



# Town of York

186 York Street  
York, Maine 03909-1314

## BOARD OF SELECTMEN'S MEETING AGENDA

6:00/7:00PM MONDAY, APRIL 13, 2015  
YORK LIBRARY

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

www.yorkmaine.org

**6:00PM:** Executive Session – Pursuant to MRSA Title 1, Section 405.6. C and E; Real Estate and Consultation with Town Attorney – Regarding the Long Sands Bathhouse Project, and Discussion of the Possible Acquisition of Real Estate.

### Call to Order

### Opening Ceremonies

A. Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

E. Reports

1. Mt. Agamenticus Park and Conservation 2014 Program Summary Report – Robin Kerr

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 #41

H. Public Hearings

1. Maynard Dock Application – 12 Barrell Lane Extension
2. Possible Sale of Town Owned Property – 6 Forester's Circuit

I. Endorsements

1. Business Licenses:
  - a. Hong Ji, Inc. DBA: Bamboo Garden (Food Service, Liquor, Special Amusement)
  - b. Robert N. Witham DBA: Bob's Beach Rental (Float Rentals)
  - c. Barbara Sheff DBA: Candleshop Inn (Bed and Breakfast)
  - d. Phyllis W. Fox DBA: Fox's Lobster House (Food Service, Liquor)
  - e. Jeremy Prescott DBA: Kettle Boys Popcorn Co. (Food Service)
  - f. Donald Seydler DBA: Long Sands General Store (Food Service)
  - g. Nancy's Catering, Inc. DBA: Nancy's Catering (Food Service, Liquor, Special Amusement)
  - h. Andrew Stone DBA: Oceanside Store (Food Service)
  - i. Edward and Deborah Flanagan DBA: Rossi's Italian Bakery (Food Service)
  - j. Stonewall Kitchen, LTD DBA: Stonewall Kitchen (Food Service, Liquor)
  - k. Ray Ramsey DBA: Sun N' Surf (Food Service, Liquor, Special Amusement)
  - l. Carolyn Brennan DBA: Village Scoop (Food Service)
  - m. Susan Palmaris DBA: York House of Pizza (Food Service)
  - n. Kenneth West DBA: The York River Landing (Food Service, Liquor)

**J. Old Business**

1. Discussion and Possible Action: Maynard Dock Application – 12 Barrell Lane Extension
2. Discussion and Possible Action: Proposed New Selectmen's Policy About Timing of Referendum-Related Requests
3. Discussion and Possible Action: Accept Long Sands MPI Grant
4. Discussion and Possible Action: Pan Am Railroad's Restriction on the York Beach Fire Station Property

**K. New Business**

1. Discussion and Possible Action: Calling of the School Budget Meeting
2. Discussion: Mackey Skate Park Warming Hut Collapse
3. Discussion and Possible Action: Possible Sale of Town Owned Property – 6 Forester's Circuit
4. Discussion and Possible Action: Agreement with Maine Department of Transportation Regarding "Construction Over-limit Permit"
5. Discussion and Possible Action: Authorize the Town Manager to Draft and Release a Request for Proposals for an Existing Conditions Survey and Inventory for the Police Station and Connector Road Sites
6. Discussion and Possible Action: 2015 Parking Agreement with York's Wild Kingdom
7. Discussion: Polling Board about County Involvement in EB-5
8. Discussion and Possible Action: Energy Efficiency Steering Committee Resignation and Appointment

9. Discussion and Possible Action: Conclusion of the Town Manager's Probation Period
10. Special Event Permit Applications
  - a. The Greater York Region Chamber of Commerce's Salefest – October 10-12, 2015
  - b. The Greater York Region Chamber of Commerce's Harvestfest/Kidsfest – October 17, 2015
  - c. The York Harbor Reading Room's Annual July Independence Day Fireworks – July 4, 2015
  - d. Old York Garden Club's Annual Plant Sale – May 30, 2015
11. Discussion and Possible Action: Appoint a Selectmen Representative Regarding the Davis Property

L. **Future Agendas**

M. **Other Business**

N. **Citizens' Forum**

**Adjourn**

# Mt. Agamenticus Park & Conservation Lands



Photo Credit: Kristina Clements

## 2014 Conservation Program Summary Report

Over the years the Mount Agamenticus Conservation Program has benefited tremendously from dedicated employees and volunteers that have worked together to remediate trails, improve trail signage, and to enhance visitor understanding, experiences, and safety. This important work continues to align increased recreational activities with environmental quality.

This year, although we operated with severely limited crew resources, a substantial amount of work was completed through the addition of exceptional volunteer efforts. It should be noted however; some planned activities did have to be postponed and will need immediate attention within the next field season. Mount A program staff and volunteers worked diligently to complete projects initiated in earlier years, improved trail conditions and trail information. Significant outreach and environmental education programs and initiatives were accomplished and work began on the new one mile universally accessible Big A trail.

As a result of sound stewardship and a history of remarkable work accomplished, Mount A has been transformed into an incomparable regional amenity and a valuable community treasure.

Submitted February 27, 2014

## **Mount Agamenticus Conservation Program**

### **2014 Accomplishments**

Mount Agamenticus is set amidst a 13,000 acre expanse of intact forest in southern Maine and is one of the largest remaining unfragmented forests in coastal New England. The region is known for its rich natural resources including many vernal pools, drinking water reservoirs, abundant biodiversity, and is home to many of Maine's rare plants and animals. This area is an oasis of open land in a heavily developed area of the state.

Due to its natural beauty, proximity to population centers, and unique network of over 40 miles of trail, the popularity of this area continues to grow and is regularly used by outdoor enthusiasts, especially for picnicking/sightseeing, birding, hiking, mountain biking, snowshoeing, Nordic skiing, equestrian and ATV use. As visitor use on the rise, it has been imperative to actively manage the area, remediate and maintain trails and facilities, and provide safe and enjoyable recreational opportunities.

State, local and non-profit partners have worked together since 2000 to balance protection of these lands for wildlife habitat and water quality while providing opportunities for sustainable recreation. These partners make up the Mount Agamenticus Steering Committee and include: the Towns of York and South Berwick, The York Water District, Maine Dept. of Inland Fisheries and Wildlife, Great Works Regional Land Trust, and the York Land Trust. With assistance from Southern Maine Regional Planning Commission, this Committee developed priority management objectives and implementation guidance identified in a Public Access and Trail Plan. Each year, a Conservation Coordinator, seasonal employees, and volunteers have successfully carried out plan objectives as part of the Mount Agamenticus Conservation Program.

Much of the general operating expense and project work has been funded by the Town of York, the Mount Agamenticus Enterprise Fund, and Committee partners with additional support from grants, group use fees, and donations from visitors. This year, generous support came from the Rosamond Thaxter Foundation, The Sewall Foundation, the Nathaniel Wheeler Trust, Tom's of Maine, the Piscataqua Garden Club, and the New Hampshire Charitable Fund. This financial assistance supplements the planning work, supplies, outreach materials, and salaries of a crew to do the intensive hand labor that is required to remediate trails, mitigate environmental impacts, and lead a growing workforce of volunteers.

Thanks to housing opportunities from the York Water District, we have been able to recruit seasonal staff from near and far.

#### **Conservation Program Staff**

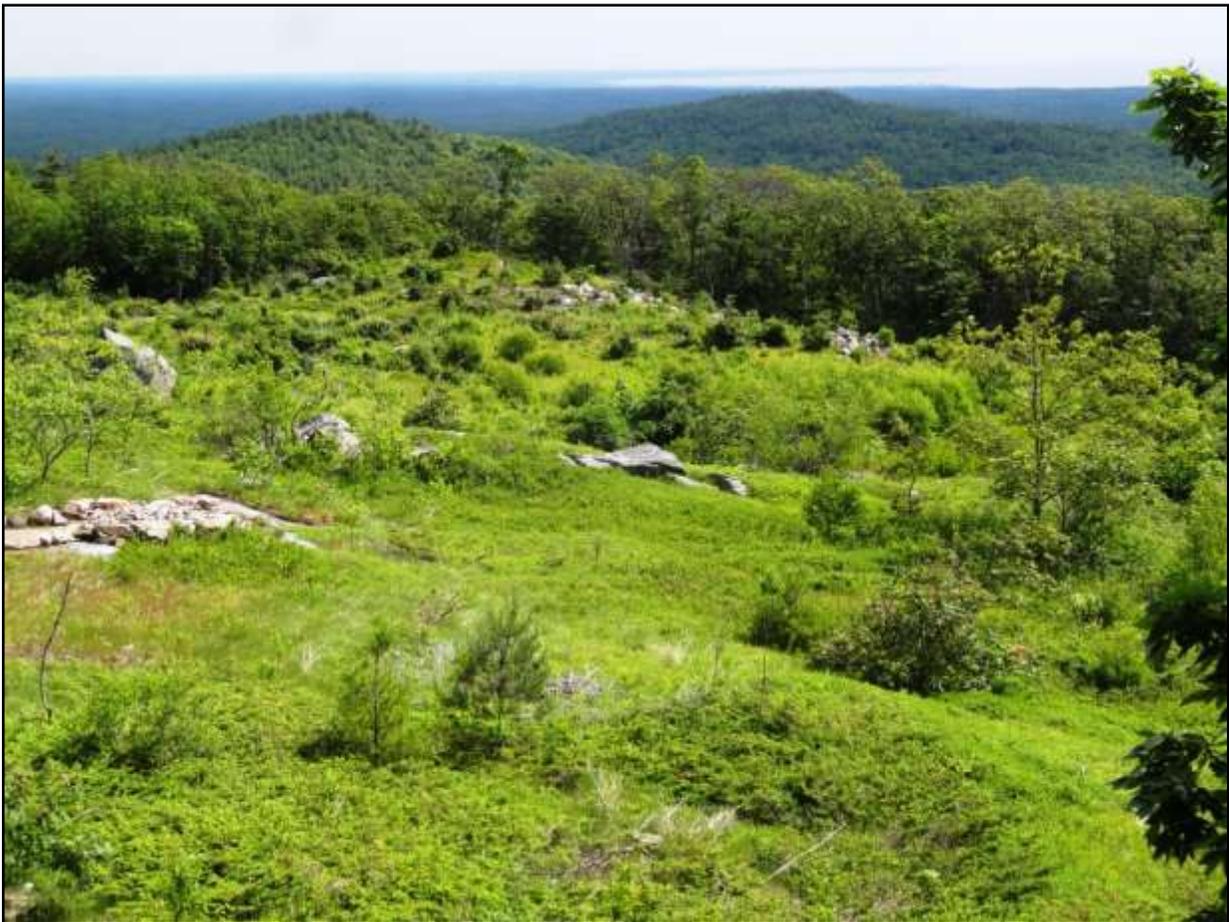
From late May through October 2014, a crew of 1-5 (depending on how you look at it) worked on land owned by the Mount Agamenticus Steering Committee partners. Tasks included trail remediation and maintenance, trail sign development and installation, invasive plant removal, native plant enhancements, leading volunteer workdays, guiding outreach programs and activities, upgrades to interpretive displays, summit improvements, trail assessments, and visitor use surveys.

Graham Ayres, from Enfield, NH was our primary trails and facilities worker on the ground. Graham's focus was summit park and trail stewardship. Allison Thurnherr, from Dover, NH was primarily responsible for Learning Lodge and outreach tasks. Allison's work with multiple program administrative tasks was also invaluable. Haven Hatch, from York, ME was our volunteer environmental education intern and helped staff the Learning Lodge, developed and led nature walks, and overhauled our teacher's packet. Trail and grounds work was supervised by Roger Clements from York, ME who has been working in this capacity since 2008. All staff and volunteers have been directed by the Conservation Coordinator, Robin Kerr since 2004.

The Conservation Program has just completed fifteen successful years of trail improvements, habitat restoration, and environmental education around Mount Agamenticus. To further meet community needs, work has expanded to include new trail development and increased educational program offerings.

The summit of Mount A in particular has seen some significant changes over the last few years. A summit clearing took place during the winter of 2011/2012 to restore scenic vistas and to create and promote valuable early successional shrubland habitat. The area was cleaned up, new sunrise and sunset overlooks were created, and a new 1-mile scenic path had been identified. This trail is currently accessible by foot traffic and is designed with the intention to become universally accessible (as funding becomes available) with a packed crushed stone and gravel or boardwalk surfaces. Phase 1 of this remarkable endeavor began this fall. The new Big A trail meanders thru the open field and shrubland, winds around unique geological features, and will provide resting and viewing opportunities.

Despite initial concern about cutting trees all conservation activities continue to be praised by the public. Once again this year, feedback has been overwhelmingly positive concerning the amazing summit views and how well the young vegetation has re-established. Visitors have also remarked favorably on the condition and availability of area trails as we continue to carefully balance the management of water quality and wildlife habitat with safe recreational opportunities and memorable experiences.



The Mount Agamenticus Steering Committee and Conservation Program staff are committed to helping the more than 40,000 yearly visitors and their families connect with nature and experience this exceptional resource. It is our goal to continue developing the “Learning Lodge” which has received a great deal of praise as an informative and fun filled environmental education center. Presently, all school groups from preschool through high school visit the lodge and/or immediate summit area on coordinated field trips. Many existing interpretive panels and other displays help to open their eyes to the biodiversity, watersheds, and unique trail systems that exist at Mount Agamenticus.

## 2014 Highlights

The 2014 field season has seen the successful completion of projects begun in earlier years and the continued improvement of both trail conditions and trail information. Significant outreach and environmental education initiatives on the summit grounds and in program development were also accomplished.

Although we operated with severely limited crew resources, a substantial amount of work was completed through the addition of exceptional volunteer efforts. It should be noted however; some planned activities did have to be postponed and will need immediate attention within the next field season.

The following is a review of this year's progress. Note: Items that require significant work on a recurring annual basis are identified with the word "Annual" in parentheses.

### New Trail Development:

- Big A Universally Accessible Trail project initiated
  - Two professional trail contractors hired: Off the Beaten Path and Timber and Stone, LLC.
  - Phase 1, first 1,140' was nearly completed this fall



- Beaver Trail completed
  - 200' of trail created previous season; finish work now complete
  - 2 signs and post installed marking trail opening
- Summit Stairway trail was completed to Hairpin Turn
  - Trail sign installed
  - Large stepping stones and paint blazes added



## Trail Remediation and Upgrades:

- Finished placing rock and gravel fill on two primary ATV trails. (Norman Mill and Notch)
  - 2 ½ truck loads (~18 cubic yards) of material distributed along 4.9 miles of trail
  - Improved tread and managed/controlled access with rock placement
- Big A trail surface and trail definition was improved.
  - Woodchips placed along 40% (.4 mile) of trail
  - Drainage structures added
  - 50' of boardwalk was installed/repaired



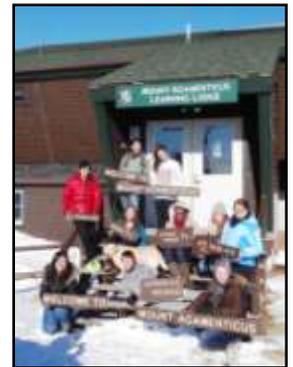
## Trail Maintenance:

- 7 Boardwalks were reconstructed
  - Totaled approximately 40 linear feet on Notch, Cedar, and Ring trails
- Placed 9 yards of gravel along Ring and Fisher trails
- Re-blazed 5 trails totaling about .8 mile.
- Cleaned, repaired and expanded water drainage structures; water bars, dirt dips, knicks, and diversion ditches, on several trails. (Annual)
- Trail brushing, tree removal; blow downs etc. Approx. 8 requiring chainsaw; others by hand. (Annual)
- Tool repair/maintenance (Annual)



## Trail and Habitat Related Work:

- “Information and Guidance” signs were placed at all access locations for the conservation region.
  - 9 signs installed
  - Provides clear definition for managing proper activities
- Several trailhead and trail intersection signs were constructed and placed at their respective locations on 2<sup>nd</sup> and 3<sup>rd</sup> Hill hike/bike and multi-use trails.
  - 7 signs on 2<sup>nd</sup> Hill, 3 signs on 3<sup>rd</sup> Hill
  - Improves directional guidance over 10 miles of trails
- Increased efforts on invasive plant eradication
  - All known sites have been pulled at least once and 3 have had repeated hand pulling efforts.
- Birdhouse construction and placement
  - Built 4 additional birdhouses
  - Relocated 15 birdhouses
- Picture post posts and platforms – installed and/or repaired
  - 7 picture posts reconstructed
- Planted and monitored 17 American chestnut trees at the base of Goosefoot trail.
- Reinforced “re-growth” areas for shrubland. Roped-off several hundred feet.



## Work required due to vandalism:

- 2 Kiosk windows and frames were temporarily repaired after Plexiglas was smashed.
- Welcome sign repair and reinstall after stolen and then returned.
- Graffiti removal: 3 times this season; scratched into wooden viewing stands. (Annual)
- Trail Sign replacement: - Reinstalled “no bike” and “hike only” signs after vandalism – total of 7 signs
- Picture Post repair: 3 Picture posts at summit damaged or missing.

## Park Facilities and Grounds:

- Barn/Crew Workshop renovation completed (replaced roof, siding, and constructed a new lean-to storage area).
  - Painted barn
  - Constructed and restored work enclosures. All tools, equipment, and boardwalk/sign supplies moved back in from lodge storage.
- Learning Lodge improvements/repairs.
  - Major stair and rail repair to main entryway.
- Driveway improvements
  - Parking areas and driveway were recovered and realigned with rock. (Annual)
  - Lined an additional 400' with large boulders.
- Fence repairs along 40'. (5 sections)
- Repainting fence, viewing stands, lodge touch-ups, outhouse.
- Gravel restoration along approximately 500' of driveways and parking areas.
- Litter/dumping pick up of trash collected on Mountain Road (primarily), the summit access road and parking areas. (Annual)
- Re-mulched and weeded other 16 picnic areas. (Annual)
- Re-mulched and weeded native garden areas. (Annual)



## Volunteer efforts:

Because the “field crew” staffing was minimal, volunteer workforce efforts were a critical element facilitating the quantity of work completed.

- This year we hosted 18 community work sessions.
- In 2014, volunteers contributed **1,417 hours of assistance** on the trails and summit park.
  - This includes organized company workdays, community work parties, Learning Lodge Docents and our volunteer outreach intern.
  - This total does NOT however include additional hours from our Trail Adopters or the Friends of Mount A, a grass roots advocacy group that has put in countless hours attending meetings, developing a strategic plan, and producing a wonderful quarterly newsletter.
- The national value of volunteer time in 2013 was \$22.55 which is the equivalent of **\$31,953**.
  - This is an amazing show of support for the Mount A Conservation Program!
- Organizations that rolled their sleeves up to pitch in this year include: Lehigh University, Geocachers, Liberty Mutual, Central Michigan University, SUBMEPP, United Way, Unum, Maine Correctional Dept., NCCC-AmeriCorps, Keurig/Green Mountain, St. Thomas Aquinas High School.
- More than 16,500 hours of volunteer labor have been contributed since 2000!



## Public outreach / Education:

- New Learning Tool: Enviroscape Model- a watershed interactive display donated by York Water District and York Sewer District
- Interpretive displays posts and panels were installed along the Big A trail.
  - 10 display areas at every 1/10<sup>th</sup> of a mile with one larger entry sign introducing the Big A Universal Access Trail project
  - 20 available informational signs available and panel construction facilitates “swapping-out” information
- “Tree Identification” sites constructed.
  - Installed 15 posts
  - Constructed and installed sign platforms for 20 types of trees
- Vernal Pool interpretive display located on the Rocky Road trail was replaced with upgraded version.
- Compass (East, West, North, South) interpretive platforms installed.
  - 4 Platforms built by boy scouts
  - Posts installed by crew and volunteers
- A new Teacher’s Packet was created to assist educators in planning visits to Mount A.
  - The packet offers recommendations on self-guided and guided trails and programs for varying age levels.
  - Distributed to school groups, summer camps, and scouting groups
- Conducted annual Visitor Use Survey.
  - 327 people were asked questions pertaining to our annual Visitor Use Survey.
  - This survey is used to gather information, track trends and evaluate public opinion about the area.
- Compiled 5 year review of Visitor Use Survey
- Continued support of several organized functions for diverse groups: Group functions, outdoor ceremonies, trail runners, scouting trips, school group visits, summer camps, etc.
  - 55 groups registered to visit totaling 3,002 people.
  - Over 1,950 children were identified with summer camp and school groups in group registration forms received in 2014. (Annual)
  - Approx. half of these groups have utilized the Learning Lodge and/or a staff led program
- Led or Co-led 27 guided nature walks, presentations, and/or educational programs for organized groups and community gatherings. (Annual)
- Swap out StoryWalk™ pages quarterly to coincide with change of season. (Annual)
- Coordinated, managed volunteer work with Lodge Docents who interact with visitors each weekend. (Annual)
- Provided input to quarterly “Summit View” newsletter editions produced by the Friends of Mount A. (Annual)
- Updated Agamenticus.org website, Gateway to Maine- Outside website, facebook, Mail Chimp (email distribution list) and other media with program listings and newsworthy events. (Annual)



Several other general tasks such as: common litter & dog waste pick-up, summit road gate operations, daily public information sharing; volunteer recruiting, workday planning, prepping, and clean up are continuous and supplemented the many achievements of this season.

This stewardship ensures that water quality and wildlife habitat continue to be protected while visitor experience, safety, and awareness are improved within a sustainable trail network. It takes a lot of work to take care of this land and a fully funded program is essential to our success.

As a result of this work, Mount Agamenticus has been transformed from a dilapidated old ski area into a valuable scenic and recreational destination while the ecological resources continue to be enhanced. Success can be attributed to labor intensive ground work, direct interaction with visitors, fundraising efforts, and partner support over the years.

Thanks to the collaborative conservation efforts of many partners, volunteers and donors, Mount A has become a wonderful place for the local community to enjoy the outdoors, experience its scenic beauty, and to appreciate its significance as one of the area's Crown Jewels and one of Maine's Last Great Places.





**Notice of Public Hearing  
York Board of Selectmen  
Monday, April 13, 2015  
7:00 PM  
York Public Library**

The York Board of Selectmen will conduct a Public Hearing at 7:00PM on April 13, 2015 at the York Public Library regarding a Dock Application by Steve and Pamela Maynard for a proposed new dock at 12 Barrell Lane Extension.

Please contact the Town Manager's Office if you have any questions. (207) 363-1000



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**PUBLIC HEARING NOTICE**  
**York Board of Selectmen**  
**April 13, 2015**  
**7:00PM**  
**York Library**

The Board of Selectmen will conduct a Public Hearing on  
Monday, April 13, 2015 regarding:

The possible sale of Town Owned property at 6 Forestor's Circuit.



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 10, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 13, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Business License Applications (14)	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All appropriate departments have given approval; See "Department Approvals" on page two of the application.

RECOMMENDATION: Approve the Business License(s) attached.

PROPOSED MOTION: I move to approve the following licenses: *Hong Ji, Inc. DBA: Bamboo Garden (Food Service, Liquor, Special Amusement) Located at 8 Market Place Drive 2B, Robert N. Witham DBA: Bob's Beach Rental (Float Rentals), Barbara Sheff DBA: Candleshop Inn (Bed and Breakfast) Located at 44 Freeman Street, Phyllis W. Fox DBA: Fox's Lobster House (Food Service, Liquor) Located at 8 Sohler Park Road, Jeremy Prescott DBA: Kettle Boys Popcorn Co. (Food Service) Located at 15 Railroad Avenue Unit #1, Donald Seydler DBA: Long Sands General Store (Food Service) Located at 121 Long Beach Avenue, Nancy's Catering, Inc. DBA: Nancy's Catering (Food Service, Liquor, Special Amusement) Located at 1151 US Route One, Andrew Stone DBA: Oceanside Store (Food Service) Located at 179 Long Beach Avenue, Edward and Deborah Flanagan DBA: Rossi's Italian Bakery (Food Service) Located at 2 Beach Street, Stonewall Kitchen, LTD DBA: Stonewall Kitchen (Food Service, Liquor) Located at 2 Stonewall Lane, Ray Ramsey DBA: Sun N' Surf (Food Service, Liquor, Special Amusement) Located at 264 Long Beach Avenue, Carolyn Brennan DBA: The Village Scoop (Food Service) Located at 226 York Street, Susan Palmaris DBA: York House of Pizza (Food Service) Located at 274 York Street, and Kenneth West DBA: The York River Landing (Food Service, Liquor) Located at 150 US Route One subject to taxes, fees and inspections being current and compliant with the usual noise stipulations.*

PREPARED BY:

*Melissa M. Avery*

REVIEWED BY:

*[Signature]*

Melissa M. Avery, Assistant to the Town Manager

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Bamboo Garden : Hong Ji, Inc  
 Street Address: 8 Market Place Dr, 2B  
 Business Owner: Yu Ping Chen Business Manager: Yu Ping Chen  
 Mailing Address: 8 Market Place Dr 2B Mailing Address: SAME  
York, ME 03909 Mailing Address: SAME  
 Phone Number: 207-361-4388 Phone Number: SAME  
 E-mail Address: \_\_\_\_\_ E-mail Address: SAME

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: \_\_\_\_\_

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	Liquor License # 7923	Food Service License 19401	
Expiration Date(s):	8/26/2015	8/14/2015	
Classification(s):	Class 1 - Class A		

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: [Signature] Have you ever been convicted of a Felony? YES  NO

Signature

Business Manager: [Signature] Have you ever been convicted of a Felony? YES  NO

Signature

(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEE'S	Amount	Map - Lot: 0053 - 0009
Application and First License (\$60)	60.00	Processed By: mmavery
Subsequent Licenses (\$30 each)	60.00	Received Date: 2/26/2015
New License Fee (\$50)	—	Amount Received: \$ 120.00
License Amendment (\$25)	—	Check # 435 or Cash <input type="checkbox"/>
Other: _____	—	LICENSE #: _____ - _____
<b>TOTAL DUE</b>	<b>\$ 120.00</b>	

Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	___ N/A	3/9/2015 K. Newell	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Fire	___ N/A	4/9/2015 D. Appgar	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Police	___ N/A	9/1/2014 O. Davis	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Tax Collector	___ N/A	2/27/2015 M. Szeriawski	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>Board of Selectmen</b>	_____	_____	YES NO
	Town Manager for the Board of Selectmen	Date	

**TOWN OF YORK  
LICENSE APPLICATION:  
RENTAL OF FLOATS**



INSPECTION DATA (OFFICE USE ONLY)

DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
CEO APPROVAL: \_\_\_\_\_  
FIRE APPROVAL: \_\_\_\_\_

BUSINESS NAME: BOB'S BEACH RENTAL INC.

