



# Town of York

186 York Street  
York, Maine 03909-1314

## BOARD OF SELECTMEN'S MEETING AGENDA 7:00PM MONDAY, AUGUST 26<sup>TH</sup>, 2013 YORK LIBRARY

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

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

### Call to Order

### Opening Ceremonies

#### A. Minutes

1. July 22<sup>nd</sup>, 2013 Selectmen's Minutes
2. August 19<sup>th</sup>, 2013 Selectmen's Minutes

#### B. Chairman's Report

#### C. Manager's Report

#### D. Awards

1. Bog Road Multi-Purpose Field/Parking Lot Engineering Bid
2. Senior Center Coach Bus Bid

#### E. Reports

1. Post-Issuance Tax Compliance Procedures for Tax-Exempt and Tax-Advantaged Bonds – Dick Ranaghan, Town Financial Adviser

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

#### G. Approval of Warrant #8

#### H. Public Hearings

1. Proposed Amendments to the Firearms Safety Ordinance
2. Proposed Amendments to the Street Opening and Culvert Ordinance
3. Proposed Zoning Ordinance Amendments for the Cluster Subdivision Standards
4. Proposed Zoning Ordinance Amendments for Seasonal Conversions
5. Proposed Zoning Ordinance Amendments for On-Site Commercial Sign Requirements



6. Proposed Zoning Ordinance Amendments for the Farm Enterprise Overlay District
7. Proposed Ordinance Amendments to the General Assistance Ordinance
8. Possible Sale of Town Owned Property at 32 Pine Mountain Road

**I. Endorsements**

Business Licenses:

1. John Shaw DBA Frankie and Johnny's (Victualers); Located at 1594 US Route One

**J. Old Business**

**K. New Business**

1. Discussion with Legal Counsel for Ellis Short Sands Park Concerning Penstock Road
2. Discussion and Possible Action on Adopting Post-Issuance Tax Compliance Procedures for Tax-Exempt and Tax-Advantaged Bonds
3. Discussion and Possible Action Regarding Issuing an RFP for Survey Services in York Village
4. Discussion and Possible Action Regarding an Offer to Sell a Parking Lot located at 190 York Street to the Town of York
5. Discussion and Possible Action Regarding a Complaint for Declaratory Judgment Filed Against the Town to Quiet Title for Property Located at 100 Mill Road
6. Forward Proposed Amendments to the Firearms Safety Ordinance and the Street Opening and Culvert Ordinance to the November 5<sup>th</sup> General Referendum
7. Forward Proposed Zoning Ordinance Amendments to the November 5<sup>th</sup> General Referendum
8. Discussion and Possible Action on the General Assistance Ordinance Amendments
9. Discussion and Possible Action on the Sale of Town Owned Property at 32 Pine Mountain Road
10. Pole Location Permit – North Village Road
11. Special Event Permit – Sarah's Ride
12. Special Event Permit – Hosmer/Welgel Wedding at Josias River Farm
13. Special Event Permit – Lund/Nightingale Wedding at Josias River Farm
14. Special Event Permit – Welch/Olson Wedding at Josias River Farm

**L. Other Business**

**M. Citizens' Forum**

**Adjourn**





# Town of York

186 York Street  
York, Maine 03909-1314

## SELECTMEN'S MEETING 6:15/7:00 P.M. MONDAY JULY 22, 2013 YORK LIBRARY

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works/  
Harbor Master  
(207)363-1010

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Grant House  
(207)351-1204

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

www.yorkmaine.org

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

### Call to Order

### Pledge of Allegiance

Mr. Nowell read a poem, For the Fallen by Robert Lawrence Binyon. 45<sup>th</sup> anniversary of a combat action he was involved in, in Vietnam. 16 were wounded and two KIA, these men were very good friends of Mr. Nowell and one was his little brother.

A new flag for the Meeting Room was presented to Mr. Yandow from the Knight of Columbus, VFW, American Legion and the Elks.

### A. Minutes

- July 8, 2013 Selectmen's Meeting Minutes

Moved by Mr. Macdonald, second by Ms. Gregg to approve the July 8, 2013 Selectmen's Meeting Minutes, as amended. Without objection, so ordered.

### B. Chairman's Report

- If anyone has any questions about the shape of the beaches in York, Mr. Nowell suggests you talk to Peter Sylovinsky at the Maine Creological Survey.

### C. Manager's Report

---

1 of 11 | Selectmen's Meeting  
Monday, July 22, 2013



- The Town of Farmington ME has started a relief fund for those affected by the tragic oil explosion in Lac-Mégantic, Farmington's sister city. Those interested in contributing can go to a TD Bank to make a donation.
- Effective July 23 those who do not have a digital box or a digital ready TV will not be able to watch analog channels that are being converted to digital, this includes channel 3 on Time Warner. You can get a digital adaptor from Time Warner which would allow Channel 3 be viewed. This can be picked up before December 31 for free and after that it will cost \$.99 per month.

**D. Awards:**

None

**E. Reports:**

1. Presentation by Don Neumann, Superintendent of York Water District on Capital Projects

York Water District delivers a public service by providing public health protection, fire protection, support for the economy, protection of watershed & Chase's Pond, and by planning for the future.

YWD has a 3.19 million dollar annual Budget with the last rate increase being April 1, 2008 for 16.8%. Residential & Commercial water use was up 1.49% in 2012 over 2011.

Currently YWD has 82 miles of water mains, 366 Public and 69 Private Fire Hydrants, 131 Private Fire Services, 5179 metered service connections, 6"- 16" Cast Iron- DI, and 17 miles of summer mains 2"-8".

The Treatment Plan has been online since 1990 and was designed to produce a max of 4 MGD. On the average .99MG is produced daily with the summer max 2.46 on July 15, 2012. A total of 359 MG was produced in 2012.

Some recently completed projects:

- Completed interconnections- north & south / Rte 1
- 2008 the Simpson Hill Tank was rehabilitated and Depreciation was used to fund that project which totaled \$562,621.64.
- 2012 the backwash tank was rehabilitated and Depreciation was used to fund that project which totaled \$300,000.



- York Heights which will be scheduled in the near future. Anticipated cost of approximately \$600,000.
- 3 bridge replacements on 103, 1 on Clark Road and Sewell's Bridge. A cost of \$610k+ combined.
- Drainage Project on Beach St, Ocean Ave Area, LBA, Mitchell, York Street. A cost of \$135+

Scheduled Projects:

Fall of 2014

- Cape Neddick Road: 1100' from VFW- Simpson Hill tank access road \$250 K

Spring of 2015

- Church Street: 1200' from Ball Field to LBA \$240K
- Shore Road: 1600' from Market to Shore Road bridge \$320K

Summer of 2015

- Organug Road: 3230' from Organug Lane to Sewall's Bridge \$650K

Fall of 2015

- Seabury Road: 2800' from Harbor Lights to Southside Road 560K
- Route 91: 640' from Webber's building to edge/ Rte 95 130K
- Plaisted Road: 350' from Rte 1 to just past Gorgeana Way 70K

Spring of 2016

- Freeman Street Phase 1: 950' from top of Beach Street to 50 Freeman St 200K

Summer of 2016

- Harmon Park: 860' from 1-A to Varrel Lane 175K

Fall of 2016

- Freeman Street Phase 2: 1420' from 50 Freeman St to end of Freeman St 290K

Treatment- Pumping upgrades:

- Switch from Hazardous Gas Ammonia to non-hazardous Ammonium Sulfate Liquid
- Mechanical Equipment Upgrades and Replacements to Water Treatment Facility, and 4 pump stations.
  - Critical valve actuator replacements
  - Replace outdated/ original pump controls and pumps (3 systems)
  - Upgrade/replace remote site PLCs
  - Updated digital flow and pressure transmitters
- Lagoon Modifications



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

G. **Approval of Warrant #3**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant # 3. Vote 5-0, motion passes.

H. **Public Hearings:**

1. **Ord-1 Zoning Cluster Subdivision Standards Amendment**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 7:36pm.

Public Comment: John Gregg  
Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the public hearing at 7:58pm.

2. **Ord-2 Zoning Seasonal Conversions Amendment**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 7:59 pm.

Public Comment: None  
Town Planner, Christine Grimando

Moved by Ms. Gregg, seconded by Mr. Fiorentino to close the public hearing at 8:17 pm.

3. Ord-3 Zoning On-Site Commercial Sign Requirement Amendment

Moved by Mr. Macdonald, seconded by Ms. Gregg to open the public hearing at 8:18 pm.

Public Comment: None  
Town Planner, Christine Grimando

Moved by Mr. Macdonald, seconded by Ms. Gregg to close the public hearing at 8:24 pm.

4. Ord-4 Zoning Farm Enterprise Overlay District Amendment

Moved by Ms. Gregg, seconded by Mr. Fiorentino to open the public hearing at 8:25 pm.

Public Comment: Carrie Roman  
Town Planner, Christine Grimando

Moved by Mr. Fiorentino, seconded by Ms. Gregg to close the public hearing at 8:33pm.

I. Endorsements- Business Licenses

1. China Bistro Inc. DBA China Bistro (*Victualers/Liquor*); Located at 8 Market Place Drive
2. Bruce Larson DBA Southern Maine Lobster (*Victualers*); Located at 1021 US Route 1
3. Kathryn Kelley DBA Copa Magica Gelato (*Victualers*); Located at 852 US Route One
4. Nancy and John Stern DBA Pie in the Sky (*Victualers*); Located at One River Road

Moved by Mr. Macdonald , seconded by Mr. Fiorentino to approve the following licenses; China Bistro Inc. DBA China Bistro (*Victualers/Liquor*); Located at 8 Market Place Drive, Bruce Larson DBA Southern Maine Lobster (*Victualers*); Located at 647 US Route One, Kathryn Kelley DBA Copa Magica Gelato (*Victualers*); Located at 852 US Route One and Nancy and John Stern DBA Pie in the Sky (*Victualers*); Located at One

River Road, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

No action was taken on King Weinstein DBA York Pizza (*Victualers*); Located at 647 US Route One; it will be placed on the next agenda.

**J. Old Business**

None

**K. New Business**

**1. Discussion and Possible Action of Moving Ordinance Amendments to Second Public Hearing**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-1 Zoning Cluster Subdivision Standards Amendment to a second public hearing. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-2 Zoning Seasonal Conversions Amendment to a second public hearing. Vote 4-1, Ms. Gregg opposed, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-3 Zoning On- Site Commercial Sign Requirement Amendment to a second public hearing. Vote 4-1, Ms. Gregg opposed, motion passes.

Moved by Ms. Gregg, seconded by Mr. Fiorentino to send Ord-4 Zoning Farm Enterprise Overlay District Amendment to a second public hearing. Vote 5-0, motion passes.

**2. Authorization for York Water District and York Sewer District to Negotiate Utility Easements with the Norton Estate**

Moved by Mr. Macdonald, seconded by Ms. Gregg to authorize the York Water District and York Sewer District to negotiate utility easements with the Norton Estate for the police station project. Vote 5-0, motion passes.

### **3. Authorization for SMRT to Finalize Plans for Police Station Project and Ridge Road Access**

Based on a discussion with SMRT at the work session on July 10, 2013, Mr. Nowell has requested that authorization be provided to SMRT to complete design plans for the police station project and the Ridge Road access point. Further discussion will be necessary regarding the connector road.

Moved by Ms. Gregg, seconded by Ms. Andrews, to authorize SMRT to complete design plans for the York police station and a Ridge Road access point.

After discussion it was agreed that Andrew Johnson at SMRT would provide information about what is required to finish the plans before anything gets voted on. More information will be available at the next meeting.

### **4. Board and Committee Reappointments**

Mr. Nowells feels that Joe Carr should not be reappointment as there is a conflict of interest; a contractor should not be on the board of appeals.

Moved by Ms. Gregg, seconded by Ms. Andrews to reappoint Joe Carr for a three year term on the appeals board. Vote 2-2-1, Mr. Nowell and Mr. Macdonald opposed, Mr. Fiorentino abstained, motion fails.

Moved by Mr. Macdonald, seconded by Ms. Andrews to reappoint Leon Moulton for a three year term on the appeals board. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to reappoint John Kraus to the board of appeals as an alternate. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Andrews to reappoint Priscilla Cookson to a three year term to the Conservation Commission term. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Victoria Simon to a three year term on the Energy Efficiency Steering Committee. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Robert Cutts to a three year term on the Historic District Commission. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Thomas Green as the Lindsay Road district representative to a three year term on the Historic District Commission. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Diane Kleist to a three year term on the Municipal Social Service Board. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Michael Modern to a three year term on the Parks and Recreation Board. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to reappoint Ron McAllister to a three year term on the Parks and Recreation Board. Vote 5-0, motion passes.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to reappoint David Woods to a three year term on the Planning Board. Vote 1-3-1, Ms. Andrews approved, Mr. Fiorentino abstained, motion fails.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to reappoint Lew Stowe to a three year term on the Planning Board. Vote 3-1-1, Ms. Gregg opposed, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Emily Cambray to a three year term on the Senior Citizens Advisory Board. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Peter Jones to a three year term on the Shellfish Commission. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Edward and Sally Mac Gorman to 3 year terms on the Sohier Park Committee. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint James Smith to the York Harbor Site Design Review Board. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to reappoint Jud Knox, Ellen Baldwin, Jane Sweeney Beecher and Sandy McCartney to York Housing Authority. Vote 5-0, motion passes.

#### **5. Appointments to York Harbor Board**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to appoint Matthew Donnell to a one year term as a full member on the York Harbor Board with a term expiring 2014. Vote 5-0, motion passes.

Moved by Ms. Gregg, seconded by Ms. Gregg to appoint Dave Robbins to a three year term as alternate to the Harbor Board with a term expiring June 30, 2016. Vote 5-0, motion passes.

#### **6. Appointments to York Planning Board**

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Planning Board Alternate member Al Cotton to a three year term as a regular member effective July 22, 2013 with the term to expire on June 30, 2016. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Planning Board Alternate member Brud Weger to a two year term as a regular member effective July 22, 2013 with the term to expire on June 30, 2015. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Planning Board Alternate member Peter Smith to a one year term as a regular member effective July 22, 2013 with the term to expire on June 30, 2014. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

#### **7. Re-appointment of Kathy Newell as Assistant CEO/Alternate LPI**

Moved by Ms. Gregg, seconded by Ms. Andrews to renew the appointment of Kathy Newell as Assistant Code Enforcement Officer and Alternate Local Plumbing Inspector. The term of this appointment shall be indefinite, at the pleasure of the Board of Selectmen. Vote 4-0-1, Mr. Fiorentino abstained, motion passes.

#### **8. Discussion and Possible Action on an RFP for Legal Services**

Discussion regarding issuing a Request for Proposals for Legal Services. Due date for proposals will be 8/26/13.

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the issue for Request for Proposals for Legal Services based on the draft RFP discussed as corrected. Vote 5-0, motion passes.

**9. Discussion and Possible Action of a Crosswalk at Cape Neddick Beach**

Postponed to a future meeting

**10. Selectmen's Liaisons to Energy Efficiency Steering Committee, Capital Planning Committee and Library Board**

Postponed to a future meeting

**11. Discussion and Possible Action on Establishing a Selectmen's Liaison to the Mount A Steering Committee**

Postponed to a future meeting

**12. Ballot for MMA Elections**

Postponed to a future meeting

**13. Special Event Permit- The Big Andrew Surf Contest**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for The Big Andrew Surf Contest for Sunday August 11, 2013 at 7:00 am, on Long Sands Beach. Vote 5-0, motion passes.

**14. Special Event Permit- Eastern Surfing Association contest series**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Event Permit for the Eastern Surfing Association Contest Series on Saturday July 27<sup>th</sup>, 2013, at 7:00am, on Long Sands Beach. Vote 5-0, motion passes.

**15. Special Event Permit- Catering Privileges Off Premises- Bill Foster's Downeast Clambake**

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the Special Permit for Catering Privileges Off Premises for Bill Fosters Downeast Clambake at 749 Shore Road, Cape Neddick, on August 10, 2013 from 11:00 AM – 3:00 PM. Vote 5-0, motion passes.

**16. Business Directional Sign for GiGi's Italian Restaurant- 2 Beach Street**

Postponed to a future meeting

**L. Other Business**

**M. Citizens Forum**

**Adjourn**

Moved by Mr. Macdonald, seconded by Ms. Gregg to adjourn at 10:09 PM.

Respectfully Submitted By:

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



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

www.yorkmaine.org

## BOARD OF SELECTMEN'S MEETING/WORKSHOP MINUTES 6:15PM/7:00PM MONDAY, AUGUST 19<sup>th</sup>, 2013 YORK LIBRARY

**Present:** Chairman; Ronald Nowell, Vice Chairman; Kinley Gregg, Scott Fiorentino, Mary Andrews, Torbert Macdonald, and Town Manager; Robert G. Yandow

### Call to Order at 6:16PM

#### **A. New Business**

1. Special Event Permit – Angie Bell Wedding at Josias River Farm

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for the “Angie Bell Wedding” at Josias River Farm, located at 171 Logging Road on August 24<sup>th</sup>, 2013, from approximately 10:00AM to 11:00PM. Vote 5-0; Motion passes.

#### **B. Executive Session**

1. Real Estate; Pursuant to M.R.S.A. Title 1, Section 405(6)(C)

Moved by Ms. Gregg, seconded by Mr. Macdonald to go into Executive Session – Real Estate; Pursuant to M.R.S.A. Title 1, Section 405(6)(C) at 6:21PM. Vote 5-0; Motion passes.

Moved by Ms. Gregg, seconded by Ms. Andrews to come out of Executive Session – Real Estate; Pursuant to M.R.S.A. Title 1, Section 405(6)(C) at 6:55PM. Vote 5-0; Motion passes.

#### **C. 7:02PM Joint Workshop**

1. Discussion between the Board of Selectmen, Planning Board, York Village Study Committee and the Historic District Commission concerning York Village Study Committee's recommendations for York Village

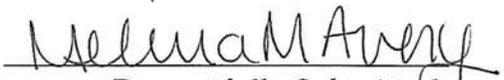
#### **D. Other Business**



- E. **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.

**Adjourn**

Meeting adjourned at 8:06PM.

  
Respectfully Submitted,  
Melissa M. Avery





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 22, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> _____	
<b>Subject:</b> Bid award for Design Consultant and Engineering for the Multipurpose Athletic Field and Parking Project at the Bog Road Athletic Complex.	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Michael Sullivan, Parks and Recreation Director
<b>RECOMMENDATION:</b> To award the bid for Design Consultant and Engineering Services for the Multipurpose Athletic Field and Parking Project at the Bog Road Athletic Complex to Fay, Spofford and Thorndike of South Portland, Maine in the amount of \$27,532.
<b>PROPOSED MOTION:</b> I move to award the bid for Design Consultant and Engineering Services for the Multipurpose Athletic Field and Parking Project at the Bog Road Athletic Complex to Fay, Spofford and Thorndike of South Portland, Maine in the amount of \$27,532.

**Discussion:** The Town received ten proposals from design consultants for the Multipurpose Athletic Field and Parking Area at the Bog Road Athletic Complex. This provided a competitive field of highly qualified candidates for the Town to choose from. Attached you will find a copy of the RFP that was approved by the Board of Selectmen a few weeks ago, a copy of the RFP Addendum to all bidders of record and a list of all firms that submitted proposals along with their proposed fee. On Thursday, August 15th I emailed digital copies of all of the RFP's to the Board of Selectmen. I have also included a description of the project that outlines Need, Solution, Project Goals, Budget and Anticipated Project Time Line.



For the purpose of reviewing the proposals we assembled a committee to include; Myself, Ron McAllister, Chairman of the Parks and Recreation Board, Ryan Coite, Parks Foreman and Steve Burns, Community Development Director.

Five of the ten bidders fell within an acceptable percentage of the amount allotted for the design consultant in the project budget. While we did review all proposals we concentrated our efforts on those five proposals, which included; Fay, Spofford and Thorndike from South Portland, Maine, Oak Point Associates from Biddeford, Maine, Plymouth Engineering, Inc. from Plymouth, Maine, Ransom Consulting from Portland, Maine and Jesseman Associates from New London, NH.

After a thorough review the Committee selected three finalists which included; Fay, Spofford and Thorndike, Oak Point Associates and Plymouth Engineering, Inc. On Wednesday, August 21st we conducted in person interviews with each firm. During those interviews much of discussion revolved around permitting, which included; local permitting, Me DEP storm water permitting, Me DEP site law permitting and Department of Transportation permitting. We discussed the need to update the wetland delineation that was done on the property in 2006 and had in depth discussions regarding the responsibilities of the clerk of the works. In an effort to insure that all were aware of any additional meeting that may be required we reviewed the process overview that I presented to the Board of Selectmen a few weeks ago.

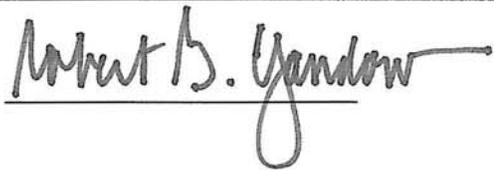
After what we believe to be a thorough review process the Committee unanimously selected Fay, Spofford and Thorndike of South Portland, Maine for recommendation to the Board of Selectmen. In our opinion the firm submitted the strongest proposal, had a good understanding of the project, addressed all items in the addendums and were clear, concise and confident in their recommendations. They had done their homework and were well prepared for the interview.

<b>FISCAL IMPACT:</b> Capital Budget \$27,532
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b> \$347,468

Prepared By:



Reviewed By:



COMPANY	FEE SCHEDULE ITEM	PRICE
<b>Fay, Spofford &amp; Thorndike</b>		
778 Main St., Suite 8	Background Invest - Facility Survey	\$2,429.00
South Portland, ME 04106	Schematic Design	\$1,348.00
	Permitting	\$3,347.00
207-775-1121	Detailed Design & Construction	\$6,126.00
	Bidding and Construction Period Svcs.	\$5,526.00
	Clerk of the Works	\$3,456.00
	Geotechnical Investigations for Design	\$3,000.00
	Geotechnical Testing During Construction	\$1,500.00
	Reimbursable (Exc. Permit fees)	\$800.00
	<b>Total Direct Costs</b>	<b>\$22,232.00</b>
	<b>Grand Total</b>	<b>\$27,532.00</b>
<b>Oakpoint Associates</b>		
231 Main Street	Data Collection	\$2,120.00
Biddeford, ME 04005	Schematic Design/Rendering	\$6,170.00
	Permitting Services	\$5,200.00
207-283-0193	Design Development/Contract Docs	\$14,590.00
	Meetings (10)	\$3,600.00
	Bid Award and Construction	\$3,080.00
	Clerk of the Works	\$3,200.00
	<b>Subtotal</b>	<b>\$37,960.00</b>
	High Intensity Soil Survey/Update Wetland Delineation	\$2,450.00
	Topographic Survey	\$3,500.00
	Direct Costs: Oak Point Assoc. Deliverables	\$1,640.00
	Travel	\$0.00
	<b>TOTAL</b>	<b>\$42,050.00</b>
	<b>TOTAL PROPOSED FEE</b>	<b>\$32,500.00</b>
<b>Plymouth Engineering, Inc.</b>		
PO Box 46	Background Investigation	\$2,563.00
30 Lower Detroit Road	Schematic Design	\$7,120.00
Plymouth, ME 04969	Local Permitting Only	\$3,645.00
	Detailed Design Development	\$4,844.00
207-257-2071	Construction	\$5,742.00
	<b>Subtotal - Base Fee</b>	<b>\$23,914.00</b>
	DEP Storm Water Permitting	\$3,300.00
	DEP Site Law Permitting	\$8,750.00
		<b>\$35,964.00</b>
<b>Ransom Consulting</b>		
400 Commercial Street, Suite 404	Kickoff, Site Analysis and Program Development	\$6,270.00
Portland, ME 04101	Master Planning & Schematic Design	\$5,025.00
	Final Design and Permitting	\$13,105.00



207-772-2891	Construction Document Preparation	\$4,360.00
	Bidding and Contractor Selection	\$1,725.00
	Construction Administration and Clerk of the Works	\$5,890.00
	Reimbursable Expenses	\$1,091.00
		<hr/>
		\$37,466.00

**Jesseman Associates**

176 Newport Road	Design Cost	\$18,600.00
PO Box 1795	Construction Period Services	\$4,500.00
New London, NH 03257	<b>Total NTE Design Cost</b>	<b>\$23,100.00</b>
	Allowance - Topo Survey	\$5,800.00
603-526-2055	Allowance - Wetland Delineation * Will solicit	
	Allowance - Geotechnical Services	\$5,000.00
	Allowance - Clerk of the works	\$4,800.00
		<hr/>
		\$38,700.00

**Sebago Technics**

75 John Roberts Road	Assessment Phase	\$7,420.00
South Portland, ME 04106	Schematic Phase	\$4,327.00
	Design Development	\$13,810.00
207-200-2100	Permitting	\$6,540.00
	Construction Administration	\$13,902.00
	Irrigation Design	\$2,200.00
	Reimbursables	\$4,200.00
		<hr/>
		\$52,399.00

**Harriman**

46 Harriman Drive	Background Investigation and Facility Assessment	\$11,000.00
Auburn, ME 04210	Schematic Design	\$6,000.00
	Permitting Services	\$11,000.00
207-784-5100	Detailed Design Development & Contract Docs	\$12,000.00
	Bid Award and Construction Period Services (16 wks)	\$20,000.00
	Clerk of the Works (16 Weeks)	
		<hr/>
		\$60,000.00

**Tighe & Bond**

177 Corporate Drive	Existing Conditions	\$4,485.00
Portsmouth, NH 03801	Schematic Design	\$5,525.00
	Permitting	\$12,150.00
603-433-8818	Geotechnical Report	\$7,685.00
	Design Development/Contract Docs	\$8,100.00
	Bid Award and Construction Period Services	\$9,575.00
	Clerk of the Works	\$7,460.00
	Reimbursable Expenses	\$7,850.00
		<hr/>
		\$62,830.00



**WBRC**

44 Central Street	Background Investigation, Facility Assessment & Survey	\$3,100.00
Bangor, ME 04401	Schematic Design - Travel Expense Reimb	\$8,130.00
	Permitting Services - Local Travel Exp	\$10,160.00
207-947-4511	Permitting Services - State Travel Exp	\$12,880.00
	Detailed Design and Preparation of Contract Docs	\$13,220.00
	Bid Award and Construction Admin	\$4,440.00
	Clerk of the Works	\$4,800.00
	<b>Subtotal - Without Reimb Expenses</b>	<b>\$56,730.00</b>
	Reimbursable Expenses (printing, postage, travel, meals)	\$18,000.00
		<b>\$74,730.00</b>

**Gale Associates, Inc.**

163 Libbey Pkwy.	Background Investigation, Site Eval & Survey	\$11,275.00
PO Box 890189	Schematic Design	\$4,720.00
Weymouth, MA 02189	Permitting Assistance Services	\$10,340.00
	Detailed Design Development & Prep of Const Docs	\$22,695.00
781-335-6465	Bid Award & Construction	\$15,165.00
	<b>Subtotal</b>	<b>\$64,195.00</b>
	Clerk of the Works	\$28,800.00
		<b>\$92,995.00</b>



**Request for Proposal  
Civil Engineering Services  
Multipurpose Athletic Field and Parking Area  
Bog Road Athletic Complex**

The Town of York is soliciting proposals from qualified firms to provide consulting and design services for the development of a multipurpose athletic field and associated parking area at 40 Bog Road, York, Maine, Assessors Map 220-007. The site is located on 47 undeveloped acres that abuts the existing Bog Road Athletic Complex.

The project scope includes the development of one natural turf multipurpose athletic field, parking, landscaping, irrigation, fencing, drainage, site utilities and related amenities.

**The consultant scope of services includes Design, Engineering, permitting Assistance and Construction Administration.**

**Proposals will be accepted in the Town Managers Office, York Town Hall, 186 York Street, York, Maine until 2:00pm, July 31, 2013.**

Interested firms are asked to pick up a copy of the Request for Proposals (RFP) so they are fully aware of the requirements for submitting the RFP. The deadline for submittal of the RFP is Wednesday, July 31, 2013. Copies of the RFP are available for pick-up Monday through Friday, 8:00 AM to 4:30 PM at the York Parks and Recreation Office, Goodrich Park, 200 US Route One, York, Maine.

Questions concerning the project or the RFP process should be directed to:

Michael Sullivan, Parks and Recreation Director  
186 York Street  
York, Maine 03909  
Tel. 207-363-1040  
email: [msullivan@yorkmaine.org](mailto:msullivan@yorkmaine.org)



**Request for Proposal  
Civil Engineering Services  
Multipurpose Athletic Field and Parking Area  
Bog Road Athletic Complex**

The Town of York is soliciting proposals from qualified firms to provide consulting and design services for the development of a multipurpose athletic field and associated parking area at 40 Bog Road, York, Maine, Assessors Map 220-007. The site is located on 47 undeveloped acres that abuts the existing Bog Road Athletic Complex. (See attached maps)

The project scope includes the development of one natural turf multipurpose athletic field, parking, landscaping, irrigation, fencing, drainage, site utilities and related amenities.

**The consultant scope of services includes Design, Engineering, permitting Assistance and Construction Administration.**

**Proposals will be accepted in the Town Managers Office, York Town Hall, until 2:00pm, July 31, 2013.**

If any changes are made to the RFP, an addendum will be issued. Addenda will be emailed to all bidders on record. All questions regarding the RFP must be submitted in writing. Verbal responses by Town staff or others are not valid. Submitters must submit all questions in writing five days prior to the bid opening date and time. Questions in writing shall be directed to: Director, York Parks and Recreation Department (herein after referred to as "Department" or "Office"). A response to all questions submitted in writing will be provided in the form of an RFP Addendum to all bidders of record. In order to facilitate this process, questions and responses will be transmitted by email.

A bidder may correct, modify, or withdraw a proposal by written notice received by the Town prior to the time and date set for the proposal submittal.

All bid prices submitted in response to this RFP must remain firm for thirty days (30) days following the bid opening.

**Project Requirements**

**1. Background Investigation, facility Assessment and survey**

- Attend a kickoff meeting to finalize scope and schedule
- Perform a comprehensive Parcel Site Investigation
- Review property boundary survey completed by CLD Consulting Engineers in 2003
- Review wetland Delineation completed by Woodlot Alternatives, Inc. in 2006
- Perform geotechnical investigations as required
- Complete a project base map in electronic format
- Finalize program elements based on preliminary study and meetings with the Town

**2. Schematic Design (expected to be but not limited to two meetings)**



- Review zoning ordinances with Town Staff
- Prepare schematic layout for athletic fields, parking and other potential facilities
- Prepare preliminary construction cost estimate and schedule
- Present these project concepts with recommendations
- Prepare a colored rendering for presentation purposes

### **3. Permitting Services**

- File an application for Site Plan Approval with the Planning Board and attend required meetings or public hearings regarding same. (Expected to be three meetings; sketch review, application acceptance and discussion, final approval)
- Identify and assist in obtaining other local and state permits as may be required
- Create final plans and colored renderings as approved by the Planning Board

### **4. Detailed Design Development and preparation of Contract Documents**

- Preparation of contract bid and construction documents consistent with the approved schematic design. At a minimum the project plan set will include cover sheet, existing condition, demolition and erosion control, layout and materials, grading and drainage, landscape plans, irrigation, utilities plans and all related detail sheets. The project manual will include the Towns non-technical requirements and required technical specifications.
- During the design development phase, attend a minimum of three project team progress meetings, at the 50%, 90%, 100% design submission phase

### **5. Bid Award and Construction Period Services**

- Assist the Town with the bid and award process
- Review all incoming proposals
- Provide written assessment of same relative to cost, expertise, capacity, and understanding of the project
- Make recommendation to Town regarding vendor qualifications and selection
- Provide standard construction period service, preconstruction conference, submittal review, weekly site visits, contract administration, and close out

### **6. Clerk of the Works**

- Design and consulting firm will appoint one individual to serve as "Clerk of the Works" during the construction phase

### **Schedule**

The selected consultant should commence work on this project within seven days of the August 12, 2013 award date, and complete the project through permitting and the finalization of construction bid documents by November 1st, 2013.



### **Minimum Town Selection Criteria**

The Town is intent on engaging a consultant with significant experience in the planning, design, permitting, and construction administration of projects involving natural turf type fields subject to Maine public bidding and construction regulations. To be considered, firms should meet the following minimum criteria:

1. The proposing firm or team must have completed, as the prime consultant, at least three (3) projects involving the design, permitting, and construction administration of sand-based, irrigated, natural turf athletic field complexes.
2. At least (2) of the projects must have been subject to Maine public bidding regulations.

Projects completed by current staff while employed by others shall not be considered. Each proposal shall provide examples of representative projects demonstrating compliance with these criteria along with reference and current phone numbers. Firms will indicate members of the project team proposed who contributed significantly to each of the project examples cited in the proposal.

### **Comparative Selection Criteria**

Award will be made to the firm meeting the minimum selection criteria above that best meets the comparative selection criteria to include:

1. Demonstrated experience of the firm with design and construction monitoring of installations of large athletic field complexes.
2. Demonstrated experience of members of the proposed project team on analogous projects.
3. History of client satisfaction based on reference checks.
4. Experience with Maine public bid laws relating to preparing bid specifications.
5. Ability to provide all required services (site/civil, survey, wetlands, geotechnical, hydrological, structural, architectural) with current in-house staff.
6. Ability to provide realistic constructed cost estimates for prevailing wage procurements.
7. Value and competitiveness of the proposed fee for the Scope of Services offered.

### **Submission Requirements**

Four (4) paper copies of the proposal (including 2 CD-ROM) are to be submitted to the Town of York. In addition to a cover letter summarizing the firm's ability to meet the selection criteria above, each proposal will include:

- A description of the project team, and resumes of key project team members. The primary project designer will be a civil engineer registered in the State of Maine.
- A description of representative project experience with client information (limit to no more than fifteen (15) projects and fifteen (15) pages total).



- A list of three (3) references for similar municipal athletic field projects.
- A description of the firm's approach to the project and its anticipated Scope of Services.
- A project schedule in a CPM type format.
- A not-to-exceed time and materials fee proposal for providing all scope elements described above, broken down by work item; staff, billing rates and hours.

