

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

SELECTMEN'S MEETING 5:00/6:00 P.M. MONDAY FEBRUARY 28th 2011 YORK LIBRARY

5:00 PM-Selectmen's Policy Review

Call to Order-

Pledge of Allegiance

6:00 PM-Joint meeting with the Planning Board

A. Minutes

-February 14th, 2011 Selectmen's Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

1. Police Cruiser Bid

E. Reports

1. Mt. Agamenticus Conservation Annual Report

F. Citizens Forum - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. 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 #35

H. PUBLIC HEARINGS

1. May 2011 Ordinance Amendments:

Ord-1 Change Language about the Date of Application Approval

Ord-2 Revise the Historic Site Boundary at the Town Farm

Ord-3 Define Commercial Functions

- Ord-4 Amend the Farm Enterprise Overlay District
- Ord-5 Amend the Standards for First Time Septic Variances
- Ord-6 Repeal the Short Sands Park Ordinance
- Ord-7 Establish Criteria for Emergency Beach Closure
- Ord-8 Amend the Business Directional Sign Ordinance
- Ord-9 Amend the Supplemental Building Ordinance
- Ord-10 Adopt a Property Assessed Clean Energy (PACE) Ordinance

I. ENDORSEMENTS

License Applications

- W. Mark Foster/Stage Neck Inn, Inc dba Stage Neck Inn (Victualers, Liquor, Special Amusement)
- John and Gail Stacy dba Flo's Take Out (Victualers)
- Harris Island Corp dba Dockside Restaurant & Guest Quarters (Victualers, Liquor, Bed and Breakfast)
- Paul Karoutas dba York House of Pizza (Victualers)
- Kenneth D. Heavner dba Cape Neddick Inn (Victualers, Liquor, Special Amusement)
- Cliff Realty dba The Grille at Cape Neddick Country Club (Victualers, Liquor, Special Amusement)

J. Old Business

K. New Business

1. Discussion and approval of Proposed Ordinance Amendments and forward to the Second Public Hearing that will be held March 28th, 2011.
2. Cape Neddick River Discussion
3. Adoption of Selectmen's Ethics Policy
4. Property Redemption Requests for:
 - 801 US Route 1 C3
 - 10 Tenney Rose Lane
 - 7 Ledge Pasture Lane
 - 184 Mountain Road

L. Other Business

Adjourn

**SELECTMEN'S MEETING
7:00 P.M. MONDAY FEBRUARY 14th 2011
YORK LIBRARY**

Attendees: Michael L. Estes, Mary Andrews, Tracy Jackson-McCarty, Robert G. Yandow, Town Manager Kathryn Danylik, Recorder and Members of the Press & Public.

Mr. Little was not in attendance.

Call to Order-

Chairman Jackson-McCarty called the meeting was called to order at 7:00 PM.

Pledge of Allegiance

A. Minutes

-January 31st, 2011 Selectmen's Meeting Minutes

Moved by Ms. Andrews and seconded by Mr. Estes to approve the January 31st 2011 Selectmen's Meeting Minutes as amended. Without objection so ordered.

B. Chairman's Report

No Chairman's Report.

C. Manager's Report

Mr. Yandow reported that he has received correspondence from the Maine Municipal Association regarding an analysis of the Governor's proposed budget. The analysis addresses different areas including revenue sharing. The Governor is looking to cut revenue sharing in FY 12 and again in FY 13. If this proposal is passed we will see even more reductions over the next few years. We are not sure what the impact to York will be yet.

D. Awards

E. Reports

F. Citizens Forum - The citizen's forum is open to any member of the audience for comments on items listed on this meeting agenda or to propose items for future meeting agendas. 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.

Citizens Forum: None

G. Approval of Warrant #33

Moved by Mr. Estes and seconded by Ms. Andrews to approve Warrant #33. Vote 3-0 motion passes.

H. PUBLIC HEARINGS

1. Interim Plan for changes to the intersection of York Street, Long Sands Road and Hospital Drive.

Moved by Ms. Andrews and seconded by Mr. Estes to open the public hearing on the Interim Plan for changes to the intersection of York Street, Long Sands Road and Hospital Drive.

Public Comment: Charles Stacey
Kinley Gregg
Ray Pape
Arthur Kyricos
Donald Parsons
Arthur Berger
Gloria Gustafson

Moved by Ms. Andrews and seconded by Mr. Estes to close the public hearing on the Interim Plan for changes to the intersection of York Street, Long Sands Road and Hospital Drive. Vote 3-0 motion passes.

The Board of Selectmen will have this item on an agenda in the near future for discussion when the full board is present.

I. ENDORSEMENTS

License Applications

- Kevin Tacy dba Fosters Downeast Clambake (Victualers, Liquor, Special Amusement)
- Tom Robinson dba York Lobster and Seafood (Victualers, Liquor)
- The Goldenrod dba Lobster Cove (Victualers, Liquor, Special Amusement)
- York Golf and Tennis Club dba York Golf and Tennis Club (Victualers, Liquor, Special Amusement)

Moved by Ms. Jackson-McCarty and seconded by Ms. Andrews to approve the following license applications: Kevin Tacy dba Fosters Downeast Clambake (Victualers, Liquor, Special Amusement), Tom Robinson dba York Lobster and Seafood (Victualers, Liquor), The

Goldenrod dba Lobster Cove (Victualers, Liquor, Special Amusement) and York Golf and Tennis Club dba York Golf and Tennis Club (Victualers, Liquor, Special Amusement). Subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 3-0 motion passes.

J. Old Business

K. New Business

1. Mediation Agreement with Paras Pizza

On January 20th 2011 a mediation session was conducted in Portland in an attempt to resolve the long standing code violations and stop work order at Paras' Pizza located at 16 Railroad Avenue. A tentative settlement agreement was reached and was signed by the Paras family, the Paras' attorney, the mediator, the town attorney and town staff. The proposed agreement must be ratified by the Board of Selectmen.

Moved by Mr. Estes and seconded by Ms. Andrews to approve the proposed settlement agreement between the Town of York and Eleni, Ernest, and Spiro Paras. Vote 3-0 motion passes

2. Overview of Business Licensing Process

Kathryn Danylik, Assistant to the Town Manager, gave the Board of Selectmen a brief overview of the Business Licensing Process and how the town administers Business Licenses.

3. Board and Committee Appointments

Moved by Ms. Andrews and seconded by Mr. Estes to appoint Arthur Berger to the Cable TV Regulatory Commission and Neil Hickey to the Parks and Recreation Board. Vote 3-0 motion passes.

L. Other Business

Adjourn

Moved by Ms. Andrews and seconded by Mr. Estes to adjourn at 8:30 PM.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 28 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28 2011	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Bid Award for a 2011 Chevrolet Tahoe 4WD Police Vehicle.	

TO: BOARD OF SELECTMEN
FROM: Chief Douglas P. Bracy
RECOMMENDATION: To award the police vehicle bid to Quirk Ford in the amount of \$22,745.00.
PROPOSED MOTION: I move to award the bid for a 2011 Chevrolet Tahoe police vehicle to Quirk Ford in the amount of \$22,745.00.

Discussion: There was one bid received for a 2011 Chevrolet Tahoe from Quirk Ford. The base bid for the vehicle is \$29,565.00 minus a trade in amount of \$6,820.00 for a 2008 Tahoe for a total price of \$22,745.00.

FISCAL IMPACT: \$ 22,745.00
DEPARTMENT LINE ITEM ACCOUNT: Capital Vehicle Account
BALANCE IN LINE ITEM IF APPROVED: \$ 19,846.00

Prepared By: Chief Douglas P. Bracy

Reviewed By: Robert B. Gandon

Prepared For:
TAHOE SSV
TOWN OF YORK POLICE
YORK, ME

Prepared By:
Leo Chicoine
Quirk Ford of Augusta
P O Box 1055
Augusta, ME 043321055
Phone: (207) 430-1621
Fax: (207) 622-9528
Email: lchicoine@quirkauto.com

2011 Chevrolet Tahoe
CK10706 4WD 4dr 1500 Commercial

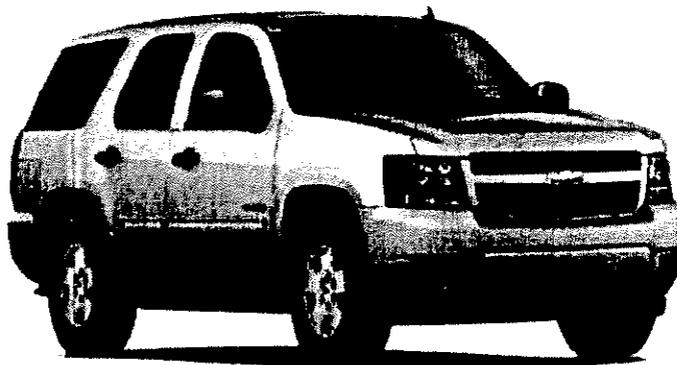


Photo may not represent exact vehicle or selected equipment.

