREAKFAST





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 1, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Ballot for Maine Municipal Association Elections	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the slate of officers as proposed by the Maine Municipal Association.

**Discussion:**

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

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

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

*Robert G. Yandow*



**MAINE MUNICIPAL ASSOCIATION  
VOTING BALLOT**

**Election of Vice President and Executive Committee Members**  
*Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 16, 2013*

**VICE-PRESIDENT - 1 YEAR TERM**

Vote for One

Proposed by MMA Nominating Committee:

Marston Lovell, Councilor, City of Saco

**DIRECTORS - 3 YEAR TERM**

Vote for Three

Proposed by MMA Nominating Committee:

James Chaousis, Town Manager, Town of Boothbay

Linda Cohen, Councilor, City of South Portland

Mary Sabins, Town Manager, Town of Vassalboro

*Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.*

*The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.*

**Date:** \_\_\_\_\_ **Municipality:** \_\_\_\_\_

**Signed by a Municipal Official designated by a majority of Municipal Officers:**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
 Position: \_\_\_\_\_

**OR Signed by a Majority of Municipal Officers** **Current # of Municipal Officers:** \_\_\_\_\_

Print Names: \_\_\_\_\_ Signatures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Return To:**  
MMA Annual Election  
Maine Municipal Association  
60 Community Drive  
Augusta, Maine 04330  
FAX: (207) 626-3358 or 626-5947  
Email: [tchavarie@memun.org](mailto:tchavarie@memun.org)

**MAINE MUNICIPAL ASSOCIATION  
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF  
PROPOSED SLATE OF NOMINEES FOR 2014**

**MMA VICE PRESIDENT (1-Year Term)**

**MARSTON LOVELL**

- City of Saco, Councilor (2007 – present)
- City of Saco, Deputy Mayor, elected by the council (January 2009 – 2011)
- Council member, Saco RSU Withdrawal Committee (July 2012 - present)
- Council member, Saco Traffic Safety Committee (2007 – present)
- Council member, Saco Sesquicentennial Celebration Committee (2012)
- Vice President, Maine Municipal Association (April 2013 – present)
- Member, Maine Municipal Association Executive Committee (2011 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (2011 – present)
- Member, MMA Property & Casualty Pool Board of Directors (2011 – present)
- Member, MMA Strategic & Finance Committee (2011-2012); Chair (Jan – March 2013)
- Maine Municipal Association, Legislative Policy Committee, Member (2008 – present)
- Manufacturers Analytics, computer and communications systems services, Owner and Operations Manager (1987 – present)
- Biddeford-Saco-Old Orchard Beach Transit Company, committee (board) Member (2008 – 2012)
- Member, Board of Directors, Biddeford-Saco Area Economic Development Corporation (2012 - present)
- Southern Maine Regional Planning Commission, Municipal Representative (2007 – present)
- Dyer Library Association, private, non-profit library and museum complex, board of trustees, Member (2001-2006), Treasurer (2002 – 2005)
- Accountant, three National Manufacturing Corporations, progressively more responsible positions resulting in Divisional Controller for two of those corporations (1978 – 1988)
- BSBA in Accounting, BA in Liberal Arts, University of Southern Maine (1975 –1978)
- Town of Sanford, Representative Town Meeting, member, (1970 – 1971)
- Maine Medical Center, Research Department, research assistant, internationally recognized published research (1970 – 1974)
- Children’s Hospital Medical Center of Boston, Anesthesia Department, chief laboratory technician (1967 – 1968)
- Peter Bent Brigham Hospital, Research Department, research technician, (1966 – 1967)
- Military Service, as a reservist, progressively more responsible positions including four engineer troop commands, six staff positions four of which were construction related, military construction experience Viet Nam, Germany, New England, 2 Achievement Medals, 4 Commendation Medals, Meritorious Service Medal (1963 – 1970, 1977 – 1994).

(over)

## MMA EXECUTIVE COMMITTEE MEMBERS (Three 3-Year Terms)

### **JAMES D. CHAOUSIS**

- Town Manager, Town of Boothbay (November 2010 – present)
- Town Manager, Town of Livermore Falls (April 2009 – November 2010)
- Board of Directors, Maine Town & City Management Association (2011 – present)
- Board of Directors, Lincoln County Regional Planning Commission (2012 –present)
- Board of Directors, Boothbay Harbor Region Chamber of Commerce (2012 –present)
- Board of Directors, Midcoast Economic Development District (2011 – present)
- Board of Directors, Androscoggin Valley Council of Government (2009 – 2010)
- Jay/Livermore/Livermore Falls School Consolidation Committee (2010)
- BAS with minor in Public Administration, University of Maine
- Marine Corps, Gulf War Veteran (six years)

### **LINDA COHEN**

- Councilor, City of South Portland (2012 – present)
- City Clerk, City of Portland (2001 – 2011)
- City Clerk, City of South Portland (1989 – 2001)
- Member, Maine Municipal Association Executive Committee (April 2013 – present)
- Member, MMA Workers Compensation Fund Board of Trustees (April 2013 – present)
- Member, MMA Property & Casualty Pool Board of Directors (April 2013 – present)
- Member, MMA Legislative Policy Committee (Portland and Westbrook representative) (2001 – 2011)
- MTCCA Affiliate Representative to MMA Legislative Policy Committee (1990's – 2011)
- South Portland Civic Service Commission (2009 – 2012)
- South Portland Lions Club (2011 – present)
- South Portland/Cape Elizabeth Chamber (2010 – present)
- Director of Development, LearningWorks, Portland, Maine (present)
- Licensed Loan Officer at Cumberland County Mortgage, South Portland (present)
- Licensed Realtor at The Maine Real Estate Network, South Portland (present)

### **MARY SABINS**

- Town Manager, Town of Vassalboro (June 2008 – present)
- Town Manager, Town of Chelsea (2006 – 2007)
- Food Services and Facilities Director, School Administrative District 40, Waldoboro, Maine (2005 – 2006)
- 1<sup>st</sup> Town Manager, Town of Windsor (2001 – 2005)
- Town Administrator, Town of Hope (1997 – 2001)
- Town Clerk and Tax Collector, Town of Union (1988 – 1997)
- BA in Business Management, University of Maine at Augusta (2001)
- Board of Directors for the Kennebec Valley Council of Government (2008 – 2009)
- Maine Municipal Leadership Award by Maine Resource Recovery Association
- East Union Pioneer Grange Community Service Award



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 6, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <u>  X  </u> Work Session	
<b>Subject:</b> Janalee Moquin Resignation From the Budget Committee	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Accept Resignation and Call Special General Referendum
<b>PROPOSED MOTION:</b> I move to accept the resignation of Janalee Moquin from the York Budget Committee and to call a Special General Referendum for November 5, 2013 in accordance with Article V, Section 3(D) of the Town of York Home Rule Charter.

**Discussion:** On July 22, 2013 a memorandum was received from Robert Palmer, Chair of the York Budget Committee, advising the member Janalee Moquin had resigned. The Town of York Home Rule Charter states, in part, **“When there is a vacancy in an elected office, the Selectmen shall call a Special General Referendum to fill the vacancy within thirty (30) days after the vacancy occurs except that if the vacancy occurs at least seventy (70) and not more than one hundred twenty (120) days before the date of the election of Town officials at the Budget Referendum, the successor shall be elected then.”** Given that more than one hundred twenty days will pass prior to the next Budget Referendum, the Selectmen will need to call the Special General Referendum. A General Referendum is scheduled for November 5, 2013 and the Special General Referendum can be conducted at the same time.

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>

**BALANCE IN LINE ITEM IF APPROVED:**

Prepared By: Robert B. Gadow

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

MEMORANDUM

To: Ronald N. Nowell, Chairman York Board of Selectmen

From: Robert Palmer

CC: Robert G. Yandow, Mary-Anne Szeniaowski

Date: July 22, 2013

RE: York Budget Committee Vacancy

Mr. Nowell:

This memorandum is to inform you that at our meeting held on Thursday, July 18, 2013 the Town of York Budget Committee accepted the resignation of Janalee Moquin.

It is my understanding from Mary-Anne Szeniaowski that given the timing of this resignation the Board of Selectmen are able to schedule a Special General Referendum in conjunction with the General Referendum in November to fill this vacancy.

The board thanks you for your attention to this matter.

accordance with the above criteria, except that the Superintending School Committee shall make such a determination with regards to its members.

- D. When there is a vacancy in any Town office or position appointed pursuant to Article III of this Charter, the Town Manager or the Board of Selectmen, whichever is the appointing authority, shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term. Except in cases of recall governed by Article VII, when a vacancy occurs in any Town office or position elected pursuant to Article III of this Charter, other than in the office of Selectman, the Board of Selectmen may appoint a qualified person to fill the vacancy who shall serve until a successor is elected in accordance with this section. A vacancy in the office of Selectman shall continue until a successor is elected. [When there is a vacancy in an elected office, the Selectmen shall call a Special General Referendum to fill the vacancy within thirty (30) days after the vacancy occurs except that if the vacancy occurs at least seventy (70) and not more than one hundred twenty (120) days before the date of the election of Town officials at the Budget Referendum, the successor shall be elected then.] Any successor elected pursuant to this section shall serve for the remainder of the unexpired term. No person appointed to fill a vacancy may be a candidate in the election for a successor.
- E. In the event that a sufficient number of members of a board, commission or committee resign so as not to have a quorum of members remaining, the board, commission or committee shall continue to conduct its business until the vacant positions become filled in accordance with Article V Section 3 of this Charter. However, no policy matters shall be enacted or changed in the absence of a quorum of the membership.

## **ARTICLE VI: TRANSITIONAL PROVISIONS**

### **Section 1: CONTINUATION OF ORDINANCES**

- A. All ordinances, resolutions, rules and regulations of the Town and votes of Town Meetings which are in force on the effective date of this Charter, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed.

### **Section 2: CONTINUATION OF GOVERNMENT**

- A. All departments, boards, commissions, and committees and other Town bodies existing on the effective date of this Charter or established by this



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 6, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Management of Communications Towers on Mount A	

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

**Discussion:** During a previous discussion about the towers on Mount A, Parks and Recreation Director Mike Sullivan was asked to provide additional information. Specifically, Mike was asked to speak with Dave Libby of Communications Facilities, Inc. and get a proposal for management of the Town-owned towers. Attached you will find a Memo from Mike Sullivan and an attached proposal from Mr. Libby.

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

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



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

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

To: Rob Yandow, Town Manager  
From: Mike Sullivan, Parks and Recreation Director  
Subject: CFI Contract Proposal - Mt. A  
Date: August 8th, 2013

I have reviewed the proposal from CFI regarding the communications towers at Mount Agamenticus and offer the following observations and or suggestions as the Selectmen consider the proposal.

**Fee:** The initial fee to review and renegotiate the existing leases is \$4,500 and the fee for ongoing management of the site is 10% of existing leases and 20% of increases to existing leases and new tenants. I have confirmed with CFI that the fee for ongoing management will not commence until the initial review and negotiations been completed.

