1. Board Of Selectmen's Meeting Materials

Documents:

2019-09-23 BOS AGENDA.PDF
2019-09-23 BOS PACKET.PDF
6:00 PM: Joint meeting with Harbor Board

7:00 PM: Regular Meeting

Call to Order

Pledge of Allegiance

A. Consent Agenda
   1. August 19, 2019 Meeting Minutes
   2. August 29, 2019 Meeting Minutes
   3. September 9, 2019 Meeting Minutes
   4. Business License Renewals

B. Minutes
   *Listed in Consent Agenda*

C. Chairman’s Report

D. Manager’s Report

E. Awards
   1. Fire Engine for York Beach Fire Department
   2. Public Works – 2020 Crack Seal Bid Award

F. Reports
   1. Town Council Form of Government, Maura Herlihy – City of Sanford
   2. Annual Assessor’s Report, Rick Mace
   3. Solar on Old Landfills, Gerry Runte

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

I. Endorsements

J. Old Business
1. Action: Solar Initiative at Witchtrot Road Facility
2. Action: GHG Reduction Goals
3. Action: Sustainability Fund Applications

K. New Business
1. Action: Grant Application for Maine’s 200th
2. Action: Bells at Sohier Park and Ellis Short Sands Park
3. Discussion: Ellis Short Sands Park Matters

L. Executive Session: Title 1 MRSA § 405.6.A (Personnel)

M. Action: Regarding Personal Matter in Executive Session

N. Future Agendas
1. On the Radar

O. Other Business

P. Citizens’ Forum

Adjourn
BOARD OF SELECTMEN’S
MEETING AGENDA
6:00 / 7:00 PM  MONDAY, SEPTEMBER 23, 2019
YORK PUBLIC LIBRARY

6:00 PM: Joint meeting with Harbor Board

7:00 PM: Regular Meeting

Call to Order

Pledge of Allegiance

A. Consent Agenda
   1. August 19, 2019 Meeting Minutes
   2. August 29, 2019 Meeting Minutes
   3. September 9, 2019 Meeting Minutes
   4. Business License Renewals

B. Minutes
   *Listed in Consent Agenda*

C. Chairman’s Report

D. Manager’s Report

E. Awards
   1. Fire Engine for York Beach Fire Department
   2. Public Works – 2020 Crack Seal Bid Award

F. Reports
   1. Town Council Form of Government, Maura Herlihy – City of Sanford
   2. Annual Assessor’s Report, Rick Mace
   3. Solar on Old Landfills, Gerry Runte

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

I. Endorsements

J. Old Business
1. Action: Solar Initiative at Witchtrot Road Facility
2. Action: GHG Reduction Goals
3. Action: Sustainability Fund Applications

K. New Business
1. Action: Grant Application for Maine’s 200th
2. Action: Bells at Sohier Park and Ellis Short Sands Park
3. Discussion: Ellis Short Sands Park Matters

L. Executive Session: Title 1 MRSA § 405.6.A (Personnel)

M. Action: Regarding Personal Matter in Executive Session

N. Future Agendas
1. On the Radar

O. Other Business

P. Citizens’ Forum

Adjourn
Joint Meeting
With the
Harbor Board
Stephen H. Burns

From: Stephen H. Burns  
Sent: Tuesday, September 17, 2019 10:49 AM  
To: msinclair.harborboard@gmail.com 
Cc: Reenie Johnson  
Subject: joint meeting with BOS  

Mike,

We have a joint meeting with the Harbor Board and Board of Selectmen scheduled next Monday, from 6:00 to 7:00 PM. I assume all members of the Harbor Board are aware of this and will attend. To be sure, Reenie, please forward this e-mail to all the members of both boards.

I know the Board of Selectmen would like an update on the study that is currently under way. All I heard was good feedback from Board members about the consultant’s initial presentation so I think we have something to build on there. I believe the Board of Selectmen would be supportive on continued work with that consultant moving forward in the future, assuming there are implementation tasks that come from the current study.

The other matter we should discuss is the Harbor Board budget. This will have two components – operating and capital. The Board of Selectmen need to approve the Harbor Board’s operating budget annually, per the Harbor Ordinance, Section 2(B)(7), so if you’ve got something to propose then we should get that by the end of the day tomorrow. If not then we could schedule their action for a subsequent meeting. Still, this should be discussed. Regarding capital budgets, I can incorporate whatever your capital matters are in the Capital Program, which covers the coming 5 years. The voters get to decide on each capital item at the May budget referenda, regardless of the funding source. Even the spending of Sohier Park Gift Shop revenues for lighthouse restoration is subject to voter approval, so we need to get in the queue soon. I’m working on capital now, so any time you know what you want get it to me and I’ll incorporate it directly. One note – Chief Szniawski deferred the Harbor Master’s big boat to FY22 so that will not be a matter for discussion this year. I think the Board of Selectmen’s long-term interest is being sure the Harbor Board is collecting enough fees to ensure it has an adequate reserve to pay for all the anticipated future improvements, dredging and so forth.

Any materials you would like the Board of Selectmen to have for the meeting should be forwarded to Missy by the end of the day tomorrow. And please let me know if you have an operating budget proposal suitable for BOS action, or if we should have the discussion first and seek approval at a later date.

Thanks Mike!

Steve

Stephen H. Burns, Town Manager  
York Town Hall, 186 York St., York ME 03909  
(207) 363-1000  
sburns@yorkmaine.org
I do have an agenda for talking points for the Monday joint HB/ BOS meeting.

1. River study-initial impressions, update and developing plan from results

2. Cape Neddiick Harbor- moorings and dock management plan for the area and limitations of a full management plan for the area.

3. Paddlecraft launch at Grant House


5. Operating budget and capital items for the Harbor and River

I am hoping to have an updated capital plan with costs completed once Jeremy gets all the figures back this week and will send that along.

Sent from my iPad
Harbor Ordinance

Town of York, Maine

Most Recently Amended: November 7, 2017

Dates of Prior Amendment(s): May 16, 2015
                                  November 4, 2014
                                  May 17, 2014
                                  May 22, 2010
                                  May 19, 2007
                                  May 21, 2005
                                  May 18, 2000
                                  February 10, 1998
                                  November 4, 1997
                                  November 5, 1996
                                  November 8, 1994
                                  November 2, 1993
                                  April 10, 1993
                                  May 9, 1992

Date of Original Enactment: December 6, 1990

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance: November 7, 2017

Certified by the Town Clerk: Mary [signature] on 11/9/17
HARBOR ORDINANCE

Rules and Regulations Pertaining to the Harbors, Ports, Tidal Waters, and Channels within the Town of York, Maine

SECTION 1. DEFINITIONS

ANCHORAGE: An area where vessels may be anchored, moored or otherwise berthed at a wharf, dock, slip or pier.

BATHING AREA: The area of water within 200 feet of the shoreline of a defined beach in the Town.

BEACHES, DEFINED: Primarily includes, but not limited to Long Sands Beach, Short Sands Beach, Harbor Beach and Cape Neddick Beach.

BERTH: The place where a vessel lies when at anchor or when made fast at a dock, float, moored float, mooring, pier, slip, wharf, or any other facility used for securing a vessel.

CHANNELS:

a. Defined: Areas of Harbors or Tidal Rivers kept open for navigation or other purpose by this ordinance.

b. Natural: That part of a tidal river below the low water mark, providing the natural course of flow of water; the thread of a body of running water.

THE FOLLOWING CHANNELS ARE DEFINED:

1. York Harbor Entrance Channel: An area enclosed in the following boundaries, to wit: A line beginning on the eastern shore of Harris Island at the spindle #9 to the most western point on the shore of Stage Neck; then encompassing all the waters from that line to a starting point at the point on the most southeasterly shore of Eastern Point, then on a line to a point on the northeastern shore of Western Point.

2. York Harbor Navigation Channel: An area approximately 30 yards wide from the north westerly end of the York Harbor Entrance Channel to the Route 103 Bridge, following the natural channel of the York River and marked Spindle "9", Can "11" and the channel lights and sign on the Route 103 Bridge.

3. York River Channel: The natural channel of the York River from the Route 103 Bridge to the source of the York River and all its tidal tributaries.

4. Cape Neddick Outer Harbor Channel: An area enclosed by the following boundaries, to wit: A line extending from Bell Buoy "2" southwesterly to Can "1", then northerly to the channel marker spindle east of Shore Road then southeasterly to Bell Buoy "2".
5. **Cape Nedrick Inner Harbor Channel:** The natural channel of the Cape Nedrick River from the channel marker spindle east of Shore Road to the source of the Cape Nedrick River.

**COMMERCIAL FISHERMAN:** A fisherman who is licensed by the State of Maine and/or other applicable entities to engage in commercial fishing. Because of York’s proud history of fishing, the Harbor Board gives preferences to commercial fisherman in the administration of this Ordinance.

**DOCK:** A slip extending beside one or more piers or wharves or a waterway cut into the land for the reception of vessels.

**FLOAT:** A platform that floats and is attached to or associated with a single pier or wharf in such a way that pedestrian movement is afforded between the pier and the float.

**HARBORS:** Used herein to indicate all the Harbor areas defined below collectively. Defined Harbors of the Town are:

- **Brave Boat Harbor:** That portion of Brave Boat Harbor, as charted on N.O.S. Chart 13283, corrected December 1, 1984, which lies within the geographical limits of the Town.

- **Cape Nedrick Harbor:** Cape Nedrick Harbor, as charted on N.O.S. chart 13283, corrected to December 1, 1984 including that portion of the Cape Nedrick River westerly of the Charted Harbor to the Clark Road Bridge.
  
  a) **Outer Harbor:** A portion of the Cape Nedrick Harbor lying upstream from the mouth of the Cape Nedrick River and extending to the Shore Road Bridge.

  b) **Inner Harbor:** A portion of the Cape Nedrick River lying upstream from the Shore Road Bridge to Clark Road Bridge.

- **York Harbor:** An area, as charted on N.O.S. Chart 13283, corrected to December 1, 1984, from the mouth of the York River to the Route 103 Bridge.

**HARBOR USE:** Holding a mooring permit, traversing tidal water areas or rental or occupation of private berths in the Town.

**HIGH WATER MARK:** The highest elevation of the water during the highest annual tide as published on the tide tables for York Harbor from the National Oceanic and Atmospheric Administration (NOAA), which is also interpreted by the Maine Department of Environmental Protection for the current year.

**HOUSEBOAT:** A vessel designed for use primarily as a dwelling or domicile for human occupancy in protected waters, whether self-propelled or not. Offshore safety and navigational related features such as, but not limited to hydrodynamics, freeboard, and
seaworthiness would be secondary or even non-existent. Final determination to be made by the Harbor Master and the Harbor Board.

JURISDICTION: This ordinance shall apply to all tidal waters and to all land areas at an elevation below the High Water Mark as defined above in the Town.

LANDING: A place for receiving or discharging persons or things from a vessel.

LOW WATER MARK: The lowest elevation of the water during the low tide immediately following the highest annual tide.

MARINA: An establishment providing berths, supplies or services for vessels for a fee.

MARSH: A periodically wet or continually flooded land area with the surface not deeply submerged, covered dominantly with sedges, cattails, rushes, and other hydrophytic plants.

MARSH BANK: That portion of the coastal wetlands which is covered with marsh grasses. The line, delineated by the change from marsh vegetation to mud, shall be the "marsh bank line."

MOORED FLOAT: A platform not attached to or associated with a pier, wharf, or the shore in any way, that floats and is anchored, moored or otherwise secured and is used as a berth or other purpose.

MOORING: A semi-permanent, adequate means of securing a vessel to the bottom in an anchorage.

MOORING FIELD: One of the eight regions into which the York Harbor and York River are separated, as more particularly depicted in the document entitled York Harbor Mooring Field Chart, which is incorporated into this definition by reference.

MOORING PERMIT: A permit issued annually by the Harbor Master to an applicant, authorizing the applicant to utilize a specific mooring space for a specific size and type of vessel, for a period of one (1) year.

MOORING SPACE: A space assigned by the Harbor Master for securing a vessel to a mooring or moored float.

MOORING SPACE ASSIGNEES: Vessel owner(s) who have been granted a mooring space permit and whose name(s) has been on the mooring space permit or on the application for the mooring space permit, since a point in time that is the later of five years prior to the current date, or the original date of the application for the mooring space permit, or the effective date of this ordinance.

MOUTH OF THE CAPE NEDDICK RIVER: A line in the Cape Neddick River between the easternmost low water out-crops of Weare’s Point and Barn Point, passing through #2 Bell Buoy.
MOUTH OF THE YORK RIVER: A line projecting due south in the York River projecting due south from Eastern Point to Western Point.

OIL: Any and all petroleum products and their by-products of any kind and in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other wastes, and crude oil.

PERSONAL WATERCRAFT: Any motorized vessel utilized primarily for recreational purposes that is capable of exceeding 20 miles per hour. This term applies only to a vessel that uses an inboard motor powering a jet pump as the vessel’s primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than the conventional manner of sitting, standing or kneeling inside the vessel. The term includes, but is not limited to, a Jet Ski, Wave Rider, wet bike, surf jet, miniature speedboat, and hovercraft. Personal watercraft also includes any motorized watercraft whose operation is controlled by a water skier. This term does not include dinghies, skiffs, tenders, canoes, kayaks and other like vessels, used primarily for transporting persons and goods at speeds of less than five miles per hour.

PIER: A structure extending into a harbor for use as a landing place.

PORT: Includes the harbor area, town wharves and public landings and any other public landings or wharves that might be acquired by the Town in any defined Harbor in York.

RESIDENT: Any person occupying a dwelling in the town of York for more than 180 days in a calendar year.

SEASON, BOATING: Beginning of Memorial Day weekend to end of Columbus Day weekend.

TENDER: A vessel 13’ 6” or less in length and 6’ 0” or less in beam and not more than 15 horse power, associated with a specific larger vessel and principally used for transportation from the larger vessel to a landing or other vessel. Also referred to as a “dinghy”, or “skiff”. Each mooring permit shall entitle the holder to one tender.

TOWN: The Town of York, Maine.

TRANSIENT VESSEL: A vessel, the operator or owner of which seeks a temporary place to berth within a defined Harbor, River, or Channel.

VESSEL: A watercraft of any kind including but not limited to boats, scows, dredges, and shellfish cars.

VESSEL, ABANDONED: A vessel shall be considered “abandoned” if for a period of at least six (6) continuous months, and of the following circumstances exist:

1. The owner of the vessel fails or refuses to pay any applicable license fee, excise tax, harbor usage fee, or any other fee or charge imposed by the Town of York.
2. The owner of the vessel fails or refuses to comply with any lawfully issued order of the Harbor Master.

3. The owner of the vessel fails or refuses to respond to any lawful request for information submitted to him or her by the Harbor Master.

**VESSEL, DERELICT:** A vessel shall be considered "derelict" if any or all of the following circumstances exist:

1. The vessel is fastened to neither a mooring nor an anchor.

2. The vessel lacks any license or registration, from any authority, the possession of which is a pre-requisite to the operation of such a vessel.

3. The vessel is submerged to a level substantially above its normal water line, and remains so for a period of at least fourteen (14) consecutive days without reasonable explanation.

4. The vessel is damaged to such an extent that it cannot be moved under its own power.

**VESSEL OWNER:** An individual having at least a 25% interest in and demonstrable right of exclusive use of a vessel, whether or not registered or documented. Proof of ownership interest and demonstrable right of exclusive use shall be a document, currently dated, showing the names of all owners of interest the percentage of their interest in the vessel, and the date they obtained that interest, signed and sworn to by all named owners and filed with the Harbor Master.

**WHARF:** A structure built on the shore of a harbor, river, channel or the like, including but not limited to, one extending parallel to the shore line, so that vessels may lie close alongside to receive and discharge passengers and cargo.

**SECTION 2. POWERS OF APPOINTMENT AND RESPONSIBILITIES**

A. **Harbor Master:**

1. The Town Manager shall appoint a Harbor Master.

2. The Harbor Master, with oversight by the Town Manager, shall appoint such Deputy Harbor Masters as may be necessary to assist the Harbor Master with all the powers and obligations as granted by Statute.

3. The Harbor Master and Deputies may be removed from office for cause by the Town Manager in a manner prescribed by applicable law.

4. Upon qualification, the Harbor Master and Deputies may be appointed as Reserve Police Officers in the York Police Department having all the powers of arrest as granted thereto by the Statutes of the State of Maine.

5. The Harbor Master shall enforce the Rules and Regulations of the Town and the applicable Statutes of the State of Maine pertaining to any area under the
jurisdiction of this ordinance and shall cooperate with other government agencies in enforcing their regulations; preserve and regulate navigation within said areas; assign, relocate, and/or revoke annual and transient mooring permits; require berths and their associated hardware to be kept in safe condition; direct the relocation or removal of vessels if necessity or emergency requires or for reasons of safety, navigation, improved space utilization, or offense against this ordinance; collect transient mooring fees as required; advise the Harbor Board regarding applications for new construction and for alterations to existing structures; and inquire into and prosecute all offenses occurring within said areas.

6. The Harbor Master shall keep such records as the Town Manager and the Harbor Board may require and shall perform such other duties as the Town Manager and the procedures of the Harbor Board may require in the administration of this ordinance.

7. Qualifications, salary and expenses of the Harbor Master are recommended by the Harbor Board for approval by the Town Manager.

8. The Harbor Master shall attend all Harbor Board Meetings unless excused, and shall act in an advisory capacity to the Board.

B. Harbor Board:

1. The Board of Selectmen shall appoint a Harbor Board, being a board of Town residents, to serve without compensation and to include five regular members who serve staggered terms of three years and two alternate members who each serve a term of three years. The duties and responsibilities of the Harbors Board shall be:

2. To oversee and plan the general operation of the Harbors and Tidal Waters of the Town.

3. To hear appeals from decisions of the Harbor Master in accordance with the procedure established in Section III, Paragraph 8 of this ordinance.

4. To consider applications for both new and existing structures within the jurisdictional limits of this ordinance and to determine whether such applications should be granted, in accordance with the procedure established in Section 3 of this ordinance.

5. To advise as to the Board of Selectmen regarding applications for wharves and weir fish licenses pursuant to 38 M.R.S.A. § 1022.

6. To advise the Harbor Master in the implementation of the provisions of this ordinance, including mooring space assignments.

7. To annually submit a budget request to the Selectmen through the Town Manager, and to administer the budget as approved.

8. To adopt written policies, procedures, and application forms to facilitate the administration of the Ordinance.
9. To make recommendations to the Board of Selectmen through the Town Manager for the enhancement of harbor facilities for the long range benefit of users and the Town.

10. To make recommendations as needed to the Board of Selectmen through the Town Manager for the revision and updating of this Ordinance.

11. To hold public informational meetings as necessary to assure adequate public participation in deliberations and recommendations of the Board.

12. To report periodically to the Town Manager on the activities of the Board.

SECTION 3. HARBOR USE REGULATIONS

A. Vessel Owner Responsibility

The owner(s) of a vessel shall be co-equally and severally responsible with an operator of said vessel for any infraction of this ordinance by said operator if:

1. Said owner of a vessel permits another person to operate said vessel and said operation is in violation of any section of this ordinance.

2. Boat owners are responsible for adequate maintenance, care, and upkeep of their boats, skiffs and dinghies. Failure to do so will result in forfeiture of the mooring.

3. Said owner is the parent guardian responsible for the care of a minor under 18 years of age and the minor operates said vessel in violation of any section of this ordinance.

B. Speed of Vessels

1. Upon all tidal waters within the Town it shall be unlawful to operate a vessel at a speed that is not safe and prudent including, but not limited to damaging any wharf, float, or anchored or moored vessel, or endangering any person or property, or impairing another vessel’s ability to maneuver or proceed safely. Operating a vessel at more than headway speed within 10 feet of a person in the water or within a defined bathing area when persons are in the water shall be considered endangering a person, and is unlawful.

2. Upon the York River and all its tributaries within the Town, from Can #7 in the York River Channel and Sewall’s Bridge and between the Brickyard Marker Buoy and the U.S. Route 1 Bridge, and between Scotland Bridge and the source of the York River, it shall be unlawful to operate a vessel at a speed exceeding five miles per hour over the bottom or in such a manner that causes a wash, wake, or waves that visibly and unnecessarily disturbs an anchored or moored vessel or float, or endangers a person or the banks of a harbor or river.
3. Upon the Cape Nedrick River and all its tributaries within the Town, within an area between a speed marker 200 yards east of the Shore Road Bridge and the source of the Cape Nedrick River, it shall be unlawful to operate a vessel at a speed exceeding five miles per hour over the bottom or in such a manner that causes a wash, wake or waves that visibly and unnecessarily disturbs an anchored or moored vessel or float, or endangers a person or the banks of a harbor or river.

C. Personal Watercraft and Houseboats

It shall be unlawful to operate a personal watercraft, as well as anchor or moor a houseboat upon the tidal waters within the Town within an area encompassed by the mouth and the source of the York River; and upon the Cape Nedrick River and all its tributaries within the Town within an area encompassed by a speed marker buoy 200 yards east of the Shore Road Bridge and the source of the Cape Nedrick River; within Brave Boat Harbor; and within any bathing area at a defined beach.

D. Towing

Upon the York River and all its tributaries in the Town, York Harbor, Cape Nedrick Harbor, Cape Nedrick River and Brave Boat Harbor, it shall be unlawful for any operator of a vessel to have in tow any device, such as skis, sleds, boards, etc., intended primarily for recreational purposes.

E. Channels

It shall be unlawful to place any materials in defined channels in the jurisdictional limits of the Town in such a manner as to obstruct the channel. Such materials shall include, but are not limited to, buoys and floating line.

F. Fishing Equipment

Except for eel pots and hand held gear such as fishing rods or lines, it shall be unlawful to set fishing equipment in the York River Channel.

G. Anchorage

The defined Harbors and the Tidal Rivers of the Town are hereby assigned as anchorage areas, provided, however, that no anchor, mooring, or other device for securing a vessel shall be set, established, or maintained without permission of the Harbor Master, who shall grant such permission with due regard to maintaining channels for passage of vessels and in a manner as described herein. The Harbor Master may order any vessel in this area to change position when, in the Harbor Master’s opinion, said vessel may impede navigation or endanger other vessels.

H. Mooring Spaces

These regulations are promulgated to meet the U.S. Army Corps of Engineers requirements for Federal Anchorages and its permit number ME-YORK-85-1361, as amended; the requirements of the Town of York Interim Harbor Management
Plan dated May 28, 1985; and the Statutes of the State of Maine, as such regulations and statutes may from time to time be modified.

1. **Current Permit Holder:** Mooring space applications prepared by the Harbor Board, shall be mailed annually to the current mooring permit holder. The application shall include the length, draft, and type of vessel approved for the mooring space, the application fee, and other pertinent information requested on the application form. It is the responsibility of the applicant to fill out the application and submit it to the Town Clerk together with all fees, taxes and accrued interest, fines and penalties due. An application shall not be considered received until the application and fees, taxes and accrued interest and penalties are received. The Town Clerk receipts the mooring application, fees, and taxes and accrued interest, fines and penalties and forwards the application to the Harbor Master, who after reviewing the application, approves it and issues the mooring permit or denies the application. In so far as it shall be consistent with Statute, the Harbor Master shall give preference in approving mooring permits to persons holding permits during the past calendar year and to Shorefront Property Owners.

I. **Construction and Alteration of Structures**

1. It shall be unlawful to either construct a new structure or to make any addition, alteration, or change to an existing structure without prior application to the Harbor Board. For the purposes of this provision, the term “structure” shall include, but shall not be limited to, any dock, float, moored float, pier, wharf, or landing located or to be located within the jurisdictional limits of this ordinance.

