Town of York
186 York Street
York, Maine 03909-1314

Town Manager/ Selectmen (207)363-1000
Town Clerk/ Tax Collector (207)363-1003
Finance/ Treasurer (207)363-1004
Code Enforcement (207)363-1002
Planning (207)363-1007
Assessor (207)363-1005
Police Department (207)363-1031
Dispatch (207)363-2557
York Beach Fire Department (207)363-1014
York Village Fire Department (207)363-1015
Public Works (207)363-1011
Harbor Master (207)363-1000
Senior Center/ General Assistance (207)363-1036
Parks and Recreation (207)363-1040
Fax (207)363-1009 (207)363-1019
www.yorkmaine.org

BOARD OF SELECTMEN'S MEETING AGENDA
7:00PM MONDAY, SEPTEMBER 8, 2014
YORK LIBRARY

Call to Order

Opening Ceremonies

A. Minutes
1. August 25, 2014 Special Meeting Minutes
2. August 25, 2014 Meeting Minutes
3. August 28, 2014 Meeting Minutes
4. September 3, 2014 Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Awards
1. Introduction of New Police Officer

E. Reports

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. 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.

G. Approval of Warrant #10

H. Public Hearings
1. New Business License: The Sand Dollar
2. Petition Submitted for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York

3. Ordinance Amendment to be considered for November 2014 General Referendum: Require Septic System Inspections at Time of Property Transfer
4. November 2014 General Referendum
5. November 2014 Special General Referendum

I. Endorsements

Business Licenses:

1. Kevin Evans DBA: Thai For You for Food Service and Liquor; located at 647 US Route One

J. Old Business

K. New Business

1. Discussion and Possible Action Regarding a Petition Submitted for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York
2. Discussion and Possible Action Regarding a Proposed Ordinance Amendment to Require Septic System Inspections at Time of Property Transfer
3. Discussion and Possible Action on Draft Warrant for November 2014 General Referendum
4. Discussion and Possible Action on Draft Warrant for November 2014 Special General Referendum
5. Preference Votes on All November General Referendum Warrant Articles
6. Discussion and Possible Action Regarding Purchase of a Plow Truck
7. Discussion Regarding the Board of Selectmen's Meeting Schedule Through the End of 2014
8. Discussion of the FY16 Budget
9. Acceptance of Criminal Forfeiture from Docket No: 14-1063
10. Discussion and Possible Action Regarding Surveying, Deed Research, Construction/Drainage Easements, and Preparation of an Agreement With the York Sewer District Relating to Possible Acquisition of Property on the North Side of Bay Haven Road
11. Special Event: 1st Annual Walker John Family Foundation Garden Party and Art Auction
12. Special Event: 5th Annual Ride for Help and Hope
13. Special Event: Long Sands Beach: Run, Walk and Kids Fun Run
14. Special Event: Tri-State Seacoast Century

L. Other Business

M. Citizens' Forum

Adjourn

BOARD OF SELECTMEN'S
MEETING MINUTES
6:00PM MONDAY, AUGUST 25, 2014
YORK PUBLIC LIBRARY

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr, Torbert Macdonald, Jonathan O. Speers, Ronald Nowell, Director of Human Resources Liam Gallagher.

Call to Order

Chairman Mary Andrews called the meeting to order at 6:02PM

A. Executive Session

1. Town Manager Search Discussion; Pursuant to MRSA Title 1, Section 405 (6)(A)

Moved by Mr. Speers, seconded by Mr. Palmer to enter into Executive Session. No objection, so ordered.

Moved by Mr. Nowell, seconded by Mr. Palmer to exit out of Executive Session. No objection, so ordered.

Adjourn

Chairman Mary Andrews adjourned the meeting at 6:48PM.

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BOARD OF SELECTMEN'S
MEETING MINUTES
7:00PM MONDAY, AUGUST 25, 2014
YORK LIBRARY

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Torbert Macdonald, Ronald Nowell, Recorder Melissa M. Avery and members of the press and public.

Call to Order

Chairman Mary Andrews called the meeting to order at 7:00PM.

Opening Ceremonies

A. Minutes

1. August 5, 2014 Meeting Minutes
2. August 11, 2014 Meeting Minutes
3. August 13, 2014 Meeting Minutes
4. August 18, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Nowell to accept the August 5, 11, 13 and 18, 2014 Meeting Minutes as amended. No objection, so ordered.

B. Chairman's Report

Chairman Mary Andrews stated that in her most recent report from Town Manager Yandow the current total cost for the Micro-Burst cleanup is $36,914.36, included in that cost is the bills from two of the three private contractors hired to assist with clean up. The Town is still waiting on one invoice from the last private contractor and also the cost of cleaning up the hanging branches throughout the damage area. Ms. Andrews started that years ago the Board of Selectmen carried forward funds for Maine Turnpike Authority legal issue costs regarding the relocation of the toll plaza. Ms. Andrews stated that there is currently $10,738.40 left in that fund to aid in any additional upcoming reports and/or peer reviews necessary on that topic.

C. Manager's Report

No Manager's Report.

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D. Awards

1. Police Cruiser Bid

The Police Department is replacing a 2010 Chevrolet Tahoe SUV cruiser with a 2015 Cheverolet Tahoe SUV. The department put out a bid request for (1) Chervrolet Tahoe Special Service 4x4 vehicle and received the following bid:

1. Quirk Ford; Augusta $24,173.00

Police Chief Doug Bracy recommended that the board award the bid for the 2015 Chevrolet Tahoe to Quick Ford of Augusta.

Moved by Mr. Macdonald, seconded by Mr. Nowell to award the bid for the purchase of a 2015 Cheverolet Tahoe Special service Police Package to Quick Ford of Augusta in the amount of $24,173.00. Vote 5-0, motion passes.

E. Reports

F. Citizens' Forum – The Citizens' Forum is open to any member of the audience for comments on items listed on this meeting agenda. 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:
Judy Romano
Crawford Yorke
Joan Jarvis
Mike Dabiere
Helen Rollins
Mike Sullivan
Marshal Jarvis
Sarah Sanford

G. Approval of Warrant #8

Moved by Mr. Macdonald, seconded by Mr. Speers to approve Warrant #8. Vote 5-0, motion passes.

H. Public Hearings

1. Amendments to be Considered at the November 2014 General Referendum:

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1) MS4 Post-Construction Stormwater Management Ordinance
2) MS4 Non-Stormwater Discharge Ordinance
3) Require Septic System Inspections at Time of Property Transfers
4) Application Procedures for Piers, Wharfs, Docks and Floats
5) Standards for Piers, Wharfs, Docks and Floats
6) Medical Marijuana
7) Enabling Ordinance for Special Events Regulations
8) Artisanal Food and Drink Amendment

Moved by Mr. Macdonald, seconded by Mr. Palmer to open the public hearing. Vote 5-0, motion passes.

Public Comment: Lew Stowe
Mike Dabiere
Peter Smith
Helen Rollins
Greg Gosselin for Lori Barrett
Sally Mannahan
Mike Dabiere
Helen Rollins

Moved by Mr. Macdonald, seconded by Mr. Nowell to close the public hearing. No objection, so ordered.

I. Endorsements

Business Licenses:
1. Hannaford Bros. Co. Inc. DBA: Hannaford Food and Drug #8384 (Food Service); Located at 5 Hannaford Drive
2. Hong Ji, Inc. DBA: Bamboo Garden (Food Service, Liquor, Special Amusement); Located at 8 Market Place Drive

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the following licenses: Hannaford Bros. Co. Inc. DBA Hannaford Food and Drug #8384 for Food Service and Hong Ji Inc. DBA Bamboo Garden for Food Service, Liquor and Special Amusement, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

J. Old Business

K. New Business

Chairman Andrews chose to take Item #6 out of order, as there are many citizen's present for that topic.

1. "6. Discussion and Possible Action on the Purchase of Property in York by the Maine Turnpike Authority"

Back to Agenda

Moved by Mr. Macdonald, seconded by Mr. Nowell to appropriate for the purpose of having the Jacobs Engineering Study evaluated for Peer Review that $10,738.40 be brought forward from the account it was previously carried forward to, for those purposes; and also add to the account $4,261.00 from Selectmen's Contingency for the same purposes. Vote 5-0, motion passes.

Chairman Mary Andrews called a 10 minute recess.

2. "1. Discussion and Possible Action on Moving Ordinance Amendments to the November 4, 2014 Referendum"

Moved by Mr. Macdonald, seconded by Mr. Nowell to send the *MS4 Post Construction Stormwater Management Ordinance* amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Palmer, seconded by Mr. Speers to send the *MS4 Non-Stormwater Discharge Ordinance* amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Speers, seconded by Mr. Palmer to table the *Require Septic System Inspection at Time of Property Transfer* ordinance amendment. Vote 5-0, motion passes.

Moved by Mr. Nowell, seconded by Mr. Macdonald to send the *Application Procedures for Piers, Wharfs, Docks and Floats* ordinance amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Nowell, seconded by Mr. Palmer to send the *Standards for Piers, Wharfs, Docks and Floats* ordinance amendment to public vote at the November General Referendum. Vote 5-0, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Palmer to send the *Medical Marijuana* ordinance amendment to public vote at the November General Referendum. Vote 5-0

Moved by Mr. Palmer, seconded by Mr. Macdonald to send the *Enabling Ordinance for Special Event Regulations* amendment to public vote at the November General Referendum. Vote 5-0

Moved by Mr. Macdonald, seconded by Mr. Nowell to send the *Artisanal Food and Drink Amendment* to public vote at the November General Referendum. Vote 5-0, motion passes.

3. "2. Discussion and Possible Action on Enforcement Request from CEO Regarding Notice of Violation at 69 Long Beach Avenue"

Back to Agenda

Code Enforcement Officer Amber Harrison asked that the Board of Selectmen take enforcement action on the lack of action on the property owner and order an immediate Cease and Desist of what she found to be the illegal commercial parking lot at 69 Long Beach Avenue. The Board stated that they consider the use a grandfathered uses and asked Ms. Harrison to continue attempting to communicate with the property owner to come to a resolution regarding a Parking Plan.

4. "3. Discussion and Possible Action on the Issuance of a Request for Qualifications for the Mount A Universal Trail Project"

In January of 2014 the Board of Selectmen voted to approve the necessary ground work to make the Big A trail and deck universally accessible. The Parks and Recreation Department asked for approval from the Board to move forward with selecting a design-build firm thru an initial Request for Qualification and subsequent Request for Proposal bid process.

Moved by Mr. Macdonald, seconded by Mr. Palmer to approve the RFQ and RFP process as proposed for selecting a Design/Build Firm(s) to design and construct the four phases of the 1-mile Big A Universal Access Trail. Vote 5-0, motion passes.

5. "4. Discussion and Possible Action on a Request From the Police Chief Regarding Statewide Arrest Powers"

Police Chief Doug Bracy asked that the board approve the authorization for York Police Officers to have statewide arrest powers pursuant to MRSA Title 30-A Section 2671.2.A who have met the requirements of MRSA Title 30-A, Section 2804.C.

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve the resolution by this Board to hereby authorize the police officers of the Town who have met the requirements of MRSA Title 30, Section 2804.C, the authority to exercise statewide arrest powers pursuant to, and authorized by MRSA, Title 30-A, Section 2671.2.A. Vote 5-0, motion passes.

6. "5. Replacement of Coin Machine at Police Department"

A motion was moved and withdrawn by Mr. Macdonald to approve the purchase of a Jetsort 4601 coin counter/sorter machine by the Police Department from Contingency not to exceed $6,040.

After discussion, Police Chief Bracy agreed to absorb the cost through carry-forwards of the proposed coin counter rather than using funds from the Contingency fund.

7. Discussion and Possible Action on the Appointment of an Interim Town

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Moved by Mr. Macdonald, seconded by Mr. Palmer to appoint Stephen H. Burns as the Interim Town Manager for an undetermined period of time. Vote 5-0, motion passes.

8. Abatement of Building Permit Application Fees: 2 Raydon Road

Moved by Mr. Macdonald, seconded by Mr. Palmer to approve the request for Abatement of Building Permit Application Fees at 2 Raydon Road for damage caused in the July micro-burst per the Selectmen's Policy Concerning Abatement of Building Permit Application Fees. Vote 5-0, motion passes.

9. Pole Location Permit: Cider Hill Road

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve the Pole Location Permit for 1 pole on Cider Hill Road, in an easterly direction, 50 feet from pole #9. Vote 5-0, motion passes.

10. Special Event Permit: Marketfest

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the Special Event Permit for the York Village Association's *Marketfest – York Village* event on Friday and Saturday, October 17 and 18, 2014 subject to any attached conditions given by Department Heads. Vote 5-0, motion passes.

11. Special Event Permit: Halloween Hop

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the Special Event Permit for the York Parks and Recreation's *Halloween Hop* event on Friday, October 31, 2014 subject to any attached conditions given by Department Heads. Vote 5-0, motion passes.

L. Other Business

M. Citizens' Forum

Public Comment: None

Adjourn

Chairman Andrews adjourned the meeting at 9:55PM.

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DRAFT

Joint Meeting – Board of Selectmen and York Sewer District Trustees

Selectmen's Minutes

August 28, 2014

5 PM

At the York Sewer District Office

Selectmen Attending: Mary Andrews, Chair; Robert Palmer, Vice Chair; Ron Nowell; Torbert Macdonald; and Jon Speers. Staff attending: Dean Lessard, Public Works Director; and Stephen Burns, Community Development Director.

Trustees Attending: Robert Hoyt, Chair; Walter Kyllonan, Vice Chair; Wayne McIntire; Rick Boardman; and Craig Freeman. Staff attending: Tim Haskell, Superintendent.

Possible Property Transfer. There was a discussion about the possible transfer from the York Sewer District to the Town of York a lot plus another strip of land which are each located on the Ocean side of Bay Haven Road. The lot is shown (as lot #145) on the Plan of Evanston and Evans Park (1897), and the other sliver of land was created at some other point in time. The properties would have been acquired by the District in 1951 as part of the transfer of sewer infrastructure and property from the York Beach Village Corporation to the District. Mr. Haskell has some older deeds that relate to these properties, but they have only vague descriptions. The District has not had a survey or deed research prepared for these properties, and would propose to provide a quit claim deed.

There is a proposal by the Town to construct a diffuser-outfall for stormwater drainage from the Main Street area. The District will offer a construction easement in the short term so the Town can obtain required permitting from DEP. This easement will include a provision that will transfer ownership to the Town upon voter approval to accept the lot. The District will retain an easement for perpetual access to their outfall discharge pipe, which crosses under the property.

The District Trustees indicated they are concerned with potential liability from the Main Street drainage project because most of the water will flow downhill to drainage swales on their property. They are concerned that additional volumes of runoff may cause flooding impacts to neighboring properties, and that the District might conceivably be held responsible for any pollution in the stormwater runoff passing across their property. The number of very old, substandard septic systems in the neighborhood was discussed. The District would like some form of agreement that would ensure the District and Town will jointly address such water quality and flooding issues.

Mary Andrews excused herself to attend to another commitment. After this there was a discussion and consensus that the Selectmen would place an item on their September 8th agenda to consider initiating a survey and deed research on the properties. Dean Lessard will draft a construction easement that includes the property transfer provision. The plan is to seek May 2015 voter approval for property

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acceptance. It was also agreed that Tim Haskell and Steve Burns would draft a letter with specific questions about the shared responsibility/liability relating to the stormwater issue. This will facilitate legal review by the Town attorney.

Ridge Road Lot. There was a brief discussion of the lot acquired by the York Sewer District from the Norton family (410 Ridge Road). The lot was acquired to facilitate the installation of water and sewer utilities to the proposed Police Station site. The District has both clear title and CMP approval for the utility crossings under the power lines. The District purchased the property for $30,000, and will add $30,000 to the sewer costs for this project and the Town will then be offered ownership of the lot. Voter approval will be required.

Town/District Collaboration. There was a discussion about opportunities for the Town and District to work collaboratively to expand the area served by public sewer. There was a discussion about financing and bonding, and this circled around to the fact that extensions are expensive for property owners and that it has proven very difficult for the District to move forward with any large-scale extensions. Such extensions are called for in the Town's Comprehensive Plan, but the Town has never partnered with the District to help facilitate expansions. Even covering the paving work in a road after sewer installation would be a help. As there is capacity at the treatment plan for a significant expansion of the service area, it was agreed that the District and Town should begin efforts to achieve such collaboration to expand the sewer service area.

Joint Meeting Adjourned. The joint meeting was adjourned so the District Trustees could then conduct their monthly meeting.