Prepared For:
 TAHOE SSV
 TOWN OF YORK POLICE
 YORK, ME

Prepared By:
 Leo Chicoine
 Quirk Ford of Augusta
 P O Box 1055
 Augusta, ME 043321055
 Phone: (207) 430-1621
 Fax: (207) 622-9528
 Email: lchicoine@quirkauto.com



2011 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr 1500 Commercial CK1070

WINDOW STICKER

2011 Chevrolet Tahoe 4WD 4dr 1500 Commercial
 5.3L/323 CID Gas/Ethanol V8
 * 6-Speed Automatic w/OD

Interior: - No color has been selected.
 Exterior 1: - No color has been selected.
 Exterior 2: - No color has been selected.

CODE	MODEL	MSRP
CK10706	2011 Chevrolet Tahoe 4WD 4dr 1500 Commercial	\$41,630.00
OPTIONS		
NE1	EMISSIONS, CONNECTICUT, MAINE, MARYLAND, MASSACHUSETTS, NEW JE	\$0.00
LMG	ENGINE, VORTEC 5.3L V8 SFI FLEXFUEL	\$0.00
MYC	TRANSMISSION, 6-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED	\$0.00
GU6	REAR AXLE, 3.42 RATIO	INC
1FL	COMMERCIAL PREFERRED EQUIPMENT GROUP	-\$5,810.00
NX7	WHEELS, 4 - 17" X 7" (43.2 CM X 17.8 CM) STEEL	\$0.00
QGI	TIRES, P265/70R17 ALL-SEASON, BLACKWALL	\$0.00
ZY1	SOLID PAINT	\$0.00
GGW	TAUPE GRAY METALLIC	\$0.00
A95	SEATS, FRONT BUCKET WITH PREMIUM CLOTH, (AG1) 6-WAY POWER DRIV	\$935.00
19C	EBONY, PREMIUM CLOTH SEAT TRIM	\$0.00
US8	AUDIO SYSTEM, AM/FM STEREO WITH MP3 COMPATIBLE CD PLAYER	\$0.00
5W4	IDENTIFIER FOR SPECIAL SERVICE VEHICLE.	\$0.00
K5L	TRAILERING PACKAGE, HEAVY-DUTY	INC
6J1	IGNITION	INC
G80	DIFFERENTIAL, HEAVY-DUTY LOCKING REAR	\$295.00
KNP	COOLING, AUXILIARY TRANSMISSION OIL COOLER, HEAVY-DUTY AIR-TO-OI	INC
K47	AIR CLEANER, HIGH-CAPACITY	INC
NQH	TRANSFER CASE, ACTIVE, 2-SPEED ELECTRONIC AUTOTRAC	INC
NZZ	SKID PLATE PACKAGE	\$150.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

Prepared For:
 TAHOE SSV
 TOWN OF YORK POLICE
 YORK, ME

Prepared By:
 Leo Chicoine
 Quirk Ford of Augusta
 P O Box 1055
 Augusta, ME 043321055
 Phone: (207) 430-1621
 Fax: (207) 622-9528
 Email: lchicoine@quirkauto.com



2011 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr 1500 Commercial CK1070

WINDOW STICKER

—	KEY, SINGLE, 2-SIDED	INC
6E2	KEY COMMON, COMPLETE SPECIAL SERVICE VEHICLE FLEET.	\$25.00
—	LUGGAGE RACK, DELETE	INC
7X6	SPOTLAMP, LEFT-HAND	\$460.00
—	WIPERS, FRONT INTERMITTENT WET-ARM	INC
UN9	RADIO SUPPRESSION, BRAIDED BRASS STRAPS	INC
VK3	LICENSE PLATE BRACKET, FRONT	\$15.00
AG2	SEAT ADJUSTER, FRONT PASSENGER 6-WAY POWER	INC
ATD	SEAT DELETE, THIRD ROW PASSENGER	INC
UT7	GROUND STUDS, AUXILIARY	INC
UE0	ONSTAR, DELETE	INC
—	SAFETY BELTS, 3-POINT, DRIVER AND FRONT PASSENGER IN ALL SEATING	INC
—	BID ASSISTANCE Authorization code: 2011	\$0.00
VPV	SHIP THRU, PRODUCED IN ARLINGTON ASSEMBLY AND SHIPPED TO KERR I	INC
SPECIAL EQUIPMENT OPTIONS		
6C5	BATTERY, SINGLE 730 CCA	INC
9N5	FLOOR CONSOLE DELETE	-\$625.00
5T5	SEATS, 2ND AND 3RD ROW VINYL	INC
SUBTOTAL		\$37,075.00
Advert/Adjustments		\$0.00
Destination Charge		\$950.00
TOTAL PRICE		\$38,025.00
<p>Est City: 15.00 mpg Est Highway: 21.00 mpg Est Highway Cruising Range: 546.00 mi</p> <p style="text-align: right;"> <i>2008-Tahoe - 682000</i> <i>2274500</i> <i>\$29,565.00</i> </p> <p style="text-align: right;"><i>Leo Chicoine</i></p>		

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

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Customer File:

February 18, 2011 3:47:45 PM

Page 3



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

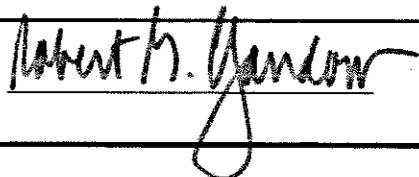
Date Submitted: February 28 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28 2011	
Regular <u> x </u> Work Session <u> </u>	
Subject: Bid Award for a 2011 Ford Crown Victoria Police Vehicle.	

TO: BOARD OF SELECTMEN
FROM: Chief Douglas P. Bracy
RECOMMENDATION: To award the police vehicle bid to Quirk Ford in the amount of \$15,673.00
PROPOSED MOTION: I move to award the bid for a 2011 Ford Crown Victoria police vehicle to Quirk Ford in the amount of \$15,673.00.

Discussion: Two bids were received for the purchase of a 2011 Ford Crown Victoria Police Vehicle. Quirk Ford's base bid came in at \$22,683.00 with a trade in of a 2009 Ford Crown Victoria at \$7,010.00 for a total price of \$15,673.00. Starkey Ford was the second bidder with a base bid of \$22,395.00 and a trade in at \$6,000.00 for a total price of \$16,395.00. Both bids met the specifications required.

FISCAL IMPACT: \$ 15,673.00
DEPARTMENT LINE ITEM ACCOUNT: Capital vehicle account
BALANCE IN LINE ITEM IF APPROVED: \$ 42,591.00

Prepared By: Chief Douglas P Bracy

Reviewed By: 



STARKEY FORD, Inc.

Tel. 207.363.2483

Fax. 207.363.3547

E-mail. info@starkeyford.com

422 Route 1

P.O. Box 37

York, Maine 03909-0037

www.starkeyford.com

February 21, 2011
Town of York Maine
Police Department
Town Manager
186 York Street
York, Me 03909

Dear Sirs;

Starkey Ford Inc. submits the following bid on one 2011 Ford Crown Victoria Police Interceptor. The bid is as quoted:

As quoted for the York Police Department with one trade:

Price per unit	\$22,395.00	\$22,395.00
Less trade of 2009 Ford Cr. Victoria		6,000.00
Net Price		\$16,395.00

Sincerely,

Rob Berry Jr.
Sales & Leasing Consultant

- * Delivery time dictated by Manufacturer
- * Enc: 2

CNGP530

VEHICLE ORDER CONFIRMATION

02/17/11 08:21:10

==>

Dealer: F11552

2011 CROWN VICTORIA

Page: 1 of 2

Order No: 9999 Priority: D1 Ord FIN: QK866 Order Type: 5B Price Level: 115

Order Code: 720A Cust/Flt Name: YORK POLICE PO Number:

RETAIL

RETAIL

P7B	POLICE INTERCEP	\$27440	423	CAL EM NOT REQD	
YG	MED TITANIUM CC		435	KEY CODE 1294X	50
I	CLTH BKTS/VNL R		45C	3.27 RATIO-TRAC	125
N	CHARCOAL BLACK		51A	DRV SDE SPT LMP	190
720A	ORDER CODE		53M	NOISE SUPPRESS	95
	.DUAL EXHAUST		61H	DECKLD REL IP/D	60
	.17" STEEL SPARE		936	CAL SER VEH EXP	NC
	.MANUAL AIR COND		96B	FRT MLDG UNINST	30
	.ENG IDLE METER				
99V	.4.6L OHC FFV V8	NC	TOTAL BASE AND OPTIONS 29435		
44Q	.ELEC AOD TRANS	NC	TOTAL 29435		
TC1	.P235/55R17 BSW	NC	*THIS IS NOT AN INVOICE*		
14T	TRUNK PACK	190	* MORE ORDER INFO NEXT PAGE *		
	FRT LICENSE BKT	NC	F8=Next		
21A	PWR DRIVER SEAT	380	F3/F12=Veh Ord Menu		

F1=Help

F2=Return to Order

F3/F12=Veh Ord Menu

S006 - MORE DATA IS AVAILABLE.

