

YORK BEACH FIRE STATION

Property and Facilities Inventory

This document is one of a series of staff reports to document important information about properties owned and utilized by the Town of York. It is an attempt to compile and make available relevant information about properties to ensure the institutional knowledge is not lost over time.



DRAFT: October 9, 2020

YORK BEACH FIRE STATION

Location: 18 and 20 Railroad Ave.



Facility: On these two lots are located the York Beach Fire Station. The lot at 18 Railroad Ave is owned by the Town, and the lot at 20 Railroad Ave is owned by the York Beach Volunteer Fire Department.

This is the second fire station in the Beach village area. The first fire station was located somewhere mid-block on Railroad Ave, probably around 10 Railroad Ave. That earlier station burned on September 25, 1916 and was not replaced in that location. Instead, the new station was constructed on land donated by the York Harbor and Beach Railroad a few months later.

Property Acquisition: The Town of York acquired the original parcel, before it was divided into two lots, upon termination of the York Beach Village Corporation. In Section 2 of the legislation that repealed the Village Corporation (L.D. 1809), it is established that ownership of all property of the Village Corporation was transferred to the Town as of October 15, 1977.

As they exist today, these parcels includes both the York Beach Fire Station and the York Beach Ball Field. The current property configuration is a result of five actions between 1917 and 1979, listed here in chronological order:

- The original fire station lot (the northerly end of the current lot) was acquired by the York Beach Fire Association from the York Harbor and Beach Railroad Corporation on January 2, 1917.
- This same lot was transferred to the York Beach Village Corporation on April 12, 1921.
- The ball field lot was acquired by the York Beach Village Corporation from the York County Trust Company on September 15, 1932. At a meeting on September 12, 1932, by Warrant Article 9, the voters of the Village Corporation approved the purchase for \$3,500, with payments spread over 9 years. The property as bounded by the 1932 deed appears to include much of Bay Street, all of Beach Ball Field Road, and all parking spaces around the ball field. This parcel directly abutted the original fire station lot.
- All properties of the York Beach Village Corporation became properties of the Town of York as of October 15, 1977. At this time, the Town owned the entire area obtained through the 1917 and 1932 deeds. These are considered to have been merged because the merger would eliminate any setback or other non-conformity of the then-existing fire station.
- The property at 20 Railroad Ave was transferred from the Town to the York Beach Volunteer Fire Department on January 9, 1979. This is a rectangular parcel measuring 60 feet along Railroad Ave by 80 feet deep, and the deed is vague with regard to its exact location. It fronts on Railroad Ave and is the northwesterly corner of the ball field lot acquired in 1932.

The sequence of events which culminated in this property transaction was unusual and warrants documentation. The deed on its face is vague, but the process documentation makes clear the location of the transfer.

- The transfer occurred over a year after the dissolution of the York Beach Village Corporation, after the property was in the Town's possession.
- The standard process for a property to be sold by the Town begins with authorization by a Town vote. Between the dissolution of the Village Corporation and the time of this transfer, there were seven Town Meetings in York. There was no voter authorization for this transfer granted at any of these meetings. (*Reference town meeting dates: August 13, 1977; October 3, 1977; November 14, 1977; November 28, 1977; March 4, 1978; April 27, 1978; and November 21, 1978.*)
- Authorization for the transfer came from the legislation which dissolved the York Beach Village Corporation. The second paragraph of Section 5 of the legislation notes, "A certain portion of land has been given by the York Beach Village Corporation to the York Beach Fire Department. The Legislature intends that the town abide by any and all restrictions, covenants and conditions with respect to gifts, conveyances and other

transfers to the end that the Legislature's intention be carried out that the Fire Department is to remain and continue as on the present basis."

