1. Board Of Selectmen Meeting Materials

   Documents:

   2019-01-14 BOS AGENDA.PDF
   2019-01-14 BOS PACKET.PDF
BOARD OF SELECTMEN’S
MEETING AGENDA
6:00 PM / 7:00 PM  MONDAY, JANUARY 14, 2019
YORK PUBLIC LIBRARY
AMENDED

6:00 PM: Executive Session - Title 1 MRS § 405.6.A (Personnel - Town Manager’s Annual Review); and Title 1 MRS § 405.6.C (Real Estate)

Call to Order

Pledge of Allegiance

A. Consent Agenda
   1. December 10, 2018 Meeting Minutes
   2. Special Event Permit Application

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Awards
   1. Terry Pirini – Real Estate Offers
   2. Accept Conditional Donation

F. Reports
   1. Cost of Comprehensive Plans – Dylan Smith
   2. Update on Garage at Police Station

G. Citizens’ Forum – The Citizens’ Forum is open to any member of the audience for comments on any matter. 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.

H. Public Hearings
I. **Endorsements**

J. **Old Business**
   1. Discussion & Possible Action: LED Streetlights
   2. Discussion & Possible Action: Union Contracts
   3. Discussion & Possible Action: Citizen Request to Purchase the Davis Property
   4. Discussion & Possible Action: Public Easement Offer at Davis Property
   5. Discussion & Possible Action: Use of Fund Balance in FY20
   6. Discussion & Possible Action: Capital Plan

K. **New Business**
   1. Discussion & Possible Action: Staffing Study
   2. Discussion: Property Disposition Policy
   3. Discussion & Possible Action: Amendment to Solid Waste Collection, Recycling and Disposal Rules and Regulations to Govern the Operation of the Town of York Transfer Station
   4. Discussion & Possible Action: Board and Committee Appointments
   5. Discussion & Possible Action: Radochia Petition for Harbor Ordinance
   6. Discussion & Possible Action: Foreclosure Waiver(s)

L. **Future Agendas**

M. **Other Business**

N. **Citizens' Forum**

**Adjourn**
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H. Public Hearings
1. Amendment to Solid Waste Collection, Recycling and Disposal Rules and Regulations to Govern the Operation of the Town of York Transfer Station (Sticker Fee)

I. **Endorsements**

J. **Old Business**
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L. **Future Agendas**

M. **Other Business**

N. **Citizens’ Forum**

**Adjourn**
For the purpose of convenience and for expediting meetings, matter of business that are repetitive or routine nature (i.e. Business License Applications, Pole Permits, Special Event Permits, Off-site Business Directional Signs, etc.) are included in the Board of Selectmen’s Consent Agenda, and all such matters of business contained in the Consent Agenda are voted on collectively.

A particular matter of business may be singled out from the Consent Agenda for debate or for a separate vote upon the request of any of the Selectmen. In the case of a separate vote, the excluded matter of business is severed from the Consent Agenda and only the remaining matters of business contained in the Consent Agenda are voted on collectively.

Agenda Items:
1. December 10, 2018 Meeting Minutes
2. Special Event Application

Proposed Motion: I move to accept the Consent Agenda.

Amended Motion: I move to accept the Consent Agenda, minus item ____ (i.e. “2 – York Restaurant Business License”).
BOARD OF SELECTMEN’S
MEETING MINUTES
6:45/7:00 PM    MONDAY, DECEMBER 10, 2018
YORK PUBLIC LIBRARY

6:45 PM: Executive Session – Title 1 MRSA § 405.6.E (Legal) with Jim Katsiaficas of Perkins Thompson


Absent: Todd A. Frederick

Moved by Mr. Palmer, seconded by Mr. Estes to enter into executive session. Without objection, so ordered.

Moved by Mr. Palmer, seconded by Mr. Estes to exit out of executive session. Without objection, so ordered.

7:00 PM: Regular Meeting


INTERLUDE – Holiday songs by the Senior Center’s Ukulele Band

Call to Order

Acting Chair Dawn Sevigny-Watson called the meeting to order at 7:10 PM.

Pledge of Allegiance

A. Consent Agenda

1. November 19, 2018 Meeting Minutes
2. Business License Renewals
3. Games of Chance 2019
Moved by Mr. Palmer, seconded by Mr. Estes to accept the Consent Agenda with the amended November 19, 2018 Meeting Minutes. Vote 4-0, motion passes.

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Preliminary Offering Statement with Financial Advisor

Moved by Mr. Palmer, seconded by Ms. Blanchard to approve the POS as prepared by Northeast Municipal Advisors relating to the 2018 Bond issue. Vote 4-0, motion passes.

F. Discussion with York’s Legislative Delegation

G. Awards

H. Reports

1. York’s Recycling Stream


I. Citizens’ Forum – The Citizens’ Forum is open to any member of the audience for comments on any matter. 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. Speakers are asked to limit their remarks to 5 minutes or less. Anyone wishing more time to or speak a second time may do so at the Citizens’ Forum at the end of the meeting.

Public Comment: Francis Kushner
James Kences
Diane Bright
Jim Grebe
Joey Donnelly
Eric Bakke

J. Public Hearings

1. Amendment to Solid Waste Collection, Recycling and Disposal Rules and Regulations to Govern the Operation of the Town of York Transfer Station *CANCELED*
This item was not needed.

2. New Business License Application
   a. Randy Small and Kent Kilgore DBA: Fishermen’s Dock, LLC (Food Service, Liquor); located at 674 US Route One

Moved by Mr. Palmer, seconded by Mr. Estes to open the public hearing. Without objection, so ordered.

Public Comment: None

Moved by Mr. Palmer, seconded by Mr. Estes to close the public hearing. Without objection, so ordered.

K. Endorsements

1. New Business License: Randy Small and Kent Kilgore DBA: Fishermen’s Dock, LLC (Food Service, Liquor); located at 674 US Route One

Moved by Mr. Palmer, seconded by Mr. Estes to approve the following license: Randy Small and Kent Kilgore DBA: Fishermen’s Dock, LLC (Food Service, Liquor); located at 674 US Route One, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 4-0, motion passes.

L. Old Business

1. Discussion & Possible Action: Cape Neddick River Watershed Septic Systems

The Board chose to table this item until the January 28, 2019 meeting for further discussion.

M. New Business

1. Discussion & Possible Action: HR Policy Amendment

Moved by Mr. Palmer, seconded by Ms. Blanchard to amend the HR Policy and Procedure Manual to accept the amended definition of Part-Time Employee. Vote 4-0, motion passes.

2. FY20-24 Capital Program

Moved by Mr. Palmer, seconded by Ms. Blanchard to forward the FY20-24 Capital Program to the Budget Committee for a public hearing, removing the Long Beach Seawall Improvements for $500,000 for FY20-21. Vote 4-0, motion passes.
3. FY20 Operating Budget

The Board gave the Town Manager direction on his draft of the FY20 Operating Budget.

4. FY20 Use of Fund Balance

The Board asked that the Director of Planning Dylan Smith come to the January 14, 2019 to discuss the cost of a new Comprehensive Plan.

5. Discussion & Possible Action: Legal Settlement

Moved by Mr. Palmer, seconded by Mr. Estes to accept the Settlement Agreement presented by Preti Flaherty on behalf of the twelve property owners and the Town of York regarding the assessments of the solar panels. Vote 4-0, motion passes.

N. Future Agendas

O. Other Business

P. Citizens’ Forum

Public Comment:  James Kences

Adjourn

Moved by Mr. Estes, seconded by Mr. Palmer to adjourn the meeting at 10:35 PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

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<tr>
<td>DATE ACTION REQUESTED:</td>
<td>January 14, 2019</td>
<td>DISCUSSION ONLY</td>
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<tr>
<td>SUBJECT:</td>
<td>Special Event Permit Application</td>
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DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All appropriate departments have been notified and have given approval (some with conditions). Options available to the Board: 1) Approve the Special Event Permit Application listed below. 2) Deny the Special Event Permit Application listed below.

RECOMMENDATION: Approve the Special Event Permit Application.

PROPOSED MOTION: I move to approve the following Special Event Permit application subject to all, if any, conditions given by Department Heads:

- York High School Interact Club; *Polar Dip* – January 26

PREPARED BY: ________________________  REVIEWED BY: ________________________

Melissa M. Avery, Assistant to the Town Manager
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

SPECIAL EVENT PERMIT APPLICATION

NOTE: This Application is in conjunction to the Town of York, Maine’s Special Event Ordinance. Completed Applications and applicable Detail Request Sheets must be submitted to the Town Manager’s Office located at the York Town Hall, 186 York Street, York, ME 03909 at least 30 days prior to the date of the event.

Event Information

Name of Event: Polar Dip

Location of Event: Long’s Sands Beach & Bath House □ Event Route Included

Date of Event: Jan 26, 2019 Event Start Time: 10:30

Event End Time: 11:30

Estimated Number of Participants/Attendants: 25 □ Insurance Certificate Included

Description of Event: Polar Dip to raise funds for Make-A-Wish Foundation

Is this a Recurring/Annual Event that has been approved in the past? □ YES □ NO

Please choose the type of event: □ Town Sponsored Event □ York Public Library or Utility District Event □ Non-Profit Community Organization □ Private or Commercial Event (Single Event or Initial Year)

List any equipment, decorations, food or beverage services to be used etc.: n/a

Will you be requesting the use of Town Equipment and/or Staff: □ NO □ YES

Organization/Applicant Information

Name of Organization: York HS - Interact Club

Name of Applicant: Sam Morse

Mailing Address for Organization/Applicant: YHS, Robert Stevens Dr. York

Phone Number: 207-475-8003 E-Mail Address: gamorse944@gmail.com

- CONTINUE TO BACK PAGE OF APPLICATION -
I have read and understand the Special Event Permit Ordinance and corresponding regulations. Everything I have stated on this application is correct to the best of my knowledge and I have authority on behalf of the firm or agency holding this event to commit it to the statements contained herein. This permit, if granted, is not transferable and is revocable at any time at the discretion of the Town of York. The Town reserves the right to require municipal services as reasonably deemed necessary by Town staff. If Town materials/equipment/motorized vehicles, are needed for the event, a deposit may be required, with the deposit based on the cost of materials/equipment borrowed. Failure to comply with the terms of a special event application approval or deviation from the approval without the consent of a designated Town Official may prohibit the event and/or special event applicant from holding future events in the Town of York.

Applicant/Event Contact: ___________________________ Date: Dec 18, 2018

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<th>Town Manager for the Board of Selectmen</th>
<th>Date</th>
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REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 11, 2019  ☒ ACTION

DATE ACTION REQUESTED: January 11, 2019  ☐ DISCUSSION ONLY

SUBJECT: Acceptance or rejection of a conditional donation in the amount of $3,500 for the purchase of an inscribed picnic table to be placed at the Long Sands Bathhouse.

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Please see the attached information outlining MRSA 5654 Conditional Gifts and the donation guidelines for this effort by the Parks and Recreation Dept. The Statute requires a municipality’s governing board accept or reject any conditional donations. The Parks and Recreation department will manage the implementation and oversight of the gift if the board chooses to accept it. The Parks and Recreation program guidelines clearly state the town is not obligated to repair or replace the table moving forward. Please see attached.

RECOMMENDATION: The Parks and Recreation Department recommends approval.

PROPOSED MOTION: I move to accept the donation of $3500 from the Dandley Fund for the purpose of purchasing a picnic table for the greenspace at the Long Sands Bathhouse.

FISCAL IMPACT: $3500 revenue

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Wendy Anderson, Finance Director  REVIEWED BY:
Title 30-A: MUNICIPALITIES AND COUNTIES
Part 2: MUNICIPALITIES
Subpart 9: FISCAL MATTERS
Chapter 223: MUNICIPAL FINANCES
Subchapter 1: GENERAL PROVISIONS

§5654. Conditional gifts

This section governs a municipality's receipt of a conditional gift for any specified public purpose. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Acceptance or rejection. When the municipal officers receive written notice from a prospective donor or a representative of the proposed gift, they shall submit the matter at the next meeting of the municipal legislative body. Within 10 days after the meeting, the municipal officers shall send written notice of their acceptance or rejection to the donor or the donor's representative.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Perpetually comply with conditions. When the donor or the donor's representative has completed the donor's part of the agreement concerning the execution of a conditional gift, the municipality shall perpetually comply with, and may raise money to carry into effect, the conditions upon which the agreement was made.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Deposited or invested. Unless otherwise specified by its terms, a conditional gift of money may be deposited or invested according to subchapter III-A.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY
MEMO

TO: Board of Selectmen
FROM: Dylan Smith, Town Planning Director
DATE: January 9, 2019
RE: Comprehensive Plan Costs

The Comprehensive Plan (Comp Plan) is the official adopted statement for future targeted development and conservation in Town. The Comp Plan establishes a vision and guiding principles, analyzes existing conditions and emerging trends, describes and illustrates a plan for future development and supporting infrastructure, provides the Town with strategies for sustainability, and outlines steps for implementation. A Comprehensive Plan serves as the foundation for determining effective public policy and making land use decisions for the future and provides an ongoing framework for informed and directed public investment and private development. Also, the document provides a vision and a policy framework for which the zoning ordinance, capital investments and annual budgets are guided. It helps manage municipal service areas and influences other planning documents. Furthermore, a Comprehensive Plan is designed to be used by elected officials, appointed board members, and staff to evaluate development applications, amend ordinances and plan future investments. The plan and its implementation tools ensure future decision-making regarding development is consistent with the community’s vision and residents expectations for a certain higher quality of life.

Currently, the Town of York is in need of a new Comprehensive Plan. The present iteration, although amended from time to time, was approved in 1999 (20 years old). Typically, a municipalities Comprehensive Plan should be updated every 10 years. It’s good planning practice to do so and if we followed state protocols per what is specified in the State’s Growth Management Act that would be the requirement. Needless to say it is time to begin the process of updating the Comprehensive Plan.

Upon doing research regarding the costs associated with performing a Comprehensive Plan update it is clear to me that the Town should allocate around $200,000 for services to lead the planning process and to complete the Plan. York, at least in my experience, deserves and demands a robust public process, which the Comprehensive Planning process is and should be the pinnacle of public processes for solicitation and receiving input. It is specified in the current 1999 Comp Plan that there were around 40 public meetings to obtain public input. In some instances I have heard it might have been a lot more in the
form of actual house meetings. I imagine innovative outreach and public input will be as or more important this time around.

From my conversations with communities that have completed a recent Comprehensive Planning process (see attachments for details of a modern Comp Plan) most were all wishing that they had put more into their budgets for ensuring a robust public process as most had only budgeted in the $150,000 range. One town, in fact, had to ask for more money because they came up short in order to finish the plan. I think it best to avoid this, and my understanding (as exemplified recently in the York Village Master planning process), is that York demands a robust public process and a detailed Comp Plan that if required, will last another 20 years. I think utilizing $200,000 from fund balance as recommended by the Town Manager will provide the Town with one of the best Comprehensive Planning processes and one of the best Comp Plans in the State. Undoubtedly, it will represent the high standards the Town holds for all its public policy documents, and in this case, the most important public policy document of all... York’s Comprehensive Plan.
Town of Kittery, Maine
Kittery Comprehensive Plan 2015-2025

VOLUME I:
THE COMPREHENSIVE PLAN

Consultant Team:
Community Circle
Martha Lyon Landscape Architecture, LLC
AECOM, Inc.
RKG

2017
ACKNOWLEDGEMENTS

Comprehensive Plan Update Committee (CPUC)
  Russell White (Chair)
  Debbie Driscoll Davis
  Kelly Philbrook
  Kim Bedard
  Terry Gagner
  Craig Wilson
  Tom Hibschman
  Tom Battcock-Emerson
  Holly Zurer
  Brett Costa
  Marissa Day
  Judy Spiller

Non-Voting Members
  Chris DiMatteo, Town Planner
  Allyn Hutton, Superintendent of Schools
  Kendra Amaral, Town Manager
  Nancy Colbert Puff, former Town Manager

Consultant Team
  Daphne Politis, Community Circle
  Martha Lyon, Martha Lyon Landscape Architecture, LLC
  Eric Halvorsen, RKG Associates, Inc.
  Jeff Maxtutis, AECOM
  Kala Gurung, AECOM
  Brian Beckenbaugh, AECOM

Friends of the CPUC
  Kittery residents who supported the planning effort with
  varying degrees of time commitment.

...and the concerned residents, business owners, Town officials and
staff who devoted their time, energy and imagination to the making
of this plan.
“If there is anything lovelier than the scenery of this gentle river I do not know it; and I doubt if the sky is purer and bluer in paradise.”

-William Dean Howells, 1902

“Everywhere I went along the coast, and up Chauncey Creek, and through Brave Boat Harbor on a kayak was just a thrill. It was relatively undeveloped, clean, neat, old, rugged, rustic, authentic, natural, healthy, and a joy to behold. Places like this don’t happen by accident (the people here are doing things right and deserve a lot of credit and encouragement).”

-Mark Alesse, 2014
The Comprehensive Plan 2025 initiative which has taken place during the past 16 months has been an exciting, exhaustive and fascinating process that has gathered a great deal of information and opinion from many, many residents of Kittery, the Town Council, Town Managers, Town Departments and Employees, and Volunteer Boards and Commissions.

The Kittery Comprehensive Plan Committee would like to express our most sincere thanks for the participation and support of our citizens and to note with appreciation that none of this current effort would have been possible without the support (financial and otherwise) of the Town Council, the excellent guidance and input from our most recent past Manager Nancy Colbert Puff, our interim Manager Carol Granfield, and our current Manager Kendra Amaral, the tireless work of our Town Planner Chris DiMatteo, the dedication and excellent spirit and work ethic of the Committee members, and last but not least, the mighty and sustained efforts of Daphne Politi and Martha Lyon and the entire Community Circle Group, our consultant team for this project. We thank you for your professionalism, persistence, patience, adaptability, sense of humor (very important!), and for getting us to this stage of completion.

The Kittery Comprehensive Plan 2025 is intended to be a guidebook for the Town’s direction in the next decade and beyond and a blueprint for updating our land use and development ordinance. It contains many views and opinions, and inherent in public gathering of opinion, it contains contradictions and inconsistencies. Nonetheless it has been and is our commitment to provide an effective distillation of all of the information gathered, in a readable, accessible and useful format, and one that will be an important and helpful guide to many Town decisions for the near future.

Kittery is a “small” town with many and varied aspects and facets, giving it the feel of a larger and more diverse place: it is the site of a great deal of early history of our nation and region; it is a primary entrance (“gateway”) to the State of Maine, bisected by the Maine Turnpike; it is a border town, with the prospering and attractive small city of Portsmouth just across the bridge(s); it is the home of a major shipyard in which complex technological and industrial processes are ongoing in the maintenance of nuclear submarines, for which there are major employment, traffic and economic impacts on Kittery and the region; it is the site of a very successful outlet mall zone, which benefits from tourist as well as local use throughout the year; it is home to a vibrant literary, performing and fine arts community; in addition Kittery hosts many small industries and home occupations, and is the home of many who commute to other locations for work. Kittery has both commercial fishing/lobstering and recreational waterfront activities, a vibrant local “food culture”, and we are very fortunate to have a variety of scenic and recreational assets, including parks, beaches and waterfront areas, and other conserved land areas which are enjoyed by our residents and many visitors from the region and beyond.

Stated in one sentence, our mission is to preserve and enhance what we like and love about Kittery and to plan accordingly for the future, to allow appropriate residential, cultural, recreational, employment and business growth while preserving our natural environment and historical assets.

The Plan brings together many, sometimes disparate, ideas, and going forward, priorities will need to be established or confirmed from those many ideas. Please read, reflect, criticize, and most importantly, use this Comprehensive Plan, as it is a snapshot of where we are at this moment in time and sincere expression of the gathered ideas and concerns of Kittery citizens for the future direction of the town.

- Russell White, Chair, Kittery Comprehensive Plan Committee
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Two additional volumes have been prepared and are referenced in Volume I:

| VOLUME II: INVENTORY OF EXISTING CONDITIONS |
| VOLUME III: SUMMARY OF PUBLIC INPUT |

Both volumes may be viewed on the Town of Kitty Hawk website.
INTRODUCTION AND OVERVIEW

Volume I is a summary of the Comprehensive Plan, its foundations and recommendations. The Plan was developed based on the input of hundreds of residents, business owners, town officials, and Committee members who participated in the process. Recommendations were developed incorporating this input and also reflecting best practice and meeting state requirements.

The Comprehensive Plan is organized in three volumes:

- **Volume I:** The Comprehensive Plan
- **Volume II:** Inventory and Assessment of Existing Conditions
- **Volume III:** Documentation of Public Input

The Plan can also be viewed in its entirety on Kittery's town website.

PROCESS

The process of updating a Comprehensive Plan is comprised of several steps including:

- Developing a Vision and set of goals with significant public input
ACKNOWLEDGMENTS

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CYNDY TAYLOR FOR USE OF HER OFFICE SPACE DURING PLANAPALOOZA
RESIDENTS AND BUSINESS OWNERS WHO PARTICIPATED IN THE PLANNING PROCESS
ALL COMMITTEE MEMBERS WHO PROVIDED VALUABLE FEEDBACK ON THEIR SPECIFIC EXPERTISE

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DRIVING SUCCESS 180
Photo Credit: SEDCO and Scarborough Community Chamber of Commerce.
INTRODUCTION

- Why Plan?
- How To Use The Plan

In 2017, Town officials kicked off the Scarborough Comprehensive Plan Update, a community-wide initiative. This Plan represents the official blueprint for long-term, responsible change in Scarborough, supported by grassroots initiative to include residents, business owners, property owners, local interest groups, and elected officials throughout the planning process.
Building on past planning efforts, especially the 2006 Scarborough Comprehensive Plan, this update seeks to implement a vision that preserves the character of the Town of Scarborough, while addressing targeted development in a way that provides economic opportunities, protects the natural environment and improves upon the high quality of life of all residents.

This 2018 Comprehensive Plan focuses on sustainable development — measured by environmental stewardship, economic prosperity, and an equitable distribution of community resources — that reflects the community’s unique character and local values.

The document provides a vision and a policy framework from which the Zoning Ordinance, capital improvements plan (CIP), and annual budget are guided. It also helps manage municipal service areas and influences other planning documents. It is designed to be used by elected officials, appointed board members, and staff to evaluate development applications, amend ordinances, and plan future investments. Together, the Plan and its implementation tools ensure future decision-making regarding development that is consistent with the community’s vision and residents’ expectations for a higher quality of life.

Ultimately, the Scarborough Comprehensive Plan’s relevance will be measured by its use during everyday decision-making. Monitoring the Plan’s implementation should be an open and ongoing process, reviewed every two years by the Long Range Planning Committee with recommendations to the Town Council to examine performance, measure achievement, and reflect changes generated by the Plan.

**WHAT is the Scarborough Comprehensive Plan?**

The Comprehensive Plan is the official adopted statement for future targeted development and conservation in the Town. It establishes a vision and guiding principles, analyzes existing conditions and emerging trends, describes and illustrates a plan for future land use and conservation and supporting infrastructure, provides the Town with strategies for sustainability, and outlines steps for implementation. It will serve as the foundation for determining effective public policy and making land use decisions for the future, and will provide an ongoing framework for informed and directed public investment and private development. The long-term horizon for the Plan keeps the document somewhat general. However, the broad range of issues and Town services addressed makes it a true blueprint for smart, sustainable evolution that reflects the priorities, values, and requirements of Scarborough residents, safeguarding the town’s history and sense of place but stimulating the conditions for short- and long-term needs and desires of Scarborough.

Data was collected and reported for the Town consistent with the intent of rules and requirements as set forth in the Growth Management Act (30-A M.R.S.A. §§ 4312 - 4350) and Chapter 208: Comprehensive Plan Review Criteria Rule.
WHY PLAN?

The Town of Scarborough is a wonderful place to live, work, and visit. Scarborough residents value its rural character and small town charm, while enjoying the amenities that come with the Town’s geographic location along the Atlantic Coast. Many recreation opportunities within a stunning coast environment significantly contribute to the quality of life enjoyed by current residents and appeal to visitors. Scarborough’s beaches and extensive marsh areas draw thousand of visitors every year for the warm season.

Because of these amenities and the desire of many people to visit, Scarborough is facing some challenges going forward. The amount of visitors in the summer coupled with the limited connectivity of the road network creates heavy traffic at certain time of day and certain periods of the year. The suburban and sprawling way Scarborough has developed in the several previous decades also increases this traffic generation as well as having a more significant impacts on some of the natural features town residents love so much, like the marsh.

With the understanding that every town has a finite amount of land, it is critical to understand further how land is occupied today and what could possibly happen with it in the future. Broken into five (5) categories, land in the Town of Scarborough ranges from open space (24%) to fully developed (33%). In both cases, change is unlikely to occur. However, almost 20.5% of all land in Town is either undeveloped (7.5%) or underdeveloped (13%), meaning that it is ripe for some possible redevelopment. See Map 1 - Development Status on the following pages. This portion of the Town represents a critical opportunity to determine a new and exciting future. And while it often takes time for ‘under-utilized’ land to be fully capitalized, vacant land is subject to change at any moment.

This leads to an important question: What happens to the undeveloped and underdeveloped land in the future?

This is exactly what this plan will attempt to answer, based on the available data, insights we can understand from it and input we have heard from the community throughout the process in developing the Town’s vision for the future.
Map 1: Development Status

Legend
- Water
- Protected Open Space Areas
- Civic Areas
- Limited Growth Areas
- Developed Areas
- Redevelopment Areas
- Undeveloped Areas
HOW TO USE THE PLAN

Be a champion of the Plan even if you don’t like ALL of the ideas.
The Guiding Principles in this Plan reflect the ideas of an entire community and include many differing points of view — a bit of something for everyone. We don’t have to love everything in the Plan, but rather consider the big picture and whether the Plan as a whole takes Scarborough in the right direction.

Be a champion of the Plan even if all of your ideas aren’t included.
This Plan is the culmination of an extensive and transparent community planning process. It is possible that not all ideas were included in this document because (A) there was disagreement on the topic and the decision was made to go with the majority of the community, (B) the idea was tested and deemed to be unrealistic at this time. Remember, there is something for everyone!

Respect the Rule of the Golden Ticket.
In Scarborough, it is easier than in most places to stay informed. The Town maintains a high level of transparency by providing a website (www.scarboroughmaine.org) with online video of all council meetings, and quickly and efficiently posting meeting minutes. But it’s not just a right for people to be informed. It’s everyone’s duty to participate.

Take responsibility and be a part of the implementation team.
Although we all wish our tax dollars bought us unlimited Town services, the reality is there is more work to be done than staff to do the work. These great ideas take time, money, and capacity. For this Plan to become a reality, a large number of people must decide that they care enough about the community to get involved and help execute the Plan.

Understand the element of time.
At first glance, the Plan can seem ambitious, daunting, and even a little frightening. Included are some big ideas that would bring about transformative change. It is important to understand that not everything in this Plan will happen at once, or may not happen at all. Some things will happen quickly; while other ideas will take years or decades to come to fruition. This is a long range plan. Ultimately, the success of this Plan will be measured by its implementation. The community challenges our elected and appointed officials with making this community vision a reality.
The Public Process

The Town of Scarborough led an open public engagement process unlike any other planning effort in Town. Over the course of 12 months, the Town offered an array of engagement opportunities, using a number of creative techniques to try and reach a broad cross-section of Scarborough and spread the word about the project. In today’s busy world, where there is no one way to reach people, Scarborough went above and beyond to reach constituents, inventing creative ways to engage the public and generate buzz.
This Comprehensive Plan update stands on the foundation established by the community when adopting the 2006 Comprehensive Plan. While the 2006 Plan serves as the foundation, the key to this 2018 Comprehensive Plan is YOU, the community of Scarborough. The Long Range Planning Committee, working with our consultant team and town leadership, developed a process to ensure that this version of the Town’s Comprehensive Plan has been built upon public participation and collaboration.