Respectfully Submitted,

Stephen Burns

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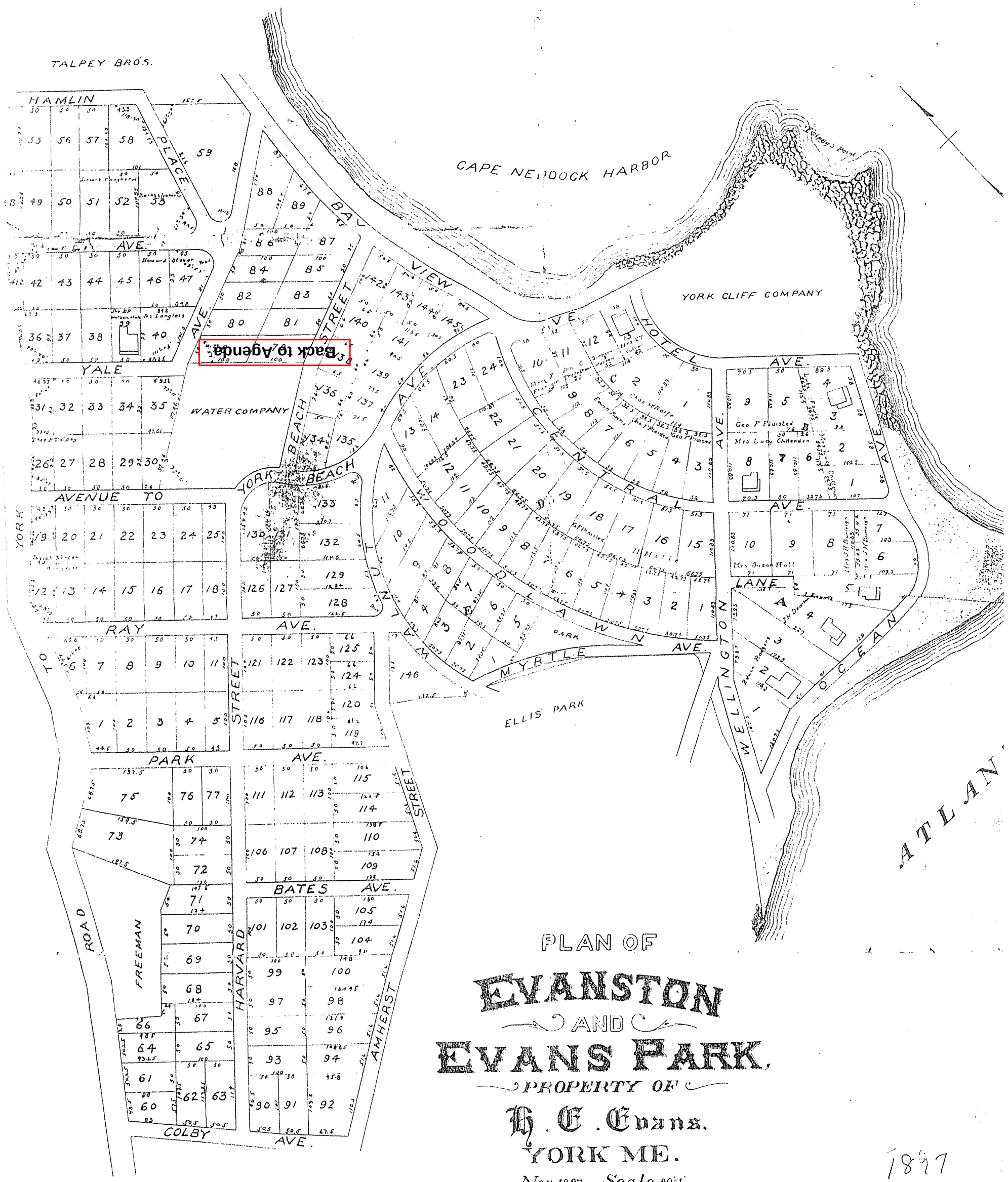
ON TAX MAP. 20 + 21



EVANSTON AND EVANS PARK

BOARD OF SELECTMEN'S
MEETING MINUTES
4:00PM WEDNESDAY, SEPTEMBER 3, 2014
YORK PUBLIC LIBRARY

Present: Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Ronald Nowell, Torbert Macdonald, Director of Human Resources Liam Gallagher.

Call to Order

Chairman Mary Andrews called the meeting to order at 4:01PM.

A. Executive Session

1. Town Manager Search Discussion; Pursuant to MRSA Title 1, Section 405 (6)(A)

Moved by Mr. Speers, seconded by Mr. Palmer to enter into Executive Session. No objection, so ordered.

Moved by Mr. Macdonald, seconded by Mr. Speers to exit out of Executive Session. No objection, so ordered.

Adjourn

Chairman Mary Andrews adjourned the meeting at 4:50PM.

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PUBLIC HEARING NOTICE

September 8, 2014
7:00PM
York Public Library

The Selectmen will hold a Public Hearing on September 8, 2014 regarding a New Business License Application for the following:

- 281 Long Beach Ave, LLC DBA The Sand Dollar; Located at 281 Long Beach Avenue (Innkeeper)

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Notice of Public Hearing
Board of Selectmen
Monday, September 8, 2014
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing on September 8, 2014 at the York Public Library regarding a Petition Submitted to the Town Clerk for Enactment of an Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York.

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Notice of Public Hearing
Board of Selectmen
Monday, September 8, 2014
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing regarding a proposed ordinance amendment to be considered at the November 2014 General Referendum, as follows:

Require Septic System Inspections at Time of Property Transfers

Printed copies of the text of this amendment (draft document dated August 28, 2014) are available at Town Clerk's office in Town Hall, and digital copies are available on the Town's Web page (www.yorkmaine.org).

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Notice of Public Hearing
Board of Selectmen
Monday, September 8
7:00 PM
York Public Library

The York Board of Selectmen will conduct a Public Hearing on **Monday, September 8, 2014** at **7:00PM** regarding the draft warrants for the proposed **November 2014 General Referendum** and the **November 2014 Special General Referendum**. Printed copies of the text of the proposed document are available at the Town Clerk's office in Town Hall, and digital copies are available on the Town's Webpage (www.yorkmaine.org).

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 5, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Business License Application (1)	

TO: **BOARD OF SELECTMEN**

FROM: Melissa M. Avery; Assistant to the Town Manager

RECOMMENDATION:

PROPOSED MOTION: I move to approve the following license:

1. Kevin Evans DBA: Thai For You (Food Service and Liquor); Located at 647 US Route One

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

Discussion:

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

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BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: _____ Reviewed By: _____

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TOWN OF YORK- (186 York Street, York Me 03909)
BUSINESS LICENSE APPLICATION

Business Name Thai For You
Business Location 647 US1
York Maine 03909
Telephone Number 866-1005 Cell# 631-4355

OWNER'S Name and Mailing Address Kevin Evans
12 Park St. Apt 3
Orono, ME 04473

APPLICANT'S Name and Mailing Address Kevin Evans
12 Park St. Apt 3
Orono, ME 04473

Is applicant same operator as prior year? ☐ Yes ☒ No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	**DATE**	**INITIALS**
Zoning/Land Use		
Building Structural	8/20/14	KNewell
Electrical	8/20/14	KNewell
Plumbing	8/27/14	KNewell
Fire	8-20-14	Apgar
Tax Collector	5-13-14	SKI

APPLICATION FEE IS $50.00 PLUS $25 PER SUBSEQUENT LICENSE. PLEASE CHECK APPLICABLE BOX(ES) BELOW AND ADD THE FEE INDICATED TO YOUR APPLICATION FEE. MAKE CHECK PAYABLE TO THE TOWN OF YORK.

MAP/LOT: 0091-0008-W
License Year: 2014
No. Of Seats: _____
No. Of Parking Spaces: _____

New License (One Time $30 Fee): (YES) NO

License Renewal: YES (NO)

Bed and Breakfast License: # of Rooms N/A

Hotel/Motel with Cooking Facilities: # of Rooms N/A

Is Your Establishment Closed for More Then 120 Consecutive Days? YES (NO)

REQUESTING THE FOLLOWING LICENSES:
✓ $25.00 Victualers
✓ $25.00 Liquor
___ $25.00 Special Amusement
___ $25.00 Bottle Club
___ $25.00 Theater
___ $25.00 Dance Hall
___ Coin-OP Amusement ($75 each or $250 for 3 or more)

Nature of Entertainment (If Applicable): _____

___ Bed and Breakfast ($10 Per Room): Total_____

___ Hotel/Motel with Cooking Facilities ($25 Per Every 10 Rooms): Total_____

Have you ever been convicted of a Felony? YES (Please Explain) _____ NO X

I certify the above statements are true and understand false statements may be cause to revoke a license.

5-12-14 — Date
Kevin M Evans — Applicant's Signature

Please Read and Initial the Following Statements:

KE I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
KE I understand that a Town of York Business License must be filled out COMPLETELY and all fees are to be paid before my license is considered for re/approval
KE I understand that before my business license is issued I must have and pass a full inspection by the Town of York Code Enforcement Office and Fire Department.
KE I understand that as a business owner I am responsible for calling and setting up an appointment for an inspection and any necessary follow-up inspection with the Code Enforcement Office and Fire Department
KE I understand that I will not be granted re/approval of a business license through the Town of York until all inspections and taxes on my business are made current and compliant.

Business Owner Signature Kevin Evans — Business Manager Signature (If Applicable)_____

Date — Town Manager for the Board of Selectmen

Issued pursuant to the provisions of Title 30A MRSA Chapter 3811 through 3814

AMT. RECD. $130.00 RECEIPT NO. #21740262 431 RECEIPT DATE 5/13/14 MMA MI PM MM MS

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BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES_____

INDICATE TYPE OF PRIVILEGE: ☑ MALT ☐ SPIRITUOUS ☑ VINOUS

INDICATE TYPE OF LICENSE:

- ☑ RESTAURANT (Class I,II,(III,IV))
- ☐ HOTEL-OPTINONAL FOOD (Class I-A)
- ☐ CLASS A LOUNGE (Class X)
- ☐ CLUB (Class V)
- ☐ TAVERN (Class IV)
- ☐ RESTAURANT/LOUNGE (Class XI)
- ☐ HOTEL (Class I,II,III,IV)
- ☐ CLUB-ON PREMISE CATERING (Class I)
- ☐ GOLF CLUB (Class I,II,III,IV)
- ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, (Corporation, Limited Liability Co., etc.)) **DOB:**	**2. Business Name (D/B/A)** Thai For You
Thai For You LLC **DOB:**	
DOB:	**Location (Street Address)** 647 US1
Address 647 US 1	**City/Town** York **State** ME **Zip Code** 03909
	Mailing Address 12 Park, St. Apt 3
City/Town York **State** ME **Zip Code** 03909	**City/Town** Orone **State** ME **Zip Code** 04473
Telephone Number **Fax Number**	**Business Telephone Number** 866-1005 Cell# 631-4355 **Fax Number**
Federal I.D. #	**Seller Certificate #**

3. If premises is a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS $ _____ FOOD $ _____ LIQUOR $_____
5. Is applicant a corporation, limited liability company or limited partnership? YES ☑ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☑
7. If manager is to be employed, give name: NO
8. If business is NEW or under new ownership, indicate starting date: Shooting for June 15-2004

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Requested inspection date: _____ Business hours: _____

9. Business records are located at: A-A

10. Is/are applicants(s) citizens of the United States? YES ☑ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☑ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married: Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Kevin Michael Evans	11-20-59	Berea OHIO

Residence address on all of the above for previous 5 years (Limit answer to city & state

12 Park St. Apt 3 Orono ME 04473
21 Goodwin St. Newport, ME. 04953

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then minor traffic violations, of any State of the United States? YES ☑ NO ☐

Name: Kevin Evans Date of Conviction: 1985

Offense: OUI Location: Newport,

Disposition: 2 day's in jail

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued? Yes ☐ No ☑ If **Yes**, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☑

16. Does/do applicant(s) own the premises? Yes ☐ No ☑ If **No** give name and address of owner: King Weinstei

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Thai Resturant 2 bath room's, Kitchen and seating area

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services? YES ☐ NO ☑ Applied for: in the Process of applying

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1.5 Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☑

If YES, give details: _____

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to $2,000 or both."

Dated at: York, Maine. 03909 on _____, 20 ____
Town/City, State Date

Kevin Evans Kevin Evans

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Kevin M Evans **Please sign in blue ink**

Signature of Applicant or Corporate Officer(s) | Signature of Applicant or Corporate Officer(s)

Kevin M Evans

Print Name | Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I Spirituous, Vinous and Malt ..... $ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only) $1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.

Class II Spirituous Only ..... $ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

Class III Vinous Only ..... $ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

Class IV Malt Liquor Only ..... $ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... $ 495.00
CLASS V: Clubs without catering privileges.

Class X Spirituous, Vinous and Malt – Class A Lounge $2,200.00
CLASS X: Class A Lounge

Class XI Spirituous, Vinous and Malt – Restaurant Lounge $1,500.00
CLASS XI: Restaurant/Lounge; and OTB.

FILING FEE ..... $ 10.00

UNORGANIZED TERRITORIES $10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164**. Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

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STATE OF MAINE

Dated at: York, Maine York ss
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the

☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

_____ _____

_____ _____

_____ _____

THIS APPROVAL EXPIRERS IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
   - **A.** The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
   - **B.** The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
   - **C.** If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
   - **A.** Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
   - **B.** Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
   - **C.** Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
   - **D.** Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
   - **E.** A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
   - **F.** A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a pub-

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lic hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. No license to person who moved to obtain a license. (REPEALED)

5. (TEXT EFFECTIVE 3/15/01) Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 4, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Action on petitioned ordinance to legalize marijuana in York	

TO: **BOARD OF SELECTMEN**

FROM: Stephen H. Burns, Interim Town Manager

RECOMMENDATION: I recommend the Board vote to send the petitioned ordinance to legalize marijuana in York forward for a public vote in November.

PROPOSED MOTION: I move to place the proposed Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older on ballot of the November General Referendum.

Discussion: The Town Clerk has verified 767 signatures, which exceeds the number required to be in excess of the most recent state gubernatorial election. The legal opinion requested by Robert Yandow is attached for your consideration and guidance.

Prepared By: _____ Reviewed By: _____

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207 774-1200 main
207 774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

BERNSTEIN SHUR

COUNSELORS AT LAW

Memorandum

To: York Board of Selectmen

Cc: Steve Burns
Chief Doug Bracy

From: Mary Costigan

Date: September 4, 2014

Re: Marijuana Petition

This memo addresses the most recent petition filed with the Town of York calling for the enactment of an ordinance regarding the use of marijuana by persons 21 years of age or older. A petition for the enactment of an ordinance that would allow the possession or use of marijuana paraphernalia or one ounce or less of marijuana by persons 21 years of age or older in the Town of York was first submitted to the Town on June 19, 2014. On July 28th, the Board of Selectmen voted 2-3 to send the petition to the November 2014 Special General Referendum, thus the motion failed. On August 27th, a new petition was submitted, requesting that it be referred to a general referendum.

As you are aware, Article II, Section 22 of the York Charter provides that voters of the Town may propose the enactment of any *lawful* ordinance by filing a petition with the Town Clerk signed by at least 100 registered voters of the Town. If the Board of Selectmen refuse to act upon a *legally presented* ordinance petition, Section 24 of the Charter requires the Board of Selectmen to call a public hearing and schedule a referendum for the purpose of submitting the petition to a vote, provided that a new petition is submitted within 30 days of the Board's refusal to act and the petition contains the signatures of not less than ten percent of the votes cast on the previous gubernatorial election.

Section 24 of Article II of the Charter clearly sets forth a mandate for the Board of Selectmen to send a petition to the voters if the Board refuses to act upon a legally presented petition. The question for the Board, therefore, is whether the petition in question was "legally presented." This language is unique to the Town of York and therefore within the Board's discretion to interpret. On the one hand, "legally presented" could be interpreted to

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mean legal with regard to form, i.e., did the petition state the complete text of the proposed ordinance and did it contain signatures of at least one hundred registered voters of the Town. If that is the Board's interpretation, than the petition should be sent to referendum pursuant to Section 24.

"Legally presented" could also be interpreted to include whether the ordinance proposed in the petition is a "lawful" ordinance as required by Section 22 of the Charter. As discussed previously, the proposed ordinance, if enacted, would be inconsistent with state law which provides that a person who possesses up to 1.25 ounces of marijuana commits a civil violation. The ordinance would therefore frustrate the purpose of state law and would likely be preempted. If the Board interprets Section 24 as only allowing a referendum to overrule the inaction of the Board when the proposed ordinance is a lawful ordinance, the Board would not be required to send the petition to referendum in this case.

In sum, the decision of the Board comes down to its interpretation of the term "legally presented ordinance petition." Here, the petition presented did comply with the requirements regarding form, but did not contain a lawful ordinance. If the Board determines that the petition was legally presented, its July 28th decision not to act on the petition can be overruled by referendum.

Finally, if the Board decides not to send the petition to referendum pursuant to Section 24, the petitioners may bring injunctive action in Court to force the Town to send the ordinance to referendum. The Court would likely be deferential to the Board's interpretation of its own Charter, but I want you to be aware of the possible legal challenge.

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TOWN CLERK / TAX COLLECTOR

TOWN OF YORK
186 YORK STREET
YORK, ME 03909

Town Manager/
Selectmen
(207)363-1000

Town Clerk/
Tax Collector
(207)363-1003

Finance/
Treasurer
(207)363-1004

Community
Development/
Code Enforcement
(207)363-1002

Planning
(207)363-1007

Assessor
(207)363-1005

Police Department
(207)363-1031

Dispatch
(207)363-2557

York Beach Fire
Department
(207)363-1014

York Village Fire
Department
(207)363-1015

Public Works
(207)363-1011

Senior Center/
General Assistance
(207)363-1036

Parks and Recreation
(207)363-1040

Fax
(207)363-1009
(207)363-1019

www.yorkmaine.org

TO: Steve Burns, Interim Town Manager

FROM: Mary-Anne Szeniawski, Town Clerk/Tax Collector MAS

DATE: September 4, 2014

SUBJECT: Petition

I have attached the petitions (Requesting Reference of the Petition to a General Referendum ref. Use of Marijuana by Persons 21 Years of Age or Older) that were submitted to me by Victoria Simon on August 27, 2014, pursuant to the Town of York Home Rule Charter, 24.B.1.

We have confirmed that seven hundred sixty seven (767) signatures were made by York registered voters, exceeding the minimum number of signatures required as established by the required 10 % of the last state gubernatorial election.

I submit these for review by the Board of Selectmen.

MAS:mji

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REQUESTING REFERENCE OF THE PETITION TO A GENERAL REFERENDUM

The Town hereby ordains the adoption of a new ordinance enacted to read:

Use Of Marijuana By Persons 21 Years Of Age Or Older

Section. 1. Preamble.

WHEREAS, a 1995 study commissioned by the World Health Organization concluded marijuana poses a much less serious public health problem than is currently posed by alcohol;

WHEREAS, an assessment published in 2009 in British Columbia's Mental Health and Addictions Journal found health-related costs for alcohol consumers are more than eight times greater than those for marijuana consumers;

WHEREAS, according to the National Institutes of Health, more than 300 Americans die annually as the result of alcohol overdoses, and there has never been a confirmed marijuana overdose death recorded in the medical literature, as noted by the British Medical Journal in September 2003;

WHEREAS, studies conducted in 1999 by the National Academy of Sciences Institute of Medicine and 1994 by the National Institute on Drug Abuse concluded marijuana is less addictive than alcohol;

WHEREAS, the U.S. Centers for Disease Control and Prevention attributes more than 30,000 American deaths per year to the health effects of alcohol and zero deaths directly to the health effects of marijuana;

WHEREAS, extensive research documented in official reports by the British government's Advisory Council on the Misuse of Drugs and the Canadian Senate Special Committee on Illegal Drugs, among others, shows that — unlike alcohol use — marijuana use is not generally a cause of violence or aggressive behavior, and, in fact, tends to reduce violence and aggression;

WHEREAS, police officers' and prosecutors' time and resources would be better spent addressing violent crimes and property crimes instead of citing and prosecuting adults 21 years of age and older for possession of small amounts of marijuana;

WHEREAS, marijuana laws are disproportionately enforced against communities of color, and, according to a 2013 report produced by the American Civil Liberties Union, African Americans in Maine are more than two times more likely to be arrested for marijuana possession than white citizens are, despite similar rates of consumption;

WHEREAS, in an interview published in The New Yorker in January 2014, President Barack Obama acknowledged that marijuana is less harmful than alcohol in terms of its impact on the consumer;

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WHEREAS, police officers and prosecutors have the discretion to refrain from issuing citations to and filing charges against adults 21 years of age and older for possession of small amounts of marijuana; and

Therefore, in the interest of the public health and public safety, and in order to better focus law enforcement resources on crimes involving violence and personal property, the voters of the Town of York find and declare that the use of marijuana should be legal for persons 21 years of age or older.