**Letter of agreement from the Town:** Should the Board decide to enter into an agreement with CFI the Town should provide a letter of agreement as part of the contract. This document should describe the Selectmen's goals and offer direction to the consultant. Examples might include;

A. Consolidation and Optimization: It should be a clear goal to consolidate the towers whenever possible while at the same time optimizing the financial benefit to the Town. (Less towers more money)

B. I believe when I last met with the Board they expressed an interest in acquiring the Fire Tower from the State Forestry Service. If so this should be included in the letter of agreement.

**Reporting:** While I'm happy to work with Mr. Libby on a daily basis I recommend that during the initial review and negotiations CFI deliver their final recommendations directly to the Board. With respect to ongoing management

the letter of agreement should require an annual report both written and verbal. The report would be delivered on or about the commencement date of the contract each year.

**Fire Tower:** I believe that it has been determined that the fire tower is a historic structure. I would recommend that the Board consider doing a structural analysis on the tower prior to acquiring it. Selectmen may also note that while the tower may be structurally sound it is in need of work.

**Tower Revenue:** It has been the Town's practice that revenues generated from the Mt. A towers be used to manage and maintain the Mountain. I recommend that practice continue.

## Communications Facilities, Inc.

P.O. Box 8784  
Portland, Maine 04104-8784  
www.commfac.com

177 Gray Road  
Falmouth, Maine 04105  
207-615-4646

July 15, 2013

Town of York Maine  
Michael Sullivan, Director  
York Parks & Recreation  
186 York Street  
York, Maine 03909

### **Proposal for Mt. Agamenticus Mountain Communications Towers**

#### **Review and renegotiate existing leases.**

- 1) Review all existing leases (Crown/Global, Railroad, State Fire Tower, CMP)
- 2) Make recommendations to York, working with the Director of YPR
- 3) Assist in renewals of existing leases (two have less than 4 years remaining)

Fee: \$4,500 one time (50% on commencement, 50% completion)

#### **On going Management of telecommunications site.**

- 1) Monthly site visits, looking for changes in equipment, any maintenance or safety issues that need Town attention. Report by exception to Director of YPR.
- 2) Advise Town re: any ongoing issues

Fee commencing Oct 1, 2013:

10% of existing leases, billed monthly  
20% of increases (only) in existing leases and any new tenants (15% during each renewal period)

## MANAGEMENT AGREEMENT

AGREEMENT made this day by and between Communications Facilities, Inc. (CFI), a Maine corporation with an address of 46 Gray Road, Falmouth, Maine 04105, and a mailing address of PO Box 8784, Portland, Maine 04104-8784 AND Town of York Parks and Recreation (Owner) with an address of Town of York, York Parks & Recreation, 186 York Street, York, Maine 03909.

Owner is the owner of property located at Big Mt. A Road, York, Maine consisting of several leased tower properties thereon including: Guildford Railroad, Global Tower Partners, State of Maine, and CMP.

In consideration of the mutual covenants contained in this Agreement, the parties agree as follows:

1. **Term -** Owner hereby appoints CFI as its sole and exclusive leasing and management agent for all wireless communications and related equipment installations at the property for a term of Five (5) Years commencing upon August 1, 2013 and terminating August 1, 2018. CFI shall have four (4) options to extend the term of this agreement on the same terms and conditions, each for an additional five (5) year term, which will be automatically exercised unless notice is provided to Owner no less than thirty (30) days prior to the termination of the term then in effect.
2. **CFI Responsibilities -** Agent shall use its best efforts, utilizing the full range of the services and facilities of its organization, to responsibly manage that portion of the property leased for wireless communications use and to retain and obtain wireless communications tenants for the property. CFI shall consult with Owner from time to time in order to establish policies with respect to the terms, conditions and location of space on or within the property to be leased and the management programs to be implemented to maintain the property. Any lease of the property shall be on terms and conditions reviewed and approved by Owner.
3. **Owner Responsibilities -** Owner shall cooperate with Agent and use best efforts to achieve the purpose of this Agreement. All inquiries for leasing received by the Owner shall be referred to CFI.
4. **Compensation -** Owner agrees that it will compensate CFI for its services with respect to the property in the following manner. **Owner** shall bill and collect rent and pay CFI according to the following schedule:
  - a. CFI will review all existing leases and recommend changes and renewals options. In addition, will assist the Town in negotiating purchase of the Fire Tower that the State owns and has abandoned. \$4,500 one time fee.
  - b. Commencing October 1, 2013, CFI shall be paid ten percent (10%) of the gross rent paid under any lease agreements in effect between Owner and existing wireless communications tenants as of the date of this Agreement.

b. CFI shall be paid twenty percent (20%) of the gross rent paid under any future lease agreements (or increases only in existing renewed leases) executed between Owner and wireless communications tenants for the initial term of said lease and fifteen percent (15%) of any gross rent paid during extension terms thereafter.

5. Assignment - This agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto except that this Agreement may not be assigned without the prior consent of either party, such consent not to be unreasonably withheld or delayed.

6. Insurance - Owner shall place and keep in full force and effect all insurance on the property and its improvements and both parties agree to provide and maintain comprehensive general liability insurance in an amount not less than \$1,000,000 combined single limit for each occurrence. Each party shall name the other as an additional insured under its liability insurance and will provide a certificate evidencing same upon request.

Owner agrees to require all future wireless communications tenants for the property to provide insurance certificates evidencing commercially reasonable amounts and types of insurance naming CFI as an additional insured. Where a matter relates to damage to physical or real property which is insured, no claim of any nature will be made against CFI. CFI agrees to provide any worker's compensation insurance required by applicable state law.

7. Miscellaneous - This Agreement contains the entire Agreement between the parties and may not be modified, terminated or amended in whole or in part except by written agreement executed by both parties. If any term or provision is found to be invalid or unenforceable, the remainder of the Agreement shall not be affected thereby. This Agreement is governed by the State of Maine. Time is of the essence.

Executed as a sealed instrument as of the last date written below.

Owner

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Date:

Communications Facilities, Inc. (CFI)

\_\_\_\_\_  
Name: David H Libby II  
Title: President

\_\_\_\_\_  
Date:



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

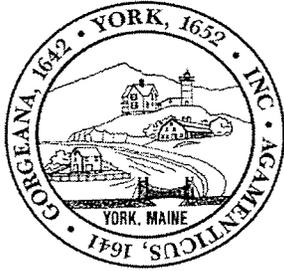
<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Appointment of Nancy Stolberg to Parks and Recreation Department	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to appoint Nancy Stolberg to a three year term on the York Parks and Recreation Committee with said term expiring on June 30, 2016.

**Discussion:** Ms. Stolberg was recently interviewed for the position by the Board of Selectmen.

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

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Appointment of Joe Foote as Alternate to the York Harbor Board	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to appoint Joe Foote to a two year term as an alternate to the York Harbor Board with said term expiring on June 30, 2015.

**Discussion:** Mr. Foote was interviewed for this position by the Board of Selectmen on April 29, 2013. Currently, the terms for two regular members will expire in 2015 and the terms of three regular members will expire in 2016.

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

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 9, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Letter From Jon Doyle, Attorney for Ellis Short Sands Park and Bill Burnham	

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

**Discussion:** The Chair has asked that this item be put on the agenda. Attached is a letter from Jon Doyle and Dennis Carrillo, attorneys for Ellis Short Sands Park and Bill Burnham. The letter is in reference to the bath house project at Ellis Short Sands Park and the depiction of Penstock Road on the final plan set approved by the Planning Board. Also attached is an email from Dennis Carrillo to Christine Grimando regarding compromise language for the final plan along with an email from Christine Grimando to the Planning Board. On August 8, 2013 the Planning Board decided to take no further action on the issue of Penstock Road being depicted on the final plan.

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

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

LAW OFFICES OF  
**DOYLE & NELSON**  
150 Capitol Street  
Augusta, ME 04330  
WWW.DOYLENELSON.COM

JON R. DOYLE  
CRAIG H. NELSON

207-622-6124  
FAX 207-623-1358

L. DENNIS CARRILLO

JDOYLE@DOYLENELSON.COM

To: York Town Manager, Rob Yandow; York Town Planner, Christine Grimando

From: Jon R. Doyle, Esq.; L. Dennis Carrillo, Esq.

Date: July 25, 2013

Re: William Burnham / Ellis Short Sands Park / Putative Penstock Road; Park Public Bathroom Renovation Application  
D&N File No. 5932

\*\*\*\*\*

Dear Rob and Christine,

As you know, we represent William Burnham and the Ellis Short Sands Park Trustees (Park Trustees). The Town and the Ellis Short Sands Park Trustees are at an impasse about the depiction of the alleged Penstock Road on the final plan set for the park's public bathroom renovation. The Director of Public Works, Dean Lessard, apparently has refused to sign the final plan set because it does not depict Penstock Road. We initially suggested a compromise solution to get the renovation underway: Penstock Road would be added to the plan, but with a notation making clear that its existence and location are disputed and that the plan is not evidence of its existence or location. To date we have not heard back from the Town as to whether this is compromise is acceptable.

That is just as well, however, because in the interim we have learned more of the facts surrounding the York Planning Board (Board) process and have conducted legal research, both of which indicated that Penstock Road really should not be added to the plan and that Mr. Lessard's signature, or lack thereof, is irrelevant.

On November 8, 2012, the Board held an application review and public hearing the park's restroom renovation application. At that initial meeting, the Board discussed the disputed status of Penstock Road and entered a letter from me, dated November 8, 2012, into the record which asserted that "[a]ny depiction of all or a part of Penstock Road is for graphics purposes only and should not be interpreted as a determination of its existence or its location as a way." The Board voted unanimously to grant preliminary approval the application.

On May 9, 2013, the Board again held an application review and public hearing on the park's application. The Park Trustees had addressed the outstanding issues with the application. They had also removed the reference to Penstock Road, because everyone was in agreement that the alleged public way's legal existence was in dispute. The Board voted unanimously to approve the application "with the plan notes as noted tonight."

On June 7, 2013, the Board issued findings of fact with regard to the application and decided, among other things, as follows:

4. The Planning Board voted on May 9, 2013 to grant approval to the application with conditions that the following items are to be incorporated into the design and/or noted on the final mylars to be submitted to the Planning Board prior to signing drawings:
  - a. Revise "Railroad Avenue Extension" on the drawings to "Railroad Avenue".
  - b. Building lighting shall comply with Town of York design standards.
  - c. Concrete pads, dumpsters and associated fencing shall be located on the site plan.
  - d. Plantings are to remain and to be maintained into perpetuity.
  - e. The titles "West Elevation" and "East Elevation" on the drawings are reversed and shall be corrected.
  - f. The designer of record will investigate the provisions for the installation of radiant floor heating tubing throughout the proposed building and its applicability to the project.
  - g. The designer of record will investigate the provision for one additional lavatory in each of the two women's rooms.
  - h. The application received final approval on May 9, 2013 with conditions noted above.

The Board's findings reveal that it carefully reviewed the plan and insisted on corrections it felt were necessary, but did not take issue with the removal of Penstock Road from the plan and indeed gave final approval to the application with conditions not relevant to the Penstock Road dispute. The Board went on to sign the final mylars that did not contain Penstock Road.