The Kick-off
In May 2017, the LRPC held the project kick-off event. An estimated 90 community members attended to hear about the project, meet our consultants, learn about the process and provide initial feedback that helped craft future activities. This event served to generate interest for Planapalooza™ and, based on public input, served as the impetus for the Imagine Future meetings.

The Hub
If the Comprehensive Plan process is an evolving wheel of information and participation then the Long-Range Planning Committee (LRPC) was the hub. Through this process the LRPC’s primary responsibilities included:

- oversight of the planning process
- facilitation of the community outreach process
- review of draft materials
- serving as a clearinghouse of information and data sources, and
- coordination with key stakeholders, officials and the community.

In the winter of 2016 the LRPC began thinking about an approach and process for updating the 2006 Plan. In today’s busy environment the LRPC identified a desire to establish a dynamic and creative process to engage the public and generate interest. To accomplish this goal the LRPC worked with Staff and the consulting team to design the following process.
Imagine the Future
Building off what was heard and learned at the Kick-off event, during the Summer of 2017 the public was invited to a series of neighborhood meetings dubbed “Imagine the Future”. These meetings were scheduled in neighborhoods around town as well as with various committees and community organizations to talk about life in Scarborough, share what makes Scarborough a special place and to identify challenges to be addressed. An estimated 112 individuals participated in these events. Results from the meetings were then shared with our consulting team for inclusion into the process.

Planapalooza™
For four days in September 2017, the Town of Scarborough was home to Planapalooza™. Over 200 community members joined staff, officials, members of the LRPC and our consulting team during these events. Planapalooza™ is an intensive and fun community planning and design process which provided an open forum for the public to meet and share in their experiences. Participants joined, and often lead, conversations surrounding issues related to land use, transportation, natural resources, parks and open spaces, bikeways, trails, public facilities and services, economic development, as well as community growth, development, design, housing and community identity. Planapalooza™ enabled our community to share in big ideas and generate a vision which established the driving goals and principals within this document.

This four-day event was kicked off with a hands-on, community planning activity held at Scarborough High School. After a short introduction of the comprehensive planning process, the consulting team facilitated a working session in which the participants were asked to “get to work” and brainstorm their ideas while working with base maps of our Town. Citizen planners were asked to identify areas they love in town, as well as areas for opportunities and those of concern. Working in small groups, ideas were drawn, highlighted and annotated on the maps. At the end of the work session each group reported out their big ideas and key elements to the entire group. Similarities heard in the reporting by each small group highlighted how many ideas people hold in common, helping the design team to understand the community’s priorities.

The second and third days of Planapalooza™ were held in more intimate setting in an open office space across the street from Town Hall. These days included specialty meetings on topics such as transportation, housing, natural resources and more. These days also include public open house sessions when Town staff, officials and the consulting team were available to meet with the community members at a time that worked best for their schedule. During all of this activity and open source communication the design team worked feverishly to consider opportunities and challenges, and develop plan alternatives, for both Oak Hill and Dunstan, and identify strategies for moving forward with ideas, both big and small.

Based on all the input received throughout Planapalooza™, including the hands-on design exercises, specialty meetings, community comment cards and open house drop-in discussions, a final presentation closed out the event. The presentation was the consulting teams’ opportunity to reflect back to the community what they heard, provide concepts and ideas for moving forward and, most importantly, hear back from the attendees to ensure all who wished had the opportunity to participate.

(Photos of Planapalooza™ on the following page)
Online Engagement
Beginning in the Spring of 2017, through the adoption of the Plan, the Town maintained an active on-line presence designed to enable real-time public input and disseminate information. The project website (scarboroughengaged.org) was used to post documents and gather public input through discussion boards, map-based exercises, review events from Planapalooza™ and more. In addition, the Town’s Facebook page served to provide updates on the work in progress, provide information and general inform the community of the process.

And More...
In addition to the activities listed above, community updates and engagement were provided through the town’s e-newsletter, updates during Council and other town committee meetings, traditional news articles and direct communication stakeholders.

Draft Plan
Community involvement is not only at the heart of the drafting of the Comprehensive Plan, it is also to key in the adoption of this Plan. The LRPC is committed to a thorough and deliberate public review of the drafted Plan. Many of the public outreach tools previously mentioned, such as on-line engagement and public neighborhood meetings, will be utilized to continue the public discussion towards adoption of this document which will serve to guide policy decisions.
KICK-OFF MEETINGS
MAY 22-23, 2017

90 PARTICIPANTS
(ESTIMATED)

IMAGINE THE FUTURE MEETINGS

112 PARTICIPANTS
(Estimated)

1. Conservation Groups
   08/10/2017

2. Library Board
   08/10/2017

3. North Scarborough
   08/15/2017

4. Higgins Beach
   08/15/2017

5. Pine Point Meeting
   08/17/2017

6. Oak Hill Neighborhood
   06/24/2017

7. Kiwanis Club
   08/25/2017

8. Boards & Committees
   09/14/2017
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2013-2016 Planning Board

2012-2016 City Council

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Planapalooza Acknowledgements

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introduction
Introduction

Survive to Thrive

As an era comes to an end, even the most successful cities can find themselves facing the difficult task of reinventing themselves. Lewiston is not a failed mill town, having made the changes necessary to recreate its economy, an effort involving the entire community. Today, Lewiston faces a new major challenge: making the additional changes needed to compete in today’s world-wide knowledge and information economy and regaining its rightful role of regional leadership as the state’s second largest city.

In 2013, the City undertook an ambitious effort to redefine and re-imagine its future and change its trajectory - to adjust course and make a tectonic shift from SURVIVING to THRIVING. This effort is manifest in a new Comprehensive Plan that will provide a game plan for creating a legacy of resilience, open-mindedness, and prosperity for the future. This is Legacy Lewiston.

Building on past planning efforts such as the 1997 Comprehensive Plan, the 1999 Downtown Master Plan, the People’s Downtown Master Plan of 2008, the 2009 Third Place Plan, the 2010 Strategic Plan, and the 2012 Riverfront Island Master Plan, Legacy Lewiston (hereinafter referred to as “the Plan”) seeks to implement a vision that preserves the historic character of Lewiston and combats the negative perception that some may hold about Lewiston, while addressing growth in an explicit way that provides, protects, and improves upon quality of life for all residents.

Patience will be needed for many aspects of the Plan since it sets a bold, long-term vision to guide growth. However, the Plan is also full of strategies, concepts, and elements that may be implemented right away with minimal investment.

Legacy Lewiston focuses on sustainable development — measured by environmental stewardship, economic prosperity, and distribution of community resources and social capital — that reflects the community’s unique character and

WHAT IS THE LEWISTON COMPREHENSIVE PLAN?

The Comprehensive Plan is the officially adopted statement for future development and conservation in the City. It establishes a vision and guiding principles, analyzes existing conditions and emerging trends, describes and illustrates a plan for future development and supporting infrastructure, provides the City with strategies for sustainable growth, and outlines steps for implementation. It will serve as the foundation for determining effective public policy and making land use decisions for the future, and will provide an ongoing framework for informed and directed public investment and private development. The long-term horizon for the Plan keeps the document somewhat general. However, the broad range of development issues and city services addressed makes it a true blueprint for smart, sustainable growth that reflects the priorities, values, and requirements of Lewiston’s residents, safeguarding the city’s history and sense of place but stimulating the conditions for short- and long-term needs and desires of Lewiston. Data was collected and reported for the City consistent with the intent of rules and requirements as set forth in the Growth Management Act (30-A M.R.S.A. §§ 4312 - 4350) and Chapter 208: Comprehensive Plan Review Criteria Rule.
local values. Legacy Lewiston acknowledges the many challenges facing the city, but contains the hopes, dreams, and aspirations of citizens and public officials and seeks to align the City’s assets with opportunities. This plan suggests a new way of thinking about the City and a guide to decision making that is not just for one generation, but for all future generations.

Lewiston has no less than four universities and colleges. Each provide an excellent education to students from a multitude of socioeconomic and educational backgrounds. These institutions provide Lewiston with a constant supply of fresh ideas, youthful energy, and potential new residents and entrepreneurs. Many stay for only two to four years, some longer, but a small number plant roots and make Lewiston their home. As Legacy Lewiston is implemented, the City will be able to capture and retain more of these graduates and others like them, both home- grown and from away.

The Legacy Lewiston plan was developed through an intensive public process that gathered input from hundreds of residents of Lewiston, both those who have lived here for generations and those new to the City and even the country, as well as experts, both from away and local. Critical data have been collected, analyzed, and synthesized, and vital insights have been mined through a holistic approach that considers anecdotal, empirical, and technical contributions from all sources. Rather than a static set of steps to follow, the Plan is intended to be a living framework or playbook for change and development. It allows for dynamic, real-time adjustments to current events as well as for complete paradigm shifts, such as required during the subprime mortgage crisis that led to the collapse of the United States housing bubble and a recession in 2008.

The Plan provides a vision and a policy framework to guide future changes to the zoning ordinance, site and subdivision regulations, capital improvement planning, and annual budgeting. It also helps manage municipal service areas and informs past and future planning documents. It should be used by elected officials and appointed board members to evaluate development applications, amend ordinances, and plan future expenditures. Together, the Plan and its implementation tools ensure future development-related-decision-making that is consistent with the community’s vision and residents’ expectations for a higher quality of life.

Ultimately, the relevance and success of Legacy Lewiston will be measured by its use during everyday decision-making. Monitoring the Plan’s implementation should be an open and ongoing process, summarized each year in a community report card that examines performance, measures achievement, and reflects change generated by the Plan. This document marks the beginning of a new, focused renaissance for Lewiston. We challenge each citizen to participate and take on a role, no matter how large or small. Today, the City has limited financial resources to implement many of the concepts in this document. Concepts proposed in the Plan should be prioritized based on the City’s ability to fund them. Public-private partnerships should be explored as well to implement those concepts that may not or cannot be entirely funded by the City. That is why it is up to the people of Lewiston to will this change into existence with their time, sweat, passion, and perseverance. Working together, citizens, elected officials, and staff can accomplish remarkable feats from both the top down and the grassroots up. Embrace the challenge. Help write the next chapter in Lewiston’s history!
A History of Lewiston
by Douglas L. Hodgkin

"In 1768 the Pejepscot Proprietors, a Boston-based land company, granted to Jonathan Bagley and Moses Little of Newbury, Massachusetts, land on the east side of the Androscoggin River at Twenty-Mile Falls. They were to settle fifty families there and to build a road to connect with the road from Topsham. The place was named "Lewistown," apparently in honor of the late Job Lewis, a Boston merchant and former Proprietor.

The first white settlers in Lewiston, Maine, were Paul Hildreth and his family in 1770. Hildreth operated the first ferry about half a mile below the falls. Several families followed. By the first census in 1790, Lewiston's population was 532 persons. The residents sought incorporation as a town and received their charter February 18, 1795. Because most were farmers, the population was widely dispersed.

Water power was harnessed relatively early, as a dam was built of timber by 1808-1809. In 1809 Michael Little built a large wooden building with saw, grist, and fulling mills next to the falls. This was burned in 1814 by an arsonist, but new mills soon took its place. The town grew slowly, reaching 1,549 inhabitants by 1830.

In 1836 local entrepreneurs, led by Edward Little, organized a company to build dams, canals, and mills, but they lacked the capital to achieve their goals. The company became known as the Lewiston Water Power Company in 1845 and was taken over by the Franklin Company in 1857. Boston investors, including Benjamin E. Bates, financed the construction of the canal system and several textile mills. Many Irish immigrants were employed in the construction, under the supervision of Capt. Albert H. Kelsey. These mills prospered during the Civil War, as the owners correctly foresaw that the war would be long; they had stockpiled sufficient cotton to maintain production.

As many people moved into town from the surrounding countryside, Lewiston changed rapidly from a small rural town to an urban and industrial center. The population doubled and redoubled from census to census. Growing from a population of 1,801 in 1840 to 19,083 in 1880, a tenfold increase, Lewiston would qualify as a boomtown.

The growing city attracted in 1855 the establishment of Maine State Seminary, which later became Bates College, chartered in 1864. Lewiston incorporated as a city in 1863 with Jacob Barker Ham as the first mayor. It struggled to keep up with services, such as streets, sewage disposal, schools, poor relief, and police and fire protection. The city authorized a water works in 1873, a franchise for a horse railroad in 1881, a municipal electric lighting plant, and the extension of the city water system to Lake Auburn in 1899.

Central Block on the corner of Lisbon and Main Streets became the anchor for development of the downtown area, and it also housed city offices. Lisbon Street became the main commercial center. A new impressive city building was constructed in 1873 across from a park donated by the Franklin Company; after an 1890 fire, the current city hall replaced it.
Lewiston and Auburn constructed a railroad spur from Lewiston to the Montreal-Portland railroad line. The Grand Trunk Railway thereby gave competition to the Maine Central Railroad, and freight rates dropped. "The Depot" on Lincoln Street became the arrival point in the 1870's and after for the migration of thousands of French Canadians from Quebec to Lewiston to work in the mills.

The arrival of Irish and French transformed the community's culture and politics during the latter nineteenth century. This raised labor-management and liquor-prohibition issues and increased the competition between the parties. Daniel McGillicuddy became the first Irish mayor in 1887; thirty years later in 1917, Charles P. Lemaire was the first mayor of French Canadian heritage.

After almost eighty years of amendments, the city charter had become unwieldy. Finally, corrupt practices provided the impetus to adopt a new charter in 1939, consisting of a mayor, council, a powerful Board of Finance, and several other commissions. The city moved to a more professional system with the adoption in 1979 of a new charter that established a city administrator and abolished most boards and commissions.

The development of Lewiston's suburbs responded to the American desire for the independence of home ownership. Population and businesses began to gravitate to more suburban locations, including in industrial parks and shopping centers. At the same time, competition from the South and abroad led to the closure of most of the textile mills beginning in the late 1950s. The population within Lewiston stabilized at around 40,000 in each census from 1940 to 1990, but dipped by 4,000 people in 2000.

Currently, it appears that the city is undergoing a renaissance. Many of the textile mill structures are being repurposed to house businesses of various kinds, as well as apartments. The redevelopment of the Bates Mill Complex is the most prominent example. Somalis and Bantus began migrating to Lewiston for its low crime rate, affordable housing, and good schools. They have generated new business activity on Lisbon Street by occupying formerly empty storefronts. A variety of new enterprises have transformed lower Lisbon Street. The National Civic League awarded Lewiston the designation as one of ten All-American Cities in 2007.
How to Use the Plan

Be a champion of the Plan even if you don’t like ALL of the ideas

The Common Vision and Guiding Principles in this Plan reflect the ideas of members of the community and include many differing points of view — a bit of something for everyone. You don’t have to love everything in the Plan, but consider the big picture and whether the Plan as a whole takes Lewiston in the right direction.

Be a champion of the Plan even if all of your ideas aren’t included

This Plan is the culmination of an extensive and transparent community planning process. It is possible that not all ideas were included in this document because (A) there was disagreement on the topic and the decision was made to go with the consensus of the community, (B) the idea was tested and deemed to be unrealistic at this time, or (C) there was simply not enough room to include ALL the good ideas. The Plan includes columns of “What We Heard” as an attempt to express some of the feedback received during the planning process. But not all of these comments necessarily reflect the overall consensus of the community or the future direction of Lewiston. Remember, there is something for everyone!

Take responsibility and be a part of the implementation team

Although we all wish our tax dollars bought us unlimited City services, the reality is that there is more work to be done than staff to do it. This is the reality of the new economy. All of these great ideas take time, money, and capacity. For this Plan to become a reality, a large number of people must care enough to get involved and help execute it. Communities that work together succeed.

Understand the element of time

At first glance, the Plan can seem ambitious, daunting, and even a little frightening. Some big ideas are included that would bring about transformative change. Not everything in this Plan will happen at once, or perhaps at all. Some things will happen right away; other ideas will take years or decades to come to fruition. Ultimately, the success of this Plan will be measured by its implementation. Challenge yourselves and your public officials to make this community vision a reality.

Citizen as a Verb

A recurring theme throughout the Planapalooza was how to make sure the planning work would be acceptable to those who didn’t participate. Agreement was reached among participants that it is each inhabitant’s duty to participate and create a plan that they are happy with. Being a resident of the community is an active, not passive, endeavor. Because this project’s outreach process provided so many ways and opportunities for people to get involved, simply complaining about the Plan is not an option.
the process
Public Outreach

Think Tank Committee

The City assembled a Think Tank Committee to work on the Plan. Its primary duties included community outreach, serving as a sounding board for the planning consultant, reviewing draft materials, and helping to facilitate plan implementation. Membership included elected officials, business owners, dedicated citizens, and representatives of local boards, commissions, and organizations.

The Committee met several times prior to the Planapalooza, led a bus tour of Lewiston for the consultants, played an active role in the Planapalooza, and met again following the event to review the Plan and help ensure that all relevant information was incorporated into it.

College Survey

Following a suggestion from a Think Tank member, City Staff and the TPUDC team put together an online survey for students at USM L/A College, Kaplan University and Bates College. Questions related to their experience living in Lewiston, whether they intended to stay after graduation, and, if not, what it would take to get them to remain in the City.

Social & Online Media

TPUDC and City Staff maintained a web presence and a project Facebook page. The City’s website was used to post documents, reports, and static resources. The Facebook page served as an interactive platform for obtaining feedback on the work in progress, providing information, and building support. It remained active throughout the Planapalooza events with more than 150 users “liking” the page.

News Media

The City successfully contacted several state-wide news media, including WCSH-6 and WGME-13, which both did stories at the beginning of the Planapalooza covering the event and the creation of the parklet (a sidewalk extension that provides more space and amenities for people using the street). This coverage was reposted on Facebook, expanding the reach of the story.

Print Media

City Staff supplied press releases to local media that resulted in coverage of events. Prior to the Planapalooza, the Lewiston Sun Journal published editorials encouraging public participation. Their reporters wrote about the Planapalooza meetings and events throughout the process.

TPUDC and City Staff designed and produced posters that were displayed in prominent locations throughout the city and provided during events leading up to the Planapalooza.

Personal Outreach

Emails were sent to community stakeholders inviting them to participate in the Planapalooza. In the weeks leading up to it, TPUDC interviewed policy makers, including members of the Planning Board and City Council. Internally, Think Tank members who served on other boards, committees, or organizations created their own “word of mouth” campaigns, sending emails soliciting participation in all of the planning events.
Tactical Urbanism

With City support, Think Tank members and citizens took the public outreach campaign to the street, installing a temporary green space in a parking spot in front of the design studio. This “parklet” remained in place for the duration of the Planapalooza, drawing additional attention to the project and providing a place for people to gather. See the “Tactical Urbanism Parklet” section for more information.

City Council Workshop

On June 4, 2013, TPUDC made an introductory presentation at a City Council Workshop describing the Planapalooza process, the unique approach being taken to writing the Plan, and answering questions from the Council and the public. Over 20 participants discussed their hopes for the future of the City and asked questions about how the process would work.

T-Shirts

The Legacy Lewiston logo debuted on a blue sweatshirt at the City Council Workshop. This was taken to the next level when t-shirts were made for City Staff to wear. The t-shirts were worn again during the Council meeting prior to the opening night of the Planapalooza and throughout the event, helping to promote the Planapalooza and generate a level of intrigue and energy around the planning effort.

RIGHT: FORMER COUNCILOR, JOHN BUTLER, TOOK THE LOGO DESIGNED FOR THE PROJECT AND MADE A SWEATSHIRT, WHICH LATER EVOLVED INTO GREEN T-SHIRTS WORN BY ALL CITY STAFF TO PROMOTE THE EVENT.

BELOW: BUS TOUR OF LEWISTON LED BY THE THINK TANK HELPED TO ORIENT THE CONSULTANTS AND BEGIN A DIALOGUE AROUND ISSUES AND OPPORTUNITIES WITHIN THE CITY.

2017 Comprehensive Plan
During the lead-up to Planaplooza, the Think Tank Committee suggested surveying the students of Lewiston colleges. The intent was to capture the students’ perspectives of the city, as they and the college considerably influence the City’s culture. This segment of the City’s population may not have otherwise participated in the planning process. The survey was administrated in June of 2013 and May of 2015 in an attempt to collect a large sample from students attending Bates College, USM’s Lewiston-Auburn College and Kaplan University. The survey is not scientifically supported, but rather anecdotal and should not be assumed to represent the ideas and thinking of all students. This is what the students that participated had to say:

**What’s your dream job?**

Students dream of being writers, editors, artists, journalists for National Public Radio and *The New York Times*, educators, revolutionaries, farmers, small business owners, designers, clinical psychologists, architects and, most importantly, urban planners.

**Are you planning to stay in Lewiston after graduation? Why or why not?**

The majority of respondents have no interest in staying in Lewiston after graduation. Economic reasoning included notions that Lewiston doesn’t provide enough job opportunities in their field, simply doesn’t offer the jobs they seek, local real estate isn’t worth investing in, and the local school system isn’t what they want for their children. Social reasons for leaving Lewiston include a lack of social scene for young professionals, an empty downtown, their friends aren’t planning on staying, they don’t feel their family would be safe in Lewiston, the City is too far from family, and there isn’t much to do. Many simply wanted to live elsewhere for the sake of living somewhere new or in a larger City.

**Where would you like to live after graduation?**

While most wished to go or return to major cities in New England, some are looking forward to making their world a little bigger. New addresses include places like San Francisco, CA; Portland, Oregon; New York City; China; the Pacific Northwest; Seattle, Washington; and East Africa. Few respondents either aren’t sure where to go or are willing to go wherever their career takes them.

**What is Lewiston missing?**

The vast majority of respondents suggested more college-student-friendly small businesses like pubs, clubs, cafes, thrift shops, a bowling alley, a yoga studio, retail clothing stores, a farmer’s market, and restaurants. Individual respondents suggested people and diversity among the population; a greater sense of understanding between the Somali refugees and the general public; public art; a large attraction downtown; mixed-use buildings; parks and recreation opportunities; wealth; city buses that run from the college to Lewiston, Auburn, and local grocery stores; and funding for schools, roads, and smart growth initiatives.

**What do you do for fun?**

Most respondents listed reading, hanging out with friends, eating out, watching movies and TV shows, and going to bars and concerts as favorite hobbies. Outdoor hobbies mentioned include hiking, gardening, golfing, taking photos, driving, water sports, and general sports. Respondents spend time at Taylor Pond, Range Pond, Lake Auburn, restaurants, bars, cafes, bookstores, shops, thrift shops, apple picking, and clam bakes. Nearly all of the respondents listed huddling on campus, going home, going into the wilderness, and going to another city as their weekend relaxation methods.
According to the College Survey:

What needs the most improvement...

- Community
- Buildings
- Housing
- Drugs
- Culture
- Lisbon Street
- Downtown
- Schools
- Businesses
- Streets
- Public Areas
- Poverty

Top places students would like to live after graduation...
1. Boston
2. Portland (ME)
3. New York City
4. Maine
5. San Francisco
6. Lewiston
7. California
8. Cambridge (MA)

4% of students would like to stay in Lewiston after graduation.

17% would like to stay elsewhere in Maine.

Would you consider Lewiston to be a "cool" city?
- 23% Yes
- 35% No
- 12% Sort Of

Do you use the Lewiston bus system?
- 4% Yes
- 96% No
- 0% Rarely

The best things about Lewiston...

- Food
- Community
- Opportunities
- Immigrants
- Forage
- Lisbon Street
- Restaurants
- Mother India
- Diversity
- Downtown
- Thornacrag

Almost All student respondents stay on campus, go to the wilderness, or go to another city on the weekends. They rarely stay in Lewiston unless they are doing volunteer work.

42% of students have a car.

How did the city affect your decision to attend college in Lewiston?
- 23% Negatively
- 31% Positively
- 46% Both
From June 20 to 25, 2013, the citizens of Lewiston were invited to participate in a multi-day planning and design event to develop a vision for the future of the City using smart growth and sustainable design principles. Planapalooza, an intensive and fun community planning and design event, brought together the citizens of Lewiston to think about the future of the City. This interactive engagement process provided an open forum for the public to work closely with Planning Staff and consultants from TPUDC to identify big ideas and generate a vision that will drive policy decisions for the City while also building local capital and community-driven action.

Planapalooza was held in the heart of Lewiston at 219 Lisbon Street, the former Downtown Education Collaborative Building. The consulting team set up a fully functioning office and studio for the duration of Planapalooza, welcoming in the community and generating interest among a broad spectrum of citizens and local stakeholders.

Planapalooza kicked off at the Lewiston Public Library’s Callahan Hall with an introductory presentation that described a range of options available to the community to improve quality of life, enhance economic development, and provide greater choice for local residents and business owners. Immediately following the presentation, the consultant team facilitated a hands-on design workshop where about 100 participants were invited to roll up their sleeves and brainstormed ideas while working over base maps. Participants identified key areas of concern and opportunity throughout the City. Big ideas were presented by each small group, highlighting for the participants how many ideas people held in common and helping the design team understand some of the community’s priorities and areas of focus.

On the second day of Planapalooza, the team conducted Round Table meetings in the studio on topics important to Lewiston and related to the Elements of the Comprehensive Plan. Round Tables were held for Business Owners and Developers; Public Facilities and Services; Transportation; Parks, Open Space, and Environmental Concerns; Arts and Culture; Elected and Appointed Officials; and Housing, Demographics, and Economy. Meetings were well attended. In a few cases, they were standing room only as citizens, elected officials, and City Staff all sat together to discuss important topics in greater detail, including the Plan’s vision, critical questions, potential policy improvements, and strategies for moving forward both big and small ideas.
Hands-On Workshop Table Exercises

The maps below were produced by small groups of participants during the Hands-On Community Workshop that took place on the first night of the Planapalooza. Many of the ideas generated by the individual tables are consistent and share common themes, which helped to build consensus around a preferred vision for the future. Comments from this exercise and other public input received during the Planapalooza is recounted in the Reflections section of this Plan and are also embedded in the Common Vision and Guiding Principles.
Meanwhile, members of the planning team began developing guiding principles, an overall planning framework, and illustrative plans that responded to community input, pulling in ideas from the planning workshop, citizen drop-ins, and the Round Table meetings.

On the second night of the Planapalooza, over 30 people attended a pin-up in the studio, giving the team a chance to present preliminary illustrative plans, a draft set of guiding principles, and other work products produced in the first days of the Planapalooza. A varied group of citizens provided feedback on what they liked about the ideas presented and where further work was needed.

During the remainder of the Planapalooza, members of the public continued to filter into the studio to talk to the team. Feeding off this buzz of activity, the team entered production mode, synthesizing ideas, collaborating over design challenges, preparing renderings, compiling images, refining the illustrative plans, and drafting the Elements of the Plan.

At the final presentation, there were tough questions along with an enthusiastic showing of support for the vision as presented, an indication that the community achieved consensus with a clear idea of what it wants for the City's future.

During the entire Planapalooza, over 400 members of the public engaged in the process in some way. People attended public events or meetings and an unprecedented number of citizens stopped by the studio to talk with the design team and provide their thoughts. Not only was the process well attended, but it attracted a diverse range of citizens including longtime residents and immigrants, people from both downtown and outer neighborhoods, students and retirees, and skeptics of the process who turned into supporters, making this one of the most successful events of its kind anywhere.