### **Interviews and Awards**

The Town will likely make an award based upon review of the proposals as submitted. However, if interviews are required to distinguish between finalists, firms may be invited to make a presentation before a selection committee.

The Town reserves the right to determine the firm it feels will perform the services in a manner that is in the best interests of the Town for this project. The Town will award the contact to the proposer offering the most advantageous proposal, from a responsible and responsive proposer, taking into consideration all evaluation criteria set forth in the RFP, as well as price.

Finally, the Town of York reserves the right to reject any proposals or to waive any informality in the bidding process if it is in the best interest of the Town.

### **Submission Date**

All proposals will be delivered to:

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

207-363-1000

No later than 2:00pm on July 31, 2013

### **Site Meeting**

The site is visible from Bog Road and may be viewed at any time without coordination with the Town. There will be no formal site meeting.

### **Questions**

Questions regarding this Request for Proposal should be directed to:

Michael Sullivan  
Parks and Recreation Director  
186 York Street  
York, ME 03909

Telephone: 207-363-1040  
Email: msullivan@yorkmaine.org



**Request for Proposals  
Civil Engineering Services  
Multipurpose Athletic Field and Parking Area  
Bog Road Athletic Complex**

**RFP Addendum to all Bidders of Record**

**07-19-13**

1.     **Question:**     Does the CLD Survey include a topographic survey?

**Response:**    No. The boundary survey done by CLD does not include a topographic survey.
  
2.     **Question:**     Are the CLD Survey and Woodlot Alternatives data available to review?

**Response:**    Yes, copies are available at the Parks and Recreation Office, 200 US Route 1, Monday - Friday between 8:30am and 4:30pm.
  
3.     **Question:**     Is athletic field lighting to be considered as part of the design?

**Response:**    No. Field lighting is not to be considered as part of the design.
  
4.     **Question:**     Are public restrooms or concessions to be considered in the design, we see that architecture is a service to be provided?

**Response:**    No buildings are part of the design.
  
5.     **Question:**     Is public sewer or water available to serve the site or septic?

**Response:**    Public sewer and water are not available at the site.
  
6.     **Question:**     Please clarify the maximum number of pages for the proposal.

**Response:**    There is no limit on the number of pages for the completed proposal, however a description of representative project experience should be limited to no more than 15 pages or thereabouts.

7. **Question:** What sports are anticipated for the multi-purpose field?  
**Response:** The field should be suitable for football, lacrosse, soccer, field hockey and similar type sporting events.

8. **Question:** Is there a design fee budget for this proposal?  
**Response:** There is not set design fee budget for this proposal, however the total project budget is \$375,000.

### **7-22-13**

9. **Question:** Should RFP's include the cost of existing features and topographic survey?  
**Response:** The Town of York's GIS mapping provides base maps with two foot contours. If this is adequate for the purpose there is no need to include the cost in the RFP. If you believe additional mapping is needed the cost should be included. Maps can be found at: [www.yorkmaine.org](http://www.yorkmaine.org)

### **7-24-13**

10. **Question:** The Town's selection criteria states that the prime consultant must have completed at least two projects that were subject to Maine public bidding regulations. Will bidders not meeting this criteria be disqualified?

**Response:** The Town will not disqualify potential bidders if they do not meet this criteria, however it may be considered in the selection process. Bidders should state in their proposal that they have not met this criteria and insure that Maine public bidding regulations will be followed.

11. **Question:** How much parking is anticipated to be required?

**Response:** Parking for the existing athletic complex is problematic now. The design consultant will work with the Town to calculate the amount of parking



necessary to accommodate the entire facility once the new field has been constructed. Space and project budget will be a consideration.

12. **Question:** Can irrigation be supplied from the existing building?

**Response:** The existing pump house houses the irrigation for the existing fields. The design consultant will determine the capability of servicing the new field.

13. **Question:** What types of amenities are planned, and does it include any of the following: stadium or bleacher seating, lighting of the field or parking lot, concession facilities and goal posts?

**Response:** None of these amenities are to be constructed as part of this project.

14. **Question:** The RFP mentions landscaping. Beyond the turf, what kind of landscaping may be required and does the Town expect a landscape architect to be retained for planting plans?

**Response:** Beyond turf, landscaping would be limited to any potential plantings that may be required by the Planning Board. It is not expected that a landscape architect would need to be retained.

15. **Question:** Can topographic mapping be limited to the area planned for the facility or is a topographic survey of the entire site required?

**Response:** (See Question 9) If a topographic map is required it would be limited to the area for the planned facility.

16. **Question:** The RFP mentions prior wetland work. Were vernal pools identified? If not, does the project schedule need to permit time to conduct a vernal pool survey? (i.e., spring delineation?)

**Response:** A copy of the wetland delineation is available is available at the Parks and Recreation Office. We do not believe a vernal pool survey is required.

17. **Question:** The wetland survey has expired (5 year limit). Does the consultant's work require the wetland survey to be updated or will the Town be providing



the update?

**Response:** The Towns zoning standard for wetland delineation is 10 years. If for some reason it's deemed unacceptable the town will be responsible for updating it.

18. **Question:** The work requires permitting. Is there an estimate for how much wetland fill will be required?

**Response:** No.

19. **Question:** Can the consultant assume that wetland fills will be limited to a tier 1 permit level?

**Response:** Yes

20. **Question:** If vernal pool identification is required in the spring, will the completion date be modified?

**Response:** Yes.

21. **Question:** Is there a budget for the project? If so, how was this determined?

**Response:** The Total Project Budget is \$375,000. The budget was determined through preliminary estimates from professionals in the field and previous experience.

22. **Question:** Permits may not be in place by November 1, due to agency review requirements. Will the schedule be adjusted if completion of the work is delayed by application reviews by third parties?

**Response:** Yes.

23. **Question:** Is the clerk of the works intended to be full time construction monitoring or periodic reviews? Can this portion of the fee be based upon unit billing rates?



**Response:** The clerk of the works will provide periodic reviews only. The costs should be included as part of the total proposal.

24. **Question:** Should the proposal include construction period materials testing?

**Response:** If necessary.

25. **Question:** The selection criteria indicates the selection will include consideration of the extent the services that can be handled in house. Why would it be disadvantageous to have several firms with expertise in the various issues submit a proposal relative to someone who had all of these in house?

**Response:** It is the Town's preference that it be one firm, however all proposals will be considered.

### **7-25-13**

26. **Question:** Although the wetland delineation was completed more than five years ago and a new site evaluation will need to be done, as part of the project, will it be possible to obtain digital copies of both the delineation and survey during design?

**Response:** (See Question 17) A digital copy of the wetland delineation will be available. We do not have a digital copy of the boundary survey, however a paper copy will be provided.

27. **Question:** Was any site topographical information obtained at the time the boundary survey was completed?

**Response:** (See Question 1 and Question 9)

28. **Question:** The project scope statement references one field whereas the scope for schematic design references "fields". Is the intent to plan for more than one field and build only one at this time?

**Response:** No. We are planning for one field.



29. **Question:** The RFP refers to Maine public bidding regulations; is project using governmental bonds or grants that require additional reporting or special provisions as part of the project?

**Response:** No

30. **Question:** The RFP states the "Ability to provide all required services (site/civil, survey, wetlands, geotechnical, hydrological, structural, architectural) with current in-house staff". Are there structural or architectural elements of the project that were specified in the project scope statement? Does this statement preclude the consideration of a team approach with a prime consultant?

**Response:** There are no structural or architectural elements in the project. A team approach with a prime consultant is acceptable.



Parking and Athletic Field Construction  
Bog Road Athletic Complex

Need

Since the existing fields we constructed at Bog Road in 2001 school and community programs have continued to grow. The addition of lacrosse at all levels and the growth of the Junior Wildcat Football Program have impacted the fields significantly. Scheduling has been increasingly problematic and the wear and stress from overuse of existing fields is an issue.

Shortly after the Bog Road fields were constructed it became evident that the parking area was not large enough to accommodate the numbers of people using the facility at one time. Lacrosse and baseball in the spring and soccer and football in the fall produce large numbers. While it's a wonderful thing to see those activities taking place at one time the lack of adequate parking has clearly been an issue.

Solution

In May of 2013 voters approved a \$375,000 capital project to construct a new multipurpose athletic field and parking area at the Bog Road site. Selectmen will recall that shortly after the existing fields were built in 2001 the Town purchased an additional 50 acre parcel that abuts the existing Athletic Complex. This is where the new field and expanded parking area will be located.

Project Goals

To build one large multipurpose athletic field and construct enough parking to accommodate the entire complex for simultaneous use.

To do so in a way that minimizes impacts to protected natural resources.

Budget

Engineering and Permitting	30,000
Tree Removal and Grubbing	25,000
Field Construction	200,000
Gravel Parking	50,000
Irrigation	20,000
Fencing	<u>40,000</u>
Total	375,000

There are no amenities such as bleachers, scoreboards, storage buildings, goal posts or scorers towers included in the project budget. The Parks and Recreation Department will be teaming up with our youth athletic organizations to fundraise for these things over time.



Anticipated Project Time Line

Background Investigation, facility assessment and survey (August 27th - September 10th)

Schematic Design (September 5th - 10th)

Permitting Services (September 15th -November 15th)

Detailed Design Development and Preparation of Contract Documents (October 15th - December 15th)

Bid Award and Construction Period Service (Anticipated Winter Bid / Spring Summer 2014 Construction)

Clerk of the Works (Anticipated Spring / Summer 2014)





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b>
<b>Date Action Requested:</b> August 26, 2013	<input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action
Regular <input checked="" type="checkbox"/> Work Session _____	<input type="checkbox"/> Other: _____
<b>Subject:</b> Senior Center Coach Bus Bid Award	

<b>TO: BOARD OF SELECTMEN</b>
Robin Cogger, Senior Center Coordinator
<b>FROM:</b> Michael Sullivan, Parks and Recreation Director
<b>RECOMMENDATION:</b> We recommend that the Board vote to award the bid for a Goshen 25 passenger coach bus to Patsy's Bus Sales in Concord, NH.
<b>PROPOSED MOTION:</b> I move to award the bid for a 2014 Goshen 25 passenger coach bus to Patsy's Bus Sales, 31 Hall Street, Concord, NH, in the amount of \$58,370.00.

**Discussion:** At the May 20<sup>th</sup>, 2013 Selectman's meeting the Board approved a motion to grant the York Parks and Recreation Department Senior Center the permission to seek bids for the purchase of a 25/30 passenger coach bus to be used by the Senior Center for the purpose of Senior Transportation as outlined in the Last Will and Testament of Marjorie Duffy.

After researching our options and determining our needs, Ryan Coite, Parks Foreman developed specification sheets and an invitation to bid was distributed. Invitation to Bid advertisements (see attached) were placed with the Seacoast Media Group that included the Portsmouth Herald, York Weekly and a 2 week online listing. The following list of businesses received direct e-mail invitations to bid New England Transit in Tyngsboro, MA., Northern Bus Sales, Inc. in Hudson, NH., Don Brown Bus Sales in Johnstown, NY., and Patsy's Bus Sales in Concord, NH. A bid opening date of August 5<sup>th</sup> was set.

While only one bid was received (attached), from Patsy's Bus Sales in Concord, NH for a Goshen, 25 passenger coach bus, we feel that the bid process was competitive and we are comfortable, having



done adequate research, that the bid is fair, reasonable, meets all of the specifications, and falls in line with our estimated cost of approximately \$55,000.00, as noted in the attached memo dated May 13, 2013 (see attached).

We have continued to include the Senior Center Advisory Board in this process (original letter of endorsement attached) On Monday, August 19<sup>th</sup>, the Board, Staff, and any interested members were afforded the opportunity to see a bus that is very similar to the one outlined in the bid, differing only in color and the number of passenger seats. Those interested, were taken for a test drive. The overwhelming consensus being that this bus would serve our needs perfectly.

<b>FISCAL IMPACT:</b> \$58,370.00
<b>DEPARTMENT LINE ITEM ACCOUNT:</b> Senior Center Transportation Enterprise
<b>BALANCE IN LINE ITEM IF APPROVED:</b> \$45,396.45

Prepared By: *Melvin Cogger*  
*[Signature]*

Reviewed By: *Robert M. Gandon*





**PATSY'S BUS SALES**

PO BOX 2700, 31 HALL STREET

CONCORD, NH 03302-2700

P: 603.226.2222 F: 603.226.0606

WWW.PATSYSBUSSALES.COM

Patsy's Bus Sales is pleased to offer this quote to  
the Town of York  
186 York Street  
York, Me. 03909

Thank you for this opportunity and please call or e-mail me with  
any questions or concerns that you may have.

Tony Neveux  
Patsy's Bus Sales  
(603) 226-2222 ext. 165  
603-226-0606 fax  
tonyneveux@patsyco.com

Over 40 product lines in 18 locations throughout New England!



In Partnership With The Profile Group



THE  
PRO  
GROUP



Back to Agenda

**TOWN OF YORK**  
**BID PRICE FOR**  
**NEW 25 passenger shuttle bus**

**BID SUBMISSION DATE:** date AUGUST 5, 2013  
**BID SUBMISSION DEADLINE:** date AUGUST 5, 2013

Proposer hereby offers to provide the equipment described in the applicable specifications.

A. Name of company submitting proposal: PATSY'S BUS SALES  
Address: 31 HALL ST. CONCORD N.H 03301  
Telephone: 603-226-2222 X 165

B. Provide one (1) new 25 person shuttle bus as follows:

Manufacturer: GOSHEN COACH

Model Year/Number: 2014

Discounted government price (in words): \$ 58,370<sup>00</sup> YES

Price (In numerals): \$ 58,370<sup>00</sup>

C. Summary of total costs to Town of York as follows:

Total for one (1) new 25 person shuttle bus:

\$ \$ 58,370<sup>00</sup>

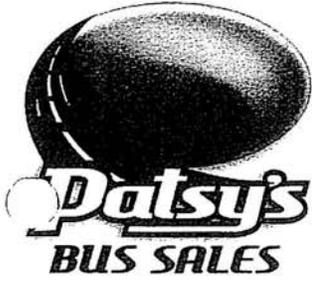
Total net cost to Town:

\$ \$ 58,370<sup>00</sup>

D. Approximate delivery date: 90-120 DAYS UPON RECEIPT OF PO.

E. Name of company representative authorized to submit proposals:





**PATSY'S BUS SALES**  
PO Box 2700, 31 HALL STREET  
CONCORD, NH 03302-2700  
P: 603.226.2222 F: 603.226.0606  
WWW.PATSYSBUSSALES.COM

---

## Option Pricing

Skid Plates	\$300.00
Portable GPS	\$120.00
25 <sup>th</sup> Seat	\$250.00

Over 40 product lines in 18 locations throughout New England!



WWW.PATSYCO.COM

In Partnership With The Profile Group



THE  
PROFILE  
GROUP



Back to Agenda

## ShuttleBus Specifications

### Chasis:

1. Ford E-450 ..... yes no
2. GMC 4500..... yes no
3. Chevy 4500..... yes no

### Bidder Comments:

---

---

### Seating:

1. Model should be 25 passenger plus driver. Rear emergency door with window. Rear seats to be removable to allow for luggage compartment.

Bidder Comments: *25 PAX AVAILABLE. 25TH SEAT NOT EASILY REMOVED FOR ACCESS TO REAR DOOR. 2 DOUBLE FLIP + FOLD SEATS ON EITHER SIDE OF REAR DOOR FOR STORAGE.*

### Identify Shuttle Bus Brand and Model-

GOSHEN COACH GC II. SEE ATTACHED BROCHURES

---

---

---

### Engine:

1. Ford: 6.8L V-10 Gas..... yes no
2. Ford 6.0 Diesel..... yes no



3. GM 6.0L V8 Gas.....yes no

4. GM 6.8L Diesel.....yes no

**Bidder Comments:**

---

---

**Transmission:**

1. Ford: 5 speed automatic w/overdrive..... yes no

2. GMC: 4 speed automatic w/overdrive..... yes no

3. Chevy: 4 speed automatic w/overdrive..... yes no

Transmission Cooler.....yes no

**Bidder Comments:**

---

---

**Wheelbase:**

1. Approx. 190"

wheelbase.....yes no

**Bidder Comments:**

---

---

**Electrical:**

1. Highest available alternator (minimum of 145 amp, dual alternators if available).....yes no



- 2. Dual Batteries. Heavy duty battery highest CCA available.....yes no
- 3. Printed circuit board with automotive type fuses and LED trouble shooting lights.....yes no

**Bidder Comments:**

---



---

**Color:**

- 1. Silver blue metallic.....yes no
- 2. Other options available.....yes no

**Bidder Comments:**

---



---

**Interior:**

- 1. Cloth/Vinyl high back seats.....yes no
- 2. Arm rests on each seat.....yes no
- 3. Adjustable headrests.....yes no
- 4. Appropriate ADA grab rails in entry way.....yes no
- 5. Overhead luggage racks.....yes no
- 6. High output heater/defroster with air conditioning.....yes no
- 7. Full gauge package.....yes no
- 8. Audio/visual/GPS navigation system with touch screen controls and 6 (six) 7"LCD displays.....yes no
- 9. Back up camera.....yes no
- 10. Variable intermittent wipers with washer.....yes no



- 11. Power equipment group..... yes no
- 12. Tinted safety glass..... yes no
- 13. Tilt wheel with speed control..... yes no
- 14. Drivers switch panel for auxiliary functions..... yes no
- 15. Padded vinyl interior walls and ceiling..... yes no
- 16. Black out windows..... yes no
- 17. Approx 93" interior width..... yes no 91"
- 18. Approx. 80" interior floor to ceiling height..... yes no 79"
- 19. 5/8<sup>th</sup> exterior grade plywood flooring with carpet..... yes no
- 20. Black ribbed rubber aisle..... yes no
- 21. Drivers Air bag..... yes no
- 22. Engine alarm/shutdown..... yes no
- 23. Dual electric horns..... yes no
- 24. Entry door step lights..... yes no
- 25. Incandescent driver/passenger area lighting..... yes no

**Bidder Comments:**

---



---

**Exterior:**

- 1. Fog lamps..... yes no
- 2. Cab steps..... yes no
- 3. Largest fuel tank offered..... yes no
- 4. Spare tire and wheel..... yes no
- 5. Under hood compartment light..... yes no
- 6. Skid plates..... yes no
- 7. Recovery hooks..... yes no



- 8. Stainless steel wheel inserts..... yes no
- 9. Dual wheels..... yes no
- 10. Front and rear disc anti-lock brakes..... yes no
- 11. Valve stem extender inner dual wheel (pair)..... yes no

**Bidder Comments:**

---



---

**Interior Lights:**

- 1. Interior LED lights. Passenger Dome, Entry Door, Upper Entry Dual Reading Lights (Each) in Overhead Luggage ..... yes no
- 2. Door activated interior lights..... yes no

**Doors/Hatches/windows:**

- 1. Passenger door (electric)..... yes no
- 2. Exterior Passenger Door (key)..... yes no
- 3. Rear Door (1 window)..... yes no
- 4. Roof Hatch Transpec 1970 series standard safety vent II..... yes no
- 5. Solid Windows..... yes no

**Exterior Lights:**

- 1. LED Front marker lights..... yes no
- 2. LED Rear marker lights..... yes no



3. LED Mid-ship turn/marker lights.....yes no

**Tires:**

Please state what size and ply tires would be included with the vehicle...

---

---

---

**Safety:**

6. 5lb fire extinguisher.....yes no

7. 16 unit first aid kit.....yes no

8. Emergency triangle kit.....yes no

9. Back up alarm.....yes no

10. Interior convex mirror.....yes no

**Bidder Comments:**

---

---

**Warranty:**

1. Manufacturer's warranty shall be minimum of three years or 36,000 miles on entire vehicle.....yes no

**\*Bidder shall attach copy of warranty.**

**Bidder Comments:**

---

---



**Manuals:**

- 1. Owner's manual.....yes no
- 2. All repair manuals.....yes no
- 3. All parts manuals.....yes no
- 4. Any manuals available on CD.....yes no

**Please price manuals separately.**

**Bidder Comments:**

---

---



**TOWN OF YORK**  
**BID PRICE FOR**  
**NEW 25 passenger shuttle bus**

**BID SUBMISSION DATE:** date AUGUST 5, 2013  
**BID SUBMISSION DEADLINE:** date AUGUST 6, 2013

Proposer hereby offers to provide the equipment described in the applicable specifications.

A. Name of company submitting proposal: PATSY'S BUS SALES  
Address: 31 HALL ST. CONCORD N.H 03301  
Telephone: 603-226-2222 X 165

B. Provide one (1) new 25 person shuttle bus as follows:

Manufacturer: GOSHEN COACH

Model Year/Number: 2014

Discounted government price (in words): \$58,370<sup>00</sup> YES

Price (In numerals): \$58,370<sup>00</sup>

C. Summary of total costs to Town of York as follows:

Total for one (1) new 25 person shuttle bus:

\$ \$58,370<sup>00</sup>

Total net cost to Town:

\$ \$58,370<sup>00</sup>

D. Approximate delivery date: 90-120 DAYS UPON RECEIPT OF PO

E. Name of company representative authorized to submit proposals:

Name: ANTHONY NEVEUX

Title: SALES MANAGER

Date: 8/5/13

Signature: Anthony J. Neveux

Return sealed bids to: Robert Yandow, Town Manager  
Town of York  
186 York Street  
York, ME 03909

Clearly mark envelope: **"Proposal for 25 person Shuttlebus"**



\$961,422



GC Order Form-1/22

All information contained in this document is subject to change without notice.

Date 7/23/2013 Customer York Parks and Recreation, I # of Units 1  
 Dealer Patsy's Inc. Address 186 York St.  
 Contact Tony Neveux City/State/ZIP York, Me. 03909 GC Quote # 11120  
 Phone 603-226-2222 ext. 165 Contact Ryan Coite  
 Phone 207-363-1040 ext. 15

**The following information is needed for all sales allowances:**

Delivery \_\_\_\_\_ Will you purchase chassis from GC? Yes  
 Liquidated Damages (daily) \_\_\_\_\_ If so, GC chassis cost \_\_\_\_\_  
 Dealer margin \_\_\_\_\_ If not, who will you transfer it through \_\_\_\_\_  
 Dealer cost (delivery, PDI, etc) \_\_\_\_\_ If transferred, chassis cost (dnet) \_\_\_\_\_  
 Est. discount required to win \_\_\_\_\_ Chassis rebates available \_\_\_\_\_  
 Competition \_\_\_\_\_ Customer FIN code \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

One time purchase? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If no, please answer the following questions
Length of contract (months):
Are add ons allowed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If so, how many?
Is there a price escalater? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If so, what is the escalator?

Is this quote: Govern <input checked="" type="checkbox"/> ent <input type="checkbox"/> tail
Is this quote a: Bid <input checked="" type="checkbox"/> RFP <input type="checkbox"/>
Is unit FTA funded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Order Summary

Special Instructions This quote is valid for 60 days unless length of contract is filled out above.

If special order chassis is required, describe below

This section for Goshen Coach use.	Requested by: _____	Date _____
	Approval - SIs Mgr: _____	Date _____
	Approval - Prod. Mgr: _____	Date _____
	Approval - Finance. Mgr: _____	Date _____
	Approval - Gen. Mgr: _____	Date _____
	Approval - Thor Bus _____	Date _____

- Aisle**
- Std. Black Ribbed Rubber
  - Colored Ribbed Rubber  
Color \_\_\_\_\_
  - Carpet  
Color \_\_\_\_\_
  - Other \_\_\_\_\_

- Under Seats**
- Std. Grey Carpet
  - Black Smooth Rubber
  - Colored Smooth Rubber  
Color \_\_\_\_\_
  - Other \_\_\_\_\_

- Cab**
- Std. Grey Vinyl
  - Vinyl  
Color \_\_\_\_\_
  - Auto Cloth  
Color \_\_\_\_\_
  - Grey Silver Haze

- Walls**
- Std. Grey FRP
  - Vinyl  
Color Gray
  - Auto Cloth  
Color \_\_\_\_\_
  - Carpet  
Color \_\_\_\_\_
  - Grey Silver Haze

- Ceiling**
- Std. Grey Silver Haze
  - Grey FRP
  - Vinyl  
Color Gray
  - Auto Cloth  
Color \_\_\_\_\_
  - Carpet  
Color \_\_\_\_\_
  - Seat Material w/center stripe

- Pads**
- Std. Grey Vinyl
  - Vinyl  
Color \_\_\_\_\_
  - Auto Cloth  
Color \_\_\_\_\_
  - Grey Silver Haze
  - Grey FRP

**Seat Covers**

Driver \_\_\_\_\_

Pass \_\_\_\_\_

Co-Pilot \_\_\_\_\_

- Graphics**
- Blue
  - Burgundy
  - Green
  - No Graphics

FIN Code	_____
ZIP Code	_____
Release Chassis to	_____
PO#	_____

**Non-Blanks**

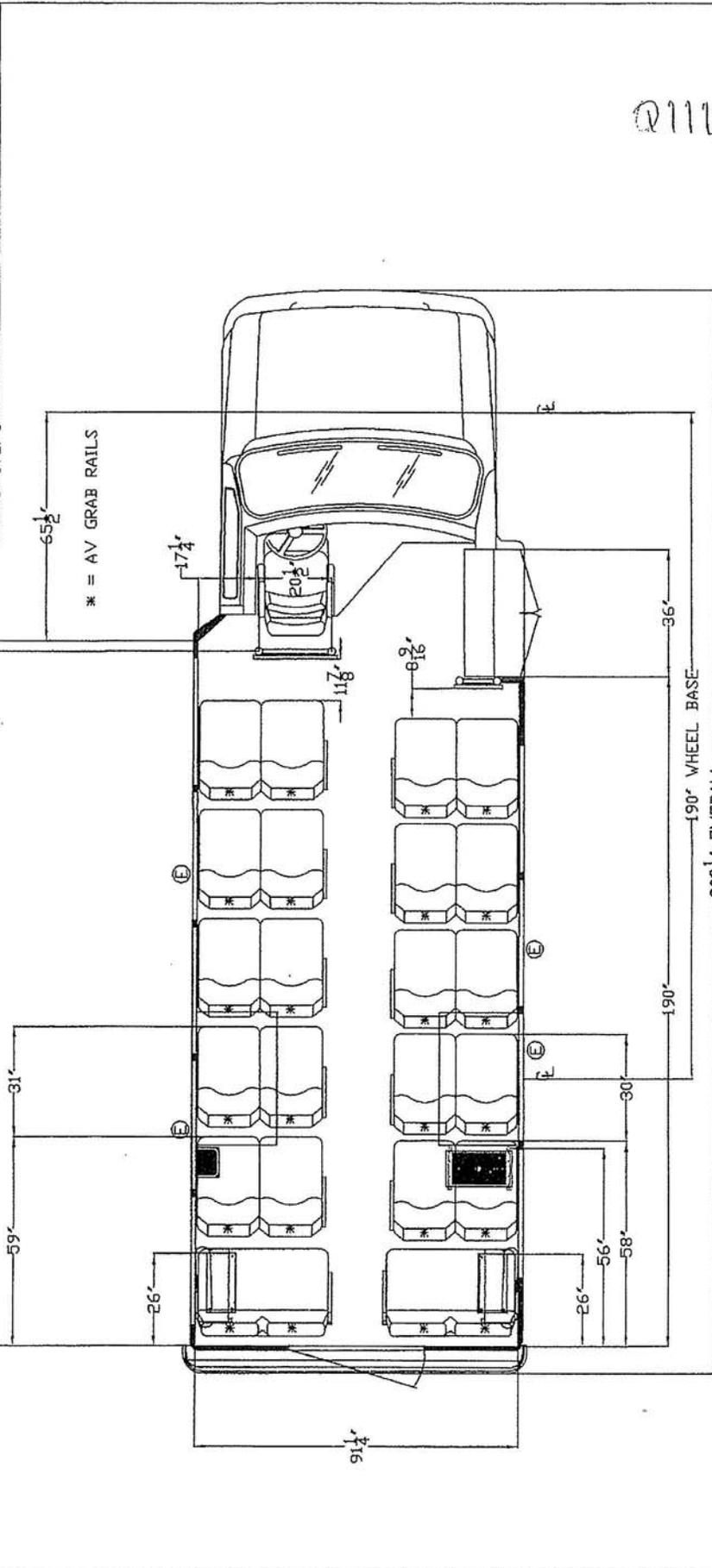
**All Cells**

\$0

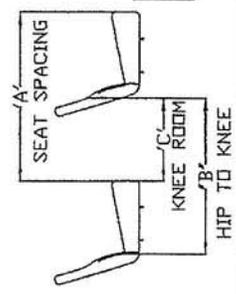
GCF308	1	25.5' MODEL
E496	1	GCII 190"WB/308" Ford 6.8L Gas, GVWR 14,500 E-450
1451	1	RUNNING BOARD DRIVER SIDE DIAMOND PLATE (N/A ON LOW FLOOR)
2282	1	RUSTPROOFING, Z-TECH ZPG1035 INCLUDES UNDERCOATING, INSIDE ROCKER PANELS, DOOR PANELS, FENDER, ETC.
2200	1	TOW HOOKS-REAR (N/A ON 159"WB / 263" OAL G4500 DUE TO FUEL TANK LOCATION)
2360	1	BATTERY BOX WITH SLIDE OUT TRAY (STD ON CHEVY)
23603	1	STAINLESS STEEL BATTERY TRAY UPGRADE (THIS UPGRADES THE BATTERY TRAY FROM CORROSION RESISTANT, PAINTED STEEL TO STAINLESS STEEL. IT DOES NOT INCLUDE UPGRADING THE BATTERY BOX ITSELF. SEE OPTION BELOW FOR THAT.)
1330	1	STAINLESS STEEL BATTERY BOX UPGRADE. (THIS UPGRADES THE BATTERY BOX BUT DOES NOT UPGRADE THE TRAY)
23601	1	BATTERY-ACCESS DOOR IN SKIRT (FORD GAS MODEL ONLY)
2180	1	TIRE-SPARE & WHEEL GCII & PII
2190	1	TIRE-SPARE MOUNTING KIT (N/A ON SOME MODELS)
7124	1	WHEEL INSERTS-4 WHEELS STAINLESS STEEL (FORD OR CHEVY)
2184	1	EXTENSION-VALVES FOR TWO INNER DUAL WHEEL
WSN	1	WHITE STEP NOSING
1514	1	RUBBER-BLACK ON ENTIRE FLOOR, 18" AISLE
4702	1	STANDEE LINE-WHITE, w/ 2" SIGN "NO STANDING FORWARD OF WHITE LINE"
15151	1	VINYL PADDED CEILING
15154	1	VINYL PADDED WALLS
4086	1	DOOR HOLD OPEN, GAS STRUT STYLE, EACH (STD ON DOUBLE W/C DC
1500	1	ENTRY DOOR-36" ELECTRIC IPO MANUAL (N/A ON LOW FLOOR)
3230	1	KEY SWITCH (EXTERIOR)-FOR ELECTRIC ENTRY DOOR



Rev.	Revision Description	By	Date	ECN / PCON
A	DR. & REL	ARS	12-18-08	N/A
C	3 STEPS			



011120



Drawing Name / Description: FLOOR PLAN, GCII FORD 24P/190WB/308BDY		Unit Number:	25161 Leer Drive Elkhart, IN 46514 (574) 970-6300	Reference:	GC Pat Number: <b>0126842</b>
Model:		Work Instruction Reference:		Drawing Number:	Revison: <b>C</b>
Size:	<b>A</b>	Tolerances:		Class Code:	Sheet of 1
DO NOT SCALE		Unless Noted Otherwise		File location: G:FLOORPLAN	



Thor Industries Commercial Bus Division

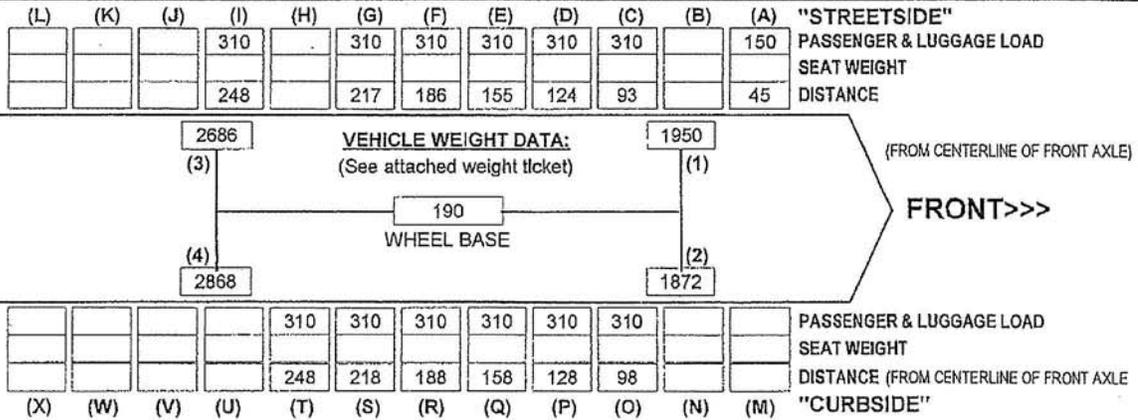
# WEIGHT ANALYSIS WORKSHEET

**ESTIMATED**

FIP NO:	REF NO:	UNIT NO:
0126842C	30491	11120.1
UNIT SERIES NO's:		DATE:
		7/25/2013

VEHICLE DESCRIPTION:			MODEL NO:	MODEL YR:	# SEATING POSITIONS	
GCII 308" FORD -- 24P			GCF308-E496	2013	25 (INC. DRIVER SEAT)	
CHASSIS DESCRIPTION:		ENGINE:	WHEELBASE:	TIRE SIZE:	FUEL TANK:	FUEL LEVEL:
Ford E450 190"WB, 6.8L Gas, 14,500 GVWR		6.8L (425CID) EFI V10	190	LT225/75R16E	55 Gal. Rear Tank @ 210"	1/16

## VEHICLE LOAD DISTRIBUTION



	FRONT WEIGHTS			REAR WEIGHTS			TOTAL	NOTES:
	LEFT	RIGHT	TOTAL	LEFT	RIGHT	TOTAL		
Actual Completed Weight Of Vehicle	1950	1872	3822	2686	2868	5554	9376	308
FUEL LOAD ADJUSTMENT:	-17	-17	-33	175	175	349	316	
VEHICLE CONFIGURATION ADJUSTMENTS:	-14	-14	-29	69	69	139	110	
UNLOADED VEHICLE WEIGHT:	1919	1841	3760	2930	3112	6042	9802	
WEIGHT OF THE OCCUPANTS & LUGGAGE:	305	166	472	1705	1694	3398	3870	
LOADED VEHICLE WEIGHT:	2224	2007	4232	4635	4906	9440	13672	
AVAILABLE EXCESS CARGO CAPACITY:	456	673	768	305	134	160	828	
GROSS VEHICLE WEIGHT RATINGS:	2680	2680	5000	4940	4940	9600	14500	
IS THE WEIGHT RATING EXCEEDED?	NO	NO	NO	NO	NO	NO	NO	

**ATTENTION:**  
 The weight estimate for this vehicle is approaching the limits of the chassis and/or axle ratings, as currently configured. Keep in mind this is an estimate only and may be different than the weight of the completed vehicle. If the actual weight exceeds the chassis manufacturer's ratings, adjustments to the floor plan and/or equipment will need to be made prior to shipment.