Sec. 2. Notwithstanding any other ordinance, it shall not be unlawful in the Town of York, and must not be used as the basis for prosecution or penalty by the Town of York for persons 21 years of age or older, to possess or use marijuana paraphernalia or one ounce or less of marijuana, except that it is not lawful for a person to:

(a) use or display marijuana or marijuana paraphernalia in a public place; or

(b) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of marijuana.

Sec. 3. The Town of York, through adoption of this ordinance, resolves to support a change in state law to tax and regulate the sale of marijuana in a manner similar to alcohol.

We, the undersigned voters of the Town of York, residing respectively at the addresses placed opposite our names, hereby petition the Board of Selectmen to call a public hearing in the manner prescribed in Article II, Section 21 and to submit to a vote the question of adopting this ordinance.

PLEASE USE INK TO COMPLETE THIS FORM

	SIGNATURE	PRINTED NAME	STREET & NUMBER	DATE
✓	1.	Victoria Simon	9 Old E. Scituate Rd	7/31/14
✓	2.	Richard S. Knight	73 Old Beech Ridge Rd	7/31/14
✓	3.	Mike Rounds	66 Beech Ridge Rd	7-31-14
NR	4.	MK Brennan	279 York St. #2	7/31/14
✓	5.	Ruth A Proctor	68 Woodside Meadow	7/31/14
✓	6.	Ryan Clawson	7A Old Beech Ridge Rd.	7/31/14
NR	7.	Cameron Roll	7A Old Beech Ridge Rd	7/31/14
✓	8.	Nick Grover	10 Plaisted RD	7/31/14
NR	9.	Cecil Weaver	69 Federal Ln.	7/31/14
NR	10.	Stephen Knox	16 A Long Sands Rd.	7/31/14

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 4, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Action on proposed septic inspection ordinance amendment	

TO: **BOARD OF SELECTMEN**

FROM: Stephen H. Burns, Interim Town Manager

RECOMMENDATION: I recommend the Board vote to send the proposed septic inspection ordinance amendment forward for a public vote in November.

PROPOSED MOTION: I move to place the proposed ordinance amendment to Require Septic System Inspections at Time of Property Transfer on ballot of the November General Referendum.

Discussion: This amendment was discussed following two public hearings by the Board of Selectmen. After the second hearing, the Board sent a slightly modified version of the amendment back to the Planning Board and asked them to vet this and an alternative proposal in hopes that both could be posted for the September 8th public hearing. I spoke with the Planning Board about this at their workshop of August 28th. The Board discussed the original proposal, with changes made by the Board of Selectmen, and they discussed the alternative concept. In the end the Planning Board decided they should honor the work of their subcommittee and stick with the original concept. They also indicated they didn't feel they could vet the alternative proposal on such short notice and no additional time available. In short, the only amendment posted for the public hearing is the original draft, with two

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modifications, as follows: remove the enforcement provisions, and change the timeframes for corrective actions to be consistent with State law.

Prepared By: _____ Reviewed By: _____

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Amendment #3

Required Septic System Inspection at Time of Property Transfer

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

Article X
The Town hereby ordains amendment of the **Supplemental Plumbing Ordinance** to add a new requirement for inspection and verification of the proper function of septic systems at the time properties are transferred, specifically amending Section 5, Definitions, and adding a new Section 13-A, System Inspection and Corrective Action at Time of Property Transfer.

Statement of Fact: The purpose of this amendment is to require existing septic systems to be inspected by a Licensed Site Evaluator or Certified Septic Inspector when a property is sold or otherwise transferred. The intent is to identify systems that are malfunctioning and may be contributing to water pollution problems in York, and to require such systems to be fixed or replaced. This proposed new standard would apply Town-wide.

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

Amendment: Insert two new definitions into Section 5, Definitions, as follows:

5.5 Property Transfer.
With respect to the requirement for a septic system inspection, Property Transfer means the transfer of ownership of any real estate that includes or utilizes a septic system. It shall exclude, however, the following:

a. taking a security interest in a property, including but not limited to issuance of a mortgage;
b. re-financing a mortgage or similar instrument, whether or not the identity of the lender remains the same;
c. a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries;
d. adding or deleting a spouse as an owner or beneficiary, or a transfer between spouses during life, outright or in trust, or the death of a spouse; or
e. appointment of, or change in a guardian, conservator, or trustee.

5.6 Corrective Action.
As used in Section 13-A, Corrective Action means anything from minor repairs to full system replacement which is required to remedy the malfunction of a septic system.

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Insert a new Section 13-A, Required System Inspections and Corrective Actions, as follows:

SECTION 13-A: SYSTEM INSPECTION AND CORRECTIVE ACTION AT THE TIME OF PROPERTY TRANSFER

13-A.1 *Purpose*. *The State of Maine requires inspection and verification of the function of all septic systems near coastal shorelands at the time a property is transferred, per Title 30-A MRS §4216(2) Coastal Shoreland Area. The purpose of the State requirement is to help find and fix malfunctioning septic systems that are located in close proximity to public waters.*

Circumstances and conditions within the Town of York warrant a more stringent approach. Circumstances include recent inclusion as a regulated community under the Municipal Separate Storm Sewer System (MS4) program of the Clean Water Act, and the frequency of high bacteria counts in past water sampling efforts at beaches, rivers and streams. Conditions include generally poor soil, shallow depth to bedrock, high ground-water tables, extensive areas of fresh and salt water wetlands, fractured bedrock, broad reliance on on-site septic systems rather than public sewer, even in areas of relatively high density, and the prevalence of old septic systems.

13-A.2 *Applicability*. *Inspection, reporting and other requirements of §13-A.3 shall be required whenever a property transfer occurs, except as follows:*

A. *New System*. *A new system constructed within 5 years of the date of property transfer shall be exempt from the requirements of §13-A. Date of construction shall be considered the date of the final LPI inspection.*

B. *Connection to Public Sewer*. *If the prospective buyer of a property certifies in writing to the LPI that they will terminate use of the septic system and will connect to public sewer within 6 months of property transfer, provides approval of the public sewer provider, and this work is satisfactorily completed, then the requirements of §13-A shall not apply. Failure to honor this commitment shall be grounds for enforcement under §13-A, including the immediate revoking of occupancy when the 6-month deadline passes.*

C. *System to be Replaced*. *If the prospective buyer of a property certifies in writing to the LPI that they will replace the system within 6 months of property transfer, and this work is satisfactorily completed, then the requirements of §13-A shall not apply. Failure to honor this commitment shall be grounds for enforcement under §13-A, including the immediate revoking of occupancy when the 6-month deadline passes.*

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D. *Controlled System. A Controlled System as defined in Section 5 (Definitions) shall be exempt from the requirements of §13-A provided documentation of compliance with Section 9 (Operation and Maintenance of Controlled Systems) has been provided to the LPI and is contained in the property file. Such systems are required to be inspected every 2 years per §9.3.2.*

13-A.3 *Requirements.*

A. *Inspection. Inspection by a Maine Licensed Site Evaluator or Certified Septic Inspector shall be required in accordance with the following timeframes:*

1. *Except as provided in Subsections A.2 and A.3 below, an inspection shall be conducted not more than 3 years prior to the date of property transfer. If the inspection is conducted more than 1 year prior to the property transfer, the inspection report shall be accompanied by septic tank pumping records demonstrating the tank has been pumped at least once following the inspection, or a new inspection shall be required.*
2. *Where weather conditions preclude inspection in advance, the inspection may be completed as soon as weather permits, but in no event shall it occur later than 6 months after the date of property transfer.*
3. *When a property transfer occurs because of any of the reasons listed below, the inspection shall be completed within 6 months after the date of transfer.*
   a. *Foreclosure, or a deed in lieu of foreclosure;*
   b. *Inheritance; or*
   c. *Tax taking by the Town.*

B. *Reporting to the Town. Within 30 days of completion of an inspection, an inspection report shall be prepared by the Maine Licensed Site Evaluator or Certified Septic Inspector which meet York Supplemental Plumbing Code requirements. A copy of the inspection report shall be filed with the Local Plumbing Inspector. The inspection report shall be a written report that describes each of the required inspection criteria, provides a sketch of the system, and identifies any need for corrective actions.*

C. *Deadline for Completion of Corrective Action. Corrective action specified in the Inspection Report per §13-A.4.D shall be completed within a timeframe that conforms to State law.*

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D. *Responsibility for Corrective Action. The property owner on the deadline date for completion of corrective actions (§13-A.3.C) shall be responsible for completion of all required corrective actions. Sellers and buyers may make arrangements for completing work and/or allocating costs associated with such work, but that does not change the responsible party with respect to Town enforcement action.*

E. *Reporting to Prospective Buyers. The seller shall provide advance written notice to all prospective buyers of the inspection, the inspection report, any possible corrective action specified, and the penalty requirements of §13-A. Along with this notice, all available inspection reports, septic pumping records and other documentation of work shall be provided.*

13-A.4 *Inspection Criteria. The following shall be required:*

A. *General. The Licensed Site Evaluator or Certified Septic Inspector shall perform the inspection in a manner that avoids damage to the system and unnecessary disturbance to the treatment process. The septic tank and distribution box, or cesspool in such cases, shall be located, uncovered and inspected. Reasonable professional efforts shall be made to locate, identify and inspect other system components and features.*

B. *Information from Other Parties. The Licensed Site Evaluator or Certified Septic Inspector shall make reasonable professional efforts to obtain information that could help indicate whether or not the system functions properly. This information shall be requested from:*

1. *the property owner;*
2. *any person or business known to have worked on the system within the past 5 years;*
3. *any person or business that has pumped the system within the past 5 years; and*
4. *the public water supplier, if applicable, for water use records.*

C. *Inspection. The inspection shall consist of collection and recording of all information required per Title 33 §173(3) Required Disclosure, plus each of the following.*

1. *A copy of the approved septic system design, if available from the Town or State.*

2. *A system sketch which shows the general location of system components and approximate location of any water supply wells within 100 feet, if no septic system design document is available from the Town or State.*

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3. *An evaluation of the septic tank, including:*
   a. *inspection date and time, plus weather and soil conditions;*
   b. *tank material, approximate age, size and condition of the tank;*
   c. *condition of the inlet and outlet baffle;*
   d. *distance between the bottom of the grease/scum layer and the bottom of the outlet baffle;*
   e. *distance between the top of the grease/scum layer and the top of the outlet tee;*
   f. *thickness of the grease/scum layer;*
   g. *depth of the sludge layer and distance from the sludge to the outlet tee;*
   h. *physical condition of inlet and outlet tees;*
   i. *evidence of leakage into or out of the tank; and*
   j. *any evidence of backup of effluent.*

4. *An evaluation of the distribution box, including:*
   a. *any evidence of solids carryover;*
   b. *any evidence of leakage into or out of the distribution box;*
   c. *whether the flow is equally divided; and*
   d. *any evidence of backup.*

5. *An evaluation of the leach field, including:*
   a. *excavation of a small portion of the disposal area to help determine the actual condition of the system;*
   b. *description of the disposal area type: stone bed, concrete chambers, etc.;*
   c. *any signs of hydraulic failure;*
   d. *condition of surface vegetation;*
   e. *level of ponding within the disposal area;*
   f. *encroachments into the disposal area; and*
   g. *other sources of hydraulic loading.*

6. *A determination whether or not the system is malfunctioning.*

7. *Identification of the location and a description of the capacity, usage, and condition of any grey wastewater disposal systems.*

D. *Corrective Action. Where malfunction is identified by the Licensed Site Evaluator or Certified Septic Inspector, the inspection report shall specify repairs or replacement necessary to correct the malfunction.*

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 4, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Action on Warrant for the November 2014 General Referendum	

TO: **BOARD OF SELECTMEN**

FROM: Stephen H. Burns, Interim Town Manager

RECOMMENDATION: I recommend the Board vote to approve the warrant for the November General Referendum.

PROPOSED MOTION: I move to approve the warrant for the November General Referendum. *(If any changes are to be made, list them here.)*

Discussion: This is the Board's last regularly scheduled meeting before the deadline for submitting materials to the Town Clerk in advance of the November General Referendum.

Prepared By: _____ Reviewed By: _____

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TOWN OF YORK
GENERAL REFERENDUM WARRANT
ARTICLES TO BE ACTED UPON AT THE GENERAL REFERENDUM
YORK, MAINE NOVEMBER 4, 2014

TO: Douglas Bracy, Constable of the Town of York, York, Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of York, in said County, qualified by law to vote in Town affairs, to meet at the **York High School Robert E. Butler Gymnasium in said Town on Tuesday, the 4th day of November, 2014** between the hours of 8:00 o'clock in the forenoon and 8:00 o'clock in the afternoon, then and there to act on Articles 1 through 9, said Articles being set out below to wit:

ONE: The Town hereby ordains to adopt a new ordinance entitled **"Post-Construction Stormwater Management Ordinance"** and concurrently amend the **Zoning Ordinance**, specifically amending: Article 2, Definitions; Article 6, Supplemental Use Requirements; and Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to require stormwater management and on-going maintenance of stormwater management facilities such as catch basins, swales, buffers, detention ponds and rain gardens after completion of construction projects. These provisions apply to any development or re- development project that disturbs one acre or more of land. This new ordinance addresses requirements of the Federal Clean Water Act and the Maine Small Municipal Separate Storm Sewer System (MS4) General Permit. This amendment is fully consistent with the Comprehensive Plan's Town Goal 5.6, Manage Storm Water to Prevent Flooding, Pollution, and Soil Erosion.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

TWO: The Town hereby ordains to adopt a new ordinance entitled **"Non-Stormwater Discharge Ordinance"** and concurrently amend the **Zoning Ordinance**, specifically amending: Article 6, Supplemental Use Requirements.

Statement of Fact: The purpose of this amendment is to provide the Town with methods for preventing the introduction of pollutants into the Town's stormwater drainage system, and to provide enforcement tools to ensure compliance. This new ordinance addresses requirements of the Federal Clean Water Act and the Maine Small Municipal Separate Storm Sewer System (MS4) General Permit. This amendment is fully consistent with the Comprehensive Plan's Town Goal 5.6, Manage Storm Water to Prevent Flooding, Pollution, and Soil Erosion.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

THREE: The Town hereby ordains amendment of the **Supplemental Plumbing Ordinance** to add a new requirement for inspection and verification of the proper function of septic systems at the time properties are transferred, specifically amending Section 5, Definitions, and adding a new Section 13-A, System Inspection and Corrective Action at Time of Property Transfer.

Statement of Fact: The purpose of this amendment is to require existing septic systems to be inspected by a Licensed Site Evaluator or Certified Septic Inspector when a property is sold or otherwise transferred. The intent is to identify systems that are malfunctioning and may be contributing to water pollution problems in York, and to require such systems to be fixed or replaced. This proposed new standard would apply Town-wide.

Planning Board recommends approval (4-1)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

FOUR: The Town hereby ordains amendment of the **Zoning Ordinance** and the **Harbor Ordinance** to alter the application process used by the Code Enforcement Officer, the Harbor Board and the Board of Selectmen for piers, wharfs, docks and floats, specifically amending: Harbor Ordinance Section 3.I, Construction and Alteration of Structures; and Zoning Ordinance Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to require engineered plans for all applications, to establish the application fee, and to ensure consistency of review by the Harbor Board, Code Enforcement Officer and Board of Selectmen under the Zoning Ordinance and Harbor Ordinance. This amendment is consistent with State rules for local shoreland zoning and is generally consistent with the Comprehensive Plan, State Goal 7 – to protect the State's marine resources industry, ports and harbors from incompatible development and to protect the shore for commercial fishermen and the public.

Harbor Board recommends approval (0-0)

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Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

FIVE: The Town hereby ordains amendment of the **Zoning Ordinance** and the **Harbor Ordinance** to transfer responsibilities for certain standards for piers, wharfs, docks and floats from the Code Enforcement Officer to the Harbor Board, specifically amending: Harbor Ordinance Section 3.I, Construction and Alteration of Structures; and Zoning Ordinance Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to transfer administrative and enforcement responsibilities for piers, wharfs, docks and floats from the Code Enforcement Officer to the Harbor Board where not restricted by State requirements relating to Shoreland Zoning. This amendment is consistent with State rules for local shoreland zoning and is generally consistent with the Comprehensive Plan, State Goal 7 – to protect the State's marine resources industry, ports and harbors from incompatible development and to protect the shore for commercial fishermen and the public.

Harbor Board recommends approval (0-0)
Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

SIX: The Town hereby ordains amendment of the **Zoning Ordinance** and **Business Licensing Ordinance** in order to create local zoning controls to regulate medical marijuana as a land use and to monitor business activities associated with larger- scale operations, specifically amending: Zoning Article 2, Definitions; Zoning Article 4, Use Regulations; Zoning Article 7, Special Provisions; Zoning Article 8, Shoreland Overlay District; Business Licensing Ordinance Section 1, Purpose and Scope; and Business Licensing Ordinance Section 4, Standards. **Notwithstanding the provisions of 1 M.R.S.A. § 302, and regardless of the date on which they are approved by the voters, the amendments to the Zoning Ordinance shall be effective as of May 7, 2014.**

Statement of Fact: Passage of this amendment would create local zoning controls to regulate medical marijuana as a land use, restricting where growing and processing operations are allowed, requiring a public approval process, and implementing performance standards for growing/processing operations and dispensaries. These zoning provisions are proposed to become effective retroactive to the date of posting (May 7, 2014) in advance of the first public hearing in order to prevent a last minute rush to establish new uses before these rules take effect.
This amendment also establishes a business licensing requirement to monitor ongoing consistency with the Maine Medical Use of Marijuana Program. The business licensing provisions are not proposed to be retroactive because licensing is an annual activity and licenses do not run with the land in perpetuity. These zoning and licensing standards are imposed only on operations that are operated in a manner that is akin to a commercial business. In-home operations are not affected by this amendment.

