1. Board Of Selectmen's Meeting Materials

   Documents:

   2019-01-28 BOS AGENDA.PDF
   2019-01-28 BOS PACKET AMENDED.PDF
BOARD OF SELECTMEN'S
MEETING AGENDA
6:00 PM / 7:00 PM MONDAY, JANUARY 28, 2019
YORK PUBLIC LIBRARY

6:00 PM: Executive Session - Title 1 MRS § 405.6.A (Personnel – Town Manager’s
Annual Review)

Call to Order

Pledge of Allegiance

A. Consent Agenda
   1. January 10, 2019 Meeting Minutes
   2. January 14, 2019 Meeting Minutes
   3. January 23, 2019 Meeting Minutes
   4. Pole Location Permit

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Awards
   1. Conditional Donations for Parks and Recreation
   2. Conditional Donation for School Department

F. Reports
   1. Lighting of the Nubble – Liz Cooper
   2. Sea Wall Update – Dean Lessard
   3. Rt. 1/Short Sands Road Intersection Update – Dean Lessard
   4. Snow Plowing/Winter Budget Update – Dean Lessard

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**  
May 2019 Ordinance Amendments:  
1. Tax Relief Ordinance  
2. Alarm Ordinance  
3. Polystyrene Foam Ordinance  
4. Harbor Ordinance  
5. Sohier Park Ordinance  
6. Supplemental Building Ordinance

I. **Endorsements**

J. **Old Business**  
1. Discussion: Historic District Commission Possible Expansions of Local Historic Districts  
2. Discussion & Possible Action: Proposed Ordinance Amendments  
3. Discussion: Special Events Policy – Draft Amendments  
4. Discussion & Possible Action: LED Streetlight Conversion RFP  
5. Discussion & Possible Action: Davis Property

K. **New Business**  
1. Discussion & Possible Action: Town Manager’s Annual Review  
2. Discussion & Possible Action: Sewer Extension Assurance

L. **Future Agendas**

M. **Other Business**

N. **Citizens’ Forum**

**Adjourn**
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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. January 10, 2019 Meeting Minutes
2. January 14, 2019 Meeting Minutes
3. January 23, 2019 Meeting Minutes
4. Pole Location Permit

Example Motion to Accept all Items: I move to accept the Consent Agenda.

Example Motion when an Item is being pulled out of the Item List: I move to accept the Consent Agenda, minus item _____ (i.e. “2 – York Restaurant Business License”).
BOARD OF SELECTMEN’S
MEETING MINUTES
4:45/5:00PM  THURSDAY, JANUARY 10, 2019
POLICE HEADQUARTERS

4:45 PM: Board/Committee Interviews

5:00 PM: Executive Session - Title MRSA § 405.6.D (Union Contracts) and Title 1 MRSA § 405.6.C (Real Estate)

Present: Chairman Todd A. Frederick, Vice-Chair Dawn Sevigny-Watson, Michael L. Estes, Robert E. Palmer, Jr., Elizabeth D. Blanchard, Town Manager Stephen H. Burns, Director of Human Resources Kathryn Lagasse, Police Chief Douglas Bracy, Police Capital Charlie Szeniaowski and Director of Public Works Dean Lessard.

Moved by Ms. Sevigny-Watson, seconded by Ms. Blanchard to enter into executive session pursuant to Title MRSA § 405.6.D (Union Contracts). Without objection, so ordered.

Moved by Ms. Sevigny-Watson, seconded by Ms. Blanchard to exit out of executive session. Without objection, so ordered.

Present: Chairman Todd A. Frederick, Vice-Chair Dawn Sevigny-Watson, Michael L. Estes, Robert E. Palmer, Jr., Elizabeth D. Blanchard and Town Manager Stephen H. Burns.

Moved by Ms. Sevigny-Watson, seconded by Ms. Blanchard to enter into executive session pursuant to Title MRSA § 405.6.C (Real Estate). Without objection, so ordered.

Moved by Ms. Sevigny-Watson, seconded by Ms. Blanchard to exit out of executive session. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager
BOARD OF SELECTMEN’S
MEETING MINUTES
6:00 PM / 7:00 PM  MONDAY, JANUARY 14, 2019
YORK PUBLIC LIBRARY

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)

Present: Chairman Todd A. Frederick, Michael L. Estes, Elizabeth D. Blanchard, Director of Human Resources Kathryn Lagasse.

Absent: Dawn Sevigny-Watson, Robert E. Palmer, Jr.

Moved by Ms. Blanchard, seconded by Mr. Estes to enter into executive session pursuant to Title 1 MRS § 405.6.A (Personnel – Town Manager’s Annual Review). Without objection, so ordered.

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

Present: Chairman Todd A. Frederick, Michael L. Estes, Elizabeth D. Blanchard, Town Manager Stephen H. Burns.

Absent: Dawn Sevigny-Watson, Robert E. Palmer, Jr.

Moved by Ms. Blanchard, seconded by Mr. Estes to enter into executive session pursuant to Title 1 MRS § 405.6.C (Real Estate). Without objection, so ordered.

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

7:00 PM: Regular Meeting

Present: Chairman Todd A. Frederick, Michael L. Estes, Elizabeth D. Blanchard, Town Manager Stephen H. Burns, and members of the press and public.

Absent: Dawn Sevigny-Watson, Robert E. Palmer, Jr.

Call to Order

Chairman Todd A. Frederick called the meeting to order at 7:00 PM.
Pledge of Allegiance

A. Consent Agenda

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

Moved by Ms. Blanchard, seconded by Mr. Estes to accept the Consent Agenda. Vote 3-0, motion passes.

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Awards

1. Terry Pirini – Real Estate Offers

Moved by Mr. Estes, seconded by Ms. Blanchard to accept the bid for 294 Mountain Road to Parallax Properties, LLC in the amount of $35,000, with a closing date of March 15, 2019. Vote 3-0, motion passes.

Moved by Mr. Estes, seconded by Ms. Blanchard to award the bid for 14 County Road to Jeff LeBlanc in the amount of $30,000 with the proposed conditions. Vote 3-0, motion passes.

Moved by Ms. Blanchard, seconded by Mr. Estes to award the bid for 2 Ray Avenue to York River LLC in the amount of $70,000. Vote 3-0, motion passes.

2. Accept Conditional Donation

Moved by Ms. Blanchard, seconded by Mr. Estes to accept the donation of $3,500 from the Dandley Fund for the purpose of purchasing a picnic table for the greenspace at the Long Sands Bathhouse. Vote 3-0, motion passes.

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.

Public Comment:  
Nan Graves  
Mac Macabee  
Kathleen Kluger  
Pete Smith  
Rozanna Patane  
James Kences  
Carol Allen  
Francis Kershner  
John Branagan  
Frank Folley  
Dave Cohen

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)

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

Public Comment: None

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

I. **Endorsements**

J. **Old Business**

1. Discussion & Possible Action: LED Streetlights

Moved by Ms. Blanchard, seconded by Mr. Estes 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. Vote 3-0, motion passes.

Moved by Mr. Estes, seconded by Ms. Blanchard to do an RFP for streetlight conversion for town-owned lights. Vote 3-0, motion passes.

2. Discussion & Possible Action: Union Contracts
Moved by Ms. Blanchard, seconded by Mr. Estes 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. Vote 3-0, motion passes.

Moved by Ms. Blanchard, seconded by Mr. Estes to approve the collective bargaining agreement between the Town of York and the NEPBA Local 640 for the York Communication Unit dated July 1, 2019 through June 30, 2022. Vote 3-0, motion passes.

Moved by Ms. Blanchard, seconded by Mr. Estes 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. Vote 3-0, motion passes.

3. Discussion & Possible Action: Citizen Request to Purchase the Davis Property

Moved by Mr. Estes, seconded by Ms. Blanchard to delay this item until there is a full Board present at a meeting. Vote 3-0, motion passes.

4. Discussion & Possible Action: Public Easement Offer at Davis Property

Parks and Recreation Director Robin Cogger talked with the Board about the possibility of a public easement offered on behalf of the Mary McIntire Davis Trust and what next step might be appropriate.

5. Discussion & Possible Action: Use of Fund Balance in FY20

The Board chose to hold a special meeting week next week when they have a full Board to address this item.

6. Discussion & Possible Action: Capital Plan

The Board took no action on this item.

K. New Business

1. Discussion & Possible Action: Staffing Study

Moved by Ms. Blanchard, seconded by Mr. Estes to award the bid for a town wide staffing study to Ascent Consulting in the amount of $22,000. Vote 3-0, motion passes.

2. Discussion & Possible Action: Property Disposition Policy
Moved by Ms. Blanchard, seconded by Mr. Estes 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 proposed. Vote 3-0, motion passes.

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

Moved by Ms. Blanchard, seconded by Mr. Estes to amend the Transfer Station Rules as proposed. Vote 3-0, motion passes.

4. Discussion & Possible Action: Board and Committee Appointments

Moved by Ms. Blanchard, seconded by Mr. Estes to appoint Patricia Conner as a Regular Member to the Municipal Social Services Board with a term expiring June 30, 2022. Vote 3-0, motion passes.

Moved by Ms. Blanchard, seconded by Mr. Estes to appoint Ken Churchill as an Alternate Member to the Planning Board with a term expiring June 30, 2022. Vote 3-0, motion passes.

Moved by Ms. Blanchard, seconded by Mr. Estes to appoint Amy Phalon as a Regular Member to the Historic District Commission with a term expiring June 30, 2019. Vote 3-0, motion passes.

5. Discussion & Possible Action: Radochia Petition for Harbor Ordinance

Moved by Mr. Estes, seconded by Ms. Blanchard to direct the Town Manager to schedule and advertise a public hearing on January 28, 2019 for consideration of this petition. Vote 3-0, motion passes.

6. Discussion & Possible Action: Foreclosure Waiver(s)

Moved by Ms. Blanchard, seconded by Mr. Estes to waive foreclosure on the 4 trailers on the foreclosure list. Vote 3-0, motion passes.

L. **Future Agendas**

M. **Other Business**

N. **Citizens’ Forum**

Public Comment: James Kences

Adjourn
Moved by Ms. Blanchard, seconded by Mr. Estes to adjourn the meeting at 10:05 PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager
BOARD OF SELECTMEN’S
MEETING MINUTES
6:00PM  WEDNESDAY, JANUARY 23, 2019
YORK PUBLIC LIBRARY

Present: Chairman Todd A. Frederick, Vice-Chair Dawn Sevigny-Watson, Michael L. Estes, Elizabeth D. Blanchard, Robert E. Palmer, Jr., Town Manager Stephen H. Burns and members of the press and public.

Call to Order

Chairman Todd A. Frederick called the meeting to order at 6:00 PM.

1. Discussion & Possible Action: FY20 Budget Matters

Moved by Ms. Sevigny-Watson, seconded by Ms. Blanchard to set the FY20 COLA for union and non-union employees at 2.5%. Vote 5-0, motion passes.