Lewiston’s successful Planapalooza is an example for how a community can embrace and take advantage of planning resources to generate local excitement and engagement around an important project. Not only did City staff and citizens produce sweatshirts and t-shirts to create interest at the beginning of the process, but citizens also made “We Love Planapalooza” signs for the closing presentation, making it clear that this process and outcome worked particularly well for the Lewiston community.
Tactical Urbanism Parklet

As part of the public outreach strategy for the Planapalooza, a group of volunteers organized a city-sanctioned tactical urbanism project highlighting how short-term change can have a potentially long-term impact. A parking space in front of the studio was transformed by citizens into a parklet, or tiny park, in order to generate additional attention and participation in the event. This kind of small change in the street, which was noticed by everyone who walked, biked, or drove by, helped communicate that although the Comprehensive Plan project is focused on long-range planning, it also embraces short term, actionable plans, demonstrated by the quick transformation of a hard scape parking space into a park-like gathering place. The parklet acted as an extension of the studio and ended up serving as a place where people lingered, chatted with friends, and helped to promote the process through live marketing. The parklet was simple and low-cost way to generate media attention drawing two television stations, a photo shoot for the cover of Lewiston Auburn Magazine, and Facebook posts. The evolution and use of the parklet over the course of the Planapalooza is shown below.
Notice of Public Hearing
Town of York - Board of Selectmen
Monday, January 14, 2019
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing on Monday, January 14, 2019 at 7:00 PM regarding proposed changes to the Solid Waste Collection, Recycling and Disposal Rules and Regulations to Govern the Operation of the Town of York Transfer Station.

Any questions or comments will be welcome at the hearing, and written comments may be submitted in advance to the Town Manager’s Office.

Printed copies of the text of these amendments are available with the Town Clerk’s Office and the Town Manager’s Office at the Town Hall; Digital copies are also available on the Town’s web page (www.yorkmaine.org).
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 9, 2019

DATE ACTION REQUESTED: January 14, 2019

SUBJECT: LED Streetlights

☐ ACTION
□ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Attached is the analysis by Chris Lotspeich of Celtic Energy about LED streetlight options. I had outlined a long list of questions and concerns, and Chris has done a wonderful job pulling together his analysis. Also attached is the information from CMP and Real Term, which was the source material analyzed by Chris.

The long and short of it is that the Board can do nothing, can ask CMP to convert their streetlights to LED, or can jump into the streetlight business so we can perform the LED conversion ourselves. I recommend the Town purchase the streetlights and bond-finance the LED upgrade project.

As you know, I have been very reluctant to take over the streetlight utility because it would be a new and significant municipal responsibility. I have resigned myself to the fact that savings over the coming twenty years of over $1.5M (net present value) simply can’t be ignored. I’ve worked here in York for a while and I flat out reject the argument there will be no impact on the workload to Town staff. This simply cannot be true. However, I have asked for a new staff position this year — a Town Engineer — and that professional would expand our capacity and expertise to take on more work such as this. Make no mistake, this change is a significant addition to municipal responsibilities — it is taking on a new utility function that the Town currently does not have.

In practical terms, this means the Board will need to direct me to prepare and submit to the Budget Committee amendments to the Capital Program and the operating budget to incorporate LED streetlights as a capital project.

RECOMMENDATION: I recommend purchase with the bond-funding option.
PROPOSED MOTION: I move to initiate the process of requesting voter approval for the Town to acquire the streetlights from CMP and to upgrade to LED streetlights, amending the Capital Program and operating budget request to reflect this purchase request in FY20.

FISCAL IMPACT: I am still struggling to sort out the impacts across the first few fiscal years, and between capital and operating budgets. A side-by-side is easy to comprehend, but the transition period may be a bit messy. At this point I need to ask the Board to let staff work this out with the Budget Committee, which will need to happen quickly as we have our first budget meeting on January 15th – just a day after the Board meeting.

The basic side-by-side comparison using rough numbers is this:

Business as usual: $165,000 annually in the operating budget

Recommended action: $55,000 annually (first 10 years) in the capital budget for the purchase
$20,000 annually for service contract to Real Term
$10,000 annually for additional insurance (best guess)
$15,000 annually for electricity

There is a minor loss of personal property tax annually (under $2K) and there would be a one-time contract cost (about $20K) to have Celtic Energy help manage the conversion process.

Simply put, there would be $100,000 savings in the operating budget in year one, and $120,000 in year 2 and beyond. This would be offset, in part, by an increase in debt service payments of $55,000 annually for capital. The net is net is $45,000 to $65,000 projected savings annually.

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by Stephen H. Burns, Town Manager:
# Summary of LED Upgrade Analysis

## Cumulative Operating Cost and Savings

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Scenario (1)</th>
<th>20 Year (2) - Operating Cost</th>
<th>20 Year (2) - Operating Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>York</td>
<td>Base Case</td>
<td>$3,338,944</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>CMP LED</td>
<td>$2,348,813</td>
<td>$990,130</td>
</tr>
<tr>
<td></td>
<td>Municipality LED</td>
<td>$1,092,682</td>
<td>$2,246,262</td>
</tr>
<tr>
<td></td>
<td>(no financing)</td>
<td>$1,186,674</td>
<td>$2,152,270</td>
</tr>
<tr>
<td></td>
<td>Municipality LED</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(with financing)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:**

1. Under the Municipality LED scenarios, the estimated total project cost including assumed acquisition ($100/fixture) is included in the operating savings and cost figures. The results from the table above have been summarized in the graphs displayed below.

2. Typical LED Fixture lifetime expectancy is 100,000 hours, or 22.8 years.

## Conclusion

While Central Maine Power’s new LED offering allows for a savings opportunity to the municipality when compared to the existing baseline, there is substantially greater savings potential from a municipality-owned upgrade. In addition, projects can be further personalized to meet the municipality’s needs:

1. Selection of LED manufacturer and color temperature
2. Schedule and timing of the upgrade to meet the Town’s needs
3. LED photometric designs (Beyond a simple 1-1 replacement)
4. Ability to include decorative fixtures within the upgrade
5. Ability to include smart controls now or in the future. Ability to provide residence enhanced services to include Public Wi-Fi, improved cellular service, and a Smart City platform.
Transparency, Reliability & Objectivity

RealTerm Energy has been acknowledged by the World Bank as being a best-in-class provider of LED streetlight integration services anywhere in the world. This remarkable distinction is based upon a solid track record of successful projects and customer satisfaction that dates back to our origin, in 2013. Since that time, we have audited, designed, installed (or are currently installing) over 200,000 LED luminaires in over 200 cities and towns in multiple jurisdictions throughout North America. Our projects cover clients from a handful of LED lights to those with over 40,000 - including both customer-owned and utility-owned lights. This successful track record is a direct result of our dedication to the needs of each client, and our pledge to provide superior lighting solutions in a transparent and professional manner.

We bring this same dedication and professionalism to every project. Rather than relying upon one technology or manufacturer, we scrupulously evaluate the technologies, reputations and capabilities of each service and product we install, seeking best value solutions at each step of the way. Our people, our partners and our very business is dependent upon strict adherence to this unwavering commitment to quality and objectivity in the service of our clients. As new technologies and new manufacturers enter into this complex marketplace, the Town of York can rely upon an integration consultant and its partner firms that has pledged to ensure that quality and value-for-money is our prime deliverable.

Owning and converting with RTE vs Leasing with CMP

Dozens of municipalities throughout Maine have opted to take ownership of their streetlights rather than continue to lease them from either CMP or Emera. The reasons are multiple. Some of the most compelling include:

- Significant savings: In the case of York, over $1 million more saved over the next 20 years
- Control over these strategic assets for future deployment of Smart City services some of which may have potential for generating future revenue
- RTE’s detailed photometric designed based solution vs. CMP’s one for one replacement – the result is optimized savings, higher quality and safer lighting
- Procurement – RTE implements a detailed competitive procurement process based on cost, life cycle savings and photometrics to ensure the optimum equipment is selected for York.
**Smart City Resource and Advocate**

A municipality is only as smart as its ability to service the needs and desires of its community, so we propose to carefully listen to York’s representatives to first understand the problems and issues before proposing any technology or service. We propose to assist you with understanding what Smart City services will resonate most with the residents of York.

Surveys have shown that improved communication between citizens and municipalities is one of the primary drivers for Smart City services. Below is a summary of the MyTown platform which RealTerm has recently introduced to the U.S. market:

![MyTown](image)

MyTown is a secure, citizen-focused, application-based software platform that provides citizens a single, easy access point to municipal information and public services. MyTown helps citizens feel connected to their city.

MyTown also allows for easy two-way communication between citizens and the right municipal audience (elected officials, municipal staff, public works, police).

MyTown provides a dynamic, single-pane-of-glass portal that allows citizens and municipal officials to connect with thousands of IOT devices. The application is capable of consolidating tens of thousands of information streams into a single pane, layered and secure space that is easy to understand and act upon.

MyTown is:
- unique
- affordable
- a Smart City and Smart IOT application that is built based on a human first approach.

“Even the best of information from Citizens and a City is wasted if not understood and shared.”
11/9/18
Stephen H. Burns
Town Manager
York Town Hall
186 York St., York ME  03909

Dear Mr. Burns,

Central Maine Power (CMP) recognizes the Town of York has several options concerning the continued receipt of street lighting service from CMP or the procurement of municipal street lights. We commend your ongoing diligence in this evaluation and provide the following in response to your request for additional information as it pertains to the option of continuing to receive street lighting service from CMP. As previously stated, CMP’s goal is to provide the Town any and all information required so that the Town can make an informed decision.

For nearly 120 years, CMP has provided reliable electric for approximately 78% of the population of Maine. A cornerstone of that service has been municipal street lighting. As a regulated public utility, CMP has an obligation to provide our customers with safe, reliable and efficient service. Although CMP takes all reasonable precautions to prevent unplanned lighting outages, weather and accident-related events are often unavoidable and require emergency restoration response. Our customer care and 12 service centers throughout the State are strategically positioned and staffed with qualified personnel enabling CMP to respond to our customers’ needs around the clock. This service is often not apparent until an incident occurs. Additionally, our service centers maintain standard equipment and inventory to maintain our electrical distribution system, including our lighting assets in the field.

If the Town elects to continue to receive street lighting service from CMP, the obligation for ongoing maintenance will reside with CMP, and the Town can forgo the need of additional lighting personnel or the need to contract with a third party provider. Of course, as outlined in Section 53 of the CMP Terms & Conditions “Municipal Ownership of Streetlights,” there are alternative maintenance options available for the Town.
CMP’s LED lighting tariff, which has been approved by the Maine Public Utilities Commission, gives the Town the ability to work with CMP to have all lights converted to more efficient lighting assets. A new 15 year agreement for the LED streetlights would be required. The most evident benefits of this option include lower monthly street lighting bills as compared to the present High Pressure Sodium (“HPS”) lights. CMP and its sister utilities in the Northeast are actively examining LED vendors and equipment to ensure continued LED advancements are passed along to our municipal partners. We are also working with our extensive contractor network to ensure qualified contractors are retained during the conversion process. Based on current commitments, municipal queue and the lighting inventory required for York, we project the 2nd quarter of 2019 as the earliest LED conversion commencement. CMP’s sister utilities have converted over 50,000 LED lights and we are actively working to leverage program management best practices derived from this experience.

Another consideration for the Town is the upfront capital investment. Assuming a street lighting agreement is executed with CMP, no upfront capital for municipal street lights would be required by the Town. CMP assumes the cost for the equipment, installation and ongoing maintenance. LED lights are an expensive asset. It's important to note, capital investment made by CMP in a municipality results in significant tax revenue for the Town. LEDs last about 2.5 times longer than conventional HPS lights, however, they do not last indefinitely. With municipal ownership, the Town would also need to plan for the longer-term re-lamping capital expenditure and inventory of LEDs to replace intermittent equipment failure.

CMP’s Account Management team is available to address any additional questions or concerns you may have. Again, our objective is to provide our municipal partners all information to allow for an informed decision.

Thank you,

Erik Robie
Manager Key Accounts
Central Maine Power Company
Town Options for Street Lights LED Retrofit

January 9, 2019

Prepared for:

Prepared by:

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(860) 882-1593 fax
www.celticenergy.com
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INTRODUCTION AND OVERVIEW

The Town of York, Maine ("Town") currently leases an inventory of 821 street lights (SLs) from the electric utility CMP/Avangrid (CMP), including approximately 788 "cobrahead" type and 33 flood or decorative type. The SLs are not metered for electricity usage. Instead CMP bills the Town monthly for each SL according to a formula that includes each fixture’s Wattage, a stipulated 355 hours of usage per month, Delivery and Lighting Service fees as per Rate SL approved by the Maine Public Utility Commission (MPUC), plus an electricity commodity supply charge. The Town has retail choice of electricity suppliers and can select CMP's Standard Offer or choose a third-party supplier.

Over the last decade solid-state lighting technologies commonly known as Light-Emitting Diodes (LEDs) have matured and been widely deployed in both interior and exterior applications, including SLs. Relative to existing technologies such as High-Pressure Sodium (HPS) lamps commonly used in SLs, LEDs offer advantages including lower energy use per delivered lumen; much longer Expected Useful Life (EUL); and greater owner control over attributes such as light trespass and glare, and lighting quality factors such as emitted light spectra and color temperature that affect issues including visibility, human health and light pollution.

In 2014–2015 the Maine legislature and the MPUC enabled municipalities to choose 3 options: (1) have the utility own and upgrade the SLs; (2) muni purchases and maintains the SLs with approved contractors but the utility installs upgrades; and (3) muni purchases, installs and maintains SLs with approved contractors. In most cases the utility owns the poles, even when towns own the SL equipment mounted on them. The MPUC directed the electric utilities to collaborate with a coalition of municipalities known as the Municipal Street Lighting Group (MSLG) to develop a standard contract, implementation procedures and other guidelines for municipal purchase of SLs. CMP requires that municipally-owned SLs have a fuse installed by a qualified contractor during the LED upgrade procedure, as a safety measure to facilitate SL maintenance by municipalities. In recent cases CMP has required municipalities to buy and install the fuses.

REPORT BACKGROUND AND STRUCTURE

In 2014 a vendor approached the Town with a proposal to finance and implement a Town SL purchase and LED upgrade. This began a process of consideration of the Town’s options by the Town Manager, Board of Selectmen (BOS) and the volunteer Energy Steering Committee (ESC). In 2015 the Town issued an RFP for an advisory consultant and selected Celtic Energy Inc. (CEI). Subsequently another vendor, RealTerm Energy (RTE), proposed options for procuring and upgrading the SLs; CMP then offered to upgrade the SLs to LEDs without a Town purchase.

In 2018 the Town asked CEI to conduct a quantitative and qualitative comparative assessment of the Town’s options. Town Manager Stephen Burns outlined a list of questions for consideration by the BOS and to inform CEI’s assessment. CEI organized this report according to these questions, added a few, and grouped them into thematic categories. The roughly 30 questions are listed in italics below, grouped by underlined categories and paired with CEI answers in plain text. Supporting analysis and documents are appended. Please note that CEI was unable to fully answer all questions within the scope of effort enabled by the report budget.

---

1 See Section 2523 of Title 35-A of the Maine Revised Statutes, MPUC Docket No. 2014-00313, and CMP Terms and Conditions Section 53 Municipal Ownership of Streetlights.
QUESTIONS AND FINDINGS

Economic and financial

1. What are the options for the Town to pay for streetlights — lease/purchase, self-finance, or purchase? What are the pros and cons of each?

There are two primary options for the Town to upgrade the SLs to LED technology: Either CMP retains ownership of the SLs and poles and performs the upgrade, or the Town purchases the SLs and performs the upgrade while CMP retains ownership of all (or almost all) the poles. The vendor RTE has proposed to the Town to perform the LED upgrade, which could be financed by either of four options listed below. If CMP owns the SLs, under Full Service Lighting the Town pays Delivery and Lighting Service charges that vary by fixture type as per CMP Rate SL, plus an electricity supply charge. If the Town buys its SLs, under Delivery-Only Service Lighting the Town pays $0.049367 per kWh of usage based on each SL’s rated input watts and an average of 355 hours usage per month, plus an electricity supply charge. In all cases including the Business As Usual (BAU) baseline scenario, the Town could procure electricity supply for the SLs either from CMP at the Standard Offer rate (currently $0.07921/kWh), or from a third party such as the Town purchases now from Constellation New Energy (CNE) at the retail rate of $0.05980/kWh. Options include:

A. BAU — i.e., do nothing and retain the existing HPS SLs. This is the baseline case for this analysis, using the Town’s current CNE third-party-supplier retail electricity rate.

B. CMP retains ownership and maintenance of the SLs and poles and upgrades the luminaires to LEDs. This would require a BOS vote. The Town would sign 15 yr lease agreement with CMP.

C. The Town purchases the SLs, upgrades them to LEDs, and maintains the SLs while CMP retains ownership of almost all the poles. There are four main financing options; implementation of each would require public approval via referendum in May 2019, according to Town Manager Stephen Burns:

a. Purchase: Town buys SLs with available funds. Town owns and insures SLs. Town contracts RTE to provide SL maintenance; RTE offers “one call” service and a renewable 3 year contract.

b. Financed purchase: Town purchases SL financed with a bond issue or a commercial loan. For this analysis CEI assumed the Town would use a bond issue with a 10 year repayment term. Town owns and insures SLs. Town contracts RTE to provide maintenance.

c. TELF: Town acquires SLs financed with Tax-Exempt Lease Financing (TELF), a lease/purchase procurement method offered by RTE and its financing partner Municipal Leasing Consultants (MLC). Town has no initial capital outlay, and experiences immediate positive cash flow. Financing would be repaid over a 5, 7 or 10 year term, as Town prefers. Town insures SLs, although the financing entity owns the SLs that Town leases until Town assumes ownership at the end of term. Town contracts RTE to provide maintenance.

d. EPC: Town acquires SLs financed with an Energy Performance Contract (EPC), a shared savings arrangement with RTE providing financing, implementation, maintenance and a savings guarantee. The Town has no initial capital outlay and experiences immediate positive cash flow. Town owns and insures SLs from the start. During 10 year term RTE splits savings relative to baseline energy use and cost) 65%/35% with Town. RTE provides maintenance during EPC term as part of contract; after 10 year term Town contracts RTE to provide maintenance.

Comparative features and the pros and cons of each option are listed in Table 1 below.

---

2 See Section 53 Municipal ownership of Streetlights, part 53.1B.1 and Rate SL (2018).

3 See Section 53 Municipal ownership of Streetlights, part 53.1B.3 and Rate SL (2018).
<table>
<thead>
<tr>
<th>Option</th>
<th>Pay up front?</th>
<th>Contract / financing term (years)</th>
<th>Pros</th>
<th>Cons</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAU</td>
<td>No</td>
<td>Indefinite</td>
<td>- Ease of (no) implementation</td>
<td>- Costs and emissions higher than other options</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- CMP manages SLs, ease of implementation</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Large firm with utility resources, longevity</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Property tax revenue</td>
<td></td>
</tr>
<tr>
<td>CMP</td>
<td>No</td>
<td>15 yr lease, renewable</td>
<td></td>
<td>- Low level of Town control</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Monopoly provider, less responsive</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Less experience with LED SL upgrades than RTE</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- No inventory verification / GIS data</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- 1:1 retrofit, no photometric design</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- 33 decorative/flood SLs upgrade not included</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- No fixture choice, CMP selects types</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- No smart controls nor cell service options</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- CMP selected SLs not all “Dark Skies” compliant</td>
</tr>
<tr>
<td>Purchase</td>
<td>Yes</td>
<td>O&amp;M 3 yr renewable</td>
<td>- High level of Town control</td>
<td>- Town manages and insures SLs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Competitive provider, more responsive</td>
<td>- O&amp;M vendor required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- More SL LED experience than CMP</td>
<td>- No property tax revenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Inventory verification with GIS data layer</td>
<td>- Small firm, less certain future than CMP</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- Custom photometric design</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- 33 decorative/flood SLs upgrade included</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Fixture choice, test installations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- “Smart controls” option</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Potential small cell service revenue</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>- “Dark Skies” compliant SL options</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- RTE O&amp;M “one call” service</td>
<td></td>
</tr>
<tr>
<td>Financed purchase</td>
<td>Yes</td>
<td>Repayment term TBD; O&amp;M 3 yr</td>
<td>&quot;</td>
<td>- RTE O&amp;M costs extra during term</td>
</tr>
<tr>
<td></td>
<td></td>
<td>renewable</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>TELF</td>
<td>No</td>
<td>5–10 yr plus O&amp;M 3 yr renewable</td>
<td>&quot;</td>
<td>- RTE O&amp;M costs extra during term</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>EPC</td>
<td>No</td>
<td>10 yr; after, O&amp;M 3 yr renewable</td>
<td>&quot;</td>
<td>- Town manages and insures SLs</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&quot;</td>
<td>- No property tax revenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>&quot;</td>
<td>- RTE O&amp;M required after EPC term</td>
</tr>
</tbody>
</table>
CEI assessed the comparative technical attributes of the LED SL equipment proposed by both CMP and RTE. Overall the proposed SLs have comparable quality and features, with marginally more beneficial attributes in the proposed RTE portfolio. Note that “Dark Skies” guidelines for reduced light pollution recommend LED color temperatures around 3000 Kelvin at most. See Table 1B below; the Town has the cut sheets for reference.

### Table 1B: Comparative LED SL Technical Attributes

<table>
<thead>
<tr>
<th>Fixture</th>
<th>Color Temp (K)</th>
<th>Reputable Manufacturer?</th>
<th>Warranty (yrs)</th>
<th>Pins</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RTE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Autobahn Series ATBL</td>
<td>3000–5000</td>
<td>Yes</td>
<td>5</td>
<td>3 (5/7 optional)</td>
</tr>
<tr>
<td>Eaton The Archeon</td>
<td>3000–5000</td>
<td>Yes</td>
<td>5 (10 optional)</td>
<td>3/7</td>
</tr>
<tr>
<td>GreenCobra</td>
<td>3000–5000</td>
<td>Yes</td>
<td>10</td>
<td>3 (7 optional)</td>
</tr>
<tr>
<td><strong>CMP</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eaton Navion</td>
<td>3000–5000</td>
<td>Yes</td>
<td>5</td>
<td>7 pin compatible</td>
</tr>
<tr>
<td>Eaton XNV</td>
<td>4000</td>
<td>Yes</td>
<td>5</td>
<td>Unsure (0-10V dimming)</td>
</tr>
<tr>
<td>Eaton XNV2</td>
<td>4000</td>
<td>Yes</td>
<td>5</td>
<td>Unsure (0-10V dimming)</td>
</tr>
</tbody>
</table>

CEI assessed the comparative installed Watts, annual energy savings, and annual greenhouse gas (GHG) emissions in tons of CO₂-equivalent (CO₂ e) for both CMP and RTE proposals, at 563.7 lbs of CO₂ e per MWh of electricity. See Table 1C and Chart 1C below and “Environmental Benefits” tab of the spreadsheet in Appendix A. Total Wattage reductions and kWh of energy use per year are comparable for both CMP and RTE proposals. RTE’s proposal offers slightly lower total Wattage (not evident in the rounded-off values in Table 1C) and saves a bit more energy in part due to retrofitting 821 SLs, compared to CMP’s proposed upgrade of 789 SLs.

### Table 1C: Comparative LED SL Environmental Attributes

<table>
<thead>
<tr>
<th>Total installed kW</th>
<th>Annual usage kWh</th>
<th>Tons CO₂ e</th>
<th>Savings CO₂ e</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Baseline</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100</td>
<td>427,001</td>
<td>120.4</td>
<td>0</td>
</tr>
<tr>
<td><strong>CMP SL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>150,093</td>
<td>42.3</td>
<td>78.0</td>
</tr>
<tr>
<td><strong>RTE SL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35</td>
<td>149,377</td>
<td>42.1</td>
<td>78.3</td>
</tr>
</tbody>
</table>

---

4 See https://www.epa.gov/energy/emissions-generation-resource-integrated-database-egrid
These GHG reduction benefits for both CMP and RTE proposals can be converted into more colloquial terms, using a DOE Environmental Benefits Calculator as depicted in Table 1D below.

**Table 1D: Annual Environmental Benefits Calculator**

<table>
<thead>
<tr>
<th>Equivalents</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cars removed from road:</td>
<td>22</td>
</tr>
<tr>
<td>Homes annual energy use:</td>
<td>10</td>
</tr>
<tr>
<td>Gallons of gasoline consumed:</td>
<td>1,323</td>
</tr>
<tr>
<td>Barrels of oil:</td>
<td>273</td>
</tr>
<tr>
<td>Waste Recycled:</td>
<td>40</td>
</tr>
<tr>
<td>Acres of pine forest planted:</td>
<td>25</td>
</tr>
<tr>
<td>Seedlings grown for 10 years:</td>
<td>3,015</td>
</tr>
<tr>
<td>Railcars of coal burned:</td>
<td>1</td>
</tr>
<tr>
<td>Gallons of diesel:</td>
<td>11,206</td>
</tr>
<tr>
<td>kWh of electricity:</td>
<td>12,711</td>
</tr>
<tr>
<td>Tanker trucks removed from road:</td>
<td>2</td>
</tr>
</tbody>
</table>
2. What is the total net cost to York, in 2018 dollars assuming 3% annual inflation, of each option? (This estimates the cost difference between the two?)
   a. Energy costs
   b. Acquisition of existing lights costs
   c. New equipment costs
   d. Financing costs (if we decide to finance)
   e. Installation costs
   f. Insurance costs
   g. O&M contract costs
   h. Value of lost personal property taxes
   i. Other contracts such as Celtic’s ongoing assistance
   j. Other costs – please identify

CEI analyzed six scenarios as described in Question 1 (Q1) and depicted in Table 1. A 20 year pro forma was prepared for each scenario, with summary values for both aggregate costs facing the Town and cost savings relative to the BAU baseline, provided both in 2018 dollars (“Actual Dollars”) and 20 year Net Present Value (NPV). (Please note that one aspect of NPV that CEI did not attempt to estimate was the potential replacement of equipment during the 20 yr period due to reaching the end of its EUL, e.g., re-lamping LED SLs after 15 years.) Cost factors listed in Question 2 (Q2) a–h were incorporated into the analysis; see discussion below for highlights of specific factors. Spreadsheets supporting the financial and economic analysis are provided in Appendix A; please refer to the “Pro forma” tab.

Summary tables and charts below depict aggregate costs and savings at both the 10 year and 20 year marks; these tables and charts can be found in the “Summary” tab of the spreadsheet in Appendix A. Ten years is equivalent to the Town bond financed purchase repayment term, the longest TELF repayment term, the EPC term, and the longest LED warranty periods. Twenty years is a common benchmark for NPV analysis, and it is anticipated that most of the LED fixtures will still be functioning at that time.

