1. Board Of Selectmen's Meeting Materials 2020-02-24

Documents:

2020-02-24 BOS AGENDA.PDF
2020-02-24 BOS PACKET.PDF
BOARD OF SELECTMEN’S
MEETING AGENDA
6:45 / 7:00 PM  MONDAY, FEBRUARY 24, 2020
YORK PUBLIC LIBRARY

6:45 PM - Interviews
Recycling Committee
• Mark Graziano
• Victoria Simon
York Housing Authority
• Anna Gray

Call to Order

Pledge of Allegiance

A. Consent Agenda
1. February 10, 2020 Meeting Minutes
   Recycling Committee members term expiration
   correction, should be 6/30 instead of 2/10 for:
   • Dennis Krepner
   • Sally Sulloway
   • Jeannie Carr
   • Carol Libby
2. Business License Renewals
   • York Harbor Reading Room
   • Sentry Hill at York Harbor
   • Dockside Restaurant
   • Deck at Dockside
   • Fosters Clambakes and Catering, Inc.

B. Minutes

C. Chairman’s Report

D. Manager’s Report
E. **Awards**
1. Summer Brochure
2. 2020 Wellness Grant

F. **Reports**
1. York Village Trails – Bicycle & Pedestrian Committee
2. On the Radar- Upcoming Board discussion topics

G. **Citizens' Forum** – The Citizens' Forum is open to any member of the audience for comments on any Town 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**
1. Ordinance Amendments for May Referendum
   - Expansion of York Village Center Local Historic District
   - Cul-de-sac Specifications
   - Supplemental Building Ordinance
   - Senior Citizen Advisory Ordinance
2. Solar Generation at Witchtrot Road Facility

I. **Endorsements**

J. **Old Business**
1. Action: Ordinance Amendments for May Referendum
2. Action: FY21 Operating Budget- Use of Fund Balance
3. Action: Beach Cleaning Contract
4. Action: York Water District Lease Amendment on Mount A
5. Discussion: Solar generation at Witchtrot Facility

K. **New Business**
1. Action: Land donation at 9 Pine Street
2. Action: Membership on Recycling Committee
3. Action: Membership on York Housing Authority
4. Action: Senior Citizens Advisory Board Committee Charter
5. Action: Resignation of David White – Energy Steering Committee
6. Action: Resignation of Jimmy Carabello – Veterans Affairs Committee
7. Action: Change in Veterans Affairs Committee membership

L. **Future Agendas**

2/21/2020 12:16:03 PM
M. Other Business

N. Citizens' Forum

Adjourn
BOARD OF SELECTMEN'S
MEETING AGENDA
6:45 / 7:00 PM  MONDAY, FEBRUARY 24, 2020
YORK PUBLIC LIBRARY

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L. **Future Agendas**
M. Other Business
N. Citizens' Forum

Adjourn
Board of Selectmen’s Consent Agenda

February 24, 2020

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. February 10, 2020 Meeting Minutes
2. Business License Renewals
   - York Harbor Reading Room
   - Sentry Hill at York Harbor
   - Dockside Restaurant
   - Deck at Dockside
   - Fosters Clambakes and Catering, Inc.
3. Recycling Committee members term expiration correction to reflect 6/30

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
6:00/7:00/7:25 PM MONDAY, FEBRUARY 10, 2020
YORK PUBLIC LIBRARY

6:00 PM Executive Session per Title 1 MRS §405.6(A) – personnel (Town Manager’s annual review)

Present: Chairman Todd A. Frederick, Vice Chairman Robert E. Palmer, Jr., Michael L. Estes, Elizabeth D. Blanchard, Marilyn A. McLaughlin

Others Present: Director of Human Resources Kathryn Lagasse

Moved by Robert Palmer, seconded by Liz Blanchard to enter into executive session at 6 pm. Vote 5 - 0, motion passes.

Moved by Robert Palmer, seconded by Liz Blanchard to exit out of executive session at 6:57 pm. Vote 5 - 0, motion passes.

7:00 PM - Interviews

- Recycling Committee
  - Jeannie Carr
  - Sally Silloway
  - Dennis Kepner

- Sohier Park Committee
  - Richard O’Brien

7:25 PM - Regular Meeting

Present: Chairman Todd A. Frederick, Vice Chairman Robert E. Palmer, Jr., Michael L. Estes, Elizabeth D. Blanchard, Marilyn A. McLaughlin

Absent: None

Others Present: 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 7:34 PM.

Pledge of Allegiance
A. Consent Agenda

1. January 27, 2020 Meeting Minutes
   Robert Palmer mentioned under G2 of the 1/27 minutes, the spelling needs to be changed to ‘Kences’ and under N, the 2nd citizens forum, the speaker was Wayne Martin, not Wayne Beardman.
   Moved to approve as amended by Robert Palmer, seconded by Marilyn McLaughlin. Vote 5-0, motion passes.

2. Business License Renewals
   - Fun-O-Rama
   - York River Landing
   - Inn at Tanglewood Hall
   - Cumberland Farms
   - Greenleaves Chinese Restaurant
   - Fox’s Lobster House
   - Hannaford Supermarket & Pharmacy

3. Recurring Special Events

4. Pole Permit
   Moved by Liz Blanchard, seconded by Mike Estes to accept the Consent Agenda with the amended minutes, Vote 5-0, motion passes.

B. Minutes

C. Chairman’s Report

D. Manager’s Report

1. Corey Appeal, competing applications for Town Dock, the Town won.
2. There will be a 2/29 fundraising event by the Friends of York Dog Park and the Chamber of Commerce.
3. York received another stream-crossing grant from ME DEP, location: 2nd on Mill Lane.
4. CAL trying to get programming to happen late afternoon/early evening. Line dancing, drum circle and yoga.
5. Town Clerk/Tax Collector: Reminder that the Clerk’s office will be closed for 3 state elections, 3/3, 6/9 and 11/3.
6. Dispatch helped in delivering a baby.

E. Awards

F. Reports

1. Voter Registration and Upcoming Elections – Mary-Anne Szeniawski
2. York’s Recycling Stream – Casella
3. Short Sands Road Intersection Update – Dean Lessard

G. Citizens’ Forum
   The following spoke:
1. Skip Schnabel  
2. Mac MacAbee  
3. Carol Allen  
4. Stephen Kozak  
5. Lillian Hubbard  
6. Jeff Bodon  
7. Greg Noris  
8. Linda Drew  
9. James Kences  
10. Alan Gilisen

H. Public Hearings

I. Endorsements

J. Old Business
1. Discussion: Budget Comm. Chair regarding Sustainability Position
2. Action: Sustainability Fund Applications
   Moved by Liz Blanchard, seconded by Robert Palmer to award an amount not to exceed $8,000 from the Sustainability Fund to partially fund the EV charging stations at the York Public Library. Vote 5 – 0, motion passes.
3. Action: Nonbinding Sewer Question
   Town Manager proposed the following question in his Request for Action: “Do you support the expenditure of Town Funds to help drive public sewer expansions in the growth area?”
   Moved by Marilyn McLaughlin, seconded by Liz Blanchard to approve the ballot question stated in the Request for Action. Vote 5 – 0, motion passes.
4. Action: Long Beach Avenue Sidewalk and Seawall
   Moved by Mike Estes, seconded by Marilyn McLaughlin to continue working with LaBrecque Construction to complete the sidewalk and seawall work on Long Beach Avenue according to the existing agreement and the proposed schedule from the contractor. Vote 5 – 0, motion passes.
5. Action: Legal Services
   Moved by Mike Estes, seconded by Robert Palmer to enter into a new agreement with Mary Costigan of Bernstein Shur to provide fixed-fee retainer for legal services, and direct the Chair of the Board to execute any documents necessary. Vote 5 – 0, motion passes.

K. New Business
1. Action: Conditional Donation
   Moved by Robert Palmer, seconded by Mike Estes to accept the conditional donation offered by Cynthia Hosmer for the gift of a painting by Michael Walek of a view from Mt. A to remain on permanent display in Town Hall. Vote 5 – 0, motion passes.
2. Action: Sale of Old Parking Meters
   Moved by Marilyn McLaughlin, seconded by Robert Palmer to approve the DPW to dispose of the Town’s and Ellis Park’s old surplus POM single & double space parking meters. I also move that 12 meters be put aside for local fundraising groups like YorkWise.
   Vote 5 – 0, motion passes.

3. Discussion: Standing Building Committee (rather than ad hoc)

4. Action: Membership on Sohier Park Committee
   Moved by Mike Estes, seconded by Liz Blanchard to appoint Richard O’Brien as an Alternate Member to the Sohier Park Committee, to fill a term expiring June 30, 2022. Vote 5 – 0, motion passes.

5. Action: Membership on Recycling Committee
   Moved by Mike Estes, seconded by Robert Palmer to appoint Dennis Kepner, Sally Suilloway, Jeannie Carr as Regular Members to the Recycling Committee, to fill a term expiring June 30, 2021. Vote 5 – 0, motion passes.
   Moved by Mike Estes, seconded by Robert Palmer to appoint Carol Libby as a Regular Member to the Recycling Committee, to fill a term expiring June 30, 2022. Vote 5 – 0, motion passes.

6. Action: Election Warden Appointment
   Moved by Robert Palmer seconded by Liz Blanchard to appoint Russell Osgood as Warden for the March 2, 2020 State of Maine Presidential Primary Special Referendum Election and to set the polling hours from 8 am to 8 pm in the gymnasium at York High School. Vote 5 – 0, motion passes.

7. Action: Set polling hours for March 3rd election
   See above item

L. Future Agendas
   On the Radar
   Kathryn Lagasse will start to take over agency planning for the Board

M. Other Business

N. Citizens’ Forum
   The following spoke:
   1. David Brinkman

Adjourn

Chairman Todd A. Frederick adjourned the meeting at 10:33 PM. Without objection, so ordered.

Respectfully Submitted,

[Signature]

Janetos
THE TOWN OF
YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: York Harbor Reading Room

Street Address: 19 Yank St, York ME 03909

Business Owner: Park Wilson

Mailing Address: PO Box 66

Business Manager: David MacDowell

Mailing Address: PO Box 66

Phone Number: 207 363 2450

E-mail Address: yorkharborreadingroom@gmail.com

Please indicate who is to be the Primary Contact with the Town: ☐ Owner  ☐ Manager

Is the Business Owner same as the prior year? ☑ Yes  ☐ No  ☐ New Business

Please indicate which Licenses or Local Approvals you seek:

 Lodging: ☐ Bed and Breakfast License (C/F) ☐ Inkeeper License (C/F)

 Number of Rooms: ___

 Food and Beverage: ☑ Food Service License (C/F)

 Number of Seats: ___ / ___ (Existing / Proposed)

 Entertainment: ☑ Dance Hall License (F/P)

 __ Bowling Alley License (F)

 __ Coin-Operated Amusement License (P)

 __ Bingo, Beano and Games of Chance

 Food and Beverage: ☑ Liquor License (F/P)

 __ Bottle Club License (F/P)

 Miscellaneous: ☑ Transient Seller’s License

 __ Flea Market License

 __ Junkyard, Auto Graveyard/Recycling License

 __ Other: ___

C – Code Enforcement Inspection Required  F – Fire Department Inspection Required  P – Police Department Inspection Required  S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265
Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
Provide the following information about any relevant State license:

**STATE LICENSE INFORMATION**

| ID Number(s): | C06-P-1999-3189 |
| Expiration Date: | 04/30/2020 |
| Classification(s): | CLASS I-CLUBS |

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

**Please read the following and sign to complete your application:**

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

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

**Business Owner:**

Signature

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

**Business Manager:**

Signature

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

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**FOR OFFICE USE ONLY**

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<th>FEES</th>
<th>Amount</th>
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**TOTAL DUE** 150.00

**LICENSE #:**

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<tr>
<td>Police 2/1/2019</td>
<td>Tax Collector 2/11/2019</td>
</tr>
</tbody>
</table>

**Board of Selectmen**

**Town Manager for the Board of Selectmen**

Date

**Special Conditions (Attached if Necessary)**

YES NO
THE TOWN OF
YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: Sentry Hill at York Harbor

Street Address: 2 Victoria Court, York, ME 03909

Business Owner: Joseph Hogan

Mailing Address: 2 Victoria Court, Lewiston, ME 04240

Business Manager: Sara Johnson

Phone Number: 207-782-4690

Mailing Address: 2 Victoria Court, York, ME 03909

Phone Number: 207-333-5114

E-mail Address:.

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

Is the Business Owner same as the other year? [ ] YES [ ] NO [ ] NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:

Food and Beverage:

____ Bed and Breakfast License (C/P)

____ Food Service License (C/P)

____ Innkeeper License (C/P)

____ (Existing / Proposed)

Number of Rooms: ______

____ Major License (F/P)

____ Bottle Club License (F/P)

Entertainment:

Miscellaneous:

____ Special Amusement License (F/P)

____ Transient Seller's License

____ Dance Hall License (F/P)

____ Flea Market License

____ Bowling Alley License (F/P)

____ Junkyard, Auto Graveyard/Recycling License

____ Coin-Operated Amusement License (F/P)

____ Other: [ ] Assigned Living Facility

____ Bingo, Beano and Games of Chance

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

S – Sewer District Inspection Required  W – Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1011

Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014

York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

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<thead>
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<th>STATE LICENSE INFORMATION</th>
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<tbody>
<tr>
<td>ID Number(s):</td>
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<tr>
<td>Classification(s):</td>
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I understand that this Business License Application must be filled out completely, all fees must be paid, and all necessary department inspections must be completed and passed before the license(s) will be considered by the Board of Selectmen.

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

Business Manager: 
Signature: 
(If either person have a felony conviction, please attach an explanation of the circumstances)

FOR OFFICE USE ONLY

<table>
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<th>FEES</th>
<th>Amount</th>
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TOTAL DUE $ 

Department Approvals

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<th>Code Enforcement</th>
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<td>Sewer</td>
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<table>
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Board of Selectmen

Town Manager for the Board of Selectmen Date

Special Conditions

YES NO
THE TOWN OF
YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: Harris Island Inc
Street Address: 22 Harris Island
Business Owner: Harris Island Inc
Mailing Address: None
Business Manager: Philip Lusty
Mailing Address: None
Phone Number: 207-337-3304
E-mail Address: philip@docxi.com

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

Is the Business Owner same as the prior year?:  ☑ YES  ☐ NO  ☐ NEW BUSINESS

Please indicate which Licenses or Local Approvals you seek:

Lodging:
- Bed and Breakfast License (C/F)
- Innkeeper License (C/F)
Number of Rooms: 23

Food and Beverage:
- Food Service License (C/F)
- Liquor License (C/F)
- Bottle Club License (F/P)

Entertainment:
- Special Amusement License (F/P)
- Dance Hall License (F/P)
- Bowling Alley License (F)
- Coin-Operated Amusement License (P)
- Bingo, Beano and Games of Chance

Miscellaneous:
- Transient Seller's License
- Flea Market License
- Junkyard, Auto Graveyard/Recycling License
- Other:

C - Code Enforcement Inspection Required  F - Fire Department Inspection Required  P - Police Department Inspection Required
S - Sewer District Inspection Required  W - Water Districts Inspection Required

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

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

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

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<td>Text Collector</td>
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Board of Selectmen: [Signature] Town Manager for the Board of Selectmen: [Signature] Date

Special Conditions (if necessary): YES / NO
THE TOWN OF

YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: Fosters Clamcakes & Catering, Inc.

Street Address: 5 Ashome Road, York, Maine 03909

Business Owner: Elizabeth Wilson

Mailing Address: P.O. Box 4186, York, Maine 03911

Phone Number: 207 363-3256

E-mail Address: beth@fostersclamcakes.com

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

Please indicate which Licenses or Local Approvals you seek:

Lodging:
- [ ] Bed and Breakfast License (C/F)
- [ ] Innkeeper License (C/F)

Number of Rooms:

Food and Beverage:
- [ ] Food Service License (C/F)
- [ ] Liquor License (F/P)
- [ ] Bottle Club License (F/P)

Number of Seats: [ ] (Existing) [ ] (Proposed)

Entertainment:
- [ ] Special Amusement License (F/P)
- [ ] Dance Hall License (F/P)
- [ ] Bowling Alley License (F)
- [ ] Coin-Operated Amusement License (P)
- [ ] Bingo, Beano and Games of Chance

Miscellaneous:
- [ ] Transient Seller's License
- [ ] Flea Market License
- [ ] Junkyard, Auto Graveyard/Recycling License
- [ ] Other:

C - Code Enforcement Inspection Required  F - Fire Department Inspection Required  P - Police Department Inspection Required
S - Sewer District Inspection Required  W - Water District Inspection Required

Code Enforcement: (207) 363-1002  Police Department: (207) 363-1031
Village Fire Department: (207) 363-1015  Beach Fire Department: (207) 363-1014
York Sewer District: (207) 363-4232  York Water District: (207) 363-2265

Other Municipal Water and Sewer Districts may apply depending on your business location

- CONTINUE TO BACK PAGE OF APPLICATION -
Provide the following information about any relevant State licenses:

**STATE LICENSE INFORMATION**

<table>
<thead>
<tr>
<th>ID Number(s):</th>
<th>CAF-1990-5924</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expiration Date(s):</td>
<td>04/27/2020</td>
</tr>
<tr>
<td>Classification(s):</td>
<td>Class A (Liquor License)</td>
</tr>
</tbody>
</table>

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

Please read the following and sign to complete your application:

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

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

Business Owner:

Signature

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

Business Manager:

Signature

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

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

<table>
<thead>
<tr>
<th>FOR OFFICE USE ONLY</th>
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</thead>
<tbody>
<tr>
<td>FEES</td>
</tr>
<tr>
<td>Application and First License ($60)</td>
</tr>
<tr>
<td>Subsequent Licenses ($30 each)</td>
</tr>
<tr>
<td>New License Fee ($50)</td>
</tr>
<tr>
<td>License Amendment ($25)</td>
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<tr>
<td>Other:</td>
</tr>
<tr>
<td>TOTAL DUE: $</td>
</tr>
<tr>
<td>LICENSE #:</td>
</tr>
</tbody>
</table>

Department Approvals | Date of Approval | Department Approvals | Date of Approval |
<table>
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<tbody>
<tr>
<td>Code Enforcement</td>
<td>Sewer</td>
<td>Fire</td>
<td>Water</td>
</tr>
<tr>
<td>Police</td>
<td>Tax Collector</td>
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</table>

Board of Selectmen

Town Manager for the Board of Selectmen | Date

Special Conditions (Attached if Necessary) YES NO
# REQUEST FOR ACTION BY BOARD OF SELECTMEN

- **DATE SUBMITTED:** February 18, 2020
- **DATE ACTION REQUESTED:** February 24, 2020
- **SUBJECT:** Award bid for Parks and Recreation Department 2020 Summer Brochure

## DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

The following bids were received for the Parks and Recreation Department's 2019 Summer Brochure. Pricing includes bulk mailing preparation as quoted:

<table>
<thead>
<tr>
<th>Name</th>
<th>Pages</th>
<th>7,000 Brochures</th>
<th>8,000 Brochures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graphic Image, Inc.</td>
<td>64</td>
<td>$8,314.00</td>
<td>$8,881.00</td>
</tr>
<tr>
<td>Milton, CT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JS McCarthy</td>
<td>64</td>
<td>$8,563.00</td>
<td>$9,194.00</td>
</tr>
<tr>
<td>Augusta, ME</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allegro Marketing</td>
<td>64</td>
<td>$10,126.00</td>
<td>$10,767.00</td>
</tr>
<tr>
<td>&amp; Print Mail, Portsmouth, NH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name: RAM Printing</td>
<td>64 pages plus cover -</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7,000 brochures - $10,259.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8,000 brochures - $11,168.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name: Infinite Imaging York, Maine</td>
<td>64 pages plus cover (sublet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>7,000 brochures - $11,692.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8,000 brochures - $12,292.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**
To award the bid for the Parks and Recreation Department's 2020 Summer Brochure to Graphic Image, Inc. in Milford, CT. in the amount not to exceed $9,194.00. Brochure will be 68 pages plus cover, including 12 inside color pages, and total 8,000 brochures.