- The legislation states the, "land has been given," indicating a past action of the Village Corporation. A review of Village Corporation records showed two prior actions relating to this property:
 - At the Annual Meeting of the York Beach Village Corporation on March 20, 1973, voters approved Article 33 to expand the fire station lot and to restrict it for fire department use. A copy of the minutes is provided at the back of this report. This action indicates the Corporation officials were taking land from the ball field lot and were adding it to the fire station lot, and they were imposing a similar use restriction on the transferred portion to match the deed restrictions imposed by the railroad in 1917 – for fire department use only. Note this was a transfer from one lot to the other, not a transfer of ownership.
 - At a Special Corporation Meeting of the York Beach Village Corporation on October 5, 1977, voters authorized the Overseers to deed a parcel to the York Beach Volunteer Fire Department pursuant to the actions taken in 1973. Apparently, no action was taken following the 1973 vote. This authorization was different than the earlier approval in that it authorized a transfer, not from one lot to the other, but from the Village Corporation to the Fire Department. The meeting minutes also referenced a plan dating back to 1973, and copy of which has been located and is reproduced at the back of this report. The shape of the lot shown on that map is not the same as the shape of the parcel that was eventually transferred out.
 - Some years after the transfer of the lot to the Fire Department, the southerly wing of the fire station was constructed on that lot. These were larger bays capable of housing a modern ladder truck. It is unusual that matters such as minimum lot size, building setbacks, lot coverage and so forth do not appear to have been considered when the fire station was expanded. It appears to have been treated as part of the original fire station lot even though it was not.
 - To ensure the original fire station lot was not also transferred at some point to the Fire Department, the Tax Assessor reviewed at the Registry of Deeds and found no such transfer. In addition, there is no reference to any such transfer in the book, A History of the York Beach Fire Department: 1890 – 1990, by John D. Bardwell and Peter A. Moore (1990).

Deed References:

- Book 719, Pages 220-222 – Fire Station Lot Acquisition in 1917 (*Note there may also be a map recorded at that time but this has not been verified.*)
- Book 724, Page 30 – Fire Station Lot Transfer in 1921
- Book 829, Page 236 – Ball Field Lot Acquisition in 1932 (*NOTE: the copy in hand is unclear with regard to the Book number – the middle figure is obscured. Best guess is "2."*)
- Book 3031, Page 187 – Transfer to York Beach Volunteer Fire Department in 1979.

Deed Restrictions: In 1916 the York Harbor and Beach Railroad Company gave the fire station lot to the York Beach Fire Association. That deed contains the reversion clause stating the property reverts to the railroad in the event the property ceases to be used for a fire station. This right was assumed by the Boston and Maine Railroad, then Guilford Rail System, and now Pan Am Railways. The Town reached out in March 2015 to inquire about releasing this restriction, with an offer of \$500 to release this restriction. The response was essentially that the Town should add a zero to even be considered. It is worth noting that the lot transferred to the Fire Department is also similarly restricted, but more by the stated intentions of the Village Corporation and the language of the merger legislation.

Survey and Monumentation: There are two known surveys which show portions of this property:

- G.L.Davis Associates survey entitled, "York Beach Village Corp to York Beach Fire Dept, York Beach Maine," dated November 1973, certified by Grant L. Davis, surveyor.
- Knight Hill Land Surveying Services, Inc. survey entitled, "Standard Boundary Survey for land owned by Ernest & Eleni Paras and land known as New Tax Map 140 Lot 231, Old Tax Map 27 Lot 10, located at 16 Railroad Avenue, York Beach Maine, York County," dated April 2012, certified by Gordon D. Hislop, Jr., Maine PLS 2293 (Project # 1781PNTS).

Facility Acquisition/Construction/Alteration: There are 5 primary actions relating to the current building:

- The original fire station construction dates to 1917. This is the central portion of the building that exists today, with two bays on the ground floor.
- The northern addition to the building, with two bays on the ground floor and the Firemen's Room and kitchen were added in 1965.
- The hose drying tower was constructed in 1977.
- The southern addition to the building, with two bays, was constructed on the lot of the York Beach Fire Department in 1987.
- An array of solar panels and energy storage was completed in late 2014. Energy generated at this property first off-sets use on-site, and excess power returned to the grid is credited against the Town Hall electric bill. It is not clear if there are any on-going commitments or requirements that resulted from this project, funded primarily by Efficiency Maine and installed by Revision Energy.

Relationship to Bond Funds: There are no open bond projects relating to this property, though two bond issues in recent years have affected the property:

- *2010 Bond Issue.* Sidewalk improvements in and adjacent to this property were impacted by a bonded project, now paid off, though the bond as a whole will remain open through 2031. See 2009 Budget Referendum, Article 51.
- *2015 Bond Issue.* The solar energy project on this facility was primarily funded with a grant, but a minor portion of the project cost (replacement of a transformer where the building ties into the power grid at the street) was paid by an alternate energy solutions bonded project, now paid off, though the bond as a whole will remain open through 2035. See 2015 Budget Referendum, Article 43.