In analyzing the significance of Mr. Lessard's refusal to sign the mylar, the applicable Town ordinance is the Site Plan and Subdivision Regulation, which provides in pertinent part the following:

Article 4.8 APPROVAL SHEETS

In addition to other standards, the sheets which the Planning Board will sign to indicate its approval of an application shall also meet the following requirements:

- A. The complete set of plans to be signed shall be printed on mylar.
- B. Each sheet in the plan set shall be signed in accordance with the following:
  1. Full Board. There shall be an approval block on the plan sheet(s) that depicts the proposed design and the Plan Notes, for the signature of Board members:

- a. The title shall be, "Approval of the Planning Board of York, Maine."
  - b. There shall be 5 signature and date lines. The first line shall be labeled "Chair" under the line and is to be signed by the Chair only.
  - c. A note at the bottom of the block that states, "The signatures of 3 or more Planning Board members indicate approval of this plan."
2. Chair Only. There shall be a signature block on all sheets not signed by the Board, and this shall be used for the Chair only to sign to indicate original sheets in the approved plan set.
3. Town Departments. *The following departments may be required to review the application, offer comments to the Planning Board, and sign the plans to indicate they have reviewed the plan. Their input does not constitute an approval or denial.* The sheet that depicts the proposed design and that is signed by the full Board shall also include a sign-off block for the York Police Department, York Village Fire Department or York Beach Fire Department, and York Public Works Department. The following shall be required:
- a. The title shall be, "Town Department Reviews"
  - b. There shall be a signature and date line for each Department required to review the application.
  - c. A note at the bottom of the block that states, "This application has been reviewed by these departments, which have offered comments to the Planning Board."

(Emphasis added).

As Article 4.8 makes clear, the town department signatures are only related to documentation of their review and opportunity for input prior to final approval by the Planning Board. Thus, "their input does not constitute approval or denial." On the contrary, the Board's signatures constitute approval of the final plan. Here, the Planning Board has given final approval to the application (with conditions unrelated to Penstock Road) and has signed the mylar of the final plan.

We have advised Mr. Burnham and the Park Trustees that the Board has given its final approval to the Public Bathroom Renovation Application and have signed the approved plan set, and that Public Works Director Lessard's signature is not required and does not affect the Board's approval of the application and final plan set.

There is no legal justification to altering the final plan by adding Penstock Road, which, if it ever existed, was abandoned or discontinued long ago. Mr. Burnham and the Park Trustees call upon the Town to record the final plan set in the York County Registry of Deeds, schedule a pre-construction meeting and issue any building permits necessary to begin construction. The Park Trustees have authorized the filing a declaratory judgment action if this is not done, but it

would be a shame to delay or destroy this opportunity to improve the Town by renovating the park's public restrooms.

**From:** Dennis Carrillo  
**Sent:** Tuesday, July 23, 2013 10:50 AM  
**To:** 'cgrimando@yorkmaine.org'  
**Cc:** Jon Doyle; Craig Nelson  
**Subject:** Proposed Language for Ellis Short Sands Park Plan

Christine,

Following up on our phone conference, here is the notation that we propose for the bath house plan:

“The original filing with the Planning Board contained a depiction of Penstock Road, so-called, which was omitted from the final copy. The existence and location of Penstock Road continue to be a matter of dispute among the Town of York and the owners of the abutting properties, and it appears here only for the limited purpose of providing a reference point and should not be viewed as dispositive of either its existence or location by the applicants or signatories.”

Feel free to contact me with questions or concerns.

Best regards,

L. Dennis Carrillo  
Doyle & Nelson  
150 Capitol Street  
Augusta, ME 04330  
(207) 622-6124 Fax (207) 623-1358

CONFIDENTIAL COMMUNICATION

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## MEMO



**TO: Planning Board**  
**FROM: Christine Grimando, Town Planner**  
**DATE: August 8, 2013**  
**RE: Ellis Short Sands Park Restrooms Update**

This memo is to follow-up on the recent correspondence I've forwarded to the Board on the subject of the Ellis Short Sands Park Restrooms plan set. My conclusion is that the mylars can be released to the applicant as they stand, but I want to make sure the Planning Board understands why the issue was raised initially, and give the Board the opportunity to take a different course of action if they so choose. I will summarize the issue below to bring everyone up to date. If the Board wishes to follow a different course than this, or take any formal action, I will schedule it for a future meeting. I've added this as a discussion item under Other Business to the August 8<sup>th</sup> agenda.

When the project was originally before the Board in November 2012, the plan set for the new bathrooms showed Penstock Road on the Existing Conditions Plan. The applicant stated at that time that they did not agree to the legal status or existence of Penstock Road, and read a letter from their attorney into the record to that affect. When the plan set was resubmitted this spring, Penstock Road had been removed from the plan set, and I did not notice this change at the time. The revised plans were approved and signed by the Board, but Dean Lessard, DPW Director, observed that Penstock Road was missing and did not feel comfortable signing an inaccurate plan set. I initially directed the applicant to resubmit a corrected Existing Conditions sheet, for the Board to approve, so that the project could be signed by all and be able to proceed as soon as possible. There then followed discussions about the Existing Conditions sheet being resubmitted with Penstock Road included, but a plan note also being added noting the status of this road was not agreed to by all parties. This seemed a viable route to resolution, and language for this plan note was submitted by the applicant's attorney, and was being reviewed by York's Town Attorney when a letter dated July 25<sup>th</sup> was sent to myself and the Town Manager stating that this option was being removed by the applicant, and outlining why the plan set as signed by the Planning Board is valid as is.

I concur that it is not mandatory for the Director of Public Works to sign these plans for them to be considered fully approved. Site Plan and Subdivision Regulations 4.8.B.3

states: *The following departments may be required to review the application, offer comments to the Planning Board, and sign the plans to indicate they have reviewed the plan. Their input does not constitute an approval or denial.* My direction to the applicant to resubmit was intended to produce an accurate and fully signed plan set, showing all known rights-of-way. I've spoken to the Town Attorney and he has advised that one possible way to resolve this issue at this stage, since the lack of Penstock Road was not recognized during review, the plan set has already gotten approval by the Board, and the applicant does not agree to the option of re-adding the road + plan note, is to document the issue in the Town's files, in the form of a letter from the Town Manager, stating that approval of this plan set does not have any bearing on the status of Penstock Road, and to indicate the same on the building permit when it is issued.

The Town Attorney was quite clear that 1) showing this road on the plan has no bearing on the legal existence or ownership of the road, and noting and documenting the issue would suffice as far as correcting for the absence of Penstock Road on the mylars, and 2) the approved plan set, even lacking this right-of-way, could go forward as is, as it doesn't directly affect the bathroom proposal itself. In sum, the Board does not have to take any action on this plan set, and the project can proceed to the pre-construction/building permit steps upon paper copies of the approved sheets being returned to Town Hall. If, however, the Board wishes to take further action on this issue, I will schedule it for an application review, with proper notice posted, and a public hearing, at the second August meeting, or at the earliest date convenient to the Board.



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 9, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Drainage Pipe at Short Sands Beach	

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

**Discussion:** The Chair has asked that problems with the drainage pipe at Short Sands Beach be placed on the agenda for discussion

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

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 9, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Osprey platforms for Wheeler Wildlife Refuge	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Community Development Director
<b>RECOMMENDATION:</b> I recommend the Board authorize the placement of two osprey nesting platforms within the Wheeler Wildlife Refuge.
<b>PROPOSED MOTION:</b> I move to authorize Matthew Webber to place two osprey nesting platforms within the Wheeler Wildlife Refuge.

**Discussion:** Matthew Webber proposes to construct and erect two osprey nesting platforms within the Wheeler Wildlife Refuge. This is Town-owned land, so permission must first be obtained from the Board of Selectmen.

The Wheeler Wildlife Refuge Ordinance controls activities on this land. Matthew has provided a copy with his request. The one potential sticking point is Section Two, which prohibits the erection of structures. Reading the Ordinance in its entirety, it is clear to me that the original intent was to prevent uses and activities which are incompatible with wildlife conservation. Certainly I would not interpret this code to allow the creation of parking spaces or erection of a building, but I think the osprey nesting platforms are a different matter. These are actually intended to enhance and improve the habitat values, so they seem completely consistent with the Ordinance. It is similar to the work completed a few years ago to re-grade areas to improve the salt pannes to improve habitat. The Board needs to be

aware of this possible matter before making its decision. I have recommended approval because I think it is fully consistent with the purpose and intent of the Ordinance.

Prepared By:

A handwritten signature in black ink, appearing to be "S. J. H.", written over a horizontal line.

Reviewed By:

A handwritten signature in black ink that reads "Robert B. Gannon", written over a horizontal line.

Matthew Webber  
June 28, 2013  
Eagle Scout Project Proposal

Mr. Robert Yandow  
Town of York, Town Manager  
186 York Street  
York, Maine 03909

Dear Mr. Robert Yandow,

My name is Matthew Webber. I am a Life Scout in Boy Scout Troop 301 of York, Maine. In my direction towards Eagle Scout, I am proposing to build and establish two nesting platforms for birds of prey including the osprey population specifically. This past Sunday, June 23, I met with a professor of Ornithology from the University of New Hampshire, Mr. William Lee in York Harbor by the Wheeler Wildlife Refuge alongside Route 103. After speaking with him, the conclusion was that the Wheeler Wildlife Refuge would be a suitable area for these platforms to be located.

My father and I have spoken to Mr. Steven Burns regarding this project. He has advised that the Wheeler Wildlife Refuge ordinance is administered by the Town of York Board of Selectmen. He explained that I would need to present this proposal to the Board of Selectmen for approval. Would you please place my proposal and I on the Board of Selectmen's agenda?

My presentation to the Board of Selectmen will include a diagram of the osprey nest platforms I hope to build, a plan for maintenance of the platforms moving forward and a letter from Mr. Lee confirming his observations regarding the placement of the osprey nest platforms in the Wheeler Wildlife Refuge.

Thank for your time on this matter.

Sincerely,

Matthew J. Webber

Matthew Webber

Enclosure: Wheeler Wildlife Refuge Ordinance  
Osprey Nest Platform Design

## WHEELER WILDLIFE REFUGE ORDINANCE

Section One. Land Area - Area described as being bounded northwesterly by U.S. Route 103, southwesterly by the dike running from said U.S. Route 103 to Harris Island and easterly and westerly by Harris Island, Bragdon's Island, and the roadway connecting said Harris Island and Bragdon's Island, and the westerly sideline of the town way leading from U.S. Route 103 over Bragdon's Island, and being the entire area acquired by the Inhabitants of the Town of York in 1961 for dredging spoil, including all Town land held in trust as a wildlife refuge, is hereby declared to be the "Wheeler Wildlife Refuge".

Section Two. Prohibitions - Within the limits of the area described in Section One, it shall be unlawful to operate motor vehicles, deposit fill, erect structures, or remove wildlife or botanical specimens.

Section Three. The penalty for violating any provisions of Section Two shall be a fine of not more than \$200.00.