QD09116

CNGP530

VEHICLE ORDER CONFIRMATION

02/17/11 08:21:28

==>

Dealer: F11552

2011 CROWN VICTORIA

Page: 2 of 2

Order No: 9999 Priority: D1 Ord FIN: QK866 Order Type: 5B Price Level: 115

Ord Code: 720A Cust/Flt Name: YORK POLICE

PO Number:

RETAIL

RETAIL

SP DLR ACCT ADJ

SP FLT ACCT CR

FUEL CHARGE

B4A NET INV FLT OPT NC

DEST AND DELIV 875

TOTAL BASE AND OPTIONS 29435

TOTAL 29435

THIS IS NOT AN INVOICE

F7=Prev

F1=Help

F2=Return to Order

F3/F12=Veh Ord Menu

S005 - INQUIRY IS COMPLETE.

QD09116

Prepared For:
CROWN VIC
TOWN OF YORK POLICE DEPT
YORK, ME
Phone: (207) 363-4444

Prepared By:
Leo Chicoine
Quirk Ford of Augusta
P O Box 1055
Augusta, ME 043321055
Phone: (207) 430-1621
Fax: (207) 622-9528
Email: lchicoine@quirkauto.com

2011 Ford Police Interceptor
P7B 4dr Sdn w/3.27 Axle



Photo may not represent exact vehicle or selected equipment.

Prepared For:
 CROWN VIC
 TOWN OF YORK POLICE DEPT
 YORK, ME
 Phone: (207) 363-4444

Prepared By:
 Leo Chicoine
 Quirk Ford of Augusta
 P O Box 1055
 Augusta, ME 043321055
 Phone: (207) 430-1621
 Fax: (207) 622-9528
 Email: lchicoine@quirkauto.com



2011 Fleet/Non-Retail Ford Police Interceptor 4dr Sdn w/3.27 Axle P7B

WINDOW STICKER

2011 Ford Police Interceptor 4dr Sdn w/3.27 Axle		Interior: - No color has been selected.
4.6L/281 CID Gas/Ethanol V8		Exterior 1: - No color has been selected.
* 4-Speed Automatic w/OD		Exterior 2: - No color has been selected.
CODE	MODEL	MSRP
P7B	2011 Ford Police Interceptor 4dr Sdn w/3.27 Axle	\$27,440.00
	OPTIONS	
	STANDARD EMISSIONS	\$0.00
423	CALIFORNIA EMISSIONS NOT REQUIRED	\$0.00
936	CALIFORNIA EMISSIONS NOT REQUIRED	\$0.00
99V	4.6L SEFI OHC FFV V8 ENGINE	\$0.00
44U	4-SPEED AUTOMATIC TRANSMISSION W/OD	\$0.00
720A	POLICE PREP PKG SERIES ORDER CODE	\$0.00
	STANDARD PAINT	\$0.00
YG	MEDIUM TITANIUM METALLIC	\$0.00
IN	CHARCOAL BLACK, CLOTH FRONT BUCKET SEATS & VINYL REAR BENCH S	\$125.00
45C	LIMITED-SLIP DIFFERENTIAL	\$30.00
96A	INSTALLED FRONT COLOR-KEYED FRONT BODY-SIDE MOLDING	\$95.00
53M	RADIO SUPPRESSION PKG	\$0.00
172	GRILLE LAMP & SIREN & SPEAKER WIRING	\$190.00
51A	DRIVER-SIDE SPOT LAMP ASSEMBLY	\$0.00
153	FRONT LICENSE PLATE BRACKET	\$380.00
21A	PWR DRIVER SEAT W/LUMBAR	\$50.00
435	KEYED ALIKE CODE 1294X	\$20.00
478	COURTESY LAMP DISABLE	\$190.00
14T	TRUNK PACK	
	SUBTOTAL	\$28,520.00

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February 11, 2011 4:11:47 PM

Page 2

Prepared For:
 CROWN VIC
 TOWN OF YORK POLICE DEPT
 YORK, ME
 Phone: (207) 363-4444

Prepared By:
 Leo Chicoine
 Quirk Ford of Augusta
 P O Box 1055
 Augusta, ME 043321055
 Phone: (207) 430-1621
 Fax: (207) 622-9528
 Email: lchicoine@quirkauto.com



2011 Fleet/Non-Retail Ford Police Interceptor 4dr Sdn w/3.27 Axle P7B

WINDOW STICKER

Advert/Adjustments	\$0.00
Destination Charge	\$875.00
TOTAL PRICE	\$29,395.00
Est City: 16.00 mpg	
Est Highway: 24.00 mpg	
Est Highway Cruising Range: 456.00 mi	

2009 Crown Vic 7010.00
~~*\$15,673.00*~~
Leo Chicoine
Quirk Ford of Augusta

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 Customer File:

February 11, 2011 4:11:47 PM



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 24, 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28, 2011	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Mount Agamenticus Conservation Program 2010 Report	

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

Discussion: Robin Kerr, Mount Agamenticus Conservation Coordinator, will present the 2010 Mount Agamenticus Conservation Program Report.

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

Prepared By: Robert G. Yandow Reviewed By: _____

**Notice of Public Hearing
York Board of Selectmen
Monday, February 28, 2011
7:00 PM**

York Public Library

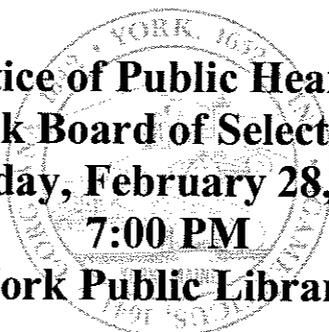
The York Board of Selectmen will conduct a Public Hearing regarding proposed ordinance amendments to be considered at a May Special General Referendum, as follows:

1. Change Language About the Date of Application Approval
2. Revise the Historic Site Boundary at the Town Farm
3. Define Commercial Functions
4. Amend the Farm Enterprise Overlay District
5. Amend Standards for First Time Septic Variances
6. Repeal the Short Sands Park Ordinance
7. Establish Criteria for Emergency Beach Closure
8. Amend the Business Directional Sign Ordinance
9. Amend the Supplemental Building Ordinance
10. Adopt a Property Assessed Clean Energy (PACE) Ordinance

Printed copies of the proposed ordinance amendments (document dated February 3, 2011) are available at Town Clerk's office at Town Hall. Digital copies are available on the Internet on the Town's web page (www.yorkmaine.org).

#6195

3tYw 2/9, 16, 23



**Notice of Public Hearing
York Board of Selectmen
Monday, February 28, 2011
7:00 PM
York Public Library**

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

1. Change Language About the Date of Application Approval
2. Revise the Historic Site Boundary at the Town Farm
3. Define Commercial Functions
4. Amend the Farm Enterprise Overlay District
5. Amend Standards for First Time Septic Variances
6. Repeal the Short Sands Park Ordinance
7. Establish Criteria for Emergency Beach Closure
8. Amend the Business Directional Sign Ordinance
9. Amend the Supplemental Building Ordinance
10. Adopt a Property Assessed Clean Energy (PACE) Ordinance

Printed copies of the proposed ordinance amendments (document dated February 3, 2011) are available at Town Clerk's office at Town Hall. Digital copies are available on the Internet on the Town's web page (www.yorkmaine.org).

Proposed Ordinance Amendments

to be considered at the

May 2011 Special General Referendum

Amendment

1. Clarify Language About the Date of Application Approval
2. Revise the Historic Site Boundary at the Town Farm
3. Define Commercial Functions
4. Amend the Farm Enterprise Overlay District
5. Amend Standards for First Time Septic Variances
6. Repeal the Short Sands Park Ordinance
7. Establish Criteria for Emergency Beach Closure
8. Amend the Business Directional Sign Ordinance
9. Amend the Supplemental Building Ordinance
10. Adopt a Property Assessed Clean Energy (PACE) Ordinance

Amendment #1
Clarify Language About the Date of Application Approval

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to amend the definition of the phrase "Date of Issuance" with respect to board approvals, specifically amending Article 18-A, Application Review Procedures.

Statement of Fact: A permit or approval must be used within a set period of time or it will expire. In the Zoning Ordinance, the starting date for this timeline is known as the Date of Issuance. Current language in the Ordinance does not use consistent terminology in defining this starting point for approvals versus conditional approvals. The purpose of this amendment is to ensure that the starting time for approvals and conditional approvals each begins on the date of a board vote. This amendment is administrative in nature and is expected to have no fiscal impact on Town administration.

