



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

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BOARD OF SELECTMEN'S MEETING AGENDA

7:00PM MONDAY, SEPTEMBER 23rd, 2013
YORK LIBRARY

Call to Order

Opening Ceremonies

Proclamation for Knights of Columbus

A. Minutes

1. September 9, 2013 Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

E. Reports

- #### 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 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 #12

H. Public Hearings

1. Possible Sale of Town Owned Property at 23 Oceanside Avenue West

I. Endorsements

Business Licenses:

1. Mary Jane Merritt DBA: The Union Bluff Hotel
(Victualers/Liquor/Special Amusement/Coin Operated Amusement);
Located at 8 Beach Street

2. Woods Family Inc. DBA: Daily Grind (*Victualers*); Located at 21 Railroad Avenue

J. **Old Business**

K. **New Business**

1. Discussion with Steve Bradstreet Concerning the Outfall at Short Sands Beach
2. Project Management Framework for Long Sands Bathhouse Project
3. Update on Sohier Park Project
4. Discussion and Possible Action on Rescinding the Previous Vote on Purchase of a Senior Center Bus
5. Discussion and Possible Action Regarding Scheduling Public Discussion of the Davis Property Located on York Street
6. Discussion and Possible Action on the Sale of Town-Owned Property at 23 Oceanside Avenue West
7. Designation of a Voting Delegate at the Maine Municipal Association Annual Business Meeting
8. Pole Permit – Western Point Road
9. Special Event Permit; Phil Cihisky Finish Line
10. Special Permit for Catering Privileges Off Premises; Bill Foster's Downeast Clambake on October 5th

L. **Other Business**

M. **Citizens' Forum**

Adjourn

Proclamation Announcing

Knights of Columbus Weekend

Columbus Day Weekend

October 12-14, 2013

Whereas, York has been the home of the Star of the Sea Council 11940 of the Knights of Columbus and will join thousands of other local councils in a fundraising effort for special needs children and their families through the event known as the "Tootsie Roll Drive" and ;

Whereas, this event is scheduled to take place on Saturday, Sunday and Monday of the Columbus Day weekend, at the entrance of local business establishments, and;

Whereas, the "Tootsie Rolls Drive" s the Knights of Columbus Nationwide Fundraiser to aid local special needs children and their families, and;

Whereas, it is the goal of the Members of the Local Council 11940 and the Citizenry of York to make the "Tootsie Roll Drive" a success;

Now therefore, the Board of Selectmen do hereby extend an invitation to all of York's citizens, their friends and family, to support this great cause and the efforts of our local Knights of Columbus by patronizing local establishments and supporting the Knights of Columbus "Tootsie Roll Drive" for the special needs children and their families.

Signed, members of the Board of Selectmen, Town of York,

Ronald Nowell, Chair

Kinley Gregg, Vice Chair

Mary Andrews

Torbert Macdonald

Scott Fiorentino

Robert G. Yandow, Town Manager

Mary-Anne Szeniewski, Town Clerk



Town of York

186 York Street
York, Maine 03909-1314

BOARD OF SELECTMEN'S MEETING MINUTES 7:00PM MONDAY, SEPTEMBER 9TH, 2013 YORK LIBRARY

Present: Ronald Nowell; Chairman, Kinley Gregg; Vice Chairman, Scott Fiorentino, Mary Andrews, Torbert Macdonald, Robert G. Yandow; Town Manger, Melissa M. Avery; Recorder and members of the press and public

Call to Order

Chairman Nowell called the meeting to order at 7:00PM

Opening Ceremonies

A. Minutes

1. August 12, 2013 Meeting Minutes

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the August 12, 2013 Meeting Minutes, as amended. Vote 5-0, motion passes.

B. Chairman's Report

Chairman Nowell stated that the Board received two legal opinions, one on the coach bus for the Senior Center and one on the leasing of towers. He requests that the Town Manager makes the written opinions available for public viewing on the Town website.

The Chairman also wanted to mention that there was another serious accident on Route One here in town. This accident was similar in nature to many of the others in the same area and they were very fortunate that there were no fatalities given the nature of the crash. The Chairman has asked the Chief of Police to create a five year report of accidents on Route One in York and where on Route One the crashes occurred because he feels we need to address the lack of turning lanes and speed limit on Route One from Eldredge's and north to where the speed limits goes back down to 35.

C. Manager's Report

Town Manager, Robert G. Yandow wanted to remind the citizens that, the first installment of property taxes are due this Friday, September 13th.

For anyone who isn't aware, there will be a Special General Referendum along with the General Referendum on November 5th because of a vacancy on the

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Budget Committee. Nomination papers for anyone interested in filling the vacancy are available in the Town Clerk's office and are due back, signed, by September 20th to the Town Clerk.

Due to a scheduling conflict, the Department of Motor Vehicles' Mobile Unit will not be at the American Legion on their regularly scheduled day this month, September 19th but they will be returning to their normal schedule in October on the 17th.

Another reminder to citizens, the annual Hazardous Waste Day is scheduled for October 26th this year at the Department of Public Works' Witchtot Road Facility from 9:00AM-1:00PM; a transfer station permit is required along with registering with Public Works after October 7th by calling 363-1010.

A brief EEE update; there have been two positive tests for EEE in York in non-man-biting mosquitoes, and last week in Newington, New Hampshire there was a positive test on a man-biter mosquito. EEE is all around us so it is necessary to be cautious.

Congratulations to the Department of Public Works' Foreman, Tim DePerrio on being named one of the most resent Roads Scholar in the monthly Maine Local Roads News magazine in an article on the Maine Roads Scholar Program.

D. Awards

1. Bid for Attic Insulation Upgrade at York Village Fire Department

The Energy Efficiency Steering Committee received the following two bids in response to their Request for Proposal for the York Village Fire Station Energy Upgrade Project, involving attic insulation, air sealing, lighting upgrades, ceiling renovations and various structural modifications to the York Village Fire Station:

TPD Construction (\$134,500)

Pine Brook Construction (\$169,015)

The Energy Efficiency Steering Committee voted on August 15, 2013 to recommend accepting the bid of TPD Construction of Sanford, Maine, as the lowest bid and for having a strong reputation for work of this type and size.

Mr. Fiorentino expressed that he felt it would be beneficial if the construction started with the more sensitive areas that may incur more costs, where it is an old building particularly meaning the rotted/mildewed areas, so that the rest of the project can run hopefully smoothly. Wayne Boardman, Chairman of the Energy Efficiency Board assured the Board that the contractor would first be taking out the old ceiling and attend to any found issues and make sure that all air infiltration to the attic would be sealed before any insulation is put in and things are closed up.

Ms. Gregg asked Mr. Boardman how much Energy Efficiency money had been spent on the Village Fire Department project to which he did not have exact numbers on hand but explained that the current proposed upgrade project and the previous project of insulating the first floor of the building is the extent of the Energy Efficiency's fund involvement with the Village Fire Department projects. Mr. Boardman also noted that the Committee was involved in the consulting for the addition to the Fire Department's building but that project was done with Fire Department funds. Mr. Boardman also addressed Ms. Gregg's question of the code compliance of the roof trusses for Snow Load Requirements by explaining that if it were new, the current roof would not meet code requirements for snow load but that it hadn't been an issue due to the heat loss through the roof melting the snow on the roof. With the roof being insulated with the upgrade project, the attic will be much cooler, therefore there is a greater chance of more snow load on top of the roof, resulting in the need for current code compliant roof trusses.

Mr. Macdonald as liaison to the Energy Efficiency Committee made a comment that he felt it would be reasonable to ask of the Selectmen's Contingency fund should anything that wasn't anticipated in the project appear, to cover the default until the May referendum.

Moved by Mr. Macdonald, seconded by Ms. Andrews to award the bid for the York Village Fire Station Energy Upgrade Project to "TPD Construction" in an amount not to exceed \$134,500.00. Vote 5-0, motion passes.

2. Bid for 2014 Two Ton Truck

The Public Works Department received the following two bids in response to their Request for Proposal for a Two Ton Truck:

Starkey Ford (\$73,999.60)
Arundel Ford (\$74,096.00)

The Public Works Department recommends that Starkey Ford Incorporated, as the lowest bid, be awarded the bid for the new Public Works Two Ton Truck.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to award the bid for the Public Works Two Ton Truck to Starkey Ford Incorporated in the amount of \$73,999.60 . Vote 5-0, motion passes.

3. Bid for 2014 Heavy Plow Truck Chassis

The Public Works Department received the following four bids in response to their Request for Proposal for a Plow Truck Chassis:

Liberty International Trucks (\$62,040.00)
C.B. International (\$64,910.00)
Portland North Truck Center (\$68,100.00)
Morrison and Sylvester Inc. (\$70,170.00)

The Public Works Department recommends that Liberty International, as the lowest bid, be awarded the bid for the new Public Works Plow Truck Chassis.

Mr. Fiorentino questioned why the Light and Radio Package was not included in the bids, Director of Public Works Director, Dean Lessard explained that in order for all of their radios to communicate properly together they purchase the same Light and Radio Package for their trucks directly from Two-Way Communications and install them in house, saving them an installation charge.

Moved by Mr. Macdonald, seconded by Ms. Gregg to award the bid for the Public Works Plow Truck Chassis to Liberty International in the amount of \$62,040.00 and further moved to approve the Light/Radio package from Two-Way Communications in the amount of \$2,057.00. Vote 5-0, motion passes.

E. Reports

1. Update on MS4 Process

Stormwater Manger, Leslie Hinz gave a report to the Board of Selectmen on the Town of York's first full month as a Municipal Separate Storm Sewer Systems (MS4) Community and what will be happening in the months to come. Starting in July, the Town's monthly MS4 reports have been available and will continue to be online which gives an overview of the MS4 budget, requirements for that particular month, a breakdown of the 6 Minimum Control Measures the Town must adhere to and any training attended.

Ms. Andrews expressed concern of the amount of money spent in the first month and Ms. Hinz attributed the high cost of equipment that needed to be purchased.

Ms. Gregg asked for clarification on the three plans mentioned in the Memo but not in the report. Mrs. Hinz explained that the Stormwater Program Management Plan, Permit Awareness Plan and the BMP Adoption Plan are simply plans of action that are required to be submitted to Maine Department of Environmental Protection from the York County MS4 Group.

Mr. Macdonald expressed concern about the delay of Code Enforcement expanding the require erosion and sediment control measures from only in the Shoreland Overlay Zone to town wide. Ms. Hinz said that she would look into getting the proposed ordinance amendment done before their projected date of June 30, 2015.

2. Report Regarding Bacteria Detecting Canine Visit

Emily DiFranco of FB Environmental gave a report on a recent visit, hosted by the Town of York of a Bacteria Detecting Canine team from Minnesota on July 30th, which she labeled a "One Day Snap Shot" of the testing. From their findings she suggests that the following tasks be taken next; Investigate septic system

history for the houses near the failure sites, Sample outfalls under different weather conditions, Add bacteria sampling locations upstream of concerning locations in an effort to bracket the sources of bacteria, and conduct an investigation (such as a smoke test) of the sewer line along Long Beach Avenue, if any of the previous data suggests a leak in the system.

The dogs were brought in as part of the MS4 requirements for Public Awareness. The report that Community Development received from FB Environmental has led them to the decision of focus on the two sights with the highest level of bacteria ("CN-6" and "LS-7").

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

Public Comment: Linda Scotland
Mike Micciche
Don Neumann
Peter Ashley
Nancy Lambert
Charles Stacy

G. **Approval of Warrant #10**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #10. Vote 5-0, motion passes.

H. **Public Hearings**

1. November General Referendum Warrant

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the Public Hearing at 8:21PM

Public Comment: None

Moved by Ms. Gregg, seconded by Ms. Andrews to close the Public Hearing at 8:22PM

2. November Special General Referendum Warrant

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing at 8:22PM

Public Comment: None

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the Public Hearing at 8:23PM

I. Endorsements

Business Licenses:

1. Continuum DBA Sentry Hill LLC (*Victualers*); Located at 2 Victoria Court

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following license; Continuum DBA Sentry Hill LLC, located at 2 Victoria Court for Victualers, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

1. Discussion and Possible Action Regarding a Complaint for Declaratory Judgment Filed Against the Town to Quiet Title for Property Located at 100 Mill Road

The Board of Selectmen voted to issue the Kittery Water District a Quitclaim Deed with Conservation Easement for the property at 100 Mill Road at their August 26, 2013 meeting, in response to that action the Kittery Water District's attorney, Bruce Whitney stated that the Town's response to the Declaratory Judgment was vague and needed discussion. Town Manager, Robert G. Yandow explained to the Board that at this point the decision by the Board of Selectmen needs to be to either oppose or not oppose the lawsuit to Quiet Title. Contesting the Declaratory Judgment would reflect the Selectmen's position that the Town believes, despite the fact that the Kittery Water District has been paying taxes on the property that they are not the owners of the property.

The Kittery Water District after being asked to provide their documentation on the property, has not provided anything. Chairman, Nowell suggests contesting the Declaratory Judgment in hopes of finding out more information on the property in the court process and possibly getting to the point of another Quitclaim Deed with a conservation easement.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to authorize the Town Attorney to represent the Board of Selectmen in opposition to the Declaratory Judgment from the Kittery Water District. Vote 5-0, motion passes.

K. New Business

1. Request for Sewer Extension – Seaview Avenue

Pursuant to MRS Title 38, Chapter 12, Sections 1252 (7)(1) and (2) require that any sewer district must request written assurances from the municipal officers

before constructing sewer extensions. The assurance relate to the project's conformity with the adopted municipal plans and land ordinances.

Ms. Gregg made a motion, seconded by Ms. Andrews to provide written assurance to the York Sewer District that the proposed sewer extension from the intersection of Juniper Road and Seaview Avenue to 16 Seaview Avenue is consistent with adopted municipal plans and ordinances regulating land use. Ms. Gregg chose to omit the last clause from the recommended motion because she does not personally know if it is true or not that the lots served are in conformity with adopted municipal plans and ordinances regulating land use.

Town Manager Yandow explained that the second clause must be included because it is part of what Title 38 speaks to and the conformity is confirmed with a review by the Town Planner. Town Planner, Christine Grimando was in the audience and spoke to the issue, stating that from her review all of the lots are conforming and/or legally non-conforming and there are no open violations on any of the properties.

After discussion, the Board voted to move the question. Vote 3-2, Ms. Gregg and Mr. Fiorentino opposed, motion passes. Following that vote, the Board then took a vote on the previous motion made by Ms. Gregg, seconded by Ms. Andrews. Vote 1-4, Ms. Andrews, Mr. Nowell, Mr. Fiorentino and Mr. Macdonald opposed, motion defeated.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to provide written assurance to the York Sewer District that the proposed sewer extension from the intersection of Juniper Road and Seaview Avenue to 16 Seaview Avenue is consistent with adopted municipal plans and ordinances regulating land use, and further that the lots served are in conformity with adopted municipal plans and ordinances regulating land use. Vote 5-0, motion passes.