Adopted at STM March 30, 1985



## OSPREY NEST STRUCTURE PLACEMENT



Placement of nest structures for ospreys affects the chances they'll be used. As a general rule, the closer to water, the better. Colonization of new sites is related to how close ospreys presently nest to the new site, since young birds returning to breed usually take up nesting within one to several miles of their natal area.

Another important consideration is predation. We recommend single pole structures with a platform on top, on mainland areas and any area where raccoons and other predators are present. Single poles are easily outfitted with a predator guard (inverted cone, or a sleeve of aluminum flashing) that prevent raccoons from climbing into the nest. A raccoon has been seen climbing into a 30-foot high nest, so a guard is very necessary on most nests.

An attractive nest, to an Osprey, includes a nearby perch. The male prefers to perch either on the nest or within 50'. A 2x4 that rises two to three feet higher on both sides of the nest platform is ideal, as is a perch pole least 4' in height, placed nearby. A simple perch consists of a 2x4 with a wood branch (1½" to 2" in diameter) mounted perpendicularly on top of the 2x4.

Ospreys generally return to New Jersey in late March and take up nesting in April. Nest structures should be in place by mid-March for that season's use. Ospreys are most sensitive to disturbance during April, when they are laying eggs, and are most likely to abandon the nest if disturbance is too great. They will grow more defensive of the nest area in May and June when they have chicks, and both male and female must feed intensively to keep up with all the appetites. It is important that disturbance remain low during this time as well.

Ospreys have exhibited tolerance of certain types of disturbance, such as boat traffic on waterways, as long as such traffic ignores them. Disturbance increases as boats stop nearby and people focus on the birds at close range. A safe distance from which to observe ospreys will vary depending on the area, but observers must stay beyond the distance at which the adults react. Their reaction must be judged as even their attention to the observer, not simply when they lift off the nest in defense.

You should have permission from the landowner where you install a nest platform. Landowner information can be obtained at the municipal or township office. For lands in state ownership, a special use permit may be required by the Department of Environmental Protection.

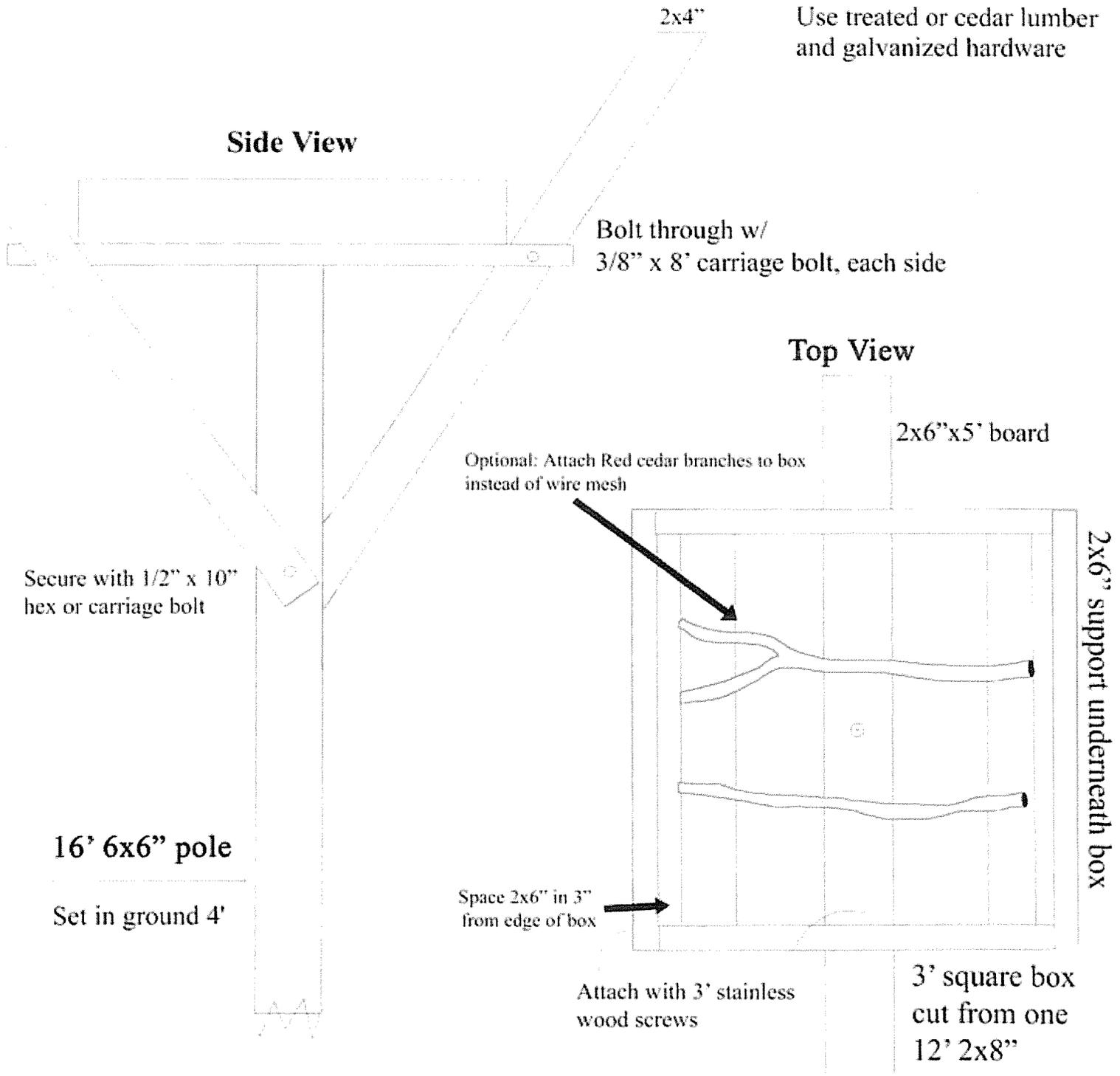
If you put up an osprey nest structure, please send GPS coordinates or map in [Google Earth](#) and email us the location. We include all potential nest sites in our triennial census of ospreys in the state. If the nest is used by ospreys, please notify us.

Finally, we offer technical assistance to private consulting firms, individuals, school groups, environmental commissions, Boy & Girl Scouts, and anyone else who is interested in building and constructing osprey nesting structures. We can help you choose the most suitable location to place a platform so it will not negatively impact other wildlife that may live in the area.

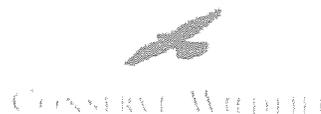
Please do not hesitate to [contact us](#) for more information or if you have a question.

For further information, please contact [Kathy Clark](#), Supervising Zoologist, NJ Fish and Wildlife or [Ben Wurst](#), Habitat Program Manager, Conserve Wildlife Foundation of NJ at 609.628.2103.

# OSPREY NEST PLATFORM



**New Jersey Osprey Project**  
**Endangered & Nongame Species Program**  
**&**  
**Conserve Wildlife Foundation of NJ**



**Material list for building one osprey nest platform**

<b>Item</b>	<b>Quantity</b>	<b>Size</b>	<b>Description</b>	<i>Approximate (2012)</i> <b>Unit price</b>
<i>Lumber</i>				
Pole	1	16'	6x6" pressure treated	\$40.00
Box frame, box side brace, platform brace	1	12'	2x6" pressure treated	\$8.00
	1	12'	2x8" pressure treated	\$10.50
Perch / brace	1	12'	2x4" pressure treated	\$6.00
Wire cloth (optional)	3'	3'	2"x4" galv. hardware cloth	\$3.00
Red/white cedar branches (preferred)	2	3'	~ 1-2" in diameter	
<i>Fasteners</i>				
Base to pole	2	1/2" x 6"	galvanized lag bolts	\$4.60
	2	1/2"	galv. flat washers	\$0.80
Box to base	6	3"	stainless wood screws	
	16	3"	stainless wood screws	
4 box corners & 2x6" nest supports	28 total	3"	1 lb. box stainless wood screws	\$15.00
Brace to base	2	3/8" x 8"	galv. carriage bolts	\$5.00
	2	3/8"	galv. flat washers	\$0.40
	2	3/8"	galv. locking washer	\$0.40
	2	3/8"	galv. nut	\$0.40
	1	1/2" x 10"	galv. hex bolt	\$7.00
Brace to pole		<i>or</i>		
	1	1/2" x 10"	galv. carriage bolt	\$6.10
	2	1/2"	galv. flat washers	\$1.40
	1	1/2"	galv. locking washer	\$0.40
	1	1/2"	galv. nut	\$0.80
Fasten wire to box (optional)	40	3/8"	galv. fence staples	\$0.40
<i>Predator Guard</i>				
Aluminum flashing (use painted only) *	1	24"x ~ 25"	.092 gauge (brown painted)	\$5.00
Nails	5	6d	Galv. roofing nails (1 lb.)	\$4.00
			<b>Estimated Total Cost</b>	<b>\$119.20</b>

\* Trim coil with a 24" width can only be purchased by the roll, which is 200' and is approximately \$98.00\*

Please let us know where you place the nest platform(s) and when they are used by a pair of ospreys.  
 We will include the site in our triennial surveys. Thank you for helping Ospreys in New Jersey.

**For more information:**

Kathy Clark, Principal Zoologist  
 Endangered & Nongame Species Program  
 2201 Route 631  
 Woodbine, NJ 08270  
 (609) 628-2103

or Ben Wurst, Habitat Program Manager  
 Conserve Wildlife Foundation of NJ  
 2201 Route 631  
 Woodbine, NJ 08270  
 (609) 628-2103



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

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<b>Date Action Requested:</b> August 12, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Permit for Catering Privileges Off Premises – Bill Foster’s Downeast Clambake; August 30, 2013	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve the Special Permit for Catering Privileges Off Premises for Bill Foster’s Downeast Clambake
<b>PROPOSED MOTION:</b> I move to approve the Special Permit for Catering Privileges Off Premises for Bill Foster’s Downeast Clam Bake at View Point Hotel, on August 30, 2013 from 2:00PM – 9:00PM.