Ms. Sevigny-Watson announced that a new job opportunity has led to her resignation from the Board of Selectmen on or before May 1, 2019.

Adjourn

Moved by Ms. Sevigny-Watson, seconded by Ms. Blanchard to adjourn the meeting at 6:20 PM. Without objection, so ordered.

Respectfully Submitted,

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

DATE SUBMITTED: January 23, 2019 □ ACTION
DATE ACTION REQUESTED: January 28, 2019 □ DISCUSSION ONLY
SUBJECT: Pole Location Permit

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The permit request has been reviewed by Director of Public Works Dean Lessard and an onsite inspection has been completed; Mr. Lessard recommend approval of the permit requested by Central Maine Power.

RECOMMENDATION: Approve the Pole Location Permit

PROPOSED MOTION: I move to approve the Pole Location Permit for 1 pole on Glenn Lane as described in the application from Central Maine Power.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: ________________________  REVIEWED BY: ________________________
Melissa M. Avery, Assistant to the Town Manager
LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC, dated 12/19/2019, asking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City / Town of York approximately located as follows:

1. Starting Point: 3 Eureka

2. Road (State & CoP): Glenn St

3. Direction: Southerly

4. Distance: 172' feet

5. Number of Poles: 1

Facilities shall consist of wood poles and appurtenances with a minimum of wire and cable not less than 18 feet over the public highway and/or buried cables or conduits and appurtenances placed a minimum depth of 36 inches under pavement and 30 inches elsewhere, all in a manner conforming to the National Electric Safety Code.

By: ____________________________

By: ____________________________

By: ____________________________

By: ____________________________

By: ____________________________

Municipal Officials

Office of the ____________________________

Received and Recorded in Book Page

Attest: ____________________________

Clerk
CENTRAL MAINE POWER COMPANY

APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: York, Maine

To the:
☐ City
☒ Town

☒ County of York, Maine

Central Maine Power hereby applies for permission to:
☒ Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

☒ Construct and maintain buried cables, conduits, manholes and handholes, together with who and cables, transformers, outlets, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

Central Maine Power Company and Northern New England Telephone Operations LLC join in applying for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: 3 Eureka

2. Road (State & CMV): Glenn St

3. Direction: Southerly

4. Distance: 1 1/2' feet

5. Number of Poles: 1

☒ Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.

☒ Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

Any person, firm, or corporation to be adversely affected by this proposed location shall file a written objection with the State Department of Transportation, City, Town or County stating the cause of said objection within fourteen (14) days after the publication of this notice or ninety (90) days after installation of facilities without publication.

☒ Public Notice of this application has been given by publishing the text of this notice.

In: ____________________________

On: ____________________________

Central Maine Power Company

By: Haina Thorton

Date: 12/10/2016

Not Published

Northern New England Telephone Operations LLC

Date: 12/19/2015

Tessa Thorne - Right of Way
Facilities to consist of wood poles and appurtenances with a minimum clearance of wire and cables not less than 21 feet over the public highway, and/or underground facilities to consist of buried cables, conduits, transformers and manholes for operation at 7200 volts to ground single phase. Construction to be suitable for future operation at a voltage not to exceed 22KV to ground single phase. Right-of-way limits indicated are based on the best field information available. Poles/Pads are staked. For further information call: Elaine Titherington at Central Maine Power Company tel: 207-629-2642. Pole/Pad spans shown are approximate.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 22, 2019  ✓ ACTION
DATE ACTION REQUESTED: January 28, 2019  □ DISCUSSION ONLY

SUBJECT: Acceptance or rejection of conditional donations in the amount of $43,500.00 for the purchase of inscribed amenities to be placed at the Long Sands Gardens (Greenspace at the bath house).

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Long Sands Bathhouse Building Committee established a campaign to seek donations for the purchase and implementation of amenities for the greenspace at the Long Sands Bathhouse. The State Statute (MRSA 5654) requires a municipality's governing Board accept or reject any conditional donations. The Parks and Recreation Department will manage the implementation and oversight of each gift if the Board chooses to accept it. The donation guidelines clearly state the Town is not obligated to repair or replace the amenities moving forward. Please see attached.

RECOMMENDATION: The Parks and Recreation Department recommends approval.

PROPOSED MOTION:
I move to accept the following donations for amenities at the Long Sands Bathhouse:
$5,000.00 for a bench, from Mary Hale
$5,000.00 for a bench, from Jeanne Gilbert
$5,000.00 for a bench, from John Rosicky
$5,000.00 for a bench, from Troy Williams
$5,000.00 for a bench, from Jayne Champagne
$3,500.00 for a picnic table, from Leeward Landing Thrift Store
$15,000.00 for a flag pole, from Libby's Oceanside Camp Ground
<table>
<thead>
<tr>
<th>FISCAL IMPACT:</th>
<th>$43,500.00 Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT LINE ITEM ACCOUNT:</td>
<td></td>
</tr>
<tr>
<td>BALANCE IN LINE ITEM IF APPROVED:</td>
<td></td>
</tr>
</tbody>
</table>

PREPARED BY: [Signature]

REVIEWED BY: [Signature]
Organization or Business Name

Contact Name

Mailing Address

Email Address

Telephone

_____ Yes, I would like to become a sponsor of the Long Sands Gardens Project!

Level of sponsorship:

_____ Diamond .......... $10,000
_____ Platinum .......... $5,000
_____ Gold ............... $2,500
_____ Silver .............. $1,000
_____ Bronze ............ $500

_____ Yes, I am interested in a Gifting Opportunity!

Gifts:

_____ Nautical Flagpole with Yardarm ......................... $15,000 (Sold)
_____ Commercial Bench Swing ................................. $10,000
_____ Outdoor Rinse Station (shower) ......................... $5,500 (Sold)
_____ Drinking Fountain ......................................... $5,500 (Sold)
_____ Decorative Light Poles (6) ............................. $6,000
_____ Benches (12) ............................................. $5,000 (7 available as of 10/10/18)
_____ Picnic Tables (6) ......................................... $3,500 (4 available as of 10/10/18)
_____ Bike Racks (3) ............................................ $2,500 (Sold)
_____ Other Donation

I have enclosed a check in the amount of 

Please send order with check payable to: Long Sands Garden Project
186 York Street
York, Maine 03909
207-363-1040

_____ Please, bill me
**Long Sands Gardens-Gifting Program Guidelines**

Through gift giving opportunities, the Town of York Parks and Recreation Department will be developing the area surrounding the Long Sands Bathhouse, to be known as the Long Sands Gardens. Our goal is to enhance the visitor experience; this garden area will be aesthetically pleasing and pedestrian-friendly and will provide landscape value while allowing opportunities to commemorate or preserve the legacy of an organization, family member, friend or group.

Amenities will be installed in locations designated by the Bathhouse Building Committee and approved by the Town of York. The Committee has selected attractive amenities that are durable, fit in well with the landscape, and are easy to maintain.

While the Town respects the desire of individuals to remember their loved ones, it also recognizes the desire of other community members and guests not to be burdened with a constant reminder of death in public places. Recognition plaques may be discreetly placed on amenities following the guidelines below and with language preapproved as specified.

**Program Guidelines**

<table>
<thead>
<tr>
<th>Amenities (include, but may not be limited to)</th>
<th>Bench Swing</th>
<th>Outdoor-Rinse Station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nautical Flag Poles with Yardarm</td>
<td>Drinking Fountain</td>
<td>Benches</td>
</tr>
<tr>
<td>Decorative Light Poles</td>
<td>Bike Racks</td>
<td></td>
</tr>
<tr>
<td>Picnic Tables</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Plaque**

An optional inscribed plaque may be affixed to the front face of your amenity. The inscription can include a maximum of three lines of text containing up to a total of 18 characters per line (includes letters and spaces).

All language must be preapproved and should contain phrases such as "Gift from..., Dedicated to..., In Honor of..., or Celebrating..." instead of "In Memory of..., or "Remembering......" Any date must be limited to a single year (e.g. 2018). This will ensure a positive atmosphere for all visitors. A proof will be sent to you to verify the engraving.

**Cost**

Item prices vary and can be found on the form attached. The price includes cost of the amenity, installation and engraving.

**Location**

The Bathhouse Building Committee or the York Parks and Recreation Department will determine the location of all amenities. Over time, changes at the Long Sands Gardens may necessitate relocating amenities to accommodate revisions to the landscape. The Town of York reserves the right to relocate amenities as needed.

**Damage/Vandalism/Replacement/Removal**

The Town of York Parks and Recreation Department does not assume responsibility for the cost of damaged or vandalized amenities. Commemorative amenities will be inspected and reviewed annually. The donor is responsible for the cost of repair or replacement if necessary. The Town of York realizes that no physical structure is eternal and that this gesture of an amenity has a limited life. At any time the Town may opt to remove any amenity, and not replace it, if said amenity is unsound, dangerous or unusable.

**Procedure for making an amenity donation**

If you wish to make a donation for an amenity, please call the Parks and Recreation Department office at 207-363-1040 in order to discuss your plans.

Once you have completed the application, provided an approved plaque inscription, and the funds for your amenity have been received your order will be considered complete. The Parks and Recreation Department or assigned contractor will install your amenity within a reasonable amount of time with mindfulness to any site work that is required for installation.

I have read and understand the Gifting Agreement and I accept and agree to all of the terms and conditions. I enter into this agreement voluntarily, with full knowledge of its effect.

**Signature**

**Date**

**Inscription Information**

Maximum of three (3) lines, eighteen (18) characters per line including spaces. All language must be approved. Please refrain from using "in memory of" or "remembering" or multiple dates.

Engrave the plaque with the following inscription:

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(2 of 2)
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 18, 2019  ☑ ACTION
DATE ACTION REQUESTED: January 28, 2019  □ DISCUSSION ONLY
SUBJECT: Acceptance of Conditional Donation

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

Pursuant to MRSA 5654 The Board of Selectmen may accept or reject donations that are conditional. A Fidelity Charitable donation in the amount of $6,000 on behalf of Jane Jacobson has been made to support the Visiting Author program at Coastal Ridge Elementary School. This donation will pay for a visiting author and a signed book for each student.

Please find attached to this form a letter noting the School Committee’s acceptance of this donation.

RECOMMENDATION: The School Committee recommends the Board accept the generous donation of $6,000 for the purpose stated above.

PROPOSED MOTION: Move that the Board accept the conditional donation of $6,000 from Fidelity Charitable on behalf of Jane Jacobson for the support of the Visiting Author program at Coastal Ridge Elementary School.

FISCAL IMPACT: $6,000
DEPARTMENT LINE ITEM ACCOUNT: York School Department Special Revenue Account 218
BALANCE IN LINE ITEM IF APPROVED: NA

PREPARED BY: James F. Amoroso,
Director of Finance and Operations,
York School Department
REVIEWED BY:  

[Signature]
January 18, 2019

Melissa M. Avery
Assistant to the Town Manager
Town of York
186 York Street
York, ME 03909

Dear Missy,

Enclosed is a Request for Action by the Board of Selectmen to accept, at their January 28th meeting, a $6,000 donation from Fidelity Charitable on behalf of Jane Jacobson. The School Department is prepared to administer this donation in accordance with the donor’s wishes. This donation will be used to support a visiting author program at Coastal Ridge Elementary School.

