1. Board Of Selectmen's Meeting Materials

   Documents:

   BOS MEETING PACKET 2020-08-10.PDF

1.1. Board Of Selectmen's Meeting Materials

   Documents:

   AGENDA FOR AUGUST 10 2020.PDF
BOARD OF SELECTMEN’S
MEETING AGENDA

5:45 PM / 6:00 PM / 7:00 PM  MONDAY, AUGUST 10th, 2020
VIRTUAL ONLY – Channel 1302 or Town Hall Streams

5:45 Committee Interview

6:00 PM Executive Session: Title MRSA § 405.6.D (Union Contracts)

Call to Order

Moment of Silence in Remembrance of Elizabeth Blanchard

Pledge of Allegiance

A. Consent Agenda
   1. July 27, 2020 Meeting Minutes
   2. Pole Permit

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Awards
   1. Survey of Town Lands

F. Reports
   1. School Resource Officers
   2. Touchless Transactions

G. Citizens’ Forum – E-mailed input only. No in person testimony allowed at this meeting. Please use the form ‘Ask a question to the Board of Selectmen for Citizen’s Forum (non-confidential)’ on the yorkmaine.org website under Government/Board of Selectmen. (This form is used if you have a question for the BOS for Citizen’s Forum in their upcoming BOS meetings. This is non-confidential and can be put in the packet and on the website under Meeting Materials. However, your address, phone number and email will remain confidential). Please keep to a limit of 300 words or less.

8/6/2020 4:19:45 PM
H. **Public Hearings**
   1. Zoning Amendment for Docks - CANCELLED
   2. New Business License
      - York Beach Surf Club

I. **Endorsements**
   1. Business License for York Beach Surf Club

J. **Old Business**
   1. Action: Establishment of Committee to Combat Racism
   2. Action: Signs Near War Memorials
   3. Action: BOS Policy – Public Participation at Selectmen’s Meetings
   4. Action: Comprehensive Plan and Climate Action Plan

K. **New Business**
   1. Action: Committee Appointment
   2. Action: Amend Pre-Approved Engineering Services List
   3. Action: Old Balances

L. **Future Agendas**

M. **Other Business**

N. **Citizens’ Forum**

**Adjourn**

8/6/2020 4:19:45 PM
Board of Selectmen’s Consent Agenda
August 10, 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. July 27, 2020 Meeting Minutes
2. Pole permit

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

Example Motion when an Item is being pulled out of the Item List: I move to accept the Consent Agenda, minus item ____ (i.e. “2 – York Restaurant Business License”).
BOARD OF SELECTMEN’S
MEETING MINUTES
6:00/7:00 PM, MONDAY, JULY 27, 2020
VIRTUAL ONLY – Channel 1302 or Town Hall Streams

6:00 PM Executive Session: Title MRSA § 405.6.D (Union Contracts)

Present: Chairman Todd A. Frederick, Vice Chairman Robert E. Palmer, Jr., Marilyn A. McLaughlin, Mike Estes

Others Present: Town Manager Stephen H. Burns, Director of Human Resources and Assistant Town Manager Kathryn Lagasse, Chief of Police Charles J. Szeniawski, Deputy Chief Owen Davis

Moved by Mike Estes, seconded by Marilyn McLaughlin to enter into executive session. Vote 4-0, motion passes

Moved by Marilyn McLaughlin, seconded by Mike Estes to exit out of executive session. Vote 4-0, motion passes

7:00 PM – Regular Meeting

Present: Chairman Todd A. Frederick, Vice Chairman Robert E. Palmer, Jr., Marilyn A. McLaughlin, Mike Estes

Others Present: Town Manager Stephen H. Burns, Director of Human Resources and Assistant Town Manager Kathryn Lagasse, Seacoast Online reporter Dan Bancroft, Assistant to the Town Manager Diana Janetos, Public Works Director Dean Lessard, Planning Director Dylan Smith, Chief of Police Charles J. Szeniawski, Adam Cote, Hannah King, Mary Clark, Mark C. Gallagher, Managed Services Engineer Nicholas Marcsisso

Call to Order

Chairman Todd A. Frederick called the meeting to order at 7:09 PM.

Pledge of Allegiance

A. Consent Agenda
1. July 20, 2020 Meeting Minutes
2. Business License Renewals
   • Ledges Golf Club
   • York Beach Bucket

Moved by Marilyn McLaughlin, seconded by Robert Palmer to accept the Consent Agenda with the amendment to the July 20, 2020 minutes that the vote should read 4-0,
not 4-0-1 at the executive session, Elizabeth Blanchard resigned before the meeting. Vote 4-0, motion passes

B. **Minutes**

C. **Chairman’s Report**

- Marilyn McLaughlin wishes Elizabeth Blanchard well and thanks all the people for social distancing.

- Mike Estes mentioned seeing more people wearing masks and thanked them. There is lots of testing happening at the testing center. Glad to see our testing facility is living up to what it should be. Proud of them, they are doing a good job.

- Robert Palmer mentioned about no cars were stopping for fire trucks. He needs to reach out to the York Beach Fire Dept.

- Todd Frederick said that Elizabeth Blanchard certainly is missed. Gathering her important work she did and sending it to her family. The beach had large crowds on the weekend. Would like to discuss the safety on Railroad Avenue later.

D. **Manager’s Report**

Chief of Police Charles J. Szeniawski discussed scams that are happening in Town. Banks and Social Security won’t call you for info. over the phone. Don’t give out info, call the Police Dept. There also has been calls saying your grandson is charged and arrested and to send money, don’t send money.

Want the Board to be aware that we renewed a motion to request a court visit at 16 Railroad Ave.

Mary-Anne’s report said 82% of the voting in July was absentee.

The mil rate will be dropping from 11.15 to 11.10. There was a big increase in the taxable value in town.

The Board adopted a proclamation against racism, discrimination and bias a few weeks ago, it has been distributed to all the department heads in charge of public facilities and will be posted publicly by the end of the week. I also purchased an ad in the York Weekly for the document and it will be in it this week.

Police Dept. report was sent out late this afternoon, we had some issues dealing with racism. Parking meter revenues are still through the roof.

Parks and Rec. report had Matt Rosenberg’s response (steward of our lighthouse) to what he’s seen with the trash. The carry in and carry out philosophy has really taken root. Zero touch trash management is working pretty well. I have had a few complaints about bathroom cleaning. It’s tough to keep up with in the summer. Mike
Estes had asked about an update on Steedman Woods and that is in the Parks and Rec. report.