PREPARED BY: Ron Pickens  
 SIGNATURE: \_\_\_\_\_  
 DATE: 7/25/2013

7160	1	REAR DOOR-36" W/1 WINDOW W/DOOR AJAR BUZZER & LIGHT ON DASH. HANDLE IS KEY LOCKABLE FROM OUTSIDE. (STD DOOR DOES NOT HAVE A HOLD-OPEN DEVICE. JUST A SPRING. "HOLD-OPEN" DOOR FROM STRIKING PEAP WALL. IF A HOLD-OPEN DEVICE IS NEEDED, SELECT ONE OF THE OPTIONS LISTED ABOVE.)
1554	2	WINDOW-EGRESS IPO STD, EACH (NOTE: ADD 2 ADDITIONAL EGRESS WINDOWS IF PASSENGER LOAD IS GREATER THAN 19)
1556	1	WINDOWS-SOLID IPO SLIDERS (INCLUDES ALL SIDE WINDOWS IN BUS)
7020	1	ROOF HATCH-TRANSPEC LOW PROFILE STANDARD SAFETY VENT #197
4215	1	HEATER, REAR-65000 BTU (IF TWO (2) 65K HEATERS ARE SELECTED, OPTION 4209 SEPARATE CONTROLS IS REQUIRED)
3850	1	HEATER HOSES-INSULATED
1921	1	ACT-50HD, EZ-5 EVAP, CS-3 COND, DUAL COMPRESSORS-70000 BTU FORD GAS
7000	1	SCHEMATIC WIRING
3057	1	AM/FM/CD/DVD WITH FOUR (4) 7" FLIPDOWN LCD SCREENS
3063	1	(2) ADDITIONAL 7" LCD FLIPDOWN TVS (REQUIRES A VIDEO OPTION)
3387	1	BACKUP CAMERA, COLOR, 7" MONITOR
31791	1	BRAKE LIGHT-REAR CENTER MOUNTED ON DOOR
4718	1	FOG LIGHTS (PAIR)
31815	1	
3240	1	ENGINE COMPARTMENT LIGHT (FORD ONLY)
4152	1	GRAB RAILS-ENTRANCE PARALLEL TO STEPS, BOTH SIDES
4133	1	MODESTY PANEL-DRIVER W/ YELLOW POWDER COATED SS STANCHION
4140	1	MODESTY PANEL-PLEXIGLASS TOP (TINTED)
4065	1	OVERHEAD LUGGAGE-WITH INDIVIDUAL READING LIGHTS (NA WITH ADVERTISING BRACKETS OR DUCTED AC)
1532	1	SAFETY KIT-10 UNIT 1ST AID KIT, 5 LB FIRE EXT, TRIANGLES
1528	1	FIRST AID KIT-10 UNIT
1549	1	EMERGENCY TRIANGLES-IN BOX
6200	1	WHEEL CHOCKS (1) PAIR
7025	318	SKIRTS - FIBERGLASS ILO ALUMINUM (PRICE PER YARD OF BUS' OVERALL LENGTH. I.E. ENTER A QUANTITY OF 200 FOR A 200" BUS)
7168	1	STEP-FOLD OUT FOR REAR DOOR
1584	1	MIRRORS-EXTERIOR, M715, REMOTE CONTROL, HEATED, FORD
1540	1	MIRRORS-INTERIOR CONVEX 7"X10"
13644	1	DECAL-"ALL PASSENGERS ARE REQUIRED TO WEAR SEAT BELTS . . ."
5003	1	DECAL-"EMERGENCY DOOR" INTERIOR/EXTERIOR BLACK 2"
6050	1	PAINT BLACK OUT WINDOWS
6016	1	(INCLUDED)
6041	1	PAINT ROOF-ONE NON-METALLIC COLOR
4522	1	SEAT, DRIVER, FREEDMAN SHIELD RECLINER, RH ARM REST, ADJ LUMBAR, MAP POCKET, FORD & CHEVY
4781	10	SEAT, HI-BACK, RIGID, DBL, FEATHERWEIGHT (N/A AS AISLE FACING SEAT) (NOTE: IF FIVE-ACROSS REAR ROW IS USED, REQUIRES NON-EGRESS WINDOW AND ROOF HATCH)
44801	1	SEAT, BV FOLD AWAY, DBL, 3 STEP, FREEDMAN
4655	24	ARMREST, FLIP-UP, US ARM
4757	24	HEADREST, MID-HIGH, ADJUSTABLE
<b>MISCELLANEOUS OPTIONS</b>		
7002	1	PARTS MANUAL - CD FORMAT
*500	1	GPS navigation system with touch screen controls
NOTE	1	Paint bus silver blue metallic - POSSIBLE UPCHARGE FOR METALLIC PAINT
NOTE	1	All repair manuals
NOTE	1	Any manuals available on CD
<b>PRODUCTION NOTES</b>		



E456 Vehicle Order 07/03/13 16:05:09  
 ==> Dealer: F86295  
 Model Yr: 14 Body: E4F Beg Ord: 0001 No Units: 001 End Ord:  
 Ord Type: O Series/PEP: 782A Engine: 99 S Trans: 44 T Whlbase: 158  
 Priority: 20 Paint: YZ Trim: XE Accent: Roof:  
 Add: 47Z 47B 57J 153 559 58F T67 60X 634 C09 425 625 525 21D 646  
 63N 20F 162 942  
 Del:  
 Init: Cust/Flt Name: GOSHEN COACH Ord FIN: RV295 User FIN: RV295  
 PO Number: Ship-to Code: Additional Trailers (Y/N):

INFO 903 PWR LKS/WNDWS DELETED--N/A 60X DR DELETE  
 INFO 54F MIRROR DELETE ADDED-STD E4F/E3F/E2F/S3H

CNGP530 VEHICLE ORDER CONFIRMATION 07/03/13 16:05:19  
 ==> Dealer: F86295

2014 ECONOLINE  
 Page: 1 of 2  
 Order No: 0001 Priority: 20 Ord FIN: RV295 Order Type: 59 Price Level: 415  
 Ord PEP: 782A Cust/Flt Name: GOSHEN COACH PO Number:

		RETAIL	DLR INV		RETAIL	DLR INV
E4F	COM CUTAWAY VAN	\$29910	\$27592.00	516	SP TIRE NOT INC	
	158" WHEELBASE			47B	SHUTTLE BUS PKG	460 393.00
YZ	OXFORD WHITE				.FRT LICENSE BKT	
X	NO TRIM	NC	NC		.ENG BLK HEATER	
E	MEDIUM FLINT				.FRAME PUCKS	
782A	PREF EQUIP PKG			18A	EXT UPGRADE PKG	NC NC
	.STANDARD TRIM				.CHROME BUMPERS	
572	.A/C FRONT ONLY				SHUTTLE BUS DIS	(460) (393.00)
593	.LT/CONVEN GRP					
	.INSTR CLUSTER				TOTAL BASE AND OPTIONS	32485 28304.40
646	.16" WHITE WHLS				TOTAL	32485 28304.40
99S	6.8L EFI V10ENG	1050	896.00		*THIS IS NOT AN INVOICE*	
44T	.ELEC 5-SPD AUTO					
T67	.LT225/75RX16E B				* MORE ORDER INFO NEXT PAGE *	
X83	4.56 REG X83	NC	NC		F8=Next	
162	FLR VINYL, FRT			656	FUEL TANK 55 GL	
20F	14500# GVWR	NC	NC	942	DAYTIME LIGHTS	45 38.00
21D	DR MANUAL PED	(135)	(115.00)		SP DLR ACCT ADJ	(1260.00)
425	50 STATE EMISS	NC	NC		SP FLT ACCT CR	(393.00)
47Z	AMB PKG NOT REQ				FUEL CHARGE	23.40
525	CRUISE CONTROL	240	204.00		PRICED DORA	NC NC
54F	MIRROR, DELETE				DEST AND DELIV	995 995.00
57J	AUX HTR CONNECT	25	21.00			
58F	FORD WORKS 2 SP	NC	NC		TOTAL BASE AND OPTIONS	32485 28304.40
60X	RT DOOR NOT INC	(200)	(171.00)		TOTAL	32485 28304.40
	.PASS AIRBAG DEL				*THIS IS NOT AN INVOICE*	
625	RRVIEW MIRROR	NC	NC			
63N	EXT HD 225-AMP	260	222.00			
634	BATTERIES-DUAL	295	252.00			
	.EXT HVY DUTY 78					

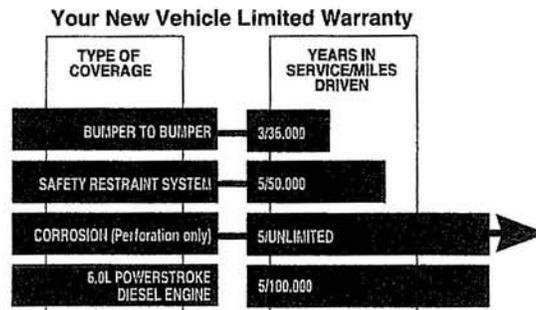
F7=Prev

## QUICK REFERENCE: WARRANTY COVERAGE

This chart gives a general summary of your warranty coverage provided by Ford Motor Company under the **New Vehicle Limited Warranty**. Please refer to the description of warranty coverage for more specific information.

For each type of coverage, the chart shows two measures:

- years in service
- miles driven



The measure that occurs first determines how long your coverage lasts. For example: Your Bumper to Bumper Coverage lasts for three years - unless you drive more than 36,000 miles before three years elapse. In that case, your coverage ends at 36,000 miles.

For more details on coverage, see:

- ➔ **What is Covered?** (pages 7-10)
- ➔ **What is Not Covered?** (pages 10-12)

## WHAT IS COVERED?

Your NEW VEHICLE LIMITED WARRANTY gives you specific legal rights. You may have other rights that vary from state to state. Under your New Vehicle Limited Warranty if:

- your Ford vehicle is properly operated and maintained, and
- was taken to a Ford dealership for a warranted repair during the warranty period,

then authorized Ford Motor Company dealers will, without charge, repair, replace, or adjust all parts on your vehicle that malfunction or fail during normal use during the applicable coverage period due to a manufacturing defect in factory-supplied materials or factory workmanship.





Thor Industries Commercial Bus Division



Thor Industries Commercial Bus Division

## LIMITED ONE (1) YEAR WARRANTY

### WARRANTY:

Goshen Coach (Warrantor) warrants to the first registered Owner for a period of one (1) year or twelve thousand (12,000) miles from the date of purchase, whichever comes first, that this product shall be free of SUBSTANTIAL DEFECTS in materials and workmanship, attributable to Warrantor, under normal use and service.

### WARRANTY PERFORMANCE:

Warrantor will remedy SUBSTANTIAL DEFECTS by repair, free of charge to the Owner. Owner shall bear all expenses arising out of or relating to transporting the product to the appropriate Warranty Service location. Performance will be completed within thirty (30) calendar days of the date the product is delivered for Warranty Service pursuant to appropriate Warranty Claims Procedures.

### WARRANTY VALIDATION:

Return of the Owner's Registration Card is required to validate this Warranty. Failure to return the registration card voids the Warranty.

### EXPLICIT WARRANTY EXCLUSIONS:

#### This Warranty DOES NOT COVER:

1. Damage to the soft trim and appearance items if such damage is due to normal use, wear and tear, or exposure to elements.
2. Accessories or parts not manufactured by Warrantor, which items include (but are not limited to); the chassis and its component parts, heaters, windows, generators, air conditioners, radios, power converters and batteries. The manufacturers of these products may provide warranties covering the performance of their particular products.
3. Products which have been altered or modified by any party other than Warrantor.
4. Damage caused by misuse, neglect, negligence or accident. Usage of this product in a manner which is inconsistent with design intentions or inconsistent with owner's manual directions will invalidate this Warranty in regard to damage caused by or relating to such inconsistent usage.
5. Expenses arising out of or related to transporting the product to an appropriate Warranty Service location for service.

### WARRANTY TERMINATIONS:

The following actions or events will result in the automatic termination of this Warranty and relieve Warrantor from any and all obligations under this Warranty;

1. Misuse or neglect of the product, failure to provide reasonable and necessary maintenance, unauthorized alteration or modification, accident, or improper loading.
2. Sale of the product through auction.
3. The expiration of the warranty period(s) set out herein.

### WARRANTOR RIGHTS:

Warrantor reserves the right to change the parts and designs of its products from time to time without notice and with no obligation to make corresponding changes in its products previously manufactured.

### WARRANTY CLAIM PROCEDURES:

All Warranty Service is to be performed at Warrantor's factory or at an authorized Warranty Service location. All Warranty Service must be authorized by Warrantor, in writing, prior to performance. Such written authorization instructing Owner as to where and when to deliver the product for Warranty Service will be given within five (5) working days of receipt of notification of a defect or malfunction provided the Warranty covers such defect or malfunction and all other terms of this Warranty have been satisfied in full. Notice should be presented in writing via registered mail to Goshen Coach, 25161 Leer Drive, Elkhart, Indiana 46514, and must be postmarked on or before the date of expiration of the appropriate Warranty period. Notice should give Owner's name and address, a brief description of the problem, the product model and serial number, the date of purchase, product mileage, the name of the dealer who sold the product, the current product location and Owner's location for contact during regular business hours.

### DAMAGE RECOVERY LIMITATION:

NO PERSON SHALL BE ENTITLED TO RECOVER FROM WARRANTOR FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES ARISING OUT OF OR RELATING TO ANY DEFECT IN THE PRODUCT.

### WARRANTY LIMITATIONS:

ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE ARE LIMITED IN DURATION TO THE WARRANTY PERIOD OF ONE (1) YEAR FROM DATE OF FIRST PURCHASE.

There are no warranties of any nature made by Warrantor beyond the contents of this Limited Warranty. No person has authority to enlarge, amend or modify this Warranty.

### LEGAL RIGHTS:

This Warranty gives only those legal rights specifically enumerated herein. You may have other legal rights which vary from state to state.

SOME STATES DO NOT ALLOW THE EXCLUSION OR LIMITATION OF INCIDENTAL OR CONSEQUENTIAL DAMAGES OR OF THE DURATION OF IMPLIED WARRANTIES, SO THE ABOVE LIMITATIONS MAY NOT APPLY TO YOU.

### EXTENDED WARRANTY ON STRUCTURAL ITEMS:

Warrantor warrants to the first registered Owner for a period of six (6) years or sixty-thousand (60,000) miles, whichever comes first, that this product shall be free of SUBSTANTIAL DEFECTS arising out of or relating to the structural portion of the product. The terms of this structural Warranty shall be the exact same terms as set out above in Warrantors Limited One (1) Year Warranty, except as such terms relate to the duration of coverage. This Structural Warranty is intended to only cover the performance of the steel cage structure of the product. For further information concerning such warranty, please contact Warrantor.



## Warranty Reference Guide

This guide is for REFERENCE ONLY. Warranties are subject to change without notice or obligation.

**Vendor**

Azure Dynamics - Hybrid

**Warranty Description**

5 Year/60,000 Mile Limited Warranty

**Overview:** The warranty coverage applies until the maximum time or mileage, whichever comes first. The warranty remains with the vehicle regardless of ownership.

ACC Climate Control

3 Year/75,000 Mile Limited Warranty

**Overview:** Warrants original purchaser, subject to normal use and service, for a period of 36 months or 75,000 miles, which ever occurs first, with a minimum of 2 years unlimited mileage, from the date of equipment installation, and while in possession of the original owner.

Espar Heater

2 Years/2,000 Hours

**Overview:** Replacement parts are warranted for 90 days. When used on heaters under warranty, parts are covered for 90 days or the remainder of the Espar warranty, whichever is longer (excluding parts not under warranty by Espar).

Webasto Heater

2 Years/2,000 Hours

ProAir Heaters

Low Profile heaters ONLY - 3 Years  
All Heaters - 2 Years

Carrier Transport Air Conditioning

2 Year Factory Limited Warranty

**Overview:** Warrants that each product of its manufacture is free from defects in material or factory workmanship for a period of 24 months from original date in service on original vehicle. Carrier agrees to repair or replace with a new or repaired part any individual part of a Carrier TAC unit assembly which, after inspection, has been proven to be defective within the warranty period.

Braun

5 Year Limited Warranty

**Overview:** Warrants its wheelchair lift against defects in material and workmanship for up to five years\*, providing the lift is installed, operated and maintained properly and in conformity the manual. This warranty is limited to the original purchaser and does not cover defects in the motor vehicle on which it is installed, or defects in the lift caused by a defect in any part of the motor vehicle. Power train parts covered: cable, cylinder, flow control, gear box, motor, pump, hydraulic hose & fittings and solid state controller.

**Labor:** Warranty covers the cost of labor for the repair or replacement of parts for three (3) years when performed by an approved Braun dealer.

**3 Year Warranty:** All remaining lift components not covered by the five (5) year warranty.

Q'Straint

3 Years - QRT Max (with a warranty card submitted)

2 Years - QRT Deluxe (with a warranty card submitted)

2 Years - QLK-100 (with warranty card submitted and proof of maintenance)

2 Years - Q-5000 (Q'Straint)

1 Year - QRT Standard, M-Series, QVEST, anchorage (track) and accessories

This guide is for REFERENCE ONLY. Warranties are subject to change without notice or obligation.

25161 Leef Drive Elkhart, IN 46514

[www.goshencoach.com](http://www.goshencoach.com) 574.970.6300

## Warranty Reference Guide

This guide is for REFERENCE ONLY. Warranties are subject to change without notice or obligation.

**Vendor**  
Ricon

**Warranty Description**

5 Year Limited Warranty

**Overview:** Warrants to the original purchaser of this product that Ricon will repair or replace, at its option, any part that fails due to defective material or workmanship as follows:

5 Years from date of purchase - power train parts (chain, cylinder, flow control, solid-state controller, gearbox, motor, pump, top/drive shaft assembly, plus hydraulic hoses and fittings)

1 Year from date of purchase - repair or replace parts, labor costs

**Sure-Lok**

Warranted to be free from defects in material or workmanship. Any products found to be defective in material or workmanship within the warranty period will be repaired or replaced.

3 Years from date of shipment - Titan products

1 Year from date of shipment - standard products

**Freedman**

Warranty applies to original owner only.

5 Years - seat frame and foam

2 Years - covers and upholstery levels 3+

1 Year - covers and upholstery levels 1 and 2

**Rosco Mirrors**

1 Year from the time the end customer receives the bus

**American Armature Alternator**

Warrants to the original purchaser or original user that all American Armature alternators sold by it and all parts thereof, are free from defects in material or workmanship under a normal use and services.

Warranty is limited to furnishing replacement parts for 24 months from the date of manufacture of the alternator, for any parts, which American Armature's examination shall disclose to its satisfaction to be defective.

American Armature will not be responsible for labor charges for the analysis of a defective condition in the alternator or replacement parts, or labor to remove and replace thereto.

**PennTex Alternator**

The warranty commences upon delivery of the vehicle or product to the customer. Proof of new vehicle delivery date or product purchase will be required. Warranty is to the original vehicle owner or product purchaser and is not transferable. Warranty covers failure due to defects in material and workmanship for the following months/miles - whichever comes first:

All PX Models - 12 Months/Unlimited Miles

High Idler and CSM - 12 Months/Unlimited Miles

All aftermarket sales or replacement parts and regulators have a 90-day warranty that does not include any labor or freight allowance.

**MOR/ryde Suspension**

Parts - Unlimited

3 Years/70,000 Miles

12 Months - Parts and labor

This guide is for REFERENCE ONLY. Warranties are subject to change without notice or obligation.

25161 Leer Drive, Elkhart, IN 46514

www.goshencoach.com 574.970.6300



# GCI

Shown with optional graphics package and reflective tape.

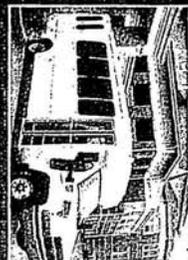


## Committed to moving people ahead >

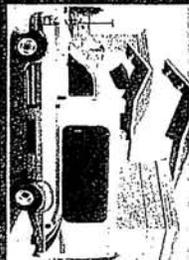
- Up to 25 passengers
- Flexible wheel chair positions
- Spacious interior
- Fully welded steel cage for safety
- Available on Ford or Chevy chassis
- Altoona tested (7 years/200,000 miles)



Parking Shuttle



Assisted Living



Church



Public Transit



Higher Education



Touring



## CHASSIS

### Chevy G3500 & G4500:

- 12,300 & 14,200 LBS GVWR
- 6.0L Gas or 6.6L Diesel Engine
- OEM Driver's Seat, High-back, Reclining, Bucket, Cloth w/Headrest & Right Arm
- Electronic 4-speed Automatic

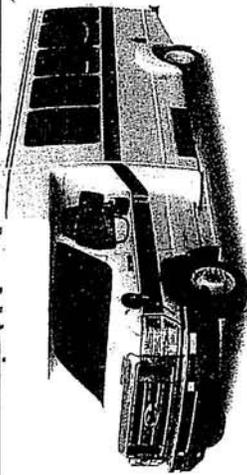
### Transmission

- OEM Dash A/C, Heater & Defroster
- Dual Battery
- Power Steering/ABS Brakes/Tilt Wheel/Cruise
- Daytime Running Lights
- OEM Alternator (dual diesel)
- Chrome Front Bumper
- Driver Air Bag
- Engine Block Heater (diesel)
- Dual Rear Wheels
- All Wheels Painted White
- Power Outlets

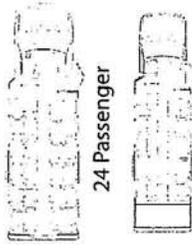
### Ford E-350 & E-450

- 11,500, 12,500 or 14,500 LBS GVWR
- 5.4L & 6.8L Gas or 6.0L Diesel Engine
- Electronic 5-speed Automatic
- Transmission
- OEM Dash A/C, Heater & Defroster
- Dual Battery\*
- Power Steering/ABS Brakes/Tilt Wheel/Cruise
- OEM Alternator (dual diesel)
- Chrome Front Bumper
- Driver Air Bag
- Driver Side Sun Visor
- Engine Block Heater (gas & diesel)
- Dual Rear Wheels
- All Wheels Painted White
- Power Outlets

\* Diesel engines include battery box with slide out tray



ating plans  
an be configured  
based on  
customer needs  
or specifications



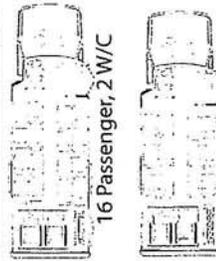
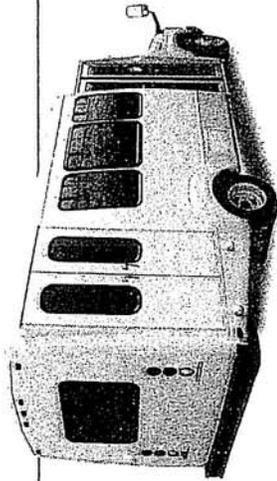
24 Passenger

21 Passenger & Rear Luggage

## STANDARD FEATURES

- Up to 26 Feet Long and 25 Passengers
- 91" Interior Width for Double Seating on Both Sides of Center Aisle
- Interior Height 79" at Aisle (75" with flat floor option)
- Fully Welded, Unitized Steel Cage Construction
- One Piece High Gloss, FRP Exterior Sidewalls
- Large Upper T-slider Windows w/Dark Tint
- FRP Interior Walls
- 5/8" Exterior Plywood Sub-floor with Black Rubber Flooring & Carpeting Under Seats
- 6 Dome Lights and 2 Stepwell Lights
- Rear Mud Flaps
- Vacuum Laminated and Fully Insulated Walls and Roof
- Emergency Side and Rear Egress Windows
- One Piece Roof
- Manual Exterior Breakaway Mirrors w/Convex
- Altoona Tested - 7 Years/200,000 Miles

Due to constant product improvements, specifications, component parts and optional equipment are subject to change without notice or obligation. See your dealer for details. Photos may show optional equipment.



16 Passenger, 2 W/C

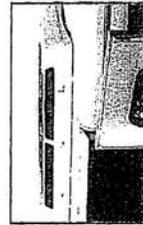
12 Passenger, 2 W/C

## Optional Equipment:

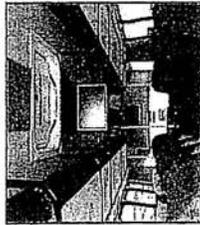
- Choice of Exterior Skin (Aluminum or Fiberglass)
- Choice of Rear Suspension Systems
- Audio/Visual Packages
- Luggage, Dedicated Rear and/or Overhead Rubber or Altro Flooring
- Choice of Interiors (Cloth, Vinyl, Carpet)
- Choice of Seat Material (Vinyl, Cloth, Leather)
- ADA Packages Available
- Custom Paint & Graphics Packages



Overhead Luggage



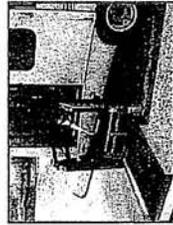
Rooftop Mounted AC



Flip-down TV



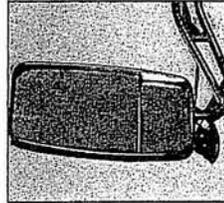
Perimeter Seating



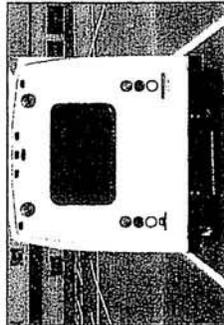
Rear Wheel Chair Lift



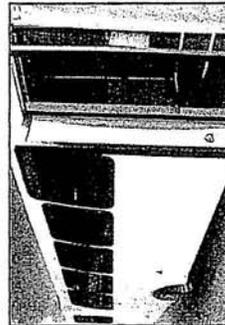
Destination Sign



Breakaway Convex Mirrors



Rear Window (shown with optional light package)



High Gloss Exterior Fiberglass

**GOSHEN COACH**

Thor Industries Commercial Bus Division



25161 Leer Drive Elkhart, IN 46514 USA  
[phone] 574.970.6300 ■ [fax] 574.266.5866  
[e-mail] sales@goshencoach.com  
[web] www.goshencoach.com



Back to Agenda

Town of York, Maine  
Parks Department

The Town of York, Maine is accepting bids for **one (1) new or leftover 25 passenger shuttle bus**. Interested bus dealers may obtain specifications and bid documents by contacting Ryan M. Coite, Parks Foreman, at 207-363-1040 ext.15.

All bids must be received at the Town Manager's office, Town Hall, 186 York Street, York, Maine 03909 no later than **12:00pm on Monday, August 5<sup>th</sup> 2013.**



TO: Authorized Truck dealers  
FROM: Ryan M. Coite, Foreman  
York Parks and Recreation  
SUBJECT: Shuttle Bus Bid  
DATE: 7/22/13

The Town of York is accepting bid proposals for **one (1) new or leftover 25 person shuttle bus**. All equipment shall be new and standard production as offered to the public. It shall include all improvements in design as shown in manufacturer's literature but not specifically mentioned in these specifications are to be included.

All proposals shall include one set of complete descriptive literature and specifications of the equipment on which the proposal is based.

Any exceptions to or variations from the specifications heretofore listed must be explained in detail on a separate sheet.

Price proposals must be on the attached form and must include all handling, preparation, and freight charges. The Town of York reserves the right to waive any formalities and to accept or reject any proposal received in the best interest of the Town.

Delivery time may be a factor in determining the award. Please state anticipated delivery date with bid.

**Any leftover vehicles that come close to matching the specifications would and will be considered. Leftover buses should be listed and priced separately from 2014 vehicle.**

**Proposals will be received until Noon on Monday, August 5th at the Town of York Town Hall, Town Manager's Office, 186 York Street, York, Me 03909. All proposals will be opened and read aloud at 1:00pm on Friday, June 7th by the Town Manager. Sealed proposals should be clearly marked "PROPOSALS ON 25 Person Shuttle Bus".**

Any questions concerning the Bus specifications should be addressed to Ryan M. Coite, Foreman, York Parks and Recreation Department, 363-1040 ext. 15.

The Town of York does not pay sales tax.



New England Transit Sales

30 Progress Ave.

Tyngsboro, Ma 01879

1-978-649-0777

Northern Bus Sales, Inc.

13 Rebel Rd.

Hudson, N.H. 03051

1-800-572-6959

Don Brown Bus Sales

703 County Highway 107

Johnstown, New York 12095

1-800-272-0842

Patsy's Bus Sales

31 Hall Street

Concord, N.H. 03301

1-603-226-2222





# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

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

To: Board of Selectmen  
From: Mike Sullivan, Parks and Recreation Director  
Subject: Senior Transportation Program  
Date: May 13, 2013

Attached is a memo from Senior Center Coordinator Robin Cogger addressing the recent gift from Marjorie Duffy and offering details on how to best use the gift for the purpose of senior transportation. The Town recently received a check from Ms. Duffy's estate in the amount of \$103,000 for the "sole purpose of providing capital and operating funds for the senior's transportation needs".

Our proposal recommends that the Town purchase a 25 to 30 passenger bus to facilitate group trips in and around the York area. The cost of contracting buses is expensive and often makes these smaller day trips cost prohibitive. In addition, the bus would serve the mainstream population of the Center allowing all seniors to take advantage of Ms. Duffy's gift. Robin has provided some examples on how owning our own bus would reduce the cost to participants.

The cost of the bus is estimated at \$55,000 and would be purchased out right. Additionally, we would recommend that \$5,000 be put in the transportation enterprise account to be used as startup funds for this new transportation program. The remaining \$43,000 would be put in an interest bearing account and held until such time that the bus needed to be traded. A well run program would set fees in a way that would represent a significant savings to participants, cover all expenses associated with the program and generate additional revenues to offset the Center's special needs transportation. It is reasonable to assume that this program could serve the Seniors well for the next twenty years.

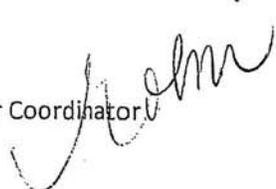




# Town of York

186 York Street  
York, Maine 03909-1314 **Memorandum**

To: Board of Selectmen

From: Robin Cogger, Parks and Recreation Senior Center Coordinator 

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

Subject: Proposal for use of funds gifted by Ms. Marjorie Duffy

Date: May 10, 2013

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

In 2010, when the Parks and Recreation Department began overseeing the Senior Center, there existed a Transportation Program that had evolved over time to include options for any senior member of the community in need of a ride. This included trips to the center, dr. appointments, grocery shopping, and the delivery of meals from our kitchen, daily. Trips were not limited to York alone and included the surrounding Maine communities as well as Portsmouth and Dover, NH. At the time, a full-time driver was employed for the sole purpose of transportation. After carefully scrutinizing and familiarizing ourselves with the operations at the Senior Center, it became evident that while transportation was an important service, the cost/benefit analysis wasn't making sense. Simply put, the ridership did not substantiate continuation of the program as it was operating.

Faced with two options, eliminate the program completely or initiate a change that was more financially responsible but that also continued to provide a valuable service to our members, we chose the latter. Beginning with the new fiscal year in July of 2011 our primary focus became providing rides for our members only, to and from programs at the Senior Center, with the exception of one specified trip per week to Hannaford for grocery shopping. After researching other transportation and/or meal delivery options within our community, we felt that this change best suited our goals and met the needs of the majority of our membership. The full-time driver position was eliminated, along with a part time custodial position, and replaced with much needed part time kitchen help. The driving responsibilities were transferred and consolidated, in house, to a part time driver/custodial position. Our short term goal has been to continue to provide uninterrupted transportation to the members who had become dependent upon it for daily/weekly trips to the Center for meals or programs. The transportation program has been a work in progress, but we believe we have successfully re-structured staffing and settled into a system that is financially feasible and meets the needs of our members.

We would like to request that the gift left to the York Senior Center by Marjorie Duffy for the "sole purpose of providing capital and operating funds for the Senior's transportation needs" be used to purchase a multi (25/30) passenger bus. Attached, you will find two examples of the kind of bus we are proposing. A vehicle of this magnitude will afford us the opportunity to broaden the scope of, and make a shift in, not only our



transportation services but our ability to program to the needs and desires of our mainstream senior population. It would be our intention to use this vehicle to offer daily, weekly and /or monthly trips within and outside of York. Many of our seniors are comfortable driving locally but have, long ago, given up the trips beyond our boundaries. Trips that would be offered on a regular basis, at affordable rates, would contribute to our seniors' independence and add to their socialization and community involvement. Beyond shopping for necessities and every day needs, a world of opportunity would await. Currently we are very limited in the kinds of transportation and activities that we can offer. While the Toyota Scion serves the purpose of transporting up to three members to and from the Center daily, it's passenger capacity does limit us from taking larger groups anywhere at one time. The Senior Center tried to make a go of group trips to and from shopping in the Portsmouth, NH area. A group trip consisted of 3 people (based on the car capacity) and the fee charged per rider was \$20.00. Because we were limited to a small number of participants, the fee had to be so high that it became unaffordable, therefore a service that was underutilized.