The York School Committee at their January 17, 2019 meeting accepted this donation. I’ll send you the minutes of this meeting the first of next week.

Sincerely,

[Signature]

James F. Amoroso
Director of Finance and Operations

cc: Wendy Anderson

Enclosure
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: 1/22/2019  □ ACTION
DATE ACTION REQUESTED: 1/28/2019  ☑ DISCUSSION ONLY

SUBJECT: 2018 Nubble Lighting Debrief and Report

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Annual Nubble Lighting occurred on Saturday, November 24th. Over the course of this event’s evolution, attendance has grown from dozens to thousands. This event allows us to showcase one of our Town’s greatest treasures, which all town departments recognize and continue to support. Discussions on how to improve the Lighting began immediately following the 2017 Lighting and took place throughout 2018. The committee that meets throughout the year was naturally formed with members of event key players. The committee is comprised of personnel from York Parks & Recreation, York Police Department, York Beach Fire Department and also included Ledgemere Transportation representation as our shuttle provider. Several changes came as a result of those meetings, including closing the entire Nubble peninsula, distributing parking placards to all peninsula residents (according to town records), increasing the presence of the York Police Department and the York Beach Fire Department, increasing our presence as a department and doubling the number of shuttle buses. The 2018 Lighting saw positives from those changes and areas in which we can continue to improve. The event committee debriefed the 2018 lighting within two weeks of the event, to evaluate adjustments and discuss positive ideas for 2019. The main points discussed during that meeting were improvements in shuttling, overall crowd control and emergency and safety protocol procedures. As this small-town event has grown to thousands driving long distances and even flying, the event committee wanted to proactively create safety measures to safeguard the wellbeing of attendees and to ensure the continuation of this prized event. One of these measures include creating a park capacity for the Lighting and similar events.

The committee also discussed options to create a more interactive event, which would work towards eliminating the element we heard the most negative feedback on, shuttling waits. Although we cannot shuttle for several hours and return everyone in a fraction of the time, the committee discussed options for more structured lines, plus additional entertainment elements to keep attendees at Sohier Park longer, thus staggering departures.

This event has grown in popularity with the increase of social media and has an increasing positive impact on our entire community. For the 2018 Lighting, the Facebook event reached 1.1 million and had over 47k interact with the event listing, meaning they marked themselves as attending, posed questions or commented on page content; this is over double the engagement from the 2017 event. The continued increase in attendees from a distance has greatly benefitted the town with thousands dining and/or staying overnight.

York Parks & Recreation Department is appreciative of the Board’s continued support for our special events, including the Annual Lighting of the Nubble and hopes to continue improving this town tradition.
RECOMMENDATION:  

PROPOSED MOTION:  

FISCAL IMPACT:  

DEPARTMENT LINE ITEM ACCOUNT:  

BALANCE IN LINE ITEM IF APPROVED:  

PREPARED BY: ___Elizabeth Cooper_________ REVIEWED BY: ___
RESIDENT

Please make placard visible in front windshield

NUBBLE LIGHT
YORK MAINE

RESIDENT PASS

On November 24th, 4:00pm - 8:00pm Nubble Rd will be closed to all thru traffic. Only residents with this pass (and shuttles from YHS and Short Sands) will be allowed. Sohier Park will be closed during this time to all vehicles. Thank you for helping us keep the Lighting of the Nubble safe for all.

Lighting of the Nubble
Nov. 24th, 2018
Notice of Public Hearing
Town of York - Board of Selectmen
Monday, January 28, 2019
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing regarding proposed Ordinance amendments to be considered at a May 2019 Special General Referendum, as follows:

1. Property Tax Relief Ordinance
2. Alarm Systems Ordinance
3. Polystyrene Foam Ordinance
4. Harbor Ordinance
5. Sohier Park Ordinance

Printed Copies of the text of these amendments (document dated January 8, 2019) are available at the Town Clerk’s Office in Town Hall, and digital copies are available on the Town website (www.yorkmaine.org).
Proposed Amendments

to be considered at the

May 2019 Special General Referendum

1. Property Tax Relief Ordinance
2. Alarm Systems Ordinance
3. Polystyrene Foam Ordinance
4. Harbor Ordinance
5. Sohier Park Ordinance
6. Supplemental Building Ordinance
Amendment #1
Property Tax Relief Ordinance – Remove Sunset Clause

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

Article X
The Town hereby ordains amendment of the Property Tax Relief Ordinance to
delete the sunset provision, specifically amending Section 9, Effective Date.

Statement of Fact: The purpose of this amendment is to remove the sunset clause
from this Ordinance, thereby continuing the Town’s property tax relief ordinance
into the future. This Ordinance was a new proposal, adopted on May 21, 2016 to
replace an earlier property tax relief ordinance. It is the practice of the Board of
Selectmen to include sunset provisions in new policies to ensure a review after the
policy has been in effect for some time.

Recommendation: Recommended by the Board of Selectmen:

Amendment: Delete the sunset provision in this Ordinance, as follows:

9. Effective Date

This Ordinance shall apply to benefit applications filed with the Town on
or after February 1, 2017, for a benefit relative to the 2016 income tax
year and subsequent income tax years.

SUNSET CLAUSE: This Ordinance shall remain valid until May 31,
2019. After this date the ordinance shall be repealed. It is expected that
this ordinance will be continued, with or without modification. This
Sunset Clause is provided to allow evaluation of this ordinance, the
program’s effectiveness, and make adjustments if needed without causing
adverse impacts.
Amendment #2
Alarm Systems Ordinance – Remove Sunset Clause

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

Article X
The Town hereby ordains amendment of the Alarm Systems Ordinance to delete
the sunset provision, specifically amending Section 14, Severability.

Statement of Fact: The purpose of this amendment is to delete the sunset clause,
thereby continuing the Town’s Alarm Systems Ordinance into the future. This
Ordinance was a new proposal, adopted on November 8, 2016. It is the practice of
the Board of Selectmen to include sunset provisions in new policies to ensure a
review after the policy has been in effect for some time.

Recommendations:
Recommended by the Board of Selectmen:

Amendment: Delete the sunset provision in this Ordinance, as follows:

XIV: Severability
The provisions of this ordinance are severable. If a court determines that a
word, phrase, clause, sentence, paragraph, subsection, section, or other
provision is invalid or that the application of any part of the provision to
any person or circumstance is invalid, the remaining provisions and the
application of those provisions to other persons or circumstances are not
affected by that decision.

SUNSET CLAUSE: This Ordinance shall remain valid until July 1, 2019.
After this date the ordinance shall be repealed. It is expected that this
ordinance will be continued, with or without modification. This Sunset
Clause is provided to allow evaluation of this ordinance, the ordinance’s
effectiveness, and make adjustments if needed without causing adverse
impacts.
Amendment #3
Polystyrene Foam Ordinance – Proposed New Regulation

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

Article X
The Town hereby ordains a new ordinance entitled, “Polystyrene Foam Ordinance.”

Statement of Fact: The purpose of this amendment is to reduce the use of polystyrene foam, commonly but incorrectly referred to as Styrofoam, through a ban on the sale of food and beverage containers made of polystyrene foam, and the use of such containers to package or serve food and beverages.

Recommendations: Recommended by the Board of Selectmen:

New Ordinance follows:

Polystyrene Foam Ordinance

SECTION 1. PURPOSE AND INTENT
The purpose of this ordinance is to greatly reduce the use of polystyrene foam in the Town of York.

The production and use of polystyrene foam as packaging and containers to serve or sell food and beverages have significant impacts on the marine and land environment of all coastal communities that outweigh their usefulness to the public. These impacts include but are not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land and marine environment; imposing an unnecessary burden on our solid waste management; polluting our storm drainage; and requiring the use of non-renewable fossil fuels for manufacture. Voluntary efforts to control the use of polystyrene foam food packaging and containers have had minimal effect to date.

The Town of York strives to conserve resources, reduce greenhouse gas emissions, waste and litter and to protect the quality of life for the Town’s residents and visitors.

SECTION 2. AUTHORITY
This Ordinance is adopted pursuant to the Town’s Home Rule Authority granted under Article VIII-A of the Maine Constitution and Title 30-A M.R.S. §3001.
SECTION 3. DEFINITIONS

Polystyrene Foam: Thermoplastic petrochemical materials which utilize a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). This includes blown polystyrene and expanded and extruded foams, often incorrectly called “styrofoam,” which is a trademarked polystyrene foam insulation. With respect to food packaging, polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. As used in this Ordinance, polystyrene shall not include clear polystyrene known as “oriented polystyrene.”

Retail Establishment: Any commercial enterprise engaged in the serving or sale of food and/or beverages, including but not limited to grocery stores, convenience stores, restaurants, take-out food purveyors, food trucks, and seasonal and temporary businesses.

Town: The Town of York, including the York School Department.

SECTION 4. STANDARDS

The following standards shall apply:

A. Retail establishments shall not serve or sell food or beverages utilizing polystyrene foam packaging or containers.

B. Retail establishments shall not sell polystyrene foam food or beverage containers.

C. The Town shall not purchase polystyrene food or beverage containers.

SECTION 5. EXCEPTIONS

A. The sale and packaging of raw seafood shall be exempt from this Ordinance.

B. This Ordinance shall not apply to nonprofit and religious organizations.

SECTION 6. ADMINISTRATION AND ENFORCEMENT

A. The Code Enforcement Officer (CEO) shall have the authority to administer and enforce this Ordinance.

B. If it is determined that a violation has occurred by a retail establishment, the CEO shall first offer a verbal warning. The CEO shall issue a written warning if the violation continues or is resumed at a subsequent date. After a written warning has been issued, the CEO shall issue a written notice of violation for any subsequent violations and shall impose a penalty against the violator. The penalty associated with each written notice of violation shall be:

1. $50 for the first offense, or
2. $100 for the second and all subsequent offenses. To be considered a second or subsequent offense, the violation must occur within one year of the most recent prior violation.

C. No more than one penalty shall be imposed upon a retail establishment within a 7-day period.

D. A retail establishment shall have 15 days following receipt of a written notice of violation to pay the penalty.

SECTION 7. APPEALS

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the York County Superior Court. Any appeal must be filed within 30 days of the decision or action being appealed.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect 1 year following the date of adoption by the voters to allow Retail Establishments time to make necessary adjustments to bring operations into compliance with the law.

SECTION 9. SEVERABILITY

Should any portion of this Ordinance be held by the courts to be invalid, this shall not affect the validity of remaining portions of this Ordinance.
Amendment #4
Harbor Ordinance – Citizen Petition

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

Article X
The Town hereby ordains amendment of the Harbor Ordinance to alter the regulation of structures, specifically amending Section 3.I, Construction and Alteration of Structures, Subsections 3.e.2 and 3.e.3.

