



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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(207)363-1009  
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www.yorkmaine.org

## BOARD OF SELECTMEN'S MEETING AGENDA

6:00/7:00PM MONDAY, MARCH 10, 2014  
YORK LIBRARY

**6:00PM:** Executive Session – Pursuant to M.R.S.A. Title 1, Section 405 (6)(E);  
Discussion with Town Attorney Regarding the Cliff Walk and Beach Ownership

### Call to Order

### Opening Ceremonies

#### A. Minutes

1. January 13, 2014 Meeting Minutes
2. January 27, 2014 Meeting Minutes
3. January 29, 2014 Meeting Minutes

#### B. Chairman's Report

#### C. Manager's Report

#### D. Awards

#### E. Reports

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be 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 #36

#### H. Public Hearings

1. New Business License: The York River House

#### I. Endorsements

Business Licenses:

1. Andrew and Susan Wetzel DBA: Inn at Tanglewood for Bed and Breakfast; Located at 611 York Street
2. Harris Island Corporation DBA: Dockside Restaurant and Guest Quarters for Victualers, Liquor and Bed and Breakfast; Located at 22 Harris Island Road
3. Paul Karoutas DBA: York House of Pizz for Victualers; Located at 274 York Street
4. Victor Guary and Ralph Goddard DBA: Bittersweet Bed and Breakfast for Bed and Breakfast; Located at 167 Cape Neddick Road
5. Stage Neck Inn Inc. DBA: Stage Neck Inn for Victualers, Liquor and Special Amusement; Located at 8 Stage Neck Road
6. Arrows Restaurant Inc. DBA: Arrows Restaurant for Victualers and Liquor; Located at 39 Ogunquit Road
7. Raymond Ramsey DBA: Sun N' Surf for Victualers, Liquor, and Special Amusement; Located at 264 Long Beach Avenue
8. Kathryn M. Weare DBA: The Cliff House and Motels Inc. for Victualers, Liquor and Special Amusement; Located at 591 Shore Road
9. Downeast Resorts, LLC DBA: Cape Neddick Inn for Victualers, Liquor and Special Amusement; Located at 1273 US Route One

J. **Old Business**

1. Discussion and Possible Action on Legal Documents Regarding Penstock Road and the Town, Ellis Park Trustees and William Burnham

K. **New Business**

1. Discussion and Possible Action on Town Legal Policy
2. Discussion and Possible Action on Placing a Warrant Article on the May Referendum Seeking Voter Approval to Transfer Town Owned Parcels to the York Land Trust and Daniel Rosa
3. Discussion and Possible Action on a Lien Enforcement Agreement with the York Sewer District
4. Shellfish Commission and Harbor Board Resignation
5. Discussion and Possible Action on Selecting a Consultant for the Town Manager Search
6. Discussion and Possible Action on a Three Year Collective Bargaining Agreement with the New England Police Benevolent Association Representing York Police Dispatchers
7. Special Event Permit: Filming for "Rm. 124"
8. Special Event Permit: "York Days" Fireworks
9. Special Event Permit: Salefest
10. Special Event Permit: Harvestfest/Kidsfest
11. Special Event Permit: York Hospital 5K Road & Cross Country Race
12. Special Event Permit: Old York Garden Club's Annual Plant Sale

L. Other Business

M. Citizens' Forum

Adjourn

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
7:00PM MONDAY, JANUARY 13, 2014  
YORK LIBRARY**

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

**Call to Order**

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

**Opening Ceremonies**

**A. Minutes**

1. December 2, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the December 2, 2013 Meeting Minutes. Vote 5-0, motion passes.

2. December 16, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the December 16, 2013 Meeting Minutes, as amended. Vote 5-0, motion passes.

3. December 19, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the December 19, 2013 Meeting Minutes. Vote 5-0, motion passes.

4. January 8, 2014 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the January 8, 2014 Meeting Minutes, as amended. Vote 5-0, motion passes.

**B. Chairman's Report**

Chairman Ronald Nowell stated that he attended mediation with the Kittery Water District and that the agreement will restrict the referenced 60 acres to only 4 house lots. Mr. Nowell also noted that before the Board of Selectmen sign the agreement, they should obtain a plan of what KWD owns. In December's "Maine Townsman", there was an article of which Mr. Nowell talked about, regarding a new law that will affect the Town of York regarding municipalities maintaining Veteran's graves.

**C. Manager's Report**

Town Manager Robert G. Yandow gave an update on Police Station Project: A meeting on December 19<sup>th</sup> with the third party reviewers resulted in the decision that the potential January 9<sup>th</sup> date for a sketch review was not practical due to Andrew Johnston needing more information. The necessary information will be submitted to the third party reviewers with the hopes of a February 13<sup>th</sup> Planning Board sketch review meeting. Mr. Yandow responded to a previous request of Selectmen, Mary Andrews regarding an update on Paras property issues in the beach, stating that Community Development Director Stephen Burns is waiting to hear from the project engineer before they can give an accurate update. Mr. Yandow reminded the public that the current flu season and is considered "wide spread" in Maine, and he strongly encouraged everyone to get a flu shot. Mr. Yandow announced that effective with a tentative date of October 3<sup>rd</sup>, 2014, he will be resigning from his position as Town Manager for the Town of York, and retiring after 42 years in local government.

**D. Awards**

None

**E. Reports**

None

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

Public Comment: Carole Allen

**G. Approval of Warrant #28**

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #28. Vote 5-0, motion passes.

**H. Public Hearings**

1. New Business License: Nancy's Catering, Inc.
2. New Business License: Morning Glory Inn

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing for the New Business License Applications for Nancy's Catering, Inc and Morning Glory Inn at 7:36PM. No objection, so moved.

Public Comment: None

Moved by Ms. Andrews, seconded by Ms. Gregg to close the Public Hearing at 7:37PM. Vote 5-0, motion passes.

**I. Endorsements**

Business Licenses:

1. Nancy Breen DBA: Nancy's Catering, Inc; Located at 1151 US Route One (Victualers, Liquor, and Special Amusement)
2. Patrick Cragin DBA: Ridge Road Inn; Located at 281 Ridge Road (Hotel/Motel with Cooking Facilities)
3. Douglas and Margery Mindell DBA: Morning Glory Inn; Located at 120 Seabury Road (Bed and Breakfast)
4. Stephen Dunne DBA: Brown's Old Fashion Ice Cream; Located at 232 Nubble Road (Victualers)
5. Mac's Convenience Stores LLC DBA: Circle K #7049; Located at 454 US Route One (Victualers)

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the following licenses: Nancy Breen DBA: Nancy's Catering, Inc; Located at 1151 US Route One for Victualers, Liquor, and Special Amusement, Patrick Cragin DBA: Ridge Road Inn; Located at 281 Ridge Road for Hotel/Motel with Cooking Facilities, Douglas and Margery Mindell DBA: Morning Glory Inn; Located at 120 Seabury Road for Bed and Breakfast, Stephen Dunne DBA: Brown's Old Fashion Ice Cream; Located at 232 Nubble Road for Victualers, Mac's Convenience Stores LLC DBA: Circle K #7049; Located at 454 US Route One for Victualers subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

None

**K. New Business**

1. Discussion and Possible Action on the Big A Universal Trail and Summit Deck Projects on Mount A

Early last year, the Board of Selectmen approved fundraising for the development of a new one mile loop trail located at the Mt. Agamenticus summit park. This project was incorporated into the Mt. Agamenticus Summit Planning Workshop that took place on July 31, 2013 at the summit Lodge.

Conservation Coordinator Robin Kerr explained that the goal for the proposed trail, pending available funding, is to make the entire trail universally accessible, develop a comprehensive way-finding/signage system, and implement key recommendations of a landscape plan such as enhancing early successional vegetation and shrubland habitat by planting native species, a venture that could cost up to \$193,000. Ms. Kerr asked that the Board approve the necessary ground work to make the "Big A" trail and deck as it is defined today, universally accessible.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the necessary groundwork to make the "Big A" trail and deck universally accessible. Vote 4-1, Ms. Gregg against, motion passes.

2. Discussion and Possible Action on a Confined Space Rescue Agreement between the York Village Fire Department, the York Water District, the York Sewer District and the York Beach Fire Department

The "Confined Space Rescue Agreement" between the York Village Fire Department, the York Beach Fire Department, the York Water District, the York Sewer District and the Kittery Water District constitutes an interlocal agreement and, therefore must be approved by governing bodies pursuant to MRSA 30-A, Section 2203. The purpose of the agreement is to provide a suitable confined space rescue service for the mentioned parties to share the costs, equipment, and manpower of such a service.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Confined Space Rescue Interlocal Agreement between the York Village Fire Department, the York Beach Fire Department, the York Water District, the York Sewer District and the Kittery Water District. Vote 5-0, motion passes.

3. Discussion and Possible Action on a Request from the Cape Neddick River Association to Fund a Proposal from Dr. Jones at UNH for a Beach Water Quality Monitoring Program

Linda Scotland of the Cape Neddick River Association requested an agenda item to discuss funding for a water quality monitoring program proposal by Dr. Stephen Jones of the University of New Hampshire.

Moved by Mr. Macdonald, seconded by Ms. Andrews to support a budget request through the Budget Committee for \$63,000 for a water quality monitoring plan. Vote 5-0, motion passes.

4. Discussion and Possible Action on Placing the Potential Purchase of the Davis Property on the May Budget Referendum

On December 16, 2013 Community Development Director Stephen Burns and Village Study Committee Chair Ron McAllister discussed the report from the York Community Dialogue Steering Committee concerning the issues surrounding the Town's possible purchase of land from the Davis family on York Street. After that discussion it was determined that the issue would be placed on a future agenda for action by the Board of Selectmen.

After discussion, the Board determined that they would need to schedule a work-session regarding the Davis property before taking any action.

Chairman Nowell chose to take New Business Item 6 out of order.

5. "6. Discussion and Possible Action Concerning the Town's Possible Purchase of the Hodgin Parking Lot"

The Board of Selectmen has had a number of previous discussions regarding the possible purchase of a parking lot owned by the Hodgin family at 190 York Street. The lot has been offered to the Town for \$325,000 but suitable public access to the lot has not yet been finalized.

The Board is going to seek an estimate from the Director of Public Works on the cost to put in a road for access to the lot, as that would be necessary for access. Ms. Andrews volunteered to have discussions with the First Parish Church Trustees and abutter, Mr. Palmer regarding what land they own and possible easements to the parking lot.

Chairman Nowell called for a break at 9:04PM.

Chairman Nowell chose to take New Business Items 7, 8, 9, 10, 11 and 12 out of order.

6. "7. Discussion and Possible Action on a Three Year Collective Bargaining Agreement with the York DPW Association"

Moved by Ms. Andrews, seconded by Ms. Gregg to approve a three year collective bargaining agreement with the York DPW Association representing the

York Public Works Department, the duration of the agreement being July 1, 2013 through June 30, 2016. Vote 5-0, motion passes.

7. "8. School Committee Appointment"

The York School Committee has requested that the Board of Selectmen appoint Laurie Coffenberry, a former School Committee member, to temporarily fill the vacancy created by the death of School Committee member, Mary Jane Merrill.

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the appointment of Laurie Coffenberry to the York School Committee pursuant to Article V, Section 3(D) of the York Home Rule Charter, with said appointment to be in effect only until the May 17, 2014 Budget Referendum election. Vote 5-0, motion passes.

8. "9. York Housing Authority Appointment"

Moved by Ms. Andrews, seconded by Mr. Fiorentino to appoint Larry Harr as the Deerfield Place Resident Member of the York Housing Authority, with a term expiring June 30, 2017. Vote 5-0, motion passes.

9. "10. Municipal Social Services Review Board Resignation"

Chairman Nowell read the resignation letter of Katy Henderson into the record.

10. "12. Pole Location Permit: Mountain Road"

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Pole Location Permit for 1 pole on Mountain Road in a Southwesterly direction, 78 feet from pole #78. Vote 5-0, motion passes.

11. Pole Location Permit: Brave Boat Harbor Road"

Moved by Ms. Andrews, seconded by Ms. Gregg to approve the Pole Location Permit for 1 pole on Brave Boat Harbor Road, in a Southeasterly direction, 50 feet from pole #16. Vote 5-0, motion passes.

12. "5. Discussion of FY15 Operating and Capital Budgets"

Town Manager Robert G. Yandow gave a presentation of the draft FY15 Operating and Capital Budget. Mr. Macdonald stated that in light of the new State laws regarding Veteran's graves maintenance by municipalities, he feels the allotted amount in the draft budget wouldn't be adequate to deal with the town's new obligations. Mr. Macdonald also asked about possibly funding the new Public Access Channel equipment through a grant of sorts with Time Warner – Mr. Yandow responded that Time Warner would be willing to do that, but that they would in turn pass those costs on to their subscribers' bills in town.

L. Other Business

M. Citizens' Forum

Public Comment: None

Adjourn

Moved by Ms. Andrews, seconded by Ms. Gregg to adjourn the meeting at 10:00PM.

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
6:45/7:00PM MONDAY, JANUARY 27, 2014  
YORK LIBRARY**

**6:45PM: Planning Board Interview**

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

**Call to Order**

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

**Opening Ceremonies**

**A. Minutes**

None

**B. Chairman's Report**

None

**C. Manager's Report**

Town Manager Yandow reminded citizens that the second portion of their property tax bills are due Friday, February 7<sup>th</sup>. He also gave a reminder that the Town Clerk/Tax Collector's office at Town Hall will be closed tomorrow, January 28<sup>th</sup> for computer training. Also regarding the Town Clerk's Office, to avoid a \$25 late fee, dog licenses are due by January 31<sup>st</sup>. Mr. Yandow announced that David Hutchinson, former Assistant Harbor Master, is the new Harbor Master for the Town of York; and Don Day, former Harbor Master will be coming back as the Assistant Harbor Master.

**D. Awards**

1. Bid for Long Beach Avenue/Long Sands Beach Survey

In order to take advantage of economies of scale and improve coordination the survey needs for three capital projects were combined in this request for proposals. The voters of York had also approved two drainage projects on Long Beach Avenue in close proximity to the Long Sands Bathhouse project. The drainage project just north of the Anchorage Hotel was approved by the voters on May 19, 2012. The drainage project just north of the Long Sands Bathhouse was approved by the voters on May 18, 2013.

The Town of York solicited six surveying companies and the following bids were received:

1. North Easterly Surveying, Inc. - \$19,465
2. Jones Associates - \$22,900
3. LinePro Land Surveying, LLC - \$26,500
4. Dow & Coulombe, Inc. - \$28,500
5. Fall & Sons Land Surveys, Inc. - \$36,000
6. CLD Consulting Engineers, Inc. - \$53,500

The Public Works Department recommended that the Long Beach Avenue Existing Survey bid be awarded to North Easterly Surveying, Inc.

Moved by Ms. Andrews, seconded by Ms. Gregg to award the Long Beach Avenue Existing Conditions Survey bid to North Easterly Surveying, Inc. Vote 5-0, motion passes.

## 2. Bid for Police Interceptor Utility Vehicle

The York Police Department is in the process of replacing their aging Ford Crown Victoria cruisers with Ford Police Interceptor Utility Vehicles.

The Town of York solicited a bid request for one Ford Police Interceptor Utility Vehicle and the following bids were received:

1. Yankee Ford - \$19,701
2. Quick Ford - \$22,083

The Police Department recommended that the Ford Police Interceptor Utility Vehicle purchase bid be awarded to Yankee Ford.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the award of the bid for a 2014 Ford Police Interceptor Utility Vehicle from Yankee Ford and move to accept the transfer of \$19,701 from the police vehicle capital account. Vote 5-0, motion passes.

## E. Reports

### 1. Municipal Social Services Review Board Recommendations

Chair of the Municipal Social Services Review Board Connie Hanley discussed the report on the Municipal Social Services Review Board's recommendations for funding of social services agencies that provide services to York residents. In the fall of 2013, fourteen eligible agencies requested a total of \$39,284. After review and discussion, the Municipal Social Services Review Board recommends \$36,400 for the fourteen agencies as stated in the report.

## 2. Proposed Ordinance Amendments for May, 2014 Referendum

Community Development Director Stephen Burns presented four proposed ordinance amendments for the May 2014 Referendum, that have been forwarded from the Planning Board and four proposed ordinance amendments that start with the Board of Selectmen.

Proposed Amendments to be considered at the May 2014 Special General Referendum:

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

After discussion and suggested edits from the Board of Selectmen, it was determined that Mr. Burns would send the lot of proposed amendments to the Town Attorney for general legal review. Particular to Amendment #7 (Massage Therapist Licensing), Mr. Burns would pose the question to the Town Attorney of alternative approaches that might be more palatable.

## 3. Status Report – Paras Properties in York Beach

Community Development Director Stephen Burns discussed with the Board of Selectmen his Status Report regarding the Paras properties in York Beach that are currently under construction. Mr. Burns explained that despite the extremely slow pace of construction going on with the project, he suggests to let the remaining year on the current building permits lapse as long as work continues during that time.

**F. Citizens' Forum** – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. All comments should be respectful in tone and should be directed to the Chair. Comments should be brief and to the point. Questions that require extended answers or that cannot be readily answered will be referred to the Town Manager for follow-up.

Anyone who wishes to submit a written request for future agenda items can do so on the form available at this meeting or may obtain the form through the Town Manager's Office.

Public Comment: None

**G. Approval of Warrant #30**

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve Warrant #30. Vote 5-0, motion passes.

**H. Public Hearings**

1. New Business: Lighthouse Inn

Moved by Mr. Mr. Macdonald to open the public hearing at 9:14PM. No objection, so moved.

Public Comment: Diane Pace

Moved by Chairman Nowell to close the public hearing at 9:15PM. No objection, so moved.

**I. Endorsements**

Business Licenses:

1. Global Motello Group Corporation DBA: Mr. Mike's; Located at 519 US Route One (Victualers)
2. The York Harbor Reading Room; Located at 491 York Street (Victualers, Liquor, Special Amusement)
3. Cliff Realty Corporation DBA: Cape Neddick Country Club; Located at 650 Shore Road (Victualers, Liquor, Special Amusement)
4. Norma Clark DBA: Norma's Restaurant Inc.; Located at 529 US Route One (Victualers)
5. Diane Pace DBA: Lighthouse Inn; Located at 20 Nubble Road (Victualers)

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the following licenses: Global Motello Group Corporation DBA: Mr. Mike's; Located at 519 US Route One for Victualers, The York Harbor Reading Room; Located at 491 York Street for Victualers, Liquor and Special Amusement, Cliff Realty Corporation DBA: Cape Neddick Country Club; Located at 650 Shore Road for Victualers, Liquor and Special Amusement, Norma Clark DBA: Norma's Restaurant Inc.; Located at 529 US Route One for Victualers, Diane Pace DBA: Lighthouse Inn; Located at 20 Nubble Road for Victualers, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

Chairman Nowell called for a 5 minute break.

**J. Old Business**

None

**K. New Business**

1. Discussion and Possible Action on FY15 Operating Budget

Town Manager Robert G. Yandow gave a presentation on the proposed FY15 Operating Budget for the Town of York.

Ms. Gregg stated that she would oppose a motion to approve the proposed budget because she doesn't feel the Board has taken the time to go over and discuss the details of the proposed budget thoroughly as a group.

Moved by Ms. Macdonald, seconded by Ms. Andrews to approve the Proposed FY15 Operating Budget. Vote 4-1, Ms. Gregg opposed motion passes.

2. Discussion and Possible Action on FY15-FY19 Capital Plan

On January 16, 2014 the Capital Planning Committee adopted the FY15-FY19 Capital Plan. The committee's adoption included recognition that the Board of Selectmen would later decide whether to include the possible purchase of the Davis property and the Hodgin parking lot in the Capital Plan.

The Board chose to defer any action on the FY15-FY19 Capital Plan until their next regular meeting.

3. Discussion and Possible Action on Agreement with Kittery Water District

On January 8, 2014 Chairman Nowell, Mr. Macdonald, Town Attorney, Durward Parkinson and Town Assessor, Richard Mace represented the Town in a mediation session resulting from pending Quiet Title and Declaratory Judgment litigation with the Kittery Water District. As a result of the mediation, a proposed settlement was reached which is reflected in an email from the Town Attorney dated January 21, 2014.

Ms. Gregg read an email from Kittery Water District's Attorney, Bruce Whitney dated January 20, 2014 into the record.

Moved by Ms. Andrews, seconded by Mr. Macdonald that the Board of Selectmen enter into a Consent Order with the Kittery Water District in final resolution of the matter and approved by the Court under which the Town

grants a quitclaim release deed to the subject parcel to the Kittery Water District with a restrictive covenant limiting development on the subject parcel to 4 single family residences and that the Selectmen be authorized to execute any further documents reasonably necessary to finalize this settlement. Vote 5-0, motion passes.

4. Discussion and Possible Action on Appointment of a Town Attorney

On Tuesday, January 14, 2014, the Board of Selectmen interviewed three law firms for the position as Town Attorney.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Bernstein Shur as the Town Attorney. Vote 3-2, Ms. Andrews and Mr. Fiorentino against, motion passes.

5. Planning Board Appointment

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Amy Phalon as an Alternate Member of the Planning Board with a term expiring June 30, 2017. Vote 5-0, motion passes.

6. Special Event Permit: Ellis Park 4<sup>th</sup> of July Fireworks

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit application for Ellis Short Sands Park Trust's "Ellis Park 4<sup>th</sup> of July Fireworks" event on Friday, July 4, 2014. Vote 5-0, motion passes.

7. Special Event Permit: Walk to End Alzheimer's

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve the Special Event Permit application for the Alzheimer's Association's "Walk to End Alzheimer's" event on Saturday, September 13, 2014. Vote 5-0, motion passes.

8. Special Event Permit: Seacoast Bike Tour

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve Breathe New Hampshire's "Seacoast Bike Tour" event passing through York on Saturday and Sunday, May 17<sup>th</sup> and 18<sup>th</sup>, 2014. Vote 5-0, motion passes.

**L. Other Business**

Ms. Gregg suggested a future agenda item or work session on starting the process for a Town Manager search with such process tending to be a long one. Ms. Gregg also expressed interest in a possible Fireworks Ordinance for the Town in reference to commercial fireworks on private property to which Community Development Director, Stephen Burns explained to the board that he contacted Maine Municipal Association regarding such an ordinance and they

explained that commercial fireworks are under the realm of the State Fire Marshal's Office. Ms. Gregg also mentioned that taking the Geothermal design out of the Police Station Project would eliminate the LEED Certification requirement and save money.

**M. Citizens' Forum**

**Adjourn**

Chairman Nowell adjourned the meeting at 10:35PM.

**BOARD OF SELECTMEN'S  
WORK SESSION/SPECIAL MEETING MINUTES  
7:00PM WEDNESDAY, JANUARY 29, 2014  
YORK LIBRARY**

Present Chairman Ronald Nowell, Vice Chairman, Kinley Gregg, Mary Andrews, Scott Fiorentino, Torbert Macdonald, Town Manager, Robert G. Yandow, and members of the press and public.

Call to Order

Chairman, Ronald Nowell called the meeting to order at 7:02PM.

**A. Work Session**

Discussion Regarding the Davis Property at 142 York Street

Community Development Director Stephen H. Burns gave an overview of the York Street property owned by the Davis family that was offered to the Town for purchase in October of 2012. The Board of Selectmen continued their discussion, expressing access concerns regarding the Davis Property.

Public Comment: Bob Tilley

**B. New Business**

1. Discussion and Possible Action on a Proposal to Conduct an Independent Appraisal on the Davis Property

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to hire the Amidon Appraisal Company to perform a valuation of the 97 +/- acre portion of the 107 +/- acre of improved land parcel located at 142 York Street, York, Maine and owned by Malcolm R. Davis, Trustee of the Mary McIntire Davis Trust for the price of \$4,000 to be taken from Contingency. Vote 5-0, motion passes.

2. Special Event Permit: York High School Interact Club Polar Dip

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve the Special Event Permit for York High School Interact Club Polar Dip on Saturday, February 1, 2014. Vote 5-0, motion passes.

**Adjourn**

Chairman Nowell adjourned the meeting at 8:35PM.





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## **PUBLIC HEARING NOTICE**

**March 10, 2014**

**7:00PM**

**York Public Library**

The Selectmen will hold a Public Hearing on March 10, 2014 regarding a New Business License Application for the following:

- Kenneth West DBA: The York River House Inc.  
(Victualers/Liquor); Located at 150 US Route One



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 7, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Business License Applications (8) 9	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery; Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve all Business License Applications (8) 9
<b>PROPOSED MOTION:</b> I move to approve the following licenses: <ol style="list-style-type: none"><li>1. Andrew and Susan Wetzel DBA: Inn at Tanglewood for Bed and Breakfast; Located at 611 York Street</li><li>2. Harris Island Corporation DBA: Dockside Restaurant and Guest Quarters for Victualers Liquor and Bed and Breakfast; Located at 22 Harris Island Road</li><li>3. Paul Karoutas DBA: York House of Pizz for Victualers; Located at 274 York Street</li><li>4. Victor Guary and Ralph Goddard DBA: Bittersweet Bed and Breakfast for Bed and Breakfast; Located at 167 Cape Neddick Road</li><li>5. Stage Neck Inn Inc. DBA: Stage Neck Inn for Victualers, Liquor and Special Amusement; Located at 8 Stage Neck Road</li><li>6. Arrows Restaurant Inc. DBA: Arrows Restaurant for Victualers and Liquor; Located at 39 Ogunquit Road</li><li>7. Raymond Ramsey DBA: Sun N' Surf for Victualers, Liquor, and Special Amusement; Located at 264 Long Beach Avenue</li><li>8. Kathryn M. Weare DBA: The Cliff House and Motels Inc. for Victualers, Liquor and Special Amusement; Located at 591 Shore Road</li><li>9. Downeast Resorts LLC DBA: Cape Neddick Inn for Victualers, Liquor and Special</li></ol>

Amusement; Located at 1273 US Route One

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

**Discussion:** "The Cliff House" located at 591 Shore Road is currently under contract with a new owner, set to close on March 31, 2014, the current owner has applied for their license as usual in the case that the sale does not go through. The perspective buyers will have a Public Hearing and Request for Action on their Business License application at your next regular meeting. I am currently waiting to receive the State liquor paperwork for Arrows Restaurant and will not be releasing the Business License to them until that is received. The following Business Licenses will not be released until I have received Fire Department and Tax Collector sign offs: Sun N' Surf, Arrows Restaurant, Cape Neddick Inn and Bittersweet Bed and Breakfast.

**FISCAL IMPACT:** N/A

**DEPARTMENT LINE ITEM ACCOUNT:** N/A

**BALANCE IN LINE ITEM IF APPROVED:** N/A

Prepared By:

*Melina M. Arroyo*

Reviewed By:

*Robert H. Gendron*



# 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

**TO:** Board of Selectmen

**FROM:** Kathryn Newell *KNewell*  
Code Enforcement Officer

**DATE:** March 7, 2014

**RE:** LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on March 10, 2014.

## ENDORSEMENTS

Andrew & Susan Wetzel  
**DBA: Inn at Tanglewood**  
Bed & Breakfast

**MAP 0046/LOT 00054**

Andrew & Susan Wetzel  
P.O. Box 490  
York Harbor, ME 03911

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Bed & Breakfast/6 Rooms  
RES-4  
Conforming, Existing  
Approval

Harris Island, Inc.  
**DBA: Dockside Restaurant &**  
**Guest Quarters**  
Victualers/Liquor/Bed & Breakfast

**MAP 0063/LOT 0002-1**

Philip Lusty  
22 Harris Island  
York, ME 03909

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/85 Seats  
Bed & Breakfast/25 Rooms  
RES-1A  
Conforming, Existing  
Approval

Paul Karoutas.  
**DBA: York House of Pizza**  
Victualers

**MAP 0050/LOT 0117**

Paul Karoutas  
274 York Street  
York, ME 03909

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/60 Seats  
GEN-3  
Conforming, Existing  
Approval

Victor Guay/Ralph Goddard  
**DBA: Bittersweet Bed & Breakfast**  
Bed & Breakfast

**MAP 0020/LOT 0007**

Victory Guay/Ralph Goddard  
167 Cape Neddick Road  
York, ME 03909

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Bed & Breakfast/7 Rooms  
RES-6  
Conforming, Existing  
Approval

Stage Neck Inn, Inc.  
**DBA: Stage Neck Inn**  
Victualers/Liquor/Special Amusement

**MAP 0058/LOT 0010-B**

Stage Neck Inn, Inc.  
P.O. Box 70  
York Harbor, ME 03911

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/120 Seats  
BUS-1  
Conforming, Existing  
Approval

Clark Frasier & Mark Gaier  
**DBA: Arrows Restaurant**  
Victualers/Liquor

**MAP 0099/LOT 0047-B**

Clark Frasier & Mark Gaier  
P.O. Box 803  
Ogunquit, ME 03907

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/65 Seats  
RES-2  
Conforming, Existing  
Approval

Raymond Ramsey  
**DBA: Sun N Surf**  
Victualers/Liquor/Special Amusement

**MAP 0036/LOT 0097**

Raymond Ramsey  
P.O. Box 1329  
York Beach, ME 03910

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/150 Seats Inside/  
**150 Seats Outside**  
RES-7  
Conforming, Existing  
Approval

Kathryn M. Weare  
**DBA: The Cliff House & Motels, Inc.**  
Victualers/Liquor/Special Amusement

**MAP 0004/LOT 0029**

Kathryn M. Weare  
P.O. Box 2274  
Ogunquit, ME 03907

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/590 Seats  
RES-2  
Conforming, Existing  
Approval

Downeast Resorts, LLC  
**DBA: Cape Neddick Inn**  
Victualers/Liquor/Special Amusement

**MAP 0019/LOT 0028**

Downeast Resorts, LLC  
P.O. Box 249  
Cape Neddick, ME 03902

**FACILITY**  
**ZONE**  
**USE**  
**RECOMMENDATION**

Restaurant/112 Seats  
Rt. 1-5  
Conforming, Existing  
Approval

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



Business Name Inn at Tangwood Hall  
 Business Location 611 York Street  
York Harbor, ME 03911  
 Telephone Number 351-1075

OWNER'S Name and Mailing Address Andrew Susan Wetzel  
PO Box 490  
York Harbor, ME 03911

APPLICANT'S Name and Mailing Address Susan

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing	18 FEB 14	K/Anton
Fire	2/10	Adgar
Tax Collector	2/10	Szeniakowski

**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>0046-0054</u> License Year: <u>2014</u> No. Of Seats: _____ No. Of Parking Spaces: _____  New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>6</u>  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 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): <u>6 Bed and Breakfast (\$10 Per Room): Total 60<sup>00</sup></u>  <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.

2/5/14  
Date

Susan Wetzel  
Applicant's Signature

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

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

Business Owner Signature Susan Wetzel 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. \$60.00 RECEIPT NO. #1074 RECEIPT DATE 2/7/14 MI PM MM MS  
mma

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Monday, February 10, 2014 1:40 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Inn at Tanglewood Hall

Current

*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

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---

**From:** Melissa M. Avery  
**Sent:** Monday, February 10, 2014 9:44 AM  
**To:** Mary-Anne Szeniaowski; David K. Bridges; David Apgar  
**Subject:** Business License: Inn at Tanglewood Hall

Attached is the Business License application for Inn at Tanglewood Hall, located at 611 York Street (0046-0054).

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

Please consider the environment before printing this email.

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---

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## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Monday, February 10, 2014 2:47 PM  
**To:** David Apgar; Melissa M. Avery  
**Subject:** Inspection Completed - Inn at Tanglewood Hall

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Missy,

I have completed a fire inspection at the Inn at Tanglewood Hall. Please proceed with their license renewal .

Thank you,

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

Issues: None.