**Discussion:**

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

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

Reviewed By: Robert S. Gannon

**MAINE DEPT OF  
PUBLIC SAFETY**

STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR SPECIAL PERMIT FOR CATERING PRIVILEGES  
OFF PREMISES \$10.00 (per day)  
Check Payable: Treasurer State of Maine**

License No.: 5726 Name of Licensee: Bill Foster's Downeast Clambake  
Mailing Address: PO Box 486  
Town/ City: York Harbor State: ME Zip Code: 03911  
Telephone: 207-363-3255 Fax: 207-363-2213  
Title and Purpose of Event: Van Eek / Ring wedding  
Location of Event: ViewPoint  
Physical Address: Nubok Rd.  
Town/City: York State: ME Zip Code: 03909  
 Indoor Event  Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)  
Describe specific indoor and/or outdoor area to be licensed: \_\_\_\_\_

Date of Event: 8/30/13 Time - From: 2pm To: 9pm  
Number of Persons Attending: 125  
Name of Sponsor: Richard Van Eek + Lisa Ring  
Address: Pieter de Hoofstraat Town/City: Amsterdam  
State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone Number: 316-108 20160

[Signature]  
Signature of Licensee or Corporate Officer

7/25/13  
Date

Michelle Riggie  
Print Name of Licensee or Corporate Officer

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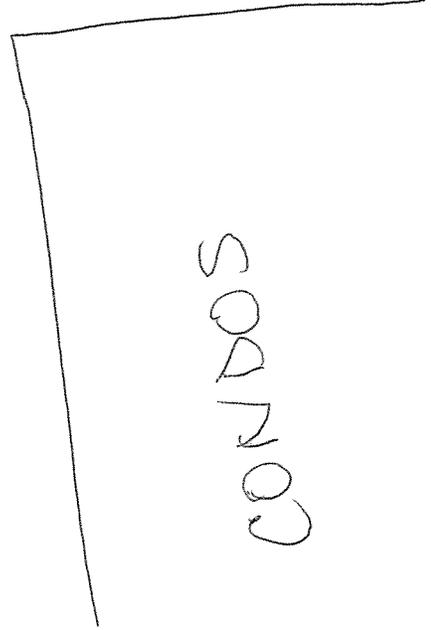
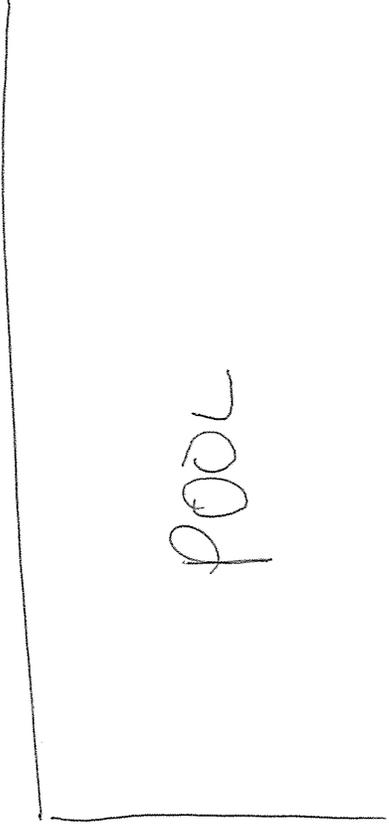
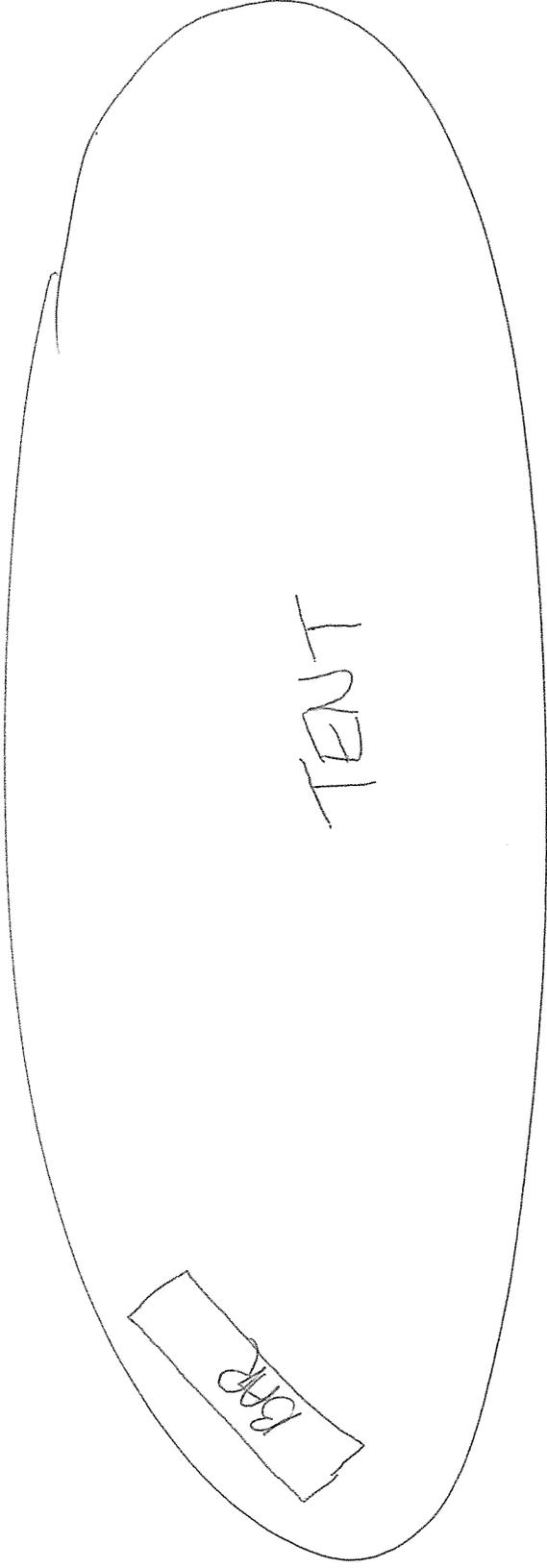
**RESTRICTIONS:**

**APPROVED - PERMIT #** \_\_\_\_\_ **DATED:** \_\_\_\_\_

**NOT APPROVED** **ISSUED BY:** \_\_\_\_\_



Ocean





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

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<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Incorporated Civic Organization – The Youth Enrichment Center at Hilton Winn Farm Inc, September 7, 2013	

<b>TO: BOARD OF SELECTMEN</b>
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve the application for an Incorporated Civic Organization for The Youth Enrichment Center at Hilton Winn farm Inc.
<b>PROPOSED MOTION:</b> I move to approve the Incorporated Civic Organization for The Youth Enrichment Center at Hilton Winn Farm Inc., Saturday, September 7, 2013 from 1:00pm-6:00pm. Event to be held at 186 Ogunquit Rd, Cape Neddick, ME 03902.

**Discussion:**

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

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

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

*Robert A. Gannon*

MAINE DEPT OF  
PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



APPLICATION FOR LICENSE FOR  
INCORPORATED CIVIC ORGANIZATION

\$50.00 Fee / \$10.00 Filing Fee

Check Payable: Treasurer State of Maine

1. (a) Full Name of Applicant: Youth Enrichment Center At Hilton-Winn Farm Inc  
(Corporate Name)
- (b) Corporate Address: 189 OGUNQUIT RD CAPE NEDDICH ME 03902  
Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: 189 Ogunquit Rd CAPE NEDDICH, ME 03902
- (d) Address: Same  
Street Address Town/City State Zip Code
- (e) Telephone Number: 207 361-1385 Fax: same

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. (a) Title and Purpose of Event: WEDDING CELEBRATION
- (b) Date of Event: Sept 7, 2013 Time - From: 1 AM/PM To: 6 AM/PM
- (c)  Inside  Outside Event (If Outside, attach diagram of area) ceremony outside in field
- (d) Location of Event: 189 OGUNQUIT RD CAPE NEDDICH, ME 03902
- (e) Number of Persons Attending: 90
- (f) Name and Address of Sponsor: Hilton-Winn Farm  
Address: 189 Ogunquit Rd Town/City: CAPE NEDDICH State: ME 03902
- (g) Name and Address of Caterer: NANCY'S CATERING INC.  
Address: 85 MAIN ST Town/City: OGUNQUIT State: ME 03907
- (If other than licensee): \_\_\_\_\_
- (If food is to be served): Yes
- (h) Type of building to be occupied: Barn/Field

(i) Area to be licensed: Served near + inside of Barn

Dated at: York, Maine on 7/26/13 20 13  
Town/City, State Month/Day

**NOTE:**

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Liquor Licensing & Inspection Division.

Youth Enrichment Center AT Hilton-Winn Farm  
NAME OF CORPORATION

BY: Nancy E. Breen pres. WANCY E. BREEN pres  
CORPORATE OFFICER'S SIGNATURE - TITLE PRINTED NAME & TITLE

**STATE OF MAINE**

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ ss  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being:  Municipal Offices  County Commissioners of the  
 City  Town  Plantation  Unincorporated Place of: \_\_\_\_\_, Maine

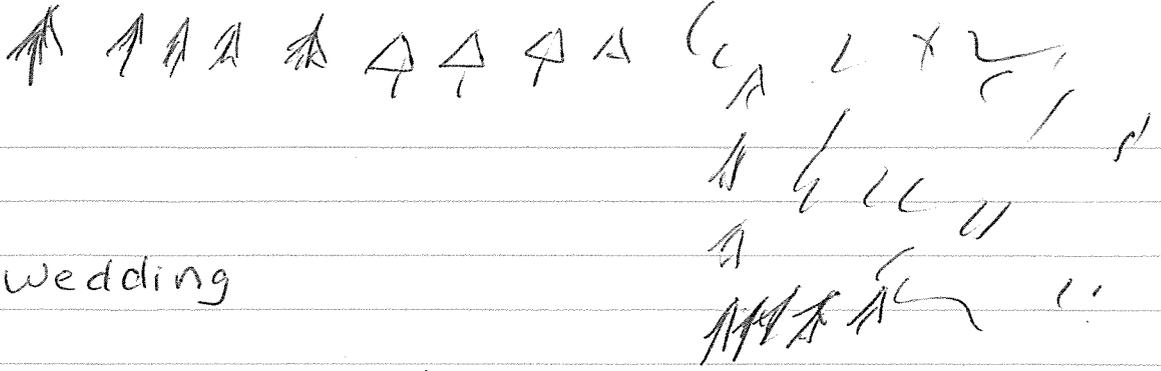
Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

Signature	Print

**72 Hours in Advance of Said Event or Gathering  
REQUESTED**

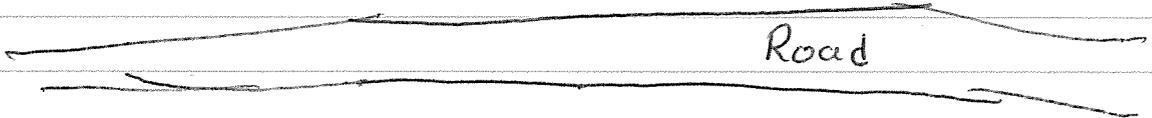
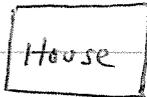
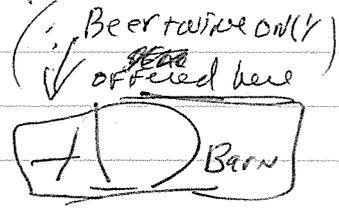
N.B. If said event or gathering is located in an unincorporated place, the application must be approved by the County Commissioners of the County wherein the event or gathering is to take place and the above approval form may be changed in accordance with the fact.

woods



wedding

Field





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

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<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Permit for Catering Privileges Off Premises – TCF Corp. DBA Clay Hill Farm	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve the Special Permit for Catering Privileges Off Premises for TCF Corp. DBA Clay Hill Farm
<b>PROPOSED MOTION:</b> I move to approve the Special Permit for Catering Privileges Off Premises for TCF Corp. DBA Clay Hill Farm, Friday August 23, 2013 from 4:45pm - 11:45pm