Statement of Fact: This amendment was submitted to the Town by citizen petition, as allowed under the Town of York Home Rule Charter. This amendment pertains to standards for permitting docks, piers, wharfs and floats. If passed, it removes a standard that limits dock location based on the separation of the low water channel and the high water mark in the York River, and it adds an additional standard that limits the length to which a pier or float combination may extent into the channel.

Recommendations:
Recommended by the Harbor Board:
Recommended by the Board of Selectmen:

Amendment: as follows:

SECTION 3. HARBOR USE REGULATIONS

I. 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:

...

c. 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.
Amendment #5
Sohier Park Ordinance – General Amendments

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

Article X
The Town hereby ordains amendment of the Sohier Park Ordinance in order to incorporate Nubble Light and the island into Sohier Park and prohibiting unauthorized trespassing on the island.

Statement of Fact: Passage of this amendment would expand the boundaries of Sohier Park, which is currently limited to the mainland property only. The island with the lighthouse would be added to the park and the park rules would then apply on the island itself. Additionally, trespassing on the island would be prohibited.

Recommendations:
Recommended by the Sohier Park Committee:
Recommended by the Board of Selectmen:

Amendment: Insert two new sections and re-number subsequent sections as follows:

SOHIER PARK ORDINANCE

Section 1. Park Boundaries

The Park shall include the property acquired from William D. Sohier in 1929 (the mainland), and the property acquired from the federal government in 1998 (the island and the lighthouse).

Section 2. Trespassing

Trespassing on the island and at the lighthouse shall be prohibited except by permission of the Town.

Section 3 4. Scuba and Skin Diving

A. No person within the limits of the park property, shall engage in, participate in, conduct or carry on any so-called scuba or skin diving or snorkeling activities on Sundays and State of Maine and National Holidays from the first Sunday in April to the last Sunday in October inclusive.

B. The number of divers may be established by the Board of Selectmen.
C. No persons, within the limits of the park property shall fill or recharge, by any means whatsoever, any so-called air tanks, scuba or skin diving apparatus for containing or storing of air, oxygen, or other gases, under pressure for breathing apparatuses or propulsion apparatuses at any time.

Section 42. Dogs

No dogs are allowed in the park except confined to motor vehicles or on a leash.

Section 53. Parking

A. No parking from 1:00 A.M. to 5:00 A.M., current time.
B. Parking shall only be in designated areas.

Section 64. Alcoholic Beverages

No person shall at any time, within the limits of Sohier Park, be in possession of any open container of any alcoholic beverage. Any bottle or can or alcoholic beverage with the seal broken shall be considered an open container for the purpose of this ordinance.

Section 75. Rubbish

No rubbish shall be deposited in the park except in containers provided.

Section 86. Liability

A. The Town of York and/or Sohier Park Committee assume no liability for any personal accident within the boundaries of the park.
B. Sohier Park is established and controlled by the York Board of Selectmen and any committee the Board may appoint.
Section 9 7. Penalty

Any person who violates this ordinance shall be subject to a civil penalty of $50.00 for the first offense, $75.00 for the second offense, and $100.00 for the third and subsequent offenses.

Section 10 8. 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.

Section 11 9. Severability

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.
Amendment #6  
Supplemental Building Ordinance – Revise State Code References

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

Article X
The Town hereby ordains amendment of the Supplemental Building Ordinance to revise the references to the State’s adopted Maine Uniform Building and Energy Code as specified in Section 8.

Statement of Fact: The purpose of this amendment is to have the text of the Town’s Ordinance reflect the current State Building Codes. The State chooses the standards which must be administered and enforced locally. This amendment ensures the local Ordinance references the correct state requirements to help builders and citizens understand what is required of them. The dates of revision of two state codes have changed, and one was missing from the list and will be added. There was also old retroactive language that no longer applied and is to be deleted.

Recommendation:
Recommended by the Board of Selectmen:

Amendment: Amend Section 8 as follows:

REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 23, 2019

DATE ACTION REQUESTED: January 28, 2019

SUBJECT: Ordinance Amendments

☐ ACTION
☐ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: There are 6 proposed ordinance amendments before the Board. We have posted each for a public hearing. All are provided with the ballot question and a statement of fact and should be ready for voter consideration.

The process for handling the petitioned change to the Harbor Ordinance is set by Charter and the Board simply needs to forward that to a May vote. The other amendments are at the discretion of the Board and can be forwarded, modified or killed.

Any modifications desired must be made at this time if the amendment is to be considered by the voters in May.

Only 1 public hearing is required if an amendment is not substantively altered. I recommend two hearings simply to offer an additional opportunity for public input.

RECOMMENDATION: Conduct the public hearing on these amendments. Identify any changes the Board wants, and bring them all back for a second public hearing.

The only exception I’d make in this regard is for the petitioned amendment – that can’t be amended so I’d send it forward to the voters now.

PROPOSED MOTION: I move to forward the petitioned amendment to the Harbor Ordinance to a Special General Referendum to be held on May 18, 2019.

I move to conduct a second public hearing on the remaining 5 amendments, to be held on March 25th. (If changes are needed, identify those here.)

Prepared by Stephen H. Burns, Town Manager:
The Harbor Board has reviewed the proposed ordinance change that removes restrictions on where docks are allowed. The proposed ordinance change removes all limitations on dock length. This change could allow 20 to 60 additional docks, all longer than currently allowed, to be built in the York River. Docks could be built in excess of 500 feet. The Harbor Board believes that no changes to the existing dock ordinance should be made until the impact of any change is fully understood. The Harbor Board is concerned that the York River may be at or over capacity. Below is a brief history of the current ordinance, as well as recommendations, by the Harbor Board, on how to evaluate the impact of the proposed changes.

In 1977, to regulate and limit the length of new docks on the York River, an ordinance was approved that prohibited new construction of docks on properties where the high to low water distance exceeded 50 feet. This ordinance effectively limited the length of newly constructed docks to approximately 80 feet in length. In 2002, the ordinance was amended to change the high to low water distance to 84 feet in the area east of Sewall’s Bridge. This change effectively limited new docks to approximately 114 feet in length. The 2002 change reflected average lengths of existing docks, east of Sewall’s Bridge. Under the current ordinance there are several properties eligible for new docks. There are approximately 60 docks on the York River today.

The Harbor Board recommends that a quantitative analysis be performed that will provide the following data:

1) Existing number of docks.
2) Existing length of docks.
3) Number of new docks that could built under current ordinance.
4) Number of new docks that could be built under proposed ordinance.
5) Length of docks under proposed ordinance.
6) Number of boats in the river under current ordinance.
7) Number of boats in the river if all new docks are built under proposed ordinance.

The Harbor Board recommends that a study be performed that will help in understanding the impact of this ordinance change and possible future changes. Issues that should be studied are:

1) Public safety.
2) Water quality.
3) Working waterfront.
4) Erosion.
5) Increased traffic.
6) Natural resources.
7) Wildlife.
8) Carrying capacity of river, i.e. recreational uses including paddlecraf, and commercial uses.

It is the expectation of the Harbor Board, that the above analysis and study will show if the York River is under, at or over capacity. This information will help the Town of York manage the dock ordinance to address both the rights of shoreland property owners and the best interests of the York River.

It is the recommendation of the Harbor Board that the proposed ordinance change should not be supported by the Select Board.

Sincerely,

David P. Webber
York Harbor Board
Proposed Amendments

to be considered at the

May 2019 Special General Referendum

1. Property Tax Relief Ordinance
2. Alarm Systems Ordinance
3. Polystyrene Foam Ordinance
4. Harbor Ordinance
5. Sohier Park Ordinance
6. Supplemental Building Ordinance
Amendment #1

Property Tax Relief Ordinance – Remove Sunset Clause

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

**Article X**
The Town hereby ordains amendment of the Property Tax Relief Ordinance to delete the sunset provision, specifically amending Section 9, Effective Date.

**Statement of Fact:** The purpose of this amendment is to remove the sunset clause from this Ordinance, thereby continuing the Town’s property tax relief ordinance into the future. This Ordinance was a new proposal, adopted on May 21, 2016 to replace an earlier property tax relief ordinance. It is the practice of the Board of Selectmen to include sunset provisions in new policies to ensure a review after the policy has been in effect for some time.

**Recommendation:**
Recommended by the Board of Selectmen:

**Amendment:** Delete the sunset provision in this Ordinance, as follows:

**9. Effective Date**

This Ordinance shall apply to benefit applications filed with the Town on or after February 1, 2017, for a benefit relative to the 2016 income tax year and subsequent income tax years.

**SUNSET CLAUSE:** This Ordinance shall remain valid until May 31, 2019. After this date the ordinance shall be repealed. It is expected that this ordinance will be continued, with or without modification. This Sunset Clause is provided to allow evaluation of this ordinance, the program’s effectiveness, and make adjustments if needed without causing adverse impacts.
Amendment #2

Alarm Systems Ordinance – Remove Sunset Clause

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

Article X
The Town hereby ordains amendment of the Alarm Systems Ordinance to delete the sunset provision, specifically amending Section 14, Severability.

Statement of Fact: The purpose of this amendment is to delete the sunset clause, thereby continuing the Town’s Alarm Systems Ordinance into the future. This Ordinance was a new proposal, adopted on November 8, 2016. It is the practice of the Board of Selectmen to include sunset provisions in new policies to ensure a review after the policy has been in effect for some time.

Recommendations: Recommended by the Board of Selectmen:

Amendment: Delete the sunset provision in this Ordinance, as follows:

XIV: Severability
The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

SUNSET CLAUSE: This Ordinance shall remain valid until July 1, 2019. After this date the ordinance shall be repealed. It is expected that this ordinance will be continued, with or without modification. This Sunset Clause is provided to allow evaluation of this ordinance, the ordinance’s effectiveness, and make adjustments if needed without causing adverse impacts.
Amendment #3
Polystyrene Foam Ordinance – Proposed New Regulation

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

Article X
The Town hereby ordains a new ordinance entitled, “Polystyrene Foam Ordinance.”

Statement of Fact: The purpose of this amendment is to reduce the use of polystyrene foam, commonly but incorrectly referred to as Styrofoam, through a ban on the sale of food and beverage containers made of polystyrene foam, and the use of such containers to package or serve food and beverages.

Recommendations:
Recommended by the Board of Selectmen:

New Ordinance follows:

Polystyrene Foam Ordinance

SECTION 1. PURPOSE AND INTENT
The purpose of this ordinance is to greatly reduce the use of polystyrene foam in the Town of York.

The production and use of polystyrene foam as packaging and containers to serve or sell food and beverages have significant impacts on the marine and land environment of all coastal communities that outweigh their usefulness to the public. These impacts include but are not limited to: contributing to the potential death of marine animals through ingestion and entanglement; contributing to pollution of the land and marine environment; imposing an unnecessary burden on our solid waste management; polluting our storm drainage; and requiring the use of non-renewable fossil fuels for manufacture. Voluntary efforts to control the use of polystyrene foam food packaging and containers have had minimal effect to date.

