



Town of York

186 York Street
York, Maine 03909-1314

BOARD OF SELECTMEN'S MEETING AGENDA

7:00PM MONDAY, FEBRUARY 24, 2014
YORK LIBRARY

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
(207)363-1003

Finance/
Treasurer
(207)363-1004

Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
(207)363-1005

Police Department
(207)363-1031

Dispatch
(207)363-2557

York Beach Fire
Department
(207)363-1014

York Village Fire
Department
(207)363-1015

Public Works
(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

Call to Order

Opening Ceremonies

A. Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

1. Bid for Washer/Extractor for York Beach Fire Department

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

G. Approval of Warrant #34

H. Public Hearings

1. Proposed Ordinance Amendments to be considered at the May 2014 Special General Referendum:
 1. Allow Additional Uses in the Northern Portion of the Route One-2 Zone
 2. Harbor Ordinance and Zoning Ordinance Amendments
 3. Amend Standards for Commercial Functions on Residential Lots
 4. Alter Membership Requirements for the Board of Design Review
 5. Change the Definition of Leash in the Animal Control Ordinance
 6. Business Licensing Ordinances

7. Massage Therapist Licensing
8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance

I. Endorsements

J. Old Business

K. New Business

1. Discussion and Possible Action on Moving the Proposed Ordinance Amendments to a Second Public Hearing on March 24, 2014:
 1. Allow Additional Uses in the Northern Portion of the Route One-2 Zone
 2. Harbor Ordinance and Zoning Ordinance Amendments
 3. Amend Standards for Commercial Functions on Residential Lots
 4. Alter Membership Requirements for the Board of Design Review
 5. Change the Definition of Leash in the Animal Control Ordinance
 6. Business Licensing Ordinances
 7. Massage Therapist Licensing
 8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance
2. Discussion and Possible Action on Placing the Potential Sale of the Hodgin Parking Lot on the May Referendum and/or Negotiating with the Hodgin Family
3. Discussion and Possible Action on Ownership of Beaches in the Town of York
4. Discussion and Possible Action on Approval of Funding for Third Party Reviewers for Police Station Project
5. Discussion and Possible Action on the Drainage Easement at Short Sands Park and Williams A. Burnham Property
6. Discussion and Possible Action on Release of Bond for Sparhawk Subdivision
7. Property Redemption: 337 Long Sands Road, Unit 16
8. Special Event Permit: Light the Night

L. Other Business

M. Citizens' Forum

Adjourn



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 20, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <u> X </u> Work Session	
Subject: Bid for Washer/Extractor	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION: Award Bid to Harrison Shrader Enterprises
PROPOSED MOTION: I move to award the bid for a washer/extractor for the York Beach Fire Department to Harrison Shrader Enterprises in the amount of \$6,232.50

Discussion: The York beach Fire Department went out to bid for a Milnor 35 pound washer/extractor with base for the cleaning of firefighter gear. Two bids were received. Harrison Shrader Enterprises bid \$6,232.50 and Industrial Protection Services bid \$6,325.00. The YBFD recommends awarding the bid to Harrison Shrader Enterprises.

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

Prepared By: Robert G. Yandow

Reviewed By: _____



Quotation

Harrison Shrader Enterprises

159 Cash Street
 So. Portland, ME 04106
 207-767-2151 Fax: 207-767-2717
www.hsegould.com

Date: 2/19/2014	Submitted By: Willie Burk
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Quotation For York Beach Fire Department
 PO Box 70
 York Beach, Me 03910

CONTACT:	EST. SHIP DATE	SHIP VIA	TERMS
Chief Bridges	30-45days FRO	Direct	Net 30

QUANTITY	DESCRIPTION	UNIT PRICE	EXT. PRICE
1	Milnor Model MWR16X5 35lb. Cabinet Gear Guardian Washer	5,795.00	
	Base for the Washer	437.50	
option	H-M Drain Trough 3'Lx16"Wx12"	445.00	
	w/sump Hole	575.00	
	These options are only if needed.		
	Above prices include estimated freight, delivery(with easy access), set in place, leveling, bolting, grouting(as required), made ready for utility connections by other, start up, and operator training.		
		TOTAL	
SIGNATURE: W. Burk		ABOVE PRICING WILL BE HONORED FOR: 30 days	



INDUSTRIAL PROTECTION SERVICES

P.O. Box 685 • 220 Ballardvale St. • Wilmington, MA 01887
Tel: 978-657-4740 • Fax: 978-658-0257

February 18, 2014

Chief David Bridges
York Beach Fire Dept
18 Railroad Ave
York Beach, ME 03910

Dear Chief,

Thank you for the opportunity to Bid on the Milnor Extractor/Washer, please find below the pricing.

<u>QTY</u>	<u>DESCRIPTION</u>	<u>PRICE/EA</u>
1	Milnor Washer/Extractor 35lb Model MWR16X5	\$5,950.00
1	Base for Milnor Washer/Extractor	<u>\$ 375.00</u>
TOTAL:		\$6,325.00

*******Pricing includes delivery, freight, set in place, leveling bolting to the concrete floor, ready for connection to utilities, start up and operator training.**

Sincerely,

Kevin Murphy
General Manager
Industrial Protection Services



York Beach Fire Department

David K. Bridges
Chief

February 12, 2014

Corey Hathorne
1st Asst. Chief

York Beach Fire Department is seeking bids for a Milnor Model MWR16X5 35 lb washer / extractor with base. York Beach Fire will bring the necessary utilities to the location of the installation. Price shall include freight, delivery, set in place, leveling, bolting to the concrete floor, ready for connection to utilities, start-up and operator training.

Jeff Welch
2nd Asst. Chief

Gary Woods
Treasurer

Any and all bids shall be mailed to Town of York, Town Managers Office 186 York Street, York, Me 03909 or dropped off at same. The envelope shall be clearly marked " Bid for York Beach Fire – Extractor " All bids must be in the Town Managers office by 2:00 on Wednesday Feb 19, 2014. Bids will be opened at that time and awarded Feb 24, 2014 at the Selectmen's meeting.

MAILING ADDRESS:
18 Railroad Ave.
P.O. Box 70
York Beach, ME 03910

EMERGENCY #:
911

Thank you for taking the time to bid.

Sincerely;

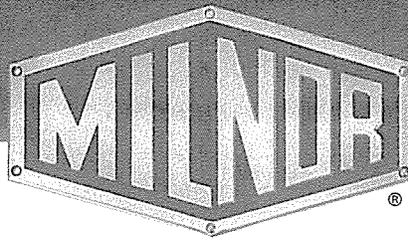
BUSINESS PHONE:
207-363-1014

David K Bridges
Chief, York Beach Fire Department

FAX:
207-363-1049

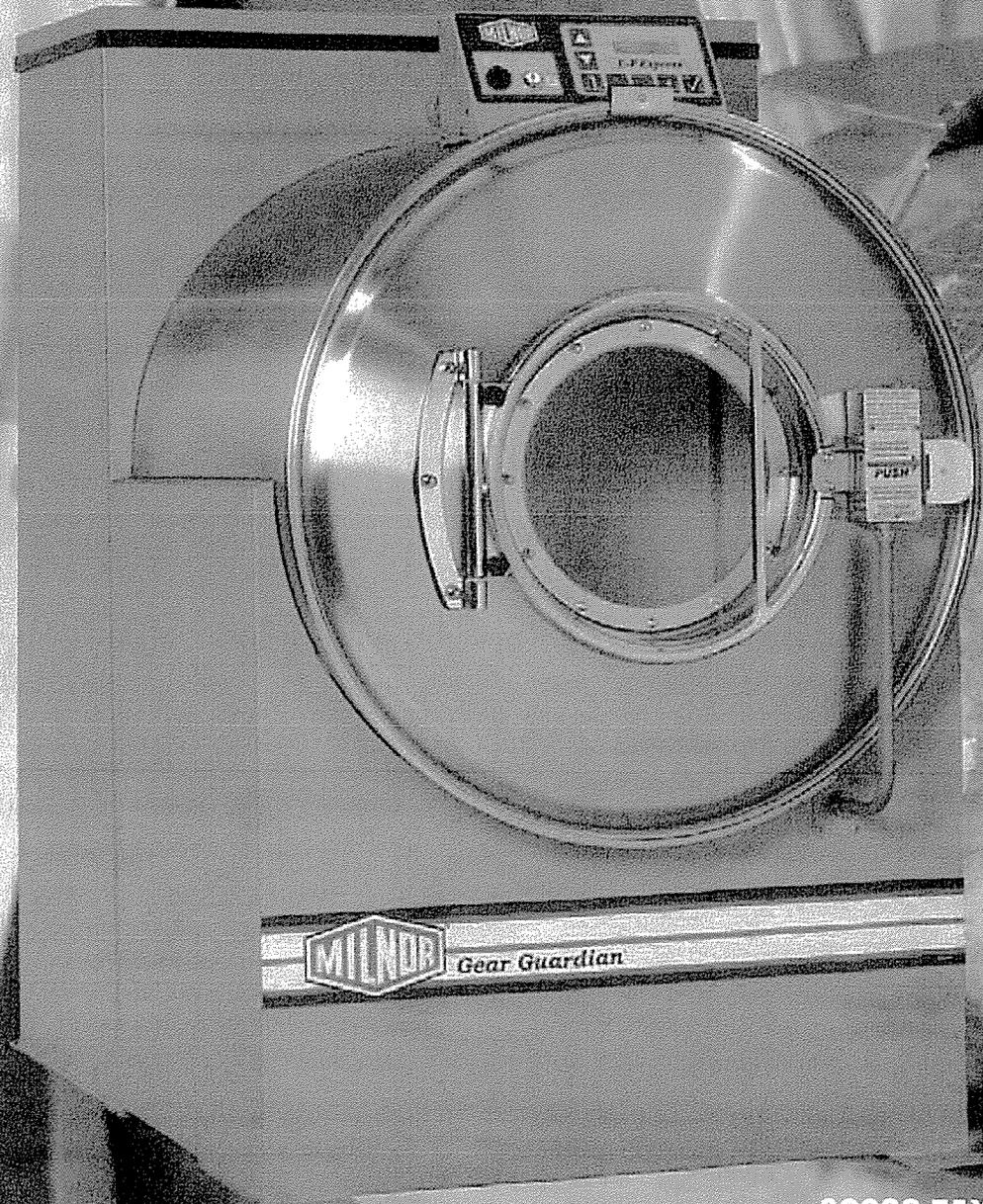
E-MAIL:
ybfire@yorkmaine.org

SENT TO WILLIE
KEVIN
GARY



GEAR GUARDIAN® WASHER-EXTRACTORS

FOR PROPER PROCESSING OF FIREFIGHTER GEAR



30022 T5X

Helps protect Firefighters' health and safety • Saves on cleaning costs • Can prolong gear's life

PROTECT FIREFIGHTER GEAR WITH GEAR GUARDIAN® WASHER-EXTRACTORS

Created specifically for firefighter gear

Gear Guardian washer-extractors have 30 different programmable wash formulas, including 10 pre-programmed strictly for decontaminating firefighter gear (all 10 can be re-programmed). User-friendly microprocessor controls prompt you through each programming step and prevent errors. And, all Gear Guardian washer-extractors comply with NFPA 1851 standards in maintenance and care of protective gear.

Pre-programmed wash formulas get you started quickly:

- | | |
|---------------------------------|-------------------------|
| 1. Light soil turnouts | 6. Brush gear |
| 2. Heavy soil turnouts/gloves | 7. Hoods/suspenders |
| 3. Light soil moisture barriers | 8. Truck towels |
| 4. Heavy soil moisture barriers | 9. Stationwear |
| 5. Oil-contaminated gear | 10. Sheets/pillow cases |

Easy Operation

Anyone can operate a MILNOR Gear Guardian washer-extractor. Formula choices are clear. Just pick the right formula and press the start button. Then full automation takes over. The machine also keeps you informed by displaying information, including what function is underway and how much formula time remains. Any trouble with the machine? Check troubleshooting messages to minimize downtime. Control protects turnouts by not allowing gear to tumble during fill. And automatic supply injection means no attention is needed while the machine is washing.

Roomy wash cylinders

Firefighting gear is bulky, so the spacious Gear Guardian cylinder is essential for a fast, commercial-quality wash. Big ribs lift and drop gear to help remove heavy soil. The large cylinder cuts processing time and you can launder more gear per load.

Speeds processing

Heavily-soiled firefighting gear needs effective rinsing. Intermediate extractions "sling" water and chemicals from gear prior to the next rinse. So, gear gets cleaner faster! Gear Guardian washer-extractors have the unique ability to allow as many intermediate extractions as you need, since they use continuous duty (rather than intermittent duty) motors. Low extract speeds are used with MILNOR Gear Guardian machines to better protect turnout gear. High spin cycles can damage these valuable goods.

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B22SL91032/13123

Helps avoid vibration

A special load distribution speed – before extraction – prevents bulky gear from creating an imbalance inside the cylinder. This helps avoid vibration during the extraction. Besides saving time (since you don't have to stop the machine to manually correct the load), less vibration means longer machine life.

Distribution speed also protects gear by preventing tumbling action while water is draining from the cylinder.

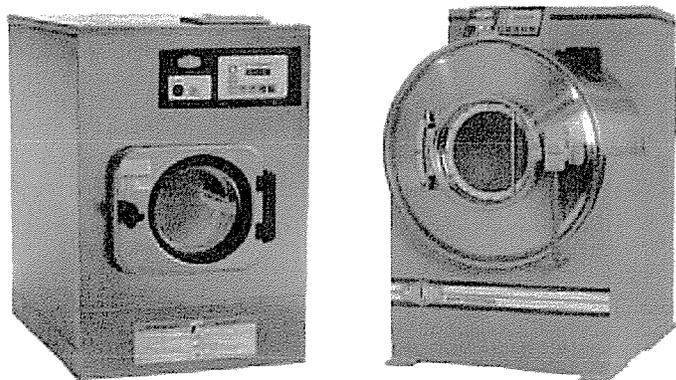
Rugged Construction

Bulky, heavy turnouts can be rough on a machine – but not a Gear Guardian washer-extractor. It's built for long service under tough conditions – by the most respected name in commercial laundry machinery.

Features include continuous (rather than spot) welding, large tapered roller bearings, with a triple shaft seal to shield bearings from water on most models, heavy gauge console materials, and heavy-duty motors.

A choice in sizes

Gear Guardian washer-extractors are available from 35 lb. to 100 lb. capacities. The size you choose depends on the amount of gear you need to process within a given timeframe.



35 lb. model

60 lb. model

Budget models, too! If you're on a tight budget, T-series machines and cabinet models are available with lower extraction rates.



PELLERIN MILNOR CORPORATION
P.O. BOX 400 - Kenner, LA 70063
504/467-9591
Fax: 504/468-3094
Email: milnorinfo@milnor.com
www.milnor.com

Machine model	MWR16X5	30015 T5X & V7J	MWR18X4	30022 T5X	30022 VRJ	36021 V5Z	36026 V5Z
Maximum capacity – lbs.*	35	40	45	60	60	80	100
Cylinder diameter x depth – ins.	23 x 18	30 x 15	28 x 18	30 x 22	30 x 22	36 x 21	36 x 26
Gross cylinder volume – cu.ft.	4.3	6.14	6.4	9	9	12.37	15.3
Overall width x depth x height – ins.	29 x 42 x 42.38	34.5 x 45.75 x 54	34.45 x 47.63 x 52.63	34.5 x 52.25 x 54	34.5 x 56.5 x 58.68	47.88 x 53 x 67	47.88 x 58 x 67
Approx.net weight – lbs.	495	740 & 844	760	895	1056	1240	1310
No of sets of gear.*	1 to 2	2 to 3	3	4 to 5	4 to 5	6 to 7	8 to 9

*Depending on density and soil content of goods. For complete technical information, please request bid specifications. Specifications and appearance subject to change without notice.



**Notice of Public Hearing
Board of Selectmen
Monday, February 24, 2014
7:00 PM
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed ordinance amendments to be considered at a May 2014 Special General Referendum, as follows:

1. Allow Additional Uses in the Northern Portion of the Route One-2 Zone
2. Harbor Ordinance and Zoning Ordinance Amendments
3. Amend Standards for Commercial Functions on Residential Lots
4. Alter Membership Requirements for the Board of Design Review
5. Change the Definition of Leash in the Animal Control Ordinance
6. Business Licensing Ordinances
7. Massage Therapist Licensing
8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance

Printed copies of the text of these amendments (draft document dated February 3, 2014) are available at Town Clerk's office in Town Hall, and digital copies are available on the Town's Web page (www.yorkmaine.org).



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 21, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Moving Proposed Ordinance Amendments to a Second Public Hearing	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the moving of the proposed ordinance amendments to a second Public Hearing on March 24, 2014.
PROPOSED MOTION: I move to approve moving the proposed ordinance amendments to a second Public Hearing on March, 24, 2014.

Discussion: Please see attached documents regarding the proposed amendments.

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

Prepared By: Melina M Avery

Reviewed By: Robert B. Gansow

Memorandum

To: Steve Burns
From: Mary Costigan
Date: February 20, 2014
Re: Proposed Ordinance Amendments

I have reviewed the draft ordinance amendments and have the following comments and questions.

Amendment # 1, Allow Additional Uses in the Northern Portion of the Route One-2 Zone

- I just have a few stylistic edits red-lined in the attached.

Amendment # 2, Harbor Ordinance and Zoning Ordinance Amendments

- As you confirmed with Jay Clement of the Army Corps, the Town cannot give preference to residents over non-residents within the Federal Navigation Project.
- If there are mooring areas that are not located within a FNP, preference can be given to residents.
- In the event that there are such areas outside a FNP, I would suggest adding language regarding the preference within the mooring section of the ordinance and not by amending the definition of Commercial Fisherman. That term is used elsewhere in the ordinance and it is likely that you would want it to apply to all commercial fisherman and not just resident commercial fishermen.
- I would also recommend changing the descriptive language for the amendment. The purpose is described as limiting preferential treatment of non-residents. A more accurate description is to create preferential treatment for resident commercial fishermen.

Amendment #3, Amend Standards for Commercial Functions on Residential Lots

- I just have a stylistic edit red-lined in the attached.

Amendment # 4, Alter Membership Requirements for the Board of Design Review

- I just have a few stylistic edits red-lined in the attached.

Amendment #5, Change Definition of Leash in the Animal Control Ordinance

- I have no comments

Amendment #6, Business Licensing Ordinance

- Please see the red-lined edits in the attached.
- Note the edit in section 3.9.2 – you mention a written citation, but then mention a notice of violation and order for corrective action. I have changed it to Notice of Violation, as that appears consistent with other town practice relating to ordinance violations.
- I have not reviewed the existing licensing ordinances to check whether all provisions have been carried over. If you would like me to conduct that review, please let me know.

Amendment #7, Massage Therapist Licensing

- Please see the red-lined edits in the attached.
- You had indicated that the intention of the ordinance is to regulate individuals, not businesses. However, you have some provisions regarding businesses within this ordinance, which regards only a massage therapist license, not a massage therapy establishment ordinance. I have therefore recommended deletion of regulations regarding establishments within this draft. If you would like to regulate the establishments also, I would recommend creating a licensing requirement for establishments. Portland's ordinance is a good example of licensing both the establishment and individual.

Amendment #8, Repeal the Property Tax Relief for Low Income Circuit Breaker Program

- I have no comments

Proposed Amendments

to be considered at the

May 2014 Special General Referendum

Amendments

1. Allow Additional Uses in the Northern Portion of the Route One-2 Zone
2. Harbor Ordinance and Zoning Ordinance Amendments
3. Amend Standards for Commercial Functions on Residential Lots
4. Alter Membership Requirements for the Board of Design Review
5. Change the Definition of Leash in the Animal Control Ordinance
6. Business Licensing Ordinances
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8. Repeal the Property Tax Relief for Low Income Circuit Breaker Program Ordinance

Amendment #1
*Allow Additional Uses in the Northern Portion of the
Route One-2 Zone*

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to allow the uses of car repair, autobody shops, indoor car sales, indoor recreation vehicle sales, indoor boat repairs and sales, and manufacturing as permitted in the Route One-2 zone north of Spur Road, specifically amending: Article 4, Use Regulations.

Statement of Fact: Passage of this amendment would allow 6 new uses in the Route One-2 zoning district north of Fieldstone Estates Road and south of Rogers Road. These uses include: 1) 5,000 square feet or less for Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing; 2) Vehicle Service Stations/Auto Repair Garages; 3) Auto Body Repair Shops; 4) indoor-only Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles and Mopeds; 5) indoor-only Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobiles; 6) and indoor-only Place for Repair, Sale, Rental or Storage of Pleasure Boats. Performance standards are established for ~~e-T~~ this amendment ~~is~~ are consistent with Town Goal 3.3 of the Comprehensive Plan, to create conditions conducive to small-scale, local business start-up, success and growth.

Recommendations:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment: Amend the language of Zoning Ordinance §4.1.4, controlling permitted uses in the Route One-2 zone, as follows:

Industrial Use Category (RT 1-2)

- *Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and with less than 5,000 square feet of floor space. Route One Use Permit from Planning Board required.*
- EXPRESSLY PROHIBITED: Printing, Binding, Publishing and Related Arts and Trades; ~~Machine Shop, Assembly, Packaging, Wood Fabrication, or Manufacturing~~; Warehouse or Distribution Facilities; Wholesale Business and Storage in a Roofed Structure; Self-Storage Facilities; Waste Transfer Facility, Commercial; Waste Processing or Disposal Facilities, Commercial; Bulk Fuel Storage; Truck Terminals.

Vehicular Use Category (RT 1-2)

- Vehicle Service Stations, Auto Repair Garages – Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road. Route One Use Permit from Planning Board required.
- Auto Body Repair Shops - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road. Route One Use Permit from Planning Board required.
- Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds – Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and limited such that all vehicles are displayed and stored indoors only. Route One Use Permit from Planning Board required.
- Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobiles – Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and limited such that all such products are displayed and stored indoors only. Route One Use Permit from Planning Board required.
- Place for Repair, Sale, Rental or Storage of Pleasure Boats - Allowed only in that portion of the zone that is northerly of Fieldstone Estates Road and Southerly of Rogers Road, and limited such that all boats are displayed, repaired, and stored indoors only. Route One Use Permit from Planning Board required.
- EXPRESSLY PROHIBITED: ~~Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially on Open Lots; Sale of Pickup Coaches/Campers, Tent Trailers and Similar Equipment Including Snowmobile; Place for Repair, Sale, Rental or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.~~

Amendment #2
Harbor Ordinance and Zoning Ordinance Amendments

Please see my general comments in my memo regarding recommended changes to this amendment.

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

Article X

The Town hereby ordains amendment of the **Harbor Ordinance** and the **Zoning Ordinance** to limit preferential treatment of non-residents, to alter control of personal watercraft, and to clarify measurement standards for new dock applications.

Statement of Fact: The Harbor Board requested these amendments to address 3 concerns. First, the amendment will improve availability of moorings for York residents who rely on the working waterfront for their livelihood as commercial fishermen. Second, the amendment alters the control of personal watercraft to account for the larger personal watercraft now being manufactured. Third, the amendment clarifies the manner in which measurements are taken for the permitting of new docks on the York River.

Recommendations:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment:

Amend the definition of Commercial Fisherman in the Harbor Ordinance, Section 1, Definitions, to eliminate preferential treatment of non-residents and those who don't make a living from fishing, as follows:

COMMERCIAL FISHERMAN: *A resident of the Town of York, fisherman who is licensed by the State of Maine and/or other applicable entities to engage in commercial fishing, who owns her or his own commercial fishing boat and equipment, and whose livelihood is sustained by earned income, at least 70% of which is derived from commercial fishing. Because of York's proud history of fishing, the Harbor Board gives preferences to commercial fisherman as defined herein in the administration of this Ordinance.*

Amend the definition of Personal Watercraft in the Harbor Ordinance, Section 1, Definitions, as follows:

PERSONAL WATERCRAFT: *Any motorized vessel utilized primarily for recreational purposes that is less than 13 feet in hull length as manufactured, is*

capable of exceeding 20 miles per hour, ~~and has the capacity to carry not more than the operator and one other person while in operation.~~ *This term applies only to a vessel that uses an inboard motor powering a jet pump as the vessel's primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting, standing or kneeling inside the vessel.* The term includes, but is not limited to, a Jet Ski, *Wave Rider*, wet bike, surf jet, miniature speedboat, and hovercraft. Personal watercraft also includes any motorized watercraft whose operation is controlled by a water skier. This term does not include dinghies, skiffs, tenders, canoes, kayaks and other like vessels, used primarily for transporting persons and goods at speeds of less than five miles per hour.

Amend the language of Zoning §8.3.6.9.c, standards for new docks on the York River, as follows:

- c. Wharves, piers, and docks will be permitted on the York River, west (upstream) of Sewall's Bridge, only in areas where the low water channel is 50 feet or less from the high water mark. Wharves, piers, and docks will be permitted on the York River, east (downstream) of Sewall's Bridge, only in areas where the low water channel is 84 feet or less from the high water mark. No wharves, piers or docks will be permitted in the Barrells Mill Pond. All measurements shall be made perpendicular to the ~~normal~~ high water mark of the natural shoreline *at the location of the proposed structure*. No measurements may be made from any man-made structure.

Amendment #3

Amend Standards for Commercial Functions on Residential Lots

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to change the standards that limit commercial functions at residential properties, specifically amending: Article 7, Special Provisions.

Statement of Fact: Passage of this amendment would change 2 performance standards. First, it would increase the number of commercial functions that could be permitted at an approved residential property from 10 to 12 per calendar year. Second, it would alter the limit of not more than 3 functions per 30-day period to not more than 3 per calendar month.

Recommendations:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment: Amend the language of Zoning Ordinance §7.16 as follows:

7.16 Commercial Functions on Residential Lots Accessory to Residential Use

Owners of parcels can host up to ~~12~~ ⁴⁹ commercial functions per *calendar* year on their property provided they obtain a use permit from the Code Enforcement Office and meet all of the following criteria:

1. No more than 250 people present at the function.
2. Lot size is at least 5 acres.
3. Lot has 1 parking spot for every 3 people attending the function, or there is satellite parking and a shuttle service. (To be determined by the Police Department)
4. *Provide either portable toilets, or other toilet facilities if connected to public sewer. Provide at least 1 toilet per 100 people (or fraction thereof) attending. There are adequate temporary or permanent wastewater facilities on site.*
5. Function activities are at least 200 feet from the nearest abutter's dwelling.
6. Noise Ordinance is adhered to.
7. Obtain a Special Event Permit from the Board of Selectmen.
8. There shall be no more than 3 functions in any ~~30-day period~~ *calendar month*.

9. All activities must end prior to 11pm.
10. All other applicable ordinances are adhered to.

Amendment #4

Alter Membership Requirements for the Board of Design Review

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to help change the membership requirements, appointment standards, officer selection and operating requirements for the Board of Design Review, specifically amending: Article 18, Administration.

Statement of Fact: Passage of this amendment makes ~~3~~-three primary changes. First, it removes technical qualifications required for residents to be appointed to this Board. Second, it brings the process for appointing members into line with the process used for other boards and commissions. Third, it changes the process of selecting officers so that it will be consistent with Robert's Rules of Order. Passage of the amendment also clarifies that by-laws adopted by this Board must be consistent with Robert's Rules of Order.