Highlights of the estimated values of some of the requested factors in Q2 a–h are noted briefly below:

a. Energy costs: For our analysis we used the Town’s CNE third-party electricity supply rate of $0.05980/kWh, which can be used in any scenario including BAU. Town also has to pay CMP Delivery and Lighting Service fees, as discussed in the first paragraph of the answer to Q1.

b. Acquisition of existing lights costs: CMP provided an NBV of $85,657 for the existing SLs as of August 2018.

c. New equipment costs: CMP provided a budgetary value estimate of $150,000 for new LED SLs. The Town does not have to pay for that equipment up front, but it can be used to estimate property tax revenue on CMP-owned LED SLs (see h below). RTE provide a replacement cost estimate of $157,000 for all new equipment (see f below), including fuse kits that CMP requires Towns to install—and evidently to pay for—on municipally-owned LED SLs. These fuses are not required if CMP owns and upgrades the lights; they are intended to provide electrical safety for municipal maintenance contractors, and to protect CMP equipment. RTE estimated a project
installed cost of $329,598 plus the acquisition cost of the existing SLs (see b above) for a total project cost of $415,255.

d. **Financing costs (if we decide to finance):** CEI included interest rates and inflation in its estimates, but we did not attempt to estimate nor include in our analysis estimated closing and other administrative or process-related costs for bond issuance, TELF or other scenarios.

e. **Installation costs:** See c above. CEI did not estimate or include the potential costs of police personnel on duty at LED SL retrofit work crew locations, in part because we estimate that factor would be a constant across retrofit scenarios. By State statute police are only required for work at signaled intersections. Both CMP and RTE would draw from the same pool of qualified contractors to perform all the work with the same crew, whether or not fusing is conducted.

f. **Insurance costs:** See c above and Q21 below. CEI requested an MMA-based insurance estimate for Town-owned LED SLs based on RTE’s estimated $157,000 equipment replacement value; the insurance estimate was not available as of the time of this deliverable, so we assumed an annual cost of $10,000 with a 3% annual escalation rate. In addition, CMP’s proposed Customer Owned Streetlighting Agreement, Part 15, states: “As a condition of installing any lighting equipment on Company poles or performing any street light maintenance on Company poles, the Municipality shall at all times maintain in place $1 million liability insurance in the amount and under such terms as may be required by the Commission (as further set forth in Section 53 of the Company’s Terms and Conditions), with the Company named as an additional insured.” CEI requested an MMA-based insurance estimate for compliant coverage and/or verification that Town already carries such coverage; the insurance estimate was not available as of the time of this deliverable, so we assumed that cost to be included in an annual cost of $10,000 with a 3% annual escalation rate.

g. **O&M contract costs:** RTE offers to provide routine maintenance and failed equipment replacement within 60 days for 821 new fixtures at a cost of $2.00 per fixture per month, or $19,704 per year. This excludes emergency replacements, e.g., for car vs. pole knock-down collisions. RTE stated that they typically negotiate with clients a cost basis for emergency replacements that trades off economy for urgency, i.e., higher cost for faster replacement. CEI did not attempt to estimate emergency replacement fees, which would be constant across all Town purchase scenarios. CMP’s draft Customer Owned Streetlights Agreement includes provisions for atypical circumstances (e.g., emergency replacements) where CMP would remove or replace Town-owned SLs, and then would bill the Town for the cost of that work according to fee schedules detailed in section 53 of CMP’s Terms and Conditions regarding SLs. CEI did not attempt to estimate the potential annual cost of these such circumstances.

h. **Value of lost personal property taxes:** See c above. Applying the Town property tax rate of $11.15 per thousand dollars of assessed asset value to the CMP’s estimate of $150,000 in new LED equipment, CEI estimated potential SL tax revenue lost or gained at $1,673 annually. We assumed pole leasing would be a constant in every scenario because CMP would own all the poles regardless (although in actuality CMP offers a few poles for sale to the Town; we assumed Town would not buy any poles). We did not include pole leasing costs in the scenarios.

i. **Other contracts such as Celtic’s ongoing assistance:** CEI independent third-party consulting fees for full-scope client support throughout procurement, construction, commissioning and measurement and verification (M&V) of performance period typically range from 1%–2% of the
installed cost of large projects to 3%-4% or more of the installed cost of small or more complex projects. This rule-of-thumb analysis suggests a very rough estimate of project fees in the $20,000 range for Quality Assurance on a Town purchase and upgrade, and presumably less (if any) for a CMP-owned SL retrofit. We have not included CEI fee estimates in this analysis.

j. Other costs – please identify: CEI did not identify nor include further cost factors.

**FINDING:** The following charts depict that the most financially compelling scenario is Town Purchase with available funds. If sufficient funds are available—e.g., an estimated $415,255 installed project cost including acquisition of the existing HPS SLs at CMP’s Net Book Value (NBV)—CEI estimates that the Town will save a net total of $737,983 over 10 years and $2,314,790 over 20 years. CEI estimates that the Return On Investment (ROI) of this option would be 24%, with a Simple Payback (SPB) of 4.2 years. The Town bond-financed option is a close second.

Tables 2A and 2B plus Charts 2A and 2B depict total costs for each scenario. Exempting the highest-cost BAU Baseline, the scenario with the greatest cost is highlighted in bold red font; the table with the lowest cost is highlighted in bold black font.

**Table 2A: 10-Year Cost Summary**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>10-Year Cost (Actual Dollars)</th>
<th>10-Year Cost (NPV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAU Baseline - Current Scenario (Based on CNE Supply Rate)</td>
<td>$1,634,228</td>
<td>$1,425,545</td>
</tr>
<tr>
<td>CMP Owned &amp; Maintained</td>
<td>$1,306,689</td>
<td>$1,139,831</td>
</tr>
<tr>
<td>Town owned and Maintained - Financed</td>
<td>$964,763</td>
<td>$847,731</td>
</tr>
<tr>
<td>Town owned and Maintained - Direct Purchase</td>
<td>$896,245</td>
<td>$835,273</td>
</tr>
<tr>
<td>Town owned and Maintained - Tax Exempt Lease Financing</td>
<td>$982,500</td>
<td>$860,650</td>
</tr>
<tr>
<td>Energy Performance Contract (Town Owned)</td>
<td>$1,147,863</td>
<td>$1,003,432</td>
</tr>
</tbody>
</table>

**Chart 2A: 10-Year Cost Summary**

10-Year Costs

$0  $400,000  $800,000  $1,200,000  $1,600,000

- Baseline - Current Scenario (Based on CNE Supply Rate)
- CMP Owned & Maintained
- Town owned and Maintained - Financed
- Town owned and Maintained - Direct Purchase
- Town owned and Maintained - Tax Exempt Lease Financing
- Energy Performance Contract (Town Owned)
### Table 2B: 20-Year Cost Summary

<table>
<thead>
<tr>
<th>Scenario</th>
<th>20-Year Cost (Actual Dollars)</th>
<th>20-Year Cost (NPV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BAU Baseline - Current Scenario (Based on CNE Supply Rate)</td>
<td>$3,830,494</td>
<td>$2,851,091</td>
</tr>
<tr>
<td><strong>CMP Owned &amp; Maintained</strong></td>
<td>$3,062,769</td>
<td>$2,279,662</td>
</tr>
<tr>
<td>Town owned and Maintained - Financed</td>
<td>$1,584,221</td>
<td>$1,250,214</td>
</tr>
<tr>
<td><strong>Town owned and Maintained - Direct Purchase</strong></td>
<td>$1,515,704</td>
<td>$1,237,756</td>
</tr>
<tr>
<td>Town owned and Maintained - Tax Exempt Lease Financing</td>
<td>$1,601,959</td>
<td>$1,263,133</td>
</tr>
<tr>
<td>Energy Performance Contract (Town Owned)</td>
<td>$1,740,275</td>
<td>$1,388,630</td>
</tr>
</tbody>
</table>

### Chart 2B: 20-Year Cost Summary

20-Year Costs

- Baseline - Current Scenario (Based on CNE Supply Rate)
- CMP Owned & Maintained
- Town owned and Maintained - Financed
- Town owned and Maintained - Direct Purchase
- Town owned and Maintained - Tax Exempt Lease Financing
- Energy Performance Contract (Town Owned)
Tables 2C and 2D depict total savings for each scenario, relative to the highest-cost BAU Baseline (not depicted). The scenario with the least savings is highlighted in bold red font; the table with the greatest savings is highlighted in bold black font.

### Table 2C: 10-Year Cost Savings Summary

<table>
<thead>
<tr>
<th>Scenario</th>
<th>10-Year Cost Savings (Actual Dollars)</th>
<th>10-Year Cost Savings (NPV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMP Owned &amp; Maintained</td>
<td>$327,539</td>
<td>$285,714</td>
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<td>Town owned and Maintained - Financed</td>
<td>$669,465</td>
<td>$577,814</td>
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<td>Town owned and Maintained - Direct Purchase</td>
<td>$737,983</td>
<td>$590,272</td>
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<tr>
<td>Town owned and Maintained - Tax Exempt Lease Financing</td>
<td>$651,728</td>
<td>$564,895</td>
</tr>
<tr>
<td>Energy Performance Contract (Town Owned)</td>
<td>$486,365</td>
<td>$422,114</td>
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### Table 2C: 10-Year Cost Savings Summary

10-Year Cost Savings

<table>
<thead>
<tr>
<th>$0</th>
<th>$100,000</th>
<th>$200,000</th>
<th>$300,000</th>
<th>$400,000</th>
<th>$500,000</th>
<th>$600,000</th>
<th>$700,000</th>
<th>$800,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMP Owned &amp; Maintained</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town owned and Maintained - Financed</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town owned and Maintained - Direct Purchase</td>
<td></td>
<td></td>
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<tr>
<td>Town owned and Maintained - Tax Exempt Lease Financing</td>
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<tr>
<td>Energy Performance Contract (Town Owned)</td>
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</table>

- 10-Year Cost Savings (Actual Dollars)
- 20-Year Cost (NPV)
Table 2D: 20-Year Cost Savings Summary

<table>
<thead>
<tr>
<th>Scenario</th>
<th>20-Year Cost Savings (Actual Dollars)</th>
<th>20-Year Cost Savings (NPV)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CMP Owned &amp; Maintained</td>
<td>$767,725</td>
<td>$571,429</td>
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<tr>
<td>Town owned and Maintained - Financed</td>
<td>$2,246,273</td>
<td>$1,613,335</td>
</tr>
<tr>
<td>Town owned and Maintained - Direct Purchase</td>
<td>$2,314,790</td>
<td>$1,613,335</td>
</tr>
<tr>
<td>Town owned and Maintained - Tax Exempt Lease Financing</td>
<td>$2,228,535</td>
<td>$1,587,958</td>
</tr>
<tr>
<td>Energy Performance Contract (Town Owned)</td>
<td>$2,090,219</td>
<td>$1,462,461</td>
</tr>
</tbody>
</table>

Chart 2D: 20-Year Cost Savings Summary

20-Year Costs

$0  $1,000,000  $2,000,000  $3,000,000  $4,000,000

- Baseline - Current Scenario (Based on CNE Supply Rate)
- CMP Owned & Maintained
- Town owned and Maintained - Financed
- Town owned and Maintained - Direct Purchase
- Town owned and Maintained - Tax Exempt Lease Financing
- Energy Performance Contract (Town Owned)
Contractual / business model

3. How do each of these companies make money? What is their business model? What are they trying to get the Town to do?

CMP is regulated electricity utility with a monopoly franchise within its service territory for ownership and operation of the Electric Power System (EPS) or “grid”. Maine is one of nearly half of U.S. states (including all of New England) that has restructured the electricity industry by breaking up vertically-integrated Investor-Owned Utilities (IOUs) and divorcing ownership of power generation from operation of the EPS. Customers have retail choice of electricity providers, so Town can buy power from CNE that is less expensive than CMP’s Standard Offer rate and CMP must deliver that power at a pass-through cost to Town. As a result CMP is an Electricity Distribution Company (EDC) that owns and operates transmission and distribution system assets. CMP makes money primarily in three ways:

- Investing in assets included in its rate base for cost recovery at a regulated rate of return
- Charging customers “fixed” transmission and distribution (T&D) fees and leasing charges that cover O&M and financing obligations with net profit remaining
- Selling commodities such as power and natural gas

Maine’s legislation enabling municipal SL purchases cuts into revenue from leasing and associated fees. CMP has a financial interest in retaining ownership of the SLs, so they want to perform the upgrade instead of a Town buyout. One possible “wild card” motive for CMP to keep the SLs might be to maintain the opportunity to leverage SL assets as revenue-generating hosts for small cell service and 5G network equipment in the mid- to long-term (e.g., 5–10 years or more); see Q10 for further discussion.

RTE is a specialty contractor built around the service offering of design, installation and maintenance of LED SLs for municipal buyouts and upgrades. They make money primarily in two ways:

- Markup of procured equipment. In CEI’s experience, RTE’s proposed 17% markup is at the low end of the range of typical Energy Services Companies (ESCOs) markups of 22%–27%.
- Service fees for LED SL system design and maintenance

RTE has a financial interest in performing the work of a Town LED SL buyout and upgrade and in providing ongoing maintenance, so they want the Town to by the SLs.

4. Is either option reversible in the short term? Is this an important consideration?

Town is enabled by law to purchase SLs; presumably this option will continue to exist in the future provided that the applicable laws and regulations do not change. In that sense a decision to have CMP retain SL ownership is reversible. If CMP retains ownership of the SLs and upgrades them to LEDs, the draft lease agreement states that the contract can be terminated by either party on 30 days’ written notice. If the Town ends the lease agreement before the 15 year term, or is judged by CMP to be out of
compliance with the agreement and CMP thus terminates the contract, CMP reserves the right to remove SLs from its poles and bill Town for both the removal and the LED SL “unused investment” (NBV).

If the Town buys the SLs, CEI cannot determine the likelihood of CMP’s willingness to buy them back if Town reverses the decision. Potential revenue from hosting cell service equipment might be an incentive for a CMP buyback; see Q10 for further discussion.

Probably reversability is not a decisively important consideration.

Technical

Smart controls

5. Do both providers offer smart controls?

RTE offers smart controls; CMP does not. Most if not all SLs have a photocell that activates the SL when it is sufficiently dark. Smart controls enable functions such as dimming, centralized on/off and modulation, and real-time reporting of equipment problems or failures. Smart controls can fit into standardized receptacles atop SLs, such as a 7-pin receptacle. Other equipment such as for small cell service also can be fitted to these receptacles.

RTE reports that its client Town of Falmouth, ME employs smart controls to respond to public complaints about SL brightness by dimming (or brightening).

**FINDING:** CEI sees value in the Town procuring “smart control ready” SLs (e.g., with 7-pin receptacles), but CEI sees little benefit from the added cost of installing smart controls at this time (beyond the standard integrated photocell). RTE reports that smart controls cost in the range of $80–$100 per SL fixture. As the SLs are not metered but rather billed for energy usage on a prescriptive basis of 355 hours monthly average (4,260 hours annually) based on Wattage, the Town would not decrease its energy bill by dimming. RTE’s proposed maintenance contract charges $2.00 monthly per fixture, but an additional $2.50 per month per fixture with smart controls. Given the LEDs’ long EUL and low failure rate, CEI does not think the benefit of real-time equipment fault monitoring would be worth more than doubling the cost of the maintenance contract. Having the Town specify SL equipment with standard control-ready receptacles would also maintain the option to host small cell service equipment and possibly other revenue-generating devices in the future; see Q10 for further discussion.

6. Is there policy guidance on municipal use of smart controls?

CEI is not aware of policy guidance per se, although there are emerging industry-standard best practices. DOE’s Solid State Lighting Consortium and RPI’s Lighting Research Center provide good information; many public sector organizations have published SL LED reference materials and lessons learned. More benefits of smart controls accrue to municipalities that operate their own electric utilities and SLs, or which have large numbers of SLs and “smart city” programs and equipment that controls can support.
7. How would the Town ensure smart controls don’t adversely impact compliance with illumination engineering standards for public safety?

The primary set of reference standards for SLs is the Illumination Engineering Society (IES) RP-8 standards, but they are voluntary best practice guidelines. If the Town employed smart controls, it could control SLs to in compliance with IES RP-8 guidelines. The Town can also design SL systems without smart controls to operate in compliance with IES RP-8 guidelines.

8. Is the potential for future implementation of small cell communication service different in the CMP and RealTerm options?

Yes. RTE would be more responsive than would CMP about Town preferences, specifications and revenue potential for implementing small cell service. There is no guarantee that CMP would select LED SLs capable of supporting small cell service equipment, or that they would provide that host service for the Town, although they have a financial incentive to earn revenue from service providers.

9. What are the cybersecurity issues associated with streetlighting, and who is responsible for this?

Cybersecurity would be important primarily for SLs with smart controls, small cell service and other equipment with an internet connection. LED SLs need not be connected to the internet to provide most of the potential benefits from an LED upgrade. Whomever owns the SL equipment would share responsibility with Original Equipment Manufacturers (OEMs) at the device level and SL system operators at the network level. The SL owner should specify or select SL equipment and controls systems that comply with industry-standard cybersecurity protocols (e.g., as used by NIST, ASTM, DHS, etc.), where applicable.

Big picture

10. What else are we missing? What should we be thinking about?

The Town is interested in the potential to improve cell phone network signal and service. Town-owned LED SLs with standardized controls receptacles would provide more options, choice and potential revenue from hosting small cell service equipment than would CMP-owned SLs. See Q8 above.

One possible “wild card” is the potential revenue and other benefits of maintaining the opportunity to leverage SL assets as revenue-generating hosts for Fifth Generation or “5G” wireless network equipment in the mid- to long-term (e.g., 5–10 years or more). 5G networks can support much greater data transfer speeds and are widely considered to be important to the future deployment of autonomous vehicles as well as cell phones, and are attracting significant industry interest and investment. Although standards are emerging and currently there is no industry consensus about key aspects of interoperability and EMF spectrum utilization, there seems to be general agreement that 5G network transmitters and receivers will operate best over shorter distances than existing 4G equipment. This makes SLs ideal
hosts and a potential source of revenue in the future. Electric utilities are monitoring these developments and the potential value of retaining SL ownership is not lost on the sector.

Other municipalities’ experience

11. How many communities in the Northeast have taken over their streetlights?

There is no central repository of information on this, but many communities have done so, particularly in southern New England. Northeast Energy Efficiency Partnerships (NEEP) reports: “Approximately one third of the region’s utilities now offer tariffs that provide a rate for company-owned LED fixtures…. Notably, the Eversource New Hampshire tariff (rate EOL) is a “customer contributed” tariff, allowing a municipality to purchase their own LED street lighting fixtures for contribution to the utility. […] To circumvent regulatory barriers to adoption, legislation in Massachusetts, Maine, Maryland and Rhode Island has enabled municipal purchase of utility-owned street lights, while public utility commissions in Connecticut and Vermont have also set precedents for such purchases. Just as importantly, legislatures in Vermont and Rhode Island have enacted laws to alter tariffs requiring investor owned utilities to offer an LED street lighting option for municipalities.”

Massachusetts (MA) has perhaps gone the farthest to develop policies and deploy grants that support municipal SL LED conversions and buyouts. To date over 75 MA municipalities have LED SLs, of which almost all were purchased by the municipalities (including by municipal light plants, i.e., town-owned electric utilities) and about 1% implemented by IOUs/EDCs. By January 2019 almost 75% of MA SLs have been converted to LEDs.

Table 11: MA Municipal SL LED Conversions (December 2017 Data)

<table>
<thead>
<tr>
<th></th>
<th>Statewide</th>
<th>Municipal Ownership</th>
<th>Utility Ownership</th>
<th>Total</th>
<th>Municipal Light Plants</th>
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<tbody>
<tr>
<td>Total number of fixtures</td>
<td>605,690</td>
<td>305,449</td>
<td>131,364</td>
<td>436,818</td>
<td>68,877</td>
</tr>
<tr>
<td>Number of municipalities</td>
<td>351</td>
<td>152</td>
<td>152</td>
<td>304</td>
<td>47</td>
</tr>
<tr>
<td>Green Communities grants</td>
<td>222,984</td>
<td>207,652</td>
<td>1,466</td>
<td>209,118</td>
<td>13,866</td>
</tr>
<tr>
<td>Rapid LED Conversion grants</td>
<td>137,184</td>
<td>84,868</td>
<td>0</td>
<td>84,868</td>
<td>52,316</td>
</tr>
<tr>
<td>Total converted or in process</td>
<td>360,168</td>
<td>292,520</td>
<td>1,466</td>
<td>293,986</td>
<td>66,182</td>
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<tr>
<td>Percent converted or in process</td>
<td>71%</td>
<td>96%</td>
<td>1%</td>
<td>67%</td>
<td>96%</td>
</tr>
<tr>
<td>Not yet converted</td>
<td>145,522</td>
<td>12,929</td>
<td>129,898</td>
<td>142,627</td>
<td>2,695</td>
</tr>
<tr>
<td>Percent not yet converted</td>
<td>29%</td>
<td>4%</td>
<td>99%</td>
<td>33%</td>
<td>4%</td>
</tr>
</tbody>
</table>

In Rhode Island (RI), the Partnership for RI Streetlight Management (PRISM) program has helped manage SL municipal buyouts and LED upgrades in 24 of 39 RI communities, comprising roughly half of the state’s SLs so far. To their knowledge no town has opted for a utility-owned SL LED conversion.

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5 https://neep.org/blog/street-lighting-high-low-hanging-fruit
RTE is working with 35 Maine (ME) communities including all the MSLG towns and estimates that another 10–15 municipalities are working with their competitors on SL buyouts.

CEI is aware of at least 22 Connecticut (CT) municipalities that have purchased and converted their SLs to LED, and at least 6 converted by utilities. CMP’s parent Avangrid also owns United Illuminating (UI), which has converted 16 CT communities to LED SLs—all their service territory except the City of New Haven, which purchased its SLs and implemented small cell service and other equipment.

About 30 New Hampshire (NH) communities have converted to LED SLs, evidently mostly via buyouts assisted by utility tariffs and incentives.

Many communities in NY and Ontario also acquired their SLs.

12. How many communities in the Northeast have LED streetlights provided by their utility companies?

See Q1 above. As far as CEI can tell, the majority of New England municipalities involved in SL LED upgrades have opted for municipal buyouts instead of utility conversions.

13. What communities, if any, have had a bad experience taking ownership of their streetlights? What should we be learning from them?

At least a few municipalities have had bad experiences or troublesome aspects to some degree. At the risk of being self-serving, in CEI’s perspective many of these issues arise due to a lack of expert consultant input into project design and quality assurance (QA) oversight on procurement and implementation. LED SLs are a relatively new subject for most municipal decision makers, with unfamiliar technical and procurement aspects. Difficult issues and lessons learned include:

Challenge: Poor LED fixture selection on criteria including brightness, glare, color temperature, light trespass, OEM reliability and cost.
Lessons learned: Have knowledgeable advisors who are familiar with the evolving LED marketplace and more reliable OEMs such as the “Big Six”. Conduct QA reviews on vendor proposals.

Challenge: Poor performance by installation or maintenance contractors.
Lessons learned: Have knowledgeable advisors who are familiar with the LED marketplace as well as buyout and retrofit processes and requirements, and can conduct QA oversight on vendors.

Challenge: The axiom (cliché?) that “You can’t make all of the people happy all of the time, but you can make some of the people happy some of the time” applies to both the business and local politics of SL LED upgrades. Potentially contentious issues include:

- LEDS are too bright
- LEDS are too white
- LEDS flicker
• LEDs are bad for my health (a greater concern after recent press about an American Medical Association advisory)

• Visibility is poor(er), color rendering is weird

*Lessons learned:* Have knowledgeable advisors who are familiar with aspects including color temperature, fixture cutoff design to reduce light trespass, Dark Skies compliance, and reference standards such as IES RP-8. Conduct high quality photometric design; consider including varied LED types and performance in different areas (*e.g.*, brighter white light at intersections, cooler and/or dimmer in residential areas). Optimize public outreach and input, including test installations of different LED options. Emphasize benefits such as cost savings, emissions reductions and improved public safety. If controls are available, rapid response to issues such as fixture outages as well as residential request for specific fixture dimming or brightening can play a role in positive community outreach. Nevertheless, most people are accustomed to poorer-quality yellowed HPS light and any change will be uncomfortable to some folks, at least at first.

At the risk of sounding flip or unprofessional, one (arguably minor) buyout consideration is that the Town will have less of an opportunity to blame CMP for SL-related problems, and the public might perceive the Town as having greater responsibility for problems. On the one hand, SLs are not typically a source of significant public ire or concern. On the other hand, a transition to LED SLs will increase the focus of public attention for at least a brief period. Citizens are more likely to call their local government to register concerns than they are to call their utility. Probably an SL LED buyout will bring a concomitant minor increase in public engagement with the Town on SL issues.

14. How many years have communities been taking ownership of streetlights for these sorts of conversion processes? Area any at 10- or 20-year marks, where large-scale infrastructure replacements have been undertaken?

LEDs became commercially viable in this application only in the last 10–15 years, and widespread policy support for conversions lagged by some years. Nationally some of the pioneering cities such as L.A. made conversions around a decade ago. Few if any New England communities have longer experience.

Town’s roles and responsibilities as owner

15. If the Town takes ownership, would PUC have authority over municipal streetlighting? If so, what specifically?

Evidently not, much as the PUC does not have authority over other Town-owned electricity-using equipment.
16. What new responsibilities fall to the municipal government if it chooses to take ownership of the streetlight utility?

All SL matters would become Town responsibilities (other than those related to CMP-owned poles). After buyout, installation and acceptance of the LED retrofit, most SL issues would be addressed by the maintenance contractor, resulting in a minor to modest amount of additional effort by Town personnel compared to today. New responsibilities and activities could include:

- Procurement, financial, legal and administrative aspects of soliciting and selecting a maintenance contractor, and negotiating and managing a maintenance contract
- Management of and liaison with maintenance contractor (probably by Public Works)
- Property/casualty insurance of SLs
- Potential storage of SL spare components at Town facilities, such as the Highway Barn
- Addition of a GIS layer with SL inventory and photometric data
- Possible legal or technical consulting to address any unfamiliar issues, as SLs are a new type of Town asset
- Procurement, financial, legal and administrative aspects of replacing SLs over time as they depreciate, fail or are damaged
- Decisions concerning potential leveraging of Town-owned SLs to host additional equipment or services, e.g., smart controls, small cell service, 5G networks, wifi, public safety sensors, etc.

Police Dispatch would continue to receive SL outage and damage notifications from the public and Town personnel, and probably would continue making one call to address each issue—except that call would be to the maintenance contractor instead of to CMP as is current practice. RTE offers a single point of contact with a toll-free number. RTE utilizes many of the same contractors used by CMP, which should facilitate closer coordination and smoother cooperation between RTE and CMP. Provided that the Town’s maintenance contract enables the contractor to represent the Town in communications with CMP, and that CMP cooperates with this arrangement, additional marginal increased activity by the Town would be minimized. The LED retrofit cost savings might help support additional Town personnel effort or a position to assist with SL management (and possibly other tasks).

17. Does every decision about streetlighting become a municipal decision if the Town takes ownership?

Effectively yes for all or almost all matters not related to CMP poles. Many decisions would be addressed or facilitated by one-stop-shop, single point of contact maintenance support contractors. See Q16 above.

18. What public safeguards are there to ensure good performance of streetlighting?

Primarily public safeguards exist in the form of applicable MPUC regulations and oversight, including the development by the MSLG and utilities under MPUC oversight of template contractual documents and emerging best practices. Beyond that, there are not many safeguards other than industry-standard best practices and equipment requirements. IES RP-8 standards are voluntary best practice guidelines.
If the Town employed smart controls, it could control SLs to in compliance with IES RP-8 guidelines. The Town can also design SL systems without smart controls to operate in compliance with IES RP-8 guidelines. Equipment would be subject to UL, ASTM and similar requirements and/or voluntary standards.

19. **What roles and responsibilities do each Town department have today with respect to streetlighting, and how would this change with municipal ownership?** (Day to day operations, emergencies, requests for new or altered lighting, contract negotiation, contract compliance, payments, etc.)

See Q16 above. Most things don’t change from BAU under Town ownership scenarios, particularly with “one stop shop” RTE or other vendor comprehensive maintenance support, but there are some differences.

**Insurance and liability**

20. **Are streetlights, if municipally owned, and issues related to streetlighting exempt from the municipal tort liability limits?**

CEI has not been able to identify an answer to this question. We will pursue the matter with other MSLG communities. We recommend Town seek the opinion of an attorney. CEI excerpts below seemingly relevant aspects of CMP documents.

CMP’s draft Customer Owned Streetlighting Agreement states:

**Part 15: INSURANCE REQUIREMENTS**

“As a condition of installing any lighting equipment on Company poles or performing any street light maintenance on Company poles, the Municipality shall at all times maintain in place $1 million liability insurance in the amount and under such terms as may be required by the Commission (as further set forth in Section 53 of the Company’s Terms and Conditions), with the Company named as an additional insured. [...] **The liability insurance required under this Section shall be considered excess and shall not be deemed a waiver of immunity under the Maine Tort Claims Act.**” [Emphasis added.]