The Town of York strives to conserve resources, reduce greenhouse gas emissions, waste and litter and to protect the quality of life for the Town’s residents and visitors.

SECTION 2. AUTHORITY
This Ordinance is adopted pursuant to the Town’s Home Rule Authority granted under Article VIII-A of the Maine Constitution and Title 30-A M.R.S. §3001.
SECTION 3. DEFINITIONS

Polystyrene Foam: Thermoplastic petrochemical materials which utilize a styrene monomer and processed by any number of techniques including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene). This includes blown polystyrene and expanded and extruded foams, often incorrectly called “styrofoam,” which is a trademarked polystyrene foam insulation. With respect to food packaging, polystyrene foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons. As used in this Ordinance, polystyrene shall not include clear polystyrene known as “oriented polystyrene.”

Retail Establishment: Any commercial enterprise engaged in the serving or sale of food and/or beverages, including but not limited to grocery stores, convenience stores, restaurants, take-out food purveyors, food trucks, and seasonal and temporary businesses.

Town: The Town of York, including the York School Department.

SECTION 4. STANDARDS

The following standards shall apply:

A. Retail establishments shall not serve or sell food or beverages utilizing polystyrene foam packaging or containers.

B. Retail establishments shall not sell polystyrene foam food or beverage containers.

C. The Town shall not purchase polystyrene food or beverage containers.

SECTION 5. EXCEPTIONS

A. The sale and packaging of raw seafood shall be exempt from this Ordinance.

B. This Ordinance shall not apply to nonprofit and religious organizations.

SECTION 6. ADMINISTRATION AND ENFORCEMENT

A. The Code Enforcement Officer (CEO) shall have the authority to administer and enforce this Ordinance.

B. If it is determined that a violation has occurred by a retail establishment, the CEO shall first offer a verbal warning. The CEO shall issue a written warning if the violation continues or is resumed at a subsequent date. After a written warning has been issued, the CEO shall issue a written notice of violation for any subsequent violations and shall impose a penalty against the violator. The penalty associated with each written notice of violation shall be:

1. $50 for the first offense, or
2. $100 for the second and all subsequent offenses. To be considered a second or subsequent offense, the violation must occur within one year of the most recent prior violation.

C. No more than one penalty shall be imposed upon a retail establishment within a 7-day period.

D. A retail establishment shall have 15 days following receipt of a written notice of violation to pay the penalty.

SECTION 7. APPEALS

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the York County Superior Court. Any appeal must be filed within 30 days of the decision or action being appealed.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect 1 year following the date of adoption by the voters to allow Retail Establishments time to make necessary adjustments to bring operations into compliance with the law.

SECTION 9. SEVERABILITY

Should any portion of this Ordinance be held by the courts to be invalid, this shall not affect the validity of remaining portions of this Ordinance.
Amendment #4
Harbor Ordinance – Citizen Petition

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

Article X
The Town hereby ordains amendment of the Harbor Ordinance to alter the regulation of structures, specifically amending Section 3.1, Construction and Alteration of Structures, Subsections 3.e.2 and 3.e.3.

Statement of Fact: This amendment was submitted to the Town by citizen petition, as allowed under the Town of York Home Rule Charter. This amendment pertains to standards for permitting docks, piers, wharfs and floats. If passed, it removes a standard that limits dock location based on the separation of the low water channel and the high water mark in the York River, and it adds an additional standard that limits the length to which a pier or float combination may extend into the channel.

Recommendations:
Recommended by the Harbor Board:
Recommended by the Board of Selectmen:

Amendment: as follows:

SECTION 3. HARBOR USE REGULATIONS

I. 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 Barrels 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.
Amendment #5
Sohier Park Ordinance – General Amendments

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

**Article X**
The Town hereby ordains amendment of the Sohier Park Ordinance in order to incorporate Nubble Light and the island into Sohier Park and prohibiting unauthorized trespassing on the island.

**Statement of Fact:** Passage of this amendment would expand the boundaries of Sohier Park, which is currently limited to the mainland property only. The island with the lighthouse would be added to the park and the park rules would then apply on the island itself. Additionally, trespassing on the island would be prohibited.

**Recommendations:**
Recommended by the Sohier Park Committee:
Recommended by the Board of Selectmen:

**Amendment:** Insert two new sections and re-number subsequent sections as follows:

**SOHIER PARK ORDINANCE**

*Section 1. Park Boundaries*

The Park shall include the property acquired from William D. Sohier in 1929 (the mainland), and the property acquired from the federal government in 1998 (the island and the lighthouse).

*Section 2. Trespassing*

Trespassing on the island and at the lighthouse shall be prohibited except by permission of the Town.

*Section 3. Scuba and Skin Diving*

A. No person within the limits of the park property, shall engage in, participate in, conduct or carry on any so-called scuba or skin diving or snorkeling activities on Sundays and State of Maine and National Holidays from the first Sunday in April to the last Sunday in October inclusive.

B. The number of divers may be established by the Board of Selectmen.
C. No persons, within the limits of the park property shall fill or recharge, by any means whatsoever, any so-called air tanks, scuba or skin diving apparatus for containing or storing of air, oxygen, or other gases, under pressure for breathing apparatuses or propulsion apparatuses at any time.

Section 42. Dogs

No dogs are allowed in the park except confined to motor vehicles or on a leash.

Section 53. Parking

A. No parking from 1:00 A.M. to 5:00 A.M., current time.
B. Parking shall only be in designated areas.

Section 64. Alcoholic Beverages

No person shall at any time, within the limits of Sohier Park, be in possession of any open container of any alcoholic beverage. Any bottle or can or alcoholic beverage with the seal broken shall be considered an open container for the purpose of this ordinance.

Section 75. Rubbish

No rubbish shall be deposited in the park except in containers provided.

Section 86. Liability

A. The Town of York and/or Sohier Park Committee assume no liability for any personal accident within the boundaries of the park.
B. Sohier Park is established and controlled by the York Board of Selectmen and any committee the Board may appoint.
Section 9.7. Penalty

Any person who violates this ordinance shall be subject to a civil penalty of $50.00 for the first offense, $75.00 for the second offense, and $100.00 for the third and subsequent offenses.

Section 10.8. 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.

Section 11.9. Severability

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.
Amendment #6
Supplemental Building Ordinance – Revise State Code References

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

Article X
The Town hereby ordains amendment of the Supplemental Building Ordinance to revise the references to the State’s adopted Maine Uniform Building and Energy Code as specified in Section 8.

Statement of Fact: The purpose of this amendment is to have the text of the Town’s Ordinance reflect the current State Building Codes. The State chooses the standards which must be administered and enforced locally. This amendment ensures the local Ordinance references the correct state requirements to help builders and citizens understand what is required of them. The dates of revision of two state codes have changed, and one was missing from the list and will be added. There was also old retroactive language that no longer applied and is to be deleted.

Recommendation:
Recommended by the Board of Selectmen:

Amendment: Amend Section 8 as follows:

REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 24, 2019
DATE ACTION REQUESTED: January 28, 2019
SUBJECT: Amend Special Event Regulation

☐ ACTION
☒ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: At the request of the Town Manager, and with support and feedback from the York Fire Departments, Police Department, Parks and Recreation Department, York Highway Department, Water and Sewer Departments, I offer the following amendment to the special events regulation. The purpose of this amendment is to address all special events to include high impact events. The amendment calls for a coordinated review of all special events and clearly states the Board’s authority to approve or deny any special event after being provided guidance from the review panel.

RECOMMENDATION: Hold a public hearing to amend the special events regulation as follows: Section 6 Review Process, F. Following a coordinated review process, the Board of Selectmen may approve or deny a Special Event Application. If the Board of Selectmen deny a Special Event Application, the applicant may request a re-hearing. The Board shall only consider a re-hearing if new material information is included within the Special Event Application.

PROPOSED MOTION: Move to adopt special events regulation amendment

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

PREPARED BY: Owen Davis, Patrol Lieutenant  REVIEWED BY:
Special Event Regulations

Town of York, Maine

Date of Current Version: February 12, 2018

Date of Original Enactment: February 12, 2018

Prior Revisions:

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend these regulations: February 12, 2018.

Certified by the Town Clerk: [Signature] on 2/13/18.
1. Purpose
The purpose of these regulations is to provide the Town with a mechanism for evaluating and regulating Special Events on public ways, Town Parks and Town-owned properties. This helps to ensure availability of municipal resources in order to properly manage the events, to minimize adverse impacts and to protect public safety.

2. Authorization
Pursuant to authorization granted by the voters of York to the Board of Selectmen (the Board) on November 4, 2014; the Board is hereby authorized to enact regulations to limit and control special events on public property. Before enacting new regulations or amending existing regulations, the Board shall post proposed amendments a minimum of 7 days in advance of the date of a public hearing and shall conduct a public hearing for the purpose of receiving testimony.

3. Definitions

**Applicant** – The person or organization that proposes, applies for and is responsible for a special event.

**Special Event** – A temporary use or activity that occurs on any Town street, Town Park or other Town-owned property that is outside the normal use of such, or that causes impacts beyond those associated with normal use. This includes but is not limited to parades, group walks, road races, fundraising walks, bicycle tours, motorcycle tours, craft fairs, festivals, sidewalk sales, block parties, swimming events, surfing events, fireworks, and bonfires.

**Town** – Town of York, including the York School District.

4. Applicability
The following activities shall be subject to the Special Event Regulations unless specified below:

A. Any event held on Town-owned property that will involve 100 people or more for a duration longer than 2 hours;

B. Any event that will occur within a street, public way and could affect the flow of traffic, people or access by emergency vehicles, or affect public parking; or

C. Any event that will utilize Town-owned property, which requires a reservation or support services (i.e. police, fire or ambulance staff support).

*Exemption: Funeral processions, scheduled activities (sporting events, graduations, plays, or similar uses) held at school facilities, or scheduled sporting events with the York Parks and Recreation Department are exempt from special event permit requirements.*
5. Scheduling

A. All Special Event permit applications shall be filed at least 45 days in advance of the proposed event. Non-recurring Special Events should not be scheduled more than six months in advance of the proposed event. Exceptions may be approved by the Town Manager.

B. Priority will be given to the following organizations/groups:
   1. Recurring annual special events;
   2. Town sponsored events;
   3. York Public Library and York Utility Districts (Sewer/Water);
   4. Non-profit Community Organizations; and
   5. Private and Commercial Events unless they are recurring as specified above.

6. Review Process

A. All Special Events requiring a permit shall fill out a Special Event Permit Application, which will be reviewed by Town departments and other interested parties as specified in the application.

B. Special Event Permit applications shall be obtained from the Town Manager’s Department. The Town Manager or their designee will serve as the point of contact through the application process.