BUSINESS LOCATION: 90 NUBBLE RD  
YORK BEACH ME 03910  
P.O. BOX 44

TELEPHONE NUMBER: 363-3848

OWNER'S NAME AND MAILING ADDRESS: ROBERT N. WITHAM  
P.O. BOX 44  
YORK BEACH ME 03910

APPLICANT'S NAME AND MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

LICENSE FEE: \$1250.00  
(Established by Board of Selectmen at 5% of annual)

LICENSE YEAR: 2015  
CURRENT LICENSE EXPIRES: APRIL 2015

PRIMARY BUSINESS: YES  NO

STATE LICENSE: YES  NO

STATE LICENSE #: \_\_\_\_\_

STATE LICENSE EXPIRES: \_\_\_\_\_

I CERTIFY THE ABOVE STATEMENTS ARE TRUE AND UNDERSTAND FALSE STATEMENTS MAY BE JUST CAUSE TO REVOKE A LICENSE.

08/24/2015  
DATE

Robert N. Witham  
APPLICANT'S SIGNATURE

OFFICE USE ONLY

- CONFORMING USE
- NONCONFORMING USE
- EXISTING
- ACCESSORY

LICENSING BOARD ACTION:  APPROVED

DATE OF HEARING: \_\_\_\_\_

DENIED

\_\_\_\_\_  
DATE

\_\_\_\_\_  
AGENT FOR BOARD OF SELECTMEN

AMT. REC'D: 1250.00

CHECK NUMBER: 570

DATE RECEIVED: 3/26/2015

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

*NOTE: Business Licenses are not transferable to another person, business or location.*

Business Name: Candleshop Inn

Street Address: 44 Freeman St.

Business Owner: Barbara Sheff Business Manager: Barbara Sheff

Mailing Address: 40 Homestead St. Mailing Address: 40 Homestead St.

Waban, MA 02468 Waban, MA 02468

Phone Number: 207-337-3227 Phone Number: 207-337-3227

E-mail Address: bsheffrn@aol.com E-mail Address: bsheffrn@aol.com

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

*Please indicate which Licenses or Local Approvals you seek:*

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: 10

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: \_\_\_\_\_

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

**FEES:** Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):			
Expiration Date(s):			
Classification(s):			

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Barb Sheff Signature Have you ever been convicted of a Felony? YES/ **NO**

Business Manager: Barb Sheff Signature Have you ever been convicted of a Felony? YES/ **NO**  
 (If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES	Amount	Map - Lot: <u>0023 - 0053</u>
Application and First License (\$60)	<u>60.-</u>	Processed By: <u>mmavery</u>
Subsequent Licenses (\$30 each)	<u>-</u>	Received Date: <u>3/16/2015</u>
New License Fee (\$50)	<u>-</u>	Amount Received: \$ <u>60.00</u>
License Amendment (\$25)	<u>-</u>	Check # <u>208</u> or Cash <input type="checkbox"/>
Other: _____		LICENSE #: _____
<b>TOTAL DUE</b>	\$ <u>60.-</u>	

Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	<u>-</u> N/A	<u>4/10/2015 D. Bridges</u>	YES <b>NO</b>
Fire	<u>-</u> N/A	<u>4/10/2015 D. Bridges</u>	YES <b>NO</b>
Police	<u>✓</u> N/A		YES NO
Tax Collector	<u>-</u> N/A	<u>3/27/2015 M. Szeriawski</u>	YES <b>NO</b>
Board of Selectmen _____ <small>Town Manager for the Board of Selectmen</small> _____ <small>Date</small> _____			YES NO

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Fox's Lobster House

Street Address: 8 Schiller Park Road

Business Owner: Phyllis W. Fox Business Manager: Phyllis W. Fox

Mailing Address: P.O. Box 998 Mailing Address: P.O. Box 998

York Beach, ME 03910 York Beach, ME 03910

Phone Number: 207-363-4077 office Phone Number: 207-363-4077 office

E-mail Address: pufoxi@me.com E-mail Address: pufoxi@me.com

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

N/A Bed and Breakfast License (C/F)

N/A Innkeeper License (C/F)

Number of Rooms: N/A

### Food and Beverage:

~~Food Service License (C/F)~~

Liquor License (F/P)

N/A Bottle Club License (F/P)

Number of Seats: 130

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

N/A  Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

N/A  Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	5404	4952	
Expiration Date(s):	5/4/15	6/27/15	
Classification(s):	Class I	State Dept Human Services	

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: [Signature] Have you ever been convicted of a Felony? YES  NO

Signature

Business Manager: [Signature] Have you ever been convicted of a Felony? YES  NO

Signature

(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES		Amount	Map - Lot: 0029 - 0019
Application and First License (\$60)		60.-	Processed By: mmavery
Subsequent Licenses (\$30 each)		30.-	Received Date: 3/2/2015
New License Fee (\$50)		-	Amount Received: \$ 90.00
License Amendment (\$25)		-	Check # 19166 or Cash <input type="checkbox"/>
Other:		-	
TOTAL DUE		\$ 90.00	LICENSE #: _____ - _____
Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	__ N/A	4/6/2015 K. Newell	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Fire	__ N/A	3/16/2015 D. Bridges	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Police	__ N/A	3/24/2015 O. Davis	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Tax Collector	__ N/A	3/3/2015 M. Szeniewski	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Board of Selectmen _____ Town Manager for the Board of Selectmen _____ Date _____			YES <input type="checkbox"/> NO <input type="checkbox"/>

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: KETTLE Boys Popcorn Co.

Street Address: 15 Railroad Ave #1

Business Owner: Jeremy A. Prescott Business Manager: SAME

Mailing Address: PO Box 1962 Mailing Address: SAME

York ME 03910

Phone Number: 207-363-5552 Phone Number: 207-451-7997

E-mail Address: Jeremy@kettleboys.com E-mail Address: Same

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms:       

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats:       

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other:       

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	2-27885		
Expiration Date(s):	7/15/15		
Classification(s):	RETAIL FOOD	COMM/PROL.	

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: [Signature] Have you ever been convicted of a Felony? YES / NO

Business Manager: [Signature] Have you ever been convicted of a Felony? YES / NO

(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES	Amount	Map - Lot: 0023 - 0001
Application and First License (\$60)	60.-	Processed By: mmavery
Subsequent Licenses (\$30 each)	-	Received Date: 3/27/2015
New License Fee (\$50)	-	Amount Received: \$ 60.-
License Amendment (\$25)	-	Check # 2309 or Cash <input type="checkbox"/>
Other:	-	
<b>TOTAL DUE</b>	<b>\$ 60.-</b>	<b>LICENSE #:</b> _____ - _____

Department Approvals	Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	3/31/2015 K. Newell	YES <u>NO</u>
Fire	4/9/2015 D. Bridges	YES <u>NO</u>
Police	<u>✓</u> N/A	YES NO
Tax Collector	___ N/A	YES NO
<b>Board of Selectmen</b>	_____ Date _____	YES NO

Town Manager for the Board of Selectmen

Date

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

*NOTE: Business Licenses are not transferable to another person, business or location.*

Business Name: Long Sands General Store

Street Address: 121 Long Beach Ave

Business Owner: Donald Seydler Business Manager: \_\_\_\_\_

Mailing Address: PO Box 809 Mailing Address: \_\_\_\_\_

York Beach ME

Phone Number: 207-363-5383 Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

*Please indicate which Licenses or Local Approvals you seek:*

### Lodging:

\_\_\_ Bed and Breakfast License (C/F)

\_\_\_ Innkeeper License (C/F)

Number of Rooms: \_\_\_

### Food and Beverage:

Food Service License (C/F)

\_\_\_ Liquor License (F/P)

\_\_\_ Bottle Club License (F/P)

Number of Seats: \_\_\_

### Entertainment:

\_\_\_ Special Amusement License (F/P)

\_\_\_ Dance Hall License (F/P)

\_\_\_ Bowling Alley License (F)

\_\_\_ Coin-Operated Amusement License (P)

\_\_\_ Bingo, Beano and Games of Chance

### Miscellaneous:

\_\_\_ Transient Seller's License

\_\_\_ Flea Market License

\_\_\_ Junkyard, Auto Graveyard/Recycling License

\_\_\_ Other: \_\_\_\_\_

*C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required*

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

**FEES:** Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	1-409		
Expiration Date(s):	6/30/2015		
Classification(s):	Food		

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner:  Have you ever been convicted of a Felony? YES / NO  
*Signature*

Business Manager: \_\_\_\_\_ Have you ever been convicted of a Felony? YES / NO  
*Signature*  
 (If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEE'S	Amount	Map - Lot: 0031 - 0098
Application and First License (\$60)	60 -	Processed By: mmavery
Subsequent Licenses (\$30 each)	-	Received Date: 3/19/2015
New License Fee (\$50)	-	Amount Received: \$ 60.00
License Amendment (\$25)	-	Check # 9226 or Cash <input type="checkbox"/>
Other: _____	-	
TOTAL DUE \$ 60.00		LICENSE #: _____ - _____

Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	__ N/A	4/2/2015 K. Newell	YES NO <input checked="" type="radio"/>
Fire	__ N/A	3/20/2015 D. Bridges	YES NO <input checked="" type="radio"/>
Police	<input checked="" type="checkbox"/> N/A		YES NO
Tax Collector	__ N/A	3/20/2015 M. Szeniewski	YES NO <input checked="" type="radio"/>
Board of Selectmen _____ <i>Town Manager for the Board of Selectmen</i> _____ <i>Date</i>			YES NO

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Nanays Catering Inc.

Street Address: 1151 RT 1 CAPE NEDDICH, ME. 03902

Business Owner: NANCY BREEN Business Manager: SAME

Mailing Address: P.O. BOX 574 Mailing Address: \_\_\_\_\_  
Ogunquit, Me.

Phone Number: 207-363-5557 Phone Number: \_\_\_\_\_

E-mail Address: NANCY B CATERING@gmail.com E-mail Address: \_\_\_\_\_

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: 49

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	21397	5107 Liquor	
Expiration Date(s):	4/15/2015	4/2/2015	
Classification(s):	Food	Liquor	

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Nancy E. Preen Signature Have you ever been convicted of a Felony? YES / NO  NO

Business Manager: \_\_\_\_\_ Signature Have you ever been convicted of a Felony? YES / NO  
 (If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES	Amount	Map - Lot: 0022 - 0006
Application and First License (\$60)	60.00	Processed By: mmavery
Subsequent Licenses (\$30 each)	60.00	Received Date: 1/12/2015
New License Fee (\$50)	-	Amount Received: \$ 120.00
License Amendment (\$25)	-	Check # 3802 or Cash <input type="checkbox"/>
Other: _____	-	
<b>TOTAL DUE</b>	<b>\$ 120.00</b>	<b>LICENSE #:</b> _____ - _____

Department Approvals	Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	1/15/2015 K. Newell	YES <input checked="" type="radio"/> NO
Fire	4/9/2015 D. Bridges	YES <input checked="" type="radio"/> NO
Police	1/14/2015 O. Davis	YES <input checked="" type="radio"/> NO
Tax Collector	1/13/2015 M. Szeniaowski	YES <input checked="" type="radio"/> NO
<b>Board of Selectmen</b>	_____ Town Manager for the Board of Selectmen	YES NO
	_____ Date	

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Oceanside Store Inc.

Street Address: 179 Long Beach Ave, York, ME

Business Owner: Andrew Stone Business Manager: \_\_\_\_\_

Mailing Address: P.O. Box 1033 Mailing Address: \_\_\_\_\_  
York Beach, ME 03910

Phone Number: 860-634-4230 (cell) Phone Number: 207-351-8671

E-mail Address: astone\_1033@hotmail.com E-mail Address: \_\_\_\_\_

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

\_\_\_ Bed and Breakfast License (C/F)

\_\_\_ Innkeeper License (C/F)

Number of Rooms: \_\_\_

### Food and Beverage:

Food Service License (C/F)

\_\_\_ Liquor License (F/P)

\_\_\_ Bottle Club License (F/P)

Number of Seats: \_\_\_

### Entertainment:

\_\_\_ Special Amusement License (F/P)

\_\_\_ Dance Hall License (F/P)

\_\_\_ Bowling Alley License (F)

\_\_\_ Coin-Operated Amusement License (P)

\_\_\_ Bingo, Beano and Games of Chance

### Miscellaneous:

\_\_\_ Transient Seller's License

\_\_\_ Flea Market License

\_\_\_ Junkyard, Auto Graveyard/Recycling License

\_\_\_ Other: \_\_\_\_\_

C – Code Enforcement Inspection Required F – Fire Department Inspection Required P – Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	# 22564		
Expiration Date(s):	8/17/15		
Classification(s):			

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: *Andrew [Signature]* Have you ever been convicted of a Felony? YES /  NO  
Signature

Business Manager: \_\_\_\_\_ Have you ever been convicted of a Felony? YES / NO  
Signature  
(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEE'S	Amount	Map - Lot: 0033 - 0152
Application and First License (\$60)	60.00	Processed By: mmavery
Subsequent Licenses (\$30 each)	-	Received Date: 2/26/2015
New License Fee (\$50)	-	Amount Received: \$ 60.00
License Amendment (\$25)	-	Check # 101 or Cash <input type="checkbox"/>
Other: _____	-	LICENSE #: _____ - _____
<b>TOTAL DUE</b>	<b>\$ 60.00</b>	

Department Approvals	Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement <input type="checkbox"/> N/A	4/6/2015 K. Newell	YES <input checked="" type="radio"/> NO
Fire <input type="checkbox"/> N/A	3/16/2015 P. Bridges	YES <input checked="" type="radio"/> NO
Police <input checked="" type="checkbox"/> N/A		YES NO
Tax Collector <input type="checkbox"/> N/A	2/26/2015 M. Szeniawski	YES <input checked="" type="radio"/> NO
<b>Board of Selectmen</b>	_____ Date	YES NO

Town Manager for the Board of Selectmen

THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Rossi's Italian Bakery Business # 351-3300

Street Address: 2 Beach Street York Beach Maine

Business Owner: Edward Flanagan Deborah Flanagan Business Manager: X

Mailing Address: 290 Clay Hill Road Cape Neddick, ME 03902

Phone Number: 617-620-7455

E-mail Address: TednDeb@me.com

Please indicate who is to be the Primary Contact with the Town: [X] OWNER or [ ] MANAGER

Is the Business Owner same as the prior year? [X] YES [ ] NO

Please indicate which Licenses or Local Approvals you seek:

Lodging:

[ ] Bed and Breakfast License (C/F)

[ ] Innkeeper License (C/F)

Number of Rooms: [ ]

Food and Beverage:

[X] Food Service License (C/F)

[ ] Liquor License (F/P)

[ ] Bottle Club License (F/P)

Number of Seats: [ ]

Entertainment:

[ ] Special Amusement License (F/P)

[ ] Dance Hall License (F/P)

[ ] Bowling Alley License (F)

[ ] Coin-Operated Amusement License (P)

[ ] Bingo, Beano and Games of Chance

Miscellaneous:

[ ] Transient Seller's License

[ ] Flea Market License

[ ] Junkyard, Auto Graveyard/Recycling License

[ ] Other: [ ]

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	14-049	2-28987	Tax Id 46-2051673
Expiration Date(s):	4-30-15	4-5-15	2
Classification(s):	Victualers	Bakery <sup>Dept of</sup> Agriculture	Food service

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Edward Flanagan  
Signature: Edward Flanagan

Have you ever been convicted of a Felony? YES / NO

Business Manager: \_\_\_\_\_  
Signature

Have you ever been convicted of a Felony? YES / NO

(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES		Amount	Map - Lot: <u>0024 - 0044</u>
Application and First License (\$60)		<u>60.-</u>	Processed By: <u>mmavery</u>
Subsequent Licenses (\$30 each)		<u>-</u>	Received Date: <u>3/26/2015</u>
New License Fee (\$50)		<u>-</u>	Amount Received: \$ <u>60.00</u>
License Amendment (\$25)		<u>-</u>	Check # <u>1075</u> or Cash <input type="checkbox"/>
Other: _____		<u>-</u>	LICENSE #: _____ - _____
TOTAL DUE		\$ <u>60.-</u>	
Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	<u>-</u> N/A	<u>3/31/2015 K. Newell</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Fire	<u>-</u> N/A	<u>4/9/2015 D. Bridges</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Police	<input checked="" type="checkbox"/> N/A		YES <input type="checkbox"/> NO <input type="checkbox"/>
Tax Collector	<u>-</u> N/A	<u>3/27/2015 M. Szeniaowski</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Board of Selectmen _____ Town Manager for the Board of Selectmen		_____ Date	YES <input type="checkbox"/> NO <input type="checkbox"/>

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: Stonewall Kitchen, LLC

Street Address: 2 Stonewall Ln., York

Business Owner: Stonewall Kitchen, LTD. Business Manager: John Stiker

Mailing Address: Same Mailing Address: Same

Phone Number: 207-351-2713 Phone Number: 207-351-2713 x1190

E-mail Address: \_\_\_\_\_ E-mail Address: jstiker@stonewallkitchen.com

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: \_\_\_\_\_

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	10690	5677	
Expiration Date(s):	10/22/15	10/26/15	
Classification(s):	Food Service Dept. of H & HS	Division Liquor Licensing III, IV	

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: \_\_\_\_\_ Have you ever been convicted of a Felony? YES /  NO  
Signature

Business Manager: Wesley Have you ever been convicted of a Felony? YES /  NO  
Signature  
(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES	Amount	Map - Lot: 0048 - 0021
Application and First License (\$60)	60.00	Processed By: mmavery
Subsequent Licenses (\$30 each)	30.00	Received Date: 3/6/2015
New License Fee (\$50)	50.00	Amount Received: \$ 90.00 140.00
License Amendment (\$25)	-	Check # 127957 or Cash <input type="checkbox"/>
Other: _____	140.00	LICENSE #: _____ - _____
<b>TOTAL DUE</b>	<b>\$ 90.00</b>	

Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	__ N/A	3/13/2015 K. Newell	YES <input checked="" type="radio"/> NO
Fire	__ N/A	4/3/2015 D. Appar	YES <input checked="" type="radio"/> NO
Police	__ N/A	3/10/2015 O. Davis	YES <input checked="" type="radio"/> NO
Tax Collector	__ N/A	3/10/2015 M. Szeniawski	YES <input checked="" type="radio"/> NO
<b>Board of Selectmen</b>	_____ Town Manager for the Board of Selectmen Date		YES NO

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: SUN N SURF

Street Address: 264 Long Beach Ave York Beach, ME 03910

Business Owner: Ray Ramsey Business Manager: Colin Christie

Mailing Address: PO Box 1329 Mailing Address: P O Box 1329  
York Beach, Me 03910 York Beach ME 03910

Phone Number: 207 363-5112 Phone Number: 207 363 2961

E-mail Address: RAR@ANCHORAGEIN.COM E-mail Address: \_\_\_\_\_

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: 150/150 outside  
IN

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	50406	37247	03632
Expiration Date(s):	3/25/15	3/31/15	6/29/15
Classification(s):	Dept - public safety	Retail Seafood	Dept health - Eating

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Raymond A. Rams Have you ever been convicted of a Felony? YES /  NO  
*Signature*

Business Manager: \_\_\_\_\_ Have you ever been convicted of a Felony? YES / NO  
*Signature*  
 (If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES		Amount	Map - Lot: 0036 - 0097	
Application and First License (\$60)		60.00	Processed By: mmavery	
Subsequent Licenses (\$30 each)		60.00	Received Date: 3/18/2015	
New License Fee (\$50)		—	Amount Received: \$ 120.00	
License Amendment (\$25)		—	Check # 11532 or Cash <input type="checkbox"/>	
Other: _____		—	LICENSE #: _____ - _____	
TOTAL DUE		\$ 120.00		
Department Approvals		Date of Approval		Special Conditions (Attached if Necessary)
Code Enforcement	__ N/A	3/23/2015 K. Newell		YES <input type="radio"/> NO <input checked="" type="radio"/>
Fire	__ N/A	3/20/2015 D. Bridges		YES <input type="radio"/> NO <input checked="" type="radio"/>
Police	__ N/A	3/19/2015 O. Davis		YES <input type="radio"/> NO <input checked="" type="radio"/>
Tax Collector	__ N/A	3/19/2015 M. Szeniewski		YES <input type="radio"/> NO <input checked="" type="radio"/>
Board of Selectmen _____ <i>Town Manager for the Board of Selectmen</i>			_____ Date _____	YES NO

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: MAINE ICE CREAM LLC, DBA VILLAGE SCOOP ICE CREAM

Street Address: 226 YORK STREET

Business Owner: CAROLYN BRENNAN Business Manager: CAROLYN BRENNAN

Mailing Address: 226 YORK ST. Mailing Address: (SAME)

YORK, ME 03909

Phone Number: 363-0100 Phone Number: (SAME)

E-mail Address: CAROLYN GARRETT@MAINEICECREAM.COM E-mail Address: (same)

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms:

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats:

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other:

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	5987		
Expiration Date(s):	5/5/15		
Classification(s):	EATING PLACE 0-29 SEATS 20 SEATS (IN)		

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Carl Brunner Signature Have you ever been convicted of a Felony? YES  NO

Business Manager: Carl Brunner Signature Have you ever been convicted of a Felony? YES  NO   
(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES		Amount	Map - Lot: 0050 - 0112
Application and First License (\$60)		60.-	Processed By: mmavery
Subsequent Licenses (\$30 each)		-	Received Date: 3/17/2015
New License Fee (\$50)		-	Amount Received: \$ 60.00
License Amendment (\$25)		-	Check # 1787 or Cash <input type="checkbox"/>
Other: _____		-	LICENSE #: _____ - _____
TOTAL DUE		\$ 60.00	
Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	<u>N/A</u>	4/1/2015 K. Newell	YES <input type="radio"/> NO <input checked="" type="radio"/>
Fire	<u>N/A</u>	3/19/2015 D. Adgar	YES <input type="radio"/> NO <input checked="" type="radio"/>
Police	<u>N/A</u>		YES <input type="radio"/> NO <input checked="" type="radio"/>
Tax Collector	<u>N/A</u>	3/19/2015 M. Szeniaowski	YES <input type="radio"/> NO <input checked="" type="radio"/>
Board of Selectmen _____ Town Manager for the Board of Selectmen _____ Date _____			YES <input type="radio"/> NO <input type="radio"/>

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

NOTE: Business Licenses are not transferable to another person, business or location.

Business Name: YORK House of Pizza

Street Address: 274 YORK Street York, Me. 03909

Business Owner: Susan Palamaris Business Manager: Susan Palamaris

Mailing Address: 274 York St. Mailing Address: 274 York St.

York Me. 03909 York Me. 03909

Phone Number: (207) 363-6171 Phone Number: (207) 363-6171

E-mail Address: palamaris40@comcast.net E-mail Address: palamaris40@comcast.net

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: \_\_\_\_\_

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):			
Expiration Date(s):			
Classification(s):			

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

Business Owner: Susau Palamain Signature Have you ever been convicted of a Felony? YES  NO

Business Manager: Susau Palamain Signature Have you ever been convicted of a Felony? YES  NO

(If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES		Amount	Map - Lot: <u>0050 - 0117</u>
Application and First License (\$60)		<u>60.00</u>	Processed By: <u>mmavery</u>
Subsequent Licenses (\$30 each)		<u>—</u>	Received Date: <u>2/2/2015</u>
New License Fee (\$50)		<u>50.00</u>	Amount Received: \$ <u>110.00</u>
License Amendment (\$25)		<u>—</u>	Check # <u>350</u> or Cash <input type="checkbox"/>
Other: _____		<u>—</u>	LICENSE #: _____ - _____
TOTAL DUE		<u>\$ 110.00</u>	
Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	<u>—</u> N/A	<u>2/4/2015 K. Newell</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Fire	<u>—</u> N/A	<u>4/9/2015 D. Appgar</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Police	<input checked="" type="checkbox"/> N/A		YES <input type="checkbox"/> NO <input type="checkbox"/>
Tax Collector	<u>—</u> N/A	<u>2/3/2015 M. Szeniawski</u>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Board of Selectmen _____ <small>Town Manager for the Board of Selectmen</small> _____ <small>Date</small> _____			YES <input type="checkbox"/> NO <input type="checkbox"/>

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

*NOTE: Business Licenses are not transferable to another person, business or location.*

Business Name: The York River Landing

Street Address: 150 US Route One York ME 03909

Business Owner: Kenneth West Business Manager: Tyler Stevens

Mailing Address: PO BOX #564 Mailing Address: PO BOX #564

YORK ME 03909 YORK, 1652 YORK ME 03909

Phone Number: (207) 351 8430 Phone Number: (207) 351 8430

E-mail Address: \_\_\_\_\_ E-mail Address: tyler@theyorkriverlanding

Please indicate who is to be the Primary Contact with the Town:  OWNER or  MANAGER

Is the Business Owner same as the prior year?  YES  NO

*Please indicate which Licenses or Local Approvals you seek:*

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: 247

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C – Code Enforcement Inspection Required F – Fire Department Inspection Required P – Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

**FEES:** Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

Provide the following information about any relevant State licenses:

STATE LICENSE INFORMATION			
ID Number(s):	7075	4989	
Expiration Date(s):	4/23/15	4/22/15	
Classification(s):	LIQUOR	HEALTH LICENSE	

Please read the following and sign to complete your application:

I understand that a license is required before operating or conducting any business or activity governed by the Town's Business Licensing Ordinance and that ongoing compliance with the provisions of the Town's Business Licensing Ordinance and other applicable Town codes is required throughout the entire license period.