Recommendations:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment: Amend the language which establishes and empowers the Board of Design Review, as follows:

18.9.2 Board of Design Review

There is hereby established a Board of Design Review whose members, term, officers, and manner of transacting business shall be as follows:

- 18.9.2.1 ~~Members;—Qualifications.~~ The Board shall consist of five members, *each of whom shall be a resident of the Town of York.* as follows: ~~one member of the Planning Board; one individual specially qualified by reason of education, training or experience in the financing of real property; one individual actively engaged in business, commerce or industry; one individual who shall be an architect, landscape architect or specially qualified by reason of training, education or experience in the area of graphic or allied arts; and one member of the community at large.~~
- 18.9.2.2 ~~Appointment; Term.~~ The members of the Board shall be appointed by the Board of Selectmen *for 3-year terms, maintaining a staggered rotation such that only one or two appointments expire each year. The Board shall appoint a qualified person to fill the vacancy for the remainder of any unexpired term. Whenever possible, the Selectmen shall appoint individuals who are either*

~~property owners, residents, or actively engaged in business or employment in the Town. Of the members first appointed, two members shall be appointed for a term of two years or until successors are appointed. Terms of office shall commence on the first day of the calendar year, except that the terms of office for members first appointed under this ordinance shall commence on the date of their appointment.~~

- 18.9.2.3 Vacancies; Removal. Any vacancy shall be filled for the remainder of the unexpired term as original appointments are herein provided. The Board of Selectmen may remove any member of the Board, after hearing, for misconduct or non-performance of duty.
- 18.9.2.4 Officers. ~~The Planning Board member shall serve as chairman. The Chairman shall be counted to determine a quorum and shall have the same rights as other members of the Board, including the right to vote. The Chairman shall annually appoint a vice-chairman and secretary. The Board shall elect a Chair, Vice-Chair and Secretary annually at the first meeting on or after each July 1st.~~ During the absence, disability or disqualification of the chairman and vice-chairman, the remaining members shall select an acting chairman.
- 18.9.2.5 Quorum; Voting. A quorum shall consist of three members. The Concurrence of a majority of the members of the Board present and voting shall be necessary to determine any questions before the Board.
- 18.9.2.6 Meeting Records. The Board shall hold one regular meeting each month. However, a meeting need not be held if there are no drawings or plans submitted for review by the Board. The deliberations and proceedings of the Board shall be public records. The Board shall keep minutes of its proceedings and such minutes shall be public records.
- 18.9.2.7 Rules. The Board may adopt and amend *by-laws* ~~rules~~ to govern the conduct of its business consistent with *Robert's Rules of Order* and the provisions of this ordinance.

Amendment #5

Change the Definition of Leash in the Animal Control Ordinance

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

Article X

The Town hereby ordains amendment of the **Animal Control Ordinance** to alter the definition of “leash”, specifically amending: Section 2, Definitions.

Statement of Fact: The purpose of this amendment is to limit dog leashes to physical restraints only. Currently electronic leashes are included in the definition of “leash.” The York Police Department has requested that the electronic leash option be removed.

Recommendations:

Recommended by the Board of Selectmen:

Amendment: Amend the definition of “leash” in Section Two, Definitions, as follows:

12. **LEASH:** a hand held device (lead, chain, *or* cord ~~or electronic control~~) which can be used to restrain a dog if the dog fails to respond to voice commands. In cases where a leash is required by law, ordinance or by order of a law enforcement officer, the owner or responsible party will be required to use a leash of 15 foot or less.

Amendment #6 *Business Licensing Ordinances*

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

Article X

The Town hereby ordains to adopt a new ordinance entitled, **Business Licensing Ordinance**, and concurrently repeals in their entirety the following ordinances: **Town of York Licensing Ordinance; Bed & Breakfast Licensing Procedure; Licensing Hotels/Motels with Accommodations with Cooking Facilities Ordinance; Flea Market Ordinance; and Transient Seller Ordinance.**

Statement of Fact: The purpose of this amendment is to consolidate all licensing ordinances and policies into a single code, and to ensure consistency with State law. If adopted the new Ordinance will make it easier for businesses to find information about licensing procedures and requirements, easier for the public to understand the system, and easier for Town officials to administer. A significant component of this amendment is establishment of a single application process for all types of license applications – one that is clearly written, fair to applicants and the public, and easy to follow. Another significant component of this amendment is grouping of information and standards for each type of license into a single place. This should prove very helpful as the State laws relating to business licensing are scattered throughout many different areas of law.

Recommendations:

Recommended by the Board of Selectmen:

Amendment: Repeal in their entirety the following licenses, copies of which are available in the Town Clerk's office in Town Hall:

- Licensing Ordinance;
- Bed & Breakfast Licensing Procedure;
- Licensing Procedure for Hotels/Motels With Rental Accommodations with Cooking Facilities;
- Flea Market Ordinance; and
- Transient Sellers Ordinance.

Enact a new Business Licensing Ordinance, as attached. Draft dated January 24, 2014.

Amendment #7 *Massage Therapist Licensing*

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

Article X

The Town hereby ordains amendment of the **Business Licensing Ordinance** to establish new requirements for the licensing of people practicing massage therapy and establishments where this health-related service is performed, specifically amending: Article 4, Standards. For this amendment to take effect, both this Article and the newly proposed Licensing Ordinance of Article __ must be enacted by the voters.

Statement of Fact: The purpose of this amendment is establish new licensing requirements to establish basic controls over the practice of massage as a commercial activity, and to prevent people from using massage therapy as a disguise for prostitution and other illicit activities.

Recommendations:

Recommended by the Board of Selectmen:

Amendment: Amend the language of §1.2, adding Massage Therapist License to the list of licenses categorized as Miscellaneous, as follows:

Miscellaneous

- Transient Sellers (see §4.2.10)
- Flea Market (see §4.2.11)
- Junkyard, Automobile Graveyard, and Automobile Recycling Business (see §4.2.12)
- *Massage Therapist (see §4.2.13)*

Amend the language of §4.2, License-Specific Standards and Requirements, adding a new section for Massage Therapist License, as follows:

4.2.13 Massage Therapist License

- A. *Purpose. The Town of York recognizes that the legitimate practice of massage therapy by trained and experienced massage therapists is a valuable component of our health care system. The Town also recognizes that persons without legitimate massage training or experience may masquerade as massage therapists as a cover for prostitution. It is the purpose of this ordinance to clearly distinguish between these persons and to promote the public*

health, safety and general welfare by acknowledging and permitting only legitimate massage therapy.

B. Definitions. The following shall apply within §4.2.13:

Client. Any person who receives a massage.

Disqualifying Criminal Conviction. Conviction of a crime now classified as a Class A, B or C crime, a crime involving moral turpitude, or a crime violating gambling, drug and/or liquor laws of the United States or any state therein.

Massage. Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of the external parts of the human body with the hands or other parts of the body, with or without the aid of any instrument or device. For purposes of regulatory control pursuant to this Ordinance, there are two categories of "massage": Massage Therapy (as defined below) or other.

Massage Therapy. A scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact as defined in Title 17-A MRS-M.R.S. §251(1)(D). [Reference: Title 32 MRS M.R.S. §14301(4)]

Massage Therapy Establishment. A place of business where clients go to receive a massage.

Massage Therapist. A person who provides or offers to provide massage therapy for a fee, monetary or otherwise. [Reference: Title 32 MRS-M.R.S. §14301(3)]

Minor. Any person under the age of 18 years old.

Person. An individual, partnership, corporation or other entity.

Recognized School. Any school or learning institution approved or accredited by the American Massage Therapy Association/Commission on Massage Training Accreditation/Approved (AMTA/COMTAA), Associated Bodywork & Massage Professionals/International Massage & Somatic Therapies Accreditation Council (ABMP/IMSTAC), or a school or institution requiring training equivalent to or surpassing an AMTA/COMTAA-approved or ABMP/IMSTAC-approved school, which offers a course of training in the theory, method, profession and work of massage therapy consisting of five hundred (500) hours or more, the completion of which renders a student eligible for membership in the AMTA or ABMP. Schools which cannot be verified shall not be deemed a recognized school. The burden of proving that a school meets or surpasses the educational and training requirements of an AMTA/COMTAA-approved or ABMP/IMSTAC-approved school shall be on the applicant.

C. Prohibition.

1. No person shall provide or offer to provide a massage for a fee, monetary or otherwise, unless licensed as a massage therapist or specifically exempted by this Ordinance.
2. No business shall allow anyone to provide a massage for a fee, monetary or otherwise, unless that person is licensed or exempted by this Ordinance.

D. Additional Information Required With Application. Along with all other submittal requirements, the applicant for a Massage Therapist License shall provide a release authorized by Title 16 ~~MRS~~ M.R.S. §620(6) (Criminal History Record Information Act) for the applicant, and where applicable for each person with any ownership interest or management responsibility in the company through which the license applicant is providing massage therapy services unless this is a sole proprietorship.

E. Standards. Compliance with the following shall be required.

1. License Required. Any person that performs or offers to perform a massage for a fee, monetary or otherwise, within the Town of York shall be required to possess a valid Massage Therapist License, except as provided in subsection "2" below.
2. Exemptions. The following shall not require a Massage Therapist License in the conduct of their work:
 - Physicians;
 - Physician's assistants;
 - Nurse Practitioners;
 - Surgeons;
 - Osteopaths;
 - Nurses;

- Chiropractors;
 - Physical therapists;
 - Members of the American Massage Therapy Association or the Associated Bodywork and Massage Professionals;
 - Barbers, cosmetologists, beauticians and other health and hygiene professionals; and
 - Students enrolled in a recognized school who are required to give massages as part of their training.
3. State License. A copy of the Maine-issued state license for massage therapy shall be provided to the Town at the time of an application for a new license or for license renewal.
 4. Basic Proficiency. The applicant must show proof of basic proficiency in the field of massage therapy by providing; evidence of satisfactory completion of required coursework and training (diploma or graduation certificate) from a recognized school; or a statement from a physician, nurse, osteopath, chiropractor, physical therapist, or member of the AMTA or ABMP stating that person refers clients to the applicant for massage therapy.
 5. Place of Business. The following shall apply to the place of business:

- a. ~~Zoning Permit or Approval.~~ If the services of a massage therapist are to be offered at a fixed business location, this establishment must have a permit or approval for the massage therapy use. This may be a principal or accessory use, or a home occupation. This must be verified by the Code Enforcement Officer prior to initial approval or location-related amendment for any massage therapist license.
- b. ~~Licenses on Display.~~ In addition to the general license-posting requirements of this Ordinance, the Maine-issued state license for each massage therapist employed by the establishment shall also be posted along with a current photograph which clearly shows the face of the license holder.
- c. ~~Maintenance and Cleaning.~~ The establishment shall at all times be kept in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.
- d. ~~Hours of Operation.~~ Massage therapy establishments shall not be open for massage purposes earlier than 7:00 AM nor later than 10:00 PM.

Comment [A1]: Regulations regarding the establishment are out of place in an ordinance regarding the licensing of the individual.

Formatted: Justified

~~e. Supervision. At all times when open for business, one or more people with a massage therapist license shall be on premises to supervise the operation of the establishment, and to assure that no violations of this Ordinance occur.~~

~~f. List of Employees. The massage therapy establishment shall keep a written list of the names and current addresses of all people employed at the establishment, whether on duty or off duty. Such list shall be shown to a York Police Officer upon demand.~~

6. Age Restrictions. No massage shall be practiced on a minor without the written consent of the minor's parent or guardian.

7. Massage Tables. All massages shall be administered on a massage table, treatment table, treatment mat, or treatment chair.

8. Prohibited Activities.

a. No massage therapist shall administer, offer to administer, or agree to administer a massage to a client whose genitals are exposed.

b. No massage therapist shall administer, offer to administer, or agree to administer a massage to the genitals or anus of a client.

c. No massage therapist shall administer, offer to administer, or agree to administer a massage unless he or she is fully clothed with nontransparent clothing of the type customarily worn by massage therapists while administering a massage.

d. No massage therapist shall allow a client to expose or touch his or her genitals while receiving a massage.

F. Grounds for Denial, Suspension or Revocation of a License.

1. Standards for Denial of License. A license under this Ordinance shall be denied if any one or more of the following apply:

a. The applicant is a minor.

b. The applicant has been given a disqualifying criminal conviction at any time during the 5 years immediately preceding the application.

c. The applicant performs massage therapy work as an employee of a business other than a sole proprietorship if and:

1. ~~a the corporation that is not registered to do business in Maine;~~
 2. ~~a corporation of which any principal officer thereof of the corporation or any person having an actual ownership interest or management authority therein has been given a disqualifying criminal conviction at any time during the 5 years immediately preceding the application; or~~
 3. ~~an applicant, other than a corporation, if such applicant or any person having an actual ownership interest or management authority therein has been given a disqualifying criminal conviction at any time during the 5 years immediately preceding the application.~~
- d. ~~The applicant submits an incomplete application, knowing makes an incorrect statement of a material nature, or fails to supply additional information required by the Board of Selectmen as would be reasonably necessary to determine whether the license is issuable~~ applicant has met the licensing requirements.
 - e. ~~The applicant, or any person with an ownership interest or management authority of the business which employs that person~~ the applicant, has been denied a license for knowingly making an incorrect statement of a material nature within the 5 years immediately preceding the application.
 - f. ~~The applicant, or any person with an ownership interest or management authority of the business which employs that person~~ the applicant, has had a license granted pursuant to this Ordinance revoked within the 5 years immediately preceding the application.
2. Grounds for Suspension or Revocation of License. In addition to other grounds, a license may be revoked or suspended if any of the following apply:
 - a. The holder of the license fails to notify the Board of Selectmen of any substantive change in eligibility to possess the license;
 - b. The holder of the license violates any provision of this Ordinance;
 - c. ~~The establishment where massage therapy is offered is found to also facilitate prohibited activities such as unlicensed massage and or any violation of Title 17-A MRS §851— §855 (Prostitution and Public Indecency).~~

Comment [A2]: Difficult to enforce violations of the establishment onto the individual.

H. Inspections Required. York Police Department shall inspect prior to license issuance, renewal or amendment.

- I. Related Laws. Title 32 §14301-§14311, Massage Therapists. Title 17-A §851 - §855, Prostitution and Public Indecency.
- I. Statutory Authority. Title 32 ~~MRS~~M.R.S.§14310.
- J. Enforcement Authority. York Police Department.

Amendment #8
*Repeal the Property Tax Relief for Low Income Circuit Breaker
Program Ordinance*

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

Article X

The Town hereby repeals the **Property Tax Relief for Low Income Circuit Breaker Program Ordinance** in its entirety.

Statement of Fact: This Ordinance is proposed to be repealed in its entirety because the State has repealed the enabling legislation. There is no legal basis to continue to utilize this Ordinance.

Recommendations:

Recommended by the Board of Selectmen:

Amendment: Delete this Ordinance in its entirety, as follows:

~~**Property Tax Relief for Low Income Circuit Breaker Program**~~

~~**1. Purpose**~~

~~The purpose of this Ordinance is to provide relief to those taxpayers and renters resident in the Town of York who are of low or modest income and whose property tax costs constitute a significant portion of their total income.~~

~~**2. Program Description**~~

~~Under this program, the Town of York will provide supplemental benefit to individuals who qualify as York residents and beneficiaries of the Maine Residents Property Tax Program established by Chapter 907 of Title 36, M.R.S.A. (the "State Program"). York residents who qualify for and receive payment under that program may present proof of such payment by the State of Maine to the Town Clerk or designee and shall automatically qualify for a supplemental benefit from the Town of York. The amount of the supplemental benefit shall be a percentage of the State payment, subject to any pro-ratio requirements as described in Section 6 of this ordinance.~~

~~**3. Qualified Persons**~~

~~Any York resident who qualifies under the State Program and pays property taxes to the Town of York or rent for the rental of property in the Town of York shall be eligible for the benefit described herein, provided, however, that no homeowner shall be eligible for such benefit on a home assessed at a value higher than the average assessed value of all homes sold~~

~~in the Town of York during the prior year. An owner of multiple York properties shall not be eligible if the aggregate value of those properties exceeds the average assessed value of a home sold in York during the previous year, ending March 31.~~

4. ~~Eligible Amounts~~

~~York taxpayers and renters who are paid by the State under the provisions of 36 MRSA Section 6207 (regular program) shall be eligible for a benefit of up to 50% of the benefit calculated under the State Program; provided, however, that the benefit to be received by any applicant shall not exceed the sum of \$500.00.~~

~~York taxpayers and renters who are paid by the State under the provisions of 36 MRSA Section 6206 (Special Elderly Household Program), shall be eligible for a benefit of up to 200% of the benefit calculated under the State Program.~~

~~Notwithstanding these eligibility standards, A) no person shall receive a benefit hereunder for taxes or rent which, when added to the benefit from the State under the State Program, exceeds 100% of the total property tax paid or rent paid on the subject eligible property.~~

5. ~~Application and Initial Benefit Payment~~

~~Between September 1st and February 28th annually, York residents may apply to the Town Clerk for a benefit hereunder on forms provided by the Town Clerk. Each form must be accompanied by satisfactory evidence of eligibility and benefit payment by the State of Maine under the State Program for the current period, including a statement of the amount of the State Program benefit and the basis and/or type of such benefit. The Town Clerk shall review and determine if the application is complete and accurate and if the applicant is eligible for a benefit hereunder.~~

~~If the Town Clerk determines that the applicant is qualified for a benefit hereunder, the Town Clerk shall then determine the total benefit amount based on the formula set forth in Section 4 of this ordinance, and the Town Clerk shall then within 20 days pay the applicant 50% of the total benefit amount as their initial benefit payment.~~

6. ~~Final Benefit Payments~~

~~On or about February 28th annually, the Town Clerk shall determine the total amount of benefits due to all eligible York applicants as of that date. After deducting the total of the initial benefit payments then due or paid, the Town Clerk will divide the total of remaining benefit amounts by the total remaining funds provided for in the current year budget account established for this program.~~

~~If the total of remaining benefit amounts is less than or equal to the funds available in such budgetary account, then each eligible applicant shall be paid their full remaining benefit amount as their final benefit payment.~~

~~If the total of remaining benefit amounts is greater than the funds remaining in such budgetary account, then these remaining funds shall be allocated among all then qualified applicants on a pro rata basis, and then paid to those applicants as their final benefit payment.~~

~~Applications received after February 28th shall be paid only if funds remain after distribution of all benefits for applications received prior to February 28th. Applications received after February 28th shall be: A) approved and paid on a first come, first serve basis until the budgetary account is exhausted, and B) shall be paid at 65% of the total benefit eligibility only.~~

~~7. **Failure to Appropriate Funds**~~

~~Failure of the taxpayers of York to appropriate funds to pay for this program shall constitute a suspension of the program for that year.~~

DRAFT Business Licensing Ordinance



Town of York, Maine

Date of Original Enactment: _____

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance: _____.

Certified by the Town Clerk: _____ on _____.
(signature) (date)

Table of Contents

Section 1: Purpose and Scope

- 1.1 Purpose
- 1.2 Licensed Activities

Section 2: General Provisions

- 2.1 Licensing Authority
- 2.2 Licenses Not Transferrable
- 2.3 License Expiration
- 2.4 Display of License Placard Required
- 2.5 Inspections
- 2.6 Application Fee
- 2.7 Saving Clause
- 2.8 Effective Date

Section 3: Application Process

- 3.1 Application Procedures
- 3.2 Submittal of Application
- 3.3 Timing of Application
- 3.4 Administrative Review of Application
- 3.5 Public Notice
- 3.6 Public Hearing
- 3.7 Decision
- 3.8 Appeals
- 3.9 Enforcement
- 3.10 Penalties

Section 4: Standards

- 4.1 General Standards and Requirements Applicable to All Licenses
- 4.2 License-Specific Standards and Requirements
- 4.3 Local Approval for State Licenses

Section 5: Definitions

SECTION 1: PURPOSE AND SCOPE

1.1 Purpose

The purpose of this Ordinance is to establish a unified licensing process and standard for all types of business licenses which the Town issues. Through this Ordinance the Town seeks to apply reasonable controls on businesses as it seeks to protect public health, safety and welfare.

1.2 Licensed Activities

No person or business shall engage in any of the following activities unless they possess a valid Town business license to do so. Section references point to license-specific requirements of this Ordinance.

Lodging

- Bed and Breakfast (see §4.2.1)
- Innkeepers (see §4.2.2)

Food and Beverage

- Food Service (see §4.2.3)
- Liquor (see §4.2.4)
- Bottle Club (see §4.2.5)

Entertainment

- Special Amusement (see §4.2.6)
- Dance Hall (see §4.2.7)
- Coin-Operated Amusement (see §4.2.8)
- Bowling Alley (see §4.2.9)

Miscellaneous

- Transient Sellers (see §4.2.10)
- Flea Market (see §4.2.11)
- Junkyard, Automobile Graveyard, and Automobile Recycling Business (see §4.2.12)

For local approvals required for State licenses, see also:

- Bingo, Beano and Games of Chance (see §4.3.1)
- Off-premise Catering (see §4.3.2)

SECTION 2: GENERAL PROVISIONS

2.1 Licensing Authority

The Board of Selectmen shall serve as the Town's licensing board.

2.2 Licenses Not Transferrable

A license shall be specific to the applicant and the property, and shall not be transferrable to another person or property.

2.3 License Expiration

All licenses shall expire one year from the last day of the month of the vote to issue or renew, except that in the case of an applicant with multiple licenses where the Board shall ensure that all licenses have a single expiration date to simplify future renewals. In addition, the Board may, for good cause, shorten the timeframe for which a particular license is issued.

2.4 Display of License Placard Required

When the Board issues a new license, renews a license, or amends a license, the Town Manager's Office shall issue a new printed license placard. This license placard shall be displayed at the licensed establishment such that it is readily visible to customers, people at the establishment, and Town officials.

The license placard shall indicate the following information:

- applicant's name
- establishment name;
- street address of establishment;
- license type(s);
- date of license issuance;
- date of license expiration;
- if applicable, seating capacity or occupancy limits; and
- other limits or restrictions specified by the Board.

2.5 Inspections

Inspections are mandatory for most licensed businesses. The following shall apply.

2.5.1 Required Inspections

Each establishment shall be inspected by Town staff as a condition of the issuance of new license or for renewal. For each license type, the Ordinance specifies which departments are required to inspect and describes the frequency and nature of inspections (see Section 4.2). Submittal of an application to the Town Manager's Office constitutes agreement to make the premises available for inspection during normal working hours. Such inspections shall generally be conducted prior to action by the Board of Selectmen, but may be deferred by the Board if the operation is seasonal and not open at the time of application, or for other good cause.

- A. Code Inspection. Code inspections are to be conducted by a Code Enforcement Officer (CEO). The purpose of code inspection is to look for signs of septic failure/septic tank pumping/grease trap cleaning (as applicable), to look for code-related problems such as exposed wiring or faulty plumbing, and to look for compliance with standards and requirements of this Ordinance and applicable permits and approvals. For a new or expanded establishment, the CEO shall also verify the possession of a valid Occupancy Permit from the Town.
- B. Fire Inspection. Fire inspections are to be conducted by the fire department with jurisdiction. The purpose of fire inspection is to ensure initial and ongoing compliance with life/safety code requirements, with a focus on safe means of egress, exit signs, emergency lighting, audible alarms, building sprinkling, provision of fire extinguishers, and other such matters. For a new or expanded establishment, the fire inspector shall also verify compliance the possession of any approvals needed from the State Fire Marshal's Office.
- C. Police Inspection. Police inspections are to be conducted by York Police Officers. The purpose of police inspection is to help prevent violations within their jurisdiction, such as but not limited to liquor laws and the Noise Ordinance.

2.5.2 Optional Inspections

Any Town department which has been assigned inspection responsibilities with respect to license issuance shall also have the authority to make an unannounced inspection during open hours of the establishment. The license holder shall accommodate this request unless there is reasonable cause to delay the matter.

2.6 Application Fee

The application fee shall be paid at the time of application submittal, and shall be non-refundable. The following shall apply.

2.6.1 New Licenses and Renewals

The fee shall be the sum of the following:

- A. \$60; plus
- B. \$30 for each license after the first; plus
- C. \$50 if a public hearing is required by the Ordinance.

2.6.2 License Amendments

The fee for a license amendment shall be \$25.

2.7 Saving Clause

In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

2.8 Effective Date

Except as otherwise provided, this code and any subsequent amendments shall take effect immediately upon approval by the voters of the Town of York.

SECTION 3: APPLICATION PROCESS

3.1 Application Procedures

An application shall be submitted to obtain a new license, renew an existing license, or amend an existing license. The review process is identical for each of these procedures with the exception of the public hearing (see §3.6).

3.1.1 Application Form and Instructions

The Board shall adopt, and may from time to time amend, an application form and printed application instructions. These shall be available in the Town Manager's Office and on the Town's web page.

3.1.2 Transition Period

A. Existing Licenses

Any license issued under prior licensing codes shall remain in effect for either one year or until the current license expires, whichever occurs first.

B. Applications in Process

Any complete application which has been received by Town staff, but not yet decided by the Board of Selectmen at the time this Ordinance is enacted or amended, shall be heard and decided based on the codes in effect at the time of receipt by Town staff.

C. Exception for Newly Regulated Establishments

In cases where a Town license had not been required of an establishment in the past, a newly required license shall be obtained no later than 6 months after the date of enactment of the relevant code provision.

3.2 Submittal of Application

The applicant shall complete and submit to the Town the application form along with all supplemental information and materials per the instructions included with the form. Application materials shall be delivered to the Town Manager's Office by any of the following means:

3.2.1 Delivered in person to the Town Manager's Office in Town Hall during normal business hours; or

3.2.2 Delivered by mail to: Town Manager/License Application, 186 York St., York, ME 03909

3.3 Timing of Application

3.3.1 New Licenses and License Amendments

The application for a new or amended license may be submitted ~~for~~ at any time, but the license must be obtained before the licensed activity is started. Generally it is best to apply 30 to 60 days in advance of the anticipated start date.

3.3.2 License Renewals

An application for license renewal shall be submitted no sooner than 90 days prior to expiration of the current license(s). It is advised to apply no later than 30 days prior the expiration date.

3.4 Administrative Review of Application

The Town Manager's Office shall initiate an administrative review of the application by the Departments as specified in this Ordinance. Copies of the application shall be distributed to: any department which is required to evaluate the application and/or perform an inspection; the Police Department for information about any criminal record of the applicant (where applicable); to the Tax Collector for verification that all taxes have been paid for the property and business in question; and to any applicable utility district serving the property.

3.5 Public Notice

Prior to the Board meeting at which the application will be considered, the Town Manager's Office shall provide public notice in accordance with the following:

3.5.1 Agenda

An agenda for the meeting shall be posted in Town Hall no later than noon the Friday prior to the Board meeting. This agenda shall identify the name of the applicant, the name of the property owner (if different than the applicant), the street address of the property, and the list of licenses being applied for.

3.5.2 Legal Notice if a Public Hearing

If there is to be a public hearing, legal notice of the hearing shall be required. Such notice shall indicate the same information as included on the agenda, plus the date, time and place of the hearing. No later than 5 days in advance of the meeting, the notice shall be: published in a newspaper with general circulation in Town; posted in at least ~~two~~ (2) public places in ~~York~~ Town; posted on the Town's web page; and listed on the Town's public access cable television station.

3.5.3 Notice to Applicant

The applicant shall be notified by first-class mail of the Board meeting at which the Board will act on the application. If there is to be a public hearing, the applicant shall be asked to attend if a public hearing in case there are questions to be answered.

3.5.4 Conflicting Provision

In the event there are conflicting requirements in state statute or another ordinance, the standard which imposes the higher standard for public notification shall apply.