C. Any Special Event that may occur simultaneously or in close proximity to a recurring annual Town Sponsored Event (Christmas in July, Turkey Trot, Lighting of the Nubble, Festival of Lights, Memorial Day Parade, etc.) may require additional review by the Town Manager or their designee, and may be rejected.

D. All Special Events that might have the potential to impact town services (police, fire, ambulance etc.) will submit a detailed operation and management plan that addresses the following unless waived by the Board of Selectmen:
   1. Traffic control and safety;
   2. Parking management;
   3. Solid waste collection and disposal;
   4. Use and placement of sanitary facilities;
   5. Fire management and emergency response;
   6. Event set-up, material removal and clean-up operations;
   7. Any other items related to Public Safety & Health as deemed appropriate by Police, Fire or Parks and Recreation Departments; and
   8. Assessment of any costs incurred by the Town related to the utilization of municipal resources or the use of other support services (i.e. York Ambulance).

E. A Special Event shall not take place until a Special Event application has been reviewed and approved by the Board of Selectmen and the applicant is officially notified by the Town Manager or their designee of permit approval.
F. If the Board of Selectmen deny a Special Event Application, the applicant may request a re-hearing. The Board shall only consider a re-hearing if new material information is included within the Special Event Application.

7. General Requirements
   A. As specified in the Special Event Ordinance, an application fee shall be submitted at the time of application for each special event requested. Note: the following groups are exempt from this requirement:
      1. Town of York Sponsored Events;
      2. York Public Library and York Utility Districts; and
      3. Non-profit organizations with an address in York.

   B. All materials included in a Special Event permit application shall be binding upon the applicant and those who coordinate and operate the event. It shall be the responsibility of the applicant to provide all information herein to the entity responsible for operating and coordinating the event.

   C. Any Special Event that will impact the use of a public way/ street shall be limited to no more than one event on the same weekend within a defined fire department service area (Currently two: York Beach and York Village Fire Department service areas). It shall be at the discretion of the York Police, York Beach and York Village Fire Departments for how to coordinate and assess a special event that impacts both service areas during an event.

   D. A Certificate of Insurance will be required for all Special Events, excluding events of the Town or local utility districts. The Certificate of Liability Insurance must state under Description of Operation: Town of York is an Additional Insured regarding the (must put in title of event) being held in York, Maine. One million dollars ($1,000,000.00) will be considered the minimum amount of liability coverage acceptable to the Town.

   E. All Special Events shall comply with all applicable Town Ordinances including but not limited to noise, fireworks, parking, solid waste, etc.

   F. Any decorations or equipment used in association with the Special Event must comply with all current applicable Fire Codes. If there are any questions regarding this code, please contact the pertinent fire department serving the area where the event is taking place. The use of fireworks during a special event shall follow applicable town, state, and federal safety requirements and standards, and are subject to applicable conditions specified by designated municipal emergency response staff.

   G. It is the responsibility of the applicant to coordinate and arrange event set-up, material removal and clean-up operations. The applicant shall include the time/duration of Town-owned properties, Town Parks or public
ways/streets that will be impacted by the event. This includes event set-up, material removal and clean-up operations. All activities (including the use of fireworks) associated with the Special Event shall be outlined in the Special Event Application and is subject to review by Town staff.

H. The Special Event applicant must supply all necessary equipment for the safe and functional operation of the event. All equipment and materials associated with the Special Event (including refuse) must be removed at the end of the event, unless given prior written approval from the Town Manager or their designee. All requests must be made in writing and reviewed as part of the Special Event application process.

I. A Special Event applicant may request and utilize for a set fee ($), Town materials or equipment (other than motorized vehicles) as needed for the special event upon written approval from the department head whose equipment is being utilized (Fire, Police, Parks and Rec, DPW, etc.). The department heads and Board of Selectmen shall determine the appropriate fee for the use of Town materials or equipment as stipulated in the Special Event Application. Within 48 hours after the event it shall be the responsibility of the applicant to ensure any Town-owned materials or equipment utilized for a special event is returned to the proper department in the same condition it was upon acquisition. Upon written request Town materials or equipment fees may be waived in whole or in part by the Board of Selectmen prior to the special event.

J. The Town will not store materials indefinitely and may dispose of any residual materials. Any equipment or materials left on premise after the event without prior approval may be assessed a storage/handling fee.

K. Any entity representing itself as a non-profit organization shall produce evidence of non-profit status with the application.

L. 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.

M. A copy of the Special Event Application form and permit will be kept on file with the Town Managers Department and available for inspection to the public. The Special Event Applicant will be required to maintain a copy of the permit application, any approval and subsequent conditions.

N. If municipal, or York Ambulance assistance is required as part of a special event (i.e. traffic coordinator, refuse pick-up, ambulance service standby, etc.), the Town or York Ambulance shall require payment in advance for
such services, before the permit is issued unless waived by the Board of Selectmen.

8. Special Requirements
If required by municipal emergency personnel departments; any applicant seeking to conduct a Special Event that has the potential to impact municipal services may be required to organize and hold a “safety” meeting with municipal emergency personnel (fire, police, ambulance) and organizers of the event within seven (7) days of the scheduled event. The intent of this meeting is to ensure coordination between event organizers, staff and emergency personnel before, during and after the event. The applicant is responsible for initiating and scheduling this meeting.

9. Penalties
Whenever a special event is conducted without a Special Event Permit when one is required, or a special event is conducted in violation of the terms of an issued Special Event Permit, the applicant shall be responsible for all Town costs incurred and may not be approved for future special events in Town. The Town Manager shall invoice the special event applicant for Town personnel and equipment involved in any public safety response caused by, growing out of or necessitated by adverse impacts of the event or violation of the special event permit upon public safety. If the applicant fails to pay expenses incurred by the Town within thirty (30) days of receipt of the invoice then the Town shall utilize any legal means necessary to ensure payment.

10. Notice of Violation
Any applicant who violates any provision of this ordinance shall be subject to a civil penalty of $100.00 for the first offense, $150.00 for the second offense, and $250.00 for the third and subsequent offenses.

11. Waiver/Payment of Fines
Any applicant 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.

12. Enforcement
These regulations and any conditions attached to a special event permit shall be enforced by the York Police Department.

SUNSET CLAUSE: These regulations shall remain valid until May 31, 2020. After this date these regulations shall be repealed. It is expected that these regulations will be continued, with or without modification. This Sunset Clause is provided to allow evaluation of these regulations, the regulations effectiveness, and make adjustments if needed without causing adverse impacts.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 25, 2019

DATE ACTION REQUESTED: January 28, 2019

SUBJECT: LED Streetlights

☐ ACTION

☐ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: At the meeting of January 14th the Board voted to advance this capital project - acquisition of streetlights from CMP and replacement with energy-efficient LED fixtures. This was consistent with the Board’s decision of April 24, 2017, and the action taken was the motion I had requested. It was based on the concept of municipal ownership rather than rental, and a process and service to be provided by RealTerm.

The Board then directed me to bring back an RFP for vendors to complete this work. RealTerm is a vendor that had been selected by a 4-town RFQ process, and they offered York the exact same deal the other communities had received. That is the basis for the 2017 vote to proceed. The RFQ was about quality of product and service, and the price is to be negotiated. An RFP would be the wrong process for this sort of service contract.

CMP was considered because it offered a new option – continuing to rent while it converted the streetlights to LEDs – and this materialized during our contract negotiations with RealTerm.

With the decision last week to affirm the purchase option instead of the rental option, I think it is fair to continue with RealTerm - the firm that was originally selected by the Board. To have them put all their cards on the table for all to see, and then decide to go out to bid seems unfair to me.

If the Board decides it wants an RFQ then I will work with the Energy Steering Committee to initiate a new process.

RECOMMENDATION: I recommend the Board proceed as earlier approved to contract with RealTerm to complete the acquisition and LED conversion of streetlights.
PROPOSED MOTION: I move to affirm the Board’s prior decisions seek voter approval to acquire streetlights along public ways and to convert these to LED lights, per the proposal by RealTerm.

Prepared by Stephen H. Burns, Town Manager:
BOARD OF SELECTMEN’S  
MEETING MINUTES  
6:00PM/7:00PM  MONDAY, APRIL 24, 2017  
YORK PUBLIC LIBRARY

6:00PM: Executive Session - Pursuant to Title 1 MRS § 405.6.D (Collective Bargaining Contracts)

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, Town Manager Stephen H. Burns, and Director of Human Resources Liam Gallagher.

Absent: Michael L. Estes

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to enter into executive session. Without objection so ordered.

Moved by Ms. Sevigny-Watson, seconded by Mr. Estes to exit out of executive session. Without objection, so ordered.

7:00PM Regular Meeting

Present: Chairman Robert E. Palmer, Jr., Vice-Chairman Jonathan O. Speers, Todd A. Frederick, Dawn Sevigny-Watson, Town Manager Stephen H. Burns, and members of the press and public.

Absent: Michael L. Estes

Call to Order

Chairman Robert E. Palmer, Jr. called the meeting to order at 7:00PM.

Pledge of Allegiance

A. Minutes

B. Chairman’s Report

C. Manager’s Report

D. Awards
1. LED Streetlights

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that a capital acquisition project consisting of a Turn-Key Street Light Conversion (the "project"), as presented to the Board of Selectmen at this meeting, is hereby approved. Also moved that a Lease Purchase Agreement shall be executed for the purpose of financing the Project in the maximum amount of $519,759; also moved that the Town Manager and Finance Director are authorized and directed to execute the Lease Purchase Agreement and all other documents reasonably necessary to accomplish the purpose of this vote, as the transaction may require, including but not limited to agreements with RealTerm, Municipal Leasing Corporation and Central Maine Power; and that said lease is designated a "qualified tax-exempt obligation" of the Town for the 2017 calendar year pursuant to Section 265.B.3 in the Internal Revenue Code of 1986, as amended. Vote 4-0, motion passes.

2. Engineering Services Contracts

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers that regarding the following project categories: Bridges and Minor Spans, Roads, Drainage and Stormwater, Traffic and Intersections, Municipal Buildings, Long Range Planning and Design, Construction Administration and Other; approve the short list of professional on-call engineering firms to be utilized for municipal projects for a period not to exceed five years from this date (April 24, 2017 to April 24, 2022). Vote 4-0, motion passes.

3. Community Center Needs Assessment

Moved by Ms. Sevigny-Watson, seconded by Mr. Speers to authorize the Parks and Recreation Department, on behalf of the Community Center Needs Assessment Committee, to enter into contract with the University of New Hampshire’s Recreation Management and Policy Department to conduct a comprehensive needs assessment focused on determining the needs for a multi-generational community center space in York. The contract amount is $10,000.00 and will be funded with Recreation and Senior Center Enterprise Accounts. Vote 4-0, motion passes.

4. Bid Award – Grant House Painting

Moved by Ms. Sevigny-Watson, seconded by Ms. Speers to award the bid for the exterior painting of the Grant House and Barn at Goodrich Park to JG Paining, LLC of Portsmouth, New Hampshire in the amount of $22,490. Vote 4-0, motion passes.