We believe that with the acquisition of a 25-30 passenger bus we can successfully begin to offer transportation that will meet needs, enrich lives and generate revenue. Some of those include, but are not limited to, shopping trips, picnics to locations such as Mt. Agamenticus and Prescott Park, seasonal excursions such as apple and blueberry picking, bowling, the movies, museums, participation in Southern Maine Agency on Aging's Senior Games, Senior golf and ski trips, dancing at the Rockingham Ballroom, antique shop hopping, etc. Currently, these kinds of offerings are neither cost effective nor spacially feasible. While contracting the services of a trolley or charter bus are options, past attempts have proven time and again that both require the passing along of large fees to our members for participation. It's like swimming up stream; in order to keep costs down, often a high price has to be placed on the activity along with high minimum participation requirements. When we are able to reduce the per person transportation rate, the ratio of participants must increase.

You will see below a sample of transportation options and the cost associated with them:

***DAY TRIP TO KENNEBUNKPORT – Based on a 6 hour day***

**CHARTER BUS - \$700.00** Round Trip + an additional fuel charge of \$40.00 (this rate is not fixed and changes regularly with fuel costs).

Maximum Capacity – 40 participants = \$18.50 per person  
25 participants = \$29.60  
20 participants = \$37.00  
15 participants = \$49.33  
10 participants = \$74.00

You can see with this option, that in order to make the trip even moderately affordable for most, we would need to fill the bus. We have, in the past been forced to cancel a program with upwards of 20-25 people registered simply because we could not fill the bus. Keep in mind that this is the transportation fee alone. If this were a trip to the Ogunquit Playhouse or Cumberland County Civic Center, for example, the cost of the



ticket would be added to the transportation fee, not leaving any opportunity for generating even a small amount of revenue.

**CHARTER TROLLEY** – Service within Maine only extending a 25 – 30 mile radius - **\$350.00**

Maximum Capacity - 30 participants = \$11.60  
25 participants = \$14.00  
20 participants = \$17.50  
15 participants = \$23.33  
10 participants = \$35.00

While this option is better, the participant ratio still needs to be high to keep the cost reasonable for participants and again, little or no means of generating revenue. In addition, this is a seasonal option, May – October, only.

**OWN 25 PASSENGER BUS/VAN** – Driver fee of approx. \$15.—per hour X 6 hours = **\$90.00**

Maximum Capacity 25 participants = \$3.60  
20 participants = \$4.50  
15 participants = \$6.00  
10 participants = \$9.00  
5 participants = \$18.00

Whether a licensed staff or hired driver, the per person cost for transportation with a vehicle such as this is a much improved scenario from either of the previous. It would be our prediction that a reduction in the per person cost would drive an increase in participation, however if numbers for a particular program remained low, it would still be affordable. For this trip, if we were to charge \$7.00 per person, we would have the flexibility of adjusting the minimum number so that anywhere from 15-25 participants could attend without cancellation. Additionally, there exists an opportunity to generate revenue. In the event the trip sells out at 25, we would bring in a total of \$175.00, \$90.00 would be applied to the expenses, leaving a positive balance of \$85.00 to be applied to the transportation account for fuel and maintenance, etc.

We do not believe that additional staffing will be needed to meet the goal of senior transportation needs with the bus. We have the option of licensing current staff and /or contracting licensed drivers. Our first point of contact would be local bus drivers who often look for additional driving opportunities when the school buses are not operating. This would be a per trip contracted job, the fee for which would be generated through the user fee for the program being provided.

We do not have any plans to change the *Rolling Out of York* program as it currently exists. We will continue to contract charter services for our long term, overnight trips. We do not believe that it is in the best interest of the membership or the program to use the proposed bus for these kind of trips.

We would suggest that we keep and maintain the Toyota Scion, to be used for limited individual transportation for those with unique needs. The Toyota is a 2008 model with



approximately 95,000 miles. We believe that some of the funds generated by programs centered around the use of the bus would help to offset the expense of keeping this vehicle, allowing us to continue to provide this valuable service for our members in need.

We have, on two occasions met with the Senior Center Advisory Board and discussed this proposal at length. The Board, and the membership that they represent, has given it's full endorsement of this proposal and are excited about the opportunities that exist with regard to senior transport. Both the Board and the Membership feels fortunate for Ms. Duffy's generosity.





# Town of York

186 York Street  
York, Maine 03909-1314

May 10, 2013

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

Dear Mr. Yandow,

This letter is to inform you that we, The Senior Center Advisory Board, as appointed by the Town of York, give our complete endorsement of the Parks and Recreation Department Senior Center's proposal to purchase a passenger bus with the donation left to the Center by Ms. Marjorie Duffy.

We understand that the donation left by Ms. Duffy is *"for the sole purpose of providing capital and operating funds for the senior's transportation needs"*. We think that the acquisition of the bus will fulfill Ms. Duffy's wishes and will allow the Senior Center the opportunity to meet a multitude of senior transportation needs.

We have met with the Parks and Recreation Department Administration on more than one occasion, including a work session where ideas were shared. We have also taken the opportunity to canvass the membership which is overwhelmingly in favor of this proposal.

Should you have any questions regarding our endorsement of the proposal put forth by the Parks and Recreation Department Senior Center, please do not hesitate to contact us.

Respectfully Submitted,  
York Senior Center Advisory Board

Carollyn Anderson *Carollyn Anderson*

Sidney Boardman *Sidney Boardman*

Emily Cambray *Emily Cambray*

Jeanette McGrath – *recovering from surgery and unable to sign*

Bruce Rennie, Chair *Bruce Rennie*

Jacqueline Valentino *Jacqueline Valentino*

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





**Notice of Public Hearing  
Board of Selectmen  
Monday, August 26, 2013  
7:00 PM  
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed amendments to the **Firearms Safety Ordinance** and to the **Street Opening and Culvert Ordinance**. Printed copies of the text of these amendments (draft document dated August 15, 2013) are available at Town Clerk's office in Town Hall, and digital copies are available on the Town's Web page ([www.yorkmaine.org](http://www.yorkmaine.org)).





---

## **PUBLIC HEARING NOTICE**

**August 26, 2013**

**7:00 PM**

**York Library**

The Board of Selectmen will hold a Public Hearing on August 26, 2013  
regarding:

### **Proposed Ordinance Amendments for November 2013 General Referendum**

- |       |        |   |
|-------|--------|---|
| Ord-1 | Zoning | Cluster Subdivision Standards Amendment       |
| Ord-2 | Zoning | Seasonal Conversions Amendment                |
| Ord-3 | Zoning | On-Site Commercial Sign Requirement Amendment |
| Ord-4 | Zoning | Farm Enterprise Overlay District Amendment    |

*Printed copies of the proposed amendments are available in the Town Clerk's office at Town Hall. Digital copies are also the Town's web page ([www.yorkmaine.org](http://www.yorkmaine.org)) under the heading Posted Documents.*





**Notice of Public Hearing  
Board of Selectmen  
Monday, August 26, 2013  
7:00 PM  
York Public Library**

The York Board of Selectmen will conduct a Public Hearing regarding proposed amendments to the **General Assistance Ordinance**, specifically amending Appendices A through F. Printed copies of the text of these amendments are available at Town Clerk's office in Town Hall.





---

## **PUBLIC HEARING NOTICE**

**August 26, 2013**

**7:00PM**

**York Library**

The Board of Selectmen will conduct a Public Hearing on  
Monday, August 26, 2013 regarding:

The possible sale of Town Owned property at 32 Pine Mountain Road





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Business License Application (1)	

<b>TO: BOARD OF SELECTMEN</b>
<b>FROM:</b> Melissa M. Avery
<b>RECOMMENDATION:</b> Approve Business License Application (1)
<b>PROPOSED MOTION:</b> <i>I move to approve the following license:</i>  1. John Shaw DBA Frankie and Johnny's (Victualers); Located at 1594 US Route One  <i>... subject to taxes, fees and inspections being current and compliant with the usual noise stipulations</i>

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

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

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert B. Eganow*



# Town of York

186 York Street  
York, Maine 03909-1314

TO: Board of Selectmen

FROM: Kathryn Newell *K Newell*  
Code Enforcement Officer

DATE: August 21, 2013

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on August 26, 2013.

## ENDORSEMENTS

DBA: Frankie & Johnny's

MAP 100/LOT 24-B

Victualers

John Shaw  
1594 US Route 1  
Cape Neddick, ME 03902

**FACILITY  
ZONE  
USE  
RECOMMENDATION**

Restaurant/19 Seats  
Rt. 1-6  
Conforming, Existing  
Approval

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works/  
Harbor Master  
(207)363-1010

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

Grant House  
(207)351-1204

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

www.yorkmaine.org



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



Business Name Frankie's Fishmugs  
 Business Location 1594 US Rt 1  
 Telephone Number 207 363 1909

OWNER'S Name and Mailing Address John Shaw  
1594 US Rt 1  
Cape Neddick

APPLICANT'S Name and Mailing Address John Shaw  
1594 US Rt 1  
Cape Neddick ME

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing		
Fire		
Tax Collector	8/19/13	Szeniauski

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

MAP/LOT: <u>0160-0024-B</u> License Year: <u>2013</u> No. Of Seats: <u>19</u> No. Of Parking Spaces: <u>20</u>  New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more)  Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---	---

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

I certify the above statements are true and understand false statements may be cause to revoke a license.  
 Date 7/22/13 Applicant's Signature [Signature]

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

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

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

AMT. RECD. 75.00 RECEIPT NO. 4503 RECEIPT DATE 7/21/13 MI PM MM MS

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Monday, August 12, 2013 3:06 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License - Frankie and Johnny's

Owes \$45.02 in personal property tax from FY13 (calculated through August 31,2013)

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

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

---

**From:** Melissa M. Avery  
**Sent:** Monday, August 12, 2013 3:02 PM  
**To:** David K. Bridges; David Apgar; Mary-Anne Szeniaewski  
**Cc:** Melissa M. Avery  
**Subject:** Business License - Frankie and Johnny's

Hello,  
I attached the business license for "Frankie and Johnny's" located at 1594US Rt. 1 (100-24-B)  
Please let me know when you've had a chance to review.

Thanks,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Monday, August 19, 2013 8:33 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Frankie and Johnny's

Yes, now.

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

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

---

**From:** Melissa M. Avery  
**Sent:** Monday, August 19, 2013 8:29 AM  
**To:** Mary-Anne Szeniaowski  
**Subject:** Frankie and Johnny's

Morning!

Just checking to see if Frankie and Johnny's is current on their taxes?  
1594 US Route One, 0100-0024-B

Thank you!  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 23, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b>	
<b>Subject:</b> Letter From Doyle & Nelson Concerning Penstock Road	

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

**Discussion:** The Chair has asked that the attached letter from Dennis Carrillo of Doyle & Nelson be added to the agenda for discussion. By way of background, I am also enclosing correspondence from Doyle & Nelson dated March 16, 2012, also regarding Penstock Road.

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

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



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

JON R. DOYLE  
CRAIG H. NELSON

207-622-6124  
FAX 207-623-1358

L. DENNIS CARRILLO

DCARRILLO@DOYLENELSON.COM

August 9, 2013

Ronald Nowell, Chairman  
Board of Selectmen  
Town of York  
186 York Street  
York, ME 03909

Dear Ron:

Enclosed please find our memorandum regarding William Burnham/Ellis Short Sands Park/  
Putative Penstock Road issue. We request that you place this issue on a future Board of  
Selectmen agenda for discussion.

Should you have any questions or concerns, please do not hesitate to contact me.

Best regards,

  
L. Dennis Carrillo

LDC/kmr  
Enclosure  
cc: Jon Doyle, Esq.



To: Town of York Board of Selectmen

From: Doyle & Nelson

Date: August 9, 2013

Re: William Burnham / Ellis Short Sands Park / Putative Penstock Road  
D&N File No. 5932

\*\*\*\*\*

### Introduction

Doyle & Nelson has represented Ellis Short Sands Park (“Park”) and William Burnham (collectively “Clients”) in their legal matters for decades. On their behalf, we are filing this memorandum with the Board of Selectmen (“Board”) for the Town of York (“Town”). The purpose of this memorandum is to address the status of our Clients’ dispute with the Town over an alleged public way called Penstock Road, which purports to run through our Clients’ property. In fact, the alleged public way purports to run through part of a building owned by Mr. Burnham. The Town asserts that this public way was established in 1910 and that it has been in continuous use ever since. A great deal of factual information, however, shows that the public way was never properly established, has long been abandoned and that the Town only came to realize this might be an issue in 2011.

### Past Negotiations with Town

When the Town first started asserting the existence of Penstock Road a couple of years ago, it seized upon this alleged public way as an excuse to commandeer our Clients’ respective real property. We have been trying to negotiate a resolution to this dispute with the Town Manager, Robert G. Yandow, to avoid the need for costly litigation, but the negotiations seem to go around in circles and the parties now seem to be at an impasse.

Our clients are confident in their position that Penstock Road has never been a valid public way, and that even if at some point it became a public way, the Town abandoned it long ago. Nevertheless, in the interest of avoiding conflict and trying to accommodate both sides’ needs, our Clients have sought to cooperate with some of the Town’s plans for improvements to sidewalks on our Clients’ private property. Our Clients have even been willing to grant the

Town an easement for drainage maintenance that the Town might want to conduct on their private property.

Town Manager Yadow, in contrast, insists that Penstock Road is a valid public way. While he has said that the Town has no intention of claiming parts of Mr. Burnham's building, he maintains that the rest of Penstock Road belongs to the Town. The Town maintains that it has the right to modify sidewalks, install bicycle racks and benches, and convert Mr. Burnham's private parking for his business into metered Town parking. Town Manager Yadow has suggested some sort of land swap, but that is unfair to our Clients, because they would in essence be surrendering their private property in exchange for property that in actuality also belongs to them.

This dispute affects our Clients' title to their respective property, is costing them attorney fees and is paralyzing their ability to use and enjoy their respective property. If a resolution cannot be negotiated with the Town, then our Clients need to file a declaratory judgment action in court to protect their property. This memorandum represents their last effort to try and resolve this dispute without the need for litigation.

In order to analyze whether Penstock Road is a valid public way that runs through our Clients' respective property, it is important to understand both the factual background and the applicable law. We have extensively researched both the facts and the law. We are optimistic that when the Board reviews this memorandum, it will agree that there is no public way running through our Clients' respective property and to assert one would be an unconstitutional taking of private property without just compensation.

#### Factual Background

Between August 1904 and May 1906, with a number of property transfers, a gentleman named John Byron Paul came to be the sole owner of some of the real property at issue in this dispute. (York County Registry of Deeds ("Deed Registry"), Book 543, Pages 225, 361, 560). The rest of the property constituted the Park, overseen in part by trustee and then-chairman of the York Beach Village Corporation Board of Overseers ("YBVC"), Frank H. Ellis.

On June 9, 1909, Mr. Ellis and twenty eight others submitted an application to lay out a Town way near the Penstock, which ran through the property of Mr. Paul and the Park. The applicants placed notices at two public places, the York Beach Post Office and Cape Neddick Post Office. (1910 Town Records, pages 92 and 93). On February 18, 1910, the Town laid out "a Town way at York Beach," describing it as a "Road near Penstock."

Town Meeting Article 44, dated March 14, 1910, reflects a lengthy debate over the application for a public way. J.C. Stewart, an attorney hired by three residents, including Mr. Paul, spoke in opposition to the public way. Even at that point, the proposed public way ran directly through a building owned by Mr. Paul. The inhabitants of York, however, voted to accept and adopt the road. (1910 Town Records, pages 93 to 103).

While many of the statutory requirements for creating a public way seem to have been satisfied, there is no record of notice being given to the “unknown” owners or of the one dollar in damages being actually paid to “the unknown owners of the land over which the road passes.” It is curious that the landowners are described as “unknown” given that the chain of title for Mr. Paul’s land was clearly reflected in the Deed Registry and one of the applicants for the public way, Mr. Ellis, was the former owner and current trustee of the Park land. Other than the 1910 Town Meeting record, there is no mention of a right of way in any deeds, plans, or maps or any records of the Town. (York Weekly, 12/21/11, p. A8).

On July 30, 1917, Mr. Ellis transferred ownership and control of the Park to the York Beach Village Corporation and its Overseers. The deed’s description of the land being transferred made no mention of a public way passing across the north end of the beach. This is noteworthy because Mr. Ellis had been heavily involved in applying for and advocating for a public way over this property only seven years earlier.

As for the property that had been owned by Mr. Paul, on May 2, 1955, Alice A. Paul transferred the property to Maxwell S. Thomson and Helen Otis Thomson. (Deed Registry, Book 1280, Page 437). That deed makes no mention of a public way. The Thomsons leased premises known as “Surfside Lunch” to Charles Burnham, on July 1, 1960. (Deed Registry, Book 1428, Page 126). On November 4, 1968, the Thomsons transferred the property to William O. Thomson subject to the Charles Burnham lease, again with no mention of a public way. (Deed Registry, Book 1825, Page 553).

A 1953 Maine Department of Transportation drainage plan makes no reference to Penstock Road or a stone seawall along the beach, which would have been erected by the Town on Penstock Road. In the 1956 civil action *Alpheus D. Spiller et al. v. YBVC et al.*, Case #1547, Maine’s Attorney General researched and created a comprehensive survey depicting and mapping all the land transactions, their boundaries, the title chains, and all rights of way in the Short Sands area from about 1875 to 1956. (York Weekly, 12/21/11, p. A9) There were no references to the existence of Penstock Road. In 1958 an Army Corps of Engineers plan of the beach identified a “stone seawall” as a “stone covered storm drain, abandoned.” *Id.* This was the remnants of the original penstock drain, which disappeared prior to the dissolution of YBVC on the many repairs and extension of the recently removed storm drain. *Id.*

In December 1968, Engineer Grant L. Davis of G.L. Davis & Associates produced a plan for Maxwell S. Thomson of his property, including a fifty-foot wide “Penstock Road,” which according to the plan was evidenced by “pg 92 Town Records 1910 no deed recorded.” This plan was never recorded in the Deed Registry.

Bill Burnham acquired his property by quit claim deed, dated October 13, 1969, from William O. Thomson, and recorded in Book 1856, Page 309 in the York County Registry of Deeds. The deed’s property description references a plan entitled “Plan for Division, Maxwell S. Thomson, York Beach, Maine,” by G.L. Davis & Associates, dated December 1968, File No. 123-20. Because that plan shows Penstock Road, the Town has argued that Burnham’s deed expressly reflects a public way running through his property.

In the opinion of the title lawyer and title insurance company at the time, however, for various reasons the right of way did not exist, and as a result the Davis plan was not recorded in the Deed Registry. Two of the reasons given concerned the lack of a record of damages being paid, plus the fact that the right of way was never found in any deeds recorded in Alfred. (York Weekly, 12/21/11, p. A8).

In the years following Mr. Burnham's purchase of the property, it appears that he and the Town discussed the status of Penstock Road. In a letter dated June 25, 1970, Burnham's attorney, David Strater, Esq., wrote to the York Beach Assessors to confirm that Burnham owns all property described in his deed, including Penstock Road. The letter alludes to the Town paving a portion of Burnham's property, but Attorney Strater describes this as "gratuitous" and nothing "more than a courtesy to the owners of the property." Attorney Strater explicitly addressed Penstock Road:

It is Mr. Burnham's position that the alleged laying-out of a road, which included a substantial portion of his building in 1910, was never in fact legally completed, nor was any notice given to the record owner, who was known to be John B. Paul. The record indicates that no actual damages were ever paid.

The letter ends by stating that any further physical alteration of any portion of Mr. Burnham's premises will be considered an act of trespass. There is no record of the Town ever responding to this letter.

At some point in 2011, while working on a drainage project, the Town discovered an old right of way called Penstock Road. (York Weekly, 10/05/11). The Town claims it never abandoned Penstock Road. According to the Town, it plows Penstock Road, has performed some maintenance of the road, installed catch basins and installed a culvert under it. After rediscovering the road, the Town tax assessor changed Bill Burnham's tax assessment to reflect that the road is a public way.

Presumably the Town wants Penstock Road for unrestricted access to do drainage maintenance work, to alter sidewalks and parking lots in any way it sees fit, and to turn Burnham's private parking spaces into Town-owned, metered spaces.

Our Clients have hired Owen Haskell, Inc. to survey exactly where the alleged Penstock Road purports to exist on the face of the Earth. We will have detailed survey maps available for the Board when the Board deals with the resolution of this dispute.

#### Legal Analysis

The Town claims that Penstock Road is a "public way," as defined in 23 M.R.S. § 3021, the rights to which are held by the government and the use of which is intended for the general public. It was purportedly created by layout and taking, a process whereby the government uses its eminent domain power to force a landowner to sell the public rights in the road. Here

there is a question of fact as to whether notice was given to the landowners and damages were ever paid to the land owners. To the extent that it can be established that notice was not given and damages were never paid, then Penstock Road may never have become a public way in the first place.

Even if Penstock Road became a public way, it may have ceased to exist through discontinuance or abandonment. Discontinuance is an official action whereby the public decides that a public way should no longer be a public way and pays damages to those landowners who are adversely affected by the change in the road's status, following procedures set forth in 23 M.R.S. § 3026. There is no record of the Town formally discontinuing Penstock Road.

That leaves abandonment, which may be pursuant to statute, 23 M.R.S. § 3028 (Supp. 2012), or the common law, *e.g.*, *Shadan v. Town of Skowhegan*, 700 A.2d 245 (Me. 1997). Abandonment depends mostly upon proving a negative—that the public did not use or maintain the road for a long time (30 years if under the statute).

For statutory abandonment, under 23 M.R.S. § 3028, a public way that has not been kept passable for motor vehicles at public expense for a period of 30 or more consecutive years is presumed to be abandoned. This presumption is informal in the sense that it requires no vote of the municipality, nor any documents recorded or damages paid.

The municipality may formally abandon the public way. If a review of the facts reveals that the public way has not been maintained at public expense for 30 or more consecutive years, the municipal officers may make a determination under section 3028 that the way is abandoned. The presumption of abandonment can be rebutted by evidence which shows a clear intent by the municipality and the public to consider or use the way as if it were a public way, but isolated acts of maintenance are not sufficient to rebut the presumption of abandonment. 23 M.R.S. § 3028(1); *Whalen v. Town of Livermore*, 588 A.2d 319 (Me. 1991) (*cert. den.* 502 U.S. 959). The municipality's determination of abandonment "is binding . . . until a final determination of that status has been made by a court, unless otherwise ordered by a court during the pendency of litigation to determine the status." 23 M.R.S. § 3028(2).

Here, the Town claims that it never abandoned Penstock Road because it maintained it, stored snow on it, built a culvert under it, etc. Given that the Town acknowledged that it only uncovered the road's existence in 2011, however, there is a strong argument that the road was abandoned. To the extent that the Town did anything to maintain or use Penstock Road, it was probably isolated acts that are insufficient to rebut the presumption of abandonment. Even if a public way is presumed abandoned under section 3028, a legislative body of the municipality may still vote to make the way a recreational easement. *Id.*, at § 3028(1).

Common law abandonment works differently in some respects. First, there is no clearly established time period necessary for abandonment. The Maine Supreme Court has affirmed a finding that 20 years of public nonuse of a road is sufficient to give rise to common law abandonment of that road. *Shadan v. Town of Skowhegan*, 1997 ME 187, 700 A.2d 245.

Second, the common law doctrine focuses on public non-use, rather than public non-maintenance which is the focus of statutory abandonment. Third and finally, in contrast to statutory abandonment, the public does not acquire a public easement upon common law abandonment of a town way.

Whether looking at the facts in terms of the statutory presumption of abandonment or the common law of abandonment, Penstock Road clearly seems to have been abandoned. The Town could formally determine abandonment, but that determination would always be subject to final determination of a court. Thus, there would remain a cloud on the titles of our Clients' respective properties unless and until the Town also consented to a declaratory judgment of abandonment.

Discontinuance and abandonment, however, are not mutually exclusive processes. For example, a municipality can commence a formal discontinuance procedure even though it also asserts that the way was abandoned by non-maintenance or non-use. Thus, discontinuance may be a better way to terminate the existence of the alleged Penstock Road.

As mentioned above, discontinuance is a formal procedure established by state law for a municipality to terminate a public way in whole or in part, pursuant to 23 M.R.S. § 3026. The discontinuance process should follow six steps:

1. The municipal officers must determine whose property abuts the way in question and the amount of damages that should be paid to those abutters.
2. The municipal officers must give best practicable notice of the proposed discontinuance to all abutting property owners and to the planning board.
3. The municipal officers should meet to determine whether to order the discontinuance. This should be done at the meeting indicated in the notice sent to the abutters. The municipal officers will vote on a motion to discontinue, and on a second motion: (a) to issue and file with the Town clerk an order of discontinuance that accurately reflects the action taken by the Board to discontinue the way or a portion thereof; and (b) to send abutting property owners best practicable notice of this action without delay. The order of discontinuance should be signed at this time.
4. The order of discontinuance by the municipal officers must then be filed with the municipal clerk. At the same time, a notice of discontinuance should be mailed to the abutting property owners, along with a copy of the order of discontinuance.
5. The municipality's legislative body votes to approve the order of discontinuance and the damage awards, and to appropriate the money to pay the damages.
6. If the discontinuance is approved, the municipal clerk records an attested certificate of road discontinuance in the Deed Registry. 23 M.R.S. § 3024.

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

JON R. DOYLE  
CRAIG H. NELSON

207-622-6124  
FAX 207-623-1358

L. DENNIS CARRILLO

JDOYLE@DOYLENELSON.COM

March 16, 2012

Town of York  
c/o Robert G. Yandow, Town Manager  
186 York Street  
York, ME 03909

**RE: William Burnham/Ellis Short Sands Park  
Doyle & Nelson File No. 5932**

Dear Rob:

Dennis Carrillo and I have met with our client, Mr. Burnham, about the legal issues raised by the proposed York Beach drainage improvements and the concerns that Penstock Road is a public way. As you know, our position is that some of the proposed improvements infringe on Mr. Burnham's property and Penstock Road was legally abandoned.

That being said, however, Mr. Burnham favors enhancing York Beach and he recognizes that most of the proposed improvements will do exactly that. He would like to cooperate with the Town to the extent possible and has some proposals that we think serve both sides' interests. Mr. Burnham's proposals can best be seen by looking at the aerial photograph with superimposed diagram entitled York Beach Drainage Improvements, Main Street and Penstock Road Additional Improvements, Figure 3A, by Oak Engineers, dated May 2011.

We have previously discussed the apparent location of Penstock Road under Mr. Burnham's property and, obviously, we would need some releases to that so as to make his title unencumbered. Penstock Road is drawn in on Figure 3A and essentially cuts off the corner of his building.

The corner of Mr. Burnham's building and an adjoining disabled access ramp at the intersection of the roadway currently slant inward. On Figure 3A, the ramp is described as a "railing and concrete ramp" and the Town's proposed improvements would retain it. Mr. Burnham proposes squaring that corner off, which would straighten out the ramp. This would make Mr. Burnham's square slightly larger, creating more green space. When the corner is squared, Mr. Burnham would be willing to place large planters in front to keep cars from travelling through the corner. Further, Mr. Burnham's understanding is that the current proposals



may exacerbate drainage problems because the areas around his disabled access ramps are the highest point on the beach.

Second, squaring off the corner of Mr. Burnham's building and access ramp would require abandoning the Town's proposed bicycle parking, described in Figure 3A as: 4 inverted "u" type bike racks spaced 3' oc to accommodate 8 bicycles. The proposed bicycle rack would actually block what during summer is one of the beach's most heavily travelled footpaths. In so doing, it would also make it harder for customers to access Mr. Burnham's business. There will still be nearby bicycle parking because Ellis Short Sands Park, also our client, intends to install bicycle racks nearby on its property. The park has done a detailed study and plans to add those bicycle racks in the area where the previous bicycle racks were present. We can supply further details on this.

Third, Mr. Burnham is pleased with the proposed brick-embossed walkway and bump-out, but he requests that the Town extend the walkway running parallel to Old County Road toward the park. It is not clear from Figure 3A where exactly the proposed 30-foot end-point of the walkway is on the face of the earth, but in any event Mr. Burnham requests that the walkway be extended to the Ellis Short Sands Park property line. Judging from Figure 3A, Mr. Burnham's proposed extension is probably less than 20 feet. We'd suggest, too, that it might be wise to construct the entirety of that walkway out of brick, rather than what we understand is now an embossed surface.

Fourth, due to the unevenness of the terrain, Mr. Burnham requests granite curbing on both sides of the walkway. The Town's current proposal only features granite curbing on one side, which could be a safety hazard. We believe that granite curbing on both sides of the walkway, particularly curbing on the park side of that walkway would be appropriate.

(I would suggest that, because of the detailed nature of some of these suggestions, a visit to the site between Mr. Burnham and the engineers might be appropriate so that we could focus on the exact details of the changes, because they may not come through in this letter with sufficient clarity to promote the full understanding.)

Even with these refinements, some of the Town's proposed improvements encroach upon Mr. Burnham's property. He would be willing to accept those encroachments, however, and proposes protecting and preserving both side's rights by entering into releases or granting easements as necessary to enable the Town to make the improvements and maintain the surface and underground pipes of so-called Penstock Road. Ellis Short Sands Park also proposes to enter into any releases or grant such easements as necessary to enable the Town to make improvements and maintain the surface and underground pipes on Penstock Road. It does not appear at this juncture that anything else will be needed except a general release of any interest to property which appears as Penstock Road which might interfere with or encroach upon the park.

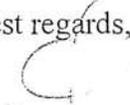
In light of the gravity of the legal dispute regarding a potential taking of Mr. Burnham's property and the uncertain status of so-called Penstock Road, we view these proposals as quite

Town of York  
March 16, 2012  
Page 3 of 3

---

modest and reasonable. We look forward to your response and we're always available to discuss this further.

Best regards,

  
Jon R. Doyle

JRD/als  
Enclosure (Blow up section of Figure 3A)

cc: William Burnham



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <u>  X  </u> Work Session	
<b>Subject:</b> Adoption of Post Issuance Tax Compliance Procedures for Tax-Exempt or Tax-Advantaged Bonds	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Post-Issuance Compliance Procedures
<b>PROPOSED MOTION:</b> I move to approve and adopt the Post-Issuance Tax Compliance Procedures for Tax-Exempt or Tax-Advantaged Bonds.

**Discussion:** Dick Ranaghan, the Town's bond financial adviser, has recommended that the Town of York formally adopt the attached **Post-Issuance Tax Compliance Procedures for Tax-Exempt and Tax-Advantaged Bonds**. According to Mr. Ranaghan, the Municipal Securities Rulemaking Board (MSRB), which is to municipal bonds what the Securities and Exchange Commission is to corporate bonds, would like municipalities to formally adopt procedures that they have informally agreed to do in the past. Mr. Ranaghan will be at our meeting to discuss the document.

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

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



## **Post-Issuance Tax Compliance Procedures for Tax-Exempt or Tax-Advantaged Bonds**

**Adopted:** \_\_\_\_\_, 20\_\_

The purpose of these Post-Issuance Tax Compliance Procedures is to establish policies and procedures in connection with tax-exempt or tax-advantaged obligations including tax-exempt capital leases of the Town of York (the “Obligations”) issued by The Town of York so as to maximize the likelihood that all applicable post-issuance requirements of the Internal Revenue Code of 1986, as amended (the “Code”) and applicable Treasury Regulations (the “Regulations”) needed to preserve the tax-exempt or tax-advantaged status of the Obligations are met. The Town reserves the right to use its discretion as necessary and appropriate to make exceptions or create additional provisions as circumstances warrant. The Town also reserves the right to change these policies and procedures from time to time. The Town recognizes that compliance with applicable provisions of the Code and Treasury Regulations is an on-going process, necessary during the entire term of the obligation(s).

### ***General***

Proceeds of the Obligations are used to finance certain capital projects. Federal tax law limitations apply to the Obligations. These limitations apply throughout the life of the outstanding Obligations. Some of these “over the life” limitations relate to the investment of proceeds of the Obligations, and others relate to the use and expenditure of the proceeds of the Obligations. A failure to meet these “over the life” limitations at any time during the life of the Obligations could result in the retroactive and prospective loss of the tax-exempt or tax-advantaged status of the Obligations or the imposition of additional taxes or assessments on the Town of York.

Obligations are issued in accordance with State Statute, Town Charter and Ordinances. Specific post-issuance compliance procedures address the relevant areas described below.

### ***Post-Issuance Compliance Requirements***

1. The Finance Director, will be the person primarily responsible for ensuring that the Town successfully carries out its post-issuance compliance requirements, as required. The Finance Director shall also be assisted upon request by the following entities:
  - a. Bond Counsel
  - b. Financial Advisor
  - c. Rebate Specialist
  - d. Other Legal Counsel



2. The following responsibilities by the Finance Director shall verify that the following post-issuance compliance actions have been taken on behalf of the Town with respect to each issue of tax-exempt or tax-advantaged obligations:
  - a. Ensure that a full and complete record for the principal documents of each the issue has been completed by the Bond Counsel and Financial Advisor;
  - b. Ensure that the Internal Revenue Service (IRS), that all IRS forms 8038 are properly filed with the IRS within the time limits imposed by Section 149(e) of the Code by Bond Counsel;
  - c. Account for the allocation of the proceeds of Obligations to expenditures as required by the Code;
  - d. Coordinate receipts and retention of relevant books and records with respect to the investment and expenditure of the issue proceeds from Town and school staff;
  - e. Identify proceeds of tax-exempt or tax-advantaged obligations, in consultation with Bond Counsel and other Legal Counsel and Financial Advisor, that are yield-restricted and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the bond yield to which such investments are restricted;
  - f. Determine, in consultation with Bond Counsel and other Legal Counsel and Financial Advisor, whether the Town is subject to the rebate requirements of Section 148(f) of the Code and related Treasury Regulations with respect to each issue of the Town. The Finance Director shall contact a Rebate Specialist, as required, prior to the fifth anniversary of the date of issuance of each issue and each fifth anniversary thereafter until the obligation has matured to arrange for calculation of the rebate requirements, as needed, to be paid by the Town. If any rebate is required to be paid to the IRS, the Finance Director will file Form 8038-T, along with the required payment.
  - g. Shall monitor the use of all financed facilities in order to determine whether private business uses of financed facilities have exceeded the *de minimis* limits set forth in Section 141(b) of the Code (generally 10% of issue proceeds) that provide special legal entitlements to non-governmental persons.
  