3.6 Public Hearing

The Board shall conduct a public hearing prior to deciding on an application for a new license or to amend an existing license. The public hearing is an opportunity for the public to offer input to the Board, either speaking at the hearing or by providing written comments to be read at the meeting.

3.7 Decision

The Board shall vote to make one of the following decisions.

3.7.1 Approval

The Board shall grant approval of an application when the applicant demonstrates full compliance with this Ordinance and other applicable Town codes. Conditions may be imposed by the Board to achieve the purposes of this Ordinance and other applicable Town codes, as follows:

- A. Conditions Precedent. The Board may impose conditions precedent to ensure the applicant fulfills certain obligations prior to receipt of the license. (Example: septic tank to be pumped before the license is issued.)
- B. Conditions Subsequent. The Board may impose conditions subsequent to ensure the licensed activity will comply with specified parameters. (Example: outside lights shall be turned off no later than 30 minutes after the close of business each night.)

3.7.2 Denial

Except as provided below, the Board shall deny an application that has not demonstrated compliance with the requirements of this Ordinance and other relevant Town ordinances. The motion to deny must identify the specific reason(s) for denial.

- A. Life Safety 101 Code. With a corrective plan approved in writing by the Fire Chief, an applicant may be allowed not more than 3 years to fully remedy identified Life Safety 101 Code violations, and licenses may be issued during this time.
- B. Consent Agreements. Where a Consent Agreement with the Board of Selectmen allows a violation to persist for a period of time before being fully remedied, licenses may be issued during this time.

3.8 Appeals

Any decision, action, or inaction pertaining to this Ordinance by the Board, ~~or any official charged with administration or enforcement of this Ordinance~~ may be appealed to York County Superior Court, unless otherwise specified by license type per §4.2. Any appeal must be filed within 30 days of the decision or action being appealed.

3.9 Enforcement

Enforcement of this Ordinance shall be as follows.

3.9.1 Enforcement Responsibilities

Enforcement authority pursuant to this Ordinance varies by license type, and is specified for each license type as being the Code Enforcement Officer (CEO), a York Police Officer, or the Fire Chief with jurisdiction or their designee. In the

event CEO enforcement action is required at a time when a CEO is not working, a Police Officer may initiate necessary enforcement action until such time as the matter can be turned over to a CEO. Reference in this Ordinance to the enforcement authority of the Fire Chiefs in no way diminishes their authority under Life Safety 101 and other applicable codes and statutes.

3.9.2 Enforcement Actions

Actions taken to enforce this Ordinance shall generally follow the sequence provided here, except that steps may be skipped in the event there is an expectation that delay would cause significant harm to public health or safety.

A. Reminder

When a business fails to obtain a license, renew its license(s) in a timely manner, or fails to comply with conditions of its license or the provisions of this Ordinance, the Town Manager's Office shall contact the person to remind them of the requirement to obtain a license, renew their license or to comply with the license requirements. If the lapse in license(s) exceeds 60 days this matter shall be turned over to the designated enforcement authority for formal enforcement action.

B. Verbal Warning

Provide a verbal warning to the license holder and any other relevant parties citing the specific violation and advising them to cease the violation. All verbal warnings shall be documented in writing following delivery.

C. ~~Written Citation~~ Notice of Violation

In the event the Verbal Warning does not result in compliance, a ~~Written Citation~~ Notice of Violation and Order for Corrective Action shall be issued. This ~~citation~~ Notice shall document the violations in terms of actions and code sections violated, and shall order the violation to cease immediately unless a later deadline is expressly included. This shall be delivered in person or by any means where receipt is documented in writing (such as certified mail/return receipt requested).

D. Board of Selectmen's Action

In the event the Notice of Violation and Order for Corrective Action does not result in compliance, the matter shall be documented in writing and turned over to the Board. For any violation forwarded to the Board and not resolved within 7 working days thereafter, the Board shall schedule a public hearing on the matter. Public notice shall meet the requirements as specified in §3.5, except that the license holder shall be notified by certified mail or an equivalent means, sent at least 7 days prior to the public hearing. If the Board chooses to take enforcement action, it shall have the authority to take any of the following actions, which is not necessarily a sequence of steps but rather a list of options:

1. Suspend License. The Board may suspend the license(s) for a fixed period of time not to exceed 30 days. No license may be suspended more than once per year.

2. Revoke License. The Board may revoke the license(s). If revoked, the license holder shall not re-apply for a new license within 60 days of the Board's vote.
3. Prosecute. The Board may initiate any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate and necessary to enforce the provisions of this Ordinance in the name of the Town. If prosecution is successful, the Town shall not accept any applications for a new or renewed license within 120 days of the Court Decision.

3.10 Penalties

Violation of any provision of this Ordinance after receipt of a ~~Written Citation~~Notice of Violation shall be subject to a minimum fine of \$100 per day per violation for a first offense, or a minimum fine of \$250 per day per violation for subsequent offenses within a 2 year period. The "per day" period shall begin at the first date on which the violation can be demonstrated.

SECTION 4: STANDARDS

4.1 General Standards and Requirements Applicable to All Licenses

The following shall be considered prior to any license-related actions by the Board, and compliance shall be required throughout the license period. Failure to comply with these standards and requirements shall be a basis for enforcement action pursuant to this Ordinance.

4.1.1 Character of the Applicant

No license shall be issued to anyone who has not demonstrated good moral character. In determining good moral character, the Board shall consider all evidence presented. This shall include, but not be limited to the following:

- A. The applicant's police record, if any. Conviction of a Class D or more serious crime may be considered as evidence that the applicant lacks good moral character.
- B. The applicant's past and present compliance with the provisions of this Ordinance and other applicable Town and State codes, and with requirements of any utility districts which provide service.

4.1.2 Taxes and Fees Paid

All property taxes, personal property taxes and any Town fees shall be paid in full before the license is issued. Compliance shall be verified by the Tax Collector before issuance, renewal or amendment of a license.

4.1.3 On-Site Septic

If the licensed establishment utilizes a septic system, compliance with Town septic tank pumping requirements shall be required. Compliance shall be verified by the CEO before the Board issues, renews or amends a license.

4.1.4 Grease Traps

If the licensed establishment utilizes a grease trap, compliance with cleaning requirements of State and/or local plumbing codes shall be required. Compliance shall be verified by the CEO before the Board issues, renews or amends a license.

4.1.5 Land Use Compliance

The licensed activity shall occur on a property permitted, approved or grandfathered for the use. Compliance shall be verified by the CEO before the Board issues or amends a license.

4.1.6 Code Compliance

All license holders shall comply with all Town codes, including but not limited to the Noise Ordinance. Compliance shall be verified by the CEO before the Board issues, renews or amends a license. If a violation has been cited in writing, it shall either be resolved or an appeal filed before the Board issues, renews or amends a license.

4.1.7 Life Safety Code Compliance

For any license which requires a fire inspection, the purpose of such inspection shall be to ensure compliance with Life Safety 101 Code requirements.

4.1.8 Nudity

The purpose of this section is to regulate nudity as a form of live entertainment in those establishments which are licensed under this Ordinance.

- A. No license holder shall permit entertainment on the licensed premises, whether provided by professional entertainers, employees of the establishment, or any other person, when such entertainment involves any of the following:
 - 1. the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - 2. the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; and/or
 - 3. the actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola.
- B. No license holder shall permit any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or any portion of the female breasts at or below the areola.

For the purpose of this section, “display” or “displaying,” and “expose” or “exposing” shall mean unclothed or un-costumed or not covered by a fully opaque material.

4.2 License-Specific Standards and Requirements

The following are standards and requirements unique to each type of license issued by the Town. These are required in addition to other standards specified in this Ordinance. For other instances when the Board is required to act on a local license (such as but not limited to closing out sales, billiard rooms, etc.), the Board shall apply the general standards of this Ordinance and any applicable statutory requirements.

4.2.1 Bed and Breakfast License

This license shall be required for operation of a Bed and Breakfast as defined in the York Zoning Ordinance. The following shall apply:

- A. Annual Inspections Required:
 - 1. Code Inspection - annual.
 - 2. Fire Inspection - annual.
- B. Concurrent Food Service License. The Bed and Breakfast License implicitly includes food preparation, so a separate Food Service License from the Town shall not be required, but all standards pertaining to the Food Service License shall apply.
- C. Concurrent Liquor License. If liquor is to be sold, a separate Liquor License is required per Title 28-A M.R.S. §1061-A.

- D. State Licenses. A State Bed and Breakfast License from the Maine Department of Health and Human Services shall be required. Possession of a Lodging Place License or an Eating and Lodging License is not an acceptable alternative. A license from the Maine State Fire Marshal's Office shall also be required.
- E. Verification of Use for Transient Occupancy. For license renewals, the code inspection shall include a review of the records of guest registration and departure during the prior license year to ensure that all guest stays comply with requirements for transient occupancy if so limited by the Zoning Ordinance.
- F. Related Laws. See Zoning Ordinance, Section 7.7.
- G. Statutory Authority. Home rule authority.
- H. Enforcement Authority. CEO and Fire Chief.
- I. Appeals. The Board of Appeals shall have jurisdiction to hear appeals of Board decisions regarding Bed and Breakfast Licenses.

4.2.2 Innkeeper's License

This license shall be required for operation of a Hotel, Motel or Inn as defined in the York Zoning Ordinance or Life Safety 101 Code, whichever is more broadly defined. The following shall apply:

- A. Inspections Required:
 - 1. Code Inspection - annual.
 - 2. Fire Inspection - annual.
- B. State License. A State Lodging Place License or an Eating and Lodging License shall be required.
- C. Verification of Use for Transient Occupancy. For license renewals, the code inspection shall include a review of the records of guest registration and departure during the prior license year to ensure that all guest stays comply with requirements for transient occupancy if so limited by the Zoning Ordinance.
- D. Related Laws. See Title 30-A M.R.S. §3801 et seq.
- E. Statutory Authority. Mandated per Title 30-A M.R.S. §3811.
- F. Enforcement Authority. CEO and Fire Chief.

4.2.3 Food Service License

This license shall be required for any person who prepares and offers for sale food or drink for public consumption on-site (restaurant) or off-site (take-out restaurant), but not for the preparation of packaged foods. This License was formerly called the Victualers License. The following shall apply:

- A. The purpose of this license is solely to ensure compliance with the general standards imposed on all licensed businesses. This is not a health-related permit and the Town will not engage in health-related inspection of the premises because the Town does not have certified health inspectors as would be required to inspect per Title 22 MRS.M.R.S. §2499.
- B. Inspections Required:
 - 1. Code Inspection - annual.
 - 2. Fire Inspection - annual.
- C. State License. A State Eating Establishment License or an Eating and Lodging License shall be required per Title 22 MRS.M.R.S. §2492(1).
- D. Statutory Authority. Home Rule Authority.
- E. Enforcement Authority. CEO and Fire Chief.

4.2.4 **Liquor License**

This license is required for the sale of liquor (as defined in Title 28-A MRS.M.R.S. §2) to be consumed on the premises. The following shall apply:

- A. Inspections Required:
 - 1. Fire Inspection - annual.
 - 2. Police Inspection - annual.
- B. State License. A Maine Liquor License per Title 28-A MRS.M.R.S. §1051(1) from the Maine Bureau of Alcoholic Beverages and Lottery Operations, or other if the liquor is manufactured on-site shall be required.
- C. Statutory Authority. Title 28-A MRS.M.R.S. §1051(2).
- D. Enforcement Authority. York Police Department and Fire Chief.

Comment [A1]: It appears that something is missing here. Other what?

4.2.5 **Bottle Club License**

This license shall be required for any Bottle Club, as defined in Title 28-A MRS.M.R.S. §2(3). The following shall apply:

- A. Additional Public Notice Requirement. See Title 28-A MRS.M.R.S. §161-B(2) because it requires greater public notice than the general standards of this Ordinance.
- B. Inspections Required:
 - 1. Fire Inspection – annual.
 - 2. Police – annual.
- C. State Registration. A bottle club shall register annually with the Maine Bureau of Alcoholic Beverages and Lottery Operations. This shall be verified by the Police Department prior to license renewal.

- D. Restriction on Hours of Operation. No bottle club shall operate between the hours of 2:00 AM and 6:00 AM on January 1st, or between the hours of 1:00 AM and 6:00 AM on other days. The operator of a bottle club shall require all members, guests or other patrons to vacate the premises by 2:15 AM on January 1st and by 1:15 AM on all other days.
- E. Related Laws. See Title 28-A §161-162.
- F. Statutory Authority. Title 28-A MRS.M.R.S. §161-B(4).
- G. Enforcement Authority. York Police Department and Fire Chief.
- H. Appeals. The Maine Bureau of Alcoholic Beverages and Lottery Operations shall have jurisdiction to hear appeals of actions by the Board per Title 28-A MRS.M.R.S. §161-B(4). Appeals relating to administration or enforcement shall be filed with the York County Superior Court.

4.2.6 **Special Amusement License**

This license shall be required for an establishment where liquor is sold for on-site consumption and which also provides live music, dancing, and/or entertainment of any kind. The following shall apply:

- A. Inspections Required:
 - 1. Code Inspection – annual.
 - 2. Fire Inspection – annual.
 - 3. Police Inspection – annual.
- B. State License. State Liquor License is required. If dancing is involved, a Dance Hall license from the Maine State Fire Marshal shall also be required. To be verified annually for license renewal.
- C. Performance Standard. Music, dancing and entertainment shall occur entirely indoors, and all doors and windows shall be closed after 9:00 PM and before 9:00 AM. Establishments with Special Amusement Licenses that date back prior to the establishment of this standard shall be vested in their right to continue with past practice provided there has been no gap of 2 years or more in their past licensing.
- D. Concurrent Licenses. Town Liquor License shall also be required.
- E. Related Laws. Title 28-A MRS.M.R.S. §1054.
- F. Statutory Authority. Title 28-A MRS.M.R.S. §1054(2).
- G. Enforcement Authority. CEO, York Police Department and Fire Chief.
- H. Appeals. The Board of Appeals shall have jurisdiction to hear appeals - see Town of York Home Rule Charter Article IV, Section 7(C)(4) and Title 28-A MRS.M.R.S. §1054(8).

4.2.7 Dance Hall License

This license shall be required for any establishment with public dancing that is subject to State licensing under Title 8 MRS.M.R.S. §161, unless that establishment has a Special Amusement License. The following shall apply:

- A. Inspections Required:
 - 1. Fire Inspection - annual.
 - 2. Police Inspection - annual.
- B. State License. A permit from the State Fire Marshal shall be required.
- C. Statutory Authority. Home rule authority.
- D. Enforcement Authority. York Police Department and Fire Chief.

4.2.8 Coin-Operated Amusement License

This license shall be required for any pin ball machines or video games offered for public entertainment for a fee. The following shall apply:

- A. Inspections Required:
 - ~~1.~~ Police Inspection - annual.
- B. Number of Devices. This license shall not limit the number of devices at a particular location, nor shall the application fee be based on the number of devices.
- C. Statutory Authority. Generally see Title 8 MRS.M.R.S. §441 – 450. Requirement for this license is established in Title 8 MRS.M.R.S. §441. For specific authorization for the Board to issue such licenses, see Title 8 MRS.M.R.S. §446-A.
- D. Copy of License to Police Department. Upon issuance of a Coin-Operated Amusement License, a copy of the License shall be forwarded to the York Police Department per Title 8 MRS.M.R.S. §448.
- E. Enforcement Authority. York Police Department.

4.2.9 Bowling Alley License

This license shall be required for the operation of any bowling alley. The following shall apply:

- A. Inspections Required:
 - ~~1.~~ Fire Inspection - annual.
- A. Statutory Authority. Title 8 MRS.M.R.S. §2.
- B. Enforcement Authority. CEO and Fire Chief.

4.2.10 Transient Sellers License

This license shall be required of any Transient Seller in York. The following shall apply.

A. Inspections Required: none.

B. Definitions. In the context of Transient Sellers Licenses, the definitions of Title 32, M.R.S. §14701 shall apply, except as provided below:

1. Transient Seller. Any person who engages in the business of selling merchandise and/or services to consumers by means of personal contact and who does not have, for the purposes of carrying on such business, any permanent place of business within the Town of York. This shall not include:
 - a person who sells at public fairs, expositions or bazaars;
 - a person who sells exclusively by mail contact, except for a person who offers merchandise or money prizes as-free of charge, such as contest prizes or gifts for answering a survey, but who requires the recipient to pay something of value in order to participate in this offer, including, but not limited to entrance fees, processing fees or handling charges; or
 - a member selling on behalf of a public service organization;
 - a supervised lender as defined in Title 9-A M.R.S. §1-301(39).
2. Public Service Organization. Any organization classified as a 501.C.3 under the Internal Revenue Code, and other non-profit and community service groups such as the Boy Scouts, Girl Scouts, American Legion, Rotary Club, public school groups and religious organizations.

C. Police Department Review. Prior to issuance of a Transient Sellers License, input from the Police Department shall be obtained regarding the proposed activity.

D. Performance Standards. The following shall apply:

1. Registration. Licensees shall be registered with the Maine Department of Professional and Financial Regulations.
2. Identification. When engaged in transient sales, licensees or an agent/designee shall carry a current Maine Transient Sellers registration, and a picture ID approved by the York Police Department, attached to the outside of their clothing and clearly visible at all times.
3. Hours of Solicitation. Solicitation of door-to-door sales shall only take place Monday through Saturday between the hours of 9:00 AM and 5:00 PM, but no later than sunset.
4. License Duration. The Board shall determine the duration for this license based on the needs of the applicant and the recommendation of the Police Department. In no case shall this exceed the limit established in §2.3.

E. Related Laws. Title 32 M.R.S. §14701-14716.

F. Statutory Authority. Title 32 M.R.S. §14705 and home rule authority.

G. Enforcement Authority. York Police Department.

4.2.11 Flea Market License

This license shall be required for operation of a flea market, as defined in the York Zoning Ordinance. The following shall apply.

A. Inspections Required: none.

B. Public Safety Review. Prior to issuance of a new or amended Flea Market License, input from the Police Department and Fire Department of jurisdiction shall be obtained regarding the layout of the flea market and each of the performance standards listed below.

C. Performance Standards. In addition to any requirements imposed by other Town codes, the following shall apply:

1. Access. There shall be only one vehicular access to the site unless more are requested by Police or Fire to improve public safety.
2. Control Along Road Frontage. All road frontage, except at the entrance, shall be curbed, fenced or otherwise barricaded to control unauthorized vehicle access to the site.
3. On-Site Parking. Three on-site customer parking spaces shall be provided per vendor.
4. Sanitary Facilities. Separate male and female sanitary facilities shall be provided for public use.
5. Storage. All displays, tables, goods, rubbish containers, chairs and other such materials shall be stored within a building when sales are not occurring.

D. Related Laws. See Zoning Ordinance.

E. Statutory Authority. Home rule authority.

F. Enforcement Authority. CEO.

4.2.12 Junkyard, Automobile Graveyard, and Automobile Recycling Business License

This license shall be required for the establishment, operation or maintenance of a junkyard, automobile graveyard, and/or automobile recycling business, as these terms are defined in Title 30-A M.R.S. §3751. The following shall apply:

A. Inspections Required:

1. Code Inspection – annual.
2. Fire Inspection – annual.
3. Police Inspection – annual.

B. Statutory Authority. Title 30-A MRS.M.R.S. §3753.

C. Related Laws. See also the Zoning Ordinance, and Title 30-A MRS.M.R.S. §3751-3760, and Title 29-A MRS.M.R.S. §1101-1112.

C. Enforcement Authority. CEO, York Police Department and Fire Chief.

4.3 Local Approval For State Licenses

For any State license which requires local approval but for which no local license is required, the Board of Selectmen shall place the request on a meeting agenda and shall act on that item without the need for any local application, fee or public hearing.

4.3.1 Bingo, Beano and Games of Chance License

To obtain necessary State licenses, local approval is required for any organizations which offer bingo, beano and/or games of chance. The Board typically issues an annual blanket approval for all organizations which offer these games to help streamline the process for all parties. The following shall apply:

A. State License. Licenses from the Chief of the Maine State Police - Bingo and Beano License per Title 17 MRS.M.R.S. §312, and/or Games of Chance License per Title 17 MRS.M.R.S. §1832. These licenses are issued after local approval.

B. Statutory Requirement for Local Approval. Regarding Bingo and Beano – see Title 17 MRS.M.R.S. §313. Regarding Games of Chance – see Title 17 §1832(4). For general standards see Title 17 MRS.M.R.S. §311-329 (bingo & beano) and §1831-1846 (games of chance).

C. Enforcement Authority. York Police Department.

4.3.2 Off-Premise Catering License

This license is required for an establishment with a Liquor License to sell liquor at a location other than their licensed place of business, such as at a catered event. This approval is specific to the caterer, the date of the event, and the property. The following shall apply:

A. State License. State Liquor License and Special Permit for Catering Privileges. The Special Permit is not available before local approval is granted.

B. Related Law. See Commercial Functions on Residential Lots Accessory to Residential Use – Zoning Ordinance §7.17, if applicable.

C. Designation of Authority to Town Manager and Reduced Public Notice Requirement. Because these approvals may be required with very little

| advance notice, the Town Manager shall be designated to provide local approval without advance public notice on behalf of the Board, as allowed by Title 28-A M.R.S. §1052(4)(G). The Board shall receive copies of any such approvals granted by the Town Manager at or before the next regularly scheduled meeting of the Board.

| D. Statutory Authority. Title 28-A M.R.S. §1052.

D. Enforcement Authority. York Police Department.

SECTION 5: DEFINITIONS

The following definitions shall apply in this Ordinance:

APPLICANT: During the application process, “applicant” is defined as follows:

1. The principal owner of the establishment is the applicant. If a corporation is the principal owner, then the principal stockholder of the corporation is the applicant.
2. If the principal owner is not primarily responsible for the actual operation of the establishment, then the person (or people) primarily responsible for the actual operation of the establishment shall be included as a co-applicant.

BOARD: The Board of Selectmen.

CEO: Code Enforcement Officer. Any of the individuals appointed by the Board of Selectmen to fulfill duties of code enforcement within the Town.

CONDITION PRECEDENT: A condition imposed at the time of approval, with which the applicant shall comply before the license is ~~granted~~issued.

CONDITION SUBSEQUENT: A condition imposed at the time of approval, with which the applicant shall comply after the approval is ~~granted~~issued.

FIRE DEPARTMENT: Either the York Beach Fire Department or the York Village Fire Department, whichever has jurisdiction at the location of the licensed activity.

LICENSE: A grant of authority from the Board to an applicant and their establishment to conduct a particular activity on a particular property pursuant to this Ordinance and/or state law.

LICENSE AMENDMENT: A change to the activity being licensed.

LICENSE HOLDER: Same as “Applicant,” but after completion of the application process and issuance of the license.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 6, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Hodgin Parking Lot	

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

Discussion: The Board of Selectmen has had a number of discussions regarding the possible purchase of the Hodgin parking lot located at 190 York Street. During the most recent discussion it was requested that staff develop a sketch of a driveway/entryway into the lot from the access road behind town hall also known as Parish Lane. Attached you will find a sketch design prepared by Dean Lessard and Brett Horr. Based on the sketch design, the estimate to construct the driveway/entryway is \$5,000-\$10,000.

Robert Palmer, owner of the adjacent parking lot, has indicated he will provide an easement across the corner of his lot to facilitate the driveway providing it does not encroach on his parking lot and affect the number of available parking spaces. The Town will also need an easement from the First Parish Church for the driveway.

The Board of Selectmen will need to decide if the purchase of the Hodgin parking lot will remain in the FY15 Capital Plan and, if so, at what price. If the purchase of the parking lot does remain in the Capital Plan, there will need to be two additional warrant articles; one for the easement from Robert Palmer and one for the easement from the First Parish Church.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert B. Gandon

Reviewed By: _____

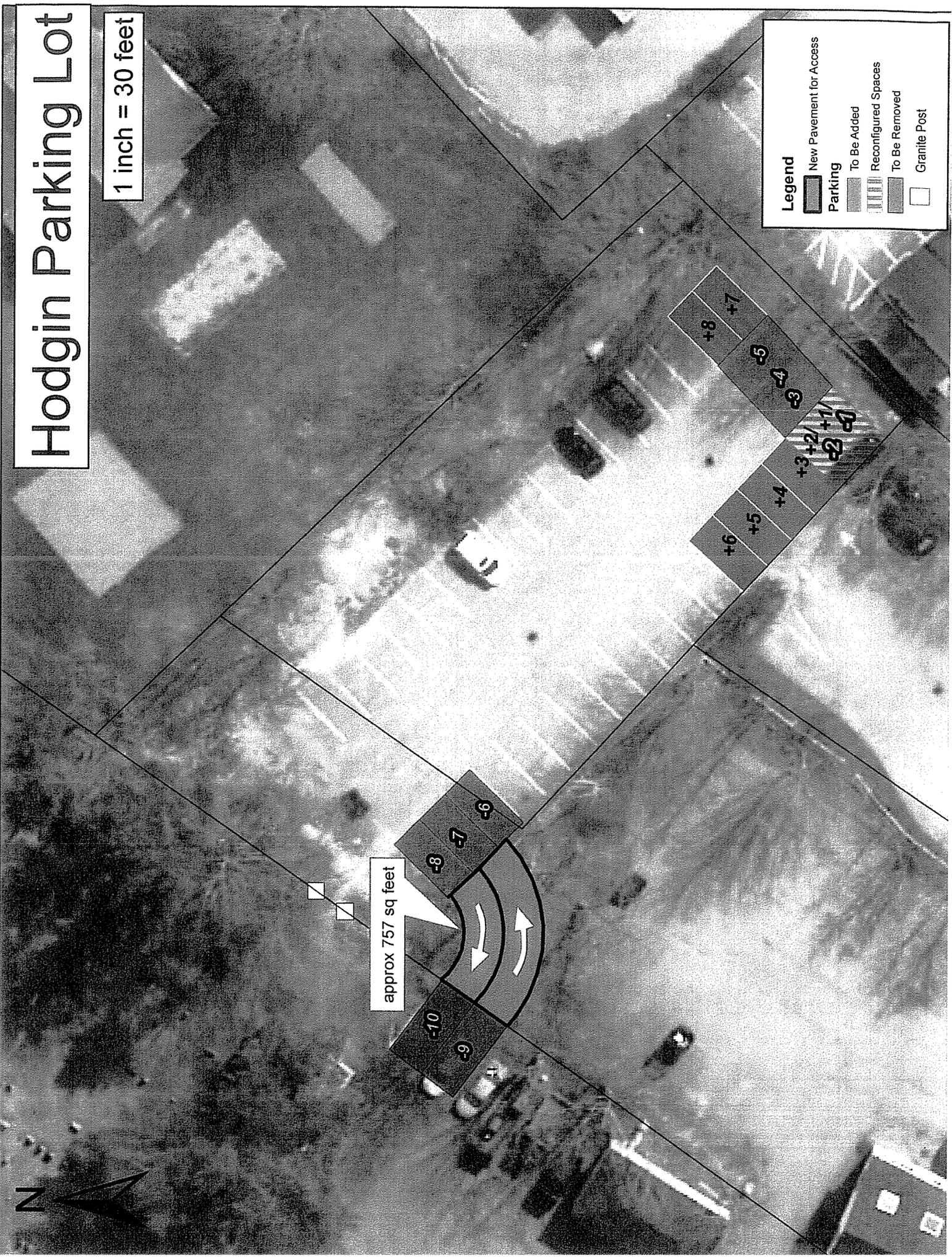
Hodgin Parking Lot

1 inch = 30 feet

approx 757 sq feet

Legend

- New Pavement for Access
- Parking
- To Be Added
- Reconfigured Spaces
- To Be Removed
- Granite Post



Proposed FY15 - FY19
Capital Plan

PROJECT FUNDING COSTS					
DESCRIPTION	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Major Drainage					
York Beach Traffic Improvements					
Long Sands Bathhouse					
Senior/Community Center			3,500,000		
Substations/Ponds					1,000,000
Road Reconstruction	400,000	500,000	500,000	500,000	500,000
Other Open Space	5,500,000				
Alternate Energy Solutions and Energy Conservation	100,000	100,000		100,000	
Heavy Plow Truck	153,000	159,000	165,000	170,000	175,000
Town Hall Expansion		TBD			
Auditorium		5,500,000			
School Paving	100,000				
Generator at YMS					
YHS Field House			500,000		
VES Roof	630,000				
CRES Roof					
School Network Hardware		150,000			
HS Aged HVAC Equipment Replacement					
VES Aged HVAC Equipment Replacement					
MS Boiler Plant					
Replace VES Water Main	110,000				
School Telephone System					
Hodgin Parking Lot	325,000				
Land Use Study for Davis Property					
Design/Cost Analysis for Aud/PAC	80,000				
Channel 3 Broadcast Upgrade	46,000				
Fiber Optic Wide Area Network		275,000			
Storage Building for Town Records	105,000				
Financial Software			200,000		
Mount A Trail Phase 1	61,000				
York Middle School Roof					212,000
Roadside Mower	125,000				
Totals	\$ 7,735,000	\$ 6,684,000	\$ 4,865,000	\$ 770,000	\$ 1,887,000

Proposed FY15 - FY19

Capital Plan

W/O DAVIS PROPERTY

PROJECT FUNDING COSTS					
DESCRIPTION	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Major Drainage					
York Beach Traffic Improvements					
Long Sands Bathhouse					
Senior/Community Center			3,500,000		
Substations/Ponds					1,000,000
Road Reconstruction	400,000	500,000	500,000	500,000	500,000
Other Open Space					
Alternate Energy Solutions and Energy Conservation	100,000	100,000		100,000	
Heavy Plow Truck	153,000	159,000	165,000	170,000	175,000
Town Hall Expansion		TBD			
Auditorium		5,500,000			
School Paving	100,000				
Generator at YMS					
YHS Field House			500,000		
VES Roof	630,000				
CRES Roof					
School Network Hardware		150,000			
HS Aged HVAC Equipment Replacement					
VES Aged HVAC Equipment Replacement					
MS Boiler Plant					
Replace VES Water Main	110,000				
School Telephone System					
Hodgin Parking Lot	325,000				
Land Use Study for Davis Property					
Design/Cost Analysis for Aud/PAC	80,000				
Channel 3 Broadcast Upgrade	46,000				
Fiber Optic Wide Area Network		275,000			
Storage Building for Town Records	105,000				
Financial Software			200,000		
Mount A Trail Phase 1	61,000				
York Middle School Roof					212,000
Roadside Mower	125,000				
Totals	\$ 2,235,000	\$ 6,684,000	\$ 4,865,000	\$ 770,000	\$ 1,887,000

MERVIN D. NEWTON
13 Quarry Circle Drive
Milford NH 03054146
(603) 673-8885 (Telephone & Fax)
E-mail: mervnewton@myfairpoint.net

August 19, 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of York
186 York Street
York ME 03909-1314

Re: Tax Map 18, Lot 16 (The new number may be Lot 93)

Dear Board of Selectmen:

On April 12, 2013, I met with your Tax Assessor Richard Mace and provided to him my package of proof of ownership. I and my wife BettyJane purchased the residual real estate from the Estate of Joseph T. Turcott. The deed is recorded in Book 7369, Page 085. When I met with Mr. Mace, he said that the Town would not put our name on the lot as the owners of record. It is not being taxed to anyone presently. We were also advised that your Board has a committee to research the ownership of that particular parcel that is on Cape Neddick Beach.