Land Use Permits & Approvals: There have been various minor permits granted for work through the years. Most noteworthy are:

- Interior improvements to the building, including insulation and a new central heating and air conditioning system were completed in 2015.
- There was work on the floor just inside the front door in 2017 because there was some sagging. There is a crawl space under this portion of the building. There is an engineering report in the building file about this matter. This is noteworthy because it relates to a newly proposed capital project that will likely be considered by voters for inclusion in the FY22 Capital Budget.

Other Information: There are three matters here.

- Solar Energy System. The towns of South Berwick, Eliot, Ogunquit, Kittery and York worked collaboratively on a series of energy-related project. In York, this was a solar installation at the York Beach Fire Station. Work on this was completed in September 2014.
- *Encroachment onto Paras property.* The property survey for Paras by Gordon D. Hislop, Jr. referenced above indicates the corner of a "1 story wood building" encroaches onto the Paras' property by 2.2' +/-.
- *MS4 Area.* The property is located within the census-designated urbanized area and is therefore subject to Municipal Separate Storm Sewer Systems (MS4) requirements of the Clean Water Act.

Property Deed

Parcel Acquisition from YHBRR - 1917

Book 719
Page 220

KNOW ALL MEN BY THESE PRESENTS, that the York Harbor and Beach Railroad Company, a corporation duly established by law, in consideration of one dollar and other valuable considerations, paid by the York Beach Fire Association, a corporation duly established under the laws of the State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release and forever quitclaim unto the said York Beach Fire Association, and its successors and assigns, a certain piece or parcel of land situated in York in the County of York and State of Maine, bounded and described as follows: beginning on re-

maining land of the grantor at the highway to Cape Neddick, thence running North 74° 11' East by said highway twenty-two and seventy-three hundredths (22.73) feet to land now or formerly of H. Z. Ellis; thence turning and running South 20° East by said land now or formerly of Ellis one hundred fifty-five (155) feet to remaining land of the grantor; thence turning and running South 70° West by last named land sixty (60) feet; thence turning and running North 76° 15' West still by same land fifty-six (56) feet; thence turning and running North 13° 45' East by said land of the grantor one hundred fifty-one (151) feet to the point of beginning; said parcel containing ten thousand six hundred eighty-five (10,685) square feet, and being shown on a plan marked "Land in York, Maine, York Harbor and Beach Railroad Company to York Beach Fire Association" dated December 1916, F. B. Rowell, Engineer of Real Estate, herewith recorded, a copy of which is hereto attached, to both of which reference is hereby made for further description of the premises hereby conveyed.

Said premises are conveyed upon the express condition that they shall be used only for a fire station, that any building erected thereon shall be of a type acceptable to the grantor, and that upon ceasing to be used as aforesaid, the title to the same shall revert to the grantor, its successors or assigns.

And the said grantor does hereby, for itself and its successors and assigns covenant with the said grantee and its successors and assigns that the granted premises are free from all encumbrances made or suffered by it, except said condition, and that it will and its successors and assigns shall warrant and defend the same to the said grantee and its successors and assigns forever, against the lawful claims and demands of all persons claiming, by, through or under it but against none other.

IN WITNESS WHEREOF the said York Harbor and Beach Railroad Company has caused these presents to be executed and its corporate seal to be hereto affixed by James H. Hustis, its President, thereunto duly authorized, this second day of January in the year one thousand nine hundred and seventeen.

Signed and sealed

in presence of

A. B. Nichols

(L.S.) YORK HARBOR AND BEACH RAILROAD COMPANY

By J. H. Hustis President.

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss.

January 2, 1917.

Then personally appeared the

above named James H. Hustis, President of said York Harbor and Beach Railroad Company, and acknowledged the foregoing instrument to be the free act and deed of said York Harbor and Beach Railroad Company.

Book 719

Before me, Arthur B. Nichols. Notary Public. (L.S.)

VOTED: To Authorize the President on behalf of York Harbor & Beach Railroad Company to sell and convey to York Beach Fire Association a lot of land in the Railroad Field, so called, at York Beach, located on the northeasterly side of the road leading from York Beach Railroad Station to the Goldenrod said lot to be of sufficient size to locate a fire station building thereon; the price to be agreed upon between the President and the Fire Association. Said lot shall be used for fire station purposes, and the building to be erected thereon shall be of a type acceptable to the railroad.