2. Request for Sewer Extension – Beacon Street

Pursuant to MRS Title 38, Chapter 12, Sections 1252 (7)(1) and (2) require that any sewer district must request written assurances from the municipal officers before constructing sewer extensions. The assurance relate to the project's conformity with the adopted municipal plans and land ordinances.

Moved by Mr. Macdonald, seconded by Ms. Andrews to provide written assurance to the York Sewer District that the proposed sewer extension from 49 to 63 Beacon Street is consistent with adopted municipal plans and ordinances regulating land use, and further that the lots served are in conformity with adopted municipal plans and ordinances regulating land use. Vote 5-0, motion passes.

3. Request for Sewer Extension – Ridge Road

Pursuant to MRS Title 38, Chapter 12, Sections 1252 (7)(1) and (2) require that any sewer district must request written assurances from the municipal officers before constructing sewer extensions. The assurance relate to the project's conformity with the adopted municipal plans and land ordinances.

Mr. Macdonald expressed concern about the Town paying for the Craigin property to get sewer which was not voted on by the citizens of York. Town Manager Yandow read the first sentence of the letter from the York Sewer District requesting the extension that it is the residents of Ridge Road that are requesting the sewer extension, meaning that the residents of Ridge Road, including the Cragin's will be paying the sewer extension costs, not the town. He also noted that the Town's only obligation is to stub out the sewer to the Craigin property from the main, as mentioned in a previous agreement. If the sewer is not extended, the Town has no obligation.

Moved by Ms. Gregg, seconded by Ms. Andrews to provide written assurance to the York Sewer District that the proposed sewer extension from 416 to 448 Ridge Road is consistent with adopted municipal plans and ordinances regulating land use, and further that the lots served are in conformity with adopted municipal plans and ordinances regulating land use. Vote 5-0, motion passes.

4. Discussion and Possible Action on FY14 Paving List

Ms. Andrews commented to Director of Public Works, Dean Lessard that she has been approached by a family on Birch Hill Road that was concerned that the paving of Birch Hill Road might get pushed back, to which he responded that his plan is to start the construction in the fall replacing culverts and weather depending, they might get to reclaiming in late fall.

Chairman Nowell read the FY14 Paving list into the record for the viewers at home:

Quail Court; From Snowbird to CUL-DE-SAC
York Street; From Roaring Rock Road to Long Sands Road
Beech Ridge Road; From Scotland Bridge to McIntire
Southside Road; From Snap Hook to Jeffery
Western Point Road; From Braveboat Harbor to Rocky Hill
Airport Drive; From Church Street Extension to Airport
High Rock Road; From Braveboat Harbor to High Rock
Payneton Hill Road; From Cider Hill to CUL-DE-SAC
Fieldstone Estates; From Route One to Old Post
Birch Hill Road; From Frost Hill to Beech Ridge

Chairman Nowell asked for an explanation of why Main Street (1A), which is very much in need of it has not been paved for several years. Director of Public Works, Dean Lessard explained that 1A is indeed on their list of road that need

to be paved but they cannot start work on that road until the drainage is addressed which requires easements that they are still working to acquire.

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the list of proposed maintenance paving projects submitted by the Director of Public Works for FY2014. Vote 4-1, Mr. Nowell opposed, motion passes.

5. Approve Warrant Article for Lease of Town Owned Land to the Friends of Greater York Recreation Complex

On July 23, 2013 the Board of Selectmen held a work session with the Friends of Greater York Recreational Complex (FGRC). One of the items discussed during the work session was the prospect of the Town leasing town-owned land on Bog Road to the FGRC as a site for their proposed complex. The Selectmen instructed the FGRC to submit a petition with the required number of signatures and the Selectmen would place the proposed lease before the voters. The FGRC has, in fact, submitted a petition to the Town Clerk, Mary-Anne Szeniawski requesting that a warrant article be placed before the voters authorizing the Selectmen to negotiate a lease of town-owned land on Bog Road with the FGRC. The proposed Statement of Fact that to be listed on the November General Referendum reads as such:

“The Board of Selectmen received a petition from the Friends of Greater York Recreational Complex requesting that their proposal be presented to the voters. If approved by the voters, the Selectmen will be authorized to negotiate a lease with the Friends of Greater York Recreational Complex. The negotiated agreement will allow the Friends of Greater York Recreational Complex to proceed with plans to construct the recreational complex at the Bog Road site.”

Ms. Gregg asked that the word “will” in the third sentence be changed to “would”.

Moved by Mr. Macdonald, seconded by Ms. Gregg to place the Friends of Greater York Recreational Complex ballot initiative on the November ballot as submitted to the Town Clerk and with validated signatures . Vote 5-0, motion passes.

6. Preference Votes for the November General Referendum and Special General Referendum

The Board of Selectmen provided the following preference votes for the General Referendum Warrant:

- Article One: 5-0
- Article Two: 5-0
- Article Three: 5-0
- Article Four: 4-1
- Article Five: 3-2
- Article Six: 5-0

Article Seven: 5-0

Article Eight: 5-0

Article Nine: 5-0

Article Ten: 2-3

7. Approve the November 5, 2013 General Referendum Warrant

Ms. Gregg noted that the word November in the title was misspelled.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the November 5, 2013 General Referendum Warrant as amended. Vote 5-0, motion passes.

8. Approve the November 5, 2013 Special General Referendum Warrant

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the November 5, 2013 Special General Referendum Warrant as amended. Vote 5-0, motion passes.

9. Request for Funds from York County Budget Committee

In July, the Town received a letter from John Sylvester, Chairman of the York County Budget Committee. The purpose for the letter was to request finds from the Town to assist the County Budget Committee in a Superior Court appeal of a censure resolution passed by the York County Commissioners. The request for funds was in the amount of \$1,544.00.

Moved by Ms. Gregg, seconded by Ms. Andrews to appropriate \$0 to the chairman of the York County Budget Committee. Vote 5-0, motion passes.

10. Village Study Committee Request for Funds

The request for funds to the York Village Study Committee will assist in the planning efforts of the York Village that was discussed at the August 19th Workshop between the Board of Selectmen and the York Village Study Committee, for website development and printing and ancillary materials to help support York Village outreach and public meetings.

Ms. Andrews made a statement that the Board needs to be careful as to how much is used of their contingency fund throughout the year, as they may have other means that come up

Ms. Gregg stated that she is going to vote against the motion because she feels it is still a public works project at this point and that the committee is getting ahead of themselves with the outreach and design at this point.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to authorize the use of Selectmen's Contingency funds in the amount of \$1,000.00 for website development and up to \$1,000.00 for printing and ancillary materials to be used

by the York Village Study Committee in support of York Village outreach, public meetings, and planning efforts. Vote 4-1, Ms. Gregg opposed, motion passes.

11. Appointment to York Sewer District Board of Trustees

Robert Hoyt, Vice Chair of the York Sewer District Board of Trustees has requested that Dale Hilborne be appointed by the Board of Selectmen to fill a vacancy on the Board of Trustees due to the resignation of their Chairman Mr. Berger. Mr. Hilborne will serve until May, 2014 when the unexpired term of the current vacancy will be filled through the election process.

Moved by Mr. Macdonald, seconded by Ms. Andrews to appoint Dale Hilborne to a vacancy on the York Sewer District Board of Trustees until the next regular municipal election in May, 2014 at which time an election will be held to fill the remainder of the unexpired term. Vote 4-1, Ms. Gregg opposed, motion passes.

12. Property Redemption Request – 2 Sea Trumpet Drive

Mr. Nowell read from the Tax Lien Memo the following conditions to be met in order for AMF Trust to be able to redeem their property:

Condition #1; AFM Trust pay all current taxes, interest and lien costs owed, which totals \$48,049.33 as of November 8, 2013.

Condition #2; AFM Trust pay Town Administrative costs involved with the processing of the foreclosure disposition, a total of \$200.00. This amount covers the cost of issuing a Quit Claim Deed and the administrative costs in processing this redemption.

Condition #3; AFM Trust shall pay in full, to the Town of York, all current taxes, interest, administrative costs and lien costs, which total \$48,249.33 by no later than November 8, 2013.

Condition #4; AFM Trust must insure the premise for Liability as well as property insurance and name the Town as lien holder both as additional insured and loss payee. AFM Trust will need to provide a suitable certificate of insurance and evidence of property maintenance or property insurance.

Ms. Gregg asked why the fourth condition was set, as it is not regularly a condition on their previous redemptions. Town Manager Yandow explained that Maine Municipal Association, the Town's insurer, requested the fourth condition in reference to AFM Trust maintaining their liability insurance, given the value of the property, until their redemption is granted.

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve redemption of Tax Map 0046-0024-C; 2 Sea Trumpet Drive, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full by no later than November 8, 2013. Vote 5-0, motion passes.

13. Property Redemption Request – 22 Mainely York Trailer Park

Ms. Gregg questioned the meaning of the statement in the Tax Lien Memo, "Taxes for the Fiscal Years 2012, 2013 and 2014 will be supplemented upon redemption of the above mentioned taxes.", to which Town Manager Yandow explained that where the Town foreclosed on the property based on a 2009 lien, McCarron's were not billed for the years that the Town owned the property, but they will still be responsible for paying all six years of back due taxes.

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve redemption of Tax Map 0094-0016-B-0022; 22 Mainely York Trailer Park, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full by no later than November 8, 2013. Vote 5-0, motion passes.

14. Approve Special Permit for Catering Privileges Off Premises; Foster's Clam Bake on September 21, 2013

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Permit for Catering Privileges Off Premises for Foster's Clam Bake at View Point Hotel, on September 21, 2013. Vote 5-0, motion passes.

15. Special Event Permit – Harvest Cup 2013

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for the York Soccer Club Harvest Cup, occurring Saturday through Monday, October 12th through October 14th, starting at 8:00AM. Vote 5-0, motion passes.

16. Special Event Permit – 1st Annual Chris Matthews Ride

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for the 1st Annual Chris Matthews Ride on September 29, 2013, beginning at 9:00AM at the American Legion, located at 9 Hannaford Drive. Vote 5-0, motion passes.

L. Other Business

Ms. Andrews, as a member of the York Rotary Club wanted to inform the rest of the Board that the Rotary Club is looking at the cleanup of the Community Garden for a project this year and Ms. Andrews will keep the Board informed as more progress comes about.

Mr. Fiorentino suggested that the Chair address specific issues and misunderstandings, for example the Norton Easement, of the Police Station Project in his Chairman's Report to keep the public abreast of the project. The Board discussed and agreed to put the original design approved by the Planning Board showing where the municipal project is projected, on the Town's website and also getting the figures together on the costs associated with the land-swap so the public can see where the funds are going. Also he asked if there was any

progress in having a liaison on behalf of the Selectmen to speak with Mr. Horn about the property to which Chairman Nowell stated that Mr. Macdonald's attempt at contacting Mr. Horn was unsuccessful.

Chairman Nowell authorized Town Manager Yadow to set up interviews with the Board and applicants for various Boards and Committees.

Mr. Macdonald made a statement on his preference to rescind the vote that approved the purchase of the Senior Center Coach Bus at the previous meeting. Chairman Nowell stated that a motion to rescind the previous vote would be on the next meeting agenda.

M. Citizens' Forum

Public Comment: None

Adjourn

Moved by Ms. Andrews, seconded by Ms. Gregg to adjourn the meeting at 10:04PM

Respectfully Submitted,

Melissa M, Avery, Recorder



PUBLIC HEARING NOTICE

September 23, 2013

7:00PM

York Library

The Board of Selectmen will conduct a Public Hearing on
Monday, September 23, 2013 regarding:

The possible sale of Town Owned property at 23 Oceanside Avenue West



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 19, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Business License Applications (2)	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery
RECOMMENDATION: Approve Business License Applications (2)
PROPOSED MOTION: <i>I move to approve the following licenses:</i> <ol style="list-style-type: none">Mary Jane Merritt DBA: The Union Bluff Hotel; Located at 8 Beach Street for <i>Victualers, Liquor, Special Amusement and Coin Operated Amusement</i>Woods Family Inc. DBA: Daily Grind; Located at 21 Railroad Avenue for <i>Victualers</i> <p style="text-align: center;"><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.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melina M Avery Reviewed By: _____



Town of York

186 York Street
York, Maine 03909-1314

TO: Board of Selectmen

FROM: Kathryn Newell *KNewell*
Code Enforcement Officer

DATE: September 18, 2013

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on September 23, 2013.

ENDORSEMENTS

Brent Merritt

DBA: The Union Bluff Hotel

MAP 0024/LOT 0043

Victualers/Liquor/Special Amusement/
Coin-Op Amusement

Brent Merritt

P.O. Box 1860
York Beach, ME 03910

**FACILITY
ZONE
USE
RECOMMENDATION**

Hotel/Restaurant/220 Seats
YBVC
Conforming, Existing
Approval

Woods Family Inc.

DBA: Daily Grind

MAP 0026/LOT 0001

Victualers

Woods Family Inc.

P.O. Box 850
York Beach, ME 03910

**FACILITY
ZONE
USE
RECOMMENDATION**

Café/50 Seats
YBVC
Conforming, Existing
Approval

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

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



\$75

Business Name DAILY GRIND
 Business Location 21 RAILROAD AVE
 Telephone Number 363-3330

OWNER'S Name and Mailing Address WOODS Family INC
21 RAILROAD AVE
YORK ME 03909

APPLICANT'S Name and Mailing Address SAME

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	9/13	R. M. Woods
Building Structural	9/13	R. M. Woods
Electrical	9/13	R. M. Woods
Plumbing	9/13	R. M. Woods
Fire	9/19/13	Bridges
Tax Collector	9/5/13	Szeriawski

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>26-01</u> License Year: <u>2014</u> No. Of Seats: <u>60</u> No. Of Parking Spaces: <u>N/A</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>N/A</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <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): _____ _____ Bed and Breakfast (\$10 Per Room): Total _____ _____ Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
--	--

50*
R. M. Woods

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 8/27/13 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 _____ 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. 14966 RECEIPT DATE 9/5/13 MI PM MM MS

MA

Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Thursday, September 05, 2013 2:27 PM
To: Melissa M. Avery
Subject: RE: Business License - Daily Grind

All paid up.

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

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From: Melissa M. Avery
Sent: Thursday, September 05, 2013 2:15 PM
To: Mary-Anne Szeniaewski; David K. Bridges
Cc: Melissa M. Avery
Subject: Business License - Daily Grind

Hello,
I attached the business license for "Daily Grind" located at 21 Railroad Avenue (0026-0001)
Please let me know when you've had a chance to review.