One of the arguments put forth by Mr. Mace was that the Town's position was that Mr. Turcott had no authority to convey an interest in said lot. I pointed out to Mr. Mace that there were other similar-shaped parcels, some of which are not being taxed presently, and some of which were conveyed to various people by Joseph Turcott. One in particular that I became aware of is being assessed by the Town of York for \$144,500. Thus, I question the logic being applied to my lot on Map 18, Lot 16.

Your DPW Director also raised the issue of who owns the streets in the York Cliffs Development by virtue of an old State law. If you are asserting ownership of the streets, whether paper or physical, then I am sure that all of those homeowners in that development would be very happy to have the Town maintain and plow those roads and streets. Thus, again, we request that our names be put in the tax assessing records that Mervin and BettyJane Newton own the above-mentioned lot.

Mr. Mace also mentioned that the Town would like to have two bathhouses on the above lot. We are open to discussions with the Town for the two bathhouses and we suggest that something could be worked out so that we could have parking lots off Wanaque Road on the above lot. It would be a win-win situation for the Town. I understand that the Town presently is issuing parking permits for a fee, which revenue perhaps should have been shared with us.

Lastly, there are a number of paper streets along or oceanfront along Cape Neddick Beach and around the York Cliffs Development that I am interested in conveying to the Conservation District. These paper streets and oceanfront would make a wonderful walking trail like the Marginal Way in Ogunquit.

Since your Committee is investigating the ownership of the above lot and others, we request that you email us the Minutes of that Committee's meetings and deliberations and that if you engage counsel in this matter, that you have our above address as an address of record. Our email addresses are: mervnewton@myfairpoint.net and beajay4@myfairpoint.net.

Sincerely,

A handwritten signature in black ink that reads "Mervin Newton". The signature is fluid and cursive, with the first name being more prominent.

Mervin Newton

BettyJane Newton

A handwritten signature in black ink that reads "BettyJane Newton". The signature is cursive and somewhat stylized.

cc: Richard Mace, Tax Assessor
Robert Yandow, Town Manager

MERVIN D. NEWTON
13 Quarry Circle Drive
Milford NH 03055-4146
(603) 673-8885 (Telephone & Fax)
E-mail: mervnewton@myfairpoint.net

May 3, 2013

Richard Mace
Town of York
York Maine

Re: My lot Map 18, Lot 16

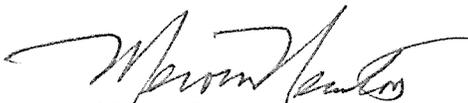
Dear Mr. Mace:

Enclosed is a copy of my deed from the Estate of Joseph Turcott to me and my wife Bettyjane Newton for the above-named lot. In the deed, you will see specific lot references and at the bottom of Page 1 of the deed below Parcel 4 that the Estate conveyed, among other things, any remaining real estate owned by the Turcott Estate to me and Bettyjane.

This ownership interest has been supported by (2) other legal entities, the first being Granite Settlement Services of Rochester, New Hampshire in a letter to us dated January 5, 2007, the President of which is an attorney by the name of Richard L. Boire. Secondly, the deed previously mentioned also includes right-of-ways and easements, the ownership of which is confirmed by the law office of Curtis, Thaxter, Stevens & Broder of 1 Canal Plaza, Ste. 1000, Portland, Maine 04101. I have enclosed a copy of the real estate transfer form that they had asked me to sign, along with a deed conveyance for moving the road on Ossipee Loop Road, which I have not done.

I think that you will find that my package of information supports my claim of ownership of Lot 16, Map 18. Please advise me of what additional steps I must take to have the tax records show that I and my wife own said lot.

Sincerely,


Mervin D. Newton

MERVIN D. NEWTON
13 Quarry Circle Drive
Milford NH 03054146
(603) 673-8885 (Telephone & Fax)
E-mail: mervnewton@myfairpoint.net

April 14, 2013

Sherburne & Mary Rockwell
5 Agamenticus
Cape Neddick, ME 03902

Craig & Lorraine Martin
30 Partridge Road
Reading, MA 01867

Wilfred & Helen Rushia
19 Crescent Road
Gardner, MA 01440

Patience Williams-Whang
Brian Wang
PO Box 128,
York, ME 03909

William & Mildred Meredith
PO Box 367
York Beach, ME 03910

Re: My Lot Map 0018, Lot 0016

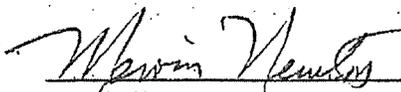
Dear Abutters:

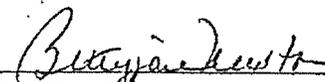
I was in York on Friday and stopped by the Assessor's Office and got your names and addresses. I understand there is a committee looking into the ownership of the ocean lot in front of your houses, in particular Map 0018, Lot 0016. You will see from the enclosed deed that I purchased said lot from the Estate of Joseph T. Turcott in 1995. Please refer to the last paragraph of page one of the deed and all of page two. My deed covers all of the land, except those lots previously sold, that were acquired by Mr. Turcott starting in 1950, followed by deeds of perfection of his title. I will be presenting a copy of the enclosed deed to the York tax assessor shortly to prove my ownership.

I am interested in selling said lot to you collectively or separately in its entirety. The tax records show that the lot comes from the Shore road side in front of Map 0013, Lot 0045 over to and abutting lot titled Map 0018, Lot 0015. While one of your deeds does mention to the water front, there doesn't appear to be any beginning deed supporting the present deed to the water.

Please give my offer serious consideration. Map 0018, Lot 0015 is assessed for \$144,500. I didn't get the assessment for Wm. & Mildred's Map 0013, Lot 0037, but its value will be taken into consideration. In about 5 years, owning both sides of Wanaque Road will then give you an additional minimum of 30 feet of land when the paper street expires.

Next week you can best reach me at my cell phone, 603-566-0415. Please leave a message if I don't answer when you call. I look forward to hearing from you. Does your committee have a chair person who could be the contact with me?


Mervin Newton


Betty Jane Newton

0013-0040

14

AGAMENTICUS

13-44

81

79

13-43

71

0013-0034

75

13-41

77

0013-0042

83

-0045-A

73

0013-0035

69

1.03 AC

0013-0028-D

67

1.00 AC

13-28-A

ROAD

224.95'

237.64'

1

2

48.01'

64.27'

51.40'

21.17'

123.47'

60.82'

WANAQUE

ROAD

MURPHY

0013-0037

91

0018-0036

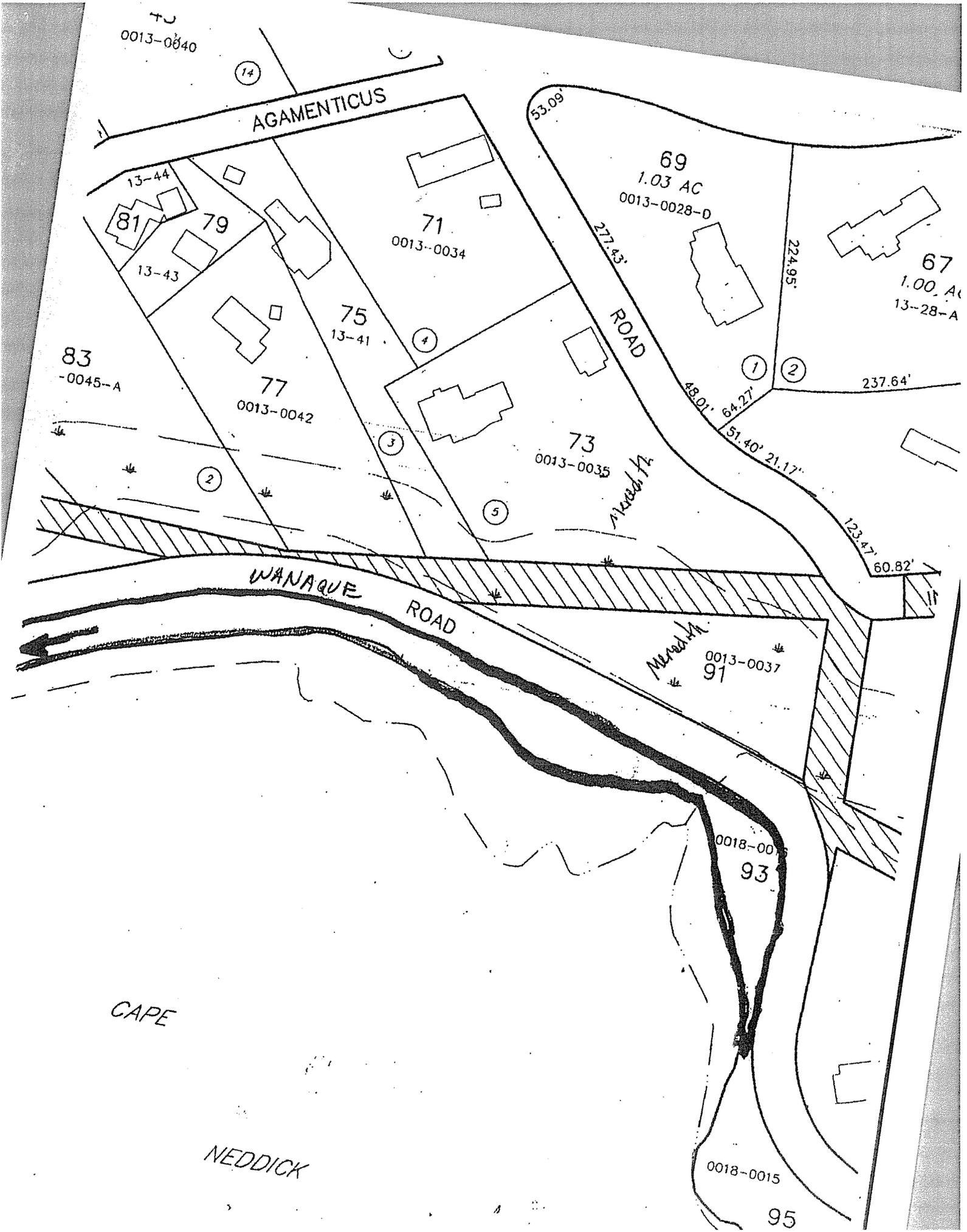
93

0018-0015

95

CAPE

NEDDICK



BK7369 PG085

010638

QUITCLAIM DEED

Robert D. Branch, Trustee under the will of Joseph T. Turcott, of Concord, New Hampshire for consideration paid, grants to Mervin D. Newton and Bettyjane Newton, of 16 Grove Street, Milford, New Hampshire, as joint tenants, with QUITCLAIM COVENANTS the land in York, York County, State of Maine, described as follows:

Four certain lots or parcels of land all situated in the York Cliffs Subdivision, York, County of York and State of Maine and being described as follows:

Parcel 1

Lot 201B on the plan entitled "Plan of Lands of York Development Co., York Cliffs, York, Maine" dated 1924 and recorded in the York County Registry of Deeds at Plan Book 10, Page 1. (Also known as Lot 36E, 1994 Town of York Tax Map 11).

Parcel 2

A triangular parcel of land shown as Lot 49C on the 1994 Town of York Tax Map 11, which is further described as an unnumbered triangular parcel of land situated on said Plan and being bordered on the westerly side of Forester Circuit, on the southerly side of Passaic Road and on the easterly side by West Lake Circuit.

Parcel 3

A triangular parcel of land shown as Lot 49D on the 1994 Town of York Tax Map 11, which is further described as an unnumbered triangular parcel of land situated on said Plan and being bordered on the northwesterly side of Sunapee Road, on the southerly side by a roadway connecting West Lake Circuit to Sunapee Road which also abuts Lots 188 and 187A on said Plan and on the easterly side of West Lake Circuit.

Parcel 4

Lot 259B on the plan entitled "Plan of Lands of York Development Co., York Cliffs, York, Maine" dated 1924 and recorded in the York County Registry of Deeds at Plan Book 10, Page 1. (Also known as Lot 24A, 1994 Town of York Tax Map 9).

Also conveying by quitclaim without covenants all remaining interest of the Joseph T. Turcott Estate in the real estate, right-of-ways, easements, or any other interests in York Cliffs Subdivision, which property was or might have been acquired by Joseph T. Turcott, Mary B. Turcott, and the Estate of Joseph T. Turcott by the eight

ERWIN OTT CLARK & CAMPBELL ATTORNEYS - AT - LAW
114 WOODBRIDGE ROAD - P.O. BOX 515 - YORK, MAINE 04091

MAINE REAL ESTATE TRUSTEE BOARD

④

deeds/proceedings/ decrees listed herein, excepting out only such property and property rights as may have been previously conveyed.

The above lots and remaining interests of the Turcott Estate are conveyed together with a right to use the various roads shown on plan entitled "Map of Land of York Cliffs Improvement Co." by C.C. Vermeule, Jan. 1893, recorded in York County Registry of Deeds in Plan Book 4, Page 30, and "Plan of Lots of York Cliffs, Maine" by Whitman and Howard, 1924 recorded in said Registry of Deeds in Plan Book 10, Page 1 and other recorded plans from the above described lots to Shore Road, for the purposes of ingress and egress, electric and telephone transmission lines, water and sewer.

For title references to the above-described parcels and remaining interests of the Joseph T. Turcott Estate, see the following deeds and proceedings.

1. Deed from Mary E. Turcott to the Turcott Estate dated June 28, 1977 and recorded in York County Registry of Deeds at Book 2229, Page 93.

2. Deed from the Town of York to Joseph Turcott dated September 1, 1950 and recorded in York County Registry of Deeds at Book 1173, Page 279.

3. Deed from Cornelia Vermeule to Joseph Turcott, dated September 7, 1956 and recorded in York County Registry of Deeds at Book 1330, Page 14.

4. Deed from Landing Farms Company to Joseph Turcott dated September 7, 1956 and recorded in York County Registry of Deeds at Book 1338, Pages 29 and 30.

5. Will of Joseph Turcott recorded in York County Registry of Probate Docket No. 2349A.

6. Deed from the Town of York to Joseph Turcott dated July 3, 1953 and recorded in York County Registry of Deeds at Book 1230, Page 554.

7. Deed from the Town of York to Joseph Turcott dated July 6, 1953 and recorded in York County Registry of Deeds at Book 1230, Page 495.

8. Quiet Title Decree to Turcott dated July 7, 1952 and recorded in York County Registry of Deeds at Book 1218, Pages 207 and 208.

I, Robert D. Branch, further state that my status as trustee under the Will of Joseph T. Turcott is still in full force and effect.

BK7369 PG087

WITNESS my hand this 28th day of February, 1995.

Victoria Zachos

Robert D. Branch
Robert D. Branch, Trustee

THE STATE OF NEW HAMPSHIRE
MERRIMACK, ss.

February 28, 1995

Then personally appeared the above-named Robert D. Branch, Trustee and acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

Victoria Zachos
~~Notary Public~~
Notary Public
VICTORIA ZACHOS
My commission expires: 9/9/96

RECEIVED YORK S.S.

95 MAR 27 AM 10:06

ATTEST: Law M. Mace
REGISTER OF DEEDS

ERWIN, OTY, CLARK & CANTRELL ATTORNEYS - AT - LAW
1A WOODBRIDGE ROAD - P.O. BOX 345 - YORK, MAINE 03909

279

Know all Men by these Presents,

That The Inhabitants of the Town of York, a Municipal Corporation established at York in the County of York and State of Maine

in consideration of one dollar and other valuable considerations paid by Joseph T. Turcott- of Concord in the County of Merrimac- and State of New Hampshire

the receipt whereof it does do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said Joseph T. Turcott-, his heirs and assigns forever,

All its right, title and interest in and to certain lots or parcels of land situated in said York described as follows: Land lying between C.C. Vermeule land and Ambelwold Circuit, Intervale Road and Atlantic Ocean. Wadleigh's Head Street including land formerly assessed to York Development Company as lots 102-103-104-110-115-116-117-118 & 119. 45 acres upland, 26 acres marsh land, Part of land lying westerly of Wadleigh's Street, southwesterly of Cliff Road and northwesterly of Aspetong Avenue including lands formerly assessed to York Development Company as lots 63-66-67-68-69-97 & 99, 8 acres. Part of land lying westerly of Cliff road, southwesterly of the northwesterly boundary of lands formerly of the York Cliffs Improvement Company; and lying easterly of the lands of American Publicity Inc. including lands formerly assessed to York Development Company as lots 185b-192-195-216-221-222-223-230-249-253-258-270-271-281 A-282-283- 1/2 of 285 & 290; 38 acres. 15 lots on plan of York Development Co., for description see records Bk. 873 page 305 & 326, York County Registry of Deeds.

Being the same premises assessed to Adrian Vermeule for the years 1943 to 1947 inclusive, the taxes so assessed for said years not having been paid, the properties were sold at tax sales for certain years and tax liens filed for the remaining years.

The above described premises are sold by virtue of the authority granted to the Selectmen at a Special Meeting of the Inhabitants of the Town of York held August 12, 1950.

The above described premises are sold with the restriction running with the land that the same are to be used for residential purposes only.

Do Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging to the said him the said Joseph T. Turcotte, his

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

In Witness Whereof, the said Inhabitants of the Town of York have caused this instrument to be signed in its name and its corporate seal thereto affixed by Haven H. Winn, Reginald T. Frost and Edwin E. Kimball, its Selectmen thereunto duly authorized

have hereunto set hand and seal this first day of September in the year of our Lord one thousand nine hundred and fifty.

Signed, Sealed and Delivered in presence of
Ralph W. Hawkes
to all three
Inhabitants of the Town of York
By Haven H. Winn
Reginald T. Frost
Edwin E. Kimball
Its Selectmen

State of Maine, County of York ss. September 1, 1950. Personally appeared the above named Haven H. Winn, Reginald T. Frost and Edwin E. Kimball and acknowledged the above instrument to be their free act and deed in their said capacity and the free act and deed of said Municipal Corporation. BEFORE ME, Ralph W. Hawkes Notary Public (L.S.)

Recorded according to the original received. September 19, 1950, at 8h. 10m. A.M.

Book 1173
I.R.S.
Three
Dollars
and
Thirty
Cents

SEE
BOOK 1230
PAGE 495

207

Book 1218

Before me, Charles W. Smith Justice of the Peace
Recorded according to the original received July 18, 1952 at 9h. 20m. A.M.

THE STATE OF MAINE

(L.S.)
No. 1476
Superior Court
York, SS.

In Equity
In Vacation

Inhabitants of the Town of York
and Joseph T. Turcott

vs.

The Estate of Adrian Vermeule, Cornelia
Vermeule, Surviving Executrix, and Landing
Farms Corporation and
All those Claiming By, Through or Under Them

FINAL DECREE

This cause coming on to be heard upon the motion of the complainant to have the bill of complaint in the above matter taken as confessed and a decree pro confesso having been entered, it is hereby ordered, adjudged and decreed:

(1) That the decree pro confesso heretofore entered in this action against the Estate of Adrian Vermeule, Cornelia Vermeule, Surviving Executrix, and Landing Farms Corporation, and all persons claiming by, through, or under either of them, whosoever, asserting any claim, right, title or interest, be and hereby is ratified and confirmed, and the said Joseph T. Turcott is hereby decreed to be the owner in fee simple of the real estate hereinafter described:

(2) That all the right, title, interest, claims and demands of the defendants named in said bill of complaint, and each of them, shall be and hereby are forever barred, and said defendants are hereby enjoined, from asserting or claiming any right, title or interest in and to the following described real estate, and the title of Joseph T. Turcott to the said real estate be and hereby is affirmed and established as against the defendants, known and unknown and each of them.

Land lying between C. C. Vermeule land and Amelwold Circuit, Intervale Road and Atlantic Ocean. Wadleigh's Head Street including land formerly assessed to York Development Company as lots 102-103-104-110-115-116-117-118 & 119. 45 acres upland, 25 acres marsh land. Part of land lying westerly of Wadleigh's Street, southwesterly of Cliff Road and northwesterly of Aspetong Avenue including lands formerly assessed to York Development Company as lots 68-86-87-88-89-97-& 99, 8 acres. Part of land lying Westerly of Cliff road, southwesterly of the northwesterly boundary of lands formerly of the York Cliffs Improvement Company; and lying easterly of the lands of American Publicity Inc. including lands formerly assessed to York Development Company as lots 185b-192-

208

Book 1218

195-216-221-222-223-230-249-253-258-270-271-281A-282-283-½ of 285 & 290;
 38 acres. 14 lots on plan of York Development Company described in Book 873,
 Pages 305 and 326, York County Registry of Deeds as lots 71, 67, 100, 101, 79,
 168, 184, 183-A, 91, 93, 98, 159, 226 and land shown as an unnumbered lot in the
 "Plan of York Cliffs Improvement Company" adjoining Cape Neddick Harbor, re-
 corded in Book 776, Page 222, York County Registry of Deeds.

(3) And that the defendants named in said bill of complaint and each of
 them be and hereby are forever enjoined and restrained from asserting any right,
 title, interest, claim or demand in and to the real estate described in para-
 graph (2) above, and from prosecuting or attempting to prosecute any suit in
 any action to obtain the possession thereof or title thereto or any interest
 or estate therein.

Arthur E. Sewall
 Justice, Superior Court

July 7th, 1952

A true copy.
 (L.S.)

Attest: Albert W. Emmons Clerk.

Recorded according to the original received July 18, 1952 at 10h. A.M.

DISCHARGE

The debt and claims secured by the foregoing mortgage deed having been
 discharged by the Mortgagors, the Pepperell Trust Company as Mortgagee does
 hereby discharge said mortgage and release to the said mortgagors, their heirs
 and assigns, all its title in the estate therein described which it has under
 said deed; and in witness whereof has caused its corporate seal to be hereto
 attached and this instrument to be signed in its name and behalf by its
 Treasurer Ernest A. Goodwin, thereunto duly authorized.

Witness,
 William P. Donahue

PEPPERELL TRUST COMPANY,
 (Corporate Seal)
 By Ernest A. Goodwin Treasurer

Biddeford, Maine, July 16, 1952.

STATE OF MAINE, YORK, ss. Biddeford, Maine, July 16, 1952.

Then personally appeared the above named Ernest A. Goodwin, Treasurer
 of said Pepperell Trust Company and acknowledged the above instrument to be
 his free act and deed in his said capacity and the free act and deed of said
 Pepperell Trust Company.

Before me, William P. Donahue Justice of the Peace

Recorded according to the endorsement on the original (recorded in Book 1140,
 Page 137) received July 18, 1952 at 1h. P.M.

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Know all Men by these Presents, That

the Inhabitants of the Town of York, a Municipal Corporation established at York in the County of York and State of Maine,

in consideration of One Dollar and other valuable consideration paid by Joseph T. Turcott of Concord in the County of Merrimack and State of New Hampshire,

the receipt whereof it does hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said Joseph T. Turcott, his heirs and assigns forever, all its right, title and interest in and to certain lots or parcels of land situated in said York described as follows: Land lying between C.C. Vermeule land and Ambelwold Circuit, Intervale Road and Atlantic Ocean. Wadleigh's Head Street including land formerly assessed to York Development Company as lots 102, 103, 104, 110, 115, 116, 117, 118 & 119. 45 acres upland, 28 acres marsh land, Part of land lying westerly of Wadleigh's Street, southwesterly of Cliff Road and northwesterly of Aspetong Avenue including lands formerly assessed to York Development Company as lots 88, 86, 87, 88, 89, 97, & 99, 8 acres. Part of land lying westerly of Cliff Road, southwesterly of the northwesterly boundary of lands formerly of the York Cliffs Improvement Company; and lying easterly of the lands of American Publicity, Inc., including lands formerly assessed to York Development Company as lots 185b, 192, 195, 216, 221, 222, 223, 230, 249, 253, 258, 270, 271, 281A, 282, 283, 2 of 285 & 290; 38 acres. 15 lots on plan of York Development Co., for description see Records Book 873, Pages 305 and 326, York County Registry of Deeds.