E. Reports

1. York Police Station – Update
2. Amber Harrison – Gammon/Raposa Matter
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 24, 2019

☐ ACTION

DATE ACTION REQUESTED: January 28, 2019

☐ DISCUSSION ONLY

SUBJECT: Citizen Request for Town Purchase of the Davis Property

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The request was received for the Board to engage in negotiations for the purchase of the 100+/- acre Davis property (142 York Street). While there are many people concerned with the proposed development of this property, it is being reviewed by the Planning Board and they will work to mitigate impacts to the best of their ability. Certainly change will bring new impacts, and change in the form of new development can be very unpopular. On the other hand, there is value to obtaining this property.

The voter-approved Comprehensive Plan, approved in 1999 and still quite valid, suggests the 100-acre Davis property “present[s] opportunities for future housing development” (Volume 1, page 132). This isn’t a vague, general reference but specifically calls out this property. Another reference on page 125 recommends Town protection of the Davis field, which is actually across York Street from the property in question.

Although there is no price on the table yet, this purchase would likely be the largest in the Town’s 5-year capital program. We have other priorities that will be deferred if the Town purchases this property. Major new acquisitions should be factored in well ahead of time, and as we have been discussing this for half a decade now and it is not currently included in the Capital Program. Inserting a purchase of this magnitude in year 1 would necessitate a re-work of the entire Capital Program, and I think this undermines the value of multi-year capital programming.

Clearly this is a decision for the Board, not the Manager, to make. If the Board would like to evaluate the purchase option, the Board’s next step would be to schedule an executive session to discuss real estate. This could be done at any upcoming meeting. As I noted in my prior review, a May 2019 vote to pay for this property is unlikely.
RECOMMENDATION: I recommend the Board take no action regarding Town acquisition of the Davis property.

PROPOSED MOTION: n.a.

Prepared by Stephen H. Burns, Town Manager:
DESCRIPTION OF PAST AND EXISTING LAND USE

This area includes the section of York Street from Route One to the Town Library and the adjacent side streets; Raydon Road, Raydon Road Extension, Donica Road and Hilltop. The main use in the area is single family homes. Homes on York Street often date to the 18th and 19th century, but the side streets and most of the houses on these streets have been built since the early 1970's. Most residents consider this a desirable area to live, which is reflected in how well they maintain their homes and surrounding area.

There are only a handful of nonresidential uses and most of these are on the scale of a home occupation. Parsley's Welding, Ricker's Clock Repair and an art gallery are examples of these nonresidential uses. Another major use in the area is York Village Elementary School and the accompanying athletic field. The School is shoe-horned into a small cramped site, but it seems to fit well in the neighborhood. Yorkshire Commons, the only publicly supported elderly housing in York, also operates a small elderly housing complex just off of York Street.

Most lots in the area are similar in size because most were created through fairly recent subdivisions. This results in a lesser number of nonconformities than for most areas of York. These subdivisions, however, often lack basic infrastructure that is customarily found in suburban areas, particularly public sewer and sidewalks.

Two land features also warrant noting. A 3+ acre field located off York Street that offers picturesque views of the Indian Trail area as you approach the Village Center is one of the last significant open areas in this type of location. A Town treasure, many have spoken of as a site as one the Town should acquire. The "duck pond", managed by the Abbot family, is located off Raydon Road Extension and is a haven for domesticated and wild ducks.

DESCRIPTION OF EXISTING ZONING

This area is located in two separate and wildly contrasting zoning districts. The area within 500 feet of York Street is in the RES-1B zone, a protected residential zoning district. Single family homes and home occupations are the only permitted uses. The minimum lot size is 30,000 sf if both water and sewer are available, and 1 acre if either or both of these services are lacking. Minimum setbacks and lot coverage requirements are characteristic of a suburban setting.

Most of the Raydon Road, Raydon Road Extension and Donica Road area are in the GEN-3 zone, a general development zoning district. This zone allows most uses, from single family houses to large scale industry and everything in between. Few residents likely grasp that they are living in such a permissive zone because most of the land has been devoted to housing and is protected by subdivision covenants. The minimum lot size is also 30,000 sf if both water and sewer are available, and 1 acre if either or both of these services are lacking. The GEN-3 zoning district is a carry-over from the 1960's when York only regulated the minimum lot size (20,000 sf) and prohibited only noxious uses.

Shoreland Zoning also applies to several wetlands in the area. All Shoreland areas are in the Limited Residential Subdistrict which restricts uses solely to residential development.

ISSUES TO ADDRESS IN LOOKING TO THE FUTURE

Traffic is a common companion to the homes abutting the beginning stretch of York Street. York Street/Rt 1A is the main thoroughfare for both residential and tourism traffic travelling to York’s beaches or the Village Center. Travelers are greeted by a picturesque column of historic well
landscaped and maintained homes lining York Street. Many visitors likely form very favorable impressions of York because of the area's character. The challenge confronting York is how to retain the outstanding characteristics of this area and have it remain a desirable place to live in the midst of an increasing volume of traffic. Following are issues which warrant attention:

1. How to retain the historic character and quality of existing homes.
2. Can the residential character of this area be retained, or should it be permitted to become an area that also allows appropriate scale business and office uses.
3. The amount and speed of traffic on York Street, and conflicts between the existing volumes of traffic and the existing residential uses.
4. Pedestrian safety, particularly for people crossing York Street.
5. Should the Town work to protect the last remaining open space in the area.
6. Stormwater impacts on area waterbodies, particularly Barrells Mill Pond and the freshwater tributaries that feed this Pond.
7. The need for public sewer to replace aging septic systems, particularly along Raydon Road and Raydon Road Extension.

PLAN RECOMMENDATIONS

The main recommendation for this initial stretch of York Street is to retain the historic character and charm of the area. Specific recommendations for the area are as follows:

1. This area should remain a protected residential zone and current lot sizes and permitted uses should remain the same. Home occupations should be limited to Class 1 standards. It is recommended that the Historic District Commission identify those properties in this area which possess historic significance and merit classification as a Historic Designated property. The Commission should develop a program to encourage the preservation of these properties.

   It is uncertain, however, if the historic character of the York Street area can be preserved in the future by simply limiting uses to single family residences. Some towns have experienced much success in allowing appropriate scale office and retail uses in former historic homes along main thoroughfares such as York Street as a way to preserve their value. This has already occurred with several homes near the Rt 1/York Street intersection and others and may make long-term sense.

Addresses Issues 1 and 2
ON-GOING PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. The present volume of traffic on York Street will likely continue to increase, thus Town efforts should focus on public safety, particularly the speed of existing traffic. The main means to achieve this goal will likely be police patrol and enforcement. York Street is already quite narrow to handle both vehicular and bicycle traffic, thus traffic calming (such as neckdowns) would likely have minimal benefit.

Addresses Issues 3 and 4
ONGOING PRIORITY - SELECTMEN TAKE LEAD ROLE

3. Residents of the Raydon Road, Raydon Road Extension and Donica Road area have expressed concerns regarding the amount of non-local cut-through traffic --- drivers trying to avoid the Route One signal lights. An approach that would curtail this traffic would be to establish a cul-de-sac along Raydon Road that would prevent through traffic to Route One. This proposal, however, would adversely affect traffic patterns for local residents too and could cause public safety concerns. The steep grade of Raydon Road as it approaches York Street is a particular concern, as is the amount of sight distance. Potential implementation of this proposal requires close interaction with local residents.
Addresses Issue 3
MID-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

4. The Town should explore alternative means of access to the Long Sands-Short Sands Beach area to help manage the volume of traffic on York Street.

Addresses Issue 3
LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

5. The Town should install good quality signage to help direct people to the Long Sands-Short Sands Beach area.

Addresses Issue 3
IMMEDIATE PRIORITY - SELECTMEN TAKE LEAD ROLE

6. The Town should gauge public sentiment to spend public funds to acquire the Mary Davis field and retain it as permanent open space. The field offers picturesque views and is the last remaining open space along York Street.

Addresses Issue 5
MIDTERM PRIORITY - SELECTMEN TAKE LEAD ROLE

7. The Town should expend public funds to ensure stormwater generated from the York Street area does not adversely impact the water quality of the beginning of Barrells Mill Pond and ultimately the York River.

Addresses Issue 6
LONG-TERM PRIORITY - SELECTMEN & PUBLIC WORKS TAKE LEAD ROLE

8. Residents at the Neighborhood Meeting expressed interest in obtaining sidewalks. A sidewalk may make sense for the Raydon Road and Donica Road area because of the amount of cut-through non-local traffic. Sidewalks should be a lower priority for the Hilltop and Raydon Road Extension area as it mostly receives only local traffic.

Addresses Issue 3 and 4
LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

9. The Town should pursue providing sewer to Raydon Road and Raydon Road Extension.

MID TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

\[\text{This is the open field across the street from Jim Davis' house.}\]
DESCRIPTION OF PAST AND EXISTING LAND USE

Nason Road (a.k.a. Old Post Road) is a connecting link between Route One and the Beach and Village areas of York. Single family housing and several small nonresidential uses directly front on Nason Road. The housing is a real mixture. Most were built in the mid-1900’s, but several date to the 18th century and a few were constructed in the last 10 years. Fieldstone Estates, developed in the late 1970’s - early 1980’s and Bluestone Estates, developed in the late 1980’s - early 1990’s, are the most significant subdivisions and are located on roads which connect to Nason Road. Nonresidential uses include a physician’s office, a warehouse - storage building complex, a construction company, and several small home based businesses. Coastal Ridge Elementary School, one of York’s two elementary schools, is also located in this area. A large amount of existing development conforms to existing zoning because it was built in the last 25 years.

Although the area is located close to the York Village Center it lacks most services and in many ways has a rural character. Public sewer is unavailable and there are no sidewalks along either Nason Road or the subdivision roads. The First Parish Church and Davis family own large undeveloped forested parcels (100+ acres) that abut the area and the Moody Farm, located at the intersection of Nason Road-Ridge Road-Long Sands Road, presents the classic New England scene of a white farm house looking out over an open field lined with stone walls and forests. These remaining open areas present opportunities for future housing development.

The Little River is the area’s most significant natural resource. The River flattens out as it approaches the Atlantic Ocean, but in this area it is located at the bottom of a small valley that steeply rises to heights of 50+ feet. The area’s soils are marginal to support extensive use of septic systems.

A signal light was installed at the Nason Road - Route One intersection in the mid-1990’s to address public safety problems. The light has resulted in a reduction in the severity of accidents and has made it easier for traffic to turn left from Nason Road onto Route One. Traffic volumes on Nason Road likely will continue to increase as York experiences additional growth.