Thanks,
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

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Melissa M. Avery

From: David K. Bridges
Sent: Thursday, September 19, 2013 10:04 AM
To: Melissa M. Avery
Subject: Re: Business License - Daily Grind

Yes they are. You can grant them their licenses. Dave

Sent from my iPhone. Dave

On Sep 19, 2013, at 10:00 AM, "Melissa M. Avery" <mmavery@yorkmaine.org> wrote:

Morning Dave!

Is the Daily Grind all set with their inspection?

Thank you!
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

Please consider the environment before printing this email.

From: Melissa M. Avery
Sent: Thursday, September 05, 2013 2:15 PM
To: Mary-Anne Szeniewski; David K. Bridges
Cc: Melissa M. Avery
Subject: Business License - Daily Grind

Hello,
I attached the business license for "Daily Grind" located at 21 Railroad Avenue (0026-0001)
Please let me know when you've had a chance to review.

Thanks,
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

Please consider the environment before printing this email.



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

Business Name The Union Bluff Hotel
 Business Location Y Bluff St. York Bluff, ME 03910
 Telephone Number (207) 363-1333

OWNER'S Name and Mailing Address MARY JANE MERRITT
10 Kimball Farm Lane
YORK, ME 03909

APPLICANT'S Name and Mailing Address BRENT MERRITT
P.O. Box 1860
York Bluff, ME 03910

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical	18 SEPT 13	KJA
Plumbing		
Fire		
Tax Collector	9/19/13	Szeniaowski

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

MAP/LOT: <u>24/37</u> License Year: <u>2013-2014</u> No. Of Seats: <u>220</u> No. Of Parking Spaces: <u>65</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 <u>42</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <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 checked="" 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 9/9/2013

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. 375.00 RECEIPT NO. 20493/20476 RECEIPT DATE 9/12/13 MI PM MM MS
mma

**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 10-20-13

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- | | |
|---|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) |
| <input checked="" 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 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

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>TWO PARS, INC.</u> DOB: _____	2. Business Name (D/B/A) <u>The Union Bluff Hotel</u>
<u>MARYJANE MERRITT</u> DOB: <u>9-14-65</u>	Location (Street Address) <u>York Beach St.</u>
Address <u>10 Kimball Farm Lane</u>	City/Town <u>York Beach</u> State <u>ME</u> Zip Code <u>03910</u>
<u>YORK, ME 03909</u>	Mailing Address <u>P.O. Box 1860</u>
City/Town <u>York Beach</u> State <u>ME</u> Zip Code <u>03910</u>	City/Town <u>York Beach</u> State <u>ME</u> Zip Code <u>03910</u>
Telephone Number <u>(207) 363-1333</u> Fax Number <u>(207) 363-1381</u>	Business Telephone Number <u>(207) 363-1333</u> Fax Number <u>(207) 363-1381</u>
Federal I.D. # <u>02-0433969</u>	Seller Certificate # <u>023950</u>

3. If premises are a hotel, indicate number of rooms available for transient guests: 4
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: BRENT & MARYJANE MERRITT
8. If business is NEW or under new ownership, indicate starting date: _____
- Requested inspection date: _____ Business hours: _____
9. Business records are located at: The Union Bluff Hotel
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
MARY JANE MERRITT	9-14-1965	Dover, NH
BRENT MERRITT	5-15-1961	Roch, NY

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) 41 Room Hotel
with Restaurant & Pub

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

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? 1/2 m. to Which of the above is nearest? Church.

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: _____

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: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

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

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

On: _____
Date

The undersigned being: _____ Municipal Officers _____ 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.

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.
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.
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. 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.
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.

Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Thursday, September 19, 2013 11:39 AM
To: Melissa M. Avery
Subject: RE: Business License - Union Bluff Hotel

Current.

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
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From: Melissa M. Avery
Sent: Thursday, September 19, 2013 10:00 AM
To: Mary-Anne Szeniaewski; David K. Bridges
Cc: Melissa M. Avery
Subject: Business License - Union Bluff Hotel

Good Morning,

Attached is the Business License for Union Bluff Hotel, located at 8 Beach Street.
Please let me know when you've had a chance to review

Thanks!
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

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AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 17, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Short Sands Drainage Outfall	

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

Discussion: The Chair has requested that this item be placed on the agenda to discuss the silting of the outfall exit; the filling of the culvert with stone and seaweed and the intrusion of water from the outfall to Route 1A.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert G. Yandow

Reviewed By: _____



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 17, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Project Management Framework - Long Sands Bathhouse Replacement	

TO: BOARD OF SELECTMEN
FROM: Stephen H. Burns, Community Development Director Michael Sullivan, Parks & Recreation Director
RECOMMENDATION: We recommend the Board vote to adopt the proposed Project Management Framework for the replacement of the Long Sands Bathhouse.
PROPOSED MOTION: I move to adopt the Project Management Framework dated September 16, 2013, for the replacement of the Long Sands Bathhouse, with Mike Sullivan designated as the Project Manager. No changes to the process shall be made without prior approval of the Board of Selectmen. Approval authorizes the Town Manager and Project Manager to begin work on this project in accordance with the approved Project Management Overview.

Discussion: At the May 2013 Budget Referendum the voters approved \$687,000 for replacement and expansion of the Long Sands Bathhouse. The current building is deteriorating badly and needs to be replaced. Copies of the project description and ballot question are attached.

We have prepared the attached Project Management Framework as a means of spelling out, in advance, the process to be followed throughout. There are 3 key points we'd like to call to your attention.

First, this action item is about **project management**. This is where the Board decides how to decide. There are no specifics in this Project Management Framework with regard to design or timing. We have limited this document to creating a transparent and accountable project management framework. *Will we lose parking spaces? Will we be able to add green space and porous surfaces? Will the facility open by May 1, 2015?* None of these questions matter yet! First things first – establish the project management system. Let the details be decided in due time. We have identified the main participants in the process and outlined the primary responsibilities of each. We have also indicated key decisions which are to be made by the Board of Selectmen, thus ensuring the Board remains informed and ultimately makes the high-level decisions that will shape the project outcome. Knowing the Board is guiding the project at the highest level empowers the other participants to do what they need to do and to make the micro-level decisions they need to make, and it will keep the Board of Selectmen from getting down into the weeds of micro-management.

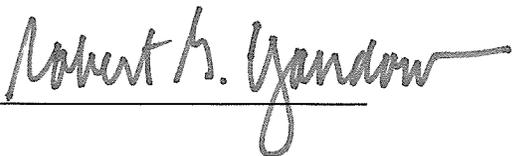
Second, we recommend the Town approach the facility design by means of a **design competition**. This is a process by which design professionals prepare competing proposals and a winner is selected. We don't have all the details of this approach work out yet, but it would be a significant change from past practice and it would be appropriate for the Selectmen to decide whether or not to try it. There is a monetary cost to having a design competition. The Professional Advisor who would set up and run the competition would receive a stipend of some sort, there are direct costs associated with the competition itself, and firms who advance to a final round typically receive a token monetary award in exchange for Town ownership of the concepts they have created. We believe this will be a good way to encourage preparation of a number of competing designs so the Town may consider the widest range of possibilities before committing to one particular design. If the Board chooses to use the design competition approach we will return at a subsequent meeting with a refined process.

Third, if the Board is happy with the outcome of this process, we believe this approach to project management can be used as a **model framework** for other Town building projects in the future. This is the first time we have attempted to create a project management framework of this nature, so expect adjustments to be necessary. Still, we think it will be a workable approach that is satisfactory to all involved.

FISCAL IMPACT: none at this time
DEPARTMENT LINE ITEM ACCOUNT: n.a
BALANCE IN LINE ITEM IF APPROVED: n.a.

Prepared By: 

Prepared By: 

Reviewed By: 

Long Sands Bathhouse Project

Introduction

Need

The concrete block building has deteriorated to the point where it will no longer hold paint and has become porous and difficult to clean. Plumbing requires constant maintenance and the building lacks adequate storage and the amenities of a modern facility.

The growth of our community in the last 30 years is well substantiated. In line with that is a similar increase in the number of residents, seasonal home owners and vacationers who visit the beach during peak season. This facility represents the only public restroom serving 3/4 of a mile of beach front. We estimate three to four thousand people daily during peak season. Simply stated the existing facility cannot handle the demands of this large public bathing beach.

Existing Conditions

Based on the deed which was executed in 1957, it appears the existing bathhouse was built in the late 1950's or early 60's.

The building is a relatively small structure approximately 14 ft wide by 37 ft long. The footprint represents a little over 500 square ft.

It is a story and a half cinderblock building with a wood roof and asphalt shingles. Restroom facilities include a men's room with one toilet, four urinals, and two sinks. The women's restroom has five toilets and two sinks. It has a small utility closet and some storage on the second floor.

On the North side of the building there is a handicapped accessible ramp leading to the beach and on the southern side, an access ramp for maintenance vehicles and equipment.

Public water and sewer are available at the site.

Project Scope

Planned scope of the project includes the removal of the existing building and construction of a new, modern restroom facility capable of meeting the demands of a large public beach. Based on preliminary research we believe that any increase in the footprint will be limited to a landward expansion of the existing building. With that said, we anticipate a realignment of Long Beach Avenue in order to make room for the expanded facility.

Goals

To have three times the restroom capacity of the current facility.

Provide for private handicapped accessible bathrooms

Children's changing areas

Adequate storage and utility rooms

Lifeguard storage and first aid area

Potential for year round use

Added green space and pervious surfaces

Maintain the current level of parking

Project Budget

Topographic and tidal datum existing conditions survey of building site and road realignment:	\$10,000
Permitting budget for DEP sand dune permit, flood plain permit and Planning Board site plan review:	\$15,000
Design budget including civil, structural, architectural, mechanical, interior design, electrical, landscape architecture and road realignment:	\$77,000
Road realignment construction budget:	\$100,000
Demolition of existing building, site work and site utilities:	\$25,000
Building Construction budget:	\$460,000
Total Estimated Project Cost:	\$687,000

Permitting

This is a complex location and a unique facility and permitting won't be easy. Local approvals and permits are required in this order: Planning Board, Board of Selectmen, voters and CEO.

There are two potential show-stoppers which must be avoided, and either will prevent expansion:

1. To expand the building it must be fully conforming with respect to base zone setbacks. This means 20 ft from the road and 12 ft from all other property boundaries. If it doesn't conform completely then the expansion is prohibited.

2. The bathhouse must be found by the Planning Board to be a functionally water dependent use. We think it is, but ultimately the Planning Board must decide.
3. There will be a delicate balance between the State Dune requirement to continue with the existing site and requirements to limit construction only to the landward side of the high tide line. Depending on the survey, this could also be tricky.

Jurisdiction

The application falls under two ordinances - Zoning and Floodplain Management. Plumbing and Building codes will also kick in but that's further along in the process.

Zoning Ordinance

Use: The use is "Municipal" which is allowed in RES-7. Public bathhouses are allowed on the ocean side of Long Beach Avenue, but are subject to approval by the Planning Board, Board of Selectmen and Legislative Body. This provision places the application process and decision-making in the hands of the Planning Board regarding use, Shoreland zoning and Floodplain compliance.

Base zone dimensional regulations of RES-7 apply. This will include the lot, buildings/structures and impervious surface ratio.

Shoreland Overlay District. We believe the site will be split between Resource Protection and Limited Residential subdistricts. Lot size, maximum lot coverage, use, design standards and the issue of "functionally water dependent use" will be addressed here.

Floodplain Management Ordinance

The entire property is located in the V and AO zones of the 100-year floodplain. This means there is no question about the applicability of the Floodplain Management Ordinance. This ordinance will affect the application twice; once when the Planning Board does its review and again when the CEO issues the building permit.

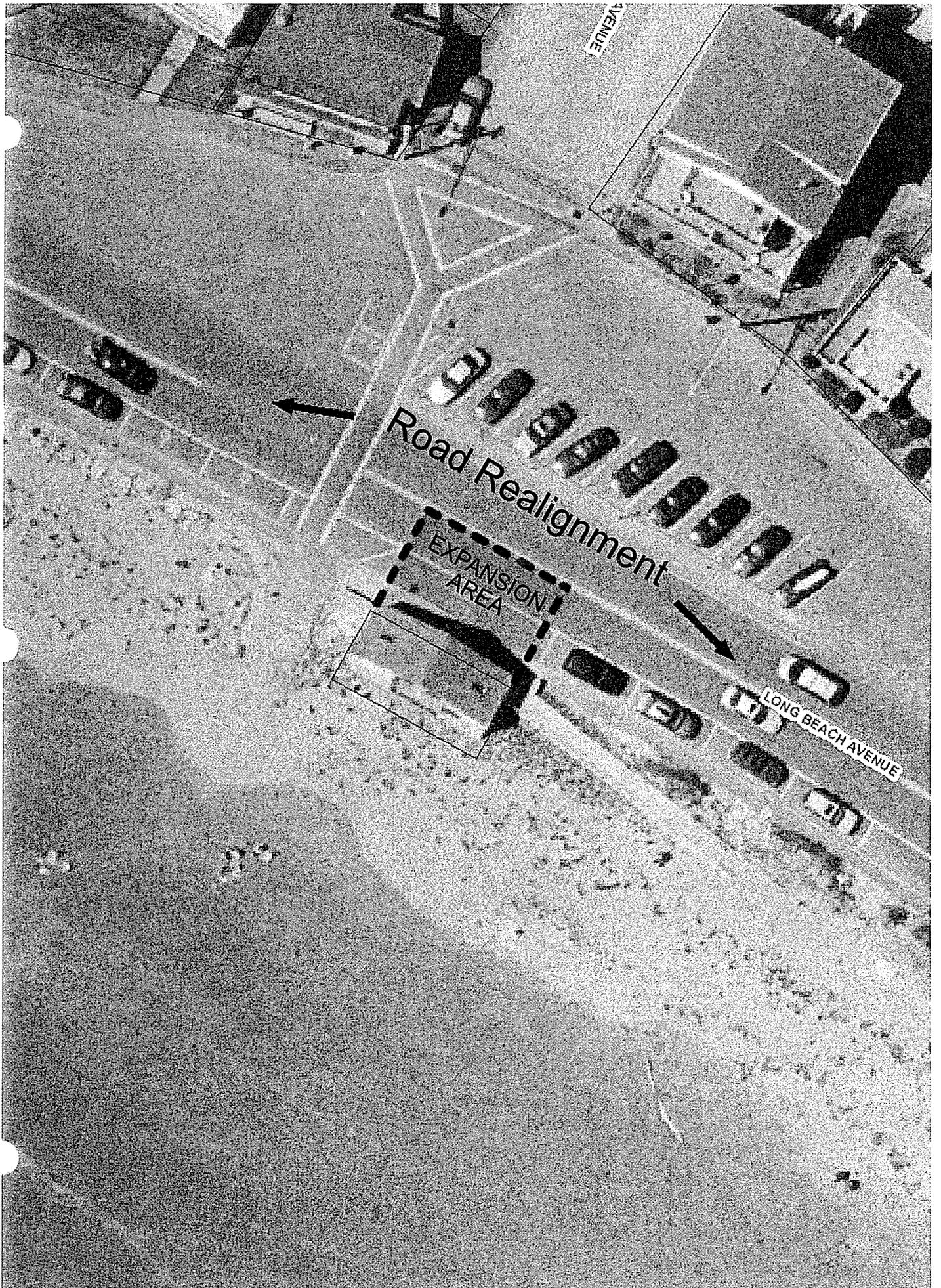
Time line

8/1/13 - 9/3/13	Public Outreach to customers at Long Sands Beach (Completed)
9/23/13	Introduce project to public and Board of Selectmen and adopt Project Management Framework
10/1/13 - 11/15/13	Acquire Survey for site
10/1/13 - 11/1/13	Appointment of Project Team
10/1/13 - 11/15/13	Selectmen Appoint Bathhouse Building Committee
12/15/13 - 1/15/14	Obtain sketch Plan Review from Planning Board "Water dependent use"

1/15/14 - 2/15/14	Adopt final project goals document
1/15/14 - 2/15/14	Hire Professional Advisor to run Design Competition
3/1/14 - 5/1/14	Design Competition
5/1/14 - 6/15/2014	Application Preparation
6/15/14 - 8/1/14	Obtain Permits and Approvals
8/1/14 - 9/15/14	Acceptance of Approved Design
9/15/14 - 11/1/14	Develop Construction Bid Documents
11/1/14 - 12/1/14	Construction Bid Review and Award Process
12/1/14 - 5/1/2015	Construction

Summary

I think it's safe to say that the success we have in accomplishing all of the goals for this project will be permit reliant. Simply stated, the location, size and design of the building will all be dependent on what our ordinances will allow. While it's a relatively small project from a construction standpoint, it is an extremely important project with respect to our community, our tourism industry and the health of Long Sands Beach. It's important to realize that we are not building for future growth. This project is about trying to catch up with the existing level of use and sustain that into the future. In order for this project to be successful it will take the full support of the Board of Selectmen and all Boards and Committees responsible for its implementation and completion.