I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

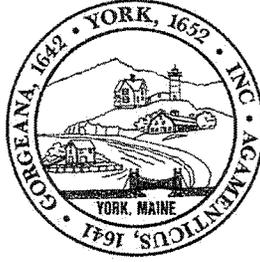
Business Owner: [Signature] Have you ever been convicted of a Felony? YES  NO

Business Manager: [Signature] Have you ever been convicted of a Felony? YES  NO   
 (If either person has a Felony conviction, please attach an explanation of the circumstances)

**FOR OFFICE USE ONLY**

FEES	Amount	Map - Lot: 007B - 0014-A
Application and First License (\$60)	60.00	Processed By: mmavery
Subsequent Licenses (\$30 each)	30.00	Received Date: 3/20/2015
New License Fee (\$50)		Amount Received: \$ 90.00
License Amendment (\$25)		Check # 2052 or Cash <input type="checkbox"/>
Other:		
<b>TOTAL DUE</b>	<b>\$ 90.00</b>	<b>LICENSE #:</b> _____ - _____

Department Approvals		Date of Approval	Special Conditions (Attached if Necessary)
Code Enforcement	<u>  </u> N/A	3/27/2015 K. Newell	YES <input type="radio"/> NO <input checked="" type="radio"/>
Fire	<u>  </u> N/A	3/29/2015 D. Apgar	YES <input type="radio"/> NO <input checked="" type="radio"/>
Police	<u>  </u> N/A	3/30/2015 O. Davis	YES <input type="radio"/> NO <input checked="" type="radio"/>
Tax Collector	<u>  </u> N/A	3/23/2015 M. Szeniakowski	YES <input type="radio"/> NO <input checked="" type="radio"/>
<b>Board of Selectmen</b>			YES <input type="radio"/> NO <input type="radio"/>
Town Manager for the Board of Selectmen _____		Date _____	



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 9, 2015	<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> DISCUSSION ONLY
DATE ACTION REQUESTED: April 13, 2015	
SUBJECT: <b>Maynard Dock Application</b>	

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** A revised memo about this matter is attached.

**RECOMMENDATION:** I recommend the Board conduct the public hearing, receive testimony, and render its decision about the application.

**PROPOSED MOTION:** to be determined by the Board

PREPARED BY: Stephen H. Burns, Town Manager    REVIEWED BY: \_\_\_\_\_

# MEMO

**TO: Board of Selectmen**  
**FROM: Stephen H. Burns, Town Manager**  
**DATE: April 7, 2015**  
**RE: Maynard Dock Application Review**



*SHB*

The application of Steve and Pamela Maynard for a new pier and float is now before the Board of Selectmen. The Maynards are represented by Attorney Sandra Guay. The applicant also has provided materials prepared by Zachary Taylor of The Riverside Companies.

I have asked Attorney Susan Driscoll of Bergen Parkinson to attend the meeting to advise the Board of Selectmen. This is one of several open matters that were not transitioned from Bergen Parkinson to Bernstein Shur when the Board changed legal firms.

The Board of Selectmen is required to hear this matter because of Title 38 M.R.S. §1022. A copy of the language of this statute is attached. This statute states, in part:

*If, following such examination and hearing of all parties interested, the officers decide that such erection or extension would not be an obstruction to navigation or injury to the rights of others, and determine to allow the same, they shall issue a license under their hand to the applicant, authorizing the applicant to make such an erection or extension, and to maintain the same within the limits mentioned in such license.*

The Harbor Board reviewed this application already. A copy of their Findings of Fact are attached. The matter is now before the Board of Selectmen. The Board of Selectmen must gather its own facts and draw its own conclusions. You have received information from the applicant. You will visit the site. You have received testimony in the past and will receive additional testimony at the public hearing. In the end, you need to draw your own conclusion about this application.

**Site Walk – Monday, April 13, 2015, 1:00 PM**

WOODMAN EDMANDS DANYLIK AUSTIN  
SMITH & JACQUES, P.A.

ATTORNEYS-AT-LAW

ROBERT B. WOODMAN  
PETER L. EDMANDS  
THOMAS DANYLIK  
RALPH W. AUSTIN  
JAMES B. SMITH  
KEITH R. JACQUES  
MICHAEL J. O'TOOLE  
HARRY B. CENTER II  
SANDRA L. GUAY

234 MAIN STREET  
P.O. BOX 468  
BIDDEFORD, ME 04005-0468  
TELEPHONE: 207-284-4581  
FAX: 207-284-2078  
E-MAIL: SLG@woodedlaw.com

January 9, 2015

Mary Andrews, Chair  
Board of Selectmen  
Town of York  
186 York Street  
York, ME 03909-1314

Re: Dock Application of Steve and Pamela Maynard  
12 Barrell Lane, Ext. (Map 57, Lot 49)

Dear Ms. Andrews and Board Members:

Enclosed for your review, please find 5 copies of an Application for Review of Piers, Wharfs, Landings, Floats and Moored Floats for the construction of a 4-foot x 50-foot fixed pier with an associated 35-foot by 3-foot ramp accessing a 10-foot by 24-foot float at the property of Steve and Pamela Maynard, located at 12 Barrell Lane, Extension.

As the Board may be aware, this application was originally reviewed and denied by the York Harbor Board at that Board's October 2, 2013 meeting. The Maynards appealed the Harbor Board's decision to the Superior Court, in accordance with Section 3.I.h. of the Harbor Ordinance, and also presented the application to the York Board of Selectmen, as required by statute. The appeal in the Superior Court, which has been stayed by agreement of the Town and the Maynards, remains pending. On December 16, 2013, following a public hearing, the Selectmen remanded the application to the Harbor Board for further consideration.

The application has been under review by the Harbor Board since its remand, with the Maynards making various redesigns and concessions based on both Harbor Board and public comment. Despite those revisions and concessions, on December 3, 2014 the Harbor Board voted once again to deny the Maynard's application. A copy of the Board's December 10, 2014 Findings is attached to this letter for the Board's convenience.

**WOODMAN EDMANDS DANYLIK AUSTIN SMITH & JACQUES, P.A.**

Mary Andrews, Chair  
Board of Selectmen  
January 9, 2015  
Page 2 of 2

Although the Maynard's have appealed the Harbor Board's decision, State statute requires that approval or denial of an application for a dock must be made *not by an appointed Board*, but rather by the municipal officers (38 M.R.S.A. § 10222). The Board of Selectmen is therefore not bound by the decision of the Harbor Board and is entitled to arrive at its own independent decision.

For consistency's sake, the application now submitted to the Board of Selectmen is the same application that was submitted to the Harbor Board, with the addition of various documents that were submitted to the Harbor Board subsequent to submission of the application package. The application clearly illustrates that the proposed pier/float meets the requirements of the ordinance, and that the proposed dock will neither impede navigation nor endanger vessels.

The Maynards request that this matter be placed on the January 26, 2015 Selectmen's agenda and are confident that this Board will review the application and listen to the testimony with an independent and open mind

Thank you for your attention to this matter.

Very Truly Yours,



SANDRA L. GUAY

SLG/lb

Enclosures

Copy to: Steve and Pamela Maynard  
Zachary Taylor, Riverside & Pickering  
Stephen H. Burns, Town Manager

## Maine Revised Statutes

- ☑ [§1022 PDF](#)
- ☑ [§1022 MS-WORD](#)
- ☑ [STATUTE SEARCH](#)
- ☐ [CH. 9 CONTENTS](#)
- ☐ [TITLE 38 CONTENTS](#)
- ☐ [LIST OF TITLES](#)
- ☑ [DISCLAIMER](#)
- ☐ [MAINE LAW](#)
- ☐ [REVISOR'S OFFICE](#)
- ☐ [MAINE LEGISLATURE](#)

**§1021**

### Title 38: WATERS AND NAVIGATION

**§1023**

#### Chapter 9: WHARVES AND FISH WEIRS

#### **§1022. License to build or extend; application**

Any person intending to build or extend any wharf, fish weir or trap in tidewaters, within the limits of any city or town, shall apply in writing to the municipal officers of the city or town, stating the location of the weir, the boundaries of the cove in which the weir will be constructed as identified on a map prepared by the Commissioner of Marine Resources, limits and boundaries, as nearly as may be, of the intended erection or extension, and asking license for the intended erection or extension. The applicant must notify all parties that may be directly affected by the proposed construction. Upon receiving an application, the officers shall give at least 3 days' public notice of the application in a newspaper, published in the town, or, if there is no newspaper published in the town, in a newspaper published within the county, and shall designate in the notice a day and time on which they or their designee will meet on or near the premises described, to examine the same and hear all parties interested. If, following such examination and hearing of all parties interested, the officers decide that such erection or extension would not be an obstruction to navigation or injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing the applicant to make such an erection or extension, and to maintain the same within the limits mentioned in such license. The applicant for license to build or extend a fish weir or trap shall first give bond to the town, with sureties, in the sum of \$5,000, conditioned that upon the termination of such license the applicant removes all stakes and brush from the location therein described. The municipal officers shall, within 10 days after the date of hearing, give written notice by mail of their decision to all parties interested. Any person aggrieved by the decision of the municipal officers, in either granting or refusing to grant a license as provided, may appeal to the Superior Court within 10 days after the mailing of such written notice. The court shall set a time and place for hearing and give notice thereof in the same manner as provided for a hearing before the municipal officers. The decision of the court must be communicated to the appellant and to the municipal officers of the town in which the proposed wharf, weir or trap is to be located. This decision is binding on the municipal officers, who shall issue a license, if so directed by the decision of the court, within 3 days after the decision has been communicated to them. If the appeal is sustained by the court in whole or in part, the appellant will have costs against the appellee. If the appeal is not so sustained, the

- ☒ [§1022 PDF](#)
- ☒ [§1022 MS-WORD](#)
- ☒ [STATUTE SEARCH](#)
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appellee will have costs against the appellant. If any owner to whom a license has been issued or the owner's heirs or assigns fail to remove all stakes and brush within a period of one year after the termination of the license, as provided in section 1023, any person can remove the same without charge against the owner or the owner's heirs or assigns. [2011, c. 559, Pt. A, §36 (AMD).]

In the case of islands not within the jurisdiction of any town all powers of municipal officers to issue licenses to build weirs are conferred upon the owner or owners of such islands. If said owner or owners are unable to agree as to the issuance of a license they shall submit the question of such issuance to the Commissioner of Marine Resources, who shall, after a hearing at which all parties may be represented, decide as to the issuance of such license. [1973, c. 513, §22 (AMD).]

In the case of waters adjacent to unorganized or deorganized territory that is not an island, the Commissioner of Marine Resources shall have the powers of municipal officers to issue licenses under this section. Notwithstanding the provisions of this section governing procedures, the Commissioner of Marine Resources shall review the application and hold a hearing as if this were a lease application under Title 12, section 6072, subsections 5 and 6. [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §207 (AMD).]

Any licenses issued under this chapter shall constitute an approval and determination by the issuer thereof that the licensed wharf or weir constructed and operated within the limits imposed by such license does not adversely affect nor impair the interests of the issuer in such area, including navigation and the rights of private citizens in the area. Such license does not confer any right, title or interest in submerged or intertidal lands owned by the State. [1975, c. 287, §2 (NEW).]

#### SECTION HISTORY

1973, c. 513, §22 (AMD). 1975, c. 287, §2 (AMD). 1979, c. 631, §2 (AMD). 1983, c. 731, §4 (AMD). 1989, c. 890, §§A40, B206, 207 (AMD). 1999, c. 215, §1 (AMD). 2011, c. 559, Pt. A, §36 (AMD).

*Data for this page extracted on 01/05/2015 12:15:38.*

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.  
If you need legal advice, please consult a qualified attorney.**

**Office of the Revisor of Statutes**

**7 State House Station**

**State House Room 108**

**Augusta, Maine 04333-0007**

# Findings of Fact, Conclusions of Law, & Decisions

Harbor Board, Town of York, Maine

12/10/2014

Regarding an application by

Steve and Pamela Maynard

Tax Map 57 (108) / Lot 49 (103)

Per Section 3, Sub-Section I, Paragraph 3.g of the May 22, 2010 Town of York, Harbor Ordinance, this letter shall serve as notice of the Harbor Board's decision on the application for by Steve and Pamela Maynard dated September 9, 2013, for review of new construction of a pier and float.

## **Findings of Fact**

1. Property is located at: 12 Barrell Lane Extension
2. Property is owned by: Steve and Pamela Maynard
3. Existing use: Residential
4. Description of proposed use/application: Pier/Ramp/Float
5. Applicable Ordinance: Town of York, Harbor Ordinance, May 22,2010
6. Materials submitted by Applicant:
  - A. York Harbor Board – Application for Review of Piers, Wharfs, Landings, Floats
  - B. Deed
  - C. Location Map
  - D. Plans and Survey
  - E. Visual Impact Plan
  - F. Location Photographs
  - G. State of Maine Submerged Land Easement
  - H. Army Corp of Engineers General Permit
  - I. DEP NRPA Permit
  - J. Abutter List

7. The Harbor Board conducted public hearings for this application on the following dates: 12/03/14, 10/07/14, 10/01/14, 05/07/14, 02/24/14, 02/12/14, 12/06/13, 12/04/13, 10/02/13, 05/01/13.
8. Substantive materials/testimony received at public hearings included: an application from Steve and Pamela Maynard, testimony from abutters, testimony from the Harbormaster, testimony from nearby mooring holders, testimony from interested parties heard at several on-site hearings.

### **Conclusions of Law**

1. Jurisdiction of the Harbor Board to decide on this application:
  - A. Harbor Ordinance dated May 22, 2010. Section 3.I, Paragraphs 1 and 3.a-h.
  - B. Section 3.I, Paragraph 3.e states that "The Harbor Board shall not approve the application unless a majority of the members present and voting finds that the new structure, or the addition, alteration, or change to the existing structure will neither impede navigation nor endanger vessels".
2. At the December 3, 2014 Harbor Board meeting, the Board concluded that the proposed new structure will impede navigation and will endanger vessels.

### **Decisions**

1. At the December 3, 2014 Harbor Board meeting it was decided, by a 4/0 vote, to deny the application, based on the proposed new structure impeding navigation and endangering vessels.
2. The reasons for the above decision are based on testimony from abutters, testimony from the Harbormaster, testimony from nearby mooring holders, the experience of Harbor Board members with currents and tides in the proposed area, testimony heard at several on-site hearings, and the close proximity of the proposed dock relative to nearby commercial fishing vessels.

Draft prepared by David P. Webber, Chairman of the Harbor Board on December 10, 2014.

These findings of fact are subject to ratification by the Board on January 7, 2015.

Signed by \_\_\_\_\_

David P. Webber, Chairman of the York Harbor Board

Public Comment: Alyssa Tibbitts  
Lew Stowe, Planning Board  
John Emerson  
Peter Anastis

f) Establish Sign Standards for "Gateway Signs;" and

Public Comment; None

g) Establish Standards for Local Driveway Permitting

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Speers to close the Public Hearing.  
No objection, so ordered.

## 2. Maynard Dock Application

Moved by Mr. Macdonald, seconded by Mr. Speers to open the Public Hearing.  
Without objection, so ordered.

Public Comment: Sandra Guay  
Zachary Taylor  
David Webber, Harbor Board  
Sandra Guay  
Joe Hogan  
Zachary Taylor  
Joey Donnelly

Moved by Mr. Macdonald, seconded by Mr. Palmer to close the Public Hearing.  
Without objection, so ordered.

Ms. Andrews called a 5 minutes recess.

### I. Endorsements

1. Business Licenses: Cliff Realty Corporation DBA: Cape Neddick Country Club, and Global Montello Group Corporation DBA: Mr. Mike's

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the following licenses: Global Montello Group Corporation DBA: Mr. Mike's for Food service, located at 519 US Route One and Cliff Realty Corporation DBA: Cape Neddick Country Club for Food Service, Liquor and Special Amusement, located at 650 Shore Road, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

J. Old Business

1. Overview Discussion about the Long Sands Projects and Anticipated Timeframe for Completion

Parks and Recreation Director Michael Sullivan explained that the goal for both projects is for construction to begin in November 2015 and be completed by late spring 2016; the following was included in the RFP: "The Consultant shall indicate its commitment to an expeditious completion of the work. It is the Town's preference that the consultant shall commence work on the project within seven (7) days of the date of the contract award date, and all required easements, design and permitting work will be completed no later than September 1, 2015, and that the final construction documents and deliveries will be provided no later than October 15, 2015. Ability to achieve this schedule should be described by the Consultant."

2. Discussion and Possible Action: Amending the Long Sands Bathhouse Committee Charter and Appointments to the Long Sands Bathhouse Municipal Building Committee

Moved by Mr. Palmer, seconded by Mr. Macdonald to amend the Bathhouse Building Committee Charter to allow for seven voting members instead of five voting members, as was previously approved by the Board. Vote 4-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Speers to appoint Joseph Lipton, Stu Dawson, Jim Bartlett and Jim Smith as members to the Long Sands Bathhouse Committee. Vote 4-0, motion passes.

3. Discussion and Possible Action: Maynard Dock

Moved by Mr. Macdonald, seconded by Mr. Palmer to direct the Town Manager to arrange a Site Visit coordinated with all the parties involved at 12 Barrell Lane Extension. Vote 4-0, motion passes.

4. Discussion and Possible Action: Geothermal Option for the Proposed Community Auditorium

This item was removed from the agenda, as the School Department did not feel the Geothermal Option was no longer needed for the proposed Community Auditorium Project.

5. Discussion and Possible Action: Health Insurance Opt-Out Policy

Moved by Mr. Macdonald, seconded by Ms. Andrews to amend Section V, Article B of the Non-Union Personnel Policy effective July 1, 2015 to provide non-union employees eligible to enroll in medical insurance an annual reimbursement equal

G. Approval of Warrant #24

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve Warrant #24.  
Vote 5-0, motion passes.

H. Public Hearings

1. Continuation of Maynard Dock Application at 12 Barrel Lane Extension

This is a continuation of an on-site Public Hearing that was held on December 6, 2013 at 12 Barrell Lane Extension.

Public Comment: Sandra Guay  
Zachary Taylor  
David Gittins  
David Hutchinson  
Joey Donnelly

Moved by Mr. Macdonald, seconded by Ms. Andrews to close the Public Hearing at 9:00PM. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Ms. Gregg to remand the Maynard Dock Application: 12 Barrell Lane Extension back to the Harbor Board for re-hearing. Vote 5-0, motion passes.

Chairman Nowell called a brief recess at 9:06PM. The meeting was called back to order at 9:14PM.

2. Possible Sale of Town Owned Property at 41 Railroad Avenue Extension

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing at 9:14. No objection, so moved.

Public Comment: None

Moved by Ms. Gregg, seconded by Ms. Andrews to close the Public Hearing at 9:16PM. Vote 5-0, motion passes.

3. Possible Dangerous Building at 1 Justin Circle

Moved by Ms. Gregg, seconded by Ms. Andrews to open the Public Hearing at 9:17PM. No objection, so moved.

Public Comment: None

Moved by Mr. Macdonald, seconded by Ms. Gregg to close the Public Hearing at 9:18PM. Vote 5-0, motion passes.

**I. Endorsements**

Business Licenses:

1. Anthony Graziano DBA: Anthony's Food Shop Inc. (Victualers); Located at 679 US Route One
2. Old York Historical Society (Victualers); Located at 3 Lindsay Road
3. Trustees of the Charity Fund of St. Aspinquid Lodge DBA: St. Aspinquid Lodge #198 (Victualers/Flea Market); Located at 101 Long Sands Road
4. Betty Weaver DBA: Lobster Barn (Victualers/Liquor/Coin-Operated Amusement); Located at 1000 US Route One
5. Cumberland Farms (Victualers); Located at 230 York Street
6. Michael McGrath DBA: View Point Hotel (Hotel/Motel with Cooking Facilities); Located at 229 Nubble Road
7. Miller Brothers LLC DBA: St. Joes Coffee (Victualers); Located at 449 US Route One Suite 104
8. Miller Brothers LLC DBA: York 54 (Victualers/Liquor); Located at 449 US Route One Suite 105

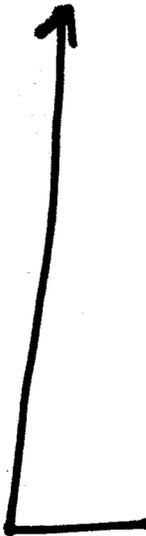
Moved by Ms. Gregg, seconded by Ms. Fiorentino to approve Anthony Graziano DBA: Anthony's Food Shop Inc. for Victualers; Located at 679 US Route One, Old York Historical Society for Victualers; Located at 3 Lindsay Road, Trustees of the Charity Fund of St. Aspinquid Lodge DBA: St. Aspinquid Lodge #198 for Victualers and Flea Market; Located at 101 Long Sands Road, Betty Weaver DBA: Lobster Barn for Victualers, Liquor and Coin-Operated Amusement; Located at 1000 US Route One, Cumberland Farms for Victualers; Located at 230 York Street, Michael McGrath DBA: View Point Hotel for Hotel/Motel with Cooking Facilities; Located at 229 Nubble Road, Miller Brothers LLC DBA: St. Joes Coffee for Victualers; Located at 449 US Route One Suite 104, and Miller Brothers LLC DBA: York 54 for Victualers and Liquor; Located at 449 US Route One Suite 105, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

Chairman Nowell moved "Old Business" to combine it with "Other Business" further in the agenda.

**K. New Business**

1. Discussion and Possible Action on Maynard Dock Application at 12 Barrell Lane Extension



On Friday, December 6, 2013 the Board of Selectmen conducted an onsite Public Hearing at 12 Barrell Lane Extension in regards to an application for a new dock at that location, pursuant to Title 38, Section 1022 M.R.S.A. During the onsite Public Hearing input from the applicant, Steven Maynard, his representative Zack Taylor and his attorney Sandra Guay, along with members of the Harbor Board and general public were received by Board of Selectmen Vice Chairman, Kinley Gregg and Selectman, Torbert Macdonald.

This item was voted on, out of order, previously in the meeting with the following motion:

“Moved by Mr. Macdonald, seconded by Ms. Gregg to remand the Maynard Dock Application: 12 Barrell Lane Extension back to the Harbor Board for re-hearing. Vote 5-0, motion passes.”

2. Discussion and Possible Action on a Purchase and Sale Agreement for 41 Railroad Avenue Extension

The Town-owned property at 41 Railroad Avenue Extension was approved for sale by the voters on May 21, 2011. The property has been listed by Gosselin Realty Group and was most recently marketed for a price of \$20,000. The property was analyzed by Albert Frick, site evaluator, in 2003 and Mr. Frick's finding was that the construction of a dwelling and driveway won the lot would require wetland filling for both and as a result the lots has been determined to be unbuildable by the Code Enforcement Office.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve a Purchase and Sale Agreement in the amount of \$10,000 with James Logan and Isaiah Plante for the Sale of Town-owned property at 41 Railroad Avenue Extension. Vote 2-3, Ms. Gregg, Mr. Nowell and Mr. Macdonald against, motion fails.

3. Discussion and Possible Action Regarding a Possible Dangerous Building at 1 Justin Circle.

Town of York Code Enforcement Officer, Amber Harrison received a complaint on April 30, 2013 regarding a vacant structure being well beyond repair and a danger to the immediate area at 1 Justin Circle. After a visit to the property and discussion with the property owner, Ms. Harrison's opinion is that the building falls under the Town and State Statues for a "Dangerous Building".

After the meeting materials were put together for this meeting, Ms. Harrison had a discussion with the property owner and his representative where they stated they may be willing to work with the Town in bringing the building to safety standards or re-building. As a result, Ms. Harrison asked the Selectmen to hold off on any action on this issue and she will continue working with the owners.

4. Energy Efficiency Committee Appointments



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 1, 2015

ACTION

DATE ACTION REQUESTED: April 13, 2015

DISCUSSION ONLY

SUBJECT: Timing of Referendum-Related Requests

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** On March 9th and again at the joint meeting with the Planning Board on March 26th the Board discussed the concept of policies that will help prevent last-minute submittal of proposed ordinance amendments and other such requests. I provided a draft to the Board back in early March. I now proposed a revised version. First, I built on a suggestion made at the Planning Board meeting publish referendum preparation schedules well in advance. I also built in a mechanism for the Board to decide to override its own policy if there it finds there is a legitimate need to do so.

The Board is under no obligation to adopt a policy about this matter. My hope is that, by having a policy in place, it will help eliminate pressures put on staff to present substantive matters at the last possible minute.

**RECOMMENDATION:** I recommend the Board review, amend and adopt the proposed new Selectmen's Policy.

**PROPOSED MOTION:** I move to adopt the proposed Selectmen's Policy entitled, "Timing of Referendum-Related Requests," with the following changes: \_\_\_\_\_.