Being the same premises assessed to Adrian Vermeule for the years 1943 to 1947 inclusive, the taxes so assessed for said years not having been paid, the properties were sold at tax sales for certain years and tax liens filed for the remaining years.

The above described premises are sold by virtue of the authority granted to the Selectmen at a Special Meeting of the Inhabitants of the Town of York held August 12, 1950,

The above described premises are sold with the restriction running with the land that the same are to be used for residential purposes only.

This deed is made for the purpose of confirming in all respects an earlier deed of the Inhabitants of the Town of York to Joseph T. Turcott dated September 1, 1950, recorded York Registry of Deeds Book 1173, Page 279.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging to the said him, the said Joseph T. Turcott, his

And do covenant with the said heirs and assigns forever, that will warrant and forever defend the premises to the said heirs and assigns, hale and assign forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof the said Inhabitants of the Town of York have caused this instrument to be signed in its name and its corporate seal thereto affixed by James H. McIntire, Reginald T. Frost, and Edwin E. Kimball, its Selectmen thereunto duly authorized,

have hereunto set hand and seal this day of - 1953. In the presence of Signed, Sealed and Delivered by

N. A. Talpey

INHABITANTS OF THE TOWN OF YORK (Corporate Seal) By, James H. MacIntire Reginald T. Frost

State of Maine, YORK, ss. JUL 6 1953. 1953 the above named James H. McIntire, Reginald T. Frost, and Edwin E. Kimball, Personally appeared and acknowledged the above instrument to be their free act and deed, in their said capacity, and the free act and deed of said Municipal Corporation. BEFORE ME, Norris A. Talpey Jus. of the Peace.

Recorded according to the original received. July 7, 1953 at 10h. 30m. A.M.

554

Book 1230

Know all Men by these Presents, That

Inhabitants of the Town of York, a Municipal Corporation established at York in the County of York and State of Maine

In consideration of one dollar and other valuable considerations (less than \$100.) paid by Turcott Associates, Inc. a corporation duly established by law and having its usual place of business at Concord in the County of Merrimac and State of New Hampshire

the receipt whereof it does ~~do~~ hereby acknowledge, ~~do~~ hereby remise, release, bargain, sell and convey and forever quit-claim unto the said Turcott Associates, Inc., its successors and Assigns forever,

Several lots and parcels of land situated in said York, and bounded and described as follows, and being the same parcels shown on list of property to be sold under sealed bids June 27, 1953;

Parcel One Lot numbered two hundred forty-one (241) plan of York Development Company, assessed to Nettie H. Adams for the years 1947 to 1949 inclusive.

Parcel Two Lots numbered one hundred sixty-four (164), two hundred eighty-six (286) and two hundred eighty-seven (287) Plan of York Development Company, assessed to American Publicity Company, Inc. for the years 1949 to 1952 inclusive.

Parcel Three Lot numbered ninety-two (92) on Plan of York Development Company, assessed to Mary Broderick for the year 1943.

Parcel Seven Lot numbered two hundred nine (209) on Plan of York Development Company, assessed to Fortunate Giovanni for the years 1949 and 1950.

Parcel Nine Lot numbered seventy (70) on Plan of York Development Company, assessed to James J. Kelly for the years 1948 to 1950 inclusive.

Parcel Twelve Lot numbered one hundred ninety-three (193) on Plan of York Development Company, assessed to Louis A. Larson for the years 1943 and 1944.

Parcel Seventeen Lot numbered one hundred eighty-seven B (187 B) on Plan of York Cliffs Improvement Company, assessed to John Roundburg for the years 1945 and 1946.

Parcel Eighteen Lot numbered one hundred eighty-five A (185A) on Plan of York Development Company, assessed to Susan Sivacek for the years 1948 to 1952 inclusive.

Parcel Twenty-One Lot numbered two hundred fourteen (214) on Plan of York Development Company, assessed to Margaret Seabury for the years 1950 to 1952 inclusive.

The above described premises are sold under authority granted to the Selectmen under the Sixth Article of the Warrant for Town Meeting held March 7, 1953, the said Turcott Associates, Inc. being the highest bidder under said sealed bids.

The title of the Grantor is derived under non-payment of taxes as above set forth.

To Have and to Hold the same, together with all the privileges and appurtenances therunto belonging to the said it the said Turcott Associates, Inc., its successors

and ~~do covenant with the said~~ ~~that~~ ~~will warrant and forever defend the premises to~~ ~~heirs and assigns forever.~~ ~~heirs and assigns,~~ ~~heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.~~

In Witness Whereof the said Inhabitants of the Town of York have caused this instrument to be signed in its name and its corporate seal thereto affixed by James H. MacIntire, Reginald T. Frost and Edwin E. Kimball, its Selectmen thereunto duly authorized,

have hereunto set ~~hand and seal~~ this third day of July in the year of our Lord one thousand nine hundred and fifty-three.

Signed, Sealed and Delivered in presence of

INHABITANTS OF THE TOWN OF YORK
(Corporate Seal)
By James H. MacIntire
Reginald T. Frost
Its Selectmen

N. A. Talpey
N. A. Talpey

State of Maine, County of York, ss. July 3, 1953, Personally appeared the above named James H. MacIntire, Reginald T. Frost and acknowledged the above instrument to be their free act and deed. in their said capacity and the free act and deed of said Municipal Corporation.
Before me, Norris A. Talpey Justice of the Peace.

Recorded according to the original received. July 28, 1953 at 8h. A.M.

165-19

2229 JUN 93

That I, Mary E. Turcott of Concord, County of Merrimack and State of New Hampshire, for consideration paid, grant to Robert D. Branch in his capacity as Trustee under the Last Will and Testament of Joseph T. Turcott late of Concord, County of Merrimack and State of New Hampshire, with Quit-Claim Covenants, one-third interest in common and undivided in and to certain lots or parcels of land situate in York in the County of York and State of Maine and being Lots 2, 3, 4, 5, 7, 10, 11 and Park as shown on Plan entitled "Property of Joseph T. Turcott" by William J. Locke, Civil Engineer, dated October 1972 to be recorded in York County Registry of Deeds.

Also one-third interest in common and undivided in and to certain lots or parcels of land situate in York in the County of York and State of Maine and being Lots 89, 186B, 189, 196, 197B, 199, 201B, 206, 219, 235A, 238, 245A, 270, 271, 275 part of 281A and one-half of 290 as shown on "Plan of Lands of York Development Co., York Cliffs, York, Maine" by Whitman & Howard, Civil Engineers dated 1924 and recorded in York County Registry of Deeds, Plan Book 10, Page 1.

Also one-third interest in common and undivided in and to certain lots or parcels of land situate in York in the County of York and State of Maine and being an unnumbered area northwest of Sylvan Circuit; an unnumbered area northeast of Sunapee Road; and unnumbered area at intersection of Foresters Circuit and West Lake Circuit; and unnumbered area at junction of Pine Mt. Road and West Lake Circuit and an unnumbered area northwest of North Spring Road.

The land hereinabove described being portions of the land acquired by Joseph T. Turcott as follows:

Decree of the Superior Court dated July 7, 1952 recorded in the York County Registry of Deeds in Book 1218, Page 207; deed from the Inhabitants of the Town of York to Joseph T. Turcott, dated July 6, 1953 recorded in said Registry in Book 1230, Page 495; deed from Trustees in dissolution of Landings Farms Company to Joseph T. Turcott, dated September 7, 1956, recorded September 7, 1956, recorded in said Registry in Book 1338, Page 29, and deed from Cornelia Vermaule, life tenant with power of sale under the will of Adrian Vermaule, to Joseph T. Turcott dated September 7, 1956 and recorded in said Registry in Book 1320, Page 14.

In Witness Whereof, I, Mary E. Turcott, being a widow and unmarried, release all rights by descent and all other rights.

Witness my hand and seal this 28th day of June 1977.

Thomas J. Tobin

Mary E. Turcott
Mary E. Turcott

THE STATE OF NEW HAMPSHIRE

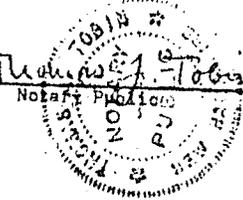
Merrimack, ss.

June 28, 1977.

Then personally appeared the above named Mary E. Turcott and acknowledged the foregoing instrument to be her free act and deed,

Before me,

Thomas J. Tobin
Notary Public



THOMAS J. TOBIN, Notary Public
My Commission Expires November 8, 1978

York, ss.

Received JUL 28 1977 at 2:40 PM
and recorded from the original

FRANCIS F. NEAL
ATTORNEY AT LAW
16 SHAPLEIGH ROAD
KITTERY, MAINE 03804

064120

BK 0869 PG 107

(P) *WMB*
Long Beach

KNOW ALL MEN BY THESE PRESENTS

THAT I, HARRY H. NORTON, of York, County of York, State of Maine, duly appointed and acting personal representative of the estate of Roger R. Norton, deceased, whose Will was duly admitted to probate in the Probate Court for the County of Cumberland, Maine, by the power conferred by law, and every other power, (in distribution of the estate) grants to ROGER R. NORTON, JR. of York, County of York, State of Maine, whose mailing address is P.O. Box 226, York Beach, Maine 03910, being the person entitled to distribution, the real property in York, County of York, State of Maine, described as follows:

A certain lot of land situated at Long Sands Beach, so-called, in said York, and bounded as follows: northwesterly by said State Highway designated #1A from a point where the stone wall on the northeasterly side of the Mitchell property intersects said Highway, to a point in said Highway in front of Harry Sall's store, so-called; thence from said point in front of Harry Sall's store, and at right angles to said Highway in a southeasterly direction to the Atlantic Ocean; thence in a southwesterly direction by the Atlantic Ocean to a point where a line running northwesterly and on the same course as the stone wall above mentioned, would intersect said Highway. Excepting and reserving from the foregoing described lot so much of said premises as Samuel J. Donnell of York conveyed to Ephram Hodgdon by quit claim deed dated October 1, 1892, duly recorded in the York County Registry of Deeds, Book 454, Page 89.

Also a certain lot of land situated at Long Sands Beach, in said York, bounded northwesterly by the State Highway Route #1A and running from a point in front of Harry Sall's store to a point on said highway where the southwesterly side line of the Samuel Abbott property intersects said Highway; thence in a southeasterly direction on the same course as the Samuel Abbott line to the Atlantic Ocean; thence in a southwesterly direction by the Atlantic Ocean to a point where the southwesterly boundary, if continued in a straight course and at right angles to said Highway, would intersect the starting point in front of Harry Sall's store.

Excepting and reserving from the foregoing described lots, a certain lot or parcel of land as described in deed of Roger R. Norton and Paul M. Norton to the Inhabitants of the York Beach Village Corporation dated May 31, 1957 and recorded in the York County Registry of Deeds in Book 1872, Page 395.

Being the same premises conveyed by deed of Alfred L. Nutter, Deputy Sheriff, to Harry H. Norton dated January 16, 1936 and recorded in the York County Registry of Deeds in Book 893, Page 63.

WILLIAM P. BRIGGS, P.A.
16 SHAPLEIGH ROAD
P.O. BOX 330
KITTEERY, MAINE 03904

Blk 6869-107 Rev Rep. Deed
Dated 10 Dec 93
Rec'd 22 Dec 93

Dated this 10th day of December, 1993.

Signed, Sealed and
Delivered in presence of

ESTATE OF ROGER R. NORTON

Mark W. Lawrence

By:

Harry H. Norton

Harry H. Norton
Personal Representative

STATE OF MAINE
COUNTY OF YORK

December 10, 1993

Then personally appeared the above-named Harry H. Norton in his said capacity and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Mark W. Lawrence

Mark W. Lawrence
Attorney-at-Law

PRDEED-1:9/93

RECEIVED YORK S.S

93 DEC 22 AM 9:45

ATTEST: *John Stone*
CLERK OF DEEDS

Know all Men by these Presents

That Roger R. Norton and Paul M. Norton both of York in the County of York and State of Maine

in consideration of one dollar and other good and valuable consideration being a total in all of less than one hundred (\$100.00) dollars

paid by the inhabitants of the York Beach Village Corporation, a municipal corporation and body politic created by law, of York in the County of York and State of Maine

the receipt whereof we do hereby acknowledge, do hereby remit,

release, bargain, sell and convey, and forever quit-claim unto the said Inhabitants of the York Beach Village Corporation its successors and assigns forever all our right, title and interest in and to a certain lot or parcel of land situated on the southeasterly side of U. S. Route 1-A, also known as York Street and Long Sands Road, at York in the County of York and State of Maine, all within the limits of the York Beach Village Corporation and more particularly ~~as more particularly~~ bounded and described as follows:

Beginning at a point which point is in the granite curbing which forms the northwesterly side of the sidewalk located on the southeasterly side of U. S. Route 1-A at Oceanside, so called, where a projection of the base line of the "rip-rap" or foundation wall of the southerly side of the "ramp" or road leading onto the Long Sands Beach intersects with said granite curbing. The aforesaid base line being hereinafter referred to as "Line A". Thence running southeasterly on the course of the aforesaid Line A one hundred twenty-five (125) feet to a point; thence turning and running northeasterly to a point, hereinafter to be described, on another line hereinafter known and referred to as "Line C". Said Line C being parallel to and everywhere one hundred and twenty-five (125) feet distant from said Line A measured on a perpendicular having its base on Line A. Said point being situated on said Line C at a point which is one hundred and twenty-five (125) feet measured on Line C in a southeasterly direction from the point where said Line C intersects the granite curbing which forms the northwesterly side of the sidewalk located on the southeasterly side of said U. S. Route 1-A. Thence turning, at the point described on said Line C, and running northwesterly on the course of said Line C one hundred twenty-five (125) feet to a point in the granite curbing aforesaid where said Line C intersects with it; thence turning and running southwesterly by and along the line of the granite curbing which forms the northwesterly side of the sidewalk aforesaid to the "ramp" or road leading onto Long Sands Beach and then continuing across said ramp on the line of said curbing to the point of beginning. However, reserving to the grantors their heirs and assigns a right of way for all the usual purposes of a way and by foot, team, wagon or motor vehicle over said ramp, as the same now exists, to said Long Sands Beach from said U. S. Route 1-A.

Meaning and intending hereby to convey to said grantee a small portion of the property which Alfred H. Nutter, a duly qualified Deputy Sheriff, seized on execution issued at the October Term 1936 of the York County Superior Court in favor of Harry H. Norton against Mattie M. Perkins, which the said Harry H. Norton purchased at public auction on January 16, 1937, which the said Alfred H. Nutter conveyed

to Harry H. Norton by quit-claim deed dated January 16, 1937 and duly recorded in York County Registry of Deeds book 893, at page 63, and which the grantors herein inherited as the heirs-at-law of the said Harry H. Norton, their father, late of York deceased.

To have and to hold, the same, together with all the privileges and appurtenances thereunto belonging, to the said York Beach Village Corporation its successors and assigns forever.

~~heirs and assigns forever.~~

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

In Witness Whereof, we the said Roger R. Norton

and Loretta M. Norton

wife

of the said

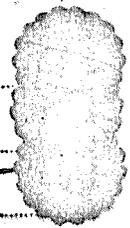
Roger R. Norton and Paul M. Norton, a single man,

joining in this deed as Grantors, and relinquishing and conveying all right by descent and all other rights in the above described premises, have hereunto set our hand and seals this thirty-first day of May in the year of our Lord one thousand nine hundred and fifty-seven.

Signed, Sealed and Delivered in presence of

Myron W. Rust
Myron W. Rust
Myron W. Rust

Roger R. Norton
Loretta M. Norton
Paul M. Norton



State of New Hampshire
~~State of Maine~~
Rockingham } ss.

May 31, 19 57.

Personally appeared the above named Roger R. Norton and Paul M. Norton and severally

and acknowledged the above instrument to be their free act and deed.

Before me,

York, ss.
Received MAY 21 1970 at 4 h. 30 m. P.M.
and recorded from the original.

Myron W. Rust
Justice of the Peace.
NOTARY PUBLIC
My Commission Expires
0-11-82

Know all Men by these Presents, That

I, Cornelia Vermeule of New Brunswick, in the County of Middlesex and State of New Jersey, life tenant with power of sale under the will of Adrian Vermeule,

in consideration of one dollar and other valuable considerations (less than one hundred dollars in all), paid by Joseph T. Turcott of Concord, in the County of Merrimack and State of New Hampshire,

the receipt whereof I do hereby acknowledge, do hereby remise, release, bargain, sell and convey and forever quit-claim unto the said Joseph T. Turcott, his heirs and assigns forever,

All my right, title and interest in and to all that tract of land situated in York, in the County of York and State of Maine, shown on the "Map of Land of York Cliffs Improvement Company", dated Jan. 1, 1893, and recorded in the York Registry of Deeds, in Plan Book 4, Page 30, bounded on the southwest by the Cape Neddick Harbor and the Atlantic Ocean; on the northeast by land conveyed by deed dated Jan. 20, 1916 to Cornelius C. Vermeule; on the southeast by said land of Cornelius Vermeule; on the northeast by a line extending northwesterly in the line of a stone wall as shown on said Map to a corner in lot #276, and thence northeasterly to where the line of the wall intersects the northeasterly boundary line of the lands shown on the said map; on the northeast by lands formerly of Charles C. Phillips; on the northwest by lands formerly of John Hutchins, Jemima Weare, and the heirs of Donnell Weare, excepting therefrom the lands shown on the said map identified and described or designated by lot numbers as follows, to wit: Lots numbered 39, 40, 41, 42, 43, 44, 45, 59, 60, 64, 65, 20, 21, 28, 31, 76, 80, 81, 82, 84, 85, 33, 32, 172, 14, 25, 30, 74, 75, 77, 78, 6, 12, 3, 4, 13, 15, 6, 17, 18, 19, 22, 23, 24, 26, 27, 28, 29, 34, 35, 36, 37, 38, 46, 52, 53, 54, 55, 56, 57, 58, 61, 62 and 63. Also excepting three parcels of land conveyed to American Publicity Inc. by deed dated June 22, 1928, recorded in the Registry of Deeds for said County of York, in Book 787, Page 455. Also excepting any lots not mentioned above and owned by others.

Meaning and intending, without in any way limiting the generality of the foregoing, hereby to convey, and hereby conveying, all my right, title and interest in and to the lots known and designated as lots numbers 1, 2, 5, 47, 48, 49, 50 and 51, the "Park" area bounded southeasterly by "Pequanac Place", westerly by "Wanaque Road", and northeasterly and northerly by "Intervale Road", all as shown on said plan and the "Park" area bounded on all sides by "Intervale Road", "Cliff Road", "Napeena Road" and "Ocean Circuit", all as shown on said plan, and all my right, title and interest in and to any and all lands lying between the several roads or ways shown on said plan and high-water mark of the Atlantic Ocean and/or Cape Neddick Harbor.

My title to the foregoing described real estate was derived under the will of my brother, Adrian Vermeule, late of said York, deceased, and this conveyance is made under and pursuant to the power of sale to me therein given.

To Have and to Hold the same, together with all the privileges and appurtenances thereunto belonging to the said Joseph T. Turcott, his

heirs and assigns forever.
heirs and assigns,

And I do covenant with the said Grantee, his that I will warrant and forever defend the premises to him the said Grantee, his heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under me.

In Witness Whereof I, the said Cornelia Vermeule being unmarried

have hereunto set my hand and seal this 7th day of September in the year of our Lord one thousand nine hundred and fifty-six.

Signed, Sealed and Delivered in presence of

Noreen M. Nunziato

Cornelia Vermeule (seal)

New Jersey
State of ~~Maine~~ County of Middlesex ss. September 7, 1956. Personally appeared
the above named Cornelia Vermeule

and acknowledged the above instrument to be her free act and deed.

BEFORE ME, Noreen M. Nunziato Notary Public of New Jersey (L.S.)
My Commission expires April 5, 1959

Recorded according to the original received. September 18, 1956 at 9h. A.M.

tenants dated August 23, 1956 to be recorded in the York County Registry of Deeds.

To have and to hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said Leo P. Bernier and Richard Bernier as joint tenants, and not as tenants in common, to them and their heirs and assigns, and to the survivor of them, and the heirs and assigns of such survivor, to them and their use and behoof forever.

And We do covenant with the said Grantees, as aforesaid, to them and their heirs and assigns, and to the survivor of them, and the heirs and assigns of such survivor, that We are lawfully seized in fee of the premises, that they are free of all incumbrances; that We have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that We and Our heirs shall and will Warrant and Defend the same to the said Grantees, and their assigns, and to the heirs and assigns of the survivor of them forever, against the lawful claims and demands of all persons.

In Witness Whereof, We the said grantors, John A. Bernier and Lea Bernier, being husband and wife, and Allan F. Plaisted and Pearl L. Plaisted, being husband and wife, joining in this deed as Grantors, and relinquishing and conveying our right by descent and all other rights in the above described premises, have hereunto set - hands and seals this Eleventh day of September in the year of our Lord one thousand nine hundred and fifty-six.

Signed, Sealed and Delivered in presence of

Edw. F. Gowell

to all

John A. Bernier (seal)
Lea Bernier (seal)
Pearl L. Plaisted (seal)
Allan F. Plaisted (seal)

State of Maine, York ss. September 11th 1956. Personally appeared the above named John A. Bernier, Lea Bernier, Allan F. Plaisted and Pearl L. Plaisted and acknowledged the foregoing instrument to be their free act and deed.

Before me, Edward F. Gowell Notary Public (- -)

Recorded according to the original received October 2, 1956 at 9h. 15m. A. M.

KNOW ALL MEN BY THESE PRESENTS, THAT LANDING FARMS COMPANY, a corporation organized under the laws of the State of New Jersey and located at New Brunswick, in the County of Middlesex and State of New Jersey, by CORNELIA VERMEULE and BAYARD THOMAS, surviving directors and trustees in dissolution, in consideration of the sum of THREE THOUSAND (\$3,000.00) DOLLARS, paid by JOSEPH T. TURCOTT of Concord, in the County of Merrimack and State of New Hampshire, the receipt whereof it does hereby acknowledge, does hereby remise, release, bargain, sell

I.R.S.
Three
Dollars
and
Thirty
Cents

and convey and forever quit-claim unto the said JOSEPH T. TURCOTT, his heirs and assigns forever.

All the right, title and interest of the grantor in and to all that tract of land situate in York, in the County of York and State of Maine, shown on the "Map of Land of York Cliffs Improvement Company", dated Jan. 1, 1893, and recorded in the York Registry of Deeds, in Plan Book 4, Page 30, bounded on the southwest by the Cape Neddick Harbor and the Atlantic Ocean; on the northeast by land conveyed by deed dated Jan. 20, 1916 to Cornelius C. Vermeule; on the southeast by said land of Cornelius Vermeule; on the northeast by a line extending northwesterly in the line of a stone wall as shown on said Map to a corner in lot #276, and thence northeasterly to where the line of the wall intersects the northeasterly boundary line of the lands shown on the said map; on the northeast by lands formerly of Charles C. Phillips; on the northwest by lands formerly of John Hutchins, Jemima Weare, and the heirs of Donnell Weare, excepting therefrom the lands shown on the said map identified and described or designated by lot numbers as follows, to wit: Lots numbered 39, 40, 41, 42, 43, 44, 45, 59, 60, 64, 65, 20, 21, 28, 31, 76, 80, 81, 82, 84, 85, 33, 32, 172, 14, 25, 30, 74, 75, 77, 78, 6, 12, 3, 4, 13, 15, 6, 17, 18, 19, 22, 23, 24, 26, 27, 28, 29, 34, 35, 36, 37, 38, 46, 52, 53, 54, 55, 56, 57, 58, 61, 62, and 63. Also excepting three parcels of land conveyed to American Publicity Inc. by deed dated June 22, 1928, recorded in the Registry of Deeds for said County of York, in Book 787, Page 455. Also excepting any lots not mentioned above owned by others.

Meaning and intending, without in any way limiting the generality of the foregoing, hereby to convey, and hereby conveying, all the right, title and interest of the grantor in and to the lots known and designated as Lots numbers 1, 2, 5, 47, 48, 49, 50 and 51, the "Park" area bounded southeasterly by "Pequanac Place", westerly by "Wanaque Road", and northeasterly and northerly by "Intervale Road", all as shown on said plan and the "Park" area bounded on all sides by "Intervale Road", "Cliff Road", "Napeena Road" and "Ocean Circuit", all as shown on said plan, and all the right, title and interest of the grantor in and to any and all lands lying between the several roads or ways shown on said plan and high-water mark of the Atlantic Ocean and/or Cape Neddick Harbor.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to him the said JOSEPH T. TURCOTT, his heirs and assigns forever.

AND the said grantor does covenant with the said JOSEPH T. TURCOTT, his heirs and assigns, that it will Warrant and Forever Defend the premises to him the said grantee, his heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

16430-494

33-43

Doc# 2012047210
Bk 16430 Pg 496 - 497
Received York SS
10/05/2012 2:02PM
Debra L. Anderson
Register of Deeds

130-37

221 Long Beach Ave

Return to:
Christopher Mooney & Lori Seow
188 School Street
Watertown MA 02472

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Laurence T. Dumais, Trustee of The Laurence T. Dumais Revocable Trust of 2000, of _____, for consideration paid grant(s) to Christopher Mooney & Lori Seow, husband and wife, as joint tenants with rights of survivorship, of 188 School Street, Watertown, MA 02472

with WARRANTY COVENANTS:

A certain lot or parcel of land, as is, situated in York, in the County of York, at Long Beach, so-called, and State of Maine containing about six thousand (6,000) square feet of land, and bounded: Northeasterly by land now or formerly owned by Samuel G. Donnell; northwesterly and southwesterly by land now or formerly owned by Jeremiah Donnell; and southeasterly by the "Sea Beach," together with all rights to the land in front of the beach; the above-described lot being sixty feet in width and extends back one hundred feet from the beach.

Meaning and intending to describe and convey the same premises conveyed to the grantor herein by deed of Laurence T. Dumais dated December 22, 2000 and recorded with the York County Registry of Deeds in Book 10375, Page 115.

MAINE R.E. TRANSFER TAX PAID

Gold Title PC
34 ESSEX ST.
ANDOVER, MA. 01810

2/29 ->

Executed this 10-4-12.

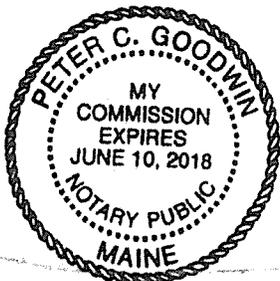
**The Laurence T. Dumais Revocable Trust of
2000**

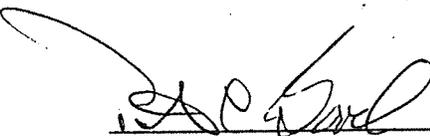

Laurence T. Dumais, Trustee

State of Maine

York, ss.

On 10-4-12, before me, the undersigned notary public, personally appeared Laurence T. Dumais, Trustee the above-named and proved to me through satisfactory evidence of identification, to be the person whose name is signed on this document, and acknowledged to me that he/she signed it voluntarily for its stated purpose and that the foregoing instrument is his/her free act and deed.