**PROPOSED MOTION:**
I move to award the bid for the Parks and Recreation Department's 2020 Summer Brochure to Graphic Image, Inc. in the amount not to exceed $9,194.00. Brochure will be 68 pages plus cover, including 12 inside color pages and total 8,000 brochures.
<table>
<thead>
<tr>
<th>FISCAL IMPACT:</th>
<th>$9,194.00</th>
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<tbody>
<tr>
<td>DEPARTMENT LINE ITEM ACCOUNT:</td>
<td>Recreation Enterprise/Printing and Advertising</td>
</tr>
<tr>
<td>BALANCE IN LINE ITEM IF APPROVED:</td>
<td>$3,127.00</td>
</tr>
</tbody>
</table>

PREPARED BY: [Signature]  REVIEWED BY: [Signature]
Quotation Request

Town of York, Maine
Parks and Recreation
2020 Summer Brochure

The Town of York is accepting proposals from interested printers for the Parks and Recreation Department's 2020 Summer Brochure.

The printer will be responsible for the full scope of work to completion supplying all materials and labor. Quotations for the work are to be submitted in the format (form) provided herein and should state the total price of the entire finished product.

If any exceptions to the specifications provided herein are requested they must be fully defined in the quotation. The printer will provide in his quotation a work and completion schedule. The deadline for completion is April 15, 2020.

All communications regarding the project should be directed to Robin Cogger, Parks and Recreation, Town of York, 186 York Street, York, Maine 03909, telephone (207) 363-1046, e-mail rcogger@yorkmaine.org.

All bids are to be sealed, marked "Quotation Parks and Recreation Summer Brochure" and delivered to the York Parks and Recreation Office no later than 10:00 am, Friday, February 14, 2020

The Town of York reserves the right to reject any or all bids.

Contract award is scheduled for Monday, February 24, 2020

Payment will be made on the following schedule: 100% upon completion and final acceptance by the Town.

Exhibit A will be included in any resulting contract issued by the Town of York.
Town of York, Maine
Parks and Recreation Department

Specifications

Title: Parks and Recreation 2020 Summer Brochure
Size: 8 x 8
Number of Pages: 64 + cover / 68+ cover
Prep: Sample copy available for pick up at the Parks and Recreation Office
Proofs: Folded, stapled and trimmed Dylux of entire brochure, plus color proof of cover and inside colored pages
Stock: Cover – 80# dull matte cover paper
Inside pages: 60 # dull coated
Ink: Cover – 4 color
Inside text - 1/1 – Inside pages have some 4 color depending on page set up and print set up.
Finishing: Saddlewire bind, trim to size. All extras, not included in mailing, should be carton packed, (no more than 30 #’s per ctn.), all cartons sealed and marked for contents with date.
Shipping: Bulk “Town of York” Mailing direct from Printers or Mail House
Quantity: 7M / 8M
ARTICLE I - AUTHORITY

The Contractor and the Town each warrant to the other that each has full right, power and authority to execute and perform this Contract.

ARTICLE II - TIME OF PERFORMANCE

The Contractor shall begin and complete the services in accordance with the schedule.

ARTICLE III - DIRECTION

The services to be accomplished under this Contract shall be performed under the direction of the Project Monitor. All matters relating to this Contract, including, without limitation, payments to the Contractor, time schedules, and interpretations of contractual provisions shall be referred to the Project Monitor. Any amendments to this Contract referred to hereinafter in ARTICLE X - AMENDMENTS must first be approved by the Project Monitor. The Contractor shall furnish the Project Monitor or the Town with written and oral reports whenever requested.

ARTICLE IV - TERMINATION

A. **For Cause** - If the Contractor fails to fulfill his obligations under this Contract properly and on time, or otherwise violates any provisions of the Contract, the Town may terminate the Contract by written notice to the Contractor five (5) calendar days before the effective date of the termination. The notice shall specify the acts or omissions relied on as cause for termination. The Town shall determine the damages to the Town caused by the Contractor's breach. The Town shall pay the Contractor fair and equitable compensation for services satisfactorily completed prior to receipt of notice of termination (or prior to date the notice was mailed if Contractor has absented himself so that he does not receive the notice), less the amount of damages determined by the Town. If damages are more than the compensation payable to the Contractor, the Contractor shall remain liable after termination and the Town can affirmatively collect damages.

B. **For Convenience of Town** - The Town may terminate the Contract at any time, effective immediately or as specified, by written notice to the Contractor. In the event of such termination, the Contractor shall be paid for services actually performed and reimbursed for costs and expenses incurred in performance of or in reliance to the Contract.

ARTICLE V - INTEREST OF MEMBERS OF TOWN AND OTHERS

No officer, member or employee of the Town and no public official of the locality in which the project is situated or being carried out, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, association in which he is, directly or indirectly, interested. No officer, employee of the town, or
any member of the governing body, or other public official of the locality in which the project is
situated or being carried out, shall have any interest, direct or indirect, in this Contractor or the
proceeds thereof.

ARTICLE VI - COVENANT AGAINST CONTINGENT FEES

The Contractor, by signing this Contract, warrants that no person or selling agency has
been employed or retained to solicit or secure this Contract upon any agreement or understanding
for a commission, percentage, brokerage, or contingent fee. For breach, or violation of this
Warrant, the Town shall have the right to annul this Contract without liability, or in its
discussion, to deduct from the consideration, the full amount of such commission, percentage,
brokerage, or contingent fee.

ARTICLE VII - BACKGROUND MATERIAL AND RECORD KEEPING

If requested and applicable, the Contractor shall deliver to the Town background
material prepared or obtained by the Contractor incident to the performance of this Contract.
Background material shall be defined as original work papers, notes, and drafts prepared by the
contractor to support the data and conclusions found in the work product to be produced by the
Contractor in accordance with the performance of services hereof. Background material shall also
include, but not be limited to, completed questionnaires, material in electronic data processing
forms, computer programs, other printed materials, pamphlets, maps, drawings, and books
acquired by the Contractor during the term of this Contract and directly related to the services
being rendered.

ARTICLE VIII - SUBCONTRACTING

The Contractor shall not enter into subcontracts for any of the services contemplated
under this Contract without obtaining the prior written approval of the Town and subject to such
conditions and provisions as the Town may deem necessary, and in its discretion, to protect the
interests of the Town. No provision of this Article and no such approval by the Town of any
subcontract shall in any event give rise to any obligation of the Town in addition to the total
contract price, and the Town shall not be responsible for the fulfillment of the Contractor's
obligation to subcontractors.

ARTICLE IX - EQUAL EMPLOYMENT OPPORTUNITY

There shall be no discrimination against any employee who is employed in the services
covered by this Contract, or against any applicant for such employment, because of race, color,
religion, sex, or national origin.

ARTICLE X - AMENDMENTS

This Contract constitutes the entire agreement between the parties hereto, and all other
communications between parties prior to the execution of this Contract, whether written or oral,
with reference to the subject matter of this Contract are superseded by the agreement contained
herein. No amendment of this Contract shall be binding unless in writing signed by the parties.

ARTICLE XI - MAINE LAW TO CONTROL

This Contract shall be construed, interpreted and enforced according to the laws of
the State of Maine.

ARTICLE XII - STANDARDS OF WORK
The Contractor agrees and warrants that the performance of the services, pursuant to the requirements of this Contract, shall conform to high professional standards.

ARTICLE XIII - ASSIGNMENT OF CLAIMS

The Contractor shall not make an assignment of claims arising under this Contract without obtaining prior permission, in writing, from the Town. If such assignment is authorized, the Town shall specify who should submit invoices and how payments shall be handled.

ARTICLE XIV - TAXES

The Town is not required to and shall not withhold Federal, State of FICA Taxes from contractual payments hereunder. All such taxes are the sole responsibility of the Contractor.

XV - INSURANCE

The Contractor agrees to maintain, in full force and effect during the term of this Contract, general liability and Workers Compensation Insurances as required by the laws of the State of Maine. The Contractor further agrees to provide a certificate of insurance from the Contractor's insurance carrier which shall specify the name and address of the insured, insurance carrier, the policy number and effective dates. Said required coverage shall not be canceled or modified nor shall there be any change in the insurance carrier without ten (10) days prior written notice given to the Town. If there be such an approved change, the Contractor shall provide a new certificate of insurance as required above.
QUOTATION FORM

Town of York, Maine
Parks and Recreation
2020 Summer Brochure

Name of company submitting proposal: Graphic Image Inc
Address: 561 Boston Rd 21
Hubbard, CT 06016
Telephone: 203-677-8287

Name of company representative authorized to submit proposal:

Title: Randy Dearing - President
Signature:

Total bid amount per specifications:

64 Pages, plus cover
(Price in numerals)
The seven thousand three hundred fourteen 00/00
Price $7,314.00

(Price in words)
Seven thousand three hundred fourteen 00/00

68 Pages, plus cover
(Price in numerals)
The eight thousand three hundred eighty 00/00
$8,380.00

(Price in words)
Eight thousand three hundred eighty 00/00

Price for Sort and tray for bulk mail
ECRWSS Postal Patron – list supplied $500.00
Estimate Specifications

We are pleased to submit the following quotation:

Town of York, Maine Parks and Recreation

Tuesday, January 28, 2020

Estimate #: 247034

CSR: Nicole Tracy

Sales Rep: House Account

Estimator: MN

22222

Customer to Provide:

Electronic files

Job Description:

Form Description:

Cover 4pg

Stock Description:

Text 64pgs

20x40 80# Creator Silk Cover (FSC)

BadJo 300Qty:

20x40 70# Creator Silk Text (FSC Mixed)

Mailing

Final Size Notes: 8 x 8

PrePress Notes:

Files to be supplied. PDF, uncoated and coated proofs.

Press Notes:

Cover: 4/4 Process

Text: 1/1 Black Black 

Binders Notes:

Trim, fold and saddle stitch. Send partial to JSM mailing,

Bulk box remaining (less than 30lbs per carton),

NODA client supplied,

Inkjet and mail under client permit and Indicia WW.

Deliver to Augusta PO.

Postal is additional.

Cost for mailing services INCLUDED in this quote: $612 / $670

Shipping Notes:

FOB: JSM Plant and Augusta PO


<table>
<thead>
<tr>
<th>Quantity</th>
<th>7,000</th>
<th>8,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Price</td>
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<td>8,152.75</td>
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</tbody>
</table>

J.S. McCarthy Printers is proud to be an FSC Certified Company

FSC sets high standards that ensure forestry is practiced in an environmentally responsible manner

FSC Certificate#: NC-COC-0023229

Note: Quantities may vary +/- 10% and will be priced accordingly.

All prices subject to review upon receipt of copy. Quotation good for 30 days.

CLIENT AUTHORIZATION TO PROCEED

Name: __________________________ Date: __________________________

Please sign and Fax to J.S. McCarthy Printers at (207) 621-1840

This estimate is subject to J.S. McCarthy’s Standard Terms and Conditions available at www.jsmccarthy.com
Estimate Specifications

We are pleased to submit the following quotation:

Town of York, Maine Parks and Recreation

Toll:
Fac:

Customer to Provide:

Electronic file
Form Description:

Cover 4pg
Text 8-10pgs
Saddle Stitch

Mailing

Final Size Notes: 8 x 8

PrePress Notes:
Files to be supplied. PDF, uncoated and coated proofs.

Press Notes:
Cover: 4C Process
Text: 4C Process

Blind/Emboss Notes:
Trim, fold and saddle stitch. Send partial to JSM mailing.
Bulk box remaining (less than 30lbs per carton).

COO: client supplied.
Inkjet and mail under client permit and Indicia ###.
Deliver to Augusta PO.

Postage is additional.
Cost for mailing services INCLUDED in this quote: $612 / $670

Shipping Notes:
FOB: JSM Plant and Augusta PO

<table>
<thead>
<tr>
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<th>7,000</th>
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J.S. McCarthy Printers is proud to be an FSC Certified Company

FSC sets high standards that ensure forestry is practiced in an environmentally responsible manner

FSC Certified
FSC-COC-002129

Note: Quantities may vary +/- 10% and will be priced accordingly.

All prices subject to review upon receipt of copy. Quotation good for 30 days.

CLIENT AUTHORIZATION TO PROCEED

Name: __________________________ Date: __________________

Please sign and Fax to J.S. McCarthy Printers at (207) 621-1640

This estimate is subject to J.S. McCarthy's Standard Terms and Conditions available at www.jsmccarthy.com.
Town of York, Maine Parks and Recreation

Customer to Provide:

Electronic File

Form Description:

Mailing

PrePress Notes:

Press Notes:

Considerations:

Cost for mailing services INCLUDED in this quote: $612 / $570

Shipping Notes:

Quantity

Price

J.S. McCarthy Printers is proud to be an FSC Certified Company

FSC sets high standards that ensure forestry is practiced in an environmentally responsible manner

Note: Quantities may vary +/- 10% and will be billed accordingly.

All prices subject to review upon receipt of copy. Quotation good for 30 days.

CLIENT AUTHORIZATION TO PROCEED

Name: __________________________________ Date: __________________________

Please sign and fax to J.S. McCarthy Printers at (207) 621-1940

This estimate is subject to J.S. McCarthy’s Standard Terms and Conditions available at www.jsmccarthy.com
Estimate Specifications

We are pleased to submit the following quotation:

<table>
<thead>
<tr>
<th>Town of York, Maine Parks and Recreation</th>
<th>Tuesday, January 28, 2020</th>
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<tbody>
<tr>
<td>Estimate #: 24734 - 3</td>
<td>CSR: Nichole Tracy</td>
</tr>
<tr>
<td>Ttel.</td>
<td>Sales Rep: House Account</td>
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<tr>
<td>Fax</td>
<td>Estimator: MN</td>
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<td>Customer to Provide:</td>
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<td>Electronic Bas</td>
<td>Job Description:</td>
</tr>
<tr>
<td>Form Description:</td>
<td>Parks and Recreation 2020 Summer Brochure - 64pgs + cover</td>
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<tr>
<td>Cover 4pg</td>
<td>Mock Description:</td>
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<tr>
<td>Text 60pgs</td>
<td>28x40 80# Creator Silk Cover (FSC)</td>
</tr>
<tr>
<td>Saddle Stitch</td>
<td>28x40 70# Creator Silk Text (FSC Mixed)</td>
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<tr>
<td>Mailing</td>
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</tr>
<tr>
<td>Final Size Notes: 8 x 8</td>
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<td>PrePress Notes:</td>
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<tr>
<td>Files to be supplied. PDF, uncoated and coated proofs.</td>
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<td>Press Notes:</td>
<td>Cover: 4/4 Process</td>
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<td>Text: 4/4 Process</td>
<td>binding Notes:</td>
</tr>
<tr>
<td>Trim, fold and saddle stitch. Send partial to JSM mailing.</td>
<td></td>
</tr>
<tr>
<td>Bulk box remaining (less than 30lbs per carton).</td>
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</tr>
<tr>
<td>NCOA client supplied.</td>
<td>Injekt and mail under client permit and Indicia # N.</td>
</tr>
<tr>
<td>Deliver to Augusta PO.</td>
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<tr>
<td>Postage is additional.</td>
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<tr>
<td>Cost for mailing services INCLUDED in this quote: $612 / $570</td>
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</tr>
<tr>
<td>Shipping Notes:</td>
<td>POF: JSM Plant and Augusta PO</td>
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<tr>
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<td>10,485.17</td>
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J.S. McCarthy Printers is proud to be an FSC Certified Company.
FSC sets high standards that ensure forestry is practiced in an environmentally responsible manner.
FSC Certificate#: NO-COC-033139
Note: Quantities may vary +/- 10% and will be priced accordingly.
All prices subject to review upon receipt of copy. Quantity good for 30 days.

Client Authorization to Proceed

Name: ___________________________ Date: ___________________________

Please sign and fax to J.S. McCarthy Printers at (207) 621-1949

This estimate is subject to J.S. McCarthy's Standard Terms and Conditions available at www.jsmccarthy.com.
QUOTATION FORM

Town of York, Maine
Parks and Recreation
2020 Summer Brochure

Name of company submitting proposal: Allegro Printing
Address: 195 New London Ave
Postal Addr: NH 03221

Telephone: 603-433-4120

Name of company representative authorized to submit proposal:

Title: VP of Operations

Signature:

Total bid amount per specifications:
64 Pages, plus cover

$ 745.34
(Price in numerals)
$ 7,000
(Price in words)

68 Pages, plus cover

$ 10,905.42
(Price in numerals)
$ 11,402.00
(Price in words)

Price for Sort and tray for bulk mail
ECRWSS Postal Patron – list supplied
Past due NOT included

$ 47
7,000

$ 540
8,000
QUOTATION FORM

Town of York, Maine
Parks and Recreation
2020 Summer Brochure

Name of company submitting proposal: RAM PRINTING

Address: Commerce Park
East Hampton, NH 03826

Telephone: 603-382-7045

Name of company representative authorized to submit proposal:

Title: Account Manager

Signature: [Signature]

Total bid amount per specifications:

64 Pages, plus cover

(Price in numerals) $7000.00
(Price in words) Seven thousand
dollars

68 Pages, plus cover

(Price in numerals) $8000.00
(Price in words) Eight thousand dollars

Price for Sort and tray for bulk mail
ECRWSS Postal Patron – list supplied

$360.00
QUOTATION FORM

Town of York, Maine
Parks and Recreation
2020 Summer Brochure

Name of company submitting proposal: Infinite Imaging

Address: 470 US Route 1
York, Maine 03909

Telephone: 237-363-4402

Name of company representative authorized to submit proposal:

Title: President, Owner

Signature:

Total bid amount per specifications:

64 Pages, plus cover

$11,100
(Price in numerals)
$ Eleven thousand one hundred
(Price in words)

68 Pages, plus cover

$11,708
(Price in numerals)
$ Eleven thousand seven hundred
(Price in words)

Price for Bar and Tray for bulk mail
ECRWSS Postal Patron – list supplied

$592
QUOTATION FORM

Town of York, Maine
Parks and Recreation
2020 Summer Brochure

Name of company submitting proposal: Infinite Imaging

Address: 470 US Route 1
York, Maine 03909

Telephone: 207-363-4492

Name of company representative authorized to submit proposal:

Title: President, Owner

Signature: [Signature]

Total bid amount per specifications:

64 Pages, plus cover

$ 21,800
(Price in numerals)

$ Twenty one thousand eight hundred eighty
(Price in words)

68 Pages, plus cover

$ 22,970
(Price in numerals)

$ Twenty two thousand nine hundred seventy
(Price in words)

Price for Sort and tray for bulk mail
ECRWSR Postal Patron – list supplied

$ 592
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<tr>
<th></th>
<th>100% In House Quantity 7,000</th>
<th>100% In House Quantity 8,000</th>
<th>With Sublet Quantity 7,000</th>
<th>With Sublet Quantity 8,000</th>
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</thead>
<tbody>
<tr>
<td><strong>2020 Summer Brochure, 16&quot; x 8”, folded to 8&quot; x 8”, saddle stitched, 64 pages (16 sheets), plus cover</strong></td>
<td>$21,880</td>
<td>$24,820</td>
<td>$11,100</td>
<td>$12,100</td>
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<td><strong>2020 Summer Brochure, 16&quot; x 8&quot; folded to 8&quot; x 8&quot;, saddle stitched, 68 pages (17 sheets), plus cover</strong></td>
<td>$22,970</td>
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Pricing Matrix
York Parks and Recreation 2020 Summer Brochure

470 US Route 1 York, ME 03909
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 20, 2020
DATE ACTION REQUESTED: February 24, 2020
SUBJECT: Wellness Incentive Program Grant Approval

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Approve or deny Wellness Incentive Program Grant Funding of $3160.00 for calendar year 2020. Maine Municipal Employees Health Trust groups provide ongoing Wellness education to employees and are eligible to receive grant money to help fund Wellness Programs. Wellness Works staff collaborate with employer-sponsored wellness committees to design a series of programs to encourage employees to take a more active role in their personal health. The Health Trust is dedicated to making our municipality a healthier place to live and work. The impact of healthy lifestyle changes can result in improved employee morale and quality of life, and reduced absenteeism in the workplace.