DESCRIPTION OF EXISTING ZONING

All of this area is included in the GEN-3 zoning district, a general purpose district. This zone allows most uses; residential, retail, hotel, restaurants, service businesses and industry. The required minimum lot size is 30,000 sf with water and sewer and 1 acre if these services are not available. The uses permitted for this zone date to the 1960’s and the minimum lot size was increased from 20,000 sf to its current size in the late 1970’s.

The Town Shoreland Ordinance affects development along the Little River and several inland wetlands. All Shoreland areas are located in the Limited Residential Subdistrict and structures must be setback a minimum of 75 feet to 100 feet depending on the size of the wetland. The Town Floodplain Ordinance also applies to most of the Little River corridor.

ISSUES TO ADDRESS IN LOOKING TO THE FUTURE

The issues identified at the Neighborhood Meeting conducted for this area often focused on those associated with a residential area that is maturing. Specific issues which warrant attention include the following:

1. Potential conflicts between the underlying zoning which is very permissive and the
predominate use which is single family housing.

2. Public safety concerns associated with the amount and speed of traffic on Nason Road. Residents cited the desire for bicycle and pedestrian paths.

3. Concern with traffic that is using Fieldstone Estates as a cut-through from Route One to Nason Road to avoid the existing signal light. Similarly, traffic from the Rogers Road area that is using the subdivision roads in Bluestone as a cut-through to Nason Road.

4. Potential need for public sewer in the area.

PLAN RECOMMENDATIONS

Only one concrete proposal, amending existing zoning, is offered for this section of York. Other proposals will depend on the interests of area residents, how several large private landowners choose to use their property and how surrounding areas are developed. Specific recommendations include the following:

1. The zoning for this area should be changed from its current multi-purpose GEN-3 zoning to a Protected Residential zone, allowing single family residential and class 2 home occupations. Density standards would remain similar to current standards.

Addresses Issue 1

MID-TERM PRIORITY - PLANNING BOARD TAKES LEAD ROLE

2. If current zoning is amended to allow only single family residential development, the Town also should adopt measures to allow existing nonresidential uses to expand. The recommendation is to allow any non-conforming use to expand within its existing lot lines, provided performance standards are met to the greatest extent practical.

Addresses Issue 1

IMMEDIATE PRIORITY - PLANNING BOARD TAKES LEAD ROLE

3. See public sewer system policies in §1.1.2.

4. See public sewer system policies in §1.1.2.

5. If residents believe nonlocal traffic is becoming too much in either the Fieldstone Estates or Bluestone area, the Town should work with local residents to create cul-de-sacs for these streets that would prevent cut-through traffic. This measure, however, also would affect local resident traffic patterns and should not be pursued unless most area residents want the cul-de-sacs. Town Public Safety personnel also should be involved in this decision.

Addresses Issue 3

LONG-TERM PRIORITY - SELECTMEN TAKE LEAD ROLE

6. If either the Moody Farm or Davis property is proposed to be developed, the Selectmen and Planning Board should closely work with the developer and the Sewer District to accomplish a public sewer extension. The Town also may want to reconsider the required minimum lot size to better allow the public sewer extension to occur.

Addresses Issue 4 and Growth in the Town

ONGOING PRIORITY - SELECTMEN AND PLANNING BOARD TAKE LEAD ROLE
To: York Planning Board for the Jan. 12, 2017 meeting

Please read this letter into the Town Planning Board Meeting minutes.

The proposed development of the natural area owned by the Davis Trust would create a multitude of problems for York. The proposed plan has safety issues and community impact that must be taken seriously. This plan creates huge problems for the community, the neighbors, the taxpayers and visitors. We describe some of our specific concerns in this letter.

The proposed intersection on York Street would be a safety hazard. Children on their way to Village Elementary School (VES) and the Middle School would be forced to cross three lanes of turning traffic. York worked hard to provide these children with a safe route to school but this sidewalk is only as safe as its weakest link. Adult pedestrians and bicycle riders would likewise be endangered by the new intersection, directly contradicting the town’s objective of improving pedestrian and cyclist safety. The traffic assessment in the development plan clearly underestimates the number of cars that would use the new road during peak hours. This fact would undoubtedly lead to consideration of a traffic light; a topic that brings its own long list of problems. In fact a Traffic Movement Permit (TMP) should be required.

Access to the parcel is a problem for the whole town and not just because of the intersection on York Street. The Board will note that the proposed road is at a 9% grade, runs alongside the VES school and fields and would be a dead end. The planned road passes about 20 feet from a mid-18th century house built on a fieldstone foundation which would undermine York’s commitment to “...the continued presence of the extensive, well maintained concentration of historic buildings...”. If a second access point were added to Donica Road or Raydon Road then residents would lose two of the main charms of their neighborhood; the natural area to their East and the safety of their roads. Donica is a residential road with 45 degree turns on both ends. Raydon Road residents are already coping with drivers who use Raydon as a shortcut despite Traffic Safety Ordinance section 11.

There are many risks to the abutters. The proposed plan only includes a wetland assessment of 50 acres of the 106.9-acre parcel, apparently excluding the already-mapped vernal pool. This assessment does not address the impact of water runoff on the abutters. If the trees are removed and the buildings and road built, rain water would pour directly into the yards and homes of the abutters. The town has paid for this type of damage to an abutter in the same scenario when the VES athletic fields were created. The Town’s liability from this project would be much greater.

We need a thorough and transparent calculation of the cost to taxpayers if the proposed plan is developed. This land may be more valuable to the town in its current state. In 2014 when York chose not to purchase this property, voters had insufficient information. Most believed this land could not be developed since the property did not have feasible points of access and few knew what cost taxpayers might end up paying to support services for the residents in a new development. Further, there was no explanation of how the requested price was determined.

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1 Town of York Local Historic District Guidelines
The Planning Board is obliged to ensure that the proposed development meets aesthetic, cultural and natural values without an undue adverse effect on scenic or natural beauty\(^2\). The proposed development would fail in many areas. A major problem for abutters would be the amplification of the highway noise when nature is replaced with buildings and pavement. The value and enjoyment of the neighboring properties will be degraded by the loss of the currently picturesque forest and slow-moving wide creeks and instead view clustered housing with very little buffer and a vast drainage system.

With regard to the cultural value, this land is directly behind VES and provides opportunities for schoolchildren to enjoy the outdoors. It includes walking paths from VES to CRES via the First Parish land, to Raydon Road, Stonewall-Kitchen, Donica Road and the Little River. It is important that York village residents are included in the Town’s efforts to preserve open space.

This land is the only unfragmented block\(^3\) of natural area near the elementary schools and village residents. It is a key wildlife corridor. The Davis Trust has shown responsible stewardship of this asset but the proposed project’s minimal setback from the vernal pool and removal of the forest described in the development plan would reverse this success.\(^4\).

At this point, the Town and Planning Board should assess community needs first, then evaluate the proposal’s environmental, economic and quality of life impact in this light. We hope that you, the Planning Board, will consider these points as you determine how to best address the proposed development plan.

Respectfully Submitted,

The Undersigned York Residents

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\(^2\) Town of York Site Plan and Subdivision Regulations Article 1 section 1.2.8
\(^3\) Town of York Comprehensive Plan, Existing Land Use Chapter - Inventory and Analysis, Appendix D
The York residents listed below are signing the attached letter to the Planning Board regarding the proposed development on the Davis Trust land.

<table>
<thead>
<tr>
<th>Signature</th>
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<td>David Perry</td>
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<td>Frank Wallace</td>
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<td>Evora Hamel</td>
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<td>Mary Em Johnson</td>
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REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: January 23, 2019

DATE ACTION REQUESTED: January 28, 2019

SUBJECT: Sewer Extension-Weston Ave Loop Private Sewer Extension Request

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

Per the law- A sewer district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

A. Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and

B. The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.

If the municipal officers fail to issue a response to a written request from a sewer district for written assurance within 45 calendar days of receiving the request in writing, the written assurance is deemed granted.

The Board of Selectmen can either deny the extension request or approve the extension request.

RECOMMENDATION: Approve the sewer request (See memo dated January 15, 2019 by Dylan Smith, Planning Director).

PROPOSED MOTION: “Move to approve the proposed Westin Ave. sewer expansion request as proposed by the York Sewer District letter dated December 13, 2018.”

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: Dylan Smith, Planning Director  REVIEWED BY: [Signature]
MEMO

TO: Steve Burns, Town Manager
FROM: Dylan Smith, Planning Director
DATE: January 15, 2019
RE: Sewer Extension – Weston Ave Loop Private Sewer Extension Request.

In reference to the York Sewer District’s December 13th request to review the proposed sewer extension, the Town is required to respond in writing to provide the necessary statutory assurances that the proposed sewer extension is in full compliance with York plans and ordinances. I find this proposed sewer extension fully complies, after review and approval from the code office and recommend the Board provide the requisite assurances to the York Sewer District.

Per MRSA Title 38 Chapter 10 §1042(1), the Town is required to certify within 45 days that the properties served and the sewer extension itself are in compliance with the Town’s land use regulations and plans. The statute reads as follows:

A sewer district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

(1) Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and

(2) The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.

Compliance of Properties to Be Served
With regard to the Comprehensive Plan, the area depicted and homes/lots that may be serviced by the line extension are in Future Land Use Area #4 – Long Sand Beach in an area predominantly comprised of single-family homes. These properties would be better served by this sewer extension.

Compliance of Sewer Extension
Per the Comprehensive Plan, this sewer extension is located within the “Priority Service Area” for sewer service. The reason for this is because the neighborhood is located within
the Growth Area and lot sizes/soil conditions are too small and not ideal for on-site septic disposal. The Comp Plan recommends public sewer service in this area.

With regard to ordinance compliance, the proposed sewer extension is located in the RES-7 zoning district, in a primarily residential neighborhood. Shoreland and floodplain ordinances do not play a role in this area or any of the lots that will be serviced by the extension. The proposed sewer extension, as detailed in the December 13, 2018 York Sewer District letter and accompanied map, appear to be fully consistent and in compliance. However, vacant lots on Westin Ave are less than minimum lot size standards, but this should not impact the allowance of sewer expansion in this area and the benefits of connecting sewer to existing lots currently on septic systems.
Steven Burns  
Town Manager  
Town of York  
186 York Street  
York, Maine 03909

Re: Weston Ave, Loop Private Sewer Extension Request

Dear Mr. Burns:

The York Sewer District has been approached by residents of Weston Ave. Loop requesting that they be allowed to extend an existing sewer line on Weston Avenue. The sewer line extension would consist of approximately 600 feet of new sewer main and appurtenances. The sewer extension would start at 28 Weston Ave. Loop and end at 3 Weston Ave. Loop and would serve several lots currently on septic systems. A locus map has been attached showing the area.

Per Title 38 Chapter 10, Section 1042, and the York Sewer District Charter, the York Sewer District is requesting the Town’s written assurances relative to this section regarding sewer extensions.

Should you or any of your staff have any questions regarding this matter, please feel free to contact me.

Sincerely,

Philip J. Tucker  
Assistant Superintendent

December 13, 2018

Cc: Board of Trustees