Notary Public:
My Commission Expires: 6-10-18

End of Document

WARRANTY DEED
Maine Statutory Short Form

36-96A
5904

KNOW ALL BY THESE PRESENTS, that **NORMAND A. RAMSEY**, of York Beach, in the County of Cumberland, and State of Maine, for consideration paid, grants to **RAYMOND RAMSEY** of York Beach, County of York, State of Maine, whose mailing address is 265 Long Beach Avenue, York Beach, ME 03910, with **WARRANTY COVENANTS**, the land, together with the buildings thereon, located in York Beach, County of Cumberland and State of Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the said **NORMAND A. RAMSEY** has signed this instrument this 26th day of Feb., 1999.

WITNESS:

Shelley M. Kimball

Normand A. Ramsey
Normand A. Ramsey

MAINE R.E. TRANSFER TAX PAID

STATE OF MAINE
COUNTY OF YORK, SS.

Feb 26, 1999

Personally appeared the above-named Normand A. Ramsey and acknowledged the foregoing to be his free act and deed, before me.

Susan R. Littley
Notary Public/Attorney at Law
Susan R. Littley
Printed Name

Susan R. Littley
Notary Public, Maine
My Commission Expires: May 10, 2002



EXHIBIT A
TO
DEED

A certain lot or parcel of land, together with the buildings thereon, situated on the Northerly side of the highway leading from York Harbor to York Beach, being bounded and described as follows:

Beginning at the Southwesterly corner of said lot on said highway and running thence northwesterly three hundred forty-nine and one-tenth (349.1) feet by and along the northeasterly sideline of land now or formerly of the heirs of E. Hodgdon and a stone wall to a point one hundred fifty (150) feet southeasterly from the northwesterly boundary of the former right of way of the old York Harbor and Beach Railroad, said point being at a corner of land now or formerly of Normand Ramsey; thence turning and running northeasterly one hundred thirty (130) feet by and along land now or formerly of said Ramsey and parallel to the right of way of the old York Harbor and Beach Railroad to a point, said point being the northerly corner of the land described herein; thence turning and running three hundred forty-nine and one-tenth (349.1) feet, more or less, by and along land of now or formerly of said Ramsey to the aforesaid highway; thence turning and running southwesterly by and along said highway one hundred thirty (130) feet, more or less, to the point of beginning.

Together with all my right, title and interest in and to that parcel of land situated on the Southeasterly side of the aforesaid highway and being more particularly described as follows, to wit:

Bounded northwesterly by the aforesaid highway, northeasterly by land of Normand Ramsey; southeasterly by the low water mark of the Atlantic Ocean, and Southwesterly by the southeasterly extension of the boundary between E. Hodgdon's heirs and the parcel described hereinabove.

The premises are conveyed subject to a certain right of way in common with others along the southwesterly side line of the first described parcel, leading from the highway to land now or formerly of Rust, et al.

The premises are subject to a life tenancy retained by Normand A. Ramsey, which shall terminate upon the earlier to occur of (i) the death of Normand A. Ramsey or (ii) the date upon which Normand A. Ramsey moves out of the house on the premises, with no intent to return.

Meaning and intending to convey and hereby conveying the same premises conveyed to Normand A. Ramsey by deed of Sears S. Duarte and Mary F. Duarte, dated May 13, 1964 and recorded in the York County Registry of Deeds in Book 1598, Page 56.

S:\R\Ramr03\Deed-Raymond.doc

RECEIVED YORK S S.

1999 MAR -3 P 12: 28

ATTEST: *Louis M. Chase*
REGISTER OF DEEDS

→ Murray, Plumbe & Murray (2)
75 Pearl St.
PO Box 9785
Portland, Me 04104 - 5035
2077

BK 3441 P 33 - Rev. Rep. Duct.
D: 10 Dec 84
R: 4 Jan 85
36-77

36-104
36-63
36-77
587920

MAY 12 1984
4106-280
Casey Withers
BK N A
4106-286
Casey Withers
BK N A
12091000

14200-89
5243-47
Casey Withers
BK

MAINE REAL ESTATE TRANSFER TAX PAID

MAINE NATIONAL BANK, a banking institution having a principal place of business at Portland, County of Cumberland, State of Maine, in its capacity as

Personal Representative
~~EXECUTOR OF THE WILL~~ ~~ADMINISTRATOR~~ of the ESTATE of ~~THOMAS R. ANDERTON~~
of - ~~CONSERVATOR~~ ~~RECEIVER~~ ~~OF THE ESTATE~~ ~~OF~~ ~~THOMAS R. ANDERTON~~ ~~COMMISSIONER~~ THOMAS R. ANDERTON

by the power conferred by the will of said Thomas R. Anderton, see York County Probate Docket No. 83-150,

and every other power,
for Consideration Paid
~~HERE~~ grants to ~~THE~~
ROBERT J. POULIN and MARGARET M. POULIN, as joint tenants,
of York Beach, Town of York, York County, Maine
the land in York Beach, Town of York, York County, Maine

Parcel No. 1
Seven parcels of land comprised of seven separate lots shown on a recorded plan and bounded southwesterly for a distance of two hundred eighty-five (285) feet by Eastern Avenue, northwesterly for a distance of one hundred thirty (130) feet by Main Avenue, northeasterly approximately two hundred eighty-five (285) feet by a stone wall and land now or formerly of Rust, and southeasterly by the northwesterly side-line of the location of the former York Harbor and Beach Railroad and being Lots 47, 48, 49, 50, 51, 52 and 53 on plan of property of S. G. Donnell, recorded at the York County Registry of Deeds in Plan Book 3, Page 42.

Parcel No. 2
Two parcels of land comprised of two separate lots shown on a recorded plan and bounded southeasterly by the northwesterly sideline of Main Avenue for a distance of ninety-six (96) feet, southwesterly a distance of ninety-nine and fifty hundredths (99.50) feet by Lot No. 13, as shown on the aforesaid plan of property of S. G. Donnell, northwesterly by a stone wall approximately ninety-six (96) feet, and northeasterly by a stone wall and said land of Ramsey, and being Lots 14 and 15 on the aforesaid S. G. Donnell plan. The foregoing parcels described herein being the same parcels of land now or formerly of Anne M. Starkey to Washington Anderton, recorded at the York County Registry of Deeds in Book 464, Page 381.

Parcel No. 3
A certain lot or parcel of land together with the building thereon being more particularly described as follows, to wit:
Beginning at a hub in the northwesterly sideline of Beach Road, also known as Long Beach Avenue, and the southwesterly sideline of a twelve (12) foot passway formerly owned by Washington Anderton, and running from said hub southwesterly by and along Long Beach Avenue one hundred seven (107) feet to the southeasterly corner of land now or formerly of Edna N. SlauenWhite, thence running northwesterly by land of said
-See Appendix A-

Witness ITS hand this 10th day of December 1984

Duncan A. McEachern
James Murphy, Assistant Vice President

The State of Maine
YORK ss. DECEMBER 10, 1984

Then personally appeared the above named JAMES MURPHY, ASSISTANT VICE PRES. of SAID MAINE NATIONAL BANK, in his said capacity and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of said MAINE NATIONAL BANK.

Before me, *Duncan A. McEachern*
Justices of the Peace - Attorney at Law - Notary Public
DUNCAN A. McEACHERN

504-3441 PAGE 33

BOOK: BK 3441 P 33 - Case No. 14200-89 - BK N.A.
Casey Withers
BK N.A.
Dec 11/85
B3707/350 - Casey Withers BK N.A.
Casey Withers
BK N.A.
12091000

APPENDIX A

SlauenWhite one hundred (100) feet to land conveyed to Washington Anderton by deed, recorded at the York County Registry of Deeds in Book 417, Page 473, thence running northeasterly by said Anderton land one hundred seven (107) feet to a point in the southwesterly sideline of the aforesaid twelve (12) foot passway, thence running by said passway southeasterly one hundred (100) feet to the point of beginning. The parcel herein described being comprised of two parcels of land conveyed to Washington Anderton in 1890 by deeds recorded in Book 435, Page 161, and Book 438, Page 35.

Parcel No. 4

A certain lot or parcel of land adjoining Webber Road, so-called, and being more particularly described as follows, to wit: Beginning at a point in Webber Road at the westerly corner of land formerly of Abner Oakes and now or formerly of Mary E. Libbey, thence running northwesterly by and along said Webber Road and the remains of a stone wall to the southeasterly sideline of the former location of the York Harbor and Beach Railroad, thence running northeasterly by and along said sideline to land formerly of Anna F. Manvel, now of Milton T. Martin, thence running in a generally southeasterly direction by land formerly of Martin, now of the Grantees, to Long Beach Avenue, thence running by and along Long Beach Avenue southwesterly a distance of twenty (20) feet to land formerly of Ham Brothers and now Piper, thence running by and along Piper northwesterly one hundred (100) feet to a point twenty (20) feet southwesterly from land of Martin at the northeasterly corner of land of Piper, thence running southwesterly by land of Piper, Whitehead and Green to a twelve (12) foot passway at the northwesterly corner of the land of Green, thence running southeasterly by land of Green and said passway to Long Beach Avenue, thence running southwesterly by and along said Long Beach Avenue twelve (12) feet to a hub at the southeasterly corner of that parcel of land conveyed to Washington Anderton by deed recorded in Book 435, Page 161, thence running northwesterly by said Anderton land one hundred (100) feet to a point, thence running southwesterly by said Anderton land one hundred seven (107) feet, more or less, to the northeasterly corner of land of SlauenWhite, thence continuing the same course by and along SlauenWhite land to the northeasterly corner of land of Sullivan, formerly Oakes, to Webber Road and the point of beginning. Subject to any rights of others in the twenty (20) and twelve (12) foot passways. Containing two acres more or less and being the parcel of land conveyed by S. G. Donnell to Washington Anderton by deed recorded in the York County Registry of Deeds in Book 417, Page 473.

Parcel No. 5

All right, title and interest in that portion of Long Beach bounded northwesterly by Long Sands Road (also known as Long Beach Avenue), northeasterly by land formerly of Anna F. Manvel, southeasterly by the Atlantic Ocean and southwesterly by the extension of the north-easterly sideline of Webber Road, extended to the ocean in a south-easterly direction.

Also conveying all rights of way and easements appurtenant to the foregoing described premises in any streets or ways shown on any plans described herein.

The Personal Representative certifies that it has complied to the notice requirements of 18-A M.R.S.A. 3-711.

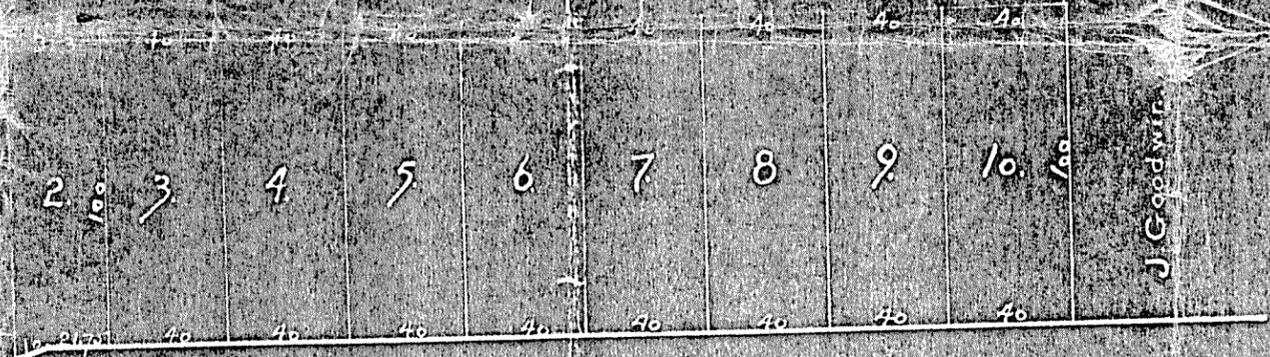
RECEIVED YORK, SS.
1905 JAN -4 AM 11:45
RECORDED REGISTRY OF DEEDS

Called from the Register

PLAN OF PROPERTY S. G. DONNELL. YORK, ME.

Demott Jose Survr.
Saco, Me.

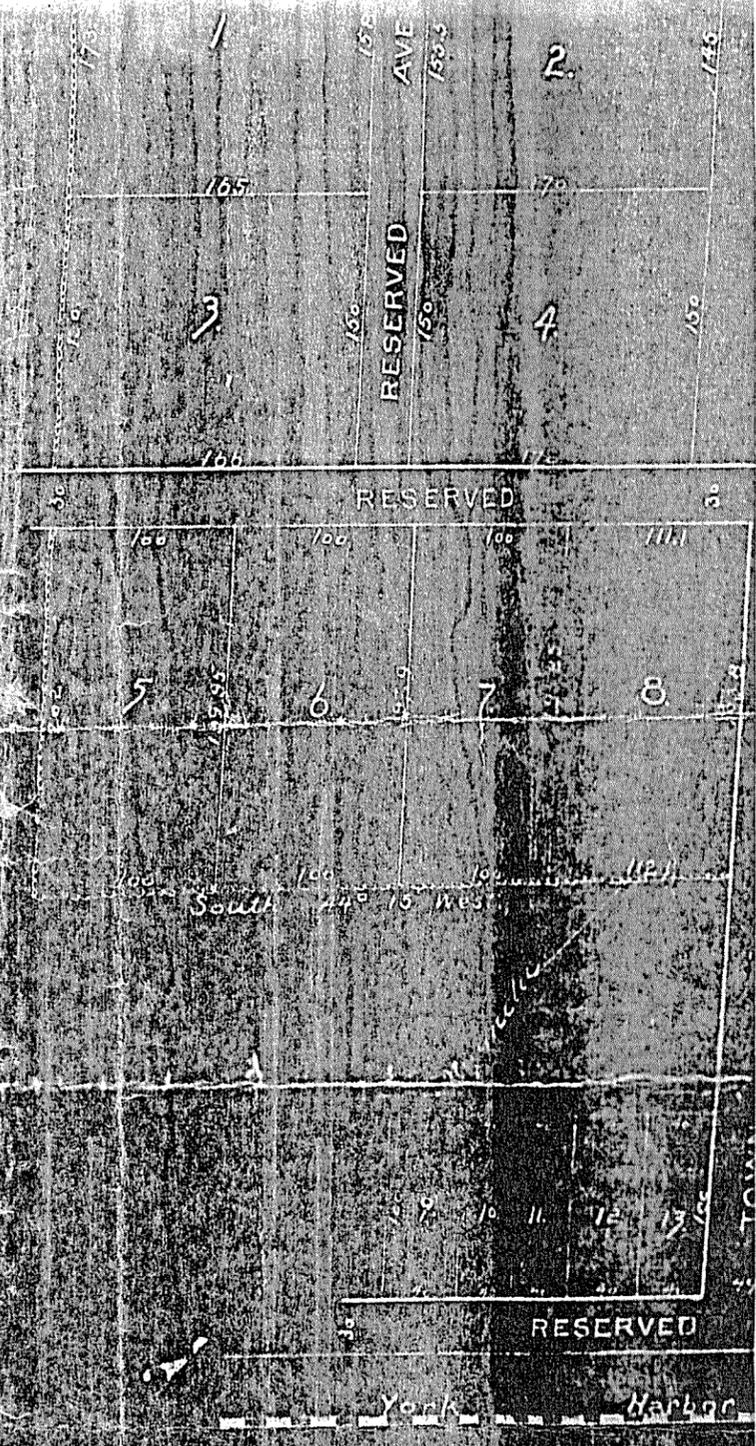
Plan No. 2.



COUNTY ROAD.

Scale 60'-1"

Atlantic Ocean



RESERVED AVE

RESERVED

RESERVED

York Harbor

J Goodwin

WILLOW AVENUE



EDGE OF TRUBB...
CHORD = 172.96' S 30° 23' 25" E 0.08' = 173.99'
R = 471.32' A = 173.99'

REBAR
120.29' N 66° 21' 45" E

SIDE WALK

APPROX FORMER BROOK LOCATION
SIDEWALKS

IRON P.D.

IRON P.D. (USED)
IN LEASE

PARCEL # 1
GORDON
TO
S.S. P.A.
(GIFT)

BUSWELL
TO
S.S. P.A.

PARCEL # 2

N/F BUZBETH BAYL
2001/727

GEORGE
192/163

GRAN. NON SET
RUD. HOLE IN LEASE

S 6° 42' 35" E

N/F HARON R. THURSTON
1192/63

Handwritten notes in the left margin, including the word "WILLOW" and other illegible scribbles.

Harbor Beach

APPENDIX 1

A certain lot or parcel of land with the buildings and improvements thereon situated in the Town of York, County of York and State of Maine at York Harbor and more particularly bounded and described as follows:

Beginning at an iron pipe on the highway leading from York Village to Short Sands Beach at land now or formerly of SAMUEL S. THOMPSON;

Thence running South $36^{\circ} 08' 51''$ East along said highway, 39.60 feet to an iron pipe situated on the Westerly side of said highway;

Thence continuing South $23^{\circ} 34' 34''$ East along said highway about three hundred ninety-eight (398) feet to a granite monument;

Thence on the same course to the Atlantic Ocean at Short Sands Beach;

Thence Southwesterly, Easterly, Southerly and Westerly by said Atlantic Ocean to the line of land conveyed to RICHARD S. TUFTS by Deed of PINEHURST-MARSHALL HOUSE, INC. dated July 19, 1971 and recorded in the York County Registry of Deeds in Book 1914, Page 3;

Thence on a course of North $57^{\circ} 56' 52''$ West by said TUFTS land to an iron pipe set in the ground;

Thence on the same course passing through drill marks on the ledge, a fifty (50) penny spike in the driveway pavement and other drill marks on the ledge, all by said Tufts land, to the York River;

Thence Northeasterly by said River to a point at the Northeasterly end of the earth filled dam at land now or formerly of VINAL;

Thence North $39^{\circ} 57' 44''$ East, 145.79 feet by a row of granite posts to an iron pipe;

Thence North $50^{\circ} 25' 43''$ West by said fence 92.82 feet to an iron pipe;

Thence North $36^{\circ} 28' 22''$ East, 30.64 feet and North $27^{\circ} 47' 10''$ East, 27.82 feet to an iron pipe;

Thence North $43^{\circ} 23' 40''$ East by a stone wall, 39.41 feet; Thence North $55^{\circ} 54' 40''$ East, 6.57 feet to a drill hole at the corner, all the foregoing dimensions being on land now or formerly of said VINAL;

Thence South $47^{\circ} 16' 17''$ East by the old stone wall and by land of heirs of J. P. SIMPSON, 30.42 feet to a granite hub;

Thence North $50^{\circ} 33' 52''$ East by a line of granite posts and by land of said heirs of SIMPSON, 111.83 feet to the end of a bank wall and land of SAMUEL S. THOMPSON;

Thence South $49^{\circ} 00' 08''$ East by said bank wall and by land of said THOMPSON, 86.67 feet to an iron pipe; and then South $41^{\circ} 09' 09''$ East, 43.42 feet to an iron pipe;

Thence North $37^{\circ} 53' 20''$ East, 30 feet to an iron pipe, still by land of said THOMPSON;

Thence North $10^{\circ} 11' 50''$ East, 26 feet to an iron pipe in said highway, being the point of beginning.

All compass courses being magnetic 1972.

Also all right, title and interest of the Grantor in and to the shores and flats adjacent to the above parcel of land, the tidal dam thereon and waters impounded and flats enclosed thereby, and the fee in the highway leading from York Village to said Short Sands Beach.

Excepting therefrom the lot or parcel of land and the easements conveyed by Stage Neck, Inc. to Stage Neck Inn, Inc. by deed dated March 28, 1973 and recorded in the York County Registry of Deeds in Book 1986, Page 67, such parcel hereinafter referred to as the "Inn" parcel. Also conveying the easements reserved in said deed from Stage Neck, Inc. to Stage Neck Inn, Inc.

Excepting and reserving therefrom also a second lot or parcel bounded and described as follows: Beginning at an iron pipe on the west side of Stage Neck Road, a private way, said pipe being the north-easterly corner of said parcel at land now or formerly of Samuel S. Thompson, all as shown on the plan hereinafter referred to; thence, the line runs by the line of Stage Neck Road $S46^{\circ} 46' 48'' W$ a distance of 140.78 feet to a point; thence, by two curves to the left, of radius 215.0 feet, a distance of 27.62 feet, and also left at a radius of 115.0 feet, a distance of 35.92 feet to a point; thence, $N50^{\circ} 25' 43'' W$ 73.70 feet to an iron pipe at the easterly corner of land now or formerly of A. B. Warrick; thence, continuing along said course by the northeasterly line of land of said Warrick 92.82 feet to an iron pipe at the southeasterly corner of land conveyed by Frances S. Warrick to Robert G. Fuller by his deed dated January 2, 1962 and recorded in the York County Registry of Deeds in Volume 1796 Page 754; thence, along easterly line of land of said Robert G. Fuller $N36^{\circ} 28' 22'' E$, 30.64 feet to an iron pipe; thence, continuing along the said easterly side line $N27^{\circ} 47' 10'' E$, 27.82 feet to an iron pipe at the northeasterly corner of land of said Robert G. Fuller; thence, $N43^{\circ} 25' 40'' E$ 39.41 feet to an iron pipe; thence, $N55^{\circ} 54' 17'' E$, 6.57 feet to a drill hole in the wall at land of J. P. Simpson heirs; thence, by land of J. P. Simpson heirs $S47^{\circ} 16' 17'' E$, 30.42 feet to a granite monument; thence turning and running $N50^{\circ} 33' 52'' E$ by land of J.P. Simpson a distance of 111.83 feet to an iron pipe with a stake and tack at the north-west corner of this parcel and also being the south-west corner of the Thompson lot, thence turning and running by land of said Samuel S. Thompson in two courses, first $S49^{\circ} 00' 08'' E$ a distance of 86.67 feet to an iron pipe, thence $S41^{\circ} 09' 09'' E$ a distance of 43.42 feet to the point of beginning. Said parcel contains 31,387 + square feet.

Map of the Town of York Daniel Sewall, 1794



1699

- At a Legall Town Meeting holden in York; May the 12th: 1699 -
- 1 Lieut Abraham Peebles Senr. chosen Debety for to Represent this town of York att the grate and Gen^{le} Court to be holden in Boston for his Majest^y Service on y^e 31: of this Infant may - - -
 - 2 James pleastee, Demiel Black, Abra^m Peeble Junr. chosen to serve as Gran Jury men, and for the jury of tryals for this year In sewing -

Country Road through the Town.

We the Select Men of the town of York have Laid out the Country Road through the town of York as followeth from Wells to Barwick Bounds; begining att Wells bounds: att the Markt tree: and from thence to Cape-meddich of the parth now goes. Coming down the hill. By My^s Maere^s orchard and over the Bridge, and so over the river att the point, and so A Long as the way now lies: between Stouers fforte and ye orchard: and so A Long to the short fands, and then cutting A Little bough by the head of pond: where we have marked A Small pitch pine tree and also A white oke: and so A Long as the way now goes by John Stover house, and so A Long upon upon y^e Sea Wall or Ridg^e that lies between the sands: and the frish Meadow. Whilft we come to A Lane Betwene John Bankes and Joseph Carliels, and A Long by y^e Carliels house, A Long of the way now goes whilft it comes to Liut: Abraham Peebles key^s: and as y^e Lane Leads up to Lewis Barnes, and of the way goes to Mathew Austens: And so up along to Mastursons Land: and so over Bafe boue att y^e Wall Waiding place and so A Long through Scotland By arther Bragdens and By M^r: Maxfields, and so by the head of curtis^e boue: and so A Long as the way goes to the Bridg^e, and so to Barwick Bounds Aforefd: - As also the highway from the Lower End of the Towne to the Mill, turning out off: y^e Rode aforefd A Little Before they come att alewue Brook and the Country Rode to Thomas Troftons goes out of the Mill Rode Betwene the place where the oold bame fford, and the Orchard: and along just behind Richard Prays: and so A Long as the way goes to Thomas Troftons ferrey as aforefd: - and the Country and town Rode att the Lower End of the Towne A Long as has Bin formerly - Begining and going from the Rode that goes to Cape-meddich att the corner off the ffence a little above the Beareing place and so A Long whilft it comes to Joseph Weares fene and so down that Lane, and so along over the hill, and as the way is by Goodman Moulton's field, and betwene y^e Moulton's field

1699

and Jasper Pulmans Orchard, and so A Long By Mr. Samuel Daniels as the
Way Goes. While we come to the Stage point or ferry place --- And the
town way turns out of the bunting road by the Buring place and so to the meet-
ing House and from thence to the bridge, and over where the Bridge = up to Be:
and up that Lane by John Parker's and so as the way Goes by the head of bay
between bridge to Rowland Young's --- these Ways Laid out by Us the fifteenth = day
of May in Year one thousand six hundred, Ninety and nine: as Wittness
our hands.

James Plafted }
Ather Pragon }
Daniel Black } Se.
Joseph Barnes }
Richard Milbery }

Vide appendix }
page 401. }
and. etc }

omitted..



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 20, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <u> X </u> Work Session	
Subject: Funding for Independent Review of Police Station Project	

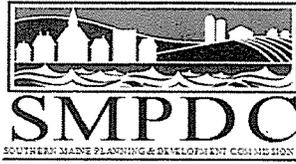
TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION: Approve Funding
PROPOSED MOTION: I move to commit the amount of \$19,690 to be paid to the third party reviewers of the Police station project for outsourced technical assistance.

Discussion: In a written communication to the planning board dated January 30, 2014 Lee Jay Feldman and Steve Bradstreet, third party reviewers of the police station project, addressed a number of issues related to the sketch plan review scheduled for February 20, 2014. One of the issues addressed concerns funding for the payment of the third party review (outsourced technical assistance). According to the written communication, an amount of \$19,690 is required from the Town in order to compensate Mr. Feldman and Mr. Bradstreet for the outsourced technical assistance. The written communication indicates that "this project cannot proceed until that commitment has been made."

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

Prepared By: Robert G. Yandow

Reviewed By: _____



To: York Planning Board

From: Lee Jay Feldman, Director of Planning, SMPDC
& Steve Bradstreet Civil Engineer, Ransom Consulting

Date: 1/30/2014

Re: Sketch Review York Police Station 414 Ridge Road Map & Lot 0094-0077

Introduction

The applicant has submitted a Sketch Plan application for review of the proposed Town of York Police Station. The proposed project consists of an 18,000 square foot building proposed to be a LEED Silver building, parking for 76 vehicles on the site and a pad location for a cell/telecommunications tower. The building will sit on the property within close proximity and direct access to Ridge Road, however; the applicant is also proposing to construct a new connector road from Ridge Road through to U.S. Route 1 with access just north of the structure formerly owned by Mr. Blinn.

In submitting this application, SMRT Engineers, have provided a very detailed description and background report on the proposed project, as well as three (3) plans for the boards background. Those plans consist of: A conceptual vision plan of the overall development on the site, a wetland delineation detailing the impacted wetlands, shoreland overlay district, flood plains and general zoning, and a plan shows all of the Natural Resource Buffers and associated setbacks.

As everyone is aware there is a history with this project that includes a series of environmental violations which must be addressed. The purpose of the sketch review is for the applicant to provide the planning board with an overview of the project and in this case how the violations plan to be remediated. The sketch plan narrative submitted by the applicant is fairly thorough, there are however a number of issues that must be discussed with the planning board which are noted below.