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



19 FEB 14  
 INN ONLY - NOT  
 A B + B. K/A Wm  
 [Signature]

Business Name Dockside Restaurant + Guest  
 Business Location 22 Harris Island Rd Quilts

Telephone Number 207 383 2722

OWNER'S Name and Mailing Address Harris Island Corp  
Same

APPLICANT'S Name and Mailing Address Same

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical	19 FEB 14	K/A Wm
Plumbing		
Fire	2/25	Appar
Tax Collector	2/19	szeniausk

**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>0063-0002</u> License Year: <u>2014</u> No. Of Seats: <u>85</u> No. Of Parking Spaces: <u>123</u>  New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Bed and Breakfast License: # of Rooms <u>16</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>6</u> Is Your Establishment Closed for More Than 120 Consecutive Days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input checked="" 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): <u>wedding</u> <u>16</u> Bed and Breakfast (\$10 Per Room): Total <u>160</u> <u>6</u> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total <u>150</u>
---	---

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.

2-18-14  
 Date

[Signature]  
 Applicant's Signature

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

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

Business Owner Signature \_\_\_\_\_

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

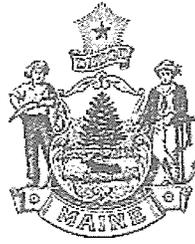
\_\_\_\_\_  
 Date

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

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

AMT. RECD. \$310.00 RECEIPT NO. #1293 RECEIPT DATE 2/18/14 MI PM MM MS  
 mma

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

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

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

**PRESENT LICENSE EXPIRES** 5/19/14

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

**INDICATE TYPE OF LICENSE:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Harris Island Corp</u> DOB: _____	<b>2. Business Name (D/B/A)</b> <u>Dockside Restaurant</u>
DOB: _____	
DOB: _____	<b>Location (Street Address)</b> <u>22 Harris Island Rd</u>
<b>Address</b> <u>22 Harris Island Rd</u>	<b>City/Town</b> <u>York</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03909</u>
	<b>Mailing Address</b> <u>SAME</u>
<b>City/Town</b> <u>York</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03909</u>	<b>City/Town</b> _____ <b>State</b> _____ <b>Zip Code</b> _____
<b>Telephone Number</b> <u>363 2722</u> <b>Fax Number</b> <u>N/A</u>	<b>Business Telephone Number</b> <u>207 363 2722</u> <b>Fax Number</b> <u>N/A</u>
<b>Federal I.D. #</b> <u>01-0283505</u>	<b>Seller Certificate #</b>

3. If premises are a hotel, indicate number of rooms available for transient guests: 25
4. State amount of gross income from period of last license: ROOMS \$ 800K FOOD \$ 600K LIQUOR \$ 200K
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Philip Lusty
8. If business is NEW or under new ownership, indicate starting date: NO
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 22 Harris Island Rd, York
10. Is/are applicants(s) citizens of the United States? YES  NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Philip Lusty	9.23.61	YORK
ANNE LUSTY	12.6.63	N.Y.

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

PHIL + ANNE - York, ME - 30 years

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

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

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

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

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes  No  If Yes, give name: \_\_\_\_\_

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES  NO  Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile Which of the above is nearest? church, chapel

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

If YES, give details: \_\_\_\_\_

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

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

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_\_\_\_

Town/City, State

Date



Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Philip Lusty

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

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

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

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

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

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

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

STATE OF MAINE

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
  - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
  - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
  - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
  - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
  - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
  - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
  - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
  - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
  - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

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

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

1. Exact Corporate Name: Harris Island Corp  
 Business D/B/A Name: Dockside Restaurant  
 2. Date of Incorporation: 5/1969  
 3. State in which you are incorporated: Maine

4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
 \_\_\_\_\_

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
ERIC LUSTY	YORK	1-3-59	33.3	owner
Philip Lusty	YORK	9-23-61	33.3	owner
John Lusty	Merrimac MA.	9-9-63	33.3	owner

6. What is the amount of authorized stock? 3000 Outstanding Stock? Ø  
 7. Is any principal officer of the corporation a law enforcement official? ( ) YES (  ) NO  
 8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES (  ) NO.

9. If yes, please complete the following: Name: \_\_\_\_\_  
 Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
 Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
 Dated at: \_\_\_\_\_ City/Town \_\_\_\_\_ On: \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
 Signature of Duly Authorized Officer Date: \_\_\_\_\_

\_\_\_\_\_  
 Print Name of Duly Authorized Officer

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaawski  
**Sent:** Wednesday, February 19, 2014 12:01 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Dockside

Current with taxes

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

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---

**From:** Melissa M. Avery  
**Sent:** Wednesday, February 19, 2014 10:10 AM  
**To:** Mary-Anne Szeniaawski; David K. Bridges; David Apgar  
**Subject:** Business License: Dockside

Attached is the Business License application for Dockside Restaurant and Guest Quarters, located at 22 Harris Island Road (0063-0002).

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

Please consider the environment before printing this email.

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**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Tuesday, February 25, 2014 6:43 AM  
**To:** Melissa M. Avery  
**Subject:** Inspection Completed - Dockside Rest.

Hi Missy,

I have completed a fire inspection at the Dockside Rest. Please proceed with their license renewal .

Thank you,

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

Issues: None.

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



Business Name YORK House OF PIZZA  
 Business Location 274 York St  
YORK MAINE  
 Telephone Number 1207 363 6171

OWNER'S Name and Mailing Address PAUL KAROUTAS

APPLICANT'S Name and Mailing Address PAUL KAROUTAS

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	3/7	Aggar
Tax Collector	3/4	Szenkowski

**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: 0050 0117  
 License Year: 2014 - 2015  
 No. Of Seats: 60  
 No. Of Parking Spaces: 10

New License (One Time \$30 Fee): YES  NO

License Renewal: YES  NO

Bed and Breakfast License: # of Rooms \_\_\_\_\_

Hotel/Motel with Cooking Facilities: # of Rooms \_\_\_\_\_

Is Your Establishment Closed for More Than 120 Consecutive Days? YES  NO

**REQUESTING THE FOLLOWING LICENSES:**

\$25.00 Victualers  
 \$25.00 Liquor  
 \$25.00 Special Amusement  
 \$25.00 Bottle Club  
 \$25.00 Theater  
 \$25.00 Dance Hall  
 Coin-OP Amusement (\$75 each or \$250 for 3 or more)

Nature of Entertainment (If Applicable): \_\_\_\_\_

\_\_\_\_\_ Bed and Breakfast (\$10 Per Room): Total \_\_\_\_\_

\_\_\_\_\_ Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total \_\_\_\_\_

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 3/4/14 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. #7290 RECEIPT DATE 3/4/14 MI PM MM MS  
[Signature]

**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Friday, March 07, 2014 5:10 AM  
**To:** Melissa M. Avery  
**Subject:** Inspection Completed - YHOP

Hi Missy,

I have completed a fire inspection at the York House of Pizza. Please proceed with their license renewal .

Thank you,

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

Issues: None

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## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Tuesday, March 04, 2014 11:33 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: York House of Pizza

Current

*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

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---

**From:** Melissa M. Avery  
**Sent:** Tuesday, March 04, 2014 10:46 AM  
**To:** Mary-Anne Szeniaowski; David Apgar  
**Subject:** Business License: York House of Pizza

Attached is the Business License Application for the York House of Pizza, located at 274 York Street (0050-0117).

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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



Business Name Bittersweet Bed and Breakfast  
 Business Location 167 Cape Neddick Rd  
 Telephone Number 202-351-3007

OWNER'S Name and Mailing Address Victor Gway / Ralph L Gaddard  
167 Cape Neddick Rd York me 03909

APPLICANT'S Name and Mailing Address Steve

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	3/3	Szeniauskis

**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>0020 - 0007</u> License Year: <u>2014</u> No. Of Seats: <u>N/A</u> No. Of Parking Spaces: <u>N/A</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>7</u> 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: ___ \$25.00 Victualers ___ \$25.00 Liquor ___ \$25.00 Special Amusement ___ \$25.00 Bottle Club ___ \$25.00 Theater ___ \$25.00 Dance Hall ___ Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input checked="" type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total <u>\$70.00</u> ___ Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
--	--

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

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

2/28/14  
Date

[Signature]  
Applicant's Signature

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

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

Business Owner Signature [Signature]

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

\_\_\_\_\_  
Date

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

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

AMT. RECD. 70.00 RECEIPT NO. #1530 RECEIPT DATE 3/3/14 MI PM MM MS  
mma

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Monday, March 03, 2014 2:52 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Bittersweet Bed and Breakfast

Current.

*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

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---

**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 1:58 PM  
**To:** Mary-Anne Szeniaowski; David K. Bridges; David Apgar  
**Subject:** Business License: Bittersweet Bed and Breakfast

Attached is the Business License Application for the Bittersweet Bed and Breakfast, located at 167 Cape Neddick Road.

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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



Business Name Stage Neck Inn, Inc.  
 Business Location 8 Stage Neck Rd.  
York Harbor, ME  
 Telephone Number 207.363.3850

OWNER'S Name and Mailing Address W. Mark Foster  
237 Whipple Rd.  
Kittery, ME 03904

APPLICANT'S Name and Mailing Address Stage Neck Inn, Inc.  
Po Box 70  
York Harbor, ME 03911

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	2/25	Apgar
Tax Collector	2/6	Szeriawski

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

MAP/LOT: <u>58/10</u> License Year: <u>2014</u> No. Of Seats: <u>120</u> No. Of Parking Spaces: <u>147</u>  New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Bed and Breakfast License: # of Rooms <u>0</u>  Hotel/Motel with Cooking Facilities: # of Rooms <u>0</u>  Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input checked="" 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 1/31/14

Applicant's Signature \_\_\_\_\_

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

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

Business Owner Signature \_\_\_\_\_

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

Date \_\_\_\_\_

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

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

AMT. RECD. \$125.00 RECEIPT NO. #23499 RECEIPT DATE 1/31/14 MI PM MM MS

*mm*

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

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

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

**PRESENT LICENSE EXPIRES** 3/31/14

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

**INDICATE TYPE OF LICENSE:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Stage Neck Inn, Inc. DOB:</u>			2. Business Name (D/B/A) <u>Stage Neck Inn</u>		
DOB:					
DOB:			Location (Street Address) <u>8 Stage Neck Rd.</u>		
Address <u>PO Box 70</u>			City/Town State Zip Code <u>York Harbor ME 03911</u>		
<u>8 Stage Neck Rd.</u>			Mailing Address <u>PO Box 70</u>		
City/Town State Zip Code <u>York Harbor ME 03911</u>			City/Town State Zip Code <u>York Harbor ME 03911</u>		
Telephone Number Fax Number <u>207-363-3850 207-363-8771</u>			Business Telephone Number Fax Number <u>207-363-3850 207-363-8771</u>		
Federal I.D. # <u>01 032 0409</u>			Seller Certificate #		

3. If premises are a hotel, indicate number of rooms available for transient guests: 60
4. State amount of gross income from period of last license: ROOMS \$ 2816278. FOOD \$ 1919377. LIQUOR \$ 493966.
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

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

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Phoebie Apgar-Presssey (née Apgar)	7/6/55	York, ME
William Mark Foster	12/27/51	York, ME

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

Apgar - Presssey York, ME  
Foster Kittery, ME

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

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

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

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

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Hotel with public dancing and cocktail lounge / restaurant and Seasonal pool with food and alcohol beverage

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? .5m Which of the above is nearest? Church

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

If YES, give details: Kennebunk Savings Bank - Mortgage and L.O.C.

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

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

Dated at: York Harbor, ME on January 31, 2014

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

W. Mark Foster

STATE OF MAINE

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

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

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

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

1. Exact Corporate Name: Stage Neck Inn, Inc.  
 Business D/B/A Name: Stage Neck Inn
2. Date of Incorporation: January 1, 1972
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
 \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

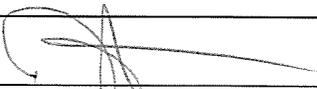
Name	Address Previous 5 Years	Birth Date	% of Stock	Title
William Mark and Dana Foster	W. Mark 237 Whipple	12/21/51	100	owners
	Dana Rd Kittery ME	10/22/56		

6. What is the amount of authorized stock? 100% Outstanding Stock? 100%
7. Is any principal officer of the corporation a law enforcement official? ( ) YES () NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES () NO.
9. If yes, please complete the following: Name: \_\_\_\_\_

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

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

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

 Date: 1/31/14  
 Signature of Duly Authorized Officer

William Mark Foster  
 Print Name of Duly Authorized Officer

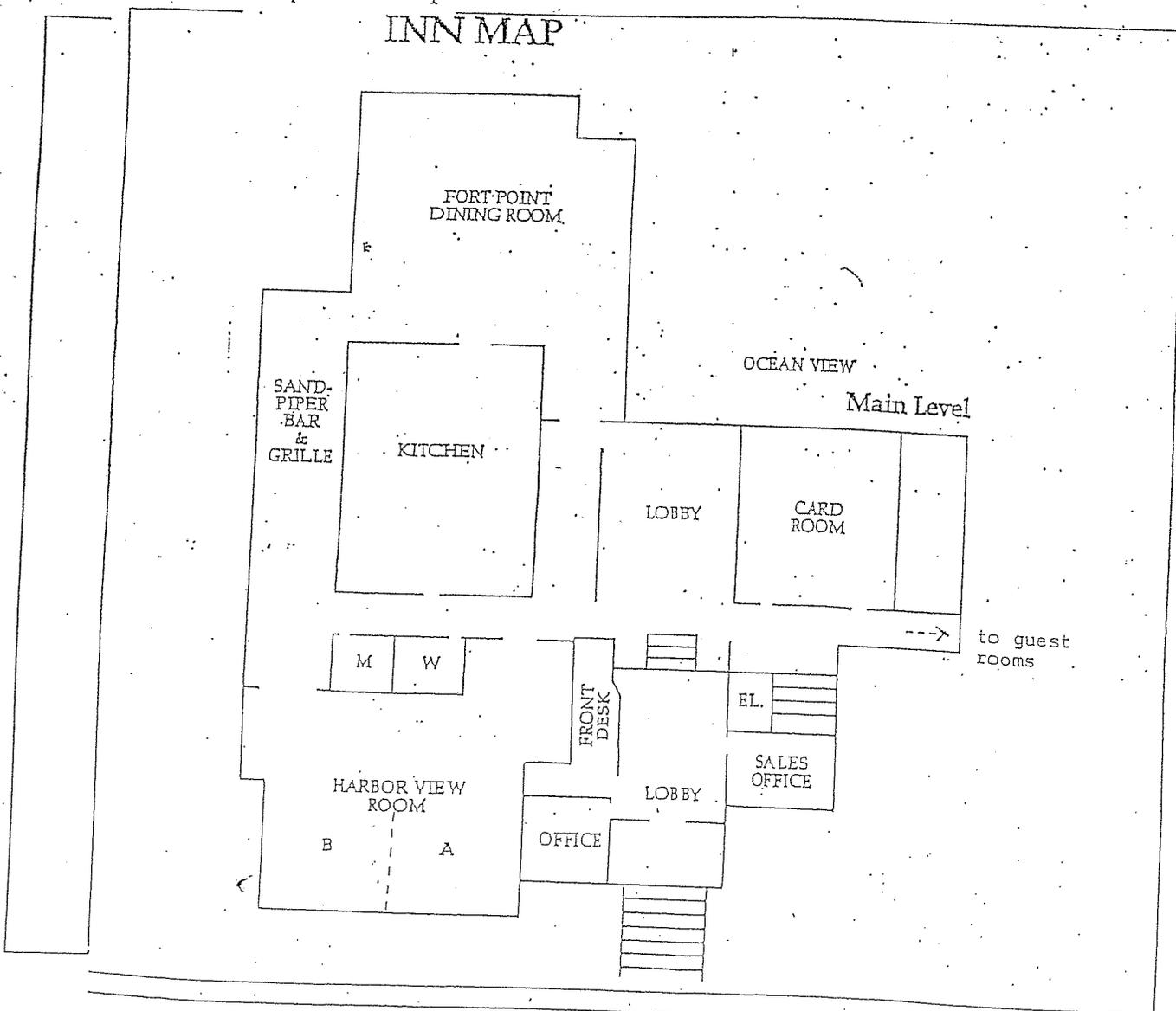


## SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

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

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

### INN MAP



Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

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

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

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

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

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

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

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Thursday, February 06, 2014 12:06 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Stage Neck Inn

Current

*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

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**From:** Melissa M. Avery  
**Sent:** Thursday, February 06, 2014 8:51 AM  
**To:** Mary-Anne Szeniaowski; David Apgar; David K. Bridges  
**Subject:** Business License: Stage Neck Inn

Attached is the Business License application for Stage Neck Inn, located at 8 Stage Neck Road (0058-0010).

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

Please consider the environment before printing this email.

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**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Tuesday, February 25, 2014 6:44 AM  
**To:** Melissa M. Avery  
**Subject:** Inspection Completed - Stage Neck Inn

Hi Missy,

I have completed a fire inspection at Stage Neck Inn. Please proceed with their license renewal .

Thank you,

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

Issues: None

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



99-47-B  
 GFI BY ICE  
 MACHINE TO BE  
 REPLACED.

Business Name ARROWS RESTAURANT  
 Business Location 39 OGDUNQUIT ROAD  
(OFF MEMOR, ME)  
 Telephone Number 361-1100

OWNER'S Name and Mailing Address ARROWS RESTAURANT, INC.  
P.O. Box 803  
ODGUNQUIT, ME 03909

APPLICANT'S Name and Mailing Address SMITH

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural		
Electrical		
Plumbing	24 FEB 14	KIAWON
Fire		
Tax Collector		

**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: 99-4  
 License Year: 2014  
 No. Of Seats: 65  
 No. Of Parking Spaces: 25

New License (One Time \$30 Fee): YES  NO

License Renewal: YES  NO

Bed and Breakfast License: # of Rooms \_\_\_\_\_

Hotel/Motel with Cooking Facilities: # of Rooms \_\_\_\_\_

Is Your Establishment Closed for More Than 120 Consecutive Days? YES  NO

REQUESTING THE FOLLOWING LICENSES:

\$25.00 Victualers  
 \$25.00 Liquor  
 \$25.00 Special Amusement  
 \$25.00 Bottle Club  
 \$25.00 Theater  
 \$25.00 Dance Hall  
 Coin-OP Amusement (\$75 each or \$250 for 3 or more)

Nature of Entertainment (If Applicable): \_\_\_\_\_

\_\_\_\_\_ Bed and Breakfast (\$10 Per Room): Total \_\_\_\_\_

\_\_\_\_\_ Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total \_\_\_\_\_

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.

2/23/2014  
 Date

[Signature]  
 Applicant's Signature

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

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

Business Owner Signature [Signature]

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

\_\_\_\_\_  
 Date

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

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

AMT. RECD. \$100.00 RECEIPT NO. 9648 RECEIPT DATE 2/24/14 MI PM MM MS  
mMA

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



Business Name SUN N' SURF  
 Business Location 264 LONG BEACH AVE.  
YORK BEACH, ME. 03910  
 Telephone Number 207 363 2961

OWNER'S Name and Mailing Address RAYMOND RAMSEY  
PO BOX 1329  
YORK BEACH, ME 03910

APPLICANT'S Name and Mailing Address same

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	28 FEB 14	K/K
Building Structural		
Electrical		
Plumbing		
Fire		
Tax Collector	3/3	Szeriawski

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

MAP/LOT: <u>36/97</u> License Year: <u>2014</u> No. Of Seats: <u>150 INSIDE/150 outside</u> No. Of Parking Spaces: _____ New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms _____ Hotel/Motel with Cooking Facilities: # of Rooms _____ Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	<b>REQUESTING THE FOLLOWING LICENSES:</b> <input checked="" type="checkbox"/> \$25.00 Victualers <input type="checkbox"/> \$25.00 Liquor <input checked="" type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ _____ _____ Bed and Breakfast (\$10 Per Room): Total _____ Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---	---

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 2/26/14

Applicant's Signature Raymond Ramsey

2/26/14

**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 Raymond Ramsey

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. \$125.00 RECEIPT NO. #9783 RECEIPT DATE 2/27/14 MI PM MM MS

mma

**Department of Public Safety  
Division**

**Liquor Licensing & Inspection**



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

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

**PRESENT LICENSE EXPIRES:** 4/12/2014

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

**INDICATE TYPE OF LICENSE:**

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

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			<b>2. Business Name (D/B/A)</b>		
RAYMOND A RAMSEY <b>DOB:</b> 8/14/52			SUN N SURF OF YORK, INC		
<b>DOB:</b>					
<b>DOB:</b>			<b>Location (Street Address)</b>		
			264 LONG BEACH AVE		
<b>Address</b>			<b>City/Town</b>		<b>State</b>
PO BOX 1329			YORK BEACH		ME
			<b>Zip Code</b>		
			03910		
			<b>Mailing Address</b>		
			PO BOX 1329		
<b>City/Town</b>		<b>State</b>	<b>City/Town</b>		<b>State</b>
YORK BEACH		ME	YORK BEACH		ME
<b>Zip Code</b>			<b>Zip Code</b>		
03910			03910		
<b>Telephone Number</b>		<b>Fax Number</b>		<b>Business Telephone Number</b>	
207-363-5112		207-363-6753		207-363-2961	
				<b>Fax Number</b>	
				206-363-0073	
<b>Federal I.D. #</b>			<b>Seller Certificate #</b>		
01-0368442			5470		

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$\_\_\_\_\_ FOOD \$\_\_\_\_\_ LIQUOR \$\_\_\_\_\_
5. Is applicant a corporation, limited liability company or limited partnership?   YES         NO   
 If YES, complete Supplementary Questionnaire.
6. Do you permit dancing or entertainment on the licensed premises?   YES         NO
7. If manager is to be employed, give name: COLIN CHRISTIE
8. If business is NEW or under new ownership, indicate starting date: N/A  
 Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: SUN N SURF 264 LONG BEACH AVE, YORK BEACH, ME 03910
10. Is/are applicants(s) citizens of the United States?   YES         NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
RAYMOND A RAMSEY	8/14/52	ROCHESTER, NH

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

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

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

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

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

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) SUN N SURF RESTAURANT  
DINING ROOM AND OUTSIDE DECK

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

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

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

If YES, give details: \_\_\_\_\_

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

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

Dated at: YORK BEACH, ME on 27<sup>th</sup> of February, 2014  
Town/City, State Date

**Please sign in blue ink**

Raymond Ramsey  
Signature of Applicant or Corporate Officer(s)

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

Raymond Ramsey  
Print Name

\_\_\_\_\_  
Print Name

STATE OF MAINE

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

- A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
- B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
- C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]

2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

- A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
- B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
- C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
- D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
- E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
- F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

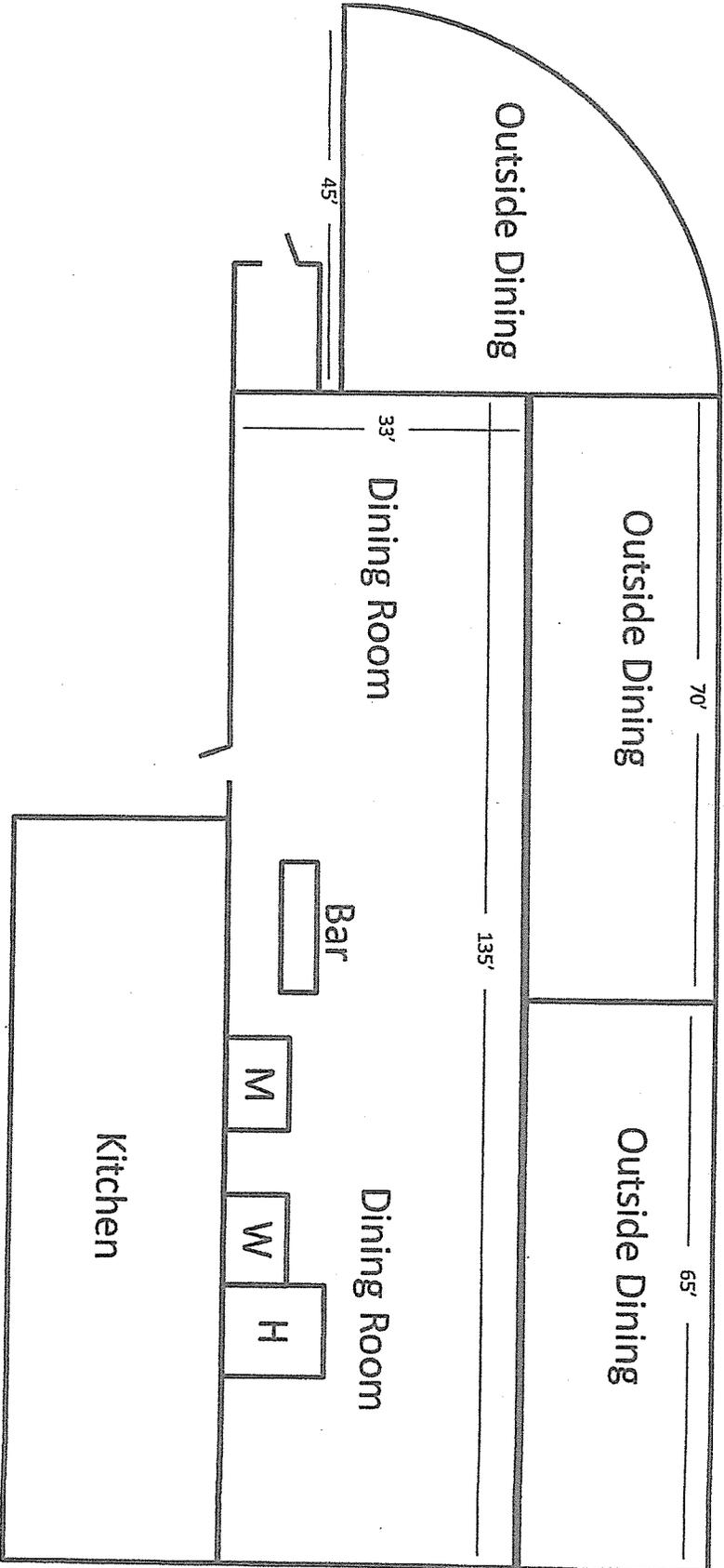
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

- A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

SUN N SURF PREMISE DIAGRAM



## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Monday, March 03, 2014 2:54 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Sun N Surf

current

*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

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---

**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 2:42 PM  
**To:** Mary-Anne Szeniaowski; David K. Bridges; David Apgar  
**Subject:** Business License: Sun N Surf

Attached is the Business License Application for Sun N Surf, located at 264 Long Beach Avenue (0036-0097).

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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



Business Name The Cliff House & Motels Inc  
 Business Location Beach Head Cliff 591 Shore Rd.  
York ME 03909  
 Telephone Number 207-361-1000

OWNER'S Name and Mailing Address Kathryn M Weare  
PO Box 2274  
Ogunquit ME 03907

APPLICANT'S Name and Mailing Address Kathryn M Weare  
PO Box 2274  
Ogunquit ME 03907

Is applicant same operator as prior year?  Yes  No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use	11/12/14	MM
Building Structural		MM
Electrical		MM
Plumbing		MM
Fire	2/12	Bridges
Tax Collector	2/12	Szeriawski

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

<p>MAP/LOT: <u>0004/0029</u>                  License Year: <u>2014-2015</u>                  No. Of Seats: <u>590</u>                  No. Of Parking Spaces: <u>465</u></p> <p>New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>Bed and Breakfast License: # of Rooms _____</p> <p>Hotel/Motel with Cooking Facilities: # of Rooms _____</p> <p>Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p>	<p><b>REQUESTING THE FOLLOWING LICENSES:</b></p> <p><input checked="" type="checkbox"/> \$25.00 Victualers  <input checked="" type="checkbox"/> \$25.00 Liquor  <input checked="" 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)</p> <p>Nature of Entertainment (If Applicable): _____</p> <p>Bed and Breakfast (\$10 Per Room): Total _____</p> <p>Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____</p>
--	---

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 2/10/14 Applicant's Signature Kathryn M Weare, Pres

**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 Kathryn M Weare, Pres Business Manager Signature (If Applicable) \_\_\_\_\_  
The Cliff House

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

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

AMT. RECD. \$125.00 RECEIPT NO. #804457 RECEIPT DATE 2/11/14 MI PM MM MS  
MM

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

**BUREAU USE ONLY**

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

**PRESENT LICENSE EXPIRES** 3-17-14

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

**INDICATE TYPE OF LICENSE:**

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTIONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Kathryn M Weare</u> <b>DOB:</b> <u>1-19-49</u>			<b>2. Business Name (D/B/A)</b> <u>The Cliff House &amp; Motels, Inc.</u>		
<b>DOB:</b>					
<b>DOB:</b>			<b>Location (Street Address)</b> <u>Bald Head Cliff</u>		
<b>Address</b>			<b>City/Town</b> <u>York</u>	<b>State</b> <u>ME</u>	<b>Zip Code</b> <u>03909</u>
			<b>Mailing Address</b> <u>PO Box 2274</u>		
<b>City/Town</b> <u>York</u>	<b>State</b> <u>ME</u>	<b>Zip Code</b> <u>03909</u>	<b>City/Town</b> <u>Ogunquit</u>	<b>State</b> <u>ME</u>	<b>Zip Code</b> <u>03907</u>
<b>Telephone Number</b> <u>207-361-1000</u>		<b>Fax Number</b> <u>207-361-2360</u>		<b>Business Telephone Number</b> <u>207-361-1000</u>	
<b>Federal I.D. #</b> <u>01-0284347</u>		<b>Seller Certificate #</b> <u>4193</u>			

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_

4. State amount of gross income from period of last license: ROOMS \$ 3557610 FOOD \$ 1140829 LIQUOR \$ 372799

5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO

7. If manager is to be employed, give name: Kathryn M. Weare

8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: York

10. Is/are applicants(s) citizens of the United States? YES  NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Kathryn M. Weave	1-19-49	St. Petersburg FL

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
Disposition: \_\_\_\_\_

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_  
Lodging, Restaurant & Spa

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

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

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

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

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

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_\_\_\_  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

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

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

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

1. Exact Corporate Name: The Cliff House & Motels, Inc.  
 Business D/B/A Name: The Cliff House & Motels, Inc.
2. Date of Incorporation: 1969
3. State in which you are incorporated: Delaware
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:  
1969
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Kathryn M. Weare	PO BOX 3374 Ogunquit ME 03907	1/19/47	100%	owner, president, Director

6. What is the amount of authorized stock? 0 Outstanding Stock? 0
7. Is any principal officer of the corporation a law enforcement official? ( ) YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? ( ) YES ( ) NO.
9. If yes, please complete the following: Name: \_\_\_\_\_  
 Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
 Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
 Dated at: \_\_\_\_\_ City/Town \_\_\_\_\_ On: \_\_\_\_\_ Date \_\_\_\_\_

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

\_\_\_\_\_  
 Signature of Duly Authorized Officer

\_\_\_\_\_  
 Print Name of Duly Authorized Officer

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaowski  
**Sent:** Wednesday, February 12, 2014 11:04 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: The Cliff House

Taxes are still due. \$3338.89 in personal property taxes owed through February 28, 2014.

*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

361-2122

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---

**From:** Melissa M. Avery  
**Sent:** Wednesday, February 12, 2014 10:02 AM  
**To:** Mary-Anne Szeniaowski; David K. Bridges; David Apgar  
**Subject:** Business License: The Cliff House

Attached is the Business License application for The Cliff House, located at 591 Shore Road (0004-0029).

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

Please consider the environment before printing this email.

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Wednesday, February 12, 2014 2:42 PM  
**To:** Melissa M. Avery  
**Cc:** Mary-Anne Szeniaowski; David Apgar  
**Subject:** Re: Business License: The Cliff House

I have sent information to the perspective buyers in reference to agreed upon work that has not been done. My info stated that I needed an agreement that the Cliff House could open in 2014 with no additional work required BUT they had to renovate the 3 building in question and bring up to code before thru opened in 2016. Dave

Sent from my iPhone. Dave

On Feb 12, 2014, at 10:01 AM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Business License application for The Cliff House, located at 591 Shore Road (0004-0029).

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

Please consider the environment before printing this email.