RECOMMENDATION: Approve Wellness Incentive Program Grant Funding in the amount of $3160.00.

PROPOSED MOTION: Approve Wellness Incentive Program Grant Funding in the amount of $3160.00.

FISCAL IMPACT: $3160.00
DEPARTMENT LINE ITEM ACCOUNT: $50.00
BALANCE IN LINE ITEM IF APPROVED: 

PREPARED BY:  Kathryn Lagasse  REVIEWED BY:  

[Signature]
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 19, 2020
DATE ACTION REQUESTED: February 24, 2020
SUBJECT: Update from the Bicycle and Pedestrian Committee & New Initiatives

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
1. The attached briefing provides an update on the efforts of the Bicycle and Pedestrian Committee including:
   - Committee efforts in 2019
   - Road Signs and Markings
   - New program: York Waves
   - New program: Village Trails
   - Support for May ballot items
   - On the Horizon
   - Speed Kills

2. Specific emphasis is placed on the once-in-a-lifetime opportunity to provide an off-road network of trails in
the village. The Bicycle and Pedestrian Committee fully supports taking the necessary steps to establish non-
motorized trails centered on the McIntire Woods Development and the First Parish Woods. These properties
are the keystones for a network of trails that can provide benefits for health, recreation, community building,
and active transportation - walking and cycling instead of driving. The trails would provide connections
among multiple neighborhoods, schools, churches, the library, Town offices, restaurants, health care
facilities, and businesses.
   - The Board of Selectmen is in a position to promote these trails and fulfill a key element of the
     Comprehensive Plan (Town Goal 2.4) to “Provide a safe, efficient, and well-maintained transportation system
     including roads, pedestrian amenities, and non-motorized vehicle trails.”

RECOMMENDATION: Discuss the above items and provide feedback.

PROPOSED MOTION: None
<table>
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<td>BALANCE IN LINE ITEM IF APPROVED:</td>
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</table>

PREPARED BY: ___David McCarthy___ REVIEWED BY: ______
- What we’ve been doing
- Signs and Marking
- York Waves
- Village Trails
- May Ballot items for walker and cyclist safety
- On the Horizon
- Speed Kills

York Bicycle and Pedestrian Committee
What We’ve Been Doing

Bike/Pedestrian Safety Education at Elementary and Middle Schools
Share Bicycle, Pedestrian, and Motorist Safety Information at Public Events
Seasonal Worker Bike Safety Support
State Road Signage for Safety
Walking in York Brochure

New Initiatives
Family bike ride
York Waves
Village Trails

York Bicycle and Pedestrian Committee
York Waves

Improve safety for all road users by encouraging people who are biking, walking, or driving to acknowledge one another with a wave. 

Waving is a simple exchange. Confirmation that we notice each other before proceeding or crossing so we can all get to where we are going safely.

STOP - LOOK - WAVE

Working with York Schools, Police Department, Public Works, Parks and Recreation.

• Student education
• Wristbands
• Posters
• Crosswalk stencils

Applied for Safe Routes to School grant for materials.

Modeled after Newport Waves program
riwaves.org
York Bicycle and Pedestrian Committee
Village Trails - Opportunity Knocks
Non-motorized – Active Transportation –
Connecting the Community

Why?
✓ To get there from here
✓ Decrease traffic
✓ Increase health
✓ Reduce pollution
✓ Business benefits
✓ Off road safety
✓ Build community
✓ Recreation

York Bicycle and Pedestrian Committee
May Ballot Items for Walker and Cyclist Safety

- Woodbridge Road Sidewalk – Close the Gap
- Police Department Safety Equipment
- Public Works Paving
On the Horizon

Managing “Micromobility”
Skateboards
E-scooters
Bike share
E-bikes

York Bicycle and Pedestrian Committee
The average risk of death for a pedestrian rises dramatically as speeds increase.

Source: AAA Foundation for Traffic Safety
Notice of Public Hearing
Board of Selectmen
Monday, February 24, 2020
7:00 PM
York Public Library

The Board of Selectmen will conduct a Public Hearing regarding proposed ordinance amendments to be potentially considered at the May 16, 2020 Special General Referendum as follows:

1. Expansion of York Village Center Local Historic District
2. Cul-de-sac Specifications
3. Supplemental Building Ordinance
4. Senior Citizen Advisory Ordinance

Printed copies of the proposed amendments (draft document dated January 28, 2020) and associated maps are available with the Town Clerk at the Town Hall, and digital copies are available on the Town's web page (www.yorkmaine.org).
**REQUEST FOR ACTION BY BOARD OF SELECTMEN**

| DATE SUBMITTED: February 19, 2020 | ☒ ACTION |
| DATE ACTION REQUESTED: February 24, 2020 | □ DISCUSSION ONLY |
| SUBJECT: Increase building permit fees |

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** In the past three fiscal years we have spent more of the collected building permit fees than we have in previous years. Code fees are used to offset appropriations and enterprise spending has increased 20% over the past three years. Due to the reconfiguration from Community Development Department to two separate departments: Code Enforcement and Planning, plus the addition of staff we find ourselves with a pattern that is not sustainable and needs to be addressed. I recommend the Board approve the building permit application fee to be assessed at a rate of $15.00 per thousand dollars of projected construction cost to offset this pattern. This increase will not affect taxpayers and will make the Town more consistent with the permit fees being assessed by numerous other Towns. I have attached a graph showing where York stands in comparison to other communities. This $7 increase in permit fees will also account for the disparity in reviewing, permitting, and inspecting commercial versus residential construction. Currently the fee is assessed at $8 per thousand dollars of projected construction cost but by increasing the fee by $7 per thousand will result in a more sustainable budget or we will have to ask voters for more each year if we don’t increase our permit fees.

**RECOMMENDATION:** I recommend the Board approve the building permit application fee to be assessed at a rate of $15.00 per thousand dollars of projected construction cost.

**PROPOSED MOTION:** I move to approve the building permit application fee to be assessed at a rate of $15.00 per thousand dollars of projected construction cost.

**FISCAL IMPACT:** Increase fees balance to offset increased percentage spent for appropriations

**DEPARTMENT LINE ITEM ACCOUNT:** Fund 414 CEO Fees balance

**BALANCE IN LINE ITEM IF APPROVED:**

**PREPARED BY:** Amber Harrison  
**REVIEWED BY:**
<table>
<thead>
<tr>
<th>Community</th>
<th>Cost $1k/Total Value of Project</th>
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<tbody>
<tr>
<td>Biddeford</td>
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<tr>
<td>Kittery</td>
<td>$12</td>
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<tr>
<td>Ogunquit</td>
<td>$14</td>
</tr>
<tr>
<td>Portland</td>
<td>$15</td>
</tr>
<tr>
<td>Saco</td>
<td>$11</td>
</tr>
<tr>
<td>York</td>
<td>$8</td>
</tr>
<tr>
<td>Cape Elizabeth</td>
<td>1% of total value</td>
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REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 18, 2020

DATE ACTION REQUESTED: February 24, 2020

SUBJECT: Solar Generation at Witchtrot Transfer Station – ballot question

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The following is the ballot question for solar generation at the Witchtrot Road Transfer Station:

**ARTICLE NINE**

Shall the municipality authorize the Board of Selectmen to negotiate and enter into a long-term lease of a portion of the property at 65 Witchtrot Road for the construction and operation of a private solar electric generation facility?

**Statement of Fact:** The purpose of this amendment is to see if the voters will allow the Board of Selectmen to seek an outside business to design, build, and operate a solar electric generation facility on the old landfill at the Witchtrot Road Transfer Station. This would be a large-scale solar generator, perhaps capable of generating 1 to 2 megawatts of electricity, and which is expected to last a minimum of 20 years. Solar electricity generates no greenhouse gasses and is consistent with the Selectmen’s decision to joint the Global Covenant of Mayors for Climate and Energy. The lease will provide revenue to the Town, either in the form of electricity for Town consumption or in the form of cash for rent.

The Board should seek feedback on this proposed language to be sure this is what you want to ask the voters.

**RECOMMENDATION:** provide feedback – there will be a second public hearing on this and the entire warrant on March 9th.

**PROPOSED MOTION:** n.a.

Prepared by Stephen H. Burns, Town Manager:
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 18, 2020

DATE ACTION REQUESTED: February 24, 2020

SUBJECT: Ordinance Amendments for May 2020

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Conduct a public hearing on the proposed ordinance amendments then either vote to place them on the May 16, 2020 Special General Referendum Ballot or table the one(s) you don't wish to have on the ballot.

1. Expansion of York Village Center Local Historic District: The purpose of this amendment is to expand the protections of the existing York Village Center Local Historic District by including an additional 64 properties. The intent of this amendment is to compliment and preserve the historic architecture, heritage and character that lies within the York Street corridor from roughly the Old York Museum Center and First Parish Church west to Route 1.
2. Cul-de-sac Specifications: The purpose of this amendment is to ensure a cul-de-sac that is to be constructed within a state exempt subdivision, is constructed to Town specifications for private roads to any lots that seek street frontage exemptions per footnote "e"- Street Frontage Exemptions within the schedule of dimensional regulations. This is a minor clarification to the amendment that was approved in November in that the cul-de-sac may not have to be paved.
3. Supplemental Building Ordinance: The purpose of this amendment is to increase the standard fee calculation for building permits from a rate of $8.00 to $10.00 per thousand dollars of projected constructed cost.
4. Senior Citizen Advisory Ordinance: The purpose of this amendment is to repeal the entire Senior Citizen Advisory Ordinance.

RECOMMENDATION: Move to place the amendments on the ballot to be voted on in May 2020.

PROPOSED MOTION: I move to place the proposed amendments on the May 2020 ballot.
<table>
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<tr>
<th><strong>FISCAL IMPACT:</strong> N/A</th>
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<tbody>
<tr>
<td><strong>DEPARTMENT LINE ITEM ACCOUNT:</strong> N/A</td>
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**PREPARED BY:** Dylan Smith, Planning Director  **REVIEWED BY:** [Signature]
Notice of Public Hearing
Board of Selectmen
Monday, February 24, 2020
7:00 PM
York Public Library

The Board of Selectman will conduct a Public Hearing regarding proposed ordinance amendments to be potentially considered at the May 16, 2020 Special General Referendum as follows:

1. Expansion of York Village Center Local Historic District
2. Cul-de-sac Specifications
3. Supplemental Building Ordinance
4. Senior Citizen Advisory Ordinance

Printed copies of the proposed amendments (draft document dated January 28, 2020) and associated maps are available with the Town Clerk at the Town Hall, and digital copies are available on the Town’s web page [www.yorkmaine.org](http://www.yorkmaine.org).
Proposed Ordinance Amendments

to be considered at a

May 2020 Special General Referendum

Amendment

1. Expansion of York Village Center Local Historic District
2. Cul-de-sac Specifications
3. Supplemental Building Ordinance
4. Senior Citizen Advisory Ordinance
Amendment #
Expansion of York Village Center Local Historic District

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

Article X
The Town hereby ordains amendment of the Zoning Ordinance to change the boundaries of the York Village Center Historic District to include an additional 64 parcels as shown on the map “Proposed York Village Center Historic District Expansion” dated January 3, 2020.

Statement of Fact: The purpose of this amendment is to expand the protections of the existing York Village Center Local Historic District by including an additional 64 properties. The intent of this amendment is to complement and preserve the historic architecture, heritage and character that lies within the York Street corridor. This is in keeping with the goals outlined in York’s Comprehensive plan specifically Town Goal 9.1.1 and the Future Land Use recommendations for this area found in “York Street- Rt. One to Village Center, Land Use Area #9.”

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

Amendment:
Amend section 12.6 by changing the Village Center Local Historic District map reference date and replace the associated map entitled “York Zoning Ordinance: Village Center Local Historic District dated June 17, 2016 with the following:

Village Center Local Historic District, as shown on a map entitled, “York Zoning Ordinance: Village Center local Historic District” dated June 17, 2016 January 3, 2020.

(See attached Map)
Amendment #
Cul-de-sac Specifications

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

Article X
The Town hereby ordains to amend the Zoning Ordinance, specifically amending footnote “e” in section 5.2- Schedule of Dimensional Regulations regarding street frontage exemptions for lots on cul-de-sacs.

Statement of Fact: The purpose of this amendment is to ensure a cul-de-sac that is to be constructed within a state exempt subdivision, is constructed to Town specifications for private roads for any lots that seek street frontage exemptions per footnote “e”- Street Frontage Exemptions within the schedule of dimensional regulations.

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

Amendment: Amend Article 5- Dimensional Regulations, by amending the following definitions:

c. Street Frontage Exemptions - New building lots located at the end of a cul-de-sac may be designed to have less street frontage than is required in the underlying zoning district but shall comply with the following:

- Have no less than 50 feet of street frontage along the circumference of the cul-de-sac, provided lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for lot frontage in that zoning district;
- The cul-de-sac is designed and constructed to Town road acceptance standards with the exception that lots created through exemptions in State Subdivision Law may utilize road construction standards located in §5.5 Right-of-Way Standards—Applicable to All Zoning Districts (see Public Road Acceptance Ordinance for cul-de-sac construction requirements design specifications); and
- All minimum lot line setbacks shall be met.
Amendment #: Supplemental Building Ordinance

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

Article X
The Town hereby ordains amendment of the Supplemental Building Ordinance.

Statement of Fact: The purpose of this amendment is to change the standard fee calculation for building permits to the following:

Amendment: Amend section 3- Application Fees by making the following change:

3. Application Fees. Prior to issuance of a Building Permit, the applicant shall be required to pay a non-refundable application fee in accordance with the following:

A. Standard Fee Calculation. Application fees are to be assessed at a rate of $8.00 $10.00 per thousand dollars of projected construction cost, but the minimum application fee charged shall be $50. The applicant shall be responsible for showing the projected cost of construction, with sufficient detail to ensure reasonable accuracy. The tax assessor shall establish a schedule for minimum square footage rates based on the fair market value of proposed work. The Code Enforcement Officer shall base the fee amount on the larger of these two amounts. In addition, the State requires payment of a surcharge (currently projected to be $0.04 per square foot of building space) which shall be paid at the same time the Town fee is paid.

B. Reimbursement for Out-Of-Pocket Expenses. If the Town incurs any out-of-pocket costs for technical assistance with respect to plan review or construction inspection, the applicant shall be responsible for reimbursing the cost of this work prior to issuance of an Occupancy Permit.

C. After-The-Fact Fee. If work commences prior to issuance of a Building Permit, the cost of the permit fee shall be increased by $100, although the Code Enforcement Officer may waive this for good cause.

D. Re-Inspection Fee. If an inspection is requested and the applicant is not ready when the Code Enforcement Officer arrives at the job site for the inspection, a re-inspection fee of $50 may be charged. When charged, such fee shall be paid in full prior to scheduling the repeat inspection.

E. Use of Fee Revenues. Revenues from application fees shall be placed in an account for use of the Community Development Department to maintain and
upgrade the Town’s Geographic Information System (GIS) and to pay for code enforcement work.
Amendment #

Senior Citizen Advisory Board Ordinance

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

Article X
The Town hereby ordains amendment of the Senior Citizen Advisory Ordinance.

Statement of Fact: The purpose of this amendment is to repeal the entire Senior Citizen Advisory Ordinance.

Amendment: Repeal the Senior Citizen Advisory Board Ordinance as follows:

SENIOR-CITIZEN-ADVISORY-BOARD-ORDINANCE

Section 1. Senior Citizens Advisory Board

A. Duties

1. The Senior Citizen Advisory Board shall manage, supervise and direct the operations of the York Senior Citizens Center in conjunction with the Senior Citizens Coordinator.

B. Organization

1. Appointments shall be made by the Board of Selectmen.

2. The Senior Citizens Advisory Board shall consist of 5 voting members and 2 alternate members. (2001)

3. The term of each member shall be three years, except the initial appointment which shall be:

   a. Voting Members: 2 for one year
      2 for 2 years
      3 for 3 years

Members may be reappointed.

When there is a permanent vacancy, the Board of Selectmen, within 60 days of the occurrence shall appoint a person to serve for the unexpired term.

Draft Amendment to be voted in May 2020

DRAFT – January 28, 2020
Page 6
<table>
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<tr>
<th></th>
<th>09-25-19 Info Session</th>
<th>10-02-19 1st Public Hearing</th>
<th>10-30-19 2nd Public Hearing</th>
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<tr>
<td>Number of Attendees</td>
<td>16</td>
<td>11</td>
<td>12</td>
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<tr>
<td>Number of Individual Properties Represented</td>
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<td>7</td>
<td>10</td>
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<tr>
<td>Number of Questions Raised*</td>
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<td>23</td>
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*see minutes for description & HDC response
UPDATERED: February 19, 2010

Questions and Responses from the Public Hearings

PROPOSED YORK VILLAGE HISTORIC DISTRICT EXPANSION
For more information, please see York’s zoning ordinance Article 12, Historic and Archaeological Resources. This article provides the standards and guidelines utilized by the HDC when evaluating buildings and structures for historic designation.