A true copy from the records of a Meeting of the Board of Directors of York Harbor & Beach Railroad Company, held October 25th, 1916.

ATTEST: Frank D. Marshall Clerk.

Recorded according to the original received July 9, 1923, at 8h. 35m. A. M.

Property Deed

Parcel Transfer to YBVC - 1921

Know all Men by These Presents, That

York Beach Fire Association, a corporation duly established under the laws of Maine, having a place of business at York Beach in the town and county of York, and state of Maine,

in consideration of one dollar and other valuable considerations, paid by York Beach Village Corporation, a corporation located in said York,

the receipt whereof it does ^{do} hereby acknowledge, ^{do} hereby remise, release, bargain, sell and convey, and forever quit-claim unto the said York Beach Village Corporation, its successors and assigns, and Assigns, forever, all its right, title and interest in and to certain land and buildings in said York at York Beach and described and bounded: beginning at a point on the highway leading from York Beach railroad station to Cape Neddick village by land of York Harbor and Beach Railroad and running north 74 degrees 11 minutes east by said highway twenty two and seventy three one hundredths (22.73) feet to land formerly of H. Z. Ellis; thence south twenty (20) degrees east by said Ellis land one hundred fifty five (155) feet to land of said railroad; thence south seventy (70) degrees west by said railroad land sixty (60) feet; thence still by said railroad land north seventy six and one fourth (76 $\frac{1}{4}$) degrees west fifty six (56) feet; thence by said railroad land north thirteen and three fourths (13 $\frac{3}{4}$) degrees east one hundred fifty one (151) feet to the point of starting, containing ten thousand six hundred eighty five (10,685) square feet, and being the same land deeded by said railroad to grantor January 2, 1917, which deed is to be herewith recorded.

Subject to the restriction contained in said deed that "they shall be used only for a fire station" and that "any future building erected thereon shall be of a type acceptable to said railroad, and that upon ceasing to be used as aforesaid, the title shall revert to said railroad, its successors or assigns".

To have and to hold the same, together with all the privileges and appurtenances thereto belonging, to the said York Beach Village Corporation, its successors heirs and assigns forever. And it does covenant with the said Grantee, its successors heirs and assigns, that it will warrant and forever defend the premises to it the said Grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it,

In witness whereof, the said Grantor has caused this deed to be signed and Sealed in its name by its Directors,

I have hereunto set my hand and seal this twelfth day of April in the year of our Lord one thousand nine hundred and twenty one.

Signed, Sealed and Delivered in presence of

Will C. Hildreth

York Beach Fire Association by
Richard F. Talpey (seal)
Frank E. Parsons (seal)
Frank H. Ellis (seal)
Harry H. Norton (seal)
Guy C. Marshall (seal)

State of Maine, York, ss. York, Maine, - 17, 1921. Personally appeared Richard F. Talpey, Frank E. Parsons, Frank H. Ellis, Harry H. Norton, & Guy C. Marshall and acknowledged the above instrument to be the free act and deed of the Association.

BEFORE ME, Will C. Hildreth

Justice of the Peace.

Recorded according to the original received July 9, 1923, at 8h. 35m. A. M.

Property Deed

York Beach Ball Field Parcel Acquisition - 1932

Know all Men by these Presents, That

York County Trust Company a corporation organized and existing under the laws of the State of Maine and located at York in the County of York and State of Maine In consideration of one dollar and other valuable considerations paid by York Beach Village Corporation

the receipt whereof it do es hereby acknowledge, do es hereby give, grant, bargain, sell and convey unto the said York Beach Village Corporation its successors and Assigns forever, a certain lot or parcel of land at said York Beach in the town and county of York and state of Maine and bounded: Beginning on Railroad Avenue at land of York Beach Fire Association and running thence in an easterly direction by said Associations land fifty six feet to an angle; thence in a northeasterly direction by said Association's land sixty feet to land of one Proctor; thence southeasterly by said Proctor's land, the end of Frank Street and land formerly of W. J. Simpson four hundred thirty nine feet to land formerly of Stephen Adams; thence southwesterly by said Adams land two hundred eighteen and eleven hundredths feet to Church Street; thence northwesterly by said Church Street two hundred thirty four and eighty one hundredths to said Railroad Avenue; thence northerly by said Avenue three hundred fourteen feet to the starting point containing about two and thirty six hundredths acres and being the same premises conveyed to said Trust Company this day by Fannie M. Simpson. Reference to said deed for a more detailed description is to be had.