Dean Lessard’s report, this is the 2nd week we have had that and he gives you a good run through of the projects. There are a number of paving projects waiting on the utility districts. There are updates on seawall and many of the FEMA projects. Will be easier to see the change week to week.

I’d like to thank the Board, the committees and the town staff for everything they have been doing. This is the last of the weekly Selectmen’s meetings. What I’ve seen is Covid fatigue and just a lot of strain on the systems, everybody feels there is a constant pressure. There is a constant pressure to adapt and to do things in a new way and it takes a mental toll. In my impression, the organization has held up well but in some respects is a bit fragile. Just to remind the Board and Public that what everyone does is appreciated. I think the fragile state we are in will eventually pass. This is Parks and Rec.’s busy season. Shout out to what all the staff are doing across the board and the committees. 7 or 8 community service awards will be done at the next meeting since Amber is out.

E. **Awards**

1. Construction – Intersection of Short Sands Road and US Route 1

Moved by Robert Palmer, seconded by Mike Estes to approve the award of the new signalized Intersection of US Route 1 and Short Sands Road to R.J. Grondin & Sons for an estimated construction cost of $583,403.50. Vote 4-0, motion passes.

F. **Reports**

G. **Citizens' Forum**

Public Comment –
1. Nicky Roberts
2. Carole and Jerry Allen
3. Peter Goodwin
4. Alfred Disidoro
5. Michael Morgillo

H. **Public Hearings**

1. Piers, Docks, Wharves, Breakwaters, Causeways, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line or Within a Wetland in the Resource Protection Subdistrict

Moved by Todd A. Frederick to open the public hearing. Without objection, so ordered.

Public Comment:
1. Torbert Mcdonald
2. Doreen McGillis
3. Nan Graves
4. Paul Radochia
5. Stephen Kosacz  
6. Linda Britton

The Board wants at least 2 public hearings before it goes to vote.

Moved by Todd A. Frederick to close the public hearing at 8:06 pm. Without objection, so ordered.

I. Endorsements

J. Old Business
   1. Action: Re-opening of Town Parks and Facilities  
      Mike Estes mentioned the wooden stairs across from the ice cream stand on Long Sands regarding a concern about safety. Would like Steve to have someone address the issue. Steve mentioned those are private stairs and the town put up bright yellow chains and people have been taking them down. Robin Cogger asked her crew to put up something more substantial. In theory when the stairs get built with the new seawall the problem goes away but, in the meantime, there is a huge drop off at the bottom and trying to prevent people from using them. We are trying to re-secure those. There are also steps across from Webber road that we are looking at railing options for. I am actively engaged in both of those issues.

K. New Business
   1. Discussion: Proposed Amendment for Recreational Marijuana Sales

      *Statement of Cyrus Clark, read on his behalf by his wife, Mary Clark, at the July 27, 2020 Board of Selectmen meeting:*

      Working with the town of York has thus far been a positive, seamless, and thoughtful experience. While acquiring approval of our Final Site Plan, it was a pleasure to learn from, and coordinate with, the town’s Planning, Public Works, Fire, and Police Departments. The town’s support and approval affirmed my confidence that bringing this invaluable, highly involved, business, to the town of York, was the right decision.

      Our site plan was accepted pending approval from the State of Maine for a State Dispensary License. It has now been roughly one year of waiting for the State to be in a position to accept and process our completed Dispensary License application. Despite multiple inquiries, there is no indication as to when this will be possible.

      Accordingly, we are before you today to present this proposed town ordinance amendment, which would allow Community Harvest to operate as a Caregiver Storefront. Should York approve our request, our business would operate consistently with our originally presented site plan, which upholds the stringent operating and safety requirements set forth in the Dispensary License application.

      If the amendment is passed, we will also continue to pursue the State Dispensary License. This added licensing would subject our business to the same retail rules and
regulations as a Caregiver Storefront. The difference from a business standpoint falls entirely on the backend of operations, specifically cultivation capacity. In short – a State Dispensary License allows the business to grow more medical marijuana.

As a reminder to the town, our cultivation does not occur in York, under any circumstance. And whether or not our business has the ability to cultivate more marijuana has no effect on how the retail operation in York will be run.

Under the current regulations, the Town of York has already, graciously, cooperated with our efforts to establish Community Harvest. Because of that, I greatly appreciate your time in welcoming this conversation, today. I kindly request you consider the proposal we have crafted, knowing that we have done so while prioritizing the safety of the Town of York, and the wishes of its residents.

Thank you,
Cyrus Clark

2. Action: Committee Appointments
Moved by Robert Palmer, seconded by Mike Estes to appoint the following, all terms to expire June 30, 2023. Vote 4-0, motion passes.

Board of Appeals -
Britton Garon

Assessment Review Board -
Joseph Carr
Robert Hand

Bike/Ped Committee -
Virginia Adamowicz

Energy Steering Committee -
Susan Covino
Len Loomans

Municipal Social Service Review Board –
Robert Luttmann
Karen Gilroy

Planning Board -
Peter Smith

Senior Citizens Advisory Board –
Elizabeth Maziarz

Shellfish Commission -
Michael Masi
Sohier Park Committee -
Brian Ross

Committee for Veterans' Affairs -
Michael Dow

York Housing Authority -
Robin Cogger

3. **Action:** Call a Special General Referendum to fill vacancy on Board of Selectmen
   Moved by Marilyn McLaughlin, seconded by Mike Estes to call a Special General Referendum, to be held on Tuesday, November 3, 2020, for the purpose of filling the vacancy on the Board of Selectmen. Vote 4-0, motion passes.

**L. Future Agendas**
- Executive session planned for Real Estate
- Awards Town Hall First Parish Church settlement
- Report on resource officers
- Report on touchless transactions
- 2 Public hearings on Zoning amendments (docks) and a new business license
- Establishment of a committee to combat racism in our community
- BOS policy on public participation at Selectmen’s meetings
- Comprehensive action on the climate action plan
- 2 property redemptions
- Purchasing policy with Wendy Anderson
- Aug. 24 there is an update on a street scan
- Update on town protocols going forward
- Update on our FEMA process
- Public hearing - warrant for a Nov. 3 referendum
- Moved Ogunquit rd. intersection discussion from tonight to Aug. 24th
- Discussion on evasive species and the town hall design
- Preference votes forwarding the warrant to the town clerk
- Senior Center Advisory Board appointments
- Townhall Design Committee

**M. Other Business**

**N. Citizens' Forum**
1. Wanda Morris

**Adjourn**

Chairman Todd A. Frederick adjourned the meeting at 9:10 PM. Without objection, so ordered.
Respectfully Submitted,

Diana Janetos
Central Maine Power  
Town/State Pole Permit  
Fax Cover Sheet  

Date: 06/02/2020  

To: Town of York  

FAX: 363-1019  

Subject: State______ Town __x____ Pole Permit  

Town/City: York  

Road: Shore Road  

CMP Job: 10300673254  

From: Sheila, CMP Line Clerk  
Fax 207-629-4752  
E-mail: Lineclerknewservice@cmpco.com  

Please sign attached and fax or e-mail back.  