Respect to their properties and the experience of the general public.

decision, and we want residents to see the value of preserving the character of our town with those on this important discussion. Creating an expanding historic district is not a minor district. The York Historic District Commission appreciates the unique opportunities and challenges historic districts present the area. These opportunities are to maintain and preserve for generations to come.

The York Historic District Commission is seeking to expand the York Village Historic District to the west along York Street to its junction with Church Street, one of York’s oldest streets and outlying areas. The York Historic District Commission is seeking to expand the York Village Historic District to the west along York Street to its junction with Church Street, one of York’s oldest streets and outlying areas.
Inclusion in a historic district will have no impact on the assessed value of your property.

2. How will inclusion in a historic district affect my property valuation of tax

Section 12.5 of the New York State Historic Preservation Act, as amended, provides that the determination of the impact of a historic district on property values shall be made on a case-by-case basis by the local authorities.

Potential changes to your property:

- Streets: Streets in the area may be narrowed, which could impact your ability to use your property. This could affect your property value.
- Buildings: Buildings in the area may be required to maintain their historic character, which could impact your ability to make changes to your property. This could also affect your property value.
- Landscaping: Landscaping in the area may be regulated to maintain the historic character of the area. This could affect your ability to change the appearance of your property. This could also affect your property value.

Please review the following change.

3. Why expand the district now?

The proposed expansion of the historic district is in accordance with the Comprehensive Plan and the goals of the community. The expansion will help to preserve the unique character of the area and maintain its historic integrity. The expansion will also help to protect the community's investment in the area and ensure that it remains a vibrant and attractive place to live.
Proposed Zoning Ordinance
A. Historical District

Historic zoning articles

that meet their needs end the life of the ordnance. That the Town of York, hearing and or a certificate of appropriateness from the Historic District Board of Review, the Town of York, hearing of change/improvements/properties.

The intent here is to work directly with homeowners to ensure sustainability and maintain the condition of structures, plantings, and signs are also not reviewed.

Improvements under Review: Ordinary maintenance and repair of exterior improvements, the removal of any structure and public improvement projects are also reviewed.

1. What improvements are regulated by the Historic District for private properties, and

York, Maine

The Town of York, hear
expansion in whole or in part by the National Register District.

The National Register District does not require property owners to adhere to any particular

Street in York:

12.8 Improvements Non-Regulating Historic District Commission Review

York Historic District Commission Review

York Historic District Commission
7. What is the typical approval timeline for projects?

12.4.3 Construction of new buildings and structures in Historic Districts

Revised zoning articles:

Amended to be in line with the existing National Register District boundary.

Note: As of 04-2020, the proposed District boundary that crosses the Davis property was

Certificate of Appropriateness for construction of new buildings and structures in Historic
Historic District Commission would have to review the plans for those buildings for a
Requirements of Article 12 of the Town of York Zoning Ordinance for new buildings. The
Davis property line is within the boundaries of the proposed district would be subject to the
After the York Viillle Historic District expansion goes into effect, any new building on the

6. Will this affect the Davis property project?

N/A: Only local historic districts are regulated by York’s zoning ordinance.

Revised zoning articles:

Remains a very real possibility.

From drastic alteration or demolishing their properties. The loss of local historic character
National Register Districts are effective in these areas, but does not limit property owners
York Viillle Commission
8. What if my project is approved before the district expands?

18.16.13.1 Meetings. Hearings and Application Review

18.16.9.9.4 Application Procedures. Refer to Article 18:9. Application Review Procedures

Review

The Historic District Commission shall meet once per month and the time for review.

York Minute

York Historic District Commission
11. How do we talk with the HDC?

'S mail

HDC: Re: Proposed Village District Expansion C & A

Dear HDC:

The Town Clerk has a hard copy of the survey document and the complete proposal for public

HDC: Re: Proposed Village District Expansion

and

HDC: Re: Proposed Village District Expansion

Both the architectural survey documents and map of the proposed district expansion can be

HDC: Re: Proposed Village District Expansion

9. Where can we see the York Street Historic Resource Survey documents and

York Street Historic District Commission

10. How do we submit comments on the proposal? It's being considered for

12. Establish a public hearing at the Planning Board 1/19/18 or the Board of Selectmen on

inclusion on the May 2018 ballot.
Archaenetal Survey Report online at.

For the proposed historic district expansion, the determination of contributing vs. non-contributing
contouring features that are non-contributing features, which are more studied.
The commission applies the standards of Article 12.12 to more carefully study how they are utilized to be repeated.
their historic character or in such bad shape that they are unlikely to be repeated.

The commission recognizes the standards of Article 12.12 of any years old, have been altered so much as to have lost
materials or been drastically altered from their original form, and are in good condition. Non-
non-contributing resources are less than fifty years old, have been altered so much as to have lost
podium and review. The commission is to address one of our meetings to speak in the
situation at the start of each meeting. If you are considering a proposal, you can submit
submitted at Town Hall, in the Town's weekly newsletter, or online at the Town's web site.

All of the Historic District Commission's meetings are open to the public. The schedule is

York, Maine
13. Do you treat all properties or older properties differently than younger ones?
of traditional materials are generally not acceptable as they lack the authentic appearance and often the performance. Often non-historic materials, such as vinyl or aluminum siding, that do not have the look of historic materials or finishes, can improve historic buildings or finishes with non-historic materials or finishes.
20. Can we replace windows for energy efficiency?

21. Does the HDC monitor maintenance, for example, demolition by neglect?

The HDC is responsible for reviewing applications for certificates of appropriateness.

19. Is the HDC the historic district portion of the Ordinance?

The Historic District is addressed in the Town of York's Zoning Ordinance, in the Department of Housing. A provision is included in the Ordinance for the HDC to review applications for certificates of appropriateness.

18. Is there a workforce housing requirement in historic districts?

Yes, the HDC monitors maintenance and can require repairs to structures. The regulations for workforce housing are not specific to historic districts, but there are requirements for workforce housing in the Ordinance.

17. If my house is damaged in a microphone, do I need to go through the HDC to repair?

If your home is damaged in a microphone, you may need to go through the HDC to repair. The HDC is responsible for reviewing applications for certificates of appropriateness.

Yor, Maine

York Historic District Commission
The proposal goes on the town warrant for May. Selection will hold one and maybe two public hearings in January. They will decide whether public hearings at the HDC. The Planning Board will hold a public hearing December 12. The and approval by the voters on a town warrant. We have held an informational session and two OIdenice. To request public hearings by the HDC. The Planning Board and the Selectmen.

The process for creating or expanding a historic district is detailed in Article 12 of the Zoning

21. Where are we in the process?

21.1 Standards of Review

12.1 Improvements Regulating Historic District Commission Review

Storm windows, storm doors, window air conditioner, shutters, railings, etc.

12.2 Improvements Not Regulating Historic District Commission Review

Historic zone advice.

Windows

Encouraged and effective for improving energy efficiency while retaining valuable historic

Note: Storm windows are not subject to review/approval by the HDC. This approach is highly

and made energy-efficient at costs comparable to the purchase and installation of new

Your Name
Homeworkers' request

Property owners and provide guidance for how to balance the intent of the ordinance and the
HDC's goals. The HDC welcomes the chance to discuss projects with

HDC-approved for removal

aesthetic value. Let them clear the way. On the other hand, significant additions or
to some of the visual quality of our community. On the other hand, significant additions or
removals may be measured by the impact that they have on the character of the neighborhood and the

In general, the Secretary of the Interior's standards and those written into Article 12

discourage removing that house to the original appearance.

Century house? If the owner thought it was a house, it would be (the HDC)

Would the HDC have prevented removal of a 1920s addition to an 1880s-

proposals during the public hearing and ask questions at all levels of the process

The Selectmen will consider the pros and cons of the proposal and will take public testimony

1. Why didn't the Selectmen vote to save the landmark?

2. In application of Historical Districts, Historic Sites, or Historic Landmarks

York, Maine

York Historic District Commission
We already have a role advising and educating owners of historic properties regarding

12. Has the HDC considered having only an advisory role rather than an authoritative

12.18 Solar Energy Systems
Relevant zoning articles:

that has the least effect on the character-defining features of a property.

See Article 12.16 on page 217 of the Zoning Ordinance. In general, we look for the installation

25. How do you deal with solar panels?

24. Do you consider all sides of a building equally?

12.14 Standards of Review
Relevant zoning articles:

The intent of historic districts is to maintain the historic character of the public.

The HDC generally focuses on what is visible from public rights of way, while not visible

Relevant Historic District Commission Review

York Historic District Commission
Proposals that will require applications for a COA include, but are not limited to:

- Certain projects that will require a COA and others that will not.
- Is not possible to say whether or not a proposed project will receive a COA. There are
  requirements for the obtaining as well as the property owner's able to budget and raise. While
  these works with the property owners to help design a project that meets the

The HDC is charged with specific duties, functions and powers: including assisting, advising,
from the HDC. Every project that is proposed must be assessed on the same unique aspects.

The HDC issues Certificates of Appropriateness from the HDC.

37. What if I cannot (or) in the planning or my Historic District property will my project
community and the Town put in the New England region and the county.
non-compatible development and the loss of resources that are important not only to the
help the residents of the District and their properties, and neighborhood from new or
Zoning Ordinance provide limited powers to the Historic District Commission so that it may

York Historic District Commission
The Comprehensive Plan is a document that was designed and written to document the

Comprehensive Plan:

Is the proposed historic district expansion compatible with the Town of York?

12.1 Improvements Regulating Historic District Commission Review
12.2 Improvements Not Regulating Historic District Commission Review
12.3 Diligents' Functions and Powers of the Historic District Commission

Relevant zoning articles:

- sidewalks, streets, etc.
- easily reversible alterations such as storm doors, storm windows, window air
- landscaping and gardens
- materials in identical form, style, and appearance
- replacement of material of similar, matching, or identical with identical
- alteration of paint colors
- ordinary maintenance and repair

Projects that will most likely NOT require a COA (always check with the code enforcement)

Public Improvement projects: street lighting, sidewalk, paving, utility

Your Opinion Commission

The commission should develop a program to encourage the preservation of these properties which possess historic significance and merit classification as Historic District Designated Properties.

The commission should develop a program to encourage the preservation of these properties which possess historic significance and merit classification as Historic District Designated Properties.

Recommendation: The Historic District Commission identify these properties in the area and recommend their classification into Historic District Designated Properties.

How to retain the historic character and quality of existing homes? The Comprehensive Plan recommends that these properties be preserved and classified into Historic District Designated Properties.

Many voters likely form very favorable impressions of York because of the area's character. The Town requires that these properties be preserved and classified into Historic District Designated Properties.

Community and neighborhood improvement programs of York Street from Route 1 to York Village as a resource for which structures and properties and recommendations are made in the Plan. The Town requests that these properties be preserved and classified into Historic District Designated Properties.

A York, Maine

York Historic District Commission
To: Al Cotton, Chair, York Planning Board
From: Scott Stevens, Chair, York Historic District Commission
Re: York Village Historic District Expansion
Date: August 8, 2019
CC: Dylan Smith, York Planning Director

The York Historic District Commission ("HDC") has completed the attached proposal for an expansion of the York Village Historic District. Pursuant to the Town of York Zoning Ordinance, Section 12.5, the HDC must submit the proposal for the district expansion to the Planning Board for review and comment. Please accept this memorandum and attachments as the formal submission for your review.

The process, as outlined under Zoning Section 12.5, for review and approval of a new historic district requires the HDC to hold a public hearing on the proposal. We have set September 25, 2019, as the date for the HDC's public hearing. We hope that the Planning Board will be able to hold at least one public hearing on the proposal during October.

The Zoning Ordinance requires the proposal to be submitted to the Board of Selectmen no more than 60-days following the HDC's public hearing. While the Zoning Ordinance does not specify a time for a public hearing at the Planning Board, we interpret Section 12.5.4's reference to "review and comment" to include holding a public hearing according to the general procedures for ordinance changes/additions. Please let me know whether the Planning Board will be able to hold a public hearing on the proposal before the second week of November.

We would welcome the opportunity to present the proposal to the members of the Planning Board at one of its upcoming meetings. The presentation will take no more than 15-minutes including plenty of time to answer any questions.
Proposal for York Village Local Historic District Expansion

York Historic District Commission
April 2019
Revised July 2019, August 6, 2019

The Town of York Historic District Commission proposes an expansion to the York Village Local Historic District for addition to Section 12.6 of the Town of York Zoning Ordinance: “Historic Districts, Sites, and Landmarks Designated.” This proposal is made pursuant to Section 12.5.4 of the Town of York Zoning Ordinance: Review of Application for the designation of Historic Districts, Historic Sites, or Historic Landmarks.

The area for the proposed expansion includes all properties fronting on York Street/US Route 1A beginning at “York Corner” which is at the bottom of the “Y” intersection of York Street/US Route 1A and US Route 1. It continues along York Street/US Route 1A to the western-most boundary of the existing York Village Local Historic District. The proposed expansion includes the roadway as well as the structures with frontage on the roadway, and is depicted on a map entitled “York Zoning Ordinance: York Village Local Historic District,” dated March 18, 2019, and more fully described in an Architectural Survey Report dated June 21—September 30, 2018 CARMA Project ID: M16562, and incorporated here by reference.

1. Historically Significant Physical Elements of the Proposed Area. The proposed expansion is within the boundaries of an existing National Register of Historic Places Historic District established in 1973, and recorded as Numeric National Park Service Code 23/031, July 1973. Of the 98 structures surveyed during the 2018 survey, 34 properties retain sufficient historic integrity to meet eligibility criteria for individual listing in the National Register of Historic Places.

The roadway itself is of historic significance to York and the region. York Street/Route 1A is among the oldest officially-established and continuously used road corridors in Maine. The proposed historic district expansion includes a portion of this historic roadway that dates back to the 1640s and is known as “Seituage Men’s Row.” The buildings and other structures currently existing along the route encompass a full spectrum of architectural styles spanning nearly 300 years of York’s history from the early eighteenth century to the present. The area is almost entirely small-town residential in nature with some sections of commercial at the easternmost and westernmost boundaries of the proposed expansion, and one rural property in the center.
Within the proposed expansion area, there are 89 structures that meet National Register of Historic Places criteria to be counted as contributing to the historic significance of a district. Less than 10% of the total number (98) of surveyed structures in the area do not meet the criteria to be considered as contributing.

The oldest structures in the proposed expansion area represent the Colonial period and are associated with York’s founding families. Several of these buildings occupy older homesites that were originally developed in the seventeenth and early eighteenth centuries.

There is one example of a Federal—style building in the proposed expansion area. Historically known as the Green Dragon Tavern, this house is actually an older Colonial period house that was updated around 1810 to conform to the popular style of the time.

There are two examples of Greek Revival—style structures which were built in the mid-nineteenth century. There are multiple Victorian homes in the proposed expansion area. One of these is an example of a Second Empire—style and there are multiple Queen Anne—style homes. Representing the popular styles of the early 20th-century are multiple Shingle—Style homes and five Arts and Crafts—style bungalows. The Colonial Revival period is represented by multiple homes designed in four distinct types: classic Colonial Revival homes built in the early 20th-century, gambrel-roofed “Dutch Colonial”—style, gable end Cape Cod—style homes built in the 1930s, and World War-II era one and a half story Cape Cod—style with attached or detached garages. Finally, there are several mid—20th century Modern—style homes.

The proposed expansion area also includes contributing barns, outbuildings, and commercial buildings as well as historically significant landscape features. There are several 19th—century barns both attached and detached. There are two significant agricultural buildings that are not barns. One of these is an early 20th—century milk house and the other a shop. There are several contributing garages, all of which date from before 1968. Several detached one-car garages are examples of late Arts and Crafts design. Additionally, there are two structures dating from the 1930’s which were built as “camps” and associated with early motor-tourism and seasonal cottage rental.

The York Street Baptist Church is an example of a late 19th—century Queen Anne—style religious structure. There is one public structure within the proposed expansion area. The former York Public Library which now serves as offices for the First Parish Church was built in 1910
and is an example of the Colonial Revival—style popular in the late-19th—and early 20th—centuries.

Finally, there is a historically significant landscape feature in the proposed expansion area. The property known historically as the Davis Homestead is an open, seasonally mown field with deciduous hedge rows on the boundaries and is the only surviving example of an 18th—century farmstead.

Specific details about each of the properties are included in the above-referenced 2018 Architectural Survey and Report.

2. Qualifications. The proposed expansion area qualifies for inclusion on each and every one of the characteristics and qualifications enumerated in Section 12.4 of the Town of York Zoning Ordinance.

The proposed expansion area represents cultural, political, economic, and sociological history of the Town of York. Route 1A is among the oldest continuously used road corridors in the state and several of the Colonial-era properties lining the roadway were the homes of the Town’s founding families. The existing York Village Local Historic District includes several structures from the Colonial-era including properties owned by the Museums of Old York and curated and open to the public as museum houses. The expansion will contribute to the visual continuity of the already-established historic district.

With few exceptions, the properties in the proposed expansion area meet the national standards set by the U.S. Secretary of the Interior to be considered as contributing to a historic district. Properties within the proposed expansion area retain many of their historically significant components and could be valuable for study of a period or style of domestic architecture in Maine and New England. Since many historical periods are represented in the proposed area, and the overall residential, small-town nature of the area has not altered, it is an example of the community’s growth and change, organization, and living. The spaces between the Colonial homes were filled during periods of significant bursts of development at the end of the 19th—century and beginning of the 20th—century and immediately following World War II. These structures are related to York’s identity as a summer resort destination.

A total of 34 properties, including 29 houses and 6 barns or garages, in the area were identified as meeting eligibility criteria for individual listing in the National Register of Historic
Places. The buildings are of many architectural styles. There are only 11 structures in the proposed expansion area that would not be counted as contributing to a historic district.

3. Maps. A map of the proposed boundaries of the expansion area titled: “York Zoning Ordinance: York Village Local Historic District,” dated 18, 2019, has been prepared. The boundaries for the expansion were chosen in order to extend protection for the many historically valuable structures on the historic main route into the heart of York village. The proposed expansion is consistent with the existing York Village Historic District and is part of a larger Nationally designated district. It is consistent with the Town’s Comprehensive Plan Chapter II: Historical and Archaeological Resources.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
<thead>
<tr>
<th>DATE SUBMITTED:</th>
<th>February 20, 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE ACTION REQUESTED:</td>
<td>February 24, 2020</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>Use of Fund Balance</td>
</tr>
</tbody>
</table>

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: This decision was deferred from the January 27th meeting. The Board indicated that it may seek to modify the fund balance policy moving forward, but for today the current policy is in place. Technically, the Board may use up to $1,533,146 because it is considered surplus. Because the Board is considering a higher reserve in the future, I would recommend the Board utilize only a portion of this amount, as follows:
- the Board already voted to fund 5 items with surplus fund balance totaling $269,500.
- I recommend the Board also fund an IT capital item and bridge engineering, totaling $177,000. This is proposed at this point to be paid in current year dollars (raised and appropriated).
- I recommend the Board allocate $535,139 to reduce property taxes.