**Part 16: INDEMNIFICATION**

“Municipality hereby agrees to indemnify, defend, and hold harmless Company, [etc.] [...] **The foregoing indemnification provisions shall not be deemed a waiver of immunity under the Maine Tort Claims Act or any other applicable law.**” [Emphasis added.]

21. **What do street lighting policies cover, and how do they address scenarios A–E below (Q25–Q29)?**

CEI does not have detailed insurance analysis to provide. Town should seek specialist input from MMA or insurance consultants. CEI excerpts below seemingly relevant aspects of CMP documents.
CMP’s draft Customer Owned Street Lights Agreement states:

Part 15: INSURANCE REQUIREMENTS

“As a condition of installing any lighting equipment on Company poles or performing any street light maintenance on Company poles, the Municipality shall at all times maintain in place $1 million liability insurance in the amount and under such terms as may be required by the Commission (as further set forth in Section 53 of the Company’s Terms and Conditions), with the Company named as an additional insured.”

Part 16: INDEMNIFICATION

“Municipality hereby agrees to indemnify, defend, and hold harmless Company, its affiliates, any other owners of poles on which Street Lighting Hardware is located pursuant to this Agreement, and the trustees, directors, officers, employees, agents, consultants, advisors and representatives of each of them (each, an “Company Indemnified Party”) from and against any and all claims, judgments, demands, damages, fines, losses, interest, awards, causes of action, litigation, lawsuits, administrative proceedings or investigations, penalties and liabilities, costs and expenses (including reasonable attorneys’ fees and disbursements and other reasonable costs of suit, arbitration, dispute resolution or other similar proceeding) in tort, contract, or otherwise (collectively “Liabilities”) incurred or suffered by any Company Indemnified Party arising from a contractor or employee of the Municipality performing work on any Company Owned Pole; provided, however, that Municipality is not required to indemnify Company for any costs, losses, or damages resulting from work performed by Company. The foregoing indemnification provisions shall not be deemed a waiver of immunity under the Maine Tort Claims Act or any other applicable law.”

Roles and responsibilities, and processes of maintenance contractor

22. What will maintenance contractors cover & how do they work with the utility? See scenarios below.

See Q16 above. RTE will service most routine and emergent requests with a “one call, one-stop-shop” approach. RTE will coordinate with CMP on Town’s behalf to minimize additional Town effort, to the extent permitted by both its contract with the Town and by CMP. In certain cases where both RTE and CMP respond to an SL event, it is possible that there will be two crews to coordinate. RTE utilizes many of the same subcontractors used by CMP, which should facilitate closer coordination and smoother cooperation between RTE and CMP. Ideally the same subcontractor could seamlessly address both Town SL and CMP pole work in the same visit then bill each client separately later.
23. What is the ability of each of these providers to leverage resources to respond in emergency situation at the neighborhood, Town, county, state and regional levels?

In brief Town can expect RTE to be more responsive than CMP in most smaller emergencies, while CMP has greater resources and influence in larger emergencies.

CMP has significant resources, interagency and intercompany relationships, a seat at the table in the EOC, and experience with service restoration in emergencies (not all of it reassuring). In a large-scale disruption CMP is the big dog and will tend to get priority support from other organizations.

RTE’s Field Service Manager Patrick O’Neal spent 7 of his 30 years at National Grid as a disaster recovery manager prior to joining RTE; other personnel have relevant experience. RTE maintains relationships with most of the qualified contractors in the region and draws from the same pool of contractors that CMP does. Potentially CMP might out-compete RTE for contractor support in large emergencies.

24. What are the track records for each of these providers with regard to emergency response in similarly situated communities (snowy, icy, coastal)?

CMP has a long track record that is generally OK in larger disruptions, with some missteps. CMP has been very slow to respond to routine and even emergency outages at the smaller scale in York.

RTE is a smaller, newer firm that by its own account has yet to be tested by large-scale disasters, although some personnel have relevant experience from prior work for electric utilities. At the smaller scale RTE would be more responsive than CMP, and in general can be expected to provide better service than monopoly utilities because RTE faces competition for maintenance services. York Public Works and Police both report that CMP has taken weeks or even months to fix failed or damaged SLs. RTE is likely to be more responsive, maintains a 60 day maximum replacement period, and says it can respond for emergency repairs as rapidly as the Town chooses to pay it to do.

25. Scenario [A]: If a car hits a utility pole with a streetlight, what’s the process to get the pole and light restored and who pays?

Town ownership scenarios with RTE maintenance would be similar to current conditions / BAU, where York police dispatch would contact RTE instead of CMP with a repair or service request, and RTE would coordinate with CMP. In most cases liable parties would be pursued to pay for damages, as is the case now. A difference would be Town property insurance of SLs though MMA, with attendant claims differences and increased Town involvement and effort. See Q20 and Q21 above. Town should seek specialist input from MMA or insurance consultants.

York Police Lieutenant Owen Davis reports that Town had 22 car pole crashes in 2018, 32 in 2017 and 21 in 2016. Of those, all the poles sustained damage to an unknown extent; in order to determine the share of those accidents involving SL damage, York PD could pull the crash reports but that may take some time (a few days).
RTE reports that dropped poles with SL damage represent a relatively small fraction of car vs. pole collisions. RTE reports that their client the City of New Britain, CT has 5,000 SLs and experiences at most 4 dropped poles annually.

26. Scenario [B]: If a vandal shoots out 20 streetlights, what is the process to get the fixtures restored and who pays?

Town ownership scenarios with RTE maintenance would be similar to current conditions / BAU, where York Police Dispatch would contact RTE instead of CMP with a repair or service request, and RTE would coordinate with CMP. See Q16 and Q22 above. In most cases liable parties would be pursued to pay for damages, as is the case now. A difference would be Town property insurance of SLs through MMA, with attendant claims differences and increased Town involvement and effort. See Q20 and Q21 above. Town should seek specialist input from MMA or insurance consultants.

27. Scenario [C]: If severe weather (e.g., hurricane, ice storm, inundation) damages or destroys many street lights simultaneously, what’s the process to get the pole and light restored and who pays?

Service restoration after severe weather events under Town ownership scenarios with RTE maintenance would be similar to current conditions / BAU, where York police dispatch would contact RTE instead of CMP with a repair or service request, and RTE would coordinate with CMP. A difference would be Town property insurance of SLs through MMA, with attendant claims differences and increased Town involvement and effort. Disaster declarations might influence FEMA reimbursements. See Q20 and Q21 above. Town should seek specialist input from MMA or insurance consultants. RTE’s Paul Vesel reports that very few of their client communities’ SLs have experienced significant weather damage in recent years, even during extreme events.

28. Scenario [D]: If there is an accident and a party tries to sue the Town over compliance or lack thereof with IES guidelines or other lighting quality issues, what are liability issues?

CEI does not have detailed insurance analysis to provide. See Q20 and Q21 above. Town should seek specialist input from MMA or insurance consultants. In CEI’s experience this does not represent significant liability exposure under Town-owned SL scenarios. IES RP-8 standards are voluntary best practice guidelines, not mandated standards that SL providers have to follow.

29. Scenario [E]: If a contractor or utility worker is injured working on the SLs, who is liable & how?

CEI does not have detailed insurance analysis to provide. See Q20 and Q21 above. Town should seek specialist input from MMA or insurance consultants. with reference to relevant CMP documents. CEI excerpts below seemingly relevant aspects of CMP documents.
CMP’s draft Customer Owned Street Lights Agreement states:

Part 8: MAINTENANCE OF STREET LIGHTING HARDWARE

[... ] “In performing such maintenance work the Municipality shall not permit its agents, employees or contractors to climb or otherwise ascend Company Owned Poles, but rather shall maintain the Street Lighting Hardware on such poles by using an aerial device.”

Part 9: CONNECTION AND DISCONNECTION

[NOTE: Fuses are required.] “The installation, maintenance, and removal of connections to the Company’s secondary distribution system is restricted to authorized Company personnel and qualified contractors of the Municipality that are approved in writing by the Company. Work involving only Routine Maintenance does not require disconnection prior to the municipality or its contractor performing such work. Municipality does not need to notify the Company prior to performing any Routine Maintenance.”

Part 10: INSTALLATION, REMOVAL, REPLACEMENT, AND RELOCATION

[...] “By its approval or acceptance of any street light installation, the Company does not give any warranty, expressed or implied, as to the adequacy, safety or other characteristics of such installation; provided, however, that with respect to any street light installation that was performed by the Company, the Company warrants that such installation was performed in accordance with Good Utility Practice.”
GLOSSARY

AHJ = Authorities Having Jurisdiction
BAU = Business As Usual
BOS = York, Maine’s Board of Selectmen
CEI = Celtic Energy Inc. (www.celticenergy.com), acquired by NV5 on Dec. 31, 2018 (www.nv5.com)
CMP = Central Maine Power Company (owned by Avangrid), the electric utility serving the Town of York (www.cmpco.com). The current Standard Offer electricity rate is $0.07921/kWh.
CNE = Constellation New Energy, the Town’s current third party retail electricity supplier. This analysis uses the current contracted CNE rate of $0.05980/kWh as the representative electricity supply rate in all scenarios.
EDC = Electricity Distribution Company (EDC) that operates transmission and distribution system assets
EPC = Energy Performance Contract (EPC), a shared savings arrangement with RTE with both financing and a savings guarantee provided by RTE, and no initial capital outlay by the Town and immediate positive cash flow
EPS = Electric Power System or “grid”
ESC = York’s citizen volunteer Energy Steering Committee
ESCO = Energy Services Company
EUL = Expected Useful Life of a device or equipment
GHG = Greenhouse Gas, here expressed in equivalent tons of carbon dioxide (CO₂e)
HPS = High-Pressure Sodium, the illumination technology used in most of the Town’s existing street lights
IES = Illumination Engineering Society, which provides RP-8 voluntary standards and guidelines for SLs
IOU = Investor-Owned Utility
LED(s) = Light Emitting Diode(s), highly energy-efficient and long-lived solid state lighting technology
M&V = Measurement & Verification (e.g., of retrofit savings)
MLC = Municipal Leasing Consultants, a Tax-Exempt Lease Financing consulting firm partnered with RTE (www.powerofleasing.com)
MSLG = Municipal Street Lighting Group, a coalition of Maine municipalities that worked with the PUC and electric utilities to develop regulations and guidelines for municipal purchase of street lights
MPUC = Maine Public Utilities Commission, the electricity regulatory authority (www.maine.gov/mpuc/)
NBV = Net Book Value (e.g., of existing depreciated HPS SLs)
NPV = Net Present Value; in finance, the summation of the present (now) value of a series of present and future cash flows. Because NPV accounts for the time value of money, NPV provides a method for evaluating and comparing products with cash flows spread over many years, as in loans, investments, insurance payouts, etc.
O&M = Operations & Maintenance, primarily used here to reference vendor-provided SL maintenance but not cost of electricity supply
OEM = Original Equipment Manufacturers
QA = Quality Assurance
ROI = Return On Investment annually
RTE = RealTerm Energy, a street light retrofit and maintenance vendor (www.realtermenergy.com)
SL(s) = Street light(s)
SPB = Simple Pay Back on an investment, in years, in aggregate while ignoring interest rates, tax effects, etc.
T&D = Transmission and distribution networks of the electric grid
TELF = Tax-Exempt Lease Financing, a form of financing for lease/purchase procurement, typically used by municipalities and other public sector organizations
Town = The Town of York, Maine
APPENDIX A

See attached spreadsheet.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 11, 2019

DATE ACTION REQUESTED: January 14, 2019

☐ ACTION

□ DISCUSSION ONLY

SUBJECT: Collective Bargaining Agreements: York Fire Fighters Association IAFF Local 3622

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
1. Approve the collective bargaining agreements between the Town of York and the York Fire Fighters Association IAFF Local 3622
2. Not approve the collective bargaining agreement between the Town of York and the York Fire Fighters Association IAFF Local 3622.

RECOMMENDATION: Approve the collective bargaining agreement between the Town of York and the York Fire Fighters Association IAFF Local 3622.

PROPOSED MOTION:
I move to approve the collective bargaining agreement between the Town of York and the York Fire Fighters Association IAFF Local 3622 dated July 1, 2019 through June 30, 2022.

FISCAL IMPACT: Varied

DEPARTMENT LINE ITEM ACCOUNT: Multiple

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Kathryn Lagasse, HR Director

REVIEWED BY:
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 11, 2019

DATE ACTION REQUESTED: January 14, 2019

SUBJECT: Collective Bargaining Agreements: Dispatch

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
1. Approve the collective bargaining agreement between the Town of York and the NEPBA Local #640 for the York Communication Unit.
2. Not approve the collective bargaining agreement between the Town of York and the NEPBA Local #640 for the York Communication Unit.

RECOMMENDATION: Approve the collective bargaining agreement between the Town of York and the NEPBA Local #640 for the York Communication Unit.

PROPOSED MOTION:
I move to approve the collective bargaining agreement between and the Town of York and the NEPBA Local #640 for the York Communication Unit dated July 1, 2019 through June 30, 2022.

FISCAL IMPACT: Varied

DEPARTMENT LINE ITEM ACCOUNT: Multiple

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Kathryn Lagasse, HR Director

REVIEWED BY:
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
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<th>DATE SUBMITTED:</th>
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<td>DATE ACTION REQUESTED:</td>
<td>January 14, 2019</td>
<td>□ DISCUSSION ONLY</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>Collective Bargaining Agreements: Department of Public Works Association</td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

RECOMMENDATION: Approve the collective bargaining agreement between the Town of York and the York Public Works Department.

PROPOSED MOTION:
I move to approve the collective bargaining agreement between the Town of York and the York Public Works Department Association dated July 1, 2019 through June 30, 2022.

FISCAL IMPACT: Varied

DEPARTMENT LINE ITEM ACCOUNT: Multiple

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Kathryn Lagasse, HR Director

REVIEWED BY: [Signature]
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 10, 2019
☐ ACTION

DATE ACTION REQUESTED: January 14, 2019
☐ DISCUSSION ONLY

SUBJECT: Citizen Request for Town Purchase of the Davis Property

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: See attached

RECOMMENDATION: I recommend the Board receive public input on this request at this meeting. I recommend the Board table this matter to January 28th, after the Budget Committee conducts its initial review of the FY20-24 Capital Program and after the Planning Board has its meeting with the applicant on the 24th.

PROPOSED MOTION: I move to direct the Town Manager to add this matter to the Board’s agenda for January 28th.

Prepared by Stephen H. Burns, Town Manager:
MEMO

TO:       Board of Selectmen
FROM:    Stephen H. Burns, Town Manager
DATE:     January 10, 2019
RE:       Davis Property

The Board has been asked to schedule a discussion of the possible acquisition of the Davis property. This is a parcel of about 100 acres located at 142 York Street, close to York Village. Past Boards considered this matter. An appraisal was obtained in March 2014, and there was a non-binding public vote in May 2014.

A couple key things have changed since the initial consideration. First, the applicant is now part way through a process to develop over 100 houses on the property, making a clear demonstration of the residential development potential of this property. Second, the Town of Kennebunkport has purchased an 87 acre parcel near its village center for $10M, so there is a parallel situation in a nearby community that didn’t exist a few years ago. I have not yet had a chance to reach out to the Town Manager in Kennebunkport to learn about the circumstances there, but have a newspaper article with an overview (attached).

The subdivision application would allow residential development of about 120 housing units. Details are all in flux as there is no approval yet, but the application is pretty far along in the process. The Planning Board will continue its review of the application on January 24th.

If the Town was to acquire this property, I have recommended in the past that it do so with an intention of acquiring the property now, paying off the debt, and deciding later what to do with it. There is no immediate Town or School use for this property. It’s not necessarily a piece to be conserved, but it wouldn’t need to be used right away either. It could be land set aside for future boards and citizens to decide how best to manage.

If the Board were to seek voter approval for a purchase in May at the Budget Referendum, it would need to be included in the Capital Program. That program is currently before the Budget Committee, and is also scheduled for another look by the Board of Selectmen at the January 14th meeting. A change at this point could still be requested of the Budget Committee, but there is no dollar amount to propose until a purchase price could be negotiated with the owners.

The timeframe for action is simple. If there were to be a public vote on this matter at the May Budget Referendum then all the details, all the negotiations with the owner, and all the subsequent public process would need to be completed by the end of February. That’s when
the Budget Committee wraps up its process for FY20. If the Board would consider a Special Budget Referendum, as it has done for two other capital project in the past 4 years, then the arbitrary end-of-February deadline disappears. Given that this purchase could be the single largest capital expenditure in the 5-year Capital Program, I recommend the Board not rush too fast.

In terms of possible outcomes, the Board has a few options:
- Take no action
- Seek to purchase a portion of the property
- Seek to purchase the entire property

The Board must weigh competing demands for public funds, the potential impacts of development, and value of acquiring the land. I think the Board would be well served to schedule a second meeting on this matter before jumping in. A couple weeks to think about this further will be helpful.
Port signs contract for North Street lot

By Duke Harrington Staff Writer

KENNEBUNKPORT — Just one week after voters at a special town meeting authorized spending up to $10 million to buy an 87-acre parcel at 49 North St., selectmen have signed a contract for the property.

In a series of votes at its Sept. 27 meeting, the board signed a purchase and sale agreement for the property. The board also authorized Town Manager Laurie Smith to act on their behalf to close the deal, hired Joe Cuetera of Boston-based Moors & Cabot Investments to act as the town’s bond broker and awarded a bid to Norway Savings Bank. The bank will finance the $10 million purchase until the bond sale can be completed.

“Within a few weeks this will be executed and the land will be ours,” board chairman Ed Hutchins said, addressing rumors he said have been circulating around town about how selectmen intend to use the property.

“We don’t know where this will take us,” Hutchins said. “What we have now is options, which we did not have last week. But the public will have the chance for input as we go. So, if you hear rumors around town, most likely that’s probably what you’re hearing. We will be discussing this into the months and years. This is not going to be a quick and easy project, no matter what it may turn out to be, especially if we want to do it right.”

“This is, I think, one of our biggest, most important lands ever,” Selectman Allen Daggett said. “I think there will be a lot of good things coming from this.”

“This is going to benefit the town now and going into the future, for our kids and their kids,” Selectman Sheila Matthews-Bull agreed.

More than 160 voters attended the Sept. 19 special town meeting at Village Fire Station, located directly across the street from the lot. That turnout was nearly triple the number of people who generally show up for Kennebunkport’s town meeting in June.

The property has been held since 2006 by Thomas Macone of Stoneham, Massachusetts, who patched together three separate lots he bought for $3.75 million in all, using the corporate name CDMK LLC. That firm was approved in 2009 for an 80-unit housing development, known as Olde Port Village.

Macone’s plan called for three apartment buildings totaling 12 living spaces, along with 34 duplex buildings, all to be built along a winding road connecting North Street to School Street. Also in the plan were a recreation building, a swimming pool and two tennis courts. But instead of moving in the bulldozers, CDMK instead put the full approved subdivision up for auction in 2010.
At the height of the Great Recession, it found no buyers.

Then, last year, Macone reportedly ran into trouble when the mortgage holder, Michael Solimine Jr. of MJS Realty Trust, called the loan. With the site listed as going up for a foreclosure auction, selectmen quickly rallied to what they deemed a “once-in-lifetime deal.”

Given the property’s proximity to Dock Square and the fact that it is considered to be one of the last big, undeveloped lots in town not otherwise locked into a conservation easement, selectmen scheduled a May 2017 special town meeting to ask voters to bond up to $5 million, so the town could get a seat at the June 3 auction.

Macone was able to work things out and the auction never came off. On May 31, 2017, CDMK signed a new mortgage for $2.54 million with Gosder Cherilus of Wakefield, Massachusetts.

Macone then announced plans to begin construction in June 2017, but suffered a heart attack. Because of the health setback, the planning board voted 4-0 at an October meeting that year to grant Macone a special 16-month extension on approvals for construction. Around that time the Maine Department of Environmental Protection also granted a four-year extension on its permits.

Macone, who had already been granted two local extensions in the past, had until Dec. 31 to achieve “substantial completion” for Phase 1 of his Old Port Village development project, to include installation of sewer and water lines, and the laying of roads.

Town Manager Laurie Smith said during the special meeting that after the town missed its chance last year, several townspeople approached her to express support should a second such opportunity ever arise.

And so, a few weeks ago, with CDMK finalizing the infrastructure for Phase I of development preparatory to construction of the actual housing units, and with support from selectmen, Smith met with Macone to broach the topic of a sale.

The agreed-upon price was double the 2017 offer, Smith said, because it was no longer a distressed sale. Back then, she noted, the town had hoped to score a deal at the foreclosure auction, and never did fix a market value on the lot.

“Currently the property is not under auction or any fire sale,” Smith said. “The current owner does not have the property for sale and town staff along with the board of selectmen have examined the costs and associated mortgages committed to the property as well as consulted with professionals to determine our best estimate to current value.”

The bond-anticipatory note with Norway Savings Bank will “most likely” be for one year. The Sept. 20 bid from the bank fixed the interest for that loan at 3.3 percent, meaning an interest cost of $334,583. The full $10.33 million would then be paid off with the proceeds of the bond sale, once arranged by Cuetera.
For his services, Cuetera charges $1.50 per $1,000 of bond issues, plus $5,000, along with $4,800 in other "advisory expenses," for a total of $24,800.

"I like to think that's good money well spent," Cuetera told selectmen. "For a $10 million bond issue, my fee is probably about 0.05 percent of the overall financing. And for that I am going to bring you 20, 30, 40 lower basis points than anyone else could."

For every 10 basis points he saves the town by issuing a private bond sale, as opposed to going through the Maine Bond Bank, could save the town $100,000 in interest over 10 years, Cuetera said. In addition, the bonds would be callable in 10 years with no penalty.

"Basically, what we do is soup to nuts," Cuetera said. "In other words, I am the best man at the wedding, or the caterer. You're the bride and groom. You're supposed to be the smiles, let me worry about washing the dishes."

_Staff Writer Duke Harrington can be reached at news@kennebunkpost.com._
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 8th, 2019
☐ ACTION

DATE ACTION REQUESTED: January 14th, 2019
☒ DISCUSSION ONLY

SUBJECT: McIntire Woods Trail Network Easement Offer

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
On December 6th, 2018, The Town received an offer, on behalf of the Mary McIntire Davis Trust, for an easement to the Neighborhood Trails associated with the McIntire Woods Development Project (see letter attached).

This offer includes an easement for land immediately adjacent the athletic fields at Village Elementary School and provides for public access to the neighborhood trail system that is expected to be further created by the developer. There is an expectation that the Town will assume responsibility for the operation and maintenance of the trail network once developed. This offer is contingent upon receiving approvals for the Development Project that is before the Planning Board.

Currently, there exists some trail network throughout the Davis and abutting properties. These trails are not advertised for public use and are not maintained by the Town. The offer of an easement, providing for public use of any proposed neighborhood trail network, would perpetuate any current trail connections, aligning with the Village Master Plan as well as linking with the Town’s Comprehensive Plan. For this reason, I believe that it is in the Town’s best interest to entertain this offer, pending approval of the development.

On January 3rd, 2019, the Town Manager and I met with Tom Greer, Engineer from Walsh Engineering Associates, Inc. to discuss the offer in detail and to begin working through any potential issues relative to public access and future maintenance. At this time, we learned that this multi-use, non-motorized trail system is expected to be approximately 8,360 feet long, 3’-6’ wide, with a 10’ clearing and will include trail markers, each visible from one to the other, in both directions. I have included maps for your review. You’ll note that the area shaded in yellow is the easement area and that the trail is marked in orange. Access for public use is expected to be gained through school property during non-school hours or through additional, designated public access trail heads, including Raydon Road. The expectation is that this will be a neighborhood trail system with public access but that it will not be a destination trail network.

I believe that research and a brainstorming meeting is an appropriate next step for the Town. An invitation has been sent to the appropriate Town and School Officials, representatives from the Bike & Pedestrian Committee, the Village Revitalization Committee, and the York Land Trust to discuss the potential logistics, benefits, challenges, fiscal impact, and possibilities for connectivity, etc. that any future agreement may entail. Additionally, research has begun to determine how, and if, other communities have established and maintained similar agreements, specific to trails within their communities.
RECOMMENDATION: There is no recommendation at this time.

PROPOSED MOTION: There is no motion at this time.

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: [Signature] REVIEWED BY: [Signature]
File: 394

December 6, 2018

Ms. Robin Cogger
York Parks and Recreation Department
186 York St
York, ME 03909

RE: McIntire Woods

Dear Ms. Cogger,

On behalf of the Mary McIntire Davis Trust, I am pleased to offer the Town an easement to the playground and trails associated with the project. Attached is a drawing showing the limits of the playground area. The trails are shown on the plans for the subdivision.

We expect that the Town will take responsibility for the operation and maintenance of the playground area and trail network. We expect the trail system will be created by the developer. It is subject to some variation to avoid trees and other objects that may be present but in the same general location as shown.

The offer is contingent on receiving approvals from the Town for the project before the Planning Board. We hope to have that happen in the next few months.

Please let me know if this is acceptable to the Town and if you have any draft agreements that would suit your needs.

Respectfully,

[Signature]

Thomas S. Greer, PE
Walsh Engineering Associates, Inc.

cc: Dylan Smith, Mal Davis, File

Enc.
EASEMENT AREA: 77,947 Sq. Ft. or 1.79 Acres

THIS PLAN SHOWS THE EASEMENT AREA FROM MARY McINTIRE DAVIS TRUST TO THE TOWN OF YORK.
EASEMENT AREA:
77,947 Sq. Ft.
or 1.79 Acres

Village Elementary School

THIS PLAN SHOWS THE EASEMENT AREA FROM MARY McINTIRE DAVIS TRUST TO THE TOWN OF YORK.

McIntire Woods
142 York Street
York, Maine 03909

Sheet Title: Town of York Easement Plan
Job No.: 394
Date: December 2018
Scale: 1" = 100 ft
Drawn: JWG
Checked: TSG
Neighborhood Open Space Plan

1. SEE NOTES AND LEGEND ON SHEET C0.1
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 8, 2019

DATE ACTION REQUESTED: January 14, 2019

☑ ACTION
☐ DISCUSSION ONLY

SUBJECT: Use of Fund Balance

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: In December the Board had preliminary discussions about the use of Fund Balance with regard to the FY20 budget. The Board’s recommendations cannot be altered by the Budget Committee, per the Charter, so this decision by the Board will dictate the request or requests to the voters for use of these funds.

The Auditors have not finalized the audit yet, but have provided the necessary numbers for our needs with regard to fund balance. Per the attached spreadsheet, the Board’s policy indicates there is up to $608,542 available for capital purchases and to offset operating expenses.

I recommend the Board allocate $275,000 of the fund balance to offset the cost of the following two items:

- $200,000 for preparation of a new Comprehensive Plan
- $75,000 for initial scoping and preliminary engineering of the Chases Pond Road bridge

The Comp Plan is a once-a-decade operating expense and would represent quite a spike in operating expenses if funded in the Town’s operating budget. I had proposed the Board allocate up to $250,000 to have a new Comprehensive Plan prepared. This was based on my take-away from initial discussions with Dylan Smith, our Planning Director. Dylan will be presenting his research on Comp Plan costs, and he is comfortable with $200,000. He will make the case that other communities that have spent in the low to mid-hundred thousand range have underfunded their efforts.

The engineering work for the Chases Pond Road bridge over the Cape Neddick River is similar, though the spike is more modest. This engineering work is included in the Capital Budget because it is a preliminary component of a major capital project, but it cannot be bond-financed and has the equivalent effect of an operating budget expense.