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<The Cliff House.pdf>

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



Business Name Cape Neddick Inn  
 Business Location 1273 US Route 1  
Cape Neddick, ME 03902  
 Telephone Number 207-351-1145

OWNER'S Name and Mailing Address Down East Resorts LLC  
Kenneth D. Heavner  
PO Box 249  
Cape Neddick, ME 03902

APPLICANT'S Name and Mailing Address Kenneth D. Heavner  
Box 249  
Cape Neddick, ME 03902

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	2/25	Szeniakowski

**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: 0019-0028  
 License Year: 2014-2015  
 No. Of Seats: 120  
 No. Of Parking Spaces: 90

New License (One Time \$30 Fee): YES  NO

License Renewal: YES  NO

Bed and Breakfast License: # of Rooms N/A

Hotel/Motel with Cooking Facilities: # of Rooms N/A

Is Your Establishment Closed for More Than 120 Consecutive Days? YES  NO

**REQUESTING THE FOLLOWING LICENSES:**

\$25.00 Victualers  
 \$25.00 Liquor  
 \$25.00 Special Amusement  
 \$25.00 Bottle Club  
 \$25.00 Theater  
 \$25.00 Dance Hall  
 Coin-OP Amusement (\$75 each or \$250 for 3 or more)

Nature of Entertainment (If Applicable):  
 \_\_\_\_\_  
 \_\_\_\_\_

Bed and Breakfast (\$10 Per Room): Total \_\_\_\_\_  
 Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total \_\_\_\_\_

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

I certify the above statements are true and understand false statements may be cause to revoke a license.  
2/25/14 Date [Signature] Applicant's Signature

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

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

Business Owner Signature [Signature] Business Manager Signature (If Applicable) N/A

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

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

AMT. RECD. \$125.00 RECEIPT NO. 9258 RECEIPT DATE 2/25/14 MI PM MM MS  
mma

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

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

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

**PRESENT LICENSE EXPIRES** 6/18/2014

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

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)
- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Downeast Resorts, LLC</u> <b>DOB:</b> _____ <u>(Kenneth &amp; Kerrianna)</u> <b>DOB:</b> <u>8-20-41</u>			<b>2. Business Name (D/B/A)</b> <u>Cape Neddick Inn</u>		
<b>Address</b> <u>PO Box 249</u> <u>US Route 1</u>			<b>Location (Street Address)</b> <u>1273 US Route One</u>		
<b>City/Town</b> <u>Cape Neddick</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03902</u>		<b>City/Town</b> <u>Cape Neddick</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>03902</u>			
<b>Telephone Number</b> _____ <b>Fax Number</b> _____			<b>Business Telephone Number</b> <u>207-351-1145</u> <b>Fax Number</b> _____		
<b>Federal I.D. #</b> <u>01-0901386</u>			<b>Seller Certificate #</b> <u>1097708</u>		

- 3. If premises are a hotel, indicate number of rooms available for transient guests: 0 N/A
- 4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 684,357 LIQUOR \$ 242,880
- 5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

- 6. Do you permit dancing or entertainment on the licensed premises? YES  NO
- 7. If manager is to be employed, give name: N/A
- 8. If business is NEW or under new ownership, indicate starting date: N/A  
Requested inspection date: \_\_\_\_\_ Business hours: 4-9:30 PM
- 9. Business records are located at: 1273 US Route One, Cape Neddick
- 10. Is/are applicants(s) citizens of the United States? YES  NO

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

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

Name in Full (Print Clearly)	DOB	Place of Birth
Kenneth David Heavner	8/20/1941	Lenoir, NC

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

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
Disposition: \_\_\_\_\_

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

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

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

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Restaurant and Lounge - Diagram on back

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

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3/4 mile Which of the above is nearest? Church

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

If YES, give details: Keenebank Savings Bank, SBA, Coldwater Corporation  
All in one + PLS

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

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

Dated at: Cape Neddick, ME on 2/25, 2014  
Town/City, State Date

[Signature] Please sign in blue ink  
Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)  
Kenneth David Heavner

STATE OF MAINE

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

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

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

**SUPPLEMENTARY QUESTIONNAIRE FOR CLUB APPLICANTS**

1. Exact Club Name: \_\_\_\_\_

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

Title	Name	Birth Date	Telephone #

3. Date Club was incorporated: \_\_\_\_\_

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

5. Date regular meetings are held: \_\_\_\_\_

6. Date of election of Club Officers: \_\_\_\_\_

7. Date elected officers are installed: \_\_\_\_\_

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

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

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

( ) YES ( ) NO

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

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Signature and Title of Club Officer

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

# MAINE DEPT OF PUBLIC SAFETY

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



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

- Exact Corporate Name: DOWNEAST RESORTS, LLC  
Business D/B/A Name: CAPE MERRICK INN
- Date of Incorporation: \_\_\_\_\_
- State in which you are incorporated: MAINE
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Kenneth David Hemen	774 US Route One Yorck, ME 03910	8/20/1941	100%	Owner Manager

- What is the amount of authorized stock? 100 SHARES Outstanding Stock? 0
- Is any principal officer of the corporation a law enforcement official? Yes  No
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes  No
- If YES, please complete the following: Name: \_\_\_\_\_  
Date of Conviction: \_\_\_\_\_ Offense: \_\_\_\_\_  
Location: \_\_\_\_\_ Disposition: \_\_\_\_\_  
Dated at: \_\_\_\_\_ On: \_\_\_\_\_  
City/Town \_\_\_\_\_ Date \_\_\_\_\_

Kenneth David Hemen

Signature of Duly Authorized Officer

Kenneth David Hemen

Print Name of Duly Authorized Officer

2-25-14

Date

# Maine Secretary of State



## 2014 Annual Report Electronic Filing Acknowledgment

For Limited Liability Companies on file as of December 31, 2013

**Charter Number:** 20010876DC  
**DCN Number:** 2140019037450  
**Legal Name:** DOWNEAST RESORTS, LLC

### Registered Agent's Name and Address:

JOHN R. KUGLER  
ABENAKI PROFESSIONAL PARK 1662 POST ROAD A-5  
WELLS, ME 04090

### Brief statement of the character of the business:

RESTAURANT OPERATIONS DBA: CAPE NEDDICK INN 1273 US ROUTE ONE CAPE  
NEDDICK, ME 03902

### Name and Address of Members, Managers or other Authorized Persons:

KENNETH DAVID HEAVNER  
1273 US ROUTE 1, CAPE NEDDICK, ME 03902  
P.O. BOX 249, CAPE NEDDICK, ME 03902

**Date of Filing:** January 14, 2014

### Name and Capacity of Authorizing Party:

KENNETH DAVID HEAVNER, OWNER/PRESIDENT

## Melissa M. Avery

---

**From:** Mary-Anne Szeniaewski  
**Sent:** Tuesday, February 25, 2014 2:37 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Business License: Cape Neddick Inn

Current

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

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**From:** Melissa M. Avery  
**Sent:** Tuesday, February 25, 2014 11:30 AM  
**To:** Mary-Anne Szeniaewski; David K. Bridges; David Apgar  
**Subject:** Business License: Cape Neddick Inn

Attached is the Business License Application for Cape Neddick Inn, located at 1273 US Route One (0019-0025).

Missy

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Melissa M. Avery  
*Assistant to the Town Manager*

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

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 7, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Legal Documents Regarding Penstock Road	

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

**Discussion:** On February 25, 2014 Attorney Dennis Carrillo (Representing Ellis Park and William Burnham), Durward Parkinson (Representing the Town of York) and Dean Lessard participated in a teleconference to discuss legal documents concerning Penstock Road that had been prepared by Mr. Carrillo. As a result of that teleconference, the parties agreed that amendments would be made to the documents. On March 6, 2014 Mr. Carrillo emailed revised documents to Mr. Parkinson and me. Although out of the office and travelling Mr. Parkinson quickly reviewed the documents and requested a teleconference call on Monday, March 10<sup>th</sup> to further discuss the documents. Mr. Carrillo supported a second teleconference to discuss the revised documents. The call should result in additional information being available for Monday night's meeting.

<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: \_\_\_\_\_



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

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

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

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

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

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

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

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

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

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

WHEREAS, it is the intention of the Inhabitants of the Town of York to ~~formally abandon Penstock Road by vote of the Town's Board of Selectmen~~ terminate in whole any interest held by it for highway purposes by discontinuance pursuant to 23 M.R.S. § 3026, ~~without damages and without retained public easement~~ and to convey a municipal quitclaim deed without covenants for the abandoned portions of the road to William Burnham, in exchange for receipt of certain easements and licenses from William Burnham and the Ellis Short Sands Park Trustees;

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

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

NOW THEREFORE, William Burnham, the Ellis Short Sands Park Trustees and the Inhabitants of the Town of York all agree that the Inhabitants of the Town of York will take all steps required by law to discontinue ~~vote to formally abandon~~ Penstock Road with its legislative body voting on whether to approve the order of discontinuance by general referendum in May 2014, and if the Inhabitants of the Town of York so approve, the parties, within 7 days of said vote, will execute and record in the York County Registry of Deeds the following instruments:

1. A certificate of road discontinuance attested by the municipal clerk pursuant to 23 M.R.S. § 3024.

2. A municipal quitclaim deed without covenants from the Inhabitants of the Town of York to William Burnham, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit B**;

3. An easement and maintenance agreement from William Burnham to the Inhabitants of the Town of York, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit C**;

~~24.~~ An ~~license and maintenance~~ agreement from the Ellis Short Sands Park Trustees to the Inhabitants of the Town of York, a true and accurate copy of which is attached hereto and incorporated herein as **Exhibit D**:

~~4. A certificate of road discontinuance attested by the municipal clerk pursuant to 23 M.R.S. § 3024.~~

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

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

By: \_\_\_\_\_  
William Burnham

State of Maine  
County of York, ss. \_\_\_\_\_, 2014

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

Before me.

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

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

By: \_\_\_\_\_  
Duly Authorized  
Print Name:  
Print Title:

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State of Maine

County of York, ss. \_\_\_\_\_, 2014

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

Before me,

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

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

By: \_\_\_\_\_  
Duly Authorized  
Print Name:  
Print Title:

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State of Maine  
County of York, ss. \_\_\_\_\_, 2014

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

Before me,

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

## EASEMENT AND MAINTENANCE AGREEMENT

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

### RECITALS

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

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

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

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

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

WHEREAS, Grantee Town has terminated in whole any interest held by it for highway purposes by discontinuance pursuant to 23 M.R.S. § 3026, without damages and without retained public easement;

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

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

**AGREEMENT:**

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS

**1. Miscellaneous**

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

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

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

**~~2. Easement for Ingress and Egress~~**

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

~~2.2. This ingress and egress easement shall burden Grantor Burnham's real property and benefit Grantee Town. This ingress and egress easement shall run with the land and shall be~~

binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.

~~2.3. This easement shall ONLY be for the limited purpose of access, ingress, egress and maintenance through the area of Grantor Burnham's real property burdened by this easement to travel along currently existing sidewalks and/or concrete walkways running parallel with Old County Road and to access the parking area of Ellis Short Sands Park.~~

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

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

### **32. Easement for Underground Storm Water Drainage**

~~32.1. For valuable consideration received, Grantor Burnham hereby grants to Grantee Town an exclusive, ten (10)-foot wide easement over areas of real property burdened by this easement that are owned by Grantor Burnham that formerly constituted Penstock Road, as depicted in attached **Exhibit A**, and right to enter upon said areas for the purposes of installation, maintenance, repair, or replacement of an existing underground storm drain system and related improvements. This easement for underground storm water drainage shall be located starting five (5) feet from the northern side edge of an existing 48-inch underground pipe and extending out for ~~ten-twenty (20)~~ feet in the southerly direction, opposite the existing building located on Grantor Burnham's real property.~~

~~32.2. This easement is for the benefit of the adjacent and nearby public roads and public rights of way and for the drainage of water from the same and from other lands, and includes the right for underground discharge and flowage of water whatsoever in nature and amount, so long as such discharge and flowage does not interfere with Grantor Burnham's entitled use under applicable zoning laws of the areas burdened by this easement. This easement shall run with the land and shall be binding on and shall inure to the benefit of the parties, their respective heirs, successors or assigns.~~

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~~32.3. Grantee Town's rights and obligations are limited to the installation, maintenance, repair or replacement of the existing underground storm water drainage system.~~

~~32.4. Grantee Town agrees that it shall be responsible for said maintenance, repair and replacement of said underground storm water drainage system and related improvements, as it deems necessary.~~

~~32.5. Grantee Town agrees that it will accomplish said maintenance, repair or replacement of said underground storm water drainage system promptly and with minimum disruption to Grantor Burnham's entitled use of the area burdened by this easement.~~

~~32.6. Grantee Town agrees that any damage caused by the existence, maintenance, repair or replacement of said underground storm water drainage system or by Grantee Town's~~

entry upon said area burdened by this easement will be corrected and restored at Grantee Town's sole expense to a condition substantially equal to that existing prior to such damage and commensurate with Grantor Burnham's entitled use of said area.

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

\_\_\_\_\_  
Witness: By: William Burnham

State of Maine  
County of York, ss. \_\_\_\_\_, 2014

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

Before me,  
  
\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

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

\_\_\_\_\_  
Witness: By: \_\_\_\_\_  
Print Name:  
Print Title:

State of Maine  
County of York, ss. \_\_\_\_\_, 2014

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

Before me,

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

## LICENSE AND MAINTENANCE AGREEMENT

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

### RECITALS

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

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

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

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

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

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

WHEREAS, Grantee Town has agreed to terminate in whole any interest held by it for highway purposes by discontinuance pursuant to 23 M.R.S. § 3026, without damages and without retained public easement.

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

### AGREEMENT:

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS

#### 1. Miscellaneous

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

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

## ~~2. License for Ingress and Egress~~

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

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

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

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

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

## ~~32. License Maintenance Agreement for Underground Storm Water Drainage~~

~~32.1. For valuable consideration received, Grantor Park hereby grants to Grantee Town an exclusive, ten-twenty-five (1029)-foot wide license-right over areas of park real property burdened by this license-maintenance agreement that are managed and controlled by Grantor Park that formerly constituted Penstock Road, as depicted in attached Exhibit A, and right to enter upon said areas for the purposes of installation, maintenance, repair, or replacement of an existing underground storm drain system and related improvements. This license for underground storm water drainage shall be located starting five (5) feet from the at the northern~~

side-edge of an existing 48-inch underground pipe and extending out for ~~ten~~twenty (2) feet in the southerly direction.

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

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

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

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

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

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

\_\_\_\_\_  
Witness:

By: \_\_\_\_\_  
Print Name:  
Print Title:

State of Maine  
County of York, ss.

\_\_\_\_\_, 2014

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

Before me,

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:

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

\_\_\_\_\_  
Witness:

By: \_\_\_\_\_  
Print Name:  
Print Title:

State of Maine  
County of York, ss.

\_\_\_\_\_, 2014

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

Inhabitants of the Town of York, and in doing so hereby accepts the above-described license subject to the conditions attached thereto.

Before me,

\_\_\_\_\_  
Notary Public  
Print Name:  
My Commission expires:



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 7, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Revised Legal Policy	

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

**Discussion:** After a work session with the Board of Selectmen, Town Attorney Mary Costigan developed a Town Legal Policy based on an earlier version. The proposed policy is attached.

<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: \_\_\_\_\_

## Legal Counsel Policy

### **1. Planning Board, Appeals Board**

- a. All requests for attendance by Town Counsel at hearings before the Planning Board and Board of Appeals shall be submitted to the Selectmen for approval.
- a.b. All requests by the Planning Board and Board of Appeals to communicate with Town Counsel to obtain legal advice sought by the Planning Board and Board of Appeals shall be submitted to the Town Manager shall be in writing with copies of both the question and the answers sent to the Selectmen.
- b.c. Before Town Counsel's advice is sought, all attempts should be made to utilize the legal department of the Maine Municipal Association.
- d. The Town Manager or his/her designee will monitor and advise the Selectmen on the current status of all pending litigation.
- e. If there is insufficient time to obtain required approval from the Selectmen, the Town Manager may approve the attendance by Town Counsel in a matter before the Planning Board or Board of Appeals. The Town Manager shall advise the Selectmen in writing of said approval.
- e.f. When feasible and advisable, i.e., would not reveal confidential information, communications between Town Counsel and the Planning Board or Board of Appeals shall be in writing.

### **2. All Committees, Boards and Commissions other than the Planning Board and Appeals Board**

- a. Legal Advice can be sought by Boards, Commissions and Committees after a majority vote of the members and approval by the Board of Selectmen. All questions must be in writing with copies of both the questions and answers sent to the Selectmen.
- b. Before Town Counsel's advice is sought all attempts should be made to utilize the legal department of the Maine Municipal Association.
- c. The Town Manager or his/her designee will monitor and advise the Selectmen on the current status of all pending litigation.
- d. If there is insufficient time to obtain required approval from the Selectmen, the Town Manager may authorize a Board, Commission or Committee to obtain legal advice from Town Counsel. The Town Manager shall advise the Selectmen in writing of said authorization.
- e. When feasible and advisable, i.e., would not reveal confidential information, communications with Town Counsel shall be in writing.

### 3. Board of Selectmen

- a. Legal advice from Town Counsel can be sought only by a majority vote of the Board of Selectmen, at a regularly scheduled meeting, a special meeting, or at a work session by consensus.
- b. Every attempt should be made to utilize the service of Maine Municipal Association.
- c. Individual members of the Board of Selectmen may contact Maine Municipal Association but should inform the Selectmen in writing as to the questions asked and responses given.
- d. When feasible and advisable, i.e., would not reveal confidential information, communications with Town Counsel shall be in writing.

### 4. Administrative Requests

- a. The Town Manager may request a legal opinion on behalf of the Board of Selectmen pursuant to a majority vote of the Selectmen.
- b. The Town Manager or designee may request legal opinions on Administrative matters. The request for legal opinion as well as the response shall be transmitted to the Board of Selectmen in writing.
- b.c. When feasible and advisable, i.e., would not reveal confidential information, communications with Town Counsel shall be in writing.
- e. d. By majority vote, the Selectmen may direct the Town Manager not to seek legal advice on a specific issue.
- d. e. The Town Manager may authorize certain employees to obtain legal advice within the area of responsibility of their position. The request for legal opinion as well as the response shall be transmitted to the Board of Selectmen in writing.
- e. f. Every year, or as necessary, the Town Manager will send a communication advising the Corporation-Town Counsel which Department Heads have authority to seek legal advice, with a copy to the Board of Selectmen.
- g. The use of legal counsel at a formal grievance hearing is prohibited, unless specifically authorized by a majority of the Board of Selectmen. This policy does not, under any circumstances, prohibit the Town Manager or his/her designee from seeking legal advice directly relating to administrative/personnel matters outlined in Section 4, Paragraph B, of this policy.
- h. The Town Manager shall provide the Selectmen with a written report each month summarizing the communications with Town Counsel.
- f. i. The Town Manager shall advise the Selectmen of any new litigation or similarly important matters as soon as possible after receiving notice.

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Warrant Article for Conveyance of Town Owned Parcels to the York Land Trust and Daniel Rosa	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Placing a Warrant Article on the May Referendum
<b>PROPOSED MOTION:</b> I move to approve placing a warrant article on the May Referendum seeking authorization to convey parcels of town owned land on Bell Marsh Road to the York Land Trust and Daniel Rosa.

**Discussion:** In January of 2012 Stantec Consulting presented a Conceptual Mitigation (Compensation) Plan to the United States Army Corps of Engineers (USACE) and the Maine Department of Environmental Protection (MDEP) on behalf of the Town of York. This plan was required by the regulators in order to mitigate the effects of wetland and vernal pool buffer disturbance as part of the Town's proposed police station project. The mitigation plan included conveying town owned parcels located on Bell Marsh Road to the York Land Trust where the parcels would be put into conservation. The Conceptual Mitigation Plan, as well as a subsequent revised plan, was approved by both the USACE and the MDEP.

As the York Land Trust, working with Stantec Consulting and the Town, was performing due diligence by way of survey and title work it was discovered that there was a boundary discrepancy, along with ownership issues, pertaining to the parcels included in the mitigation plan. An abutter, Daniel Rosa, claimed some ownership of two of the town owned parcels. Subsequent to this discovery a series of discussions were held involving the York Land Trust, Stantec Consulting, Daniel Rosa and the Town. As a result of these discussions, an agreement was reached which re-aligned some parcel



boundaries and changed the configuration of the mitigation parcels. The revised mitigation package was submitted to the regulators by Stantec Consulting and both the USACE and the MDEP approved the revised package. In fact, the revised package actually put more environmentally sensitive land into conservation than the original package.

As a result of the revised mitigation package there are two parcels that do not have voter approval for conveyance. Map 92 Lot 17C is part of the package but was not part of previous approvals. This area is highlighted in yellow on the attached survey plan and will be conveyed to the York Land Trust. The second parcel is identified as the "Garey Lot" on the attached plan and is outlined in pink. Although not identified as such on the plan, the parcel is Map 92 Lot 6F. This parcel will also need voter approval for conveyance. This parcel is to be conveyed to Daniel Rosa. Although this parcel is shown as being owned by the Town, the title to this parcel is not entirely clear and the Town will simply be releasing any interest in the lot. Title research performed by the attorney for the Land Trust reflects that Daniel Rosa is more likely the owner.

Attached you will find the Revised Mitigation Plan, two copies of the survey plan, one with the parcels to be conveyed by the Town (yellow to Land Trust, Pink to Rosa) and one that illustrates what the York Trust (outlined in yellow) and Daniela Rosa (outlined in pink) will own after the transactions are complete. These plans are enlarged 8.5X14 and I will have full size plans for Monday night. There is also a letter from Doreen MacGillis of the York Land Trust concerning their involvement. Doreen will also be attending the meeting to answer any questions. The Town Attorney, which in this case is Bergen and Parkinson as they have been working on this issue for awhile, is preparing a warrant article.

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

Prepared By: Robert B. Gansow Reviewed By: \_\_\_\_\_



**Maine Department of Environmental Protection  
Natural Resource Protection Act Tier II Application**

**Attachment 4  
Revised Compensation Plan**

York Police Station Project  
York, Maine

February 2013

**Prepared For:**

SMRT  
144 Fore Street  
Portland, ME 04104

**Prepared By:**

Stantec Consulting  
30 Park Drive  
Topsham, ME 04086



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**Stantec**

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**APPENDICES**

Appendix A Table A-1: Mitigation Site Search Table

Appendix B Figure 1 – Site Location Map

            Figure 2 – Potential Mitigation Site – Landscape Context Map

            Figure 3 – Potential Mitigation Site Map

            Figure 4 – Wetland Impact Areas Map

            Figure 5a – Vernal Pool Buffers – Pre-Development (Figure 1 from SMRT)

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Appendix C Preservation Site Photographs

Appendix D Sample Property Transfer Documentation

Appendix E Example of Declaration of Charitable Trust

Appendix F Letter of Interest from York Land Trust

PN 195600562



## 1.0 INTRODUCTION

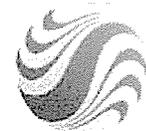
The Town of York (Town) has received a Tier 2 Natural Resources Protection Act (NRPA) permit from the Maine Department of Environmental Protection (MDEP) and a Section 404 Clean Water Act permit from the U.S. Army Corps of Engineers (Corps) for the proposed York Police Station project located in York, Maine (Figure 1).<sup>1</sup> The proposed project will include the construction of a police station and an approximately 4,800-foot long access road between U.S. Route 1 and Ridge Road. The proposed project is expected to impact approximately 21,550 square feet (sf) of freshwater wetlands, including 2 stream crossings and the terrestrial buffers surrounding several natural and man-made vernal pools. As a result of these impacts, compensatory mitigation is required to satisfy permitting requirements for both the MDEP and the Corps. Stantec Consulting (Stantec) prepared a Compensation Plan in February 2012 that was submitted to MDEP and the Corps as Attachment 4 of the Tier 2 NRPA permit application. The Revised Compensation Plan below addresses changes to the originally proposed Compensation Plan and outlines the revised compensatory mitigation measures that will be implemented by the Town to offset the unavoidable wetland and vernal pool buffer impacts associated with the construction of the project.

## 2.0 SUMMARY OF PROPOSED IMPACTS

The proposed project is expected to impact approximately 21,550 sf of primarily forested wetlands, including 2 stream crossings. Two of the wetlands on the site, Wetlands 1 and 4, meet the NRPA criteria to be considered Wetlands of Special Significance (WSS). Figure 4 shows the locations of the mapped wetlands and streams and the proposed impacts on the project site. Additional wetland impact figures are provided in the Wetland Function and Value Assessment included as Attachment 3 of the NRPA permit application. The wetland and stream impacts will occur at 3 of the wetlands on the project site, Wetlands 1, 2, and 4. Wetland 3 will not be impacted. The project, as proposed, would impact 6,297 sf of Wetland 1, 12,728 sf of Wetland 2, and 2,525 sf of Wetland 4. The project will also include 2 stream crossings, one each in Wetlands 1 and 2. The proposed crossing in Wetland 1 will result in approximately 70 linear feet of impact, and the crossing in Wetland 2 will result in approximately 42 linear feet of impact. The wetland impacts are spread out over seven different locations, each of which is associated with the construction of the proposed access road. The proposed police station building will not impact any wetlands.

Based on MDEP regulations, the proposed project will impact the 250-foot buffer surrounding one Significant Vernal Pool (SVP) on the project property. However, the impacts, including existing impacts plus proposed impacts, will not exceed 25 percent of the total SVP habitat. Based on Corps regulations, the project is expected to impact the 750-foot Vernal Pool Management Areas (VPMA) surrounding 3 vernal pools or clusters of vernal pools located on or immediately adjacent to the project property. For the purposes of compensation for the Corps, only the following vernal pools in and surrounding the project area were considered: SVPs, vernal pools that met significance thresholds for egg mass counts but were man-made, or clusters of vernal pools with combined significant egg mass counts. Approximately 10.7 acres of the 750-foot VPMAs surrounding the 3 vernal pools will be impacted as a result of the proposed project. This includes vernal pool buffer impacts that occurred in the summer of 2012 during project construction and account for the proposed restoration of a portion of the impacted buffer. The proposed impacts do not include any impacts to the Vernal Pool Depression or Vernal Pool Envelope of any of the vernal pools. The impacts within the VPMAs of the 3 vernal pools, existing plus proposed, exceed the 25 percent threshold for allowable impact within the 750-foot VPMAs. The impacts to the VPMAs are shown on Figures 5a and 5b.

<sup>1</sup> Lat/Long = 43.175° N, 70.6181° W. USGS Hydrologic Unit Code for project area watershed = 0106000303.



Wetland and vernal pool buffer impacts have been avoided and minimized to the maximum extent practicable in the design and siting of the proposed project, as outlined in the Alternatives Analysis provided as Attachment 2 of the NRPA application. The unavoidable impacts are necessary to meet the project purpose and need.

## 2.1. WETLAND FUNCTIONS AND VALUES

Wetland functions and values were evaluated using the Corps Highway Methodology.<sup>2</sup> This method bases function and value determinations on the presence or absence of specific criteria for each of 13 wetland functions and values typically considered by the Corps in the wetland alteration permitting process. The criteria are assessed through direct field observations and a review of existing resource maps and databases. As part of the evaluation, the "principal" (i.e., most important) functions and values associated with the subject wetlands are identified and described. In addition, the ecological integrity of the wetlands is evaluated based on the existing and past levels of disturbance and the overall significance of the wetlands within the local watershed. This descriptive and qualitative approach integrates wetland science with subjective value judgments made by wetland professionals and is preferred by the Corps over more quantitative methods of wetland assessment. Please note that Wetland 3 will not be impacted as a result of the project and is therefore not included in the functions and values assessment provided below. A more detailed assessment of the wetland functions and values provided by each of the project area wetlands is provided in Attachment 3 of the NRPA permit application.

The wetlands on the project site provide a variety of functions and values, with several considered principal. Table 1 provides a summary of the existing wetland functions and values associated with the project area wetlands. Note that the functions and values shown in Table 1 are representative of the entire wetland in the project area.

Wetland 1 provides several principal functions generally associated with the larger wetland area located to the north of the proposed impacts. There are three impact locations within this wetland, and for the most part, these impacts will not affect the ability of Wetland 1 to continue to provide the principal functions identified. The proposed stream crossing location in this wetland may result in a minor impact to the ability of Wetland 1 to provide sediment/shoreline stabilization and floodwater alteration. This crossing will be accomplished with a buried culvert that is greater than 1.2 times bankfull width. Meeting these specifications will result in only a slight reduction in the wetland's ability to perform these functions, as there are few associated wetlands immediately adjacent to the stream at the proposed crossing location. The stream dissipates into more discrete flow approximately 100 feet north of the proposed crossing. At this point, the former stream channel becomes more vegetated and is not confined, which will allow the wetland to continue to perform this function. The functions of sediment/toxicant retention, nutrient removal, and production export are largely associated with the larger forested/scrub-shrub wetland located north of the impact areas. These functions will not be affected by the project impacts. Similarly, the principal function of wildlife habitat is associated with the mapped vernal pools located north of the impact areas, which will not be directly impacted by the project.

Wetland 2 also provides several principal functions. Similar to Wetland 1 above, the stream crossing in Wetland 2 will only slightly affect the ability of the wetland to provide the functions of sediment/shoreline stabilization and floodwater alteration. There is only a narrow associated wetland adjacent to the stream at the crossing point, and the stream bank is well vegetated downstream of the proposed impact location. At the western-most of the two impact locations in this wetland, the project will affect the ability of the wetland to provide the functions of sediment/toxicant retention and nutrient removal. Due to the 9,907 square feet of wetland impact at this location, the wetland's capacity to trap sediments and nutrients will be reduced. However, given the large size of the wetland that remains unaffected, Wetland 2 will still

<sup>2</sup> U.S. Army Corps of Engineers. 1999. *The Highway Methodology Workbook Supplement, Wetland Functions and Values: A Descriptive Approach*. U.S. Army Corps of Engineers. New England Division. 32pp. NAEEP-360-1-30a.



provide this function. Production export from this wetland will not be significantly impacted as a result of the project. The two stream channels will remain intact, with the exception of one crossing, and the majority of the wetland will remain undisturbed.

Wetland 4 provides only the principal functions of floodwater alteration, sediment/toxicant retention, and nutrient removal. Wetland 4 is mapped within the 100-year flood zone according to maps produced by the Federal Emergency Management Agency. This wetland provides flood storage during periods of high water in the open water "Ice Pond" area and in the emergent/scrub-shrub wetland to the north. The proposed impact to this wetland is located at the narrowest point in the wetland and is not proposed for either of the areas providing the primary flood storage capacity. Therefore, this function is not expected to be impacted by the proposed project. Wetland 4 also provides the functions of sediment/toxicant retention and nutrient removal, due in large part to the wetland's landscape position surrounded by commercial development and other impervious surface that provide sources for these inputs. As stated, the portions of this wetland that primarily provide this function are the "Ice Pond" and the larger emergent/scrub-shrub area to the north. These portions of the wetland will not be impacted by the project; therefore, it is expected that the wetland will continue to be able to provide these functions.

Given the relatively small amount of impact at each impact location in the project area, as well as the steps taken to avoid and minimize impacts, the proposed project will result in minor impacts to the functions and values provided by the wetlands on the project site. However, the wetlands on the project site will continue to provide the functions, and the impacts are not expected to be significant.