One of the capital items mentioned above is (Article 51) the IT Infrastructure Improvements project - bringing the two fire stations, harbor master shack, DPW Route One facility and the Center for Active Living into the Town's fiber internet/phone system. The cost rose sharply since the Board saw this because we discovered several of the facilities need to be completely re-wired.

The second capital item is (Article 57) the second year of engineering to address replacement of the Chases Pond Road bridge over the Cape Neddick.

Funding these two items with surplus fund balance will reduce the mil rate by about 4 to 5 cents.

Allocation of $535,139 to reduce property taxes was calculated to leave the total of unassigned and assigned fund balance at 14% of the general fund expenditures. You aren't obligated to choose that as a goal, but it was discussed in January as a likely option.

I have not, at this time, revised my evaluation of the proposed budget on the mil rate but will try to have this in time for the meeting on Monday night.
RECOMMENDATION: I recommend the Board fund Articles 51 and 57 with $177,000 from fund balance, and apply $535,139 of fund balance to reduce property taxes.

PROPOSED MOTION: I move the Board fund Article 51, IT Infrastructure with $102,000 from Fund Balance, fund Article 57 with $75,000 from Fund Balance, and apply $535,139 of Fund Balance to reduce taxes.

FISCAL IMPACT: reduce fund balance by $981,639

DEPARTMENT LINE ITEM ACCOUNT: fund balance (assigned and unassigned)

BALANCE IN LINE ITEM IF APPROVED: $8,306,533 (14% of general fund expenditures)

Prepared by Stephen H. Burns, Town Manager:
The Government Finance Officers Association recommends “at a minimum, that general purpose governments, regardless of size maintain unrestricted fund balance of no less than two months of regular general fund operating revenue or regular general fund operating expenditures.” Two months of operating expenditures is approximately 17%. (2 months divided by 12 months in a year = 17%)

Unrestricted fund balance is considered to be “only resources without a constraint on spending or for which spending is imposed by the government itself.” These resources are the combined total of committed fund balance, assigned fund balance and unassigned fund balance. (Our school dept’s fund balance is imposed by our government and therefore part of what is combined to be called “unrestricted”)

The DRAFT financial statements for FY19 show expenditures to be $59,332,382 (see total expenditures page 20). $59,332,382 divided by 12 and multiplied by 2 months = $9,888,730.34

Our FY19 DRAFT committed fund balance is $0.
Our FY19 DRAFT assigned fund balance is $1,302,329.
Our FY19 DRAFT unassigned fund balance is $7,985,843.
Total $9,288,172. That is $600,558.34 short of recommended.

LOOKING AT OUR EXISTING POLICY

Our current policy says...
The Town will endeavor to maintain an audited General Fund “unrestricted fund balance” of between 8-12% of the general fund expenditures ($59,332,382)
We define unrestricted in the policy as being Unassigned Fund Balance + Non-spendable that is Prepaid Exp’s + restricted fund balance (schools).

If the “unrestricted” as defined by our policy exceeds 12% the Board can use it to reduce tax commitment the next fiscal year. (shortened statement)

$59,332,382 x 12% = $7,119,885.84

Our FY19 DRAFT non-spendable fund balance is $44,781.
Our FY19 DRAFT committed fund balance is $0.
Our FY19 DRAFT restricted fund balance is $622,406.
Our FY19 DRAFT unassigned fund balance is $7,985,843.
Total $8,653,030.

The amount available to use by BOS per our policy is (DRAFT #) $1,533,144.16
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 18, 2020

DATE ACTION REQUESTED: February 24, 2020

ACTION
DISCUSSION ONLY

SUBJECT: Beach Cleaning Contract for Long Sands and York Harbor Beaches

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

As a reminder, in January 2016, the Board of Selectmen approved the adoption of a new beach cleaning policy that called for more specialized equipment, more time, and an overall more aggressive approach to sustainable beach management. This new approach employs a robust system of mechanical cleaning and sanitizing designed to create a healthier beach environment, adds to aesthetics and contributes to the overall beach experience. This policy has proven both effective and successful.

Note: In May of 2017 an addendum to the Town’s beach cleaning specifications, specific to Short Sands Beach, was added. While the Ellis Park Trustees contract cleaning at Short Sands and fund it separately from the Town, the consistency and cohesion of one policy for York’s beaches is important overall, to the sustainable beach management approach.

The beach cleaning policy and the addendum, along with some photos from last summer, are attached for your review.

In March of 2017 the Town entered into a 3-year (2017, 2018 and 2019) contract with Moulton Grading and Site Work to clean Long Sands and Harbor Beaches. It should also be noted that following the inclusion of the aforementioned addendum, the Ellis Park Trustees entered into contract with Moulton Grading and Site Work for the 2018 and 2019 seasons, for the cleaning of Short Sands Beach. Securing a 2-year contract was intentional and put both the Town and the Trustees in a position to negotiate a new contract beginning in 2020.

Mr. Moulton’s work over the course of the past three years has been excellent. He has been professional, dependable, and has shown great concern for the aesthetic and health of our beaches. The Town received little to no complaints related to beach cleaning during the term of his contract. Although the specifications are clearly defined, the unpredictability of an everchanging beach landscape can create daily challenges.
Mr. Moulton has proven that he has both the ability and concern to adjust, as needed, to get the job done to the very best of his ability, despite those challenges.

I believe that Mr. Moulton’s practical experience is invaluable to the Town. For this reason, I am proposing a renegotiation of the contract with Moulton Grading and Site Work, for an additional 3-year term, for beach cleaning at Long Sands and York Harbor Beaches. While I can’t speak for the Ellis Park Trustees, I believe that they concur with my opinion of Mr. Moulton’s work, as I received notification from them on February 10, 2020, that they have secured a new, 3-year contract for the cleaning of Short Sands Beach, with Moulton Grading and Site Work, for the 2020, 2021, and 2022 seasons.

I have attached the quote that Mr. Moulton has provided to the Town, for your review. The quoted amount is:

$ 55,000.00 annually for the 2020, 2021 and 2022 seasons

$165,000.00 total for the 3 years

While this is an increase from the previous contract, the amount falls below the competitor bids from 2017, which were as follows:

Kady Landscaping, Inc., Exeter, NH  $57,000.00 per yr. / $171,000.00 total 3 years
BA Services, Inc., Hampden, ME    $82,000.00 per yr. / $246,000.00 total 3 years

I am requesting that the Board of Selectmen award a 3-year contract, for cleaning Longs Sands and York Harbor Beaches, to Moulton Grading and Site Work for the 2020, 2021, and 2022 seasons. I have attached a DRAFT contract for your review.

RECOMMENDATION: I recommend that the Board award a contract for cleaning Long Sands and York Harbor Beaches for the 2020, 2021, and 2022 seasons to Moulton Grading and Site Work of Cape Neddick, Maine in the amount of $55,000.00 annually. Total of three-year contract $165,000.00

PROPOSED MOTION: I move to award a contract for cleaning Long Sands and York Harbor Beaches for the 2020, 2021, and 2022 seasons to Moulton Grading and Site Work of Cape Neddick, Maine in the amount of $55,000.00 annually. Total of three-year contract $165,000.00
<table>
<thead>
<tr>
<th>FISCAL IMPACT: $55,000.00 per year / $165,000.00 three years</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEPARTMENT LINE ITEM ACCOUNT: Parks and Recreation Administration / Contracts</td>
</tr>
<tr>
<td>BALANCE IN LINE ITEM IF APPROVED:</td>
</tr>
</tbody>
</table>

PREPARED BY: [Signature]  REVIEWED BY: [Signature]
Part I – STATEMENT OF WORK

A. OBJECTIVE

The Town of York, Maine is a seaside community with a permanent population of about 14,000 that increases to about 45,000 during the summer season. The Town’s beaches have great recreational value and are important to its economy. The Town is seeking to hire a qualified contractor to provide Beach Cleaning Services at Long Sands Beach and York Harbor Beach.

B. GENERAL INFORMATION

The Town is seeking to enter into a three (3) year agreement.

There are approximately 4,600 feet of beach divided into two service areas described in this RFP as Long Sands Beach and York Harbor Beach. The selected Contractor will be required to perform beach cleaning services for the Town in accordance with the RFP requirements.

C. SCOPE OF WORK

For the purpose of this RFP, the Town has identified two (2) separate beaches with specified service areas.

Long Sands Beach

The “Service Area” of Long Sands Beach is approximately 3,800 feet and stretches in length from the Sun and Surf Restaurant North to the Cutty Sark Motel. The width of the “service area” is 70 feet beginning at the seawall.

The “Dry Sand Portion” of Long Sands Beach is defined as that area outside the intertidal zone and not covered by the action of the previous tide. Beginning at the municipal bathhouse the “dry sand portion” runs approximately 500 feet to the north and 900 feet to the south for a total of approximately 1400 feet and varies in width from 60 feet to 20 feet. It shall be the contractor’s responsibility to verify the measurements. (See attached diagram)
York Harbor Beach

The "Service Area" of York Harbor Beach is approximately 800 feet in length and is defined as the entire beach. The width is approximately 50 feet. (See attached diagram)

The "Dry Sand Portion" rarely exists at York Harbor because most of the beach is in the intertidal zone. The level of sand and certain tide cycles may allow dry sand portions to exist for periods of time and should be monitored by the contractor.

Schedule

2020
May 16th to June 14th (weekends only)
June 20th to September 7th (daily)
September 12th to September 20th (weekends only)

2021
May 22nd to June 13th (weekends only)
June 19th to September 6th (daily)
September 11th to September 19th (weekends only)

2022
May 21st to June 12th (weekends only)
June 18th to September 5th (daily)
September 10th to September 18th (weekends only)

Table 1 – Service Levels

<table>
<thead>
<tr>
<th>Beach</th>
<th>Mechanical Cleaning</th>
<th>Sanitizing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long Sands Beach</td>
<td>7 Days (Entire Service Area) Monday through Sunday</td>
<td>7 Days (Dry Sand Portion Only) Monday through Sunday</td>
</tr>
<tr>
<td>York Harbor Beach</td>
<td>7 Days (Entire Service Area) Monday through Sunday</td>
<td></td>
</tr>
</tbody>
</table>
Mechanical Cleaning / Seaweed Management

The service areas shall receive mechanical cleaning (weed raking) from the seawall to a width of 70 feet. Seaweed shall be raked and integrated below the Mean High Water Line (MHWL). Seaweed should not be allowed to accumulate at the base of the seawall or trapped at the storm water outfalls. Contractor shall not stockpile seaweed above the High Water Line. All trash (wood, cups, cans, plastic, man-made debris, etc.) shall be removed before seaweed is integrated below the wrack line. Mechanical cleaning should be done first in order to prepare the dry sand portion for sanitizing.

Sanitizing

The "dry sand portion" shall be sanitized with a Barber Surf Rake (Sanitizer), or equivalent (defined as special mechanical beach cleaning equipment that grooms and physically removes trash from the beach, not a seaweed rake). The equipment shall pick up foreign objects including, but not limited to, plastics, cans, and objects that are approximately 3/8" in diameter and larger. The sanitizer shall penetrate into the sand at a depth of six (6) inches. The sanitizer should be equipped with a "Chicago Rake", or equivalent (defined as a system of deep raking or tilling the sand and leaving it rough to expose as much as the sand as possible to the sun and air.

Major Seaweed Event

Periodically the beaches may experience a major seaweed event where feet of seaweed can get deposited across much of the beach. The stench and overall aesthetics of seaweed mounds can affect the beach experience and create a public health concern. The Town recognizes this is outside the scope of routine beach cleaning and not included as part of this contract. When a major seaweed event is declared the Town will mobilize its own equipment through the Department of Public Works. The Town's policy is to use front end loaders to clear the beach and push the seaweed below the high tide line. Contractor will work with the Town to perform routine cleaning as the seaweed is cleared. It may take several tide cycles for the seaweed to be pushed off shore.

Trash Disposal

It shall be the responsibility of the contractor to remove and properly dispose of all trash and debris resulting from the mechanical cleaning or sanitizing of the beach. Contractor shall dispose of all debris in accordance with all Federal, State and Local laws and be responsible for all associated costs. Disposition of the trash in supplied containers along the beaches or that hand-picked by the Town is not part of these specifications or subsequent contract.
Work Times

Work should be done as early in the morning as possible so to cause minimal disruption to the public. Particular attention should be paid to the tide cycle because much of the service area is in the intertidal zone. Contractor should monitor the tides and clean the beaches at the most optimal time to achieve the best results. Beach cleaning should be completed by 6 AM.

Equipment

Contractor should be equipped with a variety of construction/landscape equipment. Each beach has different challenges and characteristics that will require the contractor to adapt and schedule services to be performed at the optimum times with the most effective results. Contractor should own or have access to a minimum of the following equipment:

1. Class II dump truck with equipment trailer
2. 45hp or greater 4wd tractor with loader
3. Mid-size construction wheel loader (or equivalent)
4. Harbor Surf Rake Model 600 with Chicago Rake attachment (or equivalent)
5. Large Seaweed Rake

Proposers shall submit an equipment list demonstrating that the equipment the proposer owns or leases and proposes to use for this project meets the specified requirements. All equipment utilized by the Contractor shall comply with all Federal, State and Local laws. All equipment shall be in good operating condition at all times. All equipment will be subject to inspection by the project monitor prior to contract execution and at any time during the contract period. The Town will be the judge in determining the acceptability of the cleaning equipment and the effectiveness in meeting the criteria of this agreement. A demonstration of the cleaning equipment may be required on-site in York prior to contract execution.

Note: The Town may require the contractor to remove or replace a piece of equipment judged to be operating poorly, excessively noisy, dusty or in any way disturbing to the public. Equipment breakdown shall not relieve the Contractor from performing obligations under the contract on a timely basis.

Insurance

The Contractor shall maintain in full force and effect during the active term of this agreement, a policy of liability insurance of all vehicles used under the terms of this agreement. Coverage shall be applicable to each and every accident, in the amount of not less than $1,000,000 for the occurrence. Contractor shall be solely responsible for providing Workmen's Compensation Insurance to his applicable employees, pursuant to State Law. A copy of said insurance policies shall be filed with the Town at least 14 before the beginning of operations.
Compensation

The Town shall compensate the Contractor for services rendered in five (5) separate payments. A total of five (5) payments will be made during the one (1) year contract. Each payment will represent 20% of the full annual contract. Payments will be made on the following schedule:

Payment schedule:

1st on or about July 4th
2nd on or about July 17th
3rd on or about August 7th
4th on or about August 28th
5th on or about September 25th
Short Sands Beach

The “Service Area” of Short Sands Beach is approximately 1,280 feet and stretches in length from the Fun O’ Kama at the Northern end of the beach to Ocean Avenue Extension at the southern end of the Beach. The width of the service area will vary on this beach and be defined as the entire “Dry Sand Portion” and not less than 50 feet from the base of the rocks on that section of beach located in the intertidal zone. Every effort should be made to rake the service area when tides permit.

The “Dry Sand Portion” of Short Sands Beach is defined as the area outside the intertidal zone and not covered by the action of the previous tide. Beginning at the northern end of the beach the “Dry Sand Portion” runs approximately 520 feet to the south and varies in width from 150 feet to 20 feet. It shall be the contractor’s responsibility to verify measurements.

The “Intertidal Zone” on Short Sands Beach is defined as the area that is covered by the action of the previous tide. Beginning at the southern end of the beach the intertidal zone runs to the north approximately 760 feet. This area also includes a “Beach Stone/Rip-Rap Area” that is located between the boardwalk and the sand and varies in width between 30 and 60 feet. This area should be hand-cleaned as necessary to remove trash, debris and seaweed deposited above the high tide line.

All of York’s beaches have a great deal of sand movement during the year. If “Additional Dry Sand Portions” are created by the movement of the sand, those areas should be identified and treated as such. This is particularly the case at the far southern end of the beach where sand can accumulate over the course of the summer.

There are several “Access Ramps” located on Short Sands Beach. Sand movement and beach erosion can and will create drop offs at the end of the ramps. Contractor should use a loader to bucket beach sand into these areas creating paths for safe passage to the beach. This should be monitored routinely as part of the daily cleaning.

(See Attached Diagram)
Town of York, Maine
Parks and Recreation Department
Beach Cleaning Services

Quotation Form

Name of company submitting proposal: Moulton Grading & Site Work
Address: 4 Moulton Farm Ln.
Telephone: (207) 451-7110

Name of company representative authorized to submit proposal:
Title: Owner
Signature: David A. Moulton
Date: 02/11/2020

Total annual amount per year:
$ 55,000.00
(Price in numerals)
$ Fifty Five Thousand Dollars
(Price in words)

Total for three year contract:
$ 165,000.00
(Price in numerals)
$ One Hundred Sixty Five Thousand Dollars
CONTRACT

This agreement, dated this _______ day of __________, 2020 specifies the requirements of the two parties to these contractual services:

Party receiving services: Town of York, Maine
186 York Street
York, ME 03909

(Hereafter referred to as the Town)

Party performing services: Moulton Grading and Site Work
4 Moulton Farm Lane
Cape Neddick, Maine 03902

(Hereafter referred to as the Contractor)

Payment for services: Fifty five thousand dollars ($55,000.00) per year. Total of three year contract one hundred and sixty five thousand dollars ($165,000.00). A total of five (5) payments will be made during each contract year. Each payment will represent 20% of the annual contract equaling ($31,000.00). Annual payments will be based on the following schedule:

1st on or about July 4th
2nd on or about July 17th
3rd on or about August 7th
4th on or about August 28th
5th on or about September 25th

Services: The Contractor will provide beach cleaning services at Long Sands Beach and York Harbor Beach as outlined in the Town of York’s Beach Cleaning specifications and attached hereeto.

Project Monitor: Robin Cogger
Parks and Recreation Director
Schedule: The contractor shall begin performance on May 16th, 2020 and shall complete performance on September 16th, 2022.

The two parties agree that the Contractor shall perform the services and the Town shall make payment for the services, all in accordance with the standard terms and conditions attached hereto as Exhibit A (except as modified and initialed by the parties).

Town of York, Maine

By ______________________ Date: ______________________
Signature

____________________________
Name

____________________________
Title

Witness

Contractor

By ______________________ Date: ______________________
Signature

____________________________
Name

____________________________
Title

Witness
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 18, 2020  ☑ ACTION
DATE ACTION REQUESTED: February 24, 2020  ☐ DISCUSSION ONLY

SUBJECT: Town of York and York Water District Lease Amendment – Mt. Agamenticus

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

In February of 2018 a joint workshop was held with York Water District Trustees and the Board of Selectmen to discuss mutual interest of use, access and facilities at the summit and base of Mt. Agamenticus. As a result, a planning sub-committee made up of Selectmen, Water District Trustees, and staff from both the Parks and Recreation Department and the Water District, was formed.