I did not propose to spend all the funds calculated to be in excess because I have a concern the Board’s policy is not considering the range of policy matters broadly enough, and I think we should be revising this policy to require significantly larger fund balance reserve. That sort of policy revision is a matter for another meeting.
RECOMMENDATION: Forward to the Budget Committee a decision to ask the voters to utilize $275,000 from Fund Balance, requesting use of $200,000 to pay for the cost of preparing a new Comprehensive Plan, and $75,000 to pay for preliminary engineering costs associated with replacement of the Chases Pond Road bridge over the Cape Neddick River.

PROPOSED MOTION: I move to forward to the Budget Committee a decision to ask the voters to utilize $275,000 from Fund Balance, requesting use of $200,000 to pay for the cost of preparing a new Comprehensive Plan, and $75,000 to pay for preliminary engineering costs associated with replacement of the Chases Pond Road bridge over the Cape Neddick River.

Prepared by Stephen H. Burns, Town Manager:
### FY20 Budget Prep - Fund Balance Available to Use

SHB, 1/8/19

<table>
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<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Total Operating Expenditures</td>
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<tr>
<td>8% lower limit</td>
<td>$4,419,641</td>
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<td>12% upper limit</td>
<td>$6,629,462</td>
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<table>
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<th>Description</th>
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<tr>
<td>Unassigned Fund Balance</td>
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<td>Prepaid Expenses</td>
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<td>School Fund Balance</td>
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<td>Total &quot;unrestricted fund balance&quot;</td>
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**Excess Available to Use:** $608,542
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 10, 2019  ☑ ACTION  
DATE ACTION REQUESTED: January 14, 2019  
DISCUSSION ONLY  
SUBJECT: FY20-24 Capital Program

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: I was asked to bring this before the Board again for another look. Separately I have recommended a change based on the addition of the streetlight conversion project, which is not yet reflected in the latest document.

RECOMMENDATION: none

PROPOSED MOTION: t.b.d.

Prepared by Stephen H. Burns, Town Manager:
FY20 to FY24 Capital Program

Including the

FY20 Capital Budget

Approve at the May 2019 Budget Referendum

Prepared by the

Town Manager & Capital Planning Committee

Presented to the Board of Selectmen in December 2018

Presented to the Budget Committee in January 2019
INTRODUCTION

The Town of York Home Rule Charter requires annual preparation of a 5-year Capital Program (reference: Article II, Town Meetings; Section 9, Capital Program). It is the responsibility of the Town Manager to prepare the Capital Program and submit it to the Board of Selectmen. It is then considered by the Budget Committee, which conducts public hearings on the matter. Finally, it is submitted to the voters for consideration at the annual Budget Referendum. Approval or rejection of the Program does not affect actual public spending because each requested purchase in the first year (FY19) of the Program is subject to individual approval or rejection by the voters.

Each year the voters are asked to approve capital expenditures (the capital budget) and a multi-year, non-binding spending plan (the capital program). This Capital Program contains the anticipated future capital purchases based on information available at the time. The Capital Budget contains well-developed proposals and is offered with relative certainty because it reflects matters that will be brought directly to the voters at the Budget Referendum. These are concrete proposals. It is impossible, however, to have perfect vision into the future and therefore the out years are simply a best guess given information in hand at this time. Significant changes are likely in each of the out years as circumstances change, new information is obtained, and policy-making bodies change. Ideally, all new capital projects are introduced in the fifth year as it is added to the Capital Program annually, though in reality there is much variation from this ideal sequence. Ultimately, the voters will decide what is funded and this Capital Program is simply a planning framework to help ensure sound decision-making.

The remainder of this document is broken into 3 parts. The first section provides the definition of capital. The second section contains an overview of capital spending, including historical data. The third section contains the appendices, which are the actual substance of the Capital Budget and Capital Program.

DEFINITION OF CAPITAL

As of September 14, 2015, the Board of Selectmen defined capital through an adopted Selectmen’s Policy, as follows:

Capital, in terms of the Capital Program, is defined as: land of any size or cost; any equipment, building, facility, or infrastructure that costs more than $20,000, and provides a useful life of 3 or more years or is built into a building or facility; and all licensed motor vehicles. This shall apply to any item, as defined above, whether purchased, leased or otherwise financed.
One other important characteristic of capital is that each proposed acquisition is presented individually to the voters for consideration. Such votes differ from operating budget votes in that a “no” vote results in zero funding, whereas a “no” vote on an operating budget request causes the funding to revert to the prior year’s amount. It should also be noted that some proposals can have funding mechanisms that don’t require tax dollars to be raised and appropriated, but these will still be treated as capital requests for voter approval or rejection.

CAPITAL SPENDING HISTORY

The Town of York has authorized the purchase of well over $50 million of capital over the past decade. The following table is based on the capital spending ballot questions from each Budget Referendum.

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<tr>
<th>YEAR</th>
<th>AMOUNT APPROVED</th>
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<td>$3,278,000</td>
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In addition to providing a useful benchmark, the pattern of past capital spending helps allows evaluation of compliance with a recommended limit of the former Tax Task Force on capital spending. In past years the Tax Task Force suggested that capital purchases not exceed $35 million in any 5-year period. The table below demonstrates this limit was not exceeded in any 5-year span contained within the past 12 years.
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<td>FY13-17</td>
<td>$26,076,000</td>
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<td>$24,535,000</td>
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<tr>
<td>FY15-19</td>
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**CAPITAL PROGRAM**

The Capital Budget and Program Tables are the essence of the FY20-24 Capital Program, and all other information is simply a derivative of or a supplement to this Table.

**Capital Program Table.** The FY20-24 Capital Budget and Program Tables identify the following information for all anticipated capital expenditures:

- The capital item to be purchased
- The fiscal year of purchase
- The department making the request
- The category of the capital item, broken out as:
  - Vehicles
  - Properties
  - Equipment
  - Roads, Bridges and Utilities
- The relative priority of the purchase (Capital Budget only)
- The actual purchase cost of the item
- The total cost including the estimated cost of financing, where applicable
- The method of financing, where applicable
- The annual cost to be paid for the purchase

The annual cost portion of this Table reflects payment estimates based on simple financing assumptions. Because there are almost 100 capital purchases listed in the Tables it is not intended to be refined. The purpose of this portion of the table is to show the amount of money the taxpayers will be asked to raise and appropriate for capital purchases in any given years – purchases made and paid for in each year as well as the payments for purchases financed in past years. The formula used is rough – utilizing 3.0% annual interest, it divides the principal cost evenly across the number of years financed, then applies the interest on the outstanding balance for a year and adds this to the annual payment. This results in a declining
payment each year. Because the precise dollar amounts will be set at the time of bond issuance, estimates here are adequate.

Total projected capital spending remains within the spending limits referenced earlier in the text, as is shown in the following table.

<table>
<thead>
<tr>
<th>5-YEAR PERIOD</th>
<th>TOTAL APPROVED/REQUESTED CAPITAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY16-20</td>
<td>$26.3M</td>
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<tr>
<td>FY17-21</td>
<td>$19.1M</td>
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<tr>
<td>FY18-22</td>
<td>$23.9M</td>
</tr>
<tr>
<td>FY19-23</td>
<td>$25.3M</td>
</tr>
<tr>
<td>FY20-24</td>
<td>$22.5M</td>
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</tbody>
</table>

**Bonds.** Based on the Capital Program Table, it is anticipated that the following amounts will need to be secured by bond funding in future years if all requests shown in this Program as submitted to and approved by the voters.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>AMOUNT BONDED</th>
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<tbody>
<tr>
<td>FY20</td>
<td>$3,358,000</td>
</tr>
<tr>
<td>FY21</td>
<td>$4,277,000</td>
</tr>
<tr>
<td>FY22</td>
<td>$8,325,000</td>
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<tr>
<td>FY23</td>
<td>$4,342,000</td>
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<tr>
<td>FY24</td>
<td>$88,000</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$20,390,000</td>
</tr>
</tbody>
</table>

**Current Year Spending.** All items in the Capital Program not otherwise financed would be put to the voters to be funded entirely in the current year. Amounts shown in the table below include payments on debt incurred in prior years in addition to new purchases paid in the current year.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Projected Annual Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY20</td>
<td>$4.9M</td>
</tr>
<tr>
<td>FY21</td>
<td>$4.9M</td>
</tr>
<tr>
<td>FY22</td>
<td>$5.2M</td>
</tr>
<tr>
<td>FY23</td>
<td>$5.2M</td>
</tr>
<tr>
<td>FY24</td>
<td>$5.4M</td>
</tr>
</tbody>
</table>
It should be noted there that the debt service payments are estimated and that the capital purchases approved by the voters in the past which have not yet been financed. Decisions about when to apply for that bond are in process and the decisions will certainly alter the numbers provided in this document.

More interesting from a budgetary perspective is the impact of capital debt payments on the annual Town and School budgets. This is where significant changes up or down from year to year have are felt in the budget process.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Projected Town Spending</th>
<th>Projected School Spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY20</td>
<td>$2.9M</td>
<td>$2.1M</td>
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<tr>
<td>FY21</td>
<td>$3.3M</td>
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<td>FY23</td>
<td>$3.5M</td>
<td>$1.7M</td>
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<tr>
<td>FY24</td>
<td>$3.7M</td>
<td>$1.7M</td>
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</table>

**Capital Reserve Accounts.** Capital reserve accounts have been used in the past to help save for large purchases. Fire truck purchases, in particular, are commonly approached in this manner because they are so expensive. Currently a form of capital reserve account is used for the purchase of Police Department vehicles, though this is a hybrid system because it is used as a fleet funding source rather than vehicle-specific funding. Moving forward, it is proposed here to retain the current Police Department approach for their vehicles. Capital reserve accounts are not utilized moving forward because interest rates are historically low so there is little to gain.

**Capital Program Department Write-Ups.**

**Town Manager's Department.** – Including IT – My department is responsible for the basic administrative needs of our municipal government, and as such has responsibilities that are broader than any other department. At this time the capital needs are confined to two basic areas: office space and information technology (IT).

Administrative Office Space – Staff updated an older space needs assessment and determined the Town Hall has about half the useable floor space required for current operations, with little room for growth. The Board of Selectmen has prioritized the expansion of Town Hall, construction of a new Town Hall, or a construction of an annex to supplement Town Hall. For big ticket items, this is the top priority in this Capital Program.

Negotiations with the First Parish Church to expand Town Hall were not successful so we now anticipate use of the lot at 32 Long Sands Road for a new Town Hall or a new annex. Our
expectation is that we’ll utilize the $30,000 approved in the current budget to guide us to our next steps, and that the big investment won’t come until FY22 at the earliest. While we feel a sense of urgency, we also know better than to rush something so important. There may be an intermediate step to fund design before we get to the construction step. This is something the Finance Director is helping with – how to fund complex, multi-step projects.

IT – Over the past couple of years the Town has made a large investment in its IT infrastructure and training. We invested just over $1/2 million in capital over the past 3 years, and our operating budget almost doubled last year. We are investing not only in the system but in cyber security, ongoing training and so forth. While our IT infrastructure is relatively new, components will need to be replaced as they age. At this point there are placeholders in FY22 and FY24 for large-scale replacements. These are not particularly well refined at this time but will be as these move closer to being funded. The order of magnitude is worth noting – these are 6-figure investments. While this seems expensive, IT is simply essential to our operations.

The only other IT investment you see in the Capital Program is the addition of new fiber connections to the new DPW facility at 810 US Route One and to the two fire stations in FY21. This is a relatively low-cost investment, and I suspect we may spend less than this. I added this as a placeholder so there wouldn’t be a surprise if the cost comes in high.

Police Department.

Mobile Data Terminals - The York Police Department needs to replace all mobile data terminals (Panasonic Toughbook laptops) that are utilized in our cruisers. The current laptops are not compatible with Windows 10 and will no longer be CJJS compliant beginning January 14, 2020. To replace the 10 units as well as accessories such as new modems, printers, console/mounts, it will cost $94,000. This is required equipment that is essential for the day to day functions of our agency.

Capital Cruiser Account Increase – The industry standard is starting to transition from straight gasoline engines to hybrid vehicles for Law Enforcement. The change is the reason for this request to increase the Capital Cruiser account from $85,000-$95,000. The last of the gasoline only powered Ford Police Utility Vehicles are presently being manufactured and will cease being built in December of 2018. The cost of the new dual hybrid cruiser is expected to increase anywhere from $2,600-$3,200 dependent on which reference we use. The design which has not been completely released yet may also cause equipment issues when transferring our present equipment to the new hybrid. The gasoline only Police Utility Vehicle will be available as a special order only with a smaller engine and cost greater than the new price of the hybrid. With limited information available I request we increase the Capital Cruiser Account to meet the new standards and maintain a safe professional fleet.

Code Enforcement Department. – My department is responsible for code enforcement, zoning, Health Officer, storm water, and floodplain management services for the Town.
department is staffed with 3 full-time employees, one part-time Code/MS4 position, one part-time Code/Assessing position, and one part-time Code/Land Use Technician position. We primarily address land use, building construction, development and conservation issues facing our community. We also take a lead role managing the administrative, educational, and regulatory requirements of MS4 mandates regarding municipal storm water management. The department also performs a similar role regarding FEMA’s Community Rating System (CRS), and the educational and regulatory requirements of FEMA’s current flood maps with respect to zoning, construction, and flood insurance. At this time the capital needs are focused on a Town vehicle that allows us to perform numerous inspections, site visits, etc. in a timely manner, while providing safety and reliability for our staff.

Inspection Vehicle – The Code Enforcement Department performs over 2,000 inspections annually not including site visits or attending State mandated trainings and conferences. One of our current inspection vehicles, a 2009 Mazda 5, requires regular repairs and is unreliable. An inspection vehicle will be needed in FY21 to replace the Mazda and I am proposing an approximate cost of $25,000. It would be preferable for the Department and the Energy Steering Committee if the proposed inspection vehicle be a hybrid or electric vehicle to reduce gas emissions, increase efficiency and ultimately gas costs for the Town.

Parks and Recreation Department.

Nubble Light Restoration Phase III – This is part of an ongoing project to restore the Lighthouse Tower and adjacent buildings at the Nubble Light. The additional funding request will supplement the previously approved project (Phases I & II) and allow for the remainder of the work to be completed. Requested amount for Cape Neddick Light Station Exterior Restoration Phase III is $82,000. This capital item is requested to be placed in the FY20 Capital Budget. This project will be funded from the Sohier Park Enterprise Fund. No tax dollars are requested for this project.

Replacement for 2005 Dodge Caravan at Mount Agamenticus – This vehicle was purchased in 2012 and has over 146,000 miles on it. This vehicle is utilized by year-round, part time and seasonal staff to assist in picking up/dropping off deeded supplies, transporting crew, tools, equipment and materials to various work sites, making trash runs, etc. This vehicle is essential in day to day operations. It has gotten to the point where the cost to keep it on the road far exceeds its value and life expectancy. Requested amount for replacement is $20,000 for a multi-passenger van or utility truck with a crew cab. The capital item is requested to be placed in the FY20 Capital Budget.

Paving Senior Center Parking Lot – This proposed expenditure will fund the paving of the entire parking area at the Senior Center. This project would include grinding and reclaiming the old surface, re-grading areas in need, total resurfacing of the pavement and painting the new parking lot. The requested amount is $50,000 to be included in the FY20 Capital Budget.
Replacement for Fort Ranger Pick Up Truck – This proposed capital expenditure will replace a 2011 Ford Ranger pickup truck. This vehicle is primarily used by the Parks Foreman. The truck is set up with tool boxes and a variety of tools for performing maintenance and repairs to Park infrastructure in the field. Requested amount is $28,000 and is requested to be placed in the FY21 Capital Budget.

Bog Road Recreation Complex Restroom and Septic Project – The Recreation Complex at Bog Road is a very active public recreation area with tow multipurpose soccer/lacrosse fields, a multi-purpose football stadium, a little league baseball field and playground structures. The complex is home to York’s athletic leagues and hosts several large events and tournaments. There are no permanent restroom facilities on site. The proposal consists of a small restroom building that would include three unisex bathrooms. It is a prefabricated volt-type concrete building designed to be simple and functional. The project would necessitate the construction of a private septic system that would also serve a single employee bathroom located in the Parks and Recreation Department’s maintenance garage. We have a completed site plan and septic design. Requested amount for the Bog Road Public Restroom Project is $300,000. This item is requested to be placed in the FY21 Capital Budget.

Mount Agamenticus (Summit Road) Parking Lot & Public Restrooms – Construction and expansion of the summit and base parking lots and public restroom facilities were identified as a need in the 2009 Guidelines for Usage planning document and stated then that parking is over capacity during high use periods and the number of cars overflowing the existing 12-15 space area at the base is a public safety concern and expansion at the summit will greatly improve congestion and flow of traffic. Since that time there have been traffic counts, visitor use surveys, a planning workshop with the Mt. A Steering Committee, Selectmen, York Water District Trustees and other members of the public (2013), previous capital requests, parking and traffic flow needs assessments, and draft conceptual designs. A planning sub-committee made up of TOY Selectmen, YWD Trustees and Parks staff have been meeting and guiding the process, contracted with Wright-Peirce Engineers, and renegotiating lease agreements. Wetland surveys and test digs has been completed and will help to inform revised conceptual documents and we expect to have revised cost analysis and be ready to begin construction in FY21. The design and the engineering for Mt. A Public Restrooms was approved for FY19 and the cost estimate is expected to be fine-tuned once this process has been completed. This project will better serve the growing needs and demands of the public and align with efforts to enhance accessibility and parking. The amount requested for this project is $700,000 and would be requested to be added to the FY21 Capital Budget.

Mount Agamenticus Welcome Center – This project will better serve the growing needs and demands of the public and align with current efforts to enhance accessibility and parking at the base. Each year, the Mount Agamenticus Conservation Program expands efforts to engage the
visitors and residents. The goal is to create an immersive experience, promote responsible use of the area, install a greater appreciation for the natural resources that exist here and inspire future advocates for stewarding this land. This will also help ensure the continued supply of healthy drinking water and preservation of the habitat for the area’s abundant wildlife. Hundreds of visitors including school groups, scouts, tourists, and local families come to Mount Agamenticus during every season to enjoy the many activities the area has to offer. The requested amount for this project is $100,000 to be placed in the FY21 Capital Budget.

Paving Sohier Park Parking Lot – This proposed expenditure will fund the paving of the entire parking area at Sohier Park. The project would include grinding and reclaiming old surface, regrading areas in need, total resurfacing of the pavement and painting of the new parking lot. Requested amount is $60,000 and is requested to be placed in the FY21 Capital Budget. This will be funded from the Sohier Park Enterprise Fund and would not require any tax dollars.

Replace 2011 GMS Sierra – This would be to replace the 2011 GMC Sierra pickup truck that is used primarily by the Cemetery Maintenance crew. This vehicle was purchased used when the cemetery maintenance program was first initiated in 2015. This is a crew cab vehicle that transports employees, tows trailers and is stocked with a variety of tools and equipment. Request amount is $37,000 and would be included in the FY23 Capital Budget.

Replace 2013 Ford F250 – This would be to replace the 2013 Ford F250 pickup truck which is used by the grounds maintenance crew. The requested amount is $40,000 and requested to be part of the FY24 Capital Budget.

York Village Fire Department.

Electric Generator – The YFD would like to gain approval for a new station electrical generator to power emergency lighting and other functions at the Village Station in case of power loss during storms or other natural weather events. This unit will allow us to operate our complete facility to include operation of overhead doors, an air self-contained breathing apparatus filling station, and heating/cooling functions in the event of power loss. The current unit was obtained used from the Nubble Lighthouse at no cost and has been utilized for many years. It now has many issues causing it to have limited power output and cannot keep up with current demand. The request would be for $22,000 to purchase and install the new complete emergency power generator. The desire is that this new unit would be propane powered and would work well with the facility propane system installed for heating/hot water during the 2013 renovations. This would be requested as part of the FY20 Capital plan.

School Department.

YHS – Gym Entry Doors – This request is for $50,000 for FY20 to install doors along the locker room hallway’s three openings. The three sets of double doors would be tied into the fire panel. Doors would allow practice or other gym functions to be separated from the Cafeteria
(Commons) and lobby while other functions are in progress.

VES – Replace Rubber Gym Floor – This request is for $50,000 for FY20 to replace the rubber gym floor. The floor is original 1970’s rubber floor that worn and growing uneven. The floor would be replaced by a similar product. Wood is not feasible; the level of programming does not require wood and the cost is significantly more and would also necessitate alterations at all entry points. The gym floor is around 3,090ft².

YMS – Windows – This request is for $100,000 for window balance replacements as well as some window replacements. Most of the windows in the 2000 addition are nearly impossible to open and close. The window balances would be replaced to allow effective use in the spring and fall. There are several 1950s era windows that require replacement or significant repair.

YHS – Tennis Court Replacement – This would be a request for $350,000 in FY20 to replace the tennis courts. Existing courts 1, 2, 3 are from 2000 and have reached the end of their useful life. They were repaired and resurfaced in 2012. The plan is to relocate the three lower courts closer to the stadium field and upper courts. This will allow a tennis meet to be more effectively run and for the lower impervious space to be returned to parking, roughly 30 spaces. I have hired a site engineer who has done preliminary layout work. The relocation will require local planning board approval and DEP permitting. Should the project fail to overcome any of the required hurdles less than the fully authorized amount would be bonded and the courts would be replaced in their current location.

Multiple locations – ADA Code Upgrades – This request is for $200,000 for FY20 to bring multiple buildings up to ADA standards. We have a responsibility to provide appropriate access for all in our public buildings. Though they meet the required level of ADA code based on the time of construction many areas do meet current code. Several items were noted in the 2006 engineering study and have been on the maintenance plan since. This project would combine many smaller line items including; handrails - interior/exterior, elevator controls, water fountains, and door hardware.
<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>Bond Years Requested</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>FY 2024</th>
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</thead>
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<tr>
<td>Police Vehicle Laptops</td>
<td>5</td>
<td>94,000</td>
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<tr>
<td>Police Vehicle</td>
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<td>100,000</td>
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<td>Public Works Plow Truck 9</td>
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<td>YHS Additional Bleachers</td>
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## FY20 Capital Budget

**Final - 12/6/18**

### Assumed Int. Rates

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<th>Category</th>
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<th>Cost</th>
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<th>Approximate Financing Costs</th>
<th>Years Financed</th>
<th>FY20</th>
<th>FY21</th>
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### Approximate Annual Costs to General Fund

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- **3,357,250** Amount to be bond funded
- **185,000** Amount to be paid from Town General Fund
- **0** Amount to be paid from School General Fund
- **18,750** Amount to be funded by Harbor Fund
- **82,000** Amount to be funded by Sahier Park Enterprise Fund
- **0** Amount to be funded by Code Fees
- **0** Amount to be funded by Beach Reserve Fund

**Total FY20 Capital Spending**

- **$4,658,600**
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<tr>
<th>Item</th>
<th>FY</th>
<th>Department</th>
<th>Category</th>
<th>Cost</th>
<th>Finance Method</th>
<th>Approximate Financing Costs</th>
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<th>FY22</th>
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<td>21</td>
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Total Approximate Annual Costs to General Fund: $4,858,000

4,277,000 Amount to be borrowed
496,000 Amount to be paid from Town General Fund
0 Amount to be paid from School General Fund
0 Amount to be funded by Harbor Fund
60,000 Amount to be funded by Soher Park Enterprise Fund
25,000 Amount to be funded by Code Fees
0 Amount to be funded by Beach Reserve Fund

4,858,000 Total FY21 Capital Spending

50% match check - must equal zero
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<thead>
<tr>
<th>Item</th>
<th>FY</th>
<th>Department</th>
<th>Category</th>
<th>Cost</th>
<th>Finance Method</th>
<th>Approximate Financing Costs</th>
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<th>FY22</th>
<th>FY23</th>
<th>FY24</th>
<th>FY25</th>
<th>FY26</th>
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<tbody>
<tr>
<td>Maintain Boat Ramp, Boathouse and Stairs at Nubble Lighthouse</td>
<td>22</td>
<td>Parks &amp; Rec</td>
<td>Properties</td>
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<td>Exterior Painting of Nubble Lighthouse, Tower, Outbuildings</td>
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<td>Road, Bridges &amp; Utilities</td>
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<td>$15,875</td>
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<td>General Fund</td>
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<td>-</td>
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<td>YHS Upgrades/Renovations Kitchen</td>
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<td>-</td>
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<td>YHS Fire System/Separation Upgrades</td>
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<td>IT Servers/Back End Updates</td>
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<td>Town Hall Expansion/Annex - Construction</td>
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<td>Properties</td>
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<td></td>
<td>$565,000</td>
<td>$731,417</td>
<td>$716,967</td>
<td>$702,517</td>
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<td>$8,890,000</td>
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<td>$2,446,125</td>
<td></td>
<td>$565,000</td>
<td>$731,417</td>
<td>$716,967</td>
<td>$702,517</td>
<td>$688,067</td>
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<table>
<thead>
<tr>
<th>Approximate Annual Costs to General Fund</th>
<th>FY22</th>
<th>FY23</th>
<th>FY24</th>
<th>FY25</th>
<th>FY26</th>
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<td>Town Portion:</td>
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<td>$19,250</td>
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</table>

8,325,000 Amount to be bond funded
404,000 Amount to be paid from Town General Fund
116,000 Amount to be paid from School General Fund
0 Amount to be funded by Harbor Fund
45,000 Amount to be funded by Sohier Park Enterprise Fund
0 Amount to be funded by Code Fees
0 Amount to be funded by Beach Reserve Fund
8,890,000 Total FY22 Capital Spending

5% multi-year - should equal zero
## FY23 Capital Program

**Final - 12/6/18**

### Assumed Int. Rate: 1.00%

| Item                                                                 | FY | Department     | Category                                   | Relative Priority | Cost   | Finance Method | Approximate Financing Costs | Years Financed | FY23    | FY24    | FY25    | FY26    | FY27    |
|----------------------------------------------------------------------|----|----------------|---------------------------------------------|-------------------|--------|----------------|----------------------------|----------------|---------|---------|---------|---------|---------|---------|
| Pick-Up Truck Replacement                                           | 23 | Parks & Rec    | Vehicles                                   |                   | $37,000| bond           | $3,330                      | 5              | $0      | $0      | $0      | $0      | $0      | $0      |
| Police Vehicles                                                     | 23 | Police         | Vehicles                                   |                   | $100,000| general fund   | $0                          | -              | $0      | $100,000| $0      | $0      | $0      | $0      |
| "Extend Public Sewer from Spur Road to new Highway Maint. Facility"| 23 | Public Works   | Properties                                 |                   | $1,000,000| bond         | $315,000                    | 20             | $0      | $0      | $80,000 | $78,500 | $77,000 | $75,500 |
| Bell Marsh Road Improvements (to remain unpaved)                    | 23 | Public Works   | Roads, Bridges & Util.                     |                   | $102,000| bond           | $60,000                     | 15             | $0      | $0      | $24,167 | $23,667 | $23,167 | $22,667 |
| Chasen Pond Road - Cape Heedick River Bridge - construction          | 23 | Public Works   | Roads, Bridges & Util.                     |                   | $1,500,000| bond         | $472,500                    | 20             | $0      | $0      | $120,000| $117,750| $115,500| $113,250|
| Town-Wide Road and Sidewalk: Construction & Overlay-Paving          | 23 | Public Works   | Roads, Bridges & Util.                     |                   | $1,000,000| bond         | $240,000                    | 15             | $0      | $0      | $96,667 | $94,667 | $92,667 | $90,667 |
| Patrol Flow Truck 12                                                | 23 | Public Works   | Vehicles                                   |                   | $175,000| general fund   | $0                          | -              | $0      | $175,000| $0      | $0      | $0      | $0      |
| CHS Parking                                                         | 23 | School         | Properties                                 |                   | $125,000| bond           | $20,625                     | 10             | $0      | $0      | $94,250 | $93,875 | $92,500 | $91,225 |
| YHS Upgrade/Remodel Home & Classroom/Kitchen                        | 23 | School         | Properties                                 |                   | $125,000| bond           | $55,125                     | 20             | $0      | $0      | $14,000 | $13,738 | $13,475 | $13,223 |
| Vehicle Replacement                                                 | 23 | School         | Vehicles                                   |                   | $46,000 | bond           | $2,760                      | 3              | $0      | $0      | $16,713 | $16,253 | $15,793 | $15,373 |
| Voc Ed Vehicle Replacement                                          | 23 | School         | Vehicles                                   |                   | $44,000 | bond           | $2,640                      | 3              | $0      | $0      | $15,987 | $15,547 | $15,107 | $14,673 |
| York Village Fire Department - Brush Fire Vehicle Replacement       | 23 | York Village Fire Dept | Vehicles                               |                   | $165,000| bond           | $27,225                     | 20             | $0      | $0      | $21,450 | $20,985 | $20,480 | $19,985 |

| Total FY23 Capital Spending                                         |     |                |                                            |                   | $4,617,000| bond         | $1,199,305                   |                | $275,000| $413,743| $405,339| $396,734| $358,230|

| 4,342,000 Amount to be bond funded                                  |     |                |                                            |                   |          |              |                             |                | $275,000| $343,826| $336,859| $329,852| $28,338 |
| School Portion                                                      |     |                |                                            |                   |          |              |                             |                | $0      | $62,950 | $61,433 | $59,875 | $28,338 |

| Total FY23 Capital Spending                                         |     |                |                                            |                   | $4,617,000| bond         | $1,199,305                   |                | $275,000| $413,743| $405,339| $396,734| $358,230|