**Table 1. Wetland Functions and Values for the Wetlands at the York Police Project Site**

<b>Wetland Functions and Values</b>	<b>Wetland 1</b>	<b>Wetland 2</b>	<b>Wetland 4</b>
Groundwater Interchange	X	X	X
Floodwater Alteration	P	P	P
Fish and Shellfish Habitat	--	--	--
Sediment/Toxicant Retention	P	P	P
Nutrient Removal	P	P	P
Production Export	P	P	X
Sediment/Shoreline Stabilization	P	P	--
Wildlife Habitat	P	X	X
Recreation	X	X	X
Educational/Scientific	--	--	--
Uniqueness/Heritage	--	--	--
Visual Quality/Aesthetics	--	--	--
Endangered Species	--	--	--

X = Function/Value Present  
P = Principal Function/Value



### 3.0 MITIGATION SITE SEARCH

#### 3.1. COMPENSATORY MITIGATION SITE SEARCH

The goal of the mitigation site search was to find a site that could compensate for the proposed impacts to wetlands, streams, and vernal pool buffers at the York Police Station project site. The Town provided Stantec with a list of 21 undeveloped, Town-owned properties that could potentially be used for mitigation purposes (Figure 1). Stantec also met with the York Land Trust, affiliated with the Mt. Agamenticus to the Sea Conservation Initiative, to determine if the land trust had any sites that could meet the mitigation requirements of the project. The land trust provided Stantec with several additional options, two of which had potential to serve as mitigation sites. Stantec then performed a desktop analysis of the 23 potential mitigation parcels, which included reviewing publicly-available natural resource data, aerial photographs, National Wetland Inventory (NWI) data, mapped Significant Wildlife Habitats, Beginning with Habitat<sup>3</sup> data, and resource data provided by the Town. Important considerations made in the site search process include proximity to other protected land or conservation areas; the presence of high value habitat; ability of the site to mitigate for the impacted functions and values at the project site; existence of viable wetland restoration, creation and/or enhancement opportunities; local and regional ecological values and conservation goals; the threat of development; and the likelihood of mitigation success. Stantec developed a matrix of the various mitigation opportunities to evaluate the feasibility of wetland mitigation at each specific site. Table A-1 in Appendix A provides detailed information on the 23 potential mitigation sites investigated by Stantec. The sites are ranked based on a set of nine criteria that state and federal regulators typically use to evaluate the feasibility of a mitigation site. The sites are shown on Table A-1 in the order of highest ranking to lowest ranking.

As shown on the site search matrix, 8 sites had a ranking of 5 or higher. Stantec conducted field surveys in 2010, 2011, and 2012 at the 8 sites to further evaluate their suitability as potential mitigation sites. Based on the proposed impacts at the project site, the field surveys focused on the identification of potential vernal pool (PVP) habitat, as this was identified as an essential component for a potential mitigation site in order to provide in-kind compensation for the project impacts. The initial site visits were also performed to assess:

- Presence and function/value of wetland habitat;
- Opportunities for wetland restoration, creation, or enhancement;
- Recent land use and surrounding development; and
- Other potentially significant natural resources that would add value for mitigation purposes.

During the initial surveys, Stantec identified PVPs on 7 of the 8 properties, as shown in Table A-1. A more detailed desktop analysis was then performed to determine which of these 7 properties would have the best potential as a mitigation site. Stantec made the following determinations on the 7 properties based on the results of the field surveys and desktop analyses.

- Site 20 consists of one large parcel with a total area of 25.02 acres. Stantec identified 2 PVPs on or adjacent to the site with very high potential to be functioning vernal pools during the fall 2010 site visit. The parcel is adjacent to protected conservation land and is a developable plot of land with road frontage. While Stantec did not observe a lot of wetland area on the parcel, the presence of the two PVPs with good potential made this site a viable option for preservation mitigation.
- Site 22 was ruled out as a potential mitigation site primarily because the cost of the land exceeds the Town's budget for this project. While the site is a high priority for the York Land Trust, the

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<sup>3</sup> Beginning with Habitat mapping consolidates natural resource data from the Maine Department of Inland Fisheries and Wildlife, Maine Natural Areas Program, and the MDEP.



- landowner has set the price of the property at \$75,000, which is beyond the Town's budget. Further, the Town would need to obtain voter approval via referendum in order to purchase this property for mitigation, which would not fit with the project timeline.
- Site 2 contains a good mix of wetlands and uplands and is adjacent to existing conservation land. The site contained a stream and one PVP, although the PVP did not appear to have high potential to contain significant egg mass numbers. However, during a site visit to the property, Stantec observed that an adjacent landowner had cleared a large area of upland forest within the boundaries of the Town's property. Stantec and the Town agreed that resolving the landowner encroachment issue would not fit the project timeline, and this site was determined to be unsuitable for mitigation.
  - Site 3 is located immediately adjacent to Site 2 and also contains a good mix of wetlands and uplands. The site contains 1 large wetland system, and Stantec identified 3 low quality PVPs. This 18.08-acre site would not be large enough by itself to provide suitable preservation mitigation and would likely need to be combined with Site 2 to present a viable mitigation option. Given the adjacent landowner concerns with Site 2 described above, Site 3 was eliminated from consideration.
  - Site 19, located on Bog Road, contains multiple PVPs, forested wetlands, and a stream, making it a good preservation candidate. However, this parcel is being considered as a future development site for the Town, including a hockey rink, tennis courts, and other recreational facilities to accompany the ball fields located north of the site. Plans for use of this site have already been drafted. Further, the site is somewhat isolated as a preservation site, as there is no protected land immediately adjacent to it. For these reasons, this site was eliminated from consideration.
  - Site 17 ranked the highest of the sites prior to vernal pool surveys performed during the spring of 2011. This site, while not under threat of development due to its location as "back land," has a good mix of wetlands and uplands, contains a stream with associated wetlands, and is adjacent to mapped Inland Waterfowl and Wading Bird Habitat. During the 2010 site visit, Stantec identified several PVPs and a population of Chestnut Oak on the property, a rare species ranked S1<sup>4</sup> by the Maine Natural Areas Program (MNAP). Due to this information, Stantec considered this site to be a potential mitigation site.
  - Site 21 is a privately-owned parcel located adjacent to conservation land and contains PVP habitat. However, for similar reasons described for Site 22 above, this site was ultimately ruled out because the project timeline would not allow for voter approval to obtain this parcel.

Based on the information provided above, Stantec chose to perform vernal pool surveys during the spring of 2011 at Sites 17 and 20. During the survey at Site 17, Stantec identified one large vernal pool containing 31 wood frog (*Lithobates sylvatica*) egg masses and 2 spotted salamander (*Ambystoma maculatum*) egg masses. Stantec also observed one spotted salamander egg mass in another wetland portion of the property. However, through additional conversations with the York Land Trust, Stantec learned that the Land Trust was already working with the Town to transfer ownership of Site 17 to the Maine Department of Inland Fisheries and Wildlife (MDIFW). At Site 20, the two PVPs identified by Stantec in 2010 were both found to be functioning vernal pools. Therefore, Site 20 was selected as the site with the best potential to provide preservation mitigation for this project. This site is further described in Section 4.0 below.

Upon receipt of the MDEP and Corps permits for the proposed project in June 2012, the Town began working with the York Land Trust to survey the boundaries of Site 20. The York Land Trust soon discovered that there was a discrepancy between the property boundaries and ownership of the parcels included in the mitigation package. The adjacent landowner claimed ownership of land that was

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<sup>4</sup> As defined by MNAP, an S1 is critically imperiled in Maine because of extreme rarity (five or fewer occurrences or very few remaining individuals or acres) or because some aspect of its biology makes it especially vulnerable to extirpation from the State of Maine.



previously thought to be Town-owned. As a result, the Town and the landowner agreed to a re-alignment of the property boundaries that would meet the needs of both the landowner and the Town. The landowner agreed to part with land that contained a stream and a large forested wetland in exchange for a parcel of primarily upland that could be used as a single house lot. This swap proves to be mutually beneficial, as the proposed preservation area will now include more wetlands, along with a perennial stream, while the landowner will be able to obtain a developable parcel of uplands.

### 3.2. IN LIEU FEE COMPENSATION

As part of the mitigation site search process, Stantec and the Town investigated whether use of the In Lieu Fee Compensation (ILF) program would be feasible to provide suitable mitigation for the proposed impacts at the project site. Knowing that ILF is the preferred method of mitigation for the Corps in Maine, Stantec calculated the approximate cost of mitigating for the project impacts using exclusively ILF. Using the total wetland impacts of 21,550 sf, and a resource multiplier of 2 for the wetland impacts located within the SVP habitat buffer (5,328 sf), the fee to compensate for the wetland impacts would be \$111,275. The Town would also have to compensate for the vernal pool buffer impacts using ILF. To calculate this approximate fee, Stantec used a 250-foot buffer around the 3 vernal pools or clusters of vernal pools within and surrounding the project area. The total upland impact to the 250-foot buffers surrounding these 3 pools is approximately 58,636 sf, and the total wetland impact within the buffers is 5,328 sf. Using these figures, and a resource multiplier of 2 for the wetland impacts, the total fee to compensate for the vernal impacts would be approximately \$73,400. Therefore, the total ILF payment would be \$184,675 to compensate for the combined wetland and vernal pool buffer impacts using exclusively the ILF program. This fee exceeds the Town's available budget for this project and made this an unfeasible option for compensation.

## 4.0 COMPENSATION PLAN

The wetland mitigation measures outlined in this plan are intended to compensate for the wetland and vernal pool buffer impacts associated with the proposed project. As described above, suitable and practical options for wetland restoration, creation, or enhancement were not identified during the mitigation site search process. Additionally, Stantec and the Town determined that use of the ILF program to compensate for the project impacts would not be feasible given the Town's limited budget as approved by a Town-wide referendum vote. Therefore, Stantec and the Town determined that preservation mitigation would be the best method to provide compensation for the wetland impacts and the vernal pool buffer impacts at the project site.

For preservation mitigation for impacts to freshwater wetlands, the Corps generally uses a standard ratio of 15:1 of area preserved to area impacted, and the MDEP uses a ratio of 8:1. Using a 15:1 ratio, approximately 7.42 acres of preservation mitigation would be recommended to compensate for the 21,550 sf (0.49 ac) of proposed wetland impact at the project site. Additionally, the Corps has issued guidance for compensating for temporary and secondary impacts, which includes impacts to vernal pool buffers. In this guidance, the Corps recommends that compensation for removal of forested cover of vernal pool buffers should be calculated using a percentage of the standard amount that would be required for permanent fill. While the current mitigation guidance document does not detail specific percentages, previous drafts of the guidance document have recommended a range of 20 to 60 percent of the standard mitigation requirement. The guidance also states that appropriate mitigation for vernal pool buffer impacts should be based on the overall impact to the upland vernal pool buffers and how this affects function of the pool. The landscape surrounding the 3 vernal pools is already developed and highly disturbed and construction of the project will not drastically change the character of the existing landscape. Using 20 percent of a 15:1 ratio, approximately 32 acres of preservation mitigation could be recommended to compensate for the 10.7 acres of vernal pool buffer impacts within 750 feet of the 3 vernal pools surrounding the project site.



The proposed preservation site is approximately 25.02 acres in size with approximately 3.4 acres of wetlands. Almost the entire site is located within 750 feet of functioning vernal pools; therefore, it is also providing vernal pool buffer habitat. As described above, the realignment of the parcel boundaries for Site 20 results in a preservation site that would protect wetlands, a stream, and documented vernal pool habitat which would compensate for the functions and values being impacted at the project site. Given this information, the proposed site provides adequate preservation mitigation. Additional information regarding the preservation site is provided below.

#### 4.1. SITE 20 PRESERVATION SITE

The proposed preservation site, Site 20, is approximately 25.02 acres in size and located on Bell Marsh Road in York, Maine (Figures 1, 2, and 3).<sup>5</sup> The parcel includes a combination of land that was formerly Town-owned and privately-owned. As described above, the property boundaries will be redrawn as shown on Figure 3 to accommodate the needs of the Town and the private landowner. The redrawn boundaries of Site 20 will border conservation land controlled by The Nature Conservancy (TNC) and MDIFW to the west, which is part of a large undeveloped habitat block that extends to the west and south. The property directly south of Site 20 will be privately-owned, with the landowner having plans to construct a single, private residence on the property. The land to the south of the private land is owned by the Kittery Water District and is undeveloped. Residential homes are located north of the proposed site.

The parcel consists of a mix of upland, coniferous forest (Photo 9) dominated by eastern hemlock (*Tsuga canadensis*) and forested and scrub-shrub wetlands. A large wetland system overlaps the northern and northeastern portion of the parcel (Photos 11 – 13). This forested wetland drains to the east along the northern boundary of the site, where the flow concentrates into a stream (Photo 14) that flows toward Bell Marsh Road, eventually passing through a culvert under the road and into Bell Marsh. The existing wetland in this portion of the property is significantly larger than what is included in the NWI wetlands shown on Figure 3. The site also includes a forested wetland drainage (Photo 10) that drains downslope toward the vernal pool in the center of the property. On-site topography generally slopes to the east and north. Based on multiple site visits and aerial photograph interpretation, Stantec estimates that approximately 3.4 acres of wetlands are present on the parcel. Stantec also observed evidence of moose (*Alces alces*) and white-tailed deer (*Odocoileus virginianus*) throughout the parcel. MDIFW confirmed that this property is located directly within a known high value Blanding's turtle (*Emydoidea blandingii*) habitat. No invasive plant species were observed on the site.

Site 20 contains one natural functioning vernal pool as documented during a spring 2011 site visit by Stantec. VP2 is shown on Figures 2 and 3 and is located in a palustrine scrub-shrub wetland in the center of the parcel that is dominated by winterberry (*Ilex verticillata*) and highbush blueberry (*Vaccinium corymbosum*) with a base of *Sphagnum* moss (Photos 1 – 4). At the time of the vernal pool survey, VP2 contained 10 spotted salamander egg masses and contained between 1 and 2 feet of standing water. During a site visit in September 2010, VP2 was found to be completely dry (Photos 1 and 2), indicating that it has ephemeral hydrology.

Stantec also observed two additional vernal pools, VP1 and VP3, located on the protected TNC land to the west of the preservation site (Figure 3). VP1 is an isolated wetland with no inlet or outlet and is primarily an unvegetated basin with patches of *Sphagnum* moss throughout (Photos 5 – 8). At the time of the vernal pool survey, VP1 contained 37 wood frog egg masses and 6 spotted salamander egg masses. Water in the pool was approximately 3 feet deep at the time of the survey. VP3 is also located on TNC land to the west of the preservation site and is less than 100 feet from VP1 (Figure 3). This natural vernal pool contained 4 wood frog egg masses at the time of the 2011 vernal pool survey. This pool, when combined with VP1, creates a vernal pool cluster with a total egg mass count that meets MDEP's

<sup>5</sup> Lat/Long = 43.2133° N, 70.7267° W. USGS Hydrologic Unit Code for mitigation area watershed = 0106000303.



threshold for significance for wood frog egg masses. While VP1 and VP3 are not located on the preservation site, approximately half of the 750-foot critical terrestrial habitat surrounding this significant vernal pool cluster is located on the proposed preservation site. During a site visit performed in September 2010, VP1 was found to be completely dry (Photos 5 and 7), indicating that it has ephemeral hydrology.

As shown on Figure 3, the 250-foot buffer surrounding VP2 is located entirely within the preservation parcel. The preservation site will also protect a portion of the 250-foot buffer surrounding VP1 and VP3. The proposed preservation site will also protect approximately 22.39 acres of critical terrestrial habitat within the 750-foot buffer surrounding the three vernal pools. The entirety of the 750-foot buffers (68.75 acres) surrounding the pools associated with the mitigation site currently consists of contiguous forested habitat; however, as described above, one residential home will likely be constructed on the parcel shown as Private Land on Figure 3. No other houses or roads are located within the buffers. Approximately 75 percent of this total buffer area, approximately 50.94 acres, is located on protected conservation land, including the proposed mitigation site. Of the 50.94 acres located on conservation land, approximately 22.39 acres are located on the proposed mitigation site. Without the protection of the proposed mitigation site, approximately 44 percent of the buffers on conservation land would not be protected. Therefore, the proposed mitigation site would protect valuable forested buffer habitat that would otherwise be subject to development. Further, the protected upland surrounding these vernal pools will provide valuable habitat for the wood frogs and spotted salamanders as they move between the pools and larger forested wetland habitat surrounding the preservation site such as the large forested wetland at the north end of the site.

The preservation site meets the Corps' criteria for preservation mitigation sites based on the following characteristics:

- The site includes one documented functioning vernal pool within the site boundaries and two functioning vernal pools immediately adjacent to the parcel. The site also includes a large portion of the critical terrestrial habitat surrounding the three pools. The two pools located off-site, VP1 and VP3, form a cluster with a total egg mass count that meets MDEP's significance threshold for wood frog egg masses. The site contains approximately 3.4 acres of forested and scrub-shrub wetlands surrounding and adjacent to the vernal pools and in the northern portion of the property. Protection of this site also provides the benefits of retaining and filtering stormwater runoff into Bell Marsh, a public water supply source for the Town of Kittery, as the stream located on the northern property boundary flows directly into the marsh and would be protected on the site.
- The site is adjacent to existing conservation land managed by TNC and MDIFW and part of a large, undeveloped habitat block. The parcel also fits with regional conservation goals as ownership of the land will be transferred to the York Land Trust, and it will become part of the regional Mt. Agamenticus to the Sea Conservation Initiative, an effort to protect a network of conservation lands and natural resources in southern Maine.
- After an exhaustive mitigation site search, preservation was determined to be the most viable option for providing compensation for the project's wetland and vernal pool buffer impacts. Restoration, creation, or enhancement opportunities were not identified, and the ILF program was determined to be too expensive for the Town and did not fit the Town's application timeline. Therefore, preservation was considered an appropriate means of providing compensation. At a size of 25.02 acres, the site exceeds the 7.4 acres that could be required for preservation mitigation using a 15:1 ratio for wetland impacts. The size of the site is slightly less than the 32 acres that is recommended for preservation mitigation using 20 percent of a 15:1 ratio for vernal pool buffer impacts at the project site. However, given the relatively low-functioning vernal pools at the project site, and considering that nearly the entire preservation site is within 750 feet of documented vernal pools, the site adequately compensates for the vernal pool buffer impacts at the project site.



- The site is under direct threat of development as it contains developable uplands with direct road frontage on Bell Marsh Road. Existing residential homes are present to the north of the site along Bell Marsh Road and the adjacent landowner to the south plans to build a private residence on the land. Development of the proposed preservation site would decrease the functionality of the critical habitat surrounding the functioning vernal pools and would likely reduce the productivity of the pools.
- Fee ownership of the parcel will be transferred to the York Land Trust upon acceptance of this plan. The Town has agreed to pay a stewardship fee to the land trust to cover long-term maintenance of the site, along with a boundary survey and required title research. The Town and the York Land Trust are proposing to use a Declaration of Charitable Trust to provide long-term protection to the proposed mitigation site. An example of this proposed document is included in Appendix E of this plan. Appendix F contains a letter from the York Land Trust stating their interest in obtaining the parcel and how the parcel fits with regional conservation efforts.

## **5.0 PROTECTION AND LONG-TERM STEWARDSHIP**

The Town has reached an agreement with the York Land Trust to transfer fee ownership of the Town-owned parcels to the Land Trust (see Appendix D for an example of property transfer documentation used by the York Land Trust). The preservation site will be protected from future development by the York Land Trust, permanently preserving the functions and values of the wetlands and upland buffers within the bounds of the mitigation areas (see Appendix F for a letter from the York Land Trust indicating their interest in obtaining the proposed preservation site). The Town and the York Land Trust are proposing to use a Declaration of Charitable Trust to provide long-term protection to the proposed mitigation site. A Declaration of Charitable Trust places restrictions on the property and the land trust promises to uphold these restrictions. The document is then recorded at the County Registry of Deeds. If the land trust ever breaks the terms of the document, the public has the right to enforce the restrictions. A draft of a Declaration of Charitable Trust is attached as Appendix E of this letter. Upon receiving written approval on this plan from the Corps, the Town will send copies of the executed and recorded documents to the Corps.

The Town has preliminarily agreed to pay a stewardship endowment of approximately \$5,000 to cover long-term maintenance and protection of the property. The Town and the York Land Trust are also negotiating terms on costs for a property survey, title research, and closing costs. The Town and the York Land Trust have a solid working relationship and have worked closely together on several projects in the past. The details of the payment of these fees will be negotiated between the Town and the York Land Trust in order to satisfy the needs of both parties and the proposed mitigation site. Ownership of the property by a conservation organization such as the York Land Trust, which is affiliated with the Mt. Agamenticus to the Sea Conservation Initiative, will enable the sites to be protected in perpetuity from any future development and will protect the valuable resources present on the site.

## **6.0 MITIGATION MONITORING PLAN**

Long-term monitoring will not be required at the proposed preservation site, as no construction activities will occur. No monitoring reports are required to be submitted to the Corps or MDEP.



**APPENDIX A**  
**Table A-1: Mitigation Site Search Table**



Table A-1. Summary of Wetland Mitigation Site Search

Site ID	Address	Lot #	Prop. Owner	Site Description	Size (ac)	Watershed	Existing Land Cover	Vernal Pools	% Wetland (approx)	High Value Habitat	Type of Mitigation	Mitigation Potential Summary	Criteria <sup>1</sup>										
													1	2	3	4	5	6	7	8	9	To	
20	276 BELL MARSH ROAD	404-011, 404-014, 404-017, 404-019	Town of York	Mostly upland in large habitat block, next to conservation area; collection of 4 Town parcels; road frontage; two productive vernal pools on property; development threat	28.43	Bell Marsh Reservoir	Upland forest, few small wetlands	2 functioning VPs on-site	5%	Rare plant, sassafras, on parcel; productive vernal pools	Pres.	Preferred option: surrounded by protected land, 2 VPs, under threat with road frontage	1	0	1	1	0	1	1	0	1	1	7
22	291 BELL MARSH ROAD	404-049	August Realty	Parcel is a high priority site for the York Land Trust; frontage on Bell Marsh with associated wetlands; contains 1 PVP with good potential; under heavy threat by landowner; mostly upland; high cost	19.30	Bell Marsh Reservoir	Upland forest, small PSS wetland	PVP with good potential in scrub-shrub wetland on site	5%	Contains mapped IWWH	Pres.	Site is under threat, landowner has access easement, 1 PVP with good potential. Cost of land is too high and purchasing would require voter approval.	1	1	0	0.5	0.5	0	1	1	1	1	6
2	341 BELL MARSH ROAD	404-043	Town of York	Next to conservation land; north of IWWH and large bog; encroachment by neighbor makes it an undesirable site; next to site 3	18.04	Bell Marsh, Smelt Brook	Upland forest, PFO wetlands	1 PVP on site with low potential	25%	North of IWWH	Pres.	Site is not a good option due to adjacent landowner encroachment, resolving would not fit project timeline. Not good VP potential	1	1	0	1	0	0	1	1	1	1	6
3	361 BELL MARSH ROAD	404-042	Town of York	Next to conservation land, north of IWWH and large bog, next to site 2	18.08	Bell Marsh, Smelt Brook	Upland forest, few PFO wetlands	3 PVPs on site with low potential	22%	North of IWWH	Pres.	Site is too small by itself, would need to be paired with Site 2. Not good VP potential.	1	0	0	1	1	0	1	1	1	1	6
19	40 BOG ROAD	220-007	Town of York	Parcel is under threat with plans for development by Town already drafted; lots of wetlands, stream; road frontage	48.77	Cider Hill Creek, York River	Upland forest, PFO wetlands	Multiple PVPs in wetlands, decent potential	20%	Stream, adjacent to TWWH	Pres.	Town has development plans for this parcel already. Not adjacent to other protected land	0	0.5	0	1	1	0	1	1	1	1	5.5
17	80 THIRD HILL ROAD	406-026	Town of York	Parcel in large habitat block; next to Mt. Agamenticus WMA; contains a stream; 1/3 wetlands; development pressure small because inaccessible; York Land Trust already in process of transferring property to MDIFW	37.24	Chicks Brook	Forested upland, PFO wetlands, stream	2 functioning VPs on-site	30%	IWWH just north of prop. stream on prop. Chestnut Oak on parcel; productive vernal pools	Pres.	Very good site with 2 functioning VPs, stream, ~1/3 wetlands. No access/road frontage. Ruled out because land is already being given to MDIFW	1	1	0	1	0	0	1	1	0	1	5
21	272 BELL MARSH ROAD	404-013	Robert Coury	Parcel has a large wetland at the south end; no road frontage; next to conservation land and water district land	33.83	Bell Marsh Reservoir	Upland forest, PSS wetland	2-3 PVPs with decent potential	15%	No	Pres	Site is not under threat with no road frontage or access. Few wetlands with PVP potential. Very high cost, purchasing would require voter approval.	1	0	0	1	1	0	1	1	0	1	5
12	65 THIRD HILL ROAD	406-029	Town of York	West side of Third Hill, parcel is mapped as DWA, but no good habitat; in large undeveloped block; no wetlands/PVPs; next to Mt. Agamenticus WMA	32.43	Chicks Brook	Upland forest	No wetlands/PVPs ID'd during field visit	0%	DWA, rare community, Chestnut Oak on parcel	Pres.	Surrounded by conservation land, but no wetlands/PVPs on site.	1	1	0	1	1	0	1	0	0	0	5
15A	40 SEWALLS PASTURE ROAD	224-135	Town of York	Forested parcel in small habitat block; few wetlands and stream on parcel ("A" label added by Stantec)	44.10	Cape Neddick River	Forested upland, PFO	No field visit	25%	No	Pres.	Ruled out during initial site screening process. Little threat. No adjacent conservation land. No valuable habitat.	0	0	0	1	1	0	0.5	1	0.5	1	4
14	20 SEWALLS PASTURE ROAD	224-093	Town of York	Adjacent to I-95; development north and south; mapped stream on property; parcel is cleared	13.27	Cape Neddick River	Upland	No field visit	10%	No	Pres.	Ruled out during initial site screening process. Not adjacent to conservation land. Too small.	0	0	1	0	1	0	0.5	0	1	0.5	3.5
18	44 FERNCROFT ROAD	123-099	Town of York	Almost all wetlands; near York HS; surrounded by development	29.76	Unnamed stream and ocean	PFO, PEM wetlands	No field visit	90%	Stream and large wetlands	Pres.	Ruled out during initial site screening process. All wetlands, no threat, surrounded by development	0	1	0	1	1	0	0	0	0	0	3

Table A-1. Summary of Wetland Mitigation Site Search

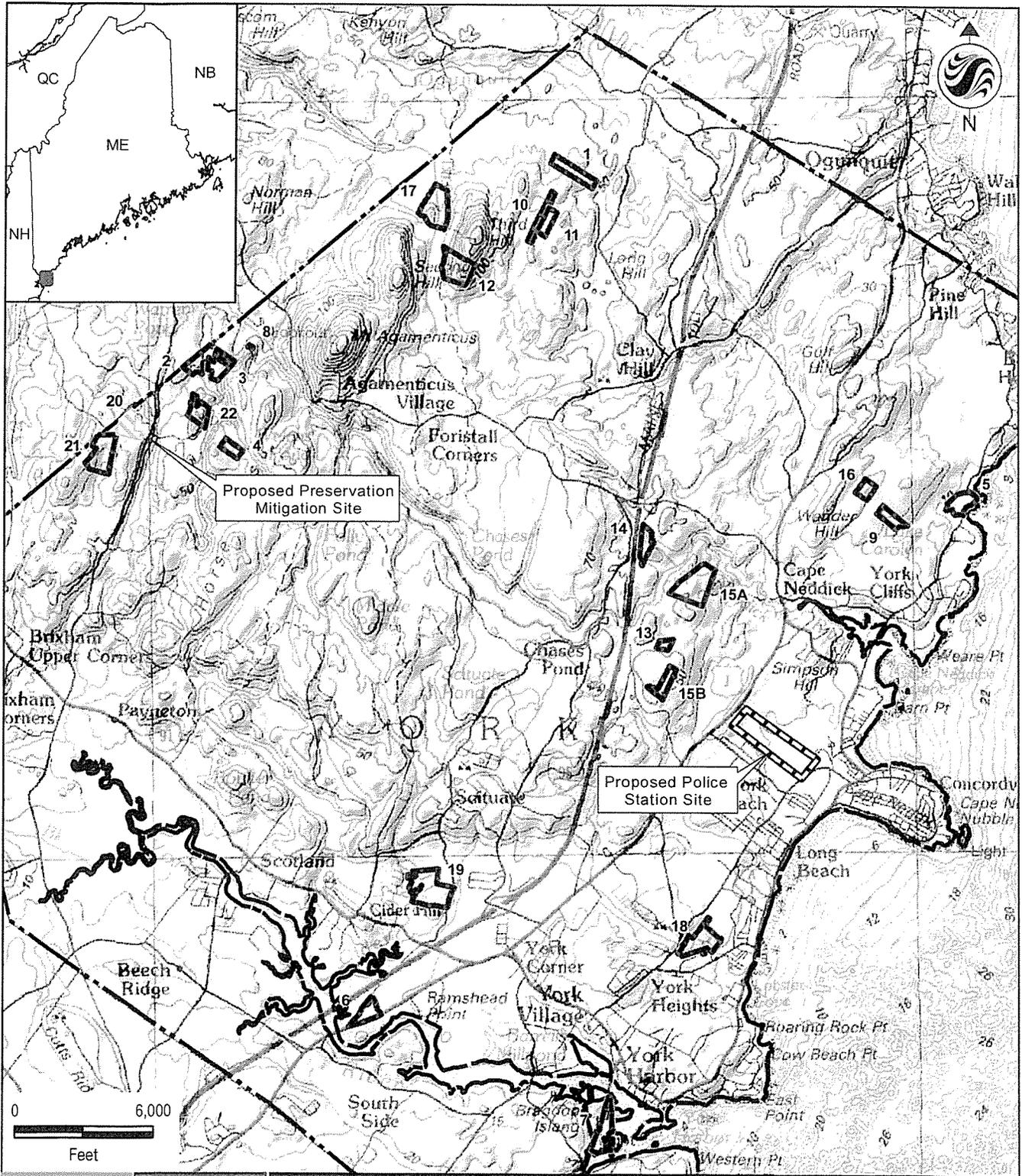
Site ID	Address	Lot #	Prop. Owner	Site Description	Size (ac)	Watershed	Existing Land Cover	Vernal Pools	% Wetland (approx)	High Value Habitat	Type of Mitigation	Mitigation Potential Summary	Criteria <sup>1</sup>									
													1	2	3	4	5	6	7	8	9	To
1	174 OGUNQUIT T ROAD	406-075	Town of York	Isolated parcel; all forested; no wetlands; no VP habitat	19.26	Ogunquit River	Upland forest	No field visit	2%	No	Pres.	Ruled out during initial site screening process. Too small, all upland, no threat.	0	0	0	1	0	1	0	0	3	
4	281 BELL MARSH ROAD	404-051	Town of York	2/3 wetlands; no road frontage; surrounded by undeveloped forest; next to conservation land	8.94	Bell Marsh, Smelt Brook	PFO wetlands, upland forest	No field visit	65%	No	Pres.	Ruled out during initial site screening process. Too small, mostly wetland, no threat.	1	0	0	0	1	0	1	0	0	3
5	328 SHORE ROAD	153-012	Town of York	Entire parcel is mapped IWWH; adjacent to TWWH; along developed coast	18.67	Atlantic Ocean	PEM, PUB wetlands	No field visit	95%	IWWH	Pres.	Ruled out during initial site screening process. No threat. Different wetland types	0	1	0	1	1	0	0	0	0	3
7	9 HARRIS ISLAND ROAD	105-017	Town of York	Entire parcel is coastal wetland and/or mud flats; no threat of development	25.08	York River	E2EM wetlands	No field visit	100%	TWWH, Shorebird Roosting Area, Softshell Clam area, shellfish area	Pres.	Ruled out during initial site screening process. No threat. Different wetland types	0	1	0	1	1	0	0	0	0	3
9	66 VINEYAR D LANE	229-080	Town of York	Parcel in large habitat block; 1/4 wetlands	11.63	Lake Carolyn, Ocean	Upland forest, PFO wetlands	No field visit	25%	No	Pres.	Ruled out during initial site screening process. Too small. No adjacent conservation land.	0	0	0	0	1	0	1	0	1	3
10	155 TATNIC ROAD	406-047	Town of York	Parcel in large habitat block; few wetlands; next to conservation land; no road frontage	10.44	Josias River	Upland forest, few PFO wetlands	No field visit	20%	No	Pres.	Ruled out during initial site screening process. Too small. No threat.	1	0	0	0	1	0	1	0	0	3
11	191 TATNIC ROAD	406-039	Town of York	Parcel in large habitat block; very few wetlands; next to site 10; next to conservation land; no road frontage	11.01	Josias River	Upland forest, few PFO wetlands	No field visit	10%	No	Pres.	Ruled out during initial site screening process. Too small. No threat.	1	0	0	0	1	0	1	0	0	3
15B	40 SEWALLS PASTURE ROAD	224-135	Town of York	Forested parcel next to residential development; few wetlands ("B" label added by Slantec)	13.01	Bridges Swamp	Forested upland, PFO	No field visit	35%	No	Pres.	Ruled out during initial site screening process. Too small. Surrounded by development.	0	0	0	0	1	0	0.5	0	1	2.5
6	220 US ROUTE 1	210-039	Town of York	Mostly upland between Rt 1 and I-95. Forested wetland on-site.	15.55	York River	Upland forest, few PFO wetlands	No field visit	20%	No	Pres.	Ruled out during initial site screening process. No adjacent conservation land	0	0	0	0.5	1	0	0	0	1	2.5
8	274 BELL MARSH ROAD	404-079	Town of York	Small parcel in forested upland	0.51	Hoopers Swamp, Hoopers Brook	Upland forest	No field visit	0%	No	Pres.	Ruled out during initial site screening process. Too small.	0	0	0	0	1	0	1	0	0	2
16	70 WALT KUHN ROAD	229-081	Town of York	Parcel in large forested block on a ridge; few wetlands on parcel	9.99	Lake Carolyn, Ocean	Forested upland	No field visit	10%	No	Pres.	Ruled out during initial site screening process. Too small. Few wetlands. No adjacent conservation land	0	0	0	0	1	0	1	0	0	2
13	1146 US ROUTE 1	223-143	Town of York	Parcel is 3/4 wetlands; east of I-95; north of residential development	5.14	Cape Neddick River	PFO wetlands	No field visit	75%	No	Pres.	Ruled out during initial site screening process. Too small. No threat.	0	0	0	0	1	0	0.5	0	0	1.5