PREPARED BY: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

## **DRAFT Selectmen's Policy**

### **Timing of Referendum-Related Requests**

All municipal matters put to the voters at a General (November) or Special General (May) referendum are put on the ballot by the Board of Selectmen. Good practice calls for ample opportunity for public consideration and input, and ample time for Board discussion and deliberation. With these objectives in mind, all requests to place matters on a referendum ballot shall be submitted to the Board of Selectmen in accordance with the following:

1. Requests shall be submitted to the Board a minimum of 6 months prior to the anticipated date of voting. A lead time of a year or more is not unreasonable for longer, more complex or more controversial proposals.
2. All topics shall first be discussed by the Board at a meeting in advance of a public hearing. There does not need to be a completed draft or document as long as the subject matter is well presented to the Board. The purpose of this requirement is twofold: to ensure familiarity of the Board with the topic at hand; and to give the Board the opportunity to have policy input prior to the hearing process. If the matter involves a lengthy or complex document, the Board may require the opportunity to workshop a complete draft before deciding whether to bring the matter forward for a hearing.
3. The Board shall decide what to send forward for one or more public hearings. Nothing gets a public hearing without an affirmative vote of the Board.
4. Every proposal that would enact, amend or repeal an ordinance shall have 2 public hearings by the Board of Selectmen prior to submittal to the Town Clerk for inclusion on a ballot. This is in addition to the discussion meetings referenced above. Further, if such code proposals are forwarded by another Town board, committee or commission, that body shall conduct at least one hearing of its own prior to forwarding the proposal to the Board of Selectmen.
5. Because there may be unusual circumstances that would justify exceptions to this rule, there are two acceptable ways to vary the scheduling and procedures.
  - a. By a 2/3<sup>rd</sup>s majority vote, the Board may vary from compliance with the standards of this Policy if it finds this is necessary to best serve the public interest; or
  - b. The Chair may authorize variations from compliance with the standards of this Policy. When this happens, the Chair shall notify all other members of the Board prior to the next meeting of the Board, and all subsequent actions on that matter by the Board shall require unanimous affirmative votes of the members present and voting.
6. To help community officials and the public schedule their work and make requests in accordance with this schedule, the Board should adopt and publish a timeline for the next 3 future referenda. As these are easy to prepare in advance, adoption of timelines should occur at the annual meeting.

**DRAFT Date: March 27, 2015**

# Timeline for May 2016 Special General Referendum

April 3, 2015

## ORDINANCE AMENDMENTS

**6 Months Prior to Referendum**  
**November 21, 2015**

**Joint Meeting - Board of Selectmen & Planning Board**  
**December 21, 2015** (Tentative)

**Selectmen Decide What Goes to Public Hearing**  
**January 25, 2016**

**Planning Board's Only Public Hearing**  
**January 28, 2016** 7:00 PM

January 7th		decide if additional notifications are required
January 8th		e-mail hearing notice to newspaper for both legal ads
January 12th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
January 12th	14+ days	post hearing notice and draft amendments on the Web
January 12th	14+ days	give hearing notice and draft amendments to the Town Clerk
January 13th	14+ days	send property owner notice if required per 38 Sec. 438-A(1-B)
January 13th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
January 13th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
January 13th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
January 13th	12+ days	1st legal notice published in York Weekly
January 20th	7+ days	2nd legal notice published in York Weekly

**Selectmen's First Public Hearing**

<b>February 22, 2016</b>	7:00 PM	decide if additional public hearing needed
January 28th		decide if additional notifications are required
January 29th		e-mail hearing notice to newspaper for both legal ads
February 2nd	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
February 2nd	14+ days	post hearing notice and draft amendments on the Web
February 2nd	14+ days	give hearing notice and draft amendments to the Town Clerk
February 3rd	14+ days	send property owner notice if required per 38 Sec. 438-A(1-B)
February 3rd	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
February 3rd	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
February 3rd	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
February 3rd	12+ days	1st legal notice published in York Weekly
February 10th	7+ days	2nd legal notice published in York Weekly

**Joint Meeting - Board of Selectmen & Planning Board**  
**March 24, 2016**

**Selectmen's Second Public Hearing**

<b>March 28, 2016</b>	7:00 PM	decide if additional notifications are required
March 3rd		e-mail hearing notice to newspaper for both legal ads
March 4th		post hearing notice at Town Hall, and distribute for posting around Town
March 8th	14+ days	post hearing notice and draft amendments on the Web
March 8th	14+ days	give hearing notice and draft amendments to the Town Clerk
March 8th	14+ days	send property owner notice if required per 38 Sec. 438-A(1-B)
March 9th	14+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
March 9th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
March 9th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
March 9th	12+ days	1st legal notice published in York Weekly
March 16th	7+ days	2nd legal notice published in York Weekly

## WARRANT & REFERENDUM

**Preference Votes**

February 25, 2016	Planning Board
March 28, 2016	Board of Selectmen

**Selectmen's Public Hearing on Warrant**  
**March 28, 2016**

Final decisions by Selectmen about what goes to vote

**Submittal Deadline**  
April 6, 2016

**Deadline: 45 days in advance of Referendum**

**Special General Referendum**  
**May 21, 2016**

**Post-Referendum Follow-up**  
before the end of May

**Update codes following directions in the Code Improvement Plan**

# Timeline for November 2016 General Referendum

April 7, 2015

## ORDINANCE AMENDMENTS

### Planning Board's Last Possible Workshop for Ordinance and/or Comp Plan Amendments

**April 28, 2016** 7:00 PM

### 6 Months Prior to Referendum

**May 8, 2016**

### Public Hearing - 1st ORDINANCES - Planning Board

**May 26, 2016** 7:00 PM

May 5th		decide if additional notifications are required
May 6th		e-mail hearing notice to newspaper for both legal ads
May 11th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
May 11th	14+ days	post hearing notice and draft amendments on the Web
May 11th	14+ days	give hearing notice and draft amendments to the Town Clerk
May 11th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
May 11th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
May 11th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
May 11th	12+ days	1st legal notice published in York Weekly
May 18th	7+ days	2nd legal notice published in York Weekly

### Joint Meeting - Board of Selectmen & Planning Board

**June 13, 2016**

### Public Hearing - 2nd ORDINANCES - Planning Board

**June 23, 2016** 7:00 PM

June 2nd		decide if additional notifications are required
June 3rd		e-mail hearing notice to newspaper for both legal ads
June 8th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
June 8th	14+ days	post hearing notice and draft amendments on the Web
June 8th	14+ days	give hearing notice and draft amendments to the Town Clerk
June 8th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
June 8th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
June 8th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
June 8th	12+ days	1st legal notice published in York Weekly
June 15th	7+ days	2nd legal notice published in York Weekly

### Selectmen Decide What Goes to Public Hearing

**June 27, 2016**

### Public Hearing - 3rd ORDINANCES - Board of Selectmen

**July 25, 2016** 7:00 PM

June 27th		decide if additional public hearing needed
June 28th		decide if additional notifications are required
June 28th		e-mail hearing notice to newspaper for both legal ads
July 6th	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
July 6th	14+ days	post hearing notice and draft amendments on the Web
July 6th	14+ days	give hearing notice and draft amendments to the Town Clerk
July 6th	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
July 6th	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
July 6th	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
July 6th	12+ days	1st legal notice published in York Weekly
July 13th	7+ days	2nd legal notice published in York Weekly

### Public Hearing - 4th ORDINANCES - Board of Selectmen

**August 22, 2016** 7:00 PM

July 28th		decide if additional notifications are required
July 29th		e-mail hearing notice to newspaper for both legal ads
August 3rd	14+ days	post hearing notice at Town Hall, and distribute for posting around Town
August 3rd	14+ days	post hearing notice and draft amendments on the Web
August 3rd	14+ days	give hearing notice and draft amendments to the Town Clerk
August 3rd	13+ days	mail to water districts if required per 30-A Sec 4352(9)(E)
August 3rd	13+ days	send to SMRPC if required per 30-A Sec. 2342(7)
August 3rd	13+ days	send property owner notice if required per 30-A Sec. 4352(10)
August 3rd	12+ days	1st legal notice published in York Weekly
August 10th	7+ days	2nd legal notice published in York Weekly

## WARRANT & REFERENDUM

### Planning Board Preference Votes

**July 28, 2016**

### Selectmen's Public Hearing on Warrant and Preference Votes

**September 12, 2016**

### Submittal Deadline

**September 23, 2016**

**Deadline: 45 days in advance of Referendum**

### Special General Referendum

**November 8, 2016**



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> 4/8/2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> 4/13/2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Long Beach Avenue Municipal Partnership Initiative (MPI) Grant Acceptance and Agreement.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Dean Lessard, Director of Public Works
<b>RECOMMENDATION:</b> Approve the Town Manager to sign Long Beach Avenue Municipal Partnership Initiative (MPI) Grant agreement and accept the funds from Maine DOT.
<b>PROPOSED MOTION:</b> I move to approve the Town Manager to sign the Long Beach Avenue Municipal Partnership Initiative (MPI) Grant agreement and accept the funds from Maine DOT for the Long Beach Avenue improvements.

### Discussion:

Last April the Town of York applied for a Municipal Partnership Initiative (MPI) grant to improve Long Beach Avenue in conjunction with three voter approved capital projects. The amount of planned construction in the area made for an opportune time to make additional road improvements to the section of Long Beach Avenue (State Route 1A) from the Cutty Sark Hotel to the Anchorage Hotel.

The combined project history is as follows:

- On May 19, 2012 the voters approved \$350,000 to fund the drainage project just north of the Anchorage Hotel.
- On May 18, 2013 the voters approved \$350,000 to fund the drainage project just north of the Long Sands Bath House.
- On May 18, 2013 the voters approved \$687,000 for replacement and expansion of the Long Sands Bathhouse.
- On August 22, 2013 Mike Sullivan and Steve Burns both made presentations to the York Board of Selectmen on the condition of the existing bathhouse and the proposed project scope, project budget, project goals, project permitting and project management frame work.
- On September 23, 2013 the Board of Selectmen authorized town staff to put out a Request for Proposal for survey work for the three capital projects.
- On December 20, 2013 the Town of York solicited bids from Six Surveying companies.
- On Wednesday January 8, 2014 at 3:00 pm the Town opened bids for the Long Beach Avenue Survey. Six responsive bid proposals were received by the Town of York:
- On January 27, 2014 the Board of Selectmen awarded the Long Beach Avenue Existing Conditions Survey bid to North Easterly Surveying, Inc. in the amount of \$19,465.
- On April 14, 2014 the Board of Selectmen approved the submittal of a MPI Grant Application.
- On June 24, 2014 Maine DOT notified that the towns MPI Grant application was approved.
- On January 12, 2015 The Board of Selectmen approved the release of the RFP for the Long Beach Master Plan.
- On January 12, 2015 the Board of Selectmen approved the Municipal Building Committee Charter for the Long Sands Bathhouse Project.
- On February 23, 2015 the Board of Selectmen awarded the Long Beach Master Plan to Ransom Engineering Team.
- On March 20, 2015 Mike Sullivan, Steve Bradstreet and Dean Lessard have meet with Bill Bullard of Maine DEP for a Pre-application meeting.

Included with the selectmen's action form is the Maine DOT MPI Grant agreement for the improvements on Long Beach Avenue.

**FISCAL IMPACT: \$500,000**

**DEPARTMENT LINE ITEM ACCOUNTS:**

**BALANCE IN LINE ITEM IF APPROVED: \$500,000**

Prepared By:



Reviewed By:



<i>Internal Use Only</i>
TEDOCS #: _____
CT#: _____
CSN#: _____

**STATE OF MAINE DEPARTMENT OF TRANSPORTATION  
MUNICIPAL PARTNERSHIP AGREEMENT**

**WIN 20232.34**

**REGARDING**

**Long Beach Ave, YORK**

This Cooperative Agreement (AGREEMENT) is entered into by and between the MAINE DEPARTMENT OF TRANSPORTATION (“MaineDOT”), an agency of state government with its principal administrative offices located on Child Street, Augusta, Maine, and the TOWN OF YORK (“York”), a municipality in the State of Maine with offices located at 186 York Street, York, ME.

**WHEREAS**, York shall perform highway rehabilitation of Route 1A, beginning at the intersection of Webber Road, Northerly 1 mile to the intersection of Nubble Road. The work will consist of cement treated reclaim, drainage improvements, and paving.

**WHEREAS**, York estimates this project at \$1,887,000

**NOW THEREFORE**, the parties hereby agree as follows: (The following information provides the scope of work for the services that York will perform under this AGREEMENT.)

**YORK SHALL:**

- A. Shall procure and oversee a highway improvement project for Route 1A.
- B. Perform such work in accordance with a design by an engineer licensed in the State of Maine. The Licensed Engineer shall provide a certification to the Municipality and to MaineDOT that, in his/her professional opinion, the Project as designed will provide a smooth ride, not reduce the safety, mobility or structural quality of the state [state aid] road. All design documents must be stamped and signed in accordance with this provision by the Professional Engineer.
- C. Agrees to secure all necessary Federal, State and Local permits necessary to complete the work. York also agrees to secure any needed property rights in accordance with all applicable State and Federal Law.

- D. Agrees that any exceptions to State Design Standards shall be documented as part of this process. This documentation shall compare the new design to the existing conditions for each of the exceptions to current design standards. Any such exceptions shall be displayed on the cover sheet for the Project plans with the signature and PE stamp of the engineer responsible for the design of the Project.
- E. Be responsible, within the Project limits, for the following:
- a. Ensuring that the safety of the corridor and the life of the resulting structural and design elements are equal to or better than existing conditions and design;
  - b. Ensuring that the structures, roadways and/or design features affected by the Project work shall, at a minimum, be of equal dimensions to the existing features or structures and shall be of improved quality in terms of materials and utility;
  - c. Ensuring that the Project does not introduce any unanticipated safety hazards to the traveling public;
  - d. Ensuring that the Project retains the same level of mobility or improves mobility of travel within the corridor; and,
  - e. Ensuring that the Project does not in any manner decrease the life expectancy of this component of Maine's transportation system.
  - f. Ensure the project meets the most recent Americans with Disabilities Act of 1990 (ADA) design requirements to the maximum extent feasible.
- F. Provide certification through their Engineer to MaineDOT that the project is complete and was constructed as designed.
- G. Construction shall commence within twelve (12) months and shall be certified complete within twenty (36) months of execution of this agreement. York may forfeit the unpaid balance of this grant if these deadlines are not met or they can not demonstrate earnest and good faith efforts to meet them.

**MAINEDOT SHALL:**

- A. **Provide a maximum of \$500,000.00 in State funds supporting the project work stated above.** Reimbursement will be made by the Department at a minimum of 1/3 project completion upon receipt of supporting cost documentation from the Municipality. Payments will be made per Appendix A, attached. The Department's Region Engineer shall review the costs and certify their eligibility prior to reimbursement of Municipal Partnership Initiative Funds. Payment by MaineDOT Municipal Partnership Initiative funds shall not exceed **\$500,000.00** or 50% of the actual costs incurred and paid by the Municipality.

Town of York and MaineDOT agree to function within all applicable laws, statutes, regulations, and AGREEMENT provisions; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achievement of the intent of this AGREEMENT.

**IN WITNESS WHEREOF**, the parties hereto have executed this AGREEMENT in duplicate effective on the day and date last signed.

**TOWN OF YORK**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Stephen Burns  
Town Manager

**STATE OF MAINE  
DEPARTMENT OF TRANSPORTATION**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
David Bernhardt, PE  
Commissioner

**APPENDIX A**  
**PROJECT SCOPE AND COST SHARING**  
**MAINE DEPARTMENT OF TRANSPORTATION**

Municipal Partnership Initiative Project

**MUNICIPALITY OF York**

PROPOSED IMPROVEMENTS TO: Route 1A

MPI FUNDING YEARS 2015

STATE PROJECT IDENTIFICATION NUMBER (WIN) 20232.34

**Project Scope:** Highway Rehabilitation Route 1A, York.

**Funding Outline:** The Total Project Estimated Cost is \$1,887,000, and the Parties agree to share costs through all stages of the Project under the terms outlined below.

Work Element	Municipal Share		State Share		Total Cost
	%	\$	%	\$	\$
Project Costs	74	1,387,000	26	500,000	1,887,000
<b>PROJECT SHARES</b>		\$1,387,000		\$500,000	\$1,887,000
Total Cost of Additional Work above agreement estimate	100%	0			
<b>TOTAL ESTIMATED MUNICIPAL REIMBURSEMENT</b>		\$500,000.00			

**REIMBURSEMENT SCHEDULE:**

Requests for reimbursement of 2014 expenditures can begin after January 1, 2015. The Department will accept monthly invoices after 1/3 project completion with a maximum invoice submittal not to exceed 5 invoices. See below for ROW costs incurred prior to 2014.

**COST SHARING:**

**DESIGN EXCEPTIONS REQUIRED**      YES      X NO



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 6, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 13, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Deed Restriction on the York Beach Fire Station	

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** At two or more of the 2014 meetings of the Board of Selectmen it was suggested that the Town reach out to Pan Am Railroad (formerly Guilford Transportation, and B&M Railroad prior to that) to request release of the deed restriction on the York Beach Fire Station property. The deed restriction dates back to the original donation of land from the B&M Railroad, and states that the property may only be used for a fire station. The Town has no other plans for this property, but it seemed sensible to see if this restriction could be eliminated. At my direction Rick Mace initiated this process. Rick communicated with Phil Kingman, and a copy of their e-mail exchange is attached. In short, Mr. Kingman indicated that Pan Am Railroad is willing to consider a release in exchange for compensation. He wants an offer from the Town.

Because the Town has no plans for the foreseeable future I don't think there is much of a cash value for that release. Yes, it would be nice to have it released, but no, it's not worth that much. There are two basic options to proceed:

- 1) we could thank Mr. Kingman for his time and tell him that we won't be making an offer to pay for this release; or
- 2) we could make an offer of a modest amount in hopes that we could remove this condition from the deed.

Because we have no plans, the choice isn't critical one way or the other.

**RECOMMENDATION:** I recommend the Board of Selectmen offer \$500 to Pan Am Railroad, plus cover the legal transaction costs, for the release of the deed restriction on the York Beach Fire Station property. The money for Pan Am Railroad would be paid from contingency funds, and legal expenses would be paid from the general legal account.

PROPOSED MOTION: I move to direct the Town Manager to offer \$500 to Pan Am Railroad for the release of the deed restriction on the York Beach Fire Station property, to be paid from contingency if the offer is accepted.

FISCAL IMPACT: \$500

DEPARTMENT LINE ITEM ACCOUNT: Contingency

BALANCE IN LINE ITEM IF APPROVED: \$133,851.49

FISCAL IMPACT: uncertain

DEPARTMENT LINE ITEM ACCOUNT: legal

CURRENT BALANCE IN LINE ITEM: \$18,226. This excludes those portions of the legal budget set aside for the Cliff Walk and the MTA Toll Plaza review.

PREPARED BY:



REVIEWED BY: \_\_\_\_\_

**Stephen H. Burns**

---

**From:** Kingman, Phil <pkingman@panam.com>  
**Sent:** Monday, March 30, 2015 10:13 AM  
**To:** Richard C. Mace  
**Cc:** Stephen H. Burns; Twidle, Mike  
**Subject:** RE: York Beach Fire Station

Hello Rick,

Based on our review of the parcel and attached deed, you are correct and we are the grantor of the deed. We are willing to eliminate the referenced clause in the deed stating that the "premises...shall be used only for a fire station." We feel there should be some type of consideration for this but given the age of the deed, we are not sure what would be appropriate. Please review and provide an offer for what you would be willing to pay for us eliminating the "usage" language in the deed.

We look forward to hearing from you.

Sincerely,

Phil Kingman  
(978-663-6939)

---

**From:** Richard C. Mace [mailto:rmace@yorkmaine.org]  
**Sent:** Monday, March 23, 2015 9:40 AM  
**To:** Kingman, Phil  
**Cc:** Stephen H. Burns  
**Subject:** York Beach Fire Station

Mr. Kingman,

I am writing to you on behalf of the York Board of Selectmen. This concerns the deed from the York Harbor and Beach Railroad to the York Beach Fire Association, Y.C.R.D. Book 719 Page 220-222 dated January 2, 1917. I believe Pan Am Railways is the inherited grantor of this property from the B&M Railroad. The property is located at 18 Railroad Avenue in York Beach, ME.

The Board would like to know if Pan Am Railways would be open to eliminating the clause in the deed that refers to the use of the property. The clause found on page 221 states that the property can only be used for a fire station. There is no intended change in the use of the property in the foreseeable future, but eliminating the clause would possibly give the Town of York some options for future or additional uses.

I have attached a copy of the deed for your inspection, please feel free to contact me if you have any questions or would like more information.

Sincerely,

Rick Mace

**Rick Mace, CMA**  
Tax Assessor  
Town of York, Maine

Book 719  
Page 220

KNOW ALL MEN BY THESE PRESENTS, that the York Harbor and Beach Railroad Company, a corporation duly established by law, in consideration of one dollar and other valuable considerations, paid by the York Beach Fire Association, a corporation duly established under the laws of the State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release and forever quitclaim unto the said York Beach Fire Association, and its successors and assigns, a certain piece or parcel of land situated in York in the County of York and State of Maine, bounded and described as follows: beginning on re-

remaining land of the grantor at the highway to Cape Neddick, thence running North 74° 11' East by said highway twenty-two and seventy-three hundredths (22.73) feet to land now or formerly of H. Z. Ellis; thence turning and running South 20° East by said land now or formerly of Ellis one hundred fifty-five (155) feet to remaining land of the grantor; thence turning and running South 70° West by last named land sixty (60) feet; thence turning and running North 76° 15' West still by same land fifty-six (56) feet; thence turning and running North 13° 45' East by said land of the grantor one hundred fifty-one (151) feet to the point of beginning; said parcel containing ten thousand six hundred eighty-five (10,685) square feet, and being shown on a plan marked "Land in York, Maine, York Harbor and Beach Railroad Company to York Beach Fire Association" dated December 1916, F. B. Rowell, Engineer of Real Estate, herewith recorded, a copy of which is hereto attached, to both of which reference is hereby made for further description of the premises hereby conveyed.

Said premises are conveyed upon the express condition that they shall be used only for a fire station, that any building erected thereon shall be of a type acceptable to the grantor, and that upon ceasing to be used as aforesaid, the title to the same shall revert to the grantor, its successors or assigns.

And the said grantor does hereby, for itself and its successors and assigns covenant with the said grantee and its successors and assigns that the granted premises are free from all encumbrances made or suffered by it, except said condition, and that it will and its successors and assigns shall warrant and defend the same to the said grantee and its successors and assigns forever, against the lawful claims and demands of all persons claiming, by, through or under it but against none other.

IN WITNESS WHEREOF the said York Harbor and Beach Railroad Company has caused these presents to be executed and its corporate seal to be hereto affixed by James H. Hustis, its President, thereunto duly authorized, this second day of January in the year one thousand nine hundred and seventeen.

Signed and sealed  
in presence of  
A. B. Nichols

(L.S.) YORK HARBOR AND BEACH RAILROAD COMPANY  
By J. H. Hustis President.

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss.

January 2, 1917.

Then personally appeared the above named James H. Hustis, President of said York Harbor and Beach Railroad Company, and acknowledged the foregoing instrument to be the free act and deed of said York Harbor and Beach Railroad Company.

1923

Book 710

Before me, Arthur B. Nichols Notary Public. (L.S.)

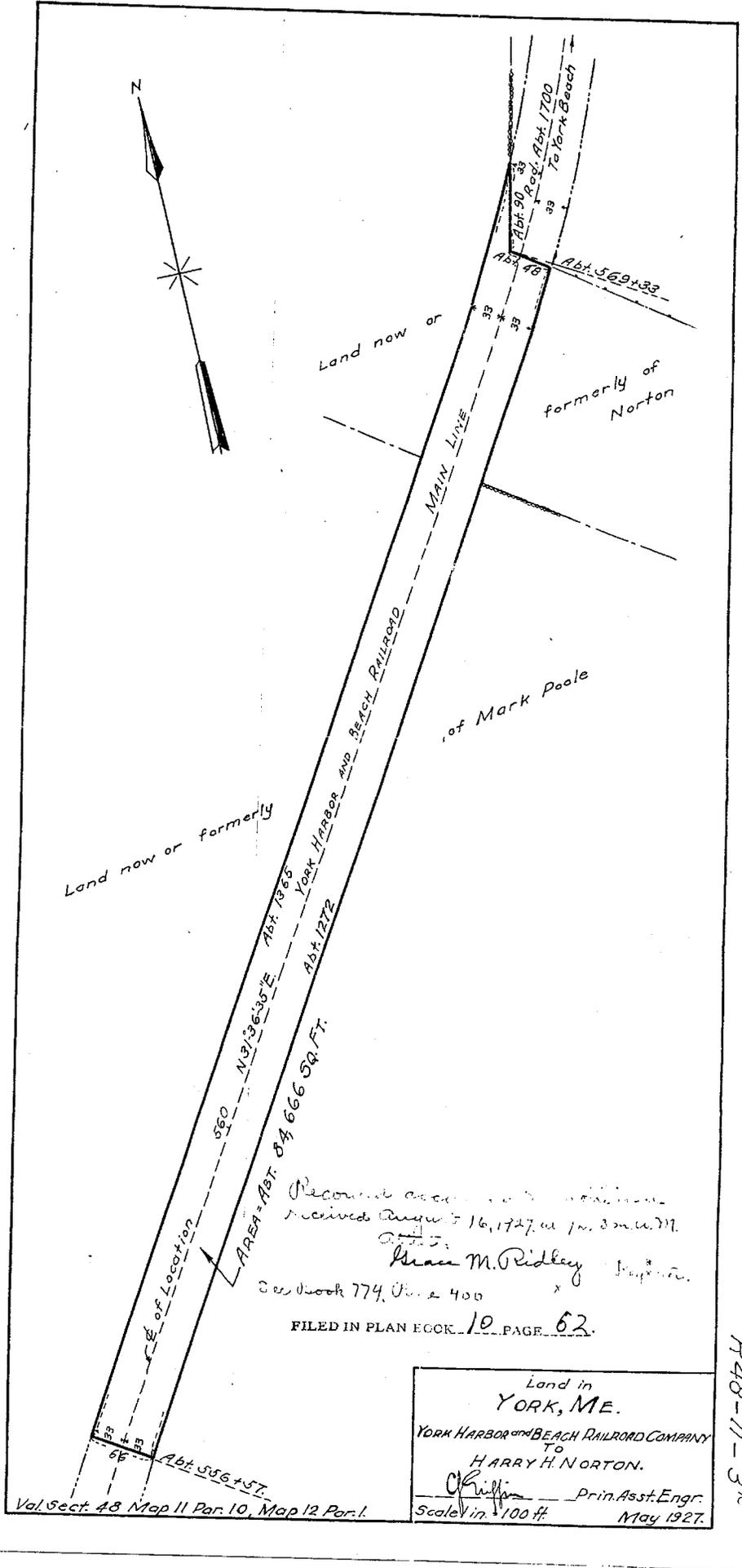
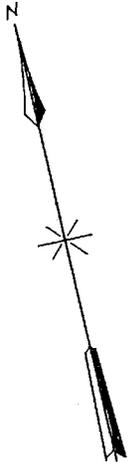
VOTED: To Authorize the President on behalf of York Harbor & Beach Railroad Company to sell and convey to York Beach Fire Association a lot of land in the Railroad Field, so called, at York Beach, located on the northeastern side of the road leading from York Beach Railroad Station to the Goldenrod said lot to be of sufficient size to locate a fire station building thereon; the price to be agreed upon between the President and the Fire Association. Said lot shall be used for fire station purposes, and the building to be erected thereon shall be of a type acceptable to the railroad.