Planning Board recommends approval (5-0)
Board of Selectmen recommends approval (0-0)

YES ____ NO ____

SEVEN: The Town hereby ordains to adopt a new ordinance entitled "**Special Events Ordinance**" which authorizes the Board of Selectmen to regulate special events on public properties and which establishes an associated fee schedule.

Statement of Fact: The purpose of this amendment is to clearly establish authority for the Board of Selectmen to enact regulations to control special events on public properties and to charge fees associated with such events. This includes, but is not limited to, events such as road races, parades, swimming events, surfing events, and festivals. Because there is great variation in the types of events and their potential impacts to the public, delegation of control to the Board of Selectmen is appropriate to allow greater flexibility of control and ability to react appropriately to unique circumstances. Without enactment of a new regulation by the Board of Selectmen, this Ordinance does nothing.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

EIGHT: The Town hereby ordains the adoption of a new ordinance enacted to read: **Use of Marijuana By Persons 21 Years of Age or Older**.

Section 1 – Preamble: Whereas, a 1995 study commissioned by the World Health Organization concluded marijuana poses a much less serious public health problem than is currently posed by alcohol; Whereas, an assessment published in 2009 in British Columbia's Mental Health and Addictions Journal found health-related costs for alcohol consumers are more than eight times greater than those for marijuana consumers; Whereas, according to the National Institutes of Health, more than 300 Americans die annually as a result of alcohol overdoses, and there has never been a confirmed marijuana overdose death recorded in the medical literature, as noted by the British Medical Journal in September 2003; Whereas, studies conducted in 1999 by the National Academy of Sciences Institute of Medicine and 1994 by the National Institute on Drug Abuse concluded marijuana is less addictive than alcohol; Whereas, the U.S. Centers for Disease Control and Prevention attributes more than 30,000 American deaths per year to the health effects of alcohol and zero deaths directly to the health effects of marijuana; Whereas, extensive research documented in official reports by the British government's Advisory

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Council on the Misuse of Drugs and the Canadian Senate Special Committee on Illegal Drugs, among others, shows that – unlike alcohol use – marijuana use is not generally a cause of violence or aggressive behavior, and, in fact, tends to reduce violence and aggression; Whereas, police officers' and prosecutors' time and resources would be better spent addressing violent crimes and property crimes instead of citing and prosecuting adults 21 years of age and older for possession of small amounts of marijuana; Whereas, marijuana laws are disproportionately enforced against communities of color, and, according to a 2013 report produced by the American Civil Liberties Union, African Americans in Maine are more than two times more likely to be arrested for marijuana possession than white citizens are, despite similar rates of consumption; Whereas, in an interview published in The New Yorker in January 2014, President Barack Obama acknowledged that marijuana is less harmful than alcohol in terms of its impact on the consumer; Whereas, police officers and prosecutors have the discretion to refrain from issuing citations to and filing charges against adults 21 years of age and older for possession of small amounts of marijuana; and Therefore, in the interest of the public health and public safety, and in order to better focus law enforcement resources on crimes involving violence and personal property, the voters of the Town of York find and declare that the use of marijuana should be legal for persons 21 years of age or older.

Section 2 – Notwithstanding any other ordinance, it shall not be unlawful in the Town of York, and must not be used as the basis for prosecution or penalty by the Town of York for persons 21 years of age or older, to possess or use marijuana paraphernalia or one ounce or less of marijuana, except that it is not lawful for a person to: (a) use or display marijuana or marijuana paraphernalia in a public place; or (b) operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while inter the influence of marijuana.

Section 3 – The Town of York, through adoption of this ordinance, resolves to support a change in State law to tax and regulate the sale of marijuana in a manner similar to alcohol.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

NINE: The Town hereby ordains amendments to the **Comprehensive Plan** to incorporate into the Plan the Cape Neddick River Watershed Based Plan dated February 2014, specifically amending: Volume 1: Policies, Capital Investment Plan, Regional Coordination Program, and Implementation Program.

Statement of Fact: Passage of this amendment would incorporate by reference the Cape Neddick River Watershed Based Plan. The Watershed Plan chronicles years of data collection by Maine Department of Environmental Protection, Maine Healthy Beaches and the Town of York. Bacteria levels are commonly over the State's water quality standards for pollution. The Cape Neddick River Watershed begins at Mount Agamenticus, and ends at Cape Neddick Beach. The Watershed Plan's goal is to restore the river and beach to good health and vitality. This amendment would adopt the Cape Neddick River Watershed Based Plan as a component of the Town Goal 5.2.6, thereby endorsing its content and recommendations.

Board of Selectmen recommends approval (0-0)

YES ____ NO ____

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Dated at York this 8th day of September, Two Thousand Fourteen

BOARD OF SELECTMEN

Mary Andrews, Chairman	Robert E. Palmer Jr., Vice Chairman
Ronald Nowell	Torbert Macdonald
Jonathan O. Speers	

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NOTICE OF INTENT

TO PROCESS ABSENTEE BALLOTS

Title 21-A, Section 759

I certify that pursuant to State of Maine, Title 21-A, Section 759, absentee ballots will be processed commencing at **9:00AM** at the **Town of York Grant House, located at 200 US Route One** on:

DATE: November 3, 2014

Dated at York this 8th day of September, Two Thousand Fourteen

_____
Mary Andrews, Chairman

_____
Robert E. Palmer Jr., Vice-Chairman

_____
Ronald Nowell

_____
Jonathan O. Speers

_____
Torbert Macdonald

BOARD OF SELECTMEN

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Officer's Return

TOWN OF YORK
WARRANT
GENERAL REFERENDUM
YORK, MAINE NOVEMBER 4, 2014

County of York, SS.

I certify that I have notified the voters of York of the above-referenced Special General Referendum by posting an attested copy of the within Warrant for same at:

York Town Hall, York, Maine

York Police Building, York Beach, Maine

York Harbor Post Office, York Harbor, Maine

York Beach Post Office, York Beach, Maine

York Village Post Office, York, Maine

Cape Neddick Post Office, Cape Neddick, Maine

a conspicuous public place within York on _____, 2014 which is at least seven days next prior to the General Referendum.

Dated at York this _____ day of _____, Two Thousand Fourteen

_____
Douglas P. Bracy
Constable

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Amendment #1

MS4 Post-Construction Stormwater Management Ordinance

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

Article X
The Town hereby ordains to adopt a new ordinance entitled "**Post-Construction Stormwater Management Ordinance**" and concurrently amend the **Zoning Ordinance**, specifically amending: Article 2, Definitions; Article 6, Supplemental Use Requirements; and Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to require stormwater management and on-going maintenance of stormwater management facilities such as catch basins, swales, buffers, detention ponds and rain gardens after completion of construction projects. These provisions apply to any development or re-development project that disturbs one acre or more of land. This new ordinance addresses requirements of the Federal Clean Water Act and the Maine Small Municipal Separate Storm Sewer System (MS4) General Permit. This amendment is fully consistent with the Comprehensive Plan's Town Goal 5.6, Manage Storm Water to Prevent Flooding, Pollution, and Soil Erosion.

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

Amendment: Enact a new **Post-Construction Stormwater Management Ordinance**, as attached. Draft dated August 1, 2014.

Amend the **Zoning Ordinance** by inserting new language, as follows:

6.7 Performance Standards for Maintenance of Stormwater Management Facilities.

Following completion of construction, stormwater management facilities on a property require ongoing inspection and maintenance in order to ensure their ongoing effectiveness in controlling both the quantity and quality of stormwater. It shall be the responsibility of the property owner, or drainage easement holder if applicable, to inspect and maintain all stormwater management facilities on their property. Such work shall be performed in accordance with the Maine Stormwater Best Management Practices Manual.

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Amend **Zoning Ordinance** Article 2, Definitions, by inserting a new definition in alphabetical order, as follows:

> ***STORMWATER MANAGEMENT FACILITY:*** *Any catch basin, drainage swale, detention basin or pond, pipe, or other such structure or feature that is intended to control stormwater runoff quantity and quality.*

Amend **Zoning Ordinance** Article 8, Shoreland Overlay District, as follows:

8.3.4.2 *Stormwater management facilities* ~~Storm water runoff control systems~~ shall be maintained by the property owner, or drainage easement holder if applicable, as necessary to ensure proper functioning.

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Amendment #2

MS4 Non-Stormwater Discharge Ordinance

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

Article X
The Town hereby ordains to adopt a new ordinance entitled "**Non-Stormwater Discharge Ordinance"** and concurrently amend the **Zoning Ordinance**, specifically amending: Article 6, Supplemental Use Requirements.

Statement of Fact: The purpose of this amendment is to provide the Town with methods for preventing the introduction of pollutants into the Town's stormwater drainage system, and to provide enforcement tools to ensure compliance. This new ordinance addresses requirements of the Federal Clean Water Act and the Maine Small Municipal Separate Storm Sewer System (MS4) General Permit. This amendment is fully consistent with the Comprehensive Plan's Town Goal 5.6, Manage Storm Water to Prevent Flooding, Pollution, and Soil Erosion.

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

Amendment: Enact a new **Non-Stormwater Discharge Ordinance**, as attached. Draft dated August 1, 2014.

Amend the **Zoning Ordinance**, as follows:

6.6 Prohibition of Dumping into Waterbodies, Wetlands and Man-Made Drainage Facilities
Dumped materials can diminish the capacity and function of streams, ditches and stormwater infrastructure and thereby *worsen* flooding risks throughout a watershed and may degrade water quality as well. To help protect water quality and to help prevent flooding, it shall be prohibited to dump any material other than water into a waterbody, inland wetland or man-made drainage facility. This shall include, but not be limited to dumping of soil, yard wastes, brush, trash, tires, and/or junk. *Discharges into the Town's storm sewer system are also regulated under the Non-Stormwater Discharge Ordinance.*

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Amendment #3

Required Septic System Inspection at Time of Property Transfer

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

Article X
The Town hereby ordains amendment of the **Supplemental Plumbing Ordinance** to add a new requirement for inspection and verification of the proper function of septic systems at the time properties are transferred, specifically amending Section 5, Definitions, and adding a new Section 13-A, System Inspection and Corrective Action at Time of Property Transfer.

Statement of Fact: The purpose of this amendment is to require existing septic systems to be inspected by a Licensed Site Evaluator or Certified Septic Inspector when a property is sold or otherwise transferred. The intent is to identify systems that are malfunctioning and may be contributing to water pollution problems in York, and to require such systems to be fixed or replaced. This proposed new standard would apply Town-wide.

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

Amendment: Insert two new definitions into Section 5, Definitions, as follows:

5.5 Property Transfer.
With respect to the requirement for a septic system inspection, Property Transfer means the transfer of ownership of any real estate that includes or utilizes a septic system. It shall exclude, however, the following:

a. taking a security interest in a property, including but not limited to issuance of a mortgage;
b. re-financing a mortgage or similar instrument, whether or not the identity of the lender remains the same;
c. a change in the form of ownership among the same owners, such as placing the property within a family trust of which the owners are beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries;
d. adding or deleting a spouse as an owner or beneficiary, or a transfer between spouses during life, outright or in trust, or the death of a spouse; or
e. appointment of, or change in a guardian, conservator, or trustee.

5.6 Corrective Action.
As used in Section 13-A, Corrective Action means anything from minor repairs to full system replacement which is required to remedy the malfunction of a septic system.

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Insert a new Section 13-A, Required System Inspections and Corrective Actions, as follows:

SECTION 13-A: SYSTEM INSPECTION AND CORRECTIVE ACTION AT THE TIME OF PROPERTY TRANSFER

13-A.1 *Purpose. The State of Maine requires inspection and verification of the function of all septic systems near coastal shorelands at the time a property is transferred, per Title 30-A MRS §4216(2) Coastal Shoreland Area. The purpose of the State requirement is to help find and fix malfunctioning septic systems that are located in close proximity to public waters.*

Circumstances and conditions within the Town of York warrant a more stringent approach. Circumstances include recent inclusion as a regulated community under the Municipal Separate Storm Sewer System (MS4) program of the Clean Water Act, and the frequency of high bacteria counts in past water sampling efforts at beaches, rivers and streams. Conditions include generally poor soil, shallow depth to bedrock, high ground-water tables, extensive areas of fresh and salt water wetlands, fractured bedrock, broad reliance on on-site septic systems rather than public sewer, even in areas of relatively high density, and the prevalence of old septic systems.

13-A.2 *Applicability. Inspection, reporting and other requirements of §13-A.3 shall be required whenever a property transfer occurs, except as follows:*

A. *New System. A new system constructed within 5 years of the date of property transfer shall be exempt from the requirements of §13-A. Date of construction shall be considered the date of the final LPI inspection.*

B. *Connection to Public Sewer. If the prospective buyer of a property certifies in writing to the LPI that they will terminate use of the septic system and will connect to public sewer within 6 months of property transfer, provides approval of the public sewer provider, and this work is satisfactorily completed, then the requirements of §13-A shall not apply. Failure to honor this commitment shall be grounds for enforcement under §13-A, including the immediate revoking of occupancy when the 6-month deadline passes.*

C. *System to be Replaced. If the prospective buyer of a property certifies in writing to the LPI that they will replace the system within 6 months of property transfer, and this work is satisfactorily completed, then the requirements of §13-A shall not apply. Failure to honor this commitment shall be grounds for enforcement under §13-A, including the immediate revoking of occupancy when the 6-month deadline passes.*

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D. *Controlled System. A Controlled System as defined in Section 5 (Definitions) shall be exempt from the requirements of §13-A provided documentation of compliance with Section 9 (Operation and Maintenance of Controlled Systems) has been provided to the LPI and is contained in the property file. Such systems are required to be inspected every 2 years per §9.3.2.*

13-A.3 *Requirements.*

A. *Inspection. Inspection by a Maine Licensed Site Evaluator or Certified Septic Inspector shall be required in accordance with the following timeframes:*

1. *Except as provided in Subsections A.2 and A.3 below, an inspection shall be conducted not more than 3 years prior to the date of property transfer. If the inspection is conducted more than 1 year prior to the property transfer, the inspection report shall be accompanied by septic tank pumping records demonstrating the tank has been pumped at least once following the inspection, or a new inspection shall be required.*
2. *Where weather conditions preclude inspection in advance, the inspection may be completed as soon as weather permits, but in no event shall it occur later than 6 months after the date of property transfer.*
3. *When a property transfer occurs because of any of the reasons listed below, the inspection shall be completed within 6 months after the date of transfer.*
   a. *Foreclosure, or a deed in lieu of foreclosure;*
   b. *Inheritance; or*
   c. *Tax taking by the Town.*

B. *Reporting to the Town. Within 30 days of completion of an inspection, an inspection report shall be prepared by the Maine Licensed Site Evaluator or Certified Septic Inspector which meet York Supplemental Plumbing Code requirements. A copy of the inspection report shall be filed with the Local Plumbing Inspector. The inspection report shall be a written report that describes each of the required inspection criteria, provides a sketch of the system, and identifies any need for corrective actions.*

C. *Deadline for Completion of Corrective Action. Corrective action specified in the Inspection Report per §13-A.4.D shall be completed within a timeframe that conforms to State law.*

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D. *Responsibility for Corrective Action. The property owner on the deadline date for completion of corrective actions (§13-A.3.C) shall be responsible for completion of all required corrective actions. Sellers and buyers may make arrangements for completing work and/or allocating costs associated with such work, but that does not change the responsible party with respect to Town enforcement action.*

E. *Reporting to Prospective Buyers. The seller shall provide advance written notice to all prospective buyers of the inspection, the inspection report, any possible corrective action specified, and the penalty requirements of §13-A. Along with this notice, all available inspection reports, septic pumping records and other documentation of work shall be provided.*

13-A.4 *Inspection Criteria. The following shall be required:*

A. *General. The Licensed Site Evaluator or Certified Septic Inspector shall perform the inspection in a manner that avoids damage to the system and unnecessary disturbance to the treatment process. The septic tank and distribution box, or cesspool in such cases, shall be located, uncovered and inspected. Reasonable professional efforts shall be made to locate, identify and inspect other system components and features.*

B. *Information from Other Parties. The Licensed Site Evaluator or Certified Septic Inspector shall make reasonable professional efforts to obtain information that could help indicate whether or not the system functions properly. This information shall be requested from:*

1. *the property owner;*
2. *any person or business known to have worked on the system within the past 5 years;*
3. *any person or business that has pumped the system within the past 5 years; and*
4. *the public water supplier, if applicable, for water use records.*

C. *Inspection. The inspection shall consist of collection and recording of all information required per Title 33 §173(3) Required Disclosure, plus each of the following.*

1. *A copy of the approved septic system design, if available from the Town or State.*

2. *A system sketch which shows the general location of system components and approximate location of any water supply wells within 100 feet, if no septic system design document is available from the Town or State.*

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3. *An evaluation of the septic tank, including:*
   a. *inspection date and time, plus weather and soil conditions;*
   b. *tank material, approximate age, size and condition of the tank;*
   c. *condition of the inlet and outlet baffle;*
   d. *distance between the bottom of the grease/scum layer and the bottom of the outlet baffle;*
   e. *distance between the top of the grease/scum layer and the top of the outlet tee;*
   f. *thickness of the grease/scum layer;*
   g. *depth of the sludge layer and distance from the sludge to the outlet tee;*
   h. *physical condition of inlet and outlet tees;*
   i. *evidence of leakage into or out of the tank; and*
   j. *any evidence of backup of effluent.*

4. *An evaluation of the distribution box, including:*
   a. *any evidence of solids carryover;*
   b. *any evidence of leakage into or out of the distribution box;*
   c. *whether the flow is equally divided; and*
   d. *any evidence of backup.*

5. *An evaluation of the leach field, including:*
   a. *excavation of a small portion of the disposal area to help determine the actual condition of the system;*
   b. *description of the disposal area type: stone bed, concrete chambers, etc.;*
   c. *any signs of hydraulic failure;*
   d. *condition of surface vegetation;*
   e. *level of ponding within the disposal area;*
   f. *encroachments into the disposal area; and*
   g. *other sources of hydraulic loading.*

6. *A determination whether or not the system is malfunctioning.*

7. *Identification of the location and a description of the capacity, usage, and condition of any grey wastewater disposal systems.*

D. *<u>Corrective Action</u>. Where malfunction is identified by the Licensed Site Evaluator or Certified Septic Inspector, the inspection report shall specify repairs or replacement necessary to correct the malfunction.*

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Amendment #4

Application Procedures for Piers, Wharfs, Docks and Floats

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

Article X
The Town hereby ordains amendment of the **Zoning Ordinance** and the **Harbor Ordinance** to alter the application process used by the Code Enforcement Officer, the Harbor Board and the Board of Selectmen for piers, wharfs, docks and floats, specifically amending: Harbor Ordinance Section 3.I, Construction and Alteration of Structures; and Zoning Ordinance Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to require engineered plans for all applications, to establish the application fee, and to ensure consistency of review by the Harbor Board, Code Enforcement Officer and Board of Selectmen under the Zoning Ordinance and Harbor Ordinance. This amendment is consistent with State rules for local shoreland zoning and is generally consistent with the Comprehensive Plan, State Goal 7 – to protect the State's marine resources industry, ports and harbors from incompatible development and to protect the shore for commercial fishermen and the public.