AVENUE

Road Realignment

EXPANSION AREA

LONG BEACH AVENUE

INSTRUCTIONS FOR VOTERS

A. To vote, completely fill in the OVAL to the RIGHT of your choice(s), like this: ○

**SPECIMEN BALLOT
BUDGET REFERENDUM
YORK, MAINE
MAY 18, 2013**

Card 5 of 7

Penalty for willfully defacing, tearing down, removing or destroying a List of Candidates or Specimen Ballot is fine not exceeding One Hundred Dollars.

TOWN CLERK

issue is not affected by reason of the variance.

S/ Margaret M. McIntosh, Town Treasurer

Budget Committee recommends approval (5-2).

Board of Selectmen recommends approval (3-2).

YES ○

NO ○

ARTICLE FORTY-TWO

Shall the Town (1) approve the construction of New Long Sands Beach Bathhouse; and (2) appropriate a sum not to exceed \$687,000 and appropriate \$6,773 from taxation for the first-year cost of interest and cost of debt for this project; and (3) fund this appropriation; authorize the Treasurer and the Chairman of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed \$687,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), places(s) of payment, call(s) for redemption, form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chairman of the Board of Selectmen?

Statement of Fact: This article would approve funding for the design and construction of a new public restroom facility on Long Sands Beach and realign Long Beach Avenue to allow a landward expansion of the building. The current facility was built in the 1950s and is no longer adequate to handle the needs of a large public beach. The concrete block building has deteriorated and is in generally poor condition. The new facility would be double the capacity of the existing structure, as well as provide for a children's changing area, private handicapped accessible bathrooms and ample storage. The following financial statement reflects total projected cost.

FINANCIAL STATEMENT

Total Town Indebtedness:

A. Bonds outstanding and unpaid	\$ 28,582,749
B. Bonds authorized and un-issued	0
C. Bonds to be issued if the Article is approved	<u>687,000</u>
Total	\$ 29,269,749

Costs:

At an estimated interest rate of 2% for a twenty (20) year maturity, the estimated cost of the bond issue will be:

Principal	\$ 687,000
Interest	<u>147,462</u>
Total Debt Service	\$ 834,462

**Total estimated project costs including debt service:
\$834,462**

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

Project Management Framework Long Sands Beach Bathhouse Replacement

Michael Sullivan, Parks & Recreation Director
Stephen Burns, Community Development Director

September 16, 2013

On May 18, 2013, York voters approved funding for replacement of the Long Sands Bathhouse. This facility, built originally in the 1950s, has surpassed its reasonable life expectancy and needs to be replaced. \$687,000 has been allocated to address this need.

Project management is a systematic approach to ensuring a complex job is completed as efficiently and as predictably as possible. This document is a proposal to establish the project management framework for the Town to follow in undertaking this construction project. There are 3 main sections are as follows:

- Participants (Who)
- Responsibilities (What)
- Decision-Making Process (How)

With this framework in place, each participant in the project knows their place and their assignment. It is clear how the pieces come together and gives the Town the best chances for a successful project.

Participants

Board of Selectmen

Bathhouse Building Committee

- Project Manager, who chairs the Committee
- 1 member from the Board of Selectmen
- 1 member from the Budget Committee
- 1 member from the Parks & Recreation Board
- 1 member from the Conservation Commission
- 1 representative from the Long Beach business community
- 1 representative from the Chamber of Commerce
- 3 citizens at large, with at least one who lives nearby
- Town Manager

Town Manager

Project Manager

Mike Sullivan, Parks and Recreation Director

Project Team

Staff representatives from:

- Public Works Department – roads, parking, site O&M, seawall
- Police Department – public safety, traffic, parking, user safety
- Parks & Rec Department – user issues, needs, site/building O&M
- Community Development Department – design, permitting
- Finance Department – budget monitoring/reporting
- York Water District – water supply
- York Sewer District – wastewater

The Town Manager would work with each of these offices to bring in people to represent their Department's issues in the process. This would not necessarily be people at the Department Head level for several reasons. First, it is important to have a gender balance. Second, participation affords a good opportunity for professional development of other staff.

Private Participants

There will be hired professionals who work under contract, as described in the "Responsibilities" section. These are expected to include a surveyor, engineer, architect, and an advisor to run the design competition, but the final mix of people will only be decided as the process unfolds.

Responsibilities

Board of Selectmen:

- ✓ Makes key decisions prior to start of construction:
 - Set the process to be followed (adopt this document, or modification thereof)
 - Establish and fill membership of the Bathhouse Building Committee
 - Adopt final project vision/goals and timeline
 - (Design Competition – details unknown at this time)
 - Approve the specifics of each permit application prior to submission to the approval authority
 - Decide whether to proceed with fully approved design
 - Award all contracts – survey, competition advisor, design, construction
- ✓ Oversees project management by interactions with the Bathhouse Building Committee, Project Manager and Town Manager

Bathhouse Building Committee:

- ✓ Serves as the Charter-required committee, “to supervise the construction of all municipal buildings” funded with bond revenues (See Town of York Home Rule Charter, Article II, Section 15.B.5)
- ✓ Holds regular meetings
 - with written minutes of each meeting
 - minimum of one-week advanced public notice of all meetings
 - meeting agendas to be posted on a project web page a minimum of 1 week in advance
 - televised when possible
- ✓ Monitors and oversees the project, ensuring compliance with Selectmen’s policy decisions, legal requirements, budget restrictions, and schedule
- ✓ Ensures public transparency of the process from start to finish
- ✓ Leads to resolution of unanticipated process problems in the Project Management Framework
- ✓ Reports to the Board of Selectmen periodically
- ✓ Frames key policy decisions for the Board of Selectmen to decide, as outlined in this document

Town Manager:

- ✓ Assembles the Project Team
- ✓ Helps to assemble the Bathhouse Building Committee
- ✓ Authorizes expenditures of \$1,000 or greater
- ✓ Provides managerial oversight of the Project Manager’s work

Project Manager:

- ✓ Manages the project on a daily basis
- ✓ Tracks progress and costs
- ✓ Watches for snags
- ✓ Maintains a “parking lot” of open, unresolved issues
- ✓ Serves as the primary media contact
- ✓ Serves as the primary interface with contractors and outside agencies
- ✓ Supervises the Project Team
- ✓ Ensures compliance with financial constraints
- ✓ Authorizes payment of bills, seeking Town Manager approval where needed
- ✓ Prepares monthly reports for distribution to all stakeholders – posting on web page
- ✓ Reports regularly to the Bathhouse Building Committee and Board of Selectmen
- ✓ Maintains a project web page where all relevant reporting and tracking information is posted in a timely manner

Project Team:

- ✓ Provides technical advice to Project Manager
- ✓ Supports the work of the Project Manager by assisting with routine work
- ✓ Serves as liaison with their respective departments/districts
- ✓ Interfaces with contractors, in conjunction with the Project Manager
- ✓ Interfaces with permitting authorities, in conjunction with the Project Manager
- ✓ Collects data for Project Manager’s project control and reporting
- ✓ Conducts research within members’ areas of expertise
- ✓ Assists design consultants with application preparation

Surveyor:

- ✓ Provides all survey information necessary for project design and approval

Professional Advisor for Design Competition:

- ✓ Creates and administers a design competition through which various design concepts will be prepared by qualified professionals, and through which the Town will decide on the design concept to be pursued
- ✓ Ensures the proposed process is of a scale commensurate with the overall size of the project to be designed and constructed
- ✓ Ensures efficient, fair conduct of the competition

- ✓ *Position terminated once the Design Consultant is hired*

Design Consultant:

- ✓ Prepares plans and documents necessary to create an acceptable, approvable design
- ✓ Serves as the designated project representative in all permitting and approval processes
- ✓ Serves as "Clerk of the Works" during construction

Community Development Director:

- ✓ Serves in a consulting role to help establish the Project Management Framework
- ✓ Designs and executes training workshops for each of the following, to help them learn their respective roles in the project:
 - Board of Selectmen
 - Bathhouse Building Committee
 - Project Team
- ✓ Transitions out to a code enforcement role upon completion of the above 2 tasks
- ✓ Remains available to advise the Project Manager and Bathhouse Building Committee on process issues or overall project management, as requested

Decision-Making Process

Introduce Project to Public and Board of Selectmen:

- ✓ Project Manager presents the project concepts and introduces the proposed Project Management Framework to the BOS
 - Review project need
 - Approved budget
 - Anticipated timeline
 - Permits/approvals required
 - Proposed Project Management Framework
- ✓ The Board of Selectmen decide whether to accept, modify or reject this proposed Project Management Framework [##]

Public outreach to customers at Long Sands Beach this summer

- ✓ Lifeguards survey beach-goers on several days this summer, for an hour or two each day
 - Decide on balance between men and women to be surveyed
 - Decide on balance of adults with and without children to be surveyed
 - Have an even split of men and women doing the surveys
- ✓ Ask questions to see what actual users are really thinking – to help guide design

Acquire Survey for Site

- ✓ Project Manager prepares and distributes a Request for Proposals to acquire survey information. Within the lot and an adjacent area (Long Beach Ave, the beach, other – specific area to be determined) on which work or improvements for this project may occur:
 - Show property boundaries and identify ownership
 - Show easements, deed restrictions, covenants, etc.
 - Show all existing physical infrastructure (buildings, roads, parking spaces, utilities, etc.)
 - Obtain 1' contour data in both the NGVD29 and NAVD88 vertical datums (we anticipate mandate to change our Floodplain Management Ordinance sometime during the course of this project) – initially show contours using NGVD29 because it's the current standard
 - Identification of all relevant regulatory boundaries that affect this project (base zoning, high tide line, shoreland zoning, wetland zoning, flood zones, dune, other?)
- ✓ Project Manager to review all proposals received and recommend one to perform the work
- ✓ Board of Selectmen award the contract for survey work [##]

Obtain Sketch Plan Review from the Planning Board

- ✓ Project manager to ask about “water dependent use” with respect to the bathhouse – necessary very early on because this is an important design parameter

Appointment of Project Team

- ✓ Town Manager establishes the Project Team, assigning staff and requesting participation from utility district staff

Establishment and Appointment of Bathhouse Building Committee:

- ✓ Board of Selectmen approve a “committee charter” that establishes the Bathhouse Building Committee as an ad hoc committee, describes its charge, and defines the conditions for termination upon completion of its duties [##]
- ✓ Board of Selectmen solicit members and fill all positions [##]

Adopt Final Project Goals Document:

- ✓ Project Manager drafts a Project Goals document
- ✓ Bathhouse Building Committee reviews, revises and proposes to the Board of Selectmen
- ✓ Public Hearing to solicit public input before the Board of Selectmen decides
- ✓ Board of Selectmen refines and adopts the final Project Goals document [##]

Hire a Professional Advisor to run the Design Competition:

- ✓ Project Manager prepares and distributes a Request for Proposals to select a Professional Advisor to run the design competition
- ✓ Bathhouse Building Committee reviews, revises and releases the Request for Proposals
- ✓ Bathhouse Building Committee reviews proposals and makes a recommendation to the Board of Selectmen
- ✓ Board of Selectmen reviews proposals and selects [##]

Design Competition:

- ✓ *Competition will jointly develop the design concept and result in selection of the Design Consultant*
- ✓ *There must be a strong public input/public participation component during this phase of the process*
- ✓ *Most details of the competition process to be determined at a later time, but will conclude with the following:*
- ✓ Bathhouse Building Committee reviews proposals, recommends best design, and recommends selection of a Design Consultant
- ✓ Board of Selectmen reviews proposals, selects design concept(s) to be advanced, and selects the Design Consultant [##]

Application Preparation:

- ✓ Design Consultant develops applications for State and Town permits
- ✓ Bathhouse Building Committee reviews, revises and proposes to the Board of Selectmen
- ✓ Board of Selectmen reviews, revises and grants authorization to proceed [##]

Obtain Permits and Approvals

- ✓ Planning Board
- ✓ Code Enforcement Officer
- ✓ Maine Department of Environmental Protection
- ✓ Other

Acceptance of Approved Design:

- ✓ Submit applications and obtain approvals from Staff, State DEP and Planning Board (includes public hearing)
- ✓ Upon receipt of all required permits and approvals, the Bathhouse Building Committee presents final approved plans to Board of Selectmen and requests authorization to bid the project.
- ✓ Public Hearing to solicit public input before the Board of Selectmen decides
- ✓ The Board may accept the approvals, reject the approvals, or direct the Committee to seek modifications prior to moving forward with bidding construction [##]

Develop Construction Bid Documents

- ✓ Design Consultant develops construction bid documents with input from Project Manager and Project Team
- ✓ Bathhouse Building Committee reviews construction bid documents and forwards to Board of Selectmen for approval
- ✓ Board of Selectmen reviews, refines and authorizes release of construction bid documents [##]

Construction Bid Review and Award Process:

- ✓ Design Consultant and Project Manager review all proposals received, determine compliance with requirements, and recommend preferred option
- ✓ Bathhouse Building Committee reviews all qualifying proposals and makes recommendation to the Board of Selectmen
- ✓ Board of Selectmen award contract for construction [##]
- ✓ Board of Selectmen host a ground-breaking ceremony [##]

Construction Progress Reports

- ✓ Bathhouse Building Committee presents to the Board of Selectmen progress reports at 30%, 60% and 90% complete, and a final report upon completion

Celebrate Success

- ✓ Ribbon Cutting Ceremony [##]
- ✓ Break open the bubbly [##]



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 18, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Sohier Park Welcome Center Expansion Project	

TO: Board of Selectmen
FROM: Michael Sullivan, Parks and Recreation Director
RECOMMENDATION: To authorize the Parks and Recreation Department to go out to bid for the Sohier Park Welcome Center Expansion Project.
PROPOSED MOTION: I move to authorize the Parks and Recreation Department to go out to bid for the Sohier Park Welcome Center Expansion Project.