Several presentations by this sub-committee have been made to the Board of Selectmen since its inception; most recently in October 2019. At that time, employees from the Parks and Recreation Department and the York Water District provided you with a detailed update on the Committee’s work which has included preparing a Capital Project for Parking and Restroom improvements at the base and summit of Mt. Agamenticus (a request to fund these projects will be on the ballot for voter approval in May 2020). Additionally, the current lease, dated May 12, 1983, between the Town of York and The York Water District, and a draft version of a proposed lease amendment was shared. Together, the current lease and the proposed amendment ensures use, by the Town, for the sake of public access, of the District-owned road (including the construction of the base parking lot) to the Town-owned land atop Mt. Agamenticus.

The lease amendment, since the time of the last report, has:

☑ Successfully undergone final legal review, having set terms that have been found to be mutually agreeable to the Town and the Water District and that meet the Town’s requirement for bond compliance (see attached).

☑ Been reviewed and approved by the Maine Public Utilities Commission (see attached).

☑ Been approved by the York Water District Board of Trustees (see attached).

☑ Been endorsed by the Parks and Recreation Board (see attached).
I have included, once again, for your review, a copy of the original 1980 lease, a chronological listing of the history, planning, and conservation on and around Mt. Agamenticus, and the proposed final draft of the lease amendment.

For quick reference, the following list outlines the amendment as it differs from the current lease:

- Provides for an extension through the year 2050.

- Allows for two, 20-year renewal terms, beyond 2050.

- Provides the Town with continued and uninterrupted access to the summit and trails.

- Allows for the widening of the easement corridor from 49.5ft to 66ft, if needed.

- Allows for the Town’s infrastructure improvements to include parking and restroom facilities and future office/welcome center space (if ever needed), on Water District property.

- Formalizes existing parking areas.

- Allows for composting toilets and building to house them.

- Authorizes the use of the existing trails on Water District Land from the base to the summit of Mt. A.

- Provides for maintaining the Town’s existing power and telecommunications rights.

- Provides clarification of the Town’s responsibility, and ability, to maintain the road, including signage, enforcement of Town Ordinances, paving, widening, etc.

- Provides for the protection of York Water District’s interests regarding water quality through engineered parking and enforcement of the Town’s Ordinances.

- Provides a plan in the event the Town defaults, albeit unlikely.

- Speaks to the Town’s bond compliance requirements, in the event of default/surrender, albeit unlikely.
Final approval has been reserved for the Board of Selectmen. Your approval will allow for the lease amendment to become effective upon execution by both parties following:

1. Maine Public Utilities approval – notification of approval attached

RECOMMENDATION:
I recommend that the Board approve the Lease Amendment to the current Lease between the Town of York and The York Water District.

PROPOSED MOTION:
I move that the Board approve the Lease Amendment to the current Lease between the Town of York and The York Water District.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: [Signature]

REVIEWED BY: [Signature]
LEASE AMENDMENT

THIS LEASE AMENDMENT is made this ___ day of 20___ (the "Effective Date"), by and between the YORK WATER DISTRICT, a quasi-municipal corporation organized and existing under the laws of the State of Maine with a mailing address of 86 Woodbridge Road, P.O. Box 447, York, Maine 03909 ("District"); and the TOWN OF YORK, a municipal corporation organized and existing under the laws of the State of Maine with a mailing address of 186 York Street, York, Maine 03909 ("Town").

WHEREAS, the District and the Town are parties to a certain lease agreement dated May 12, 1980, recorded at the York County Registry of Deeds in Book 2651, Page 118 (the "Lease Agreement"), whereby the District grants and leases to the Town certain interests in land of the District on Mount Agamenticus, York County, Maine, including an easement to use a road providing access to land owned by the Town at the summit of Mount Agamenticus and described in the deed to the Town dated April 25, 1980 and recorded at the York County Registry of Deeds in Book 2651, Page 112 (the "Summit Land"); and

WHEREAS, public use has increased with no intentional design or plan for centralized parking or public restrooms, and the parties wish to amend the Lease Agreement in certain respects to improve use, access and infrastructure while protecting water quality;

NOW, THEREFORE, the parties hereby agree as follows:

1. Mt. Agamenticus Road Easement Corridor. The easement area described in Section 1 of the Lease Agreement (the "Easement Corridor") is redefined to include that portion of Mt. Agamenticus Road shown as "Mount A Road Corridor" on the plan attached hereto as Exhibit A-2, and is increased in total width, from three (3) rods (49 3/4 feet) to four (4) rods (66 feet), based off of the centerline of Mt. Agamenticus Road as it currently exists.

2. Power Line Easement. With respect to the existing line of poles and wires crossing the District's land and providing electric power and telecommunications service to the Summit Land, to the extent necessary during the term of this Lease Agreement, the District agrees to confirm existing easement rights to the providers of such service to assure the Town has access to such service over the existing line.

3. Parking Areas, Improvements, and Town Obligations. The first paragraph of Section 3 of the Lease Agreement is deleted in its entirety and replaced with the following:

   a. Parking Areas. The areas leased to the Town are shown and described as "Lower Parking Lot," "Ring Trail Parking Lot," and "Upper Parking Lot" on the plans attached hereto as Exhibits B-1, B-2 & B-3 (collectively, the "Parking Areas"), and may be used by the Town solely for the purposes of constructing and operating

---

1 Effective Date occurs upon execution by both parties, which will not happen until after (i) Maine PUC approval of this Lease Amendment, if necessary, is obtained, and (ii) the Town receives any necessary vote on funding.
vehicular parking areas, except as hereinafter set forth. Within three (3) years after the Effective Date, the Town shall complete construction of all parking area improvements, located generally as shown on Exhibits B-1, B-2 & B-3 and more particularly described in drawings prepared by Wright-Pierce dated (collectively, the "Parking Facilities"). At all times during the term of this Lease Agreement, the Town shall maintain clear striping of the vehicular parking spaces within the Parking Areas, limited to a maximum of 88 spaces at the Lower Parking Lot, 7 spaces at the Ring Trail Parking Lot, and 53 spaces at the Upper Parking Lot, all substantially as shown on Exhibits B-1, B-2 & B-3, unless otherwise agreed in writing by the District.

b. Restroom Facility. In addition to said Parking Facilities, the Town shall complete construction at the Lower Parking Lot of a restroom facility, located generally as shown on Exhibit B-1 and to be more particularly described in plans to be prepared by the Town and approved by the District in writing (the "Restroom Facility"), within three (3) years after the Effective Date.

c. Other Facilities. The Town also shall have the right, but not obligation, to construct at the Lower Parking Lot: (i) a welcome area, center or facility within the designated footprint of the Lower Parking Lot plan attached hereto as Exhibit B-1, provided that the building design will be agreed upon in writing by the parties and will be specifically described in plans and specifications pertaining to water quality and/or storm water (the "Welcome Center"); (ii) standard trailhead facilities such as trail/map box, kiosk/bulletin board/wayside exhibit(s), donation/fce collection device, etc.; and (iii) a domestic drilled well. No other buildings or structures may be constructed within the Easement Corridor or Parking Areas without the prior written consent of the District.

d. Compliance with Laws. The Town shall, at its sole expense, promptly observe and comply with all present and future laws, ordinances, requirements, orders, directives, rules and regulations applicable to the Easement Corridor, the Parking Areas, and all improvements constructed by the Town pursuant to this Lease Agreement.

e. Enforcement of Town Ordinances. The Town agrees to enforce all public rules on the Easement Corridor and the Parking Areas, including those pertaining to the Animal Control Ordinance. The Town shall install signs requiring that all dogs be leashed. The Town may install other signs within the Easement Corridor and Parking Areas for safety purposes, in its reasonable discretion.

f. Authorized Trails. The Town shall direct users of the Parking Areas to use only those trails located on adjacent District lands identified on the attached Exhibit C, or such other approved trails that may be agreed upon in writing by the District, and prohibiting users from entering any other portions of adjacent District lands. The Town shall install signs displaying such rules, and any other rules pertaining to public use of the trails that are promulgated by the District, at all trailheads at the Parking Areas.
g. Parking Restrictions. The Town shall prohibit vehicular parking within and along the Easement Corridor, along Mountain Road from the intersection with the Easement Corridor extending to the entrance of the Center for Wildlife (385 Mountain Road), and within all portions of the Parking Areas other than the designated parking spaces within the Parking Areas; and the Town shall install signs to provide adequate notice of such parking restrictions.

h. Clearing. The Town shall have the right to cut and remove such trees within the Easement Corridor and Parking Areas as the Town shall deem proper, and to level the ground of the Easement Corridor and Parking Areas so far as may be reasonably necessary to fit it for use.

i. Town Obligations. The Easement Corridor and Parking Areas, and the improvements constructed and signs installed by the Town pursuant to this Lease Agreement, all shall be improved, maintained and repaired in good condition at the sole expense of the Town, and the Town shall save the District harmless from any and all claims for loss or damage that may arise for any reason from the use of said Easement Corridor or Parking Areas by the Town, its agents or servants, its patrons, invitees, permittees or any other person or persons whatsoever. Nothing herein shall, nor is intended to, waive any defense, immunity or limitation of liability which may be available to the Town or its respective officers, agents and employees, under the Maine Tort Claims Act or any other privileges and/or immunities provided by additional laws or regulations.

j. Costs and Expenses. No services shall be required to be provided by the District in connection with the Easement Corridor, the Parking Areas, or any improvements constructed by the Town pursuant to this Lease Agreement, and all costs, expenses and obligations relating to the Easement Corridor, the Parking Areas, and such improvements, whether foreseen or unforeseen, including (without limitation) all costs of maintaining and repairing the road within the Easement Corridor, shall be paid by the Town; provided that if the District shall elect to construct any improvements within said areas for the sole benefit of the District, such improvements shall be paid for by the District.

k. No Liens. If, because of any act or omission of the Town, any mechanic's lien or other lien shall be filed against the District or any portion of the District land affected by this Lease Agreement, the Town shall cause the same to be discharged of record or bonded within thirty (30) days after written notice from the District to the Town of the filing thereof; and the Town shall indemnify and save harmless the District against and from all costs and liabilities, including reasonable attorneys' fees, resulting therefrom.

4. Protection of Water Supply. The second paragraph of Section 3 of the Lease Agreement is deleted in its entirety and replaced with the following:
The Town covenants and agrees that the Easement Corridor, the Parking Areas, and the improvements built, maintained and repaired in accordance herewith, shall not be used or maintained by the Town in any way that will contaminate the waters of the great pond known as “Chase’s Pond” or “Chase’s Lake,” from which the District takes its water supply for the Town of York, to the extent that it is dangerous to public health or in any way distasteful or obnoxious to the District or to the takers of the water from said pond.

5. Dangerous Conditions. The third paragraph of Section 3 of the Lease Agreement is deleted in its entirety and replaced with the following:

In the event it is found that any dangerous or obnoxious condition or conditions exist as a result of the maintenance and use of the rights and privileges hereby granted and leased, the Town, upon notice from the District to that effect, shall forthwith correct or remove such condition or conditions, and failing to do so, the District shall have the right to close the Easement Corridor and/or some or all of the Parking Areas and to suspend the use and occupancy of said Easement Corridor and Parking Areas until such time as said condition is corrected or removed, to the reasonable satisfaction of the District.

6. Restricted Access. The fourth paragraph of Section 3 of the Lease Agreement is deleted in its entirety and replaced with the following:

By virtue of the rights and privileges herein contained the Town shall have the right to restrict or restrain the use of the Easement Corridor and/or the Parking Areas or to limit its use to its agents or servants, its customers or patrons, prospective or otherwise, and for such purpose to bar or obstruct the said Easement Corridor and/or Parking Areas, or to charge a fee for the use of any of them, provided, however, that nothing herein contained shall be construed as preventing, restricting, or in any way limiting the District or its agents or invitees in the free use and passage on or over said Easement Corridor and Parking Areas at all times for any reason.

7. No Pollution. The fifth paragraph of Section 3 of the Lease Agreement is deleted in its entirety and replaced with the following:

In consideration of the rights and privileges hereby granted, the Town further agrees that any portion of the improvements constructed by the Town pursuant to this Lease Agreement that lie in the watershed of said “Chase’s Pond” shall be so constructed and maintained in compliance with all applicable laws so as to prevent any pollution of said pond or of any of the streams tributary thereto from said improvements.

8. Commercial Activity. The sixth paragraph of Section 3 of the Lease Agreement is deleted in its entirety and replaced with the following:

No commercial enterprise of any kind, other than parking, shall be carried on or conducted in the Parking Areas; provided, however, that in the event the Town constructs and operates a Welcome Center, then commercial activities customarily conducted at welcome centers for similar public recreation areas may be conducted at the Welcome
9. **Terms Renewal.**

a. The term of the Lease Agreement is extended for an additional twenty (20) years, to May 12, 2050, provided that the terms and conditions herein are performed by the Town.

b. Provided that the Town is not in default in the performance of its obligations under the Lease Agreement, the term of the Lease Agreement will automatically renew for two (2) additional twenty (20) year term(s), upon the same terms and conditions, unless the Town notifies the District in writing of the Town’s intention not to renew the Lease Agreement at least one (1) year prior to the expiration of the then-existing term.

c. Notwithstanding the foregoing, if at any time during the term the Town shall cease to own the Summit Land, the Lease Agreement, as hereby amended, shall become null and void.

10. **Default.** If default shall be made by the Town in the performance or compliance with any of the agreements, terms or conditions in this Lease Agreement, and such default shall continue for a period of thirty (30) days after written notice from the District to the Town specifying the items in default, or in case of a default or contingencies which cannot with due diligence be cured within said thirty (30) day period, the Town fails to proceed within said thirty (30) day period to commence to cure the same and thereafter to prosecute the curing of such default with due diligence and within a period of time which, under all prevailing circumstances, shall be reasonable, then the Town shall be in default under this Lease Agreement, and the District shall be entitled to seek whatever remedies may be available at law or in equity, including any action as may be available for damages or for specific performance; and

a. the District may, at its option, without waiving any claim for damages for breach of agreement, at any time thereafter cure such default for the account of the Town, and any reasonable amount paid or any reasonable contractual liability incurred by the District in so doing shall be deemed paid or incurred for the account of the Town and the Town agrees to reimburse the District therefor; provided that the District may cure any such default as aforesaid prior to the expiration of said 30-day waiting period but after notice to the Town, if the curing of such default prior to the expiration of said waiting period is reasonably necessary to protect the District’s water supply, or to prevent injury or damage to persons or property; and

b. if such default by the Town shall occur prior to the Town’s completion of construction of the Parking Facilities and the Restroom Facility in accordance with paragraphs 3.a and 3.b above, then the District may give written notice to the Town stating that the term extension set forth in paragraph 9 above shall be null and void,
such that the term of the Lease Agreement reverts back to the original term expiring on May 12, 2030.

11. Surrender. On the last day or sooner termination of the term of this Lease Agreement, the Town shall surrender to the District the Basement Corridor and Parking Areas, with all buildings and permanent improvements.

12. No Assignment or Sublease. The Town shall not, without the District’s prior written consent, assign, convey, mortgage, pledge, encumber or otherwise transfer (whether voluntarily or otherwise) the Lease Agreement or any interest under it, or sublet the Parking Areas or any part thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Lease Amendment to be under seal by their duly authorized officers as of the day and year first above written.

WITNESS: TOWN OF YORK

By: __________________________
Print: _________________________
Tel: __________________________

WITNESS: YORK WATER DISTRICT

By: __________________________
Print: _________________________
Tel: __________________________

Attachments:
- Exhibit A-1 – Mount Agamenticus Lease Areas
- Exhibit A-2 – Mount Agamenticus Overview
- Exhibit B-1 – Mount Agamenticus Lower Parking Lot (including designated area for possible Welcome Center)
- Exhibit B-2 – Mount Agamenticus Ring Trail Parking Lot
- Exhibit B-3 – Mount Agamenticus Upper Parking Lot
- Exhibit C – Mount Agamenticus Authorized Trails
February 5, 2018

A Chronological Listing of History, Planning and Conservation on and around Mt. Agamenticus

- 1671 – 1873 various mills are operated at the mouth of Chase's Pond with water that flows from Mt. Agamenticus.
- 1720 Probably the first dam is built at Chase's Pond.
- 1895 York Shore Water Company was organized to "Supply the Towns of York and Wells with Pure Water".
- 1896 Directors of the York Shore Water Company Voted: "Chase's Pond and the Water Rights Connested Therewith be Purchased by This Company".
- 1896 Piped Water from Chase's Pond was turned on in York Beach.
- 1908 Piped Water from Chase's Pond reach's York Corner.
- 1918 First Fire Tower built on Mt. Agamenticus.
- 1929 An Act to Create the York Water District was passed by The Maine State Legislature.
- 1930 The Supreme Judicial Court orders York Water District to pay York Shore Water Company fair market value for their Plant, Property and Franchises. On payment the property passes to the York Water District including property to the summit of Mt. Agamenticus.
- 1941 A Military Radar Base is built on Summit of Mt. Agamenticus.
- 1950's Replace the first fire tower with a second Fire tower on Mt. Agamenticus.
- 1964 Big A Ski Area opens.
- 1974 Big A Ski Area closes.
- 1974 proposed 3500-unit housing development on and around Mt. Agamenticus by an Oklahoma developer.
- 1975 Town of York votes down the proposed 3500-unit housing development.
- 1975 Town of York voters approve to protect Mt. A for a wilderness/recreation area.
- 1975 Seasonal Preliminary Study and Data Sheets, Citizens Ad Hoc Committee for the Towns of South Berwick and York.
- 1976 Town of York forms the Mt. A Advisory Committee.
- 1976 Summary of Recommendations for Mt. Agamenticus Wilderness Area, Agamenticus Advisory Committee to Town of York.

- **2004** Conservation Plan for the Mt. Agamenticus Region this lays forth the community’s vision of timely and lasting conservation in the Mt. A Region. It was developed with extensive public input from a broad range of citizens and stakeholders.
- **2004** Robin Kerr is hired as the second Mt. A Conservation Coordinator.
- **2006** Mt. Agamenticus Trail Assessments and Field Observations, David Tibbetts for the Mt. Agamenticus Steering Committee.
- **2009** Mt. A Summit Guidelines for Usage contains original traffic count data and illustrates the need for improved services and vision of the lodge.
- **2010** The Mt. A Lodge is transformed into the Learning lodge.
- **2011** Planning of the Universal Access Trail.
- **2013** Mt. A Planning Workshop with Selectmen, YWD Trustees, Steering Committee and others; demonstrated need for additional workshop and implementation/funding plan for Mt. A.
- **2014** Construction of Phase I of the Universal Access Trail on summit of Mt. A.
- **2015** Construction of Universal Deck Phase I and Universal Access Trail Phase II.
- **2015** Mt. Agamenticus Steering Committee “Strategic Plan & Benchmarks” highlighting first hill goals for resource management, access, infrastructure, public support, public programming and communications.
- **2016** Created a draft, Base & Summit Parking Concept Designs.
- **2017** Formal letter from York Water District to the Board of Selectmen and Budget Committee expressing the need for formalized parking and facilities at Mt. Agamenticus. All visitors who park in the limited base parking, most of the summit parking and along Mountain Road are using first hill, property owned by York Water District.
- **2017** York Water District Board of Trustee’s approve a line item in the 2018 Capital Improvement Budget to fund the design and engineering of the Parking at Mt. Agamenticus but want a guarantee from Selectmen the parking lot design will go on to the voters for construction in a timely manner.
- **2018** Workshop of Town of York Board of Selectmen and YWD Board of Trustees to discuss Mt. Agamenticus issues.
Robin Cogger

Don Neumann <dneumann@yorkwaterdistrict.org>
Thursday, February 13, 2020 12:29 PM
Robin Cogger; Gary Stevens; Robin Kerr
FW: York Water District / Town of York

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Robin
Please see Town Attorney’s response below

Don Neumann
York Water District
Superintendent
(207) 363-2265 Office
(207) 451-8106 Cell
dneumann@yorkwaterdistrict.org
86 Woodbridge Road
York, ME 03909

From: Zachary B. Brandwein <zbrandwein@bernsteinshur.com>
Sent: Wednesday, December 04, 2019 2:23 PM
To: Anthony Calcagni <acalcagni@verril-law.com>; Mary E. Costigan <mcostigan@bernsteinshur.com>
Cc: Don Neumann <dneumann@yorkwaterdistrict.org>; Nora Healy <nhealy@verril-law.com>
Subject: RE: York Water District / Town of York

Tony:

Yes, the last version is acceptable to the Town. Thanks.