Amendment: Amend the language of §18-A.2.E, Expiration of Permits and Approvals, by revising the phrase, "Date of Issuance," as follows:

1. Date of Issuance is defined as follows:
 - a. With respect to a permit, the date of issuance shall be the date upon which the Code Enforcement Officer issues the written permit to the applicant.
 - b. With respect to an approval, the date of issuance shall be the date upon which the board *votes to approve* ~~approves~~ the findings of fact associated with the approval.
 - c. With respect to a conditional approval, the date of issuance shall be the date upon which the board votes to find the conditions precedent have been satisfied by the applicant (see §18-A.5.E.4.b.3).

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #2

Revise the Historic Site Boundary at the Town Farm

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to update the boundaries of the Town Farm Historic Site to accommodate the boundary line adjustment approved by the voters in May 2010, specifically amending Article 12, Historic and Archeological Resources.

Statement of Fact: The Town Farm property received Historic Site designation in May 2008. At that time a portion of the property was exempted from this designation in anticipation of a future property exchange with an abutting property owner. That property exchange was approved by the voters in May 2010. This amendment will now establish the Historic Site boundaries to cover the entire area of the Town Farm property which is owned by the Town. This amendment is generally consistent with the Comprehensive Plan, and is expected to have no fiscal impact on Town administration.

Amendment: Amend §12.6, Historic Districts, Sites, and Landmarks Designated, by amending the description of Historic Sites as follows:

Historic Sites

Town Farm. Consists of two lots of land owned by the Town of York which were part of the Town Farm, consisting of: the cemetery lot near the corner of Ridge Road and Long Sands Road (no street address or tax lot number, but identified as burial ground #192 in the book, Maine Cemetery Inscriptions, York County Volume); and 178 Long Sands Road (0039-0025) *as its boundaries exist on May 21, 2011.* ~~except for that portion of the lot within the discontinued Central Maine Power right of way along the westerly sideline of 14 Ferncroft Road (0039-0027).~~ Use and development of this Historic Site shall be limited to...

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #3 *Define Commercial Functions*

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

Article X

The Town hereby ordains amendment of the **Zoning Ordinance** to define commercial functions, specifically amending Article 2, Definitions.

Statement of Fact: In May 2010 the Town first allowed a limited number of commercial functions on residential property, and immediately questions arose about interpretation of the regulation. Most of the questions came from people who rent their single-family homes by the week during the summer, and wanted to know if their weekly tenants could host parties, receptions, rehearsal dinners, weddings, and so forth. How many people could attend such an event before it requires a permit? The current code language does not establish a minimum size threshold. This amendment defines the term “Commercial Function” as any event for which the property owner receives compensation and at which 50 or more people are in attendance. Events with fewer people or which are held without any compensation to the property owner, such as a party for a family member, would not be regulated as a commercial function. This amendment is generally consistent with the Comprehensive Plan, and is expected to have no fiscal impact on Town administration.

Amendment: Insert a new definition for “Commercial Function” in Article 2, Definitions, as follows:

COMMERCIAL FUNCTION: *An event for which a property owner receives compensation for the use of the property and at which 50 or more people are present. For clarification: “compensation for the use of the property” is intended to be broadly interpreted, meaning for instance that someone staying at a bed and breakfast or renting a house for a week-long stay has paid for their stay and therefore the owner has received compensation, even if there is nothing in the rental agreement specific to hosting an event at the property; and “event” includes any sort of large gathering such as, but not limited to weddings, receptions, reunions and parties.*

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

Amendment #4

Amend the Farm Enterprise Overlay District

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

Article X

The Town hereby ordains amendments to the **Zoning Ordinance**, specifically amending Article Two, Definitions, Article Three, Establishment of Zoning Districts, and Article 10-G, Farm Enterprise Overlay District.

Statement of Fact

The purpose of this amendment is to clarify and tighten the controls in the newly adopted Farm Enterprise Overlay District, and to add the Rocky Acres Farm to the Overlay District. The definition of Agriculture-Related Use is amended, and a new standard is inserted specifically to prohibit certain commercial uses. The purpose is to ensure it is clear that high-impact commercial uses are not allowed through this Overlay District. This amendment is specifically consistent with Comprehensive Plan Town Goal 3.1: To promote a sound economic base and economic development that is consistent with York's small town coastal character, Town Goal 8.1: Encourage continued use of suitable lands for agriculture and forestry, and Future Land Use Area #16, To safeguard the State's agricultural and forest resources from development which threatens those resources. It is expected to have no fiscal impact on Town administration.

Amendment: Amend Article Two, Definitions, as follows:

AGRICULTURE-RELATED USE. A commercial enterprise at a working farm ; ~~operated for the enjoyment and education of the public~~ that may also generate additional farm income through: sale of farm products; educational/or outdoor recreation programs; farm tours; and similar activities associated with a principal agricultural use.

Amendment: Amend Article Three, Establishment of Zoning Districts, as follows:

3.17 Farm Enterprise Overlay District

The Farm Enterprise Overlay District shall include the lots as shown on a map entitled, "York Zoning Ordinance: Farm Enterprise Overlay District, ~~November 2, 2010~~ *May 21, 2011*". This map constitutes a registry of approved properties comprising the Farm Enterprise Overlay District. For a farm to qualify for inclusion in the Farm Enterprise Overlay District, the property owner must demonstrate that the total agricultural land is a minimum of five acres in size, and contains at least two contiguous acres on which agriculture has contributed to a gross annual value of at least \$2,000 per year.

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The acreage minimum may be met by any combination of ownership, rental, or lease of agricultural land. The Farm Enterprise Overlay District map may be amended by referendum upon application for inclusion by a property owner that has demonstrated they meet the acreage and use requirements of the overlay district.

Amendment: Create Article 10-G, Farm Enterprise Overlay District

10-G.2.a Allowed Agriculture-Related Uses

Agriculture-related uses are permitted on agricultural land in the Farm Enterprise Overlay District. This section shall expressly supersede any conflicting provisions of Article Four. The following activities are considered agriculture-related uses. Other agriculture-related uses are permitted if the applicant can demonstrate that a proposed use is similar to the following, or can demonstrate that the proposed activity meets the definition of an agriculture-related use, as defined by this Ordinance:

- Processing and sale of agricultural products grown or raised within New England, such as a store to sell local produce, dairy, and/or flowers; farmers market; farm stand; farm bakery
- Commercial Stable
- Pick-Your-Own Establishment
- Agricultural Composting Operation
- Cider Pressing
- Maple Syrup Production
- Hay Rides
- Sleigh Rides
- Recreational trails for activities such as hiking and cross country ski trails
- Educational events such as farming and food preserving classes, and other activities qualifying as agricultural tourism
- Corn Mazes or Straw Bale Mazes
- Tree Farm

10-G.2.b Prohibited Commercial Uses

It is not the intent of this amendment to allow substantially dissimilar uses in the Farm Enterprise Overlay District, such as a dirt bike track, ATV course, rodeo, water park, firing range, paint ball course, or similar high impact commercial activities not customarily associated with agriculture or agricultural tourism.

Singular events related to agricultural activities such as ox-pulls, horse shows, agricultural fairs and the like shall be reviewed and approved by the Board of Selectmen as special events.