**Discussion:**

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

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

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

*Robert S. Gannon*

**MAINE DEPT OF  
PUBLIC SAFETY**

STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR SPECIAL PERMIT FOR CATERING PRIVILEGES  
OFF PREMISES \$10.00 (per day)  
Check Payable: Treasurer State of Maine**

License No.: 5271 Name of Licensee: TCF Corp d/b/a Clay Hill Farm

Mailing Address: PO Box 1730

Town/ City: Ogunquit State: ME Zip Code: 03907

Telephone: 207 361-1771 Fax: 207 361 1515

Title and Purpose of Event: Wedding

Location of Event: ~~Front~~ Front Lawn Under a tent

Physical Address: 220 Clay Hill Rd

Town/City: York State: ME Zip Code: 03907

Indoor Event  Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)

Describe specific indoor and/or outdoor area to be licensed: See diagram

Date of Event: 8/23/13 Time - From: 4:45 To: 11:45

Number of Persons Attending: 200

Name of Sponsor: Clay Hill Farm Restaurant

Address: \_\_\_\_\_ Town/City: \_\_\_\_\_

State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

\_\_\_\_\_  
Signature of Licensee or Corporate Officer

7/28/13  
Date

Jennifer Lewis - McShera  
Print Name of Licensee or Corporate Officer

**FOR USE ONLY BY DEPT. OF PUBLIC SAFETY - LIQUOR LICENSING**

**RESTRICTIONS:**

[ ] **APPROVED - PERMIT #** \_\_\_\_\_ **DATED:** \_\_\_\_\_

[ ] **NOT APPROVED** **ISSUED BY:** \_\_\_\_\_

This Off Premise Catering Permit is not assignable and is valid for use only by the Licensee named heron for the date, time, and location indicated heron. This permit is issued subject to the Laws, Rules and Regulations of the Division and is issued subject to the penalties as provided for in Title 28A, Chapter 33.

**NOTE: TO MUNICIPAL OFFICERS & COUNTY COMMISSIONERS**

This application must be approved by the Municipal Officers of the municipality in which the function is to be held or, if held in an unincorporated place, by the County Commissioner. Title 28A, Section 1076, Subsection 7D grant authority for this approval without public notice.

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being:       Municipal Offices       County Commissioners      of the  
 City     Town     Plantation     Unincorporated Place    of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

<b>Signature</b>	<b>Print</b>

***72 Hours in Advance of Said Event or Gathering  
 REQUESTED***

**MAINE DEPT OF  
PUBLIC SAFETY**

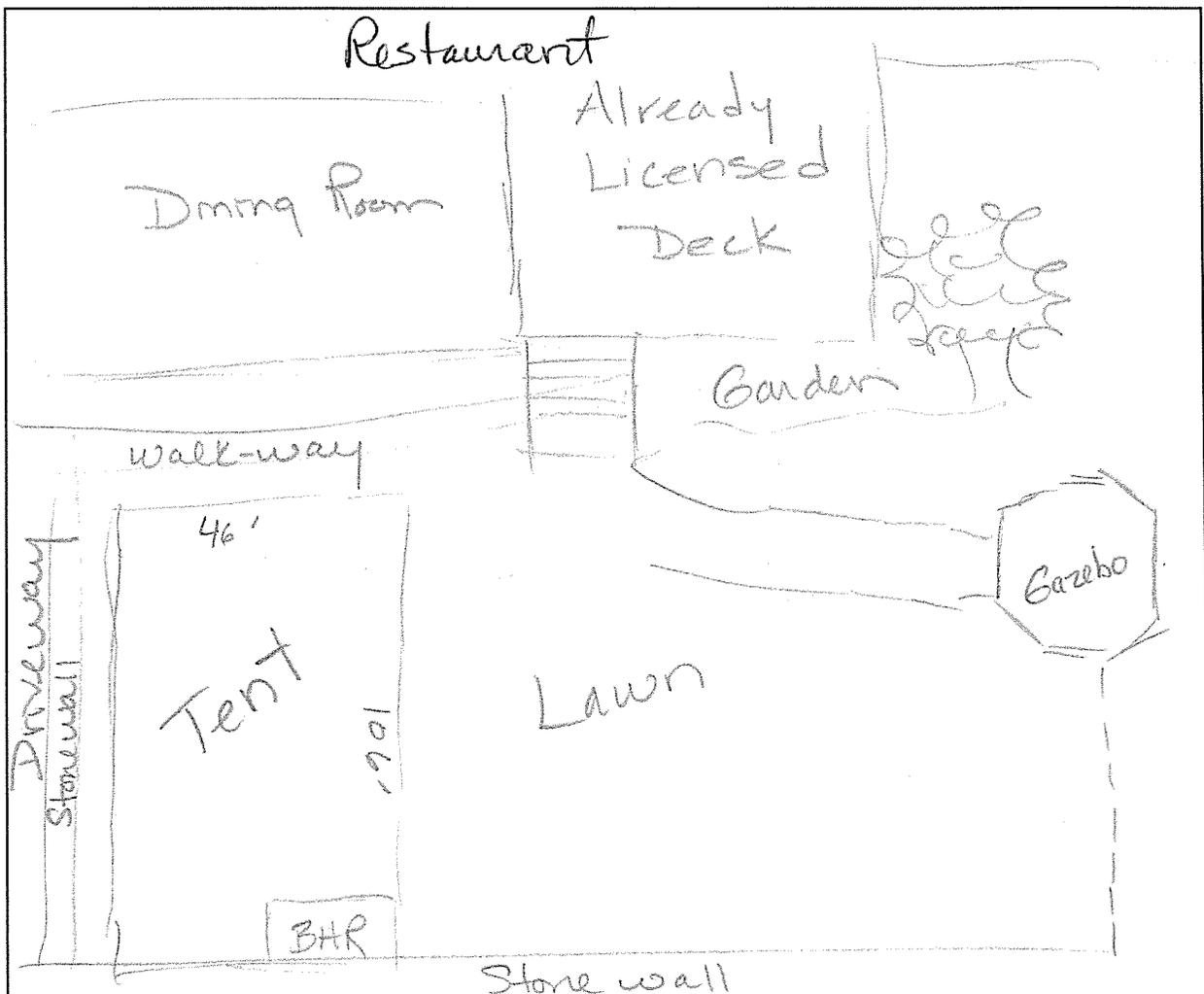
STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04333-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM**

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.





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<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit Application: Walk MS- York	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the Walk MS - York, Sunday September 29, 2013 from 10:00am-12:00pm. Event to begin at York High School, follow Long Sands Beach to the Nubble area, short sands then back on Long Sands Beach.

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

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

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

Reviewed By: Robert H. Gandon



# Town of York, Maine Special Event Permit Application

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

Date: 6/25/13

Name of Event: WALK MS- York

Type of Event: Fundraising walk

Organization Name: National M.S. Society Phone #: (207) 217-7908

Organization Address: P.O. Box 292 City: Bradley State: ME Zip: 04411

Applicant Name: Casey Cote Phone #: (207) 217-7908

Applicant Address: P.O. Box 292 City: Bradley State: ME Zip: 04411

Contact Name for Day of Event: Sue Todd Contact Phone #: (207) 877-4431

Date of Event: 9/29/13 Day of Week: Sunday

Starting Time: 10 a.m. Ending Time: 12 noon

Assembly Area: York High School

Dispersal Area: York High School

Event Route: Long Sands Rd. to Long Beach Ave. to Nubble

Road to Broadway St. to Willow Ave. to Ocean Ave. to Railroad Ave. to Church St. to Long Beach Ave. to Long Sands Rd. to Robert Stevens Dr.  
Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)

60

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

Walkers only

Describe how group is organized and supervised to insure order: A support

and gear vehicle will continuously ride route.

Purpose of the Event: Fundraising event for MS

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

Signature of Applicant: Casey J. Cote

**For Town Use Only**

Reviewed by:

**Department**

**Initials**

Police Department	<u>Szeniawski</u>	<u>8-06-2013</u>
Public Works	<u>Lessard</u>	<u>7-31-2013</u>
Parks/Recreation	<u>Sullivan</u>	<u>8-01-2013</u>
Village Fire	<u>Apgar</u>	<u>8-03-2013</u>
York Beach Fire	<u>Bridges</u>	<u>7-31-2013</u>
Code Enforcement	<u>Burns</u>	<u>8-01-2013</u>
York Ambulance	<u>Prince</u>	<u>7-31-2013</u>

Special Conditions:

Signs attached at strategic point of the walk to warn of walkers ahead or in the roadway (Bridges/Szeniawski). A sign on the "follow vehicle" stating "Use caution walkers may be in the road way" or something to warn motorist of people possibly being in the road ways (Bridges). A detail officer at the high school for the event (Szeniawski).

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

\_\_\_\_\_  
Date

**For Town Use Only:**

Reviewed by:

**Department**

**Initials**

Police Department

Szeniauski 8/6

Public Works

Lessard 6/28

Parks/Recreation

Sullivan 6/28

Village Fire

Apgar 7/1

York Beach Fire

Bridges 6/28

Code Enforcement

Burns 7/3

York Ambulance

Prince 6/28

Special Conditions Signs attached at strategic point of the walk to warn of walkers, pedestrians ahead (Szeniauski) A sign on the "follow vehicle" stating "use caution walkers may be in the road way" or something to warn motorist of people possibly being in the road ways (Bridges) A detail officer at the high school for the event. (Szeniauski)

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

\_\_\_\_\_  
Date

## Devon Bettinson

---

**From:** Michael J. Sullivan  
**Sent:** Friday, June 28, 2013 4:00 PM  
**To:** Devon Bettinson  
**Subject:** RE: Special Event: Walk MS York

Parks and Recreation recommends approval

*Michael J. Sullivan, Director  
Parks and Recreation*

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

---

**From:** Devon Bettinson  
**Sent:** Friday, June 28, 2013 3:58 PM  
**To:** Dean Lessard; Charles J. Szeniewski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event: Walk MS York

Afternoon,

Attached is a special event permit for the Walk MS York, for September 29, 2013. An application for this event was sent in back in January but they have changed the contact information. Let me know when you've had a chance to review.

Have a nice weekend!  
Devon

---

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## Devon Bettinson

---

**From:** Dean Lessard  
**Sent:** Friday, June 28, 2013 4:09 PM  
**To:** Devon Bettinson  
**Subject:** RE: Special Event: Walk MS York

Devon  
I don't anticipate any DPW issues with this event. DPW recommends approval.

Thanks  
Dean

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

---

**From:** Devon Bettinson  
**Sent:** Friday, June 28, 2013 3:58 PM  
**To:** Dean Lessard; Charles J. Szeniawski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event: Walk MS York

Afternoon,

Attached is a special event permit for the Walk MS York, for September 29, 2013. An application for this event was sent in back in January but they have changed the contact information. Let me know when you've had a chance to review.

Have a nice weekend!  
Devon

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## Devon Bettinson

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**ent:** Friday, June 28, 2013 4:06 PM  
**To:** Devon Bettinson  
**Subject:** Re: Special Event: Walk MS York

Fine with York Ambulance

On Fri, Jun 28, 2013 at 3:58 PM, Devon Bettinson <[dbettinson@yorkmaine.org](mailto:dbettinson@yorkmaine.org)> wrote:

Afternoon,

Attached is a special event permit for the Walk MS York, for September 29, 2013. An application for this event was sent in back in January but they have changed the contact information. Let me know when you've had a chance to review.