Thank You
CENTRAL MAINE POWER COMPANY

APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: York, Maine

To the:  
☑ Town

☑ County of: York, Maine

Central Maine Power hereby applies for permission to:

☒ Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

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

Central Maine Power Company and N/A

jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: 80

2. Road (State & CMP): Shore Road

3. Direction: Northerly

4. Distance: 85' feet

5. Number of Poles: 1

☒ Overhead wires shall have a minimum clearance of 14 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.

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

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

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

In: N/A

On: N/A

CENTRAL MAINE POWER COMPANY

By: Elaine Titherington Date: 09/02/2020  

By: N/A Date:
Auto Fill Form for:
4501 - 4502 - 4503

| Notification: | 10300673254 |
| Work Order:   | 801000292419 |
| Field Planner Name: | Elaine Titherington |
| Field Planner Phone #: | 207-629-2542 |
| Date: | 06/02/2020 |

- [x] Not Published
- [ ] Public Notice of this application has been given by publishing the text of the same

| To the: |  |
| City: |  |
| Town: | York |
| County of: | York, Maine |

- [x] Overhead
- [ ] URD

CMP applying for:

1. Starting Point: 80
2. Road (State & CMP): Shore Road
3. Direction: Northerly
4. Distance: 85' feet
5. Number of Poles: 1

TEL CO: N/A

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If you only need 1 copy of the 4502 Form, just click "Print Form." A print dialogue will open, click print to print all 3 forms.

If you need multiple copies of the 4502 Form, click "Print Form." A print dialogue will open, click print to print all. After you print all, click "Print Form" again, but this time select the number of copies you need.
Auto Fill Form for:
4501 - 4502 - 4503

Notification: 10300673254
Work Order: 801000292419
Field Planner Name: Elaine Titherington
Field Planner Phone #: 207-629-2542
Date: 06/02/2020

City / Town: York
To the: 
\[\text{\checkmark Town}\]
\[\text{\checkmark County of: York}\]

CMP applying for: 
\[\text{\checkmark Overhead}\]
\[\text{\checkmark URD}\]

1. Starting Point: 80
2. Road (State & CMP): Shore Road
3. Direction: Northerly
4. Distance: 95 feet
5. Number of Poles: 1

TEL CO: N/A

Refer To Field Planner Web Page for selecting the appropriate Tel Co:
Home Page >
Field Planner Resources >
Telco Information

If you only need 1 copy of the 4502 Form, just click "Print Form" A print dialogue will open, click print to print all 3 forms.

If you need multiple copies of the 4502 Form, click "Print Form" A print dialogue will open, again, click print to print all. After you print all, click "Print Form" again, but this time select print range page "3" only and select the number of copies you need.
Facilities to consist of wood poles and appurtenances with a minimum clearance of wire and cables not less than 21 feet over the public highway, and/or underground facilities to consist of buried cables, conduits, transformers and manholes for operation at 7200 volts to ground single phase. Construction to be suitable for future operation at a voltage not to exceed 22KV to ground single phase. Right-of-way limits indicated are based on the best field information available.

Poles/Pads are staked. For further information call Elaine Titherington at Central Maine Power Company tel: 207-629-2542. Pole/Pad spans shown are approximate.
LOCATION PERMIT

Upon the Application of Center Maine Power Company and \[N/A\], seeking for permission, in accordance with law, to construct and maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances over, under, along or across certain highways and public roads in the location described in said application, permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location, said facilities and appurtenances in the City/Town of \[York\], approximately located as follows:

1. Starting Point: \[80\]
2. Road (State & CMP): \[Shore Road\]
3. Direction: \[Northerly\]
4. Distance: \[85\] feet
5. Number of Poles: \[1\]

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

By: ________________________________

By: ________________________________

By: ________________________________

By: ________________________________

By: ________________________________
Municipal Officers

Office of the ________________________________

Received and Recorded in Book ____________________ Page __________

Attest: ________________________________
Clerk
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: August 4, 2020

DATE ACTION REQUESTED: August 10, 2020

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: On July 10th I sent a request to three engineering firms on the Board’s approved list of on-call engineering firms. I told them that I needed survey and monumentation work completed by the end of 2020, and asked for proposals to complete the work. I specified that timing was more important than cost, and that the Board would make its selection based on these two criteria. I received proposal from Civil Consultants and from Sebago Technics. Tidewater...

Civil Consultants proposes to complete work by December 15th, for a cost of $24,820.

Sebago Technics proposes to complete the survey by November, for a cost of $19,900.

Tidewater...

RECOMMENDATION: I recommend the Board award the survey and monumentation work to Sebago Technics for an amount not to exceed $19,900.

PROPOSED MOTION: I move to award the contract for survey and monumentation of Town property to Sebago Technics for an amount not to exceed $19,900.

FISCAL IMPACT: $19,900
<table>
<thead>
<tr>
<th>DEPARTMENT LINE ITEM ACCOUNT: Town Hall Planning ($20,000 carried from prior FY, plus $50,000 approved for FY21)</th>
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<tbody>
<tr>
<td>BALANCE IN LINE ITEM IF APPROVED: $50,100.</td>
</tr>
</tbody>
</table>

PREPARED BY: ________________________  Stephen H. Burns, Town Manager
CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by and between the Town of York, a municipal corporation with its principal administrative offices located at 186 York Street, York, Maine, with a mailing address at the same, and R.J. Grondin & Sons, a corporation or other legal entity organized under the laws of the State of Maine, with its principal place of business located at 11 Bartlett Rd., Gorham, ME 04038.