Discussion: As you know, at the May 2013 Public Referendum voters approved the Welcome Center Expansion Project at Sohier Park. This project has received all the necessary permits and approvals from the Planning Board, Board of Selectmen and the Legislative Body. We are in the process of completing the specification and bid package now and intend to put the project out to bid by early to mid October. We will be submitting the application to the Code Enforcement Office for a building permit this week.

As soon as the season ends, site work will begin with the goal of getting foundation work, enclosure and exterior cladding in place before snowfall. Due to the small size of the project this should not be a problem. Interior work can go into the winter and final landscaping will occur just before opening day.

This is a great project for a local contractor and my hope is that York builders will take an interest. Every effort will be made to advertise the project locally and attract a competitive field.

The budget for this project is \$200,000. As predetermined \$50,000 will be appropriated from Sohier Park Reserves and \$150,000 from the Town's general fund. The general fund appropriation will be

repaid to the Town's fund balance through revenue received from the gift shop in equal payments with interest over a five-year period.

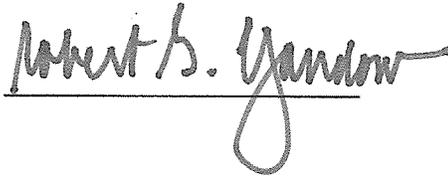
While all of the approvals are in place it has been some time since the Selectmen reviewed the project and I felt it would be a good idea to do a quick review with the Board prior to moving forward. The Project Architect, Nick Issak will be attending Mondays meeting to recap the project and answer any questions the Selectmen may have prior to moving forward.

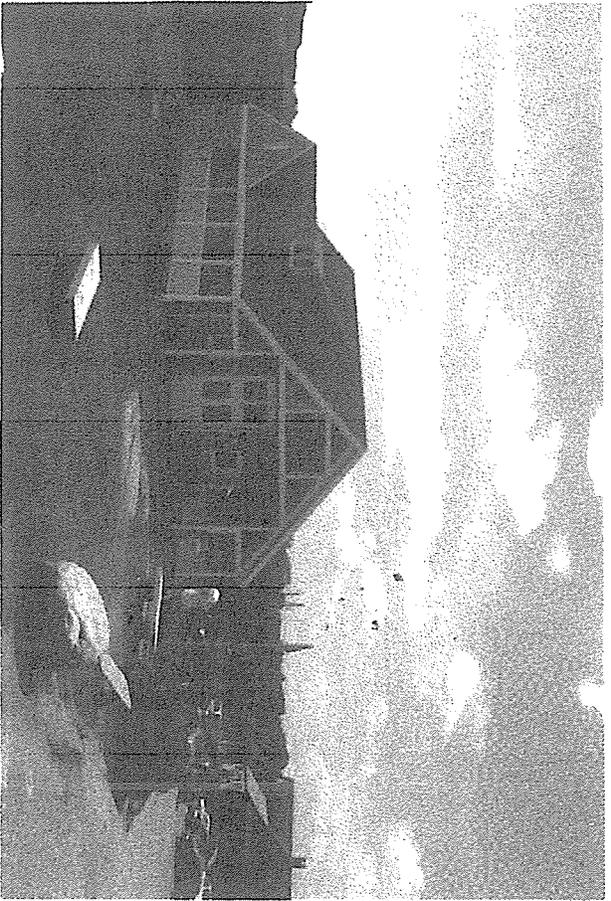
FISCAL IMPACT: \$200,000
DEPARTMENT LINE ITEM ACCOUNT: \$200,000
BALANCE IN LINE ITEM IF APPROVED: 0

Prepared By:

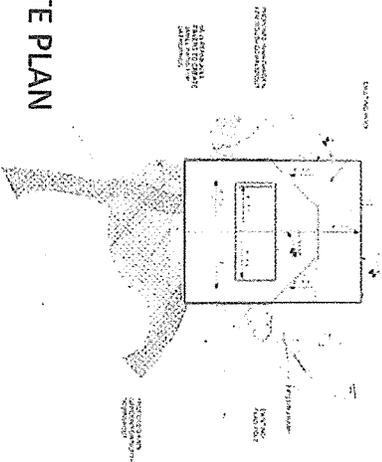
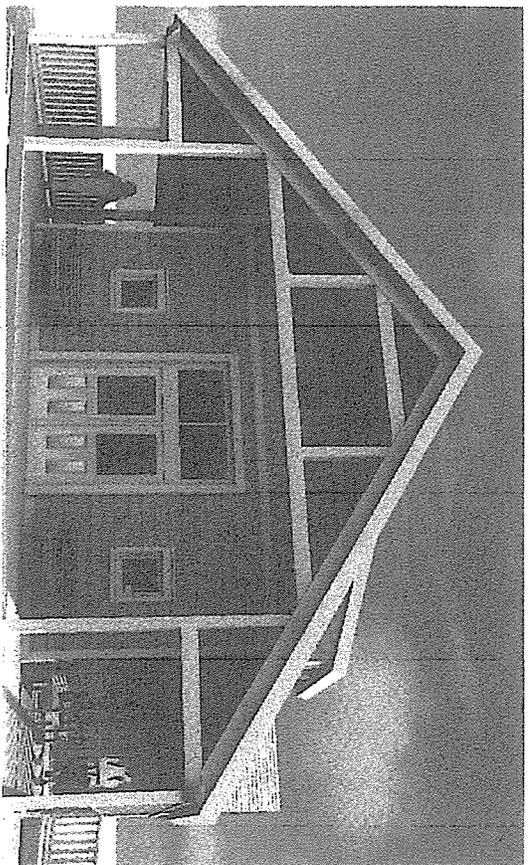


Reviewed By:

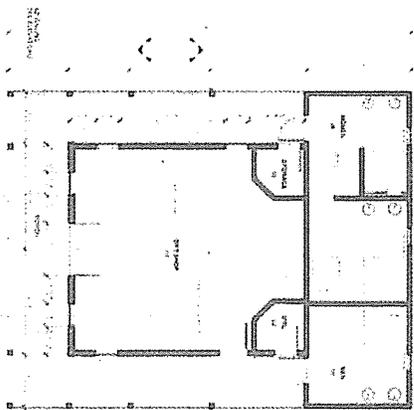




RENDERING



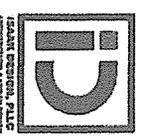
SITE PLAN

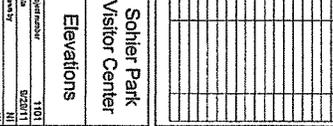
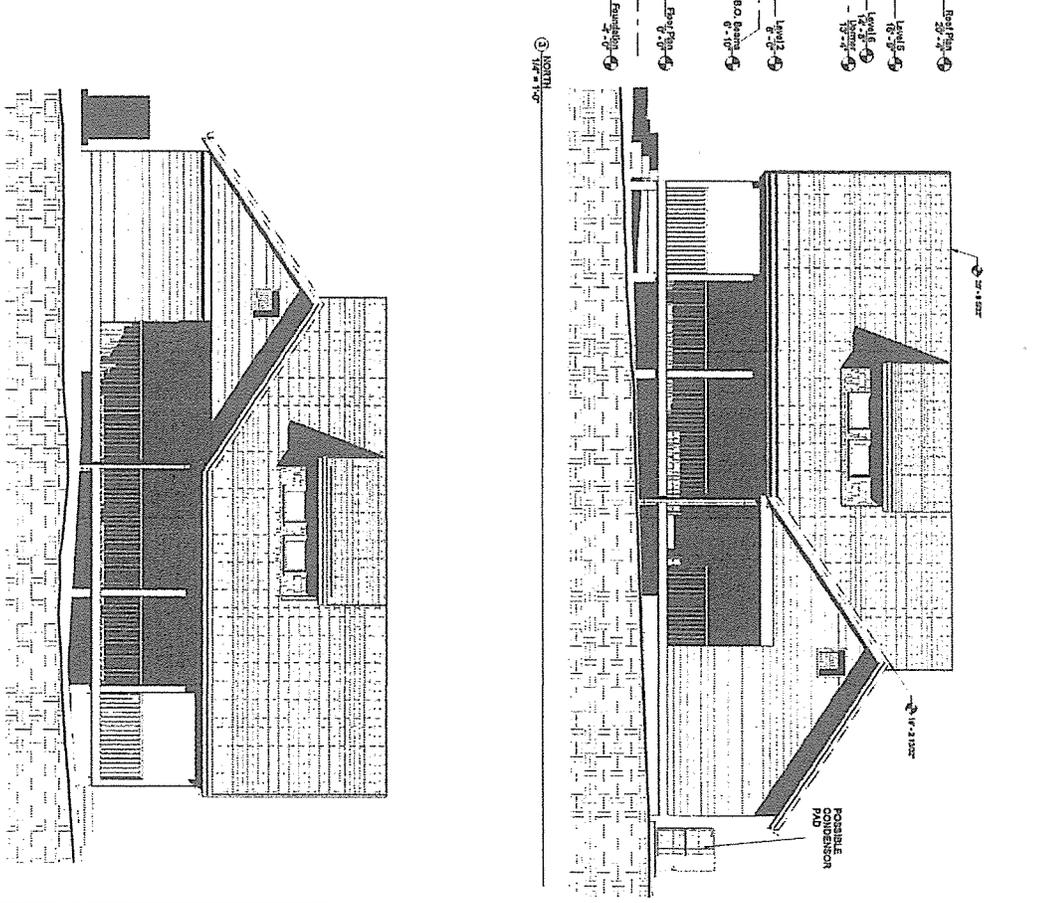
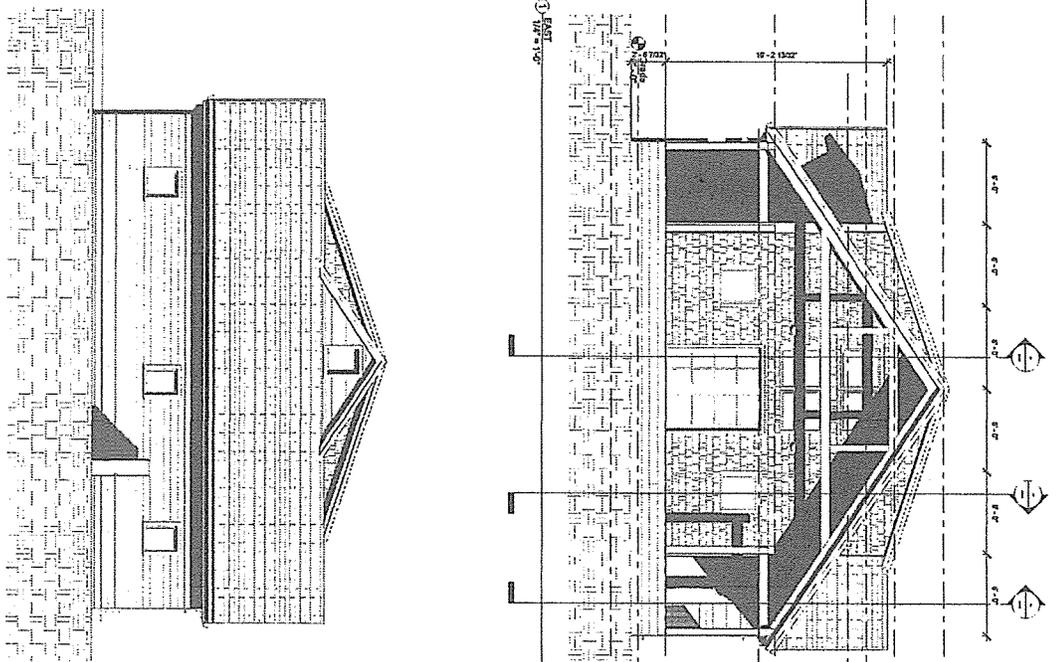


FLOOR PLAN



SOHIER PARK VISITOR CENTER AND GIFT SHOP
TOWN OF YORK, PARKS AND RECREATION DEPARTMENT





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 ISAAC DESIGN, PLLC
 ARCHITECTURE &
 URBAN DESIGN
 isaacdesign.com
 www.isaacdesign.com

Contractor	ISAAC DESIGN, PLLC
Architect	ISAAC DESIGN, PLLC
Interior Designer	ISAAC DESIGN, PLLC
Structural Engineer	ISAAC DESIGN, PLLC
Mechanical Engineer	ISAAC DESIGN, PLLC
Electrical Engineer	ISAAC DESIGN, PLLC
Plumbing Engineer	ISAAC DESIGN, PLLC
Fire Protection Engineer	ISAAC DESIGN, PLLC
Landscaping	ISAAC DESIGN, PLLC
Signage	ISAAC DESIGN, PLLC
Construction Management	ISAAC DESIGN, PLLC
Cost Estimator	ISAAC DESIGN, PLLC
Quantity Surveyor	ISAAC DESIGN, PLLC
Architectural Model Maker	ISAAC DESIGN, PLLC
Architectural Photographer	ISAAC DESIGN, PLLC
Architectural Renderer	ISAAC DESIGN, PLLC
Architectural Animator	ISAAC DESIGN, PLLC
Architectural Writer	ISAAC DESIGN, PLLC
Architectural Historian	ISAAC DESIGN, PLLC
Architectural Researcher	ISAAC DESIGN, PLLC
Architectural Consultant	ISAAC DESIGN, PLLC
Architectural Inspector	ISAAC DESIGN, PLLC
Architectural Surveyor	ISAAC DESIGN, PLLC
Architectural Drafter	ISAAC DESIGN, PLLC
Architectural Detailer	ISAAC DESIGN, PLLC
Architectural Fabricator	ISAAC DESIGN, PLLC
Architectural Installer	ISAAC DESIGN, PLLC
Architectural Maintainer	ISAAC DESIGN, PLLC
Architectural Repairer	ISAAC DESIGN, PLLC
Architectural Restorer	ISAAC DESIGN, PLLC
Architectural Conservator	ISAAC DESIGN, PLLC
Architectural Archaeologist	ISAAC DESIGN, PLLC
Architectural Anthropologist	ISAAC DESIGN, PLLC
Architectural Biologist	ISAAC DESIGN, PLLC
Architectural Chemist	ISAAC DESIGN, PLLC
Architectural Geologist	ISAAC DESIGN, PLLC
Architectural Historian	ISAAC DESIGN, PLLC
Architectural Linguist	ISAAC DESIGN, PLLC
Architectural Musicologist	ISAAC DESIGN, PLLC
Architectural Philologist	ISAAC DESIGN, PLLC
Architectural Sociologist	ISAAC DESIGN, PLLC
Architectural Theologian	ISAAC DESIGN, PLLC
Architectural Zologist	ISAAC DESIGN, PLLC

**Sohier Park
 Visitor Center
 Elevations**

Project Number: 1101
 Date: 05/20/11
 Drawing: 01
 Scale: 1/4" = 1'-0"

A3.1



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 17, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: To Rescind Previous Vote Taken on August 26, 2013 Regarding Award of Bid for Coach Bus.	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION: I move to rescind the motion and subsequent vote taken on August 26, 2013 awarding the bid for a 25 passenger coach bus to Patsy's Bus Sales in the amount of \$58,370.00.