Issues for Discussion

There are 6 items that must be addressed by the applicant satisfactorily to the board and staff (SMPDC and Ransom Consulting) prior to closure of this portion of the process allowing the applicant to move on to preliminary review. Those issues up for discussion are:

1. Accounting of how we got to where we are today with the project.
2. Explanation of the Restoration Plan and the amended DEP permits allowing this work.
3. Clarification of the boundary dispute and where this issue lies at this time.
4. Clarification of jurisdiction as to what items are being reviewed i.e. Wetlands, Floodplain, Site Plan, etc.
5. The Community Development Office is covering \$12,000 of the expenses for the Planning Board to have a 3rd party review completed. The consulting contract is for \$31,690 and the applicant must cover the difference of \$19,690.

a. Article 2 Section 2.3.C. & D. indicates the following:

c. Each application shall include a \$500 engineering review deposit. The Board may waive this requirement for simple applications that involve minimal physical construction or site alteration. The engineering review deposit shall be placed in a separate account. The Town does not have a staff engineer, so all engineering work, including review of applications, is contracted out. The money in this fund will be utilized to pay for such engineering review. In the event the review costs more than \$500, additional funds must be paid by the applicant. In the event the funds are not spent, any remaining balance shall be returned to the applicant at the conclusion of the process.

D. Reimbursement for Outsourced Technical Assistance. In the event the Planning Board requires technical assistance other than engineering review, the applicant shall be responsible for reimbursing the Town for the cost of such assistance. The contractor shall work for and report to the Town. Reimbursement of such costs shall be made a condition of approval as required.

It is important that the planning board get a clear understanding from the town representative or Select board that this money has been set aside and committed for the reimbursement of the additional \$19,690 is available to cover these possible costs. If no commitment can be made, this project cannot proceed until that commitment has been made.

The sixth issue is one that is not listed or has been discussed in my previous memo to you, but staff would like this addressed at this level so that no questions will come up during this process as people review the regulations relevant to this project. Article 5 Section 5.5.1 Final Approval and Filing states: **“No Plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the Town or in violation of Town of York Zoning Ordinances”**.

It is important that the applicant discuss the approach to correcting a wetland impact on the property and the timing of the correct and why they proposed to correct the violation after construction is allowed to begin again.

The Process

There are several process issues that should be clarified from the very beginning of the project. It is important to understand that as this project moves forward the dates of hearings may not fall on regular Planning Board meeting nights. This is because the project has received so much attention in the past; the review requires the undivided attention of the Planning Board. All of the information regarding this project will be posted on the town website under Committees/Planning Board/Police Station. All dates of hearings will be posted as usual as well as on the website location. Due to the Planning Board’s regular schedule, Council schedule and Budget review schedule the project will be fit in as reviews require and room availability works for the Planning board members.

The other aspect of the process that should be discussed at this time is the approvals themselves. In the past there were discussions that this project would require Site Plan and Subdivision review. At this time the project will only receive site plan review, no subdivision review will be required. This determination has been for several reasons: First, all of the land as proposed at this time will be owned by the Town of York. The new connector road does split the parcel in two but all of the ownership will remain with the town. The State of Maine Subdivision law, Title 30-A subsection 4401 Definitions 6. Tract or parcel of land states: **“Tract or parcel of land” means all contiguous land in the same ownership, except that lands located on opposite sides of a public or private road are considered each a tract or parcel of land unless the road was established by the owner of the land on both sides of the road after September 22, 1971.**

The second portion of this matter surrounds the pad location for the cell tower and lease agreement with the cell provider for the mechanical building. In December of 2013, the State of Maine Supreme Court made a determination that a cell tower pad lease arrangement does not constitute a lot for subdivision purposes unless it meets

January 30, 2014

the lot size requirements of the zone. I have a copy of this decision for the record if anyone should need to review it.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 21, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Legal Agreement with Ellis Park Trustees and William Burnham Regarding Penstock Road	

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

Discussion: On October 3, 2013 the Selectmen held a work session with the Ellis Park Trustees concerning the ownership of Penstock Road. At the end of the meeting it was determined that legal documents would be drawn up which would document how the disputed ownership would be resolved. On February 5, 2014 Dennis Carrillo, attorney for Ellis Park and William Burnham, emailed Durward Parkinson a series of documents relating to the potential abandonment of Penstock Road and easements between the Town of York, William Burnham and the Ellis Park Trustees.

Durward Parkinson, the Town Attorney handling this matter, has scheduled a conference call with Dean Lessard, Director of Public Works, and Dennis Carrillo, representing Mr. Burnham and the Ellis Park Trustees to discuss the documents and to ensure that the Town's interests are adequately represented in the final documents. This conference call is scheduled for Tuesday, February 25, 2014 at 10:00.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert B. Ganson

Reviewed By: _____

**AGREEMENT TO ABANDON PENSTOCK ROAD AND CONVEY QUITCLAIM
DEED, EASEMENT, LICENSE AND MAINTENANCE AGREEMENTS**

KNOW ALL PERSONS BY THESE PRESENTS, that this easement and maintenance agreement is entered into by and between WILLIAM BURNHAM, with a mailing address of 59 Stark Street, Dover, New Hampshire 03820; the ELLIS SHORT SANDS PARK TRUSTEES, with a mailing address of P.O. Box 364, York Beach, Maine 03909; and the INHABITANTS OF THE TOWN OF YORK, a municipal corporation with a mailing address of 186 York Street, York, Maine 03909.

WHEREAS, William Burnham is the record owner of certain real estate described in a deed dated October 13, 1969, and recorded with the York County Registry of Deeds in Book 1856, Page 309, and legally described as follows:

A certain lot or parcel of land situated at York Beach in the Town of York, County of York and State of Maine, together with the buildings thereon as hereinafter described, also known as Thomson's Gift-Beach Shop and Surfside Diner, lying on the easterly side of the public way which lies between the premises herein conveyed and the Goldenrod, so called, more particularly bounded and described as follows:

Beginning at a point in the northwesterly corner of the lot or parcel herein conveyed in the easterly side line of said public way and at the southwesterly corner of other land of the grantor herein and running thence by said public way South six degrees twenty-three minutes East (S 06° 23' E) thirty-two and six-tenths (32.6) feet to a point; and running thence by said public way and across the location of the penstock which drains York Beach Square South seven degrees thirty-two minutes East (S' 07° 32' E) seventy-six (76) feet to a point at the location of a former brook which was in existence in 1888 and used as a monument in former descriptions of this land, at land presently of the York Beach Park Commission. Beginning again at the point of beginning and running thence by and along said other land of the grantor North eighty-five degrees eighteen minutes East (N 85° 18' E) seventy-three and six-tenths (73.6) feet, in part through the building standing on the land herein conveyed, to a point in the westerly side line of land of Thomas Ford, and running thence by said land of Ford South four degrees fifty-eight minutes East (S 04° 58' E) forty-four and two-tenths (44.2) feet to a steel stake set in the ground at the junction of said Ford's land and land of said Park Commission, and running thence across the aforementioned penstock South four degrees fifty-eight minutes East (S 04° 58' E) by land of said Park Commission fifty-six (56) feet to the site of the former brook above mentioned, and running thence by and along the site of said former brook and land of the said Park Commission southwesterly seventy-one (71) feet, more or less, to the southerly limit of the second-described course mentioned above;

WHEREAS, Ellis Short Sands Park is an entity owned by, and maintained within the boundaries of the Town of York, but said park is forever under the management and control of Grantor Park Trustees;

WHEREAS, the deeds creating Ellis Short Sands Park are recorded at the York County Registry of Deeds, at Book 418, Page 34, and at Book 2595, Page 244;

WHEREAS, the boundaries of Ellis Short Sands Park are depicted on a survey prepared by John P.R. Cyr, Maine Registered Land Surveyor, of H.I. & E.C. Jordan, Surveyors (a division of Edward C. Jordan, Co., Inc., of Portland, Maine), recorded at the York County Registry of Deeds, at Plan Book 125, Page 13;

WHEREAS, the aforesaid areas of real property owned by William Burnham and of real property managed by the Ellis Short Sands Park Trustees, respectively, include an abandoned public way formerly known as Penstock Road, as depicted on attached **Exhibit A**;

WHEREAS, William Burnham, the Ellis Short Sands Park Trustees and the Inhabitants of the Town of York all agree that Penstock Road has been abandoned and that areas on which it existed are rightfully owned by William Burnham and managed by the Ellis Short Sands Park Trustees, respectively;

WHEREAS, it is the intention of the Inhabitants of the Town of York to formally abandon Penstock Road by vote of the Town's Board of Selectmen and convey a municipal quitclaim deed without covenants for the abandoned portions of the road to William Burnham, in exchange for receipt of certain easements and licenses from William Burnham and the Ellis Short Sands Park Trustees;

WHEREAS, in exchange for a municipal quitclaim deed without covenants conveying portions of the abandoned road located on the real property of William Burnham, William Burnham and the Ellis Short Sands Park Trustees desire to grant to the Inhabitants of the Town of York an easement and license, respectively, on the areas of real property owned by William Burnham and managed by the Park Trustees, respectively, where Penstock Road had once existed, as well as a currently existing sidewalk and/or concrete walkway constructed by the Town of York and running parallel to Old County Road, all as depicted on attached **Exhibit A**, for the purposes of maintaining a currently-existing, underground storm water drainage system, for the public to travel on the sidewalk and/or concrete walkway, and for ingress and egress over William Burnham's real property to access the vehicle parking area of real property managed by the Ellis Short Sands Park Trustees;

WHEREAS, it is premature to create an easement and license until the Town of York formally abandons Penstock Road;

NOW THEREFORE, William Burnham, the Ellis Short Sands Park Trustees and the Inhabitants of the Town of York all agree that the Inhabitants of the Town of York will vote to formally abandon Penstock Road by general referendum in May 2014, and if the Inhabitants of the Town of York so approve, the parties, within 7 days of said vote, will execute and record in the York County Registry of Deeds the following instruments:

1. A municipal quitclaim deed without covenants from the Inhabitants of the Town of York to William Burnham, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit B**;
2. An easement and maintenance agreement from William Burnham to the Inhabitants of the Town of York, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit C**;
3. An license and maintenance agreement from the Ellis Short Sands Park Trustees to the Inhabitants of the Town of York, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit D**;

FURTHER, William Burnham, the Ellis Short Sands Park Trustees and the Inhabitants of the Town of York all agree, for themselves, their personal representatives, heirs, assigns and successors, that this agreement and its related municipal quitclaim deed without covenants, easement and maintenance agreement, and license and maintenance agreement, shall constitute a full settlement over the existence of Penstock Road as a public way and of their respective ownership of, rights to and obligations for the real property at issue in said instruments. The parties to this agreement do, for themselves, their personal representatives, heirs, assigns and successors, hereby mutually remise, release, acquit and forever discharge each other from any and all claims, demands, actions and causes of actions of all kinds whatsoever which they now have or which may hereafter accrue, arising from or connected in any way to the existence of Penstock Road as a public way and to their respective ownership of, rights to and obligations for the real property at issue in said instruments.

IN WITNESS WHEREOF, William Burnham has caused this instrument to be executed as of this _____ day of _____, 2014.

By: _____
William Burnham

State of Maine
County of York, ss. _____, 2014

Personally appeared the above-named William Burnham, and acknowledged the foregoing to be his free act and deed.

Before me,

Notary Public
Print Name:
My Commission expires:

IN WITNESS WHEREOF, the Ellis Short Sands Park Trustees has caused this instrument to be executed as of this _____ day of _____, 2014, by _____, its duly authorized agent.

By: _____
Print Name:
Print Title:

State of Maine
County of York, ss. _____, 2014

Personally appeared the above-named _____, who is the duly authorized agent of the Ellis Short Sands Park Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of said Trustees.

Before me,

Notary Public
Print Name:
My Commission expires:

IN WITNESS WHEREOF, the Inhabitants of the Town of York has caused this instrument to be executed as of this _____ day of _____, 2014, by Robert G. Yandow, Town Manager, its duly authorized agent.

By: _____
Print Name:
Print Title:

State of Maine
County of York, ss. _____, 2014

Personally appeared the above-named Robert G. Yandow, Town Manager, who is the duly authorized agent of the Inhabitants of the Town of York, and acknowledged the foregoing to be his/her free act and deed in said capacity and the free act and deed of said Inhabitants of the Town of York.

Before me,

Notary Public
Print Name:
My Commission expires:

EASEMENT AND MAINTENANCE AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that this easement and maintenance agreement is entered into by and between WILLIAM BURNHAM, of 59 Stark Street, Dover, New Hampshire 03820 ("Grantor Burnham"), and the INHABITANTS OF THE TOWN OF YORK, a municipal corporation with an address of 186 York Street, York, Maine 03909 ("Grantee Town").

RECITALS

WHEREAS, Grantor Burnham is the record owner of certain real estate described in a deed dated October 13, 1969, and recorded with the York County Registry of Deeds in Book 1856, Page 309, and legally described as follows:

A certain lot or parcel of land situated at York Beach in the Town of York, County of York and State of Maine, together with the buildings thereon as hereinafter described, also known as Thomson's Gift-Beach Shop and Surfside Diner, lying on the easterly side of the public way which lies between the premises herein conveyed and the Goldenrod, so called, more particularly bounded and described as follows:

Beginning at a point in the northwesterly corner of the lot or parcel herein conveyed in the easterly side line of said public way and at the southwesterly corner of other land of the grantor herein and running thence by said public way South six degrees twenty-three minutes East (S 06° 23' E) thirty-two and six-tenths (32.6) feet to a point; and running thence by said public way and across the location of the penstock which drains York Beach Square South seven degrees thirty-two minutes East (S' 07° 32' E) seventy-six (76) feet to a point at the location of a former brook which was in existence in 1888 and used as a monument in former descriptions of this land, at land presently of the York Beach Park Commission. Beginning again at the point of beginning and running thence by and along said other land of the grantor North eighty-five degrees eighteen minutes East (N 85° 18' E) seventy-three and six-tenths (73.6) feet, in part through the building standing on the land herein conveyed, to a point in the westerly side line of land of Thomas Ford, and running thence by said land of Ford South four degrees fifty-eight minutes East (S 04° 58' E) forty-four and two-tenths (44.2) feet to a steel stake set in the ground at the junction of said Ford's land and land of said Park Commission, and running thence across the aforementioned penstock South four degrees fifty-eight minutes East (S 04° 58' E) by land of said Park Commission fifty-six (56) feet to the site of the former brook above mentioned, and running thence by and along the site of said former brook and land of the said Park Commission southwesterly seventy-one (71) feet, more or less, to the southerly limit of the second-described course mentioned above;

WHEREAS, the aforesaid real property owned by Grantor Burnham includes a portion of an abandoned public way formerly known as Penstock Road, as depicted on attached Exhibit A;

WHEREAS, the parties agree that Penstock Road has been abandoned and any portion of that abandoned road located on the above described real property of Grantor Burnham is rightfully owned by Grantor Burnham;

WHEREAS, Grantee Town has executed and delivered to Grantor Burnham a Municipal Quitclaim Deed Without Covenants of even date herewith, conveying that portion of abandoned Penstock Road located on Grantor Burnham's above-described real property;

WHEREAS, Grantor Burnham desires to grant to Grantee Town an easement on that area of the above-described real property owned by Grantor Burnham where a portion of abandoned Penstock Road had once existed, as depicted on attached Exhibit A, for the purposes of maintaining a currently-existing, underground storm water drainage system and for ingress and egress over Grantor Burnham's real property to access the vehicle parking area of Ellis Short Sands Park;

AGREEMENT:

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS

1. Miscellaneous

1.1. The easement created and contained herein shall bind and inure to the respective benefit of Grantor Burnham and Grantee Town. As used herein the terms "Grantor Burnham" and "Grantee Town" shall include the present and future owner or owners and mortgagees, their heirs, personal representatives, successors and assigns of Grantor Burnham's real property and the Grantee Town's real property, respectively.

1.2. The parties agree that Grantor Burnham herein reserves for himself, his heirs, successors and assigns, the right to continue to use the area of his real property burdened by this easement for any uses and purposes which shall not interfere with the use thereof by Grantee Town, in fulfilling the purposes for which these easements are granted. In the exercise of his rights hereunder, Grantor Burnham will not, however, cause or permit any activities to be conducted or cause or permit any buildings or structures to be erected or plant or cause to be planted any trees which will in any way interfere with the exercise by Grantee Town of any rights hereby granted.

1.3. Further, this easement is subject to the perpetual right of Grantor Burnham to park vehicles on private parking spaces located in the area of his real property burdened by this easement, and Grantee Town agrees that this this easement does not allow Grantee Town or the general public to interfere with the right of Grantor Burnham to park vehicles on said private parking spaces.

2. Easement for Ingress and Egress

2.1. For valuable consideration received, Grantor Burnham hereby grants to Grantee Town and to the general public an easement over a currently existing driveway opening onto Old County Road, as well as currently existing sidewalks and/or concrete walkways which were created by Grantee Town and which run parallel with Old County Road, all of which run through an area of Grantor Burnham's real property burdened by this easement, as depicted on attached Exhibit A, for purposes of ingress and egress over said area for access to the vehicle parking area on the northwesterly end of Ellis Short Sands Park, a public use park managed by the Ellis Short Sands Park Trustees pursuant to an agreement with the Town of York, dated 1979.

2.2. This ingress and egress easement shall burden Grantor Burnham's real property and benefit Grantee Town. This ingress and egress easement shall run with the land and shall be binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.

2.3. This easement shall ONLY be for the limited purpose of access, ingress, egress and maintenance through the area of Grantor Burnham's real property burdened by this easement

to travel along currently existing sidewalks and/or concrete walkways running parallel with Old County Road and to access the parking area of Ellis Short Sands Park.

2.4. Grantee Town agrees to maintain the driveway, sidewalks and/or concrete walkways and other areas of Grantor Burnham's real property burdened by this easement in a reasonable manner and at the Grantee Town's sole expense. Said maintenance shall also require snow removal, which shall not block the easement.

2.5. The Grantee agrees to indemnify, hold harmless and defend Grantor Burnham and any holder of any debt secured by Grantor Burnham's real property against any and all liabilities or claims or causes of action, including attorney's fees, arising from any allegations that the area of Grantor Burnham's real property burdened by this easement was not properly maintained or was otherwise in an unsafe condition.

3. Easement for Underground Storm Water Drainage

3.1. For valuable consideration received, Grantor Burnham hereby grants to Grantee Town an exclusive, ten (10)-foot wide easement over areas of real property burdened by this easement that are owned by Grantor Burnham that formerly constituted Penstock Road, as depicted in attached **Exhibit A**, and right to enter upon said areas for the purposes of installation, maintenance, repair, or replacement of an existing underground storm drain system and related improvements. This easement for underground storm water drainage shall be located starting at the northern side of an existing 48-inch underground pipe and extending out for ten feet in the southerly direction, opposite the existing building located on Grantor Burnham's real property.

3.2. This easement is for the benefit of the adjacent and nearby public roads and public rights of way and for the drainage of water from the same and from other lands, and includes the right for underground discharge and flowage of water whatsoever in nature and amount, so long as such discharge and flowage does not interfere with Grantor Burnham's entitled use of the areas burdened by this easement. This easement shall run with the land and shall be binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.

3.3. Grantee Town's rights and obligations are limited to the installation, maintenance, repair or replacement of the existing underground storm water drainage system.

3.4. Grantee Town agrees that it shall be responsible for said maintenance, repair and replacement of said underground storm water drainage system and related improvements, as it deems necessary.

3.5. Grantee Town agrees that it will accomplish said maintenance, repair or replacement of said underground storm water drainage system promptly and with minimum disruption to Grantor Burnham's entitled use of the area burdened by this easement.

3.6. Grantee Town agrees that any damage caused by the existence, maintenance, repair or replacement of said underground storm water drainage system or by Grantee Town's entry upon said area burdened by this easement will be corrected and restored at Grantee Town's sole expense to a condition substantially equal to that existing prior to such damage and commensurate with Grantor Burnham's entitled use of said area.

3.7. Prior to the exercise of rights granted herein, Grantee Town shall make reasonable efforts to serve notice on Grantor Burnham of its intent to enter upon the easement. In cases of emergency, no prior notice need be given.

3.8. Grantee Town agrees to indemnify, hold harmless and defend Grantor Burnham and any holder of any debt secured by Grantor Burnham's real property against any and all liabilities or claims or causes of action, including attorney's fees, arising in any way from the existence, maintenance, repair or replacement of said storm water drainage system.

Dated this _____ day of _____, 2014.

IN WITNESS WHEREOF, Grantor Burnham has caused this instrument to be executed as of this _____ day of _____, 2014, by William Burnham.

Witness:

By: _____
William Burnham

State of Maine
County of York, ss.

_____, 2014

Personally appeared the above-named William Burnham, and acknowledged the foregoing to be his free act and deed.

Before me,

Notary Public
Print Name:
My Commission expires:

IN WITNESS WHEREOF, Grantee the Inhabitants of the Town of York has caused this instrument to be executed as of this _____ day of _____, 2014, by Robert G. Yandow, Town Manager, its duly authorized agent, and in doing so hereby accepts the above-described easement subject to the conditions attached thereto.

Witness:

By: _____
Print Name:
Print Title:

State of Maine
County of York, ss.

_____, 2014

Personally appeared the above-named Robert G. Yandow, Town Manager, who is the duly authorized agent of Grantee the Inhabitants of the Town of York, and acknowledged the foregoing to be his/her free act and deed in said capacity and the free act and deed of said Inhabitants of the Town of York.

Before me,

Notary Public
Print Name:
My Commission expires:

LICENSE AND MAINTENANCE AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that this license and maintenance agreement is entered into by and between the ELLIS SHORT SANDS PARK TRUSTEES, with a mailing address of P.O. Box 364, York Beach, Maine 03909 (“Grantor Park”), and the INHABITANTS OF THE TOWN OF YORK, a municipal corporation with an address of 186 York Street, York, Maine 03909 (“Grantee Town”).

RECITALS

WHEREAS, a deed creating Ellis Short Sands Park (“park”) dated August 15, 1887 (“Deed of Trust”) is recorded at the York County Registry of Deeds, at Book 418, Page 34, and a deed conveying additional real property to the park is recorded in the York County Registry of Deeds, at Book 2595, Page 244;

WHEREAS, the park is an entity owned by, and maintained within the boundaries of the Town of York;

WHEREAS, the park is to be forever under the management and control of Grantor Park Trustees pursuant to the aforesaid Deed of Trust;

WHEREAS, the boundaries of the park are depicted on a survey prepared by John P.R. Cyr, Maine Registered Land Surveyor, of H.I. & E.C. Jordan, Surveyors (a division of Edward C. Jordan, Co., Inc., of Portland, Maine), recorded at the York County Registry of Deeds, at Plan Book 125, Page 13;

WHEREAS, the park’s real property owned by the Town of York and managed and controlled by Grantor Park includes a portion of an abandoned public way formerly known as Penstock Road, as depicted on attached Exhibit A;

WHEREAS, the parties agree that Penstock Road has been abandoned and any portion of that abandoned road located on the above described real property managed and controlled by Grantor Park is rightfully managed and controlled by Grantor Park;

WHEREAS, Grantor Park, in its capacity as a Board of Trustees and manager of the park, desires to grant to Grantee Town a certain license on that area of the above-described the park’s real property managed and controlled by Grantor Park where a portion of abandoned Penstock Road had once existed, as depicted on attached Exhibit A, for the purposes of maintaining a currently-existing, underground storm water drainage system and for ingress and egress over the park’s real property to access the vehicle parking area of Ellis Short Sands Park;

AGREEMENT:

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS

1. Miscellaneous

1.1. The license created and contained herein shall bind and inure to the respective benefit of Grantor Park and Grantee Town. As used herein the terms “Grantor Park” and “Grantee Town” shall include the present and future owner or owners and mortgagees, their heirs, personal representatives, successors and assigns of Grantor Park’s right to manage the park and the Grantee Town’s real property, respectively.

1.2. The parties agree that Grantor Park herein reserves for itself, its heirs, successors and assigns, the right to continue to use the area of the real property burdened by this license for any uses and purposes which shall not interfere with the use thereof by Grantee Town, in fulfilling the purposes for which this license is granted. In the exercise of its rights hereunder, Grantor Park will not, however, cause or permit any activities to be conducted or cause or permit any buildings or structures to be erected or plant or cause to be planted any trees which will in any way interfere with the exercise by Grantee Town of any rights hereby granted.

2. License for Ingress and Egress

2.1. For valuable consideration received, Grantor Park hereby grants to Grantee Town a license over its above-described real property, as depicted on attached **Exhibit A**, for purposes of ingress and egress over said area for access to the vehicle parking area on the northwesterly end of Ellis Short Sands Park, a public use park managed by the Ellis Short Sands Park Trustees pursuant to an agreement with the Town of York, dated 1979.

2.2. This ingress and egress license shall burden Grantor Park's real property and benefit Grantee Town. This ingress and egress license shall run with the land and shall be binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.

2.3. This license shall ONLY be for the limited purpose of access, ingress, egress and maintenance through the area of Grantor Park's real property burdened by this license to access the parking area of Ellis Short Sands Park.

2.4. Grantee Town agrees to maintain the areas of the park's real property burdened by this license in a reasonable manner and at the Grantee Town's sole expense. Said maintenance shall also require snow removal, which shall not block the area of the park's real property burdened by this license.

2.5. Grantee Town agrees to indemnify, hold harmless and defend Grantor Park and any holder of any debt secured by the park's real property against any and all liabilities or claims or causes of action, including attorney's fees, arising from any allegations that the area of the park's real property burdened by this license was not properly maintained or was otherwise in an unsafe condition.

3. License for Underground Storm Water Drainage

3.1. For valuable consideration received, Grantor Park hereby grants to Grantee Town an exclusive, ten (10)-foot wide license over areas of park real property burdened by this license that are managed and controlled by Grantor Park that formerly constituted Penstock Road, as depicted in attached **Exhibit A**, and right to enter upon said areas for the purposes of installation, maintenance, repair, or replacement of an existing underground storm drain system and related improvements. This license for underground storm water drainage shall be located starting at the northern side of an existing 48-inch underground pipe and extending out for ten feet in the southerly direction.

3.2. This license is for the benefit of the adjacent and nearby public roads and public rights of way and for the drainage of water from the same and from other lands, and includes the right for underground discharge and flowage of water whatsoever in nature and amount, so long as such discharge and flowage does not interfere with Grantor Park's entitled management,

control or use of the areas burdened by this license. This license shall run with the land and shall be binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.

3.3. Grantee Town's rights and obligations are limited to the installation, maintenance, repair or replacement of the existing underground storm water drainage system.

3.4 Grantee Town agrees that it shall be responsible for said maintenance, repair and replacement of said underground storm water drainage system and related improvements, as it deems necessary.

3.5. Grantee Town agrees that it will accomplish said maintenance, repair or replacement of said underground storm water drainage system promptly and with minimum disruption to Grantor Park's entitled management, control and use of the area burdened by this license.

3.6 Grantee Town agrees that any damage caused by the existence, maintenance, repair or replacement of said underground storm water drainage system or by Grantee Town's entry upon said area burdened by this license will be corrected and restored at Grantee Town's sole expense to a condition substantially equal to that existing prior to such damage and commensurate with Grantor Park's entitled management, control and use of said area.

3.7. Prior to the exercise of rights granted herein, Grantee Town shall make reasonable efforts to serve notice on Grantor Park of its intent to enter upon the license. In cases of emergency, no prior notice need be given.

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3.8. Grantee Town agrees to indemnify, hold harmless and defend Grantor Park and any holder of any debt secured by the park's real property against any and all liabilities or claims or causes of action, including attorney's fees, arising in any way from the existence, maintenance, repair or replacement of said storm water drainage system.

Dated this _____ day of _____, 2014.

IN WITNESS WHEREOF, Grantor Ellis Short Sands Park Trustees has caused this instrument to be executed as of this _____ day of _____, 2014, by _____, its duly authorized agent.