<sup>1</sup> Key to Criteria

- 1 = Contiguous to Other Conservation Areas
- 2 = High Value Habitat or High Value Wetland
- 3 = Opportunity for R / C / E in addition to Preservation
- 4 = Suitable size to compensate for impacts
- 5 = Property available and reasonable in relation to its value
- 6 = Within the project watershed
- 7 = Fits regional conservation goals or in or adjacent to a large habitat block
- 8 = Functions/Values lost at project site capable of being pres/rest/enhance/create
- 9 = Threat of development

## APPENDIX B Figures





195600562



**Stantec**

**Stantec Consulting Services Inc.**  
 30 Park Drive  
 Topsham, ME USA  
 04086  
 Phone (207) 729-1199  
 Fax: (207) 729-2715  
 www.stantec.com

**Legend**

-  Proposed Preservation Mitigation Site
-  Potential Mitigation Site Boundary
-  Approximate Project Location
-  Town of York Boundary

**Client/Project**

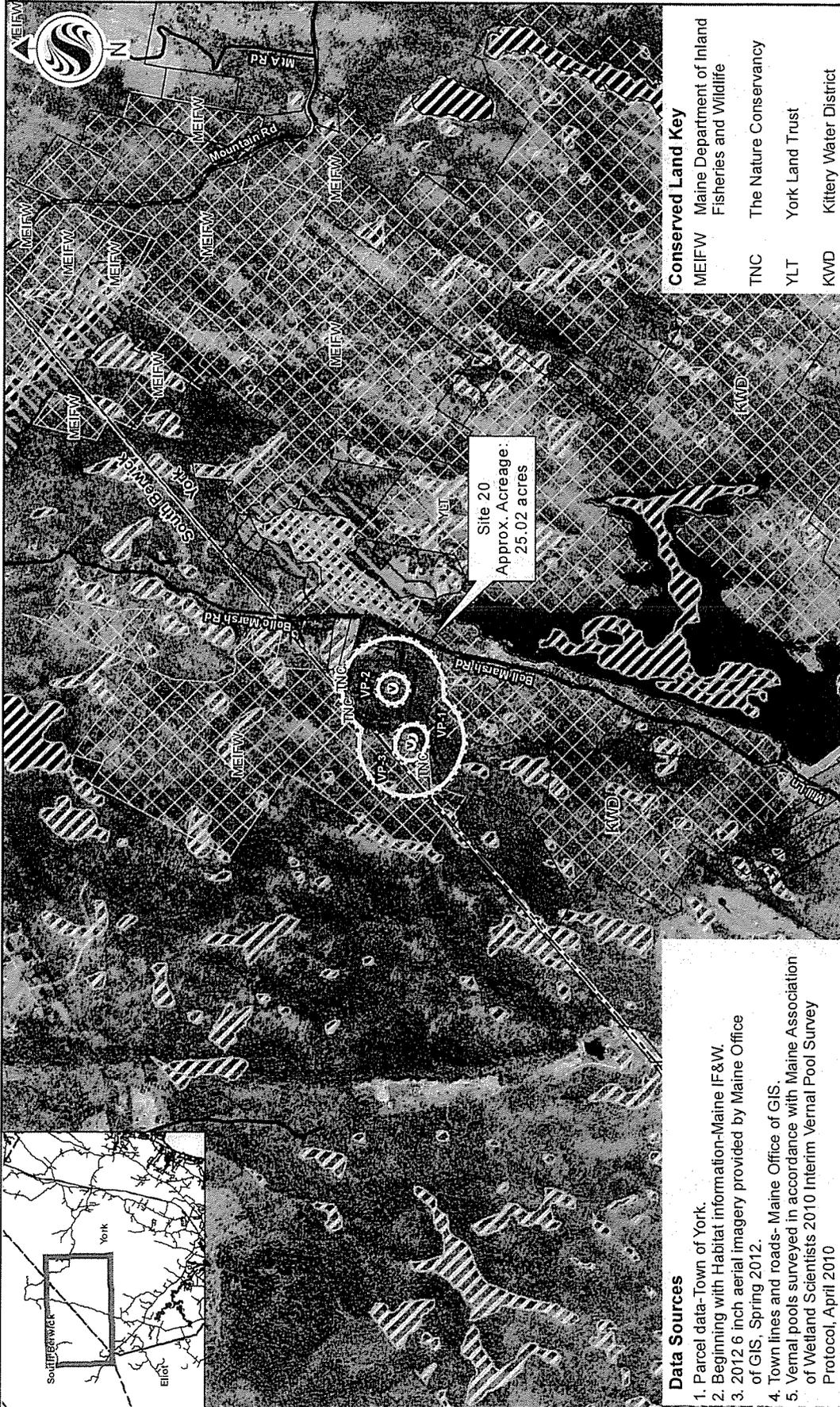
SMRT  
 York Police Station  
 York, Maine

**Figure No.**

1

**Title**

**Project Location and  
 Mitigation Site Search Map**  
 February 21, 2012



**Conserved Land Key**

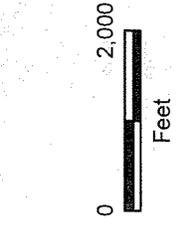
MEIFW	Maine Department of Inland Fisheries and Wildlife
TNC	The Nature Conservancy
YLT	York Land Trust
KWD	Kittery Water District

- Data Sources**
1. Parcel data-Town of York.
  2. Beginning with Habitat information-Maine IF&W
  3. 2012 6 inch aerial imagery provided by Maine Office of GIS, Spring 2012.
  4. Town lines and roads- Maine Office of GIS.
  5. Vernal pools surveyed in accordance with Maine Association of Wetland Scientists 2010 Interim Vernal Pool Survey Protocol, April 2010

**Client/Project**  
 SMRT  
 York Police Station  
 York, Maine

**Figure No.**  
 2

**Title**  
**Site 20**  
**Potential Mitigation Site**  
**Landscape Context Map**  
 January 15, 2013

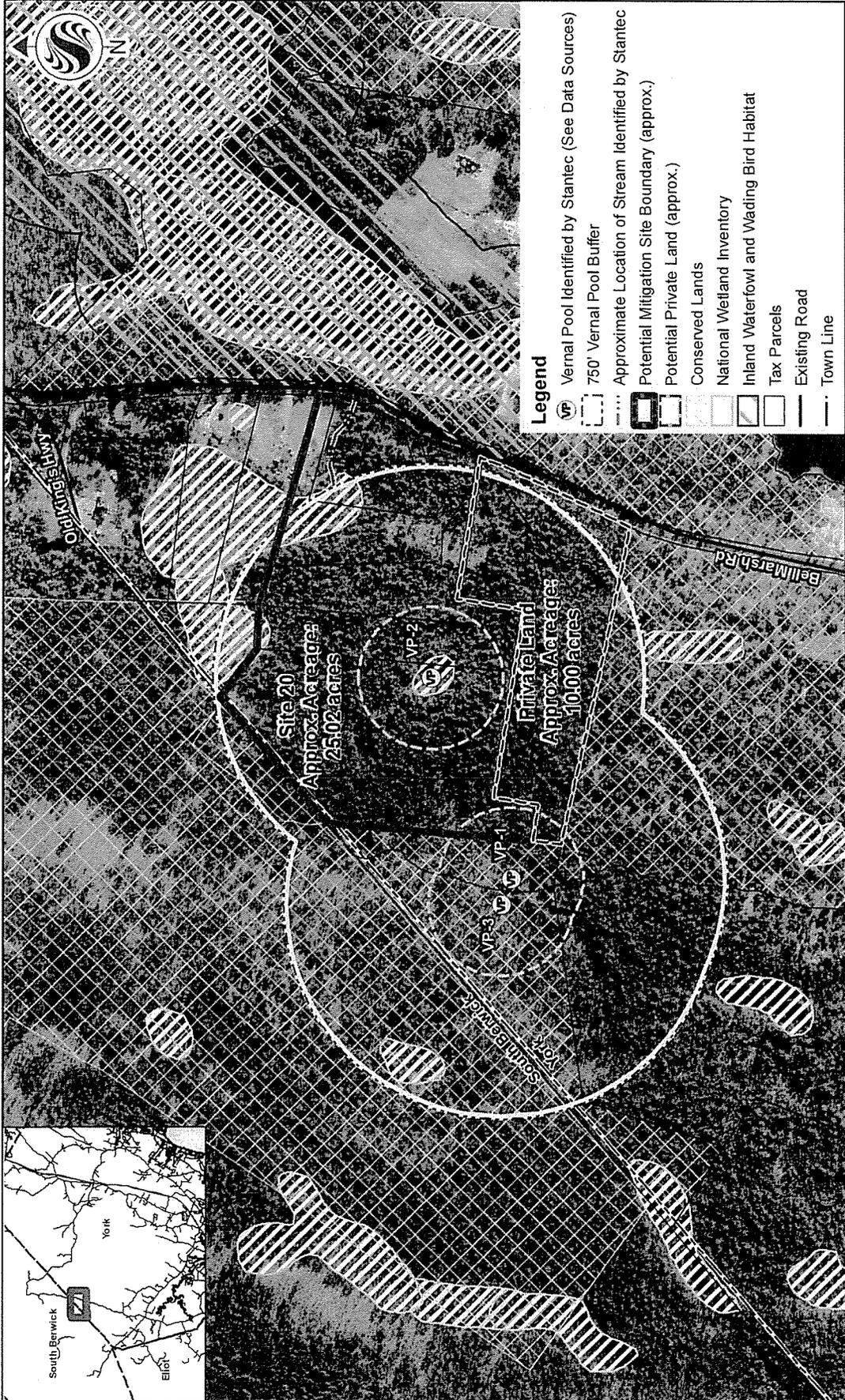
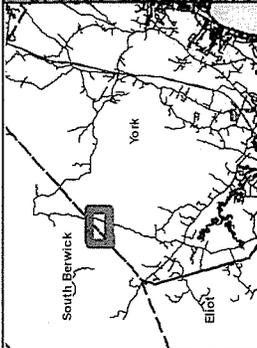


- Legend**
- Vernal Pool Identified by Stantec (See Data Sources)
  - 250ft Vernal Pool Buffer
  - 750ft Vernal Pool Buffer
  - Potential Mitigation Site Boundary (approx.)
  - National Wetland Inventory
  - Inland Waterfowl and Wading Bird Habitat
  - Conserved Lands
  - Tax Parcels
  - Town Line

**Stantec Consulting Services Inc.**  
 30 Park Drive  
 Topsham, ME USA  
 04086  
 Phone (207) 729-1199  
 Fax: (207) 729-2715  
 www.stantec.com

**Stantec**

00562\_02\_PotentialMitigationContextMap.mxd



- Legend**
- Vernal Pool Identified by Stantec (See Data Sources)
  - 750' Vernal Pool Buffer
  - Approximate Location of Stream Identified by Stantec
  - Potential Mitigation Site Boundary (approx.)
  - Potential Private Land (approx.)
  - Conserved Lands
  - National Wetland Inventory
  - Inland Waterfowl and Wading Bird Habitat
  - Tax Parcels
  - Existing Road
  - Town Line

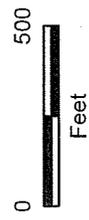


**Stantec Consulting Services Inc.**  
 30 Park Drive  
 Topsham, ME USA  
 04086  
 Phone (207) 729-1199  
 Fax: (207) 729-2715  
 www.stantec.com

**Data Sources**

1. Parcel data-Town of York.
2. Beginning with Habitat information-Maine IF&W.
3. 2012 6in aerial imagery provided by Maine Office of GIS, Spring 2012.
4. Town lines and roads- Maine Office of GIS.
5. Vernal pools surveyed in accordance with Maine Association of Wetland Scientists 2010 Interim Vernal Pool Survey Protocol, April 2010

**Client/Project**  
 SMRT  
 York Police Station  
 York, Maine  
 Figure No. 3  
 Title  
**Site 20**  
**Potential Mitigation Site Map**  
 January 15, 2013



195600562

ARCHITECTURE 144 Fore Street/P.O. Box 618  
 PORTLAND, MAINE 04104  
 ENGINEERING  
 PLANNING  
 INTERIOR DESIGN  
 COMMISSIONING  
 SMRT  
 www.smrtinc.com

**YORK POLICE STATION &  
 NEW ACCESS ROAD**  
 YORK, MAINE



SCALE: 1" = 600  
 PROJECT MANAGER: DRL  
 JC/DRAWN BY: WSM  
 A/E OF RECORD: ADJ  
 CAD FILE: C-131-06122  
 PROJECT NO: 06122  
 DATE: 1-20-12

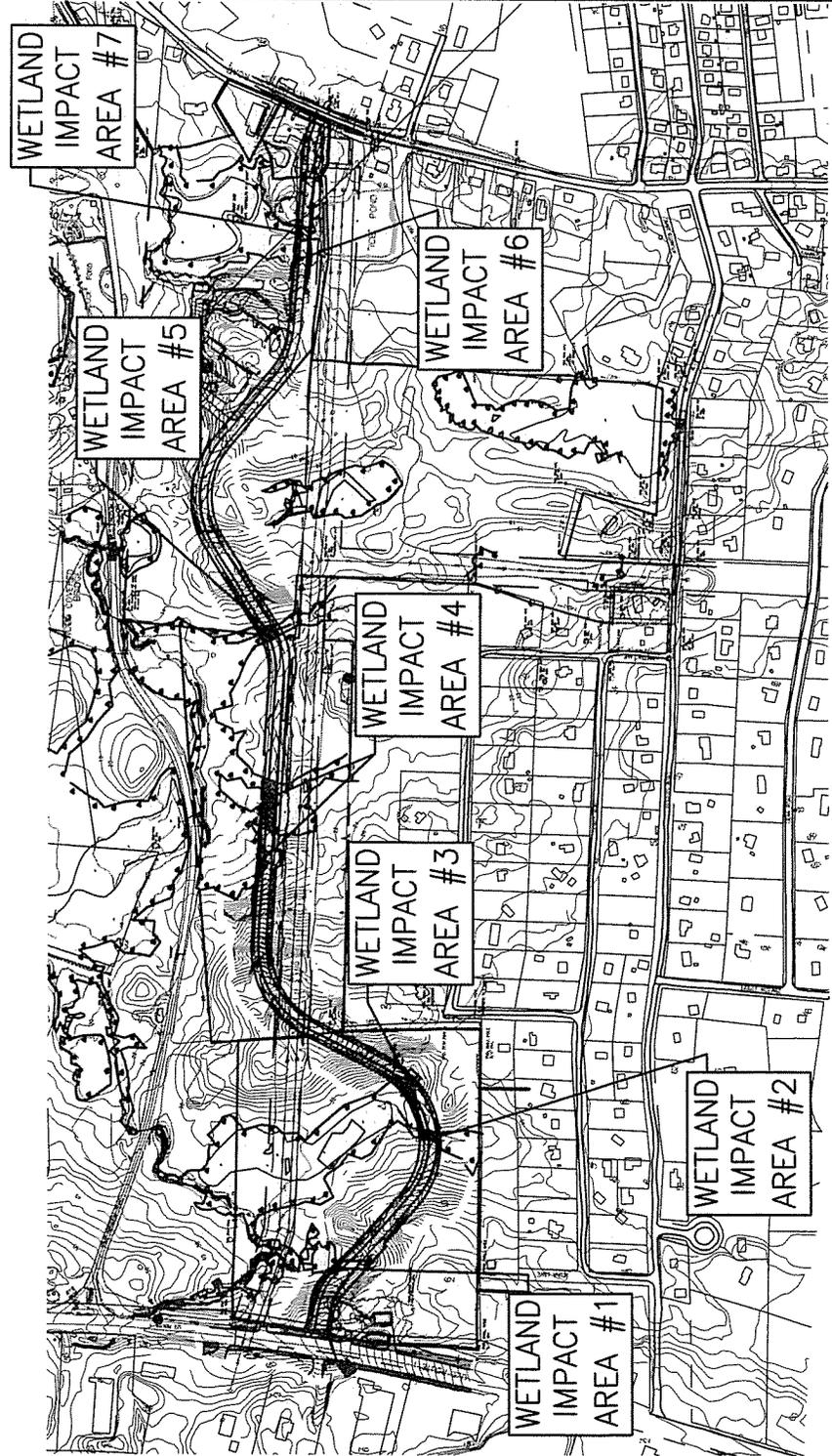
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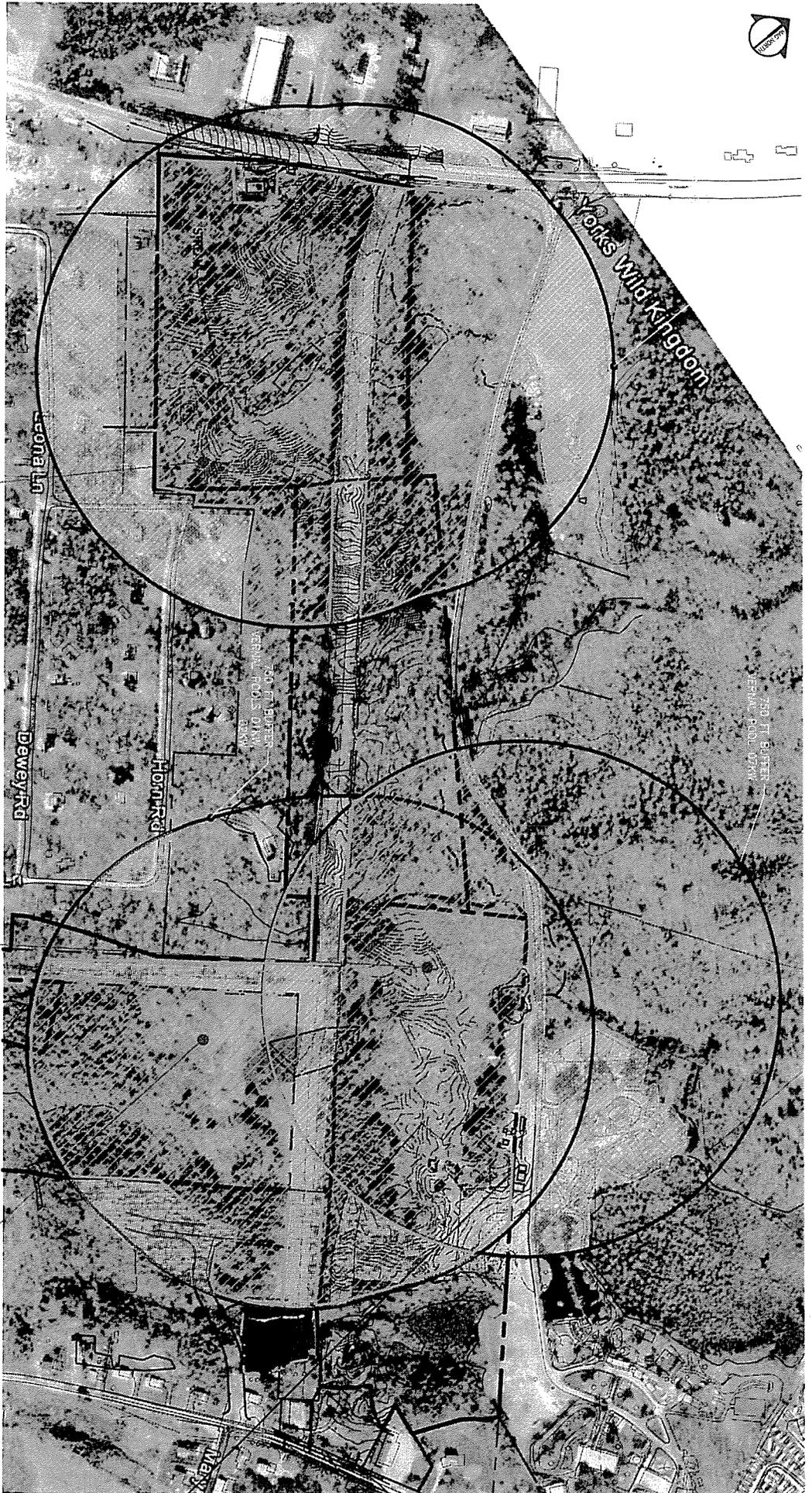
**WETLAND IMPACT  
 LOCATIONS**

SHEET No.

**3**

© COPYRIGHT 2009 SMRT INC.





CONTIGUOUS PRE-DEVELOPMENT FORESTED HABITAT,  
VERNAL POOLS 03MA, 09KW, & 04MA



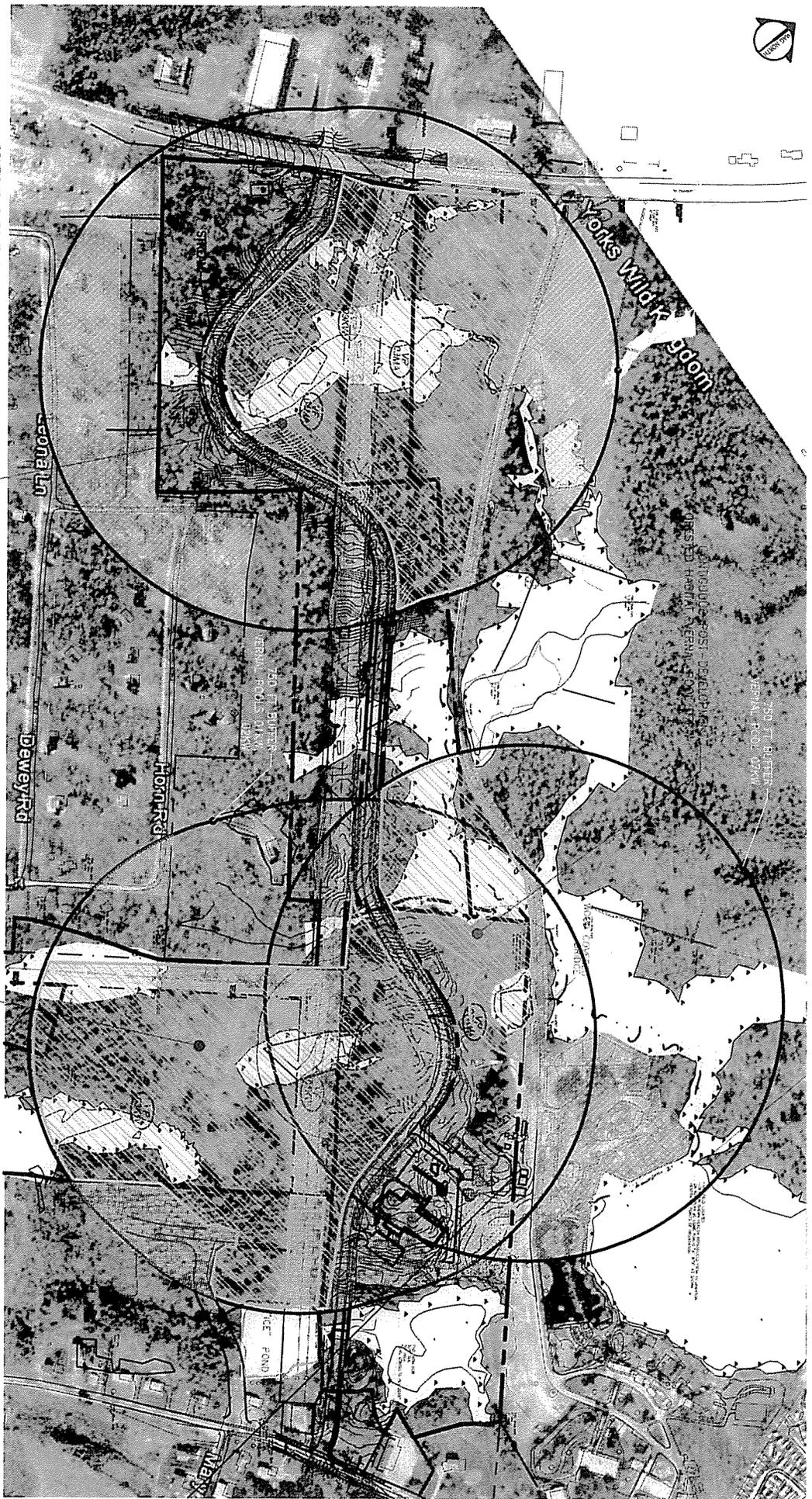
CONTIGUOUS PRE-DEVELOPMENT  
FORESTED HABITAT,  
VERNAL POOL 07KW

CONTIGUOUS PRE-DEVELOPMENT  
FORESTED HABITAT,  
VERNAL POOLS 01KW, & 02KW



# York Police Access Road - York, Maine

Vernal Pool Buffer Impacts  
Figure 1 - Pre-Development



York Police Access Road - York, Maine

Vernal Pool Buffer Impacts  
Figure 2 - Post-Development

**APPENDIX C**  
**Preservation Site Photographs**





**Photo 1.** Vernal Pool 2 on preservation site during fall survey.  
Stantec, September 30, 2010.

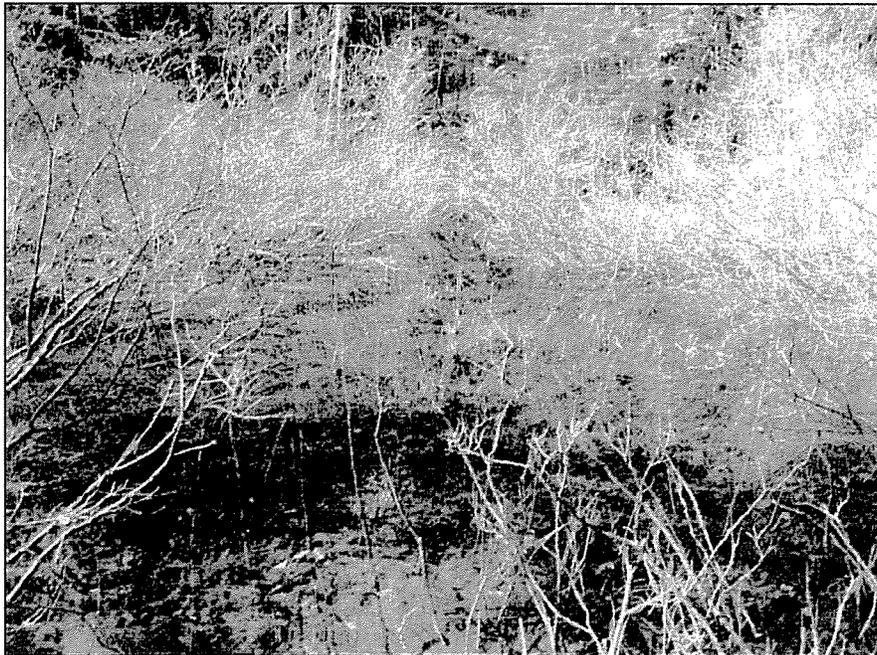


**Photo 2.** Vernal Pool 2 on preservation site during fall survey.  
Stantec, September 30, 2010.





**Photo 3.** Vernal Pool 2 on preservation site during spring vernal pool survey.  
Stantec, April 21, 2011.

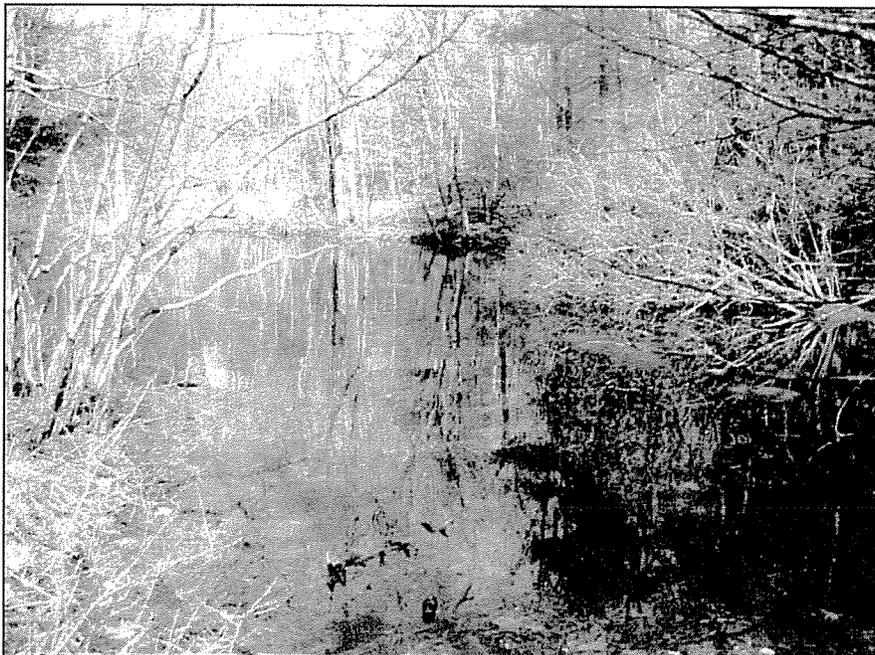


**Photo 4.** Vernal Pool 2 on preservation site during spring vernal pool survey.  
Stantec, April 21, 2011.





**Photo 5.** Vernal Pool 1 west of preservation site during fall survey, looking north.  
Stantec, September 30, 2010.



**Photo 6.** Vernal Pool 1 west of preservation site during spring vernal pool survey, looking north.  
Stantec, April 21, 2011.





**Photo 7.** Vernal Pool 1 west of preservation site during fall survey, looking south. Note rare Sassafras tree in foreground. Stantec, September 30, 2010.



**Photo 8.** Vernal Pool 1 west of preservation site during spring vernal pool survey, looking south. Stantec, April 21, 2011.





**Photo 9.** Typical upland forest on preservation site.  
Stantec, September 30, 2010.



**Photo 10.** Wetland drainage in center of preservation site.  
Stantec, January 6, 2012.





**Photo 11.** Large forested wetland at north end of preservation site. Stantec, September 30, 2010.



**Photo 12.** Large forested wetland in northeast portion of preservation site. Note: this portion of the wetland was not included in the original alignment of the mitigation site. Stantec, July 18, 2012.





**Photo 13.** Large forested wetland in northeast portion of preservation site. Note: this portion of the wetland was not included in the original alignment of the mitigation site. Stantec, July 18, 2012.



**Photo 14.** Perennial stream in northeast portion of preservation site. Note: this stream was not included in the original alignment of the mitigation site. Stantec, July 18, 2012.