2. This provision shall not apply to routine repairs and maintenance to existing structures. The requirements of this provision shall be in addition to any other applicable local, state, or federal requirements.

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

   a. Any person wishing to construct a new structure and/or make additions, alterations, or changes to an existing structure:

      1. File an application on the form provided by the Harbor Board;

      2. Provide a plan that shows the proposal in plan view which meets the following requirements:

         a. is prepared and certified by a Maine-licensed Professional Engineer;

         b. has a signature block with a title, “Approval of the Town of York, Maine”, has signature and date lines for the Chair of the Harbor Board, the Code Enforcement Officer and the Chair of the Board of Selectmen, and concludes with the sentence, “All 3 signatures
shall be required before the plan is considered approved and construction may commence.”

3. Pay a non-refundable application fee of $50.

b. The Harbor Board shall hold a public hearing on the application within thirty days (30) of the filing date.

c. Notice of the public hearing shall be posted at the Town Hall and shall also be published in a newspaper of general circulation at least seven (7) business days prior to the public hearing.

d. The Harbor Master shall attend the hearing and shall present all information deemed appropriate for the Harbor Board’s understanding of the application.

e. The Harbor Board shall not approve the application unless a majority of members present and voting finds that the new structure, or the addition, alteration, or change to the existing structure will neither impede navigation nor endanger vessels. In addition to this general standard, the following shall also apply:

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

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

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

4. To be repaired in kind, the structure (in this context to include wharf, pier, dock and/or float) must have been in place and functioning as intended, in the opinion of the Harbor Master, within 24 months of the Town’s receipt of an application. When repaired, all reasonable measures shall be taken to bring the structure into conformance with current standards to the greatest extent possible and only upon issuance of a permit by the Harbor
Board. A structure that has not been functioning as intended for longer than 24 months, in the opinion of the Harbor Master, may be repaired or replaced only in full compliance with all current local and State permitting requirements. Shoreland and Building permits from the Code Enforcement Officer may also be required. See also – Zoning Ordinance §8.3.6.10.

f. The Harbor Board shall advise the Board of Selectmen regarding applications for wharves and weir fish licenses pursuant to 38 M.R.S.A. §1022.

g. Notice of the Harbor Board’s decision shall be sent to the applicant within thirty (30) days of the date of the public hearing and within seven (7) business days of the decision. Decisions shall be in writing, shall contain a statement of findings and conclusions, and shall state the reasons for the decision.

h. Appeals from the Harbor Board’s decision shall be made in accordance with Maine law.

4. Immediately following completion of any construction work approved under Section 3, above, and before lawful use commences, a Maine-licensed Professional Engineer shall provide certified written documentation that all work was completed in full compliance with the approved plan. Failure to provide such certification of full compliance shall be treated as a violation of this Ordinance as of the date of completion of construction. See Section 10 for penalties. Additionally, the Harbor Board may ask the Code Enforcement Officer to check for zoning violations.

SECTION 4. MOORING SPACE ASSIGNMENTS

A. All mooring spaces are under the exclusive control of the Harbor Master and must be assigned annually from established lists maintained by the Harbor Master, of persons either holding or desiring a mooring permit, except for designated mooring spaces which the Harbor Master may assign to transient vessels.

B. No vessel of greater than 50 feet in length overall shall be assigned a free-swinging or Bow & Stern mooring space in York Harbor. Vessels over 50 feet in length overall which have been assigned mooring space prior to adoption of this amendment are excepted, so long as their application for annual permit renewal is otherwise in good standing. Bow sprits, Pulpits, Booms, Outboard swim platforms, all shall be considered in the assignment of a mooring.

C. Mooring Space Application: Any person seeking a mooring space shall file an application with the Office of the Harbor Board. Upon payment of an application fee, the applicant’s name shall be added to the waiting list maintained by the Harbor Master in the order the application fee was received. All applicants are responsible for giving notice of any change of address. An annual fee for each mooring application will be billed on December 1st and be due by January 2nd of the following year. Failure to pay the annual fee will result in applicant’s name being purged from their respective lists.
1. Applicants will indicate a range of vessel size, provided that when they receive a space assignment they must utilize it for a vessel of the size and type indicated on the mooring permit by the end of the first full boating season after receipt of the space assignment, and in no case shall ever utilize it for a vessel of different size class than approved for the space assignment without written approval of the Harbor Master. If the applicant cannot utilize the assigned mooring space within the first full boating season, the applicant may offer the space to the Harbor Master for the Temporary (One Season) Waiting List before May 31st to retain the space assignment for one season.

2. The Town shall develop a procedure to purge the waiting list of applicants that no longer desire a mooring or who cannot be contacted by Registered mail. Said procedure shall be approved by the Harbor Board and the Board of Selectmen.

D. Waiting List: All new mooring space assignments shall be made on a “first come, first served” basis from established waiting lists maintained by the Harbor Master, except as provided by statute, following the procedure provided in Section III. Applicants will be listed chronologically according to the size range of their sail or powerboat and declare their choice(s) of mooring location within the Mooring Field Plan shown on the last page of this document. Applicants may change to a different size range list and/or location field as long as they maintain position on the list chronologically from the time of application. The Harbor Master shall review mooring space applications with regard to space available for the length, draft and type of vessel indicated and as evaluated by the Harbor Master. Upon approval by the Harbor Master, it is the responsibility of the applicant to submit the approved mooring space application to the Town Clerk, together with all fees, fines and penalties due. The applicant will then present the mooring space application to the Harbor Master, who will issue a permit and location for such mooring space and advise the applicant concerning the requirements of these rules and regulations. Priority will be given to commercial fishermen (lobster, dragger, gillnet, & charter, etc.). Upstream of the Route 103 bridge on the York River, which is above the Federal Navigation Project (federally funded dredging), priority will be given to commercial fishermen who are York residents.

1. Applicants on a Waiting List may refuse an offered mooring space and retain their relative position on the List only twice before being moved to the end of their respective list. Applicants will have 14 days to respond to mooring assignment offers by mail. The Waiting Lists shall be available for inspection by the public during regular business hours at the office of the Harbor Board and online at http://www.yorkmaine.org/committees/HarborBoard/tabid/65/Default.aspx.

E. New Assignments Procedures: The Harbor Master shall create a list of available mooring spaces, specifying the length, type, and location of vessel to be accommodated at each mooring space. The Harbor Master shall send the list by mail to all persons on the waiting list whose applications are for the location(s) and space for a vessel of approximately the same length, draft, and type as those previously assigned to one or more of the available mooring spaces. Applicants shall then make known to the Harbor Master their interest in specific available mooring spaces. The Harbor Master shall assign each of the available spaces to the highest ranked qualified applicant asking for that specific space. Failure to respond to two notifications of an available mooring, or
notice returned two times “unable to deliver” will result in name being removed from the Mooring Waiting list.

1. Mooring space assignees may change vessels on their assigned mooring only with the permission of the Harbor Master. In general they will be limited to the same approximate size and type of vessel unless, in the judgment of the Harbor Master, a change can be made without adversely affecting the Harbor mooring plan or adjoining mooring space assignees.

2. An approved mooring space assignee has the responsibility of providing and maintaining his own mooring hardware or moored float and its associated hardware.

3. Mooring assignments may not be transferred, except that a mooring assignment used for commercial fishing purposes may be transferred only at the request or death of the assignee, only to a member of the assignee’s family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purpose of this subsection, “member of the assignee’s family” means an assignee’s spouse, parent, child, or sibling, by birth or by adoption, including a relation of the half blood. Mooring assignments may not be rented.

4. Marinas and individuals shall not control or assign any berth space except at their own privately owned piers, docks, and floats attached to private property. A vessel without a mooring permit shall not be permitted to remain on a mooring unless assigned by the Harbor Master in accordance with the provisions of this Ordinance. Vessels occupying a mooring without a valid permit may be removed by the Harbor Master following a hearing conducted by the Harbor Board. Notice and procedures for any such hearing shall be as set forth in Section III of this Ordinance, except that the Harbor Master need only demonstrate by a preponderance of the evidence that the vessel does not possess a valid permit for the mooring in question. Should the Harbor Board affirm the Harbor Master’s determination that a vessel does not possess a valid permit, the owner of the vessel shall have ten (10) days in which to remove such vessel, or it may be removed thereafter by the Harbor Master at the owner’s expense. Mooring permit holders may, upon receipt of written approval of the Harbor Master, permit guest usage of their mooring space for not more than 14 days per season.

5. The Harbor Master shall, whenever practicable, assign mooring space where owners of a shoreline parcel of land as defined in 38 MRSA Section 11, with one hundred feet or more of shore rights are applicants, and shall locate one suitable mooring space fronting their lands for them, but not encroaching upon the natural channel or channels established by law, and not interfering with the mooring, passage, and navigation of other vessels. The Harbor Master shall, insofar as the same may be done consistently with these rules and regulations and with due regard for the safety of other vessels and of navigation, give consideration to the choice of mooring space of an assignee. However, where berth privileges of other assignees are claimed to be invaded or where protection is sought of the Harbor Master, the Harbor Master shall assign and indicate to assignees the locations
which they may occupy for the assigned berth. Outhauls shall conform to the same provisions as a shorefront mooring.

F. Winter Moorings: All vessels assigned a permanent mooring space and left over the winter must be moored on a float or a bow and stern mooring. Vessels not assigned a permanent mooring space in the Harbors of the Town may receive a permit to use the moorings of assignees, with the written permission of the assignee and the Harbor Master upon presentation of proof of payment of Harbor Usage Fee during the period of November 15 to April 30. Failure to remove a vessel with a winter permit by April 30 will be considered a refusal of an order of the Harbor Master.

G. Temporary (One Season) Mooring List: Mooring holders (except for holders of shorefront property owners' moorings granted in accordance with this ordinance) who know that they will not be occupying their mooring for a season are urged to place their mooring on the Temporary Mooring List so that it can be used. The Application for Harbor Permit Renewal has provisions to list moorings on the Temporary List. A Mooring Holder who is not using their mooring and pays their Harbor Usage Fees annually may retain rights to a mooring for up to 3 years while listing it on the Temporary Mooring List even if no one from the List uses it. Mooring riggings will be inspected and maintained by the temporary assignees during their occupancy. Applicants already on the Mooring Waiting List and wishing to be included on the Temporary Mooring List shall be listed in the same chronological order as described in Paragraph D. of this section.

H. Final Notification Procedure: Mooring permit holders failing to reapply for their permit by the last business day in April shall be notified by the Harbor Master by a single final notice by Certified Mail with a return receipt requested that they shall reapply for a mooring permit within fifteen days of the date of the final notice or risk forfeiture of their mooring space. Assignees so notified will be assessed an additional Administrative Late Fee.

1. Upon termination of the assignment of any mooring space to an assignee, the associated hardware must be removed unless a new assignee has assumed the responsibility for the hardware from the former assignee. Any cost for removal of hardware is the responsibility of the terminating assignee. When the mooring space is on a moored float, the new assignee has the responsibility to negotiate a purchase price for his share of the float with the previous assignee.

I. Mooring Space Abandonment: Failure by mooring permit holders to comply with the Annual Renewal Procedure for any reason, including but not limited to non-deliverability for the final notice, will constitute an abandonment of the assignment. Accordingly, the Harbor Master may reassign the mooring space in a manner as provided for herein, except, however that this reassignment provision shall not apply to a mooring space mandated by State Statute.

1. Abandoned Mooring Space Removal Costs: Mooring space assignees abandoning their assignments are liable for all costs for the removal, if necessary, or any associated hardware.
J. Unused Mooring Space Assignments: Mooring space assignments unused for one calendar year shall be reviewed by the Harbor Board and may be revoked and reassigned by the Harbor Master. A vessel owned by the Permit Holder and assigned to the mooring space by the Harbor Master, except for holders of shoreline property owners’ moorings granted in accordance with this ordinance, must be on the mooring for at least fourteen (14) days during the season and the Permit Holder shall be responsible for ensuring that the Harbor Master is aware that the vessel is on the mooring during the fourteen days. Failure to use the mooring as specified in this subsection except under the provisions of the Temporary One Season Mooring List for at least fourteen (14) days shall constitute non-use of the mooring.

K. Mooring Specifications: Moorings shall be maintained in a safe condition by the owner. Any Mooring existing, or hereinafter to be set shall be of sufficient size to hold the vessel for which it is used and shall conform to or exceed the Mooring and Float Rig Specifications sheet available at the office of the Harbor Board.

1. All moorings shall have the mooring number assigned by the Harbor Master permanently affixed on the mooring buoy. Said mooring number shall be at least three inches high and shall be clearly visible at all times. The Harbor Master may, after due notice of deficiency to a mooring permit holder, place the mooring number on a buoy and charge the holder for the cost of so doing, plus an Administrative Fee.

2. The Harbor Master or other agent of the town may at any time examine any mooring to determine compliance with this ordinance. Except in cases of emergency, the Harbor Master shall notify the owner of intention to examine the mooring and request the presence of the owner during such examination. After examination, the Harbor Master shall provide a written report of the mooring’s condition to the owner, along with a statement of corrective action required if any. Moorings determined by the Harbor Master to be inadequate shall be corrected by the assignee within two weeks or be removed. Any cost of examination or removal resulting there from shall be borne by the assignee of the mooring. By assigning a mooring space, the Town is not accepting responsibility for the condition of the mooring hardware.

SECTION 5: HARBOR MANAGEMENT

A. Berthed Vessels that Impede Navigation or Endanger Other Vessels: All berths now existing or herein after approved shall be located so that the vessels secured therein will not impede navigation or endanger other vessels. If the Harbor Master shall find that any vessel is so located, it may be required that the owner or assignee of the berth, or of the vessel secured therein, take such steps as will prevent such impeding of navigation or endangering to other vessels, or the Harbor Master may order that the berth hardware or the vessel attached thereto be removed or relocated in a manner as described herein. In requiring said removal or relocation under this provision, the berth last assigned shall be the first ordered to be removed or relocated. Any persons so ordered by the Harbor Master acting under this provision shall remove or relocate
the same within 48 hours after being so ordered, provided however, that if the Harbor Master shall find an emergency requiring immediate action to prevent injury to life or damage to property, the Harbor Master may cause said action. Any expense incurred shall be borne by the berth owner, assignee and/or the owner of the vessel being removed or relocated.

B. Moving Berths: Except by direction of the Harbor Master or with permission of the assignee/owner and approval by the Harbor Master, no person shall move or interfere with any berth or vessel in any defined Harbor or Tidal River.

C. Transient Berths: The Town owns and maintains moorings for the use of transient vessels in York Harbor. In addition, mooring permit holders may, from time to time, authorize the Harbor Master to assign their berths to transient vessels.

1. The Harbor Master is empowered to assign available berths for use by transient or other vessels on a “first come, first served” basis.

2. Except as permitted by the Harbor Master, transient vessels may use an assigned berth for no longer than 24 hours.

3. The Town will assess a fee for transient vessel use of berths as indicated in Section IV. Said fee will be collected in advance by the Harbor Master, Harbor Master’s Deputies or agents of the Town.

D. Public Floats, Piers, Wharves and Landings Limitations: No vessel other than a tender shall be made fast to a Town float, pier, wharf, or landing except for a reasonable time required for loading or unloading. Exceptions may be made in emergencies only by written permission of the Harbor Master.

1. Storage: Personal property, including but not limited to lobster traps, motor vehicles, cradles, boats and floats shall not be stored on a Town float, pier, wharf, or landing. Any designated loading zone shall be used only for lobster traps, fishing gear and other items in transit.

2. Usage: No person shall loiter, create a public nuisance, or partake of alcoholic beverages on a Town float, pier, wharf, or landing.

3. Swimming: No person shall dive, swim, skin dive, or SCUBA dive within 30 feet of a Town owned structure without permission of the Harbor Master, except in cases of emergencies.

4. Tenders: No skiffs, dinghies, tenders, or similar vessels shall be allowed on top of a Town float, pier, wharf or landing. Such vessels shall be maintained by their owners and the owners shall be liable for any damage occurring to Town property or other vessels. Any such vessels maintained in the harbors of the Town and using Town facilities for a total of more than 14 days per annum shall be registered with the Harbor Master by notation on the application for a mooring permit and have the mooring space number or the owner’s name visibly displayed on the inside transom of said vessel. The Harbor Master may, after due notice of
deficiency to the owner, place the mooring number on a tender and charge the
owner for the cost thereof plus an administrative fee.

5. **Obstruction:** It shall be unlawful to obstruct by any means whatsoever the free
use of a Town float, pier, wharf or landing, or any other common landing place.
Said areas shall be used only for loading and unloading. Vessels shall not remain
tied up at said structures for a period longer than is reasonably necessary for this
purpose, except by permission of the Harbor Master in case of emergency. The
Harbor Master shall remove or cause to be removed, any unattended vessel
obstructing free use of said areas after due effort has been made to notify the
Master or owner of said vessel of the above violation. The vessel owner shall be
responsible for all costs associated with said action.

E. **Waste and Refuse:** No person or vessel shall deposit, throw, sweep or cause to be
deposited or swept into the tidal waters of the Town, or into waters adjacent thereto,
any human waste, gas or oil or bilge water containing same, ashes, dirt, stones,
gravel, mud, logs, planks, brush or any other substance tending to obstruct the
navigation of said waters, or to shoal the depth of said waters, or to pollute said
waters. No trash or refuse shall be placed on any Town float or pier except in
designated containers. No person shall deposit, on or in proximity to any town dock
or harbor parking area either waste oil or oil containers or oil-contaminated materials.

F. **Regulations:** Nothing herein shall be considered as conflicting with Federal or State
laws applicable to the tidal waters of the state.

**SECTION 6: DERELICT AND ABANDONED VESSELS**

Authority of the Harbor Master: The Harbor Master shall be responsible for
ensuring that all vessels utilizing the Harbor are properly maintained and registered
with all applicable local, state, and federal authorities. Toward that end, the Harbor
Master shall have authority to remove from the harbor any and all derelict and/or
abandoned vessels. In enforcing this section, it shall be unnecessary for the Harbor
Master to establish any subjective intent by the vessel owner actually to abandon the
vessel.

**SECTION 7: PROCEDURES FOR IMPOUNDING VESSELS**

A. **Post-Seizure Hearings In Emergencies:** If the Harbor Master concludes that an
abandoned or derelict vessel poses an immediate threat to the health, safety, or
welfare of persons using either the Harbor or lands adjoining the Harbor, the Harbor
Master shall be authorized to seize control of such vessel, to remove such vessel to
another location, and/or to secure such vessel in whatever manner the Harbor Master
shall determine is reasonable and appropriate.

1. Within twenty-four hours of such action, the Harbor Master shall notify the Harbor
Board of such action and request the Board to conduct a hearing to review the
Harbor Master’s action. At such hearing it shall be the burden of the Harbor
Master to prove by a preponderance of the evidence that the vessel was in fact
abandoned or derelict. No later than seven (7) days prior to the hearing, the
Harbor Master shall provide the owner of such vessel with notice of the hearing by the manner best calculated to provide him or her with actual knowledge of the hearing.

B. Pre-Seizure Hearings In All Other Cases: In all other cases, should the Harbor Master conclude that a vessel is abandoned or derelict, the Harbor Master shall in writing: simultaneously notify the Harbor Board and the owner of the vessel of such conclusion and; request the Board to conduct a hearing to review the Harbor Master's action. Such hearing shall be held no later than thirty (30) days after the Harbor Master so notifies the Board. At such hearing, it shall be the burden of the Harbor Master to prove by a preponderance of the evidence, that the vessel was in fact abandoned or derelict. The Harbor Master shall provide the owner of such vessel with at least seven (7) days' notice of the hearing by the manner best calculated to provide him or her with actual knowledge of the hearing.

C. Harbor Master Actions Following Harbor Board Hearing: Should the Harbor Board affirm the Harbor Master's determination that a vessel is abandoned or derelict, the owner of such vessel shall have thirty (30) days in which to claim said vessel. The Harbor Master shall not release any such vessel unless and until the owner of said vessel shall have paid all expenses incurred by the Town of York in connection with the matter; including, but not limited to, and all expenses of securing the vessels in emergency situations. If the owner of the vessel does not so claim the vessel, the vessel shall be forfeited to the Town and may be disposed of by the Town in any commercially reasonable manner. Should the Harbor Board find that the Harbor Master erred in finding that the vessel was abandoned and/or derelict, then: in the case of an emergency seizure; the Harbor Master shall return the vessel to its original location; and in all other cases, take such other action as may be lawful.

SECTION 8: HARBOR USAGE FEES & SCHEDULES

A. Vessel owners with an annually assigned mooring space in the waters of the Town or vessel owners whose vessels are berthed or operated in said waters for a total of more than 14 days per annum shall pay an annual Harbor Usage Fee to the Town either at the time of their annual mooring space assignment renewal or when indicated below, whichever is sooner. Vessel owners with Town owned float system assignments shall pay their float fees in addition to the Harbor Usage Fee. Commercial fishermen shall pay winch fees, both current and/or past due in addition to Harbor Usage Fee.

1. Any person receiving a new mooring space assignment must pay the Harbor Usage Fee within 30 days of notification of the assignment or risk forfeiture of the assignment.

2. Vessel owners who are not annual mooring space assignees and whose vessels are berthed or operated in the waters of the Town for a total of more than 14 days per annum shall pay Harbor Usage fee at the same time as they pay excise tax and registration fees or within 30 days of notification by the Harbor Master and upon presentation to the Harbor Master of proof of payment will receive a Harbor Usage Decal to be affixed on a port side of the transom.
3. Marina operators shall inform all berth renters whose vessels are not included in (2) above and who are berthed at their facility for more than 14 days of the need to remit said fees to the Town. Marina owners shall upon request of the Harbor Master provide a list of persons occupying berths at their facility and a description of their vessels.

4. Mooring assignees that do not own a vessel or do not use their mooring at any time during the year will be required to pay the minimum Harbor Usage Fee in order to maintain their assignments.

5. Failure to remit the Harbor Usage Fee to the Town within prescribed time limits may result in forfeiture of a mooring assignment.

6. Use of said waters solely for effecting transient vessel repairs shall not subject the owner or vessel to the aforesaid fees.

7. The Harbor Board, with the approval of the Board of Selectmen, shall have the authority to assess user fees necessary to manage, maintain and operate the Harbors, Ports, Tidal Waters and Channels within the Town of York, including but not limited to harbor usage fees, transient boat fees, winch fees and administrative and legal fees. Annual fees are due no later than the earlier of the last business day in April or within 30 days of assessment. All fees collected under this section shall be placed in a reserve account and may only be used for improvements to the harbors, ports, tidal waters and channels within the Town of York, including capital improvements, wharf construction and repair, dredging equipment and land acquisitions.

B. Liability for Costs Vessel owners are liable for all legal and administrative costs incurred in any attempt to collect fees due or to enforce the provisions of this ordinance.

SECTION 9: EFFECTIVE DATE

This ordinance shall take effect upon adoption by the Legislative Body, and shall remain in effect until amended by the Legislative Body.

SECTION 10: PENALTIES

Any person who violates this ordinance shall be subject to a civil penalty of $100.00 for the first offense, $150.00 for the second offense, and $200.00 for the third and subsequent offenses, except when said violation shall be a violation of a State or Federal statute providing for additional penalties which will be applicable. Each day that any person shall be found in violation of any of said provisions shall constitute a separate and distinct offense.

SECTION 11: WAIVER/PAYMENT OF FINES
Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

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

SECTION 12: SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance or application thereof to any person(s) or circumstance(s) is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision or application and such holding shall not effect the validity of the remaining portions or applications thereof.