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

Amendment: In the **Harbor Ordinance**, amend the language of Section 3, Harbor Use Regulations, Subsection I.3.a, as follows:

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 shall*:* ~~file an application with the Harbor Board on the form provided and shall pay an application fee.~~
      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;

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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."

c. shows all information necessary to demonstrate compliance with all applicable codes; and

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

In the **Harbor Ordinance**, amend the language of Section 3, Harbor Use Regulations, Subsection I, Construction and Alteration of Structures, by inserting a new §3.I.4, as follows:

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.

In the **Zoning Ordinance**, alter the language of Article 8, Shoreland Overlay District, Section 8.3.6.10 as follows:

8.3.6.10 In addition to any other local, state, or federal permitting and licensing requirements, prior written approval by the York Harbor Board is a necessary precondition to the Code Enforcement Officer's issuance of either:

a. a permit to build a new dock, float, moored float, pier, landing, or any other new structure within the jurisdictional limits of the Town of York Harbor Ordinance; or

b. a permit to make additions, alterations, or changes to an existing dock, float, moored float, pier, landing, or any other existing structure within the jurisdictional limits of the Town of York Harbor Ordinance. No permit is required for routine repairs and/or maintenance to existing structures.

In addition to any other paperwork associated with the issuance of such permits, the CEO shall sign the plan previously signed by the Harbor Board, and by the Chair of the Board of Selectmen as required. If the Board of Selectmen is also required to approve the application, all 3 sign-offs on the plan shall be required before any work commences.

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EXPLANATORY NOTE: This language was inserted to ensure that the requirements of the Zoning Ordinance and Harbor Ordinance match up. It reflects the Town's intention that an applicant who wants to either build or alter a pier, dock, wharf~~, etc.~~ *or float* must first secure the Harbor Board's approval before the CEO can issue a permit.

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Amendment #5

Standards for Piers, Wharfs, Docks and Floats

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

Article X
The Town hereby ordains amendment of the **Zoning Ordinance** and the **Harbor Ordinance** to transfer responsibilities for certain standards for piers, wharfs, docks and floats from the Code Enforcement Officer to the Harbor Board, specifically amending: Harbor Ordinance Section 3.I, Construction and Alteration of Structures; and Zoning Ordinance Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to transfer administrative and enforcement responsibilities for piers, wharfs, docks and floats from the Code Enforcement Officer to the Harbor Board where not restricted by State requirements relating to Shoreland Zoning. This amendment is consistent with State rules for local shoreland zoning and is generally consistent with the Comprehensive Plan, State Goal 7 – to protect the State's marine resources industry, ports and harbors from incompatible development and to protect the shore for commercial fishermen and the public.

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

Amendment: In the Zoning Ordinance, delete the definition of "Marsh Bank" in Article 2, Definitions, as follows:

~~**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."~~

In the **Zoning Ordinance**, alter the language of Article 8, Shoreland Overlay District, Section 8.3.6.9 as follows:

8.3.6.9 Along the York River, a pier may be built only on a tract of land with river frontage existing as of March 5, 1977, provided that there is no pier presently on the land and that the following requirements are met:

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~~a.New piers and floats shall not extend to within 100 feet of the opposite marsh bank. All measurements shall be made perpendicular to the normal high water mark of the natural shoreline. No measurements shall be made from any man-made structure.~~

~~b.To avoid interference with navigation, no pier or float combination shall extend into the channel more than 10% of the width of the channel at low tide.~~

~~c.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 the 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.~~

a. ~~d.~~ The total area of all floats associated with any single pier shall not exceed 200 square feet, excepting that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained, and be repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as "Public, Semi-Public, or Institutional" per the use tables of Article 4.

~~e. All piers should be maintained, but if a pier falls into and remains in disrepair for any period of two years, it shall be considered defunct. Defunct piers, where a minimum of 25% of the pier when it was last used is visible and standing, and provided the last active use of the pier occurred within 10 years of when it became defunct, may be repaired provided all reasonable measures are taken to bring the pier into conformance with current standards to the greatest extent possible and upon issuance of a permit by the Code Enforcement Officer or Planning Board.~~

b. ~~f.~~ 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.

In the **Harbor Ordinance**, insert new definitions in alphabetical order in Section 1, Definitions, as follows:

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.*

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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."*

In the **Harbor Ordinance**, amend the language of Section 3, Harbor Use Regulations, Subsection I.3.e, as follows:

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.*

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Amendment #6
Medical Marijuana

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

Article X
The Town hereby ordains amendment of the **Zoning Ordinance** and **Business Licensing Ordinance** in order to create local zoning controls to regulate medical marijuana as a land use and to monitor business activities associated with larger-scale operations, specifically amending: Zoning Article 2, Definitions; Zoning Article 4, Use Regulations; Zoning Article 7, Special Provisions; Zoning Article 8, Shoreland Overlay District; Business Licensing Ordinance Section 1, Purpose and Scope; and Business Licensing Ordinance Section 4, Standards. **Notwithstanding the provisions of 1 M.R.S.A. § 302, and regardless of the date on which they are approved by the voters, the amendments to the Zoning Ordinance shall be effective as of May 7, 2014.**

Statement of Fact: Passage of this amendment would create local zoning controls to regulate medical marijuana as a land use, restricting where growing and processing operations are allowed, requiring a public approval process, and implementing performance standards for growing/processing operations and dispensaries. These zoning provisions are proposed to become effective retroactive to the date of posting (May 7, 2014) in advance of the first public hearing in order to prevent a last minute rush to establish new uses before these rules take effect.

This amendment also establishes a business licensing requirement to monitor ongoing consistency with the Maine Medical Use of Marijuana Program. The business licensing provisions are not proposed to be retroactive because licensing is an annual activity and licenses do not run with the land in perpetuity. These zoning and licensing standards are imposed only on operations that are operated in a manner that is akin to a commercial business. In-home operations are not affected by this amendment.

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

Amendment: Insert new definitions in alphabetical order in **Zoning Ordinance** Article 2, Definitions, as follows:

MARIJUANA: *As defined in State Administrative Rules (10-144 CMR Chapter 122), §1.17, "Marijuana."*

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MEDICAL MARIJUANA: *Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.*

MEDICAL MARIJUANA CAREGIVER: *A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.*

MEDICAL MARIJUANA LAND USES: *Any of 3 types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical marijuana.*

> ***MEDICAL MARIJUANA HOME PRODUCTION:*** *Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.*
>
> ***MEDICAL MARIJUANA PRODUCTION FACILITY:*** *A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence. This shall be considered a commercial use.*
>
> ***MEDICAL MARIJUANA REGISTERED DISPENSARY:*** *A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.*

Insert new uses into **Zoning Ordinance** Article 4, Use Regulations, as follows:

In the Route One-3 base zone, insert the following in alphabetical order to the list of permitted commercial uses:

- *Medical Marijuana Registered Dispensary*
- *Medical Marijuana Production Facility*

In all other base zones, insert the following in alphabetical order to the list of "EXPRESSLY PROHIBITED" commercial uses:

- *Medical Marijuana Registered Dispensary*
- *Medical Marijuana Production Facility*

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Insert new **Zoning Ordinance** §7.18, Medical Marijuana, as follows:

7.18 Medical Marijuana

7.18.1 ***Purpose:*** *The purpose of this Section and related provisions of this Ordinance is to control the cultivation, processing, storage and distribution of medical marijuana by controlling land uses consistent with State law and in a manner that prevents unintended consequences that could adversely impact the Town and its residents.*

7.18.2 ***Exemptions:*** *As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every base zone and overlay zone, without any requirement for land use permitting.*

7.18.3 ***Approval Process:*** *Any proposal to establish a new or alter an existing Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall require approval of the Planning Board, even if the Planning Board was not required to grant the original local approval. The Planning Board shall follow the application procedures established in Article 18-A. In addition to other public notification requirements, the Town shall notify the York Police Department and the Maine Department of Health and Human Services, Division of Licensing and Regulatory Services prior to the public hearing on any application.*

7.18.4 ***Performance Standards:*** *In addition to other requirements of this and other codes, including but not limited to Article 6, the following shall apply to any application for a new or altered medical marijuana registered dispensary or a medical marijuana production facility:*

A. Limit. *There shall be no more than one Medical Marijuana Registered Dispensary in the Town of York.*

B. Proximity Limit. *Only one Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be permitted per lot. Additionally, no Medical Marijuana Production Facility shall be located on a lot that is within 250 feet of another lot on which a Medical Marijuana Production Facility is located. This separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.*

C. Safe Zones. *No Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility shall be permitted within any Safe Zones established by the Board of Selectmen. (Initially*

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designated by the Board of Selectmen on April 9, 2007, and as amended.)

D. ***Security.*** *Before granting an approval, the Planning Board shall ensure the applicant has reviewed their property and building security plans with the York Police Department and the Police Department finds the security measures are consistent with State requirements.*

E. ***Business License.*** *As a condition of use, the operator of a Medical Marijuana Registered Dispensary or a Medical Marijuana Production Facility shall obtain and retain all required business licenses pursuant to the Town's Business Licensing Ordinance. The land use approval shall be considered abandoned if no license-holder occupies the Facility for a period of 2 years of more.*

Insert new uses into **Zoning Ordinance** §8.2, Land Uses Permitted in the Shoreland Overlay District, as follows:

In the Mixed Use Subdistrict, insert the following in alphabetical order to the list of permitted commercial uses:

- *Medical Marijuana Registered Dispensary*
- *Medical Marijuana Production Facility*

In all other sub-districts, insert the following in alphabetical order to the list of "EXPRESSLY PROHIBITED" commercial uses:

- *Medical Marijuana Registered Dispensary*
- *Medical Marijuana Production Facility*

Amend the language of **Business Licensing Ordinance** §1.2 by inserting a new licensed activity, Medical Marijuana Grower, under the Miscellaneous category, as follows:

1.2 Licensed Activities

No person or business shall engage in any of the following activities unless they possess a valid Town business license to do so. Section references point to license-specific requirements of this Ordinance.

Lodging

- Bed and Breakfast (see §4.2.1)
- Innkeepers (see §4.2.2)

Food and Beverage

- Food Service (see §4.2.3)
- Liquor (see §4.2.4)
- Bottle Club (see §4.2.5)

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- Special Amusement (see §4.2.6)
- Dance Hall (see §4.2.7)
- Coin-Operated Amusement (see §4.2.8)
- Bowling Alley (see §4.2.9)

Miscellaneous

- Transient Sellers (see §4.2.10)
- Flea Market (see §4.2.11)
- Junkyard, Automobile Graveyard, and Automobile Recycling Business (see §4.2.12)
- *Medical Marijuana Grower (see §4.2.13)*

For local approvals required for State licenses, see also:

- Bingo, Beano and Games of Chance (see §4.3.1)
- Off-premise Catering (see §4.3.2)

Insert new language into **Business Licensing Ordinance** Section 4, Standards, as follows:

4.2.13 Medical Marijuana Grower License

This license shall be required for a Medical Marijuana Registered Dispensary or Medical Marijuana Production Facility. The following shall apply:

A. Inspections Required:

1. Police Inspection – at initial licensing to ensure security meets State requirements.

B. Definitions.

1. Medical Marijuana. Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

2. Medical Marijuana Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.

3. Medical Marijuana Registered Dispensary. A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and

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educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities.

4. *Medical Marijuana Production Facility. A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence.*

C. *State Authorization. Prior to issuance, renewal or amendment of a License, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program. Loss of such State authorization shall automatically invalidate the Town-issued License.*

D. *Related Laws. See: Zoning Ordinance; Title 22 M.R.S. Chapter 558-C, Maine Medical Use of Marijuana Act; 10-144 C.M.R. Chapter 122, Rules Governing the Maine Medical Use of Marijuana Program.*

E. *Statutory Authority. Home rule authority.*

F. *Enforcement Authority. York Police Department.*

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Amendment #7

Enabling Ordinance for Special Events Regulations

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

Article X
The Town hereby ordains to adopt a new ordinance entitled "**Special Events Ordinance**" which authorizes the Board of Selectmen to regulate special events on public properties and which establishes an associated fee schedule.

Statement of Fact: The purpose of this amendment is to clearly establish authority for the Board of Selectmen to enact regulations to control special events on public properties and to charge fees associated with such events. This includes, but is not limited to, events such as road races, parades, swimming events, surfing events, and festivals. Because there is great variation in the types of events and their potential impacts to the public, delegation of control to the Board of Selectmen is appropriate to allow greater flexibility of control and ability to react appropriately to unique circumstances. Without enactment of a new regulation by the Board of Selectmen, this Ordinance does nothing.

Recommendations:
Recommended by the Board of Selectmen:

Amendment: Enact a new Special Events Ordinance, as follows:

SPECIAL EVENTS ORDINANCE

SECTION 1: PURPOSE

The purpose of this Ordinance is to authorize the Board of Selectmen to enact regulations that restrict special events on public property, and to establish fees associated with such events.

SECTION 2: DEFINITIONS

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

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

SECTION 3: AUTHORIZATION TO ENACT REGULATIONS

The Board of Selectmen is hereby authorized to enact regulations to limit and control special events. Before enacting new regulations or amending existing regulations, the Board of Selectmen shall post the proposed language a minimum of 7 days in advance of the date of the public hearing and shall conduct a public hearing for the purpose of receiving testimony about the proposed action.

SECTION 4: FEES AND EXPENSES

4.1 ***Application Fee.*** *Except as provided herein, the Applicant shall pay a non-refundable fee of $25 at the time of application. When the applicant is the Town of York, the York School Department, or a non-profit organization with an address in York, the application fee shall not be required.*

4.2 ***Reimbursement for Expenses.*** *The regulation enacted by the Board of Selectmen may require reimbursement of expenses incurred by the Town and/or other public service organizations in supporting an event. This may include, but is not limited to, police, fire, and ambulance support.*

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect upon the date of enactment by the voters.

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Amendment #8

Artisanal Food and Drink Amendment

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

Article X
The Town hereby ordains amendment of the **Zoning Ordinance** to define a new principal use for craft manufactures of food and beverage products, and to establish where this new use is allowed or prohibited, specifically amending Article 2, Definitions, Article 4, Use Regulations, and Article 8, Shoreland Overlay District.

Statement of Fact: The purpose of this amendment is to enhance the Town's hospitality attractions with regard to artisan crafted food and drink, specifically allowing a new use called, "Specialty Food and/or Beverage Facility." The definition is similar to that adopted by the Town of Kittery in recent years. It is intended to allow for product manufacture, as well as sales, distribution and/or on-site consumption. Types of businesses could include, but are not limited to, a brew pub, micro-brewery, distillery, coffee roaster, bakery or other such facilities. The use would be allowed in York Village, York Harbor, York Beach, in most sections of the Route One corridor, and in most areas of the General Development zones.

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

Amendment: In Article 2, Definitions, insert new language to define a new principal use as follows:

SPECIALTY FOOD AND/OR BEVERAGE FACILITY: A facility wherein food and/or beverage is produced and is: sold on a wholesale and/or retail basis; distributed; and/or consumed on the premises. This may include but is not limited to a brew pub, micro-brewery, distillery, coffee roaster, bakery, and/or other facilities producing crafted alcoholic or non-alcoholic beverages and/or artisan food.

In Article 4, Use Regulations, insert into the "Commercial Use Category" of the following zones the new use of Specialty Food and/or Beverage Facility as permitted:

BUS-1
- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet)*

YBVC
- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet)*

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GEN-1

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet)*

GEN-2

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet)*

GEN-3

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Allowed only in that portion of the zone that is located south of the Little River.*

RT 1-2

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Route One Use Permit from the Planning Board is required.*

RT 1-3

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Route One Use Permit from the Planning Board is required.*

RT 1-4

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Route One Use Permit from the Planning Board is required.*

RT 1-5

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Route One Use Permit from the Planning Board is required.*

RT 1-6

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Route One Use Permit from the Planning Board is required.*

In Article 4, Use Regulations, insert into the "Commercial Use Category" of the remaining base zones a prohibition of the new use of Specialty Food and/or Beverage Facility as follows:

RES 1-A & RES 1-B

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

RES-2

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

RES-3

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

RES-4

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

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RES-5

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

RES-6

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

RES-7

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

BUS-2

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

RT 1-1

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

In Article 8, Shoreland Overlay District, insert into the "Commercial Use Category" of the Mixed Use Sub-district the new use of Specialty Food and/or Beverage Facility as permitted:

8.2.1.A Mixed Use Subdistrict

- *Specialty Food and/or Beverage Facility (Not to exceed 5,000 square feet) – Shoreland Permit from the Planning Board is required.*

In Article 8, Shoreland Overlay District, insert into the "Commercial Use Category" of the remaining sub-districts a prohibition of the new use Specialty Food and/or Beverage Facility as follows:

8.2.1.B Limited Residential Subdistrict

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

8.2.1.C Resource Protection Subdistrict

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

8.2.1.D Stream Protection Subdistrict

- EXPRESSLY PROHIBITED: *Specialty Food and/or Beverage Facility*

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Post-Construction Stormwater Management Ordinance

1. **Purpose.** The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of York through monitoring and enforcement of compliance with post-construction stormwater management plans in order to comply with requirements of the federal Clean Water Act, of federal regulations, and of the General Permit. Monitoring and enforcement of post-construction stormwater management plans will ensure to the maximum extent practicable that stormwater management facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of a storm drainage system, are properly maintained and pose no threat to public safety.