Have a nice weekend!

Devon

---

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

## Devon Bettinson

---

**From:** David Apgar  
**Sent:** Monday, July 01, 2013 5:44 AM  
**To:** Devon Bettinson  
**Subject:** RE: Special Event: Walk MS York

Village Fire approval.

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

---

**From:** Devon Bettinson  
**Sent:** Friday, June 28, 2013 3:58 PM  
**To:** Dean Lessard; Charles J. Szeniewski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event: Walk MS York

Afternoon,

Attached is a special event permit for the Walk MS York, for September 29, 2013. An application for this event was sent in back in January but they have changed the contact information. Let me know when you've had a chance to review.

Have a nice weekend!  
Devon

---

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## Devon Bettinson

---

**From:** Stephen H. Burns  
**Sent:** Wednesday, July 03, 2013 8:00 AM  
**To:** Devon Bettinson  
**Subject:** Re: Special Event: Walk MS York

Hi Devon,

I have no code issues with this event.

Steve

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

Sent from my iPad

On Jun 28, 2013, at 3:58 PM, "Devon Bettinson" <[dbettinson@yorkmaine.org](mailto:dbettinson@yorkmaine.org)> wrote:

Afternoon,

Attached is a special event permit for the Walk MS York, for September 29, 2013. An application for this event was sent in back in January but they have changed the contact information. Let me know when you've had a chance to review.

Have a nice weekend!  
Devon

---

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<Walk MS York 2013 09-29-13.pdf>

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## Devon Bettinson

---

**From:** Charles J. Szeniaowski  
**Sent:** Friday, June 28, 2013 4:39 PM  
**To:** Devon Bettinson  
**Subject:** FW: Special Event Permit- Walk MS: York 2013

Devon nothing changed they still need to meet these requirements that are attached

### Lieutenant Charles J. Szeniaowski

*Commander, Patrol Division*

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)

p: (207) 363-1031, Ext. 104

f: (207) 361.6818

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**From:** Charles J. Szeniaowski  
**Sent:** Wednesday, January 23, 2013 3:01 PM  
**To:** David K. Bridges; Debra S. Burns  
**Subject:** RE: Special Event Permit- Walk MS: York 2013

Deb,

I would concur with Dave I would like to see signs even poster sized attached at strategic point of the walk to warn of walkers pedestrians ahead . This will enhance there safety . They must also have 1 detail officer assigned to them at the high school.

### Lieutenant Charles J. Szeniaowski

*Commander, Patrol Division*

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)

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**From:** David K. Bridges  
**Sent:** Wednesday, January 23, 2013 2:20 PM  
**To:** Debra S. Burns; Charles J. Szeniaowski  
**Cc:** David K. Bridges  
**Subject:** RE: Special Event Permit- Walk MS: York 2013

Sept 29<sup>th</sup> is still a very busy weekend in York Beach and some of the streets being used on this walk have no sidewalks. I think if they are putting up signs to mark the route for the walkers, then they could put up signs warning motorists of "

walkers ahead " also. If they want to put the sign on one of their vehicles and have that vehicle be the end of the group, I would have no problem with that either. I can support the event if they use something to warn motorists of " walkers ahead ". Dave

---

**From:** Debra S. Burns  
**Sent:** Wednesday, January 23, 2013 1:24 PM  
**To:** Charles J. Szeniaowski; David K. Bridges  
**Subject:** FW: Special Event Permit- Walk MS: York 2013

Hi  
Have you had a chance to review?  
Thank you!  
Deb

*Deb Burns | Administrative Assistant to the Town Manager*  
Town of York, Maine Municipal Offices  
186 York Street • York, Maine 03909  
Phone: (207) 363-1000, Ext. 222  
Fax: (207) 363-1019

---

**From:** Debra S. Burns  
**Sent:** Tuesday, January 08, 2013 1:45 PM  
**To:** Charles J. Szeniaowski; Kevin M. LeConte; Dean Lessard; Michael J. Sullivan; Christopher Balentine; David K. Bridges; David Apgar; Stephen H. Burns; 'Ellen Prince'  
**Subject:** Special Event Permit- Walk MS: York 2013

Hi  
Attached is a Special Event Permit for Walk MS: York 2013 to be held on Sunday September 29, 2013 from 10:00am to 2:00pm beginning at the York High School.  
When you have a chance could you please review and recommend approval/denial?  
Thank you!  
Deb

*Deb Burns | Administrative Assistant to the Town Manager*  
Town of York, Maine Municipal Offices  
186 York Street • York, Maine 03909  
Phone: (207) 363-1000, Ext. 222  
Fax: (207) 363-1019

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## Devon Bettinson

---

**From:** Charles J. Szeniaowski  
**Sent:** Tuesday, August 06, 2013 2:43 PM  
**To:** Devon Bettinson  
**Subject:** RE: special event- Walk MS

The same as last year they need to have a detail officer at the High School for the event we need contact info on who to bill.

**Lieutenant Charles J. Szeniaowski**  
*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 361.6818

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---

**From:** Devon Bettinson  
**Sent:** Tuesday, August 06, 2013 2:18 PM  
**To:** Charles J. Szeniaowski  
**Subject:** special event- Walk MS

Afternoon,

Attached is the special event application for the Walk MS York. Just let me know when you've had a chance to review.

Thank you,  
Devon

---

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## Devon Bettinson

---

**From:** David K. Bridges  
**Sent:** Friday, June 28, 2013 8:48 PM  
**To:** Devon Bettinson  
**Cc:** Dean Lessard; Charles J. Szeniewski; David Appgar; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Re: Special Event: Walk MS York

I think there should be a sign on the follow vehicle stating " use caution walkers may be in roadway" or something like that to warn motorists of potential people being in the roadway. Dave

Sent from my iPhone. Dave

On Jun 28, 2013, at 3:58 PM, "Devon Bettinson" <[dbettinson@yorkmaine.org](mailto:dbettinson@yorkmaine.org)> wrote:

Afternoon,

Attached is a special event permit for the Walk MS York, for September 29, 2013. An application for this event was sent in back in January but they have changed the contact information. Let me know when you've had a chance to review.

Have a nice weekend!  
Devon

---

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit Application: Clay Hill Farm's Fall Festival	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the Clay Hill Farm's Fall Festival, Monday October 14, 2013 from 11:00am-2:00pm. Event will be located at Clay Hill Farm's Front Lawn.

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

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

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

Reviewed By: Robert B. Gandon



# Town of York, Maine Special Event Permit Application

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

Date: 7/29/13

Name of Event: Clay Hill Farm's Fall Festival

Type of Event: Crafts / Food / Music

Organization Name: TCF Corp Phone #: 361-1771

Organization Address: 220 Clay Hill Rd City York State ME Zip: 03909

Applicant Name: Clay Hill Rect. - Heather Higgins Phone #: 207 252 1443

Applicant Address: same City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Name for Day of Event: Jennifer Lewis Contact Phone # 207 252 1444

Date of Event: 10/14/13 Called to change date 8-13 Day of Week: Monday

Starting Time: 11 AM Ending Time: 2 PM

Assembly Area: Front Lawn

Dispersal Area: driveway + marsh brook lane exit

Event Route: on premise

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

200 +/-

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

Live Music - instrumental /

Describe how group is organized and supervised to insure order: 1-organizer

parking team / crowd control team / safety + signage team

Purpose of the Event: Free Family Fun

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

Signature of Applicant: [Handwritten Signature]

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>	
Police Department	<u>Szeniawski</u>	<u>8-06-2013</u>
Public Works	<u>Lessard</u>	<u>7-31-2013</u>
Parks/Recreation	<u>Sullivan</u>	<u>8-01-2013</u>
Village Fire	<u>Apgar</u>	<u>8-03-2013</u>
York Beach Fire	<u>Bridges</u>	<u>7-31-2013</u>
Code Enforcement	<u>Burns</u>	<u>8-01-2013</u>
York Ambulance	<u>Prince</u>	<u>7-31-2013</u>

Special Conditions:

No parking allowed on Marshbrook, see email attachment (Bridges). Clay Hill Road will need to be posted on both sides and an officer will need to be fired as a detail with a cruiser for traffic control at the intersection, suggest they use the ballpark on Agamenticus as overflow parking with shuttle (Szeniawski). -

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

\_\_\_\_\_  
Date

## Devon Bettinson

---

**From:** Dean Lessard  
**Sent:** Friday, August 02, 2013 4:27 PM  
**To:** Devon Bettinson  
**Cc:** Timothy DePerrio  
**Subject:** RE: Special Event Clay Hill Farm Festival

Hi Devon

DPW doesn't anticipate any problems with the change of date. DPW recommends approval.

Thanks  
Dean

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

---

**From:** Devon Bettinson  
**Sent:** Friday, August 02, 2013 3:34 PM  
**To:** Dean Lessard; Charles J. Szeniewski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Clay Hill Farm Festival

Afternoon,

Most of you have replied to this special event but today the applicant called and wanted to change the date of the event from Monday October 7<sup>th</sup> to Monday October 14<sup>th</sup>. I still have all the conditions written. Just let me know when you've had a chance to review.

Have a nice weekend,  
Devon

---

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## Devon Bettinson

---

**From:** Stephen H. Burns  
**Sent:** Friday, August 02, 2013 4:02 PM  
**To:** Devon Bettinson  
**Subject:** RE: Special Event Clay Hill Farm Festival

Devon,

The date doesn't matter to me. I still have no code issues with this event.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Devon Bettinson  
**Sent:** Friday, August 2, 2013 3:34 PM  
**To:** Dean Lessard; Charles J. Szeniawski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Clay Hill Farm Festival

Afternoon,

Most of you have replied to this special event but today the applicant called and wanted to change the date of the event from Monday October 7<sup>th</sup> to Monday October 14<sup>th</sup>. I still have all the conditions written. Just let me know when you've had a chance to review.

Have a nice weekend,  
Devon

---

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## Devon Bettinson

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**From:** David Apgar  
**Sent:** Saturday, August 03, 2013 2:12 PM  
**To:** Devon Bettinson  
**Subject:** RE: Special Event Clay Hill Farm Festival

Village fire approval.

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

---

**From:** Devon Bettinson  
**Sent:** Friday, August 02, 2013 3:33 PM  
**To:** Dean Lessard; Charles J. Szeniawski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Clay Hill Farm Festival

Afternoon,

Most of you have replied to this special event but today the applicant called and wanted to change the date of the event from Monday October 7<sup>th</sup> to Monday October 14<sup>th</sup>. I still have all the conditions written. Just let me know when you've had a chance to review.