SECTION 13: APPEAL PROCESS

A. Right of Appeal The Harbor Board shall hear the appeal of any person aggrieved by any decision, act, or failure to act of the Harbor Master as it relates to the implementation of this Ordinance.

B. Power and Duties Appeals shall go forward from the decision of the Harbor Master to the Harbor Board, from the Harbor Board to the Superior Court in accordance with Maine Law. The Harbor Board shall have the following powers and duties: To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made, or not made, by the Harbor Master in the enforcement of this Ordinance. The Board may affirm, modify or deny the action of the Harbor Master, or may remand the matter to the Harbor Master for further proceedings in accordance with the terms of these Rules and Regulations, by majority vote of those present and voting. In case of a clear conflict of interest a voting member shall withdraw from the case and the Chairman shall designate an alternate member to be a voting member for the hearing.

C. Appeal Procedure In all cases, a person aggrieved by a decision of the Harbor Master shall file his appeal within thirty (30) days after receipt of a written decision from the Harbor Master. The appeal shall be filed with the Harbor Board on forms to be approved by the Harbor Board, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. Following the filing of an appeal, the Harbor Board shall notify forthwith the Harbor Master and the Town Manager. The appeal shall then be in order for a public hearing within thirty (30) days of the filing date.

D. The Harbor Board shall hold a public hearing prior to making a decision on an appeal, notice of which shall be made by the Harbor Board, by certified mail to the appellant.
Notification shall include the nature of the appeal, and the time and place of the public hearing. Notice of all appeals shall also be published in a newspaper of general circulation and posted in at least three (3) public places within the Town. All notifications must precede the public hearing by at least seven (7) business days.

E. The Harbor Master, or his designated deputy, shall attend all hearings, and shall present to the Harbor Board all plans, photographs or other material deemed appropriate for an understanding of the appeal. The appellant’s case shall be heard first. The aggrieved party may appear by agent or attorney. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman. Hearings may be continued to other times.

F. Written notices of the decision of the Harbor Board shall be sent to the appellant, the Harbor Master, the Town Manager and the Municipal Officers within thirty (30) days of the date of the hearing of the appeal, and within seven (7) business days of the decision. Decisions shall be in writing, and shall contain a statement of findings and conclusions, as well as the reasons or basis therefore. Decisions shall be sent to the appellant via Certified Mail.

G. Appeals granted under the provision of this Section by the Harbor Board shall expire if the work or change involved is not affected within one year of the date on which such appeal is granted, unless as otherwise provided for in the appeal.

H. If the Harbor Board shall deny an appeal, another appeal of a similar nature shall not be brought before the Board within one year from the date of the denial, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.

I. The appellant shall pay a fee to the Town of York to cover the costs of notification and advertisements concerning an appeal.
Board of Selectmen’s Consent Agenda
September 23, 2019

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. August 19, 2019 Meeting Minutes
2. August 29, 2019 Meeting Minutes
3. September 9, 2019 Meeting Minutes
4. Business License Renewals

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
7:00 PM  MONDAY, AUGUST 19, 2019
YORK PUBLIC LIBRARY

Present: Chairman Todd A. Frederick, Vice Chairman Robert E. Palmer, Jr., Michael L. Estes, Marilyn A. McLaughlin, Elizabeth D. Blanchard, Town Manager Stephen H. Burns and members of the public.

Call to Order

Chairman Todd A. Frederick called the meeting to order at 7:02 PM.

A. Photo Op with Energy Steering Committee

B. 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.

Public Comment: None

C. New Business

1. November 2019 Special Budget Referendum

Moved by Mr. Estes, seconded by Ms. Blanchard to request a Special Budget Referendum, to be held at the York High school gymnasium on Tuesday, November 5, 2019, for the purpose of asking the voters whether or not they will purchase the Davis property for $7,500,000. The Town Manager shall notify the Budget Committee immediately as it must conduct a public hearing on this matter no later than August 29, 2019. Vote 5-0, motion passes.

Adjourn
Moved by Mr. Estes, seconded by Mr. Palmer to adjourn the meeting at 7:14 PM.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manager
BOARD OF SELECTMEN’S
MEETING MINUTES
7:00 PM  THURSDAY, AUGUST 29, 2019
YORK PUBLIC LIBRARY

Call to Order

A.  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.

Public Comment:
- Francis Koerschner
- Fred Koerschner
- Mac Booze
- Bill Weaves
- Sandra Beauvais
- David Chase

B.  New Business

1. Discussion & Possible Action: Actions Relating to the November Special Budget Referendum
   a. Preference Votes

   Article Eight: McLaughlin – NO, Palmer – NO, Estes – NO, Blanchard – NO, Frederick – NO

   b. Approve the Special Budget Referendum Warrant and Forward to Town Clerk

Moved by Mr. Palmer, seconded by Mr. Estes to call a Special Budget Referendum on November 5, 2019, at the York High School Gymnasium, from 8:00 AM to 8:00 PM, for the matter of acquisition of the Davis Property as approved by the Budget Committee at the meeting of August 27, 2019.
C. Executive Session: Title 1 MRSA § 405.6.E (Legal)

Moved by Ms. McLaughlin, seconded by Mr. Palmer to enter into executive session. Vote 5-0, motion passes.

Moved by Ms. McLaughlin, seconded by Mr. Palmer to exit out of executive session. Vote 5-0, motion passes

Adjourn

Moved by Ms. McLaughlin, seconded by Ms. Blanchard to adjourn the meeting at 9:35 PM. Without objection, so ordered.

Respectfully Submitted,

Melissa M. Avery
Assistant to the Town Manger
BOARD OF SELECTMEN’S
MEETING MINUTES
7:00 PM  MONDAY, SEPTEMBER 9, 2019
YORK PUBLIC LIBRARY

Present: Chairman Todd A. Frederick, Vice Chairman Robert E. Palmer, Jr., Marilyn McLaughlin, Michael L. Estes, Elizabeth D. Blanchard, 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 7:00 PM.

Pledge of Allegiance

A. Consent Agenda

1. August 26, 2019 Meeting Minutes
2. Pole Location Permits – Moulton Lane and Nubble Road
3. Reoccurring Special Event Permits

Moved by Ms. Blanchard, seconded by Mr. Palmer to accept the Consent Agenda. Vote 5-0, motion passes.

B. Minutes

C. Chairman’s Report

D. Manager’s Report

E. Awards

F. Reports

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.

Public Comment:  
Mark Toney  
Bob Valentino  
Doug Bradley  
Jackie Valentino  
Olivia Waterhouse  
Maxine Nowell

H.  

Public Hearings  

1.  
Parking Issues (Listening and Suggestions)  

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

Public Comment:  
Jim Carmody  
Shirley Greer  
David Brinkman

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

I.  

Endorsements  

J.  

Old Business  

1.  
Action: Voter Information Guide

No action was taken at this time.

K.  

New Business  

1.  
Discussion: Parking Issues

2.  
Discussion: 100th Anniversary of Woman’s Suffrage

Moved by Ms. McLaughlin, seconded by Ms. Blanchard to declare November 10, 2019, as York, Maine Honors Women’s Suffrage Day. Vote 5-0, motion passes.

3.  
Discussion: FY21 Operating Budget

4.  
Action: Appoint Election Warden for November
Moved by Mr. Palmer, seconded by Ms. Blanchard to appoint Russell Osgood as the Warden for the State of Maine Referendum Election to be held on November 5, 2019. Vote 5-0, motion passes.

5. Action: Special Event Permit

Moved by Ms. Blanchard, seconded by Ms. McLaughlin to approve the following Special Event Permit Application subject to all, if any, conditions given by Department Heads: MAYO Designs – World Record Attempt and Beach Clean Up on September 23. Vote 5-0, motion passes.

I. Future Agendas

M. Other Business

N. Citizens’ Forum

   Public Comment: None

O. Executive Session: Title 1 MRSA § 405.6.C (Real Estate)

Moved by Mr. Palmer, seconded by Ms. Blanchard to enter into executive session. Vote 5-0, motion passes.

Moved by Ms. Blanchard, seconded by Mr. Estes to exit out of executive session. Vote 5-0, motion passes.

Adjourn

Moved by Mr. Palmer, seconded by Ms. Blanchard to adjourn the meeting at 9:40 PM. Without objection, so ordered.

Respectfully Submitted,

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

DATE SUBMITTED: September 19, 2019

DATE ACTION REQUESTED: September 23, 2019

☐ ACTION
□ DISCUSSION ONLY

SUBJECT: Business License Renewals

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: All approvals are contingent on taxes being current and all appropriate departments (inspections) giving approval; See “Department Approvals” on page two of each application. Signed business license applications and certificates will not be released to the applicant until all necessary department approvals have been received.

RECOMMENDATION: Approve the Business License(s) attached.

PROPOSED MOTION: I move to approve the following licenses:

- TCF Corp. DBA: Clay Hill Farm (Food Service, Liquor, Special Amusement); located at 220 Clay Hill Road
- Elizabeth M. Wilson Trust DBA: Grand View (Bed and Breakfast); located at 800 York Street
- Maine Ice Cream LLC DBA: The Ice Cream House (Food Service); located at 1300 US Route One
- Global Montello Group Corp. DBA: Mr. Mike’s York (Food Service); located at 519 US Route One
- Andrew Stone DBA: Oceanside Store, Inc. (Food Service); located at 179 Long Beach Avenue
- Sea Latch Motor Inn, LLC DBA: Sea Latch Inn (Innkeeper); located at 277 Long Beach Avenue
- Jose Perez DBA: Sweet Josie’s Candy Shoppe (Food Service); located at 7 Railroad Avenue
- Brent and Mary Jane Merritt DBA: The Union Bluff Hotel (Food Service, Liquor, Innkeeper, Special Amusement, Coin-Operated Amusement); located at 8 Beach Street

All subject to taxes, fees and inspections being current and compliant with the usual noise stipulations.

PREPARED BY: ___________________________ REVIEWED BY: ___________________________
Melissa M. Avery, Assistant to the Town Manager
THE TOWN OF

YORK, MAINE

186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: Clay Hill Farm
Street Address: 280 Clay Hill Rd
Business Owner: TCF Corp
Business Manager: Heather Higgins
Mailing Address:
P.O. Box 2202
Ogunquit ME 03907
Phone Number: 207 361-2272
E-mail Address: clayhillrestaurant@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)
☐ Innkeeper License (C/F)
Number of Rooms: ___

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

Food and Beverage:
☐ Food Service License (C/F)
Number of Seats: 200 / 200 (Existing / Proposed)
☐ 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 -
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: Grand View

Street Address: 20 York St

Business Owner: Elizabeth Wilson

Business Manager: Stanley Wilson

Mailing Address: PO Box 120

Phone Number: 207-363-3855

E-mail Address: Dybbloc123@yahoo.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: 29

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 (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 -
THE TOWN OF

YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: MAINE ICE CREAM LLC, DBA: THE ICE CREAM HOUSE
Street Address: 1380 ROUTE ONE, CAPE NEDICK ME 03909
Business Owner: CAROLYN + TOM BRENNAN
Mailing Address: 296 YORK STREET
Mailing Address: 20 OLD POST RD
YORK, ME 03909
YORK, ME 03909
Phone Number: 367-0100
Phone Number: 307-351-1569
E-mail Address: carolyn.brennan@maineicecream.com
E-mail Address:

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

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

Please indicate which Licenses or Local Approvals you seek:

Lodging:
☒ Bed and Breakfast License (C/F)
☐ Innkeeper License (C/P)
Number of Rooms: ___

Food and Beverage:

Food Service License (C/F) 4 SEATS
Number of Seats: 44 (Existing / Proposed)
☒ Liquor License (F/P)
☒ 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 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 -
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: MR. MKE'S YORX

Street Address: 319 US Route 1 York ME 03909

Business Owner: Global Wmles Group Corp Business Manager:

Mailing Address: 800 South St Suite 100

Phone Number: 281-398-4061

E-mail Address: permise产量.com E-mail Address:

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

Is the Business Owner same as the prior year? ☒ YES ☐ NO ☐ 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: ___

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

Food and Beverage:
☒ Food Service License (C/F)
☒ Liquor License (F/P)
☐ Bottle Club License (F/P)
Number of Seats: ___ (Existing / Proposed)

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

BUSINESS LICENSE APPLICATION

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

Business Name: Oceanside Store, Inc.

Street Address: 179 Long Beach Ave.

Business Owner: Andrew Stone

Mailing Address: P.O. Box 1033

Phone Number: 860-634-4230 - cell

E-mail Address: astone_1033@hotmail.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: ______

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 (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 -
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: Sea Lady Inn

Street Address: 277 Long Beach Ave

Business Owner: Sea Lady Motel Inn Inc

Mailing Address: PO Box 938

Business Manager: Tish Cullen

Mailing Address: PO Box 938

Phone Number: 207 363 4433

Phone Number: 207 363 4433

E-mail Address: Tish@limacon.com

E-mail Address: Tish@limacon.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: 72

**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 (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 -
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: Sweet Tasics Cafe

Street Address: 7 Reid Rock Ave

Business Owner: Jou Perea

Mailing Address: 9 Mountain Rd, Cape Neddick, ME

Business Manager: 

Mailing Address:

Phone Number: (207) 475-6935

Phone Number:

E-mail Address: Little joe24@col.com

E-mail Address:

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

Is the Business Owner same as the prior year? ☐ YES ☐ NO ☐ 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)
Number of Seats: ___/___ (Existing / Proposed)
___ Liquor License (F/P)
___ 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 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 -
THE TOWN OF

YORK, MAINE
186 York Street, York, Maine 03909

BUSINESS LICENSE APPLICATION

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

Business Name: The Union Bluff Hotel

Street Address: 8 Beach St.

Business Owner: Brent & Jane Merritt

Business Manager: Brent Merritt

Mailing Address: P.O. Box 1860

Mailing Address: York Beach ME 03910

Phone Number: (207) 363-1333

Phone Number: (207) 363-1333 x 103

E-mail Address: brent@unionbluff.com

E-mail Address: brent@unionbluff.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: 

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 (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

Village Fire Department: (207) 363-1015

York Sewer District: (207) 363-4232

Police Department: (207) 363-1031

Beach Fire Department: (207) 363-1014

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 -
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: Sept 9, 2019  ☑ ACTION
DATE ACTION REQUESTED: Sept 23, 2019  ☐ DISCUSSION ONLY

SUBJECT: Purchase a New Engine 3

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: We are replacing a 1995 fire engine with a new similar one. NFFA suggests fire engines only stay in service for 25 years. We have asked 3 manufacturers to work up a design and a price.

RECOMMENDATION: We recommend awarding the truck to Emergency One from Oxford, Florida. We have 5 in service now and have had great service when things break.

PROPOSED MOTION: Subject to authorization by the Finance Director.

FISCAL IMPACT: $596,328.00

DEPARTMENT LINE ITEM ACCOUNT: Capital Approved $650,000

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY:  REVIEWED BY:  

[Signature]
SPECIMEN BALLOT
BUDGET REFERENDUM
YORK, MAINE
MAY 18, 2019

INSTRUCTIONS FOR VOTERS
A. To vote, completely fill in the OVAL to the RIGHT of your choice(s), like this:

<table>
<thead>
<tr>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
</tr>
<tr>
<td>$425,000</td>
</tr>
</tbody>
</table>

Total estimated project costs including debt service: $556,500

Validity: The validity of the bonds and the voters' ratification of the bond issue may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the variation by the voters is nevertheless conclusive and the validity of the bond issue is not affected by the reason of the variance.

S. Lawrence A. Gomes, Town Treasurer
Board of Selectmen recommends approval
Board of Selectmen recommends approval
A YES vote authorizes an appropriation of $425,000.
A NO vote authorizes an appropriation of $0.

ACCOUNT FORTY-NINE

Shall the Town (1) approve funding for the purchase and LED Conversion of all Streetlights through currently leased from Central Maine Power, (2) appropriate a sum not to exceed $425,000 for the cost of the project, and (3) hereby ordain to fund the appropriation, subject to approval by the Treasurer and the Chairman of the Board of Selectmen as issues at one time or from time to time, general obligation bonds of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed $425,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including the execution and delivery of said securities against payment in full, and to provide for the sale thereof, to be delegeted to the Treasurer and the Chairman of the Board of Selectmen, the first year payment of principal and interest estimated to be $10,000, will occur in 2022.

Statement of Facts: This Article provides for Town acquisition of all streetlights along Town roads that are currently leased from Central Maine Power. Once they are acquired, the Town will inventory, design and replace all of those streetlights. The Town will then manage these streetlights. It is estimated that energy use will be reduced by 60% and total annual costs will be reduced by about 30%.

FINANCIAL STATEMENT

<table>
<thead>
<tr>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
</tr>
<tr>
<td>$425,000</td>
</tr>
</tbody>
</table>

Total estimated project costs including debt service: $556,500

Validity: The validity of the bonds and the voters' ratification of the bond issue may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the variation by the voters is nevertheless conclusive and the validity of the bond issue is not affected by the reason of the variance.

S. Lawrence A. Gomes, Town Treasurer
Board of Selectmen recommends approval
Board of Selectmen recommends approval
A YES vote authorizes an appropriation of $425,000.
A NO vote authorizes an appropriation of $0.

ACCOUNT FIFTY

Shall the Town (1) approve funding for the purchase of a Fire Engine for the York Beach Fire Department, (2) appropriate a sum not to exceed $65,000 for the cost of this vehicle, and (3) hereby ordain to fund this appropriation, subject to approval by the Treasurer and the Chairman of the Board of Selectmen, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed $65,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, form(s), and other details of said securities, including the execution and delivery of said securities against payment in full, and to provide for the sale thereof, to be delegeted to the Treasurer and the Chairman of the Board of Selectmen. The first year payment of principal and interest, estimated to be $10,250, will occur in 2022.

Statement of Facts: This Article would approve the purchase of a fire truck for the York Beach Fire Department that will retire one existing the truck. The retired truck will be sold, and proceeds will be deposited in the Town's General Fund.

FINANCIAL STATEMENT

<table>
<thead>
<tr>
<th>Costs:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
</tr>
<tr>
<td>$425,000</td>
</tr>
</tbody>
</table>

Total estimated project costs including debt service: $556,500

Validity: The validity of the bonds and the voters' ratification of the bond issue may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the variation by the voters is nevertheless conclusive and the validity of the bond issue is not affected by the reason of the variance.

S. Lawrence A. Gomes, Town Treasurer
Board of Selectmen recommends approval
Board of Selectmen recommends approval
A YES vote authorizes an appropriation of $425,000.
A NO vote authorizes an appropriation of $0.

TURN BALLOT OVER TO CONTINUE VOTING
### Costs:

At an estimated interest rate of 3% for a fifteen (15) year maturity, the estimated cost of the bond issue will be:

<table>
<thead>
<tr>
<th>Component</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$650,800</td>
</tr>
<tr>
<td>Interest</td>
<td>165,250</td>
</tr>
<tr>
<td><strong>Total Debt Service</strong></td>
<td><strong>$815,500</strong></td>
</tr>
</tbody>
</table>

**Total estimated project costs including debt service:** $815,500

### Validity:

The validity of the bonds and the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

**S/ Lawrence A. Graves, Town Treasurer**

### Board of Selectmen recommends approval (5-0).

### Budget Committee recommends approval (6-0).

### A YES vote authorizes an appropriation of $250,000.

### A NO vote authorizes no appropriation of $0.

### ARTICLE FIFTY-ONE

Shall the Town (1) approve funding for Upgrades in Multiple School Buildings to Current ADA Standards; (2) appropriate a sum not to exceed $200,000 for the cost of this project; and (3) hereby ordain to fund this appropriation; authorize the Treasurer and the Chairman of the Board of Selectmen to issue, at once or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed $200,000 with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption, redemption price(s), and details of said securities, including, but not limited to, the terms of sale, interest, and delivery of said securities against payment therefor, and to provide for the sale thereof, to be done by the Treasurer and the Chairman of the Board of Selectmen? The first year payment of principal and interest, estimated to be $3,400, will occur in 2022.

**Statement of Need:** This project will fund the repairs and accessibility improvements to the town's public facilities to comply with the Americans with Disabilities Act (ADA), and enhance the safety and comfort of the public. This project would include many smaller projects, including: sidewalks, parks, playgrounds, stadiums, community centers, and a new senior center.

**Financial Statement**

- **Total Town Indebtedness:**
  - A. Bonds outstanding and unpaid: $36,373,521
  - B. Bonds authorized and un-issued: 1,400,000
  - C. Bonds to be issued if the Article is approved: 1,400,000
  - **Total:** $39,174,521

**Costs:**

At an estimated interest rate of 3% for a five (5) year maturity, the estimated cost of the bond issue will be:

<table>
<thead>
<tr>
<th>Component</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$200,000</td>
</tr>
<tr>
<td>Interest</td>
<td>75,250</td>
</tr>
<tr>
<td><strong>Total Debt Service</strong></td>
<td><strong>$275,250</strong></td>
</tr>
</tbody>
</table>

**Total estimated project costs including debt service:** $275,250

**Validity:** The validity of the bonds and the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

**S/ Lawrence A. Graves, Town Treasurer**

### Board of Selectmen recommends approval (5-0).

### School Committee recommends approval (5-0).

### Budget Committee recommends approval (6-0).

### A YES vote authorizes an appropriation of $220,000.

### A NO vote authorizes an appropriation of $0.
GREENWOOD EMERGENCY VEHICLES, LLC
530 John Dietsch Boulevard
North Attleboro, Massachusetts 02763
(508) 695-7138

FIRE APPARATUS PROPOSAL

SEPTEMBER 16, 2019

THIS PROPOSAL HAS BEEN PREPARED FOR:

TOWN OF YORK
186 YORK STREET
YORK, MAINE 03909

WE HEREBY PROPOSE TO FURNISH TO YOU, SUBJECT TO PROPER EXECUTION OF THE ATTACHED AGREEMENT BY YOU AND BY AN OFFICER OF THIS COMPANY, THE FOLLOWING VEHICLE AND EQUIPMENT TO BE BUILT IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS:

QUANTITY: ONE (1)

MODEL: E-ONE TYHOON RESCUE PUMPER

PRICE: $596,328 (IF THE TOWN OF YORK MAKES A 100% PREPAYMENT THE SAVINGS ARE $38.35 PER DAY AND A 100% PERFORMANCE BOND WILL BE SUPPLIED)

DELIVERY WILL BE F.O.B. YORK, MAINE AND WILL BE MADE APPROXIMATELY 395 AFTER RECEIPT AND PROPER EXECUTION OF THE ATTACHED AGREEMENT BY BOTH PARTIES.

THIS PROPOSAL SHALL EXPIRE UNLESS ACCEPTED WITHIN THIRTY (30) DAYS AND MAY BE EXTENDED, IN WRITING, AT THE DISCRETION OF THE COMPANY.

THE UNDERSIGNED CERTIFIES UNDER PENALTIES OF PERJURY THAT THIS BID OR PROPOSAL HAS BEEN MADE AND SUBMITTED IN GOOD FAITH AND WITHOUT COLLUSION OR FRAUD WITH ANY OTHER PERSON.

AS USED IN THIS CERTIFICATION, THE WORD “PERSON” SHALL MEAN ANY NATURAL PERSON, BUSINESS, PARTNERSHIP, CORPORATION, UNION, COMMITTEE, CLUB OR OTHER ORGANIZATION, ENTITY OR GROUP OF INDIVIDUALS.