**APPENDIX D**  
**Example of Property Transfer Documentation**



Doc# 2009010700  
BK 15619 Pg 0709 - 0714  
Received York SS  
04/30/2009 11:40AM  
Debra L. Anderson  
Register of Deeds

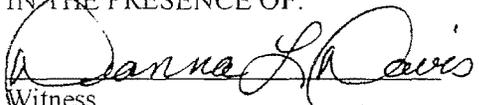
**QUITCLAIM DEED WITHOUT COVENANT**

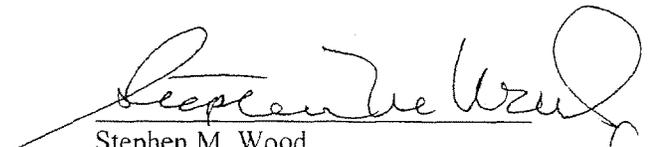
KNOW ALL BY THESE PRESENTS, that **STEPHEN M. WOOD**, an individual residing in Dover, New Hampshire, **NANCY Z. WOOD**, an individual residing in Dover, New Hampshire, **POSEIDON PROPERTIES I, LLC**, a Maine limited liability company, **POSEIDON PROPERTIES II, LLC**, a Maine limited liability company, **POSEIDON PROPERTIES III, LLC**, a Maine limited liability company, and **THE MEADOWS AT HIGHLAND FARM HOMEOWNERS ASSOCIATION**, a Maine nonprofit corporation, for consideration paid, RELEASE to **YORK LAND TRUST, INC.**, a Maine nonprofit corporation, the mailing address of which is PO Box 1241, York Harbor, Maine 03911, certain real estate located in the Town of York, County of York and State of Maine which is more particularly described in Exhibit A, attached hereto and made a part hereof.

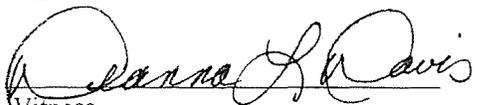
This conveyance is made SUBJECT, HOWEVER, to real estate taxes which are not yet due and payable, which, by acceptance hereof, Grantee assumes and agrees to pay.

IN WITNESS WHEREOF, **STEPHEN M. WOOD, NANCY Z. WOOD, POSEIDON PROPERTIES I, LLC, POSEIDON PROPERTIES II, LLC, POSEIDON PROPERTIES III, LLC**, and **THE MEADOWS AT HIGHLAND FARM HOMEOWNERS ASSOCIATION** have executed this instrument or caused this instrument to be executed by their undersigned representatives on the 1 day of April, 2009, and have caused this instrument to be delivered to the Grantee on the 30<sup>th</sup> day of April, 2009.

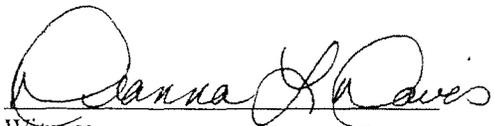
SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

  
Witness

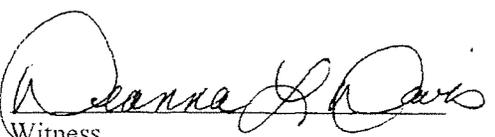
  
Stephen M. Wood

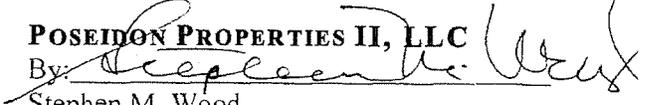
  
Witness

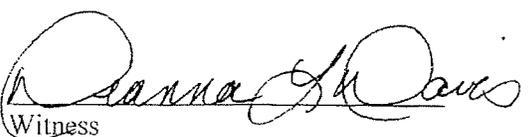
  
Nancy Z. Wood

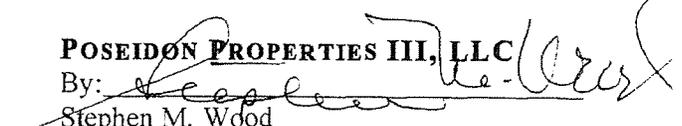
  
Witness

**POSEIDON PROPERTIES I, LLC**  
By:   
Stephen M. Wood  
Its Manager

  
Witness

**POSEIDON PROPERTIES II, LLC**  
By:   
Stephen M. Wood  
Its Manager

  
Witness

**POSEIDON PROPERTIES III, LLC**  
By:   
Stephen M. Wood  
Its Manager

MAINE R.E. TRANSFER TAX PAID

THE MEADOWS AT HIGHLAND FARM  
HOMEOWNERS ASSOCIATION

Danna H. Davis  
Witness

By: Stephen M. Wood  
Stephen M. Wood  
Its President

STATE OF Maine  
County of York, SS.

April 1, 2009

Then personally appeared the above-named **STEPHEN M. WOOD** and **NANCY Z. WOOD** and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Holly J. Ross  
Notary Public  
Printed Name: **HOLLY J. ROSS**  
Notary Public, Maine  
My Commission Expires August 25, 2011

STATE OF Maine  
County of York, SS.

April 1, 2009

Then personally appeared the above-named **STEPHEN M. WOOD** in his capacity as Manager of **POSEIDON PROPERTIES I, LLC**, Manager of **POSEIDON PROPERTIES II, LLC** and Manager of **POSEIDON PROPERTIES III, LLC**, and acknowledged the foregoing instrument to be his free act and deed in his said capacities and the free act and deed of said **POSEIDON PROPERTIES I, LLC, POSEIDON PROPERTIES II, LLC AND POSEIDON PROPERTIES III, LLC**.

Before me,

Holly J. Ross  
Notary Public  
Printed Name: **HOLLY J. ROSS**  
Notary Public, Maine  
My Commission Expires August 25, 2011

STATE OF Maine  
County of York, SS.

April 1, 2009

Then personally appeared the above-named **STEPHEN M. WOOD**, President of **THE MEADOWS AT HIGHLAND FARM HOMEOWNERS ASSOCIATION**, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of **THE MEADOWS AT HIGHLAND FARM HOMEOWNERS ASSOCIATION**.

Before me,

Holly J. Ross  
Notary Public  
Printed Name: **HOLLY J. ROSS**  
Notary Public, Maine  
My Commission Expires August 25, 2011

---

F

Exhibit A

Lots 1 through 13 inclusive and the roadways known as "Road A," "South Meadow Lane" and "North Meadow Lane," all as shown on Sheets 5A and 5B of that certain subdivision plan entitled "SUBDIVISION & LOT LINE RELOCATION PLAN OF THE MEADOWS AT HIGHLAND FARM, CIDER HILL ROAD, YORK, MAINE, FOR MOON RIVER DEVELOPMENT CO., INC.," consisting of six sheets prepared by Doucet Survey, Inc., dated February 10, 2004, last revised on July 13, 2004, and recorded in the York County Registry of Deeds in Plan Book 302, Pages 48-50 and Plan Book 303, Pages 1-3 (collectively the "Subdivision Plan"), and all as more particularly described on Exhibit A-1 attached hereto and incorporated herein.

Meaning and intending to describe the same premises released to the Grantors herein by the following instruments:

1. Quitclaim Deed Without Covenant from Stephen M. Wood, Poseidon Properties I, LLC, Poseidon Properties II, LLC, and Poseidon Properties III, LLC to Nancy Z. Wood dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 205 (Lot 1);
2. Quitclaim Deed Without Covenant from Stephen M. Wood and Nancy Z. Wood, Poseidon Properties I, LLC, and Poseidon Properties II, LLC to Poseidon Properties III, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 207 (Lot 2);
3. Quitclaim Deed Without Covenant from Nancy Z. Wood, Poseidon Properties I, LLC, Poseidon Properties II, LLC and Poseidon Properties III, LLC to Stephen M. Wood dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 209 (Lot 3);
4. Quitclaim Deed Without Covenant from Stephen M. Wood and Nancy Z. Wood, Poseidon Properties I, LLC, and Poseidon Properties III, LLC to Poseidon Properties II, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 211 (Lot 4);
5. Quitclaim Deed Without Covenant from Stephen M. Wood, Poseidon Properties I, LLC, Poseidon Properties II, LLC, and Poseidon Properties III, LLC to Nancy Z. Wood dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 213 (Lot 5);
6. Quitclaim Deed Without Covenant from Stephen M. Wood, Poseidon Properties II, LLC, and Poseidon Properties III, LLC to Poseidon Properties I, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 215 (Lot 6);

7. Quitclaim Deed Without Covenant from Stephen M. Wood and Nancy Z. Wood, Poseidon Properties I, LLC, and Poseidon Properties III, LLC to Poseidon Properties II, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 217 (Lot 7);
8. Quitclaim Deed Without Covenant from Poseidon Properties I, LLC, Poseidon Properties II, LLC and Poseidon Properties III, LLC to Stephen M. Wood dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 219 (Lot 8);
9. Quitclaim Deed Without Covenant from Stephen M. Wood, Poseidon Properties I, LLC, Poseidon Properties II, LLC, and Poseidon Properties III, LLC to Nancy Z. Wood dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 221 (Lot 9);
10. Quitclaim Deed Without Covenant from Stephen M. Wood, Poseidon Properties I, LLC, and Poseidon Properties II, LLC to Poseidon Properties III, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 223 (Lot 10);
11. Quitclaim Deed Without Covenant from Stephen M. Wood and Nancy Z. Wood, Poseidon Properties II, LLC, and Poseidon Properties III, LLC to Poseidon Properties I, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 225 (Lot 11);
12. Quitclaim Deed Without Covenant from Stephen M. Wood and Nancy Z. Wood, Poseidon Properties I, LLC, and Poseidon Properties III, LLC to Poseidon Properties II, LLC dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 227 (Lot 12); and
13. Quitclaim Deed Without Covenant from Stephen M. Wood and Nancy Z. Wood, Poseidon Properties I, LLC, and Poseidon Properties III, LLC to The Meadows at Highland Farm Homeowners Association dated July 22, 2005 and recorded in the York County Registry of Deeds in Book 14541, Page 252 (Road A, South Meadow Lane, and North Meadow Lane).

Exhibit A-1

BEGINNING AT A POINT ON THE NORTHEASTERLY SIDE OF ROUTE 91,  
BEING THE SOUTHEASTERLY CORNER THE PARCEL HEREIN DESCRIBED  
AND THE SOUTHWESTERLY CORNER OF "PROPOSED LOT 14" AS SHOWN ON  
THE SUBDIVISION PLAN;

THENCE N 32°26'16" W ALONG THE NORTHEASTERLY SIDELINE OF SAID  
ROUTE 91 A DISTANCE OF 100.13' TO A POINT;

THENCE N 32°26'16" W ALONG THE NORTHEASTERLY SIDELINE OF SAID  
ROUTE 91 A DISTANCE OF 153.52' TO A POINT;

THENCE N 39°01'47" W ALONG THE NORTHEASTERLY SIDELINE OF SAID  
ROUTE 91 A DISTANCE OF 451.65' TO A POINT;

THENCE N 42°57'58" W ALONG THE NORTHEASTERLY SIDELINE OF SAID  
ROUTE 91 A DISTANCE OF 143.07' TO A GRANITE BOUND;

THENCE N 34°59'55" E A DISTANCE OF 1100.62' TO A POINT;

THENCE S 43°36'14" E A DISTANCE OF 235.18' TO A POINT;

THENCE N 02°11'36" E A DISTANCE OF 125.53' TO A POINT;

THENCE N 42°17'32" E A DISTANCE OF 61.78' TO A POINT;

THENCE S 61°52'48" E A DISTANCE OF 84.88' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 224.46', WITH A  
RADIUS OF 65.00', WITH A CHORD BEARING OF S 41°28'22" E, WITH A CHORD  
LENGTH OF 128.42' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 20.26', WITH A RADIUS  
OF 20.00', WITH A CHORD BEARING OF S 28°26'19" W, WITH A CHORD  
LENGTH OF 19.40' TO A POINT;

THENCE S 00°34'43" E A DISTANCE OF 11.78';

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 98.29', WITH A RADIUS  
OF 125.00', WITH A CHORD BEARING OF S 23°06'16" E, WITH A CHORD  
LENGTH OF 95.77' TO A POINT;

THENCE S 45°37'49" E A DISTANCE OF 164.30' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 120.23', WITH A RADIUS OF 175.00', WITH A CHORD BEARING OF S 25°56'54" E, WITH A CHORD LENGTH OF 117.88' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 28.07', WITH A RADIUS OF 20.00', WITH A CHORD BEARING OF S 46°28'36" E, WITH A CHORD LENGTH OF 25.82' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 23.99', WITH A RADIUS OF 375.00', WITH A CHORD BEARING OF S 84°51'15" E, WITH A CHORD LENGTH OF 23.99' TO A POINT;

THENCE S 06°58'43" W A DISTANCE OF 50.00' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 258.82', WITH A RADIUS OF 325.00', WITH A CHORD BEARING OF S 74°09'51" W, WITH A CHORD LENGTH OF 252.04' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 303.43', WITH A RADIUS OF 325.00', WITH A CHORD BEARING OF S 24°36'12" W, WITH A CHORD LENGTH OF 292.53' TO A POINT;

THENCE S 02°08'36" E A DISTANCE OF 173.93' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 421.14', WITH A RADIUS OF 425.00', WITH A CHORD BEARING OF S 26°14'39" W, WITH A CHORD LENGTH OF 404.12' TO A POINT;

THENCE S 54°37'54" W A DISTANCE OF 212.80' TO A POINT;

THENCE ALONG A CURVE WITH AN ARC LENGTH OF 37.99', WITH A RADIUS OF 25.00', WITH A CHORD BEARING OF S 11°05'49" W, WITH A CHORD LENGTH OF 34.44' TO THE POINT OF BEGINNING;

SAID AREA CONTAINS 880,138 SQUARE FEET, OR 20.205 ACRES ACCORDING TO THE SUBDIVISION PLAN.

END OF DOCUMENT

69  
Lawyers Title Insurance Corporation  
Commonwealth Land Title Company  
One Canal Plaza, 8<sup>th</sup> Floor  
P.O. Box 7505 (04112)  
Portland, ME 04101

**APPENDIX E**  
**Example of Declaration of Charitable Trust**



**DECLARATION OF CHARITABLE TRUST**

\_\_\_\_\_ Preserve  
Town of \_\_\_\_\_, County of \_\_\_\_\_, State of Maine

WHEREAS, \_\_\_\_\_ **Land Trust** (hereinafter the "Land Trust"), a nonprofit corporation operating and existing under the laws of the State of Maine and a tax-exempt organization under §501(c)(3) of the Internal Revenue Code, [if premises is in Unorganized Territories: and a tax exempt nature conservation organization for the purposes of Title 12 M.R.S. Section 682-B(3),] owns and operates a certain parcel of land in the Town of \_\_\_\_\_, which premises were acquired by deed of \_\_\_\_\_ to \_\_\_\_\_ Land Trust, dated \_\_\_\_\_, 2011, and recorded at the \_\_\_\_\_ County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_ on \_\_\_\_\_, 2011, known as the \_\_\_\_\_ Preserve (hereinafter the "Preserve"); and

WHEREAS, the Preserve was acquired by the Land Trust in order to permanently assure protection of the Preserve's ecological and scenic features and values and to provide the opportunity for visitation by the general public for uses appropriate to protecting those features and values; and

WHEREAS, the Land Trust wishes to hold the Tract in trust exclusively for charitable purposes, specifically so that it will remain forever preserved for the benefit and enjoyment of the general public as a scenic and natural area;

Now therefore, \_\_\_\_\_ Land Trust hereby grants to \_\_\_\_\_ Land Trust, its successors and assigns forever, as Trustee under this express charitable trust, pursuant to 18-B M.R.S. Sections 401 and 402, the Preserve described herein, subject to the following conditions that will run with the Preserve in perpetuity, to which by acceptance of this deed \_\_\_\_\_ Land Trust agrees as Trustee thereof:

The Preserve shall be maintained for the benefit of the general public as scenic and natural conservation land without building development, industrial uses, or residential uses, and may be made available by Trustee for outdoor recreation, nature observation, scientific study, environmental education, and similar uses of benefit to the public, provided that, in the sole determination of the Land Trust, such uses do not substantially degrade the ecological and scenic qualities of the Preserve. The Land Trust shall have the right to establish reasonable rules and regulations for permitted uses of the Preserve, to temporarily close all or part of the same to protect its conservation values, and to prohibit, by posting or otherwise, uses it deems inconsistent with or adverse to the intended uses of the Preserve.

No division or subdivision of the Preserve shall be permitted.

No industrial, residential, quarrying, or mining uses shall be permitted on the Preserve.

No structures of any kind, temporary or permanent, shall be located on the Preserve, except that the Land Trust may locate, construct, maintain, and replace on the Preserve only boundary marking structures, informational or interpretive signs, structures to control unauthorized uses, public access improvement structures, structures for scientific study, structures for management of fauna and flora, and erosion control structures.

No surface alterations, including filling, dumping, or excavating, shall be made to the surface of the Preserve, except that the Land Trust may alter the surface to locate, construct, maintain, and replace the structures permitted above, to control erosion, and to install, maintain, and replace trails and other improvements to facilitate public access.

No vegetation shall be cut or removed from the Preserve, except that the Land Trust may cut and remove vegetation to establish and maintain the structures and surface alterations permitted above, to remove safety hazards for the uses permitted herein, to combat active fire, to reduce the threat of fire, to establish, maintain or restore wildlife habitat, and to control or prevent the spread of disease or intrusion by invasive species.

This Declaration of Charitable Trust may be modified or terminated only in accordance with the *cy pres* provisions of 18-B M.R.S. § 413. Moreover, the Preserve shall not be transferred except to an entity that qualifies as a “holder” under 33 M.R.S. § 476(2), or successor provisions thereof. Such transfers shall be subject to the perpetual restrictions and requirements stated in this Declaration of Charitable Trust.

It is the intent of the Land Trust for this Declaration of Charitable Trust to be enforceable exclusively by the Land Trust and by the Maine Attorney General, and not by the general public, the Land Trust’s officers and directors, or its members.

In witness whereof, \_\_\_\_\_ LAND TRUST has caused these presents to be signed and sealed in its corporate name by \_\_\_\_\_, its President, this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_ LAND TRUST

\_\_\_\_\_  
by \_\_\_\_\_  
its President

STATE OF MAINE  
COUNTY OF \_\_\_\_\_, ss.

Date:

Personally appeared before me \_\_\_\_\_, the President and authorized representative of

\_\_\_\_\_ Land Trust, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public

Print Name:

My commission expires:

**APPENDIX F**  
**Letter of Interest from York Land Trust**





January 14, 2013

Bryan Emerson  
Project Manager  
Stantec  
30 Park Drive  
Topsham, ME 04086

Board of Directors

David Michniewicz,  
President

Hilary Clark,  
Vice President

Lawrence Graves,  
Treasurer

Chelsey Remington,  
Secretary

Karen Arsenault  
Robert Brisebois  
Jared Chase  
Stuart Dawson  
Gary Goss  
Susan Heckaman  
Dawn Hill  
Richard Leigh  
Jeffrey McConnell  
Bobbi McGann  
James Bruce O'Neil  
Ala Reid  
Warren Taylor  
Helen Winebaum  
Peter Yauch

Doreen MacGillis,  
Executive Director

York Land Trust  
P.O. Box 1241  
York Harbor, ME 03911  
207-363-7400

E: [info@yorklandtrust.org](mailto:info@yorklandtrust.org)  
[www.yorklandtrust.org](http://www.yorklandtrust.org)

Dear Bryan,

I am writing to express York Land Trust's interest in accepting a donation of approximately 25 acres of land on Bell Marsh Road in York owned by the Town of York. The land is located within the Mount Agamenticus region, an area of statewide ecological significance according to the Maine Natural Areas Program Beginning with Habitat Maps and is contiguous with other conservation lands owned by Kittery Water District, the Nature Conservancy and the Maine Dept. of Inland Fisheries and Wildlife. It would fill-in an important gap in conservation.

The mature forest and high-value wetlands on the property provide important habitat for native plants and animals including endangered Blandings and spotted turtles which have been found in the immediate vicinity and the trails on the property offer recreational opportunities for the public.

We have a verbal agreement from Dan Rosa, an abutting landowner to the Town parcel for a land swap that will ensure that the Town land comes to York Land Trust with clear title and undisputed boundaries. This land swap also accomplishes a better conservation outcome on the mitigation parcel.

For all of these reasons, the property meets the land acquisition criteria of York Land Trust and could be added to the Land Trust's conservation holdings with a vote of its Board of Directors at a regular monthly meeting.  
Thank you for this opportunity.

Sincerely,

A handwritten signature in cursive script that reads "Doreen MacGillis".

Doreen MacGillis  
Executive Director



Rob Yandow  
Town Manager  
Town of York  
186 York St.  
York, ME 03909

March 5, 2014

Dear Rob,

As you have requested, the following is my account of how Dan Rosa's land became part of the mitigation package.

When Stantec was searching for an appropriate mitigation site that could compensate for proposed impacts at the York Police Station project site, the Town provided Stantec with a list of 21 undeveloped, Town-owned properties that could potentially be used for mitigation purposes. Stantec also contacted the York Land Trust at this time to determine if the land trust had any sites that could meet the mitigation requirements.

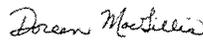
Stantec performed a desktop analysis and field survey of 23 potential mitigation parcels. Site 20 was selected as the site with the best potential to provide preservation mitigation for this project. The site consisting of 4 parcels totaling 25 acres of land on Bell Marsh Road with several vernal pools, is adjacent to other conservation lands.

York Land Trust was asked to accept a donation of the land for permanent conservation purposes. The land trust agreed to do this, pending due diligence, and to work with the Town to complete title and survey work on the property in preparation for it being transferred to the land trust. We soon discovered that there was a discrepancy between the property boundaries and ownership of the parcels included in the mitigation package. The adjacent landowner, Dan Rosa, claimed part ownership in two of the parcels, previously thought to be Town-owned.

As a result, the Town and the landowner agreed to a re-alignment of the property boundaries that would meet the needs of both the landowner and the Town. The landowner agreed to part with land that contained a stream and a large forested wetland in exchange for a parcel of primarily upland that could be used as a single house lot. In doing this, the landowner also gave up two additional building lots. The preservation area now includes more wetlands, along with a perennial stream, resulting in a better mitigation proposal and greater conservation outcome than was originally proposed.

Should you have any further questions, please feel free to contact me at 207-363-7400.

Sincerely,

  
\_\_\_\_\_  
Executive Director

Board of Directors

Hilary Clark,  
President

Robert Brasebois,  
Vice President

Jeffrey McConnell,  
Treasurer

Chelsey Remington,  
Secretary

Karen Arsenault  
Jared Chase  
Stuart Dawson  
Lawrence Graves  
Susan Heckaman  
Richard Leigh  
Bobbie McGann  
Annette McKenney  
David Michniewicz  
Cliff O'Connor  
Ala Reid  
Bernadine Spears  
Peter Yauch

Doreen MacGillis,  
Executive Director

York Land Trust  
P O Box 1241  
York Harbor, ME 03911  
207-363-7400

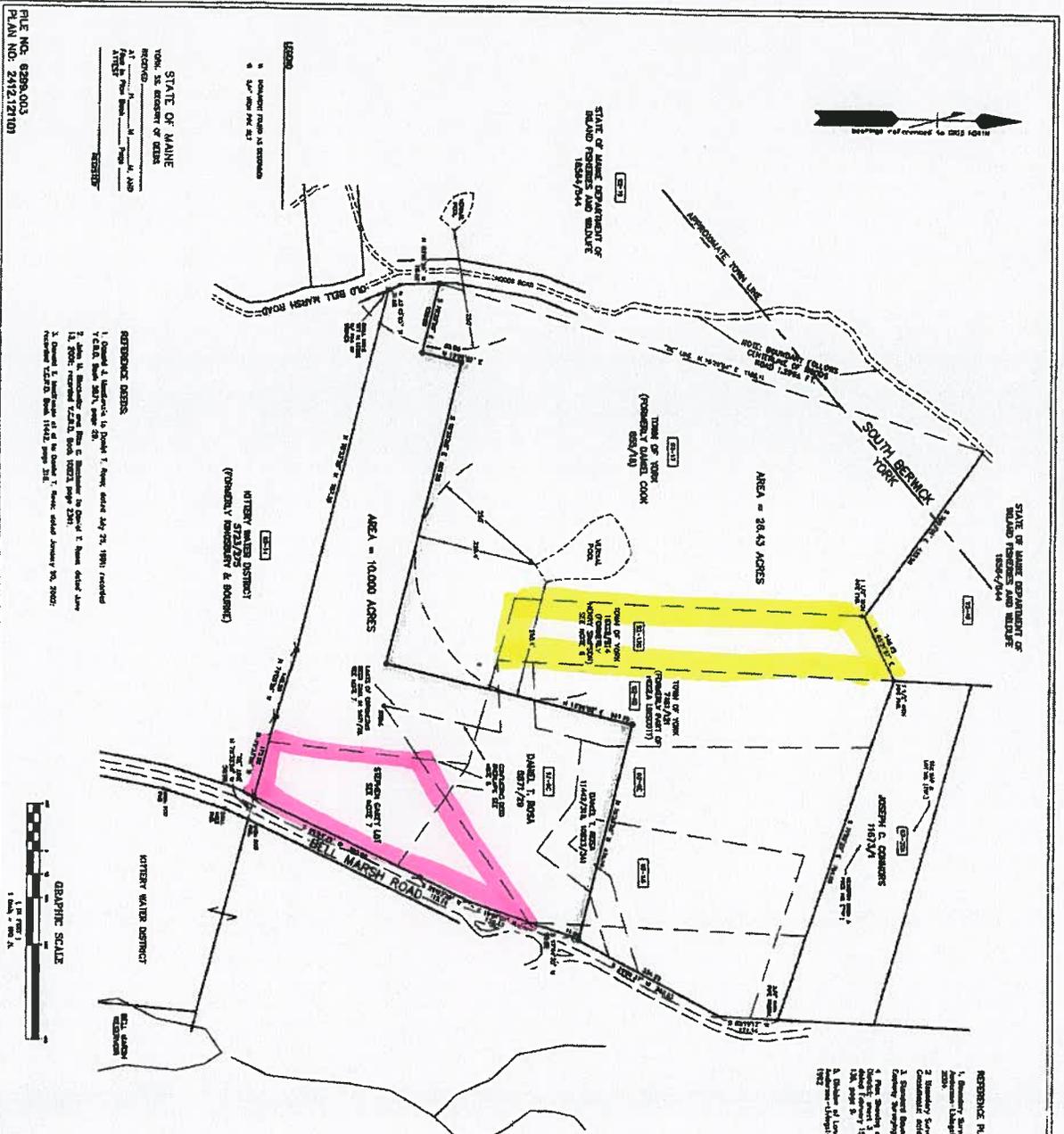
E: [info@yorklandtrust.org](mailto:info@yorklandtrust.org)  
[www.yorklandtrust.org](http://www.yorklandtrust.org)

Forest Stewardship Council  
Certified Paper





# Proposed Boundary Line



FILE NO. 6298.003  
 PLAN NO. 249212101

STATE OF MAINE  
 YORK, SE, ESSEX OF DEER  
 KITTERY WATER DISTRICT  
 (PROPOSEDLY RENAMING & BOUNDING)



REFERENCE PLANS  
 1. Boundary Survey for District 6, County of York, Maine, by Charles E. Goring, Inc., dated December 14, 1922.  
 2. Boundary Survey of Land of 417.2 Acres by Charles E. Goring, Inc., dated December 14, 1922.  
 3. Survey Boundary Survey for David T. Rosa by Charles E. Goring, Inc., dated December 14, 1922.  
 4. A Plan Showing a Survey of Land for David T. Rosa by Charles E. Goring, Inc., dated December 14, 1922.  
 5. A Plan Showing a Survey of Land for David T. Rosa by Charles E. Goring, Inc., dated December 14, 1922.

NOTES  
 1. The boundaries as indicated on this plan are based on a survey conducted by Charles E. Goring, Inc., in 1922.  
 2. The boundaries as indicated on this plan are based on a survey conducted by Charles E. Goring, Inc., in 1922.  
 3. The boundaries as indicated on this plan are based on a survey conducted by Charles E. Goring, Inc., in 1922.  
 4. The boundaries as indicated on this plan are based on a survey conducted by Charles E. Goring, Inc., in 1922.  
 5. The boundaries as indicated on this plan are based on a survey conducted by Charles E. Goring, Inc., in 1922.

PLAN PREPARED FOR  
 BOUNDARY LINE AGREEMENTS  
 BETWEEN  
 TOWN OF YORK  
 AND  
 DANIEL T. ROSA  
 BELL MARSH ROAD  
 YORK, MAINE



ANDERSON ASSOCIATES, INC.  
 40511A  
 1000 BELL MARSH ROAD  
 YORK, MAINE 04390  
 PHONE: 603-785-1111  
 FAX: 603-785-1112

DATE: 11/11/87  
 DRAWN BY: J. J. [Name]  
 CHECKED BY: J. J. [Name]  
 SHEET 1 OF 1



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session	
<b>Subject:</b> Lien Enforcement Agreement with York Sewer District	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Agreement
<b>PROPOSED MOTION:</b> I move to authorize the Town Manager to sign a Lien Enforcement Agreement with the York Sewer District.

**Discussion:** The York Sewer District has proposed a Lien Enforcement Agreement to the Town of York. The agreement is designed to prevent confusion when liens are filed by either party but the other party is unaware of the filing. The agreement contains a provision where annual listings of delinquent accounts will be provided to the other party as well as an exchange of lien certificates when the other party also has a lien filed against the property. The Town Attorney has worked with the attorney for the York Sewer District and has indicated that the agreement covers all scenarios and is fair to both the Town and the Sewer District.

<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: \_\_\_\_\_

## LIEN ENFORCEMENT AGREEMENT

THIS LIEN ENFORCEMENT AGREEMENT (“Agreement”), made this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the Town of York, a municipal corporation under the Laws of the State of Maine (“Town”), and the York Sewer District, a quasi-municipal corporation under the Laws of the State of Maine and located in the Town of York, County of York and State of Maine (“Sewer District”), each referred to herein individually as a “Party” and collectively as the “Parties.”

WHEREAS, Maine statute (36 M.R.S. §552) establishes that the Town has a lien on real estate to secure the payment of taxes that takes precedence over all other encumbrances on said real estate; and

WHEREAS, Maine private and special law (P. & S. L. 1985, c. 57, sec. 18) establishes that the Sewer District has a lien on real estate served or benefitted by the services of the Sewer District to secure the payment of rates that takes precedence over all other claims on that real estate excepting claims for taxes; and

WHEREAS, the Parties are both units of local government that generally serve the same taxpayers and ratepayers, and wish to set forth their agreement to cooperate in the event of imminent or actual foreclosure where both Parties have recorded liens upon the same parcel of real estate;

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises and agreements contained herein, the Parties hereby agree as follows:

1. Each Party agrees to provide the other Party at least annually with a list of delinquent accounts with the names and addresses of taxpayers/ratepayers, together with information as to amounts owed, whether a lien has been recorded in the York County Registry of Deeds to secure payment of taxes or rates, and the date of automatic foreclosure on the same. Moreover, each Party agrees to treat the other Party’s tax liens and rate liens as mortgages, and therefore:

(a) The Town will provide the District with a copy of the lien certificate and of notice of impending foreclosure for each parcel of real estate upon which the District also has a recorded lien for nonpayment of rates against that same parcel, and

(b) The District will provide the Town with a copy of the lien certificate for each parcel of real estate upon which the Town also has a recorded lien for nonpayment of real property taxes against that same parcel.