Have a nice weekend,  
Devon

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*Clay Hill*

## Devon Bettinson

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**From:** David K. Bridges  
**Sent:** Sunday, August 04, 2013 2:13 PM  
**To:** Devon Bettinson; Dean Lessard; Charles J. Szeniawski; David Apgar; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** RE: Special Event Clay Hill Farm Festival

The date changes none of the conditions already mentioned. Dave

---

**From:** Devon Bettinson  
**Sent:** Friday, August 02, 2013 3:34 PM  
**To:** Dean Lessard; Charles J. Szeniawski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event Clay Hill Farm Festival

Afternoon,

Most of you have replied to this special event but today the applicant called and wanted to change the date of the event from Monday October 7<sup>th</sup> to Monday October 14<sup>th</sup>. I still have all the conditions written. Just let me know when you've had a chance to review.

Have a nice weekend,  
Devon

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*Clay Hill*

## Devon Bettinson

---

**From:** Charles J. Szeniaowski  
**Sent:** Tuesday, August 06, 2013 3:12 PM  
**To:** Devon Bettinson; Dean Lessard; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** RE: Special Event

Clay Hill road will need to be posted on both sides and an officer will need to be hired as a detail with a cruiser for traffic control at the intersection. We met with event planner and suggested to use the ballpark on Agamenticus as overflow parking with a shuttle. With these conditions met it will work.

### Lieutenant Charles J. Szeniaowski

*Commander, Patrol Division*

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)

p: (207) 363-1031, Ext. 104

f: (207) 361.6818

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**From:** Devon Bettinson  
**Sent:** Wednesday, July 31, 2013 12:55 PM  
**To:** Dean Lessard; Charles J. Szeniaowski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event

Afternoon!,

Attached is a special Event application for ClayHill Farm's Fall Festival on October 7<sup>th</sup>, 2013. Please let me know when you've had a chance to review. Hope you are all enjoying the beautiful day.

Thank you,  
Devon

---

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## Devon Bettinson

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**From:** Dean Lessard  
**Sent:** Tuesday, August 06, 2013 3:42 PM  
**To:** Charles J. Szeniaewski; Devon Bettinson; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Cc:** Timothy DePerrio  
**Subject:** RE: Special Event

Hi Devon

With the stipulations being met that public safety has requested DPW recommends approval.

Dean

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

**Town of York, Maine Department of Public Works**

186 York Street | York, Maine 03909

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

Fax: (207) 363-1012

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

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

---

**From:** Charles J. Szeniaewski  
**Sent:** Tuesday, August 06, 2013 3:12 PM  
**To:** Devon Bettinson; Dean Lessard; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** RE: Special Event

Clay Hill road will need to be posted on both sides and an officer will need to be hired as a detail with a cruiser for traffic control at the intersection. We met with event planner and suggested to use the ballpark on Agamenticus as overflow parking with a shuttle. With these conditions met it will work.

**Lieutenant Charles J. Szeniaewski**

*Commander, Patrol Division*

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [cszeniaewski@yorkpolice.org](mailto:cszeniaewski@yorkpolice.org)

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**From:** Devon Bettinson  
**Sent:** Wednesday, July 31, 2013 12:55 PM  
**To:** Dean Lessard; Charles J. Szeniaewski; David Apgar; David K. Bridges; Dean Lessard; Ellen Prince; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Special Event

Afternoon!,

Attached is a special Event application for ClayHill Farm's Fall Festival on October 7<sup>th</sup>, 2013. Please let me know when you've had a chance to review. Hope you are all enjoying the beautiful day.

Thank you,  
Devon

---

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Catered Function by Qualified Catering Organization – The Black Tie Co. at Camp Hammond	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve the application for a Catered Function by Qualified Catering Organization for The Black Tie Co. at Camp Hammond.
<b>PROPOSED MOTION:</b> I move to approve the application for a Catered Function by Qualified Catering Organization, Saturday, August 24, 2013 from 12:00pm-12:00am. The event will be held at Josiah's River Farm.

**Discussion:**

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

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

Reviewed By: Robert S. Gandon

MAINE DEPT OF  
PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



APPLICATION FOR CATERED FUNCTION BY  
QUALIFIED CATERING ORGANIZATION

License No.: 5203 Name of Qualified Caterer: The Black Tie Co. at Camp Hammond

Mailing Address: 275 Main Street

Town/ City: Yarmouth State: Maine Zip Code: 04096

Telephone: 207-846-3895 Fax: 207-773-2508

Title and Purpose of Event: Bell Wedding

Location of Event: Josian's River Farm

Physical Address of Event: 171 Logging Rd.

Town/City: Cape Neddick State: ME Zip Code: 03902

Indoor Event  Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)

Describe specific indoor and/or outdoor area to be licensed: inside the barn + outside under the tent

Date of Event: 8-24-13 Time - From: 12:00 PM To: 12:00 AM

Number of Persons Attending: 125

Name of Sponsor: Angie Bell

Address: 111 US Route 1 Town/City: York

State: ME Zip Code: 03909 Telephone Number: 650-8898

Chris Weber  
Signature of Licensee or Corporate Officer

7-24-13  
Date

Chris Weber  
Print Name of Licensee or Corporate Officer

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RESTRICTIONS:

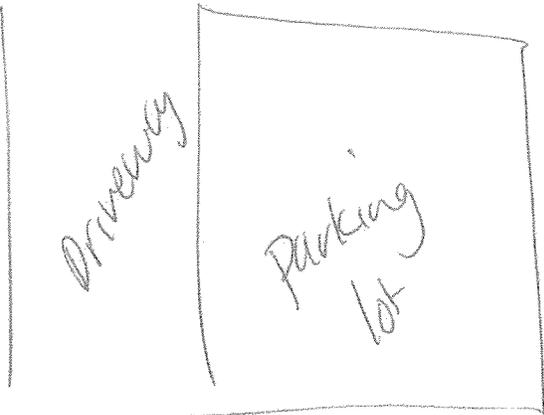
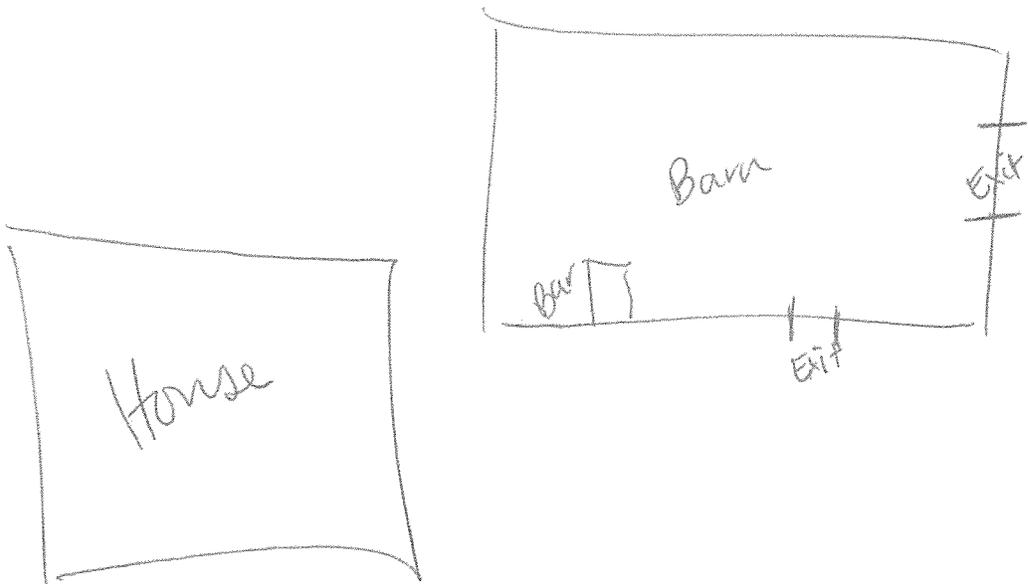
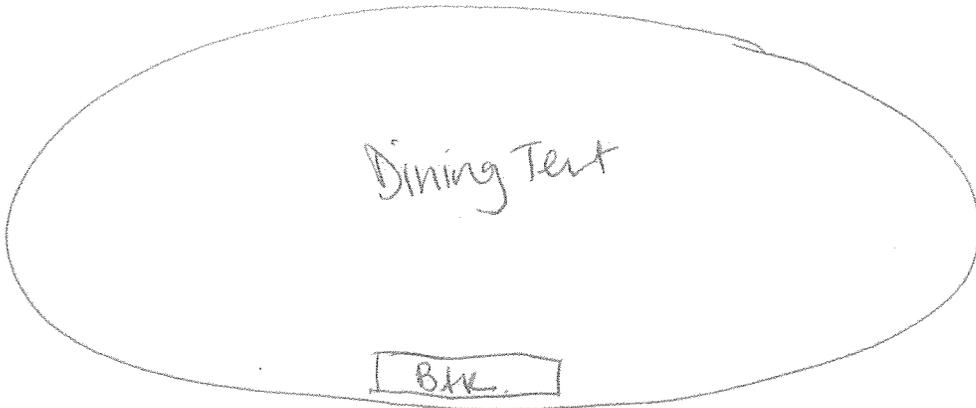
[ ] APPROVED

DATED: \_\_\_\_\_

[ ] NOT APPROVED

ISSUED BY: \_\_\_\_\_







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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 8, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 12, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Catered Function by Qualified Catering Organization – The Black Tie Co. at Camp Hammond	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Devon Bettinson
<b>RECOMMENDATION:</b> Approve the application for a Catered Function by Qualified Catering Organization for The Black Tie Co. at Camp Hammond.
<b>PROPOSED MOTION:</b> I move to approve the application for a Catered Function by Qualified Catering Organization, Saturday, September 7, 2013 from 12:00pm-12:00am. The event will be held at Josiah's River Farm.

**Discussion:**

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

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

Reviewed By: Robert S. Gaudin

MAINE DEPT OF  
PUBLIC SAFETY

STATE OF MAINE  
Liquor Licensing & Inspection Division

164 State House Station

Augusta ME 04330-0164

Tel: (207) 624-7220 Fax: (207) 287-3424



APPLICATION FOR CATERED FUNCTION BY  
QUALIFIED CATERING ORGANIZATION

License No.: 5203 Name of Qualified Caterer: The Black Tie Co. at Camp Hammer

Mailing Address: 275 Main Street

Town/ City: Yarmouth State: Maine Zip Code: 04096

Telephone: 207-846-3895 Fax: 207-773-2508

Title and Purpose of Event: Hosmer Wedding

Location of Event: Josian's River Farm

Physical Address of Event: 171 logging rd.

Town/City: Cape Neddick State: ME Zip Code: 03902

Indoor Event  Outside Event (IF OUTSIDE AREA, DIAGRAM MUST BE INCLUDED)

Describe specific indoor and/or outdoor area to be licensed: Inside the barn & outside under tent.

Date of Event: 9.7.13 Time - From: 12:00 PM To: 12:00 AM

Number of Persons Attending: 1300

Name of Sponsor: Jenna Hosmer

Address: 186 Rt 103 Town/City: York

State: ME Zip Code: 03909 Telephone Number: 207-7522

Chris Weber  
Signature of Licensee or Corporate Officer

7.29.13  
Date

Chris Weber  
Print Name of Licensee or Corporate Officer

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RESTRICTIONS:

[ ] APPROVED

DATED: \_\_\_\_\_

[ ] NOT APPROVED

ISSUED BY: \_\_\_\_\_