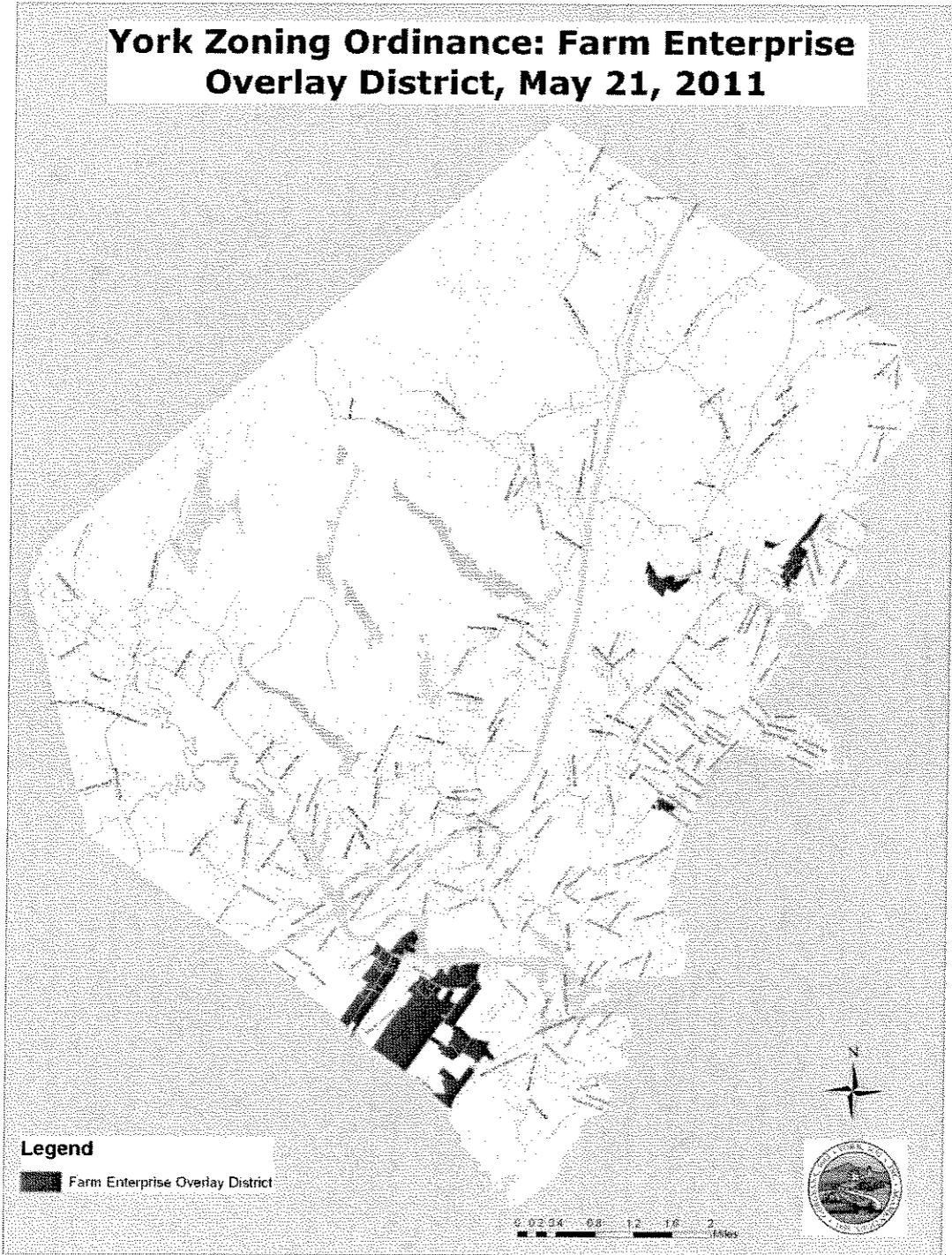
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Recommended by the Planning Board:
Recommended by the Board of Selectmen:

York Zoning Ordinance: Farm Enterprise Overlay District, May 21, 2011



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Amendment #5

Amend Standards for First Time Septic Variances

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

Article X

The Town hereby ordains amendment of the **Supplemental Plumbing Ordinance** to remove the requirement for the Board of Selectmen to approve new septic system variances, specifically amending §14, System Variance.

Statement of Fact: Adoption of this amendment will simplify administration of the Supplemental Plumbing Ordinance in a few cases and ensure consistency of the Town Ordinance to the State rules. Recent changes in State septic rules have eliminated the requirement for the Board of Selectmen to approve every first time system variance. A first time system variance is a deviation from the standard septic design requirements necessitated by unusual physical conditions on a lot, and it is intended to reduce the risk of making a lot unbuildable while ensuring proper sanitary function. The proposed amendment calls for the Local Plumbing Inspector to make decisions except when the State rules call specifically for a decision by the Selectmen.

Amendment: Amend Section 14, System Variance, to remove the requirement for approval of the Board of Selectmen, as follows:

~~14.1 An application for a e New System Variance for a subsurface waste water disposal system shall conform to the following requirements.~~

~~14.1.1 Pursuant to Chapter 19 of the State Rules, an application for a New System Variance must receive each of the following:~~

- ~~a. LPI approval;~~
- ~~b. An indication from the Municipal Officers that the application is in compliance with Town of York ordinances relating to disposal systems;~~
- ~~c. Approval by the Maine Division of Environmental Health, when applicable under State Rules.~~

~~In making this determination the Municipal Officers in addition to considering all other relevant local ordinances must ensure that the application is in conformance with the following criteria:~~

14.1 Decisions about First Time System Variances shall be made by the LPI except where the Maine Subsurface Waste Water Disposal Rules call for the Municipal Officers to make a decision.

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14.2 *An application for a First Time System Variance shall meet or exceed all of the requirements of the Maine Subsurface Waste Water Disposal Rules, in addition to the following two local criteria:*

14.1.2 a. The soils test, variance application data, point score and system design have been verified by an independent site evaluator, licensed in the State of Maine working on behalf of the Town at the expense of the applicant.

14.1.3 b. A minimum point score of 75 is achieved.

Recommended by the Board of Selectmen:

Amendment #6

Repeal the Short Sands Park Ordinance

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

Article X

The Town hereby ordains repeal of the **York Beach Village Corporation “Short Sands Park Ordinance”** in its entirety.

Statement of Fact: This Ordinance became a Town ordinance in 1977 when the Legislature terminated the York Beach Village Corporation. The Ordinance establishes a summertime curfew in Short Sands Park. The Ordinance is not necessary because Short Sands Park is managed by independent Trustees. The Trustees were established when the park land was dedicated for public use in 1887, and to this day the Trustees are solely responsible for the management and control of the Park. The Trustees, working jointly with the Board of Selectmen, have enacted Short Sands Park Regulations. This Ordinance, which was originally enacted in 1966 and amended in 1969 by the voters of the York Beach Village Corporation, should be repealed because its subject matter is more appropriately addressed in the Short Sands Park Regulations, and there is no need for two Town codes to regulate activities in a single Park.

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

CHAPTER IV SHORT SANDS PARK

~~All the ordinances as contained herein, and all the rules and regulations of the York Beach Village Corporation do also apply to that area within the York Beach Village Corporation known as Short Sands Park and are enforceable by the York Beach Village Corporation Police Department.~~

Section 1.—Vehicle Traffic

~~The area within the limits of the York Beach Village Corporation known as Short Sands Park and Short Sands Beach, so called, shall be closed to pedestrians and to vehicle traffic between the hours of 12:00 M. [sic] and 4:00 A.M., E.S.T. during June, July, August and September each year.~~

Section 2.—Exceptions

~~Operators of vehicles may enter the Park area for the purpose of parking the vehicle with the intention of leaving the vehicle for overnight parking. In parking in the above described area, the operator and passengers must not remain in the area beyond that reasonable length of time that it takes to accomplish the parking of the vehicle.~~

Section 3.—Penalties

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The penalty for violation of the foregoing sections shall be a fine of not more than \$50.00 nor less than \$10.00 for each violation, to be paid to the use of said Corporation.

Recommended by the Board of Selectmen:

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Amendment #7
Establish Criteria for Emergency Beach Closure

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

Article X

The Town hereby ordains amendment of the **Beach Ordinance** to establish criteria to guide the decision to close a public beach.

Statement of Fact: This proposal would amend the Town's Beach Ordinance to add criteria to help guide the decision of Town officials when considering beach closures. The proposed criteria would include, but not be limited to, closures during times of a disaster proclamation, when sharks are sighted near a beach, during times of strong rip currents, or during periods of excessive water pollution. The criteria also clarify that closures can be limited by area and/or user group.

Amendment: Insert new language into Section 10-A, Closure of Beaches, as follows:

Section 10-A. Closure of Beaches

The Town Manager, or in the Town Manager's absence the Town's Emergency Management Director or the Director of Parks and Recreation, shall have the authority to close a public beach in an emergency in order to protect public health and safety. The order may be issued verbally or in writing, and shall be as narrow or broad as is necessary to protect the public. Town Lifeguards and/or the Police Department shall be responsible for enforcing a closure order.

In this context, "emergency" shall be defined to mean any event which threatens to or actually inflicts damage to people or property and which requires immediate action to mitigate, prevent, control or contain.

Situations where beach closure may be warranted also include, but are not limited to: any time a Town, County or State disaster proclamation is in effect; when sharks are sighted in close proximity to a beach; during times of dangerous rip currents; and when water pollution is excessive. Closures may be limited or partial, such as closing only the beach with excessive pollution rather than closing all beaches, or prohibiting swimming but allowing surfing when strong rip currents exist.

Recommendation: Recommended by the Board of Selectmen:

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Amendment #8

Amend the Business Directional Sign Ordinance

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

Article X

The Town hereby ordains amendments to the **Business Directional Sign Ordinance**.

Statement of Fact

Business directional signs are the white signs installed by the Town to direct travelers to local businesses. This amendment is an extensive update to the entire Business Directional Sign Ordinance, which last amended in 1995. The proposal amends the format for greater clarity and eliminates obsolete language, as well as adds language regarding sign materials, sign format, location of signs, number of allowed signs, application process, and enforcement. This amendment is generally consistent with the Comprehensive Plan. It is expected to have no fiscal impact on Town administration.