2. If a person pays delinquent real property taxes or sewer rates, plus interest and costs, for a parcel of real estate after a lien is recorded on that same parcel but before automatic lien foreclosure or before that person’s right of redemption is foreclosed, the Party receiving such payment will make its best efforts to inform that person of other unpaid taxes or rates where

that Party has received a copy of a lien certificate or of notice of impending foreclosure for that same parcel of real estate;

3. If a Party acquires a parcel of real estate by automatic lien foreclosure or by other method for enforcement and collection of unpaid taxes or rates, and if the other Party has a recorded lien or liens on that same parcel of real estate to secure payment of taxes or rates, then:

(a) Upon sale of that acquired parcel of real estate to a person other than the prior owner or family member of the prior owner, the acquiring Party shall pay the principal, costs and interest due to the other Party for unpaid taxes or rates secured by lien(s) to the extent the proceeds of such sale exceed the amounts secured by the acquiring Party's lien(s) plus interests and costs thereon;

(b) If the acquiring Party retains that acquired parcel of real estate for its own purposes, the acquiring Party shall pay the principal, costs and interest due the other Party for unpaid taxes or rates secured by the lien(s); and

(c) If the acquiring Party allows the acquired parcel of real estate's prior owner or family member of the prior owner to purchase the acquired parcel of real estate by payment of the unpaid taxes or rates, plus interest and costs, either through a payment agreement or by lump sum payment, that payment agreement or lump sum payment also shall include the principal, costs and interest due the other Party for unpaid taxes or rates secured by the lien(s).

4. This Agreement shall remain in effect until terminated by one of the Parties upon thirty (30) days' written notice of termination sent by U.S. Mail, Certified Mail, Return Receipt Requested to the other Parties.

IN WITNESS WHEREOF, the Town of York and the York Sewer District have caused this Agreement to be signed and sealed by their respective duly authorized officers as of the date first above-written.

TOWN OF YORK

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Robert G. Yandow  
Its: Town Manager

YORK SEWER DISTRICT

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: Timothy Haskell  
Its: Superintendent

## Robert G. Yandow

---

**From:** Mary E. Costigan [mcostigan@bernsteinshur.com]  
**Sent:** Friday, February 21, 2014 3:26 PM  
**To:** jkatsiaficas@perkinsthompson.com  
**Cc:** Robert G. Yandow  
**Subject:** RE: Lien Enforcement Agreement  
**Attachments:** Lien Enforcement Agreement (JNK 2-12-2014) (P0552936).docx; 2013-08-30 Email MEMUN to Szeniaowski (P0553385).pdf

Jim –

I am sorry I didn't get back to you sooner on this. I have been battling the flu all week. The agreement addresses the comments and questions I had regarding the first draft. If the Board is so inclined to enter into such an agreement with the District, this agreement appears to address all possible scenarios.

Thank you -

- Mary

### Mary E. Costigan

#### Of Counsel

[mcostigan@bernsteinshur.com](mailto:mcostigan@bernsteinshur.com)

207 228-7147 direct

207 774-1200 main

[My Bio](#) | [LinkedIn](#) | [Twitter](#)

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---

**From:** jkatsiaficas@perkinsthompson.com [mailto:jkatsiaficas@perkinsthompson.com]

**Sent:** Wednesday, February 12, 2014 11:51 AM

**To:** Mary E. Costigan

**Subject:** Lien Enforcement Agreement

Mary:

Attached please find a revised "Lien Enforcement Agreement." In it, I attempted to address the points made in your Feb. 7 2014 memorandum to Town Manager Rob Yandow and in our telephone conversation yesterday.

Paragraph 1 now contains two undertakings – an annual exchange of a list of delinquent accounts, to make cooperation easier, and in a) and b), an agreement to provide each other with copies of whatever document each party must provide to secure and enforce liens. As we discussed yesterday and as the attached memo from MMA Attorney Becky Seel to York Town Clerk Mary-Anne Szeniaowski states, under State statute, the Town must send a notice of lien certificate and notice of pending foreclosure to all mortgage holders and under the District's private and special law charter, the District must send a notice of lien certificate to all mortgage holders. Since each party's liens are the equivalent of a mortgage, each should be sending the other notices when the other has a recorded lien on that property.

In an attempt to address all of the possible scenarios, I added a new paragraph 2 to address payments made after a lien is recorded but before foreclosure or before a person's extended period of redemption expires. Each party agrees to make its best efforts to inform the person making payments of the other party's unpaid taxes if it has received a copy of a notice of lien certificate and notice of pending foreclosure from the other party. There is no collection or payment requirement – just best efforts to notify the taxpayer /ratepayer if the Town or District has received notice from the other.

Paragraph 2 has been moved to Paragraph 3. It concerns what happens when either the Town or the District has acquired the property by operation of law.

Subparagraph (a) provides that if either sells the property to a third-party (not the prior owner or a family member of the former owner), then the party acquiring the property will first pay itself the principal, interest and costs of its lien before paying principal, interest and costs of the other party's liens (to the extent of proceeds from the sale). In operation, there should be sufficient value in a foreclosed property to allow both parties' liens to be satisfied from sale proceeds, and any additional amounts would be retained by the foreclosing party.

Subparagraph (b) provides that if either retains the acquired property for its own use, it will pay the other party the amount of the other party's principal, interest and costs of liens.

Subparagraph (c) provides that if either sells the property to the prior owner or a family member of the former owner, either under a payment agreement or for a lump-sum payment, then the party acquiring the property will include the principal, interest and costs of the other party's liens in the purchase amount to be paid by agreement or lump sum.

I'll be glad to discuss this after you review it so that we can have a draft that's agreed upon from the legal perspective, and our clients can review it from the policy perspective.

Thanks,

Jim

---

JAMES N. KATSIAFICAS  
ATTORNEY

**PERKINS THOMPSON**

ONE CANAL PLAZA, PO BOX 426  
PORTLAND, ME 04112-0426  
207.774.2635 x8108 MAIN  
207.400.8108 DIRECT  
207.871.8026 FAX

[www.perkinsthompson.com](http://www.perkinsthompson.com)

[jkatsiaficas@perkinsthompson.com](mailto:jkatsiaficas@perkinsthompson.com)

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## Mary-Anne Szeniewski

---

**From:** Legal Services Department [Legal\_Services\_Department@memun.org]  
**Sent:** Friday, August 30, 2013 1:01 PM  
**To:** Mary-Anne Szeniewski  
**Subject:** RE: York - Map 24 Lot 7A Unit C2 Property formerly owned by Murphy

Dear Mary-Anne,

Thanks very much for your patience in awaiting the completion of my research and written response to your email below.

It appears from my research on the legal status of the York Sewer District that the District was originally created by a private and special act of the Legislature adopted in 1951 (PL 1951 ch. 63) and approved by the voters of York by referendum election. That Act constituted the charter of the District. It was amended over the years and was eventually repealed and replaced by the Legislature in 1985 in order to "modernize" the charter (PL 1985, ch. 57). I assume that the 1985 version was adopted by the York voters in a referendum election, since I found no evidence to the contrary in the private and special laws enacted since that time.

Section 18 of the charter addresses unpaid sewer user rates and the options available to the District for collection, which include the use of a sewer lien. The first paragraph of section 18 includes language expressly creating a statutory lien "to secure the payment of rates established and due under section 13 which shall take precedence over all other claims on that real estate, excepting only claims for taxes." The third paragraph of that section provides that when a lien certificate is recorded at the Registry of Deeds, the filing "shall create a mortgage on the real estate described in the certificate to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes and shall give the district all rights usually possessed by mortgagees,..." The process governing the District's pursuit of a valid sewer lien is outlined in that section also.

The statutes governing municipal property tax assessment in 36 MRSA section 552 and municipal real estate tax liens in 36 MRSA sections 942 and 943 include language similar to the language quoted above from section 18 of the District's charter. Section 552 creates a statutory lien to secure the payment of assessed property taxes and states that the lien shall take precedence over all other claims on the real estate and shall continue in force until the taxes are paid in full.

<http://www.mainelegislature.org/legis/statutes/36/title36sec552.html> Section 943 expressly provides that the filing of a real estate tax lien certificate in the Registry creates a tax lien mortgage. <http://www.mainelegislature.org/legis/statutes/36/title36sec943.html>

Based on the language in section 18 of the District's charter and 36 MRSA section 943, it seems clear that both a sewer lien recorded by the District's treasurer and a real estate tax lien recorded by the Town's tax collector in the Registry of Deeds are "mortgages" for the purposes of the notices that must be provided to "mortgage holders" under section 18 of the District's charter and 36 MRSA sections 942 and 943. Our office historically has advised tax collectors and treasurers to treat any type of recorded lien as a "mortgage" for the purposes of the laws governing property tax and sewer liens in order to avoid constitutional problems with the lien process. However, given the express language of the tax lien statutes and the District's charter characterizing the recorded lien as a "mortgage," I don't think there is a need to make a constitutional argument in favor of sending the Town and the District the notices required for mortgage holders; I think the notice is required by the express language of the respective governing laws.

Attorney Dench's letter to the Town indicates that the York Sewer District has never been provided notice as a mortgage holder for any of the tax liens that the town has recorded against the Murphy property. The tax collector and treasurer are required to provide a true copy of the tax lien certificate and a notice of impending foreclosure respectively to mortgage holders of record pursuant to 36 MRSA sections 942 and 943. In the event the tax collector fails to provide a true copy of the lien certificate to a mortgage holder, section 943 provides that the mortgage holder will have an additional 3 months within which to redeem the property from the date on which the mortgage holder receives actual

notice of the lien. If the treasurer fails to send the notice of impending foreclosure to a mortgage holder, section 943 states that the mortgage holder has an additional 30 days to redeem the property after the treasurer provides notice. The failure to send these notices doesn't render the town's lien invalid; it simply delays the automatic foreclosure of the tax lien and passage of title to the Town. I believe that the collector and treasurer may now send any of the required notices that were not sent to the York Sewer District as mortgage holder, thereby causing the clock to resume ticking on the automatic foreclosure of those tax liens.

The York Sewer District has a somewhat similar obligation to send notice to mortgage holders under section 18 of its charter. However, unlike the property tax lien process outlined in 36 MRSA sections 942 and 943 and the sewer lien process found in 38 MRSA section 1208 governing municipal sewer systems and sanitary districts, the lien process outlined in the District's charter has only two steps: the step that is comparable to the "30 day notice" in the tax lien process and the step where the lien is recorded under section 942. There is no third step comparable to the notice of impending foreclosure in 36 MRSA section 943 or in 38 MRSA section 1208. I found no evidence that the Legislature has adopted an amendment to the 1985 charter to add this third step. This means that the only notice to a mortgage holder required by the District's charter is the true copy of the lien certificate that must be sent to a mortgage holder of record when the District's treasurer records the sewer lien certificate at the Registry. Another difference between the District's lien process and the process governing town tax liens and sewer liens for municipal sewer systems and sanitary districts is the lack of any provision addressing the District's failure to provide required notice to a mortgage holder. I am not aware of any amendment to the 1985 charter that added a provision similar to the 3 month extended redemption period in section 943 when a true copy of the lien certificate has not been provided to a mortgage holder by the Town. I think this means that, if the District fails to notify a mortgage holder prior to the original automatic foreclosure date, the District doesn't have the same right to send the notice later and extend the period of redemption for the mortgage holder. I think that the failure to send a mortgage holder notice prior to the foreclosure date invalidates the sewer lien, unlike the property tax lien process, where the lien is not invalidated and the foreclosure is simply delayed until the notice is sent. You indicated when we spoke that you didn't think the Town has ever received notice as a mortgage holder for any of the District's sewer liens. If that is the case, then it is possible that the District has missed the opportunity to perfect one or more of its liens, meaning they were not valid, did not automatically foreclose and did not pass title to the Murphy property to the District. I'm not sure I can offer any additional guidance on this issue without more specific information about the steps taken by the Town and the District to process their respective liens.

I hope this helps. Feel free to consult the Town's private attorney if you would find it helpful to seek a second opinion before getting back to Attorney Dench. I hope you enjoy the upcoming holiday weekend.

Sincerely,  
Becky

Rebecca Warren Seel , Senior Staff Attorney Legal Services Department Maine Municipal Association 60 Community Drive, Augusta, ME 04330  
1-800-452-8786 (in state)  
207-623-8428  
FAX 207-624-0187  
legal@memun.org <mailto:legal@memun.org>

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-----Original Message-----

From: Christine Bragg  
Sent: Thursday, August 22, 2013 2:07 PM  
To: mszeniawski@yorkmaine.org  
Subject: York - Map 24 Lot 7A Unit C2 Property formerly owned by Murphy

Mary-Anne, MMA Legal Services has received your inquiry and document. It has been assigned to one of our attorneys, who will respond as soon as possible. Our response time may vary depending on the volume of inquiries, the nature and complexity of your inquiry, and current staffing. We appreciate your understanding and cooperation.

If you have a specific deadline, please let us know.

Thank you. Christine Bragg, Legal Services Department

-----Original Message-----

From: Mary-Anne Szeniaowski [mailto:mszeniaowski@yorkmaine.org]  
Sent: Thursday, August 22, 2013 1:43 PM  
To: Legal Services Department  
Cc: Robert G. Yandow  
Subject: Map 24 Lot 7A Unit C2 Property formerly owned by Murphy

Becky,

Thank you for taking the time to help me sort out this scenario. The facts as I know them. The Town of York filed municipal tax liens against the above subjected property on July 18, 2011 (FY11 taxes), July 19, 2012 (FY12 taxes), and on July 22, 2013 (FY13 taxes). The Town of York notified their mortgage holders of record of these tax lien filings (First Priority Credit Union, Postal Community Credit Union, and Boston Post Office Employees Credit Union). The Town of York sent impending foreclosure notices to the same record holders of mortgage on December 4, 2012. Due to lack of payment, the Town of York automatically foreclosed on January 18, 2013.

The York Sewer District, a quasi-municipal entity created by a special law, through attached correspondence from their attorney, asserts that they are the duly owner of the property due to a sewer lien/mortgage recorded July 1, 2010. I am not aware that the Town of York received any correspondence from the York Sewer District of this action, as the Town had a recorded tax lien on file.

Questions for you:

- 1) By law, is a recorded lien certificate synonymous with a mortgage as stated by Attorney Dench or is it a different animal? I understand as a matter of practice, tax collectors and treasurers may notify other entities that are not mortgage holders because of the severity of a foreclosure action. Again, though, by law, must they be notified?
- 2) If in fact the York Sewer District should have been notified of the foreclosure action shouldn't the Town of York been notified by the York Sewer District of the impending January 1st, 2012 foreclosure based on their assertion that a tax lien is a mortgage?

Regards,  
Mary-Anne Szeniaowski  
Tax Collector  
363-1003

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## Robert G. Yandow

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**From:** Joe Foote [joseph.foote@oracle.com]  
**Sent:** Thursday, February 27, 2014 8:04 AM  
**To:** Robert G. Yandow  
**Cc:** 'jfoote@maine.rr.com'; mcsinclair2004@yahoo.com; Dave Gittins; lordav@yahoo.com; David Webber; dhlobstering@gmail.com; drpandh@yahoo.com; jcdjr@maine.rr.com; elenaskii@yahoo.com; Pjones@maine.rr.com  
**Subject:** Termination of my membership on town boards

To: Robert G. Yandow  
Date: 2/27/2014  
Subject: Termination of my membership on town boards

I am terminating my memberships on the 'Shellfish Conservation Commission' and the 'Harbor Board' effective today, 2/27/2014 due to many other mounting commitments for my time and energy.

I would like to thank all members of the boards and the dedicated people involved in town for allowing me this experience. Hopefully, after retirement from corporate America I will be better able to serve again.

Best Regards,

Joseph E. Foote Sr



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Discussion and Possible Action on Selecting a Consultant for the Town Manager Search	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Liam Gallagher; Director of Human Resources
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b>

**Discussion:** On February 10, 2014 the Board discussed the recruitment process for a new town manager. No decision was reached although there was some discussion about using MMA to assist with the search. The Board should determine if MMA will be selected or, if the Board is interested in interviewing the three area organizations that supplied information.

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

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

Reviewed By: Robert S. Gannon



# Town of York

186 York Street  
York, Maine 03909-1314

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Liam Gallagher, PHR  
*Director of Human Resources*

P: (207) 363-1000 ext. 232  
F: (207) 363-1019  
lgallagher@yorkmaine.org

To: Board of Selectmen  
From: Liam Gallagher, Director of Human Resources  
Subj: Town Manager Search Process  
Date: March 5, 2014

As a follow-up to the discussion during the Board meeting on February 10, 2014, the Board was provided information on executive search services offered by Maine Municipal Association, Eaton Peabody Consulting Group and Municipal Resources for your review.

As earlier discussed, the proposals range in cost from \$4,900 (MMA) to upwards of \$15,000 (MRI), depending on the desires of the Board. Although all of the firms provide the same fundamental service, MRI would appear to offer a much more in depth process should the Board determine that is necessary.

With one exception (the current Town Manager's predecessor), the Town has contracted MMA exclusively over at least the last twenty-five years to conduct the initial executive search and provide support throughout the process.

I would encourage the Board to determine whether a selection of firm can be made based on the information provided to date or if more information is required. Each of the firm representatives have offered to appear before the board to answer any questions the Board may have with the proposals, the firm's experience, or the process they would propose to administer. Please advise if you would like meetings to be scheduled.

Thank you.



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <u>  X  </u> Work Session	
<b>Subject:</b> Three Year Collective Bargaining agreement with New England Police Benevolent Association on behalf of York Police Dispatchers	

<b>TO:</b> Board of Selectmen
<b>FROM:</b> Robert G. Yandow, Town Manager
<b>RECOMMENDATION:</b> Approve Three Year Agreement
<b>PROPOSED MOTION:</b> I move to approve a three year collective bargaining agreement with the New England Police Benevolent Association on behalf of the York Police Dispatchers, the duration of the agreement being July 1, 2013 through June 30, 2016.

**Discussion:** The proposed agreement includes the following changes from the previous three year agreement:

- Inclusion of a New Health Insurance Plan
- Option for Town Employees to Contribute to Retirement health Savings Plan
- Change in Recognized Holidays
- One Time Payment for Work in Identifying Operational Efficiencies to Reduce Department Costs
- Cost of Living Adjustments of 1.7%, 2% and 2% Over the Three Year Period

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

Prepared By: Robert S. Gannon

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



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: Filming for "Rm. 124"	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve the Special Event Permit application for Mark Espinola's filming of "Rm. 124".
<b>PROPOSED MOTION:</b> I move to approve Special Event Permit application for Mark Espinola's filming of "Rm. 124" on Long Sands Beach, Friday - Sunday, April 11 <sup>th</sup> - 13 <sup>th</sup> , 2014.

**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. Gandon*

**For Town Use Only**

Reviewed by:

**Department**

**Initials**

Police Department	<u>Szeniawski</u>	<u>02-18-2014</u>
Public Works	<u>Lessard</u>	<u>02-18-2014</u>
Parks/Recreation	<u>Sullivan</u>	<u>02-18-2014</u>
Village Fire	<u>Apgar</u>	<u>02-18-2014</u>
York Beach Fire	<u>Bridges</u>	<u>02-18-2014</u>
Code Enforcement	<u>Burns</u>	<u>02-25-2014</u>
York Ambulance	<u>Prince</u>	<u>02-25-2014</u>

Special Conditions:

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Town Manager

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Date



# 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: 2/17/14

Name of Event: Filming for "Rm. 124" - A short film by Mark Espindola

Type of Event: Filming

Organization Name: — Phone #: —

Organization Address: — City — State: — Zip: —

Applicant Name: Mark Espindola Phone #: (508) 496-5912

Applicant Address: 184 Denham Ave City: Somerset State: MA Zip: 02726

Contact Name for Day of Event: Mark Espindola Contact Phone #: (508) 496-5912

Date of Event: 4/11/14 - 4/13/14 Day of Week: Fri. - Sun

Starting Time: 4/11/14 - 12:00 P.M. Ending Time: 4/13/14 - 5:00 P.M.

Assembly Area: Long Sands Beach

Dispersal Area: Long Sands Beach

Event Route: Filming on various stretches on the beach.

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

9

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

None

Describe how group is organized and supervised to insure order: The director (Mark Espindola) will oversee the small crew and cast and ensure that rules and regs. are followed.

Purpose of the Event: Filming scenes for a short film

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

Signature of Applicant: Mark Espindola

**For Town Use Only:**

Reviewed by:

**Department**

**Initials**

Police Department

2/18

Public Works

2/18

Parks/Recreation

2/18

Village Fire

2/18

York Beach Fire

2/18

Code Enforcement

2/25

York Ambulance

2/25

Special Conditions \_\_\_\_\_

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Town Manager

\_\_\_\_\_

Date

## Melissa M. Avery

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**From:** Dean Lessard  
**Sent:** Tuesday, February 18, 2014 11:30 AM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Hi Missy

I reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

Sent from my iPhone

> On Feb 18, 2014, at 10:20 AM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:  
>  
> Attached is the Special Event Permit application for the Filming of "Rm. 124", a short film by Mark Espinda on April 11-13, 2014 at Long Sands Beach.  
>  
> Thanks!  
> Missy  
> \_\_\_\_\_  
> Melissa M. Avery  
> Assistant to the Town Manager  
>  
> Town of York, Maine<<http://www.yorkmaine.org/>>  
> 186 York Street, York, ME 03909  
> Phone: (207) 363-1000 - Fax: (207) 363-1019  
>  
> Please consider the environment before printing this email.  
>  
>  
> \_\_\_\_\_  
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> <Filming for Rm. 124 by Mark Espinda.pdf>

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Tuesday, February 18, 2014 11:31 AM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Re: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

I don't have a problem from what info we have been given.

Sent from my iPhone. Dave

> On Feb 18, 2014, at 10:20 AM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:  
>  
> Attached is the Special Event Permit application for the Filming of "Rm. 124", a short film by Mark Espinda on April 11-13, 2014 at Long Sands Beach.  
>  
> Thanks!  
> Missy  
> \_\_\_\_\_  
> Melissa M. Avery  
> Assistant to the Town Manager  
>  
> Town of York, Maine<<http://www.yorkmaine.org/>>  
> 186 York Street, York, ME 03909  
> Phone: (207) 363-1000 - Fax: (207) 363-1019  
>  
> Please consider the environment before printing this email.  
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> <Filming for Rm. 124 by Mark Espinda.pdf>

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**Melissa M. Avery**

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**From:** Michael J. Sullivan  
**Sent:** Tuesday, February 18, 2014 10:29 AM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Parks and Recreation has no issues 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, February 18, 2014 10:21 AM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Attached is the Special Event Permit application for the Filming of "Rm. 124", a short film by Mark Espinda on April 11-13, 2014 at Long Sands Beach.

Thanks!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Tuesday, February 18, 2014 1:09 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Village fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, February 18, 2014 10:20 AM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Attached is the Special Event Permit application for the Filming of "Rm. 124", a short film by Mark Espinda on April 11-13, 2014 at Long Sands Beach.

Thanks!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
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## Melissa M. Avery

---

**From:** Charles J. Szeniawski  
**Sent:** Tuesday, February 18, 2014 3:35 PM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Police Department will have no issue with the new information provided..

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, February 18, 2014 1:33 PM  
**To:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

This is the applicants response:

"There will be no need to close the sections of the beach. The scenes entail two characters walking, talking, standing, sitting and the equipment being used will simply be a camera, tripod and a boom pole with an attached microphone. Where I plan to film includes: 3 scenes on the beach, in front of the Anchorage Inn and 1 scene that involves walking from The Long Sands Convenient Store to the Nevada Motel while on the beach . This shoot is very minimalistic in set up for the beach scenes so not to negatively affect anyone else's experience while on the beach. I would also make an effort to film away from other's to ensure that other people are not negatively affected . My goal is to not be in anyone's way."

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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---

**From:** Charles J. Szeniawski  
**Sent:** Tuesday, February 18, 2014 11:16 AM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Missy do you have any idea if he plans on "closing" sections of the beach for this filming if so who does he expect to do this and for how long as that beach is used every day .. If he did not indicate such I need to know what his plan is .

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, February 18, 2014 10:21 AM  
**To:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Tuesday, February 25, 2014 12:39 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Missy,

I have no code issues with this.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, February 25, 2014 11:51 AM  
**To:** Stephen H. Burns; Ellen Prince  
**Subject:** FW: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

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

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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---

**From:** Melissa M. Avery  
**Sent:** Tuesday, February 18, 2014 10:21 AM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; 'Ellen Prince'  
**Subject:** Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Attached is the Special Event Permit application for the Filming of "Rm. 124", a short film by Mark Espinda on April 11-13, 2014 at Long Sands Beach.

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

## Melissa M. Avery

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Tuesday, February 25, 2014 11:54 AM  
**To:** Melissa M. Avery  
**Subject:** Re: FW: Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Sorry, Missy. It's fine with York Ambulance.

Ellen

On Tue, Feb 25, 2014 at 11:51 AM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

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

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

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

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**From:** Melissa M. Avery  
**Sent:** Tuesday, February 18, 2014 10:21 AM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; 'Ellen Prince'  
**Subject:** Special Event Permit: Filming of "Rm. 124" - A short film by Mark Espinda

Attached is the Special Event Permit application for the Filming of "Rm. 124", a short film by Mark Espinda on April 11-13, 2014 at Long Sands Beach.



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: "York Days" Fireworks	

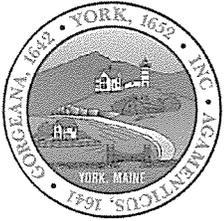
<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve the Special Event Permit application for York Beach Fire Department's "York Days" Fireworks.
<b>PROPOSED MOTION:</b> I move to approve Special Event Permit application for York Beach Fire Department's "York Days" Fireworks event on Sunday, August 3, 2014.

**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. 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: 2/23/14

Name of Event: "York Days" FIREWORKS

Type of Event: FIREWORKS

Organization Name: YORK BEACH FIRE DEPT Phone #: 363-1014

Organization Address: 18 RAILROAD AVE City: YORK BEACH State: ME Zip: 03910

Applicant Name: DAVID BRIDGES Phone #: 363-1014

Applicant Address: 18 RAILROAD AVE City: YORK BEACH State: ME Zip: 03910

Contact Name for Day of Event: DAVE BRIDGES Contact Phone #: 363-1014

Date of Event: AUG 3<sup>RD</sup> 2014 Day of Week: SUNDAY

Starting Time: 9:00 PM Ending Time: 10:00 PM

Assembly Area: ELLIS PARK SHORE SANDS PARK

Dispersal Area: SAME

Event Route: FIREWORKS ON BARGE OFF SHORE SANDS

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

FIREWORKS COMPANY CARRIES A \$10,000,000 COVERAGE

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

JUST FIREWORKS

Describe how group is organized and supervised to insure order: YORK BEACH FIRE WILL MAN FIRE TRUCKS - FIRE DEPT & POLICE DEPT WILL CONTROL TRAFFIC

Purpose of the Event: CELEBRATE END OF "YORK DAYS"

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

Signature of Applicant: David Bridges

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 02-24-2014</u>
Public Works	<u>Lessard 02-24-2014</u>
Parks/Recreation	<u>Sullivan 02-25-2014</u>
Village Fire	<u>Apgar 02-24-2014</u>
York Beach Fire	<u>Bridges 02-24-2014</u>
Code Enforcement	<u>Burns 02-24-2014</u>
York Ambulance	<u>Prince 02-24-2014</u>

Special Conditions:

**Police:** Will implement the safety and security plan as utilized in previous years. \_\_\_\_\_

Any Questions: Lieutenant Szeniewski (207)363-1031 \_\_\_\_\_

**Beach Fire:** Will work with York Village Fire and the Police Department to support the York Days Fireworks and the plan in place to protect the public and property. \_\_\_\_\_

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

**Village Fire:** Will have engine and crew standing by Town Dock 2 for the transfer of the fireworks to the barge. \_\_\_\_\_

Any Questions: Fire Inspector: Dave Apgar (207)363-1015 \_\_\_\_\_

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

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Monday, February 24, 2014 1:12 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns  
**Subject:** Re: Special Event Permit: "York Days" Fireworks

York Ambulance will be there. Thanks for the advance notice! :)

On Mon, Feb 24, 2014 at 1:09 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

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

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--  
*Ellen Prince*  
*Asst. Chief*

## Melissa M. Avery

---

**From:** Charles J. Szeniewski  
**Sent:** Monday, February 24, 2014 1:21 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: "York Days" Fireworks

Police department will implement our safety and security plan for this event that we have utilized the last couple years.

---

**From:** Melissa M. Avery  
**Sent:** Monday, February 24, 2014 1:10 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: "York Days" Fireworks

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Monday, February 24, 2014 2:18 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David Appar; Stephen H. Burns; Ellen Prince; David K. Bridges  
**Subject:** Re: Special Event Permit: "York Days" Fireworks

We will work with Village Fire and Police to support the York Days Fireworks. We have a plan already in place to protect the public and property. Dave

Sent from my iPhone. Dave

On Feb 24, 2014, at 1:09 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
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Phone: (207) 363-1000 - Fax: (207) 363-1019

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## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Monday, February 24, 2014 2:44 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: "York Days" Fireworks

Hi Missy

I have reviewed the attached special event permit application. DPW does not anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

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

**Town of York, Maine**

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:** Monday, February 24, 2014 1:10 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: "York Days" Fireworks

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

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

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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Monday, February 24, 2014 2:01 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: "York Days" Fireworks

Missy,

I have no code issues with this event.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Monday, February 24, 2014 1:10 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: "York Days" Fireworks

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Monday, February 24, 2014 3:23 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event Permit: "York Days" Fireworks

Village Fire approval. We will have an engine and crew standing by at Town Dock 2 for the transfer of the fireworks to the barge.

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

---

**From:** Melissa M. Avery  
**Sent:** Monday, February 24, 2014 1:09 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: "York Days" Fireworks

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

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Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
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## Melissa M. Avery

---

**From:** Michael J. Sullivan  
**Sent:** Tuesday, February 25, 2014 8:28 AM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event Permit: "York Days" Fireworks

Parks and Recreation has no issues with this event.

Sent from my iPad

On Feb 24, 2014, at 1:09 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for the York Beach Fire Department's "York Days" Fireworks scheduled for Sunday, August 3<sup>rd</sup> at Ellis Park Short Sands Park!

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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<York Days Fireworks.pdf>

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: Salefest	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve the Special Event Permit application for the Greater York Region Chamber of Commerce's <i>Salefest</i> .
<b>PROPOSED MOTION:</b> I move to approve Special Event Permit application for the Greater York Region Chamber of Commerce's <i>Salefest</i> event on Saturday, Sunday and Monday, October 11 <sup>th</sup> - 13 <sup>th</sup> , 2014.

**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. Gendron*



---

# 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: 2/11/14

Name of Event: Salefest

Type of Event: **York Beach Sidewalk Sales**

Organization Name: The Greater York Region Chamber of Commerce  
Phone #: 207-363-4422

Organization Address: 1 Stonewall Lane, City: York, State: ME, Zip: 03909

Applicant Name: Holly Roberts, Executive Director Phone #: 207-363-4422

Applicant Address: 1 Stonewall Lane, City: York, State: ME, Zip: 03909

Contact Name for Day of Event: Holly Roberts , Executive Director

Contact Phone # 207-333-8711 cell

Date of Event: Oct. 11<sup>th</sup>, 12<sup>th</sup> & 13<sup>th</sup>, 2014 Day of Week: Saturday, Sunday, & Monday

Starting Time: 10:00 am Ending Time: 4:00pm

Assembly Area: Ocean Ave., Beach St., Main St., Railroad Ave., Church St.,

Dispersal Area: \_\_\_\_\_ N/A \_\_\_\_\_

Event Route: \_\_\_\_\_ N/A \_\_\_\_\_

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed) 2,000 approx. each day. Certificate of insurance will be provided when the insurance policy renews in April of 2014.

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc): Merchants use sidewalks for end of season sales/annual event. The parking spaces along Railroad Ave are coned off each day between 10am and 4pm. In support of the York Beach Merchants, we request that the Town of York waive the meter revenue all three days for the coned off meters only.

Describe how group is organized and supervised to insure order: Police set-up cones early Saturday morning. Merchants move them inside overnight & return them to the sidewalk area each morning. Monday at 4pm, a chamber staff person will be responsible for the return of all cones to the YBPD.

Purpose of the Event: Please See Above

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

Signature of Applicant: Holly Roberts, Executive Director

**For Town Use Only**

Reviewed by:

**Department**

**Initials**

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

Special Conditions:

**Police:** Will supply cones and a trailer for storage.

---

Any Questions: Lieutenant Szeniaowski (207)363-1031

---

---

Town Manager

---

Date

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Monday, March 03, 2014 2:41 PM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: Salefest

Police department has no issue with this event we will supply the cones and trailer for storage .