GREENWOOD EMERGENCY VEHICLES, LLC

CHRISTOPHER CHAMPAGNE, VP OF SALES, GREENWOOD EMERGENCY VEHICLES, LLC
CONTRACT

THIS CONTRACT MADE IN DUPLICATE, BY AND BETWEEN GREENWOOD EMERGENCY VEHICLES, LLC. - PARTY OF THE FIRST PART, HEREINAFTER REFERRED TO AS "THE COMPANY", AND: YORK, MAINE, BY ITS AUTHORIZED REPRESENTATIVES - PARTY OF THE SECOND PART, HEREINAFTER REFERRED TO AS "THE BUYER", WITNESSETH AS FOLLOWS:

1. THE COMPANY AGREES TO SELL, UPON THE CONDITIONS WRITTEN BELOW, VEHICLE AND EQUIPMENT IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS, WHICH ARE MADE A PART OF THIS AGREEMENT AND CONTRACT. IN THE EVENT THAT THE COMPANY'S SPECIFICATIONS AND THE BUYER'S SPECIFICATIONS ARE INCORPORATED IN THIS AGREEMENT, BUT ARE IN CONFLICT WITH ONE ANOTHER, THE COMPANY'S SPECIFICATIONS SHALL APPLY.


3. IF FULL ACCEPTANCE TESTS ARE REQUIRED TO BE PERFORMED AT THE BUYER'S LOCATION, SUCH TESTS SHALL BE MADE UPON ARRIVAL AT DESTINATION, WHILE THE VEHICLE IS IN THE CARE, CUSTODY, AND CONTROL OF THE COMPANY. IF DESIRED, A PUMP TEST (IF APPLICABLE) MAY BE PERFORMED AT THE COMPANY LOCATION, UNDER THE BUYER'S SUPERVISION, BEFORE SHIPMENT. IF NO SUCH TESTS ARE MADE, THEN SAID VEHICLE AND EQUIPMENT SHALL BE CONSIDERED ACCEPTABLE AND IN COMPLIANCE WITH THE CONTRACT AND SPECIFICATIONS.

4. IF MORE THAN ONE VEHICLE IS COVERED BY THIS CONTRACT, AND THE VEHICLES ARE SHIPPED ON DIFFERENT DATES, AN INVOICE COVERING EACH VEHICLE OR SHIPMENT SHALL BE RENDERED. LOOSE EQUIPMENT SHIPPED SEPARATELY SHALL BE INVOICED SEPARATELY, AND AMOUNTS PAID AGAINST SUCH INVOICES SHALL BE DEDUCTED FROM THE CONTRACT PRICE UPON FINAL SETTLEMENT.

5. THE BUYER AGREES TO MAKE THE VEHICLE OR EQUIPMENT AVAILABLE TO THE SELLER FOR DISPLAY PURPOSES AT TIMES CONVENIENT TO THE BUYER, WITH PRIOR AUTHORIZATION BY THE FIRE CHIEF, OR HIS OR HER DESIGNEE.

7. THIS AGREEMENT, INCLUDING ITS APPENDICES, EMBODIES THE ENTIRE UNDERSTANDING BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER CONTAINED HEREIN, AND Merges ALL PRIOR DISCUSSIONS AND AGREEMENTS BETWEEN THEM. NO AGENT OR REPRESENTATIVE OF THE COMPANY HAS THE AUTHORITY TO MAKE ANY REPRESENTATIONS, STATEMENTS OR AGREEMENTS NOT EXPRESSED HEREIN. ALL MODIFICATIONS OR AMENDMENTS OF THIS CONTRACT, INCLUDING ITS APPENDICES, MUST BE IN WRITING AND MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF EACH PARTY.

8. THE VEHICLE COVERED BY THIS CONTRACT IS NOT WARRANTED BY THE COMPANY BY ANY EXPRESS OR IMPLIED WARRANTIES. THE VEHICLE IS SUBJECT TO LIMITED WARRANTIES AS PROVIDED BY THE MANUFACTURERS OF BOTH THE COMPLETED VEHICLE AND ITS COMPONENTS. THE COMPANY IS AN AUTHORIZED SERVICE AND WARRANTY AGENCY FOR MANY OF THE COMPONENTS FURNISHED ON THE VEHICLE, AND ALSO OFFERS THE BUYER ASSISTANCE IN RESOLVING WARRANTY CLAIMS RELATING TO COMPONENTS SERVICED BY OTHER AGENCIES. COPIES OF MAJOR COMPONENT WARRANTIES SHALL BE PROVIDED ON DELIVERY. THE COMPANY SHALL NOT BE LIABLE FOR TECHNICAL OR EDITORIAL ERRORS OR OMISSIONS CONTAINED IN ANY WARRANTY SUPPLIED BY THE MANUFACTURER. TO THE EXTENT ALLOWED BY APPLICABLE LAW, THE COMPANY DISCLAIMS ALL IMPLIED WARRANTIES OR CONDITIONS, WHETHER WRITTEN OR ORAL, AND NO WARRANTY IS EXPRESSED OR IMPLIED, AND THE COMPANY SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY, SATISFACTORY QUALITY AND FITNESS FOR A PARTICULAR PURPOSE. TO THE EXTENT ALLOWED BY APPLICABLE LAW, IN NO EVENT SHALL THE COMPANY BE LIABLE FOR DIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL OR OTHER DAMAGE, WHETHER BASED ON CONTRACT, TORT OR OTHERWISE.

9. THE COMPANY MAKES NO WARRANTY ON, NOR WILL THE COMPANY BE HELD RESPONSIBLE FOR ANY CUSTOMER SUPPLIED EQUIPMENT. THE COMPANY SHALL NOT BE HELD LIABLE FOR ANY EQUIPMENT MALFUNCTIONS ON CUSTOMER SUPPLIED ITEMS SUCH AS EXTRICATION EQUIPMENT, SAWs, RAMS, ETC... THE COMPANY USES THIS EQUIPMENT ONLY FOR THE PURPOSE OF FABRICATING TRAYS AND BRACKETRY AND IS NOT RESPONSIBLE FOR ENSURING PROPER EQUIPMENT OPERATION.

10. THE COMPANY RESERVES THE RIGHT TO MAKE PRODUCT IMPROVEMENTS WITHOUT NOTICE.

11. DELIVERY INSTRUCTIONS SHALL BE GIVEN IN ACCORDANCE WITH A MUTUALLY AGREEABLE SCHEDULE. TRANSFER OF OWNERSHIP SHALL TAKE PLACE BEFORE DELIVERY INSTRUCTIONS BEGIN. THE BUYER AGREES THAT FIRE FIGHTERS PARTICIPATING IN DELIVERY INSTRUCTIONS MUST BE FAMILIAR WITH BASIC FIRE APPARATUS OPERATING PRINCIPLES. DRIVER TRAINING SHALL BE THE RESPONSIBILITY OF THE BUYER. BUYER HEREBY ACKNOWLEDGES THAT THE COMPANY HIGHLY RECOMMENDS THAT ALL INDIVIDUALS WHO WILL BE OPERATING THE EQUIPMENT PURCHASED UNDER THIS AGREEMENT ATTEND A TRAINING PROGRAM OFFERED BY THE COMPANY AND THAT THE PURPOSE OF SAID TRAINING PROGRAM IS NOT TO INSTRUCT THE BUYER'S PERSONNEL ON SKILLS ONE WOULD ACQUIRE IN FIREFIGHTER TRAINING SCHOOL AND/OR PROFESSIONAL DRIVER TRAINING SCHOOL, BUT TO DEMONSTRATE THE FEATURES AND COMPONENTS OF THE EQUIPMENT PURCHASED HEREUNDER AND FAMILIARIZE BUYER'S PERSONNEL WITH THE PROPER USE AND OPERATION THEREOF. THE COMPANY FURTHER RECOMMENDS TO THE BUYER (1) THAT AS NEW PERSONNEL ARE ASSIGNED TO THE EQUIPMENT PURCHASED HEREUNDER TRAINING SESSIONS BE SCHEDULED FOR SUCH NEW PERSONNEL; AND (2) THAT REFRESHER TRAINING SESSIONS FOR ALL PERSONNEL OPERATING THE PURCHASED EQUIPMENT BE SCHEDULED AT LEAST EVERY FIVE (5) YEARS FROM THE DATE OF DELIVERY. FURTHER INFORMATION ON TRAINING SESSIONS AND ANY COSTS ASSOCIATED THEREWITH MAY BE OBTAINED BY CALLING THE COMPANY'S TRAINING DIVISION.
12. "TRADE-IN" VEHICLES (IF APPLICABLE): ALL VEHICLES THAT ARE TO BE TAKEN IN TRADE AS PART OF THIS CONTRACT SHALL BE, ON THE DAY OF DELIVERY, IN THE SAME OPERATING CONDITION AS ON THE DATE OF THIS CONTRACT EXCEPT FOR ORDINARY WEAR AND TEAR. THE BUYER SHALL NOT SELL THE VEHICLE TO A THIRD PARTY WITHOUT THE WRITTEN APPROVAL OF THE COMPANY. TRADE-IN'S SHALL BE SURRENDERED WITH ALL SUCTION CAPS, DISCHARGE CAPS, AND OTHER EQUIPMENT WHICH MAY BE NOTED ON ANY ADDITIONAL DESCRIPTIVE DOCUMENTS THAT MAY BE NECESSARY. ALL TRADE-INS SHALL BE DELIVERED BY THE BUYER TO THE COMPANY. OWNERSHIP TRANSFER TO THE COMPANY SHALL NOT TAKE PLACE UNTIL THE TRADE-IN IS DELIVERED AND TRANSFER OF TITLE TAKES PLACE.

13. APPARATUS PAINT COLOR(S) SHALL BE:

   BODY: RED
   CAB: RED
   CAB ROOF: RED

14. IN THE EVENT AN ORDER IS CANCELLED BEFORE CONSTRUCTION HAS STARTED, A 1% CANCELLATION CHARGE SHALL APPLY. IF WORK HAS STARTED ON THE VEHICLE, CANCELLATION CHARGE SHALL BE 1% PLUS THE ACTUAL COST FOR WORK DONE TO DATE, AS DETERMINED BY THE COMPANY.

15. THE VEHICLE BEING PURCHASED SHALL COMPLY TO NFPA 1901 STANDARD TO THE EXTENT THE ATTACHED SPECIFICATIONS PERMIT. IF AN ITEM IN ONE OF THESE STANDARDS IS NOT SUPPLIED WITH OR DESIGNED INTO THE VEHICLE, IT IS BECAUSE THE BUYER DID NOT DESIRE TO INCLUDE IT ON THE VEHICLE.

16. ALL THREADS PROVIDED ON THE VEHICLE OR ON SUPPLIED EQUIPMENT SHALL BE NST, UNLESS NOTED TO THE CONTRARY.

17. THE BUYER ACKNOWLEDGES THAT EXTENDED WARRANTIES ARE AVAILABLE ON VARIOUS COMPONENTS OF THE VEHICLE, AND THAT THESE WARRANTIES HAVE BEEN OFFERED FOR PURCHASE AT ADDITIONAL COST. BY EXECUTING THIS CONTRACT, THE BUYER ACKNOWLEDGES THAT NO EXTENDED WARRANTIES ARE A PART OF THIS AGREEMENT UNLESS THEY ARE INCORPORATED INTO THE ATTACHED SPECIFICATIONS.

18. THE BUYER AGREES TO PAY AS PURCHASE PRICE FOR THE VEHICLE, ACCEPTED AS AFORESAID, THE SUM OF:

   FIVE HUNDRED NINETY SIX THOUSAND THREE HUNDRED TWENTY EIGHT DOLLARS
   $596,328
FEDERAL EXCISE TAX EXEMPTION CERTIFICATE

THE UNDERSIGNED HEREBY CERTIFIES THAT HE IS _______________ (TITLE OF OFFICER) OF GREENWOOD EMERGENCY VEHICLES, LLC. FOR THE EXCLUSIVE USE OF ____________________, _______________ (STATE, TERRITORY OF UNITED STATES, OR POLITICAL SUBDIVISION THEREOF, OF THE DISTRICT OF COLUMBIA, OR TAX EXEMPT VOLUNTEER FIRE DEPARTMENT).

YORK, MAINE (STATE, TERRITORY OF THE UNITED STATES, OR POLITICAL SUBDIVISION THEREOF, OR THE DISTRICT OF COLUMBIA, OR TAX-EXEMPT VOLUNTEER FIRE DEPARTMENT) THAT HE IS AUTHORIZED TO EXECUTE THIS CERTIFICATE AND THAT THE ARTICLE OR ARTICLES SPECIFIED IN THE ACCOMPANYING ORDER ARE PURCHASED FROM GREENWOOD EMERGENCY VEHICLES, LLC. FOR THE EXCLUSIVE USE OF ____________________, _______________ (STATE, TERRITORY OF UNITED STATES, OR POLITICAL SUBDIVISION THEREOF, OF THE DISTRICT OF COLUMBIA, OR TAX EXEMPT VOLUNTEER FIRE DEPARTMENT).

IT IS UNDERSTOOD THAT THE EXEMPTION FROM TAX IN THE CASE OF SALES OF ARTICLES UNDER THIS EXEMPTION CERTIFICATE TO THE STATES, TERRITORIES OF THE UNITED STATES, ETC., IS FOR ITS EXCLUSIVE USE, AND IT IS AGREED THAT IF ARTICLES ARE PURCHASED OR SOLD TO EMPLOYEES OR OTHERS, SUCH FACT WILL BE REPORTED AND TAX PAID BY ME TO THE DISTRICT DIRECTOR OF INTERNAL REVENUE FOR THE DISTRICT IN WHICH THAT SALE WAS MADE.

IT IS ALSO UNDERSTOOD THAT THE FRAUDULENT USE OF THIS CERTIFICATE TO SECURE EXEMPTION WILL SUBJECT THE UNDERSIGNED AND ALL GUILTY PARTIES TO A FINE OF NOT MORE THAN $10,000.00 OR TO IMPRISONMENT FOR NOT MORE THAN FIVE (5) YEARS OR BOTH, TOGETHER WITH COSTS OF PROSECUTION.

BY: __________________________

(SIGNATURE)

______________________________

(TITLE)

______________________________

(DATE)

NOTE: FEDERAL EXCISE TAX WILL BE ADDED IF THE ABOVE FORM IS NOT COMPLETED AND SIGNED.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 17, 2019

DATE ACTION REQUESTED: September 23, 2019

SUBJECT: 2020 Crack Seal Bid Award

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

York DPW has historically used the Maine DOT Southern Region’s (Region 1) crack seal competitive bid process for its FY 2020 crack seal work. Maine DOT advertised crack seal projects for all its Regions back in April of 2019. DPW monitors Crack seal bids in our area and around the state. Some of the bid results are listed below. Sealcoating Inc. dba Indus has been the Town’s crack seal contractor since 2016 and the low bidder on most of the major projects in the State. Sealcoating Inc. has agreed to keep price the same in FY 2020 as last year for the Town of York.

RECOMMENDATION: Award the FY2020 Town Crack Seal bid to Sealcoating, Inc. dba Indus.

PROPOSED MOTION: I move to award the FY2020 Crack Seal bid to Sealcoating, Inc. dba. Indus in the amount of $1.16 per pound.

FISCAL IMPACT: Sealcoating, Inc’s dba Indus proposed price per pound for Crack Seal is $1.16. The following table shows the Maine DOT Crack Seal bid results throughout the State of Maine in 2019.

<table>
<thead>
<tr>
<th>Location</th>
<th>MDOT Region 1</th>
<th>MDOT Region 2</th>
<th>MDOT Region 3</th>
<th>MDOT Region 4</th>
<th>MDOT Region 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sealcoating, Inc. dba Indus</td>
<td>$1.97</td>
<td>$2.84</td>
<td>$1.47</td>
<td>$2.83</td>
<td>$3.40</td>
</tr>
<tr>
<td>Braintree, MA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Road Repair, Inc.</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>$3.51</td>
</tr>
<tr>
<td>Windham, ME</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicom Coatings Corporation</td>
<td>No Bid</td>
<td>No Bid</td>
<td>No Bid</td>
<td>$2.49</td>
<td>$3.65</td>
</tr>
<tr>
<td>Barre, VT</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ProSeal LLC.</td>
<td>No Bid</td>
<td>$2.97</td>
<td>$2.77</td>
<td>No Bid</td>
<td>No Bid</td>
</tr>
<tr>
<td>Binghampton, NY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEPARTMENT LINE ITEM ACCOUNT: 100.0303.9606</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BALANCE IN LINE ITEM IF APPROVED: $0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PREPARED BY: __Dean Lessard_____________ REVIEWED BY: ___
Proposal

8/13/2019

Town of York
115 Chases Pond Rd.
York, ME 03909

ATTN: Dean Lessard

207 363-1000

FAX: 207 363-1009/1019

York, ME Cracksealing 2018 Quote Request

York, Maine

BID DATE: September 17, 2018 10:30 am

QUOTED BY: Alan Viall 781-428-3416

PG CRACK SEALING - VARIOUS STREETS

Furnish all labor, material and equipment to perform the following item(s) of work.

<table>
<thead>
<tr>
<th>ITEM NO</th>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>PRICE</th>
<th>EXTENDED PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>180-103</td>
<td>86,206 LB</td>
<td>Fiber Reinforced Crackseal W/ Flaggers</td>
<td>1.16/LB</td>
<td>$99,998.96</td>
</tr>
</tbody>
</table>

DO NOT EXCEED 86,206 LBS WITHOUT TOWN APPROVAL

Quote Notes:
1. Final quantities to be determined by actual field measure.
2. Traffic control includes 2 Flaggers
3. No work is to be performed on weekends or holidays unless stated otherwise in the items above.
4. This quote is valid through 12/31/2019.
5. Prices are subject to asphalt adjustments to be determined at time of work; the base asphalt index used for this quote effective September, 2016 is $347.50/ton.

**Sealcoating, Inc. is no longer a Massachusetts SDO Certified WBE or DBE**

Grand Total: $99,998.96

NOTE: Please sign and return. Submit Tax Exempt Certificate if applicable.

All material is guaranteed to be as specified. All work to be in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature: 

Alan Viall

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment terms are net upon completion, unless stated otherwise.

Date of Acceptance: ____________________ Signature: ____________________
Technical Specifications

SECTION 02206 - ASPHALT CRACK SEALING, ASPHALT CRACK FILLING

PART 1 - GENERAL

I. SECTION INCLUDES
A. Reference Standards: The following standards are referenced directly in this section. The latest version of these standards shall be used.

<table>
<thead>
<tr>
<th>ASTM</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>C 88</td>
<td>Test Method for Soundness of Aggregates by Use of Sodium Sulfate or Magnesium Sulfate</td>
</tr>
<tr>
<td>C 117</td>
<td>Test Method for Materials Finer than 75- um (No. 200) Sieve in Mineral Aggregates by Washing</td>
</tr>
<tr>
<td>C 131</td>
<td>Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine</td>
</tr>
<tr>
<td>C 136</td>
<td>Test Method for Sieve Analysis of Fine and Coarse Aggregates</td>
</tr>
<tr>
<td>D 36</td>
<td>Standard Test Method for Softening Point of Bitumen (Ring-and-Ball Apparatus)</td>
</tr>
<tr>
<td>D 140</td>
<td>Practice for Sampling Bituminous Materials</td>
</tr>
<tr>
<td>D 242</td>
<td>Standard Specification for Mineral Filler For Bituminous Paving Mixtures</td>
</tr>
<tr>
<td>D 244</td>
<td>Standard Test Methods for Emulsified Asphalts</td>
</tr>
<tr>
<td>D 946</td>
<td>Standard Specification for Penetration-Graded Asphalt Cement for Use in Pavement Construction</td>
</tr>
<tr>
<td>D 977</td>
<td>Standard Specification for Emulsified Asphalt</td>
</tr>
<tr>
<td>D 1073</td>
<td>Standard Specification for Fine Aggregate for Bituminous Paving Mixtures</td>
</tr>
<tr>
<td>D 1190</td>
<td>Standard Specification for Concrete Joint Sealer, Hot-Applied Elastic Type</td>
</tr>
<tr>
<td>D 2027</td>
<td>Standard Specification for Cutback Asphalt (Medium-Curing Type)</td>
</tr>
<tr>
<td>D 2028</td>
<td>Standard Specification for Cutback Asphalt (Rapid-Curing Type)</td>
</tr>
<tr>
<td>D 2397</td>
<td>Standard Specification for Cationic Emulsified Asphalt</td>
</tr>
</tbody>
</table>
D 2419 Standard Test Method for Sand Equivalent Value of Soils and Fine Aggregate
D 3381 Standard Specification for Viscosity-Graded Asphalt Cement for Use in Pavement Construction
D 3405 Standard Specification for Joint Sealants, Hot-Applied, for Concrete and Asphalt Pavements
D 5078 Standard Specification for Crack Filler, Hot-Applied, for Asphalt Concrete and Portland Cement Concrete Pavements
D 6690-15 Standard Specification for Joint and Crack Sealants, Hot Applied, for Concrete and Asphalt Pavements

ISSA
Bulletin #139 “Test Method to Classify Emulsified Asphalt/Aggregate Mixture Systems by Modified Cohesion Tester Measurement of Set and Cure Characteristics”

AASHTO
T 53 Softening Point of Bitumen (Ring-and-Ball Apparatus)
T 59 Testing Emulsified Asphalts
T 104 Soundness of Aggregate by Use of Sodium Sulfate or Magnesium Sulfate
T 112 Clay Lumps and Friable Particles in Aggregate
MP 1 Specification for Performance Graded Asphalt Binder
M 208 Cationic Emulsified Asphalt


B. Traffic Control, Mobilization & Demobilization

i. The contractor shall be responsible for maintaining a safe work zone which may necessitate the use of Traffic Control Officers (flaggers) and other traffic control devices (cones, barrels and signage). All traffic control devices should comply with the Manual of Uniform Traffic Control Devices, latest Edition (MUTCD). The work zone shall be
maintained for a duration adequate to protect the product that has been applied.

PART 2 – PRODUCTS

I. MATERIALS

A. Material used in performance of this contract shall be a hot pour elastic type sealer such as KOCH 9005 or equal and shall meet ASTM 3405 as indicated in the following specification:

<table>
<thead>
<tr>
<th>Test</th>
<th>ASTM 3405</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cone Penetration, 77F</td>
<td>90 max. Flow, 140° F 1.0 cm max.</td>
</tr>
<tr>
<td>Resilience</td>
<td>60% min.</td>
</tr>
<tr>
<td>Ductility, 77F (ASTM D113)</td>
<td>40 cm max.</td>
</tr>
<tr>
<td>Bond, @ 0degrees F, 100% ext.</td>
<td>Pass 5 cycles</td>
</tr>
<tr>
<td>Bond, @ -20degrees F, 50% ext.</td>
<td>Pass 3 cycles</td>
</tr>
<tr>
<td>Compression Recovery</td>
<td>0.40 min.</td>
</tr>
<tr>
<td>Recommended Pour Temperature</td>
<td>370° F (not ASTM)</td>
</tr>
<tr>
<td>Safe Heating Temperature</td>
<td>390° to 400° F (not ASTM)</td>
</tr>
</tbody>
</table>

B. Crack Sealant Application: Material used for crack sealing shall be a modified asphalt product selected to be compatible with the environment of application and found to meet the criteria of one of the following specifications, ASTM D 1190 or ASTM D3405 with a modified resilience value between 30 and 60 percent, or material meeting the requirements of ASTM D 5078. Crack Sealing shall be understood to be the process of placing an asphaltic material into and/or above working cracks to prevent the intrusion of surface water and/or incompressibles into the crack. A working crack shall be understood to correspond to cracks that sustain more than 0.1 inches (2.5 mm) movement during the course of the year.