3. The Finance Director shall collect and retain the following records with respect to each issue of Obligations and with respect to the facilities of such Obligations:
  - a. Bond Trustee and Paying Agent statements;
  - b. Audited financial statements of the Town;
  - c. Appraisals, surveys, feasibility studies, if any, with respect to the facilities to be financed with issue proceeds;
  - d. Records of all investments and the gains (or losses) from such investments;



- e. Expenditures reimbursed with the issue proceeds;
- f. Allocation of issue proceeds to expenditures (including cost of issuance) and the dates and amounts of each expenditure (including requisitions, draw down schedules, invoices, bills and cancelled checks as related to each expenditure);
- g. Construction or renovation contracts for financed facilities or projects;
- h. Maintain an asset list of all tax-exempt financed depreciable property and sales of tax-exempt finances assets;
- i. Arbitrage rebate reports and records of rebate and yield reduction payments, if any;
- j. Resolutions or other actions, if any, taken by the Town's Board of Selectmen or Town Meeting subsequent to the date of issue of the obligations;
- k. Formal elections taken with respect to the Obligations; and
- l. Relevant correspondence relating to such Obligations.

The records collected by the Town shall be stored in any format deemed appropriate by the Town and shall be retained for a period equal to the life of the tax-exempt or tax-advantaged obligations, including the life of any obligations issued to refund obligations, plus three (3) years.

- 4. The Town will comply with Continuing Disclosure, such as annual financial information and material event notices. The Town will consult with the Bond Counsel, legal counsel and its auditors, as appropriate, to ensure the accuracy of all information relating to tax-exempt or tax-advantaged debt. The continuing disclosure obligations are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12 under the Securities and Exchange Act of 1934, as amended, and officially interpreted from time-to-time.





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 20, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Request for Proposals for Survey Services in York Village	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Publishing an RFP for Survey Services
<b>PROPOSED MOTION:</b> I move to authorize the Director of Public Works to issue a Request for Proposals for Survey Services in York Village in connection with the York Village Study Committee's intent to develop design plans.

**Discussion:** During the joint meeting with the York Village Study Committee on August 19, 2013 it was decided that the first step in moving forward with improvement plans would be to have a survey conducted in York Village to determine property and right of way boundaries.

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

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

*Robert G. Yandow*

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





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 22, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Possible Purchase of Parking Lot at 190 York Street	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to place the purchase of a parking lot located at 190 York Street, Map 50/Lot 43A, on the May, 2014 Budget Referendum for voter action. I further move to lease said parking lot at a rate of \$3,000 per month beginning September 1, 2013.

**Discussion:** The Town of York has been approached by the Hodgins family about possibly buying a 33 space parking lot located at 190 York Street, located behind the Bank of America building and adjacent office building on Long Sands Road. The parking lot is approximately one-third acre in size. Town of York representatives have met with the Hodgins family on multiple occasions to discuss the property, including discussions on the assessed and commercially appraised value.

The parking lot currently has 33 spaces lined for parking and access to the lot is from the Bank of America entrance driveway. There is a potential to add seven additional spaces should the access point be changed to land currently owned by the First Congregational Parish church.

The property has been commercially appraised for \$275,000 and the Hodgins family was originally asking \$75,000 for the remaining (possible) seven parking spaces for a total of \$350,000. The Hodgins family has since proposed selling the property to the Town of York for \$325,000. The Town has assessed the parking lot for \$184,900 under its current configuration and with the current access fr



the Bank of America entrance. Should the access be changed to an entrance through the First Parish Church land, the assessed value would increase to \$245,000.

Additionally, the Hodgins family has indicated that if the Town is interested in pursuing the purchase of the parking lot, the Town would need to lease the parking lot until such time as the Town would be in a financial position to actually close on the property. The price to lease the parking lot would be \$3,000.00 per month, starting with the month of September. If the purchase is approved in May of 2014 the lease would continue through June 30, 2014. During any lease period the property would continue to be maintained by the Hodgin family.

If the Selectmen approve putting the parking lot purchase on the May, 2014 Referendum, and the article is approved, the cost to lease the lot would be \$30,000 (September, 2013-June, 2014). A possible funding source for the \$30,000 would be the Supplemental Contingency Account which was approved by the voters on May 18, 2013. The voter approval authorizes the Selectmen to use up to \$100,000 from the Town's fund balance under certain circumstances. One of these circumstances is **“A down payment or earnest money for securing unusual buying opportunities for parcels of land, buildings or significant capital assets; to hold such potential purchases under contract until the next viable opportunity to offer the choice to the voters in a referendum.”**

Attached you will find copies of the Town assessment data and locator map; the voter approved warrant article for the Supplemental Contingency Account and a page from the commercial appraisal performed by Maine Valuation Company of Standish, Maine.

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

Prepared By: Robert B. Gandon

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



CURRENT OWNER		UTILITIES		STRT/ROAD		LOCATION		CURRENT ASSESSMENT	
1	Level	1	Paved	4	Bus. District	3370	177,400	3370	177,400
11 OLD POST RD						COM LAND		7,500	
YORK, ME 03909						COMMERC.		7,500	
Additional Owners:								4529 YORK, ME	

RECORD OF OWNERSHIP		SALE DATE		SALE PRICE		V.C.		ASSOCIATION	
IODGIN ANNE M		01/01/1900		U		0		184,900	
Other ID: 115-016		2439/219						184,900	
STREET SUF 192A								184,900	
SFLA 0								184,900	
OLD ALT PRC10050-0043-A								184,900	
VOTING DIST 150								184,900	
TIF								184,900	
GIS ID: 0050-0043-A								184,900	

EXEMPTIONS		OTHER ASSESSMENTS	
Year	Type	Description	Amount
Total:			151,800

*This signature acknowledges a visit by a Data Collector or Assessor*

ASSESSING NEIGHBORHOOD	
NBHD/SUB	Street Index Name
0001/A	

**NOTES**  
 1)BDRM RENT AT \$650 2BDRMS  
 AT \$595 PER MONTH.TENANTS  
 PAY OWN ELEC BILLS.2OFFC  
 UNITS ON FUS OF FRNT PART  
 OF BUILDING.LNG TERM TENE  
 LANLEY PHD + JAMES SMITH  
 1SW  
 INRICK MANAGEMENT MANAGES  
 PTS.11APTS IN TOTAL  
 5)BDRM (6)2BDRMS ALL  
 ELEC HT AND YEARLY LEASES

BUILDING PERMIT RECORD		VISIT/CHANGE HISTORY	
Permit ID	Issue Date	Date	Purpose/Result
		02/21/2002	RD 01 Measur/1 visit
		02/21/2002	RD 01 Measur/1 visit

LAND LINE VALUATION SECTION							
Zone ID	Front Depth	Units	Unit Price	Factor	Disc	Acres	ST
1	3370	0.33 AC	100,000.00	2.6069	C	1.0000	0.755750
Total Card Land Units:		0.33 AC	Parcel Total Land Area: 0.33 AC				

APPRaised VALUE SUMMARY	
Appraised Bldg. Value (Card)	0
Appraised XF (B) Value (Bldg)	0
Appraised OB (L) Value (Bldg)	7,500
Appraised Land Value (Bldg)	177,400
Special Land Value	0
Total Appraised Parcel Value	184,900

CONSTRUCTION DETAIL		CONSTRUCTION DETAIL (CONTINUED)									
Element	Description	Element	Description								
00	Vacant										
		<b>MIXED USE</b>									
Code	Description	Code	Percentage								
3370	PARK LOT		100								
		<b>COST/MARKET VALUATION</b>									
Adj. Base Rate:	0.00										
Net Other Adj:	0.00										
Replace Cost	0										
AYB	0										
EYB	0										
Dep Code											
Remodel Rating											
Year Remodeled											
Dep %											
Functional Obslnc											
External Obslnc											
Cost Trend Factor	1										
Condition											
% Complete											
Overall % Cond											
Apprais Val											
Dep % Ovr	0										
Dep Ovr Comment											
Misc Imp Ovr	0										
Misc Imp Ovr Comment											
Cost to Cure Ovr	0										
Cost to Cure Ovr Comment											
<b>OB-OUTBUILDING &amp; YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)</b>											
Code	Description	Sub	Units	Unit Price	Yr	Gde	Dp Rt	Chd	%Chd	Apr Value	
AV1	PAVING-ASPH	L	10,000	1.50	2002		0		50	7,500	
				<b>BUILDING SUB-AREA SUMMARY SECTION</b>							
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value					
		0	0	0	0	0					
<b>Ttl. Gross Liv/Lease Area:</b>							0	0	0	0	

No Photo On Record



NO  1223

FY2014.

YES  2274  
NO  516

**ARTICLE TWENTY-EIGHT**

Shall the Town appropriate all revenues generated by the Grant House at Goodrich Park, Mount Agamenticus, and Sohier Park, which are estimated to be \$323,900, for the operation and maintenance of the aforementioned properties, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Statement of Fact: This request represents no expenditure of tax dollars.

Budget Committee recommends approval (6-1).  
Board of Selectmen recommends approval (4-1)

A YES vote authorizes the expenditure of all revenues generated in FY2014, which are estimated to be \$323,900.

A NO vote authorizes the expenditure of all FY2014 revenues. 2281

YES   
NO  564

**ARTICLE TWENTY-NINE**

Shall the Town appropriate 9.5% of the revenues generated by parking ticket collections and parking permits to pay the cost of cleaning and maintaining the bathhouse at Harbor Beach, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Statement of Fact: The Town maintains the bathhouse at Harbor Beach and this article allows those costs to be covered by beach revenues rather than by tax appropriation.

Budget Committee recommends approval (6-1).  
Board of Selectmen recommends approval (5-0).

A YES vote authorizes the expenditure of 9.5% of the revenues generated by parking ticket collections and parking permits in FY2014, which are estimated to be \$18,000.

A NO vote authorizes the expenditure of 9.5% of revenues generated by parking ticket collections and parking permits in FY2014. 2390

YES   
NO  479

**ARTICLE THIRTY**

Shall the Town fund the Beach Reserve Account with 14% of the revenues generated by parking meter collections, and 4.5% of revenues generated by parking permits and parking ticket collections, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget as proposed by the Budget Committee?

Statement of Fact: The Board of Selectmen determined that revenues collected from parking meters can only be expended for qualified projects, and therefore the Beach Reserve Account will be funded by 14% of revenues generated by parking meter collections, and 4.5% of revenues generated by parking permits and parking ticket collections, estimated to be \$43,000 and does not include any tax appropriation. Future expenditures will be

**ARTICLE THIRTY-ONE**

Shall the Town raise and appropriate a sum not to exceed \$40,000 for the purpose of conducting a Mosquito Control Program for FY2014, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget as proposed by the Budget Committee?

Statement of Fact: This is a community-based program conducted to reduce mosquito-borne and tick-borne diseases, and is designed to minimize human risk by utilizing various prevention strategies.

Budget Committee recommends approval (6-1).  
Board of Selectmen recommends approval (3-2).

A YES vote authorizes an expenditure of \$40,000.

A NO vote authorizes the previous year's appropriation of \$40,000. 2123

YES   
NO  677

**ARTICLE THIRTY-TWO**

Shall the Town authorize the use of up to \$100,000 from the Town's fund balance for the Supplementary Contingency Account if deemed necessary by the Board of Selectmen, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Statement of Fact: If approved by voters, up to \$100,000 from the Town's fund balance will be available by majority vote of the Board of Selectmen to be used only for emergencies and opportunities which are unknown to the Board at the time of budget preparation, and which are recognized as Town responsibilities or are deemed by the Board to be in conformity with the Comprehensive Plan or latest Capital Plan.

Examples include (but are not limited to):

- A down payment or earnest money for securing unusual buying opportunities for parcels of land, buildings, or significant capital assets; to hold such potential purchase under contract until the next viable opportunity to offer the choice to the voters in a referendum;
- Unforeseen and therefore unbudgeted environmental or weather related repairs or precautions;
- Unusual or unpredicted spikes in the costs of materials or goods regularly purchased by the Town and declared essential by the Board.

In an uneventful year, it would be expected that none of the available money would be expended.

Budget Committee recommends approval (7-0).  
Board of Selectmen recommends approval (4-1).

**CONTINUE VOTING ON CARD 4**





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

Card 4 of 7

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

TOWN CLERK

### INSTRUCTIONS FOR VOTERS

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

A **YES** vote authorizes the expenditure from the fund balance of up to **\$100,000**, if necessary, to cover supplementary contingencies.

A **NO** vote authorizes the previous year's authorization to use up to **\$100,000** from the fund balance, if necessary, to cover supplementary contingencies.

2 1 4 3  
**YES**   
**NO**   
6 4 1

### ARTICLE THIRTY-THREE

Shall the Town raise and appropriate a sum estimated to be **\$4,515,880** consisting of the estimated revenues listed below for **FY2014**, and apply such funds to the **FY2014 Tax Commitment**?

Auto Excise	\$ 2,705,000
Boat Excise	27,000
R/E Interest	140,000
Town Clerk Fees	95,000
Miscellaneous Income	60,000
Plumbing Inspection Fees	30,000
Appeals Board Fees	3,500
Lien Administrative Fees	2,500
Ordinance Fines	2,000
Meter Collections	205,000
Tickets/Meter Fines	110,000
Parking Stickers	87,500
Bad Check Charges	750
Ellis Park	29,000
Revenue Sharing	505,000
General Assistance Reimbursement	9,000
Investment Interest	110,000
Cable TV Franchise Fees	180,000
Photocopies	1,500
Local Roads Subsidy	175,000
Refrigerant Disposal Fee	3,130
Transfer Station Permits	35,000
<b>Total</b>	<b>\$ 4,515,880</b>

Budget Committee recommends approval (7-0).  
Board of Selectmen recommends approval (4-1).

A **YES** vote authorizes the use of the listed revenues estimated to be **\$4,515,880**, to reduce the tax commitment.

A **NO** vote authorizes the use of the listed revenues estimated to be **\$4,415,880**, in revenues to reduce the tax commitment.

2 2 4 8  
**YES**   
**NO**   
6 0 9

### ARTICLE THIRTY-FOUR

Shall the Town appropriate **\$650,000** from the Fund Balance and apply these funds to the **FY2014 Tax Commitment** as a reduction in the amount to be raised from taxation, as proposed by the Board of Selectmen?

Budget Committee recommends approval (7-0).  
Board of Selectmen recommends approval (4-1).

A **YES** vote authorizes an appropriation from the fund balance of **\$650,000** to reduce the tax commitment.

A **NO** vote authorizes the previous year's appropriation from the fund balance of **\$650,000**.

2 3 4 2  
**YES**   
**NO**   
4 2 8

### ARTICLE THIRTY-FIVE

Shall the Town raise and appropriate a sum not to exceed **\$50,000** for the purpose of establishing a legal fund to defend public access to the **Cliff Path**, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

**Statement of Fact:** If approved, this warrant article would provide funding for a legal fund which would be used, if necessary, to pay legal expenses associated with defending the public's right to use the entire Cliff Path.

Budget Committee recommends approval (7-0).  
Board of Selectmen recommends approval (5-0).

A **YES** vote authorizes an expenditure of **\$50,000**.

A **NO** vote authorizes the previous year's appropriation of **\$0**.

2 3 1 4  
**YES**   
**NO**   
7 2 2

### ARTICLE THIRTY-SIX

Shall the Town authorize the Board of Selectmen to accept grants, donations and aid from State and Federal Agencies, as well as private sources, such as Foundations, Trusts and Individuals, and furthermore, shall the Board of Selectmen adopt this line item of the Town Budget, as proposed by the Budget Committee?

Board of Selectmen recommends approval (5-0).

2 7 9 7  
**YES**   
**NO**   
1 4 3

**RECONCILIATION AND FINAL OPINION OF MARKET VALUE**

**Final Reconciliation** is defined as –

*“The last phase in the development of a value opinion in which two or more value indications derived from market data are resolved into a final value opinion, which may be either a final range of value or a single point estimate.”*<sup>20</sup>

This procedure evaluates the quantity and quality of available data and draws a conclusion based on the strengths and weaknesses of the most applicable value indicators. The following indications of value were derived in the preceding analyses:

Valuation Methods Considered	Valuation Results
<b>The Cost Approach</b>	N/A
<b>Sales Comparison Approach</b>	\$255,000
<b>Income Capitalization Approach</b>	\$295,000

The strength of the Sales Comparison Approach is that it is based upon the actions of buyers and sellers in the marketplace. As such, it is viewed as a direct reflection of the attitudes and perceptions of active market participants and is considered meaningful. The limitations of this method are found in the availability of truly comparable land sales and listing data at any point in time that share degrees of similarity with the utility and value of the subject parcel in question. In this assignment, much research was conducted to find such transaction data and the best available sales and offerings were compiled for consideration. Given the downturn in the economy since 2008, and reduced effective demand and development activity, the overall transaction volume and good indicators were limited. The data, when analyzed in comparison to the subject property, did require some typical adjustments, and does provide a credible indication of market value of \$255,000. This method has been given a weight of 50% towards the final market value opinion.

This value indication was also tested for support by an analysis of potential lease income from continued use as a parking lot. The subject lease income was tested against available market evidence of other land leases and competitive listings, and found to be supported. An allowance for nominal ownership expense was made and an overall capitalization rate was derived from several methods for support. The results of the Income Capitalization Approach of \$295,000 are also deemed credible and worthy of consideration in the final reconciliation of current market value. This method has also been given a weight of 50% towards the final market value opinion.

Therefore, as based upon the investigations and analysis performed in this appraisal assignment, and subject to all of the general and extraordinary assumptions, limiting and hypothetical conditions stated herein, it is my opinion the **Market Value** of the **Fee Simple** interest in the subject property, as of **December 13, 2012** was **\$275,000**.

<sup>20</sup> The Dictionary of Real Estate Appraisal, Fifth Edition, published by the Appraisal Institute, Page 79







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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Court Action to Quiet Title of Property at 100 Mill Road	

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

**Discussion:** For the past few years the Kittery Water District (KWD) has inquired with the Town of York about formally receiving a quit claim deed for property at 100 Mill Road. The KWD supports this request for a quit claim deed with the fact that they have been paying taxes on the property at 100 Mill Road since 1966. Rick Mace, Town Assessor, has indicated that there is no recorded deed from the Town of York to the Kittery Water District and, in fact, there was confusion in the past as to where various parcels were located in that area.

The Kittery Water district has filed a Complaint for Declaratory Judgment in Superior Court to “Quiet Title” to the property at 100 Mill Road. Through this action the KWD is asking the Court for a decree establishing and declaring the validity of plaintiff’s (KWD) ownership of the property.

The decision for the Board of Selectmen is whether or not to oppose the Kittery Water District’s lawsuit to Quiet Title.

Attached you will find a *History of 100 Mill Lane (Road)* as provided by Rick Mace, Town Assessor along with a copy of the *Complaint for Declaratory Judgment*.



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

Prepared By: Robert B. Gannon

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



## History of 100 Mill Lane

It appears that the Town of York foreclosed on a parcel of land belonging to the Junkins Family back in the early 1950's:

- Elmer Junkins Heirs to the Town of York: **Bk. 1207/Pg. 474**, dated 31 March 1952.
- Willard P. Junkins Heirs to the Town of York: **Bk. 1084/Pg. 554**, dated 1954.
- Orman Junkins Heirs to the Town of York: **Bk. 1307/Pg. 110**, dated 27 May 1955.
- Horace E. Junkins Heirs to the Town of York: **Bk. 1655/Pg. 22**, dated 21 May 1965.
- Esther and Mildred Junkins to the Town of York: **Bk. 1672/Pg. 250**, dated July 8, 1965
- Victor P. Junkins to the Town of York: **Bk. 1267/Pg. 520** (date unknown), **Bk. 1307/Pg. 111** (1956), **Bk. 1698/ Pg. 367**, dated January 31, 1966
- **Bk. 773, Pg. 330** will get behind these above deeds for reference.

The Town was not sure where the Junkin's property was located. During the transition from selectmen assessors to a full time assessor, between 1969 – 1970, the property disappeared from the tax rolls. The assessment records prior to 1969 do not designate property by map and lot in the commitment books. The property physically located where the Junkins property should have been, was being assessed to an A. Raymond Knight up until 1966 and then was transferred to the Kittery Water District in 1967. The Knight property was most likely located to the east of the Belle Marsh Road, if so the Kittery Water District has been paying taxes on it right along, which means they were being taxed twice for the same property.

As best as I can tell the Kittery Water District has been paying property taxes on Tax Map 89 Lot 34 (located at 100 Mill Lane) since 1967, prior to that it was being assessed to A. Raymond Knight. The District was listed as an abutter in a 1966 deed from Dagan to Marden, who abuts the District to the northeast. The Williams property to the southwest of the District lot refers only to the Knight's Woods lot as abutting to the northeast.

There is no recorded deed from the Town of York to the Kittery Water District for 100 Mill Lane. I was not able to find any action taken by the Town or the Board of Selectmen transferring title to the Kittery Water District.

My suggestion is to give the Kittery Water District a Quit Claim Release Deed, releasing any interest that the Town may or may not have in 100 Mill Lane Road. The 2012 assessment on the property is \$134,500. My guess is that the KWD has paid a substantial amount of taxes on the property over the past 52 years.



STATE OF MAINE  
YORK, ss

SUPERIOR COURT  
CIVIL ACTION  
DOCKET NO. \_\_\_\_\_

KITTERY WATER DISTRICT,	)	
Plaintiff	)	COMPLAINT FOR
	)	DECLARATORY JUDGMENT
v.	)	
	)	
TOWN OF YORK, MAINE,	)	TITLE TO REAL ESTATE IS
Defendant	)	INVOLVED

NOW COMES the Plaintiff, the Kittery Water District, by and through undersigned counsel, and complains against Defendant as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff is the Kittery Water District, a quasi-municipal corporation with a principal place of business at Kittery, County of York and State of Maine, with a mailing address of 17 State Road, Kittery, Maine 03904.
2. Defendant is the Town of York, a duly incorporated municipality in the State of Maine with a principal place of business at York, Maine, with a mailing address of 186 York Street, York, Maine 03909.
3. Jurisdiction and venue in this matter are proper in this Court pursuant to 4 M.R.S.A. § 105, 14 M.R.S.A. § 5951 *et seq.*, and 14 M.R.S.A. § 6651 *et seq.* Defendant is a Town in York County. The real estate in question is located in York, Maine.
4. This action is brought for a declaratory judgment under Title 14 M.R.S.A. § 5951 *et seq.* Plaintiff wishes to quiet title pursuant to Title 14 M.R.S.A. §§ 6651 *et seq.*

The real estate in question is located in the Town of York, Maine, and is more particularly bounded and described in the attached Exhibit A (the “property”).

### FACTS

5. The property is shown on the Town of York Assessor’s Map 401 as Lot 17 and is described in attached Exhibit A.

6. The property is approximately 60 acres and is located at 100 Mill Road (also known as North Berwick Road).

7. Historically, title to the property was acquired by five brothers — (Elmer L. Jenkins, Horace E. Jenkins, Victor P. Jenkins, Orman P. Jenkins, and Willard R. Junkins — by deed dated May 6, 1927, and recorded in the York County Registry of Deeds in Book 773, Page 330.

8. Between 1952 and 1965, the Town of York filed tax liens against each of the Junkins brothers’ one-fifth interest in the property. The Town also filed tax liens against the property naming the heirs of some of the brothers. There is no indication on record that these liens were ever discharged. The tax liens specifically stated that each of the five heirs owned a one-fifth interest.

9. Upon the statutory expiration of the tax lien certificates, title to the property became vested in the Town of York.

10. Ethel M. Junkins and Mildred C. Junkins, two children of Horace Junkins, quitclaimed their interest in the property to the Inhabitants of the Town of York in 1965. No other record has been found of the Junkins brothers or their heirs conveying their interests in the property to any third party.



11. Plaintiff Kittery Water District is and has been assessed as owner of the property by the Defendant, Town of York.

12. Plaintiff has been paying taxes on the property to the Town of York continuously since 1966.

**COUNT I**  
**Declaratory Judgment**  
**14 M.R.S.A. § 5951 *et seq.***

13. Plaintiff repeats, realleges, and incorporates herein by reference paragraphs 1 – 12 of this Complaint.

14. The Declaratory Judgment Act “is remedial in nature and should be liberally construed to provide a simple and effective means by which parties may secure a binding judicial determination of their rights.” Bell v. Town of Wells, 510 A.2d 509 (Me. 1986) (citing Hodgdon v. Campbell, 411 A.2d 667, 669 (Me. 1980)).

15. Plaintiff has exercised exclusive, continuous control over the property since 1966.

16. Plaintiff has paid property taxes on said property to Defendant since 1966.

17. At no time since 1965 has any party asserted a claim to the real estate in questions, other than the Plaintiff.

18. Defendant through its pattern of assessing the property to plaintiff and collecting real estate taxes on the property from the plaintiff for the past 47 years is estopped from denying plaintiff’s claim of title.

19. Defendant has no equitable or legal interest in the property, and Plaintiff owns the property free and clear of any claim by the Defendant.



**COUNT II**  
**Quiet Title**  
**14 M.R.S.A. § 6651 et seq.**

20. Plaintiff repeats, realleges, and incorporates herein by reference paragraphs 1 – 19 of this Complaint.

21. On information and belief, Defendant transferred title to the property to Plaintiff in approximately 1965 or 1966, although no record of the transfer has been located.

22. Plaintiff has been in exclusive and uninterrupted possession of the property since at least 1966.

23. Plaintiff possesses a freehold estate in the property, such freehold estate being ownership in fee simple.

24. Apprehension of an adverse claim by Defendant creates a cloud upon the title to the property and depreciates the market value of the property.

WHEREFORE, Plaintiff prays for judgment as follows:

A. For the Court to summon Defendant to show cause why it should not bring an action to try its title to the property;

B. Pursuant to 14 M.R.S.A. § 6657, for a decree establishing and declaring the validity of Plaintiff's ownership in fee simple of the property.

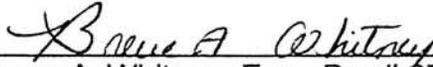
C. Pursuant to 14 M.R.S.A. § 5951 *et seq.*, for declaratory judgment that Defendant is estopped from denying Plaintiff's claim of title in the aforementioned property and that Defendant has no equitable or legal interest in the property.

D. Any further relief the Court deems necessary and just.



July 11, 2013

Whitney, Mundy & Mundy  
Attorneys for Plaintiff



Bruce A. Whitney, Esq., Bar # 877  
P.O. Box 187 / 40 Portland Street,  
South Berwick, ME 03908  
Tel. (207) 384-2051



## EXHIBIT A

A certain lot or parcel of land located on the westerly side of Mill Lane, also known as North Berwick Road, so-called, in the Town of York, County of York, and State of Maine, bounded and described as follows:

Beginning on Mill Lane, at the intersection of the remains of a wire fence and a stone wall running along the sideline of Mill Lane, said point of beginning being the Northerly corner of land now or formerly of James Williams et al.; thence Westerly and Southwesterly along said remains of fence and a stone wall, 877 feet, more or less, to an iron pin at other land of said Williams; thence North 17° West along the remains of fence and stone wall and land of said Williams, 1500 feet, more or less, to an iron pipe at land now or formerly of the York Highlands Corporation; thence continuing North 17° West along land of the York Highlands Corporation, 421 feet, more or less, to a stone bound in a pile of stones at other land of the York Highlands Corporation; thence Northeasterly along land now or formerly of the York Highlands Corporation 1220 feet, more or less, to a stone bound at land now or formerly of Anita and Chester Marden; thence Southeasterly along land now or formerly of Anita and Chester Marden, 270 feet, more or less, to a steel stake at land now or formerly of Anita Mills; thence continuing Southeasterly along land now or formerly of Anita Mills, 1930 feet, more or less, to a stone bound at Mill Lane; thence Southwesterly along the sideline of Mill Lane 294 feet, more or less, to the point of beginning.

The above-described parcel is shown on the Town of York's Assessor Map 401 as Lot 17 (formerly map 89, Lot 34), and contains 60 acres, more or less.



## SUMMARY SHEET

This summary sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by the Maine Rules of Court or by law. This form is required for the use of the Clerk of Court for the purpose of initiating or updating the civil docket. (SEE INSTRUCTIONS ON REVERSE)

<b>I. County of Filing or District Court Jurisdiction:</b> York County		
<b>II. CAUSE OF ACTION</b> (Cite the primary civil statutes under which you are filing, if any.) <i>Pro se</i> plaintiffs: If unsure, leave blank. Quiet Title / Declaratory Judgment		
<b>III. NATURE OF FILING</b>		
<input checked="" type="checkbox"/> Initial Complaint <input type="checkbox"/> Third-Party Complaint <input type="checkbox"/> Cross-Claim or Counterclaim <input type="checkbox"/> If Reinstated or Reopened case, give original Docket Number _____ (If filing a second or subsequent Money Judgment Disclosure, give docket number of first disclosure)		
<b>IV.</b> <input checked="" type="checkbox"/> <b>TITLE TO REAL ESTATE IS INVOLVED</b>		
<b>V. MOST DEFINITIVE NATURE OF ACTION.</b> (Place an X in one box only) <i>Pro se</i> plaintiffs: If unsure, leave blank.		
<u>GENERAL CIVIL (CV)</u>		
Personal Injury Tort <input type="checkbox"/> Property Negligence <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Medical Malpractice <input type="checkbox"/> Product Liability <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Domestic Torts <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Personal Injury Tort Non-Personal Injury Tort <input type="checkbox"/> Libel/Defamation <input type="checkbox"/> Auto Negligence <input type="checkbox"/> Other Negligence <input type="checkbox"/> Other Non-Personal Injury Tort	Contract <input type="checkbox"/> Contract Declaratory/Equitable Relief <input type="checkbox"/> General Injunctive Relief <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Other Equitable Relief Constitutional/Civil Rights <input type="checkbox"/> Constitutional/Civil Rights Statutory Actions <input type="checkbox"/> Unfair Trade Practices <input type="checkbox"/> Freedom of Access <input type="checkbox"/> Other Statutory Actions Miscellaneous Civil <input type="checkbox"/> Drug Forfeitures	<input type="checkbox"/> Other Forfeitures/Property Libels <input type="checkbox"/> Land Use Enforcement (80K) <input type="checkbox"/> Administrative Warrant <input type="checkbox"/> HIV Testing <input type="checkbox"/> Arbitration Awards <input type="checkbox"/> Appointment of Receiver <input type="checkbox"/> Shareholders' Derivative Actions <input type="checkbox"/> Foreign Deposition <input type="checkbox"/> Pre-action Discovery <input type="checkbox"/> Common Law Habeas Corpus <input type="checkbox"/> Prisoner Transfers <input type="checkbox"/> Foreign Judgments <input type="checkbox"/> Minor Settlements <input type="checkbox"/> Other Civil
<u>CHILD PROTECTIVE CUSTODY (PC)</u>		<u>SPECIAL ACTIONS (SA)</u>
<input type="checkbox"/> Non-DHS Protective Custody		Money Judgment <input type="checkbox"/> Money Judgment Request Disclosure
<u>REAL ESTATE (RE)</u>		
Title Actions <input checked="" type="checkbox"/> Quiet Title <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Easements <input type="checkbox"/> Boundaries	Foreclosure <input type="checkbox"/> Foreclosure (ADR exempt) <input type="checkbox"/> Foreclosure (Diversion eligible) <input type="checkbox"/> Foreclosure - Other	Misc. Real Estate <input type="checkbox"/> Equitable Remedies <input type="checkbox"/> Mechanics Lien <input type="checkbox"/> Partition <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Nuisance <input type="checkbox"/> Abandoned Roads <input type="checkbox"/> Trespass <input type="checkbox"/> Other Real Estate
<u>APPEALS (AP) (To be filed in Superior Court) (ADR exempt)</u>		
<input type="checkbox"/> Governmental Body (80B)	<input type="checkbox"/> Administrative Agency (80C)	<input type="checkbox"/> Other Appeals
<b>VI. M.R.Civ.P. 16B Alternative Dispute Resolution (ADR):</b>		
<input type="checkbox"/> I certify that pursuant to M.R.Civ.P. 16B(b), this case is exempt from a required ADR process because: <ul style="list-style-type: none"> <li><input type="checkbox"/> It falls within an exemption listed above (i.e., an appeal or an action for non-payment of a note in a secured transaction).</li> <li><input type="checkbox"/> The plaintiff or defendant is incarcerated in a local, state or federal facility.</li> <li><input type="checkbox"/> The parties have participated in a statutory prelitigation screening process with _____</li> <li><input type="checkbox"/> The parties have participated in a formal ADR process with _____ (name of neutral) on _____ (date).</li> <li><input type="checkbox"/> This is a Personal Injury action in which the plaintiff's likely damages will not exceed \$30,000, and the plaintiff requests an exemption from ADR.</li> </ul>		



VII. (a)  PLAINTIFFS (Name & Address including county)

or  Third-Party,  Counterclaim or Cross-Claim Plaintiffs  
 The plaintiff is a prisoner in a local, state or federal facility.

Kittery Water District  
17 State Road  
Kittery, ME 03904

York County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number) If all counsel listed do NOT represent all plaintiffs,  
(If *pro se* plaintiff, leave blank) specify who the listed attorney(s) represent.

Bruce A. Whitney, Esq., #877  
Emily W. Mundy, Esq., #5153  
James S. Mundy, Esq., #5154

Whitney, Mundy & Mundy  
PO Box 187 / 40 Portland Street  
South Berwick, ME 03908  
(207) 384-2051

VIII. (a)  DEFENDANTS (Name & Address including county)

and/or  Third-Party,  Counterclaim or  Cross-Claim Defendants  
 The defendant is a prisoner in a local, state or federal facility.

Town of York  
186 York Street  
York, Maine 03909

York County

(b) Attorneys (Name, Bar number, Firm name, Address, Telephone Number)  
(If known)

If all counsel listed do NOT represent all  
defendants, specify who the listed attorney(s)

Durward W. Parkinson, Esq.  
Bergen & Parkinson, LLC  
62 Portland Road, Ste 25  
Kennebunk, ME 04043-6668

IX. RELATED CASE(S) IF ANY \_\_\_\_\_

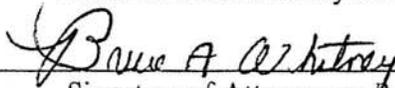
Assigned Judge/Justice \_\_\_\_\_

Docket Number \_\_\_\_\_

Date: July 11, 2013

Bruce A. Whitney, Esq.