2. **Authority**. The Town of York enacts this Ordinance pursuant to 30-A M.S.R.A. §3001 (municipal home rule ordinance authority), 38 M.S.R.A §413 (the "Wastewater Discharge Law"), 33 U.S.C. §1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer System ("Small MS4"); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this Ordinance as part of the Town's Stormwater Management Program in order to satisfy the minimum control measures required by Part IV D 5 ("Post-construction stormwater management in new development and redevelopment").

3. **Definitions.** For the purpose of this Ordinance, the terms listed below are defined as follows:

   APPLICANT: A Person with requisite right, title or interest, or an agent for such Person who has filed an application for new development, or redevelopment that requires a post-construction stormwater management plan under this Ordinance.

   BEST MANAGEMENT PRACTICES (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

   CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*, also known as the "Clean Water Act"), and any subsequent amendments thereto.

   CODE ENFORCEMENT OFFICER (CEO): Any of the individuals appointed by the York Board of Selectmen to fulfill duties of code enforcement for shoreland zoning and/or land use within the Town.

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DISCHARGE: Any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of Pollutants to "waters of the State." "Direct discharge" or "point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well discrete fissure, container, rolling stock, concentrated animal feeding equipment or vessel or other floating craft, from which pollutants are or may be discharged.

DISTURBED AREA: Any clearing, grading, and/or excavation. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered "disturbed area." Disturbed area does not include routine maintenance but does include redevelopment. Routine maintenance is maintenance performed to maintain the original design, line and grad, hydraulic capacity, and purpose of land or improvements thereon.

MUNICIPALITY: The Town of York.

MUNICIPAL PERMITTING AUTHORITY: The municipal official or body that has jurisdiction over land use approvals or permit requirements for a new development or redevelopment.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by the Town of York, Maine.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by the U.S. Environmental Protection Agency ("EPA") or by the Maine Department of Environmental Protection ("DEP") that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area.

NEW DEVELOPMENT: Any construction activity on an unimproved premise.

PERSON: Any individual, firm, corporation, municipality, quasi-municipal corporation, State agency, Federal agency or other legal entity.

POLLUTANT: Dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN:

A. An Inspection and Maintenance Plan as required by rule for projects that require approval by the Maine Department of Environmental Protection under Chapter 500, Stormwater Management in Maine; or

B. For projects that do not require approval by the Maine Department of Environmental Protection under Chapter 500 Stormwater Management in Maine, a plan to inspect and maintain BMPs and Stormwater Management Facilities employed by a new development or redevelopment to meet stormwater standards of the Town's Site Plan and Subdivision Regulations and Zoning Ordinances.

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PREMISES: Any site, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Town from which a discharge into the storm drainage system is or may be created, initiated, originated or maintained.

QUALIFIED THIRD-PARTY INSPECTOR: A person who conducts post-construction stormwater management facility inspections for compensation and who has received the appropriate training for the same from the DEP.

REDEVELOPMENT: Any construction activity on premises already improved. Does not include changes to buildings unless they alter stormwater drainage patterns.

REGULATED SMALL MS4: Any Small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," including all those located partially or entirely within an Urbanized Area (UA) and those additional Small MS4's located outside a UA that as of the issuance of the General Permit have been designated by the DEP as Regulated Small MS4's.

REPORTING YEAR: A 12-month period beginning on July 1st and ending on the following June 30th.

SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM, OR SMALL MS4: Any MS4 that is not already covered by the Phase I MS4 stormwater program including municipally owned or operated storm sewer systems.

STORM SEWER SYSTEM: The entire storm sewer system owned and/or operated by the Town of York.

STORMWATER: Any stormwater runoff, snowmelt runoff, or surface runoff and drainage. "Stormwater" has the same meaning as "Storm Water."

STORMWATER MANAGEMENT FACILITIES: Any catch basins, drainage swales, detention basins and ponds, pipes, or other such structures or features that are intended to control stormwater runoff quantity and quality.

STORMWATER MANAGER: The CEO designated by the Town Manager to be responsible for oversight of the Town's MS4 program and compliance with the State General Permit.

URBANIZED AREA (UA): Areas of the State of Maine so defined by the latest decennial (2010, as amended) census by the U.S. Bureau of Census.

4. **Applicability.** This Ordinance shall apply to all properties on which there will be one or more acres of disturbed area and which discharge stormwater off the property. The measure of disturbed area is determined at the buildout of all project phases.

5. **Effective Date.** This Ordinance shall take effect on the date of passage by the voters. Future amendments shall take effect on the date of passage by the voters unless otherwise specified in the amendment.

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6. **Approval and Notice.**

   A. **General Requirements.** If subject to this Ordinance as identified in Section 4, an applicant must receive approval pursuant to this Ordinance before any other Town official or board may grant a permit or approval for any building permit, subdivision, site plan or other such activity.

   B. **Stormwater Management Review and Approval.** If subject to this Ordinance as identified in Section 4, where no other stormwater management requirements are applicable to the proposal, an applicant must demonstrate compliance to the CEO with the stormwater management, storm drainage construction, and erosion and sedimentation control standards of the Site Plan & Subdivision Regulations.

   C. **Notice of BMP Discharge to Municipality's MS4.** At the time of application for a building permit, subdivision approval, site plan approval or other land use approval for new development or redevelopment within the scope of this Ordinance, the applicant shall notify the municipal permitting authority of its Post-Construction Stormwater Management Plan including any BMP(s) that will discharge to the Town's MS4 and shall include in this notification a listing of which BMP(s) will so discharge.

   D. **Notice of BMP Discharge to MDOT and MTA.** At the time of application for a building permit, subdivision approval, site plan approval or other land use approval for new development or redevelopment within the scope of this Ordinance, the applicant shall notify the MDOT or MTA of its Post-Construction Stormwater Management Plan including any BMP(s) that will discharge to their jurisdiction.

7. **Compliance Requirements.** Any person subject to this ordinance who owns, operates leases or has control over stormwater management facilities shall be required to comply with the following:

   A. **Inspection.** That person or a qualified third-party inspector hired by that person shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection and maintenance requirements of the approved Post-Construction Stormwater Management Plan.

   B. **Maintenance.** If the Stormwater Management Facilities require maintenance to function as intended by the approved Post-Construction Stormwater Management Plan, that person shall take necessary action(s) to address the deficiency or deficiencies.

   C. **Annual Reporting and Fee.** That person or qualified third-party inspector hired by that person, shall, on or by July 1 of each year, provide a completed and signed certification to the Stormwater Manager (identical to that attached as Appendix A), certifying that the person has inspected the Stormwater Management Facilities. This certification shall demonstrate that the Stormwater Management Facilities are adequately maintained and functioning as intended by the approved Post-Construction Stormwater Management Plan.
   The person or qualified third-party inspector shall provide a record of any required maintenance or deficiency and any corrective action(s) taken for compliance with this

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Ordinance. In addition, any person required to file an annual certification under this Section shall include a payment with the annual certification in the amount $150.00 to pay the administrative and technical costs of reviewing the annual certification. This fee shall be placed in the General Fund to help offset program costs.

8. **Right of Entry.** In order to determine compliance with this ordinance and with the Post-Construction Stormwater Management Plan, the CEO may enter upon property at a reasonable hour with the consent of the owner, occupant or agent to inspect the Stormwater Management Facilities. Refusal to grant reasonable access may require the Town to gain access by Administrative Warrant.

9. **Annual Report.** Beginning July 1, 2014 and each year thereafter, the Stormwater Manager shall include the following in their Annual Report to the Maine Department of Environmental Protection;

   A. The cumulative number of sites that have Stormwater Management Facilities discharging into their MS4;

   B. A summary of the number of sites that have Stormwater Management Facilities discharging into their MS4 that were reported to the Municipality per §6.C in the reporting year;

   C. The number of sites with documented functioning Stormwater Management Facilities per §7.C; and

   D. The number of sites that required routine maintenance or remedial action to ensure that Stormwater Management Facilities are functioning as intended.

10. **Inspections.** The Town shall annually inspect a percentage of Stormwater Management Facilities located in the direct watershed of a lake most at risk from new development in the Urbanized Area or in watersheds of an urban impaired stream in the Urbanized Area. If the owner or operator of a Stormwater Management Facility hires a Qualified Third-Party Inspector, the permittee will not be subject to Town inspections per this Section. If the owner or operator of a Stormwater Management Facility does a "self" inspection, the Municipality is required to conduct the following:

1-10 sites:	inspect at least one site, or 40% (whichever is greater)
11-30 sites:	inspect at least four sites, or 30% (whichever is greater)
31-60 sites:	inspect at least nine sites, or 25% (whichever is greater)
61-100 sites:	inspect at least fifteen sites, or 20% (whichever is greater)
101-160 sites:	inspect at least twenty sites, or 17% (whichever is greater)
Over 160 sites:	inspect at least twenty seven sites, or 11% (whichever is greater)

11. **Enforcement.** It shall be unlawful for any person to violate any provision of, or to fail to comply with any of the requirements of this Ordinance or the approved Post-Construction Stormwater Management Plan. Whenever the CEO believes that a person has violated this

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Ordinance or the Post-Construction Stormwater Management Plan, the CEO may enforce this Ordinance in accordance with 30-A M.S.R.A §4452.

A. **Notice of Violation and Order for Corrective Action:** Whenever the CEO believes that a person has violated this Ordinance or an approved Post-Construction Stormwater Management Plan, the CEO may order compliance with this Ordinance by written Notice of Violation and Order for Corrective Action. This shall indicate the nature of the violation and order actions necessary to correct the violation, including without limitation:

1. The abatement of violations and the cessation of practices or operations in violation of this Ordinance or of the Post-Construction Stormwater Management Plan;
2. At the person's expense, compliance with BMPs required as a condition of approval of the New Development and Redevelopment, the repair of Stormwater Management Facilities and/or the restoration of any affected property; and/or
3. The payment of fines, the Town's remediation costs, the Town's reasonable administrative costs, and attorneys' fees and costs.

Any Notice of Violation and Order for Corrective Action must be consistent with the legal requirements of the Freeport v. Greenlaw (1992) case. Such Notice/Order must: be appropriately titled; be official in tenor but written in plain English as to be understandable to the average citizen; cite the specific code section allegedly violated; specify actions required to fix the violation, with specific and reasonable deadlines; explain the consequences of failure to comply (next steps, loss of rights to other permitting, monetary penalties, etc.); and provide notice of the recipient's appeal rights (right to appeal, deadlines, process, and consequences of failure to appeal).

B. **Penalties, Fines, and Injunctive Relief.** Any person who violates this Ordinance or the Post-Construction Stormwater Management Plan shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Town's attorney fees and costs, all in accordance with 30-A M.S.R.A §4452. Each day such violation continues shall constitute a separate violation.

Moreover, any person who violates this Ordinance or the Post-Construction Stormwater Management Plan also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Town of York for violation of Federal and State environmental laws and regulations caused by or related to that person's violation of this Ordinance or the Post-Construction Stormwater Management Plan; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

When a violation of a Town ordinance or regulation is identified and the Code Enforcement Officer has issued a written notice of violation, the following shall apply:

1. For a lot with a single principle tenant or unit, such as but not limited to a single house or a single business, no permits or approvals shall be issued for that lot until the violation is resolved; or

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2. For a lot with multiple tenants or units, such as but not limited to apartment buildings or malls, one of the following two options shall apply:
   a. If the violation relates solely to a single tenant or unit, no permits or approvals shall be issued for that tenant or unit until the violation is resolved (the tenant and units which were not cited shall not be adversely affected); or
   b. If the violation relates to the site in general, no permits or approvals shall be issued for any tenant, unit or that lot until the violation is resolved.

C. **Consent Agreement.** With approval of the Board of Selectmen, the CEO may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance or the Post-Construction Stormwater Management Plan for purposes of eliminating violations of this Ordinance or the Post-Construction Stormwater Management Plan and recovering fines, costs and fees without court action.

D. **Appeal:** Any action or inaction of the CEO relative to this Ordinance or an approved post-construction stormwater management plan may be appealed to the York Board of Appeals. This shall be treated as an administrative appeal and shall be processed pursuant to the provisions of York Zoning Ordinance §18.8. The appeal must be received by the Town within 30 days of the action being appealed. The Board of Appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt. The Board of Appeals may affirm, reverse, modify or remand the decision of the CEO. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

E. **Enforcement Measures.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation and Order for Corrective Action, or in the event of an appeal to the Board of Appeals within 45 days of a decision of the Board of Appeals affirming the CEO's decision, then the CEO may recommend to the Board of Selectmen (BOS) pursue legal action. The BOS may direct the Town's attorney to file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedures. The BOS may initiate this action without a recommendation from the CEO, and may act sooner, provided the BOS finds that the circumstances pose an immediate and unacceptable threat to the public health, safety and welfare.

12. Administration and Enforcement. The Stormwater Manager shall administer the provisions of this Ordinance. CEOs shall enforce the provisions of this Ordinance.

13. Saving Clause. In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

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TOWN OF YORK, MAINE

Appendix A

Annual Stormwater Management Facilities Certificate

I,_____, certify the following:
Print or Type

1. This Annual Stormwater Management Facilities Certification is for the following property:

   _____
   Print or Type name of subdivision, condominium or other development

   located at_____("the Property");
   Print or Type Address

2. The owner, operator, tenant, lessee, homeowners association or other party having control of the Property is:

   _____;
   Print or Type name(s)

3. I am the owner, operator, tenant, lessee, homeowners' association president, or a Qualified Third-Party Inspector hired by the same (circle one);

4. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

5. On_____, 20_____, I inspected or had inspected by _____, a Qualified Third-Party Inspector, Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

6. At the time of inspection of Stormwater Management Facilities on the Property, I or the Qualified Third-Party Inspector identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:

   _____
   _____
   _____
   _____
   _____

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7. On _____,20____, The following routine maintenance was performed or the following corrective action(s) was taken to address deficiencies in the Stormwater Management Facilities described in 6 above:

_____

_____

_____

_____

_____

8. As of the date of this certification, the Stormwater Management Facilities are functioning as intended and described in the approved Post-Construction Stormwater Management Plan for the Property.

Dated:_____, 20_____ By: _____
Signature

_____
Print Name

STATE OF MAINE

_____,ss._____, 20_____

Personally appeared the above-named_____,

the_____of_____,

to acknowledge the foregoing Annual Certification to be said person's free act and deed in said capacity.

Before me,

_____
Notary Public/Attorney at Law

_____
Print Name

Mail this certification to the Town of York, CEO at the following address:

TOWN OF YORK – Code Enforcement
186 York Street
York, ME 03909

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Non-Stormwater Discharge Ordinance

1. **Purpose.** The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of York through regulation of non-stormwater Discharges to the Town's storm sewer system as required by Federal and State law. This Ordinance establishes methods for controlling the introduction of pollutants into the Town's storm sewer system in order to comply with requirements of the Federal Clean Water Act and State law. Objectives are to prohibit unpermitted non-stormwater discharges to the storm sewer system and to set forth the legal authority and procedures to carry out all inspection, monitoring and enforcement activities necessary to ensure compliance with this Ordinance.

2. **Authority**. The Town of York enacts this Ordinance pursuant to 30-A M.S.R.A. §3001 (municipal home rule ordinance authority), 38 M.S.R.A §413 (the "Wastewater Discharge Law"), 33 U.S.C. §1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer System ("Small MS4"); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this Ordinance as part of the Town's Stormwater Management Program in order to satisfy the minimum control measures.

3. **Definitions.** For the purposes of this Ordinance, the terms listed below are defined as follows:

   CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*, also known as the "Clean Water Act"), and any subsequent amendments thereto.

   CODE ENFORCEMENT OFFICER (CEO): Any of the individuals appointed by the York Board of Selectmen to fulfill duties of code enforcement for shoreland zoning and/or land use within the Town.

   DISCHARGE: Any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the State". "Direct discharge" or "point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

   EXEMPT PERSON OR DISCHARGE: Any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for discharge of stormwater from the Maine Department of Transportation or the Maine Turnpike Authority storm sewer systems, or a general permit for the discharge of

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stormwater from state-owned or federally-owned storm sewer system facilities; and any non-stormwater discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U. S. Environmental Protection Agency ("EPA") or the Maine Department of Environmental Protection ("DEP").

MUNICIPALITY: The Town of York.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): Conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by the Town of York, Maine.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE: A permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area.

NON-STORMWATER DISCHARGE: Any Discharge to an MS4 that is not composed entirely of stormwater.

PERSON: Any individual, firm, corporation, municipality, quasi-municipal corporation, state agency, federal agency or other legal entity which creates, initiates, originates or maintains a discharge of stormwater or non-stormwater.

POLLUTANT: Dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agriculture wastes of any kind.

PREMISES: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Town of York from which a discharge into the storm sewer system has or may be created, initiated, originated or maintained.

REGULATED SMALL MS4: Any Small MS4 regulated by the State of Maine "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems" dated July 1, 2013 ("General Permit"), including all those located partially or entirely within an Urbanized Area (UA) and those additional Small MS4's located outside a UA that, as of the issuance of the General Permit, have been designated by the DEP as Regulated Small MS4's.

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SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM, OR SMALL MS4: Any MS4 that is not already covered by the Phase I MS4 stormwater program, including municipally owned or operated storm sewer systems.

STORM SEWER SYSTEM: The entire storm sewer system owned and/or operated by the Town of York.

STORMWATER: Any stormwater runoff, snowmelt runoff, or surface runoff and drainage. "Stormwater" has the same meaning as "Storm Water."

STORMWATER MANAGER: The CEO designated by the Town Manager to be responsible for oversight of the Town's MS4 program and compliance with the State General Permit.

URBANIZED AREA (UA): Areas of the State of Maine so defined by the latest decennial (2010, as amended) census by the U.S. Bureau of Census.

4. **Applicability.** This Ordinance shall apply to all stormwater and/or non-stormwater discharges from any premises into the storm sewer system.