To have and to hold the aforesigned and bargained premises, with all the privileges and appurtenances thereto by the said York Beach Village Corporation, its successors, heirs and assigns, to its and their use and behoof forever. And the said Grantor does hereby covenant with the said Grantee its successors heirs and assigns, that it is lawfully seized in fee of the premises, that they are free of all incumbrances;

has that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors shall and will warrant and defend the same to the said Grantee, its successors heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said York County Trust Company has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Albert M. Bragdon, its Treasurer thereunto duly authorized,

Sealed and delivered this fifteenth day of September in the year of our Lord one thousand nine hundred and thirty two

Signed, Sealed and Delivered
in presence of

J. J. Sullivan

York County Trust Company
York Village, Maine. (Corporate Seal)
By A. M. Bragdon
Treasurer.

State of Maine. County of York ss. September 15 1932. Then Personally appeared the above named Albert M. Bragdon, Treasurer of said Grantor Corporation as aforesaid, foregoing and acknowledged the above instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation. John J. Sullivan Notary Public. (L.S.)

Refers me

Property Deed

Parcel Division and Transfer to YBFD - 1979

(I) **00683** **STATUTORY SHORT FORM OF WARRANTY DEED** **BOOK 3031 PAGE 187**
INHABITANTS OF THE TOWN OF YORK, a body corporate, located at York, County of
York and State of Maine

RECEIVED
County

for consideration paid, grant to **YORK BEACH VOLUNTEER FIRE DEPARTMENT**,
a non-stock corporation situated at York Beach, Town of York, County of York and
State of Maine

RECEIVED
County
miles from mailing address

with warranty covenants the land in **York** **York County, Maine**

(Description and encumbrances, if any)

A certain lot or parcel of land situated at York Beach in said York and lying on the
easterly side of Railroad Avenue, so-called, and bounded and described as follows:

BEGINNING at a point at the westerly corner of land of the grantee and running
N 16°22' E by and along a fence and sidewalk 60 feet to a stone bound; thence turning
and running N 73°38' W 80 feet to a point; thence turning and running S 16°22' W
60 feet to a point; thence turning and running S 73°38' E by other land of the
grantee 80 feet to the point of beginning.

Said parcel of land having been acquired by the grantor from the York Beach Village
Corporation by the terms of P.S. Laws of Maine 1977, Chapter 62.

IN WITNESS WHEREOF, the said Inhabitants of the Town of York has caused this instrument
to be sealed with its corporate seal and signed in its corporate name by Ronald Nowell,
Arthur Berger and Robert Freeman, its Selectmen, thereunto duly authorized,

Attest: *[Signature]* *[Signature]* *[Signature]*
Inhabitants of the Town of York, County of York, State of Maine

Attest: *[Signature]* *[Signature]* *[Signature]*
Inhabitants of the Town of York, County of York, State of Maine

Attest: *[Signature]* *[Signature]* *[Signature]*
Inhabitants of the Town of York, County of York, State of Maine

STATE OF MAINE
County of **YORK**

TOWN OF YORK

by: *[Signature]* *[Signature]*
[Signature] *[Signature]*
[Signature] *[Signature]*
Ronald Nowell
Arthur Berger
Robert Freeman
ITS SELECTMEN

7 15 a.m. JANUARY 19 1979.

Then personally appeared the above named Ronald Nowell, Arthur Berger and Robert
Freeman
and acknowledged the foregoing instrument to be their free act and deed in their said capacity,
and the free act and deed of said body corporate.

Before me, *[Signature]*
Notary Public *[Signature]*
Attestation Date *[Signature]* *[Signature]*
JAN 11 1983 *[Signature]* *[Signature]*
RECORDED FROM THE ORIGINAL
8/9/86

(Individual-Joint Tenants-Tenants in Common)

State Law That Terminated the York Beach Village Corporation

This Act was presented to the Governor by the Senate on JUN 17 1977 and has become law without his signature.
(Constitution, Article IV, Part Third)

Received in the office of the Secretary of State JUN 30 1977.