C. Crack Filling Application: Material used for crack filling shall be an viscosity graded AC-20 asphalt product meeting the criteria of ASTM D 3381 Table 1, a penetration-graded asphalt product having a penetration number in the range of 85-100 measured in accordance with ASTM D 946, or material meeting the criteria of ASTM D-5078. Crack filling material may contain polyester or polypropylene fibers. Material satisfying the criteria of a crack sealant may also be used as a crack filling material. Crack filling shall be understood to be the process of placing an asphaltic material into non-working cracks to substantially
reduce water infiltration and reinforce adjacent cracks. Crack filling materials shall not be used for sealing pavements in preparation for an overlay.

PART 3 – EXECUTION

I. SECTION INCLUDES:

A. Crack cleaning and sealing complete, in place, at the locations specified in this section and as directed by the Engineer.

B. Preparation of road surface for placement of Polymer Modified Asphalt Sealant for Streets

C. Installation/Placement of Polymer Modified Asphalt Sealant for Streets

II. CRACK SEALING/FILLING:

A. Equipment:

i. Router:

1. This machine shall be an impact cutterhead with a minimum of 6 tungsten-carbide cutters. The router blades shall be driven with a minimum 25-hp gasoline engine.

ii. Compressor:

1. The compressor shall be a two-stage compressor rated as a minimum 40 CFM unit capable of delivering compressed air to the nozzle at a minimum pressure of 100 psi. The compressor shall be equipped with a filter trap to eliminate oil and moisture from the air line.

iii. Hot-Air Lance (HCA):

1. The hot air lance shall be capable of delivering super-heated air at an exit temperature in excess of 1500°F and at a velocity in excess of 1000 ft/sec against the side walls of the crack. The hose shall be wrapped with reflective tape to keep hoses together and to protect worker in low light situations.

iv. Melter/Applicator:

1. The melting pot shall consist of double-boiler type jacket and shall be equipped with a full sweep agitator that promotes proper mixing and maintains uniform heat
distribution throughout the melting pot. The melting pot shall have sufficient capacity of the heat transfer oil reservoir that heat transfer oil is able to come in contact with 100 percent of the outside area of the jacket. The melting pot shall be equipped with a drain plug to permit 100% of the heat transfer oil to drain from the boiler. The heat transfer oil shall consist of ISO grade 68.

2. The heat transfer oil shall be heated with a properly sized vapor fuel LP or diesel fuel burner. The heat shall be applied directly to the bottom of the heat transfer tank. The burner shall be lit by an electric spark igniter controlled by a sensor, which detects a lack of burn or ignition and subsequently shuts down the fuel supply. The unit must be capable of starting at ambient temperature and bringing the sealant up to the required applications temperature within the period of approximately one hour while continuously agitating and recirculation the sealant. The unit shall have the capability of independently monitoring both the transfer oil and melting pot temperatures. The unit shall be capable of heating a variety of application materials within a range of temperatures between 200°F (93.3°C) and 425°F (218.3°C). The sealant should not be heated to a temperature in excess of that specified by the manufacturer.

3. The agitator and material pump shall be actuated by hydraulic motors driven by a single, pressure-compensated hydraulic pump. Hydraulic fluid should only be pumped to the agitator or material pump motor on demand.

4. The sealant shall be applied to the pavement through an application system consisting of a pressure feed hose and wand. The hose shall be specially manufactured to handle liquid asphalt products up to 450°F at 350 psi (2400 kPa) working pressure. The hose shall not be less than 15 feet in length. The hand wand shall be constructed of steel of sufficient strength to withstand normal day-to-day operations. Material flow through the ward shall be controlled with a toggle switch. A squeegee shall be used to distribute the asphalt evenly and uniformly in the recommended configuration.

5. All equipment shall be in good working order, as determined by the Engineer, on a day-to-day basis. The Engineer shall not be responsible for payment of labor or rental charges on days when the equipment is not in good working order.

B. Preparation:
i. Cracks shall be cleaned free of all deleterious materials, including any old sealant; incompressibles and organic material. The crack shall be free of any standing water and any moisture along the sidewalls of the crack as evidenced by a darker color than the adjacent pavement. This shall be accomplished in one of three manners:

a. wire-brushing – where the crack channels are cleaned with a mechanical wire brush followed by high-pressure compressed air;

b. hot air blasting – where the crack channels are cleaned, heated, dried with hot compressed air (HCA) lance connected to a high pressure air compressor; or

c. high-pressure air blasting – where the crack channels are cleaned with high-pressure compressed air. Pavement cracks to be sealed or filled shall be cleaned and dried using one of the methods described previously within 10 minutes of the application of the sealer/filler. Equipment for the two operations should be kept in a compact configuration such that not more than 50 feet separates equipment required by the two operations. Additionally, not more than 10 minutes time shall passed between the cleaning of a crack and the filling of the crack with the appropriate sealing/filling material.

C. Installation:

i. Crack sealing shall be limited to working, longitudinal, transverse and block cracks that are more than 1/4 inch (6mm) in width. Cracks 1/4 - to 5/8 inches (6mm to 16 mm) in width requiring sealing shall be routed to 5/8-inches (16 mm) in width. Cracks 5/8- to 1 inch (16mm to 25 mm) in width requiring sealing do not require routing, but shall be thoroughly cleaned and sealed. Cracks shall be sealed using either the Standard Reservoir and Flush or Standard Recessed Band-Aid configurations. Cracks greater than 1-inch (25 mm) in width shall be filled with either an emulsion slurry and sand, widened and backfilled with Hot-Mix Asphalt (HMA), or repaired in a manner approved by the Engineer. Cracks requiring filling do not require any routing but simply thorough cleaning. Cracks shall be filled using either the Simple Band-Aid, Simple Flush Fill, or Capped Configurations.

ii. Sealer/filler materials should not be applied when the pavement surface is wet or when the pavement temperature is less than 40° F without the use of hot air blasting or the approval of the Engineer.
iii. Sealant/Crack filler should be applied to fill the crack from the bottom to the top in order to prevent air bubbles from forming and creating a point of weakness in the sealant. Upon application, hot sealant/filler material should not make a hissing or popping noise indicative of moisture in the crack. Noises of this kind should indicate that additional drying of the crack is necessary in order to facilitate proper bonding of the material to the sidewalls of the crack.

Application of the sealant/filler material shall be made in such a way as to completely fill the crack and provide enough excess to facilitate completion of the seal/fill consistent with the configuration selected. The use of a squeegee or applicator disk to shape the application material to conform to one of the material placement configurations shown on Figure 1 is required.

Care shall be taken not to place any sealant/filler material on top of any pavement markings, manholes, or drainage castings. The Contractor shall be responsible to prevent tracking of the sealant/filler material onto the adjacent pavement surfaces to the satisfaction of the Engineer.

iv. Prior to beginning the work, the Contractor will be required to demonstrate to the satisfaction of the Engineer and the manufacturer's representative his ability to apply the material in accordance with the manufacture's specifications. Operations and procedures which are considered by the Engineer as detrimental to the effectiveness of the material will not be permitted.
2019 Assessor’s Report to the Board of Selectmen

General Information

- The new tax rate is $11.15, staying the same as last year.
- The new total taxable valuation of the town is $4,589,610,340. That’s up $144,147,247 from last year.
- We have a certified assessment ratio of 100%, with an actual of 96% (State requirement of above 70%). Our quality rating is 8.61% (State requirement of below 20%).
- This year we picked up $53,989,400 in new construction; this includes additions and renovations. Last year we picked up $87,782,800.
- We had 389 qualified sales in 2018/2019 compared to 423 the previous year.
- Due to market conditions:
  - Out of 79 neighborhoods, 19 had an increase in value and 1 had a decrease. This year our office also updated current construction costs on several styles of buildings.
  - Out of 160 condominium complexes, 100 saw increases and 2 had decreases.
- The average selling price of a single family home (non-waterfront), April 2, 2018 – April 1, 2019, was $492,279.
- The average assessed value of those same homes is $464,953.
- The average selling price of a single family home (waterfront), April 2, 2018 – April 1, 2019, was $1,575,850.
- The average assessed value of those same homes is $1,453,717.
- The 2019 TIF Financing Plan Amount did not generate any income; there was a higher percent increase in building values in the Town as a whole compared to the percent increase in building values in the TIF District.
- The 2019 State Valuation is $4,473,800,000 (2018 actual), second highest in the State behind the City of Portland.

Assessment Statistics

- Total Real Estate accounts: 11,050. Total Personal Property accounts: 624
- 7,358 properties had an increase in valuation:
  - 2,703 properties had an increase of $100 - $9,900
  - 2,765 properties had an increase of $10,000 - $24,900
  - 1,247 properties had an increase of $25,000 - $49,900
  - 374 properties had an increase of $50,000 - $99,900
  - 235 properties had an increase of $100,000 - $499,000
  - 34 properties had an increase of over $500,000
- 2,841 properties’ values stayed the same.
- 1,018 properties went down in value:
  - 730 properties had a decrease of $100 - $9,900
  - 166 properties had a decrease of $10,000 - $24,900
- 68 properties had a decrease of $25,000 - $49,900
- 27 properties had a decrease of $50,000 - $100,000
- 27 properties had a decrease of over $100,000

- The 2018 average ratio of assessment to sale price for single family homes (non-waterfront) is 95%. (240 sales)
- The average ratio of assessment to sale price for waterfront properties is 95%. (18 sales)
- The average ratio of assessment to sale price for vacant land is 102%. (25 sales)
- The average ratio of assessment to sale price for condominium properties is 97%. (79 sales)
- The average ratio of assessment to sale price for commercial properties is 88%. (13 sales)

**Historic View of Taxable Value, Tax Rates, and Budgets**

The new tax rate is $11.15 per thousand dollars of value. This is the same as the 2018/2019 rate. This year we had a 3.24% increase in the Town's assessed value. As you can see by the table below, for the tax rate to be reduced, the percent increase in assessed values needs to be higher than the percent increase in the budget.

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Taxable Valuation</th>
<th>% Change in Valuation</th>
<th>Tax Rate/1000</th>
<th>% Change in Tax Rate</th>
<th>Annual Budget</th>
<th>% Change in Annual Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009</td>
<td>$4,100,916,830</td>
<td>+2.82%</td>
<td>$8.26</td>
<td>+1.98%</td>
<td>$33,722,498</td>
<td>+4.86%</td>
</tr>
<tr>
<td>2010</td>
<td>$4,037,653,357</td>
<td>-1.54%</td>
<td>$8.58</td>
<td>+3.87%</td>
<td>$34,465,161</td>
<td>+2.26%</td>
</tr>
<tr>
<td>2011</td>
<td>$3,967,061,240</td>
<td>-1.78%</td>
<td>$9.10</td>
<td>+6.06%</td>
<td>$35,961,240</td>
<td>+4.28%</td>
</tr>
<tr>
<td>2012</td>
<td>$3,909,591,408</td>
<td>-1.45%</td>
<td>$9.35</td>
<td>+2.75%</td>
<td>$36,406,723</td>
<td>+1.24%</td>
</tr>
<tr>
<td>2013</td>
<td>$3,849,714,344</td>
<td>-1.53%</td>
<td>$9.96</td>
<td>+6.52%</td>
<td>$38,245,119</td>
<td>+5.05%</td>
</tr>
<tr>
<td>2014</td>
<td>$3,855,034,616</td>
<td>+.14%</td>
<td>$10.43</td>
<td>+4.72%</td>
<td>$39,974,697</td>
<td>+4.52%</td>
</tr>
<tr>
<td>2015</td>
<td>$3,915,250,959</td>
<td>+.16%</td>
<td>$10.70</td>
<td>+2.59%</td>
<td>$41,746,976</td>
<td>+4.43%</td>
</tr>
<tr>
<td>2016</td>
<td>$3,964,520,605</td>
<td>+1.26%</td>
<td>$11.00</td>
<td>+2.80%</td>
<td>$43,471,673</td>
<td>+4.13%</td>
</tr>
<tr>
<td>2017</td>
<td>$4,078,218,785</td>
<td>+2.87%</td>
<td>$11.15</td>
<td>+1.36%</td>
<td>$45,268,871</td>
<td>+4.13%</td>
</tr>
<tr>
<td>2018</td>
<td>$4,268,495,853</td>
<td>+4.67%</td>
<td>$10.95</td>
<td>-1.79%</td>
<td>$46,474,724</td>
<td>+2.66%</td>
</tr>
<tr>
<td>2019</td>
<td>$4,445,463,093</td>
<td>+ 4.15%</td>
<td>$11.15</td>
<td>+1.83%</td>
<td>$49,221,706</td>
<td>+5.92%</td>
</tr>
<tr>
<td>2020</td>
<td>$4,589,610,340</td>
<td>+ 3.24%</td>
<td>$11.15</td>
<td>0%</td>
<td>$51,174,155</td>
<td>+3.97%</td>
</tr>
</tbody>
</table>

Respectfully Submitted,
Rick Mace, Assessor
Lease of Witchtrot Road Landfill to Solar Developer

Presentation to Board of Selectmen
September 23, 2019

Gerry Runte
Tonight’s Presentation

• Ad hoc solar committee update
• Proposed project strategy
• Process to implement
• Selectboard authorization request
Ad Hoc Solar Committee Status

- Members: Town, Schools, Water District, Sewer District, Library
- Formed to assess potential for joint pursuit of solar generation projects leveraging economies of scale
- Once projects identified, committee to work out how output would be shared among members
- State legislation, now law, allows for economic projects at larger than residential scale
  - Permits full utilization of landfill space
  - Permits unlimited number of sharing accounts
  - Provides for dollar crediting mechanism that offsets all utility fees (delivery, supply, demand and streetlights)
- Input received from three solar project development companies – optimum sites are the two closed landfills in York: Witchtrot Road and Sewalls Pasture
Proposed Strategy

- Total annual consumption for all committee members ~ 4.6 million kWh
- Landfill potential capacity:
  
  Witchtrot Road
  1.8 – 2.1 million kWh

  Sewalls Pasture
  up to 4.4 million kWh

- Viability of Sewalls Pasture will require environmental analysis
- Pursue Witchtrot Road now; continue assessment of Sewalls Pasture
Economics

• Developer installs, owns, operates and maintains project; bills sharing customers for output
• Pricing from developer fixed, with 20 year term
• Why it makes sense:
  – Current bill: 12 – 15 cents/kWh
  – Price from developer ~8 cents/kWh
• Process:
  – Continue to get same bill from CMP, but now with credit for share of solar output that zeros out all cost
  – Get separate bill from developer at new cost
Authority to Proceed

- Advantages:
  - Major step in reduction of GHG emissions
  - Town of York gains revenue stream from otherwise unused property
  - Saves current costs of maintaining landfill site
  - Town does not need to participate as a taker of output
  - Project owned and operated by third party – town is not engaged in any aspect of project other than as lessor

- Recommend approval to proceed
Next Steps

• Prepare RFP from Town of York for the lease of Witchtrot Road landfill for use as a solar generation facility and for Power Purchase Agreement for output
• Review RFP draft with SB for approval and next opportunity
• Issue RFP
• Concurrently reach agreement among ad hoc committee members on output sharing method
• Secure agreement from relevant boards to contract with developer for power purchase agreement
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 17, 2019

DATE ACTION REQUESTED: September 23, 2019

☐ ACTION

□ DISCUSSION ONLY

SUBJECT: Authorization to use York’s Witchtrot Road Facility for a solar electric project.

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The closed landfill area at the Witchtrot Road Transfer Station and Recycling Center is large enough to support a 1.5-megawatt solar electric array that could satisfy a significant portion of York’s municipal electricity needs at a cost savings to the Town compared to the current supplier. The proposed plan would allow a developer to lease the old landfill section of the property from the Town and install, own, operate and maintain a solar electric array to generate electricity. The electric power generated would be sold to municipal customers under a 20-year fixed price contract which would also include an option for the Town to purchase the solar electric infrastructure after 6 years. The project as proposed was not economically feasible until state legislation (LD 1711) passed earlier this year and became law on September 19, 2019.

RECOMMENDATION: The Energy Steering Committee (ESC) recommends the BOS authorize the use of the closed landfill section of the Witchtrot Road Transfer Station and Recycling Center for the purpose of installing a solar array to generate electrical power. The committee also recommends the Board of Selectmen (BOS) approve the ESC to coordinate with the Public Works Director to prepare a Request for Proposals from developers to complete such a project for BOS review at a future meeting.

PROPOSED MOTION: Authorize the use of the closed landfill area of the Witchtrot Road Transfer Station and Recycling Center for the installation of a solar electric array and direct the Energy Steering Committee and Public Works Director to prepare a draft RFP to solicit potential solar project developers for BOS review and approval.

FISCAL IMPACT: None

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:
A CERTIFIED TOPOGRAPHIC SURVEY IS REQUIRED.

NOTE: THIS CONCEPTUAL PLAN IS SUBJECT TO CHANGE.

SYSTEM DATA TABLE
Amend the bill by striking out everything after the enacting clause and inserting the following:

**PART A**

Sec. A-1. 35-A MRSA §3201, sub-§11-A is enacted to read:

11-A. **Investor-owned transmission and distribution utility.** "Investor-owned transmission and distribution utility" has the same meaning as in section 3104, subsection 1, paragraph A.

Sec. A-2. 35-A MRSA §3201, sub-§13-A is enacted to read:

13-A. **Nameplate capacity.** "Nameplate capacity" means the installed or rated capacity of a power generator.

Sec. A-3. 35-A MRSA §3209-A, as amended by PL 2019, c. 16, §1, is further amended to read:

§ 3209-A. **Net energy billing**

The commission may adopt or amend rules governing net energy billing. Rules adopted or amended under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.

1. **Definitions.** As used in this section, the following terms have the following meanings.

A. "Customer" means a customer of a transmission and distribution utility in the State.

B. "Distributed generation resource" means an electric generating facility that uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3 and is located in the service territory of a transmission and distribution utility in the State.

C. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.
2. **Financial interest required.** The commission shall allow a customer to participate in net energy billing if the customer has a financial interest in a distributed generation resource or in a generation resource that has a net energy billing arrangement on the effective date of this section, including facility ownership, a lease agreement or a power purchase agreement.

3. **Shared financial interest for investor-owned utility customers; limitation.** Multiple customers of an investor-owned transmission and distribution utility that have distinct billing accounts with that utility may share a financial interest in a distributed generation resource under subsection 2. Any number of customers of an investor-owned transmission and distribution utility with a shared financial interest in a distributed generation resource may participate in net energy billing, except that the number of eligible customers or meters is limited to 10 for a shared financial interest in a distributed generation resource located in the service territory of an investor-owned transmission and distribution utility located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine unless the commission determines that the utility's billing system can accommodate more than 10 accounts or meters for the purpose of net energy billing.

4. **System size.** The nameplate capacity of a distributed generation resource that may be used for net energy billing must be less than 5 megawatts, except that, if a municipality is the customer participating in net energy billing, the nameplate capacity of a distributed generation resource located in that municipality that may be used for the net energy billing may be 5 megawatts or more, as long as less than 5 megawatts of metered electricity from the resource is used for net energy billing.

Sec. A-4. 35-A MRSA §3209-B is enacted to read:

§ 3209-B. **Commercial and institutional net energy billing**

The commission shall establish by rule, in accordance with this section, a net energy billing program for commercial and institutional customers of investor-owned utilities.

1. **Definitions.** As used in this section, the following terms have the following meanings.

A. "Commercial and institutional net energy billing program" or "program" means the net energy billing program established pursuant to this section.

B. "Commercial or institutional customer" or "customer" means a nonresidential customer of an investor-owned transmission and distribution utility in the State.

C. "Distributed generation resource" has the same meaning as in section 3209-A, subsection 1, paragraph B.

D. "Net energy billing" means the system of bill credits available under the program as described in subsection 5.

2. **Financial interest.** The program must allow a commercial or institutional customer to participate in the program if the customer has a financial interest in a distributed generation resource, including facility ownership, a lease agreement or a power purchase agreement.
3. System size. The nameplate capacity of a distributed generation resource that may be used for net energy billing under this section must be less than 5 megawatts.

4. Shared financial interest; limitation. Multiple commercial or institutional customers that have distinct billing accounts with an investor-owned transmission and distribution utility may share a financial interest in a distributed generation resource under subsection 2. Any number of commercial or institutional customers may participate in net energy billing with a shared interest in a distributed generation resource, except that the number of customers or meters is limited to 10 for a shared interest in a distributed generation resource located in the service territory of an investor-owned transmission and distribution utility located in an area administered by the independent system administrator for northern Maine or any successor of the independent system administrator for northern Maine unless the commission determines that the utility's billing system can accommodate more than 10 accounts or meters for the purpose of net energy billing.

5. Tariff rate; bill credits. The commission shall establish by rule a tariff rate for customers participating in the program. The initial tariff rate must be established no later than December 1, 2019.

A. The tariff rate must equal the standard offer service rate established under section 3212 that is applicable to the customer receiving the credit plus 75% of the effective transmission and distribution rate for the rate class that includes the smallest commercial customers of the investor-owned transmission and distribution utility.

B. A customer participating in the program must receive for electricity delivered to the electric grid from a distributed generation resource in which the customer has a financial interest a bill credit based on the tariff rate to apply against the costs of electricity delivered to the customer by the investor-owned transmission and distribution utility.

C. A bill credit under the program as described in paragraph B may be applied to any portion of a customer's electricity bill. Credits that remain unused at the end of any billing period may be carried forward for up to one year from the end of that billing period.

D. A customer participating in the program who remains eligible to participate in the program must be allowed to receive a bill credit based on the tariff rate for a period of no less than 20 years from the date of first receiving the credit.

6. Rules. The commission shall adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-5. Reports. By December 1, 2021, the Public Utilities Commission shall provide a report to the joint standing committee of the Legislature having jurisdiction over energy matters on the status of metering and billing system capabilities for investor-owned transmission and distribution utilities in the State. The report must include capabilities of systems to reliably offer time-differentiated rates for delivery and supply of energy; the commission's level of confidence in metering and billing systems to provide accurate information to utilities, consumers and the commission; the capacity of systems to accommodate rates for bidirectional flow of power for customers with distributed energy resources; and the degree to which systems are being used to achieve the smart grid policy goals under the Maine
Revised Statutes, Title 35-A, section 3143. The commission shall report on any changes to rates or rules or other changes the commission intends to adopt to increase the effectiveness of systems under this paragraph and may make recommendations to the joint standing committee.

The joint standing committee of the Legislature having jurisdiction over energy matters may report out legislation based on any recommendations under this section to the Second Regular Session of the 130th Legislature.

Sec. A-6. Evaluation. The Public Utilities Commission shall evaluate net energy billing under the Maine Revised Statutes, Title 35-A, section 3209-A when the total amount of generation capacity involved in net energy billing in the State reaches 10% of the total maximum load of transmission and distribution utilities in the State or 3 years after the effective date of this Act, whichever comes first. The commission shall evaluate the effectiveness of net energy billing in achieving state policy goals and providing benefits to ratepayers and submit a report to the joint standing committee of the Legislature having jurisdiction over energy matters with its findings. The joint standing committee may report out legislation based on the recommendations.

Sec. A-7. Rules. Notwithstanding Public Law 2019, chapter 16, section 2, the Public Utilities Commission may adopt rules prior to July 1, 2020 to implement the changes made by this Act to Title 35-A, section 3209-A. Notwithstanding Title 35-A, section 3209-A, rules adopted for this purpose prior to July 1, 2020 are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A.

PART B

Sec. B-1. 35-A MRSA c. 34-C is enacted to read:

CHAPTER 34-C

DISTRIBUTED GENERATION

§ 3481. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bid rate. "Bid rate" means the rate proposed under a qualified bid for the output of a distributed generation resource in response to a competitive procurement solicitation.