5. **Administration and Enforcement.** The Stormwater Manager shall administer the provisions of this Ordinance. CEO's shall enforce the provisions of this Ordinance.

6. **Prohibition of Non-Stormwater Discharges**

   A. General Prohibition - Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-stormwater discharge to the Town's storm sewer system. Such non-stormwater discharges are prohibited notwithstanding the fact that the Town may have approved the connections, drains or conveyances through which the non-stormwater discharges flow.

   B. Allowed Non-Stormwater Discharge - The creation, initiation, origination and maintenance of the following non-stormwater discharges to the storm sewer system are allowed provided the discharge does not contribute to a violation of water quality standards defined by the Maine Department of Environmental Protection:

      1. Landscape irrigation;
      2. Diverted stream flows;
      3. Rising ground waters;
      4. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20);
      5. Uncontaminated pumped ground water;
      6. Uncontaminated flows from foundation drains;
      7. Air conditioning and compressor condensate;
      8. Irrigation water;
      9. Flows from uncontaminated springs;
      10. Uncontaminated water from basement or crawl space pumps;
      11. Uncontaminated flows from footing drains;
      12. Lawn watering runoff;

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13. Flows from riparian habitats and wetlands;
14. Residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used);
15. Hydrant flushing and firefighting activity runoff;
16. Water line flushing and discharges from potable water sources; and
17. Individual residential car washing.

C. Exempt Person or Discharge - The Ordinance shall not apply to an exempt person or discharge, except that the CEO may request from the exempt person, or from persons with exempt discharges, copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the discharge(s).

7. **Suspension of Access to the Town's Storm Sewer System –** The CEO may, without prior notice, order or initiate action to physically suspend discharge access to the storm sewer system when such suspension of access is necessary to stop an actual or threatened non-stormwater discharge to the storm sewer system which presents or may present imminent and substantial danger to the environment, or to the health, safety or welfare of persons, or to the storm sewer system, or which may cause the municipality to violate the terms of its environmental permits.

Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the discharge to prevent or minimize a non-stormwater discharge into the storm sewer system. If the person responsible for the discharge fails to comply with a suspension order issued in an emergency, the CEO may take steps as deemed necessary to prevent or minimize damage to the storm sewer system, or to minimize danger to persons, provided, however, that in taking such steps the CEO may enter upon the premises that are the source of the actual or threatened non-stormwater discharge to the storm sewer system only with the consent of the premises' owner, occupant or agent.

8. **Monitoring of Discharges.** In order to determine compliance with this Ordinance, the CEO may enter upon and inspect premises subject to this Ordinance at reasonable hours with the consent of the premises' owner, occupant or agent; to inspect the premises and connection thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm sewer system.

9. **Enforcement.**

A. **Notice of Violation and Order for Corrective Action:** Whenever the CEO believes that a person has violated this Ordinance, the CEO may order compliance with this Ordinance by written Notice of Violation and Order for Corrective Action. This shall indicate the nature of the violation and order actions necessary to correct the violation, including, without limitation:

1. The elimination of non-stormwater discharges to the storm sewer system, including, but not limited to, disconnection of the premises from the MS4;

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2. The cessation of discharges, practices, or operations in violation of this Ordinance;

3. At the person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-stormwater discharges to the storm sewer system and the restoration of any affected property; and/or

4. The payment of fines, of the Town's remediation costs and of the Town's reasonable administrative costs and attorneys' fees and costs.

Any Notice of Violation and Order for Corrective Action must be consistent with the legal requirements of the Freeport v. Greenlaw (1992) case. Such Notices/Orders must: be appropriately titled; be official in tenor but written in plain English as to be understandable to the average citizen; cite the specific code section allegedly violated; specify actions required to fix the violation, with specific and reasonable deadlines; explain the consequences of failure to comply (next steps, loss of rights to other permitting, monetary penalties, etc.); and provide notice of the recipient's appeal rights (right to appeal, deadlines, process, and consequences of failure to appeal).

B. **Penalties/Fines/Injunctive Relief:** Any person who violates this Ordinance shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Town's attorney's fees and costs all in accordance with 30-A M.R.S.A. §4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this Ordinance also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Town for violation of Federal and State environmental laws and regulations caused by or related to that person's violation of this Ordinance; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.

C. **Consent Agreement:** With the approval of the Board of Selectmen, the CEO may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs and fees without court action.

D. **Appeal:** Any action or inaction of the CEO relative to this Ordinance may be appealed to the York Board of Appeals. This shall be treated as an administrative appeal and shall be processed pursuant to the provisions of York Zoning Ordinance §18.8. The appeal must be received by the Town within 30 days of the action being appealed. The Board of Appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt. The Board of Appeals may affirm, reverse, modify or remand the decision of the CEO. A suspension under Section 7 of this Ordinance remains in place unless or until lifted by the Board of Appeals or by a reviewing court. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

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E. **Enforcement Measures:** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation and Order for Corrective Action, or in the event of an appeal to the Board of Appeals within 45 days of a decision of the Board of Appeals affirming the CEO's decision, then the CEO may recommend that the Board of Selectmen (BOS) pursue legal action. The BOS may direct the Town's attorney to file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedures. The BOS may initiate this action without a recommendation from the CEO, and may act sooner, provided the BOS finds that the polluting activity poses an immediate and unacceptable threat to the public health, safety and welfare.

F. **Ultimate Responsibility of Discharger:** The standards set forth herein are minimum standards; therefore the Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Ordinance shall not create liability on the part of the Municipality, or any officer, agent or employee thereof, for any damages that result from any person's reliance on this Ordinance or any administrative decision lawfully made hereunder.

10. Effective Date. This Ordinance shall take effect on the date of passage by the voters. Future amendments shall take effect on the date of passage by the voters unless otherwise specified in the amendment.

11. Saving Clause. In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

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Article X

Volume 1: Policy Chapter

Cape Neddick River Watershed Based Plan

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

Article X

The Town hereby ordains amendments to the **Comprehensive Plan** to incorporate into the Plan the Cape Neddick River Watershed Based Plan dated February 2014, specifically amending: Volume 1: Policies, Capital Investment Plan, Regional Coordination Program, and Implementation Program.

Statement of Fact:

Passage of this amendment would incorporate by reference the Cape Neddick River Watershed Based Plan. The Watershed Plan chronicles years of data collection by Maine Department of Environmental Protection, Maine Healthy Beaches and the Town of York. Bacteria levels are commonly over the State's water quality standards for pollution. The Cape Neddick River Watershed begins at Mount Agamenticus, and ends at Cape Neddick Beach. The Watershed Plan's goal is to restore the river and beach to good health and vitality. This amendment would adopt the Cape Neddick River Watershed Based Plan as a component of the Town Goal 5.2.6, thereby endorsing its content and recommendations.

Amendment: Insert a new section into the Town of York Goals, Goal 5.2.6 as follows:

Cape Neddick Watershed Based Plan
Dated February 2014

Goal 5.2.6: *In 2011, at the request of the Cape Neddick River Association the Board of Selectmen initiated a study of the Cape Neddick River Watershed. The Cape Neddick Watershed Based Plan dated February 2014 is the product of that study. Over the course of many years, water testing has shown bacteria levels in the river exceeding the State water quality standard for fecal indicator bacteria. The Plan gives a comprehensive history of the watershed, possible causes of pollution, and an action plan for eliminating pollution, and it is hereby incorporated into the Comprehensive Plan by reference.*

- *The Cape Neddick Watershed Based Plan makes the Town eligible for 319 funds for implementing this Plan to restore this watershed and prevent further non-point source pollution. There is a separate Action Plan that facilitates grant funding. The Action Plan needs to be updated every few years to maintain eligibility.*

PLANNING BOARD TAKES THE LEAD –ONGOING PRIORITY

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 4, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Action on Warrant for the November 2014 Special General Referendum	

TO: **BOARD OF SELECTMEN**

FROM: Stephen H. Burns, Interim Town Manager

RECOMMENDATION: I recommend the Board vote to approve the warrant for the November Special General Referendum.

PROPOSED MOTION: I move to approve the warrant for the November Special General Referendum. *(If any changes are to be made, list them here.)*

Discussion: This is the Board's last regularly scheduled meeting before the deadline for submitting materials to the Town Clerk in advance of the November Special General Referendum. The Special General Referendum is required to fill the vacancy on the Budget Committee.

Prepared By: _____ Reviewed By: _____

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TOWN OF YORK
SPECIAL GENERAL REFERENDUM WARRANT
ARTICLE TO BE ACTED UPON AT THE SPECIAL GENERAL REFERENDUM
YORK, MAINE NOVEMBER 4, 2014

TO: Douglas Bracy, Constable of the Town of York, York, Maine

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of York, in said County, qualified by law to vote in Town affairs, to meet at the **York High School Robert E. Butler Gymnasium in said Town on Tuesday, the 4th day of November, 2014** between the hours of 8:00 o'clock in the forenoon and 8:00 o'clock in the afternoon, then and there to act on Article 1, said Article being set out below to wit:

ONE: To elect the following:

One (1) Member Budget Committee – Term Expiring May 2016

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Dated at York this 8th day of September, Two Thousand Fourteen

BOARD OF SELECTMEN

Mary Andrews, Chairman	Robert E. Palmer Jr., Vice Chairman
Ronald Nowell	Torbert Macdonald
Jonathan O. Speers	

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NOTICE OF INTENT

TO PROCESS ABSENTEE BALLOTS

Title 21-A, Section 759

I certify that pursuant to State of Maine, Title 21-A, Section 759, absentee ballots will be processed commencing at **9:00AM** at the **Town of York Grant House, located at 200 US Route One** on:

DATE: November 3, 2014

Dated at York this 8th day of September, Two Thousand Fourteen

_____
Mary Andrews, Chairman

_____
Robert E. Palmer Jr., Vice-Chairman

_____
Ronald Nowell

_____
Jonathan O. Speers

_____
Torbert Macdonald

BOARD OF SELECTMEN

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Officer's Return

TOWN OF YORK
WARRANT
SPECIAL GENERAL REFERENDUM
YORK, MAINE NOVEMBER 4, 2014

County of York, SS.

I certify that I have notified the voters of York of the above-referenced Special General Referendum by posting an attested copy of the within Warrant for same at:

York Town Hall, York, Maine

York Police Building, York Beach, Maine

York Harbor Post Office, York Harbor, Maine

York Beach Post Office, York Beach, Maine

York Village Post Office, York, Maine

Cape Neddick Post Office, Cape Neddick, Maine

a conspicuous public place within York on _____, 2014 which is at least seven days next prior to the Special General Referendum.

Dated at York this _____ day of _____, Two Thousand Fourteen

_____
Douglas P. Bracy
Constable

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MEMO

TO: Board of Selectmen
FROM: Stephen H. Burns, Interim Town Manager SHB
DATE: September 4, 2014
RE: Preference Votes

The Board needs to take preference votes on each proposed amendment. This includes the internally proposed ordinance amendments, the petitioned marijuana amendment, and the Comp Plan amendment. Here is the list:

1. MS4 Post-Construction Stormwater Management Ordinance
2. MS4 Non-Stormwater Discharge Ordinance
3. Require Septic System Inspections at Time of Property Transfers
4. Application Procedures for Piers, Wharfs, Docks and Floats
5. Standards for Piers, Wharfs, Docks and Floats
6. Medical Marijuana
7. Enabling Ordinance for Special Events Regulations
8. Ordinance Allowing Use of Marijuana by Persons 21 Years of Age or Older in the Town of York
9. Incorporate the Cape Neddick River Watershed Based Management Plan into the Comprehensive Plan

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AGENDA ITEM

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: 9/3/2014	**Type of Action:**
Date Action Requested: 9/8/2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: DPW Plow Truck Chassis bid recommendation.	

TO: BOARD OF SELECTMEN

FROM: Dean Lessard, Director of Public Works

RECOMMENDATION: The Department recommends that Liberty International Trucks be awarded the bid for the FY 2015 Public Works Plow Truck Chassis.

PROPOSED MOTION: I move to award the FY 2015 Plow Truck Chassis to Liberty International Trucks in the amount of $61,900.00.

Discussion:

- On August 8, 2013 The Department of Public Works solicited bids from four different truck vendors.
- On August 22, 2013 four responsive bids were opened for an International 7400 truck chassis with the same features. The following bids were received:

1. Liberty International Trucks	$62,040.00
2. C.B. International	$64,910.00
3. Portland North Truck Center	$68,100.00
4. Morrison and Sylvester Inc.	$70,170.00

- On September 9, 2013 The Board of Selectmen awarded FY 2014 Plow Truck Chassis to the low bidder – Liberty International Trucks in the amount of $62,040.

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- On July 8, 2014 DPW met with James Ramsey of Liberty International Trucks. They were the low bidder for the FY 2014 Plow Truck. He agreed to sell the Town of York a 2015 International 7400 truck chassis with all the model year upgrades (engine & emissions) for $61,900 which is less than the FY 2014 year's price if we order the truck from them without going back out to bid.

Historical Costs: Liberty International Trucks has agreed to The following table shows the historical costs of this truck chassis.

Comparison Values	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015
Chassis Price	$47,968	$56,688	$61,290	$61,290	$62,040	$61,900
Percentage Increase		+18.2%	+8.1%	0%	+1.2%	-0.2%

FISCAL IMPACT: $61,900.00

DEPARTMENT LINE ITEM ACCOUNT: 250.0000.6002

BALANCE IN LINE ITEM IF APPROVED: $91,100

Prepared By: Dean Lessard_____ Reviewed By: _____

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7400 SFA 4x2

Sales Proposal For:

Town of York - Highway

Presented By:

LIBERTY INT'L TRKS OF NH

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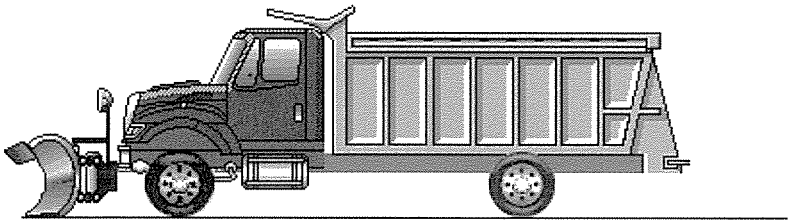
INTERNATIONAL® **August 14, 2014**

Prepared For:
Town of York - Highway
Mat Gray
Finance Office
York, ME 03909-
(207)363 - 1011

Presented By:
LIBERTY INT'L TRKS OF NH
James C Ramsay
1400 S. WILLOW STREET
MANCHESTER NH 03103 -
(603)623-8873



Model Profile
2015 7400 SFA 4X2 (SA525)

MISSION:	Requested GVWR: 39000. Calc. GVWR: 37780
DIMENSION:	Wheelbase: 177.00, CA: 102.00, Axle to Frame: 63.00
ENGINE, DIESEL:	{Navistar N9} EPA 10, SCR, 315 HP @ 2000 RPM, 950 lb-ft Torque @ 1200 RPM, 2200 RPM Governed Speed, 315 Peak HP (Max)
TRANSMISSION, AUTOMATIC:	{Allison 3000_RDS_P} 5th Generation Controls; Close Ratio, 6-Speed, With Double Overdrive; On/Off Hwy; Includes Oil Level Sensor, With PTO Provision, Less Retarder, With 80,000-lb GVW & GCW Max.
CLUTCH:	Omit Item (Clutch & Control)
AXLE, FRONT NON-DRIVING:	{Meritor MFS-16-143A} Wide Track, I-Beam Type, 16,000-lb Capacity
AXLE, REAR, SINGLE:	{Meritor RS-23-160} Single Reduction, 23,000-lb Capacity, 200 Wheel Ends, Driver Controlled Locking Differential Gear Ratio: 6.83
CAB:	Conventional
TIRE, FRONT:	(2) 12R22.5 G661 HSA (GOODYEAR) 484 rev/mile, load range H, 16 ply
TIRE, REAR:	(4) 12R22.5 G622 RSD (GOODYEAR) 482 rev/mile, load range H, 16 ply
SUSPENSION, RR, SPRING, SINGLE:	Vari-Rate; 31,000-lb Capacity, Includes 4500-lb Capacity Multileaf Auxiliary
PAINT:	Cab schematic 100GM Location 1: 6800, Deep Tartan Blue (Prem) Chassis schematic N/A

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Code	Description
SA52500	Base Chassis, Model 7400 SFA 4X2 with 177.00 Wheelbase, 102.00 CA, and 63.00 Axle to Frame.
1CAJ	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.866" x 3.622" x 0.433" (276.0mm x 92.0mm x 11.1mm); 456.0" (11582mm) Maximum OAL
1LLA	BUMPER, FRONT Steel, Swept Back
	Includes : BUMPER, FRONT Powder Coated Gray (Argent) Color
1WDS	FRAME EXTENSION, FRONT Integral; 20" In Front of Grille
1WEV	WHEELBASE RANGE 146" (370cm) Through and Including 195" (495cm)
2ARU	AXLE, FRONT NON-DRIVING {Meritor MFS-16-143A} Wide Track, I-Beam Type, 16,000-lb Capacity
	Notes : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.
3ADE	SUSPENSION, FRONT, SPRING Parabolic, Taper Leaf; 16,000-lb Capacity; With Shock Absorbers
	Includes : SPRING PINS Rubber Bushings, Maintenance-Free
	Notes : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.
3WAJ	SPRINGS, FRONT AUXILIARY Air Bag, Right Side Only, Driver Control
4091	BRAKE SYSTEM, AIR Dual System for Straight Truck Applications
	Includes : BRAKE LINES Color and Size Coded Nylon : DRAIN VALVE Twist-Type : DUST SHIELDS, FRONT BRAKE : DUST SHIELDS, REAR BRAKE : GAUGE, AIR PRESSURE (2) Air 1 and Air 2 Gauges; Located in Instrument Cluster : PARKING BRAKE CONTROL Yellow Knob, Located on Instrument Panel : PARKING BRAKE VALVE For Truck : QUICK RELEASE VALVE Bendix On Rear Axle for Spring Brake Release: 1 for 4x2, 2 for 6x4 : SLACK ADJUSTERS, FRONT Automatic : SLACK ADJUSTERS, REAR Automatic : SPRING BRAKE MODULATOR VALVE R-7 for 4x2, SR-7 with relay valve for 6x4
	Notes : Rear Axle is Limited to 23,000-lb GAWR with Code 04091 BRAKE SYSTEM, AIR and Standard Rear Air Cam Brakes Regardless of Axle/Suspension Ordered.