Zachary B. Brandwein
he/him/his pronouns
BERNSTEINSHUR - Attorney
207 228-2371 direct
918 486-6699 mobile

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Anthony Calcagni <acalcagni@verril-law.com>
Sent: Monday, December 2, 2019 4:12 PM
To: Zachary B. Brandwein <zbrandwein@bernsteinshur.com>; Mary E. Costigan <mcostigan@bernsteinshur.com>
Cc: Don Neumann <dneumann@yorkwaterdistrict.org>; Nora Healy <nhealy@verril-law.com>
Subject: RE: York Water District / Town of York
Thanks Zack, that's good news. So can we assume the last version of the Lease Amendment that I sent you (with exhibits) is in final form so that we can submit to the PUC for their review? Tony

Anthony M. Calcagni  
Partner
One Portland Square  
Portland, ME 04101-4804  
T (207) 289-4916  
calcagni@verrill-law.com

From: Zachary B. Brandwein [mailto:zbrandwein@bernsteinshur.com]
Sent: Monday, December 2, 2019 2:32 PM
To: Anthony Calcagni <calcagni@verrilllaw.com>
Cc: Mary E. Costigan <mcostigan@bernsteinshur.com>
Subject: RE: York Water District / Town of York

Tony:

I have spoken with the Town Manager and confirmed that the Town will commit to financing any improvements with taxable bonds so the issue regarding the surrender is moot.

Thanks,

Zack

Zachary B. Brandwein
he/him/his pronouns
BERNSTEINSHUR - Attorney
207 228-7371 direct
818 484-6689 mobile

Confidentiality notice: If you are not the person intended to receive this email, please notify us and please do not make use of this email for any purpose. Thank you.

From: Anthony Calcagni <calcagni@verrill-law.com>
Sent: Wednesday, November 20, 2019 5:04 PM
To: Zachary B. Brandwein <zbrandwein@bernsteinshur.com>, Mary E. Costigan <mcostigan@bernsteinshur.com>
Cc: Don Neumann <dneumann@yorkwatertown.org>
Subject: FW: York Water District / Town of York

EXTERNAL EMAIL

Zack any update on this? Please let me know, thanks. Tony

3
STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2019-00328
February 5, 2020

YORK WATER DISTRICT
Notification of Amendment of Lease

ORDER

BARTLETT, Chair; WILLIAMSON and DAVIS, Commissioners

I. SUMMARY

By this Order, the Commission certifies, pursuant to 35-A M.R.S. § 1101(4), that the amendment to the May 12, 1980 Lease Agreement between the York Water District (District) and the Town of York (Town) filed on December 9, 2020 does not require Commission authorization under 35-A M.R.S. § 1101(1)(A). Further, the Commission finds that the amendment to the Lease Agreement does not constitute a sale of water resource land within the meaning of 35-A M.R.S. § 6109 and Chapter 691 of the Commission's Rules.

II. PROCEDURAL HISTORY

On December 9, 2019, the District notified the Commission of an amendment to a May 12, 1980 Lease Agreement between the District and the Town. The Lease Agreement involves approximately 7.5 acres of land that the town uses for public recreational access to Mount Agamenticus. The amendment will extend the term of the Lease Agreement until May 12, 2050, and allow the Town, at its own expense, to improve the parking area for Mount Agamenticus and widen the current access corridor.

On January 9, 2020, the Commission provided notice of the amendment to the Lease Agreement. The Commission did not receive any comments regarding the amendment.

III. LEGAL STANDARD

A. 35-A M.R.S. § 1101(1)(A)

Section 1101(1)(A) of Title 35-A requires a public utility to secure an order of authorization from the Commission before it may:

Sell, lease, assign, mortgage or otherwise dispose of or encumber the whole or part of its property that is necessary or useful in the performance of its duties to the public, or any part of the property under construction for the performance of its duties to the public, or its franchises, permits or rights under them.
Section 1101(4) authorizes the Commission to exempt certain transactions from the requirements of Section 1101(1). Specifically, Section 1101(4) allows the Commission to certify that certain transactions relating to utility property do not require Commission authorization where the property sought to be transferred does not materially affect the ability of the utility to perform its public service.

B. 35-A.M.R.S. § 6109 and Chapter 691 of the Commission's Rules

Section 6109 governs the sale or transfer of land by a consumer-owned water utility such as the District. Section 6109 imposes several requirements on a consumer-owned water utility that intends to sell or transfer land or property owned by the utility that is used for the purposes of providing a source of supply or land adjoining the source of supply.

Chapter 691 of the Commission's Rules implements section 6109 and establishes additional requirements for the sale or transfer of water resource land by a consumer-owned water utility. Section 1(B) of Chapter 691 defines a "sale" of "water resource land" as a conveyance or transfer of title to water resource land from the utility to another person or entity. For the purposes of this rule, "sale" shall also mean an assignment of a property right, a land lease of more than twenty years, a grant of an easement or any other encumbrance of the land, whereby the utility gives up for consideration rights to the use of a substantial part of the land surface. "Sale" does not include a transfer in accordance with or pursuant to statutory or contractual rights which predate the effective date of this rule. "Sale" does not include sales of land or easement to public utilities for public utility purposes. "Sale" does not include transfers to municipalities or state agencies that could be subject to condemnation under eminent domain proceedings.

IV. DISCUSSION AND DECISION

A. Section 1101

According to the District, the 7.5 acres of land at issue in this proceeding is used by the District for water resource protection, and, thus, there is no dispute that the property is "necessary or useful in the performance of [the District's] duties to the public." The Commission does, however, agree with the District that the amendment to the lease agreement will not materially affect the ability of the utility District to perform its public service. The land in question has been under lease to the Town for nearly 40 years and contains protections for the watershed and water quality. In addition, the amendment will allow for the construction of new restroom facilities, which should serve
In further protect water quality. The District also states that all construction will be done in accordance with design requirements specified by the District. Accordingly, the Commission certifies pursuant to 35-A M.R.S. § 1101(4) that the amendment to the Lease Agreement does not require Commission approval.

B. Section 6109 and Chapter 691

The District makes two arguments that the amendment to the Lease Agreement is not a "sale" within the meaning of Section 6109 or Chapter 691. First, the District states that for a lease to be a "sale" pursuant to statute and rule that lease must be for more than twenty years. Here, the amendment extends the term of the Lease Agreement from May 12, 2030 until May 12, 2050—a period of precisely twenty years— with two options for additional twenty-year extensions. Second, the District notes that the original 1980 Lease Agreement predates Chapter 691, and Section 1(B) of Chapter 691 exempts "transfers . . . in accordance with contractual rights which predates the effective date" of the Chapter.

The Commission agrees with the District that the amendment is not a "sale" within the meaning of Section 6108 or Chapter 691. The term of the amendment, and, thus, the extension of the original lease, does not exceed twenty years. Further, the original 1980 Lease Agreement predates the 1991 promulgation of Chapter 691 and also contains a term stating that the Lease Agreement is "subject to renewal," thus creating a preexisting contractual right. Accordingly, the Commission finds that neither Section 6109 nor Chapter 691 are applicable to the amendment.

V. ORDERING PARAGRAPH

Accordingly, the Commission

ORDERS

1. That, pursuant to 35-A M.R.S. § 1101(4), the Commission certifies that the amendment to the Lease Agreement between the York Water District and the Town of York filed on December 9, 2019 does not require Commission authorization under 35-A M.R.S. § 1101(1)(A); and

Dated at Hallowell, Maine this Fifth Day of February, 2020.

BY ORDER OF THE COMMISSION

/s/Harry Lamothe

Administrative Director

COMMISSIONERS VOTING FOR: Bartlett
Williamson
Davis
NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 11(D) of the Commission's Rules of Practice and Procedure (65-407 C.M.R. ch. 110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is derided.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 21 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.
February 19, 2020

York Board of Selectmen Chair
Todd A. Frederick
186 York Street
York, Maine 03909

Re: Mt. A. Parking and Restroom subcommittee

Dear Chairman Frederick,

At the Wednesday February 19, 2020 Trustee meeting the York Water District Board of Trustees voted unanimously to accept the language in the draft lease amendment. Please see attached copy. We appreciate the work that this sub-committee has completed to date and we look forward to your Boards final approval and the opportunity the voters will have to fund this necessary project.

Respectfully Submitted,

Richard E. Boston
YWD Board President

Cc: York Water District Trustees
February 18, 2020

To the York Board of Selectmen:

The Parks and Recreation Board has been provided a detailed update on the proposed lease amendment to the current (1980) lease between the Town of York and the York Water District for the easement corridor. We understand that this amendment will pave the way for continued, long-term, public access to the summit and trails at Mt. Agamenticus, as well as allow for the proposed infrastructure improvements to Parking and Restroom Facilities by the Town, on Water District property.

Our Board voted unanimously, at our meeting on February 13, 2020, to provide our support for the approval of the lease amendment as written.

Respectfully Submitted,

Skip Hartwell, Chair
Parks and Recreation Board

Board Members:
Scott Doughty
Brenda Knapp
Ron McAllister
Michael Modern
THIS AGREEMENT, made as of the 12th day of May, A.D. 1983, by and between YORK WATER DISTRICT, a quasi-municipal corporation, organized and existing under the provisions of Chapter 8 of the Private and Special Laws of the State of Maine of the year 1929, and located in the Town of York, in the County of York and State of Maine, hereinafter referred to as "the District," as party of the first part, and the INHABITANTS OF THE TOWN OF YORK, MAINE, a municipal corporation organized and existing under the laws of the State of Maine, and located at York, in the County of York and State of Maine, hereinafter referred to as "the Town," as party of the second part

WITNESSETH:

THAT, WHEREAS the District is the owner of a certain land situated in the Town of York, in the County of York and State of Maine, on the north-easterly side of the highway leading from Cape Neddick, in said Town of York, to Emery's Bridge, so-called, in the Town of South Berwick, in said County, and variously known as the George Welch lot, the Samuel W. Norton lot, the Mary A. D. Weare lot and the David Farrell lot, together with a private way leading from said highway across said premises to a point near the top of Agamenticus Mountain, so-called, in said York;

AND WHEREAS the Town is the owner of sundry lots or parcels of land situated on the top and the northwesterly, northerly and northeasterly sides of said Agamenticus Mountain, adjoining, in part, the said land of the District;

AND WHEREAS the Town is in the process of building upon its said lands a public park and recreational area for both summer and winter recreational purposes, and desires to acquire certain rights and easements relative to a right of way for ingress and egress by vehicle or otherwise, a right of way for the maintenance of a power line, so-called, and the use of a parking area, on, over and across said lands of the District for the use and benefit of the said Town, its agents and servants, it patrons or customers,
prospective or otherwise, and any and all persons that may desire to use or
patronize the facilities of such recreational area.

NOW, THEREFORE, in consideration of the sum of one dollar ($1.00) paid
by the Town, the receipt whereof is hereby acknowledged, and the mutual
covenants and agreements herein contained, it is hereby mutually agreed by
the parties hereto as follows:

The District does hereby grant and lease to the Town, for the term and
upon the conditions hereinafter set forth, the following described rights
and easements, to wit:-

1. An easement for the building, repairing and maintenance of a
right of way for ingress and egress by vehicle or otherwise, over and across
said lands of the District for the use and benefit of the said Town, its
agents and servants, its patrons or customers, prospective or otherwise, and
any and all persons that may desire to use or patronize the facilities of
such recreational area.

The easement hereby granted and leased shall cover the road that was
laid out and built by the U. S. Government during World War II, leading from
the above described highway to the top of Agamenticus Mountain. The strip
of land hereby made subject to the easement shall be three (3) rods (49½ ft.)
in width, except that if any unusual problem of drainage or construction is
presented, the width may be increased to four (4) rods (66 ft.).

2. A right of way for the erection, construction, maintenance, repair
and/or replacement of a power line, so-called, consisting of poles, wires and
such other appurtenances and equipment as are ordinarily used, or may here-
after be used, in the conduct and transmission of electric power, extending
from said highway, in a northeasterly direction, to said lands of the Town
at or near the top of said Agamenticus Mountain, said power line to commence
at said highway, a short distance westerly of the southeasterly terminus of
said right of way for vehicles; thence running approximately parallel to the
westerly side of said right of way to a point near the former location
of the sentry box or cut post used by the U. S. Government during World War II; thence running easterly, across said right of way, to a point in a line of telephone wire, attached to trees, originally strung by the U. S. Government, and presently being used for communication with the forest service tower on said Agamenticus Mountain; thence following the approximate line of said telephone, in a northeasterly direction, in a straight line, to said land of the Town near the top of said Agamenticus Mountain. Said right of way for said power line to include the right to cut down and remove all trees within twenty (20) feet of either side of the line of poles so to be set for said power line, and the right to said Town and its successors in title, to enter upon said strip of land, twenty (20) feet in width on either side of said power line, for the purpose of erection, maintenance, repair and/or replacement of said power line, and the cutting and removing of trees as hereinbefore provided.

3. Also the right to said Town to use, for the purpose of making a parking area, a tract of land approximately two and one-half (2½) acres in area, situated immediately southeasterly of the private way so hereinbefore constructed by the U. S. Government, and wholly enclosed, except on the side adjoining said highway, by a stone wall, said premises being bounded southwesterly by said highway; northwesterly by said former Government right of way, and northeasterly and southeasterly by other lands of the District, together with the right to cut and remove such trees as said Town shall deem proper, and to level the ground of said parking area so far as may be reasonably necessary to fit it for use. Free access from the westerly side of said parking area to said former U. S. Government right of way shall be permitted at any and all times. All of the foregoing privileges and facilities hereby granted and leased to the Town shall be improved, maintained and repaired at the sole expense of the Town, and the said Town shall save the District harmless from any and all claims for loss or damage that may arise for any reason from the use of said right of way or road, power line and/or parking space.
and any or all of them, by the Town, its agents or servants, its patrons, invitees, permittees or any other person or persons whatsoever.

The said Town covenants and agrees that said easements and the road, power line and parking area built, maintained and required in accordance herewith, shall not be used or maintained in any way, or by any person, that will contaminate the waters of the great pond known as "Chase's Pond" or "Chase's Lake," from which the District takes its water supply for the Town of York, to the extent that it is dangerous to public health or in any way distasteful or obnoxious to the District or to the takers of the water from said pond.

In the event it is found that any dangerous or obnoxious condition or conditions exist as a result of the maintenance and use of the rights and privileges hereby granted and leased, the Town, upon notice to that effect, shall forthwith correct or remove such condition or conditions, and failing to do so, the District shall have the right to close the said road and parking space and to suspend the use and occupancy of said road and parking space under this easement agreement until such time as said condition is corrected or removed.

By virtue of the rights and privileges herein contained the Town shall have the right to restrict or restrain the use of said road and/or parking space or to limit its use to its agents or servants, its customers or patrons, prospective or otherwise, and for such purpose to bar or obstruct the said road and/or parking space, or to charge a fee for the use of either or both of them, provided, however, that nothing herein contained shall be construed as preventing, restricting, or in any way limiting the District or its agents and servants in the free use and passage on or over said road and parking space at all times for any reason.

In consideration of the rights and privileges hereby granted, the Town further agrees that any portion of the proposed recreational area which lies on the water shed of said "Chase's Pond" shall be so constructed and maintained
so as to prevent any pollution of said pond or of any of the streams tributary thereto.

No commercial enterprise of any kind, other than parking, shall be carried on or conducted in the area heretofore provided to be used as a parking area.

4. The rights and privileges hereby granted and leased shall run and exist for a period of fifty (50) years from the date hereof, and shall be subject to renewal, provided that the terms and conditions herein are performed by the Town, provided, however, that if at any time during the term of this agreement, or any renewal thereof, the Town shall cease to own the land to which access is provided by this agreement, this agreement and the covenants and rights herein provided shall all become null and void.

5. This agreement shall enure to the benefit of and be binding on the parties hereto, their successors or assigns.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be sealed with their several corporate seals and executed in the name of their respective Corporations by their duly authorized agents.

Signed, sealed and delivered in the presence of

David C. McPherson, Jr.

Inhabitants of the Town of York, Maine

[Seals and Signatures]

York Water District
(Party of the first part)

[Seal and Signature]

Its President thereunto duly authorized

[Seal and Signature]

[Seal and Signature]

[Seal and Signature]

[Seal and Signature]
STATE OF MAINE
COUNTY OF YORK

May 12, 1980

Then personally appeared Philip D. d'Entremont, President of the Board of Trustees of the York Water District, and acknowledged the foregoing instrument to be his free act and deed, in his said capacity, and the free act and deed of said corporation.

Before me,

[Signature]

Justice of the Peace/Attorney at Law

York, Me.

Received May 13, 1980 at 11:16 a.m. A.D.

and recorded from the original.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 20, 2020

DATE ACTION REQUESTED: February 24, 2020

☐ ACTION

☐ DISCUSSION ONLY

SUBJECT: property donation – 9 Pine Street

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Town received an offer of a property donation for the parcel at 9 Pine Street. This is a wetland lot which is undevelopable. In 2017 the Town sold two nearby lots as surplus, so there is an established pattern of getting rid of wetland properties in this neighborhood.

In July, I triggered the Town’s process to consider offers of real estate. The attached information shows the offer, my request for feedback, and Missy’s compilation of that feedback. In summary, the Planning Director, the Parks & Rec Board and the Conservation Commission favor accepting the gift. Public Works and Assessing have no use for it.

If the Board wants to accept the gift then it must be sent to the voters in May. I have already included a ballot question for this donation.

If the Board doesn’t want to accept the gift then I will write back to the owner to inform her of that decision.

RECOMMENDATION: I recommend the Board not accept the offer because the Town has no use for this parcel, and because the Town has recently sold other nearby properties.