The Town of York and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract, including Extra Work in conformity with the Contract, WIN 020899.00 for Route 1/Short Sands Road Intersection Improvements in the municipality of York, County of York, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall furnish all supervision, labor, equipment, tools, supplies, and materials required to perform the Work. The Contractor further shall be responsible for construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The Town of York shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before November 30, 2020. Furthermore, the Town of York may deduct from money otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with sections 107.7 and 107.8 of the Maine Department of Transportation (MaineDOT) Standard Specifications (March 2020 Edition) and related Special Provisions. Long lead times for equipment require mast arm installation after November 30, 2020 but prior to April 30, 2021.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required
Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is 
Five hundred eighty three thousand five hundred three and 50/100
($583,503.50), Performance Bond and Payment Bond each being 100% of the 
amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract 
documents as defined in the Plans, MaineDOT Standard Specifications (March 2020 Edition) and Standard 
Details (March 2020 Edition), as updated through advertisement, Supplemental Specifications, Special 
Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will 
be governed by the documents listed above.

E. Certifications.

By signing below, the Contractor hereby certifies that to the best of the Contractor’s knowledge 
and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in 
the Bid and the Bid Documents, including those in the Federal Contract Provisions 
Supplement, and the Contract are still complete and accurate as of the date of this Agreement.

2. The Contractor knows of no legal, contractual, or financial impediment to entering into this 
Contract.

3. The person signing below is legally authorized by the Contractor to sign this Contract on 
behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, MaineDOT Standard 
Specifications (March 2020 Edition) and Standard Details (March 2020 Edition), as updated through 
advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds 
contained herein for construction of:

WIN 020899.00 – Route 1/Short Sands Road Intersection Improvements—
on which bids will be received until the time specified in the “Notice to Contractors” do(es) hereby bid and 
offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole 
of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the 
attached “Schedule of Items.”

The Offeror agrees to perform the work required at the price specified above and in accordance with the 
bids provided in the attached “Schedule of Items” in strict accordance with the terms of this solicitation, 
and to provide the appropriate insurance and bonds if this offer is accepted by the Municipality in writing.

The Offeror also agrees:

First: To do any extra work, not covered by the attached “Schedule of Items,” which may be ordered by the
Project Resident, and to accept as full compensation the amount determined upon a “Force Account” basis as provided in the MaineDOT Standard Specifications (March 2020 Edition), and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier’s check, certificate of deposit or U.S. Postal Money Order in the amount given in the “Notice to Contractors” payable to the Town of York and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the MaineDOT Standard Specifications (March 2020 Edition) and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor’s Disadvantaged Business Enterprise Utilization Plan with their bid.

Fifth: That this offer shall remain open for 60 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: The Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the Municipality.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

Date

(Signature of Legally Authorized Representative of the Contractor)

Witness

J. Jones, Secretary

(Name and Title Printed)

G. Award.

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

Date

Witness

MUNICIPALITY OF York

By: Stephen H. Burns

Page 21 of 150
KNOW ALL MEN BY THESE PRESENTS: That R.J. Grondin & Sons, Inc.,
in the State of Maine, as principal,
and Berkley Insurance Company,

a corporation duly organized under the laws of the State of Delaware, and having a
usual place of business One Acadia Commons, P.O. Box 9010, Westbrook, ME 04098-5010,
as Surety, are held and firmly bound unto the Town of York, Maine in the sum of
FIVE HUNDRED EIGHTY THREE THOUSAND and 90/100 Dollars ($583,503.50),
to be paid said TOWN OF YORK, MAINE or his successors in office, for which
corporation, hereby waives notice of any alteration or extension of time made by the Town
of York, Maine.

Signed and sealed this 2d day of August, 2020

WITNESSES:

Signature
Print Name Legibly

SIGNATURES:

CONTRACTOR: R.J. Grondin & Sons, Inc.

SURETY: Berkley Insurance Company

NAME OF LOCAL AGENCY:

ADDRESS

(603) 224-2562
CONTRACT PAYMENT BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That R.J. Grondin & Sons, Inc.,
11 Bartlett Road, Gorham in the State of Maine, as principal,
and Barkley Insurance Company, a corporation duly organized under the laws of the State of Delaware, and having a usual place of business in One Acadia Commons, P.O. Box 9010, Westbrook, ME 04098-5010, as Surety, are held and firmly bound unto the TOWN OF YORK, MAINE for the use and benefit of claimants as herein below defined, in the sum of FIVE HUNDRED EIGHTY THREE THOUSAND and 90/100 Dollars ($583,503.50) for the payment whereof Principal and Surety bind themselves, their heirs, executors and administrators, successors and assigns, jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in the Contract to construct Project Number 020899.00 in the Municipality of York, Maine promptly satisfies all claims and demands incurred for all labor and material, used or required by him in connection with the work contemplated by said Contract, and fully reimburses the obligee for all outlay and expense which the obligee may incur in making good any default of said Principal, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

A claimant is defined as one having a direct contract with the Principal or with a Subcontractor of the Principal for labor, material or both, used or reasonably required for use in the performance of the contract.

Signed and sealed this 2nd day of August, 2020

WITNESS:

Signature:

Print Name Legibly:

Signature:

Print Name Legibly:

SURETY ADDRESS:
One Acadia Commons, P.O. Box 9010
Westbrook, ME 04098-5010

TELEPHONE 1-800-773-4300

CONTRACTOR: R.J. Grondin & Sons, Inc.

SURETY: Barkley Insurance Company

NAME OF LOCAL AGENCY: The Rowley Agency, Inc.

ADDRESS: P.O. Box 511
Concord, NH 03302-0511

(603) 224-2562
POWER OF ATTORNEY
BERKLEY INSURANCE COMPANY
WILMINGTON, DELAWARE

NOTICE: The warning found elsewhere in this Power of Attorney affects the validity thereof. Please review carefully.

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the “Company”), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Daniel E. Church; William VerPlanch; Paula J. Cantara; Bruce H. Langley; Michael P. O’Brien; Christine M. Hosmer; Ryan Stevens; John M. Harbottle; Gary P. LaPierre; or Matthew R. Blaisdell of The Rowley Agency, Inc. of Concord, NH its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed One Hundred Million and 00/100 U.S. Dollars (U.S.$100,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety Group, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 22nd day of August, 2016.

Attest: Berkley Insurance Company

Ira S. Lederman
Executive Vice President & Secretary

By Jeffrey M. Hafer Senior Vice President

WARNING: THIS POWER INVALID IF NOT PRINTED ON BLUE “BERKLEY” SECURITY PAPER.