Discussion: Per Selectmen discussion at the September 9, 2013 Selectmen's meeting.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

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

MEMORANDUM

To: Board of Selectmen

From: Robin Cogger, Parks and Recreation Senior Center Coordinator *Me 9.17.13*

CC: Rob Yandow, Town Manager
Michael Sullivan, Parks and Recreation Director

Subject: Recommendation by Senior Center Advisory Board

Date: September 17, 2013

At its regularly scheduled meeting today, the Senior Center Advisory Board voted unanimously to request that the Board of Selectmen rescind their vote from the September 30th meeting, to award the bid for a 25 passenger Goshen bus to Patsy's Bus Sales in Concord, NH.

Based on new information we have received we will be reevaluating our recommendation and formulating a new proposal for the Board.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: August 30, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Davis Property	

TO: BOARD OF SELECTMEN

FROM: Stephen H. Burns, Community Development Director

RECOMMENDATION: I recommend the Board endorse Town officials working with the York Community Dialogue to engage the public in discussions about the Davis family's offer to the Town to purchase the undeveloped portion of the lot at 142 York Street.

PROPOSED MOTION: Regarding the Davis property at 142 York Street, I move to direct the Town Manager to work with the York Community Dialogue to:

- 1) arrange a televised public meeting to share information and take questions about the property;
- 2) arrange a site walk for the Board of Selectmen, other Town officials and public to view the property; and
- 3) arrange a follow-up meeting to facilitate public discussion about the possible purchase of the property.

Discussion: Back on October 11, 2012, Rob Yandow and I met with Jim and Malcolm Davis at their request because they wanted to present their offer for the Town to purchase the undeveloped portion of the property at 142 York Street. It was agreed the Town would need time to consider this offer, and the timeframe agreed to by the Davis family was for the Town to make a decision by the May 2014

Budget Referendum. Subsequently the Town Manager made a budget request for a study of this property, but funding for that study was eliminated before the budget was even finalized. This left evaluation of the property to Town staff and the public, and I was asked to work on this.

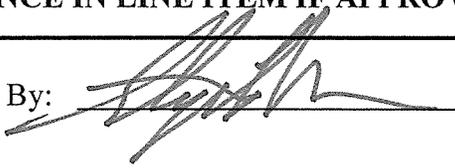
This past March I approached the York Community Dialogue and asked them to work with me to arrange a public process to gather and share information and to facilitate a public dialogue about this pending decision. Funding for environmental, traffic, real estate and legal studies was eliminated, but we figured we could compile available information and generate other information in-house, and then provide a structured opportunity for public discussion. The goal is to ensure the voters have the information they need to make an informed decision next May. It is NOT about recommending for or against the purchase. It is NOT about creating a plan for future use of the land. It is NOT about finding a fair price. It's simply about engaging stakeholders, sharing available information, offering everyone the opportunity to ask questions, and trying to find answers to those questions as best we can so the voters can make an informed decision next May. Simple, cheap and effective.

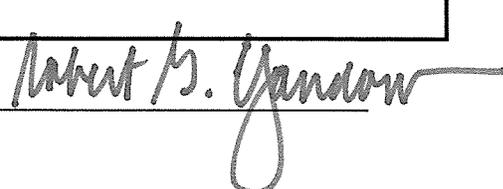
The tentative sequence of meetings and schedule we have in mind is as follows:

- 1) Initial public meeting to share information and take questions about the property – probably Friday, October 11th in the evening.
- 2) Site walk for the Board of Selectmen, other Town officials and public to view the property – probably Saturday, October 26th in the morning.
- 3) Follow-up meeting to facilitate public discussion about the possible purchase of the property – probably Saturday, November 2nd in the morning.

This will complete the process before the holiday season and before the FY15 budget preparation process gets into full swing.

FISCAL IMPACT: n.a.
DEPARTMENT LINE ITEM ACCOUNT: n.a.
BALANCE IN LINE ITEM IF APPROVED: n.a.

Prepared By: 

Reviewed By: 



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 17, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <u> X </u> Work Session	
Subject: Purchase and Sale Agreement for 23 Oceanside Avenue West	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION: I move to approve a purchase and sale agreement with MaryKate Russell for the sale of town owned land at 23 Oceanside Avenue West in the amount of \$90,000.

Discussion: This property was approved for sale by the voters on May 21, 2011. The property is assessed for residential use at \$98,700 and for commercial use at \$133,700. A public hearing is scheduled for September 23, 2013 prior to this agenda item. Attached is the purchase and sale agreement as agreed to, subject to Board of Selectmen approval.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert G. Yandow Reviewed By: _____

PURCHASE AND SALE AGREEMENT - LAND ONLY
("days" means business days unless otherwise noted, see paragraph 20)

September 4, 2013
Offer Date

Effective Date
Effective Date is defined in Paragraph 20 of this Agreement.

1. PARTIES: This Agreement is made between MaryKate Russell ("Buyer") and Town of York ("Seller"),

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (all part of; If "part of" see para. 22 for explanation) the property situated in municipality of York, County of York, State of Maine, located at 23 Oceanside Avenue West and described in deed(s) recorded at said County's Registry of Deeds Book(s) 15879, Page(s) 434.

3. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$ 90,000.00. Buyer has delivered; or will deliver to the Agency within 5 days of the Offer Date, a deposit of earnest money in the amount \$ 500.00. If said deposit is to be delivered after the submission of this offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the deposit being delivered will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of \$ NA will be delivered NA. Failure by Buyer to deliver this additional deposit in compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

4. ESCROW AGENT/ACCEPTANCE: Concealin Realty Group ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until September 6, 2013 (date) 5:00 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

5. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on October 18, 2013 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

6. DEED: The property shall be conveyed by a Quit Claim deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

7. POSSESSION: Possession of premises shall be given to Buyer immediately at closing unless otherwise agreed in writing.

8. RISK OF LOSS: Until the closing, the risk of loss or damage to said premises by fire or otherwise, is assumed by Seller. Buyer shall have the right to view the property within 24 hours prior to closing for the purpose of determining that the premises are in substantially the same condition as on the date of this Agreement.

9. PRORATIONS: The following items, where applicable, shall be prorated as of the date of closing: rent, association fees, (other) NA. Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

January 2013 Page 1 of 4 - P&S-LO Buyer(s) Initials MKR Seller(s) Initials RAY

Coldwell Banker York Realty, 529 US RT 1 York, ME 03909
Phone: 207.363.4300 Fax: 207.363.1458

Heidi Hayes

Produced with zlpForm® by zlpLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zlpLogix.com

Russell

SEP-3-2012 12:02 FROM:

TO: 12073631458

P.4/10

10. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern. Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Seller's real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

RWY
(MBA)

CONTINGENCY	YES	NO	DAYS FOR COMPLETION	OBTAINED BY	TO BE PAID FOR BY
1. SURVEY Purpose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>October 11</i> <i>15</i>	<i>seller</i>	<i>seller</i>
2. SOILS TEST Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
3. SEPTIC SYSTEM DESIGN Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
4. LOCAL PERMITS Purpose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>15</i>	<i>Buyer</i>	<i>BUYER</i>
5. HAZARDOUS WASTE REPORTS Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
6. UTILITIES Purpose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>15</i>	<i>BUYER</i>	<i>Buyer</i>
7. WATER Purpose: <i>Determine whether well can be drilled on the lot</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>20</i>	<i>Buyer</i>	<i>Buyer</i>
8. SUB-DIVISION APPROVAL Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. DEP/LURC APPROVALS Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
10. ZONING VARIANCE Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
11. HABITAT REVIEW/WATERFOWL Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
12. FARMLAND ADJACENCY Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
13. MDOT DRIVEWAY/ENTRANCE PERMIT Purpose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>15</i>	<i>15</i>	<i>Buyer</i>
14. DEED RESTRICTION Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
15. TAX STATUS/TREE GROWTH Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
16. OTHER Purpose:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

Further specifications regarding any of the above: na

Unless otherwise specified above, all of the above will be obtained and paid for by Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

January 2013

Page 2 of 4 - P&SLO

Buyer(s) Initials: *RWY*

Seller(s) Initials: *RWY*

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Printed

11. FINANCING: This Agreement is is not subject to Financing. If subject to Financing:
- a. This Agreement is subject to Buyer obtaining a na loan of na % of the purchase price, at an interest rate not to exceed na % and amortized over a period of na years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
 - b. Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within na days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
 - c. Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee or Buyer's licensee.
 - d. After (b) is met, Buyer is obligated to notify Seller in writing if a lender notifies Buyer that it is unable or unwilling to provide said financing. Any failure by Buyer to notify Seller within two days of receipt by Buyer of such notice from a lender shall be a default under this Agreement.
 - e. Buyer agrees to pay no more than na points. Seller agrees to pay up to \$ na toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
 - f. Buyer's ability to obtain financing is is not subject to the sale of another property. See addendum Yes No .
 - g. Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

12. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Heidi Hayes (014456) of Coldwell Banker Yorke Realty (1274)
 Licensee MLS ID Agency MLS ID
 is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

Greg Gosselin (004040) of RE/MAX Realty One (2682)
 Licensee MLS ID Agency MLS ID
 is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form.

14. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

15. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

16. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

17. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

18. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original, faxed or other electronically transmitted signatures are binding.

19. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

20. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
Style			
Model			
Grade			
Stories			
Occupancy			
Exterior Wall 1			
Exterior Wall 2			
Roof Structure			
Roof Cover			
Interior Wall 1			
Interior Wall 2			
Interior Flr 1			
Interior Flr 2			
Heat Fuel			
Heat Type			
AC Type			
Total Bedrooms			
Total Bthrms			
Total Half Baths			
Total Xtra Fixtrs			
Total Rooms			
Bath Style			
Kitchen Style			

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)	
Element	Cd.	Ch.	Description
Landscaping			
Driveway			
MIXED USE			
Code	Description	Percentage	
1010	Single Fam MDL-01	100	
COST/MARKET VALUATION			
Adj. Base Rate:	0.00		
Net Other Adj:	0		
Replace Cost	0.00		
AYB	0		
EYB	0		
Dep Code	0		
Remodel Rating	0		
Year Remodeled	0		
Dep %	0		
Functional Obslnc	0		
External Obslnc	0		
Cost Trend Factor	0		
Condition	0		
% Complete	100		
Overall % Cond	0		
Apprais Val	0		
Dep % Ovr	0		
Dep Ovr Comment	0		
Misc Imp Ovr	0		
Misc Imp Ovr Comment	0		
Cost to Cure Ovr	0		
Cost to Cure Ovr Comment	0		

OB-OUTBUILDING & YARD ITEMS(D)		XF-BUILDING EXTRA FEATURES(B)										
Code	Description	Sub	Sub Descrip	L/B Units	Unit Price	Yr	Gde	Dp Rt	Chd	%Chd	Apr Value	
BUILDING SUB-AREA SUMMARY SECTION												
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value						
		0	0	0	0	0						

Ttl. Gross Liv/Lease Area: 0 0 0

No Photo On Record

CURRENT OWNER	TOPO.	UTILITIES	STRT./ROAD	LOCATION	CURRENT ASSESSMENT
ORK TOWN OF	4 Rolling	3 Unpaved	2 Suburban	1010	98,700
36 YORK STREET					98,700
ORK, ME 03909					
ditional Owners:					
SUPPLEMENTAL DATA					
Other ID: 132-271					
STREET SUF 0					
SFLA 0					
OLD ALT PRC10032-0060-A					
VOTING DIST 150					
TIF					
GIS ID: 0032-0060-A					

RECORD OF OWNERSHIP	BK-VOL/PAGE	SALE DATE	q/u	v/f	SALE PRICE	V.C.
ORK TOWN OF	15879/ 434	06/15/2010	U	V	0	1L
ALLOU-KNOWLES KAREN	10306/ 208	01/01/1900	U	V	0	0

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Type	Description	Number
Total:			

ASSESSING NEIGHBORHOOD	
NBHD/ SUB	Street Index Name
0001/A	
Total:	

NOTES	
Appraised Bldg. Value (Card) Appraised XF (B) Value (Bldg) Appraised OB (L) Value (Bldg) Appraised Land Value (Bldg) Special Land Value Total Appraised Parcel Value Valuation Method: Exemptions Adjustment:	

PREVIOUS ASSESSMENTS (HISTORY)					
Yr.	Code	Assessed Value	Yr.	Code	Assessed Value
2013	9030	133,700	2012	9030	133,700
Total:		133,700	Total:		133,700

BUILDING PERMIT RECORD		VISIT/CHANGE HISTORY	
Permit ID	Issue Date	Date	Type
		11/07/2001	RG
		11/07/2001	RG

LAND LINE VALUATION SECTION					
Use Description	Zone D	Front Depth	Units	Unit Price	Acres
1 1010 Single Fam MDL-01			0.19 AC	66,975.00	1.0000

TOTAL CARD LAND UNITS:		PARCEL TOTAL LAND AREA:		TOTAL LAND VALUE:	
Zone D	Units	Acres	Value	Zone D	Value
1 1010	0.19 AC	1.0000	12,705.22	1 1010	98,700
Total		0.19 AC	12,705.22	Total	98,700