A true copy from the records of a Meeting of the Board of Directors of York Harbor & Beach Railroad Company, held October 26th, 1916.

ATTEST: Frank D. Marshall Clerk.

Recorded according to the original received July 9, 1923, at 8h. 55m. A. M.

R 48-11-3E



Land now or formerly

Land now or

formerly of Norton

of Mark Poole

560 N 91° 36' 35" E Abt. 1065  
 AREA = Abt. 8 3/4 666 SQ. FT.  
 York Harbor and Beach Railroad  
 Abt. 1272

Record and plan received August 16, 1927, in 1 m. 3 m. M. O. 125.  
 Hiram M. Ridley, Engineer.

See Book 774, P. 2 & 400  
FILED IN PLAN EGCK. 10 PAGE 62.

Land in  
 YORK, ME.  
 YORK HARBOR AND BEACH RAILROAD COMPANY  
 TO  
 HARRY H. NORTON.  
 C. K. Griffin, Prin. Asst. Engr.  
 Scale 1 in. = 100 ft. May 1927.

Vol. Sect. 48 Map 11 Par. 10, Map 12 Par. 1.

R 48-11-3E

(A)



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 6, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 13, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Approve School Budget Open Town Meeting Warrant	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

RECOMMENDATION:

PROPOSED MOTION: I move to approve the warrant to call the Town of York School Budget Town Meeting on May 6, 2015 at the York High School Robert E. Butler Gymnasium at 6:30PM for the purpose of determining the article set forth in the warrant.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY:

*Melissa M. Avery*

REVIEWED BY:

*[Signature]*

Melissa M. Avery, Assistant to the Town Manager

**WARRANT TO CALL TOWN OF YORK  
SCHOOL BUDGET TOWN MEETING  
(20-A M.R.S.A. § 2307 and § 1485)**

TO: Mary-Anne Szeniaewski, Town Clerk of York, State of Maine.

In the name of the State of Maine, you are hereby required to notify the voters of the Town of York, that a School Budget Town Meeting will be held at the York High School Gymnasium, York, Maine at 6:00 p.m. on May 4, 2015 for the purpose of determining the articles set forth below.

**ARTICLE 1A:** To elect a moderator to preside at the meeting.

**ARTICLES 1 THROUGH 11 AUTHORIZE EXPENDITURES  
IN COST CENTER CATEGORIES**

**ARTICLE 1:** To see what sum the Town will be authorized to expend for Regular Instruction.  
**School Committee Recommends \$12,429,294**

**ARTICLE 2:** To see what sum the Town will be authorized to expend for Special Education.  
**School Committee Recommends \$4,303,406**

**ARTICLE 3:** To see what sum the Town will be authorized to expend for Career and Technical Education.  
**School Committee Recommends \$12,673**

**ARTICLE 4:** To see what sum the Town will be authorized to expend for Other Instruction.  
**School Committee Recommends \$1,266,385**

**ARTICLE 5:** To see what sum the Town will be authorized to expend for Student and Staff Support.  
**School Committee Recommends \$2,801,470**

**ARTICLE 6:** To see what sum the Town will be authorized to expend for System Administration.  
**School Committee Recommends \$834,533**

**ARTICLE 7:** To see what sum the Town will be authorized to expend for School Administration.  
**School Committee Recommends \$1,444,166**

**ARTICLE 8:** To see what sum the Town will be authorized to expend for Transportation and Buses.  
**School Committee Recommends \$1,107,271**

**ARTICLE 9:** To see what sum the Town will be authorized to expend for Facilities Maintenance.  
**School Committee Recommends \$3,321,137**

**ARTICLE 10:** To see what sum the Town will be authorized to expend for Debt Service and Other Commitments.  
**School Committee Recommends \$1,724,021**

**ARTICLE 11:** To see what sum the Town will be authorized to expend for All Other Expenditures.  
**School Committee Recommends \$241,926**





**ARTICLE 17:** To see what sum the Town will authorize the School Committee to expend in FY 2016, for the support of the School Department, an amount not to exceed the sum total of the amounts approved in Articles Twelve, Thirteen, Fourteen and Sixteen, plus any other unfunded debt service obligations. Additional authority to spend over this sum total is provided for any private, federal, or state grant received in this category.

High School/ Middle School Fees	\$60,000
Fund Balance	\$270,000
QSCB 1: Debt Service Rebate	\$54,525
QSCB 2: Debt Service Rebate	\$73,679
Impact Fees	\$110,000
Tuition Revenue	\$0
Miscellaneous Income	\$5,000
Rental Income	\$18,400
State Agency Funds	\$7,500
Clark Emerson Trust	\$0
<b>Total Non-Tax Revenues:</b>	<b>\$599,104</b>

**School Committee Recommends** **\$599,104**

**ARTICLE 18 AUTHORIZES THE ADULT EDUCATION PROGRAM AND RAISES THE LOCAL SHARE**

**ARTICLE 18:** Shall the Town vote to raise and appropriate **\$198,190** for **Adult Education** and raise **\$100,690** as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program?

**School Committee Recommends** **\$198,190**

Given under our hand this day, \_\_\_\_\_, 2015 at York, Maine.

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

A majority of the Board of Selectmen of York, Maine

A true copy of the Warrant, attest:

\_\_\_\_\_  
 Mary-Anne Szeniaewski, Town Clerk  
 York, Maine

RETURN

York County, ss.

State of Maine

TO: The municipal officers of the Town of York, April \_\_\_\_\_, 2015

I certify that I have notified the voters of the Town of York of the time and place of the school budget town meeting by posting an attested copy of the within warrant as follows:

TIME(S)	DATE(S)	LOCATION(S)

being at least seven days prior to the Town of York school budget meeting and being public and conspicuous places in said municipality.

Dated: April \_\_\_\_\_, 2015

\_\_\_\_\_  
Mary-Anne Szeniaowski, Town Clerk  
York, Maine



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 10, 2015	<input type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 13, 2015	<input checked="" type="checkbox"/> DISCUSSION ONLY
SUBJECT: Mackey Skate Park warming hut	

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** This winter the warming hut at Mackey Skate Park collapsed. Debris from the building was removed by the Department of Public Works, and the cost of debris disposal was covered through our insurance. We have also received an insurance payment of about \$25,600 for the loss of the building, and will receive another \$7,300 if we replace the building in-kind. Liam Gallagher, who manages our insurance-related activities, has explained the details in the attached e-mail. So now the Board has options:

The original development of this Park, and its continuing operation has been based 100% on volunteer efforts and contributions. Even the electric bill is paid privately. It has been completely off the radar of Town government, except that it is on public property and is covered by our insurance. Perhaps, after a couple decades, it's time to think about changing course.

Should the Town participate in replacement of the warming hut? Should we pay only for materials? Should we undertake the complete replacement? Does it make sense to take over the electric bill? Should we become more engaged and involved here or not?

I have not posted this item for any particular action – simply for discussion. I would like to get a sense for the overall direction in which the Board would like to proceed.

I am hoping Richard Bartlett and Wayne Martin will be able to engage in this discussion with the Board so they can share their knowledge and perspectives with the Board.

RECOMMENDATION: n.a.

PROPOSED MOTION: n.a.

PREPARED BY:  REVIEWED BY: \_\_\_\_\_

## Stephen H. Burns

---

**From:** Liam Gallagher  
**Sent:** Wednesday, April 08, 2015 4:19 PM  
**To:** Stephen H. Burns  
**Subject:** Mackey Skate Park Warming Hut

Steve,

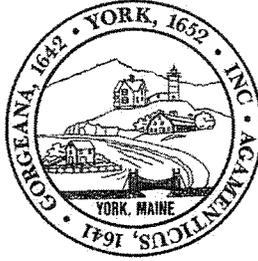
The Town has received payment of \$25,575.32 from MMA (Insurer) due to the destruction of the Mackey skate park warming hut. This amount represents the actual cash value of the building and is redeemable irrespective of future plans.

In the event that the Town decides to rebuild an equivalent structure (not greater than), MMA will provide up to \$32,868.63 towards the project or, an additional \$7,293.51 over what has been received to date. MMA determines equal value by agreeing to replace the structure with the similar fixtures, quality of build, and footprint but will not cover costs associated with upgrading the structure or anything beyond de minimis changes. For example, if the previous structure was 15x20, stick built with a slab foundation and no plumbing they will not reimburse costs to add a basement, post and beach construction, bathroom, etc.

Please let me know if you have any questions with the above.

lg

Liam Gallagher, PHR  
Director of Human Resources  
Town of York  
186 York Street, York, ME 03909  
p: (207) 363-1000 ext. 232  
f: (207) 363-1019  
e: [lgallagher@yorkmaine.org](mailto:lgallagher@yorkmaine.org)  
l: [www.yorkmaine.org](http://www.yorkmaine.org)



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 8, 2015

ACTION

DATE ACTION REQUESTED: April 13, 2015

DISCUSSION ONLY

SUBJECT: Possible Sale of Town Owned Property at 6 Forester's Circuit

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** On May 21, 2011, the voters authorized the Selectmen to dispose of land located at 6 Forester's Circuit.

Mr. Sommers and Mr. Dennerline have submitted a purchase and sale agreement to the Town, offering \$5,000 for the property with the understanding that the lot is considered "not suitable for development". All abutters within 200 feet of the property lines were notified of the Public Hearing scheduled for this evening.

Attached are a letter from the buyer, the Purchase and Sale Agreement, documentation that was sent to the abutters, Town assessment data, and a location map.

RECOMMENDATION:

**PROPOSED MOTION:** I moved to authorize the Town Manager to execute the necessary documents to submit a counter-offer for sale of the property at 6 Forester's circuit, for the price of \$5,000, by means of a quitclaim deed not a warranty deed, and with a restriction added to the deed that prevents future building construction on this lot.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Melissa M. Avery  
Melissa M. Avery, Assistant to the Town Manager

REVIEWED BY: [Signature]



CONTINGENCY	YES	NO	FULL RESOLUTION	OBTAINED BY	TO BE PAID FOR BY
1. SURVEY Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
2. SOILS TEST Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
3. SEPTIC SYSTEM DESIGN Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
4. LOCAL PERMITS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
5. HAZARDOUS WASTE REPORTS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
6. UTILITIES Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
7. WATER Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
8. SUB-DIVISION APPROVAL Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
9. DEP/LURC APPROVALS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
10. ZONING VARIANCE Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
11. HABITAT REVIEW/WATERFOWL Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
12. REGISTERED FARMLAND Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
13. MDOT DRIVEWAY/ENTRANCE PERMIT Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
14. DEED RESTRICTION Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
15. TAX STATUS Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
16. BUILD PACKAGE Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____
17. OTHER Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	within _____ days	_____	_____

Further specifications regarding any of the above:

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

11. FINANCING: This Agreement  is  is not subject to Financing. If subject to Financing:

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

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

NA (NA) of NA (NA)  
 Licensee MLS ID Agency MLS ID  
 is a  Seller Agent  Buyer Agent  Disc Dual Agent  Transaction Broker

NA (NA) of NA (NA)  
 Licensee MLS ID Agency MLS ID  
 is a  Seller Agent  Buyer Agent  Disc Dual Agent  Transaction Broker

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

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

14. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

15. MEDIATION: Earnest money disputes within the jurisdictional limit of small claims court will be handled in that forum. All other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement (other than requests for injunctive relief) shall be submitted to mediation in accordance with generally accepted mediation practices. Buyer and Seller are bound to mediate in good faith and to each pay half of the mediation fees. If a party fails to submit a dispute or claim to mediation prior to initiating litigation (other than requests for injunctive relief), then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who failed to first submit the dispute or claim to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

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

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

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

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

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

21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

22. OTHER CONDITIONS:

23. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.
- e. Whenever this Agreement provides for earnest money to be returned or released, agency acting as escrow agent must comply with Maine Real Estate Commission rules which may require written notices or obtaining written releases from both parties.

24. ADDENDA:  Yes Explain: \_\_\_\_\_  No

Buyer's Mailing address is \_\_\_\_\_

<u>Robert T Dennerline</u>	12 MARCH 15		<u>Richard D Sommers</u>	3/12/2015
BUYER	DATE		BUYER	DATE
Robert T Dennerline			Richard D Sommers	

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is \_\_\_\_\_

<u>SELLER Town of York</u>	DATE	<u>SELLER</u>	DATE
----------------------------	------	---------------	------

**COUNTER-OFFER**

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) \_\_\_\_\_ (time) \_\_\_\_\_ AM \_\_\_\_\_ PM.

<u>SELLER</u>	DATE	<u>SELLER</u>	DATE
---------------	------	---------------	------

The Buyer hereby accepts the counter offer set forth above.

<u>BUYER</u>	DATE	<u>BUYER</u>	DATE
--------------	------	--------------	------

**EXTENSION:**

The time for the performance of this Agreement is extended until \_\_\_\_\_ DATE

<u>SELLER</u>	DATE	<u>SELLER</u>	DATE
---------------	------	---------------	------

<u>BUYER</u>	DATE	<u>BUYER</u>	DATE
--------------	------	--------------	------



Rec'd 3/12/15 3:25 PM

SHB

Stephen H. Burns  
Town of York Maine  
186 York Street, York, ME

March 12, 2015

RE: Offer 6 Foresters Circuit  
Tax Map 001/0028/C  
York, ME

Dear Steve,

We would like to respectfully submit an offer to purchase the parcel of land noted above. I spoke at the Board of Selectmen's meeting on April 14, 2014; please see the meeting minutes enclosed. Also included is a copy of a vernal pool assessment completed by Michael Cuomo dated May 12, 2014.

At the time of the Selectmen's meeting the Board felt that "the lot is not suitable for development and should be offered to the abutters of the property exclusively."

We appreciate your consideration of this offer. We can be reached at **207-363-2328** or by email at **capeneddick@gmail.com**. We look forward to hearing from you.

Best Regards,

Handwritten signatures of Robert Dennerline and Richard Sommers. The signature on the left is for Robert Dennerline and the signature on the right is for Richard Sommers.

Robert Dennerline and Richard Sommers

## Michael Cuomo, Soil Scientist

6 York Pond Road, York, Maine 03909

(207) 363-4532

mcuomosoil@gmail.com

Richard Sommers and Bob Dennerline

P.O. Box 403

Cape Neddick, ME 03902

12 May 2014

Dear Mr. Sommers and Mr. Dennerline;

This letter is in reference to your vacant property at 7 Sylvan Circuit (tax map 13, lot 8-A) and a town owned vacant lot at 6 Forester's Circuit (tax map 11, lot 28-C) in York, Maine. On 25 April 2014, I investigated these lots to determine if any of the wetlands meet the definition of a Significant Vernal Pool (SVP), according to chapter 335 of Maine's Natural Resources Protection Act.

There are two wetlands which meet the definition of a Significant Vernal Pool. SVP 'A' covers portions of both 7 Sylvan Circuit and 6 Forester's Circuit and may continue off the subject properties. SVP 'B' is almost entirely in the undeveloped portion of the Forester's Circuit right-of-way in front of 6 Forester's Circuit.

It would be impossible to develop the lot at 6 Forester's Circuit or 7 Sylvan Circuit without filling a portion of SVP A. It would be impossible to access the lot at 6 Forester's Circuit without filling a portion of SVP B for a driveway.

New construction within 250 feet of an SVP is regulated by Maine Department of Environmental Protection (Maine DEP), but not prohibited. Wetland fill in an SVP is more stringently regulated by Maine DEP. The US Army Corps of Engineers and US Environmental Protection Agency can choose to regulate fill in any wetland which has any vernal pool indicator species, but these agencies do not always prohibit fill in vernal pools.

The town of York will only allow fill in any wetland for access, utilities, or water dependent uses. No fill for general lot

## Michael Cuomo, Soil Scientist

6 York Pond Road, York, Maine 03909

(207) 363-4532

mcuomosoil@gmail.com

development is allowed.

The permitting process to develop 6 Forester's Circuit or 7 Sylvan Circuit would be long and expensive with no guarantee of success.

Attached is the Maine Department of Inland Fisheries and Wildlife vernal pool data form, a locus map, GPS location points, a sketch, and photos which they require as documentation. Maine DEP will eventually send a response letter regarding the status of these vernal pools.

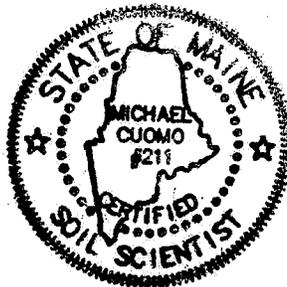
Please call if you have questions regarding this work.

Sincerely,



Michael Cuomo

Maine Soil Scientist #211





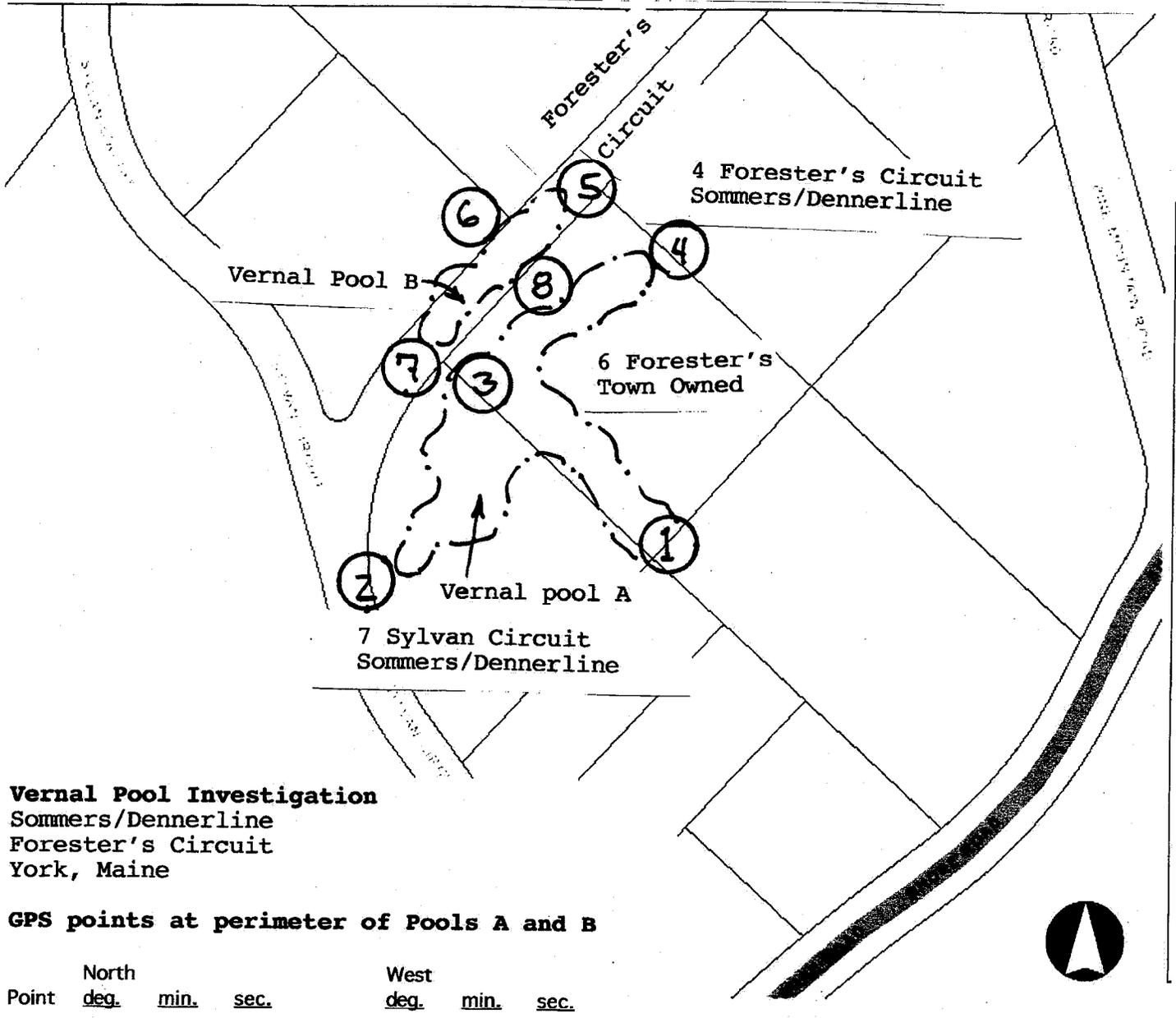


# Michael Cuomo, Soil Scientist

6 York Pond Road, York, Maine 03909

(207) 363-4532

mcuomosoil@gmail.com



**Vernal Pool Investigation**  
Sommers/Dennerline  
Forester's Circuit  
York, Maine

**GPS points at perimeter of Pools A and B**

Point	North			West		
	deg.	min.	sec.	deg.	min.	sec.
<b>Pool A</b>						
1	43	11	40.9	70	35	55.2
2	43	11	40.7	70	35	57.5
3	43	11	41.4	70	35	57.1
4	43	11	42.9	70	35	55.2
<b>Pool B</b>						
5	43	11	43.4	70	35	55.1
6	43	11	43.5	70	35	55.8
7	43	11	42.9	70	35	56.2
8	43	11	43	70	35	55.9

Rough sketch based on tax map. Not to scale.  
May 2014



# Maine State Vernal Pool Assessment Form



**INSTRUCTIONS:** Complete all 3 pages of form as thoroughly as possible. Most fields are required for pool registration.

Observer's Pool ID: Sommers 'A' MDIFW Pool ID: \_\_\_\_\_

### 1. PRIMARY OBSERVER INFORMATION

- a. Observer name: Michael Cuomo
- b. Contact and credentials previously provided?  No (submit Addendum 1)  Yes

### 2. PROJECT CONTACT INFORMATION

- a. Contact name:  same as observer  other \_\_\_\_\_
- b. Contact and credentials previously provided?  No (submit Addendum 1)  Yes
- c. Project Name: Sommers, York

**NOTE:** Clear photographs or digital images of a) the pool and b) the indicators (one example of each species egg mass) are required for nonprofessional observers and encouraged for all observers.

### 3. LANDOWNER CONTACT INFORMATION

- a. Are you the landowner?  Yes  No If no, was landowner permission obtained for survey?  Yes  No
- b. Landowner's contact information (required)  
 Name: Richard Sommers, Bob Dennerline Phone: 363 2328  
 Street Address: P.O Box 403 (4 Forester's Circuit) City: Cape Neddick State: ME Zip: 03902
- c.  Large Projects: check if separate project landowner data file submitted

### 4. VERNAL POOL LOCATION INFORMATION

a. **Location** Township: York

Brief site directions to the pool (using mapped landmarks):

US Rt. 1 to River Rd. Left on Shore Rd. Left on Pine Mtn. Rd. Left on Foresters Circuit to end.

b. **Mapping Requirements:** At least 2 of the 3 must be submitted (check those submitted):

- USGS topographic map with pool clearly marked.
- Large scale aerial photograph with pool clearly marked.
- GPS data (complete section below).

#### GPS location of vernal pool

Longitude/Easting: \_\_\_\_\_ Latitude/Northing: \_\_\_\_\_

Check Datum:  NAD27  NAD83 / WGS84 Coordinate system: \_\_\_\_\_

- Check one:  GIS shapefile  
 - send to Jason.Czapiga@maine.gov; observer has reviewed shape accuracy (best)
- The pool perimeter is delineated by multiple GPS points. (excellent)  
 - Include map or spreadsheet with coordinates.
- The above GPS point is at the center of the pool. (good)
- The center of the pool is approximately \_\_\_\_\_ m  /ft  in the compass direction of \_\_\_\_\_ degrees from the above GPS point. (acceptable)

## Maine State Vernal Pool Assessment Form

### 5. VERNAL POOL HABITAT INFORMATION

a. Habitat survey date (only if different from indicator survey dates on page 3): 25 Apr 14

#### b. Wetland habitat characterization

■ Choose the best descriptor for the landscape setting:

- Isolated depression                       Pool associated with larger wetland complex  
 Floodplain depression                       Other: \_\_\_\_\_

■ Check all wetland types that best apply to this pool:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Forested swamp | <input type="checkbox"/> Wet meadow               | <input type="checkbox"/> Slow stream                 |
| <input checked="" type="checkbox"/> Shrub swamp    | <input type="checkbox"/> Lake/Pond                | <input type="checkbox"/> Floodplain overflow / oxbow |
| <input type="checkbox"/> Peatland (fen or bog)     | <input type="checkbox"/> Abandoned beaver flowage | <input type="checkbox"/> Headwater seepage           |
| <input type="checkbox"/> Emergent marsh            | <input type="checkbox"/> Active beaver flowage    | <input type="checkbox"/> Other: _____                |

#### c. Vernal pool status under the Natural Resources Protection Act (NRPA)

i. Pool Origin:  Natural  Natural-Modified  Unnatural  Unknown

If modified, unnatural or unknown, describe any modern or historic human impacts to the pool (required):

#### ii. Pool Hydrology

■ Select the pool's estimated hydroperiod AND provide rationale for opinion.