2. Clearing price. "Clearing price" means the highest bid rate accepted by the commission for a procurement under this chapter.

3. Commercial or institutional customer. "Commercial or institutional customer" means a nonresidential customer of an investor-owned transmission and distribution utility in the State.

4. Credit rate. "Credit rate" means the per-kilowatt-hour rate used to calculate the monetary value of a distributed generation resource. The credit rate is equal to the per-kilowatt-hour rate in the long-term contracts entered into between a standard buyer or a transmission and distribution utility
and a project sponsor and must be the same for all subscribers of a particular shared distributed generation resource.

5. Distributed generation resource. "Distributed generation resource" means an electric generating facility with a nameplate capacity of less than 5 megawatts that uses a renewable fuel or technology under section 3210, subsection 2, paragraph B-3 and is located in the service territory of a transmission and distribution utility in the State.

6. Energy storage system. "Energy storage system" means a commercially available technology that uses mechanical, chemical or thermal processes for absorbing energy and storing it for a period of time for use at a later time.

7. Investor-owned transmission and distribution utility. "Investor-owned transmission and distribution utility" has the same meaning as in section 3104, subsection 1, paragraph A.

8. Kilowatt. "Kilowatt" means 1,000 watts, measured in alternating current.


10. Megawatt. "Megawatt" means 1,000,000 watts, measured in alternating current. When used in reference to a generation resource, a megawatt is measured by the generator's nameplate capacity.

11. Nameplate capacity. "Nameplate capacity" means the installed or rated capacity of a power generator.

12. Offer. "Offer" means a proposal to install and operate a distributed generation resource of a specified capacity in exchange for a contract with a standard buyer designated pursuant to section 3483.

13. Output. "Output" means energy, capacity, renewable energy certificates and all other environmental attributes and market products that are available or may become available from a distributed generation resource.

14. Project sponsor. "Project sponsor" means an entity or its successor or assignee that owns or operates:

A. A shared distributed generation resource on behalf of subscribers; or
B. A commercial or institutional distributed generation resource.

15. Qualified bid. "Qualified bid" means a bid to supply the output from a distributed generation resource that the commission determines meets the minimum qualification requirements established by rule.

16. Rate. "Rate" means a price per kilowatt-hour of delivered energy as measured by a revenue grade meter, as defined by the commission by rule, at a distributed generation resource's point of connection to the electric grid.
17. **Shared distributed generation resource.** "Shared distributed generation resource" means a distributed generation resource that is selected in a procurement under section 3486 the beneficial use of the output of which is owned by or allocated to subscribers.

18. **Subscriber.** "Subscriber" means a retail customer of a transmission and distribution utility that owns or has the right to a subscription and that has identified an account to which the subscription is attributed.

19. **Subscription.** "Subscription" means a proportional interest in a shared distributed generation resource. Each subscription must be sized to represent at least one kilowatt of the resource's generating capacity.

§ 3482. Specific measures to support distributed generation

1. **Procurements.** The commission shall procure distributed generation resources in the shared distributed generation and commercial or institutional distributed generation market segments using the targets and procurement methods described in this chapter.

2. **Participation in wholesale markets.** The commission and investor-owned transmission and distribution utilities shall take all commercially reasonable steps to promote the participation of distributed generation resources in serving the State's energy needs and in the wholesale electricity, capacity and ancillary service markets.

3. **Change in tax treatment.** If a change in federal tax laws, regulations or policy materially modifies the burdens or costs to customers or utilities associated with the procurements under this chapter, the commission shall issue a report to the joint standing committee of the Legislature having jurisdiction over energy matters describing the impact of these changes and recommending any actions necessary to maintain the benefits of the procurements under this chapter.

4. **Timely interconnection.** The commission shall ensure the timely review and execution of interconnection requests and the timely completion of work needed for the safe, reliable and cost-effective interconnection of distributed generation resources. The commission shall establish by rule requirements for investor-owned transmission and distribution utilities to interconnect distributed generation resources to the grid and financial penalties to ensure timely actions by those utilities to achieve the procurements under sections 3483 and 3486.

§ 3483. Standard buyer

A standard buyer designated pursuant to this section shall aggregate the output of the portfolio of distributed generation resources procured pursuant to this chapter and sell or use the output of the resources in a manner that maximizes the value of the portfolio of the resources to all ratepayers.

1. **Designation of standard buyer.** Each investor-owned transmission and distribution utility serves as the standard buyer in its service territory, except that the commission may designate another entity to serve as the standard buyer if the commission determines that the designation is in the
best interest of customers in the service territory. The commission shall oversee the activities of the standard buyer to ensure compliance with this chapter.

2. **Obligations of standard buyer.** A standard buyer shall:

   A. Serve as counterparty to long-term contracts with project sponsors pursuant to section 3486;

   B. If the standard buyer is not an investor-owned transmission and distribution utility, reimburse an investor-owned transmission and distribution utility for any bill credit or payment to a subscriber or project sponsor pursuant to section 3486;

   C. Establish reasonable measurement and verification requirements for distributed generation resources;

   D. Provide information needed to allocate costs and benefits pursuant to subsection 3; and

   E. Provide aggregate data regarding the output of distributed generation resources pursuant to sections 3485 and 3486.

3. **Standard buyer cost allocation.** The commission and each standard buyer designated pursuant to subsection 1 shall implement a transparent mechanism to track and recover or distribute the eligible costs and benefits under this subsection incurred by procuring distributed generation resources pursuant to this chapter. These eligible costs and benefits must be reviewed by the commission annually and allocated to and recovered from customers of the investor-owned transmission and distribution utility in whose territory the distributed generation resource is located through a process established by rule of the commission. The process established by the commission must be similar to the allocation of costs and benefits of long-term energy contracts in section 3210-F. Eligible costs and benefits include:

   A. Incremental costs of serving as the standard buyer;

   B. All payments or bill credits to customers, subscribers and project sponsors under each procurement pursuant to sections 3485 and 3486; and

   C. All revenue from sale of the output of distributed generation resources procured pursuant to this chapter.

4. **Entities other than the standard buyer.** The commission shall ensure that the rules and procedures established under this chapter provide opportunities for entities other than the standard buyer to aggregate and sell the output of distributed generation resources in the applicable markets.

§ 3484. Procurement methods

1. **Initial competitive procurement.** The following standards and methods apply to the initial competitive procurement of distributed generation resources associated with commercial or institutional customer accounts under section 3485 and of shared distributed generation resources under section 3486:
A. On or before January 1, 2020, the commission shall adopt rules for each initial competitive solicitation of the first block of distributed generation resources under sections 3485 and 3486. The rules must include the form of contract provided under subsection 7;

B. The commission shall accept bids for 30 calendar days beginning on or before July 1, 2020 and review the bids based on the requirements under subsections 4, 5 and 6. The commission may select qualified bids in excess of the first block if the commission determines that the incremental procurement is in the public interest. If the commission selects qualified bids in excess of the first block, the commission shall reduce the quantity procured in subsequent block procurements. If the commission selects bids totaling less than the first block in the initial competitive procurement, the quantity procured in subsequent block procurements must increase by the difference between the first block and the number of megawatts submitted in the initial competitive procurement. If pursuant to subsections 4 and 5 no bids are accepted, the commission shall:

(1) Conduct a new initial competitive procurement under this subsection within 9 months; and

(2) Study the reasons for the inability of the procurement to secure the target amount and submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over energy matters;

C. The commission shall issue a public notice of the initial competitive procurement results no later than 30 calendar days after the bid acceptance period has ended. The public notice must include the name, sponsor, size and location of each selected project and the awarded contract price; and

D. The applicable standard buyer shall enter into a contract with the selected project or projects for a term of 20 years at a specified contract rate equal to the clearing price to be paid as a bill credit to the commercial or institutional customer or the subscribers of a shared distributed generation resource, as applicable.

2. **Subsequent block contract rate procurements.** Subsequent to the initial competitive procurement under subsection 1, the remaining procurement under sections 3485 and 3486 must proceed pursuant to the following:

A. The commission shall procure 4 additional blocks of contracted distributed generation resources to meet the overall procurement goal specified in section 3485 for commercial or institutional distributed generation resources and in section 3486 for shared distributed generation resources. Each procurement block size equals 1/4 of the difference between the overall procurement goal and the quantity procured under subsection 1. These blocks are numbered sequentially, starting with 2. Subsequent procurements are assigned to a particular block, starting with procurement block 2 and finishing with procurement block 5;

B. The block contract rate for procurement block 2 must equal 97% of the clearing price determined in subsection 1. Each successive procurement block must have a block contract rate equal to 97% of the preceding block;

C. Block 2 must be opened immediately following the initial competitive procurement for bids qualifying under subsection 4;
D. The applicable standard buyer shall enter into a contract with each qualified project for a term of 20 years at a specified contract rate equal to the block contract rate of the procurement block then open and paid as a bill credit to the commercial or institutional customer or the subscribers of a shared distributed generation resource, as applicable;

E. Each contract awarded pursuant to this subsection reduces the available capacity in the current procurement block. If an awarded contract exceeds the remaining capacity of its procurement block, then that block is closed and the next block opened and the contract rate is set at the block contract rate for the block filled by this award and any overprocurement in one block is subtracted from the quantity available in the next block. If a contract award exceeds the capacity of procurement block 5, the entire quantity of the offer is awarded at the block contract rate for procurement block 5 and no further contracts may be awarded except under subsection 7; and

F. The commission may by rule establish incentives in the procurement of distributed generation resources including, but not limited to, incentives to support resources that pair with energy storage systems, development of dual-use projects, siting of resources that provide locational benefits to the distribution system and other siting criteria developed in consultation with the Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry.

3. Failure to complete timely procurement. If any procurement block remains unfilled for more than 12 months from the time the previous block was filled:

A. The commission shall suspend procurements under subsection 2 pending completion of the process described in this subsection;

B. The commission shall review and may amend the rules adopted under subsection 1, paragraph A or the standard contract under subsection 7 for a new competitive procurement of long-term contracts for the output of at least the first block of distributed generation resources as part of the procurement goal in section 3485, subsection 1 or section 3486, subsection 1. The commission shall publish any amendments and a new bid acceptance period for not less than 6 months and not more than 9 months;

C. The commission shall accept bids for 30 calendar days from the date established in paragraph B and review the bids based on the requirements set forth in subsections 4, 5 and 6 and the adopted rules. The commission may select qualified bids in excess of the first block if the commission determines that the incremental procurement is in the public interest and the incremental procurement reduces the quantity procured in subsequent procurements;

D. The commission shall issue a public notice of the procurement results no later than 30 calendar days after the bid acceptance period under paragraph C has ended. The public notice must include the name, sponsor, size and location of each selected project and the awarded contract price;

E. The applicable standard buyer shall enter into a contract with the project or projects selected under paragraph C for a term of 20 years at a specified contract rate equal to the highest selected offer rate as adjusted under subsection 6 to be paid as a bill credit to the commercial or institutional customer or the subscribers of a shared distributed generation resource, as applicable;
F. The commission shall reopen procurements under subsection 2 unless no contracts are awarded under paragraph E. The quantity procured under paragraph C must be subtracted from the current procurement block and the block contract rate for that procurement block must be set at the clearing price set under paragraph E. The block contract rate for each subsequent procurement block must be set at 97% of the newly established rate for the preceding procurement block; and

G. If no contracts are awarded under paragraph E, the commission shall:

1. Conduct another competitive solicitation under this subsection with the bid acceptance period to open approximately 12 months after the bid acceptance period determined in paragraph B; and

2. Examine the reasons for the inability of the procurement to secure the target amount and submit a report of its findings and any recommended legislation to the joint standing committee of the legislature having jurisdiction over energy matters.

4. **Bid or offer qualification.** The commission shall establish minimum requirements for bids or offers in a solicitation under this section, including:

A. Demonstration of site control;

B. A fully executed interconnection service agreement with an investor-owned transmission and distribution utility;

C. Demonstration that all required federal, state and local approvals and nonministerial permits for the project have been obtained. For the purposes of this paragraph, "nonministerial permit" means a permit for which one or more officials consider various factors and exercise discretion in deciding whether to issue or deny the permit;

D. The capacity to make a financial assurance deposit at the time a contract is signed; and

E. The following requirements based on the procurement type:

1. For a commercial or institutional distributed generation resources procurement, if a participating commercial or institutional customer is not the party making the bid, an agreement from a customer that would receive bill credits under section 3485, subsection 2; and

2. For a shared distributed generation resources procurement, demonstration of experiencing fulfilling the obligation to subscribers of shared distributed generation resources.

The commission may by rule require a bidder to pay a reasonable bidding fee to defray administrative costs.

5. **Ensuring competition.** Prior to each solicitation under subsections 1 to 3, the commission shall establish standards to ensure that the solicitation has a sufficient number of unique
bidders and quantity of qualified bids to be determined competitive. If the commission concludes that a solicitation is not competitive, the commission may reduce the target procurement quantities to produce the greatest quantity that may be procured consistent with this subsection and shall defer to subsequent solicitations the capacity reduced in the solicitation.

6. Bid selection. Following a review of bids received in the solicitations under subsections 1 to 3, and after any adjustment to the target quantity under subsection 5, the commission shall select one or more winning bids that, in the aggregate, meet the target procurement quantity. If there are multiple qualified bids at the same offer rate, the commission shall give preference to the qualified bid or bids that minimize the cost to the standard buyers or, if there is no difference in cost, to the bid that was submitted first.

In evaluating bids in a competitive solicitation, the commission shall evaluate a qualified bid for a project that is located on previously developed or impacted land at 90% of the offered rate. For the purposes of this subsection, "previously developed or impacted land" means areas covered by impervious surfaces, capped landfills or brownfield sites as defined by the Department of Environmental Protection. If a bid under this subsection is accepted, the contract rate for each accepted bid for a project located on previously developed or impacted land must be paid a rate equal to the clearing price.

7. Standard contract and milestones. Prior to a solicitation, the commission shall provide, in consultation with the standard buyer or standard buyers, a standard contract that commits the standard buyer and a project sponsor to commercially reasonable behavior and includes provisions including an interconnection fee list and interconnection schedule to ensure that the project proceeds to commercial operation on a reasonable timeline. The standard contracts for all standard buyers must be substantially identical to the extent commercially reasonable.

A qualified project must be commercially operable within 18 months of being awarded a contract. The commission may grant an extension for good cause. If a project fails to meet a milestone, the project sponsor is in default and the sponsor’s contract must be cancelled. The capacity associated with a cancelled project must be added to the currently open procurement block. If procurement block 5 has been filled and procurements closed, the defaulted quantity must be added to procurement block 5 and new offers must be accepted under subsection 2.

§ 3485. Commercial or institutional distributed generation resources procurement

1. Procurement amounts. By July 1, 2024, the commission shall procure 125 megawatts of the output of distributed generation resources associated with commercial or institutional customer accounts by conducting an initial competitive solicitation for the first block of 25 megawatts pursuant to section 3484 to establish market-based, declining block contract rates to procure the remaining 100 megawatts.

2. Determination of bill credit. The bill credit allocated to a commercial or institutional customer must be based on the total kilowatt-hours of energy production of the distributed generation resource for the previous month. For each billing month, the value of the credit must be calculated by multiplying the number of kilowatt-hours by the contract rate. A payment to a commercial or institutional
customer must be credited against the customer's monthly electricity bill in accordance with section 3487. The monthly energy production must be determined by a revenue-grade meter installed and paid for by the participating commercial or institutional customer.

3. Exemption. A commercial or institutional customer is not considered a public utility or competitive electricity provider solely as a result of entering into a contract with a standard buyer under this section.

§ 3486. Shared distributed generation resources procurement

1. Procurement amounts. By July 1, 2024, the commission shall procure 250 megawatts of the output of shared distributed generation resources by conducting an initial competitive solicitation for the first block of 50 megawatts pursuant to section 3484 to establish market-based, declining block contract rates to procure the remaining 200 megawatts.

2. Payment and minimum subscription. The project sponsor and subscribers of a distributed generation resource that receives a contract under this section must receive the contract rate for the output of a shared distributed generation resource that is fully subscribed. For any portion not subscribed, the project sponsor must receive the wholesale rate obtained by the standard buyer for resale of the shared distributed generation resource output. Requirements for minimum subscriptions include:

A. At least 50% of the total nameplate capacity of a shared distributed generation resource must be subscribed by subscriptions of 25 kilowatts or less or at least 20% of the total nameplate capacity must be subscribed by subscriptions of 25 kilowatts or less if subscriptions from a municipality or units of municipal government account for more than 30% of the total nameplate capacity, unless subscriptions from a municipality or units of municipal government account for more than 50% of the total nameplate capacity of a shared distributed generation resource; and

B. At least:

(1) Ten percent of the total nameplate capacity of a shared distributed generation resource must be subscribed by households with low or moderate income or by organizations serving households with low or moderate income if the subscriptions serve to directly reduce the electricity costs for households with low or moderate income; or

(2) If a municipality or unit of municipal government accounts for more than 50% of the subscriptions to a shared distributed generation resource, 5% of the total nameplate capacity of the shared distributed generation resource must be subscribed by households with low or moderate income or by organizations serving households with low or moderate income if the subscriptions serve to directly reduce the electricity costs for households with low or moderate income.

Subscriptions from municipalities or units of municipal government may not account for more than 70% of the nameplate capacity of a shared distributed generation resource. For the purposes of this subsection, "household with low or moderate income" means a household that provides proof of participation in a
utility, municipal, state or federal income-based assistance program or a household that provides proof of household income up to 80% of the median income for the county or metropolitan area where the household is located.

3. Determination of subscriber bill credit. The bill credit allocated to each subscriber from a shared distributed generation resource must be based on the subscriber's percentage interest of the total production of the shared distributed generation resource for the previous month. For each billing month, the value of the credit allocated to a subscriber must be calculated by multiplying the number of kilowatt-hours constituting the subscriber's share by the contract rate. On a monthly basis, the project sponsor shall provide to the investor-owned transmission and distribution utility in a standardized and electronic format a list of subscribers and subscriber information required to calculate the bill credit to be provided to each subscriber. A credit to a subscriber must be applied against the subscriber's monthly electricity bill in accordance with section 3487 no later than one billing month following the month during which the energy was generated by the shared distributed generation resource. The investor-owned transmission and distribution utility shall provide a monthly record to the project sponsor of the credit applied to a subscriber within a month after the credits are applied to the subscriber's bill.

The monthly output available for allocation as subscribed or unsubscribed energy must be determined by a revenue-grade meter installed and paid for by the project sponsor.

4. Exemption. A project sponsor or subscriber is not considered a public utility or competitive electricity provider solely as a result of the project sponsor's or subscriber's interest or participation in a shared distributed generation resource.

5. Renewable energy credits. Prior to a project sponsor's entering into a contract with a subscriber under this section, the commission shall provide to the sponsor a standard disclosure to be distributed by the sponsor to all participating subscribers that describes the effect of selling the renewable attributes of exported electricity to the standard buyer and explains how a subscriber may participate in the voluntary renewable energy credit market. The commission shall establish a mechanism to allow a subscriber with a share of less than 25 kilowatts to purchase renewable energy credits up to the amount of and of a substantially equivalent type to that which the subscriber has sold to the standard buyer at a price equal to 80% of market value.

6. Consumer protection. The commission shall establish by rule consumer protection standards to protect subscribers from fraud and other unfair and deceptive business practices. The commission may impose administrative penalties under chapter 15 upon a project sponsor and may order restitution for any party injured by a violation for which a penalty may be assessed pursuant to chapter 15.

The commission through its own counsel or through the Attorney General may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the commission pursuant to this subsection, and the court may issue any preliminary or final order that the court determines proper.
7. **Disclosures.** Prior to the sale or resale of a subscription in a shared distributed generation resource or proposed shared distributed generation resource, a project sponsor selling or reselling the subscription shall provide a disclosure to potential subscribers that includes the following:

A. A good faith estimate of the annual kilowatt-hours to be delivered by the shared distributed generation resource based on the size of the subscriber's interest;

B. A plain language explanation of the terms under which the bill credit under section 3487 will be calculated;

C. A plain language explanation of the contract provisions regulating the disposition or transfer of the subscription; and

D. A plain language explanation of the costs and benefits to the potential subscriber, based on the subscriber's current usage for the term of the proposed contract.

The commission may establish a standard disclosure to be provided to potential subscribers by a project sponsor to disclose the information under this subsection and other information as the commission determines necessary to protect the interests of potential subscribers.

8. **Transfer of subscriptions.** A subscriber may transfer or assign a subscription to the associated project sponsor or to any person or entity that qualifies to be a subscriber in the shared distributed generation resource. A project sponsor must provide a process for assignment or transfer of a subscription. A project sponsor may not impose transfer fees on a subscriber that moves to a different location within the same utility service territory.

9. **Project sponsor report.** One year after commercial operation of a shared distributed generation resource commences, the project sponsor must submit to the commission a report detailing compliance with this subsection and subsections 3, 5, 7 and 8.

§ 3487. **Bill credits; utility costs paid by project sponsor**

1. **Credit assigned to a customer's bill.** If the value of a credit to be applied to a customer's bill under this chapter is less than the amount owed by the customer at the end of the applicable billing period, the customer must be billed for the difference between the amount shown on the bill and the value of the available credit. If the value of the credit to be applied to a customer's bill under this chapter is greater than the amount owed by the customer at the end of the billing period, the remaining value of the credit must carry over from month to month.

2. **Utility costs paid by project sponsor.** If a project sponsor pays an investor-owned transmission and distribution utility's costs associated with billing and collection from a subscriber, at the request of the project sponsor the utility shall bill the subscriber on behalf of the project sponsor. Costs under this subsection are subject to review by the commission.

§ 3488. **Rules**
The commission shall adopt rules to implement this chapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-2. Rulemaking timeline. By January 1, 2020, the Public Utilities Commission shall adopt rules in accordance with the Maine Revised Statutes, Title 35-A, section 3488 to implement the provisions of Title 35-A, sections 3484, 3485 and 3486.

Sec. B-3. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides allocation for one Staff Attorney position and 2 Utility Analyst positions and associated All Other costs.

<table>
<thead>
<tr>
<th>OTHER SPECIAL REVENUE FUNDS</th>
<th>2019-20</th>
<th>2020-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITIONS - LEGISLATIVE COUNT</td>
<td>3,000</td>
<td>3,000</td>
</tr>
<tr>
<td>Personal Services</td>
<td>$309,168</td>
<td>$428,719</td>
</tr>
<tr>
<td>All Other</td>
<td>$25,815</td>
<td>$22,939</td>
</tr>
<tr>
<td><strong>OTHER SPECIAL REVENUE FUNDS TOTAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$334,983</td>
<td>$451,658</td>
</tr>
</tbody>
</table>

Public Utilities - Administrative Division 0184

Initiative: Provides funding for consulting services.