CONSTRUCTION/DETAIL		CONSTRUCTION/DETAIL (CONTINUED)	
Element	Cd. Ch.	Element	Description
Model	00		Vacant
MIXED USE			
		Code	Description
		903V	MUNICIPAL MDL-00
			Percentage
			100
COST/MARKET VALUATION			
Adj. Base Rate: 0.00			
Net Other Adj: 0			
Replace Cost: 0.00			
AYB: 0			
EYB: 0			
Dep Code: 0			
Renodel Rating: 0			
Year Remodeled: 0			
Dep %: 0			
Functional Obslnc: 0			
External Obslnc: 0			
Cost Trend Factor: 1			
Condition: 0			
% Complete: 0			
Overall % Cond: 0			
Apprais Val: 0			
Dep % Ovr: 0			
Dep Ovr Comment: 0			
Misc Imp Ovr: 0			
Misc Imp Ovr Comment: 0			
Cost to Cure Ovr: 0			
Cost to Cure Ovr Comment: 0			

OB-OUTBUILDING & YARD ITEMS(D)		XF-BUILDING EXTRA FEATURES(B)												
Code	Description	Sub	Sub Description	L/B	Units	Unit Price	Yr	Gde	Dp	Rt	Chd	%Chd	Apr	Value
BUILDING-SUB-AREA SUMMARY SECTION														
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprec. Value								
		0	0	0	0	0								
Ttl. Gross Liv/Lease Area: 0 0 0 0 0 0														

No Photo On Record



Map 32/Lot 60A

SPRUCE STREET

SKYLARK LANE

OCEANSIDE AVENUE WEST

NORTH...
...EXTENSION



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

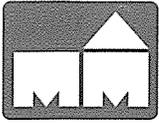
Date Submitted: September 17, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Voting Delegate for MMA Annual Business Meeting	

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

Discussion: The annual MMA Convention will be held on October 2nd and 3rd. The municipal officers are requested to designate a voting delegate for the annual business meeting which will be held on October 2, 2013 at 1:30. I will be attending the meeting as a member of the MMA Executive Committee and can act as the voting delegate unless a member of the Board of Selectmen plans to attend the business meeting and would like to be designated as the delegate.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert G. Yandow Reviewed By: _____



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

MEMORANDUM

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: Christopher G. Lockwood, Executive Director

DATE: August 30, 2013

SUBJECT: Voting Credentials for MMA Annual Business Meeting

The Maine Municipal Association Annual Business Meeting is being held in conjunction with the MMA Annual Convention and will take place on **Wednesday, October 2, 2013, at 1:30 p.m. in the Cumberland Room at the Augusta Civic Center.** The MMA Bylaws entitle each member community to one (1) voting representative.

Enclosed please find the ***MMA Voting Delegates Credential Form*** on which the municipal officers may designate their municipality's voting representative and alternate. We have also attached the Proposed Agenda for the MMA Annual Business Meeting for your reference. As you will note, there is a proposed amendment to the MMA bylaws for consideration by the full membership. We have enclosed a separate memo from the MMA Executive Committee that provides information on the proposed amendments and includes tracked changes to the appropriate sections of the MMA bylaws for your easy reference. The current MMA Bylaws as adopted in 2010 will be available at the MMA Annual Business Meeting or may be viewed on the MMA website at <http://www.memun.org/public/MMA/Gov/bylaws.pdf>.

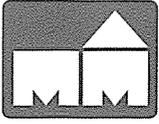
If you plan to be at the MMA Annual Convention and would like to have a Voting Delegate represent your municipality, please complete the MMA Voting Delegate Credential Form and return to our office by **Monday, September 30, 2013** or bring it with you to the MMA Annual Business Meeting. We have provided a self-addressed self-stamped envelope for your convenience.

We look forward to seeing you at this year's MMA Annual Convention. If you have any questions on this information, please contact Theresa Chavarie at 1-800-452-8786 ext. 2211 or in the Augusta area at 623-8428.

**Maine Municipal Association
Annual Business Meeting
Wednesday, October 2, 2013
1:30 – 2:30 p.m.
Augusta Civic Center
Level 1 – Cumberland Room**

PROPOSED AGENDA

- 1. Introductions and Welcoming Remarks – MMA President Peter Nielsen, (Town Manager, Town of Oakland)**
- 2. Approval of 2012 Annual Business Meeting Minutes**
- 3. MMA President’s Report – Peter Nielsen**
- 4. Vote of Proposed Amendments to MMA Bylaws to clarify the process to be followed when a vacancy occurs in the MMA Officer positions.**
- 5. Announcement of Election Results for MMA Executive Committee and Introduction of New Executive Committee Members**
- 6. Overview of Changes to MMA Municipal Membership Dues Formula**
- 7. Other Business (*comments from the floor*)**
- 8. Executive Director Report - Christopher Lockwood**
- 9. Adjournment**



Maine Municipal Association

60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations

FROM: MMA Executive Committee

RE: Proposed MMA By-law Amendments

DATE: August 30, 2013

At its meeting on May 23, 2013, the Executive Committee of the Maine Municipal Association voted unanimously to submit to the Municipal Membership the attached proposed amendments to **Article IV: Governance, Section 4 and Section 9** of the MMA By-laws. The purpose of the proposed amendments is to clarify the process to be followed when a vacancy occurs in the MMA Officer positions. The proposed amendments do not make any substantive changes to the By-laws.

The proposed changes to the MMA By-laws are shown in tracking format and are to be voted on by the authorized voting delegates of municipal members at the MMA Annual Business Meeting to be held Wednesday, October 2, 2013 at 1:30 p.m. at the Augusta Civic Center, Augusta, Maine. Please see the other memorandum included with this mailing.

If you have any questions, please do not hesitate to contact Theresa Chavarie, Manager of MMA Executive Office & Members Relations at 1-800-452-8786 ext. 2211. Thank you.

ARTICLE IV: Governance

Section 4. Terms of Office: The President, Vice President and the Immediate Past President shall serve a single one-year term. At the end of the current President's one-year term, the Vice President shall assume the office of President and shall serve a term of one year. No person shall hold the office of President or Vice President unless, at the time of assuming their offices, they have served as a member of the Executive Committee for at least one (1) consecutive twelve-month period during the past five years. Executive Committee members shall serve a three-year term. No member of the Executive Committee may serve more than two consecutive three-year terms except to serve as President, Vice President or Immediate Past President. ~~*Transitional Amendment: The provisions of this amendment shall apply to members of the Executive Committee taking office on or after January 1, 2011.*~~

Members of the Executive Committee serving two consecutive three-year terms will be required to take three full years off from the Executive Committee before being reappointed by the MMA President or nominated for another term on the Executive Committee.

If a person has been appointed or elected to fill a vacancy pursuant to Article IV, Section 9, or if the Vice President assumes the office of President pursuant to Article IV, Section 9, that remaining term shall not be counted for purposes of this section.

Section 9. Vacancies: If a vacancy shall occur within the non-officer members of the Executive Committee, or if a member of the Executive Committee is elected as an officer, and except as provided in Article V, Section 1, the President, subject to the approval of a majority of the whole Executive Committee, shall appoint a qualified person to fill the remainder of the unexpired term.

If a vacancy shall occur in the office of the President, the Vice President shall immediately assume the office of President for the remainder of the President's unexpired term and shall subsequently serve a full one-year term as President pursuant to Section 4. If a vacancy shall occur in the office of the Vice President, a qualified person shall be appointed by a majority of the whole Executive Committee to fill the remainder of the Vice President's unexpired term. The position of Vice President for the next year shall be elected by the membership pursuant to the nomination and election process set forth in Article V. If a vacancy shall occur in the office of the Immediate Past President, or if no person who served as

President in the preceding year is eligible to serve as Immediate Past President, the MMA Executive Committee may appoint a Past President who holds municipal office to fill all or the remainder of the term.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 16, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Pole Location Permit: Western Point Road	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery
RECOMMENDATION: Approve Pole Location Permit
PROPOSED MOTION: I move to approve the Pole Location Permit for 1 pole on Western Point Road in a southeasterly direction, 50 feet from pole #56.

Discussion: The Permit Request has been reviewed by Dean Lessard, Director of Public Works and an onsite inspection of the area completed; Mr. Lessard has given his approval of the permit requested.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melissa M. Avery Reviewed By: _____

Central Maine Power
Town Pole Permit Fax Cover Sheet

Date 9/10/13

To: Town/City of York

Fax # 363 1019

From: Pat Shore CMP Fax # 621-4552

ATT: Debbie Burns

Subject: Town pole permits

Town York

Road Barrell Ln

Please sign and fax back to 621-4552

Thank you

If there is any problem, please contact me (490-3033)



Town of York

186 York Street
York, Maine 03909-1314
TEL: 207-363-1000
FAX: 207-363-1019

Office of the Town Manger
Robert G. Yandow, Town Manager
Melissa M. Avery, Assistant to the Town Manager

FACSIMILE

DATE: September 11, 2013

TO: Pat Shore; Central Maine Power

AT: 207-621-4552

RE: Town of York Pole Permit

FROM: Melissa M. Avery, Assistant to the Town Manager

PAGES: 2 (Including Cover Page)

MESSAGE: The following letter is in regards to a Pole Permit Application for Barrell Lane in York. -Missy

Pat,

First of all I would like to apologize for you having to send this request multiple times, I was out on maternity leave and it doesn't look like my temporary replacement did any follow up with you.

I spoke with our Director of Public Works and he stated that he could not find pole #56 on Barrell Lane but that there was one on Western Point Road which is a road nearby. Do you think that the permit should say Western Point Road or maybe a different Pole number?

Also, could you make the Pole Permit Applications in attention to myself; Missy Avery? Debbie is in a different department now.

Let me know where you think the confusion with this permit lies, contact me anyway that is easiest for you:

Phone: 207-363-1000

Fax: 207-363-1019

Email: mmavery@yorkmaine.org

Thank you!

Melissa M. Avery

Assistant to the Town Manager

York, ME

Melissa M. Avery

From: Shore, Patricia [Patricia.Shore@cmpco.com]
Sent: Thursday, September 12, 2013 11:49 AM
To: Melissa M. Avery
Subject: Town Pole Permit Barrell Lane (aka Western Point)

Melissa

Yes, that pole permit should have said "Barrell Lane AKA Western Point Road"

Could you pass that information on to the Director of Public Works?

I have changed our records and all the town pole permits should go to your attention at fax # 363-1019.

Thank you

With Knowledge comes Power

Pat Shore

Melissa M. Avery

From: Dean Lessard
Sent: Wednesday, September 11, 2013 7:53 AM
To: Melissa M. Avery
Subject: RE: Pole Permit

Hi Missy

I believe that I have already approved this permit. There may be some confusion because CMP has this pole on Barrell Lane on the permit. The pole is really on Western Point Road. I don't know if we need to have CMP change the permit but I have reviewed this pole permit and DPW recommends approval.

Thanks for your help
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
Online: www.yorkmaine.org

From: Melissa M. Avery
Sent: Tuesday, September 10, 2013 3:39 PM
To: Dean Lessard
Subject: Pole Permit

Hi Dean

Attached is a Pole Permit for your review. Let me know when you get a chance to review it!

Missy

Melissa M. Avery
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

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Form 4503

Notification: 101836529

LOCATION PERMIT

Work Order: 1000484393

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC NH, dated 06/17/2013, asking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City / Town of York,

approximately located as follows:

- 1. Starting Point: 56
2. Road (State & CMP): Barrell Lane
3. Direction: Southeasterly
4. Distance: 50' feet
5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduit and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: _____

By: _____

By: _____

By: _____

By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Attest: _____

Clerk

Form 4501

Notification: 101836529

Work Order: 1000484393

CENTRAL MAINE POWER COMPANY
APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: York, Maine

To the: City
 Town
 County of: York, Maine

- Central Maine Power hereby applies for permission to:
 - Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.
 - Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

Central Maine Power Company and Northern New England Telephone Operations LLC NH jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: 56
2. Road (State & CMP): Barrell Lane
3. Direction: Southeasterly
4. Distance: 50' feet
5. Number of Poles: 1

- Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
- Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

Public Notice of this application has been given by publishing the text of the same Not Published

In: _____
On: _____

CENTRAL MAINE POWER COMPANY

Northern New England Telephone Operations LLC NH

By: Elaine Titherington

Date: 06/17/2013

By: Jane Floyd Date: 9-9-13



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 16, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Special Event Permit Application: Phil Cihisky Finish Line	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery
RECOMMENDATION: Approve Permit Application
PROPOSED MOTION: I move to approve the Special Event Permit for the Phil Cihisky Finish Line event on October 4 th , 2013.

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

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melissa M. Avery

Reviewed By: _____



Town of York, Maine Special Event Permit Application

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

Date: 9/16/2013

Name of Event: Phil Cihisky Finish Line

Type of Event: Non-profit celebration/awareness event

Organization Name: Southern Maine Agency on Aging Phone #: 207-396-6500

Organization Address: 136 US Route One City: Scarborough State: ME Zip: 04074

Applicant Name: Jessica LeBlanc Phone #: 207-396-6520

Applicant Address: Same City: _____ State: _____ Zip: _____

Contact Name for Day of Event: Jessica LeBlanc Contact Phone #: 207-450-2940 Cell

Date of Event: 10/4/2013 Day of Week: Friday

Starting Time: Set-up 8am, event 10am Ending Time: Take-down/clean up be 12-1pm

Assembly Area: Harbor Beach Road - York

Dispersal Area: Harbor Beach Road - York

Event Route: From the intersection of Harbor Beach Road/Route 1A to the end of Harbor Beach Road (circle/beach shore).

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)
50-75 max.

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

Cars parked in spots, walk on sidewalks, sign/balloons at route 1a cross and down harbor rd

Describe how group is organized and supervised to insure order: Guests and supporters will be accompanied by SMAA staff. Isolated to one area should not impact traffic on Route 1A.

Purpose of the Event: Celebrate Phil Cihisky completing walk across USA for Senior Hunger

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

Signature of Applicant: Jessica LeBlanc

For Town Use Only

Reviewed by:

Department

Initials

Police Department	<u>Szeniawski</u>	<u>9-16-2013</u>
Public Works	<u>Lessard</u>	<u>9-19-2013</u>
Parks/Recreation	<u>Sullivan</u>	<u>9-16-2013</u>
Village Fire	<u>Apgar</u>	<u>9-16-2013</u>
York Beach Fire	<u>Bridges</u>	<u>9-16-2013</u>
Code Enforcement	<u>Burns</u>	<u>9-16-2013</u>
York Ambulance	<u>Prince</u>	<u>9-16-2013</u>

Special Conditions:

Szeniawski: An officer will be assigned to control the traffic at the intersection for the safety of the participants.

Apgar: Make sure that access to the main beach area is available to emergency traffic at all times, if no detail officer is assigned, maybe a patrol officer could check the parking situation periodically.