- Permanent       Semi-permanent (drying partially in all years and completely in drought years)       Ephemeral (drying out completely in most years)       Unknown

Explain:

As described by abutters of 10 years

■ Maximum depth at survey:  0-12" (0-1 ft.)  12-36" (1-3 ft.)  36-60" (3-5 ft.)  >60" (>5 ft.)

■ Approximate size of pool (at spring highwater): Width: 40  m  ft    Length: 250  m  ft

■ Predominate substrate in order of increasing hydroperiod:

- Mineral soil (bare, leaf-litter bottom, or upland mosses present)       Organic matter (peat/muck) shallow or restricted to deepest portion  
 Mineral soil (sphagnum moss present)       Organic matter (peat/muck) deep and widespread

■ Pool vegetation indicators in order of increasing hydroperiod (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Terrestrial nonvascular spp. (e.g. haircap moss, lycopodium spp.)                      | <input type="checkbox"/> Wet site ferns (e.g. royal fern, marsh fern)   |
| <input type="checkbox"/> Dry site ferns (e.g. spinulose wood fern, lady fern, bracken fern)                     | <input checked="" type="checkbox"/> Wet site shrubs (e.g. highbush blueberry, maleberry, winterberry, mountain holly) |
| <input type="checkbox"/> Moist site ferns (e.g. sensitive fern, cinnamon fern, interrupted fern, New York fern) | <input type="checkbox"/> Wet site graminoids (e.g. blue-joint grass, tussock sedge, cattail, bulrushes)               |
| <input type="checkbox"/> Moist site vasculars (e.g. skunk cabbage, jewelweed, blue flag iris, swamp candle)     | <input type="checkbox"/> Aquatic vascular spp. (e.g. pickerelweed, arrowhead)   |
| <input type="checkbox"/> Sphagnum moss (anchored or suspended)  | <input type="checkbox"/> Floating or submerged aquatics (e.g. water lily, water shield, pond weed, bladderwort)       |
|   | <input type="checkbox"/> No vegetation in pool  |

■ Faunal indicators (check all that apply):

- Fish       Bullfrog or Green Frog tadpoles       Other: \_\_\_\_\_

#### iii. Inlet/Outlet Flow Permanency

Type of inlet or outlet (a seasonal or permanent channel providing water flowing into or out of the pool):

- No inlet or outlet       Permanent inlet or outlet (channel with well-defined banks and permanent flow)  
 Intermittent inlet or outlet       Other or Unknown (explain): \_\_\_\_\_

## Maine State Vernal Pool Assessment Form

### 6. VERNAL POOL INDICATOR INFORMATION

a. Indicator survey dates: 25 April 2014

#### b. Indicator abundance criteria

- Was the entire pool surveyed for egg masses?  Yes  No; what % of pool surveyed? >50%; part off site \_\_\_\_\_
- For each indicator species, indicate the exact number of egg masses, confidence level for species determination, and egg mass maturity. Separate cells are provided for separate survey dates.

INDICATOR SPECIES	Egg Masses (or adult Fairy Shrimp)						Tadpoles/Larvae								
	#			Confidence Level <sup>1</sup>			Egg Mass Maturity <sup>2</sup>			Observed			Confidence Level <sup>1</sup>		
Wood Frog	0			3											
Spotted Salamander	+40			3			M								
Blue-spotted Salamander	2			2			M								
Fairy Shrimp <sup>3</sup>	0			2											

1-Confidence level: 1 = <60%, 2 = 60-95%, 3 = >95%

2-Egg mass maturity: F= Fresh (<24 hrs), M= Mature (round embryos), A= Advanced (looser matrix, curved embryos), H= Hatched or hatching

3-Fairy Shrimp: X = present

#### c. Rarity criteria

- Note any rare species associated with vernal pools. Check the method(s) of verification and fill in the confidence level (CL) for each species observation. Observations should be accompanied by photographs (labeled with observer name, pool location, and date).

SPECIES	Method of Verification*			CL**	SPECIES	Method of Verification*			CL**
	P	H	S			P	H	S	
Blanding's Turtle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Wood Turtle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Spotted Turtle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Ribbon Snake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ringed Boghaunter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

\*Method of verification: P = Photographed, H = Handled, S = Seen

\*\*CL - Confidence level in species determination: 1= <60%, 2= 60-95%, 3= >95%

#### d. Optional observer recommendation:

- SVP    Potential SVP    Non Significant VP    Indicator Breeding Area

#### e. General vernal pool comments and/or observations of other wildlife:

Send completed form and supporting documentation to: **Maine Dept. of Inland Fisheries and Wildlife**  
 Attn: Vernal Pools  
 650 State Street, Bangor, ME 04401

**NOTE:** Digital submission (to Jason.Czapiga@maine.gov) of vernal pool field forms and photographs is only acceptable for projects with 3 or fewer assessed pools; larger projects must be mailed as hard copies.

<b>For MDIFW use only</b>	Reviewed by MDIFW Date _____	Initials: _____	
This pool is: <input type="checkbox"/> Significant <input type="checkbox"/> Potentially Significant but lacking critical data <input type="checkbox"/> Not Significant due to: <input type="radio"/> does not meet biological criteria. <input type="radio"/> does not meet MDEP vernal pool criteria.			
Comments: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			



# Maine State Vernal Pool Assessment Form



**INSTRUCTIONS:** Complete all 3 pages of form as thoroughly as possible. Most fields are required for pool registration.

Observer's Pool ID: Sommers 'B' MDIFW Pool ID: \_\_\_\_\_

### 1. PRIMARY OBSERVER INFORMATION

- a. Observer name: Michael Cuomo
- b. Contact and credentials previously provided?  No (submit Addendum 1)  Yes

### 2. PROJECT CONTACT INFORMATION

- a. Contact name:  same as observer  other \_\_\_\_\_
- b. Contact and credentials previously provided?  No (submit Addendum 1)  Yes
- c. Project Name: Sommers, York

**NOTE:** Clear photographs or digital images of a) the pool and b) the indicators (one example of each species egg mass) are required for nonprofessional observers and encouraged for all observers.

### 3. LANDOWNER CONTACT INFORMATION

- a. Are you the landowner?  Yes  No If no, was landowner permission obtained for survey?  Yes  No
- b. Landowner's contact information (required)  
 Name: Richard Sommers, Bob Dennerline Phone: 363 2328  
 Street Address: P.O Box 403 (Forester's Circuit) City: Cape Neddick State: ME Zip: 03902
- c.  Large Projects: check if separate project landowner data file submitted

### 4. VERNAL POOL LOCATION INFORMATION

a. Location Township: York

Brief site directions to the pool (using mapped landmarks):

US Rt. 1 to River Rd. Left on Shore Rd. Left on Pine Mtn. Rd. Left on Foresters Circuit to end.

b. Mapping Requirements: At least 2 of the 3 must be submitted (check those submitted):

- USGS topographic map with pool clearly marked.
- Large scale aerial photograph with pool clearly marked.
- GPS data (complete section below).

**GPS location of vernal pool**

Longitude/Easting: \_\_\_\_\_ Latitude/Northing: \_\_\_\_\_

Check Datum:  NAD27  NAD83 / WGS84 Coordinate system: \_\_\_\_\_

Check one:  GIS shapefile  
                   - send to Jason.Czapiga@maine.gov; observer has reviewed shape accuracy (best)

The pool perimeter is delineated by multiple GPS points. (excellent)  
                   - Include map or spreadsheet with coordinates.

The above GPS point is at the center of the pool. (good)

The center of the pool is approximately \_\_\_\_\_ m  /ft  in the compass direction of \_\_\_\_\_ degrees from the above GPS point. (acceptable)



## Maine State Vernal Pool Assessment Form

### 6. VERNAL POOL INDICATOR INFORMATION

a. Indicator survey dates: 25 April 2014

#### b. Indicator abundance criteria

- Was the entire pool surveyed for egg masses?  Yes  No; what % of pool surveyed? \_\_\_\_\_
- For each indicator species, indicate the exact number of egg masses, confidence level for species determination, and egg mass maturity. Separate cells are provided for separate survey dates.

INDICATOR SPECIES	Egg Masses (or adult Fairy Shrimp)						Tadpoles/Larvae						
	#		Confidence Level <sup>1</sup>		Egg Mass Maturity <sup>2</sup>		Observed			Confidence Level <sup>1</sup>			
Wood Frog	3		3		A								
Spotted Salamander	+ 21		3		M								
Blue-spotted Salamander	0		2										
Fairy Shrimp <sup>3</sup>	0		2										

1-Confidence level: 1 = <60%, 2 = 60-95%, 3 = >95%

2-Egg mass maturity: F= Fresh (<24 hrs), M= Mature (round embryos), A= Advanced (looser matrix, curved embryos), H= Hatched or hatching

3-Fairy Shrimp: X = present

#### c. Rarity criteria

- Note any rare species associated with vernal pools. Check the method(s) of verification and fill in the confidence level (CL) for each species observation. Observations should be accompanied by photographs (labeled with observer name, pool location, and date).

SPECIES	Method of Verification*			CL**	SPECIES	Method of Verification*			CL**
	P	H	S			P	H	S	
Blanding's Turtle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Wood Turtle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Spotted Turtle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Ribbon Snake	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Ringed Boghaunter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

\*Method of verification: P = Photographed, H = Handled, S = Seen

\*\*CL - Confidence level in species determination: 1= <60%, 2= 60-95%, 3= >95%

#### d. Optional observer recommendation:

- SVP  Potential SVP  Non Significant VP  Indicator Breeding Area

#### e. General vernal pool comments and/or observations of other wildlife:

Send completed form and supporting documentation to: **Maine Dept. of Inland Fisheries and Wildlife**  
 Attn: Vernal Pools  
 650 State Street, Bangor, ME 04401

**NOTE:** Digital submission (to Jason.Czapiga@maine.gov) of vernal pool field forms and photographs is only acceptable for projects with 3 or fewer assessed pools; larger projects must be mailed as hard copies.

For MDIFW use only Reviewed by MDIFW Date: \_\_\_\_\_ Initials: \_\_\_\_\_

This pool is:  Significant  Potentially Significant but lacking critical data  Not Significant due to:  does not meet biological criteria  does not meet MDEP vernal pool criteria.

Comments:

# MEMO



**TO:** Neighbors of 6 Forester's Circuit  
**FROM:** Melissa M. Avery, Assistant to the Town Manager  
**DATE:** April 8, 2015  
**RE:** Offer to Purchase 6 Forester's Circuit

The Town of York currently owns the property located at 6 Forester's Circuit and has received an offer by a neighbor to purchase the property. Robert Dennerline and Richard Sommers have put in their offer of \$5,000 to purchase the property from the Town, with the understanding that the parcel is not suitable for development.

The Board of Selectmen will be holding a Public Hearing regarding the possible sale of the property to Mr. Dennerline and Mr. Sommers at their regular meeting on Monday, April 13, 2015 at 7:00PM and welcome your input. Please feel free to contact myself, the Town Manager or the Board of Selectmen should you have any questions or concerns.

**WHAT:** PUBLIC HEARING – SALE OF 6 FORESTER'S CIRCUIT

**WHEN:** APRIL 13, 2015 7:00PM

**WHERE:** YORK PUBLIC LIBRARY



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**PUBLIC HEARING NOTICE**  
**York Board of Selectmen**  
**April 13, 2015**  
**7:00PM**  
**York Library**

The Board of Selectmen will conduct a Public Hearing on  
Monday, April 13, 2015 regarding:

The possible sale of Town Owned property at 6 Forester's Circuit.

**0013-0008-C**

DREW PHILIP T/LINDA  
79 PAXWOOD ROAD  
DELMAR, NY 12054

**0013-0008-A**

SOMMERS RICHARD D  
PO BOX 403  
CAPE NEDDICK, ME 03902

**0011-0028-B**

SOMMERS RICHARD D  
PO BOX 403  
CAPE NEDDICK, ME 03902

**0011-0166**

FROST DONALD/DEBORAH  
1 FORESTERS CIRCUIT CAPE  
NEDDICK, ME 03902

**0011-0028**

PARRY NANCY WALKER  
PO BOX 378  
CAPE NEDDICK, ME 03902-0378

**0013-0004-G**

BUMEN JOSEPH F/MARGE H  
PO BOX 40  
CAPE NEDDICK, ME 03902

**0011-0028-A**

LITTLE RENA  
PO BOX 676  
CAPE NEDDICK, ME 03902

**0013-0010**

MARZINZIK DIANA L/JOHN A  
175 OLD ROAD  
ELIOT, ME 03903

**0013-0009**

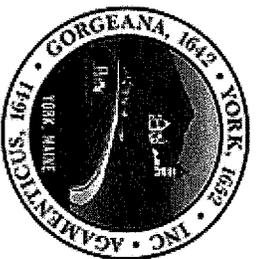
SHANNEY DEBORAH L/JAMES M  
102 BISSELL RD  
TEWKSBURY T.S., NJ 08833

**0011-0030**

SOMMERS DONN H/PATRICIA F  
PO BOX 427  
CAPE NEDDICK, ME 03902

**0013-0008-B**

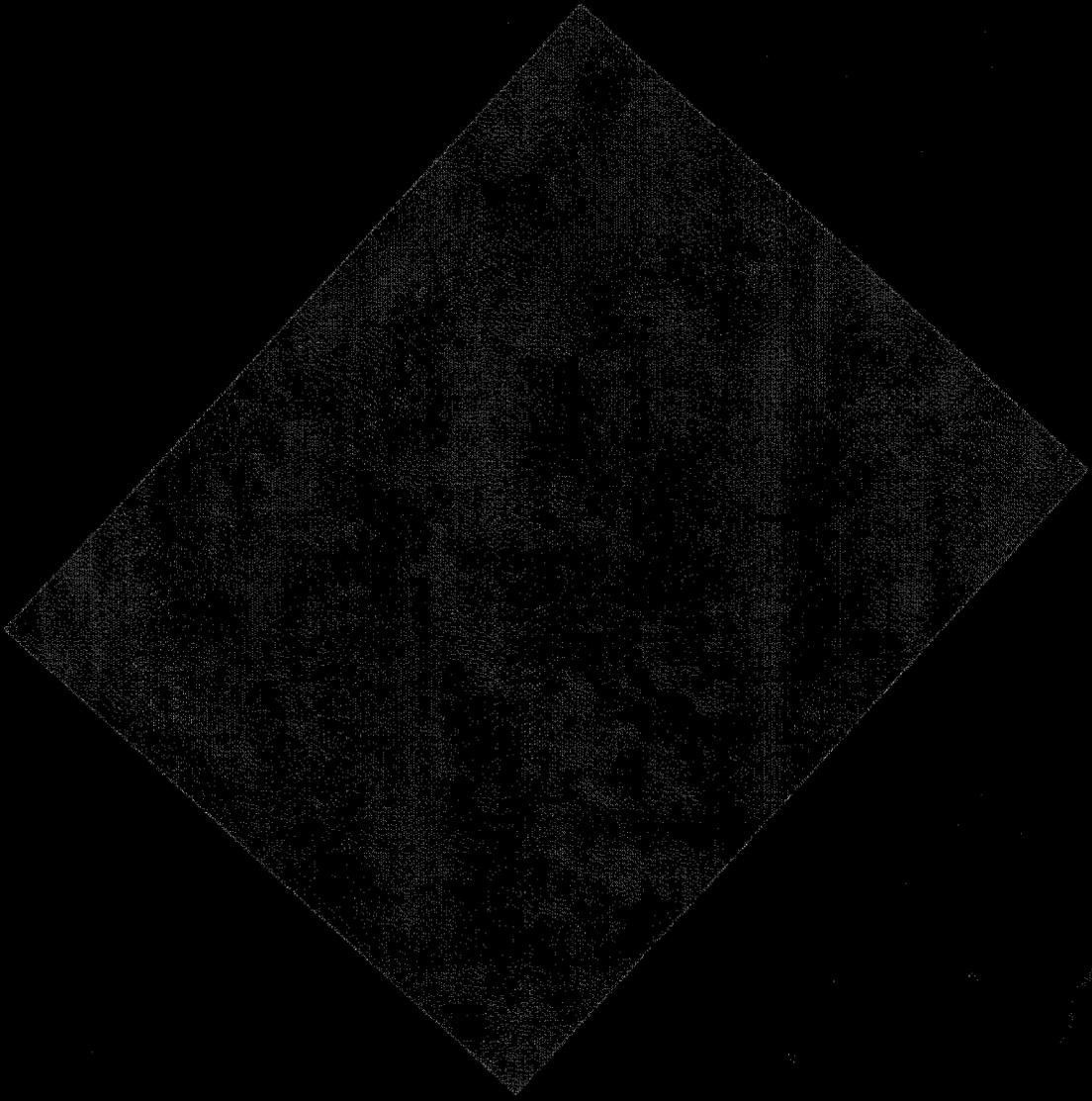
BURKE BRIAN F/STEPHANIE M  
5 HEADLAND WAY  
MEDFORD, MA 02155



## **GIS Map Print**

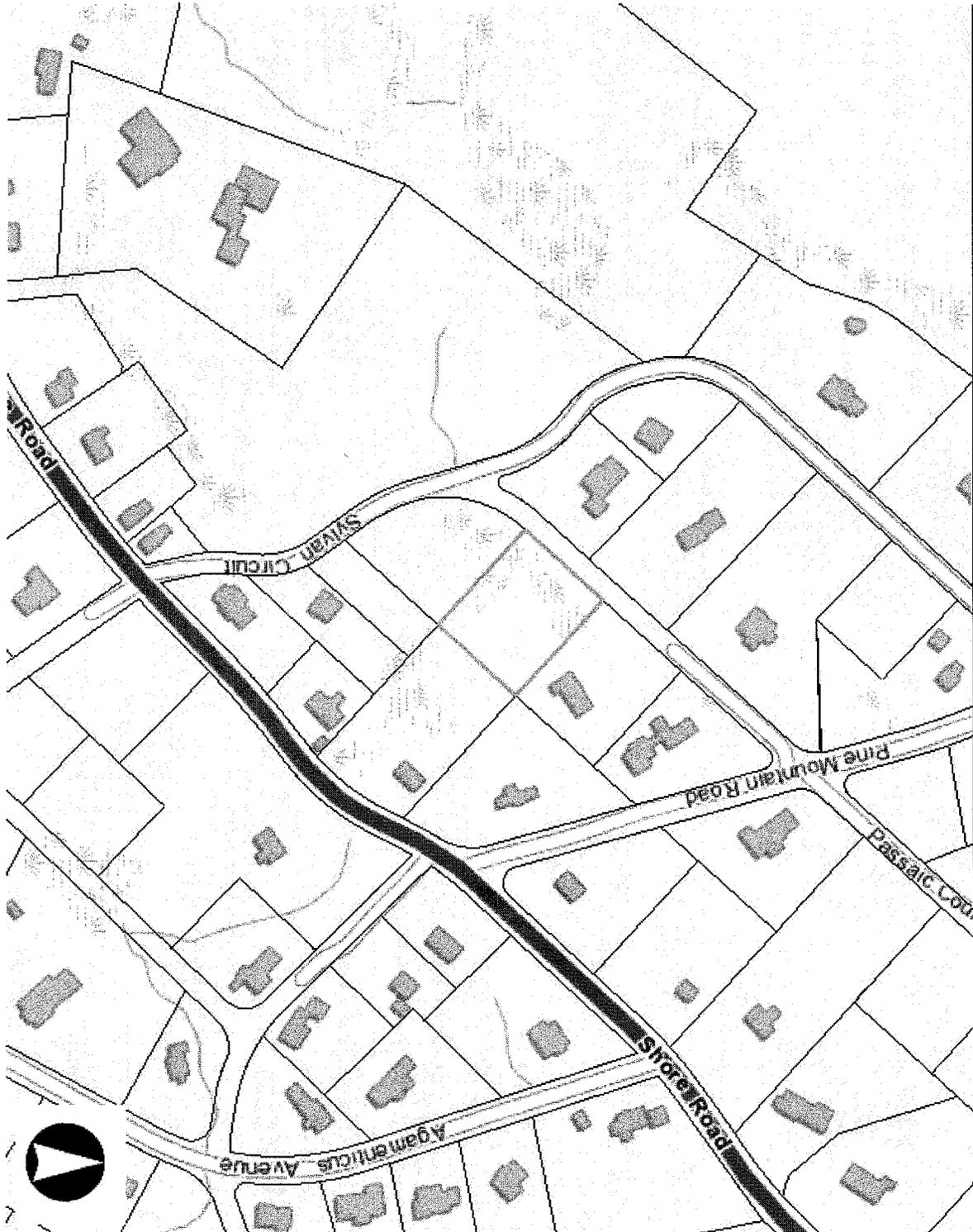
### **Subject Property Data**

Parcel ID: 0011-0028-C  
Assessing ID: 151-092  
Owner Name: YORK TOWN OF  
Co-Owner:  
Property Location: 6 FORESTERS CIRCUIT  
Owner Addr: 186 YORK STREET  
Owner CSZ: YORK, ME 03909  
Area (Acres): 0.64  
Land Value: \$124,900.00  
Building Value: \$0.00  
Total Value: \$124,900.00  
Book/Page: 14922/ 359





# Quick Map



**Legend**

- Parcels
- Citations

GIS Data Disclaimer- The data contained in this document, or any accompanying document is a resource of general information provided for public convenience. The Town of York makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. The reader should not rely on the data provided herein. The Town of York expressly disclaims any representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. This disclaimer can be seen at under the Community Development Department GIS Maps website.



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

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> 4/9/2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> 4/13/2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Maine DOT contractor construction over-limit permit and agreement.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Dean Lessard, Director of Public Works
<b>RECOMMENDATION:</b> to sign the Maine DOT contractor construction over-limit agreement allowing a construction over-limit permit to be issued to the Contractor to use overweight equipment and loads on Municipal ways.
<b>PROPOSED MOTION:</b> I move to approve the signing of the Maine DOT contractor construction over-limit agreement allowing a construction over-limit permit to be issued to the Contractor to use overweight equipment and loads on Municipal ways.

### Discussion:

The Maine Department of Transportation on March 25, 2015 advertised a Hot Mix Asphalt Overlay project with drainage improvements on US Route 1 in York. The project limits begin at the Compact Urban Limit Line in front of Mr. Mike's and extend 2.56 miles south to the Kittery Town line. According to 29-A Sec 2382 MRSA, the construction over-limit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the included agreement the municipal officers of the Town of York agree that a construction over-limit permit will be issued to the contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways. The agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A Sec 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA Sec 2388 to cover the cost of any damage that might occur as a result of the overweight loads.

Included with the selectmen's action form is the Maine DOT contractor construction over-limit agreement, Special Provision 105 over-limit permits, General Guidance Construction Over-limit Permit and Bonding, Sample Municipal over-limit Permit for Construction and Sample Municipal Construction Bond.



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

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

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



STATE OF MAINE  
 DEPARTMENT OF TRANSPORTATION  
 16 STATE HOUSE STATION  
 AUGUSTA, MAINE 04333-0016

Paul R. LePage  
 GOVERNOR

David Bernhardt  
 COMMISSIONER

Robert Yandrow, Town Manager  
 Town of York  
 186 York Street  
 York, ME 03909-1314

3/6/15

Subject: Hot Mix Asphalt Overlay  
 Project No.: STP-2025(100)  
 Town of York

Dear Mr. Yandrow:

The Maine Department of Transportation will soon advertise the subject project for construction, and pursuant to 29-A MRSA § 2382 (7) we have established a "Construction Area". A copy of 29-A § 2382 is enclosed for your information. Also included is an agreement, which requires signature by the municipal officers, and additional background documents.

The agreement stipulates that the municipality will issue a permit for a stated period of time to the MDOT contractor for transporting construction equipment (backhoes, bulldozers, etc.) that exceed legal weight limits, over municipal roads. The agreement acknowledges the municipality's right to require a bond from the contractor to "guarantee suitable repair or payment of damages" per 29-A MRSA.

29-A MRSA § 2382 (7) states that "*the suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers*". In other words, municipal officers determine the suitability of repairs on municipal ways and bridges.

The State cannot force municipalities to allow overweight vehicles to travel on posted municipal roads. Municipal postings supersede overweight permits. However, the agreement requires municipalities to make reasonable accommodations for overweight vehicles that are operated by contractors and the MDOT in connection with the construction project.

The specific municipal roads involved are not necessarily known at present, as the contractor's plan of operation won't be known until just prior to the start of work. If the municipality plans to require a bond; the amount of the bond should be determined prior to the start of work. If the project number administratively changes, you will be notified, and the agreement modified accordingly. Please return the completed agreement to my attention. Should you have any questions, please contact me at 624-3410.