STATE OF CONNECTICUT
COUNTY OF FAIRFAX

Sworn to before me, a Notary Public in the State of Connecticut, this 22nd day of August, 2016, by Ira S. Lederman and Jeffrey M. Hafer who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

M aria C. Rundbaken Notary Public, State of Connecticut
MY COMMISSION EXPIRES APRIL 30, 2019

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.

Given under my hand and seal of the Company, this 2nd day of August, 2020.

(Seal)

Vincent P. Forte
CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

THE ROWLEY AGENCY INC.
45 Constitution Avenue
P.O. Box 511
Concord NH 03302-0511

CONTACT NAME: Kelley Massey
PHONE: (603) 224-2562
EMAIL: kmassey@rowleyagency.com

INSURED

R J Grondin & Sons, Inc
11 Bartlett Road
Gorham ME 04038

INSURER A: Firemen's Ins Co of Washington DC
INSURER B: Acadia Insurance Company

COVERAGES

COVERAGE NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY EXTEND, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSURANCE LTL TYPE OF INSURANCE AMT SUBWEYD POLICY NUMBER POLICY EFF (MM/DD/YYYY) POLICY EXP (MM/DD/YYYY) LIMITS

A COMMERCIAL GENERAL LIABILITY CLAIMS-MADE OCCUR X CNA5410521 12/31/2019 12/31/2020

B AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS X X X X

C UMBRELLA LIABILITY OCCUR CLAIMS-MADE X CUA5410523 12/31/2019 12/31/2020

D LEASED/RENTED EQUIPMENT

E INSTALLATION FLOATER

CERTIFICATE HOLDER

Town of York
Town Hall
186 York Street
York, ME 03909

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Kelley Massey/KCO

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PUBLIC HEARING NOTICE
Town of York – Board of Selectmen
August 10, 2020
7:00 PM
Zoom Meeting, Channel 1302 and Townhall Streams

The Town of York Board of Selectmen will hold a Public Hearing on August 10, 2020 regarding a new Business License Application submitted for the following:

- York Beach Surf Club

If you’d like to participate, please email djanetos@yorkmaine.org
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 Beach Surf Club

Street Address: 780 York Street, York Harbor, ME 03901

Business Owner: Taylor Perkins

Mailing Address: PO Box 70750

Nashville, TN 37207

Business Manager: Taylor Perkins

Mailing Address: PO Box 70750

Nashville, TN 37207

Phone Number: 615-972-8711

Phone Number: 615-972-8711

E-mail Address: taylor@howdyhospitality.com

E-mail Address: taylor@howdyhospitality.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: 50

Food and Beverage:

Food Service License (C/F)

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

Liquor License (F/P)

Bottle Club License (F/P)

Entertainment:

☐ Special Amusement License (C/F/P)

☐ Dance Hall License (F/P)

☐ Bowling Alley License (C/F)

☐ Coin-Operated Amusement License (P)

☐ Bingo, Beano and Games of Chance

Miscellaneous:

☐ Transient Seller’s License (P)

☐ Flea Market License (C)

☐ Junkyard, Auto Graveyard/Recycling License (C/F/P)

☐ Medical Marijuana (P)

☐ 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:

<table>
<thead>
<tr>
<th>STATE LICENSE INFORMATION</th>
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<tbody>
<tr>
<td>ID Number(s):</td>
</tr>
<tr>
<td>Expiration Date(s):</td>
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<tr>
<td>Classification(s):</td>
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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)

FOR OFFICE USE ONLY

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<th>FEES</th>
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<td>License Amendment ($25)</td>
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<td>Other:</td>
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TOTAL DUE $

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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: August 6, 2020 | □ DISCUSSION  
|                              | □ APPROVED  
|                              | □ APPROVED W/ CHANGES  
|                              | □ DENIED  
|                              | □ NO ACTION TAKEN  
| VOTE: ______________________ |

| DATE ACTION REQUESTED: August 10, 2020 |

---

**SUBJECT:** Committee on Combating Racism and Bias

---

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** On July 20th, 2020 the Board expressed their interest in establishing a committee to work towards the goals of combating racism and bias in our community. Attached is a draft charter that would create a nine-member board of York citizens appointed by the Board of Selectmen. This committee’s charge would be to guide the Board in creating new polices and or making policy changes that promote diversity, equality, and inclusion. This committee would also work on behalf of York citizens to educate and create programming that aligns with the goals of our Proclamation Against, Discrimination, and Bigotry.

---

**RECOMMENDATION:**

**PROPOSED MOTION:** I move to approve a 9 member committee to address the issues of racism and bias in our community and to guide the Board of Selectmen on policies that promote diversity, equality and inclusion and to ensure the fair and equal treatment of all individuals.

---

**FISCAL IMPACT:**

<table>
<thead>
<tr>
<th>DEPARTMENT LINE ITEM ACCOUNT:</th>
</tr>
</thead>
</table>

| BALANCE IN LINE ITEM IF APPROVED: |

---

**PREPARED BY:** [Signature]  
**REVIEWED BY:** [Signature]
Committee on Combating Racism and Bias - Committee Charter

DRAFT

Ad Hoc Committee. The Committee on Combating Racism and Bias is an ad hoc committee created by and answerable to the Board of Selectmen. It shall operate until terminated by vote of the Board of Selectmen.

Membership. The committee will consist of nine citizens appointed by the Board of Selectmen utilizing its appointments committee process. In addition, up to two student representatives from YHS and/or YMS shall serve as non-voting members to be appointed by the committee. The committee shall elect its own chair, vice-chair and secretary. Any vacancy on the committee after the initial appointees have first met shall be filled by utilizing the appointments committee process. The town manager shall provide staff services to the committee.

Meetings. All meetings of the Committee shall have minutes taken in accordance with Roberts Rules of Order. Minutes shall be provided to the Town Clerk upon approval by the Committee.

Scope of Responsibilities. The committee shall advise the Board of Selectmen with respect to identifying and reviewing policies in town government, town services and municipal departments that contribute to systemic and structural racism. The committee will guide the Board of Selectmen by making recommendations for policies and procedures to promote greater equity and inclusion and align with the goals of the Proclamation Against Racism, Discrimination and Bigotry.

Project Goal. It is the goal of the Town to welcome people of every color, race, ethnicity, creed, sexual orientation, and gender identity and to actively combat racism, discrimination and bigotry by identifying and addressing these issues.

Objective #1. Provide guidance to the Board of Selectmen on creating new policies and policy changes to ensure the fair and equal treatment of all individuals.