50 years check - should equal one
## FY24 Capital Program

**Assumed In. Rate:** 3.00%

### Approximate Annual Costs to General Fund

<table>
<thead>
<tr>
<th>Item</th>
<th>FY</th>
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<th>Category</th>
<th>Relative Priority</th>
<th>Cost</th>
<th>Finance Method</th>
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<th>Years Financed</th>
<th>FY24</th>
<th>FY25</th>
<th>FY26</th>
<th>FY27</th>
<th>FY28</th>
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<td>Equipment</td>
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<td>-</td>
<td>$100,000</td>
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<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Pick-Up Truck Replacement</td>
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<td>Parks &amp; Rec</td>
<td>Vehicles</td>
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<td>Vehicles</td>
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<td>general fund</td>
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**Total:** $463,000, $6,480

**88,000** Amount to be bond funded

**375,000** Amount to be paid from Town General Fund
0 Amount to be paid from School General Fund
0 Amount to be funded by Harbor Fund
0 Amount to be funded by Sober Park Enterprise Fund
0 Amount to be funded by Code Fees
0 Amount to be funded by Beach Reserve Fund

**463,000 Total FY24 Capital Spending**
<table>
<thead>
<tr>
<th>Year</th>
<th>Total Capital Payments</th>
<th>Prior Year Total Capital Payments</th>
</tr>
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<tbody>
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<table>
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<th>New Surplus Payments</th>
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<tbody>
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<table>
<thead>
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<th>Year</th>
<th>Total New Surplus Payments</th>
<th>Prior Year Total New Surplus Payments</th>
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</thead>
<tbody>
<tr>
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<table>
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<tr>
<th>Year</th>
<th>Total Fund Balances</th>
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<tbody>
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<table>
<thead>
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<th>Year</th>
<th>Total New Capital</th>
<th>Prior Year Total New Capital</th>
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<tbody>
<tr>
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<tr>
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<td>2019-2020</td>
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REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 10, 2019

DATE ACTION REQUESTED: January 14, 2019

SUBJECT: Staffing Study

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Last winter the Board of Selectmen directed the Town Manager to investigate having a staffing study done to identify any major gaps or inefficiencies within the current staffing of our town departments. We drafted and advertised a request for proposal and received 4 proposals back. 3 out of the 4 were well above the suggested budget ranging from $50,000 to $95,000. We received one proposal which was within the proposed budget from Ascent Consulting LLC. After reviewing the proposal and speaking with the President, Matt Young, we believe that Ascent Consulting can provide us with the information that we are requesting. The process for the study will consist of an on-site meeting with all department heads, individual meetings with department heads and staff, a workflow analysis, a comparative analysis of like communities, and an organizational assessment report. The proposal from Ascent Consulting is for a 2-3 month turn around for $22,000. Attached is the outline of services that will be provided to the town from Ascent Consulting.

RECOMMENDATION:

PROPOSED MOTION: I move to award the bid for a town wide staffing study to Ascent Consulting in the amount of $22,000.00

FISCAL IMPACT: $22,000

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: Kathryn Lagasse, HR Director

REVIEWED BY: [Signature]
This agreement outlines the services Ascent Consulting LLC will be providing to Town of York (Owner).

1. **Scope of Services, Task 2-6: $22,000 lump sum, term 2-3 months.**
   a. **Task-1 Visioning Session, Onsite 1 day:** Required attendance for department chiefs or their deputies. A local offsite meeting room will be rented, includes coffee/tea, lunch, snacks and handouts. Agenda will cover the following, but not limited to and order may change:
      i. Kick-off
      ii. Why does Town of York need an organizational assessment
      iii. Internal departmental communication
      iv. External departmental communication
      v. Facilities and technology
      vi. Resource management
      vii. Are you a good leader?
      viii. Your strengths and challenges
      ix. Department strengths and challenges
      x. Private vs public organizations
      xi. Common traits of great organizations
      xii. Closing-plus/delta
   b. **Task-2 Department Chief Interviews, Onsite: 2 days:** this is a time of one on one interviews with department chiefs, springing off from the previous Visioning Session. Each interview may last 1-2 hours with some follow-ups. This will be a drill down of department chief with candid feedback of themselves, their leadership style, department associates, municipal leadership and current organization structure.
   c. **Task-3 Workflow Analysis, Onsite 3-4 days:** spend time understanding department workflow. Review current work environment and facility and use or lack of technology, review of purchasing process.
   d. **Task-4 Lean Process Improvement, Onsite 2-3:** spend time with each department to help identify “waste” in efforts on behalf of employees and completed work.
   e. **Task-5 Municipal Comparative Analysis, Offsite 15 days:** contact municipalities with similar size and population and within same geographic amenities. Town of York’s identity will be kept confidential.
   f. **Task-6 Organizational Assessment Report, Offsite 10 days:** this report will include a culmination of all services included above, plus specific recommendations.
   g. **Follow-up, Onsite 1 day (optional):** present the Organizational Assessment Report in person to department chiefs.
   h. **Travel & Accommodations Cost:** this is included within the lump sum fee.

2. 2018-2019 hourly rate for Matt Young is $100 for additional services, subject to change after 2019. Mileage charge for year 2018-2019 is $0.56/ mile. No charge for printing just as long it is standard 8.5”x11” copy paper.

Terms: half due prior to start of service, 25% percent due at half point of services complete, remaining due upon issuance of report.

Sincerely,
of these services.

Matt Young, President
Ascent Consulting LLC

Please sign below if you agree to these terms and approve the start of services:

Sign: ______________________ Date: __________

Kathryn Lagasse, HR Director
# REQUEST FOR ACTION BY BOARD OF SELECTMEN

**DATE SUBMITTED:** 1/03/2019  
**DATE ACTION REQUESTED:** 1/14/2019

**ACTION**  
**DISCUSSION ONLY**

**SUBJECT:** Selectmen’s Property Acquisition and Disposition Policy

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** Amend current policy to incorporate new State Law; 36 M.R.S. § 943-C. Sale of Homesteads Formerly Owned By Persons 65 Years Of Age Or Older.

**RECOMMENDATION:** To amend the Selectmen’s Property Acquisition and Disposition Policy under Section IV: Disposition Options, B. Public Sale, Sealed Bid, or Live Auction. Second paragraph to read as follows:

In accordance with 36 M.R.S. § 943-C the Board of Selectmen or their designee must notify the former owner(s) of their right to apply for the special sale process at least 90 days before listing for sale any real estate that immediately prior to foreclosure received the homestead exemption. The notice must be mailed by first class mail to the last known address of the former owner(s), and must include an application form, instructions and guidance on the type of supporting information necessary to include with the application. If the taxpayer files an application and meets eligibility criteria, the Board of Selectmen must use the special sale process.

**PROPOSED MOTION:** To amend the Selectmen’s Property Acquisition and Disposition Policy under Section IV: Disposition Options, B. Public Sale, Sealed Bid, or Live Auction adding second paragraph as stated above.

**FISCAL IMPACT:** $0

**DEPARTMENT LINE ITEM ACCOUNT:**

**BALANCE IN LINE ITEM IF APPROVED:**

**PREPARED BY:** Rick Mace  
**REVIEWED BY:**
Maine’s Elderly Tax Lien Foreclosure Law

This law affects the foreclosure process only for property for which the homestead exemption has been applied. All other property is subject to existing lien and foreclosure processes. The law makes the following changes:

1. Homeowners who are subject to foreclosure and subsequently purchase their home back from the municipality are considered to have no interruption in homeownership for purposes of the homestead exemption.

2. With the demand for payment of overdue taxes notice under 36 M.R.S. § 942, a municipal treasurer must include a notice informing the taxpayer of the eligibility criteria and the filing process, including assistance available from the municipality to apply, for a hardship or poverty abatement under 36 M.R.S. § 841(2). This notice must also include contact information for the Consumer Credit Protection Bureau and inform the taxpayer of the availability of assistance for avoiding tax lien foreclosure. The Consumer Credit Protection Bureau will provide this information to an unnamed organization representing municipalities annually.

3. After foreclosure, a municipality must notify the taxpayer of the right of the taxpayer, under certain circumstances, to require the municipality to sell the property through a real estate broker and refund any excess proceeds to the taxpayer. This notice must be sent at least 90 days prior to the sale of property. The taxpayer has 30 days to provide evidence of qualification and the municipality has 30 days from receipt of that information to make a determination. If the municipality determines a taxpayer is not eligible to require the sale conditions, the taxpayer may appeal to Superior Court within 30 days of the determination. To qualify for this requirement, the taxpayer must submit proof of the following to the municipality:
   - The taxpayer was at least 65 years old on the date of commitment related to the unpaid tax;
   - The taxpayer had income, net of medical expenses, less than $40,000 in the calendar year prior to the year of foreclosure;
   - The taxpayer had liquid assets of less than $50,000 ($75,000 if more than one former owner).

4. If the taxpayer qualifies to require the municipality to engage a real estate broker, the municipality must sell the property for fair market value or the amount the broker deems the property will sell for within 6 months of listing. If three separate real estate brokers refuse to sell the property, or if a hired broker fails to sell the property within 6 months, the municipality may sell the property in the same manner as all other foreclosed property. Any proceeds from the sale of property through a broker in excess of the following expenses must be refunded to the former owner:
   - Taxes owed on the property;
   - Taxes that would have been assessed while the property was owned by the municipality;
   - Accrued interest;
   - Real estate broker’s fees;
   - Attorney’s fees; and
   - All other expenses of the municipality related to selling or maintaining the property.
§946-B. TAX-ACQUIRED PROPERTY AND THE RESTRICTION OF TITLE ACTION

1. Tax liens recorded after October 13, 2014. A person may not commence an action against the validity of a governmental taking of real estate for nonpayment of property taxes upon the expiration of a 5-year period immediately following the expiration of the period of redemption. This subsection applies to a tax lien recorded after October 13, 2014.

[2013, c. 521, Pt. D, §2 (NEW).]

2. Tax liens recorded after October 13, 1993 and on or before October 13, 2014. A person may not commence an action against the validity of a governmental taking of real estate for nonpayment of property taxes after the earlier of the expiration of a 15-year period immediately following the expiration of the period of redemption and October 13, 2019. This subsection applies to a tax lien recorded after October 13, 1993 and on or before October 13, 2014.

[2013, c. 521, Pt. D, §2 (NEW).]

3. Tax liens recorded on or before October 13, 1993. For a tax lien recorded on or before October 13, 1993, a person must commence an action against its validity no later than 15 years after the expiration of the period of redemption or no later than July 1, 1997, whichever occurs later.

[2013, c. 521, Pt. D, §2 (NEW).]

4. Disability or lack of knowledge. Disability or lack of knowledge of any kind does not suspend or extend the time limits provided in this section.

[2013, c. 521, Pt. D, §2 (NEW).]

SECTION HISTORY
Town of York, Maine

Board of Selectmen’s Property Acquisition and Disposition Policy

I. PURPOSE OF POLICY
The policy establishes a process for the Town and Board of Selectmen to use when acquiring or disposing of tax-acquired and surplus properties and when acquiring gifts of land.

II. TAX-ACQUIRED PROPERTIES

A. DEFINITION: Tax-acquired Property is defined as any property that has come into the possession of the Town of York as a result of tax lien foreclosure within the previous seven years.

B. ACQUISITION

1. The Town Treasurer shall annually prepare a warrant article for adoption at the Budget Referendum that allows the Board of Selectmen the authority to waive foreclosure on any potential tax-acquired properties. Following is recommended language for the warrant article:

   To see if the Town will vote to authorize the Town Treasurer to waive foreclosure of any tax lien during the calendar year, said waiver requiring approval of the Board of Selectmen pursuant to the Property Acquisition and Disposition Policy.

2. The Town Treasurer shall annually prepare a list identifying all property to be acquired by automatic tax lien foreclosure and shall provide the Board of Selectmen, Town Manager, Tax Assessor, Town Clerk/fax Collector, and Code Enforcement Officer (CEO) a copy of this notice. This list shall be provided no later than December 1st of the year prior to the scheduled foreclosures on the list.

3. The Tax Assessor shall provide the following information for all potential tax-acquired property to the CEO within two weeks of receiving the list prepared by the Town Treasurer: map and lot number of the parcel, a map identifying location of the parcel, and a photocopy of the tax card of record.

4. The CEO shall conduct an onsite inspection of each potential tax-acquired property to look for possible hazardous wastes, environmental impacts, dangerous buildings or other concerns relating to the property. He or she shall also review any files associated with the parcel (building files, business licensing files, Board of Appeals files, Planning Board files, etc.)
to identify other possible concerns, such as but not limited to violations, unpaid impact fees, etc. The CEO shall prepare a brief report that summarizes current use and conditions, identifies any issues of concern, and assesses, to the best of their ability with the information currently availability, whether or not the lot is buildable along with the range of possible uses of the property. The CEO analysis and recommendation shall be completed within one month of the receipt of information supplied by the Tax Assessor and shall be submitted to the Planning Director, Town Manager and Town Treasurer.

5. The Town Treasurer shall submit to the Board of Selectmen within two weeks of receipt of the CEO's report, those properties identified for foreclosure waiver.

6. The Board of Selectmen may vote to waive foreclosure of a tax lien where foreclosure would prove injurious to the Town of York, such as but not limited to, the presence of hazardous waste upon the property, environmental impacts or the presence on the property of one or more dangerous buildings for which the cost of removal or repair would exceed the value of the property.

7. The Board of Selectmen may act to waive foreclosure at any time prior to foreclosure date.

C. DISPOSITION

1. Upon receipt of the report of the CEO, the Planning Director shall conduct an analysis to identify preferred use of the property. The Planning Director shall consult with appropriate Town Departments, Boards/Commissions, and the Town's Comprehensive Plan in conducting this analysis. The analysis shall consider potential short- and long-term public uses of the property. The Planning Director shall provide a recommendation to the Town Manager regarding the retention or disposition of the property. This report shall be completed no later than March 1st to include the foreclosed properties from the previous year.

2. The Town Manager shall review the analyses and recommendations prepared by the CEO and the Planning Director, and shall recommend a specific action for each property to the Board of Selectmen. The Manager may recommend retaining ownership or disposing of ownership consistent with the options identified in the warrant article.

3. Upon receipt of a recommendation from the Town Manager, the Board of Selectmen shall, acting at a regular meeting, decide how to address the disposition of each tax-acquired property, following the procedures of Article IV, Disposition Options.
III. SURPLUS PROPERTY

A. DEFINITION: Surplus Property is defined as any property that has come into the possession of the Town of York by way of purchase, donation, or tax lien foreclosure, provided that the foreclosure occurred more than seven years prior.

B. DISPOSITION:

1. The Town Manager and Board of Selectmen may periodically prepare a warrant article for adoption at a General Referendum that authorizes the Board of Selectmen to dispose of any surplus property. Following is recommended language for the warrant article:

   To see if the Town will vote to authorize the Board of Selectmen to dispose of the following surplus properties pursuant to the Property Acquisition and Disposition Policy (specific properties to be listed here).

2. Upon request of the Town Manager, staff shall conduct an analysis of a surplus property in accordance with the following:

   a. The CEO shall evaluate municipal records and shall visit the property to identify any violations and to determine the current use and condition of the property. The CEO shall prepare a brief report that summarizes current conditions and any issues of concern, and assesses, to the best of their ability with the information currently availability, whether or not the lot is buildable along with the range of possible uses of the property.

   b. The Planning Director shall consult with the CEO, and shall conduct an analysis to identify preferred use of the property. The Planning Director shall consult with appropriate Town Departments, Boards/Commissions, and the Town's Comprehensive Plan in conducting this analysis. The analysis shall consider potential short- and long-term public uses of the property. The Planning Director shall provide a recommendation to the Town Manager regarding the retention or disposition of the property.

3. The Town Manager shall review the analyses and recommendations of the CEO and the Planning Director, and shall recommend a specific action for each property to the Board of Selectmen. The Manager may recommend retaining ownership, disposing of ownership consistent with the options identified in the warrant article, or seeking new authorization for the Legislative Body.
4. Upon receipt of a recommendation from the Town Manager, the Board of Selectmen shall, acting at a regular meeting, decide how to address the disposition of each surplus property, following the procedures of Article IV, Disposition Options.

IV. DISPOSITION OPTIONS

A. REDEMPTION: The Board of Selectmen may dispose of tax acquired property by allowing the immediate former owner or their immediate heirs, one generation, to redeem title to the property from the Town within one (1) year from date of foreclosure. This option shall generally be the primary choice of disposition of any tax-acquired property as defined herein.

1. The former owner or immediate heir shall pay all taxes, interest due, lien costs, and filing costs, on said taxes to the date of redemption, for all years which taxes are outstanding;

2. The former owner or immediate heir shall pay all other costs due to the Town.

3. The former owner or immediate heir may be required to pay an administrative fee based on the Town's direct and indirect costs for redeeming the property. These costs may include, but are not limited to, staff time spent researching the property and developing conditions, if any, mailing expenses and third party expenses, including attorney's fees.

4. The former owner or immediate heir shall satisfy all other conditions established by the Board of Selectmen. By way of example only, these conditions may include the need to eliminate a non-conforming use, to connect a property to public services, or to eliminate a hazardous condition.

5. The former owner or immediate heir shall comply with terms of the redemption established by the Board of Selectmen within 60 days of the Board of Selectmen action to allow the redemption, unless other conditions are stipulated by the Board of Selectmen.

6. The Board of Selectmen shall issue a quit claim deed to convey title to tax-acquired property which a former owner redeems. The property is sold as is, where is, with no warranties or guaranties. If the property is occupied or encumbered it will be the responsibility of the grantee to evict or vacate.

B. PUBLIC SALE, SEALED BID OR LIVE AUCTION: The Board of Selectmen may dispose of tax acquired property or surplus property by public sale, sealed bid, or live auction. This shall be the default option, other than redemption of tax-acquired properties, unless the Board finds sufficient reason for an alternative means of disposition.
In accordance with 36 M.R.S. § 943-C the Board of Selectmen or their designee must notify the former owner(s) of their right to apply for the special sale process at least 90 days before listing for sale any real estate that immediately prior to foreclosure received the homestead exemption. The notice must be mailed by first class mail to the last known address of the former owner(s), and must include an application form, instructions and guidance on the type of supporting information necessary to include with the application. If the taxpayer files an application and meets eligibility criteria, the Board of Selectmen must use the special sale process.

1. When it decides to dispose of a property in this manner, the Board of Selectmen shall decide whether to offer the property for public sale, for a sealed bid, or for a live auction.

2. The Board of Selectmen shall select a realtor every two years to assist the Town with public sale of properties. The Board shall publish and distribute a request for proposals to solicit interest, and shall select the person they believe will best serve the Town.

3. For a public sale, the Board may work with its realtor to list the property on the open market. Asking price will be determined by the Board of Selectmen, with advice from the realtor. The Board shall respond to all offers received. The Board shall ensure the prospective purchaser has the ability to satisfy all conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all offers received and to act in the best interests of the Town.

4. For a sealed bid, a public notice of the bid procedure shall be provided as follows: post notice in Town Hall a minimum of 14 days prior to the sale; publish notice in at least 2 newspapers of local circulation a minimum of 14 days prior to the sale; and send notice by certified registered return receipt letter to the former owner(s) and mortgage holder(s), if they may be reasonably identified, a minimum of 45 days prior to the sale. The notice shall describe the time, date and place of the sale, and all bid terms. The Board of Selectmen shall open and act upon all bids received. The Board of Selectmen shall ensure the bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.

5. For a live auction, a public notice of the rules of the live auction shall be provided as follows: post notice in Town Hall a minimum of 14 days prior to the sale; publish notice in at least 2 newspapers of local circulation a minimum of 14 days prior to the sale; and send notice by certified registered return receipt letter to the former owner(s) and mortgage holder(s), if they may be reasonably identified, a minimum of 45 days prior to the sale. The notice shall describe the time, date and place of the live auction, and all bid
terms. The Board of Selectmen shall act upon the winning bid. The Board of Selectmen shall ensure the winning bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town.

6. For any property sold, the Board of Selectmen shall issue a quit claim deed to convey title to any property. The property is sold as is, where is, with no warranties or guaranties. If the property is occupied or encumbered it will be the responsibility of the grantee to evict or vacate.

C. **LIMITED PUBLIC SALE TO ABUTTERS:** The Board of Selectmen may dispose of tax acquired property or surplus property by limited public sale to abutters if necessary to address public concerns, which may be harmed if the property were made available for sale to all members of the public. By way of example only, harm to public concerns could include: a lot which does not conform to present minimum lot size standards, where this situation could be addressed by requiring merger with an abutting property; the abutting lots are non-conforming in size and the addition of this land could make one or more abutting lots conforming; or the soils on the lot are too poor for on-site septic disposal. The Board of Selectmen shall ensure fairness in considering the bids of all abutters and that all sales demonstrably satisfy the public good.

1. The Board of Selectmen shall establish terms for the sale of the parcel which address the public concerns identified in the Planning Office analysis and recognized by the Board of Selectmen. The Board of Selectmen shall state these terms, which may include terms other than price, in a request for bid proposal.

2. The request for proposal for the limited sale to abutters shall be sent by certified registered return receipt a minimum of 45 days prior to the sale to all parties who directly abut the parcel. The request for proposal shall describe the time, date and place of sale and the bid terms. The bid terms shall specifically identify the criteria the Board of Selectmen shall use to award a bid. The request for proposal shall request all bidders to describe why they believe their proposal should be considered, particularly for bidders who may not satisfy all preferred terms identified in the request for proposal.

3. The Board of Selectmen shall open and act upon all bids received in response to the request for proposals. The Board of Selectmen shall ensure the successful bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town. The Board of Selectmen specifically have the authority to award the bid to the abutter who they determine best meets terms they have identified and to
choose among competing bids from abutters. Notwithstanding bid award criteria identified in the request for proposal, nothing in this policy shall be construed to preclude the Board of Selectmen from awarding the bid based on special circumstances described in a respondent's bid proposal. The Board of Selectmen may alternately accept bids from more than one abutter and permit each abutter to purchase only a portion of the property provided this property is merged with the bidders' properties.

4. The Board of Selectmen shall issue a quit claim deed to convey title to any property which is disposed of by the method of limited public sale to abutters. The property is sold as is, where is, with no warranties or guaranties. If the property is occupied or encumbered it will be the responsibility of the grantee to evict or vacate.

D. **DONATION OR DISCOUNTED SALE:** The Board of Selectmen may choose to donate or sell at a discounted value a property to another government entity or non-profit organization when such action is consistent with the Town's Comprehensive Plan, or is otherwise found to be in the best interests of the Town.

E. **MUNICIPAL USE:** The Board of Selectmen may vote to retain any property for municipal use if it is determined to be in the best interests of the Town to do so.

V. **ACCEPTANCE OF GIFTS OF LAND**

A. **REVIEW OF OFFERS OF GIFTS OF LAND:**

1. Offers of gifts of land to the Town shall be reviewed by all appropriate Town Boards and Commissions, including but not limited to the Planning Board, Conservation Commission, and the Parks and Recreation Board. Each Board or Commission shall develop its own criteria to evaluate proposed gifts of land. The reviewing Boards and Commissions shall make a recommendation to the Board of Selectmen as to whether the Town should accept the gift of land, along with its reasoning.

2. Offers of gifts of land to the Town shall be reviewed by all appropriate Town Departments, including but not limited to the Tax Assessor, Public Works, Parks & Recreation, and Planning. Each reviewing Department shall make a recommendation to the Town Manager as to whether the Town should accept the gift of land. The Town Manager shall formulate a unified staff recommendation for consideration of the Board.

B. **BOARD OF SELECTMEN RECOMMENDATION:** Upon receipt of recommendations from the appropriate Boards, Commissions and the Town Manager, the Board of Selectmen shall review the potential uses of proposed gifted land and determine if acceptance of the gift is warranted.
C. **TOWN MEETING VOTE:** If the Board of Selectmen determines that the gift of land warrants acceptance, the proposed acceptance of the gift of land shall be presented at a General or Special General Referendum for a public vote.

**NOTE:** This Policy replaces two earlier Board policies:
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 3, 2019

☑ ACTION
☐ DISCUSSION ONLY

DATE ACTION REQUESTED: January 14, 2019

SUBJECT: Amend Transfer Station Rules

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: A resident pointed out an inconsistency in two of the Town’s rules which regulate the Witchtrot Road Transfer Station.

There are rules about the use of the facility. These rules date back to 1994, and provide for free access to residents and property owners.

There is a separate set of rules which establishes the permit requirements and the charge for these permits. These rules date back to 2010 and were established to increase non-property tax revenues.

When the new rules were established in 2010, the old regulations were not amended concurrently, thus the current conflict. Copies of both rules are attached. Both regulations are enacted and may be amended by the Board of Selectmen.

I have drafted some simple amendments to shorten the title of the Transfer Station Rules, to clean up its format to bring it up to current standards, and to remove the statement about free stickers. There are no changes proposed to the Transfer Station Permit Program.

Following the Public Hearing, the Board can do nothing and leave the inconsistency, can approve the amendment as drafted, or can modify the amendment and direct staff to post for an additional public hearing if the change is substantive.

RECOMMENDATION: I recommend the Board approve the proposed draft.

PROPOSED MOTION: I move to amend the Transfer Station Rules as proposed.

Prepared by Stephen H. Burns, Town Manager:
Transfer Station Rules

Town of York, Maine

Most Recently Amended: January 14, 2019
Prior Dates of Amendment: May 11, 2015
June 12, 2000
Date of Original Enactment: March 22, 1994

ENACTMENT BY THE BOARD OF SELECTMEN

Date of the vote to enact/amend this Regulations: _____________________________.
Certified by the Town Clerk: ____________________________ on _____________.
(signature) (date)
TRANSFER STATION RULES

SOLID WASTE COLLECTION
RECYCLING AND DISPOSAL RULES AND REGULATIONS TO GOVERN
THE OPERATION OF THE TOWN OF YORK TRANSFER STATION
FOR BRUSH, LEAVES, GRASS CLIPPINGS, WHITE GOODS AND SCRAP METAL

Purpose
The intent of these rules and regulations is to provide for Town operation of a transfer station for
Brush, Leaves, Grass Clippings, White Goods, and Scrap Metal and other such materials to at
the former York Sanitary Landfill. The operation of a transfer station will ensure residents have
an option to dispose of these materials and to allow the Town to recycle them.