Sincerely,

George MacDougall,  
 Contracts & Specifications Engineer  
 Bureau of Project Development



PRINTED ON RECYCLED PAPER

Return this AGREEMENT, when completed, to:

Maine Department of Transportation  
ATTN.: Mr. George Macdougall, Contracts & Specifications Engineer  
#16 State House Station, Child Street  
Augusta, Maine 04333-0016

Project No.: STP-2025(100)  
Location: Town of York

Pursuant to 29-A MRSA § 2382, the undersigned municipal officers of the **Town of York** agree that a construction overlimit permit will be issued to the Contractor for the above-referenced project allowing the contractor to use overweight equipment and loads on municipal ways.

The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA § 2388 to cover the cost of any damage that might occur as a result of the overweight loads. If a bond is required, the exact amount of said bond should be determined prior to the use of any municipal way. The Maine DOT will assist in determining the amount of the bond if requested. A suggested format for a general construction overlimit bond is attached. A suggested format for a construction overlimit permit is also attached. This construction overlimit permit does not supersede rules that restrict the use of public ways, such as posting of public ways, pursuant to 29-A MRSA § 2395.

The maximum speed limit for trucks on any municipal way will be 25 mph (40 km per hour) unless a higher speed limit is specifically agreed upon, in writing, by the Municipal Officers.

**TOWN OF YORK**  
By the Municipal Officials

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

Project No.: STP-2025(100)

**SPECIAL PROVISION 105**  
**CONSTRUCTION AREA**

A Construction Area located in the **Town of York** has been established by the Maine Department of Transportation (MDOT) in accordance with provisions of 29-A § 2382 Maine Revised Statutes Annotated (MRSA).

- (a) The section of highway under construction in York County, Project No. STP-2025(100) is located on Route 1, beginning at the Kittery/York town line and extending northerly 2.56 miles.

Per 29-A § 2382 (7) MRSA, the MDOT may "issue permits for stated periods of time for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:

- A. *Must be procured from the municipal officers for a construction area within that municipality;*
- B. *May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:*

- (1) *Withholding by the agency contracting the work of final payment under contract; or*
- (2) *The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.*

*The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;*

- C. *May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and*

- D. *For construction areas, carries no fee and does not come within the scope of this section."*

The Municipal Officers for the **Town of York** agreed that an Overlimit Permit will be issued to the Contractor for the purpose of using loads and equipment on municipal ways in excess of the limits as specified in 29-A MRSA, on the municipal ways as described in the "Construction Area".

As noted above, a bond may be required by the municipality, the exact amount of said bond to be determined prior to use of any municipal way. The MDOT will assist in determining the bond amount if requested by the municipality.

The maximum speed limits for trucks on any town way will be 25 mph (40 km per hour) unless a higher legal limit is specifically agreed upon in writing by the Municipal Officers concerned.

BOND # \_\_\_\_\_

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

**MUNICIPAL CONSTRUCTION BOND**

KNOW ALL MEN BY THESE PRESENTS: That (name of construction firm) \_\_\_\_\_  
 \_\_\_\_\_ and the Municipality of \_\_\_\_\_, as  
 principal, and.....  
 , a corporation duly organized under the laws of the State of ..... and having a  
 usual place of business .....  
 as Surety, are held and firmly bound unto the Treasurer of the Municipality of  
 \_\_\_\_\_ in the sum of  
 \_\_\_\_\_ and 00/100 Dollars (\$ \_\_\_\_\_ )  
 to be paid said Treasurer of the Municipality of \_\_\_\_\_ or  
 her/his successors in office, for which payment well and truly to be made, Principal and  
 Surety bind themselves, their heirs, executors and administrators, successors and assigns,  
 jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in  
 the Contract to construct Project Number \_\_\_\_\_ in the Municipality of  
 \_\_\_\_\_ promptly and faithfully performs the Contract,  
 without damage to the municipal ways, other than normal wear and tear; then this  
 obligation shall be null and void; otherwise it shall remain in full force and effect.

However, if the Principal designated as Contractor causes damage to any municipal way  
 beyond normal wear and tear, in the construction of the above project through the use of  
 legal weight, legal dimension trucks or equipment; or overweight or over-dimension  
 equipment or trucks (as defined in 29-A MRSA) on the municipal ways, then this bond  
 may be used to guarantee that the contractor either repairs or pays for the damage caused  
 by the use of its equipment or trucks. The degree of damage beyond normal wear and  
 tear will be determined by municipal officials with the assistance of the Maine  
 Department of Transportation.

The Surety hereby waives notice of any alteration or extension of time made by the Municipality.

Signed and sealed this ..... day of ....., 20.....

WITNESS:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly .....

Print Name Legibly.....

.....

.....

WITNESS:

SIGNATURES SURETY:

Signature.....

Signature.....

Print Name Legibly .....

Print Name Legibly .....

NAME OF LOCAL AGENCY: .....

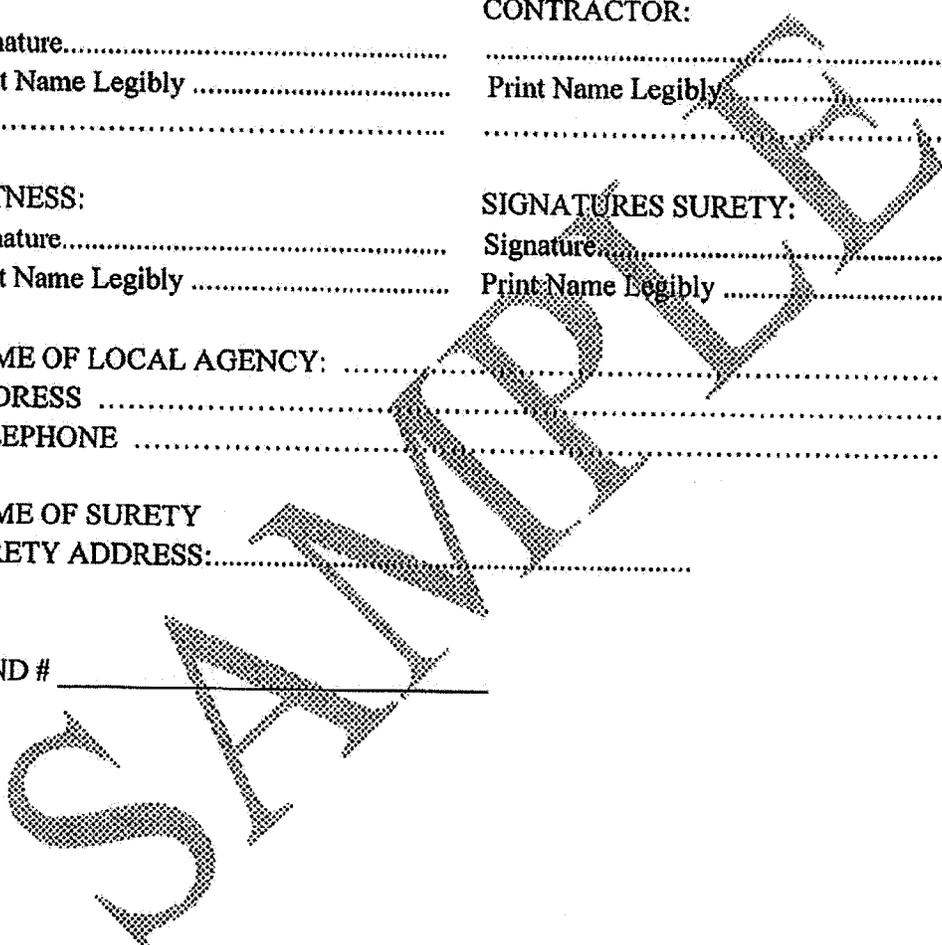
ADDRESS .....

TELEPHONE .....

NAME OF SURETY

SURETY ADDRESS:.....

BOND # \_\_\_\_\_



**MUNICIPAL OVERLIMIT PERMIT FOR CONSTRUCTION**

MUNICIPALITY: \_\_\_\_\_

Phone: 207-\_\_\_\_\_; fax: 207-\_\_\_\_\_

**APPLICATION FOR OVERLIMIT PERMIT TO MOVE CONSTRUCTION EQUIPMENT AND LOADS IN EXCESS OF LEGAL LIMITS ON MUNICIPAL WAYS**

Construction Time Period:

Per 29-A § 2382 (7) MRSA, application is hereby made to the MUNICIPALITY OF \_\_\_\_\_ for An Overlimit Permit to move construction equipment, material, objects or loads in excess of legal limits over ways maintained by the MUNICIPALITY in support of construction operations for the following Maine DOT project

Project Description:

Project Identification Number (PIN):

NAME OF PERMITTEE (Construction Company):

STREET/P.O. BOX:

CITY:

STATE/PROV:

ZIP / POSTAL CODE:

PHONE:

FAX:

This object of load cannot be readily reduced to the legal limits.

Signed by:

(name & title)

Permit is granted. A copy of this signed permit will be provided to the permittee as prove of permit. This permit will automatically expire at the physical completion of the above construction project. The original permit will be held on file at the municipality.

Signed:

Municipal Official

## GENERAL GUIDANCE

### CONSTRUCTION OVERLIMIT PERMIT AND BONDING

The Maine Bureau of Motor Vehicles (BMV) establishes requirements and standards for the permitting of non-divisible over dimensional and overweight vehicles and loads (collectively overlimit loads) on state roads. These state motor vehicle permits are available on-line. 29-A MRSA and Secretary of State Administrative Rules Chapters 155-157 apply. Additionally, municipalities and county commissioners may issue overweight permits for travel on municipal and county ways maintained by that municipality or county. These permits are typically single trip permits requiring vehicle registration data, intended route etc.

However, in this case we're dealing with *Construction Permits* involving overlimit loads in support of construction projects. According to 29-A MRSA § 2382 (7), a Construction Permit is a permit "for a stated period of time that may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation". According to 29-A § 2382 MRSA, the construction overlimit permit must be procured from the municipal officers for overweight loads on a municipal way in support of a construction project within that municipality.

By signing the attached agreement, the municipality agrees to issue construction overlimit permits to the MDOT construction contractor.

#### Frequently Asked Questions:

##### A. Why sign the document in advance of the actual construction contract?

Response: There are three primary reasons: First, to comply with 29-A § 2382. Second, to ensure that there are no surprises regarding the use of municipal roads by the Maine DOT contractor (to reasonably reduce risk and thus keep the cost of construction down) and third, to ensure the town is aware of its rights to control its own roads, and its rights to require a separate contractor's bond. (This is in addition to the Payment Bond and the Performance Bond the Maine DOT requires of the contractor).

##### B. Different roads may require different levels of scrutiny. How is a posted road handled?

Response: Despite the general construction overweight permit, the contractor cannot exceed the load limit on a posted municipal road without specific municipal permission. 29-A § 2395 MRSA notes that any ways requiring special protection (such as posted roads) will continue to be protected and overweight permits are superseded by such postings. In such a case the contractor would have to use an alternate route.

C. Is there any reason why the contractor cannot be held to indemnify and hold harmless the Municipality beyond the simple posting of a bond?

Response: The objective of our standard letter is to deal with overweight equipment and trucks on municipal ways during construction of an Maine DOT construction project. The bond merely provides a measure of protection against damage to municipal ways as a direct result of construction activity. Other areas of risk and indemnification are beyond the scope of our letter.

D. Are we required to obtain a bond?

Response: No. In fact, few municipalities have required a construction bond. It is a matter of risk management.

E. If used, what amount should be required on the bond?

Response: Previous MDOT letters used to speak about a maximum bond amount of \$14,000 / mile (\$9,000 / kilometer ) of traveled length, however 29-A § 2382 sets no maximum. The amount of the bond (if any bond is required at all) is based on the individual situation. The MDOT will assist in providing a bond amount estimate if so requested.

F. Why the blanket approval?

Response: The blanket approval we seek is the reasonable accommodation by the municipality to allow the Maine DOT contractor to use town ways (if required ) to haul overweight construction equipment and trucks. This theoretically gives the municipality and the MDOT time to discuss exceptions to a blanket approval. In general, this avoids unnecessary risks and saves money for all concerned in the long run.

G. Who determines the suitability of repairs?

Response: For municipal ways, the suitability of repairs may be determined by municipal officers. The MDOT will assist.

H. What is a non-divisible load?

Response: Per Chapter 157 (The Administration of Over-Dimension and Overweight Permits) under the Secretary of State administrative rules (See Rule Chapters for the Department of the Secretary of State on line), a non-divisible load is defined as: A load which, if separated into smaller loads or vehicles, would:

- 1) make it unable to perform the function for which it was intended;
- 2) destroy its value or;
- 3) require more than eight work hours to dismantle using appropriate equipment. Sealed oceangoing containers, spent nuclear materials in casks, and government-controlled military vehicles and their loads will be considered non-divisible

I. What is the standard for Overweight trucks and equipment?

Response: Overweight means a weight that exceeds the legal limits established in 29-A MRSA Chapter 21.

J. This is an unorganized township with no county or municipal roads. Why should I respond?

Response: Because of limited staff, we send out a standard letter to cover contingencies and minimize risk to the construction process. From time to time the letter may not have a practical application. In most cases of unorganized territories, the agreement is signed and returned as a matter of routine. This ensures that surprises will not be encountered after the start of construction regarding travel over municipal and county ways.

Additional tips:

False Information - Permit are invalidated by false information. A permit is invalidated by the violation of any condition specified by the terms of the permit or by false information given on the application. On evidence of such violation of falsification, the permittee may be denied additional permits.

Proper Registration - Overload permits do not relieve the registrants of vehicles from their obligations to properly register their vehicles in accordance with Motor Vehicle Laws.

Agent's Power of Attorney - If you do require a contractor's bond, make sure you have a copy of the Surety Agent's power of attorney authorizing the surety agent to sign for the surety. Keep the power of attorney with your duplicate original bond at the municipality. The contractor will also have a duplicate original.

Other bonds - The Maine DOT requires a payment bond and a performance bond of the contractor which is held against unsatisfactory performance on the part of the contractor for all construction projects over \$100,000. (The Miller Act (40 U.S.C. 270a-270f) normally requires performance and payment bonds for any federal aid construction contract exceeding \$100,000. 14 MRSA § 871 provides a similar requirement for state funded construction projects.) These bonds cover the proper performance of the contract and the payment of all employees, suppliers and subcontractors.

**SPECIAL PROVISION 105**  
**OVERLIMIT PERMITS**

**Title 29-A § 2382 MRSA Overlimit Movement Permits.**

- 1. Overlimit movement permits issued by State.** The Secretary of State, acting under guidelines and advice of the Commissioner of Transportation, may grant permits to move nondivisible objects having a length, width, height or weight greater than specified in this Title over a way or bridge maintained by the Department of Transportation
- 2. Permit fee.** The Secretary of State, with the advice of the Commissioner of Transportation, may set the fee for single trip permits, at not less than \$6, nor more than \$30, based on weight, height, length and width. The Secretary of State may, by rule, implement fees that have been set by the Commissioner of Transportation for multiple trip, long-term overweight movement permits. Rules established pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.
- 3. County and municipal permits.** A county commissioner or municipal officer may grant a permit, for a reasonable fee, for travel over a way or bridge maintained by that county or municipality
- 4. Permits for weight.** A vehicle granted a permit for excess weight must first be registered for the maximum gross vehicle weight allowed for that vehicle.
- 5. Special mobile equipment.** The Secretary of State may grant a permit, for no more than one year, to move pneumatic-tire equipment under its own power, including Class A and Class B special mobile equipment, over ways and bridges maintained by the Department of Transportation. The fee for that permit is \$15 for each 30-day period.
- 6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.
- 7. Construction permits.** A permit for a stated period of time may be issued for loads and equipment employed on public way construction projects, United States Government projects or construction of private ways, when within construction areas established by the Department of Transportation. The permit:
  - A. Must be procured from the municipal officers for a construction area within that municipality;
  - B. May require the contractor to be responsible for damage to ways used in the construction areas and may provide for:
    - (1) Withholding by the agency contracting the work of final payment under contract; or

(2) The furnishing of a bond by the contractor to guarantee suitable repair or payment of damages.

The suitability of repairs or the amount of damage is to be determined by the Department of Transportation on state-maintained ways and bridges, otherwise by the municipal officers;

C. May be granted by the Department of Transportation or by the state engineer in charge of the construction contract; and

D. For construction areas, carries no fee and does not come within the scope of this section.

**8. Gross vehicle weight permits.** The following may grant permits to operate a vehicle having a gross vehicle weight exceeding the prescribed limit:

A. The Secretary of State, with the consent of the Department of Transportation, for state and state aid highways and bridges within city or compact village limits;

B. Municipal officers, for all other ways and bridges within that city and compact village limits; and

C. The county commissioners, for county roads and bridges located in unorganized territory.

**9. Pilot vehicles.** The following restrictions apply to pilot vehicles.

A. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

B. Warning lights may be operated and lettering on the signs may be visible on a pilot vehicle only while it is escorting a vehicle with a permit on a public way.

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

**9-A. Police escort.** A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

December 10, 2004  
Supercedes February 7, 1996

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

**10. Taxes paid.** A permit for a mobile home may not be granted unless the applicant provides reasonable assurance that all property taxes, sewage disposal charges and drain and sewer assessments applicable to the mobile home, including those for the current tax year, have been paid or that the mobile home is exempt from those taxes. A municipality may waive the requirement that those taxes be paid before the issuance of a permit if the mobile home is to be moved from one location in the municipality to another location in the same municipality for purposes not related to the sale of the mobile home.

**11. Violation.** A person who moves an object over the public way in violation of this section commits a traffic infraction.

**Section History:**

- PL 1993, Ch. 683, §A2 (NEW).
- PL 1993, Ch. 683, §B5 (AFF).
- PL 1997, Ch. 144, §1,2 (AMD).
- PL 1999, Ch. 117, §2 (AMD).
- PL 1999, Ch. 125, §1 (AMD).
- PL 1999, Ch. 580, §13 (AMD).
- PL 2001, Ch. 671, §30 (AMD).
- PL 2003, Ch. 166, §13 (AMD).
- PL 2003, Ch. 452, §Q73,74 (AMD).
- PL 2003, Ch. 452, §X2 (AFF).



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 10, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 13, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: Police Station – Existing Conditions Inventory and Survey	

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** At their April 6th meeting the Police Station Building Committee unanimously passed a motion to request the Board of Selectmen hire a firm to complete an existing conditions inventory and survey of all constructed site work for the road, police station site, and the material stockpiles. The purpose is to identify the stage of completion for earthwork throughout the site so that it will be possible to go out for bid to complete the remaining work. This will require an engineer to evaluate conditions and infrastructure, and a surveyor to pinpoint locations. This was recommended by Pete Pelletier of Ledgewood Construction, who told the Committee that without Gorham Sand & Gravel's participation moving forward it will be impossible to get reasonable bids for the earthwork required for project completion, and to know how much material is available on site. No matter what is done with this property, this will be critical information.

I have not yet drafted the RFP. The Police Station Building Committee will need to review the draft prior to its release. It's anticipated the Board could award the work at one of its meetings in May.

There is approximately \$5.2 million remaining for the pair of projects.

**RECOMMENDATION:** I recommend the Board authorize the Town Manager to draft and release a Request for Proposals for an inventory and survey of existing conditions of the partially-constructed connector road and police station site, and of the material stockpiles related to that construction.

**PROPOSED MOTION:** I move to authorize the Town Manager to draft and release a Request for Proposals for an inventory and survey of existing conditions of the partially-constructed connector road and police station site, and of the material stockpiles related to that construction.

PREPARED BY: 

REVIEWED BY: \_\_\_\_\_



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 9, 2015	<input checked="" type="checkbox"/> ACTION
DATE ACTION REQUESTED: April 13, 2015	<input type="checkbox"/> DISCUSSION ONLY
SUBJECT: York's Wild Kingdom parking lease	

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Per the Board's meeting with Joe Barberi on April 7th, Missy Avery has prepared a revised annual lease for use of the parking lot. The new proposal reflects terms identical to the 2014 lease. The dates were changed and a clearer sketch to identify the parking lot has been attached.

RECOMMENDATION: I recommend the Board direct the Town Manager to execute the proposed annual lease of the parking lot adjacent to the York's Wild Kingdom.

PROPOSED MOTION: I move to direct the Town Manager to sign the lease agreement with the York's Wild Kingdom for the parking lot located on Town property at 414 Ridge Road.

FISCAL IMPACT: \$6,000.00 - FY16 revenue

DEPARTMENT LINE ITEM ACCOUNT: 100.0000.4365

BALANCE IN LINE ITEM IF APPROVED: \$6,000.00

PREPARED BY:

REVIEWED BY: \_\_\_\_\_

## **PARKING AGREEMENT**

This Agreement is made and entered into by and between the **Inhabitants of the Town of York, Maine**, a Maine municipality hereinafter referred to as "Town" and **York's Wild Kingdom, Inc.**, a Maine business corporation doing business in York, Maine hereinafter referred to as "Wild Kingdom". In consideration of the mutual covenants contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. **PARKING AREA**. Town does hereby grant permission to the Wild Kingdom to park its patrons' vehicles in the area designated as "Parking Area" on the sketch attached hereto as Exhibit A, said area hereinafter referred to as "Parking Area".

2. **TERM OF AGREEMENT**. This Agreement is for a period of approximately four (4) months commencing as of May 23, 2015 and continuing until September 30, 2015.

3. **FEE**. The total fee for such use shall be a total of Six Thousand Dollars (\$6,000.00) payable on or before July 1, 2015.

4. **CONDITION OF PARKING AREA / LEASEHOLD IMPROVEMENTS**. Wild Kingdom agrees to accept the Parking Area in "as is" condition without representation or warranty by Town as to the condition.

5. **USE BY OTHERS**. Wild Kingdom shall not assign any part or whole of the Parking Area nor permit the Parking Area to be occupied by invitees other than patrons for a period longer than a temporary daily visit. Any persons occupying the Parking Area except as specified herein shall be considered to be trespassing and loitering.

6. **INSPECTION AND USE**. The Town and/or its agents, may, with reasonable notice, enter to view, show and make any repairs or inspection of the Parking Area, and to otherwise use the Parking Area so long as it does not interfere with use by Wild Kingdom for its patrons' parking. The Town shall have the right of immediate entry without notice in the event of any emergency or if the Wild Kingdom fails to comply with terms and conditions hereof.

7. **INDEMNIFICATION**. The Wild Kingdom agrees to indemnify and hold Town harmless from any and all damage, loss, claims or expenses which are asserted against Town, directly or indirectly, by virtue of or related to use or condition of the Parking Area. Wild Kingdom agrees to immediately report any condition of the Parking Area for which they are not responsible and which could result in damage to persons or property. Any damage to personal property on the Parking Area shall be at the sole risk of the Wild Kingdom. Wild Kingdom agrees to indemnify and hold Town harmless for any damage to the real estate or Parking Area occurring by virtue of actions, or inactions, of the Wild Kingdom.

8. **USE OF THE PARKING AREA**. Neither the Wild Kingdom nor its invitees, visitors, customers, agents or employees shall make any unlawful, noisy, or otherwise offensive use of the

Parking Area, nor commit any, nor permit any nuisance to exist thereon, nor cause damage to the Parking Area, nor create any substantial interference with the rights, comfort, safety or enjoyment of the Town or occupants of other land, nor make any use whatsoever thereof other than as and for a parking area.

9. ALTERATIONS AND SIGNS.

- a. Wild Kingdom shall not make or cause to be made any alterations, additions or improvements or make any changes to the Parking Area.
- b. The Wild Kingdom shall be limited to one (1) sign at the Parking Area to be placed in a location specified by the Town, and shall be in compliance with all applicable zoning regulations and state laws. Wild Kingdom shall be responsible for any and all costs relating to the placement of the sign, including any fees relating to the compliance of said zoning regulations.
- c. Upon the expiration or termination of this Agreement, Wild Kingdom shall remove any such permitted alterations, decorations, signs, fixtures, additions and improvements and restore the Parking Area.

10. GOVERNMENTAL REGULATIONS. Wild Kingdom shall faithfully observe in its use of the Parking Area all laws, ordinances, regulations at the local, state, or federal level which apply to the Parking Area.

11. INSURANCE.

- a. Wild Kingdom shall maintain a policy of Comprehensive General Liability insurance insuring Wild Kingdom as well as the Town as an additional insured, said policy to be in such amounts and with such companies as shall from time to time be satisfactory to Town.
- b. In addition to the insurance required under subparagraph (a) of this Paragraph, Wild Kingdom shall maintain insurance against such other hazards as Town may from time to time reasonably require.
- c. Wild Kingdom shall provide Town with Certificates of Insurance evidencing the existence of the policy(ies) and terms and conditions thereof. Said policies shall, at Town's discretion, name Town as loss payee or additional insured.

12. DAMAGE, DESTRUCTION, OR EMINENT DOMAIN. In the event that the Parking Area, or any part thereof, shall be substantially destroyed, damaged, or taken by eminent domain, such that the Parking Area, in the opinion of Town, are rendered not useable for parking, then Town may at its sole option terminate this Agreement upon written notice and the rent shall be pro-rated as of that date, and the parties shall be without further recourse against each other.

13. MISCELLANEOUS. The waiver by Town of any breach of any term or condition hereof

shall not be deemed a waiver of any such term or condition upon subsequent breach of the same. Any notice required hereunder may be delivered in person or mailed postage prepaid to the addresses listed at the end hereof. This Agreement shall not be recorded. If any portion of this Agreement shall be deemed invalid or unenforceable, it shall not thereby affect the validity and enforceability of the remaining provisions hereof, and, in that event, Wild Kingdom agrees that Town shall not be liable to Wild Kingdom for any damages by virtue of including said provision in this Agreement. This Agreement constitutes the entire agreement between the parties and all discussions or prior understandings are merged herein. This Agreement can be modified only by written instrument executed by both parties. This Agreement is binding upon and shall inure to the benefit of any successors in interest or heirs of the parties. This agreement shall be governed by and construed in accordance with the laws of Maine. Both parties acknowledge that they have had an opportunity to have this Agreement reviewed by their own independent, professional advisors.