Name of Lead Attorney of Record or *Pro se* Party



Signature of Attorney or *Pro se* Party

C:

CV-001, Rev. 08/09





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 15, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Proposed amendments for the Firearms Safety Ordinance and the Street Opening and Culvert Ordinance.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Community Development Director
<b>RECOMMENDATION:</b> After the public hearing, I recommend the Board forward each of these amendments to public vote at the November General Referendum.
<b>PROPOSED MOTION:</b> I move to place the proposed amendments to the <u>Firearms Safety Ordinance</u> and the <u>Street Opening and Culvert Ordinance</u> on the ballot of the November General Referendum.

---

---

**Discussion:**

Firearms Safety Ordinance: I cleaned up the typos and Chief Bracy provided new descriptions of the various zones. Brett also added York's portion of the Rachel Carson National Wildlife Refuge to the map.

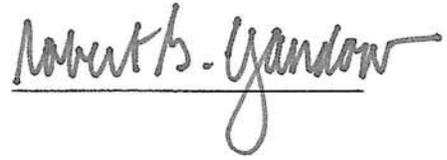
Street Opening and Culvert Ordinance: I make the requested minor wording changes, and I re-structured the inspection and sign-off process (Sections 5.2.A.6 and 5.2.B.5).

At this point the Board must either put these on the ballot without substantive change or pull them.

Prepared By:

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

Reviewed By:

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

# **Proposed Ordinance Amendments**

to be considered by the

## **Board of Selectmen**

for the

### **November 2013 General Referendum**

#### Amendments

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



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

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

Article X

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

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

**Recommendations:**

Recommended by the Board of Selectmen:

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

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

*As Amended on November 5, 2013*

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

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

**SECTION 1 – TITLE**

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

**SECTION 2 – PURPOSE**

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

**SECTION 3 – DEFINITIONS**



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

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

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

The following regulations and restrictions shall apply:

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

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

Zone A – No discharge of firearms.

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

Zone C – No restrictions.

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

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

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

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

1. With prior written permission of the York Police Department, it shall be lawful to discharge a firearm for rodent/pest control in Zone A.
2. Landowners, and their dependants, residing in Zone B on 25 or more contiguous acres of agricultural, forested, or undeveloped land, are exempt from Section 4.A. of this Ordinance while on said land.



3. Nothing in this Ordinance shall be construed to prohibit the use of legal firearms when justified for the protection of human life or property.
4. This Ordinance shall not be construed to prohibit the discharge of firearms by duly authorized law enforcement officers in the proper exercise of their governmental duties.

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

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

#### **SECTION 6 – PUBLIC NOTICE**

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

#### **SECTION 7 – ADMINISTRATION**

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

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

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

Enforcement shall be the responsibility of the York Police Department.

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

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

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

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

## **Appendix A Zone Descriptions**

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

*The “No Discharge Zone” includes all of the areas on the map highlighted in red. The northern boundary of the zone starts at the Atlantic Ocean and follows the northerly side of the Cape Neddick River west to its intersection with Shore Road then north to the intersection of River Road then west on River Road to RTE 1. The western boundary of the zone starts at the intersection of River Road and RTE 1 and proceeds south on RTE 1 to the Spur Road intersection where it then proceeds west to the intersection with RTE 95 (Maine Turnpike) and the Spur Road. The western boundary then proceeds south along RTE 95 to the York River. The southerly boundary starts at RTE 95 and follows the south side of the river east to its intersection with Seabury Road at Sewall’s Bridge. The boundary then follows Seabury Road east to the intersection of RTE 103 proceeds to Brave boat Harbor Road east to the intersection with Western Point Road and then proceeds east along the river’s south side to the Atlantic Ocean . The eastern boundary of this zone is the Atlantic Ocean. Additionally there is a “No Discharge Zone” established for the water bodies referred to as Phillips Pond and Lake Carolyn both located on Shore Road. This zone includes the water body and a buffer within 300 feet around those water bodies.*

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

*The “Shotgun Only Zone” includes all of the areas highlighted in green on the map. There all several different areas of the Town included in this zone. The first section is located east of Shore Road to the Atlantic Ocean from its intersection with the Cape Neddick River north to Ogunquit line. This section also includes the area known as the Pine Mountain Subdivision. This subdivision is the area located west of Shore Road from the intersection of Shore Road west along Sylvan Circuit to Pine Mountain Road to the intersection with Shore Road (all area within these boundaries). Another section covers the area west of Route 95 from the Mountain Road overpass west to the intersection of Mountain Road then south along Chases Pond Road , Scituate Road and Bog Road to the intersection with Fall Mill Road. The boundary then travels west along Fall Mill Road to the intersection of Route 91 and then proceeds west on RTE 91 to the to the intersection of Scotland Bridge Road where it then travels south on Scotland Bridge Road to the York River. The last section encompasses an area west on RTE 1 between it and RTE 95 (Maine Turnpike) from the Spur Road north on RTE 1 to its intersection with Newtown Road. The boundary follows Newtown Road to the point where the road ends next to RTE 95 and includes all land east of RTE 95 from that point back along RTE 95 to the Spur Road intersection. The last section covers an area starting from the Atlantic*



*Ocean south of the York River to the Kittery town line then west to the Eliot town line and then north along the Eliot town line to the York River.*

***ZONE C - UNRESTRICTED ZONE***  
***(HIGHLIGHTED IN YELLOW ON MAP)***

*All areas within the Town of York highlighted in yellow on the map allow for unrestricted use of firearms.*

***ZONE D – SPECIAL EXCEPTIONS***  
***(HIGHLIGHTED IN ORANGE ON MAP)***

*Several exceptions to the town’s firearms ordinance are areas under either state or federal law which are highlighted in orange. One would be the area of posted “State Game Preserve” land which prohibits hunting of any kind under state statute. This section includes the area east of RTE 95 from the Clay Hill Road overpass following the Josiah River to the Ogunquit town line and then proceeding along that line back to RTE 95. The second area involves land under the control of the Rachael Carson National Wildlife Preserve which allows hunting under a special permit rule. This area is located between RTE 103 and Brave boat Harbor Road and Rayners Neck Road extending to the Kittery line.*

# Firearms Safety Ordinance-York, Maine

## Effective Date: November 5, 2013

**Major Roads**

- I-95
- US ROUTE 1
- CIDER HILL ROAD
- MOUNTAIN ROAD
- LOGGING ROAD

**Firearms Discharge Zones**

- Zone A
- Zone B
- Zone C
- Zone D-Special Exceptions

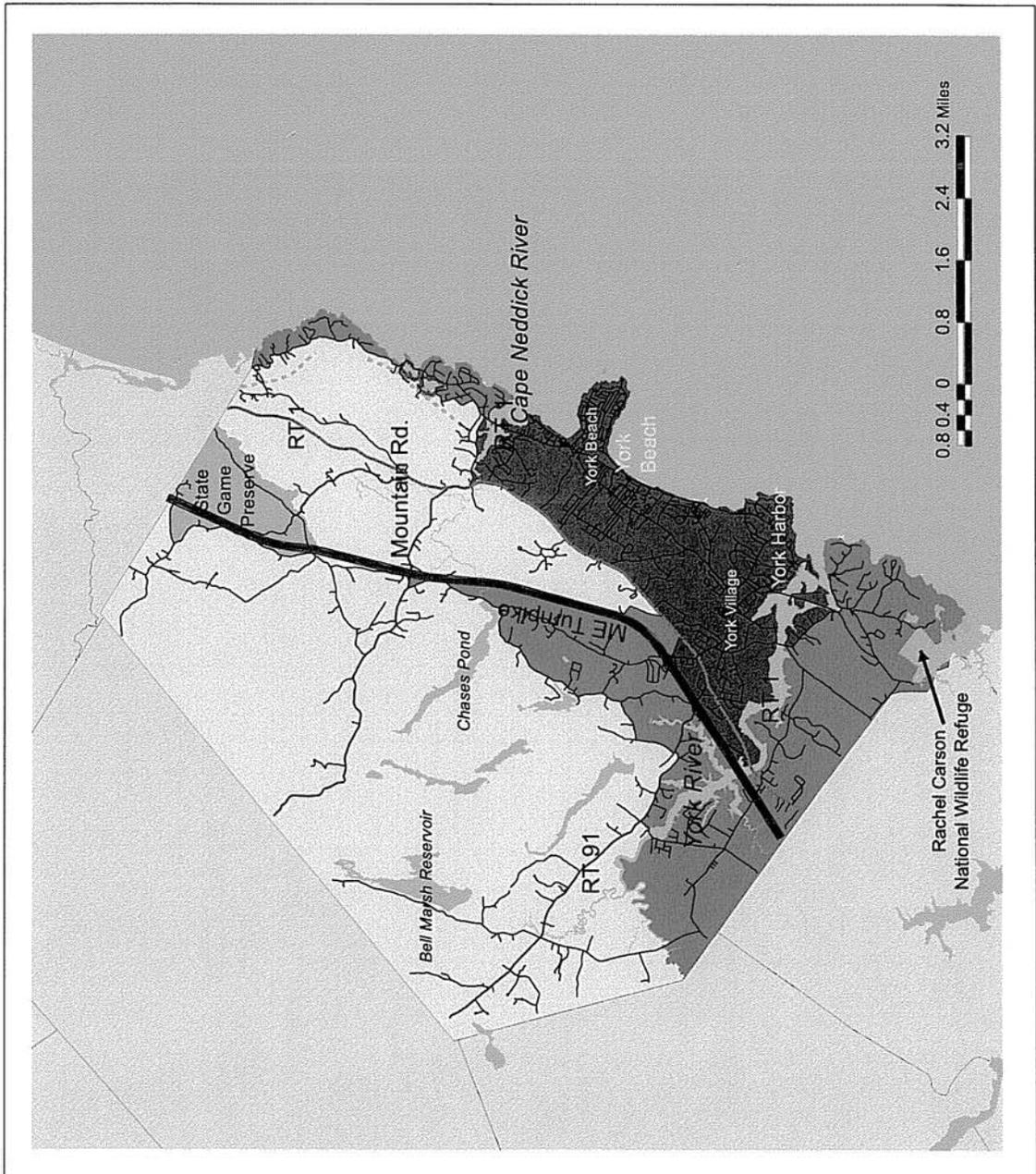
**Discharge of firearms is prohibited on the York River below Sewall's Bridge, on the Cape Neddick River below Rt. 1, and on the waters of Lake Carolyn and Phillips Pond & within 300 feet of the water bodies**

**State Game Preserve & Rachel Carson National Wildlife Refuge**

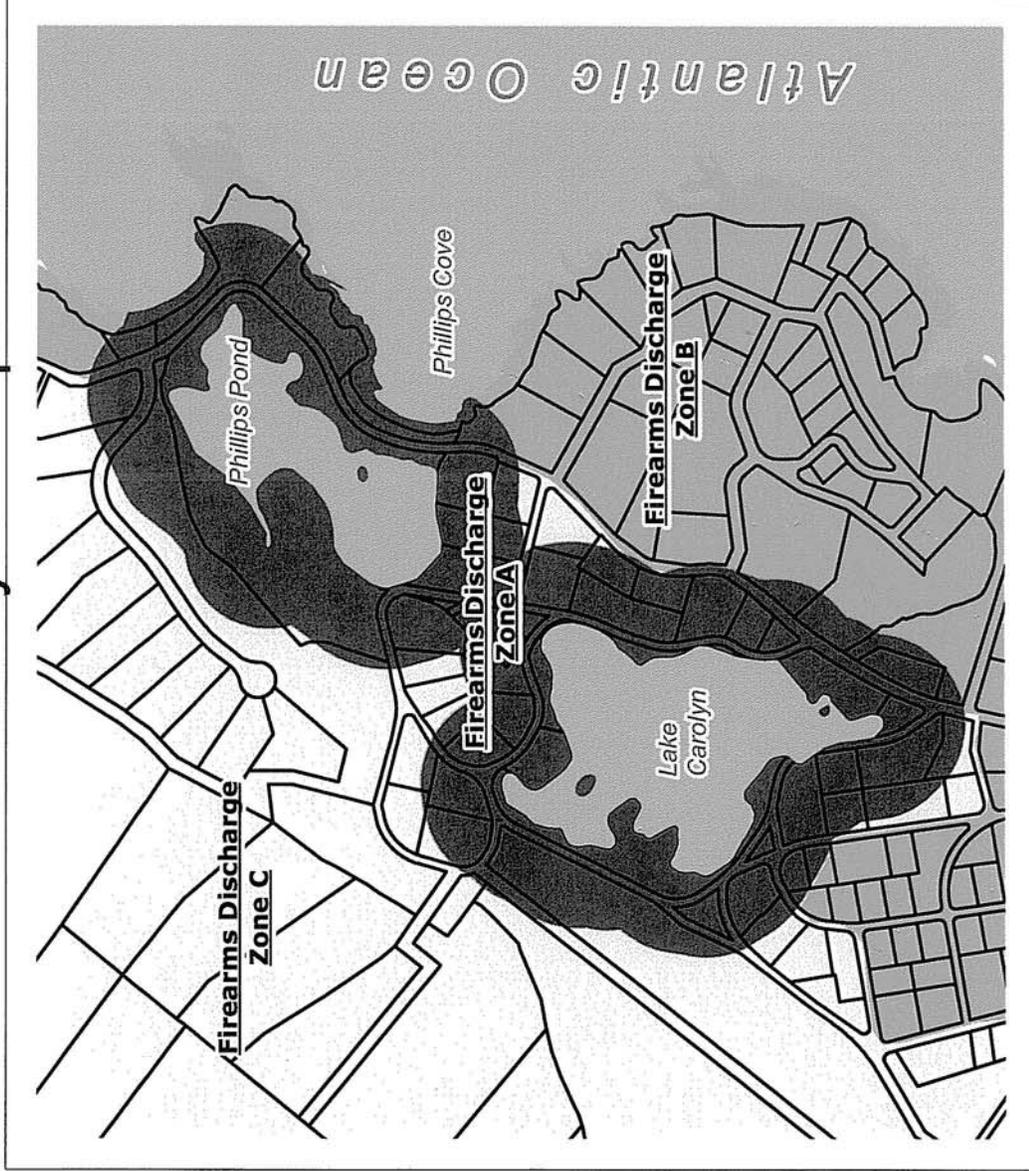
**The approximate boundaries of these areas are shown for the convenience of the reader.**

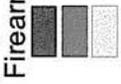


Map prepared by:  
York Code & Planning  
Department Aug. 14, 2013  
Based on York GIS data.



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



 Parcel Boundaries  
 Firearm Discharge Zones  
 Zone A  
 Zone B  
 Zone C

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

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



## **Amendment #2**

### *Street Opening and Culvert Ordinance Amendment*

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

Article X

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

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

**Recommendations:**

Recommended by the Board of Selectmen:

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

**SECTION 2: APPLICABILITY**

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

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



- C. **Work on Utility Service Lines.** *Except along State roads within the Urban Compact where State rules must be followed, utility providers may work on underground service lines between their mains and buildings served without being required to obtain a permit provided no such work disturbs the surface or sub-surface of a public road or sidewalk, or impacts any Town drainage infrastructure. All work shall be required to meet or exceed any applicable specifications contained in this Ordinance. At least 3 days prior to commencement of such work, the utility provider shall provide to the Superintendent a completed application form as advance notification of the proposed project. Approval of the permit shall not be required except when the Superintendent determines there is an unusual situation that requires a permit.*

Amend Section 5, Street Openings, as follows:

## **SECTION 5: STREET OPENINGS**

### **5.1. General Provisions.**

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



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

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

## 5.2. Standards.

### A. Responsibilities of the Applicant.

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

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

**B. Responsibilities of the Superintendent.**

1. The Superintendent, or his or her designee, shall be responsible for reviewing and deciding on each Street Opening Permit application received within 10 business days of receipt. The Superintendent shall



have authority to apply engineering expertise and judgment in determining the most appropriate standards and conditions in order to protect the integrity of the public street. Each decision regarding a Street Opening Permit application shall be made in writing, and shall detail the requirements to be met by the applicant. Only written requirements specified as part of the Permit shall be binding on the applicant.

2. The Superintendent, or his or her designee, shall be responsible for obtaining independent expert technical assistance when he or she believes it is necessary to protect the public interest, and for obtaining reimbursement from the applicant for the Town's costs in obtaining such independent expert assistance prior to issuance of a Street Opening Permit.
3. The Superintendent, or his or her designee, shall be responsible for inspecting and approving all work completed pursuant to a Street Opening Permit.
4. If permanent resurfacing is not completed by the applicant within 6 months of backfilling the excavation, the Superintendent may initiate the permanent repairs and assess the applicant for 125% of the cost of such work. Before such deadline, however, the applicant may request a time extension for good cause.
5. ~~To ensure the long-term acceptability of repairs, the Superintendent shall inspect the street opening any time within 2 years following completion of the permanent resurfacing by the applicant. Acceptance or rejection of the work shall be made in writing, and failure to provide a written decision by the end of the 2 year period shall constitute approval by default. The Superintendent is responsible for ensuring the long-term acceptability of repairs. The Superintendent may inspect the repairs at any time, and shall inspect the repairs between one and 2 years of completion of the original repairs. The Superintendent shall take action in accordance with the following:~~
  - a. *If at any inspection the Superintendent deems the repairs inadequate, she/he shall specify work required to fix the deficiencies and shall specify a reasonable amount of time for the applicant to fix the deficiencies. Lacking a sufficient response by the applicant, the Superintendent shall be authorized to undertake the work and to bill the applicant for 125% of the full cost of such work.*
  - b. *Between one and 2 years, the Superintendent shall inspect the repairs and make a final determination about adequacy. If the repairs are not acceptable, the Superintendent shall follow subsection "a" above. If the repairs are acceptable, the Superintendent shall issue a written acceptance of the repairs. Failure to issue this acceptance within 2*

*years shall constitute acceptance by default. Acceptance by either means shall terminate the applicant's responsibilities for guaranteeing the repair work.*

**C. Construction Specifications.**

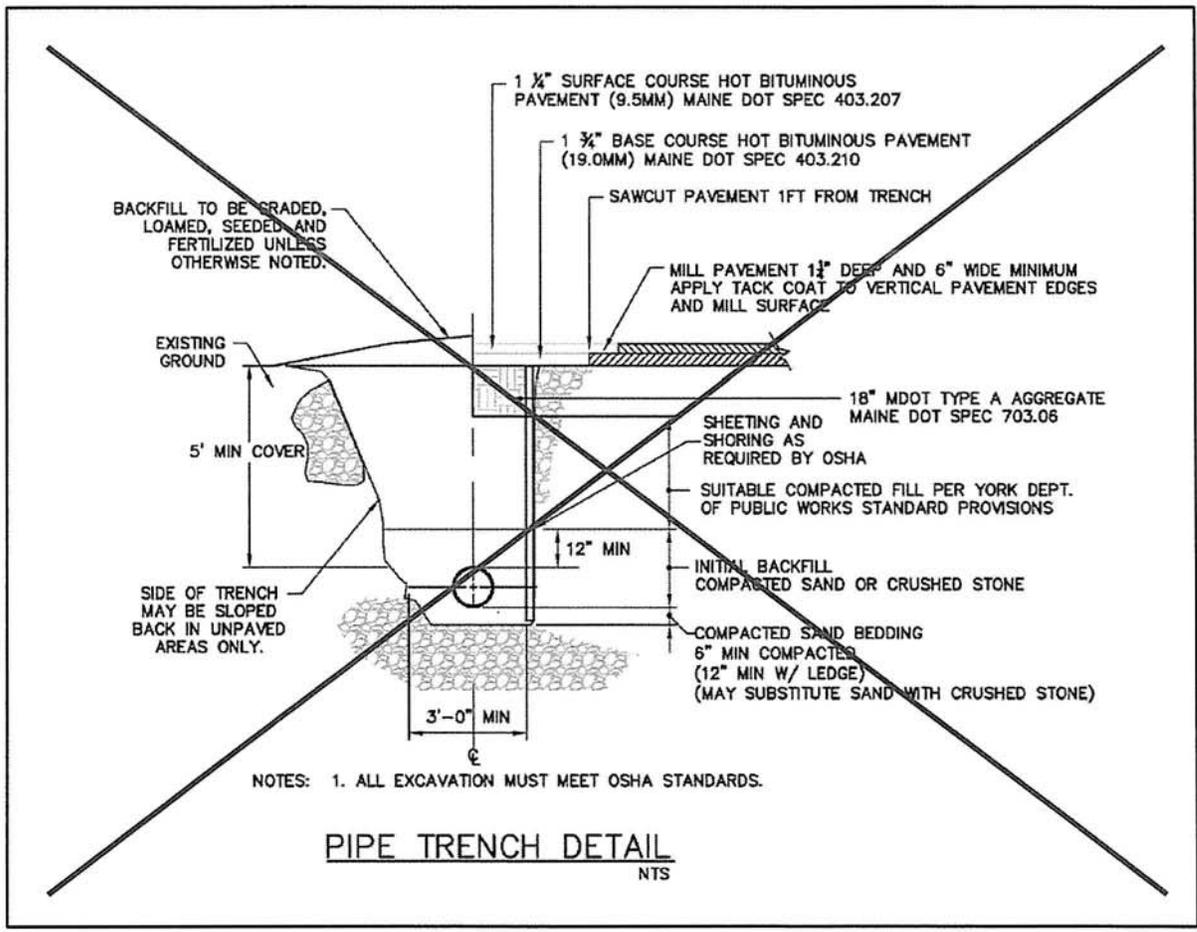
The Superintendent shall ensure that construction pursuant to this Ordinance complies with the following 3 standards plus the trench detail. Exceptions to these standards may be allowed by the Superintendent for good cause, consistent with the need to exercise good engineering practice and judgment.

1. Excavation. The following standards shall apply:
  - a. Existing pavement in Trench area to be excavated shall be neatly cut with pavement saw before pavement is excavated.
  - b. Disturbed non paved shoulder areas shall be restored with ¾ inch crushed gravel compacted to a depth of 8-inches and two feet wide with a vibratory compactor.
  - c. Materials excavated from trench will be used whenever possible to back fill trench up to 18 inches below the pavement or six inches below surface in vegetated areas.
  - d. Disturbed grass areas will be restored with loam placed 6 inches deep and compacted with 100 pound roller and seeded.
  - e. Disturbed roadway areas will be restored with a crushed gravel base placed 18 inches deep and compacted in two lifts with a vibratory compactor.
  
2. Paving. The following standards shall apply:
  - a. Excavated trench pavement may be patched temporarily with 4-inches of cold patch until a permanent surface is in place.
  - b. Prior to paving the pavement around the excavated trench shall be cut back an additional 12 inches on all sides. The edges of the trench shall be tack coated prior to paving.
  - c. Roadway pavement joints will not be stacked. Existing pavement surface will be milled to a depth of 1¼ inches roughly 6 inches from the base joint and paved with hot mix "surface" asphalt. Tack coat shall be used on all exposed pavement edges.
  - d. The excavated pavement surface will be paved with a minimum of 4-inch hot mix asphalt placed and compacted in two lifts. Tack coat shall be used on all exposed pavement edges.
  - e. Removed shoulder and sidewalk pavement areas shall be paved with at least 2-inches of hot mix asphalt placed and compacted in two lifts. Tack coat shall be used on all exposed pavement edges.
  - f. *The applicant shall notify the Superintendent at least 2 business days, or as soon as possible during emergency repairs, prior to the installation of the permanent pavement. This ensures the*

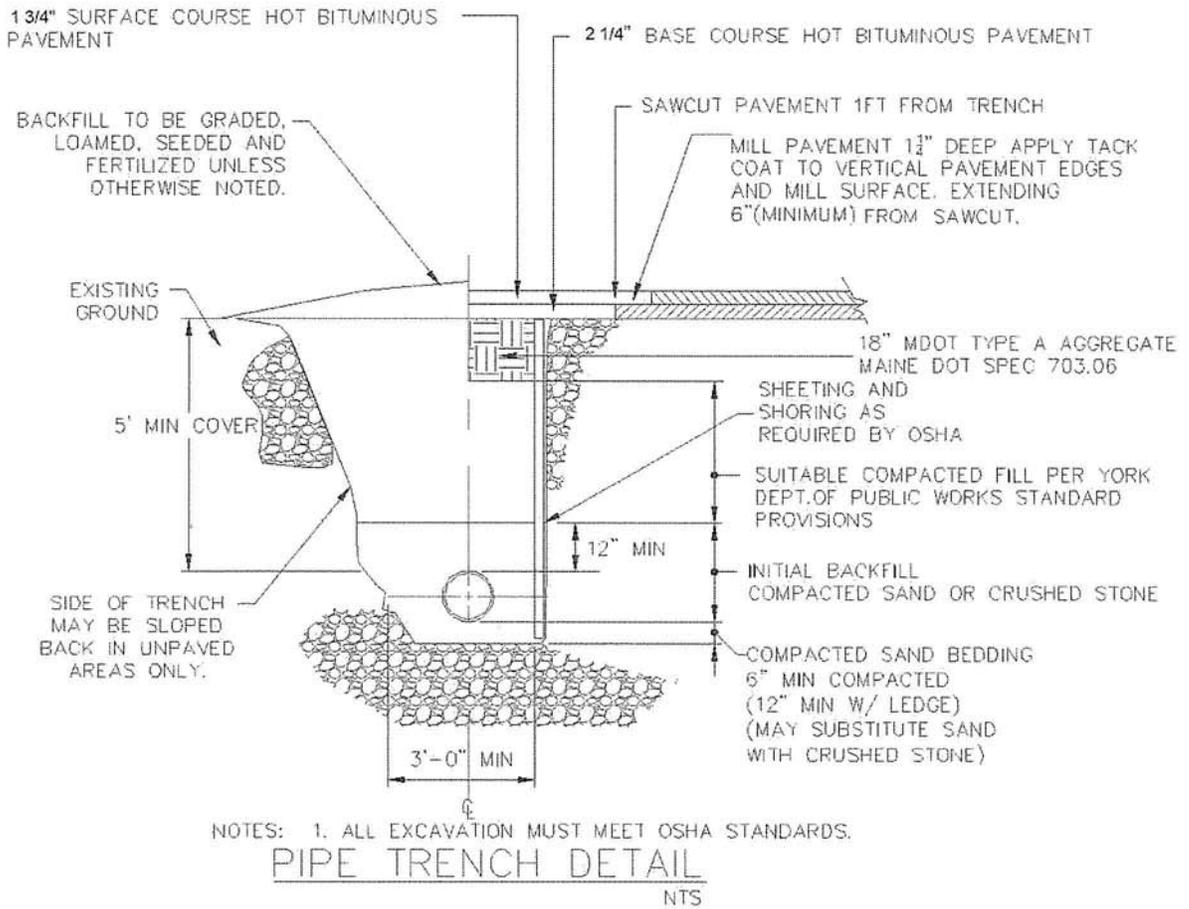


*Superintendent has the opportunity to see the work before permanent paving begins.*

3. Accounting for Existing Road Conditions. Many older public roads were not constructed to standards now in effect *or are in poor condition.* Standards may be varied on a case by case basis to account for local conditions, as when working in a road which was built to lesser standards or which is in poor repair, or when other unusual conditions are encountered (for example, a stretch of road with 20" pavement thickness *actual York examples include roads with pavement thickness as thin as 2" or as thick as 20"*). It is also important to avoid aligning paving patch seams with wheel ruts, and other such factors.



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



## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Thursday, August 15, 2013 2:32 PM  
**To:** Devon Bettinson; Mary-Anne Szeniewski; Melissa M. Avery  
**Subject:** RE: Mainely York Unit 22; Redemption Request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Missy,

I have no code issues with the proposed redemption of unit 22 at Mainely York Trailer Park.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Devon Bettinson  
**Sent:** Thursday, July 25, 2013 10:43 AM  
**To:** Stephen H. Burns; Mary-Anne Szeniewski  
**Subject:** FW: Mainely York Unit 22; Redemption Request

Morning,  
I have forwarded you a redemption request. Let me know if there are any issues.

Thank you,  
Devon

---

**From:** Ed McCarron [<mailto:emccar57@verizon.net>]  
**Sent:** Thursday, July 25, 2013 10:31 AM  
**To:** Devon Bettinson  
**Subject:** Mainely York Unit 22

Hello.

This letter is to request a redemption of the property at Mainely York Trailer Park Unit 22.

I am the owner of this share and am in the process of selling the property so need this to be released. Am prepared to pay the taxes and admin charges due.

Thank you.

Ed McCarron  
508 479 1126

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

---

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: August 21, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: November 2013 Ordinance Amendments, second Selectmen's Public Hearing	

<b>TO: BOARD OF SELECTMEN</b>
<b>FROM: Christine Grimando, Town Planner</b>
<b>RECOMMENDATION: I recommend the four proposed ordinance amendments be forwarded for consideration on the November 2013 Special General Referendum.</b>
<b>PROPOSED MOTION: I move the following Zoning Ordinance amendments be forwarded to the November 2013 Special General Referendum warrant: Cluster Subdivision Standards Amendment; Seasonal Conversions Amendment; On-Site Commercial Sign Requirement Amendment; Farm Enterprise Overlay District Amendment.</b>

**Discussion:**

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

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

Reviewed By: Christine Grimando

**Draft Ordinance Amendments**

**Materials to be Posted for Consideration  
at the  
November 2013 General Referendum**

<b>Date of Draft Document:</b>	<b>July 30, 2013</b>
<b>Posted for a Public Hearing:</b>	Board of Selectmen August 26, 2013 7:00 PM York Public Library

<b>Article</b>	<b>Ordinance</b>	<b>Subject</b>
Ord-1	Zoning	Cluster Subdivision Standards Amendment
Ord-2	Zoning	Seasonal Conversions Amendment
Ord-3	Zoning	On-Site Commercial Sign Requirement Amendment
Ord-4	Zoning	Farm Enterprise Overlay District Amendment



# Amendment #1

## *Cluster Subdivision Amendment*

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

Article X

The Town hereby ordains amendments to the **Zoning Ordinance**, specifically amending Article Seven, Special Provisions.

Statement of Fact: The purpose of this amendment is to amend the cluster subdivision standards currently in place in Article Seven, Special Provisions. The amendments include changes to the review process, a requirement for a yield plan to graphically depict a conventional subdivision layout for comparison to the cluster subdivision proposal, inclusion of feedback from the conservation commission early in the process, changes to easement/open space holder requirements, and a mandatory conceptual phase that includes a site visit to the property and allows for early Planning Board input into the overall design. This amendment is specifically consistent with the Comprehensive Plan and is not expected to have a significant impact on the cost of Town administration.

**Amendment:** Amend Article Seven, Cluster Housing Subdivision Application, as follows:

**7.6 Cluster Housing Subdivision Application**

Cluster subdivision shall be permitted in all base zoning districts. Permissibility within overlay districts is addressed as needed by district. The standards of this Section (§7.6) shall apply to all cluster subdivisions.

**7.6.1 Procedures**

Cluster subdivisions require subdivision approval by the Planning Board.

- A. The applicant shall have the sole authority to decide whether or not to utilize cluster design.
- B. The applicant shall be responsible for justifying the proposed open space design, *and identify a primary conservation theme, including but not limited to forest preservation, water quality preservation, farmland preservation, or viewshed protection. The conservation theme shall guide the location and use of the designated open space.* For instance, if setting aside open space for agricultural use, there should be a demonstration that the open space has good agricultural soils, or if setting aside open space for protection of



wildlife habitat, the design should be based on science and the expert opinion of a qualified wildlife biologist. (See also §7.6.3.B)

- C. The proposed holder of the *open space* ~~conservation easement~~ shall be involved in the process of defining the open space and drafting appropriate restrictions and controls.
- D. *The first meeting with the Planning Board shall be Conceptual Design Review, and shall precede submission of a Preliminary Review application. Conceptual Design Review shall include the submission of an Existing Site Resources Map, identifying both significant natural and cultural resources. It is not required that this be an engineered plan, and widely available Town or State public data are acceptable data sources. It shall include wetland and Shoreland areas, significant habitat corridors, rare or endangered habitat, roads and buildings within 100 feet of the property, indication of overall stormwater flow direction, species and sizes of significant trees, copses of trees, historic and cultural resources such as existing barns, trails, cellar holes, stone walls, and other noteworthy features unique to the property. It should be conveyed in a clear graphic style that is easy to read. The Existing Site Resources Map shall not include road layouts, house locations, or lot lines. The Planning Board may schedule a site walk to the property, using the Existing Site Resources Map. The intent of this phase of review for there to be an opportunity to build greater Planning Board, applicant, and open space holder consensus on critical resources and overall site design early in the review process, before the applicant proceeds into formal design of the project.*
- ~~D.E.~~ It is intended that the open space shall be designed first, and the built environment shall be constructed in the remaining area. During the ~~Preliminary Review~~ *Conceptual Design Review* process, the Board shall determine whether or not the open space layout, design and configuration is appropriate based on purposes stated in §1.3.12. For sites with on-site septic, the Board shall balance the purposes to be achieved (as stated in §1.3.12) with the need to locate the septic system(s) on the best available soils. Other development considerations shall be of secondary importance. The Board may require alteration of the open space configuration to maximize achievement of the purposes of cluster design. The Board shall include in its Findings of Fact the basis for its conclusions about the suitability of the cluster design with respect to the specific site.

- F. *An application for a cluster subdivision shall submit a Yield Plan, a visual showing the maximum number of lots that could reasonably be expected to be achieved through a conventional layout given conventional subdivision dimensional requirements and site conditions, and utilizing the net buildable area calculation used to determine maximum permitted density under Zoning 7.6.4.B, and defined in Site Plan and Subdivision Regulations Article 3. The Yield Plan is prepared to determine the base number of dwelling units to be permitted for the cluster subdivision proposal, to be submitted in conjunction with the net developable acreage calculations.*
- G. *The York Conservation Commission shall be solicited for feedback on the site design during Conceptual Design Review.*

**7.6.2 Minimum Size**

Any subdivision of 10 or more lots is eligible for cluster design. Where the Board finds compelling reasons relating to the purpose (see §1.3.12), it may permit cluster design for as few as 3 lots.