Objective #2. To provide support for the people of the Town of York, especially historically marginalized groups to develop programs promoting diversity, equity, and inclusion.

Modification of Committee Charter. Any time after the formation, the Committee may propose to the Board of Selectmen any modification of its Charter believed necessary to enhance the ability to achieve the above-stated project goal. The Board of Selectmen may accept, modify or reject proposed changes.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: August 6, 2020

DATE ACTION REQUESTED: August 10, 2020

☐ DISCUSSION
☒ ACTION
☐ APPROVED
☐ APPROVED W/ CHANGES
☐ DENIED
☐ NO ACTION TAKEN
VOTE: _________________________

SUBJECT: BOS Policy – Temporary Signs on Town Property

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Board discussed this and provided direction at the July 6th and 13th meetings, and requested revisions. I incorporated changes proposed at the prior meeting to require BOS approval for placing temporary signs on 5 Town-owned lots, and I simplified the concept by removing the language about temporary signs on Town ROWs because that is where most confusion was coming into play. This may not be perfect, but I appreciated the recommendation that we just keep this policy simple.

A few points worth noting:

- The monument in Ellis Short Sands Park is well over 50’ from the nearest road ROW.

- The Revolutionary War, WWI, WWII and Korean War memorials are within 250’ of the entrance to Town Hall and therefore political signs can’t be posted in these areas. Copy of Statute attached)

- The ROW standards would potentially impact the Soldiers’ Memorial and the Vietnam Memorial, but it’s not clear the Board could prevent placement of signs along York Street because it’s a State numbered highway, not a Town road.

I believe the draft gets at the protections we seek without too much complexity or overreach.

RECOMMENDATION: I recommend the Board adopt the new policy.
PROPOSED MOTION: I move to adopt the Selectmen's Policy, Temporary Signs on Town Property.

PREPARED BY:  

Stephen H. Burns, Town Manager
Town of York, Maine

Board of Selectmen’s Policy - Temporary Signs on Town Property

I. PURPOSE OF POLICY
The Board seeks to control temporary signs placed on certain Town-owned properties in order to protect the aesthetics of these properties, and to ensure temporary signs do not diminish the dignity of war memorials.

II. STANDARDS

A. Without prior approval of the Board of Selectmen, temporary signs shall not be permitted on the following Town-owned properties:
   - Town Hall (186 York Street);
   - Old Gaol (193 York Street);
   - Remick Barn (3 Lindsay Road);
   - Little Parade (within the intersection of York Street and Long Sands Road); and
   - Ellis Short Sands Park (16 Ocean Avenue).

   In granting permission, the Board shall be cognizant of keeping signs away from war memorials located on these properties.

B. This standard shall not apply to temporary signs placed by the Town relating to government functions/purposes.

C. Any signs placed in violation of this Policy may be removed by the Town Manager or their designee without notice. It is intended that violating signs will be removed within 24 hours of their placement.

Date of Original Enactment: _____________________
§682. Political activities

Certain activities are prohibited on election day. [PL 2003, c. 447, §22 (RPR).]

1. Instruction limited. Within the voting place, a person may not instruct another in the method of marking the ballot, except as provided in section 672. [PL 2003, c. 447, §22 (RPR).]

2. Influence prohibited. On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate for an office or question that is on the ballot for the election that day; or [PL 2019, c. 371, §21 (AMD).]

B. Attempt to influence another person's decision regarding a candidate for an office or question that is on the ballot for the election that day. [PL 2019, c. 371, §21 (AMD).]

C. [PL 2003, c. 447, §22 (RP).]

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote. [PL 2019, c. 371, §21 (AMD).]

2-A. Application. This subsection governs the application of subsection 2.

A. Subsection 2 does not apply to pollwatchers, who may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. [PL 2003, c. 447, §22 (NEW).]

B. Subsection 2 does not prohibit media representatives from conducting an exit poll, as long as they do not solicit voters until after the voters have voted and do not orally communicate with voters in a way that influences a voter's vote. [PL 2003, c. 447, §22 (NEW).]

C. If a person attempts to influence voters or interfere with their free passage, the warden shall have that person removed from the voting place. [PL 2003, c. 447, §22 (NEW).]
3. Advertising prohibited. A person may not display advertising material; operate an advertising medium, including a sound amplification device; or display or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate for an office or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

   A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place for the purposes of voting. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches. [PL 2009, c. 253, §27 (AMD).]

   B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising. [PL 2003, c. 447, §22 (RPR).]

   C. [PL 2003, c. 447, §22 (RP).]

[PL 2019, c. 371, §22 (AMD).]

4. Devices for audible communication. Party workers or others may not use cellular phones, voice pagers or similar devices to make audible voice communication within the voting place that is in violation of subsection 2.

[PL 2003, c. 447, §22 (NEW).]

5. Violation. A person who knowingly engages in activities prohibited by this section commits a Class E crime.

[PL 2003, c. 447, §22 (NEW).]

6. Public property limited. For purposes of this section, "public property" does not include a public right-of-way across privately owned property if it is an easement right-of-way.

[PL 2009, c. 253, §28 (NEW).]
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: July 23, 2020

☐ DISCUSSION
☒ ACTION

☐ APPROVED
☐ APPROVED W/ CHANGES
☐ DENIED
☐ NO ACTION TAKEN

VOTE: _______________________

DATE ACTION REQUESTED: August 10, 2020

SUBJECT: Amend the BOS Policy – Public Participation at Selectmen’s Meetings

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: At the annual organizational meeting on July 20th, the Board reviewed it current policy and directed me to make two changes.

First, there was a crazy, non-sensical sentence in the 4th paragraph that was to be removed.

Second, the Board wanted to grant the Chair more latitude to manage the time allotted to public presentations to the Board rather than relying on a generic time limit. The final sentence of the second paragraph was replaced with suggested language offered on July 20th, and the final paragraph is deleted.

Both changes are proposed in the attached draft.

RECOMMENDATION: I recommend the Board enact the proposed revisions.

PROPOSED MOTION: I move to adopt the revised “Public Participation at Selectmen’s Meetings” policy as proposed.

PREPARED BY: _______________________

Stephen H. Burns, Town Manager
TOWN OF YORK - SELECTMEN’S POLICY
PUBLIC PARTICIPATION AT SELECTMEN’S MEETING
DRAFT – July 23, 2010

All regular and special meetings of the Board shall be open to the public and the media. Only those executive session meetings, where the Board discusses personnel, labor negotiations, or other matters where private sessions are required or permitted pursuant to State Statute, shall be closed to the public and media. Pursuant to State Law, matters discussed during such executive sessions may require public action at a regular or special Board of Selectmen’s Meeting.