---

**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 2:08 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Salefest

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Monday, March 03, 2014 3:26 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event Permit: Salefest

We have no problem with this event.

Sent from my iPhone. Dave

On Mar 3, 2014, at 2:08 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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<Salefest.pdf>

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**Melissa M. Avery**

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Tuesday, March 04, 2014 8:43 AM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar  
**Subject:** Re: Special Event Permit: Salefest

Fine with York Ambulance

On Mon, Mar 3, 2014 at 2:08 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

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

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--

**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Monday, March 03, 2014 2:25 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Salefest

Village Fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 2:08 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Salefest

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Monday, March 03, 2014 4:30 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Salefest

Missy,

I have no code concerns with this event.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Monday, March 3, 2014 2:08 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Salefest

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** Michael J. Sullivan  
**Sent:** Monday, March 03, 2014 3:08 PM  
**To:** Melissa M. Avery; Charles J. Szeniaewski; Dean Lessard; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: Salefest

No issues from a Parks and Recreation perspective.

*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:** Monday, March 03, 2014 2:08 PM  
**To:** Charles J. Szeniaewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Salefest

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Monday, March 03, 2014 3:14 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Salefest

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

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

**Town of York, Maine**

186 York Street | York, Maine 03909

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

Fax: (207) 363-1012

E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

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

Follow us!  
Facebook:

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**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 2:08 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Salefest

Attached is the Special Event Permit Application for the Great York Region Chamber of Commerce's "Salefest", on October 11-13, 2014.

Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

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

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: Harvestfest/Kidsfest	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve the Special Event Permit application for the Greater York Region Chamber of Commerce's <i>Harvestfest/Kidsfest</i> .
<b>PROPOSED MOTION:</b> I move to approve Special Event Permit application for the Greater York Region Chamber of Commerce's <i>Harvestfest/Kidsfest</i> event on Saturday, October 18 <sup>th</sup> , 2014.

**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:

*Melinda M. Avery*

Reviewed By:

*Robert S. Gannon*



---

# 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: 2/11/14

Name of Event: **Harvestfest/Kidsfest**

Type of Event: **30<sup>th</sup> Annual Family Festival**

Organization Name: **Greater York Region Chamber of Commerce** Phone #: **207-363-4422**

Organization Address: **1 Stonewall Lane** City: **York** State: **ME** Zip: **03909**

Applicant Name: **Holly Roberts, Executive Director** Phone #: **207-363-4422**

Applicant Address: **1 Stonewall Lane** City: **York** State: **ME** Zip: **03909**

Contact Name for Day of Event: **Holly Roberts** Contact Phone #: **207-333-8711**

Date of Event: **October 18, 2014** Day of Week: **Saturday**

Starting Time: **7:00 am** Ending Time: **8:00pm**

Assembly Area: **Short Sands Ball Field, Railroad Ave., Ocean Ave., Ridge Rd., Church St., & Parking Area across from YBFD**

Dispersal Area: **N/A**

Event Route: **N/A**

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed):  
**Certificate of insurance will be forwarded to the Town of York from the York Chamber's Insurance Agency, when the policy renews in April 2014.**

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

Describe how group is organized and supervised to insure order: **Harvestfest committee oversees all the aspects of the event.**

Purpose of the Event: **A means of extending the visitor season to benefit the local business community. A celebration of the town & region via crafts, food, entertainment, etc., See Draft of map attached.**

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

Signature of Applicant: Holly Roberts, Executive Director

**For Town Use Only**

Reviewed by:

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

Special Conditions:

Police: Will implement safety and security plan in place with the organization and York Beach  
Fire Department.

Any Questions: Lieutenant Szeniewski (207)363-1031

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

\_\_\_\_\_  
Date

## **2014 Harvestfest Special Event Permit – Continued from page 1**

~Members of the Harvestfest committee met on December 3, 2013 and February 24, 2014, with Chief Bracy from the York Police Department and Chief Bridges from York Beach Fire Department to outline the safety plan for 2014 Harvestfest event. I have enclosed the map showing where parking will be banned and coned off. Chief Bracy and Chief Bridges agreed that we will follow the same safety guidelines that we followed in 2013 with the exception of keeping Railroad Avenue open to traffic throughout the event. Two pedestrian crosswalks will be designated and manned by police officers (please see attached event map). Both departments have reviewed the safety plan and have approved it for 2014.

~The committee requests that the Town of York grant permission for use of York's Wild Kingdom parking area for vendor and attendee parking. Parking is free to all attendees. Attendees will walk from the parking area through York's Wild Kingdom out to Railroad Avenue to attend the event. Parking will be available from 7:00 am – 6:00 pm. Signs will be posted by the front gate of York's Wild Kingdom informing attendees that the parking area closes at 6:00 pm. Both the Town of York and York's Wild Kingdom will receive certificates of insurance listing both as additionally insured, when the chamber insurance policy renews in April of 2014.

~The committee requests that Railroad Avenue and Church Street be coned off on each side of the street to allow only one lane of traffic to flow between 7:00 am – 5:00 pm on Saturday, October 18, 2014. At 5:00 pm the cones will be removed from Church Street. Cones will remain to allow one lane of traffic on Railroad Avenue from 5:00 pm – 8:00 pm for the pumpkin stroll festivities.

~The committee requests that Bay Street and the perimeter road around the York Beach Ball Field be closed to traffic from 7:00 am – 5:00 pm on Saturday, October 18, 2014.

The committee requests that the horse drawn wagon be allowed to load and unload on Bay Street. The horse drawn wagon ride will travel along the left side of Church Street, the left side of Ocean Avenue and turn left onto Bay Street to return to the designated loading area.

~The committee requests that the Town of York grant permission for the use of the parking area located directly behind York's Wild Kingdom, free of charge to the Chamber of Commerce, in order to provide free parking for the Harvestfest event attendees and vendors. Visitors will be directed by signage to use the Route 1 access to the Wild Kingdom. We will not have trolley or bus transportation.

~No sidewalk sales are allowed on this weekend.

~All activities will allow police, fire, and ambulance access to Railroad Avenue.

Daily Grind

York

Beach

Shops

Wild Kingdom Festival Entrance

Single Lane Traffic

Railroad Ave.

York

Beach

Shops

- 249, 248, 247, 246, 245, 244, 243, 242, 241, 240, 239, 238, 237, 236
- 235, 234, 233, 232, 231, 230, 229, 228, 227, 226, 225, 224, 223, 222
- 221, 220, 219, 218, 217, 216, 215, 214, 213, 212, 211, 210, 209, 208

Railroad Ave.



SAMPLE MAP SUBJECT TO CHANGE

Old-Fashioned Market

- 207, 206, 205, 204, 203, 202, 201

Winebaum Center

Handicap Parking

Bay Street

Horse & Wagon Loading Area

Ridge Road

Church Street

Ballfield Main Gate

SODA

Dugout

Coffee

French Fries

Bean Hole Beans

Lighthouse

Entertainment Tent

Juried Crafters

Juried Crafters

Food tables

Food Vendors

Esplanade (Non-Profits)

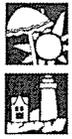
KIDSFEST AREA

petting zoo & activities

Dumpster

Harvestfest Map

Ballfield Perimeter Rd. (overflow handicap parking)



**The Greater  
York Region  
Chamber of Commerce**

---

*Official Business Association of:*  
**Kittery • Eliot • South Berwick • York Village  
 York Harbor • York Beach • Cape Neddick**

---



February 6, 2014

To: Jean Gallagher – York’s Wild Animal Kingdom

From: Holly Roberts – The Greater York Region Chamber of Commerce

RE: Harvestfest 2014 Letter of Agreement

---

On Saturday, October 18, 2014 from 7:00am-6:00pm, for the Harvestfest / Kidsfest events, York’s Wild Kingdom agrees to allow the Greater York Region Chamber of Commerce pedestrian use of the path through York’s Wild Kingdom from the parking area, for event attendees. Estimated number of attendees for the event is under 10,000. York’s Wild Kingdom also agrees to allow vehicle use of the access road located at the Route One entrance gate of York’s Wild Kingdom, for use to and from York’s Wild Kingdom’s parking area for purposes of the event.

York’s Wild Kingdom, Inc. is not responsible for any bodily injury or property damage arising from the use of the access road, parking lot or pedestrian path for use of the event. The Greater York Region Chamber of Commerce agrees to provide a Certificate of Insurance evidencing that York’s Wild Kingdom, Inc. has been endorsed as an additional insured on the general liability insurance obtained for the event upon renewal of the policy in April of 2014.

Signature \_\_\_\_\_, Title \_\_\_\_\_  
 York’s Wild Kingdom

Date \_\_\_\_\_

Signature Holly Roberts, Title Executive Director  
 The Greater York Region Chamber of Commerce

Date \_\_\_\_\_

## Holly Roberts

---

**From:** Jean Gallagher [ykingdom@aol.com]  
**Sent:** Thursday, February 27, 2014 11:18 AM  
**To:** Holly Roberts  
**Subject:** Re: : Request for your permission

Unfortunately not. As I am out of the office. If I don't hear today maybe you can try calling their tomorrow or I am back next week. Still not certain when I will see Joe though.

Sent from my iPad

On Feb 27, 2014, at 11:19 AM, "Holly Roberts" <[holly@yorkme.org](mailto:holly@yorkme.org)> wrote:

Hi Jean,  
Any word from Joe regarding Harvestfest? I have spoken with your insurance company. We will be sure to provide the certificates of additional coverage that is required. I have also spoken with the owner of the train. She will provide you with insurance as well. Thanks very much!  
Holly

*Pending  
Approval*

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Monday, March 03, 2014 2:37 PM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: Harvestfest/Kidsfest

Police department is all set with this we have a safety and security plan in place with the committee and YBFD .

---

**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 2:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Harvestfest/Kidsfest

Attached is the Greater York Region Chamber of Commerce's "*Harvestfest/Kidsfest*", on October 18, 2014.

Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Monday, March 03, 2014 3:27 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David Apgar; Ellen Prince; David K. Bridges  
**Subject:** Re: Special Event Permit: Harvestfest/Kidsfest

We met last week and have worked out the details. We will support this event. Dave

Sent from my iPhone. Dave

On Mar 3, 2014, at 2:09 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Greater York Region Chamber of Commerce's "Harvestfest/Kidsfest", on October 18, 2014.

Please let me know when you've had a chance to review.

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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<Harvestfest Kidsfest.pdf>

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**Melissa M. Avery**

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Tuesday, March 04, 2014 8:45 AM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar  
**Subject:** Re: Special Event Permit: Harvestfest/Kidsfest

This is fine with York Ambulance.

On Mon, Mar 3, 2014 at 2:09 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Greater York Region Chamber of Commerce's "*Harvestfest/Kidsfest*", on October 18, 2014.

Please let me know when you've had a chance to review.

Missy

---

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--  
*Ellen Prince*

## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Monday, March 03, 2014 2:23 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Harvestfest/Kidsfest

Village Fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Monday, March 03, 2014 2:09 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Harvestfest/Kidsfest

Attached is the Greater York Region Chamber of Commerce's "Harvestfest/Kidsfest", on October 18, 2014.

Please let me know when you've had a chance to review.  
Missy

---

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*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Monday, March 03, 2014 4:31 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Harvestfest/Kidsfest

Missy,

I have no code concerns with this event.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Monday, March 3, 2014 2:10 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Harvestfest/Kidsfest

Attached is the Greater York Region Chamber of Commerce's "*Harvestfest/Kidsfest*", on October 18, 2014.

Please let me know when you've had a chance to review.

Missy

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Melissa M. Avery  
*Assistant to the Town Manager*

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

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## Melissa M. Avery

---

**From:** Michael J. Sullivan  
**Sent:** Monday, March 03, 2014 3:09 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: Harvestfest/Kidsfest

No issues from a Parks and Recreation perspective.

*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:** Monday, March 03, 2014 2:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Harvestfest/Kidsfest

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Please let me know when you've had a chance to review.  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Monday, March 03, 2014 3:16 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Harvestfest/Kidsfest

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

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

**Town of York, Maine**

186 York Street | York, Maine 03909

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

Fax: (207) 363-1012

E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

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

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Facebook:

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**Sent:** Monday, March 03, 2014 2:10 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** Special Event Permit: Harvestfest/Kidsfest

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Missy

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*Assistant to the Town Manager*

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: York Hospital 5K Road and Cross Country Race	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve the Special Event Permit application for York Hospital's <i>York Hospital 5K Road and Cross Country Race</i>
<b>PROPOSED MOTION:</b> I move to approve Special Event Permit application for York Hospital's <i>York Hospital 5K Road and Cross Country Race</i> on Saturday, June 7 <sup>th</sup> , 2014

**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:

*Melinda M. Avery*

Reviewed By:

*Robert L. Gannon*



# 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.

2/12/2014  
Date: 1/15/14

Name of Event: York Hospital 5K Road & Cross Country Race <sup>2014</sup> 2013

Type of Event: 5K Road Race

Organization Name: York Hospital  
Phone #: 207-351-2385

Organization Address: 15 Hospital Drive City: York State: ME Zip: 03909

Applicant Name: Barb Amergian Phone #: 207-351-3430

Applicant Address: 15 Hospital Drive, York, Maine 03909

Contact Name for Day of Event: Barb Amergian Contact Phone # 207-351-3430  
207-475-5459 Cell

Date of Event: June 7, 2014 Day of Week: Saturday

Starting Time: 8:30 AM Ending Time: 10:30 AM

Assembly Area: York Hospital Campus – in front of Strater Wing

Dispersal Area: York Hospital Campus – in front of Strater Wing

Event Route: Begins in back parking lot near ER at YH, right onto York Street, right onto Route 103. Right onto Pat to Wiggly Bridge, continue through Steedman Woods onto Mill Dam Road. Exit left onto Lindsay Road, Right on Organug Road, follow to the end. Right onto York Street, Right onto Lindsay Road, then around the cemetery, Hairpin/U-turn onto the other side of Lindsay Road, right onto York Street, Right onto Hospital Drive, up through hospital parking lot, ends at crosswalk in front of the Strater Wing entrance.

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed) 600  
We have secured a certificate of liability for this event naming the Town of York and Old York Historical Society (for Steedman Woods section) as additional insured. (copy attached)

Describe how group is organized and supervised to insure order: The participants will be encouraged to park on-site at the hospital. The registration will take place on-site with over 20 volunteers handling this process. The race will begin on-site with police escort, as in years past. The police car will remain in front of lead runner during the race. Runners will also be guided by over 25 course volunteers waving orange flags stationed throughout the course and town. At the end, the racers will then be guided/flagged back into the hospital entrance (across from Monument) with the help of orange cones to keep all participants safe at this intersection, and also with help of volunteers, taking a right up Hospital Drive, then crossing the finish line in front of the Strater Wing, with a professional timing company. Staff remaining on-site (Fundraising Office staff) will be there from 6:00 AM until the last person leaves, will be available also for any questions/issues that may arise.) Note: York Ambulance has been notified, will have a presence on hospital premises, and will be following behind the last racers/walkers until they cross the finish line.

Purpose of the Event: **Fundraising for York Hospital.**

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

Signature of Applicant: *Barb Amergian*

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>	
Police Department	<u>Szeniawski</u>	<u>02-27-2014</u>
Public Works	<u>Lessard</u>	<u>02-13-2014</u>
Parks/Recreation	<u>Sullivan</u>	<u>02-13-2014</u>
Village Fire	<u>Apgar</u>	<u>02-14-2014</u>
York Beach Fire	<u>Bridges</u>	<u>02-13-2014</u>
Code Enforcement	<u>Burns</u>	<u>02-13-2014</u>
York Ambulance	<u>Prince</u>	<u>02-13-2014</u>

Special Conditions:

**Police:** Will have three (3) officers assigned, paid by the Hospital. Will have the safety and security plan in place as agreed to with the organization.

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

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

\_\_\_\_\_  
Date



# CERTIFICATE OF LIABILITY INSURANCE

OP ID: JS

DATE (MM/DD/YYYY)

02/11/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Noyes Hall & Allen Insurance PO Box 2403 170 Ocean Street South Portland, ME 04116-2403 Thomas P. Noyes, CPCU	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: <b>YORKH-3</b>	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE	
INSURED <b>York Hospital</b> <b>15 Hospital Drive</b> <b>York, ME 03909</b>	INSURER A :	
	INSURER B :	
	INSURER C : <b>Medical Mutual Insurance Co.</b>	
	INSURER D :	
	INSURER E : <b>Medical Mutual Insurance Co.</b>	
	INSURER F :	

**COVERAGES**

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR		POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
		INSR	WVD					
E	GENERAL LIABILITY	X		ME HPL 001518	12/31/2013	12/31/2014	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 3,000,000
							PRODUCTS - COMP/OP AGG	\$ 1,000,000
								\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						PROPERTY DAMAGE (PER ACCIDENT)	\$
	<input type="checkbox"/> HIRED AUTOS							\$
	<input type="checkbox"/> NON-OWNED AUTOS							\$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR			ME UMB 001529	12/31/2013	12/31/2014	EACH OCCURRENCE	\$ 10,000,000
	<input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						AGGREGATE	\$ 10,000,000
	<input type="checkbox"/> DEDUCTIBLE							\$
	<input checked="" type="checkbox"/> RETENTION \$ 10,000							\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY		N/A				WC STATUTORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)							
	E.L. EACH ACCIDENT						\$	
	E.L. DISEASE - EA EMPLOYEE						\$	
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 Event: York Hospital 5K Road & Cross Country Race. Event Date: June 7, 2014.  
 Old York Historical Society & Town of York are added with additional insured status for this event only.

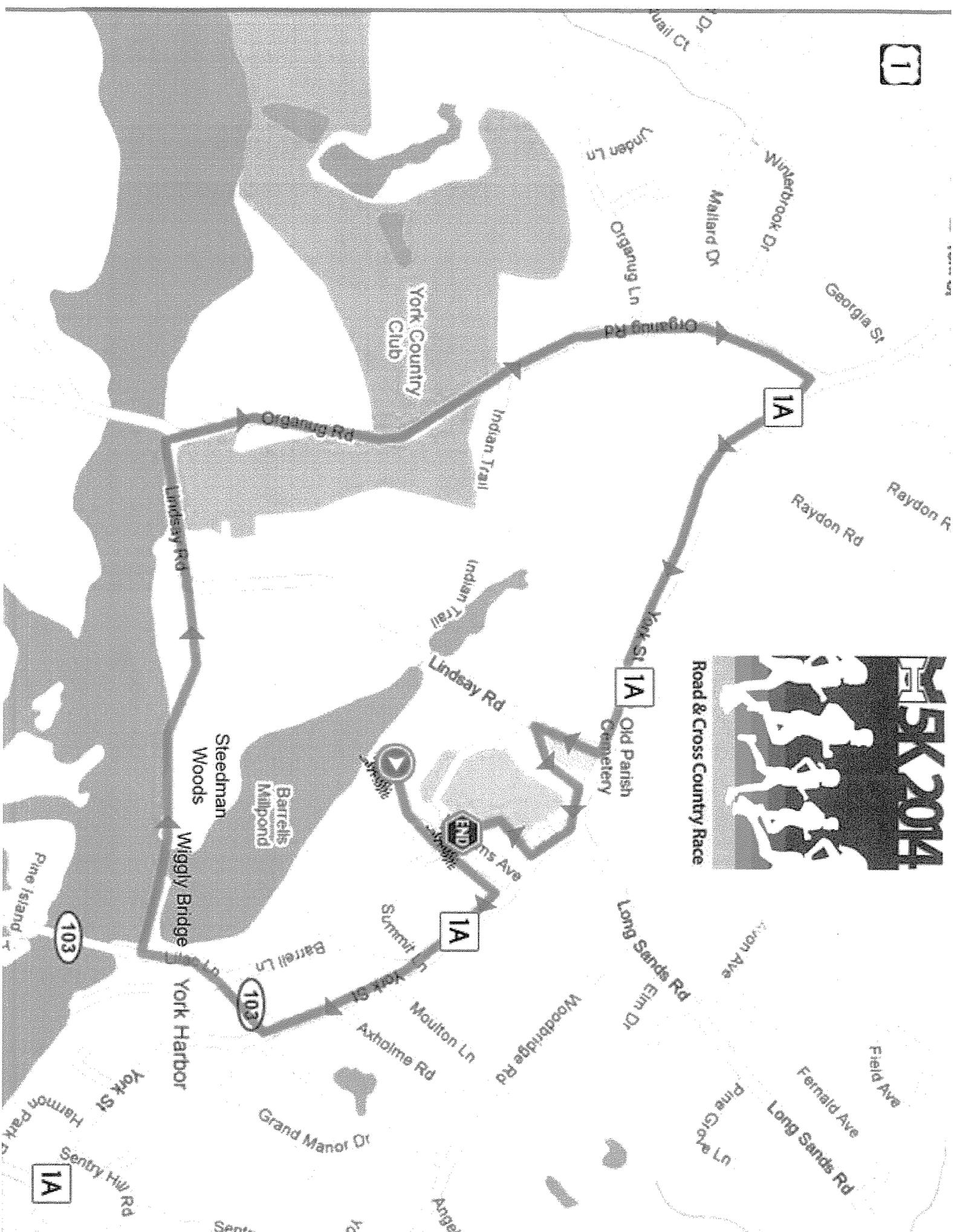
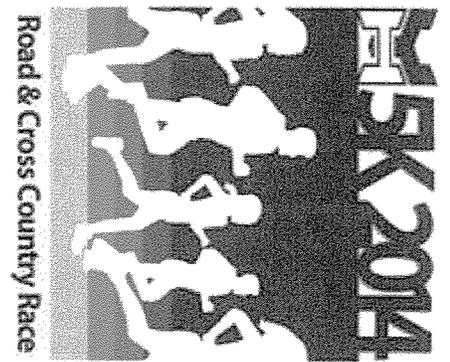
**CERTIFICATE HOLDER****CANCELLATION**

Old York Historical Society  
 & Town of York  
 3 Lindsay Road  
 York, ME 03909

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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York Country Club

Steedman Woods  
Barrells Millpond

Old Parish Complex

Wiggly Bridge

York Harbor

103

103

1A

1A

1A

1A

Organug Rd

Organug Rd

Lindsay Rd

Lindsay Rd

York St

Indian Trail

Indian Trail

Raydon Rd

Raydon R

Georgia St

Winterbrook Dr

Mallard Dr

Uden Ln

Organug Ln

Mail Ct

Long Sands Rd

Avon Ave

Ein Dr

Fernald Ave

Field Ave

Pine Grove Ln

Long Sands Rd

Moulton Ln

Axholme Rd

Woodbridge Rd

Summit Ln

York St

Barrell Ln

Grand Manor Dr

Angel

Sentry Hill Rd

York St

Harmon Park

Pine Island

**Melissa M. Avery**

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Thursday, February 13, 2014 2:15 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniawski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar  
**Subject:** Re: Special Event Permit: York Hospital 5K

York Ambulance follows this race every year. We'll be there.

Ellen

On Thu, Feb 13, 2014 at 2:06 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit application for York Hospitals "York Hospital 5K Road and Cross Country Race" on June 7<sup>th</sup>, 2014.

Thanks!

Missy

---

Melissa M. Avery

*Assistant to the Town Manager*

Town of York, Maine

186 York Street, York, ME 03909

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

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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Thursday, February 13, 2014 2:16 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: York Hospital 5K

Missy,

I have no code concerns with this event.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 13, 2014 2:07 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

Here is the attachment

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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**From:** Melissa M. Avery  
**Sent:** Thursday, February 13, 2014 2:06 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; 'Ellen Prince'  
**Subject:** Special Event Permit: York Hospital 5K

Attached is the Special Event Permit application for York Hospitals "York Hospital 5K Road and Cross Country Race" on June 7<sup>th</sup>, 2014.

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

## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Thursday, February 13, 2014 2:14 PM  
**To:** Melissa M. Avery  
**Cc:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David Apgar; Ellen Prince  
**Subject:** Re: Special Event Permit: York Hospital 5K

This stays in the Village district. Dave

Sent from my iPhone. Dave

On Feb 13, 2014, at 2:06 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Here is the attachment

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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Thanks!  
Missy

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**Melissa M. Avery**

---

**From:** Michael J. Sullivan  
**Sent:** Thursday, February 13, 2014 2:21 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

We help them run this event. 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:** Thursday, February 13, 2014 2:07 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

Here is the attachment

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Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
186 York Street, York, ME 03909  
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Thanks!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine

## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Thursday, February 13, 2014 2:59 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: York Hospital 5K

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

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

**Town of York, Maine**

186 York Street | York, Maine 03909

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

Fax: (207) 363-1012

E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

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

---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 13, 2014 2:07 PM  
**To:** Melissa M. Avery; Charles J. Szeniaewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

Here is the attachment

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Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine

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**Sent:** Thursday, February 13, 2014 2:06 PM  
**To:** Charles J. Szeniaewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; 'Ellen Prince'  
**Subject:** Special Event Permit: York Hospital 5K

Attached is the Special Event Permit application for York Hospitals "York Hospital 5K Road and Cross Country Race" on June 7<sup>th</sup>, 2014.

Thanks!  
Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

## Melissa M. Avery

---

**From:** David Apgar  
**Sent:** Friday, February 14, 2014 3:16 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: York Hospital 5K

Village fire approval.

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

---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 13, 2014 2:06 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

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*Assistant to the Town Manager*

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**Subject:** Special Event Permit: York Hospital 5K

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Thanks!  
Missy

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## Melissa M. Avery

---

**From:** Charles J. Szeniaewski  
**Sent:** Thursday, February 27, 2014 4:43 PM  
**To:** Melissa M. Avery; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

Police department will have three officers assigned Hospital will pay a detail officer . We have a safety and security plan in place and have met with the Hospital representative and Ryan Avery and Robin Cogger who are advising the Hospital.

---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 13, 2014 2:07 PM  
**To:** Melissa M. Avery; Charles J. Szeniaewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince  
**Subject:** RE: Special Event Permit: York Hospital 5K

Here is the attachment

---

Melissa M. Avery  
*Assistant to the Town Manager*

Town of York, Maine  
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Thanks!  
Missy

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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> March 6, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> March 10, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: Old York Garden Club's Annual Plant Sale	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b> Approve the Special Event Permit application for Old York Garden Club's <i>Annual Plant Sale</i> .
<b>PROPOSED MOTION:</b> I move to approve Special Event Permit application for Old York Garden Club's <i>Annual Plant Sale</i> on Saturday, May 17 <sup>th</sup> , 2014.

**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*

Rec'd 2/27/14



# 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: Feb 12 2014

Name of Event: Old York Garden Club Annual Plant Sale

Type of Event: Plant Sale

Organization Name: Old York Garden Club Phone #: 207-363-6607

Organization Address: PO Box 594 City: York State: ME Zip: 03909

Applicant Name: Sallyanne Jarvis Phone #: home-3636607  
cell 360 320-7040

Applicant Address: 96 Scituate Rd City: York State: ME Zip: 03909

Contact Name for Day of Event: Sallyanne Jarvis Contact Phone # 360 320 7040

Date of Event: May 17 2014 Day of Week: Saturday

Starting Time: 9:00 am Ending Time: 12:00 pm

Assembly Area: Grant House Parking Lot

Dispersal Area: Grant House Parking Lot

Event Route Area: Rt 1 between Southside and Ferry York ME

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

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

Describe how group is organized and supervised to insure order: approx 50 workers  
Ways and Means Chair in charge of organizing

Purpose of the Event: Raise Funds For Civic Development and Education

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

Signature of Applicant: Sallyanne Jarvis

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 03-05-2014</u>
Public Works	<u>Lessard 02-28-2014</u>
Parks/Recreation	<u>Sullivan 03-03-2014</u>
Village Fire	<u>Apgar 02-27-2014</u>
York Beach Fire	<u>Bridges 02-28-2014</u>
Code Enforcement	<u>Burns 03-03-2014</u>
York Ambulance	<u>Prince 02-27-2014</u>

Special Conditions:

Police: Will need 1 (one) Detail Officer for the event; Police Department will supply a cruiser and traffic cones.

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

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

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Wednesday, March 05, 2014 10:02 AM  
**To:** Melissa M. Avery  
**Cc:** Owen T. Davis  
**Subject:** RE: Special Event Permit: Old York Garden Club Annual Plant Sale

They will need one detail officer we will supply the cruiser and they will need traffic cones as well which we will supply.

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, March 04, 2014 9:11 AM  
**To:** Charles J. Szeniaowski  
**Subject:** FW: Special Event Permit: Old York Garden Club Annual Plant Sale

Morning Lieutenant,

Have you had a chance to review this Special Event Application?

Missy

---

Melissa M. Avery  
*Assistant to the Town Manager*

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

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---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 27, 2014 3:54 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince; David K. Bridges; David Apgar  
**Subject:** Special Event Permit: Old York Garden Club Annual Plant Sale

Attached the is Old York Garden Club's Special Event Permit application for their "Old York Garden Club Annual Plant Sale" on May 17, 2014 at the Grant House.

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

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**Melissa M. Avery**

---

**From:** David Apgar  
**Sent:** Thursday, February 27, 2014 4:07 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Old York Garden Club Annual Plant Sale

Village Fire approval. Our only concern would be with traffic entering/exiting the Grant House which we're sure York PD will be addressing.

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

---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 27, 2014 3:53 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince; David K. Bridges; David Apgar  
**Subject:** Special Event Permit: Old York Garden Club Annual Plant Sale

Attached the is Old York Garden Club's Special Event Permit application for their "Old York Garden Club Annual Plant Sale" on May 17, 2014 at the Grant House.

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

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**Melissa M. Avery**

---

**From:** Ellen Prince [ellenprince@gmail.com]  
**Sent:** Thursday, February 27, 2014 3:56 PM  
**To:** Melissa M. Avery  
**Subject:** Re: Special Event Permit: Old York Garden Club Annual Plant Sale

Fine with YA. Thanks!

Ellen

On Thu, Feb 27, 2014 at 3:53 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached the is Old York Garden Club's Special Event Permit application for their "*Old York Garden Club Annual Plant Sale*" on May 17, 2014 at the Grant House.

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)

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## Melissa M. Avery

---

**From:** David K. Bridges  
**Sent:** Friday, February 28, 2014 7:53 AM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince; David Apgar  
**Subject:** Re: Special Event Permit: Old York Garden Club Annual Plant Sale

It's in the Village District. Dave

Sent from my iPhone. Dave

On Feb 27, 2014, at 3:53 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

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Thank you,  
Missy

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Melissa M. Avery  
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<Old York Garden Club Annual Plant Sale.pdf>

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**Melissa M. Avery**

---

**From:** Michael J. Sullivan  
**Sent:** Monday, March 03, 2014 9:57 AM  
**To:** Melissa M. Avery; Charles J. Szeniewski; Dean Lessard; Stephen H. Burns; Ellen Prince; David K. Bridges; David Apgar  
**Subject:** RE: Special Event Permit: Old York Garden Club Annual Plant Sale

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:** Thursday, February 27, 2014 3:54 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince; David K. Bridges; David Apgar  
**Subject:** Special Event Permit: Old York Garden Club Annual Plant Sale

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Please let me know when you've had a chance to review  
Thank you,  
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*Assistant to the Town Manager*

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## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Monday, March 03, 2014 10:21 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Old York Garden Club Annual Plant Sale

Missy,

I have no code concerns with this event.

Steve

Stephen H. Burns  
Community Development Director

---

**From:** Melissa M. Avery  
**Sent:** Thursday, February 27, 2014 3:54 PM  
**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince; David K. Bridges; David Apgar  
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## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Friday, February 28, 2014 3:48 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Old York Garden Club Annual Plant Sale

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks  
Dean

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

**Town of York, Maine**

186 York Street | York, Maine 03909

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

Fax: (207) 363-1012

E-Mail: [dlessard@yorkmaine.org](mailto:dlessard@yorkmaine.org)

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

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**To:** Charles J. Szeniewski; Dean Lessard; Michael J. Sullivan; Stephen H. Burns; Ellen Prince; David K. Bridges; David Apgar  
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Thank you,  
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