**7.6.3 Cluster Subdivision Open Space Standards**

- A. Cluster open space shall be required to meet 2 standards. First, the cluster open space must contain at least 50% of the total area of the property in order to comply with Comprehensive Plan policy #1.2.1. Second, the cluster open space must contain at least 50% of the net ~~buildable~~ *developable* area (as defined in the Subdivision Regulations) of the property in order to comply with Comprehensive Plan policy #6.2.1. These standards shall be applied concurrently, not sequentially (e.g. a site with land that is entirely buildable can place 50% of its land in cluster open space and meet both standards simultaneously).
- B. Design. The design of the cluster open space shall be designed to maximize achievement of the purposes described in Zoning §1.3.12. The applicant shall present a ~~plan~~ and narrative description to illustrate how this is to be accomplished. To the greatest extent possible, the open space should be in one large piece rather than separate pieces or narrow buffer strips that have little conservation value. The Board may require alteration of the layout and design of the cluster subdivision open space to better achieve these purposes. *The Board may solicit input on the efficacy of the open space design as needed, including but not limited to review by a third-party wildlife biologist, a landscape architect, or another professional qualified to respond to the aspect of the application in question. Any technical assistance deemed necessary by the Planning Board to conduct the*



*review shall be paid for by the applicant in accordance with Zoning 18-A.2.D.*

C. Requirements. Any cluster subdivision open space area shall comply with all of the following requirements:

1. Open Space. Regarding the open space:

a. *The open space may be held in fee-simple ownership or as open space with a conservation easement placed upon it. In the event the open space is held by a qualified conservation organization, such as a land trust, the York Conservation Commission, or another body the Planning Board deems capable of land stewardship, a separate conservation easement may not be required if it can be demonstrated that the use, maintenance and other requirements of the open space will be continued in perpetuity. Reference to open space throughout §7.6 refers to either the fee-simple or conservation easement arrangement.*

a.b. The open space land shall be owned by the homeowners, the Town, or other entity acceptable to the Planning Board. *In no case shall the homeowners association or private property owner be the holder of the conservation easement, or the holder of the open space if there is no approved, partnering conservation organization.* In determining whether or not a party is acceptable, the Board shall base its decision on the ability of the owner to control, maintain, manage and protect the open space in a manner consistent with the subdivision approval and the conservation easement. ~~The owner of the open space shall not be permitted to hold the conservation easement for the open space.~~

b.c. If the homeowners take ownership of the open space land, the following shall be provided for:

1. the ownership shall pass with conveyance of the lots or residential units; ~~and~~
2. compulsory assessment of all related costs to each of the homeowners; *and*
3. *a conservation easement shall be held by a qualified conservation organization.*

e.d. Control of Open Space. There shall be some form of legal arrangement made to ensure:

1. there is a plan for the use, management, maintenance and protection of the open space, and that specifies the responsibilities of the owner;
2. the owner is responsible for maintenance, taxes and insurance of the open space; and

3. the terms of the legal arrangement cannot be changed without prior approval of the Planning Board.
2. *Open Space Holder.* The Planning Board shall approve the *open space, including terms, conditions, purpose, and open space holder. ~~conservation easement and the holder of the conservation easement.~~ The open space holder must have a demonstrated capacity to fulfill the purposes of the open space. Capacity shall be determined by the ability of the organization to:*
    - a. *produce baseline documentation of the property;*
    - b. *perform monitoring and maintenance of the property on an annual basis, or more frequently, as needed;*
    - c. *have the capacity to seek remedies to violations of open space approval conditions, legally or through other enforcement measures;*
    - d. *have staff with suitable professional capacity, which may include land stewardship, wildlife biology, or other areas of expertise suitable to the primary purpose of the open space.*
  3. *Open Space Conditions*
    - a. The *open space approval* shall:
      1. regulate the use, maintenance, management and protection of the open space land;
      2. be established and shall remain with this land in perpetuity;
      3. specify the method of management and maintenance;
      4. establish that the ~~open space owner, not the easement holder,~~ is responsible for maintenance, taxes and insurance;
      5. establish a mandatory inspection program *for the open space by the easement holder,* which may retain a qualified neutral third party to perform this duty, and which may ~~that will~~ involve the subdivision homeowners and the Conservation Commission, and which shall require annual inspections at a minimum; and
      6. address other requirements deemed necessary by the Planning Board ~~or easement holder~~ to achieve the purposes for which the ~~easement~~ *open space* is established.
    - b. ~~The holder of the conservation easement shall not be the owner of the open space. The easement holder must have a demonstrated capacity to fulfill the purposes of the conservation easement holder.~~

43. The open space land shall be used and managed consistent with the purposes for which it was established.
54. While the decision to choose cluster design is an option for the applicant, that choice shall be made with the understanding that the Planning Board may impose a requirement on any cluster subdivision to allow public access to and/or through the open space. The Board shall consider the following guidance:
  - a. The type of access shall be appropriate based on the plan for the open space, the cluster homeowners, and the traditional uses of the land;
  - b. Reasonable limitations may be placed on public access, including but not limited to type of access (pedestrian only, etc.), specific locations (along a trail or path, to the entire open space, etc.), and timing controls (access during daylight only, no access near vernal pools in the spring, etc.); and
  - c. The open space steward shall be permitted to temporarily restrict public access to prevent abuse. No such restriction shall be in effect for more than 90 days without application to and approval of the Planning Board. The Planning Board shall treat the matter as an application to amend the Subdivision Approval.
  - d. The Board shall expressly review public access issues during the ~~sketch~~ *Conceptual Design* Review of any cluster subdivision application.
65. Where ownership of the open space is to be held by the homeowners, all the open space lands shall be owned in common by a homeowners association.
76. Ownership of open space and, *where applicable*, the conservation easement, shall be transferred from the developer in a timely manner. Where a third-party will hold an easement or ownership, the transfer shall be made prior to the sale of any lot in the subdivision. Where a homeowners association is to be the holder of the land ~~or an easement~~, the transfer shall take place within 30 days of establishment of the association.

#### 7.6.4 Development Standards

- A. Uses. Cluster subdivision shall be limited to single-family and duplex residential development. Each residential building shall be located on its own lot.
- B. Density.

1. The standard calculation of density shall be total net ~~buildable~~ *developable* area divided by the minimum lots size for the base and overlay zoning district(s) in which the lot is located. Cluster Subdivision applications also must submit a yield plan in accordance with 7.6.1.F to determine the total number of lots dwelling units permitted.
  
2. Within the Shoreland Overlay District, the following shall apply regardless of any other provisions of this Ordinance:
  - a. On portions of the lot in Resource Protection and Stream Protection subdistricts, ~~all~~ buildings and building lots shall be prohibited, consistent with Article 84.
  - b. On portions of the lot in Limited Residential and Mixed Use subdistricts that have frontage on a Shoreland waterbody, and one or more dwelling units are proposed to be located in the land area within the Limited Residential or Mixed Use Subdistrict, the parcel must have a minimum of 200 linear feet of shore frontage to allow its development as a cluster housing subdivision. The following standards shall also govern the lay-out of such a cluster housing subdivision:
    1. A minimum of 50% of the shore frontage shall be undeveloped and shall be dedicated as open space.
    2. The configuration of the dwelling units within the Limited Residential or Mixed Use Subdistrict shall be staggered, and shall not be located in a row immediately adjacent to the minimum setback from the Normal High Water Mark of the protected waterbody. No more than 50% of the dwelling units located within the Limited Residential or Mixed Use Subdistrict can be located within 50 feet of the standard Shoreland setback.
    3. The maximum number of dwelling units permitted in the Shoreland Overlay District shall not exceed the density standards of Zoning §5.2.3.
  - c. Buildable area within any area of the Shoreland Overlay District may be counted in the calculation of net ~~buildable~~ *developable* area. The density standards of Zoning §~~5.2.3~~ 8.1 shall apply, or others if more restrictive.
  
- ~~3. Wetland Protection Bonus. Consistent with Comprehensive Plan policy in Future Land Use Area #4, Policy #5, a cluster subdivision may be credited with buildable area if it provides permanent preservation of wetlands in the RES-7 zone. This is a simple form of Transfer of Development Rights (TDR). This will benefit the Town by helping to prevent worsening of the flooding problems~~

~~currently experienced in this area of York. The following shall apply:~~

- ~~a. Any undeveloped lot in the RES-7 zone is eligible for permanent protection under this provision provided that either of the following conditions is met:
  1. 50% or more of the lot is wetland; and/or
  2. the lot is rendered un-buildable due to wetlands and/or wetland setbacks.~~
- ~~b. Permanent protection of the wetland lots shall be ensured by imposition of suitable controls, such as but not limited to easements, deed restrictions, or municipal ownership, prior to or concurrent with approval of the TDR. While preventing development, the controls shall make the lots available at no charge for physical alteration for municipal drainage control purposes. No other uses, buildings or structures shall be permitted.~~
- ~~c. The net buildable area of the cluster subdivision shall be increased by 50% of the total area of the protected wetland lot, but no subdivision shall use such TDR credits to increase its density by more than 20% above that otherwise permitted.~~
- ~~d. This option requires prior approval of the Board of Selectmen.~~

C. Dimensional Standards.

1. Lot Size. Building lots shall not be larger than the minimum lot size requirements specified in Zoning §5.2.1, §5.2.2 and §5.2.4. However, lots not served by municipal sewer service shall not be less than 20,000 square feet in total size.
2. Street Frontage. Building lots shall have frontage on streets sufficient to provide access to the lot, but shall not be required to meet the frontage standards of Zoning §5.2.1, §5.2.2 and §5.2.4.
3. Setbacks from Lot Lines. Minimum structure setbacks specified in Zoning §5.2.1, §5.2.2, and §5.2.4 shall be reduced to 1/3 of the measure specified in those sections.
4. Lot Coverage. Lot coverage shall be evaluated in aggregate for the entire cluster subdivision, and overall the cluster subdivision shall be required to comply with the standard for the zone(s) in which it is located.

D. Access. Access to lots in a cluster subdivision shall be from an internal road, not from existing road frontage.

E. Abutter Buffers. To protect neighborhood qualities outside the cluster subdivision, the following shall apply:

1. Setback. No building within the cluster subdivision shall be located closer than 60' to any property outside the cluster subdivision.

2. **Buffers.** On building lots, there shall be a 50' buffer along the property line of any abutting lots outside the cluster subdivision. This buffer shall be left undisturbed with natural vegetation, or at the direction of the Planning Board may be landscaped to enhance the buffer function. ~~This standard is intended to permit road and utility access to the subdivision, as well as through the subdivision to adjacent properties.~~ *Roads and utilities shall be allowed to cross through buffers to access the subdivision, as well as to adjacent properties.*

## **Amendment #2**

### *Seasonal Conversions Amendment*

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

Article X

The Town hereby ordains amendments to the **Zoning Ordinance**, specifically amending Article Fourteen, Conversion of Seasonal Dwellings.

Statement of Fact: The purpose of this amendment is to amend the seasonal dwelling conversion standards. Current standards may encourage property owners to tear down their seasonal dwelling and build a new year-round residential structure rather than maintaining existing structures. The proposed amendment seeks to remove any incentive to tear down existing structures, and it is not anticipated that it will create any more year-round dwellings than are currently allowed to be built. It also adds a density standard for lots with more than one seasonal dwelling seeking to convert to year round dwellings. This amendment is generally consistent with the Comprehensive Plan and is not expected to have a significant impact on the cost of Town administration.

**Amendment:** Amend Article Fourteen, Conversion of Seasonal Dwellings, as follows:

#### **14.1 Restrictions**

No seasonal dwelling may be converted to a year-round dwelling unless the owner or the person so converting the seasonal dwelling shall have first obtained from the Code Enforcement Officer a seasonal dwelling conversion permit. Before issuing such a permit, the Code Enforcement Officer shall issue a written determination that the application meets the standards pertaining to the dwelling unit and the lot, as follows:

A. Regarding the dwelling, ~~either~~ of the following is met:

1. It is a contributing structure in a Local Historic District or is a designated historic landmark; or
2. *After conversion, the structure shall conform to minimum egress requirements, specifically Section R310, Emergency Escape and Rescue Openings, and R311, Means of Egress, under the version of the International Residential Code (IRC) that is current at the time of application.*
32. ~~It was lawfully constructed and, after conversion,~~ *All new construction, whether renovations or additions, will conform to requierments for residential construction under all applicable local and state codes, and be subject to all local building permit requirements. will conform to all building related codes*



~~in effect at the time of conversion. This shall include, but not be limited to, any applicable Town or State building, plumbing, electrical, life safety, energy and well codes. Compliance with the Zoning Ordinance shall be required, except that setback and building height requirements in the base zoning district shall not be applicable.~~

~~B. The lot either:~~

- ~~1. Conforms to the current dimensional requirements of the Zoning Ordinance; or~~
- ~~2. Is a lawful non-conforming lot of record, which is either:~~
  - ~~a. connected to year-round public water and public sewer and is at least 5,445 square feet (1/8 acre) in size in the RES-5, RES-6 or RES-7 base zoning district, or at least 10,890 square feet (1/4 acre) in all other base zoning districts; or~~
  - ~~b. at least 20,000 square feet in size otherwise.~~

*B. Lots containing more than one seasonal dwelling may have one dwelling unit converted to year round in accordance with the standards in 14.1.A; for conversion of multiple seasonal dwellings to year round dwellings, the density standards must be met for the lot, as required for the base zone and any applicable overlay zones. Lots that contain a year round dwelling at the time of an application for conversion of a seasonal dwelling to a year round dwelling must be able to meet current density standards for the application to be permitted.*

## **Amendment #3** ***Sign Standards Amendment***

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to clarify on-premise sign standards, specifically amending: Article 16, Sign Standards.

Statement of Fact: The purpose of this amendment is to clarify that on-site business signs shall be placed on the property of the business being advertised. This is stated clearly in the purpose statement of the article, but could use clarification elsewhere. This amendment is generally consistent with the Comprehensive Plan, and is not expected to have a significant impact on the cost of Town administration.

**Amendment:** Amend the language of Section 16.3, Performance Standards, as follows:

### **16.3 Performance Standards**

....

*16.3.11 All signs, except where otherwise specified in 16.6. and 16.7, shall be on the property of the business being advertised, or within that business's access easement. In the event a sign is placed on an access easement, it shall be calculated towards the maximum sign area allowed per business and/or per lot for the business being advertised.*



## **Amendment #4**

### ***Farm Enterprise Overlay District Addition***

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

#### Article X

The Town hereby ordains amendments to the **Zoning Ordinance**, specifically amending Article Three, Establishment of Zoning Districts, and the accompanying zoning overlay map.

#### Statement of Fact

This amendment proposes to add a new property to the Farm Enterprise Overlay District. The only change to the text of the Zoning Ordinance is the reference date on the accompanying map depicting the properties in the overlay zone. A new zoning map with updated parcels is proposed, as well. No changes to the Farm Overlay standards are proposed. This amendment is specifically consistent with Comprehensive Plan Town Goal 3.1: To promote a sound economic base and economic development that is consistent with York's small town coastal character, Town Goal 8.1: Encourage continued use of suitable lands for agriculture and forestry, and Future Land Use Area #16, To safeguard the State's agricultural and forest resources from development which threatens those resources. It is expected to have no fiscal impact on Town administration.

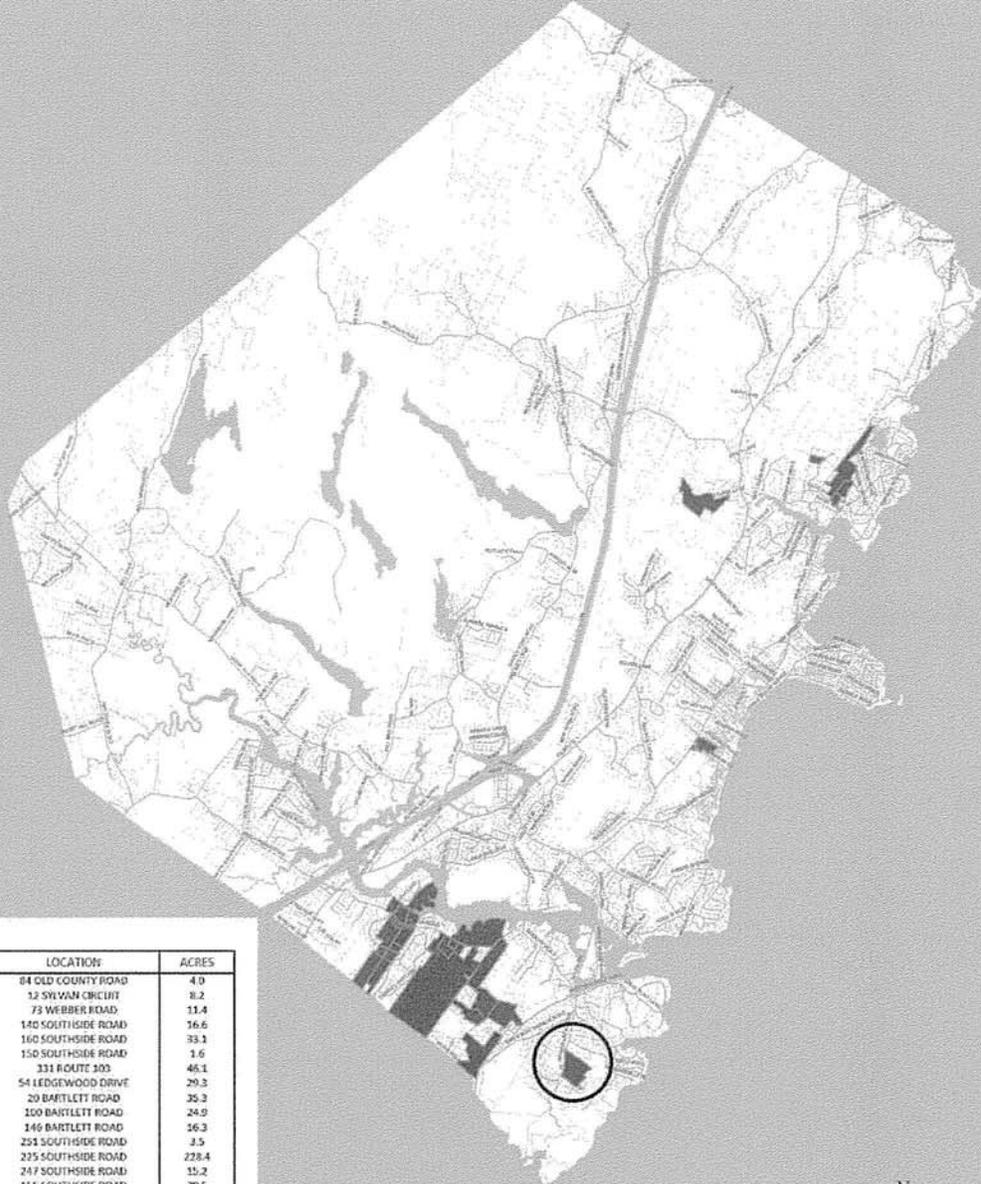
**Amendment:** Amend Article Three, Establishment of Zoning Districts, as follows:

#### **3.17 Farm Enterprise Overlay District**

The Farm Enterprise Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: Farm Enterprise Overlay District, ~~May 21, 2011~~ *November 5, 2013*". This map constitutes a registry of approved properties comprising the Farm Enterprise Overlay District. For a farm to qualify for inclusion in the Farm Enterprise Overlay District, the property owner must demonstrate that the total agricultural land is a minimum of five acres in size, and contains at least two contiguous acres on which agriculture has contributed to a gross annual value of at least \$2,000 per year. The acreage minimum may be met by any combination of ownership, rental, or lease of agricultural land. The Farm Enterprise Overlay District map may be amended by referenda upon application for inclusion by a property owner that has demonstrated they meet the acreage and use requirements of the overlay district.



# York Zoning Ordinance: Farm Enterprise Overlay District, November 5, 2013



MAP & LOT	LOCATION	ACRES
0013-0003	84 OLD COUNTY ROAD	4.0
0013-0004	12 SWAN CIRCUIT	8.2
0035-0015	73 WEBBER ROAD	11.4
0075-0001	140 SOUTHSIDE ROAD	16.6
0075-0002	160 SOUTHSIDE ROAD	33.1
0075-0002-A	150 SOUTHSIDE ROAD	1.6
0087-0015	331 ROUTE 103	46.1
0087-0024	54 LEDGEWOOD DRIVE	29.2
0087-0039	20 BARTLETT ROAD	35.2
0087-0041-N	100 BARTLETT ROAD	24.0
0087-0041-S	146 BARTLETT ROAD	16.3
0087-0046	253 SOUTHSIDE ROAD	3.5
0087-0046-A	225 SOUTHSIDE ROAD	228.4
0087-0046-B	247 SOUTHSIDE ROAD	15.2
0087-0051	155 SOUTHSIDE ROAD	30.5
0087-0051-B	3 ABATTOIR DRIVE	9.7
0087-0052	161 SOUTHSIDE ROAD	0.4
0087-0053	151 SOUTHSIDE ROAD	0.4
0087-0057	129 SOUTHSIDE ROAD	45.0
0087-0057-A	145 SOUTHSIDE ROAD	1.0
0087-0057-B	139 SOUTHSIDE ROAD	1.8
0087-0057-C	125 SOUTHSIDE ROAD	1.0
0087-0057-D	121 SOUTHSIDE ROAD	1.2
0087-0057-E	1 ABATTOIR DRIVE	4.2
0087-0069-A	300 SOUTHSIDE ROAD	57.8
0088-0012	1 WINDSWIFT FARM	31.3
0097-0007-A	15 HUTCHINS LANE	30.1
0097-0044-F	38 VINEYARD LANE	4.2
0097-0049	112 OLD COUNTY ROAD	39.6

**Legend**  
 Farm Enterprise Overlay District





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> General Assistance Ordinance 2013-2014: Adoption of Appendix A-D	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Katie L. McWilliams
<b>RECOMMENDATION:</b> Approve the Maine Municipal Association's new 2013-2014 General Assistance Ordinance Appendices A-D.
<b>PROPOSED MOTION:</b> I move to approve the new 2013-2014 General Assistance Ordinance Appendices A-D of the Maine Municipal Association.

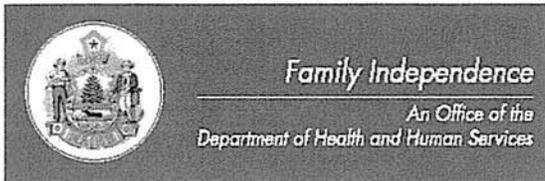
**Discussion:** The MMA has provided updated Appendices A-D of the General Assistance Ordinance. Appendix A had a slight increase in the overall maximum. Appendix B-C had no change. Appendix D had an increase in the heating maximum for larger families that heat without hot water. For those that heat with hot water the maximums were increased for all family sizes.

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

Prepared By: *K McWilliams*

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





Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services

Family Independence

19 Union Street

11 State House Station

Augusta, Maine 04333-0011

Tel.: (207) 624-4168; Fax: (207) 287-3455

Toll-Free (800) 442-6003; TTY Users: Dial 711 (Maine Relay)

Date: July 1, 2013  
To: Maine General Assistance Administrators  
From: David Maclean, General Assistance Program Manager  
RE: Recent Legislative Changes

As you are probably aware a budget is enacted and will be effective as of Monday, July 1, 2013. What are these changes and what do they mean for us?

Established a maximum level of assistance – Provides a new formula for determining the overall maximum for the period of July 1, 2013-June 30, 2014 and July 1, 2014 – June 30, 2015. (See attached appendix A).

Established the reimbursement formula of the tribes – Provides a formula for determining reimbursement for the Indian Tribes.

Makes fugitives from justice ineligible - self explanatory

Eliminated eligibility for those ineligible for unemployment due to fraud – someone who has committed unemployment fraud would be ineligible for General Assistance to replace the lost unemployment benefits.

Allows Circuit-breaker/Tax Fairness Credit to be counted as income for eligibility – The Circuit-breaker program has gone away and is being replaced by the Tax Fairness Credit, which will be countable as income for General Assistance, unless used for basic necessities.

Pro-rata share of household calculations of benefits – Currently to figure pro-rata, when one member of the household is Disqualified, we would decrease the number in the household by one and recalculate the overall maximum and the category maximums to reflect the reduced household size. We will now be keeping the overall maximum and category maximum at the same level but reducing that amount by the share of the disqualified person

Example: Household of four. One member is disqualified for 120 days for committing fraud. They have no income and are requesting help with their \$500 a month rent. The overall maximum for a household of four is \$800. Only three quarters of the household is eligible to receive assistance so therefore the overall maximum would be  $\frac{3}{4}$  of \$800 = \$600. They would qualify for  $\frac{3}{4}$  of the rental expense, their rental eligibility would be  $\frac{3}{4}$  of \$500 = \$375.00.

Restricted the use of lump sum payments for eligibility – Disregards from the lump sum would include anything that was spent of basic needs. It also removed the 150% of the Federal Poverty Level as a way to pro rate the lump sum. Lump sums will now be pro-rated at actual costs for basic needs.



Enclosed please find Appendices A, B, C, D, and E. Appendix A will take effect on July 1, 2013 – June 30, 2014, Appendices B-E will take effect on October 1, 2013-September 30, 2014. Kate Dufour with MMA, checked with MMA attorneys and found that at the public hearing will be accepting Appendix A, you will also be able to accept the other Appendices. You will just have to state that these will not take effect until October 1, 2013. Just remember not to start using Appendices B-E until October 30<sup>th</sup>, (actually the only one that changed is Appendices C).

Also enclosed, is the summary schedule and two Appendices adoption forms. (one for A and one for B-E)

### **The Adoption Process**

The **municipal officers (i.e., selectpersons/council) adopt the local General Assistance Ordinance and yearly Appendices**, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices ***after notice and hearing***. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

- 1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
- 2) End public discussion, close the hearing; and
- 3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

### **Filing of GA Ordinance and/or Appendices**

Please remember that General Assistance law requires each municipality to send DHHS a copy of its ordinance once adopted. (*For a copy of the GA model ordinance, please call MMA's Publication Department, or visit their web site [www.memun.org](http://www.memun.org)*). In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums. We will forward to you, copies of the revised Statute and Policy that cover the changes once they have been published.

If you have a current email address that we might send future mailings to please email the address to:

[Ellen.heath@maine.gov](mailto:Ellen.heath@maine.gov)

Thank you.



# GENERAL ASSISTANCE ORDINANCE APPENDICES A 2013-2014

The Municipality of \_\_\_\_\_ adopts the MMA Model Ordinance GA Appendices A for the period of July 1, 2013 — June 30, 2014. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)  
by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)



# GENERAL ASSISTANCE ORDINANCE APPENDICES B -E 2013-2014

The Municipality of \_\_\_\_\_ adopts the MMA Model Ordinance GA Appendices B - E for the period of October 1, 2013 — September 30, 2014. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year) by the municipal officers:

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature)

## GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendix A* are effective from **July 1, 2013 to June 30, 2014**. The maximums found in *Appendices B, C, D, E, and F* are effective from **October 1, 2013 to September 30, 2014**.

### APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
<p><b>NOTE:</b> For each additional person add \$68 per month.</p> <p style="text-align: center;">(The applicable figures from Appendix A, <i>once adopted</i>, should be inserted here.)</p>						

### APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202
<p><b>NOTE:</b> For each additional person add \$150 per month.</p>		

### APPENDIX C - HOUSING MAXIMUMS

<u>Number of Bedrooms</u>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				
<p>(The applicable figures from Appendix C, <i>once adopted</i>, should be inserted here.)</p>				

*FOR MUNICIPAL USE ONLY*



## GA Overall Maximums

### Metropolitan Areas

COUNTY	Persons in Household				
	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	579	669	845	1,061	1,223
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	576	576	690	874	1,056
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	529	626	818	1,031	1,094
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	750	888	1,148	1,444	1,546
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	936	939	1,123	1,635	1,779
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	623	731	941	1,244	1,483



**Appendix A**  
Effective: 07/01/13-06/30/14

COUNTY	1	2	3	4	5*
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	742	742	887	1,117	1,533
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	678	704	891	1,191	1,233

\*Note: Add \$68 for each additional person.

**Non-Metropolitan Areas**

**Persons in Household**

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	506	539	644	840	929
<b>Franklin County</b>	555	585	711	856	1,217
<b>Hancock County</b>	594	683	842	1,116	1,146
<b>Kennebec County</b>	507	587	750	952	1,015
<b>Knox County</b>	698	709	865	1,110	1,259
<b>Lincoln County</b>	649	717	904	1,126	1,208
<b>Oxford County</b>	543	602	726	979	1,268
<b>Piscataquis County</b>	564	641	791	1,004	1,073
<b>Somerset County</b>	573	600	715	972	988
<b>Waldo County</b>	633	677	815	1,014	1,078
<b>Washington County</b>	544	585	697	863	1,045

\* Please Note: Add \$68 for each additional person.



## Appendix B

Effective: 10/01/13 to 09/30/14

# Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2013, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	46.51	200
2	85.35	367
3	122.33	526
4	155.35	668
5	184.42	793
6	221.40	952
7	244.65	1,052
8	279.53	1,202

**Note: For each additional person add \$150 per month.**



## GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS!** Municipalities should **ONLY consider** adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or**, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (*See Instruction Memo for further guidance.*)

### Non-Metropolitan FMR Areas

<b><u>Aroostook County</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		82	353	106	455
1		82	353	107	460
2		93	401	130	558
3		120	514	166	714
4		124	535	181	777
<b><u>Franklin County</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		95	408	117	505
1		97	418	121	520
2		114	491	144	620
3		135	579	181	779
4		206	887	263	1,129
<b><u>Hancock County</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		105	451	124	533
1		117	503	140	602
2		145	622	180	775
3		197	845	240	1,031
4		197	845	241	1,035
<b><u>Kennebec County</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms		Weekly	Monthly	Weekly	Monthly
0		83	359	106	454
1		94	404	123	527
2		123	529	159	682
3		159	685	200	862
4		159	685	212	911

**Appendix C**  
Effective: 10/01/13-10/01/14

**Non-Metropolitan FMR Areas**

<b><u>Knox County</u></b>					
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>		
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	128	552	150	647	
1	128	552	150	643	
2	150	645	186	798	
3	197	846	240	1,032	
4	209	899	252	1,083	
<b><u>Lincoln County</u></b>					
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>		
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	119	513	132	568	
1	124	535	145	622	
2	159	684	195	837	
3	200	862	244	1,048	
4	207	889	260	1,118	
<b><u>Oxford County</u></b>					
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>		
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	89	382	114	490	
1	101	434	120	516	
2	113	487	153	657	
3	161	693	209	900	
4	216	928	274	1,179	
<b><u>Piscataquis County</u></b>					
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>		
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	96	413	111	479	
1	103	441	125	539	
2	123	527	154	663	
3	157	675	196	844	
4	157	675	205	881	
<b><u>Somerset County</u></b>					
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>		
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	94	405	122	523	
1	94	405	126	542	
2	107	459	151	650	
3	164	703	209	899	
4	164	703	209	899	



**Non-Metropolitan FMR Areas**

<b><u>Waldo County</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	116	497	128	552	
1	119	510	136	583	
2	139	597	162	698	
3	174	749	217	935	
4	176	758	230	987	

<b><u>Washington County</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	93	402	108	463	
1	95	410	118	507	
2	108	465	141	607	
3	134	575	182	782	
4	163	703	222	954	

**Metropolitan FMR Areas**

<b><u>Bangor HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	100	432	123	527	
1	113	487	142	610	
2	145	625	181	778	
3	183	789	227	975	
4	210	904	263	1,133	

<b><u>Penobscot County HMFA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	99	424	114	491	
1	99	424	114	491	
2	100	429	131	565	
3	136	587	172	741	
4	155	668	214	919	

<b><u>Lewiston/Auburn MSA</u></b>		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	89	381	111	476	
1	103	445	132	566	
2	139	597	174	750	
3	178	766	221	952	
4	180	774	233	1,003	

**Appendix C**  
Effective: 10/01/13-10/01/14

**Metropolitan FMR Areas**

<b><u>Portland HMFA</u></b>					
		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	142	611	154	666	
1	166	715	183	788	
2	214	922	238	1023	
3	271	1165	300	1292	
4	274	1180	318	1367	
<b><u>York/Kittery/S. Berwick HMFA</u></b>					
		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	170	729	182	784	
1	170	729	182	784	
2	191	823	221	949	
3	289	1241	318	1368	
4	300	1289	343	1473	
<b><u>Cumberland County HMFA</u></b>					
		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	111	479	124	534	
1	131	563	148	636	
2	167	720	191	821	
3	228	982	259	1115	
4	271	1167	308	1326	
<b><u>Sagadahoc County HMFA</u></b>					
		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	140	603	153	658	
1	140	603	153	658	
2	155	667	179	768	
3	186	798	228	976	
4	271	1167	314	1351	
<b><u>York County HMFA</u></b>					
		<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly	
0	126	541	139	596	
1	126	541	147	633	
2	156	672	188	810	
3	216	928	259	1,114	
4	216	928	266	1,143	



**APPENDIX D - UTILITIES**

**ELECTRIC**

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.20	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

**NOTE:** For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$82.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

**NOTE:** For each additional person add \$10.00 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

**APPENDIX E - HEATING FUEL**

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

**FOR MUNICIPAL USE ONLY**

**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

**FOR MUNICIPAL USE ONLY**





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 20, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Sale of Town Owned Property at 32 Pine Mountain Road	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Purchase and Sale agreement with Kevin Talty
<b>PROPOSED MOTION:</b> I move to approve a purchase and sale agreement with Kevin Talty for the sale of town owned land located at 32 Pine Mountain Road in the amount of \$60,000.

**Discussion:** This property was approved for sale by the voters on May 21, 2011. The property is assessed at \$81,800.00 by the Town Assessor and has been marketed at a price of \$80,000. A public hearing regarding the proposed sale is scheduled prior to this agenda item on August 26, 2013. Attached is the purchase and sale agreement as agreed to, subject to Board of Selectmen approval.

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

Prepared By: Robert G. Yandow

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



**PURCHASE AND SALE AGREEMENT - LAND ONLY**

("days" means business days unless otherwise noted, see paragraph 20)

Offer Date August 12, 2013

August 13, 2013 Effective Date  
Effective Date is defined in Paragraph 20 of this Agreement.