The Selectmen desire to hear the viewpoints of citizens throughout the Town, but also need to conduct the Board’s business in an orderly and efficient manner. The Board shall schedule two periods during each regular Selectmen’s Meeting for public participation and comment. The Board may set a time limit on the length of these periods and/or a time limit for individual speakers. The Board Chair may set a time limit of these periods or time limits for individual speakers.

If a presentation requires more than such time limits allow, the Town Manager shall be contacted at least one week in advance of a regular meeting so that the presentation may be considered for inclusion as a formal agenda item.

The Board shall accept comments and questions from the public concerning any issue during a short period at the beginning and end of the agenda following public hearings (if any). The Chair shall be responsible for recognizing all speakers (who properly identify themselves for the record). The Selectmen shall be given an opportunity to respond to the concerns or questions the Selectmen wish to address officially which are not in response to public comment or questions at said meeting, must be held over for the next available agenda and handled pursuant to the Selectmen Policy on Transaction of Business except that, by unanimous consent, the Selectmen may deal with emergency or special items.

The Selectmen shall give due attention to comments and contributions from the audience, but shall not be required to respond or take action immediately. Audience inquiries, other than simple questions, shall be referred to the Town Manager or that item may be included in the agenda for a subsequent meeting if necessary.

Citizens shall not be recognized by the Chair as the Board conducts its official business, except when the Board schedules, in advance, an interim public discussion period on a particular item or the majority of the Board feels that such input is pertinent to the discussion subject matter.

During the Citizens Forum and the Citizens/Selectmen’s Forum sections of the regular meeting, Citizens should limit their comments to no more than five minutes. Additional extensions of time may be granted, unless objected to by a majority vote of the Board. Members of public may speak more than once during each of these sections of the meeting unless objected to by a majority vote of the Board.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: August 6, 2020

DATE ACTION REQUESTED: August 10, 2020

☐ DISCUSSION
☒ ACTION
  ☐ APPROVED
  ☐ APPROVED W/ CHANGES
  ☐ DENIED
  ☐ NO ACTION TAKEN

VOTE: ____________________

SUBJECT: Comprehensive Plan and Climate Action Plan

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Town has approved $200,000 for development of a new Comprehensive Plan, and another $150,000 for development of a Climate Action Plan. Both are currently on hold for purposes of curtailing expenses in the short term – we need to see how property tax payments go in the coming 6 weeks to determine whether or not we anticipate a significant revenue shortfall. Assuming revenues are okay and the Board decides to proceed with these planning efforts, we would be launching two significant, overlapping initiatives concurrently. The processes would have duplication of effort (and therefore cost), and would require significant added coordination to ensure that the public’s opportunities for input are optimized for the public and not for each project separately. I believe it would be far better to combine these two projects into a single contract to allow for the simultaneous, coordinated development of each plan rather than have two separate undertakings.

The Board has already agreed that Civic Moxie will be contracted to complete the Comprehensive Plan. I believe it would be appropriate to ask Civic Moxie to provide a proposal that would also have them preparing a Climate Action Plan. There should be a savings in terms of time and money, and the public input opportunities should be far more efficient and effective if each project proceeds independently. In an era of challenging public meetings, Civic Moxie should be in a great place to lead us forward. Much of their public engagement process was tech-based, and that was their proposal BEFORE the pandemic.

There is a challenge to this, however. The Board granted $10,000, per the Energy Steering Committee’s request, to pay Celtic Energy (aka NVS) to draft an RFP for preparation of a climate action plan. That work is not yet complete, but it must be close. If the Board decided to combine these two projects and go with Civic Moxie, that would preclude a separate bidding process on the Climate Action Plan. This would be a pretty big contract amendment. However, it should be reasonable to take the draft RFP as it stands to date and ask Civic Moxie to utilize it to draft its proposal.
I discussed this with Rozanna Patane, Chair of the Energy Steering Committee. She is in agreement with this concept with the understanding there would be two separate plans prepared. If the thought was to simply try to incorporate the Climate Action Plan into the Comp Plan then she would be opposed because she's concerned that it would make for a far weaker Climate Action Plan.

The Board is not required to take any action on this. I think, however, it makes sense to investigate the option of a single contract to generate both plans.

**RECOMMENDATION:** I recommend the Board investigate the possibility of having one contract to facilitate the development of both the Comp Plan and the Climate Action Plan.

**PROPOSED MOTION:** I move to direct the Town Manager to contact Civic Moxie to solicit their thoughts about a single contract to concurrently prepare the Comp Plan and Climate Action Plan. Feedback from Civic Moxie should address their ability to complete both plans to a high degree of quality, to engage the public effectively during the pandemic, to address the specifications of the Climate Action Plan RFP, to address their ability to undertake the Climate Action Plan work, and to the general implications for cost savings.

PREPARED BY: ___________________________  Stephen H. Burns, Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: August 6, 2020

☑ ACTION
☐ APPROVED
☐ APPROVED W/ CHANGES
☐ DENIED
☐ NO ACTION TAKEN
VOTE: ______________________

DATE ACTION REQUESTED: August 10, 2020

SUBJECT: Committee Appointment

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
The Board conducted an interview with the following: Paul Salacain for the Appeals Board.
The memberships for the Board are as follows:
Appeals Board:

- R Britton Garon 2023
- R Vacant 2023
- R Michael Swant 2021
- R Joseph Carr 2022
- R David Woods 2021
- R Mary Daun 2022
- A Vacant 2022, Formerly Eugene Sullivan
- A Ian Shaw 2023

RECOMMENDATION:
As proposed below, there will be two or three members/alternates up for renewal each year for the Appeals Board.

PROPOSED MOTION:
I move to appoint Paul Salacain as an Regular member to the Appeals Board, with a term expiring June 30, 2023.
FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: [Signature]

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

DATE SUBMITTED: August 6, 2020

DATE ACTION REQUESTED: August 10, 2020

☑ ACTION
☐ APPROVED
☐ APPROVED W/ CHANGES
☐ DENIED
☐ NO ACTION TAKEN
VOTE: ____________________

SUBJECT: Amend the list of pre-approved engineering consultants

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Back in April of 2017 the Board approved a list of engineering firms from which the Town can seek proposals without a full-scale RFQ/RFP process. A copy of the request for action is attached.