<table>
<thead>
<tr>
<th>OTHER SPECIAL REVENUE FUNDS</th>
<th>2019-20</th>
<th>2020-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Other</td>
<td>$400,000</td>
<td>$400,000</td>
</tr>
<tr>
<td><strong>OTHER SPECIAL REVENUE FUNDS TOTAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$400,000</td>
<td>$400,000</td>
</tr>
</tbody>
</table>

PUBLIC UTILITIES COMMISSION

DEPARTMENT TOTALS

<table>
<thead>
<tr>
<th>OTHER SPECIAL REVENUE FUNDS</th>
<th>2019-20</th>
<th>2020-21</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$734,983</td>
<td>$851,658</td>
</tr>
<tr>
<td>DEPARTMENT TOTAL - ALL FUNDS</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>$734,983</td>
<td>$851,658</td>
</tr>
</tbody>
</table>

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.
SUMMARY

This amendment replaces the bill. The amendment:

1. Changes the net energy billing law to:
   a. Allow a customer to participate if the customer has a financial interest in a distributed generation resource, which is defined as a generator with a capacity of less than 5 megawatts that uses a renewable resource and is located in the service territory of a transmission and distribution utility in this State;
   b. Permit any number of customers of an investor-owned transmission and distribution utility to share the financial interest, except in the northern Maine grid, where the limit is 10, unless the Public Utilities Commission finds the utility system can accommodate a higher number; and
   c. Add a new commercial and institutional net energy billing program that provides for a tariff rate for the energy exported by the distributed generation resource that is based on the applicable standard offer rate for the customer plus a percentage of the transmission and distribution utility rate for a specific class of customers;

2. Requires the Public Utilities Commission to report on metering and billing issues to the joint standing committee on utilities and energy and to evaluate net energy billing when certain events occur; and

3. Creates a requirement for the procurement of distributed generation resources by each investor-owned electric utility, or by a separate buyer, if one is designated by the commission. The amendment:
   a. Directs procurements of 125 megawatts of output associated with commercial and institutional accounts and 250 megawatts of shared distributed generation resources to be achieved by July 1, 2024;
   b. Directs that procurements must be through a competitive bidding process with solicitations for certain blocks of output and contract rates, after the first block, set in declining relation to the previous block;
   c. Provides procedures to address cases of under-procurement for any block;
   d. Requires subscriptions to certain portions of shared distributed generation resources to satisfy certain minimum requirements related to the types and sizes of subscribers or subscriptions; and
   e. Provides for consumer protections and transparency requirements.

4. Adds an appropriations and allocations section.

FISCAL NOTE REQUIRED
(See attached)
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 17, 2019

DATE ACTION REQUESTED: September 23, 2019

☐ ACTION

☐ DISCUSSION ONLY

SUBJECT: Greenhouse Gas Emissions – Target Setting

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: In July the Board voted to join the Global Covenant of Mayors for Climate and Energy. Our first hurdle after joining is to inventory our emissions, which is already done. The next step is to set targets for greenhouse gas emission reductions. (The remaining step after this will be to prepare the Climate Action Plan.)

Emission reduction targets are required to be ambitious in order to incent action to actually reduce emissions. This is not a sit-around-and-wait program. The organization must take assertive actions to comply. The long-term stated goal is to become a zero-emission community by 2050. The Energy Steering Committee had proposed the municipal government set an intermediate goal of a 75% reduction and a community goal of 50% reduction by 2030. I am comfortable setting a 50% reduction goal for both the government and the community overall by 2030. The pattern of municipal energy use is essentially: 25% electricity consumption; 25% heating and cooling; and 50% transportation. (One of Lucy Brennan’s graphs of source reductions is attached.) I am not convinced we can achieve a 75% reduction in municipal use in the coming decade. I think the electricity consumption is achievable, and I think heating and cooling can be significantly reduced. However, I am not convinced truck technology will be adequate for us to make a big dent in the transportation portion of our emissions. For this reason, I think the more modest goal of a 50% reduction by 2030 would be appropriate. (A modified slide from the most recent Energy Steering Committee presentation is attached.) We can always exceed the stated goal so it won’t hold us back.

As to options, the Board can set any goals it chooses, but the intention of the program is to set ambitious goals to make a measurable difference. We will pay for these goals incrementally with our capital purchases – purchasing hybrid or electric vehicles, replacing heating/cooling equipment, and constructing new facilities to meet zero or low emission standards. There should be some off-setting savings in operating costs over time. At this point the math hasn’t been done to show the actual costs – I am hopeful this will be a significant component of the Climate Action Plan we have in the queue for FY21 funding.
RECOMMENDATION: I recommend the Board set goals at 50% reduction for the municipal government and the community as a whole for 2030, and 100% for the municipal government and the community as a whole for 2050.

PROPOSED MOTION: In support of the Town’s participation in the Global Covenant of Mayors for Climate and Energy, I move to set the Town’s greenhouse gas emission reductions at 50% for the municipal government and the community as a whole by 2030, and at 100% for the municipal government and the community as a whole by 2050.

Prepared by Stephen H. Burns, Town Manager: 

[Signature]
Converting heating fuels and vehicle fleets to electricity, coupled with efficiency measures and renewable generation will enable significant reductions in GHG emissions.
York Energy Policy Recommendations

1. Renew York’s Commitment to Global Covenant of Mayors for Climate and Energy

2. Establish a goal of reducing *municipal* GHG emissions 50% by 2030 and *community-wide* emissions 50% by 2030 and both *municipal and community-wide* emissions 100% by 2050

3. Develop a community-driven Climate Action Plan that identifies measurable strategies to achieve emissions reductions goals, to be completed within 2 years
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 18, 2019

☐ ACTION
☐ DISCUSSION ONLY

DATE ACTION REQUESTED: September 23, 2019

SUBJECT: Sustainability Fund Proposals

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: Back on May 13th the Board adopted the application form and process for spending from the Sustainability Fund. At that time it was agreed to award funds quarterly, starting this month. There is $50,000 in the account as none has been spent yet. Applications are limited to one per entity per quarter.

As of this date, two applications have been received:
- Energy Steering Committee seeks $10,000 for assistance preparing the RFP for a Climate Action Plan
- York Ready for 100% seeks $3,701 for a pilot composting program at York High School

Note I anticipate at least one other application, perhaps in the coming quarter:
- the $6,666 match for the electric vehicle charging stations at the Library (per my 6/24/19 request for action).

RECOMMENDATION: I recommend approval of both applications.

PROPOSED MOTION: I move to approve the Energy Steering Committee’s application for $10,000 of the Sustainability Fund to be used to complete an RFP for a Climate Action Plan, and the York Ready for 100%’s application for $3,701 for a pilot composting program at York High School.

FISCAL IMPACT: $13,701

DEPARTMENT LINE ITEM ACCOUNT: Sustainability Fund

BALANCE IN LINE ITEM IF APPROVED: $50,000 - $13,701 = $36,299

Prepared by Stephen H. Burns, Town Manager:
TOWN OF YORK, MAINE
SUSTAINABILITY FUND

Return to: Town Manager’s Office – 186 York Street, York, ME 03909

APPLICANT INFORMATION

Name of Primary Contact: Rozanna Patane   Title: Chair, Energy Steering Committee
Address: PO Box 592, York Harbor, Me 03911
Phone: Home 207-363-7748; Cell 207-351-5042   Email: rpatane@maine.rr.com

Goal Statement:
To provide seed money for initiatives that promote sustainability and environmental conservation; and to spark community dialogue about these matters.

I. Eligibility

Any organization with a Tax ID may apply once per quarter. Individuals must affiliate with an organization to apply and to help ensure fiscal responsibility. Explain your eligibility below:

The Energy Steering Committee is an appointed committee of the Selectboard and acts under the Board’s authority.

II. Questions

a. What are you proposing to do?
b. What is your total budget, and how much money do you seek from the Town?
c. Why should the Board award this money for your proposal? What is the benefit to our community?
d. What assurances can you offer that you will follow through once you receive the money?
e. When will your efforts be complete and when will your report your results back to the Board?

See pages 3 - 5:

III. Process

The Board will review applications quarterly, in September 2019, December 2019, March 2020 and June 2020, or until all funds are committed. Applications must be submitted to the Town Manager’s Office no later than the
first day of each of these months. It may award funds to none, any or all applicants in any amount it deems appropriate.

IV. Authorized Signatures

Applicant: [Signature] Date: 8/22/2019

Authorized Organization Representative: [Signature] Date: 8/22/2019

Completed forms should be returned to the Town Manager's Office at Town Hall

Mailing Address: 186 York Street, York, Maine 03909
a. **What are you proposing to do?**

The Energy Steering Committee (ESC) seeks Sustainability Funding to hire the Town’s energy consultant, Celtic Energy, to develop an RFP for the Climate Action Plan that is expected to begin in the Spring of 2020, and to help the ESC do significant pre-planning work. This will allow the Town to be ready to start when the planning budget is passed in May.

Celtic Energy will partner with the Energy Steering Committee and other key stakeholders as needed to write the RFP and lay out the pre-planning work to be done largely by Christine Seibert, our Vista Volunteer, as part of her duties in support of the planning process. Celtic Energy will help us develop a preliminary concept of the process; define the scope of services and schedule of work, and identify deliverables and focused outcomes that fit the Town budget. The RFP will establish clear selection criteria for all respondents and help York survey the field of experts who we expect will respond to the RFP when it is issued in the spring. This will help York identify those with specific experience, knowledge and capacity in the climate planning field.

b. **What is your total budget, and how much money do you seek from the Town?**

The budget estimate for the entire climate planning process is $150,000, which is expected to be on the May 2020 ballot for voters’ approval. Because of the delay the budgeting cycle creates, the ESC seeks $10,000 from the Town’s Sustainability Fund to do significant pre-planning work. (The ESC has an annual budget of $3,500 that is used to support community outreach, speaker engagements, and other project-oriented expenditures, and isn’t available for the climate planning process.)

c. **Why should the Board award this money for your proposal? What is the benefit to our community?**

A well-developed RFP under the guidance of Celtic Energy will enhance York’s ability to meet its ambitious goals for a community-driven Climate Action plan, and it will assist the ESC ensure that the Vista job description includes sufficient elements in support of the planning process.

The use of Sustainability Funds for this purpose is squarely in line with the goal of the seed money to enable initiatives that promote sustainability and spark community dialogue. This initial investment will ensure that experienced experts in the field of climate action and community-driven planning lead a planning process that is extraordinarily inclusive and participatory.

The Energy Steering Committee is committed to making this a planning effort founded in community engagement and broad stakeholder participation. If the Town of York is to deeply reduce emissions and become a more resilient
community, then the entire community must be a part of creating and implementing the change.

The RFP and resulting plan will serve the whole community. The Climate Action Plan will identify measurable strategies, policies, programs, and opportunities for community members to be part of the town’s transition to a low-carbon future. Further, a commitment to equity-based solutions will ensure equitable access to clean energy, efficiency, and adaptation measures for all community members, particularly the vulnerable and low-income residents of York.

d. What assurances can you offer that you will follow through once you receive the money?

The Committee has taken strategic, data-driven steps to arrive at this request. Over the past year, the Energy Steering Committee and the AmeriCorps VISTA member completed a number of emissions inventories for both the Town and the community. The data profiled energy use across a number of sectors and stakeholders in York and demonstrated York’s progress towards previous emission reduction goals. The data also demonstrated the need to look beyond town government and make deep emissions reductions across the entire community and take strategic adaptation measures over the next thirty years to avoid the worst impacts of climate change. These strategies for both adaptation and mitigation will be charted out in the Climate Action Plan. The Energy Steering Committee has a clear vision for and commitment to the use of the RFP to drive a robust planning process over the coming two years.

The Energy Steering Committee also has gathered a team of key players with capacity and experience in this work. The Town already has a strong and existing working relationship with Celtic Energy. Christ Lotspeich, Director of Sustainability Services, advised the Town throughout the LED Streetlight Conversion and is more broadly a nationally recognized leader in energy and sustainability consulting. Celtic Energy brings years of experience in project development to this effort. The AmeriCorps VISTA member will assist in relevant tasks throughout the year, such as surveying similar communities’ efforts and strategies, becoming familiar with experts in the field who may be good partners in the planning process, and beginning outreach to local stakeholders to engage when the time comes.

Finally, there is broad community and Town leadership support for this work. In 2017, York voters overwhelmingly approved the addition of the Energy Chapter to the Comprehensive Plan. In July 2019, the Selectboard voted unanimously to join the Global Covenant of Mayors. As a member of the Global Covenant of Mayors, the Town commits to accomplishing four major tasks, one of which is developing a Climate Action Plan to reach time bound targets. The RFP marks an initial first step in honoring this commitment and developing a Climate Action Plan. Taken together, these factors will ensure that the Committee and Celtic Energy will follow through on the appropriate and timely use of Sustainability Funds.
e. When will your efforts be complete and when will your report your results back to the Board?

The proposed work will be complete within the fiscal year. Relevant research, scoping exercises, and drafting of the RFP will begin immediately upon a signed contract with Celtic. The Energy Steering Committee will have the RFP ready for issue following a May ballot item funding the Climate Action Plan. The Committee will report back intermittently to the Board throughout the RFP development process and will provide a full report once the RFP is complete.
REQUEST FOR ACTION BY BOARD OF SELECTMEN

**DATE SUBMITTED:** June 20, 2019

**DATE ACTION REQUESTED:** June 24, 2019

**SUBJECT:** Electric Vehicle Charging Station grant application

**DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:** This request hung up on money at the prior meeting. The request is to submit an application for $10,000 from Efficiency Maine, and this in turn requires a match of $27,166. Here is where that money can be provided:

- $10,000 from York Public Library
- $4,500 in-kind match from DPW
- $1,000 from FY19 budget of the Energy Steering Committee (requires future carry-forward)
- $5,000 from FY19 BOS Contingency (requires future carry-forward)
- $6,666 application for funds to the Town’s sustainability fund

There are other issues that must be addressed before this project can proceed, but those can be addressed after the application is submitted. The chargers will be on Library property, so who will own them, repair them and eventually replace them? Who will be providing electricity? Who will need to deal with credit card processes? Etc. I anticipate this will require an update of the MOU with the York Public Library, and I have discussed this briefly with Michelle Sampson. It’s all do-able. We’ll add it to the queue.

**RECOMMENDATION:** I recommend the Board authorize the application.

**PROPOSED MOTION:** I move to authorize the Energy Steering Committee to submit two applications for Efficiency Maine co-funding: one application for a single electric vehicle charging installation and one application for a double electric vehicle charging installation at the York Public Library.

Prepared by Stephen H. Burns, Town Manager:
Grant Request

Town of York Maine Sustainability Fund

From: WRAD – Waste Reduction and Diversion, a committee of York Ready for 100%. (WRAD member descriptions in Question C below.)

Fiscal Agent: National Resources Council of Maine. Tax ID 01-0270690

Part III: Questions

Question a.

What are you proposing to do?

Our goal is to implement a pilot-composting program at the York High School cafeteria. A successful composting pilot will demonstrate the feasibility of implementing composting throughout the York School District.

It is also our hope that students’ daily exposure to a routine of composting food waste and paper, along with comprehensive education about the positive environmental impacts of composting, will spawn composting discussions with their families and ultimately result in increased residential composting.

Project Drawdown, considered the leading resource for Climate Solutions, ranked composting as one of the top 100 most effective solutions for reducing Green House Gases. They report that “nearly 50% of all solid waste produced globally is organic or biodegradable. Much of it ends up in landfills and decomposes in the absence of oxygen, producing the greenhouse gas methane, which is 34 times more powerful than carbon dioxide over a century.” When food waste is incinerated, the release of methane is replaced by the release of carbon dioxide and remains a major source of Green House Gases emissions. (Tufts Urban and Environmental Policy and Planning, Field Projects 2018) Composting, on the other hand, allows for the waste to decompose aerobically and without the production of methane.

This specific plan and proposal is to implement composting food scraps as well as some paper products (food boats and napkins) at the York High School cafeteria. In doing so, we hope to:

1. Demonstrate that, with proper planning and education, along with administrative and student buy-in, composting can be successfully implemented at York High School.
2. Demonstrate that cost savings from reducing the amount of waste being removed by the school’s dumpster service will offset the cost of the composting service.
3. Calculate the total amount of waste diverted to composting and the resulting reduction of green house gasses emitted into the atmosphere.
4. Build a composting culture at York High School and demonstrate to students that personal and collective behavior change leads to successful reductions in green house gases and improvements to our environment.
5. Use this pilot program and its documented results to convince the School Board to implement composting in all York Schools.
6. Engage the community in learning more about composting, promoting it as an easy and practical way to make a positive difference in protecting the environment.
7. Strengthen recycling at York High School. Recycling must go hand in hand with composting. The latter will reduce waste. The former will divert waste from landfills and incinerator.
8. Reduce single use plastics by switching plastic silverware to reusable silverware in the YHS cafeteria.
WRAD members have had two productive meetings with the following York School staff and student and Mr. Fox representative:
- Mike Bennett, Asst. Principle
- Chris Rynne, Director of Buildings and Grounds
- Neil Rideout, Head Custodian
- Rob Munn, Teacher
- Christine Caprio, Pathways Director
- Daphne Stratton-Gignac, Junior/Student
- Sarah McGraw, Mr Fox Composting
- Whitney Thornton, Food and Nutrition Director (participating by email)

*Attached is a Letter of Commitment from Mr. Bennett, Assistant Principal, confirming York High School's desire to implement this pilot program.

Information gathered from the successful school compost programs at Portland and Poland schools, the shared experience of individuals on the team and input from the Natural Resource Council of Maine have guided our planning.

Program Outline:
1. Composting Service
   - York-based composting service, Mr Fox, would provide the composting service. They would provide five 32 gallon bins. These are the common trash bins that have a lid and wheels. Mr Fox will pick up the contents of the bins once per week
   - Neil Rideout, is confident and enthused that he will be able to maintain and store the bins between pick ups.

2. Composting Stations
   - Neil Rideout will be constructing two (2) waste stations for The Commons (cafeteria). This is a picture of what the stations will look like.

   ![Composting Station Image]

   - This picture demonstrates the inclusion of recycling.

3. Student Involvement
   - Our research shows that two key components to success are a supportive Administration and student buy-in and involvement. Mr Munn (Teacher) and Daphne Stratton-Gignac (Student) are in the process of organizing a sustainability club that will play a key role in educating students and helping them integrate composting into their daily lunchtime routine.

4. Monitoring
   - Students, along with Mr. Rideout and on-duty teachers, will be very involved in the initial monitoring during lunch at the waste stations to ensure understanding and compliance with waste separation.

5. Tracking Results
   - Students will work with Mr Rideout and the teaching staff to weigh the amount of waste being diverted to composting. This will enable us to track the total amount of waste being diverted from
the dumpster service and the estimated amount of Green House Gases being eliminated from the atmosphere
  • We are working with Chris Rynne to use this weight data and the physical reduction to the amount of dumpster capacity required to determine cost savings from the program

6. Potential Results
  • Polands ME school district, which is very similar in number of students to the York school district, began composting last school year. They are predicting a net savings of $3500 annually by removing 45 tons of compostable waste from their dumpster waste stream.
  • Greater literature research will occur as part of this pilot program, but one estimate, from endfoodwaste.org, is that every pound of food thrown away results in 3.8 lbs of greenhouse gas emissions. If York Schools has the potential, like Poland, to divert 45 tons of food waste, that equates to eliminating 342,000 lbs of Greenhouse Gas Emissions.

Question b:
What is your total budget and how much money do you seek from the Town?

<table>
<thead>
<tr>
<th>Budget Item</th>
<th>Amount</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Fox Service: November 1 to end of School Year</td>
<td>$2,345</td>
<td>Sustainability Fund</td>
</tr>
<tr>
<td>Materials to construct 2 waste stations</td>
<td>$856.</td>
<td>Sustainability Fund</td>
</tr>
<tr>
<td>Labor to construct waste stations provided by Neil Rideout</td>
<td>In current budget</td>
<td>YHS</td>
</tr>
<tr>
<td>Labor and materials for waste station signage provided by YHS and students</td>
<td>In current budget</td>
<td>YHS</td>
</tr>
<tr>
<td>Labor and materials for signage and materials to promote composting at YHS provided by Mr Fox and YHS</td>
<td>In current budget</td>
<td>YHS</td>
</tr>
<tr>
<td>Educational Support</td>
<td>Pro bono</td>
<td>National Resource Council of Maine</td>
</tr>
<tr>
<td>Switch to reusable Silverware</td>
<td>$500.</td>
<td>National Resource Council of Maine</td>
</tr>
<tr>
<td>Miscellaneous/Contingency</td>
<td>$500.</td>
<td>Sustainability Fund</td>
</tr>
<tr>
<td>TOTAL Funds Needed</td>
<td>$4,201.</td>
<td></td>
</tr>
<tr>
<td>TOTAL Funds Requested from Town</td>
<td>$3,701.</td>
<td></td>
</tr>
</tbody>
</table>

Question c:
Why should the Board award this money for your proposal? What is the benefit to our community?
  • This proposal aligns with the Sustainability Fund's goal of providing seed money for initiatives that promote sustainability and environmental conservation and to spark community dialog about these matters.
• It is truly seed money as it will fund a pilot program that we anticipate will result in expanding composting throughout the school district and result in a program that will reduce the school budget.

• This project will engage the York High School student body and staff in learning about and implementing composting as a daily practice.

• It will generate media coverage and dialog about the positive impact composting can have in York Schools and York homes.

• The potential benefit to the community will be a reduction of Green House Gases, reduction in the school budget, and the ripple effect of extending composting to York residents.

**Question d:**

**What assurances can you offer that you will follow through once you receive the money?**

Spearheading the York High School compost project is a small group of York residents committed to reducing waste. Waste Reduction and Diversion (WRAD) is a sub-committee of York Ready for 100%, which has proven to be an effective influencer of policy and a well-received environmental educator.

The collective experience of WRAD members and success in turning ideas into action, reflects our seriousness and level of commitment as demonstrated by the following:

• Victoria Simon chaired Bring Your Own Bag York, which successfully passed the first-in-the-state ban on plastic single use carryout bags, 2015 and more recently mentored York High School students, achieving a ban on polystyrene foam containers. She created a public program entitled, *Youth Speak Out on Climate Change* that gave students an opportunity to share their insights and knowledge and for attendees to learn about what is and isn’t being taught about the climate crisis in their schools. Several of those students are organizing a sustainability club.

• Carrie Mayo organized a successful beach clean up that included Village Elementary School students as well as many volunteers from the seacoast community. In addition to cleaning up beach and street litter, the collected waste was sorted so that participants could see how much of the collected material could be recycled, composted or landfilled. Another beach clean up is planned for September 23 and will involve York Middle School students who will spend that day learning about sustainability; local organizations and projects.

• Fred Weston is a past member of the York Budget Committee and currently involved with York Ready For 100 and the Electric Vehicle Subcommittee of the York Energy Steering Committee.

• Doreen McGillis is the Executive Director of the York Land Trust. She is a devoted and competent preservationist and environmentalist.

• James Kences is York’s historian with a keen interest in protecting the environment and a deep understanding of our climate history and predictive future.

Two additional members of the compost team include Daphne Stratton-Gignac, a Junior at YHS who helps us understand the problems and identify solutions from a student perspective and Chrissy Adamowicz, Sustainability Outreach Coordinator for Natural Resources Council of Maine, who has substantial experience in creating successful compost programs in Maine schools.
The individual past success of our members as well as the time and energy WRAD has invested in this project is your guarantee that we will continue to work towards success.

With the cooperation of the York High School administration, teachers and students and custodial and kitchen staff, we are well positioned to make York High School a model in the state for effective composting and waste reduction.

**Question c:**
When will your efforts be complete and when will you report results back to the Board?

We plan to implement that program at YHS on November 1 and run it through the end of the school year. We would analyze results after 4 months of composting at YHS and report results back to the Board in March of 2020.
SUSTAINABILITY FUND

Return to: Town Manager's Office – 186 York Street, York, ME 03909

APPLICANT INFORMATION

Name of Primary Contact: Victoria Simon  Title: Member, WRAD, Waster Reduction and Diversion
Address: 9 Old East Scituate Road, York ME. 03909
Phone: 207-363-6140  Email: vsimon@mainemail.com

I. Goal Statement:
To provide seed money for initiatives that promote sustainability and environmental conservation, and to spark community dialogue about these matters.