SIGN CONTROL

Control of Signs

1. ~~No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure or be visible from the outside of any structure in York except as specifically permitted in the Ordinances of the Town of York.~~

2. ~~In all zones other than the Protected Residential all signs or advertising devices shall be stationary and shall not contain any visible or moving or movable parts. Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the article or services available within said premises as permitted below:~~
 - a. ~~The total area of all signs permitted shall be not more than one hundred (100) square feet signboard area.~~
 - b. ~~Any sign shall be located not nearer than twelve (12) feet to any lot line or to the edge of any commonly traveled way.~~
 - c. ~~Illuminated signs are permitted, except no sign shall be intermittently illuminated, nor of a traveling light, animated or flashing light type.~~

3. ~~In all zoning districts, off premise signs of an informational or directional nature may be permitted. Informational or directional signs not larger than twelve (12) square feet, containing no advertising, are permitted to direct traffic flow, indicate~~

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parking space, identify points of interest, or locate businesses, or provide other essential information to guide vehicular or pedestrian traffic flow. (Added 1969)

4. ~~Signs in Protected Residential areas shall conform to the requirements listed in the Zoning Ordinance, Section IV, Subparagraph 6 (Page 20).~~

Town of York Business Directional Sign Ordinance

SECTION 1. GENERAL PROVISIONS

A. Purpose

The purpose of this Ordinance is to promote the health, safety, and general welfare by (1) providing tourists, travelers, and other users of public ways in the Town of York with information and guidance concerning public accommodations, facilities, commercial services and points of scenic, cultural, historic, educational, recreational and religious interest; (2) reducing visual distractions which pose a hazard to drivers of motor vehicles and other users of public ways; and (3) preserving, enhancing and protecting the natural scenic beauty and other aesthetic features of the Town.

B. Exemption from Zoning Ordinance Sign Controls

Business directional signs permitted under the standards of this Ordinance shall not be subject to the Sign Standards of Article Sixteen of the Town of York Zoning Ordinance, which regulates all other permitting of signs in the Town of York.

200.1 SECTION 2. DEFINITIONS

~~B. A. Official Business Directional Sign: An Official business directional sign erected and maintained in accordance with the Maine Traveler Information Services Act (Title 23 M.R.S.A., Chapter 21) and this Ordinance these regulations to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Use of the term "sign" in this Ordinance shall be interpreted as being a business directional sign unless otherwise specified.~~

A. B. Logo: A single or multicolored symbolic design unique to a business or product, service facility, or point of interest and used to identify its project or services.

C. Public Way: Public way means any road capable of carrying motor vehicles, including, but not limited to, any State highway, municipal road, county road, unincorporated territory or other road dedicated to the public.

D. Sign Assembly: A sign assembly is the tiering of more than one official business directional sign on a support assembly.

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- E. Symbol: ~~There are two classes of symbols. The first class is a symbolic design~~ *A symbol is a design used to identify traveler services and published in the Manual of Uniform Traffic Control Devices, Chapter 2I, General Service Signs.* ~~approved for use by the National Advisory Council on Uniform Traffic Control Devices and adopted by the Maine Department of Transportation as set forth in Figure 2. The second class of symbols are those designs which may be adopted by the Maine Department of Transportation for a particular category of business or point of interest as set forth in Figure 3.~~
- F: Traffic Control Sign or Device: ~~Traffic control sign or device means a~~ *An official route marker, warning sign, sign directing traffic to or from a community, bridge, ferry, or airport or sign regulating traffic which has been erected by officials having jurisdiction over the public way.*

200.02 SECTION 3. LOCATION

A. General Requirements

1. ~~Official~~ *Business* directional signs shall be located within the highway right-of-way on approaches to intersections where travelers must change direction from one public way to another to reach *the advertised destination* ~~a business, service, or point of interest.~~
2. The Board of Selectmen may authorize the installation of a sign which indicates the location of a business or service being straight ahead only if the Board should find that the lack of such a sign causes confusion to the motoring public. The burden of proof that sufficient confusion exists shall be with the applicant.
3. A business, service, facility or point of interest shall not be permitted more than one sign at any one intersection approach.
4. ~~Each place of business, service or point of interest shall be eligible for a maximum of~~ *There shall be no more than two* ~~three (3) official~~ business directional signs *per establishment.*
5. To qualify for an official business directional sign, the *destination represented on the sign* ~~business, service, or point of interest~~ must be within a *five* ~~ten~~-mile radius of the proposed location of the sign *and located within the Town of York.*
6. ~~Official~~ *Business* directional signs shall be located so as to avoid visual conflict with other signs, to have the least impact on the scenic environment, and to take advantage of the natural terrain. Official business directional signs shall not be permitted at locations where the directional information contained thereon may be misinterpreted, misleading, or otherwise confusing to the traveling public.
7. *Whenever the Selectmen determine that a proposed sign assembly at a particular approach to an intersection will adversely affect highway safety or the visual quality of the immediate neighborhood, the Selectmen may impose more stringent standards*

including prohibition. Whenever the Selectmen determine that a change in the distances, number of signs per assembly, and number of assemblies at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Selectmen may waive the requirements contained in Sections 3.D and 3.E.

B. Interstate and Controlled Access Highways Prohibited Locations

1. ~~Official business~~ Business directional signs shall not be permitted within the right-of-way of the interstate highway system ~~and~~ or fully controlled access highways.
2. Business directional signs shall not be permitted for businesses located on US Route 1.
3. Business directional signs shall not be permitted in the intersection of Routes 1 and 1A at York Corner.

C. Lateral Clearances

The near edge of official business directional signs shall be located at least ten feet outside the highway shoulder except that in areas where insufficient right-of-way exists to maintain this clearance, or where physical obstructions make such a distance impossible, the near edge shall be located the maximum practical lateral distance from the edge of the traveled way. In urban areas signs shall be at least one foot from the curb face.

D. Distance

~~Official business~~ Business directional signs must be within 1600 feet of the intersection where a change in direction is required unless otherwise permitted under Section 200.04 3.A.7. In general, ~~official~~ business directional signs shall be at least 200 feet from traffic control signs or devices. ~~Official business~~ Business directional signs shall be located so as not to interfere with, obstruct, or divert a driver's attention from a traffic control sign or device. Traffic control signs or devices placed at intersection approaches subsequent to the placement of ~~official~~ business directional signs shall have precedence as to location and may require the relocation of ~~official~~ business directional signs. Successive business directional sign assemblies shall be spaced sufficiently apart for drivers to comprehend the message contained thereon. In general and where practicable, the minimum distance between sign assemblies shall be 200 feet.

E. Sign Assemblies

There shall be a maximum of ~~six (6)~~ official business directional signs per assembly and a maximum of ~~two (2)~~ assemblies to each approach to an intersection unless otherwise modified as provided in Section 200.04 3.A.7.

F. Vertical Distances

Sign Assemblies shall be erected so as to provide a minimum of ~~three (3)~~ feet vertical clearance between the lower edge of the bottom sign and the surface of the highway. Signboard located near pedestrian and parking areas may be required to have a vertical clearance of ~~seven (7)~~ feet.

200.03 SECTION 4. DESIGN, COLOR AND REFLECTORIZATION

A. General

1. Signs permitted under these regulations shall be uniform and standard in design, color, *font* and ~~REFLECTORIZATION~~ reflectorization.
2. Sign legends shall be specific in identifying the name of the appropriate business or their service.
3. Messages, symbols, and logos which interfere with, imitate, or resemble any official traffic control device or serve to advertise rather than identify a business are prohibited.

B. Size

1. Sign sizes, layout, and letter sizes shall conform to the dimensions and details shown in Figures 1 and 1a.
2. All signs in a sign assembly shall be the same size. *Each sign will be 10" high x 42" wide with a pair of galvanized #10 screw eyes and a pair of #10 galvanized rings attached.* ~~Sign sizes at a particular location must be consistent with the visual and aesthetic character of that location and with the sign sizes which have been previously approved.~~

C. Color and Lettering

- ~~1. Each sign will be 10" high x 42" wide with a pair of galvanized #10 screw eyes and a pair of #10 galvanized rings attached.~~
- ~~2.~~ 1. Each sign will be lettered in black on a white background. Letters will be 4 inches high, minimum, *in Helvetica font.*
- ~~3.~~ 2. *A directional legend shall be printed on the sign, on the far left side when a left turn is required, and on the far right side when a right turn is required. Signs that indicate a location straight ahead shall indicate distance/mileage on the far right side.*

3. The back of each individual sign will be painted a dark green unless it is a double faced sign.

D. Symbols and Logos

A symbol or logo may be used at the owner's option. If a symbol *or logo* is used, it shall be *located on the opposite end of the sign from the directional legend.* ~~identical to the appropriate design as set forth in Figures 2 and 3.~~

E. Reflectorization

The background, sign legend, and border of all official business directional signs may be reflectorized with ~~(See Section 200.05, MATERIAL)~~ reflective sheeting (*See Section 5, MATERIALS*) to show the same shape and color for both day and night.

~~*F. Illumination is prohibited by special interior or exterior supplemental lighting will not be permitted.*~~

G. Double Faced Signs

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If a sign has two sides, only one side of the sign shall be counted towards a calculation of the total allowed area of the sign per Section 4.B and number of signs per §3.A.4.