IN WITNESS WHEREOF, the undersigned parties have caused this instrument to be executed below as of April 13, 2015.

INHABITANTS OF THE TOWN OF YORK  
("Town")

\_\_\_\_\_  
Witness

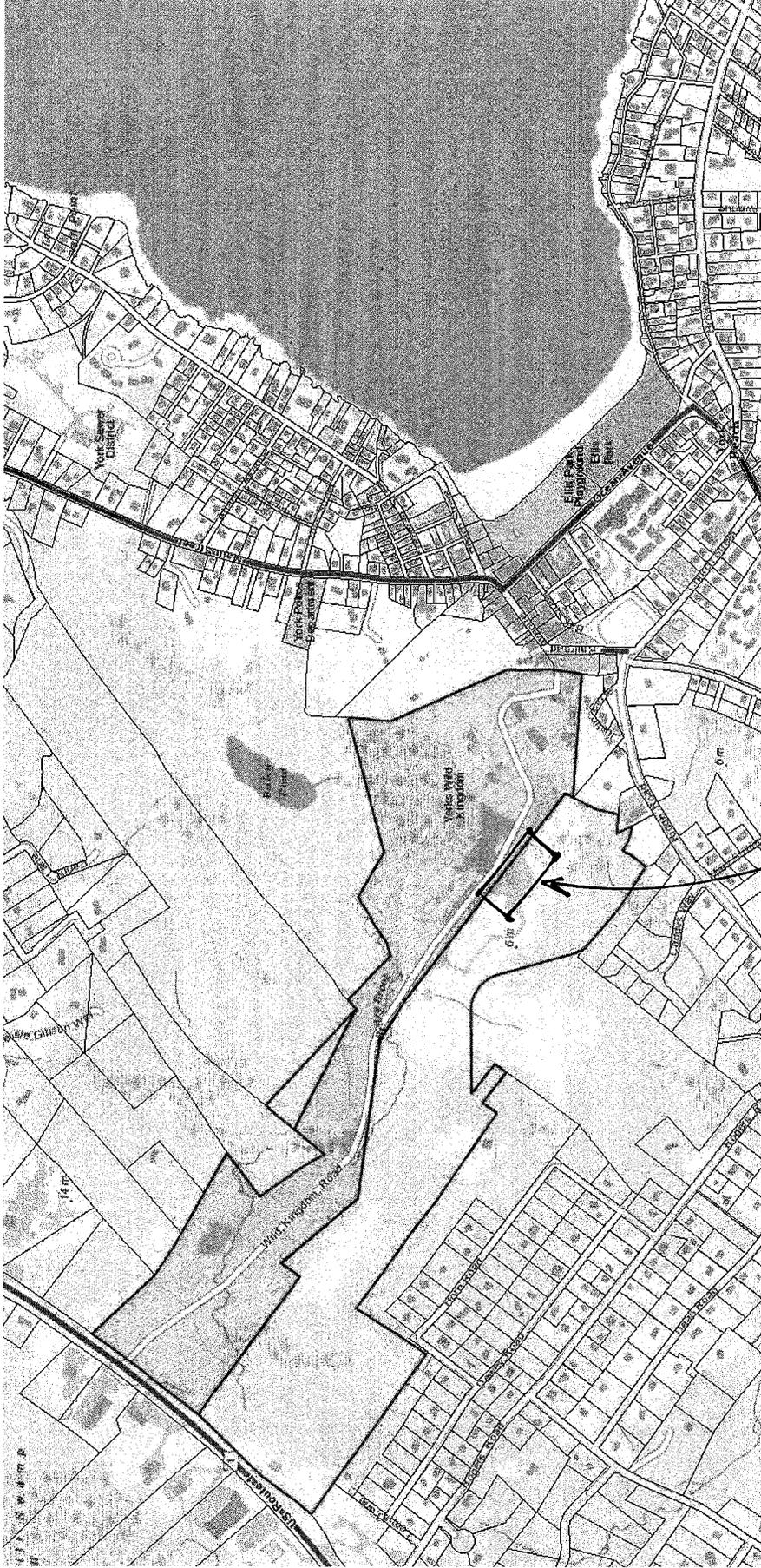
By: \_\_\_\_\_  
Stephen H. Burns, Town Manager  
186 York Street  
York, ME 03909

YORK'S WILD KINGDOM, INC.  
("Wild Kingdom")

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Joseph Barberi, CEO  
PO Box 1139  
York Beach, ME 03910

# Exhibit A



Parking Area



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 9, 2015

ACTION

DATE ACTION REQUESTED: April 13, 2015

DISCUSSION ONLY

SUBJECT: Polling the Board about EB-5

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** I would like to poll the members of the Board of Selectmen with regard to the following: Would the York Board of Selectmen favor the County budget being increased by \$100,000 to help start a regional EB-5 initiative? I don't need a vote, just a sense of direction.

EB-5 is a federal immigration program that allows wealthy foreigners willing to invest millions of dollars in the US in hopes of gaining US citizenship. It is of interest to economic development folks in many communities in York County at the moment because they are hoping to attract some of that money to the more financially-challenged parts of the County. Such investment will expand their tax bases and grow employment opportunities in their communities. The specific opportunities for investment are locally developed, so there is a high degree of local control over the outcome. To get access to this investment money they must create the institutional capacity to do so. Apparently it costs about \$100,000 to get to the point where a community, group of communities, county or group of counties can become EB-5 eligible. Because a large number of communities in York County are interested, they have asked the County to fund the start-up cost.

If York County takes on this roll and funds this initiative to the tune of \$100,000, the Town of York's taxpayers will shoulder a large portion of this up-front cost by virtue of our relative share of the County tax burden. I have not offered my support of this initiative because I'm not clear the EB-5 initiative would benefit to the Town of York enough to warrant the cost. I think it is clearly in the Town's interest to support our neighboring communities as they try to grow their tax bases – as their proportional share of the assessed value in the County grows, ours declines and so too would our portion of the County tax burden.

County Commissioner Gary Sinden, who represents York and other communities, has asked if the York Board of Selectmen has taken a position about this matter. His e-mail and my response are attached.

Also attached are:

- 1) a fact sheet about EB-5, prepared by municipal staff in one of the proponent towns; and
- 2) a brief article from Kiplinger about EB-5.

A quick Google search will yield much more information if you want to dig further.

RECOMMENDATION: n.a.

PROPOSED MOTION: n.a.

PREPARED BY: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'A. H.', written over the line for 'PREPARED BY'.

REVIEWED BY: \_\_\_\_\_

## Stephen H. Burns

---

**From:** Stephen H. Burns  
**Sent:** Monday, March 30, 2015 3:50 PM  
**To:** 'Sinden, Gary'  
**Subject:** RE: EB-5 Regional Center

Hi Gary,

I am aware of the request to have the County budget \$100,000 or so to get the EB-5 program started. The Board of Selectmen in York have not discussed this yet. I have it tentatively scheduled for the April 13<sup>th</sup> meeting. I doubt there will be much appetite for EB-5 as far as local benefits, but if it helps other parts of the County to expand their tax base then it could be good for York by virtue of shrinking our relative portion of the valuations in the County (and our portion of the County tax bill).

Take care,

Steve

Stephen H. Burns, Town Manager  
York Town Hall  
186 York Street  
York, Maine 03909  
(207) 363-1000

---

**From:** Sinden, Gary [mailto:gsinden@CO.YORK.ME.US]  
**Sent:** Monday, March 30, 2015 11:55 AM  
**To:** Stephen H. Burns  
**Subject:** EB-5 Regional Center

Mr. Burns

I believe you are aware that there is a proposal being floated within the county to have York County become a regional center for the EB-5 Immigrant Investment Program. Has the York Select Board taken a position on this proposal? If so, please let me know about their decision. Thanks for your help.

Gary A. Sinden  
York County Commissioner  
District 5

## **EB-5 Program**

### **Question and Answers**

**Q. What is the purpose of the EB-5 Program?**

A. *To bring new immigrant investment capital into the United States that will provide support for the creation of new or restructured commercial enterprises and create jobs.*

**Q. What are the advantages and disadvantages to the immigrant?**

A. *The clear advantage is the immigrant and their immediate family receives a five year green card status with the goal of obtaining U.S. Citizenship. The disadvantage is that their capital must be pledged and is at risk, both in terms of return on investment and, in the case of no job creation (a minimum of 10 new jobs) they will lose their green card status.*

**Q. What is the process for an immigrant investor to receive EB-5 status?**

A. *The immigrant investor applies through United States Citizenship and Immigration Services (USCIS), by filling out an I-526. Once the I-526 is approved, the investor then applies for conditional permanent residence and must demonstrate that the investment is made and that 10 jobs are created or going to be created. This is form I-829.*

**Q. What is the minimum investment in Southern Maine?**

A. *Because of EB-5 population and unemployment rules, the minimum investment must be \$1,000,000.*

**Q. What kind of commercial enterprise can be invested in and what must be done to monitor the process?**

A. *Any type of new commercial enterprise, in generally any kind of ownership format, or for the purchase of an existing commercial enterprise that is restructured or organized, results in a 40% growth in the company. In monitoring this activity to insure green card status, there must evidence of the establishment of the enterprise (e.g. articles of incorporation, sufficient capital), that there is evidence that the funds were actually invested, that a formal security agreement is in place, and that a management program is in place demonstrating how the immigrant investor is to be involved in the decision making process within the company.*

**Q. What is an EB-5 regional center and is it necessary to receive investor funding?**

A. *While EB-5 funding can go directly to a new commercial enterprise, because of the risks and complicated process, more than 70% of all funds go directly through regional centers. Regional centers are created through application to USCIS. They may be a private or public entity committed to economic development and promotion, representing geographic areas that are contiguous to one another.*

**Q. How does the commercial enterprise go about demonstrating that jobs can be and are finally created?**

A. *The regional center is required to show that the enterprise can create 10 jobs per investment (e.g. if it is 2 investments of \$1,000,000 each, there must be 20 jobs created). Prior to making the investment, the regional center will provide, with econometric evidence, that the new enterprise (by The North American Industry Classification System (NAICS)), will create the new jobs or demonstrate how indirect jobs will be created as part of the investment. In addition to the analysis, a comprehensive business plan must also be established that shows how and when the jobs are to be created over a two year period. Finally, relevant tax records must demonstrate the jobs were in fact created.*

**Q. Will the investor get their money back after the five year period or when citizenship status is created?**

A. *While the primary purpose of the immigrant investor is to achieve citizenship, the investor expects to get back their initial investment plus a modest rate of return. While some investors may not be concerned about that rate of return, the inability of the regional center or the commercial enterprise to demonstrate a return will make it highly unlikely that there will be future EB-5 investors in your region.*

**Q. What is the cost to establish and run a center?**

A. *It costs roughly \$100,000 to set up the center through the application and legal process. It is estimated that it can cost another \$100,000-150,000 to operate the center (staff, securities oversight, economic analysis). However, the immigrant investor can be charged the costs related to their investment such that the operation costs can eventually be recovered. An application currently takes up to 14 months to process.*

**Q. Why does it make sense for the county, in conjunction with the Saco Biddeford Development Corporation, to spearhead the regional center application?**

A. *The EB 5 rules require that a regional center "operate in a contiguous geographic area". Following the Franklin County model, York County fulfills that role better than any other existing organization, while still representing town and county interests. The role of the development corporation, in terms of staffing and overseeing the program is ideal because of the unique nature in which the investment is made by the immigrant (as a securities investment) and the need to have someone oversee the daily operations of the center and maintain USCIS compliance.*

Note: This document was created by using a slide show developed and presented by Attorney George D. Hepner, III, a specialist in the EB-5 world, and was supplemented with additional internet research.

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Should Rich Immigrants Be Able to "Buy" Permanent Visas?



U.S. immigration policy should tilt toward admitting people who actually want to work in this country. An immigrant's wealth shouldn't by itself confer priority for citizenship.

By Knight Kiplinger, From Kiplinger's Personal Finance, May 2015

Follow @KnightKiplinger

Q I hear that thousands of wealthy foreign families, mostly Chinese, are allowed to gain permanent residency in the U.S. each year by investing \$500,000 each in a new American business venture that creates at least 10 new jobs. Do you think this is ethical?

SEE ALSO: 7 Self-Made Immigrant Millionaires

A. I have deep misgivings about the EB-5 visa program you're referring to, and not just because it has attracted fraudulent promoters.

U.S. immigration policy, which is flawed in many ways, should tilt toward admitting people who actually want to work in this country, at jobs with shortages at both the low and high ends of the labor market, ranging from agriculture to high tech. An immigrant's wealth shouldn't by itself confer priority for citizenship.

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Supporters of the EB-5 program argue that the foreign capital it attracts—an estimated \$1.8 billion annually in recent years, \$6.8 billion total since 1992—has created 49,000 new jobs in rural and high-unemployment urban communities, which are the intended beneficiaries of the program.

But claims of robust job creation have been disputed by impartial studies, and the dynamic American economy attracts plenty of foreign investors even without the offer of permanent residency.

What's more, most of the EB-5 investment has been made in just one business sector:

commercial real estate, such as hotels, offices and stores. And loopholes in the definition of an economically distressed place have led to EB-5 certification of ritzy realty projects in affluent areas of Los Angeles, New York City and Washington, D.C., which have no trouble attracting conventional capital. (Investors of \$1 million don't have to meet the depressed-locale requirement that applies to \$500,000 investors.)

Of the 10,000-plus wealthy visa applicants approved in 2014 (including their spouses and unmarried children under 21), about 85% were from China. It appears that these immigrants are much less interested in an investment return—which is often very meager—than in the prospect that their children can legally remain in the U.S., not just for college but forever after.

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## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 6, 2015

ACTION

DATE ACTION REQUESTED: April 13, 2015

DISCUSSION ONLY

SUBJECT: Energy Efficiency Steering Committee Resignation/Appointment

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Effective April 13, 2015 Regular Energy Efficiency Steering Committee Member Nan Graves is resigning from her position on the committee. The Energy Efficiency Steering Committee Chair, Wayne Boardman has requested that current Alternate Member Rozanna Patane be appointed as a Regular Member for the remainder of her term (6/30/2016) to fill the vacancy left by Ms. Graves.

RECOMMENDATION:

PROPOSED MOTION: I move to accept the resignation of Nan Graves as a Regular Member on the Energy Efficiency Steering Committee.

I moved to appoint Rozanna Patane as a Regular Member to the Energy Efficiency Steering Committee, term expiring June 30, 2016.

PREPARED BY: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

Melissa M. Avery, Assistant to the Town Manager

Nan Graves  
PO Box 225  
Cape Neddick, ME 03902

Board of Selectmen  
Town of York  
186 York St.  
York, ME 03909

March 25, 2015

I am resigning my position on the Energy Steering Committee, effective April 13, 2015. I am grateful for the opportunity to serve, and I look forward to serving the Town on other committees in the future.

Respectfully,

Nan Graves



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 2, 2015

ACTION

DATE ACTION REQUESTED: April 13, 2015

DISCUSSION ONLY

SUBJECT: Town Manager's Probation Period

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** In the Town Manager's employment contract there is a probation period that terminates on May 1st (see Section 3.b). Because this will be the last regular business meeting before that date, the Chair asked to schedule this matter on the agenda of April 13th to provide the Board with an opportunity to take any action it sees fit in this regard.

No action allows the deadline to pass and probation period to expire. This is, of course, my preference.

A copy of the contract is posted on the Town web page, as requested earlier by the Board. The link is located in the lower right corner of the Town Manager's page.

**RECOMMENDATION:** I recommend no action be taken.

**PROPOSED MOTION:** n.a.

PREPARED BY:

REVIEWED BY: \_\_\_\_\_



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: March 19, 2015

ACTION

DATE ACTION REQUESTED: February 23, 2015

DISCUSSION ONLY

SUBJECT: Special Event Permit Applications

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All appropriate departments have been notified and have given approval.

Options available to the Board: 1) Approve/Deny all Special Event Permit Applications listed below in one motion. 2) Approve/Deny Special Event Permit Applications in separate motions

1. The Greater York Region Chamber of Commerce's *Salefest* – October 10-12, 2015
2. The Greater York Region Chamber of Commerce's *Harvestfest/Kidsfest* – October 17, 2015
3. The York Harbor Reading Room's *Annual July Independence Day Fireworks* – July 4, 2015
4. Old York Garden Club's *Annual Plant Sale* – May 30, 2015

RECOMMENDATION: Approve all Special Event Permit Applications in one motion.

PROPOSED MOTION: I move to approve the following Special Event Permit applications subject to all, if any, conditions given by Department Heads: The Greater York Region Chamber of Commerce's *Salefest* on October 10-12, 2015, The Greater York Region Chamber of Commerce's *Harvestfest/Kidsfest* on October 17, 2015, The York Harbor Reading Room's *Annual July Independence Day Fireworks* on July 4, 2015, and The Old York Garden Club's *Annual Plant Sale* on May 30, 2015.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: Melissa M. Avery  
Melissa M. Avery, Assistant to the Town Manager

REVIEWED BY: [Signature]



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# Town of York, Maine

## Special Event Permit Application

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

Date: 3/27/2015

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. 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup>, 2015 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 is attached.

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, (a chamber staff person will check to be sure all cones are taken in each day at 4:00pm) and the merchants will 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

**For Town Use Only**

Reviewed by:

<b><u>Department</u></b>	<b><u>Initials</u></b>
Police Department	<u>Szeniawski 03-30-2015</u>
Public Works	<u>Lessard 03-30-2015</u>
Parks/Recreation	<u>Sullivan 03-30-2015</u>
Village Fire	<u>Apgar 03-30-2015</u>
York Beach Fire	<u>Bridges 03-30-2015</u>
Code Enforcement	<u>Harrison 03-30-2015</u>
York Ambulance	<u>Tucker 03-30-2015</u>
Water District	<u>Neumann 03-30-2015</u>
Sewer District	<u>Haskell 03-30-2015</u>

Special Conditions:

**Police Department:** Will have a safety and security plan in place as discussed with the  
organizers.

Any Questions? Call Lieutenant Szeniewski (207)363-1031

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
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: **3/27/2015**

Name of Event: **Harvestfest / Kidsfest**

Type of Event: **31<sup>st</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 17, 2015** Day of Week: **Saturday**

Starting Time: **7:00 am** Ending Time: **4:00pm**

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):  
**Certificates of insurance are attached for the Town of York and York's Wild Kingdom.**

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, see attached description and safety plan.**

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 03-30-2015</u>
Public Works	<u>Lessard 03-30-2015</u>
Parks/Recreation	<u>Sullivan 03-30-2015</u>
Village Fire	<u>Apgar 03-30-2015</u>
York Beach Fire	<u>Bridges 03-30-2015</u>
Code Enforcement	<u>Harrison 03-30-2015</u>
York Ambulance	<u>Tucker 03-30-2015</u>
Water District	<u>Neumann 03-30-2015</u>
Sewer District	<u>Haskell 03-30-2015</u>

Special Conditions:

**Police Department:** Will have a safety and security plan in place as discussed with the \_\_\_\_\_  
organizers. \_\_\_\_\_

Any Questions? Call Lieutenant Szeniaowski (207)363-1031 \_\_\_\_\_

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## **2015 Harvestfest Special Event Permit – Continued from page 1**

~Members of the Harvestfest committee met on March 12, 2015, with Lieutenant Szeniaowski and Sergeant Davis from the York Police Department and Chief Bridges from York Beach Fire Department to outline the safety plan for 2015 Harvestfest event. I have enclosed the map showing where parking will be banned and coned off. Lieutenant Szeniaowski, Sergeant Davis and Chief Bridges agreed that we will follow the same safety guidelines that we followed in 2014, 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 2015.

~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. Insurance certificates are attached for both the Town of York and York's Wild Kingdom listing both as additionally insured.

~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 – 4:00 pm on Saturday, October 17, 2015. At 4:00 pm the cones will be removed from Church Street.

~The committee requests that Bay Street and the perimeter road around the York Beach Ball Field be closed to traffic from 7:00 am – 4:00 pm on Saturday, October 17, 2015.

~All Harvestfest and Kidsfest activities will conclude at 4:00 pm.

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.

~Kidsfest will be part of Harvestfest on Saturday. This includes, pumpkin decorating, games, entertainment, etc. located in the parking area of the Union Congregational Church, across from the Ball field. A crosswalk will be provided with a police officer at this location.

## **Harvestfest Traffic Plan**

Railroad Avenue will be coned off on both sides beginning at the corner of Railroad Avenue and Ocean Avenue to allow only one lane of traffic to flow between 7:00 am – 4:00 pm on Saturday, October 17, 2015. Church Street will be coned off on both sides of the road to allow only one lane of traffic to flow from 7:00 am – 4:00 pm. Ocean Avenue will remain open to one way traffic.

Two pedestrian crosswalks will be designated and the police will have officers located at both crosswalks throughout the event. All attendees will cross from York's Wild Kingdom area between the fire station and Bay Street. All attendees will also cross from the Ball Field parking lot entrance to the parking area for the Union Congregational Church to participate in the Kidsfest activities.

Designated Handicapped Parking spaces will be located along the back of the Ball Field against the tree line where permit parking currently is located, exactly the same as 2014.

The Police Officers will be located at;

- The crosswalk located on Railroad Avenue and the crosswalk located on Church Street. (3 Officers from 8:00 am – 4:00 pm)
- An officer patrolling the event site. (1 Officer from 9:00 am – 4:00 pm)

## **No Parking Postings for Harvestfest**

Ocean Avenue  
Ocean Avenue Extension  
Church Street  
Church Street Extension  
Broadway Avenue to Mosley Road  
Willow Avenue  
Freeman Street to Cross Street  
Airport Extension  
Airport up a few hundred yards  
Long Beach Avenue to the Cutty Sark  
Nubble Road up over the hill  
Ridge Road up to Gunnison both sides

Daily Grind

York

Beach

Shops

Wild Kingdom Festival Entrance

Single Lane Traffic

Railroad Ave.

York

Beach

Shops

Railroad Ave.

- 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



**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

100	109	118	127	136	145
101	110	119	128	137	146
102	111	120	129	138	147

Juried Crafters

103	112	121	130	139	148
104	113	122	131	140	149
105	114	123	132	141	150

Juried Crafters

106	115	124	133	142	151
107	116	125	134	143	152
108	117	126	135	144	153

Food Vendors

Esplanade (Non-Profits)

KIDSFEST AREA

petting zoo & activities

Dumpster

# Harvestfest Map

Ballfield Perimeter Rd. (overflow handicap parking)



# 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: 3/25/15

Name of Event: ANNUAL July Independence Day FIREWORKS

Type of Event: FIREWORKS Display

Organization Name: The York Harbor Reading Room Phone #: 207-363-2563

Organization Address: 491 YORK STREET City: YORK State: ME Zip: 03911

Applicant Name: The York Harbor Reading Room Phone #: 207-363-2563

Applicant Address: 491 YORK STREET City: YORK, State: ME. Zip: 03911

Contact Name for Day of Event: BEN LAULOR Contact Phone # 207-363-2563

Date of Event: July 4, 2015 Day of Week: SATURDAY

Starting Time: 9:00 PM Ending Time: 9:20 PM

Assembly Area: YORK Harbor Beach

Dispersal Area: YORK Harbor Beach

Event Route: N/A

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)

500 +

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: POLICE & FIRE

Protection

Purpose of the Event: Celebrate Independence Day

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

Signature of Applicant: Ben Laulor

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 03-26-2015</u>
Public Works	<u>Lessard 03-26-2015</u>
Parks/Recreation	<u>Sullivan 03-26-2015</u>
Village Fire	<u>Apgar 03-26-2015</u>
York Beach Fire	<u>Bridges 03-26-2015</u>
Code Enforcement	<u>Harrison 03-26-2015</u>
York Ambulance	<u>Tucker 03-26-2015</u>
Water District	<u>Neumann 03-26-2015</u>
Sewer District	<u>Haskell 03-26-2015</u>

Special Conditions:

**Police Department:** Will have a safety and security plan in place; requiring three detail officers.

Any Questions? Call Lieutenant Szeniaowski (207)363-1031

**Village Fire Department:** Will provide two engines and a brush unit and assist the Police Department with setting up safety zones. Will need to provide a copy of the State fire Marshal's signed application and map of the approved layout.

Any Questions? Call Dave Apgar (207)363-1015

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
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: 7 April 2015

Name of Event: Old York Garden Club Plant Sale

Type of Event: Plant Sale

Organization Name: Old York Garden Club Phone #: \_\_\_\_\_

Organization Address: PO Box 594 City: York State: ME Zip: 03909

Applicant Name: Sallyanne Jarvis Phone #: (207) 3636607

Applicant Address: PO Box 594 City: York State: ME Zip: 03909

Contact Name for Day of Event: SAA Contact Phone #: \_\_\_\_\_

Date of Event: 30 May 2015 Day of Week: Saturday

Starting Time: 9:30am Ending Time: 12 noon

Assembly Area: Grant House Parking Lot

Dispersal Area: SAA

Event Route: RT1 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):

0

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



## REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 10, 2015

ACTION

DATE ACTION REQUESTED: April 13, 2015

DISCUSSION ONLY

SUBJECT: Selectmen Representative Regarding the Davis Property

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board of Selectmen agreed that Torbert Macdonald should be the Selectmen Representative regarding the Davis Property.

RECOMMENDATION:

PROPOSED MOTION: I move to appoint Torbert Macdonald as the Selectmen Representative for the Davis Property.

PREPARED BY:

*Melissa M. Avery*

REVIEWED BY:

*[Signature]*

Melissa M. Avery, Assistant to the Town Manager