Town Manager

Date

Melissa M. Avery

From: Jessica LeBlanc [jleblanc@SMAAA.org]
Sent: Monday, September 16, 2013 10:41 AM
To: Melissa M. Avery
Subject: RE: Special Event Permit
Attachments: CompletedApplication-SMAA10.4.2013.pdf

Hi Melissa,

Here is the completed application with a bit more information about the event.

Purpose: Phil Cihwsky is walking across America for Meals on Wheels and to raise awareness about senior hunger. Phil left San Diego in March and is ending his journey in Maine. Phil recently received a Presidential Honor from President Obama and was named the Meals on Wheels Association of America's Volunteer of the Year 2013. Phil started his journey in the Pacific Ocean in San Diego and would love nothing more than to be able to finish his journey in the Atlantic.

Location/decorations: Ideally we would like to have a sign and some balloons and the end of Harbor Beach Road where it connects to Route 1a. From there, Phil supporters would line the sidewalk down Harbor Beach Road and lastly, we'd have a finish line at the parking circle. We will have a small patio awning or two in case it rains and a table for snacks.

Our goal is to have some public exposure along route 1A, but not to impact traffic through the village.

Participants: This would mainly be Phil's family, our staff, our volunteers, local Meals on Wheels supporters both in Maine and in the Portsmouth, NH area, area politicians, and any media who may wish to cover the event.

Parking/crowd control: Our staff in the Kittery/Eliot area are working on carpooling and caravan efforts to minimize the number of cars that will be taking up parking spaces. Staff coming down from our main office in Scarborough will be doing the same. We will have plenty of staff available to ensure that participants know where they are going and to clean up afterwards.

The Town of York has been a long-standing supporter of the work the Agency does and we hope that we'll receive approval for our event.

Many thanks,
Jessica

Jessica LeBlanc
Southern Maine Agency on Aging
Development Communications Associate
136 U.S. Route One
Scarborough, ME 04074
Tel. (207) 396-6520
jleblanc@smaaa.org

 "Like" us on Facebook

[Meals on Wheels](#)
[Center for Agewell Programs](#)
[Maine Senior Games](#)

Melissa M. Avery

From: Charles J. Szeniaowski
Sent: Monday, September 16, 2013 4:30 PM
To: Melissa M. Avery
Subject: RE: Special Event - "Phil Cihisky FInish Line" for October 4th

Follow Up Flag: Flag for follow up
Flag Status: Flagged

We will have an officer assigned to control traffic at the intersection for safety of participants . We have no other issue with this event as presented in application and email .

Lieutenant Charles J. Szeniaowski

Commander, Patrol Division

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: www.yorkpolice.org

e: cszeniaowski@yorkpolice.org

p: (207) 363-1031, Ext. 104

f: (207) 361.6818

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From: Melissa M. Avery
Sent: Monday, September 16, 2013 11:16 AM
To: Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; David Apgar; David K. Bridges; Stephen H. Burns; Ellen Prince
Cc: Melissa M. Avery
Subject: Special Event - "Phil Cihisky FInish Line" for October 4th

Hello!

Attached is a Special Event Permit for "Phil Cihisky Finish Line" on October 4th, I attached her email to the end of the application that has a little more information. We need to get it on the agenda for the 23rd , so let me know when you've had a chance to review!

Thank you!
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

Please consider the environment before printing this email.

Melissa M. Avery

From: David Apgar
Sent: Monday, September 16, 2013 9:08 PM
To: Melissa M. Avery; Charles J. Szeniaowski
Subject: RE: Special Event - "Phil Cihisky Flnish Line" for October 4th

Village Fire approval.

Lt. Szeniaowski,

Not sure if a police detail will be there or not. Just want to make sure that access to the main beach area is available to emergency traffic at all times throughout this event. I did note on the application that the cars will be parked in marked spaces, and pedestrians will be using the side walks. If no detail is required, maybe a patrol officer could check the parking situation periodically. Thank you.

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

From: Melissa M. Avery
Sent: Monday, September 16, 2013 11:15 AM
To: Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; David Apgar; David K. Bridges; Stephen H. Burns; Ellen Prince
Cc: Melissa M. Avery
Subject: Special Event - "Phil Cihisky Flnish Line" for October 4th

Hello!

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Thank you!
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org<<http://www.yorkmaine.org>>

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Melissa M. Avery

From: Stephen H. Burns
Sent: Monday, September 16, 2013 3:31 PM
To: Melissa M. Avery
Subject: RE: Special Event - "Phil Cihisky FInish Line" for October 4th

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Missy,

Looks like a great effort and I have no code issues with this one.

Steve

Stephen H. Burns
Community Development Director

From: Melissa M. Avery
Sent: Monday, September 16, 2013 11:16 AM
To: Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; David Apgar; David K. Bridges; Stephen H. Burns; Ellen Prince
Cc: Melissa M. Avery
Subject: Special Event - "Phil Cihisky FInish Line" for October 4th

Hello!

Attached is a Special Event Permit for "Phil Cihisky Finish Line" on October 4th, I attached her email to the end of the application that has a little more information. We need to get it on the agenda for the 23rd, so let me know when you've had a chance to review!

Thank you!
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

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Melissa M. Avery

From: David K. Bridges
Sent: Monday, September 16, 2013 2:12 PM
To: Melissa M. Avery
Cc: Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; David Apgar; Stephen H. Burns; Ellen Prince; Melissa M. Avery
Subject: Re: Special Event - "Phil Cihisky Flnish Line" for October 4th

This is in the Village district

Sent from my iPhone. Dave

On Sep 16, 2013, at 11:15 AM, "Melissa M. Avery" <mmavery@yorkmaine.org> wrote:

Hello!

Attached is a Special Event Permit for "Phil Cihisky Finish Line" on October 4th, I attached her email to the end of the application that has a little more information. We need to get it on the agenda for the 23rd, so let me know when you've had a chance to review!

Thank you!

Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

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<Phil Cihisky Finish Line.pdf>

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Melissa M. Avery

From: Ellen Prince [ellenprince@gmail.com]
Sent: Monday, September 16, 2013 11:52 AM
To: Melissa M. Avery
Cc: Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; David Apgar; David K. Bridges; Stephen H. Burns
Subject: Re: Special Event - "Phil Cihisky Flnish Line" for October 4th

This is fine with York Ambulance.

Ellen

On Mon, Sep 16, 2013 at 11:15 AM, Melissa M. Avery <mmavery@yorkmaine.org> wrote:

Hello!

Attached is a Special Event Permit for "Phil Cihisky Finish Line" on October 4th, I attached her email to the end of the application that has a little more information. We need to get it on the agenda for the 23rd, so let me know when you've had a chance to review!

Thank you!

Missy

____ Melissa M. Avery ____

Assistant to the Town Manager

Town of York, Maine

186 York Street, York, ME 03909

Phone: [\(207\) 363-1000](tel:(207)363-1000) | Fax: [\(207\) 363-1019](tel:(207)363-1019)

www.yorkmaine.org

Please consider the environment before printing this email.

Melissa M. Avery

From: Michael J. Sullivan
Sent: Monday, September 16, 2013 11:45 AM
To: Melissa M. Avery; Dean Lessard; Charles J. Szeniawski; David Apgar; David K. Bridges; Stephen H. Burns; Ellen Prince
Subject: RE: Special Event - "Phil Cihisky FInish Line" for October 4th

Follow Up Flag: Follow up
Flag Status: Completed

Parks and Recreation has no problem with this event.

*Michael J. Sullivan, Director
Parks and Recreation*

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

From: Melissa M. Avery
Sent: Monday, September 16, 2013 11:16 AM
To: Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; David Apgar; David K. Bridges; Stephen H. Burns; Ellen Prince
Cc: Melissa M. Avery
Subject: Special Event - "Phil Cihisky FInish Line" for October 4th

Hello!

Attached is a Special Event Permit for "Phil Cihisky Finish Line" on October 4th, I attached her email to the end of the application that has a little more information. We need to get it on the agenda for the 23rd, so let me know when you've had a chance to review!

Thank you!
Missy

____ Melissa M. Avery ____
Assistant to the Town Manager
Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 | Fax: (207) 363-1019
www.yorkmaine.org

Please consider the environment before printing this email.

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Melissa M. Avery

From: Dean Lessard
Sent: Thursday, September 19, 2013 11:04 AM
To: Melissa M. Avery
Cc: Timothy DePerrio
Subject: RE: Special Event - "Phil Cihisky FInish Line" for October 4th

Hi Missy

I have reviewed the attached special event permit and do not anticipate any 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
Online: www.yorkmaine.org

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AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 19, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: September 23, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Special Permit for Catering Privileges Off Premises – Foster’s Clam Bake; October 5, 2013	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery
RECOMMENDATION: Approve the Special Permit for Catering Privileges Off Premises for Foster’s Clam Bake
PROPOSED MOTION: I move to approve the Special Permit for Catering Privileges Off Premises for Foster’s Clam Bake at View Point Hotel, on October 5, 2013.

Discussion:

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melissa M. Avery

Reviewed By: _____

**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 480

Town/ City: York Harbor State: ME Zip Code: 03911

Telephone: 207-363-3255 Fax: 207-363-2213

Title and Purpose of Event: Wedding Reception

Location of Event: View Point

Physical Address: _____

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: 10/5/13 Time - From: 4pm To: 8pm

Number of Persons Attending: 80

Name of Sponsor: Jim Applebee & Lauri MacPhail

Address: 1615 Bering Dr. #1520 Town/City: Houston

State: TX Zip Code: 77057 Telephone Number: 713-256-9465

Michelle Riggie _____
Signature of Licensee or Corporate Officer Date

Michelle Riggie
Print Name of Licensee or Corporate Officer

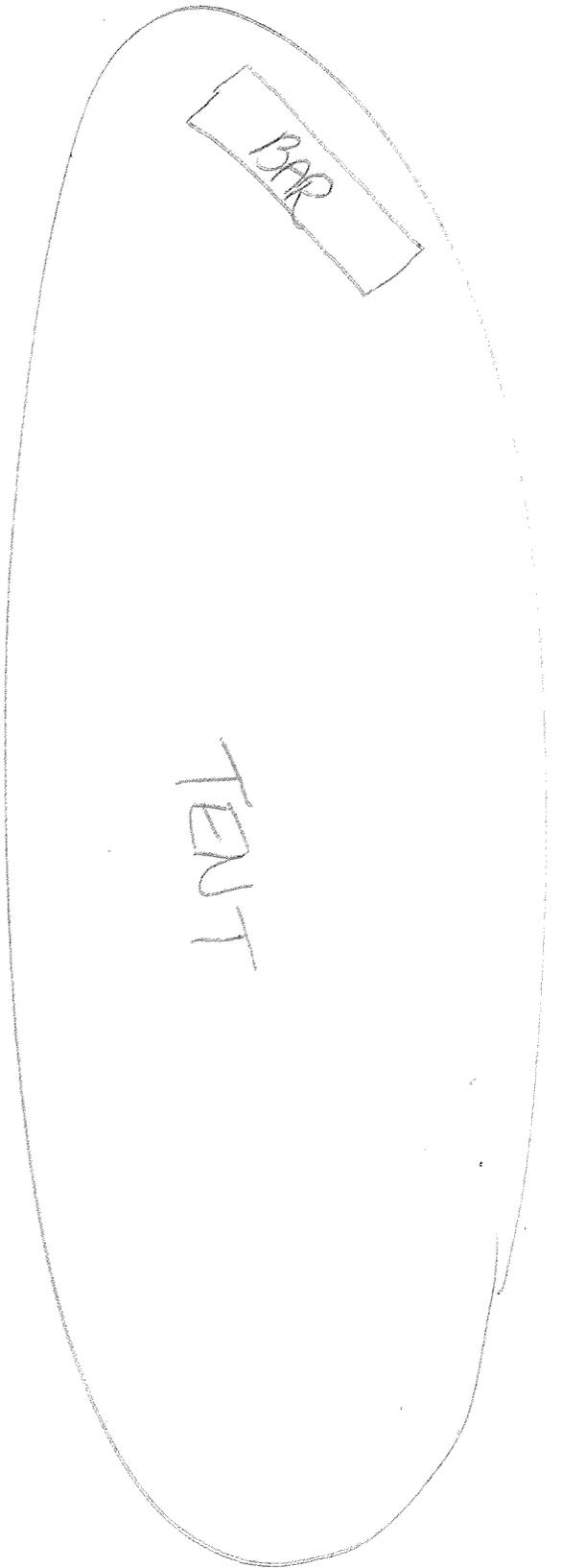
FOR USE ONLY BY DEPT. OF PUBLIC SAFETY - LIQUOR LICENSING

RESTRICTIONS:

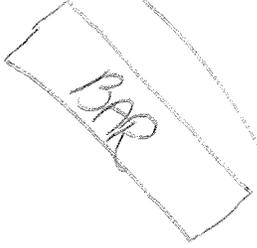
[] **APPROVED - PERMIT #** _____ **DATED:** _____

[] **NOT APPROVED** **ISSUED BY:** _____

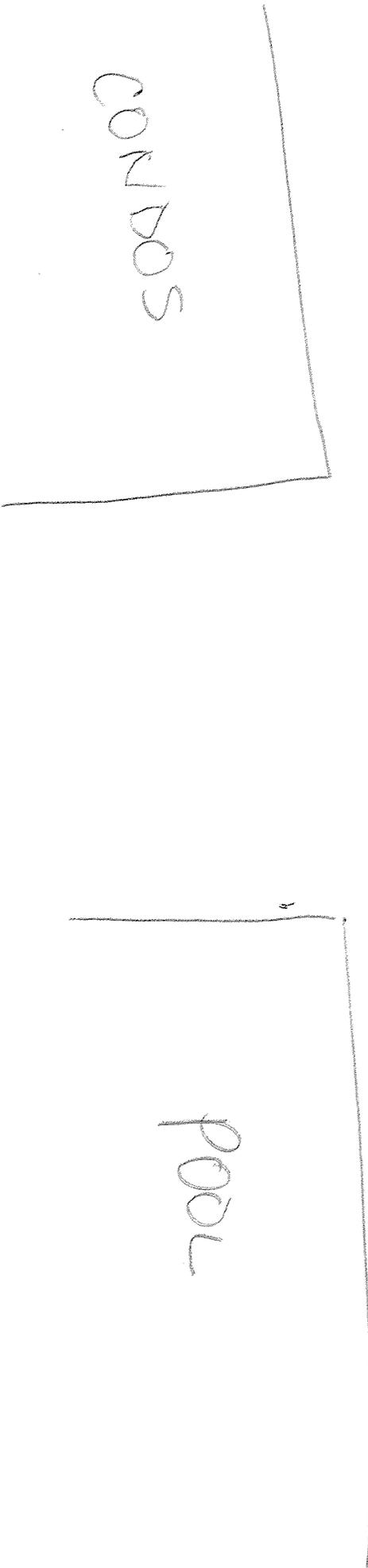
Dean



TENT



BAR



CORRIDOR

POOL