PROPOSED MOTION: I move to thank the owner for the proposed donation but to reject the offer of property at 9 Pine Street.

(Alternatively: I move to place the property donation offer at 9 Pine Street on the May ballot.)

Prepared by Stephen H. Burns, Town Manager: [Signature]
TO: Planning Board, Conservation Commission, Parks and Recreation Board
FROM: Planning Director, Public Works Director, Town Assessor
DATE: July 30, 2019
RE: Property Donation Acceptance

The Town has been offered property at 9 Pine Street - a .19 acre vacant lot in between Ridge Road and Railroad Avenue Extension (see map below). Per Section V. Acceptance of Gifts of Lane in the Selectmen's Property Acquisition and Disposition Policy, I am writing to you to get your opinion on whether or not the Town should accept the property. I would appreciate a response by the end of August 2019.
July 24, 2019

Stephen H. Burns, Town Manager  
York Town Hall – 186 York Street  
York Maine 03909

Re: Donation of Land - 9 Pine Street, York, Maine

Dear Stephen: As you advised, I am sending this letter as my formal request to donate the below listed land to the Town of York as soon as possible (copy of 2019 RE Tax Bill enclosed):

Map/Lot - 0030 0046  
Book/Page - 3097 1  
Acreage - 8276 SF

Please let me know when this donation is accepted by the Town.

Many thanks for your assistance in this matter.

Regards,

Joanne A. Thompson, Owner
# FISCAL YEAR 2019
## REAL ESTATE TAX BILL

<table>
<thead>
<tr>
<th>CURRENT BILLING INFORMATION</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Land Value ($)</td>
<td>19,500</td>
<td></td>
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<tr>
<td>Building Value ($)</td>
<td>0</td>
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</tr>
<tr>
<td>Total: Land &amp; Bldg</td>
<td>19,500</td>
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<tr>
<td>Exemption(s)</td>
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<tr>
<td>Net Assessment</td>
<td>19,500</td>
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<tr>
<td>Total Tax</td>
<td>217.43</td>
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<tr>
<td>First Half Due</td>
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<tr>
<td>Second Half Due</td>
<td>108.71</td>
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### NOTICE TO TAXPAYERS
**INTEREST AT 8% PER ANNUM CHARGED AFTER 2/3/2018 AND 2/2/2019.**

Notice is hereby given that your first payment of municipal tax is due by 2/3/2018 and the second payment is due by 2/2/2019. Interest will be charged on unpaid taxes at an annual rate of 8% beginning 9/25/2018 and 2/9/2019. As per state statute, the ownership and taxable valuation of all real and personal property subject to taxation shall be fixed as of April 1st of each year. For this tax bill, the date is April 1, 2018. This tax bill is for the fiscal period beginning July 1, 2018 and ending June 30, 2019.

For information regarding payments, interest, and/or refunds, please contact the Tax Collector at 207-363-1003. Information regarding changes OR information regarding valuations, please contact the Tax Assessor's Office at 207-363-1005.

Without State Aid for Education, Homestead Exemption reimbursement, BETE Exemption reimbursement, and State Revenue Sharing, your tax bill would have been 5% higher. After 3 months and no later than one year from the date of commitment, a lien will be placed on all real estate for which taxes remain unpaid. If you encroach your taxes, please forward this bill to your bank.

As of July 30, 2018 the Town of York has outstanding bonded indebtedness in the amount of $16,657,469.

### BILLING DISTRIBUTION

<table>
<thead>
<tr>
<th>SCHOOL</th>
<th>$138.07</th>
<th>63.50%</th>
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<tbody>
<tr>
<td>MUNICIPAL</td>
<td>68.27</td>
<td>31.40%</td>
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<td>COUNTY</td>
<td>9.35</td>
<td>4.30%</td>
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<tr>
<td>OVERLAY</td>
<td>1.74</td>
<td>0.80%</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$217.43</td>
<td>100.00%</td>
</tr>
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</table>

$11.15 per $1000

### REMITTANCE INSTRUCTIONS

To avoid standing in line, taxes may be paid by mail. Please make check or money order payable to the **Town of York** and mail to:

**TAX COLLECTOR**
186 YORK STREET
YORK, ME 03909

A receipt will be returned if payment is accompanied by a stamped, self-addressed envelope.

### PROPERTY TAX BILL

- **Owner(s)**: THOMPSON JOANNE A
- **Map/Lot**: 0030 0046
- **Book/Page**: 3979 1
- **Location**: 9 FINE STREET
- **Acres/Size**: 82.76 SF

**DUE DATE:** 2/8/2019

**INTEREST BEGINS ON:** 2/9/2019

**TAX AMOUNT DUE:** $108.71

PLEASE REMIT THIS PORTION WITH YOUR SECOND PAYMENT & MAKE CHECK OR MONEY ORDER PAYABLE TO: TOWN OF YORK
ensure the successful bidder has the ability to satisfy all bid conditions within 60 calendar days. The Board of Selectmen shall reserve the right to accept or reject any and all bids submitted and to act in the best interests of the Town. The Board of Selectmen specifically have the authority to award the bid to the abutter who they determine best meets terms they have identified and to choose among competing bids from abutters. Notwithstanding bid award criteria identified in the request for proposal, nothing in this policy shall be construed to preclude the Board of Selectmen from awarding the bid based on special circumstances described in a respondent’s bid proposal. The Board of Selectmen may alternately accept bids from more than one abutter and permit each abutter to purchase only a portion of the property provided this property is merged with the bidders’ properties.

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

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

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

V. ACCEPTANCE OF GIFTS OF LAND

A. REVIEW OF OFFERS OF GIFTS OF LAND:

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

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

Selectmen’s Property Acquisition and Disposition Policy – Amended January 14, 2015
Page 7 of 8
B. BOARD OF SELECTMEN RECOMMENDATION: Upon receipt of recommendations from the appropriate Boards, Commissions and the Town Manager, the Board of Selectmen shall review the potential uses of proposed gifted land and determine if acceptance of the gift is warranted.

C. TOWN MEETING VOTE: If the Board of Selectmen determines that the gift of land warrants acceptance, the proposed acceptance of the gift of land shall be presented at a General or Special General Referendum for a public vote.

NOTE: This Policy replaces two earlier Board policies:
We had sent out the attached memo regarding the donation of 9 Pine Street to the appropriate departments and received the following responses:

Dylan: The Comp Plan discusses the vital importance of protecting freshwater wetlands (a primary town goal) of which this lot seems to be directly located within one (based on our GIS Maps). The Comp Plan further goes on to say that most of the undeveloped parcels/areas in this part of town (Future Land Use Area #4 and/or Future Land Use Area #5) are non-conforming as most are wetlands, however vacant parcels like this one can usually provide important stormwater/flood control areas of which this likely would as it is within a flood zone as well as a large wetland complex. Both sections of the Comp Plan go on to say that the town should “attempt to preserve as many wetland areas as practical to help protect natural resource values and lesson flood control problems.” I believe an argument can be made that this might be one of those areas (we don’t need to purchase it) and although small, may help hinder further problems moving forward if for some reason it was permitted for development, and flooding continues to be a problem there.

Mace: I would say thanks but no thanks! Serves no purpose to us as far as I can see. Let her donate to a neighbor and keep it on the tax rolls. Something is better than nothing.

Dan: Public Works has no interest or potential use for this property.

Parks and Rec Board: Last night the Parks and Recreation Board voted 5-0 in favor of accepting the donation of 9 Pine St.

Conservation Commission: I think you should accept it. I know there are non profits that would like land to use. This can be a win win situation. I developed a pro/con matrix and it came up with accept

Not sure if you had decided to not accept it, or if it just fell off the radar. But let me know what else you need from me for this.

Missy

Melissa M. Avery
Administrative Assistant
Town of York, Maine Police Department
9 Hannaford Drive, York, ME 03909-6244

From: Joannethompson <joannethompson@att.net>
Sent: Monday, February 3, 2020 12:55 PM
To: Melissa M. Avery <mmavery@yorkpolice.org>
Subject: FW: Donation of Land to Town - 9 Pine Street
Importance: High
August 2, 2019

Joanie A. Thompson
1832 E Sandpointe Lane
Vero Beach, FL  32963

RE: Property Donation at 9 Pine Street

Dear Ms. Thompson:

Thank you for your offer to donate your property located at 9 Pine Street. We are currently following our internal process for such a donation and hope to have everything completed in approximately 6 months.

Should you have any questions or concerns, please feel free to contact me.

Sincerely,

[Signature]

Melissa M. Avery
Assistant to the Town Manager
186 York Street
York, Maine 03909
(207)363-1000
mavery@yorkmaine.org
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: February 20, 2020

DATE ACTION REQUESTED: February 24, 2020

SUBJECT: Board/Committee Appointments

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** The Board conducted interviews with the following: Mark Grziano, Victoria Simon for the Recycling Committee and Anna Gray for the York Housing Authority. The membership for both Boards are as follows:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Recycling Committee</td>
<td></td>
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</tr>
<tr>
<td>R</td>
<td>Jeannie Can</td>
<td>2021</td>
</tr>
<tr>
<td>R</td>
<td>Sally Sulloway</td>
<td>2021</td>
</tr>
<tr>
<td>R</td>
<td>Dennis Keprer</td>
<td>2021</td>
</tr>
<tr>
<td>R</td>
<td>Carol Libby</td>
<td>2022</td>
</tr>
<tr>
<td>R</td>
<td>VACANT</td>
<td>2022</td>
</tr>
<tr>
<td>R</td>
<td>VACANT</td>
<td>2022</td>
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<tr>
<td>R</td>
<td>VACANT</td>
<td>2023</td>
</tr>
<tr>
<td>R</td>
<td>VACANT</td>
<td>2023</td>
</tr>
<tr>
<td>York Housing Authority</td>
<td></td>
<td></td>
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<tr>
<td>R</td>
<td>Robin Cogger</td>
<td>2020</td>
</tr>
<tr>
<td>R</td>
<td>James Gambrill</td>
<td>2020</td>
</tr>
<tr>
<td>R</td>
<td>Ruth Ann Fatsher</td>
<td>2021</td>
</tr>
<tr>
<td>R</td>
<td>Sarah Newick</td>
<td>2021</td>
</tr>
<tr>
<td>R</td>
<td>Jud Knox</td>
<td>2022</td>
</tr>
<tr>
<td>R</td>
<td>Ellen Baldwin</td>
<td>2022</td>
</tr>
<tr>
<td>R</td>
<td>VACANT</td>
<td>2025</td>
</tr>
</tbody>
</table>

**RECOMMENDATION:**
PROPOSED MOTION:

I move to appoint ______ as a Regular member to the Recycling Committee, with a term expiring June 30, 2022.

I move to appoint ______ as a Regular member to the Recycling Committee, with a term expiring June 30, 2022.

I move to appoint ______ as a Regular member to the York Housing Authority, with a term expiring June 30, 2025.

PREPARED BY:  ___________________________  REVIEWED BY:  ___________________________
Diana Janetos, Assistant to the Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
<thead>
<tr>
<th>DATE SUBMITTED:</th>
<th>February 11, 2020</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>DATE ACTION REQUESTED:</td>
<td>February 24, 2020</td>
<td>DISCUSSION ONLY</td>
</tr>
<tr>
<td>SUBJECT:</td>
<td>Senior Center Advisory Board Charter</td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
Attached, you will find a Draft of the Senior Center Advisory Board Charter. The adoption of this Charter would replace the 1984 Ordinance and allow for the continuation of a Town-Appointed Board, under the Home Rule Charter, to serve in an advisory capacity; aligning with current practice. The Charter would take effect upon the voter repeal of the Ordinance.

I would like to request that the Board of Selectmen adopt the attached Senior Center Advisory Board Charter and take the necessary steps to delete the Senior Citizen Advisory Board Ordinance.

RECOMMENDATION: I recommend that the Board of Selectmen adopt the Senior Center Advisory Board Charter and that you take the necessary steps to delete the Senior Citizen Advisory Board Ordinance. The Charter would take effect upon voter repeal of the Ordinance.

PROPOSED MOTION: I move to adopt the Senior Center Advisory Board Charter and to take the necessary steps to delete the Senior Citizen Advisory Board Ordinance. The Charter will take effect upon voter repeal of the Ordinance.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: [Signature] REVIEWED BY: [Signature]
SENIOR CITIZEN ADVISORY BOARD ORDINANCE

Section 1. Senior Citizens Advisory Board

A. Duties

1. The Senior Center Advisory Board shall manage, supervise and direct the operations of the York Senior Citizens Center in conjunction with the Senior Citizens Coordinator.

B. Organization

1. Appointments shall be made by the Board of Selectmen.

2. The Senior Citizens Advisory Board shall consist of 5 voting members and 2 alternate members. (2001)

3. The term of each member shall be three years, except the initial appointment which shall be:

   a. Voting Members: 2 for one year
                      2 for two years
                      3 for three years

   Members may be reappointed.

4. When there is a permanent vacancy, the Board of Selectmen, within 60 days of the occurrence shall appoint a person to serve for the unexpired term.

Approved at Special Town Meeting, April 28, 1984
Amended November 6, 2001
Town of York, Maine
Senior Citizens Advisory Board
Board Charter

Purpose:
It shall be the purpose of the Senior Citizens Advisory Board to advocate for services to older adults in the Community.

Responsibilities:
The Board will work to identify needs among the older adult population and provide recommendations for beneficial and enriching programs and opportunities designed to meet these needs. The Board may work with Town departments, as well as other service agencies and organizations, to accomplish their goals. The Board will report annually, in writing, to the Board of Selectmen. The Board's function is advisory only.

Membership:
As specified in the Town of York Home Rule Charter, the Board shall be composed of 5 members, and 2 alternate members, each of whom shall be appointed by the Board of Selectmen. No more than two (2) Members of the Advisory Board shall also be affiliated with the Selectmen or board of another organization. Members shall be appointed for a 3-year term. Members may be re-appointed. Members-elect shall be sworn to faithful discharge of their duties by the Town Clerk prior to attending their first meeting.

The Board shall elect, by majority vote, one of its members to serve for the ensuing year as Chair. The Chair shall preside over the meetings and be recognized as the head of the Committee for all ceremonial purposes.

The Board shall elect, by majority vote, one of its members to serve for the ensuing year as Vice-Chair. The Vice-Chair shall serve as the Chair during such temporary absence or disability of the Chair.

The Board shall elect, by majority vote, one of its members to serve for the ensuing year as Secretary. The Secretary's role will be to take and maintain, record and post meeting minutes, and deliver approved meeting minutes to the Town Clerk for permanent archiving.

Quorum:
A simple majority of the Board shall constitute a quorum for the transaction of business. If a quorum is not present and those who are present adjourns the meeting with the intent to reconvene when a quorum is present, at least twenty-four (24) hour notice of the reconvening shall be given to all members who were not present at the meeting. Public notice shall also be made.

Qualifications:
Board members shall be registered voters of the Town of York.

Vacancies:
If a seat on the Board becomes vacant, the vacancy shall be filled by appointment of the Board of Selectmen for the unexpired term, as soon as possible, after the vacancy occurs.

Senior Citizens Advisory Board – Charter – DRAFT – January 9, 2020
Compensation:
There shall be no compensation for services.

Meetings and Minutes:
The Board shall meet on the third (3rd) Tuesday of the months of January, March, May, July, September and November. Meeting time and location are to be established and reviewed annually. Additional meetings may be called by the Chair. Meetings shall be posted publicly, and on the Town website at least three days in advance of each meeting. Meetings shall be conducted in accordance with Robert’s Rules of Order and in compliance with Title 1 M.R.S. §406. Minutes shall be taken, voted into the record at the next meeting, and provided to the Town Clerk for archiving, within one week of approval. Meeting
minutes, once approved, should be posted on the Town website.

Attendance at Meetings:
As specified in the Town of York Home Rule Charter, Board members shall not be absent from more than 3 consecutive meetings without being excused in advance by the Chair. Failure to obtain such excuse
shall create a presumption that the member has resigned or her membership on the Board and the
Chair shall thereupon promptly notify the Town Manager of such presumption. The Board of Selectmen
shall promptly fill said vacancy after affording the displaced member an opportunity to appear and be
heard and show just cause for failure to obtain the required excuse.

Modification of this Charter:
Any time after its adoption, charter modification may be made if it is believed necessary to enhance the
Board’s ability to achieve its purpose. The Board of Selectmen may accept, modify, or reject proposed
changes.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
<thead>
<tr>
<th>DATE SUBMITTED: February 18, 2020</th>
<th>☑ ACTION</th>
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</thead>
<tbody>
<tr>
<td>DATE ACTION REQUESTED: February 24, 2020</td>
<td>☐ DISCUSSION ONLY</td>
</tr>
<tr>
<td>SUBJECT: Energy Steering Committee Resignation</td>
<td></td>
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</tbody>
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DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: We received a resignation from David White from the Energy Steering Committee

RECOMMENDATION:

PROPOSED MOTION: I move to accept the resignation of David White from the Energy Steering Committee, with regret.

PREPARED BY: Diana Janets, Assistant to the Town Manager

REVIEWED BY: [Signature]
From: jamie white <whitedj71@yahoo.com>
Sent: Friday, February 14, 2020 6:47 AM
To: Stephen H. Burns; Diana Janetos
Cc: Gerry Runte; Rozanna Patane
Subject: Fw: David White Resignation from Energy Steering Committee

CAUTION This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Steven,

I regret to be formally resigning from the Energy Steering Committee. My life has changed and no longer allows the time needed for the ESC.

Respectfully,

David White
603.023.5636
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
<thead>
<tr>
<th>DATE SUBMITTED: February 21, 2020</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>DATE ACTION REQUESTED: February 24, 2020</td>
<td>DISCUSSION ONLY</td>
</tr>
<tr>
<td>SUBJECT: Committee for Veterans Affairs Resignation</td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: We received a resignation from Jimmy Carabello from the Committee for Veterans Affairs

RECOMMENDATION:

PROPOSED MOTION:
I move to accept the resignation of Jimmy Carabello from the Committee for Veterans Affairs, with regret.

PREPARED BY: Elana Janetos, Assistant to the Town Manager

REVIEWED BY: [Signature]
Hi Diana,

I'm not sure if this is in your department, but if not, please forward to the right person.

- Member Jimmy Carabello has resigned. Please remove him from the list of committee members.
- Please add the address for member Don Hands:

PO Box 604
Kittery, ME 03904

Thanks!
Barry Waddell, Chairman
REQUEST FOR ACTION BY BOARD OF SELECTMEN

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<td>SUBJECT: Committee for Veteran's Affairs Membership</td>
<td></td>
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</tbody>
</table>

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Committee for Veteran’s Affairs is requesting that the Board of Selectmen amend their charter to increase their membership from 5 members to 7 full members and 2 alternate members.

RECOMMENDATION:

PROPOSED MOTION:
I move to amend the charter for the Committee for Veteran’s Affairs to increase their membership to 7 full members and 2 alternates.

PREPARED BY: __________________________ REVIEWED BY: __________________________
Kathryn Lagasse, HR Director