STATE OF MAINE

JUN 30 1977

CHAPTER
62
P & S LAW

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

H. P. 1601 — L. D. 1809

AN ACT Repealing the York Beach Village Corporation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the following legislation is necessary to carry into effect the intent of the citizens of York Beach Village Corporation to consolidate the corporation with the Town of York; and

Whereas, in the interests of good government and the welfare of the people within the York Beach Village Corporation the following legislation is necessary; and

Whereas, it is vital that the duties and responsibilities of the Town of York with respect to the future of York Beach Village Corporation be carefully spelled out; and

Whereas, it is vital that the voters of the entire Town of York, including the voters of York Beach Village Corporation, be permitted to vote upon the merits of the proposed legislation as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P&SL 1901, c. 455, repealed. Subject to the provisions of section 14 of this Act, chapter 455 of the private and special laws of 1901, as amended, entitled "An Act to Incorporate the York Beach Village Corporation," is repealed.

Sec. 2. Rights, etc., of the York Beach Village Corporation vested in the Town of York. Upon the acceptance of this Act as provided in section 14 hereof, all real and personal property, or any interests therein, then owned by the York Beach Village Corporation, together with all accounts receivable, choses in action and all other rights and benefits that may be either then due and payable to, or would accrue to, or for the benefit of the York Beach Village Corporation, but for this Act, shall be and become the property of the Town of York without the payment of any consideration; the town being hereby vested with all rights and powers of holding, disposing of or enforcing of such rights so acquired. All litigation pending in any court involving the York Beach Village Corporation shall not abate and shall be prosecuted or defended, as the case may be, by the Town of York and the Town of York shall, in all instances, be held to be the successor in interest to the York Beach Village Corporation. The Town of York shall prosecute the litigation in accordance with the intention of the Overseers of York

617-1

Beach Village Corporation, which intention shall be expressed in a document to be signed by the overseers and directed to the selectmen to be filed with them after the effective date of this Act, it being the Legislature's intention that the litigation shall proceed according to the original intention of the Overseers of York Beach Village Corporation.

Sec. 3. Contracts, etc., to be assumed by the Town of York. Upon the acceptance of this Act, as provided in section 14, all responsibilities, duties, contracts, obligations and liabilities of the York Beach Village Corporation incurred or undertaken prior to the acceptance of this Act, shall be assumed and performed by the Town of York. The term "liabilities" shall include, but not be limited to, the maintenance and snowplowing of all publicly accepted roads and ways in the York Beach and the provision and construction of drains according to a vote of the York Beach Village Corporation and to the plans and specifications drawn in response to the vote. The York Beach Village Corporation will submit to the Town of York a map outlining such roads and ways. "Obligations" shall include obligations voted at the 1977 meeting of the York Beach Village Corporation.

Sec. 4. Police department. The Town of York shall maintain the staffing level of the York Beach Police Department at York Beach based on the minimal level of staffing existing at York Beach in the summer of 1977, it being the intention of the Legislature that at a minimum the current level and types of police protection and the maintenance of sufficient numbers of police personnel to provide adequate protection to citizens at York Beach be maintained so as to provide adequate police protection for the geographical area, particularly during the summer months of each year. In connection with the provision of police services to York Beach, the Town of York shall maintain and provide sufficient equipment and a physical facility at York Beach to be used as a base for police operations. The reserve officers of York Beach Police Department shall be placed on the list of reserve officers of the Town of York for consideration for appointment by the selectmen of the Town of York at their last meeting to be held in March of 1978.

The present Chief of the Police Department of York Beach shall be integrated into the Police Department of the Town of York at the level of Sergeant. His salary shall continue at its present level until the normal end of the York Beach Village Corporation fiscal year, at which time his salary will be commensurate with a sergeant position in the Town of York Police Department.

The present Sergeant of the Police Department of York Beach shall be integrated into the Town of York Police Department at the level of a patrolman.

Police personnel at York Beach now paid by CETA funds or part-time funds need not be integrated into the Town of York Police Department, except for reserve officers as above.