Section 1. Location of Transfer Station
The transfer station is located at 65 Witchtrot Road. shall be located at the present site of the
York Sanitary Landfill, which is located on Witchtrot Road off Cider Hill Road (Route 91).

Section 2. Days and Hours of Operation
The hours of operation for the Transfer Station shall be set by the Board of Selectmen. The
transfer station shall be closed to the public at all other times.

Section 3. Materials Accepted at the Transfer Station
The transfer station may will only accept brush, leaves, grass clippings, white goods, and scrap
metal and other materials as allowed pursuant to the State license for this facility.

White Goods and Scrap Metal: "All large appliances, including by example and not be
limitation, stoves, refrigerators, freezers, washing machines, clothes dryers, dishwashers, and air
conditioners, and all scrap metal, including by example and not be limitation, wire, metal
fencing, sheet metals, clean metal barrels and bar stock."

Leaves: Common Definition.

Brush: Branches, twigs and other woody material that is less than twelve inches in diameter.

All other materials accepted are prohibited from disposal at the transfer station shall comply with
specifications of the Public Works Department and the State license for this facility.
Section 4. **Transfer Station Permit**

Access to and use of the Transfer Station shall require a permit, as specified separately in the Transfer Station Permit Program. All vehicles using the transfer station shall have attached in a conspicuous place a Town of York Sanitary Landfill sticker. This sticker is available at the Town Clerk's office, Town Hall, 186 York Street, York, Maine. Only York residents and property owners may obtain a Landfill User Identification sticker. The initial sticker a person may receive for their vehicle is available at no cost. A replacement sticker, if needed, may be obtained for $1.00.

Section 5. **Fees for Disposal of White Goods and Scrap Metal**

No person or vehicle authorized to use the transfer station shall pay a fee for the disposal of white goods or scrap metal, regardless of the amount of material being disposed.

Section 6. **Transfer Station Attendant**

The Town shall provide personnel to operate the transfer station. The attendant shall be responsible for all operations at the transfer station. All persons using the transfer station shall follow direction of the attendant for how to dispose of brush, leaves, grass clippings, white goods and scrap metal or any other activity, which may occur at the transfer station.

Section 7. **Transport of Brush, Leaves, Grass Clippings, White Goods and Scrap Metal to the Transfer Station**

No person while transporting brush, leaves, grass clippings, white goods or scrap metal on any road within the municipal boundaries of the Town of York shall permit or allow any portion of said materials to be deposited upon such road. All loads shall be covered, secured and fastened to the transporting vehicle to prevent any material from falling from, blowing out of, or leaving the vehicle while in transit.

Section 8. **Removal of Items**

No picking of white goods or scrap metal within the transfer station shall be permitted and no person shall remove materials from the transfer station unless prior approval is obtained from the Superintendent of Public Works or the transfer station attendant. The Superintendent of Public Works may periodically allow residents to remove composted materials.

Section 9. **Loitering Prohibited**

Loitering in or on the transfer station property shall not be allowed. Use of or presence within the transfer station property, other than during posted hours of transfer station operation, without the permission of the Superintendent of Public Works or transfer station attendant, shall be considered trespassing.
Section 10. Inappropriate Disposal of Brush, Leaves, Grass Clippings, White Goods and Scrap Metal
The permanent disposal or abandonment of brush, leaves, grass clippings, white goods and scrap metal by any person at a location within the municipal boundaries of the Town of York at a location other than the transfer station shall be unlawful.

Section 11. Penalties
Any person, firm or corporation who violate any provision of the Ordinance shall be subject to a fine of $100.00 for each violation. Each day such a violation is continued is a separate offense.

Section 12. Waiver / Payment of Fines
Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations. If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney’s fees, and prosecution costs may apply.
Transfer Station Permit Program

Town of York, Maine

Most Recently Amended: May 11, 2015
Prior Dates of Amendment: March 21, 2011
Date of Original Enactment: February 8, 2010

ENACTMENT BY THE BOARD OF SELECTMEN

Date of the vote to enact/amend this Ordinance: May 11, 2015
Certified by the Town Clerk: __________________________ on June 19, 2015
Transfer Station Permit Program

1. Purpose:
   A. To regulate use of the Town of York Transfer Station and Composting Facility to York Residents and York Business owners.

2. Definitions:
   A. York Resident: Any person who resides within the geographic boundaries of the Town of York or who may own property in the Town.
   B. York Business: Any person or company with a base of operations in York that performs work for compensation within the Town.
   C. Fiscal Year: July 1 through June 30.
   D. Transfer Station Permit: Transfer Station stickers, hereafter called “permits”, issued for use of the Town of York Transfer Station and Composting Facility.
   E. Commercial Permit: Transfer Station permit needed for any commercial business vehicle located in York that utilizes the Transfer Station or Composting Facility.
   F. Residential Permit: Transfer Station permit needed for any resident/taxpayer vehicle in the Town of York that utilizes the Transfer Station and Composting Facility.
   G. Designated Party: Any person who is either related to a York resident, or who will be acting on behalf of a York resident, providing no fee is being charged. A Designated Party must be identified and authorized in writing by a resident/taxpayer.

3. Issuance / Costs:
   A. A person is eligible for a Transfer Station Permit upon demonstrating to the satisfaction of the Town Clerk:
      1. That he/she is a York resident or a property owner in the Town of York.
      2. That he/she is the owner of a business located in the Town of York.
      3. That he/she qualifies as a Designated Party as described in 2(G) above.

   Residency/Business Ownership is demonstrated by:
Vehicle registration showing the name and address in York; or

Town property tax bill showing name and address in York; or

a State of Maine vehicle registration designating the York business name or other proof of valid registration satisfactory to the Town Clerk.

B. Residential permits will be issued upon application and payment of the required fee of $25.00 per fiscal year per vehicle. Residential permits, not issued previously, will be sold at a half-rate basis during the months of May and June, upon application and payment of the required fee of $12.50 per vehicle. The permit will expire June 30th of each year.

C. Commercial permits will be issued upon application and payment of the required fee of $100.00 per fiscal year per vehicle. Commercial permits, not issued previously, will be sold at a half-rate basis during the months of May and June, upon application and payment of the required fee of $50.00 per vehicle. The permit will expire June 30th of each year.

D. Duplicate permits may be issued only upon the submission of the remains of the original permit for a fee of $10.00.

E. Application contents:

1. Name of registrant of motor vehicle, which must include the resident’s name or the York business owner’s name.

2. Residential/Business address in York.

3. Make, model, color, year of manufacture and number plate and state of issue of resident’s vehicle or vehicle of designated party.

5. Attaching Permits

A. Permits shall be permanently affixed to the vehicle’s front bumper on the driver’s side, as to be clearly visible.
6. Authority and Restrictions

A. The Board of Selectmen is hereby granted authority, after a duly noticed public hearing, to establish detailed operating rules and regulations for the York Transfer Station and Composting Facility.

B. Only waste generated in the Town of York will be accepted at the Transfer Station and Composting Facility.

C. Any person wishing to dispose of waste at the York Transfer Station and Composting Facility shall obtain a permit from the Town Clerk's Office during normal business hours.

D. Any York resident, designated party or taxpayer may obtain a Residential permit at the cost of $25.00 per vehicle that shall be valid from July 1st to June 30th of each year.

E. Any commercial business located in York may obtain a Commercial permit at the cost of $100.00 per vehicle that shall be valid from July 1st to June 30th of each year.

F. A Resident or Commercial Transfer Station Permit shall not authorize the holder thereof to dispose of waste generated by non York residents or businesses.

G. No person shall furnish false information to the Town in connection with the issuance of any permit authorized hereunder. Any permit issued based upon false information, or attached to a different vehicle than registered shall be null and void.

H. No person shall transfer any permit or allow use by any other person. Any permit attempted to be transferred shall be null and void. Upon disposal of a vehicle already permitted, a resident may apply for a permit for the new vehicle for a transfer fee of $10.00. Permitees must surrender the old permit.

I. Anyone who violates any provision of this order shall be subject (the owner and/or operator) to a notice of violation issue by a York Police Officer. Any person who violates this ordinance shall be subject to a civil penalty of $50.00.

J. Waiver/Payment of Fines: Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney’s fees, and prosecution costs may apply.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 10, 2019

DATE ACTION REQUESTED: January 14, 2019

SUBJECT: Board/Committee Appointments    AMENDED

☐ ACTION
□ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board conducted interviews on Thursday, January 10 with the following: Patricia Conner – Municipal Social Services Review Board, Ken Churchill for Planning Board, and Amy Phalon – Historic District Commission. Jon Powers resigned from his position on the Historic District Commission leaving his membership left to fill through June 30, 2019. The proposed motions below are for a full three-year term for the vacant Municipal Social Services Review Board and Planning Board Alternate positions, and for filling the remainder of Jon Powers’ term through June 30, 2019.

RECOMMENDATION:

PROPOSED MOTION:
I move to appoint Patricia Conner as a Regular Member of the Municipal Social Services Review Board with a term expiring June 30, 2022.

I move to appoint Ken Churchill as an Alternate Member of the Planning Board with a term expiring June 30, 2022

I move to appoint Amy Phalon to the Historic District Commission with a term expiring June 30, 2019.

PREPARED BY: ___________________________ REVIEWED BY: ___________________________
Melissa M. Avery, Assistant to the Town Manager
### Municipal Social Service Review Board

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<tr>
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<tr>
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<td>Connie Hanley</td>
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<td>Karen Gilroy</td>
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<td>Edward Little</td>
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<td>Roslyn Birger-Hershfield</td>
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### Historic District Commission

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<tr>
<td>R</td>
<td>Bryce Waldrop</td>
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<td>Kurt Hultstrom</td>
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<td>Frederick Scott Stevens</td>
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<td>Kari Laprey</td>
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TOWN OF YORK
APPLICATION FOR MEMBERSHIP
TOWN BOARD, COMMITTEES AND COMMISSIONS

| PLEASE FILL OUT AND RETURN TO THE TOWN MANAGER'S OFFICE |

Name: Patricia Conner

Physical Address: 204 Nubble Rd, York, Me.

Mailing Address: Same

Home Telephone: 207-361-3234 Mobile Telephone: 207-350-4903

Email: viewpointconsulting@gmail.com State of Residency: Maine.

Why do you wish to serve? Strong interest and support for work of non-profit social service agencies. Expertise knowledge regarding need for accountability of agencies receiving funding.

What expertise can you provide? Worked in non-profit organizations for 30 yrs. Served on Mid coast United Way review board for social service allocations. Served on numerous boards.

PLEASE CHECK THE BOARD(S), COMMITTEE(S) OR COMMISSION(S) YOU WISH TO APPLY TO FOR MEMBERSHIP CONSIDERATION:

| Appeals Board | Parks and Recreation Board |
| Assessment Review Board | Planning Board |
| Cable TV Regulatory Commission | Senior Citizens Advisory Board |
| Conservation Commission | Shellfish Conservation Commission |
| Energy Efficiency Steering Committee | Sohier Park Committee |
| Harbor Board | York Harbor Site Design Review Board |
| Historic District Commission | York Housing Authority |
| × Municipal Social Services Review Board | Other: |

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Received Date: / /  

Received By: __________________________

Interview Date: / /  

Appointment Date: / /  
APPLICATION FOR MEMBERSHIP

Town Boards, Committees and Commissions

| PLEASE FILL OUT AND RETURN TO THE TOWN MANAGER’S OFFICE |

Name:                        Amy Phalon                          Date: December 5, 2018

Physical Address: 17 Lobster Cove Rd., York, Maine 03909

Mailing Address: same

Home Telephone: none Mobile Telephone: (207) 752-2330

Email: amyphalon29@gmail.com State of Residency: Maine

Why do you wish to serve? I would like to serve on the Historic District Commission. I have an appreciation and respect for the historic aspects of York and wish to be involved in maintaining the town’s connection to its past as it grows and changes.

What expertise can you provide? As a former member of the York Planning Board, I bring knowledge of the town, its historical resources the ordinances and rules that apply to the HDC and the comprehensive plan. I also bring considerable experience working as part of a board made up of volunteers. As an attorney, I have the skills to read, interpret and apply the law to applications that come before the board.

PLEASE CHECK THE BOARD(S), COMMITTEE(S) OR COMMISSION(S) YOU WISH TO APPLY TO FOR MEMBERSHIP CONSIDERATION:

- [ ] Appeals Board
- [ ] Assessment Review Board
- [ ] Cable TV Regulatory Commission
- [ ] Conservation Commission
- [ ] Energy Efficiency Steering Committee
- [ ] Harbor Board
- [ ] Historic District Commission
- [ ] Municipal Social Services Review Board
- [ ] Parks and Recreation Board
- [ ] Planning Board
- [ ] Senior Citizens Advisory Board
- [ ] Shellfish Conservation Commission
- [ ] Sohier Park Committee
- [ ] York Harbor Site Design Review Board
- [ ] York Housing Authority
- [ ] Other:

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Received Date: ___/___/______ Received By: __________________

Interview Date: ___/___/______ Appointment Date: ___/___/______
AMY PHALON  
17 Lobster Cove Road  
York, ME 03909  
(207) 752-2330 amyphalon29@gmail.com

EDUCATION

University of Maine School of Law, Portland, ME:  
J.D., 2013  
Middlebury College, Breadloaf School of English, Middlebury, VT:  
M.A. English, 2001  
Colby College, Waterville, ME:  
B.A. English, 1996

BAR ADMISSION

Maine October 28, 2013  
US Court of Appeals for the First Circuit April, 2015  
United States District Court for the District of Maine 2016

PROFESSIONAL LEGAL EXPERIENCE

Gibbons Stevens Law Office, Kittery, ME  
Private practice focused on representing clients in the areas of:  
• Special education law & advocacy  
• Disability discrimination  
• Discrimination in higher education under the ADA and Title IX  
• Grandparent guardianship  

September 2018-Present  

Murray Plumb and Murray, Portland, ME  
Associate Attorney, November 2015-August 2018  
Represent clients in the areas of:  
• Special education law & advocacy  
• Civil rights of children and adults with disabilities  
• Discrimination in higher education under the ADA and Title IX

Gibbons Stevens Law Office, Kittery, ME  
Attorney, July 2014-November 2015  
Private practice focused on representing clients in the areas of:  
• Special education law & advocacy  
• Estate planning including basic wills & testamentary trusts, special needs trusts, & camp trusts  
• Grandparent guardianship  
• Real Estate & Land use including easement/right of way disputes & private road agreements  
• Authored amicus briefs for non-profit advocacy organizations

Clifford & Clifford, LLC, Kennebunk, ME  
Law Clerk, January 2012-November 2013  
Assisted attorney in all areas of special education, disabilities rights, & criminal matters  
• Conducted legal research  
• Attended IEP Team meetings & mediation in Special Education matters  
• Prepared Due Process Hearing Requests  
• Drafted demand letters, pleadings, motions, discovery requests, and other litigation documents  
• Prepared Maine Human Rights Commission charges and replies for employment discrimination cases  
• Assisted attorney with trial preparation in civil litigation & criminal defense.

Administrative Office of the Courts, Family Division, Augusta, ME  
Summer Intern, 2011  
• Wrote and illustrated children’s picture book for children in foster care
• Researched and wrote script for video for teens in foster care
• Assisted with AOC-Family Division’s 2011 Annual Conference for Parents’ Attorneys.

Court Appointed Special Advocate (CASA), York County, ME  Guardian Ad Litem, 2009-2012
• Advocated for children and teens involved in the child protective process
• Advocated for teens in foster care who were also struggling with special education issues in school.

VOLUNTEER AND COMMUNITY SERVICE

Planning Board, York, ME  February 2014-June 2018
• Elected Chairperson July 2016; Re-elected July 2017
• Elected Vice-Chairperson July, 2015
• Elected Chairperson, Village Zoning Subcommittee September, 2015.

Disability Rights Maine, Augusta, ME  Board Member December 2015-Present
Elected Vice-President September, 2018

Maine Volunteer Lawyer Service  Attorney, 2014-Present
• Pro-bono representation of clients in special education matters.

Council Of Parents Attorneys and Advocates (COPAA)  Member since 2011
Co-presenter at annual conference 2016, 2017, and 2018

International Dyslexia Association (IDA)  Member since 2015
Co-presenter at annual conference, 2017

OTHER PROFESSIONAL EXPERIENCE

York Adult and Community Education, York, ME  Adult Basic Education Teacher, 2008-2011
Taught GED preparation courses in reading and writing.

York County Community College, Wells, ME  Adjunct Professor of English, 2007-2012
Taught basic skills reading and writing courses in addition to courses in literature and public speaking
• Writing Specialist: provided one-on-one academic support in college Academic Success Center
• Academic Advisor: Guided Liberal Studies students in course selection
• Professional Development Day Presenter
• College Council Representative: Represented Adjunct Faculty on campus-wide governing council.

Seacoast Media Group, Portsmouth, NH  Journalist 2007-2010
Covered local news issues in York, ME including housing, shore-land zoning, local history, & environmental issues.

Montclair State University, Montclair, NJ  Adjunct Professor of English 2002-2006
Taught two sections each semester of College Composition, & Literature.

William Patterson University, Wayne, NJ  Adjunct Professor of English 2002-2006
Taught two sections each semester of basic skills Reading and Writing, College Composition, & Literature.

Killington Resort, Killington, VT  Snow Reporter/Communications Coordinator 1998-2001
• Wrote & delivered daily snow conditions report via phone, fax, & web site
• Directed media and public relations for 4-season resort including
• Directed media relations for the Killington Stage Race, an annual Pro-Am cycling event

Great Swamp Watershed Association, Madison, NJ  Communications Coordinator 1997-1998
Performed public relations & office administration tasks for non-profit environmental protection organization.

PERSONAL INTERESTS
Bicycling, yoga skiing, golf, gardening
Name: Kenneth D. Churchill  
Physical Address: 1 Churchill Court York, Maine 03909  
Mailing Address: Same  
Home Telephone:  
Mobile Telephone: 617-407-6096  
Email: Churchillrudo@yahoo.com  
State of Residency: Maine  
Why do you wish to serve? Learned a lot over the years about shorelands, setbacks, commercial etc... alwayslook to participate in the town of York any way I can.  
What expertise can you provide? Having a large amount of property, I have educated myself as well as working with soil experts and code enforcement for many years about protection and restrictions.  

PLEASE CHECK THE BOARD(S), COMMITTEE(S) OR COMMISSION(S) YOU WISH TO APPLY TO FOR MEMBERSHIP CONSIDERATION:

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<td>Municipal Social Services Review Board</td>
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Received Date: __/___/____  
Received By:  
Interview Date: __/___/____  
Appointment Date: __/___/____
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 7, 2019

DATE ACTION REQUESTED: January 14, 2019

SUBJECT: Citizen Petition – Amendment of the Harbor Ordinance

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Town Clerk received the attached petition for an ordinance change from Paul Radochia and others. Mary-Anne verified the signatures of 131 registered voters. The proposal deals with wharfs, piers, docks and floats.

The Charter requires Board action upon receipt of such petitions. The Board must conduct a public hearing, and after the public hearing must submit the proposal to a Special General Referendum for a public vote. (See Section 22, copy attached).

Upon receipt from the Clerk of the petition and verification of signatures, I sent the draft amendment to the Town Attorney for review. Mary Costigan and I discussed it and are satisfied the language is acceptable as is, so there is no need to convene a meeting of the Committee on Ordinances (see Section 23, copy attached).

The plan moving forward is to conduct a public hearing on January 28th and to send the matter to the voters at the Special General Referendum on May 18, 2019. I have prepared the proposal for the public hearing and will have posted the public notice prior to the Board’s meeting on the 14th.

RECOMMENDATION: I recommend the Board proceed as required under the Charter. I also recommend the Board seek input from the Harbor Board about this proposed change as this is their area of expertise.

PROPOSED MOTION: I move to direct the Town Manager to schedule and advertise a public hearing on January 28th for consideration of this petition.
TO: The Board of Selectmen

FROM: Mary-Anne Szeniawski, Town Clerk/Tax Collector

DATE: December 28, 2018

SUBJECT: Citizen Petition

Pursuant to the Town of York Home Rule Charter, Section 22.A, I have attached a Petition For Enactment of Ordinances, proposing an amendment to the Harbor Ordinance, Section 3. Harbor Use Regulations. This petition has been signed by one hundred and thirty one (131) registered voters as confirmed by this office. The hope of the petitioners is for this amendment to be voted on at the annual election to be held on May 18, 2019.

Please let me know if you have any questions pertaining to this matter.

MAS:mji
Attachment
We the undersigned voters of the Town of York propose the following amendment to the Harbor Ordinance (underlined text is to be added and strikethrough text is to be removed). We request this be voted on by the Town on May 18, 2019.

Statement of Intent and Content
This change continues to allow for riverfront property owners to have docks subject to reasonable criteria. This provides riverfront property owners with safe and environmentally conscious access to the River, while at the same time protecting the width of the channel and the navigation rights for all commercial and recreational uses.

HARBOR ORDINANCE
SECTION 3. HARBOR USE REGULATIONS

1. Construction and Alteration of Structures

3. The following procedure shall be applied by the Harbor Board when reviewing applications for new structures and for additions, alterations, or changes to existing structures:

   e. The Harbor Board shall not approve the application unless a majority of 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. In addition to this general standard, the following shall also apply:

      1. New wharves, piers and floats shall not extend closer than 100 feet from the opposite marsh bank. All measurements shall be made perpendicular to the high water mark of the natural shoreline. No measurements shall be made from any man-made structure.

      2. To avoid interference with navigation, no pier or float combination shall extend into the channel a distance greater than the lesser of 20 feet or 10% of the width of the channel at low tide.

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

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<tr>
<td></td>
<td>Paul A. Radachay</td>
<td>5 Mill Dam Rd</td>
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<td>Sandy Radachay</td>
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<td>Steven A. Mathew</td>
<td>233 Beach Ridge Rd</td>
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<td>Carolee Mathews</td>
<td>233 Beach Ridge Rd</td>
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<td>Dereck Gross</td>
<td>917 Birch Hill Rd</td>
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<tr>
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<td>Matthew Donoven</td>
<td>29 Jeffrey Dr.</td>
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existing ordinance or part of the town code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing them in brackets or by strikeout type and shall indicate new matter(s) by underscoring or by italics.

B. PROCEDURE: An ordinance may be introduced by any member of the Board of Selectmen at any regular or special meeting of the Selectmen. The Town Clerk shall provide a copy to each Selectman and the Town Manager and shall make a reasonable number of copies available in the office of the Town Clerk, and shall publish in one or more newspapers of general circulation in the town a notice setting out the time and place for a public hearing thereon, which may be adjourned from time to time. All persons interested shall have an opportunity to be heard at the meeting.

C. After the public hearing, the Town Clerk shall provide a copy of the ordinance (with amendments, if any) to the Town Manager, who in turn shall publish, in one or more newspapers of general circulation in the Town, a notice that a vote on a proposed or referred ordinance shall be held.

The notice shall show the date of the Referendum, as determined by the Board of Selectmen. The date shall be no less than forty (40) days and no more than one (1) year from the date of the public hearing on the ordinance. If the General Referendum meeting is not scheduled to be held within 120 days of the date of the public hearing, the Board of Selectmen may provide for a Special General Referendum, provided the Board of Selectmen has determined there is a compelling reason not to wait until the General Referendum, and further provided the Board of Selectmen shall make every effort to schedule the Special General Referendum on the same date that another election/referendum has been scheduled.

Section 22: PETITION FOR ENACTMENT OF ORDINANCES

A. Voters of the Town may at any time propose the enactment of any lawful ordinance by filing, with the Town Clerk, a petition stating the complete text of such ordinance and signed by registered voters of the Town numbering not less than one hundred (100) voters of the Town. The Board of Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21.B and shall within forty-five (45) days after said public hearing call a Special General Referendum for the purpose of submitting to a vote the question of adopting such ordinance.

B. Such ordinance shall take effect upon the enactment of the ordinance/s by the voters of the Town, provided a majority of those voting thereon shall have voted in the affirmative.
Section 23: COMMITTEE ON ORDINANCES

A. Before it is submitted to the voters, any ordinance proposed as in Article II, Section 22 shall be examined by a committee of three (3) consisting of the Town Manager, the Town Attorney and one of the petitioners who signed the proposing petition. This Ad Hoc committee is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities and unconstitutional provisions, and to assure accuracy in its texts and preferences and clarity and precision in its phraseology, but they shall not be empowered to materially change its meaning and effect.

Section 24: PETITION FOR ORDINANCE RECONSIDERATION AND OVERRULE OF ACTION OR INACTION BY THE BOARD OF SELECTMEN

A. All ordinances shall be subject to reconsideration by a General Referendum or Special General Referendum as follows:

1. If, within thirty (30) days after the enactment of an ordinance, a petition signed by registered voters of the town, numbering not less than ten (10) percent of the votes cast in the previous gubernatorial election by the voters of the Town, is filed with the Town Clerk requesting reference of the ordinance to reconsideration at a General Referendum or a Special General Referendum, the Board of Selectmen shall call a public hearing in the manner prescribed in Article II, Section 21 to be held within thirty (30) days of the date of the filing of said petition with the Town Clerk and shall schedule the General Referendum or a Special General Referendum within forty-five (45) days after said public hearing for the purpose of submitting to a vote the reconsideration of said ordinance. Pending action by the voters of the Town, a referred ordinance shall be suspended from becoming effective until it has received a majority of the votes cast on said reconsideration referendum.

B. The actions or inactions of the Board of Selectmen are subject to overrule by a General Referendum or Special General Referendum as follows:

1. If, within thirty (30) days after the refusal by the Board of Selectmen to act upon a legally presented ordinance petition, a petition signed by registered voters of the town, numbering not less than ten (10) percent of the votes cast in the previous gubernatorial election by the qualified voters of the Town, is filed with the Town Clerk requesting reference of the petition to a General Referendum or a Special General Referendum, the Board of
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
<thead>
<tr>
<th>DATE SUBMITTED: January 11, 2019</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>DATE ACTION REQUESTED: January 14, 2019</td>
<td>DISCUSSION ONLY</td>
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<tr>
<td>SUBJECT: Wavers of Automatic Foreclosure</td>
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DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Automatic Foreclosure can be waived by a vote of the municipality’s legislative body, giving the Treasurer authority to record a waiver of foreclosure in the registry (36 M.R.S.A. & 944).

All properties owing FY17 Taxes were issued a notice of automatic foreclosure on December 18th, 2018. Property owners on that list were made aware of the automatic foreclosure on their property as of January 21st, 2019. Property owners who pay delinquent taxes by that date will have their liens discharged.

The Code Enforcement Officer was provided a list of properties in December to inspect and provide an opinion as to whether those properties have issues relating to hazardous waste, environmental impact, and dangerous or raise other concerns from the perspective of the code department that would render them unwise to continue with foreclosure.

RECOMMENDATION: The board should consider whether to waive foreclosure on the 4 trailers.

PROPOSED MOTION:

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:
Future Agenda Items
Name: Kelli Krohn

Physical Address: 30A Moulton Lane, York, Maine 03909

Mailing Address: Same as above

Home Telephone: 207-459-9218

Email: kkrohn9122@gmail.com

Date: 12-11-18

Agenda Item Requested (Please provide background information):

York Dog Park possibilities: Interest has been generated by York residents on the construction of a dog park. Residents would like to know the best avenue for exploring options.
Afternoon!

We just received this and Steve asked me to pass it on to you to have Animal Control discuss at the February 11 Board of Selectmen’s meeting. I let Ms. Krohn know that someone from the Town/PD would be reaching out to her 😊

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

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

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