200.04 WAIVER

~~Whenever the Selectmen determine that at a particular approach to an intersection the standards for sign assemblies as set forth in Section 200.02E will adversely affect highway safety or the visual quality of the immediate neighborhood, the Selectmen may impose more stringent standards including prohibition.~~

~~Whenever the Selectmen determine that a change in the distances, number of signs per assembly, and number of assemblies at an approach to an intersection will not interfere with highway safety nor adversely impact the visual quality of the immediate neighborhood, the Selectmen may waive the requirements contained in Sections 200.02D and 200.02E.~~

200.05 SECTION 5. MATERIALS

1. Sign panel material shall be *constructed from durable wood composite of high density overlaid plywood a minimum of one-half inch thickness, or other material of similar appearance and quality, suitable for the application of reflective sheeting, and sufficiently stable not to deform under normal conditions of weather and use.*
2. Signboards furnished by the applicant shall be installed by the Town on sign posts and mountings so constructed as to hold signs in a proper and permanent position.
3. Reflective sheeting shall consist of a smooth, flat, exterior film with spherical glass lens elements embedded beneath the surface and a pre-coated adhesive backing protected by a removable liner. Reflective sheeting shall meet the detailed requirements of Federal specifications LS-300B available at the office of the *Maine Department of Transportation in Augusta.*
4. All material furnished under this Section shall be durable and weather resistant.

200.06 SECTION 6. INSTALLATION AND MAINTENANCE

A. General

~~Official~~ *Business directional signs shall be furnished by the owner or the applicant. The signs shall be installed by the Town at approved locations on sign posts furnished by the Town. The Town shall be responsible for the maintenance of the sign supports. The Department of Public Works is responsible for installation and removal of signs as necessary.*

Signboards which become lost, stolen, defaced, or otherwise damaged or deteriorated shall be replaced by the owner and reinstalled by the Town.

The owners of ~~official~~ business directional signs which represent businesses, service facilities, or point of interest no longer offering such traveler assistance, or signs which are no longer applicable because of business name changes, business relocations, or for any other reason, shall notify the Town to have such signs removed. *Applicants/Owners*

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who fail to do so within 6 months of change will be subject to fines not to exceed \$100. Each day of violation of this Ordinance shall constitute a separate offence.

Failure to properly maintain the sign panel by the owner, including covering seasonal signs and notifying the Town that signs are no longer applicable, may result in removal of such signs by the Town.

B. Seasonal Basis

The owner of a business, service, or point of interest closed for 60 or more consecutive days at any one time shall be required to cover the directional legend (milHeage and arrow) of official business directional signs during the off-season. The cover ~~will~~ shall be held firmly in place so as not to injure or deface the signboard.

Applicants for a ~~seasonal~~ business directional sign for a seasonal business shall state the beginning and ending of the operating season and shall notify the Town of any changes to the operating season.

200.07 SECTION 7. PERMITS-APPLICATION PROCESS

A. Review and Approval of Application

Application for an official business directional sign shall be made on forms furnished by the Town. Applications will be processed and permits issued in the order of receipt of the application by the Town.

A. Review Authority

~~Any~~ All applications for an official business directional sign ~~is subject~~ shall be reviewed by the Board of Selectmen. The ~~Selectmen~~ Board shall have final responsibility and authority to interpret and administer all aspects of this Ordinance ~~determine the specific size and location of any sign~~. Signs which do not ~~deemed~~ meet the intent and purpose of the law or the criteria established in ~~these regulations~~ this Ordinance shall not be approved or erected.

B. Application Submittal

Application for a business directional sign shall be made on forms furnished by the Town and shall be submitted to the Department of Public Works. Applications will be processed and permits issued in the order of receipt of the application by the Town.

An existing business directional sign approval is valid for one year, unless renewed by the applicant. Applicants that wish to extend their existing business directional sign approval shall submit an application and fee for renewal before January 1st. Failure to submit a complete application and associated fee before January 1st will result in removal of signs by the Town.

C. ~~B.~~ Conformity with Laws

Business directional signs shall be allowed only for a destination which is in conformity with all applicable laws concerning licensing, zoning, and non-discrimination. Each application ~~The owner of each business, service facility, or point of interest identified on an official business for a new sign or renewal of an existing sign directional sign~~ shall ~~provide~~ include written assurance or relevant documentation to the Town that the ~~subject site existence of the business is~~ subject site is in conformity with all applicable laws concerning licensing, zoning, and non-discrimination.

The applicant for an ~~official~~ business directional sign shall *obtain and provide a written opinion certification from an appropriate municipal official the Superintendent of Public Works, or their designee*, that the proposed sign is in conformity with all applicable standards of this Ordinance and any other applicable public regulations ~~municipal sign ordinances.~~

D. Decision

1. *Approval. Applications reviewed by the Board of Selectmen for a Business Directional Sign that meet the requirements of this Ordinance shall be approved.*
2. *Reconsideration. In instances where an application is not approved, the Selectmen shall state the reasons for refusal and give the applicant an opportunity to correct any defects and then be reheard by the Selectmen within 30 days.*

E. Appeals

Any person aggrieved by the decision of the Selectmen may, within 30 days of the Board's vote, appeal to the Board of Appeals.

F. Variances

The Selectmen may alter the specific requirements for the number and location of signs as set forth in Section 3A if an applicant for a license can show unusual hardship due to conditions of topography, access or other physical characteristics.

G. Application Fees

1. *Application Fees. Application shall be accompanied by an initial permit fee of \$30.00 per sign installation. The initial permit fee will apply to installation for the remainder of the calendar year, but will not be pro-rated for any fraction of a year.*
- ~~D. 2. Renewal Fees. Renewal fees are \$10.00 per sign, per year.~~
3. *Fees Not Refundable. The initial application fee and any annual renewal fees are not refundable for any reason.*

E. H. Non-Transferability

Permits for the installation of *business* directional signs are not transferable. Any change in ownership of a business, service, or point of interest shall require reapplication and approval of the sign.

F. Variances

~~The Selectmen may alter the specific requirements for the number and location of signs as set forth in Section 200.02A if an applicant for a license can show unusual hardship due to conditions of topography access or other physical characteristics.~~

200.08 HEARINGS

~~In instances where an application is not approved, the Selectmen shall return the application and fee stating the reasons for refusal and giving the applicant an opportunity to correct any defects or to be heard by the Selectmen within 30 days. Upon written request by the applicant, the Selectmen shall hear the matter and notify the applicant of~~

their findings and decisions. Any person aggrieved by the decision of the Selectmen may, within 30 days of the receipt of the notice thereof, appeal to the Board of Appeals of the Town of York.

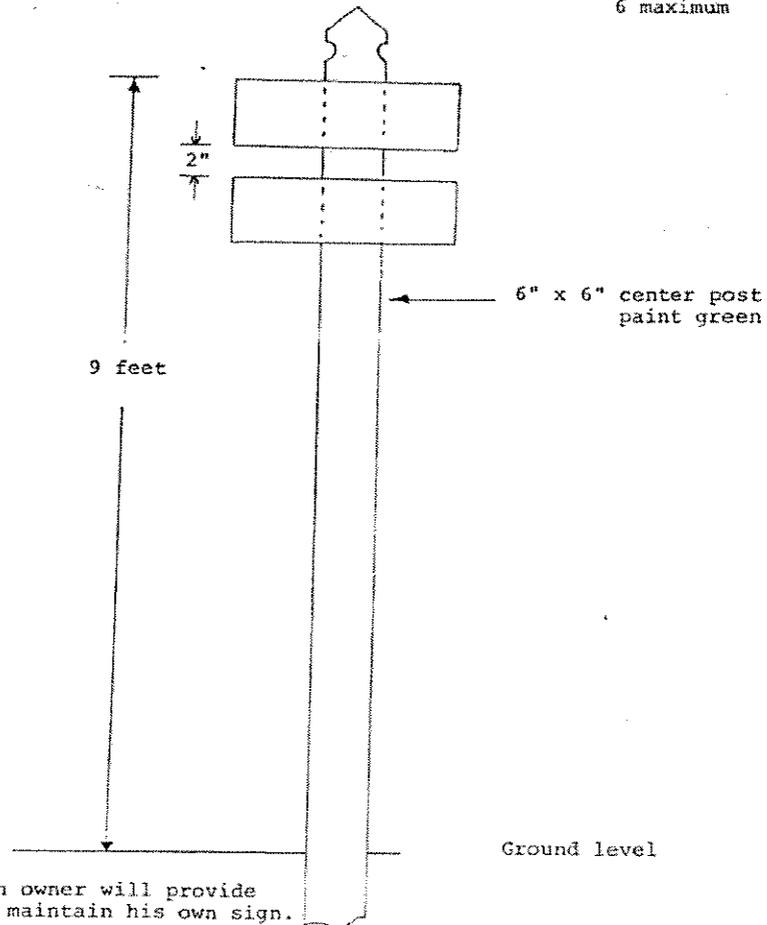
200.09 EXISTING OBDS IN YORK SECTION 8. NON-CONFORMING OFFICIAL BUSINESS DIRECTIONAL SIGNS

- A. Existing official business directional signs in York that do not conform to this Ordinance will have one year from the date of passage of this Ordinance to conform with the Ordinance. *Failure to bring signs into conformity shall result in Town removal of the sign and forfeiture of the existing approval.*
- B. *Annual Reporting. It shall be the responsibility of the Director of the Department of Public Works to annually inventory all business directional signs, and to file a report with the Board of Selectmen. This report shall identify all non-conformities found and shall recommend necessary actions required to achieve full compliance. The Board of Selectmen may either concur with the recommendations of the Department of Public Works, or propose alternative actions to insure that all non-conforming signs are brought into compliance within one year of the date of report.*

1. Each sign will be 10" high and 42" wide.
2. Each sign will be lettered in black on a white background. Letters will be 4 inches high, minimum.
3. The back of each individual sign will be painted dark green, unless it is a double faced sign.