I propose the Board add GEI to the list of pre-approved engineers, and I would do this in a new category - Marine Engineering.

GEI prepared the very well received York Harbor/River Capacity Study in 2019 and the Board has indicated a desire to work with GEI on implementation tasks. It would therefore be appropriate to add them to this list. This list remains valid through April 24, 2022, at which time an entirely new list will be generated.

RECOMMENDATION: I recommend adding GEI Consultants to the list of engineering short-list

PROPOSED MOTION: I move to add GEI Consultants to the Professional On-Call Engineering Services List, under a new category, Marine Engineering.

PREPARED BY: ____________________  Stephen H. Burns, Town Manager
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: April 18, 2017

DATE ACTION REQUESTED: April 24, 2017

SUBJECT: Professional On-Call Engineering Services

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:
This past winter I was tasked to develop an RFQ for professional on-call engineering services to provide additional staffing resources for projects the town does not have time or expertise to complete. Often, the procurement process for obtaining professional engineering services can hinder municipal project start up and timely completion. However, by having a short list of engineering firms to choose from for a various town project (buildings, bridges, drainage) that perhaps project start and completion can be better achieved.

Fortunately, eleven (11) engineering firms with various specialties submitted qualifications in response to the RFQ. Many of which were based in Maine with a few that were from the NH. A RFQ committee consisting of the DPW, Parks and Recreation and Planning Directors reviewed, discussed and scored each RFQ submittal. Based on the many different projects in town at any one time and the various specialties that any one firm possessed, it was decided that it would be best to develop a short list of firms the town could call on for a particular project type. The subsequent project categories were developed with a recommendation that the following firms be utilized for that particular category (in no particular order).

-Bridges and Minor Spans: (WSP/ Parsons and Brinckerhoff, CMA, Milone & MacBroom);
-Roads: (Gorrill Palmer, CMA, Ransom)
-Drainage/Stormwater: (Ransom, Wright Pierce, Underwood)
-Traffic/Intersection: (Gorrill Palmer, Milone & MacBroom, Sebago)
-Municipal Buildings: (Civil Consultants, Gorrill Palmer, Sebago)
-Construction Administration/Other: (CLD, Tidewater, Ransom)
-Long Range Planning and Design (Milone & MacBroom, Wright Pierce, Gorrill Palmer)

RECOMMENDATION: Approve the following firms be utilized for particular municipal projects based on the listed project category type:
-Bridges and Minor Spans: (WSP/ Parsons and Brinckerhoff, CMA, Milone & MacBroom)
-Roads: (Gorrill Palmer, CMA, Ransom)
-Drainage/Stormwater: (Ransom, Wright Pierce, Underwood)
-Traffic/Intersection: (Gorrill Palmer, Milone & MacBroom, Sebago)
-Municipal Buildings: (Civil Consultants, Gorrill Palmer, Sebago)
-Construction Administration/Other: (CLD, Tidewater, Ransom)
-Long Range Planning and Design: (Milone & MacBroom, Wright Pierce, Gorrill Palmer)

PROPOSED MOTION: As specified above regarding the municipal project categories; approve the short list of professional on-call engineering firms to be utilized for municipal projects for a period not to exceed 5 years from this date (April 24, 2017 - April 24, 2022).

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

PREPARED BY: Dylan Smith, Planning Director   REVIEWED BY: ____________________
REQUEST FOR ACTION BY BOARD OF SELECTMEN

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<thead>
<tr>
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SUBJECT: OLD BALANCES - SEE ATTACHED

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: SEE ATTACHED

RECOMMENDATION:

PROPOSED MOTION: TO AUTHORIZE THE REMOVAL OF OLD AMOUNTS DUE THAT ARE NOT COLLECTABLE FOR VARIOUS REASONS, I.E. UNKNOWN OWNERSHIP, FORECLOSURES, PERSONAL PROPERTY TAXES FOR DISSOLVED BUSINESSES, ETC., IN ORDER TO PREPARE FOR NEW SOFTWARE.

FISCAL IMPACT: NONE

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: [Signature] REVIEWED BY: [Signature]
August 5, 2020

To: The Board of Selectmen

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

Subject: Removal of old Balances

It is my understanding that in anticipation of adopting new Munis software, it will be necessary to erase any and all old balances due that linger on the books from various situations such as Unknown Ownership, foreclosed properties, Personal Property taxes owed by businesses that are no longer here, etc. This is something that would be done, I assume, by myself and the Finance Department.

MAS:mji
Attachment
BOARD OF SELECTMEN'S
MEETING AGENDA

5:45 PM / 6:00 PM / 7:00 PM  MONDAY, AUGUST 10th, 2020
VIRTUAL ONLY – Channel 1302 or Town Hall Streams

5:45 Committee Interview

6:00 PM Executive Session: Title MRSA § 405.6.D (Union Contracts)

Call to Order

Moment of Silence in Remembrance of Elizabeth Blanchard

Pledge of Allegiance

A. Consent Agenda
   1. July 27, 2020 Meeting Minutes
   2. Pole Permit

B. Minutes

C. Chairman's Report

D. Manager's Report

E. Awards
   1. Survey of Town Lands

F. Reports
   1. School Resource Officers
   2. Touchless Transactions

G. Citizens' Forum – E-mailed input only. No in person testimony allowed at this meeting. Please use the form 'Ask a question to the Board of Selectmen for Citizen's Forum (non-confidential)' on the yorkmaine.org website under Government/Board of Selectmen. (This form is used if you have a question for the BOS for Citizen's Forum in their upcoming BOS meetings. This is non-confidential and can be put in the packet and on the website under Meeting Materials. However, your address, phone number and email will remain confidential). Please keep to a limit of 300 words or less.
H. Public Hearings
   1. Zoning Amendment for Docks - CANCELLED
   2. New Business License
      • York Beach Surf Club

I. Endorsements
   1. Business License for York Beach Surf Club

J. Old Business
   1. Action: Establishment of Committee to Combat Racism
   2. Action: Signs Near War Memorials
   3. Action: BOS Policy - Public Participation at Selectmen’s Meetings
   4. Action: Comprehensive Plan and Climate Action Plan

K. New Business
   1. Action: Committee Appointment
   2. Action: Amend Pre-Approved Engineering Services List
   3. Action: Old Balances

L. Future Agendas

M. Other Business

N. Citizens’ Forum

Adjourn