Witness:

By: _____
Print Name:
Print Title:

State of Maine
County of York, ss. _____, 2014

Personally appeared the above-named _____, who is the duly authorized agent of the Ellis Short Sands Park Trustees, and acknowledged the foregoing to be his free act and deed in said capacity and the free act and deed of the said Trustees.

Before me,

Notary Public
Print Name:
My Commission expires:

IN WITNESS WHEREOF, Grantee the Inhabitants of the Town of York has caused this instrument to be executed as of this _____ day of _____, 2014, by Robert G. Yandow, Town Manager, its duly authorized agent.

Witness:

By: _____
Print Name:
Print Title:

State of Maine
County of York, ss. _____, 2014

Personally appeared the above-named Robert G. Yandow, Town Manager, who is the duly authorized agent of Grantee the Inhabitants of the Town of York, and acknowledged the foregoing to be his/her free act and deed in said capacity and the free act and deed of said Inhabitants of the Town of York, and in doing so hereby accepts the above-described license subject to the conditions attached thereto.

Before me,

Notary Public
Print Name:
My Commission expires:

MUNICIPAL QUITCLAIM DEED WITHOUT COVENANTS

The Inhabitants of the Town of York ("Grantor"), a body corporate and politic, with a mailing address of 186 York Street, Town of York, York County, Maine 03909, for valuable consideration received, RELEASE to William Burnham ("Grantee"), with a mailing address of 59 Stark Street, Dover, New Hampshire 03820 any and all portions of an abandoned public way formerly known as Penstock Road, as depicted on attached Exhibit A, which are located on certain real estate owned by William Burnham, described in a deed dated October 13, 1969, and recorded with the York County Registry of Deeds in Book 1856, Page 309, and legally described as follows:

A certain lot or parcel of land situated at York Beach in the Town of York, County of York and State of Maine, together with the buildings thereon as hereinafter described, also known as Thomson's Gift-Beach Shop and Surfside Diner, lying on the easterly side of the public way which lies between the premises herein conveyed and the Goldenrod, so called, more particularly bounded and described as follows:

Beginning at a point in the northwesterly corner of the lot or parcel herein conveyed in the easterly side line of said public way and at the southwesterly corner of other land of the grantor herein and running thence by said public way South six degrees twenty-three minutes East (S 06° 23' E) thirty-two and six-tenths (32.6) feet to a point; and running thence by said public way and across the location of the penstock which drains York Beach Square South seven degrees thirty-two minutes East (S' 07° 32' E) seventy-six (76) feet to a point at the location of a former brook which was in existence in 1888 and used as a monument in former descriptions of this land, at land presently of the York Beach Park Commission. Beginning again at the point of beginning and running thence by and along said other land of the grantor North eighty-five degrees eighteen minutes East (N 85° 18' E) seventy-three and six-tenths (73.6) feet, in part through the building standing on the land herein conveyed, to a point in the westerly side line of land of Thomas Ford, and running thence by said land of Ford South four degrees fifty-eight minutes East (S 04° 58' E) forty-four and two-tenths (44.2) feet to a steel stake set in the ground at the junction of said Ford's land and land of said Park Commission, and running thence across the aforementioned penstock South four degrees fifty-eight minutes East (S 04° 58' E) by land of said Park Commission fifty-six (56) feet to the site of the former brook above mentioned, and running thence by and along the site of said former brook and land of the said Park Commission southwesterly seventy-one (71) feet, more or less, to the southerly limit of the second-described course mentioned above.

By acceptance of this quitclaim deed, William Burnham acknowledges that he has an obligation to convey an easement to the Inhabitants of the Town of York of the premises contained herein in accordance with the terms and conditions of an Agreement to Abandon Penstock Road and Convey Quitclaim Deeds, Easement and Maintenance Agreements between and among the Inhabitants of the Town of York, William Burnham, and the Ellis Short Sands Park Trustees, of even date herewith.

The said Inhabitants of the Town of York have caused this instrument to be signed in its corporate name by Robert G. Yandow, its Town Manager thereunto duly authorized, this _____ day of _____, 2014.

Witness

Robert G. Yandow, Town Manager

State of Maine
County of York, ss.

_____, 2014

Personally appeared the above-named Robert G. Yandow, Town Manager, who is the duly authorized agent of Grantee the Inhabitants of the Town of York, and acknowledged the foregoing instrument to be his/her free act and deed in said capacity and the free act and deed of said Inhabitants of the Town of York.

Before me,

Notary Public

Print Name:

My Commission expires:



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 18, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Release of remaining bond for Sparkhawk subdivision.	

TO: BOARD OF SELECTMEN
FROM: Christine Grimando, Town Planner
RECOMMENDATION: I recommend the Board authorize release of the remaining \$40,000 of the original \$570,000 performance bond for Sparhawk subdivision located off of Western Point Road.
PROPOSED MOTION: I move to authorize the release of the remaining \$40,000 of the original \$570,000 performance bond held for Sparhawk Subdivision because the improvements it was meant to guarantee have been completed in accordance with the approved plan.

Discussion: All but \$40,000 of this guarantee was released in 2008. John Treat, who at the time performed inspections for the Town, recommended \$40,000 be retained to cover the outstanding items, all of which have been addressed in the attached letter from Mike Livingston.

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

Prepared By: _____

Reviewed By: _____

**Harbor Side Drive
York, Maine
February, 2014**

Background:

- Road construction to base gravel in fall of 2006. As-built survey and gravel inspection done.
- Road constructed to base pavement, utility and drainage infrastructure completed in 2008. As-built survey done.
- Finish coarse of pavement installed in the summer of 2013.

Assessment per York Ordinance:

- The road construction elements: subgrade, base gravel, crushed gravel, pavement, shoulders, culverts and side slopes were constructed in compliance with accepted engineering practices.
- The drainage system was designed to meet the criteria of a 50-year storm event.
- At the time of the subdivision approval, the road met all the Ordinance requirements.
- Current Ordinances require a minimum driveway culvert diameter of 15 inch. The existing driveway culverts are 12 inch in diameter.
- Current Ordinances require a 75 foot diameter right of way for a cul-de-sac, with a 60 feet of pavement. At the time of approval, only a 65 foot diameter was necessary and a paved radius of 55 feet was constructed.



Michael G. Livingston

From: [Mike Garrepy](#)
To: [Christine Grimando](#)
Cc: [Turner Porter](#)
Subject: Sparhawk Reach road bond
Date: Wednesday, January 29, 2014 7:20:48 PM

Christine,

Per your request please consider this email as our formal request to release the remainder of the road bond for Harbor Side Drive at Sparhawk Reach. We have submitted a letter from our engineer, Mike Livingston, as part of our road acceptance packet, that demonstrates that the road was built per the plan approvals. It is anticipated that the road will be accepted at the May town meeting however I would not see this a reason to delay the bond release given the work is complete.

As I stated earlier when we spoke at Town Hall, our road bond renewal is due in early February (I will get you an exact date) and we would appreciate if possible getting a letter from your office authorizing the bond release as soon as possible.

Should you need any additional information please let me know.

Thank you,
Mike

Sent from my iPhone

RIDER

TO BE ATTACHED TO AND FORM PART OF

SUBDIVISION BOND - GENERAL FORM _____ NO. **K07312040**
(Type of bond)

IN FAVOR OF **TOWN OF YORK, TOWN HALL** _____
(Obligee)

ON BEHALF OF **TURNER PORTER (SPARHAWK REALTY, LLC)** _____
(Principal)

EFFECTIVE **February 17, 2006** _____
(Original Effective Date)

IT IS AGREED THAT, in consideration of the original premium charged for this bond, and any additional premium that may be properly chargeable as a result of this rider.

The Surety, **WESTCHESTER FIRE INSURANCE COMPANY** _____, hereby gives its consent to;

- | | |
|---|---|
| <input type="checkbox"/> INCREASE BOND AMOUNT | <input type="checkbox"/> CHANGE LICENSEE NAME |
| <input checked="" type="checkbox"/> DECREASE BOND AMOUNT | <input type="checkbox"/> CHANGE BOND TYPE |
| <input type="checkbox"/> CHANGE PREMIUM AMOUNT | <input type="checkbox"/> CHANGE PRINCIPAL NAME |
| <input type="checkbox"/> CHANGE EFFECTIVE/EXPIRATION DATE | <input type="checkbox"/> CHANGE PRINCIPAL ADDRESS |

(of) the attached bond FROM: **BOND AMOUNT = \$570,000.00**

TO: **BOND AMOUNT = \$40,000.00**

REASON:

EFFECTIVE: **April 15, 2008** _____

PROVIDED, however that the attached bond shall be subject to all its agreements, limitations, and conditions except as herein expressly modified, and that the liability of the Surety under the attached bond and under the attached bond as changed by this rider shall not be cumulative.

SIGNED, AND SEALED this **18TH** day of **April** _____ 2008

TURNER PORTER (SPARHAWK REALTY, LLC) _____
Principal **WESTCHESTER FIRE INSURANCE COMPANY** _____
Surety

Accepted by _____ **NANCY L. CASTONGUAY, ATTORNEY-IN-FACT**

SUBDIVISION PERFORMANCE BOND

KNOW ALL PERSONS BY THESE PRESENTS, that SPARHAWK REALTY LLC, as Principal, and WESTCHESTER FIRE INSURANCE COMPANY authorized to do business in the State of NEW HAMPSHIRE and having an office at 485 MAIN STREET, LEWISTON, MAINE 04240, as Surety, are held and firmly bound unto TOWN OF YORK, MAINE, as Obligee, in the penal sum of FIVE HUNDRED SEVENTY THOUSAND AND NO/100THS (\$570,000) for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bounded Principal has been granted approval by the above named Obligee for SPARHAWK ESTATES, WESTERN POINT ROAD, YORK, MAINE, as set forth by the PLANNING BOARD OF YORK, MAINE

NOW, THEREFORE, the conditions of the above obligation is such, that if the said Principal shall complete the improvements in accordance with the plans and specifications approved by THE PLANNING BOARD OF YORK, MAINE, within a TWO (2) year period from the date hereof, and shall indemnify and save harmless the Town from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay the Obligee any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise it will remain in full force and effect and be extended without amendment for an additional period of one (1) year from the present or each future expiration date, unless the Obligee shall notify the Surety in writing by Certified Mail, return receipt requested that the conditions hereof have been satisfied in full.

THE FOREGOING OBLIGATION, however, is limited by the following express conditions, the performance of which shall be a condition precedent to any rights of claims or recovery hereunder,

1. Upon the discovery by the Obligee, or by the Obligee's agent or representative, of any act or omission that shall or might involve a loss hereunder, the Obligee shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety at its office at 485 MAIN STREET, LEWISTON, ME 04240
2. Legal proceeding for recovery hereunder may not be brought unless begun within twelve (36) thirty six months from the date of the discovery of the act or omission of the Principal on account of which claim is made, and denial by Surety of any obligations to make payment under this bond.
3. The Principal shall be made a party of any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.
4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligee, and the Obligee's right hereunder may not be assigned without the written consent of the Surety.

IN WITNESS WHEREOF, this instrument has been executed by the duly authorized representative of the Principal and the Surety.

SIGNED, SEALED AND DATED: FEBRUARY 17, 2006.

SPARHAWK REALTY, LLC

WESTCHESTER FIRE
INSURANCE COMPANY

BY: _____

BY: _____
SHARON K. MARTEL, ATTORNEY-IN-FACT



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 18, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Redemption Request: Tax Map 0038-0015-016; 337 Long Sands Road, Unit 16	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Allow the property redemption of Tax Map 0038-0015-016; 337 Long Sands Road, Unit 16 to Robert Cournoyer
PROPOSED MOTION: I move to approve the redemption of Tax Map 0038-0015-016; located at 337 Long Sands Road, Unit 16, 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 April 25, 2014.

Discussion: Please see attached Memo and documents for details.

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

Prepared By:

Melissa M. Avery

Reviewed By:

Robert M. Gandon



TAX LIEN MEMO

TO: Board of Selectmen
FROM: Melissa M. Avery
DATE: February 17, 2014
RE: Tax Foreclosure Redemption Request: Map 0038, Lot 0056-016; 337 Long Sands Road, Unit 16

Robert Cournoyer, former property owner of property identified as Tax Map 0038, Lot 0056-016, located at 337 Long Sands Road, Unit 16 in York, Maine, requests to redeem this property for which the Town has a tax lien for Fiscal Years 2012, 2013 and 2014. The Town foreclosed on this property as of January 21, 2014 for non-payment of the FY2012 tax lien.

We are recommending to the Selectmen that Robert Cournoyer be allowed to redeem this property providing the following conditions are met:

Condition #1 – Robert Cournoyer pay all current taxes, interest and lien costs owed, which will total \$5,272.67 as of April 25, 2014.

Condition #2 – Robert Cournoyer 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 – Robert Cournoyer shall pay in full, to the Town of York, all current taxes, interest, administrative costs and lien costs, which total \$5,472.67 by no later than April 25, 2014.

Parcel Information

Map-Lot

0038-0056-016

Former Owner(s)

Robert Cournoyer

Party Requesting Redemption

Robert Cournoyer

Size of Lot

1 Acre

Assessed Value

\$128,500

Description of Foreclosure Action

The Town has filed a tax lien on this property for the Fiscal Years 2012, 2013 and 2014; The FY12 lien matured and was foreclosed on January 21, 2014.

Taxes Owed

The total amount of taxes, interest and lien costs owed is \$5,272.67 as of April 25, 2014; which breaks down as follows:

FY2012	\$1,786.75
FY2013	\$1,788.91
FY2014	\$1,697.01

Robert C. Cournoyer
11 Howard Road
Westford, MA 01886

Melissa Avery
Town Manager's Office
186 York Street
York, ME 03909

January 21, 2014

Dear Ms. Avery,

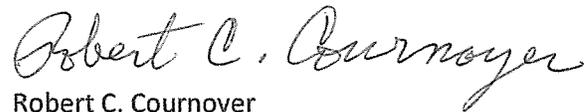
I am writing about the property at 337 Long Sands Road, Unit 16: Map 0038 0056 0016; AR_ID: 288602.

I recently made a payment to satisfy a Real Estate Lien certificate placed on the property on July 19, 2012. I subsequently became aware that a Real Estate Lien certificate had been placed on the property in July of 2011 and that the Town of York had foreclosed on the property.

I was not aware of the 2011 Lien and that the Town had foreclosed on the property.

I understand that there is a process to possibly redeem the property. I would appreciate it if you could begin that process. I can be reached at 978-692-2788.

Sincerely,

A handwritten signature in cursive script that reads "Robert C. Cournoyer". The signature is written in black ink and is positioned above the printed name.

Robert C. Cournoyer

Melissa M. Avery

From: Stephen H. Burns
Sent: Tuesday, January 21, 2014 2:25 PM
To: Melissa M. Avery
Subject: RE: Redemption: 337 Long Sands Road, Unit 16

Missy,

I have no code enforcement issues with this redemption.

Steve

Stephen H. Burns
Community Development Director

From: Melissa M. Avery
Sent: Tuesday, January 21, 2014 1:34 PM
To: Mary-Anne Szeniewski; Stephen H. Burns; Richard C. Mace
Cc: Melissa M. Avery
Subject: Redemption: 337 Long Sands Road, Unit 16

Robert Cournoyer would like to start the Redemption process of his condo unit at 337 Long Sands Road, Unit 16 (0038-0056-016). Do any of you have any issues with Mr. Cournoyer's property?

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

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Melissa M. Avery

From: Mary-Anne Szeniaowski
Sent: Tuesday, January 21, 2014 2:11 PM
To: Melissa M. Avery
Cc: Stephen H. Burns; Richard C. Mace
Subject: RE: Redemption: 337 Long Sands Road, Unit 16

Not me especially if there are condo fees that we could be liable for.

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

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From: Melissa M. Avery
Sent: Tuesday, January 21, 2014 1:34 PM
To: Mary-Anne Szeniaowski; Stephen H. Burns; Richard C. Mace
Cc: Melissa M. Avery
Subject: Redemption: 337 Long Sands Road, Unit 16

Robert Cournoyer would like to start the Redemption process of his condo unit at 337 Long Sands Road, Unit 16 (0038-0056-016). Do any of you have any issues with Mr. Cournoyer's property?

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

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Summary

Detail

Notes

Payment Plan

2/24

Access

Tax Map # 0038 0056 0016

Linked to Tax Map # 0038 0056 0016

YORK TOWN OF

Linked to YORK TOWN OF

Parcels Linked to Tax Map # 0038 0056 0016

Filters

Year

Active A/R

Hide zero balance

Sub System

Late Charges

As of Date Display

Keep Setting

Daily Interest Amount \$0.88

Year id	Sub System	Bill Number	Billed	Interest	Fee	Paid	Balance Due	Late Charges	Total Due	Up To 1st Due	Bar Code
2013	Tax Title	RE2002	\$1,703.10				\$1,703.10	\$83.65	\$1,786.75	\$1,786.75	511162
2012	Tax Title	RE2015	\$1,596.94		\$9.11		\$1,606.05	\$182.86	\$1,788.91	\$1,788.91	288602
2011	Tax Title	RE2025	\$1,558.32	\$42.88	\$8.75	\$150.00	\$1,459.95	\$237.06	\$1,697.01	\$1,697.01	170859

			\$4,858.36	\$42.88	\$17.86	\$150.00	\$4,769.10	\$503.57	\$5,272.67		
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Refresh

Search

2/24 Meeting

Access

Tax Map # 0038 0056 0016

Linked to Tax Map # 0038 0056 0016

YORK TOWN OF

Linked to YORK TOWN OF

Parcels Linked to Tax Map # 0038 0056 0016

Filters

Year

Active A/R

Hide zero balance

Sub System

Late Charges

As of Date Display

Keep Setting

Daily Interest Amount \$0.88

Year id	Sub System	Bill Number	Billed	Interest	Fee	Paid	Balance Due	Late Charges	Total Due	Up To 1st Due	Bar Code
2013	Tax Title	RE2002	\$1,703.10				\$1,703.10	\$87.88	\$1,790.98	\$1,790.98	511162
2012	Tax Title	RE2015	\$1,596.94		\$9.11		\$1,606.05	\$186.83	\$1,792.88	\$1,792.88	288602
2011	Tax Title	RE2025	\$1,558.32	\$42.88	\$8.75	\$150.00	\$1,459.95	\$240.93	\$1,700.88	\$1,700.88	170859

			\$4,858.36	\$42.88	\$17.86	\$150.00	\$4,769.10	\$515.64	\$5,284.74		
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Refresh

Search

3/10 Meeting



Quick Map



Legend

- Parcels
- Buildings

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AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 18, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 24, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Special Event Permit: Light the Night Walk	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the Special Event Permit application for the Leukemia and Lymphoma Society's "Light the Night Walk" on Saturday, September 27, 2014
PROPOSED MOTION: I move to approve the Special Event Permit application for the Leukemia and Lymphoma Society's "Light the Night Walk" on Saturday, September 27, 2014.

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:

Robert B. Yarnow



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: 1/10/14

Name of Event: LIGHT THE NIGHT WALK

Type of Event: FUNDRAISING WALK

Organization Name: THE LEUKEMIA + LYMPHOMA SOCIETY Phone #: 508-810-1300

Organization Address: 9 ERIE DRIVE City: NATICK State: MA Zip: 01760

Applicant Name: SARAH CALLAHAN Phone #: 508-810-1334 (C)

Applicant Address: 9 ERIE DRIVE City: NATICK State: MA Zip: 01760

Contact Name for Day of Event: SARAH CALLAHAN Contact Phone # 857-205-8760 (C)

Date of Event: SEPT. 27, 2014 Day of Week: SATURDAY

Starting Time: 9:00AM (SETUP) Ending Time: 9:00 PM

Assembly Area: YORK BEACH BALL FIELD

Dispersal Area: ELLIS PARK (NEAR BEACH PAULION)

Event Route: FROM BALL FIELD; TURN LEFT ON CHURCH STREET, LEFT

ON IA, RIGHT ON OCEAN AVE (KENDALL), LEFT ON BROADWAY,
LEFT ON NUBBLE LIGHT HOUSE ACCESS RD, RIGHT ON BROADWAY, RIGHT
Approximate Number of Persons Attending (If more than 500, Insurance coverage needed) ON KENDALL
500-600 TO ELLIS PARK

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

WALKING

Describe how group is organized and supervised to insure order: STAFF MEMBERS

+ VOLUNTEERS ALONG WITH MAPS GUIDE PARTICIPANTS

Purpose of the Event: RAISE FUNDS FOR BLOOD CANCER RESEARCH
+ PATIENT SERVICES

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

Signature of Applicant: Sarah Callahan

For Town Use Only

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 02-13-2014</u>
Public Works	<u>Lessard 02-13-2014</u>
Parks/Recreation	<u>Sullivan 02-04-2014</u>
Village Fire	<u>Apgar 02-03-2014</u>
York Beach Fire	<u>Bridges 02-04-2014</u>
Code Enforcement	<u>Burns 02-03-2014</u>
York Ambulance	<u>Prince 02-03-2014</u>

Special Conditions:

Police: Will need 4 (four) Detail Officers for the event; 1 (one) at the tent for the incoming monies and 1 (one) at the YBFD for the "Counting Room" for the monies (at the Societies request due to their Insurance Regulation), along with 2 (two) Officers for the actual detail, a lead and closing vehicle, and 2 (two) bicycle Officers to assist as well.

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

Beach Fire: Organization will need to furnish 4 (four) temporary bathroom facilities ("porta - potties") for the participants to use rather than using the facility at the Fire Station.

Any Questions: Fire Chief Dave Bridges (207)363-1014

Town Manager

Date

Melissa M. Avery

From: David K. Bridges
Sent: Tuesday, February 04, 2014 8:35 PM
To: Melissa M. Avery; Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; David Apgar; Stephen H. Burns; Ellen Prince
Cc: David K. Bridges
Subject: RE: Special Event Permit: Light the Night Walk

This is another event that starts in the ball field and the participants need to use a facility before they walk. This year we have requested the hosts of these walks to furnish porta-potties for the participants to use rather than using the facility at the fire station. I have asked for 4 facilities from the others and I think we should continue with this group, so I have no problem with this event as long as they furnish 4 facilities at the ball field. Dave

From: Melissa M. Avery
Sent: Monday, February 03, 2014 3:14 PM
To: Dean Lessard; Charles J. Szeniawski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince
Subject: Special Event Permit: Light the Night Walk

Attached is the Special Event Permit application for the Leukemia and Lymphoma Society's *Light the Night Walk* on Saturday, September 27th

Missy

Melissa M. Avery
Assistant to the Town Manager

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

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Melissa M. Avery

From: Charles J. Szeniewski
Sent: Thursday, February 13, 2014 2:36 PM
To: Melissa M. Avery; Dean Lessard
Cc: Owen T. Davis
Subject: RE: Special Event Permit: Light the Night Walk

Missy we will need 4 detail officers for this 1 at the tent for the incoming monies 1 at the YBFD for the "counting Room" for the monies these are at the Societies request in the past due to their insurance regulation then 2 officers for the actual detail . Lead Car and closing vehicle . We will assign the two bicycle officers to assist as well.

From: Melissa M. Avery
Sent: Thursday, February 13, 2014 2:17 PM
To: Dean Lessard; Charles J. Szeniewski
Subject: RE: Special Event Permit: Light the Night Walk

Have either of you had a chance to review this Special Event Permit application?

Missy

Melissa M. Avery
Assistant to the Town Manager

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

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From: Melissa M. Avery
Sent: Monday, February 03, 2014 3:14 PM
To: Dean Lessard; Charles J. Szeniewski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; 'Ellen Prince'
Subject: Special Event Permit: Light the Night Walk

Attached is the Special Event Permit application for the Leukamia and Lymphoma Society's *Light the Night Walk* on Saturday, September 27th

Missy

Melissa M. Avery
Assistant to the Town Manager

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

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Melissa M. Avery

From: Ellen Prince [ellenprince@gmail.com]
Sent: Monday, February 03, 2014 3:21 PM
To: Melissa M. Avery
Subject: Re: Special Event Permit: Light the Night Walk

Hi Missy,

This is fine with York Ambulance.

Thank you,
Ellen

On Mon, Feb 3, 2014 at 3:14 PM, Melissa M. Avery <mmavery@yorkmaine.org> wrote:

Attached is the Special Event Permit application for the Leukamia and Lymphoma Society's *Light the Night Walk* on Saturday, September 27th

Missy

Melissa M. Avery

Assistant to the Town Manager

Town of York, Maine

186 York Street, York, ME 03909

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

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Melissa M. Avery

From: Stephen H. Burns
Sent: Monday, February 03, 2014 3:53 PM
To: Melissa M. Avery
Subject: RE: Special Event Permit: Light the Night Walk

Missy,

I have no code issues with this event.

Steve

Stephen H. Burns
Community Development Director

From: Melissa M. Avery
Sent: Monday, February 3, 2014 3:14 PM
To: Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince
Subject: Special Event Permit: Light the Night Walk

Attached is the Special Event Permit application for the Leukamia and Lymphoma Society's *Light the Night Walk* on Saturday, September 27th

Missy

Melissa M. Avery
Assistant to the Town Manager

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

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Melissa M. Avery

From: David Apgar
Sent: Monday, February 03, 2014 6:51 PM
To: Melissa M. Avery
Subject: RE: Special Event Permit: Light the Night Walk

Village Fire approval.

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

From: Melissa M. Avery
Sent: Monday, February 03, 2014 3:14 PM
To: Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince
Subject: Special Event Permit: Light the Night Walk

Attached is the Special Event Permit application for the Leukemia and Lymphoma Society's Light the Night Walk on Saturday, September 27th

Missy

Melissa M. Avery
Assistant to the Town Manager

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

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Melissa M. Avery

From: Michael J. Sullivan
Sent: Tuesday, February 04, 2014 1:22 PM
To: Melissa M. Avery
Cc: Dean Lessard; Charles J. Szeniewski; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince
Subject: Re: Special Event Permit: Light the Night Walk

Parks and Recreation has no issues with this event.

Sent from my iPad

On Feb 3, 2014, at 3:14 PM, "Melissa M. Avery" <mmavery@yorkmaine.org> wrote:

Attached is the Special Event Permit application for the Leukemia and Lymphoma Society's *Light the Night Walk* on Saturday, September 27th

Missy

Melissa M. Avery
Assistant to the Town Manager

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

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<Leukemia nd Lymphoma Society - Light the Night.PDF>

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Melissa M. Avery

From: Dean Lessard
Sent: Thursday, February 13, 2014 2:19 PM
To: Melissa M. Avery
Subject: RE: Special Event Permit: Light the Night Walk

Hi Missy

I have review the Light the Night Walk special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks
Dean

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

Town of York, Maine

186 York Street | York, Maine 03909

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

Fax: (207) 363-1012

E-Mail: dlessard@yorkmaine.org

Online: www.yorkmaine.org

From: Melissa M. Avery
Sent: Thursday, February 13, 2014 2:17 PM
To: Dean Lessard; Charles J. Szeniaowski
Subject: RE: Special Event Permit: Light the Night Walk

Have either of you had a chance to review this Special Event Permit application?

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine

186 York Street, York, ME 03909

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

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From: Melissa M. Avery
Sent: Monday, February 03, 2014 3:14 PM
To: Dean Lessard; Charles J. Szeniaowski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; 'Ellen Prince'
Subject: Special Event Permit: Light the Night Walk

Attached is the Special Event Permit application for the Leukamia and Lymphoma Society's *Light the Night Walk* on Saturday, September 27th

Missy

Melissa M. Avery
Assistant to the Town Manager