Directional sign only
6 maximum



4. Each owner will provide and maintain his own sign.

FIGURE 1A

Date of Draft: September 17, 2010

Recommended by the Board of Selectmen:

Draft Amendments to be voted in May 2011

DRAFT – February 3, 2011

Page 24

Amendment #9

Amend the Supplemental Building Ordinance

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

Article X

The Town hereby ordains amendment of the **Supplemental Building Ordinance** to supplement the administrative provisions of building code administration, and these amendments are retroactive to December 1, 2010.

Statement of Fact: The purpose of this amendment is to rectify minor administrative issues which resulted from last-minute changes made by the State immediately prior to their adoption of the new State-wide building code. This amendment clarifies that building permits are required, and that they expire after 3 years. It also clarifies that appeals are to be heard by the Board of Appeals. Finally, because the State is considering a bill to repeal the new State-wide building code, the proposal includes language which would retain the codes in York in the event the State repeals its adoption. Lacking this language, the Town could be left without any building codes. Adoption would be retroactive to December 1, 2010, to ensure that all permits issued and decisions made under the State-adopted code are equally treated. This amendment is not expected to have any significant fiscal impact on Town administration.

Amendment: Amend the Supplemental Building Ordinance by adding new language, as follows, and renumber existing sections 6 and 7 as 9 and 10 respectively:

6. *Building permits are required as stated in Section R105 of the International Residential Code (IRC) and Section 105 of the International Building Code (IBC). Building permits shall expire for non-use as specified in Section R105.5 of the IRC and Section 105.5 of the IBC. In all cases, building permits shall expire 3 years after the date of issuance. (This section adopted retroactive to December 1, 2010.)*
7. *Appeals of this Ordinance and/or MUBEC shall be heard by the Board of Appeals, as specified in Zoning Ordinance §18.8.3.1. (This section adopted retroactive to December 1, 2010.)*
8. *If the State of Maine repeals MUBEC, the Town of York will adopt, administer and enforce the 2009 IRC, 2009 IBC, and the 2009 International Energy Conservation Code (IECC), each with the same exceptions and modifications as adopted by the State of Maine on October 11, 2010. (This section adopted retroactive to December 1, 2010.)*

Recommended by the Board of Selectmen:

Amendment #10

Adopt a Property Assessed Clean Energy (PACE) Ordinance

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

Article X

The Town hereby ordains to adopt a new **Property Assessed Clean Energy (PACE) Ordinance**.

Statement of Fact: Maine PACE is a revolving loan program administered by Efficiency Maine and funded through a grant from the US Department of Energy. If this Ordinance is adopted, York homeowners will be eligible to apply for a PACE loan of up to \$15,000 to make energy efficiency improvements to their property. In order to be eligible for a PACE loan, the town in which the home is located must pass a PACE ordinance per state law (LD1717, passed in April 2010). By enacting this Ordinance, the Town is required to assist with public education and outreach, and may be asked to undertake minor administrative tasks, but this is the extent of the Town's responsibilities under this program.

Amendment: Adopt a new ordinance, as follows:

Property Assessed Clean Energy (PACE) Ordinance

ARTICLE 1 - PURPOSE AND ENABLING LEGISLATION

1.1 Purpose

By and through this Ordinance, the Town of York declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town.

1.2 Enabling Legislation

The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, et seq.).

ARTICLE 2 - DEFINITIONS

2.1 Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1. *Energy Saving Improvement. "Energy saving improvement" means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:*
 - A. *Will result in increased energy efficiency and substantially reduced energy use and:*
 - (1) *Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or*
 - (2) *Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or*
 - B. *Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.*
2. *Municipality. "Municipality" means the Town of York.*
3. *PACE Agreement. "Pace agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.*
4. *PACE Assessment. "PACE assessment" means an assessment made against qualifying property to repay a PACE loan.*
5. *PACE District. "Pace district" means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality's boundaries.*
6. *PACE Loan. "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.*
7. *PACE Mortgage. "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.*
8. *PACE Program. "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.*
9. *Qualifying Property. "Qualifying property" means real property located in the PACE district of the Municipality.*
10. *Renewable Energy Installation. "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other*

systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. Trust. "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

ARTICLE 3 - PACE PROGRAM

3.1 Establishment and Funding

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

3.2 Amendment to PACE Program

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE 4 – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

4.1 Town to Conform to Trust Requirements

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE 5 – PROGRAM ADMINISTRATION AND MUNICIPAL LIABILITY

5.1 Program Administration

- A. *PACE Administration Contract.* Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
 - i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
 - ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
 - iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

- iv. *the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;*
- v. *the Trust, or its agent, will be responsible for collection of the PACE assessments;*
- vi. *the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;*
- vii. *the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.*

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

5.2 Liability

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Recommended by the Board of Selectmen:



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 24, 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28, 2011	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Selectmen's Code of Ethics Policy	

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

Discussion: After discussion in the early work session the proposed amendments to the Selectmen's Ethics Policy will be voted providing all amendments have been discussed.

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

Prepared By:

Robert G. Yandow

Reviewed By: _____



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 25 th , 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28 th , 2011	
Regular <u> X </u> Work Session	
Subject: Redemption of Property: Map 0094/ Lot 0011 A 00C3: 801 US Route 1 C3	

TO: BOARD OF SELECTMEN
FROM: Kathryn Danylik
RECOMMENDATION:
PROPOSED MOTION: I move to approve the redemption of Map 0094/ Lot 0011 A 00C3: 801 US Route 1 C3, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than April 30th, 2011.

Discussion: Please see attached memo for details

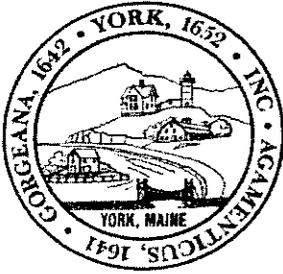
FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By:

Kathryn Danylik

Reviewed By:

Robert H. Gendron



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 25 th , 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28 th , 2011	
Regular <u> X </u> Work Session	
Subject: Redemption of Property: Map 0034/ Lot 0003: 10 Tenney Rose Lane	

TO: BOARD OF SELECTMEN
FROM: Kathryn Danylik
RECOMMENDATION:
PROPOSED MOTION: I move to approve the redemption of Map 0034/Lot 0003: 10 Tenney Rose Lane, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than April 30th, 2011.

Discussion: Please see attached memo for details

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

Prepared By: Kathryn Danylik

Reviewed By: Robert M. Gandon



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 25 th , 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28 th , 2011	
Regular <u> X </u> Work Session	
Subject: Redemption of Property: Map 0002/ Lot 0004: 7 Ledge Pasture Lane	

TO: BOARD OF SELECTMEN
FROM: Kathryn Danylik
RECOMMENDATION:
PROPOSED MOTION: I move to approve the redemption of Map 0002/ Lot 0004: 7 Ledge Pasture Lane, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than April 30th, 2011.

Discussion: Please see attached memo for details. Ms. Powell Rasstad has requested six months to pay off the outstanding taxes. The policy states that there is a 60 day period to make all taxes and fees current, so it would be up to the Board to allow for the extra time.

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

Prepared By: Kathryn Dwyer

Reviewed By: Robert H. Ganson



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: February 25 th , 2011	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: February 28 th , 2011	
Regular <u>X</u> Work Session	
Subject: Redemption of Property: Map 0096/ Lot 0036 F: 184 Mountain Road	

TO: BOARD OF SELECTMEN
FROM: Kathryn Danylik
RECOMMENDATION:
PROPOSED MOTION: I move to approve the redemption of Map 0096/ Lot 0036 F: 184 Mountain Road, as requested, on the condition that all taxes, interest and administrative costs are paid in full by no later than April 30th, 2011.

Discussion: Please see attached memo for details

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

Prepared By:

Kathryn Danylik

Reviewed By:

Robert A. Ganson