Sec. 5. Fire department. The Town of York shall maintain and provide financial support for the York Beach Fire Department at least as on its present basis and shall continue the practice of the York Beach Village Corporation in making incremental payments of such financial support of at least \$1,000 per payment until funds are exhausted. The Town of York shall assume any and all existing obligations of York Beach Village Corporation with respect to the York Beach Fire Department. The Town of York shall appoint, as Chiefs, persons elected by the York Beach Fire Department. Existing trucks and equipment of the York Beach Fire Department will remain in the York Beach Fire Department station. The York Beach Fire Department will continue to have its existing sphere of key availability for fire zones C and D according to the map entitled "Territorial Responsibility of Fire Departments" in accordance with an agreement between the municipal officers and the fire department chiefs of York, York Beach and Ogunquit. The fire inspector for fire zones C and D shall continue to be appointed from the membership of the York Beach Fire Department and with the approval of that department. The

present building utilized by the York Beach Fire Department will be continued in its present use and may also be used for public purposes for a public meeting hall area, except for that portion of the building known as the "firemen's room." It is understood that the Fire Department itself may determine the applicability and use of the permanent-man concept.

The Legislature recognizes that there exists certain deed restrictions with respect to real estate owned by the York Beach Village Corporation and used by the York Beach Fire Department. A certain portion of land has been given by the York Beach Village Corporation to the York Beach Fire Department. The Legislature intends that the town abide by any and all restrictions, covenants and conditions with respect to gifts, conveyances and other transfers to the end that the Legislature's intention be carried out that the Fire Department is to remain and continue as on the present basis.

Sec. 6. Existing ordinances to remain in force. Upon the acceptance of this Act as provided in section 14 hereof, all ordinances then in force in the York Beach Village Corporation, including the zoning bylaws, the building code and those relating to traffic and parking control, to the bathing beaches and to public health and safety, shall become valid and enforceable ordinances within the Town of York. All such ordinances of the York Beach Village Corporation as set forth in the pamphlet entitled "York Beach Village Corporation, York Beach, Maine, Charter and Ordinances as of 1972," as further amended from time to time by York Beach Village Corporation, are hereby ratified, confirmed and declared valid and a copy of the ordinances shall be filed with the Town of York by the York Beach Village Corporation as of the effective date of this Act, except that such filing shall not be construed as a prerequisite to validation. As between such ordinances and the ordinances of the Town of York existing as of the effective date of this Act, the stricter of the ordinances shall control. All building permits, variances, special permits and other licenses issued or granted by the York Beach Village Corporation prior to the acceptance of this legislation by the voters of the Town of York shall remain in full force and effect in accordance with their terms when issued or granted.

Sec. 7. Existing facilities to be maintained. Upon and after the acceptance of this Act as provided in section 14 hereof, the Town of York shall maintain all street lights and signs, fire hydrants, parking meters, traffic signals and signs, public beaches, public walks, sewer and drainage systems and public parks as they exist at the time of such acceptance or as they may be from time to time improved. The Town of York shall maintain the parking meters at York Beach at least at their present level and placement.

With respect to Short Sands Park, so-called, located in York Beach, the town shall continue the cooperative arrangement which Short Sands Park enjoys with York Beach in sharing duties and responsibilities similar to the 1977 agreement which the park has with the York Beach Village Corporation. The Town of York shall continue the practice of York Beach in enforcing police power ordinances over the park.

With respect to Sohier Park, the town shall assume the duties and responsibilities of York Beach concerning the park and the town shall abide by all restrictions, covenants and impositions of trust contained in conveyances with respect to the park. The town shall specifically assume the duties and responsibilities under a certain lease now existing with respect to the use of facilities at the park. The town shall continue a representative from the York Beach geographical area on the park Committee. The town shall further carry forward and discharge the responsibilities of York Beach with respect to the so-called "Five-Year Plan" with respect to improvements on the park. The Overseers of York Beach Village Corporation shall provide the Selectmen of the Town of York with documentation of the "Five-Year Plan" after the effective date of this Act.

The town shall maintain all restrooms, lifeguards and beach cleaning at the level existing during the summer of 1977 so as to continue the favorable economic impact of such activities in the York Beach geographical area.

Sec. 8. Employees; personnel. The existing full-time Highway Department employees of York Beach shall become employees of the Town of York.

Sec. 9. Administrative services. The Town of York shall provide adequate personnel and facilities to carry out all administrative duties of the Town of York, including functions relating to police protection and administration at a location within the York Beach geographical area, it being the intention of the Legislature that because of the press of administrative problems at York Beach, particularly in the summer, the town place an administrator, at least on a part-time basis, after the effective date of this Act, to handle matters relating to police protection and other administrative matters.