1. PARTIES: This Agreement is made between Kevin P. Talty ("Buyer") and Town of York, Maine ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy ( all  part of; If "part of" see para. 22 for explanation) the property situated in municipality of York, County of York, State of Maine, located at 32 Pine Mountain Road and described in deed(s) recorded at said County's Registry of Deeds Book(s) 7134, Page(s) 236.

3. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of \$ 60,000.00. Buyer  has delivered; or  will deliver to the Agency within \_\_\_\_\_ days of the Offer Date, a deposit of earnest money in the amount \$ 1,500.00. If said deposit is to be delivered after the submission of this offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the deposit being delivered will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of \$ \_\_\_\_\_ will be delivered \_\_\_\_\_. Failure by Buyer to deliver this additional deposit in compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

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

4. ESCROW AGENT/ACCEPTANCE: Gosselin Realty Group ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until August 13, 2013 (date) 5:00  AM  PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

5. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on September 12, 2013 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

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

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

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

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

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

Talty Realty Associates, PO Box 330 York, ME 3909  
Phone: (207)351-3338

Fax: Kevin Talty

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 [www.ziplogix.com](http://www.ziplogix.com)

10. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern.

Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Sellers' real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

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

Further specifications regarding any of the above:

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



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

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

Kevin P. Talty ( 011815 ) of Talty Realty Associates ( \_\_\_\_\_ )  
 Licensee MLS ID Agency MLS ID  
 is a  Seller Agent  Buyer Agent  Disc Dual Agent  Transaction Broker

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

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

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

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

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

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

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

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

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

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



21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

22. OTHER CONDITIONS: 1.) Buyer will provide proof of funds upon acceptance of the agreement.  
2.) closing shall take place within 7 days of approval by Board of Selectmen (expected to be heard at the August 26, 2013 meeting)

23. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

24. ADDENDA:  Yes Explain: \_\_\_\_\_  No

Buyer's Mailing address is \_\_\_\_\_

Kevin P. Talty 9-12-13 BUYER DATE BUYER DATE

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is \_\_\_\_\_

Town of York, Maine 8.13.13 SELLER DATE SELLER DATE

**COUNTER-OFFER**

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) \_\_\_\_\_ (time) \_\_\_\_\_ AM \_\_\_\_\_ PM.

SELLER DATE SELLER DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER DATE BUYER DATE

**EXTENSION:**

The time for the performance of this Agreement is extended until \_\_\_\_\_ DATE

SELLER DATE SELLER DATE

BUYER DATE BUYER DATE



Maine Association of REALTORS®/Copyright © 2013. All Rights Reserved. Revised January 2013.







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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 20, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Pole Location Permit	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery
<b>RECOMMENDATION:</b> Approve Pole Location Permit
<b>PROPOSED MOTION:</b> I move to approve the Pole Location Permit for 1 pole on North Village Road in a southeasterly direction, 50 feet from pole #43.

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

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

Prepared By:

Melissa M. Avery

Reviewed By:

Robert B. Gandon



Form 4503

Notification: 301097621

Work Order: 1000489116

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC ME ,  
 dated 07/24/2013 , asking for permission, in accordance with law, to construct and  
 maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances  
 over, under, along or across certain highways and public roads in the location described in said application,  
 permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,  
 said facilities and appurtenances in the City / Town of York  
 approximately located as follows:

- 1. Starting Point: 43
- 2. Road (State & CMP): North Village Road, (CMP) Haven Winn Road
- 3. Direction: Southeasterly
- 4. Distance: 50' feet
- 5. Number of Poles: 1

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

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

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

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

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

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

Municipal Officers

Office of the \_\_\_\_\_

Received and Recorded in Book \_\_\_\_\_, Page \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk



Form 4501

Notification: 301097621  
Work Order: 1000489116

**CENTRAL MAINE POWER COMPANY**  
**APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION**

In the City/Town of: York, Maine

To the:  City  
 Town  
 County of: York, Maine

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

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

1. Starting Point: 43
2. Road (State & CMP): North Village Road, (CMP) Haven Winn Road
3. Direction: Southeasterly
4. Distance: 50' feet
5. Number of Poles: 1

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

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

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

In: \_\_\_\_\_  
On: \_\_\_\_\_

CENTRAL MAINE POWER COMPANY

Northern New England Telephone Operations LLC ME

By: Elaine Titherington

Date: 07/24/2013

By: Steve Polyo Date: 7/26/2013  
STEVE POLYOT



Central Maine Power  
Town Pole Permit Fax Cover Sheet

Date 7/26/13

To: Town/City of York Fax # 363-1019

---

From: Pat Shore CMP Fax # 621-4552

Subject: Town pole permits

Town York

Road North Village Rd (AKA Haven Winn Rd)

Please sign and fax back to 621-4552

Thank you

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



## Devon Bettinson

---

**From:** Dean Lessard  
**Sent:** Friday, August 09, 2013 1:31 PM  
**To:** Devon Bettinson  
**Subject:** RE: Pole Permit - North Village Road

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Devon

I have reviewed the attached pole permit and do not see any issues with it. DPW recommends approval.

Thanks  
Dean

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

---

**From:** Devon Bettinson  
**Sent:** Friday, July 26, 2013 3:40 PM  
**To:** Dean Lessard  
**Subject:** Pole Permit - North Village Road

Hey Dean,

Attached is a pole permit application for North Village Road aka Haven Mill Road. Let me know when you've had a chance to review.

Thank you,  
Devon

---

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

---

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 20, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit Application: 4 <sup>th</sup> Annual Sarah's Ride	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the "4 <sup>th</sup> Annual Sarah's Ride" from the Portsmouth Firefighters Charitable Association on September 7 <sup>th</sup> , 2013 arriving in York at approximately 10:30AM.

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

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

Prepared By: Melissa M. Avery

Reviewed By: Robert B. Gandon





# Town of York, Maine Special Event Permit Application

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

Date: May 9 2013

Name of Event: 4th Annual Sarahs Ride

Type of Event: motorcycle Ride

Organization Name: Portsmouth Firefighters Charitable ASSO. Phone #: 207-451-3052

Organization Address: 170 Court St City: Portsmouth State: NH Zip: 03801

Applicant Name: Russell Osgood Phone #: 207-451-3052

Applicant Address: 170 Court St City: Portsmouth State: NH Zip: 03801

Contact Name for Day of Event: Russell Osgood Contact Phone # 207-451-3052

Date of Event: September 7 2013 Day of Week: Saturday

Starting Time: 9Am - Arrive in York 10:30 Ending Time: Leave York 10:50 or 11:00 Am

Assembly Area: Shore Rd Esquimaux

Dispersal Area: Rt 103 Kitting

Event Route: Shore Rd to Main St to Long beach Ave to 103 to Kitting

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
200-250

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

Local Motorcycle Ride Through town - Ride Starts in Rochester NH

Describe how group is organized and supervised to insure order: \_\_\_\_\_

Group Organized By NH IAFF Motorcycle Road Bands

Purpose of the Event: Fund Raising

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

Signature of Applicant: Russell Osgood



**For Town Use Only**

Reviewed by:

**Department**

**Initials**

Police Department

Szeniawski 5-10-2013

Public Works

Lessard 5-10-2013

Parks/Recreation

Sullivan 8-13-2013

Village Fire

Apgar 5-11-2013

York Beach Fire

Bridges 5-12-2013

Code Enforcement

Burns 5-13-2013

York Ambulance

Prince 5-10-2013

Special Conditions:

---

---

---

---

---

---

Town Manager

---

Date

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Friday, May 10, 2013 2:48 PM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event Permit - 4th Annual Sarah's Ride

Will have to abide by all traffic control devices on the route . Ptl. Scott Randall will be assigned to speak with organizers about travel and in town expectations .

### Lieutenant Charles J. Szeniaowski

*Commander, Patrol Division*

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)

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

f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Friday, May 10, 2013 1:57 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event Permit - 4th Annual Sarah's Ride

Good Afternoon,

I have attached a Special Event Application for the 4<sup>th</sup> Annual Sarah's Ride on September 7, 2013.  
Please let me know when you've had a chance to review!

Thank you!  
Missy

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

Please consider the environment before printing this email.

---

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any us



## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Friday, May 10, 2013 2:23 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit - 4th Annual Sarah's Ride

Hi Missy  
DPW doesn't anticipate any problems with this event. DPW recommends approval.

Thanks  
Dean

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

---

**From:** Melissa M. Avery  
**Sent:** Friday, May 10, 2013 1:57 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event Permit - 4th Annual Sarah's Ride

Good Afternoon,

I have attached a Special Event Application for the 4<sup>th</sup> Annual Sarah's Ride on September 7, 2013.  
Please let me know when you've had a chance to review!

Thank you!  
Missy

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

Please consider the environment before printing this email.

---

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

## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Saturday, May 11, 2013 7:27 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit - 4th Annual Sarah's Ride

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

Village Fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Friday, May 10, 2013 1:56 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event Permit - 4th Annual Sarah's Ride

Good Afternoon,

I have attached a Special Event Application for the 4th Annual Sarah's Ride on September 7, 2013. Please let me know when you've had a chance to review!

Thank you!  
Missy

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

Please consider the environment before printing this email.

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



## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Sunday, May 12, 2013 8:57 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** David K. Bridges  
**Subject:** RE: Special Event Permit - 4th Annual Sarah's Ride

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

The roads chosen are narrow and busy at that time of year. I'm sure York PD will discuss those details with them. I have no problems with this event. Dave

---

**From:** Melissa M. Avery  
**Sent:** Friday, May 10, 2013 1:57 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event Permit - 4th Annual Sarah's Ride

Good Afternoon,

I have attached a Special Event Application for the 4<sup>th</sup> Annual Sarah's Ride on September 7, 2013. Please let me know when you've had a chance to review!

Thank you!  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



**Melissa M. Avery**

---

**From:** Stephen H. Burns  
**Sent:** Monday, May 13, 2013 8:33 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit - 4th Annual Sarah's Ride

Missy,

I have no code enforcement issues with this event.

Steve

Stephen H. Burns  
Community Development Director  
Town of York, Maine  
186 York Street, York, ME 03909  
e: [sburns@yorkmaine.org](mailto:sburns@yorkmaine.org)  
p: (207) 363-1007

---

**From:** Melissa M. Avery  
**Sent:** Friday, May 10, 2013 1:57 PM  
**To:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event Permit - 4th Annual Sarah's Ride

Good Afternoon,

I have attached a Special Event Application for the 4<sup>th</sup> Annual Sarah's Ride on September 7, 2013.  
Please let me know when you've had a chance to review!

Thank you!  
Missy

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

Please consider the environment before printing this email.



**Melissa M. Avery**

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Friday, May 10, 2013 2:52 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event Permit - 4th Annual Sarah's Ride

OK with York Ambulance.

Thank you,  
Ellen

On Fri, May 10, 2013 at 1:56 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Good Afternoon,

I have attached a Special Event Application for the 4<sup>th</sup> Annual Sarah's Ride on September 7, 2013.

Please let me know when you've had a chance to review!

Thank you!

Missy

\_\_\_\_ Melissa M. Avery \_\_\_\_

Assistant to the Town Manager

Town of York, Maine

186 York Street, York, ME 03909

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

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

Please consider the environment before printing this email.

## Melissa M. Avery

---

**From:** Michael J. Sullivan  
**Sent:** Tuesday, August 13, 2013 3:47 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Sarah's Ride

Welcome back! Parks and Rec recommends approval.

*Michael J. Sullivan, Director  
Parks and Recreation*

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 2:51 PM  
**To:** Michael J. Sullivan  
**Subject:** Special Event - Sarah's Ride

Hi Mike,

Have you had a chance to review the application for Sarah's Ride on September 7<sup>th</sup>? Let me know if you approve ☺

Thanks!  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> _____	
<b>Subject:</b> Special Event Permit Application: Hosmer/Welgel Wedding at Josias River Farm	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the "Hosmer/Welgel Wedding" at Josias River Farm, located at 171 Logging Road on September 7 <sup>th</sup> , 2013 from approximately 10:00AM – 11:00PM.

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

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

Prepared By: Melissa M. Avery

Reviewed By: Robert B. Gandon





# Town of York, Maine Special Event Permit Application

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

Date: MARCH 14, 2013

Name of Event: JOSIAS RIVER FARM  
HOSMER/WELGEL WEDDING & RECEPTION

Type of Event: WEDDING/RECEPTION

Organization Name: JOSIAS RIVER FARM Phone #: 361-2771

Organization Address: 171 LOGGING RD. City: CAPENEDDICK State: ME Zip: 03902

Applicant Name: RICHARD L. SCHMID Phone #: 207 337-0490

Applicant Address: 171 LOGGING RD City: CAPENEDDICK State: ME Zip: 03902

Contact Name for Day of Event: RICHARD SCHMID Contact Phone # 337-0490

Date of Event: SEPT. 7, 2013 Day of Week: SATURDAY

Starting Time: 10:00 A.M. Ending Time: 11:00 P.M.

Assembly Area: JOSIAS RIVER FARM

Dispersal Area: JOSIAS RIVER FARM

Event Route: ON PROPERTY

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
120

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

1 BAND, CARS AND TROLLEYS, 3 SIGNS

Describe how group is organized and supervised to insure order: PARENTS OF

BOTH (BRIDE AND GROOM), OWNERS/RESIDENTS

Purpose of the Event: CELEBRATE WEDDING

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

Signature of Applicant: Richard L. Schmid

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 8-14-2013</u>
Public Works	<u>Lessard 8-15-2013</u>
Parks/Recreation	<u>Sullivan 8-13-2013</u>
Village Fire	<u>Apgar 8-13-2013</u>
York Beach Fire	<u>Bridges 8-13-2013</u>
Code Enforcement	<u>Burns 8-15-2013</u>
York Ambulance	<u>Prince 8-15-2013</u>

Special Conditions:

Lessard: Police Control at the intersection of Logging Road and Clay Hill Road during and for a short time after the function (See attached email)

Szeniawski: All parked vehicles should keep off the road way; Parking should be addressed by use of buses and trolley to supplement onsite parking; Must abide by the Noise Ordinance (See attached email)

---

---

---

---

---

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

\_\_\_\_\_  
Date



## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Thursday, August 15, 2013 3:19 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Events at Josias River Farm - overall

Missy,

We have received requests for 4 separate wedding events at Josias River Farm (171 Logging Road). As all the functions are essentially identical, I will provide my comments in this one e-mail for all 4 functions.

Mr. Schmidt needs to provide written information to assure us that his caterer will be bringing in temporary bathroom facilities so the guests don't use the home facilities. He should also provide an estimate as to the number of cars expected on-site even with the trolley service, and an assurance they will fit in the area so designated on the caterer's plans. I think these will be simple matters for Mr. Schmidt to address, and once we have something in our file we'll be good for all future events unless he changes plans.

The more difficult problem is that we have applications for 4 events within any 30 day period. That directly conflicts with Zoning §7.16.8, which states that there shall be no more than 3 functions in *any 30 day period*. This issue was raised with Mr. Schmidt many months ago but he does not appear to have changed his plans and that is problematic. Because he has not changed his plans, I recommend these be approved in order of the dates of the functions. Assuming the missing information referenced above is provided, I recommend approval of the Angie Bell wedding on August 24<sup>th</sup>, the Hosmer wedding on September 7<sup>th</sup>, and the Lund/Nightingale wedding on September 14<sup>th</sup>. The sticking point is the 4<sup>th</sup> wedding (Welch/Olson) on September 21<sup>st</sup>.

To be kind to the bride and groom, I recommend the Board interpret this restriction as meaning not more than 3 functions per calendar month (which isn't exactly what the code says) so that the 4<sup>th</sup> wedding function will be approved, even if only for this one event. If the Board chooses a more literal interpretation then the 4<sup>th</sup> wedding function should be denied. Whichever way the Board decides to interpret this language, I will ask the CEOs to follow suit for the sake of consistency.

I will call Mr. Schmidt after I send this e-mail so this won't catch him by surprise, and we'll see where it goes.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Tuesday, August 13, 2013 3:47 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Hosmer/Welgel Wedding at Josias River Farm

Village Fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:03 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Hosmer/Welgel Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Hosmer/Welgel Wedding at Josias River Farm (171 Logging Road) on September 7, 2013.  
Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



**Melissa M. Avery**

---

**From:** Michael J. Sullivan  
**Sent:** Tuesday, August 13, 2013 3:47 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Hosmer/Welgel Wedding at Josias River Farm

Good to go

*Michael J. Sullivan, Director  
Parks and Recreation*

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:03 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Hosmer/Welgel Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Hosmer/Welgel Wedding at Josias River Farm (171 Logging Road) on September 7, 2013.  
Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure



## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Wednesday, August 14, 2013 10:04 AM  
**To:** Melissa M. Avery  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event - Hosmer/Welgel Wedding at Josias River Farm

Parking is our concern this has been addressed in the past with the onsite parking and use of trolleys . With those concerns addressed we are all set

**Lieutenant Charles J. Szeniaowski**  
*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:03 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Hosmer/Welgel Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Hosmer/Welgel Wedding at Josias River Farm (171 Logging Road) on September 7, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure



## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Tuesday, August 13, 2013 9:29 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** David K. Bridges  
**Subject:** RE: Special Event - Hosmer/Welgel Wedding at Josias River Farm

I have inspected the building and he has done everything to code. The parking is the major concern to most of us. A 130 people means 32-40 vehicles need to park someplace. I think if this issue gets addressed properly I would have no problem with any of the events he would have there. Dave

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:03 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Hosmer/Welgel Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Hosmer/Welgel Wedding at Josias River Farm (171 Logging Road) on September 7, 2013.  
Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



## Melissa M. Avery

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Wednesday, August 14, 2013 1:34 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event - Great Strides York

Hi Missy

All weddings are fine with York Ambulance

Thank you,  
Ellen

On Aug 14, 2013, at 11:06 AM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Here is the map that was supposed to be attached to the Special Event Permit for Great Strides

Missy

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

Please consider the environment before printing this email.

---

**From:** Charles J. Szeniaewski  
**Sent:** Wednesday, August 14, 2013 10:12 AM  
**To:** Melissa M. Avery; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** RE: Special Event - Great Strides York

Missy I am not finding the marked up route map the applicant speaks of

**Lieutenant Charles J. Szeniaewski**  
*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniaewski@yorkpolice.org](mailto:cszeniaewski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:15 PM  
**To:** Charles J. Szeniaewski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J.



**Melissa M. Avery**

---

**From:** Dean Lessard  
**Sent:** Thursday, August 15, 2013 2:49 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event - Hosmer/Welgel Wedding at Josias River Farm

Hi Missy

The proposed special event permit location is adjacent to the intersection of Logging Rd and Clay hill Rd. This particle intersection lacks sufficient intersection sight distance and in my opinion is dangerous. The thought of increased traffic at this intersection after celebrations like these makes me extremely uncomfortable. I would recommend requiring some sort of control (Police) of this intersection during and for a short time after the function.

Thank You  
Dean

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:03 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Hosmer/Welgel Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Hosmer/Welgel Wedding at Josias River Farm (171 Logging Road) on September 7, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit Application: Lund/Nightengale Wedding at Josias River Farm	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the "Lund/Nightengale Wedding" at Josias River Farm, located at 171 Logging Road on September 14 <sup>th</sup> , 2013 from approximately 10:00AM – 11:00PM.

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

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

Prepared By: Melissa M. Avery

Reviewed By: Robert H. Ganson





# 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.

Name of Event: (LUND/NIGHTINGALE) Date: MARCH 15, 2013  
Name of Event: SONJA AND BRANDEN'S WEDDING  
Type of Event: WEDDING / RECEPTION  
Organization Name: JOSIAS RIVER FARM Phone #: 361-2771  
Organization Address: 171 LOGGING RD City: CAPE NEDDICK State: ME Zip: 03902  
Applicant Name: RICHARD L. SCHMID Phone #: 361-2771  
Applicant Address: 171 LOGGING RD City: CAPE NEDDICK State: ME Zip: 03902  
Contact Name for Day of Event: RICHARD SCHMID Contact Phone #: 337-0490  
Date of Event: SEPTEMBER 14, 2013 Day of Week: SATURDAY  
Starting Time: 10:00 A.M. Ending Time: 11:00 P.M.  
Assembly Area: JOSIAS RIVER FARM  
Dispersal Area: JOSIAS RIVER FARM  
Event Route: ON PREMISES

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

120

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

1 BAND, CARS, TROLLEYS, 3 SIGNS

Describe how group is organized and supervised to insure order: PARENTS OF BRIDE AND GROOM, OWNERS / RESIDENTS

Purpose of the Event: CELEBRATE WEDDING

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

Signature of Applicant: Richard L. Schmid

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 8-14-2013</u>
Public Works	<u>Lessard 8-15-2013</u>
Parks/Recreation	<u>Sullivan 8-13-2013</u>
Village Fire	<u>Apgar 8-13-2013</u>
York Beach Fire	<u>Bridges 8-13-2013</u>
Code Enforcement	<u>Burns 8-15-2013</u>
York Ambulance	<u>Prince 8-15-2013</u>

Special Conditions:

Lessard: Police Control at the intersection of Logging Road and Clay Hill Road during and for a short time after the function (See attached email)

Szeniawski: All parked vehicles should keep off the road way; Parking should be addressed by use of buses and trolley to supplement onsite parking; Must abide by the Noise Ordinance (See attached email)

---

---

---

---

---

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

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Michael J. Sullivan  
**Sent:** Tuesday, August 13, 2013 3:50 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Lund/Nightingale Wedding at Josias River Farm

Parks and Recreation has no problem with this event.

*Michael J. Sullivan, Director  
Parks and Recreation*

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniaowski; Stephen H. Burns; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Lund/Nightingale Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Lund/Nightingale Wedding at Josias River Farm (171 Logging Road) on September 14, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use



## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Tuesday, August 13, 2013 3:46 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Lund/Nightingale Wedding at Josias River Farm

Village Fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Stephen H. Burns; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Lund/Nightingale Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Lund/Nightingale Wedding at Josias River Farm (171 Logging Road) on September 14, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



## Melissa M. Avery

---

**From:** Charles J. Szeniaewski  
**Sent:** Wednesday, August 14, 2013 10:08 AM  
**To:** Melissa M. Avery; Stephen H. Burns; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Subject:** RE: Special Event - Lund/Nightingale Wedding at Josias River Farm

Parking has been addressed we are all set

### Lieutenant Charles J. Szeniaewski

*Commander, Patrol Division*

Town of York, Maine Police Department

36 Main Street, York, ME 03909-6244

i: [www.yorkpolice.org](http://www.yorkpolice.org)

e: [cszeniaewski@yorkpolice.org](mailto:cszeniaewski@yorkpolice.org)

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

f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniaewski; Stephen H. Burns; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Lund/Nightingale Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Lund/Nightingale Wedding at Josias River Farm (171 Logging Road) on September 14, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure



## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Tuesday, August 13, 2013 9:31 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Stephen H. Burns; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Cc:** David K. Bridges  
**Subject:** RE: Special Event - Lund/Nightingale Wedding at Josias River Farm

I have inspected the building and he has done everything to code. The parking is the major concern to most of us. A 130 people means 32-40 vehicles need to park someplace. I think if this issue gets addressed properly I would have no problem with any of the events he would have there. Dave

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Stephen H. Burns; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Lund/Nightingale Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Lund/Nightingale Wedding at Josias River Farm (171 Logging Road) on September 14, 2013.  
Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Thursday, August 15, 2013 3:19 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Events at Josias River Farm - overall

Missy,

We have received requests for 4 separate wedding events at Josias River Farm (171 Logging Road). As all the functions are essentially identical, I will provide my comments in this one e-mail for all 4 functions.

Mr. Schmidt needs to provide written information to assure us that his caterer will be bringing in temporary bathroom facilities so the guests don't use the home facilities. He should also provide an estimate as to the number of cars expected on-site even with the trolley service, and an assurance they will fit in the area so designated on the caterer's plans. I think these will be simple matters for Mr. Schmidt to address, and once we have something in our file we'll be good for all future events unless he changes plans.

The more difficult problem is that we have applications for 4 events within any 30 day period. That directly conflicts with Zoning §7.16.8, which states that there shall be no more than 3 functions in *any 30 day period*. This issue was raised with Mr. Schmidt many months ago but he does not appear to have changed his plans and that is problematic. Because he has not changed his plans, I recommend these be approved in order of the dates of the functions. Assuming the missing information referenced above is provided, I recommend approval of the Angie Bell wedding on August 24<sup>th</sup>, the Hosmer wedding on September 7<sup>th</sup>, and the Lund/Nightingale wedding on September 14<sup>th</sup>. The sticking point is the 4<sup>th</sup> wedding (Welch/Olson) on September 21<sup>st</sup>.

To be kind to the bride and groom, I recommend the Board interpret this restriction as meaning not more than 3 functions per calendar month (which isn't exactly what the code says) so that the 4<sup>th</sup> wedding function will be approved, even if only for this one event. If the Board chooses a more literal interpretation then the 4<sup>th</sup> wedding function should be denied. Whichever way the Board decides to interpret this language, I will ask the CEOs to follow suit for the sake of consistency.

I will call Mr. Schmidt after I send this e-mail so this won't catch him by surprise, and we'll see where it goes.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

## Melissa M. Avery

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Wednesday, August 14, 2013 1:34 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event - Great Strides York

Hi Missy

All weddings are fine with York Ambulance

Thank you,  
Ellen

On Aug 14, 2013, at 11:06 AM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Here is the map that was supposed to be attached to the Special Event Permit for Great Strides

Missy

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

Please consider the environment before printing this email.

---

**From:** Charles J. Szeniaewski  
**Sent:** Wednesday, August 14, 2013 10:12 AM  
**To:** Melissa M. Avery; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** RE: Special Event - Great Strides York

Missy I am not finding the marked up route map the applicant speaks of

**Lieutenant Charles J. Szeniaewski**  
*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniaewski@yorkpolice.org](mailto:cszeniaewski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:15 PM  
**To:** Charles J. Szeniaewski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J.



## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Thursday, August 15, 2013 2:51 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Stephen H. Burns; David K. Bridges; David Apgar; Michael J. Sullivan; Ellen Prince  
**Subject:** RE: Special Event - Lund/Nightingale Wedding at Josias River Farm

Hi Missy

The proposed special event permit location is adjacent to the intersection of Logging Rd and Clay hill Rd. This particle intersection lacks sufficient intersection sight distance and in my opinion is dangerous. The thought of increased traffic at this intersection after celebrations like these makes me extremely uncomfortable. I would recommend requiring some sort of control (Police) of this intersection during and for a short time after the function.

Thank You  
Dean

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Stephen H. Burns; David K. Bridges; David Apgar; Dean Lessard; Michael J. Sullivan; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Lund/Nightingale Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Lund/Nightingale Wedding at Josias River Farm (171 Logging Road) on September 14, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.





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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2013	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 26, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit Application: Welch/Olson Wedding at Josias River Farm	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery
<b>RECOMMENDATION:</b> Approve Permit Application
<b>PROPOSED MOTION:</b> I move to approve the Special Event Permit for the "Welch/Olson Wedding" at Josias River Farm, located at 171 Logging Road on September 21 <sup>st</sup> , 2013 from approximately 10:00AM – 11:00PM.

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

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

Prepared By: Melissa M. Avery

Reviewed By: Robert S. Gaudin





# 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: MARCH 15, 2013

Name of Event: WELCH/OLSON WEDDING

Type of Event: CEREMONY AND RECEPTION

Organization Name: JOSIAS RIVER FARM Phone #: 361-2771

Organization Address: 171 LOGGING RD City: CAPE NEDDICK State: ME Zip: 03902

Applicant Name: RICHARD & NANCY SCHMID Phone #: 207 337-0490

Applicant Address: 171 LOGGING RD City: CAPE NEDDICK State: ME Zip: 03902

Contact Name for Day of Event: RICHARD SCHMID Contact Phone # 337-0490

Date of Event: SEPTEMBER 21, 2013 Day of Week: SATURDAY

Starting Time: 10:00 A.M. Ending Time: 11:00 P.M.

Assembly Area: JOSIAS RIVER FARM

Dispersal Area: JOSIAS RIVER FARM

Event Route: ON PREMISES

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

120

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

1 BAND, CARS, BUSES/TROLLEYS, 3 SIGNS

Describe how group is organized and supervised to insure order: PARENTS OF BOTH

BRIDE AND GROOM, OWNERS/RESIDENTS

Purpose of the Event: CELEBRATE WEDDING

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

Signature of Applicant: Richard L. Schmid

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 8-14-2013</u>
Public Works	<u>Lessard 8-15-2013</u>
Parks/Recreation	<u>Sullivan 8-13-2013</u>
Village Fire	<u>Apgar 8-13-2013</u>
York Beach Fire	<u>Bridges 8-13-2013</u>
Code Enforcement	<u>Burns 8-15-2013</u>
York Ambulance	<u>Prince 8-15-2013</u>

Special Conditions:

Lessard: Police Control at the intersection of Logging Road and Clay Hill Road during and for a short time after the function (See attached email)

Szeniawski: All parked vehicles should keep off the road way; Parking should be addressed by use of buses and trolley to supplement onsite parking; Must abide by the Noise Ordinance (See attached email)

---

---

---

---

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

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Michael J. Sullivan  
**Sent:** Tuesday, August 13, 2013 3:48 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Welch/Olson Wedding at Josias River Farm

Parks and Recreation recommends approval

*Michael J. Sullivan, Director  
Parks and Recreation*

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Welch/Olson Wedding at Josias River Farm (171 Logging Road) on September 21, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure

## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Tuesday, August 13, 2013 3:47 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event - Welch/Olson Wedding at Josias River Farm

Village Fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:03 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Welch/Olson Wedding at Josias River Farm (171 Logging Road) on September 21, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Wednesday, August 14, 2013 10:06 AM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event - Welch/Olson Wedding at Josias River Farm

With the parking addressed by use of buses and trolleys to supplement the onsite parking this is all set.

### Lieutenant Charles J. Szeniaowski

*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniaowski@yorkpolice.org](mailto:cszeniaowski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Welch/Olson Wedding at Josias River Farm (171 Logging Road) on September 21, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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



## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Tuesday, August 13, 2013 9:30 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** David K. Bridges  
**Subject:** RE: Special Event - Welch/Olson Wedding at Josias River Farm

I have inspected the building and he has done everything to code. The parking is the major concern to most of us. A 130 people means 32-40 vehicles need to park someplace. I think if this issue gets addressed properly I would have no problem with any of the events he would have there. Dave

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Welch/Olson Wedding at Josias River Farm (171 Logging Road) on September 21, 2013.  
Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

---

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

---

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



## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Thursday, August 15, 2013 3:19 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Events at Josias River Farm - overall

Missy,

We have received requests for 4 separate wedding events at Josias River Farm (171 Logging Road). As all the functions are essentially identical, I will provide my comments in this one e-mail for all 4 functions.

Mr. Schmidt needs to provide written information to assure us that his caterer will be bringing in temporary bathroom facilities so the guests don't use the home facilities. He should also provide an estimate as to the number of cars expected on-site even with the trolley service, and an assurance they will fit in the area so designated on the caterer's plans. I think these will be simple matters for Mr. Schmidt to address, and once we have something in our file we'll be good for all future events unless he changes plans.

The more difficult problem is that we have applications for 4 events within any 30 day period. That directly conflicts with Zoning §7.16.8, which states that there shall be no more than 3 functions in *any 30 day period*. This issue was raised with Mr. Schmidt many months ago but he does not appear to have changed his plans and that is problematic. Because he has not changed his plans, I recommend these be approved in order of the dates of the functions. Assuming the missing information referenced above is provided, I recommend approval of the Angie Bell wedding on August 24<sup>th</sup>, the Hosmer wedding on September 7<sup>th</sup>, and the Lund/Nightingale wedding on September 14<sup>th</sup>. The sticking point is the 4<sup>th</sup> wedding (Welch/Olson) on September 21<sup>st</sup>.

To be kind to the bride and groom, I recommend the Board interpret this restriction as meaning not more than 3 functions per calendar month (which isn't exactly what the code says) so that the 4<sup>th</sup> wedding function will be approved, even if only for this one event. If the Board chooses a more literal interpretation then the 4<sup>th</sup> wedding function should be denied. Whichever way the Board decides to interpret this language, I will ask the CEOs to follow suit for the sake of consistency.

I will call Mr. Schmidt after I send this e-mail so this won't catch him by surprise, and we'll see where it goes.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

## Melissa M. Avery

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Wednesday, August 14, 2013 1:34 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event - Great Strides York

Hi Missy

All weddings are fine with York Ambulance

Thank you,  
Ellen

On Aug 14, 2013, at 11:06 AM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Here is the map that was supposed to be attached to the Special Event Permit for Great Strides

Missy

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

Please consider the environment before printing this email.

---

**From:** Charles J. Szeniaewski  
**Sent:** Wednesday, August 14, 2013 10:12 AM  
**To:** Melissa M. Avery; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Subject:** RE: Special Event - Great Strides York

Missy I am not finding the marked up route map the applicant speaks of

**Lieutenant Charles J. Szeniaewski**  
*Commander, Patrol Division*  
Town of York, Maine Police Department  
36 Main Street, York, ME 03909-6244  
i: [www.yorkpolice.org](http://www.yorkpolice.org)  
e: [cszeniaewski@yorkpolice.org](mailto:cszeniaewski@yorkpolice.org)  
p: (207) 363-1031, Ext. 104  
f: (207) 361.6818

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:15 PM  
**To:** Charles J. Szeniaewski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J.



## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Thursday, August 15, 2013 2:50 PM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event - Welch/Olson Wedding at Josias River Farm

Hi Missy

The proposed special event permit location is adjacent to the intersection of Logging Rd and Clay hill Rd. This particle intersection lacks sufficient intersection sight distance and in my opinion is dangerous. The thought of increased traffic at this intersection after celebrations like these makes me extremely uncomfortable. I would recommend requiring some sort of control (Police) of this intersection during and for a short time after the function.

Dean

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 13, 2013 3:04 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Melissa M. Avery  
**Subject:** Special Event - Welch/Olson Wedding at Josias River Farm

Good Afternoon

I have attached a Special Event Permit for the Welch/Olson Wedding at Josias River Farm (171 Logging Road) on September 21, 2013.

Please let me know when you have had a chance to review!

Thank you,  
Missy

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

Please consider the environment before printing this email.