II. Eligibility

Any organization with a Tax ID may apply once per quarter. Individuals must affiliate with an organization to apply and to help ensure fiscal responsibility. Explain your eligibility below:

III. Questions

a. What are you proposing to do?
b. What is your total budget, and how much money do you seek from the Town?
c. Why should the Board award this money for your proposal? What is the benefit to our community?
d. What assurances can you offer that you will follow through once you receive the money?
e. When will your efforts be complete and when will your report your results back to the Board?

- Attach a document which answers each of the following questions:

III. Process
The Board will review applications quarterly, in September 2019, December 2019, March 2020 and June 2020, or until all funds are committed. Applications must be submitted to the Town Manager’s Office no later than the first day of each of these months. It may award funds to none, any or all applicants in any amount it deems appropriate.

V. Authorized Signatures

Applicant: Natural Resource Council of Maine  Date: 9/18/19

Authorized Organization Representative: Kathryn Hyatt  Date: 9/18/19

Applicant: WRAD

Signature  Victorian A

Date  9/18/19
September 17th, 2019

Dear Select-board York Maine,

I am writing to express my support for the program to implement composting at York High School.

For the past few weeks, I have been meeting with members of WRAD (Waste Reduction And Diversion group associated with York Ready for 100%), school administration, teachers, our custodial and food services staff, as well as students to outline a program to successfully implement composting at YHS. Our Administration is fully behind this with the hope to reduce food waste from the dumpster waste stream, thereby reducing costs and reducing green house gas emission. In addition we hope that this pilot program will further be adopted by the other schools in our district.

If funding is approved, we will work collaboratively with WRAD, Mr. Fox's Composting and other community organizations to ensure our goals are aligned with the goals of the grant proposal, including efforts to track and report on outcomes.

We hope that this pilot program will lead to the adoption of composting throughout the York School District.

Thank you!
Sincerely,

[Signature]
Assistant Principal, York High School

Thank you for your commitment to recycling, composting and waste reduction!
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 19, 2019
DATE ACTION REQUESTED: September 23, 2019
SUBJECT: Voter Information Guide

☐ ACTION
□ DISCUSSION ONLY

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: I have made the revisions requested by the Board at the September 9th meeting. The base document is the warrant, with changes to the format to ensure it is familiar yet distinct from the warrant document.

RECOMMENDATION: I recommend the Board make any final modifications and direct me to distribute this to every address on the voter list.

PROPOSED MOTION: I move to (modify and) have this Voter Information Guide printed and distributed to voters in York before the end of September.

Prepared by Stephen H. Burns, Town Manager: ________________________
The ballot voters will see this coming November will be different than in the past. Some preference votes and all statements of fact will no longer be printed on the ballot because these are prohibited by State law. This Voter Information Guide is offered to you by the Board of Selectmen to share with you the statements of fact and the Board’s recommendations for each question.

This Guide also includes a tally sheet on the final page – a sheet you can mark up and take with you to the polls.

**ARTICLE ONE:** The Town hereby ordains to amend the **Zoning Ordinance**, specifically amending the definition of “building appurtenance” and “driveway” as follows:

**Amendment:** Amend Article 2, Definitions, by amending the following definitions:

**APPURTENANCE, BUILDING:** Any visible, functional, or ornamental objects accessory to and part of a building such as, but not limited to, heating, ventilation and air conditioning (HVAC) mechanicals, lightning rods, chimneys, cupolas, etc: solar panels, or ornamental objects such as weathervanes or cupolas.

**DRIVEWAY:** A route that provides vehicular access to a lot(s) or parking area from either a public or private right-of-way. For the purpose of this definition a driveway shall not consist of an access way around a building designed for emergency use, vehicular drive-through(s) as part of a particular development design, or parking area perimeter access ways used for on-site traffic circulation.

**Statement of Fact:** The purpose of these amendments is to clarify the definition of “building appurtenance” and the definition of “driveway” for code interpretation purposes. The actual language is provided on the ballot. This amendment was forwarded to the Board of Selectmen by the Planning Board.

**Recommended by the Board of Selectmen:** 5-0

YES ___ NO ___
**Voter Information Guide**  
November 5, 2019 General & Special Budget Referenda  
York, Maine

**TWO:** The Town hereby ordains to amend the *Zoning Ordinance* by inserting a new definition and adding a section to Article 17 - Non-conforming Situations, which specifies that after an approved non-conforming structure expansion has been constructed that the Code Enforcement Department is provided with an as-built plan to ensure compliance with the permit, as follows:

**Amendment:** Amend Article 2, Definitions, by adding the following definition:

*AS-BUILT PLAN:* A construction or engineering plan prepared after the completion of construction, by a Maine-Licensed Professional Engineer or Land Surveyor, in such a manner as to accurately identify and depict the location of on-site improvements.

**Amendment:** Amend Article 17 - Non-conforming situations, specifically section 17.2 - Non-conforming structures by adding "j" to the following:

*J. In order to verify compliance with an approved plan for expansion of a non-conforming structure, an as-built plan shall be provided to the Code Enforcement Department prior to issuance of a final occupancy permit.*

**Statement of Fact:** The purpose of this amendment is to ensure that an approved expansion of a non-conforming structure (typically a building constructed close to a neighbor’s property line) complies with the specifications approved by the Code Enforcement Department. This amendment was forwarded to the Board of Selectmen by the Planning Board.

**Recommended by the Board of Selectmen:** 4-1

YES ___  NO ___

**THREE:** 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, as follows:

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

* 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 constructed to Town road acceptance standards (See Public Road Acceptance Ordinance for cul-de-sac construction requirements); and*
All minimum lot line setbacks shall be met.

**Statement of Fact:** The purpose of this amendment is to ensure a cul-de-sac is constructed to Town specifications prior to development of any lots that seek reduced street frontage on the cul-de-sac. This amendment was forwarded to the Board of Selectmen by the Planning Board.

**Recommended by the Board of Selectmen:** 4-1

**YES ___ ** NO ___ **

**FOUR:** The Town hereby ordains to amend the **Zoning Ordinance**, to bring the Ordinance into compliance with State Rules, specifically amending Article 2 Definitions and Article 8 Shoreland Overlay District, as follows:

**Amendment:** Amend Article 2, Definitions, by adding the following definitions to be consistent with state shoreland minimum requirements:

**STRUCTURE, EXPANSION** (not withstanding other sections of the ordinance, this definition pertains to the Shoreland Overlay District only): an increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Amendment:** Amend Article 8, Shoreland Overlay District, by amending section 8.3.6 Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges, and uses extending over or beyond the Normal High Water Mark of a Waterbody or within a Wetland, and Shoreline Stabilization with the following:

8.3.6.9 A pier may be built only on a tract of land with river frontage on the York River existing as of March 5, 1977; and only on a tract of land with river frontage on the Cape Neddick River or shore frontage on Brave Boat Harbor existing as of May 20, 2017, provided that there is no pier presently on the land and that the following requirements are met:

a. The total area of all floats associated with any single pier shall not exceed 200 square feet, except that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained and repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as “Public, Semi-Public, Institutional” per the use tables of Article 4 that is defined as a municipal or commercial marina use. Commercial fishing uses, as defined in this ordinance, shall be allowed a total float size area not to exceed 400 square feet with any single pier.

b. Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.

c. Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer.
Amendment: Amend Article 8, Shoreland Overlay District, by amending section 8.3 - Structure by adding the following section pertaining to retaining walls:

8.3.11.8 Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

   i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

   ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

   iii. Only native species may be used to establish the buffer area;

   iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
v. A footpath not to exceed the standards in §8.3.3.2 (a), may traverse the buffer.

Statement of Fact: The purpose of this amendment is to ensure compliance with State minimum shoreland overlay district regulation guidelines by defining “Structure Expansion,” include a section regarding allowance of retaining walls within shoreland setbacks in certain circumstances. It also amends the section of the shoreland overlay district pertaining to float sizes associated with piers for marinas and commercial fishing uses. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___

FIVE: The Town hereby ordains to amend the Zoning Ordinance, specifically amending the Workforce Affordable Housing Overlay District boundary map and Workforce Affordable Housing Overlay District section of the ordinance and the Open Space Conservation Subdivision Ordinance by adding a section that requires the incorporation of workforce affordable housing in subdivisions of 5 units or greater. Copies of the full text of the proposed amendment and the map are available from the Town Clerk.

Statement of Fact: The purpose of this amendment is to better achieve minimum guidelines pertaining to Maine municipalities assuring that workforce affordable housing is attainable in a community; that York continues to implement the Town’s Comprehensive Plan sections regarding affordable housing policies (State Goal 4, Town Goal 4.1 and Town Goal 4.2 in the Comprehensive Plan), and that the Town encourages and promotes affordable workforce housing opportunities for all of York’s citizens. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___ NO ___
Voter Information Guide
November 5, 2019 General & Special Budget Referenda
York, Maine

SIX: The Town hereby ordains to amend the Zoning Ordinance, specifically amending Article 2 Definitions, Article 4 Use Regulations, Article 8 Shoreland Overlay District, and Article 7 Special Provisions and the Business Licensing Ordinance by incorporating new use definitions and requirements for Medical Marijuana consistent with the Maine Medical Use of Marijuana Act. Copies of the full text of the proposed amendment are available from the Town Clerk.

Statement of Fact: The purpose of this amendment is to integrate new use definitions and standards in Town ordinances regarding medical marijuana only. The definitions and standards correlate to the recently amended Maine Medical Use of Marijuana Act. This amendment was forwarded to the Board of Selectmen by the Planning Board.

Recommended by the Board of Selectmen: 5-0

YES ___   NO ___

SEVEN: Shall the voters authorize the Board of Selectmen to take any and all actions, including the payment of associated legal and surveying costs, as are necessary to ratify and execute the proposed Town of York and First Parish Church Land Settlement, which proposes to give title to certain land to the Town of York and First Parish Church as follows:

First Parish Church will have title to:

• Land under Church buildings, grounds and parking
• First Parish Cemetery
• First Parish Woodlands (land behind Church Cemetery)
• The Ramsdell House property (across from Hospital entrance)
• The Old Burial Yard
• The Emerson Wilcox House property

The Town of York will have title to:

• Land under the current Town Hall and land for the proposed expansion of Town Hall and Parking
• Land under the Old Gaol
• Land under the Remick Barn, Jefferds’ Tavern, the Old School House and adjacent parking area

Statement of Fact: This Article authorizes the Board of Selectmen to negotiate and execute a final agreement with the First Parish Church. More information can be obtained on the Town Manager’s page of the Town web site (www.yorkmaine.org).

Recommended by the Board of Selectmen: 5-0

YES ___   NO ___
EIGHT: Shall the Town (1) approve the acquisition of approximately 106.2 acres of undeveloped land near York Village from the Mary McIntire Trust, fronting on York Street, Raydon Road and Donica Road, being portions of parcels at 142 York Street and 50 Donica Road (the “Project”), plans for future use of which will be decided following acquisition; (2) appropriate a sum not to exceed $7,500,000, plus any additional premium, for the costs of the Project; and (3) to fund this appropriation, authorize the Treasurer and Chairman of the Board of Selectmen to issue, at one time or from time to time, general obligation securities of the Town of York, Maine, including temporary notes in anticipation of the sale thereof, in an aggregate principal amount not to exceed $7,500,000, plus any additional premium, with the discretion to fix the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, premium(s), call(s) for redemption(s), form(s), and other details of said securities, including execution and delivery of said securities against payment therefore, and to provide for the sale thereof, to be delegated to the Treasurer and the Chair of the Board of Selectmen?

Financial Statement:

Total Town Indebtedness
A. Bonds outstanding and unpaid $33,173,521
B. Bonds authorized and un-issued 1,400,000
C. Bonds to be issued if the Article is approved 7,500,000
   Total $42,073,521

Costs: At an estimated interest rate of 2.3%, the estimated costs of these bonds over a period of 20 years will be $1,884,562.50 interest or a total debt service of $9,384,562.50

Validity: The validity of the bonds and the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

S/ Lawrence A. Graves, Town Treasurer

Board of Selectmen recommends a NO vote (5-0).
Budget Committee recommends a NO vote (4-3).

A YES vote authorizes an appropriation of $7,500,000.

A NO vote authorizes an appropriation of $0.
Statement of Fact: This question asks the voters if they will purchase the Davis property for $7,500,000. The purchase will be bond-financed over a period of 20 years, with a total cost including interest expected to be $9,384,562.50.

The anticipated tax impact on a home assessed at $400,000 would be approximately $48/year, diminishing slightly each year over the course of 20 years. This is based on a 20-year bond, financed at 2.3% interest, with a first year’s bond payment of $541,312.50.

The Board of Selectmen recommends a NO vote: 5-0
The Budget Committee recommends a NO vote: 4-3

YES  NO
Voter Information Guide
November 5, 2019 General & Special Budget Referenda
York, Maine

Tally Sheet

Article 1: YES □ NO □

Article 2: YES □ NO □

Article 3: YES □ NO □

Article 4: YES □ NO □

Article 5: YES □ NO □

Article 6: YES □ NO □

Article 7: YES □ NO □

Article 8: YES □ NO □
REQUEST FOR ACTION BY BOARD OF SELECTMEN

<table>
<thead>
<tr>
<th>DATE SUBMITTED: 9/16/2019</th>
<th>☑ ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE ACTION REQUESTED: 9/23/2019</td>
<td>☐ DISCUSSION ONLY</td>
</tr>
<tr>
<td>SUBJECT: Maine Bicentennial Grant Request</td>
<td></td>
</tr>
</tbody>
</table>

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: The Maine Bicentennial Grants program is to support the interests, needs, and local creativity of communities that plan to participate in Maine’s Bicentennial commemoration. There are two application cycles remaining, with application deadlines of February 1, 2020 and June 1, 2020.

Small project grants (maximum award of $500) are meant for public programs such as lectures & workshops or community events like fairs, concerts and performances. Large project grants (maximum award of $10,000) support events and initiatives that explore and celebrate Maine’s history, as well as, enhance Maine’s future prosperity.

York Parks & Recreation requests blanket approval to seek grants to plan community Bicentennial events, as well as collaborate with town partners to execute large-scale programs.

RECOMMENDATION: I recommend that the Board approve the Parks & Recreation Department seeking project grants from the Maine Bicentennial Grants Program.

PROPOSED MOTION: Approval for Parks & Recreation to apply for project grants from the Maine Bicentennial Grants Program.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

PREPARED BY: ___________________________ REVIEWED BY: ___________________________
BICENTENNIAL GRANTS | MAINE 200

The purpose of the Maine Bicentennial Grants program is to support the interests, needs, and local creativity of communities as they plan local commemorations of the Bicentennial and to ensure that citizens throughout Maine have the opportunity to participate in Maine's Bicentennial commemoration. Projects can be on any scale. All funds must be expended no later than March 30, 2021. Complete information is at: https://www.maine200.org/ (https://www.maine200.org/)

Grant applications should be submitted to the Maine Bicentennial Commission c/o the Maine Arts Commission, which will administer the program applications. Program applications will be reviewed by a panel consisting of representatives from the Maine Cultural Affairs Council (7) and from practicing educators representing the field (2).

There will be three application cycles with application deadlines of:

- September 1, 2019
- February 1, 2020
- June 1, 2020

The grant application screening committee will make awards based on the priorities listed above, and based upon ensuring a representative distribution of funds across the state. Support for communities that lack existing capacity to raise funds for these purposes will be prioritized.

Notification of awards will be made within 4 weeks of the deadline for each application cycle. Applications not approved for funding in one cycle may be resubmitted for a future cycle.

All funds must be expended by March 30, 2021.

Project Grants (Small) (/Pages/Funding/Bicentennial-project-small)

Maximum Award: $500. Required Match: None. Award Cycle: September 1, 2019 - March 30, 2021

Proposed projects should offer context to the Bicentennial Commemoration and could include:

- Public Programs: Lectures, exhibitions, library series, workshops, discussion groups, etc.
- Community Events: Parades, fairs, festivals, concerts, performances, reenactments, etc.
- Preservation Projects: Digitization/processing of collections, publications, oral history initiatives, location-based restoration/interpretation, etc.
- Curriculum Development: Classroom offerings, student projects, field trips, adult learning, etc.

Learn more--> (/Pages/Funding/Bicentennial-project-small)
Project Grants (Large) (/Pages/Funding/Bicentennial-project-large)

Maximum Award: $10,000. Required Match: 1 to 1 cash or in-kind match is highly encouraged. Award Cycle: September 1, 2019 - March 30, 2021

Maine's Bicentennial commemoration offers a unique occasion to draw residents, visitors, public servants, and private businesses together to commemorate 200 years of statehood, celebrate Maine's present, and inspire a healthy and prosperous future. The Maine Bicentennial Commission exists to plan, administer, and coordinate programs and projects that commemorate Maine's 200th anniversary of statehood, with three major goals:

- To explore Maine's history from the many perspectives of its multiple past and current populations.
- To celebrate Maine's present people, places, institutions, and economy.
- To envision the public and private actions that will enhance Maine's future prosperity.

Learn more→ (/Pages/Funding/Bicentennial-project-large)

Bicentennial Composition Award - Choral / Orchestral Work Commission (/Pages/Funding/Bicentennial-call-for-compositions)

Maximum Award: $12,000. Required Match: None. Award Cycle: September 1, 2019 - March 30, 2021

A call for music compositions that commemorate Maine's bicentennial celebration.

Composition Guidelines

- The proposed work should be approximately 5 minutes in length.
- The proposed work should be composed for chorus and chamber ensemble, up to 24 pieces, with optional piano accompaniment or a Capella setting for choral performance.
- Works should be fully original compositions. It will be the composer's responsibility to clear permissions and rights for any reference to existing texts or pieces of music.
- The selected composer is expected to deliver the work, in its completed form, on or before January 8, 2020.
- The selected composer will be expected to be available to participate in workshops and talks about the piece and to attend rehearsals as well as the debut performance.

Learn more→ (/Pages/Funding/Bicentennial-call-for-compositions)

For questions regarding the Maine Bicentennial Commission (Maine200): Please contact Bradley Sawyer (Bradley.Sawyer@Maine200.org)
(/utility/em/groilocanip5w34nlvdcxzx002enlaMerjlk3ewrjkladsjk4l32reywaSlsonajip5w34nlvdcxzyeldarB))
207-441-2713

Agency staff are always here as a resource for you. We recommend contacting the correct staff person a minimum of two-weeks prior to submitting your application.

For general questions about the application or review process please contact Kerstin Gilg, Director of Grants and Accessibility, at kerstin.gilg
(/utility/em/vogilocanip5w34nlvdcxzeniamerjlk3ewrjkladsjk4l32giligocanip5w34nlvdcxznitsrek)@maine.gov
(/utility/em/vogilocanip5w34nlvdcxzeniamerjlk3ewrjkladsjk4l32giligocanip5w34nlvdcxznitsrek)
(/utility/em/vogilocanip5w34nlvdcxzeniamerjlk3ewrjkladsjk4l32giligocanip5w34nlvdcxznitsrek)or 207/ 287-6719.

Grant information is available in large print format by request. All Maine Arts Commission programs are accessible to people with disabilities. All programs funded by the Maine Arts Commission must also be accessible.

Get Started in our Grants Management System (GMS)
https://mainearts.maine.gov/Pages/Funding/Bicentennial-Grants-Home
REQUEST FOR ACTION BY BOARD OF SELECTMEN

DATE SUBMITTED: September 18, 2019

DATE ACTION REQUESTED: September 23, 2019

ACTION

DISCUSSION ONLY

SUBJECT: Return of Nubble Light Bell to Sohier Park

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD:

In the early 1900’s the Nubble Lighthouse looked a little different than it does now. You’ll notice in the attached photo, the lack of a connector building as well as a fog bell tower to the right, and slightly in front of the tower. The fog bell was manned daily, for the sake of aiding navigation, by the Coast Guard Light Keeper. In 1961 the Fog Bell and Tower were removed and replaced with a fog horn.

At the time, when the bell was removed from the island in 1961, Sohier Park as we know it today, did not exist. There was a small fried clam shack and eventually a small gift shop but no park-like space. As best as I understand, the Coast Guard had no real interest in keeping or preserving the bell when it was brought off island, therefore York Beach resident and businessman Mr. Ed Ellis (Ellis Park) worked to acquire the bell from the Coast Guard for preservation and it’s historical value to the Town of York. With no logical place to display/mount the bell near the Lighthouse, Mr. Ellis proposed, and received approval, to put the bell at Ellis Park, where it has rested for the past 58 years.

In the early 1980’s a volunteer initiative lead by Verna Rundlett, that included the replacement of the small gift shop and development of the park space, was well underway. As Verna’s vision became reality, she felt that it was appropriate to seek to have the Nubble Light Fog Bell moved from Ellis Park to Sohier Park, where she felt it was better suited to represent the Lighthouse’s history. Despite her efforts, the Ellis Park Board of Trustees voted against the move. Verna decided that if she couldn’t put THE bell at Sohier Park that she would at least do her best to put A bell there, to signify the history of the Nubble’s old bell and tower (legend has it that Verna didn’t take No for an answer very well). While the details of the transaction are unclear, Verna secured a bell from the Portsmouth Naval Shipyard and the Portsmouth Headlight Bell has been displayed in Sohier Park ever since.

Verna would be pleased that The Ellis Park Trustees (by Board vote) and the Town of York have mutually agreed, nearly 40 years later, to move forward with a return of the Nubble Light’s Bell to the Nubble, in Sohier Park. We would like to coordinate the transfer of the bell, in the near future, and have hopes of including the Crew of USS California to help us in doing so. I am proposing that the bell be moved from Ellis Park to Sohier Park to rest in the same location where the Portsmouth Bell currently sits. This will require the removal of the PNSY bell along with some renovation to the stone “platform” to adequately accommodate the Nubble bell, which is slightly larger. I am working with the folks at the Shipyard to determine whether or not they would like the Portsmouth bell returned. Regardless of their decision, we will seek an appropriate re-location for the bell; being mindful of it’s historical value. This will need to be a well-orchestrated and coordinated effort as both bells are extremely heavy and will likely require the use of a crane for moving and relocating.
RECOMMENDATION: I recommend the Board of Selectmen approve the plan to relocate the Nubble Bell from Ellis Park to Sohier Park.

PROPOSED MOTION: I move to approve the plan to relocate the Nubble Bell from Ellis Park to Sohier Park.

FISCAL IMPACT: unknown at this time

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: September 17, 2019

DATE ACTION REQUESTED: September 23, 2019

☐ ACTION
☒ DISCUSSION ONLY

SUBJECT: Ellis Short Sands Park

DISCUSSION OF OPTIONS AVAILABLE TO THE BOARD: I had reached out to the Ellis Short Sands Park Board of Trustees to see if there was interest on their part to change their twice-annual public meetings. I’d heard there might be. As you can see from the attached response, the Trustees want to carry on with the current approach, with two public input meetings annually.

No action required, but I believe worth sharing this publicly.

RECOMMENDATION: n.a.

PROPOSED MOTION: n.a.

Prepared by Stephen H. Burns, Town Manager:
Steve,

The Ellis-Short Sands Park trustees have no interest in changing their twice annual Public Forum format, as established in the 2017 Agreement, to twice a year meetings with the Board of Selectmen. Notices of the fall and spring Public Forum meetings are posted on the Parks & Recreation Dept. website well in advance of the dates held and are televised for all interested persons to observe. In addition, the chairman of the Board of Selectmen has moderated each of the past two years meetings.

Sincerely,
Andy Furlong, Jr.
Secretary/Treasurer
Ellis-Short Sands Park Trust