Sec. 10. Planning Board and Board of Appeals appointments. The Town of York shall maintain at least one member on its Planning Board and one member on its Appeals Board from the York Beach geographical area.

Sec. 11. Park next to fire station. The Town of York shall continue to maintain the land next to the fire station presently used for recreational purposes and as a park area in the same fashion. The Board of Overseers of York Beach Village Corporation shall furnish the Selectmen of the Town of York with a statement concerning the mode and type of use of the park area and the Selectmen shall follow the mode of use insofar as possible, giving preference to those organizations indicated to be entitled to such preference by the Overseers of York Beach Village Corporation.

Sec. 12. Deeds, documents town to abide by. The Town of York shall abide by all restrictions, covenants, trusts and any and all encumbrances or limitations upon the use of land with respect to real estate which it acquires pursuant to the terms of this Act.

Sec. 13. Authority and documents. The Overseers of York Beach Village Corporation are authorized and empowered to execute any and all such documents, including but not limited to, instruments of conveyance and assignments, as may be necessary to carry this Act into effect and their authority to so act shall extend until such date as their terms would have expired but for the passage and acceptance of this Act. The town shall use the Overseers of the York Beach Village Corporation as they are constituted on the effective date of this Act as an advisory board to its Board of Selectmen in order that any transition with respect to the consolidation operates as smoothly as possible and the town shall involve those overseers actively in the transition in any problems occurring as a result thereof and shall fully consider their advice and recommendations with respect to solutions.

Sec. 14. Referendum; effective date; certificate to Secretary of State. This Act shall be submitted to the legal voters of the Town of York at a special meeting thereof held on or before September 1, 1977, provided that the warrant calling such meeting contains an appropriate article for that purpose. The meeting shall be called and conducted according to the law governing annual and special meetings of the town, except voting on the article relating to this action shall be accomplished by written ballot to be prepared for the meeting by the town clerk. The town clerk shall prepare proper ballots upon which this action shall be reduced to the following question:

"Shall 'An Act Repealing the York Beach Village Corporation,' as passed by the First Regular Session of the 108th Legislature, be accepted?"

Qualified voters of the town shall record by a cross or check mark placed in the box next to the words "Yes" or "No" their opinion of the same.

In view of the emergency cited in the preamble, this Act shall take effect for all purposes hereof on October 15, 1977, if accepted by the inhabitants of the Town of York by a majority of the legal voters present and voting at the meeting.

The results of the vote taken at the meeting as specified shall be declared in open meeting by the municipal officers of the town and a certificate of the result of the voting shall be filed by the clerk of the town with the Secretary of State.

IN HOUSE OF REPRESENTATIVES, 1977

Read twice and passed to be enacted.

..... *Speaker*

IN SENATE, 1977

Read twice and passed to be enacted.

..... *President*

Approved..... 1977

..... *Governor*

617-5

Action Taken at the March 20, 1973 Annual Meeting
of the
York Beach Village Corporation

THIRTY-THIRD -- To see if the Corporation will authorize the Overseers to take the necessary action to enlarge the fire station building lot, said land to be restricted for fire department use. Land to be taken from the present Corporation property at the south end of the present fire department lot consisting of ninety (90) feet parallel with Railroad Avenue; thence with the lot line at the south end of the fire Station Building to a point that will make a right angle, thence running north west to meet the existing southeast corner of the present fire station lot. On petition of the Trustees of the York Beach Volunteer Fire Department.

On motion by Robert Johnston and seconded by John Welch that article be accepted as read

It was a vote in the affirmative

Minutes of the York Beach Village Corporation meetings are stored in the vault in the Town Clerk's office at Town Hall.

Action Taken at the October 5, 1977 Special Corporation Meeting
of the
York Beach Village Corporation

ELEVENTH: To see if the Corporation will authorize the Overseers to deed to the York Beach Volunteer Fire Department a parcel of land on the southerly side of the Fire Station reserved for the parking of the Fire Department under Article Thirty-three of the Annual Meeting March 20, 1973 and further described and shown on a plan by G. L. Davis Associates dated November, 1973.

On motion by Robert Johnston and seconded by Robert Guy that article be accepted as read

It was a vote in the affirmative

Minutes of the York Beach Village Corporation meetings are stored in the vault in the Town Clerk's office at Town Hall.

G.L.Davis Survey dated November 1973

(In the possession of Civil Consultants, South Berwick, ME)