Code	Description
4193	BRAKES, FRONT, AIR CAM 16.5" x 6", Includes 24 SqIn Long Stroke Brake Chambers
	Notes : The following features should be considered when calculating Front GAWR: Front Axles; Front Suspension; Brake System; Brakes, Front Air Cam; Wheels; Tires.
4619	TRAILER CONNECTIONS Four-Wheel, With Hand Control Valve and Tractor Protection Valve, for Straight Truck
4732	DRAIN VALVE {Berg} Manual; With Pull Chain, for Air Tank
	Includes : DRAIN VALVE Mounted in Wet Tank
4AZA	AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel)
4EBS	AIR DRYER {Bendix AD-9} With Heater
	Includes : AIR DRYER LOCATION Inside Left Rail, Back of Cab
4ETE	BRAKE CHAMBERS, FRONT AXLE {Haldex} 24 SqIn
4EVL	BRAKE CHAMBERS, REAR AXLE {Haldex GC3030LHDHO} 30/30 Spring Brake
	Includes : BRAKE CHAMBERS, SPRING (2) Rear Parking; WITH TRUCK BRAKES: All 4x2, 4x4; WITH TRACTOR BRAKES: All 4x2, 4x4; 6x4 & 6x6 with Rear Tandem Axles Less Than 46,000-lb. or GVWR Less Than 54,000-lb.
4LAA	SLACK ADJUSTERS, FRONT {Haldex} Automatic
4LGA	SLACK ADJUSTERS, REAR {Haldex} Automatic
4NDB	BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq.In. Long Stroke Brake Chamber and Spring Actuated Parking Brake
	Notes : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.
4SBC	AIR COMPRESSOR {Bendix Tu-Flo 550} 13.2 CFM Capacity
4WZJ	AIR TANK LOCATION (2) : One Mounted Under Each Frame Rail, Front of Rear Suspension, Parallel to Rail
5708	STEERING COLUMN Tilting
5CAL	STEERING WHEEL 2-Spoke, 18" Diam., Black
5PTB	STEERING GEAR (2) {Sheppard M-100/M-80} Dual Power
7BEP	EXHAUST SYSTEM Switchback Horizontal Aftertreatment Device, Frame Mounted Right Side Under Cab; Includes Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab

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Code	Description
7SDM	ENGINE EXHAUST BRAKE for Navistar N9/10 I6 Engines; Electronically Activated
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment Includes : BATTERY BOX Steel with Plastic Lid : DATA LINK CONNECTOR For Vehicle Programming and Diagnostics In Cab : FUSES, ELECTRICAL SAE Blade-Type : HAZARD SWITCH Push On/Push Off, Located on Top of Steering Column Cover : HEADLIGHT DIMMER SWITCH Integral with Turn Signal Lever : HEADLIGHTS (2) Sealed Beam, Round, with Chrome Plated Bezels : JUMP START STUD Located on Positive Terminal of Outermost Battery : PARKING LIGHT Integral with Front Turn Signal and Rear Tail Light : RUNNING LIGHT (2) Daytime, Included With Headlights : STARTER SWITCH Electric, Key Operated : STOP, TURN, TAIL & B/U LIGHTS Dual, Rear, Combination with Reflector : TURN SIGNAL SWITCH Self-Cancelling for Trucks, Manual Cancelling for Tractors, with Lane Change Feature : TURN SIGNALS, FRONT Includes Reflectors and Auxiliary Side Turn Signals, Solid State Flashers; Flush Mounted : WINDSHIELD WIPER SWITCH 2-Speed with Wash and Intermittent Feature (5 Pre-Set Delays), Integral with Turn Signal Lever : WINDSHIELD WIPERS Single Motor, Electric, Cowl Mounted : WIRING, CHASSIS Color Coded and Continuously Numbered
8518	CIGAR LIGHTER Includes Ash Cup
8GHK	ALTERNATOR {Delco Remy 40SI} Brushless, 12 Volt 240 Amp. Capacity, Pad Mount, with Remote Voltage Sensor
8HAB	BODY BUILDER WIRING Back of Standard Cab at Left Frame or Under Extended or Crew Cab at Left Frame; Includes Sealed Connectors for Tail/Amber Turn/Marker/ Backup/ Accessory Power/Ground and Sealed Connector for Stop/Turn
8MKX	BATTERY SYSTEM {International} Maintenance-Free (3) 12-Volt 2775CCA Total
8RGA	2-WAY RADIO Wiring Effects; Wiring With 20 Amp Fuse Protection, Includes Ignition Wire With 5 Amp Fuse, Wire Ends Heat Shrink and Routed to Center of Header Console in Cab
8RME	RADIO AM/FM/WB/Clock/3MM Auxiliary Input, with Multiple Speakers, With CD Player
8THB	BACK-UP ALARM Electric, 102 dBA
8THJ	AUXILIARY HARNESS 3.0' for Auxiliary Front Head Lights and Turn Signals for Front Plow Applications
8TME	TRAILER CONNECTION SOCKET 7-Way; Mounted at Rear of Frame, Wired for Turn Signals Independent of Stop, Compatible With Trailers That Have Amber or Side Turn Lamps
8VAY	HORN, ELECTRIC Disc Style

Code	Description
8VZR	SWITCH, BODY CIRCUITS, MID for Bodybuilder, 6 Momentary Switches in Instrument Panel; One Power Module with 6 Channels, 20 Amp Max. Per Channel, 80 Amp Max Output, Switches Control Power Module Through Multiplex Wiring, Mounted in Cab Behind Driver Seat
8WBW	JUMP START STUD Remote Mounted
	Includes : JUMP START STUD Mounted to Battery Box
8WCL	HORN, AIR Black, Single Trumpet, Air Solenoid Operated
8WEK	BATTERY BOX Steel, With Fiberglass Cover; Mounted 35" Back of Cab, Right Side Perpendicular to Frame Rail
8WGL	WINDSHIELD WIPER SPD CONTROL Force Wipers to Slowest Intermittent Speed When Park Brake Set and Wipers Left on for a Predetermined Time
8WMA	SWITCH, TOGGLE, FOR WORK LIGHT Lighted; on Instrument Panel and Wiring Effects for Customer Furnished Back of Cab Light
8WPH	CLEARANCE/MARKER LIGHTS (5) {Truck Lite} Amber LED Lights, Flush Mounted on Cab or Sunshade
8WPZ	TEST EXTERIOR LIGHTS Pre-Trip Inspection will Cycle all Exterior Lamps Except Back-up Lights
8WRB	HEADLIGHTS ON W/WIPERS Headlights Will Automatically Turn on if Windshield Wipers are turned on
8WTL	STARTING MOTOR {Delco Remy 39MT} 12 Volt; Gear Reduced, With Thermal Over-Crank Protection
8WWJ	INDICATOR, LOW COOLANT LEVEL With Audible Alarm
8WXD	ALARM, PARKING BRAKE Electric Horn Sounds in Repetitive Manner When Vehicle Park Brake is "NOT" Set, With Ignition "OFF" and any Door Opened
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III With Trip Indicators, Replaces All Fuses Except For 5-Amp Fuses
8XGW	BATTERY DISCONNECT SWITCH {Joseph Pollak 51-315} Positive Type, Locking, Lever Operated, Cab Mounted, Disconnects Charging Circuits
9ANG	HOOD, HATCH (01) for Servicing
9HAN	INSULATION, UNDER HOOD for Sound Abatement
9HBM	GRILLE Stationary, Chrome
9HBN	INSULATION, SPLASH PANELS for Sound Abatement
9WBC	FRONT END Tilting, Fiberglass, With Three Piece Construction; for 2007 & 2010 Emissions
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100

Code	Description
	Includes : PAINT SCHEMATIC ID LETTERS "GM"
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone
10769	PAINT CLASS Premium Color
10943	KEYS - ALL ALIKE Fleet - Includes Ignition and Cab Door Keys
10WBB	KEYS - ALL ALIKE, ID Z-200
10WJH	PROMOTIONAL PACKAGE Government and Municipal Silver Package; Two Year Limited Subscription of On-Command Service Information (Formerly Fleet ISIS), and On-Command Parts Information (Formerly Fleet Parts Catalog), Requires Specific Feature Combinations
11001	CLUTCH Omit Item (Clutch & Control)
12851	PTO EFFECTS, ENGINE FRONT Less PTO Unit, Includes Adapter Plate on Engine Front Mounted
12926	RADIATOR HOSES Silicone; Molded
12959	BLOCK HEATER, ENGINE {Phillips} 120 Volt/1250 Watt
	Includes : BLOCK HEATER SOCKET Receptacle Type; Mounted below Drivers Door
12NWD	ENGINE, DIESEL {Navistar N9} EPA 10, SCR, 315 HP @ 2000 RPM, 950 lb-ft Torque @ 1200 RPM, 2200 RPM Governed Speed, 315 Peak HP (Max)
	Includes : AIR COMPRESSOR AIR SUPPLY LINE Naturally-Aspirated (Air Brake Chassis Only) : ANTI-FREEZE Red Shell Rotella Extended Life Coolant; -40 Degrees F/ -40 Degrees C; for MaxxForce and Navistar Engines : COLD STARTING EQUIPMENT Intake Manifold Electric Grid Heater with Engine ECM Control : CRUISE CONTROL Electronic; Controls Integral to Steering Wheel : ENGINE OIL DRAIN PLUG Magnetic : ENGINE SHUTDOWN Electric, Key Operated : FUEL FILTER Included with Fuel/Water Separator : FUEL/WATER SEPARATOR Fuel/Water Separator and Fuel Filter in a Single Assembly; With Water-in-Fuel Sensor; Engine Mounted : GOVERNOR Electronic : OIL FILTER, ENGINE Spin-On Type : WET TYPE CYLINDER SLEEVES
12THZ	FAN DRIVE {Horton Drivemaster Polar Extreme} Direct Drive Type, Two Speed, With Residual Torque Device for Disengaged Fan Speed
	Includes : FAN Nylon

Code	Description
12UCW	RADIATOR Aluminum, Cross Flow, Series System; 1228 Sqln Core and 648 Sqln Charge Air Cooler and With Transmission Oil Cooler
12UNH	FEDERAL EMISSIONS EPA, OBD and GHG Certified for Calendar Year 2014; N9 & N10 Engines
12VAG	AIR CLEANER Single Element, with Integral Snow Valve and In-Cab Control Includes : GAUGE, AIR CLEANER RESTRICTION Air Cleaner Mounted
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel
12VYL	ACCESSORY WIRING, SPECIAL for Road Speed Wire Coiled Under Instrument Panel for Customer Use
12VYP	ENGINE CONTROL, REMOTE MOUNTED - No Provision Furnished for Remote Mounted Engine Control
12WZC	EMISSION COMPLIANCE 5 Min., Tamper-Proof Engine Shutdown System, Complies With California Clean Air Regulations, Does Not Certify Engine for Low-NOx Extended Idling
13AVR	TRANSMISSION, AUTOMATIC {Allison 3000_RDS_P} 5th Generation Controls; Close Ratio, 6-Speed, With Double Overdrive; On/Off Hwy; Includes Oil Level Sensor, With PTO Provision, Less Retarder, With 80,000-lb GVW & GCW Max.
13WBL	TRANSMISSION SHIFT CONTROL {Allison} Push-Button Type; for Allison 3000 & 4000 Series Transmission
13WLP	TRANSMISSION OIL Synthetic; 29 thru 42 Pints
13WUC	ALLISON SPARE INPUT/OUTPUT for Rugged Duty Series (RDS); General Purpose Trucks, Construction
13WYH	TRANSMISSION TCM LOCATION Located Inside Cab
13WYK	SHIFT CONTROL PARAMETERS Allison Load Based Shift Schedules (LBSS)
14ARB	AXLE, REAR, SINGLE {Meritor RS-23-160} Single Reduction, 23,000-lb Capacity, 200 Wheel Ends, Driver Controlled Locking Differential . Gear Ratio: 6.83 Includes : REAR AXLE DRAIN PLUG (1) Magnetic, For Single Rear Axle Notes : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires. : When Specifying Axle Ratio, Check Performance Guidelines and TCAPE for Startability and Performance
14SAL	SUSPENSION, RR, SPRING, SINGLE Vari-Rate; 31,000-lb Capacity, Includes 4500-lb Capacity Multileaf Auxiliary

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Code	Description
	Notes : The following features should be considered when calculating Rear GAWR: Rear Axles; Rear Suspension; Brake System; Brakes, Rear Air Cam; Brake Shoes, Rear; Special Rating, GAWR; Wheels; Tires.
14WMG	AXLE, REAR, LUBE {EmGard FE-75W-90} Synthetic Oil; 30 thru 39.99 Pints
15DYP	DEF TANK 9.5 U.S. Gal. 36.0L Capacity, Frame Mounted Outside Left Rail, Under Cab
15LKG	FUEL/WATER SEPARATOR with Thermostatic Fuel Temperature Controlled Electric Heater, and Filter Restriction/Change Indicator, Includes Standard Equipment Water-in-Fuel Sensor
15SWE	FUEL TANK Top Draw; Non-Polished Aluminum, 26" Diam., 70 U.S. Gal., 265 L Capacity Mounted Left Side, Under Cab
16030	CAB Conventional
	Includes : ARM REST (2) Molded Plastic; One Each Door : COAT HOOK, CAB Located on Rear Wall, Centered Above Rear Window : CUP HOLDERS Two Cup Holders, Located in Lower Center of Instrument Panel : DOME LIGHT, CAB Rectangular, Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Console, Center Mounted : GLASS, ALL WINDOWS Tinted : GRAB HANDLE, CAB INTERIOR (1) "A" Pillar Mounted, Passenger Side : GRAB HANDLE, CAB INTERIOR (2) Front of "B" Pillar Mounted, One Each Side : INTERIOR SHEET METAL Upper Door (Above Window Ledge) Painted Exterior Color : STEP (4) Two Steps Per Door
16HBA	GAUGE CLUSTER English With English Electronic Speedometer
	Includes : GAUGE CLUSTER (6) Engine Oil Pressure (Electronic), Water Temperature (Electronic), Fuel (Electronic), Tachometer (Electronic), Voltmeter, Washer Fluid Level : ODOMETER DISPLAY, Miles, Trip Miles, Engine Hours, Trip Hours, Fault Code Readout : WARNING SYSTEM Low Fuel, Low Oil Pressure, High Engine Coolant Temp, and Low Battery Voltage (Visual and Audible)
16HGH	GAUGE, OIL TEMP, ALLISON TRAN
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster
16HLJ	GAUGE, DEF FLUID LEVEL
16JNV	SEAT, DRIVER {National 2000} Air Suspension, High Back With Integral Headrest, Cloth, Isolator, 1 Chamber Lumbar, 2 Position Front Cushion Adjust, -3 to +14 Degree Back Angle Adjust
	Includes : SEAT BELT 3-Point, Lap and Shoulder Belt Type

Code	Description
16SDL	MIRRORS (2) {Lang Mekra} Rectangular, 7.44" x 14.84" & 7.44" sq. Convex Both Sides, 102" Inside Spacing, Breakaway Type, Heated Heads Thermostatic Controlled, Black Heads, Brackets and Arms
16SEE	GRAB HANDLE Chrome; Towel Bar Type With Anti-Slip Rubber Inserts; for Cab Entry Mounted Left Side Only at "B" Pillar
16SJW	MIRROR, CONVEX, HOOD MOUNTED (2) {Lang Mekra} Heated, Left and Right Sides 7.44" Sq
16SMR	SEAT, PASSENGER {National} Non Suspension, High Back With Integral Headrest, Cloth, With Fixed Back, With Under Seat Storage
16VSL	WINDSHIELD Heated, Single Piece
16WBY	ARM REST, RIGHT, DRIVER SEAT
16WCT	AIR CONDITIONER {Blend-Air} With Integral Heater & Defroster Includes : HEATER HOSES Premium : HOSE CLAMPS, HEATER HOSE Mubea Constant Tension Clamps : REFRIGERANT Hydrofluorocarbon HFC-134A
16WJT	INSTRUMENT PANEL Center Section, Ergonomic Panel
16WJU	WINDOW, POWER (2) And Power Door Locks, Left and Right Doors, Includes Express Down Feature
16WKY	HVAC FRESH AIR FILTER
16WLS	FRESH AIR FILTER Attached to Air Intake Cover on Cowl Tray in Front of Windshield Under Hood
16WRZ	CAB INTERIOR TRIM Premium Includes : "A" PILLAR COVER Molded Plastic : CAB INTERIOR TRIM PANELS Cloth Covered Molded Plastic, Full Height; All Exposed Interior Sheet Metal is Covered Except for the Following: with a Two-Man Passenger Seat or with a Full Bench Seat the Back Panel is Completely Void of Covering : CAB SOUND INSULATION Includes Dash and Engine Cover Insulators : CAB, INTERIOR TRIM, CLOSEOUT Lower Dash Closeout Panel; Molded Plastic; Under Instrument Panel Driver Side : CONSOLE, OVERHEAD Molded Plastic; With Dual Storage Pockets with Retainer Nets, CB Radio Pocket, Speakers, and Reading Lights : COURTESY LIGHT (2) Mounted In Front Map Pocket Left and Right Side : DOOR TRIM PANELS with Cloth Insert on Bolster Driver and Passenger Doors : FLOOR COVERING Rubber, Black : GAUGE, TEMPERATURE, AMBIENT Includes Wiring and Sensor With Display Unit Mounted in Cluster : HEADLINER Soft Padded Cloth : INSTRUMENT PANEL TRIM Molded Plastic with Black Center Section

Code	Description
	: STORAGE POCKET, DOOR (2) Molded Plastic (Carpet Texture), Full-Length; Driver and Passenger Doors : SUN VISOR (3) Padded Vinyl: 2 Moveable (Front-to-Side) Primary Visors, Driver Side with Vanity Mirror and Toll Ticket Strap, plus 1 Auxiliary Visor (Front Only), Driver Side
16WSK	CAB REAR SUSPENSION Air Bag Type
16XXC	COWL TRAY LID
27DRN	WHEELS, FRONT {Accuride} DISC; 22.5" Painted Steel, 5 Hand Hole, 10-Stud (285.75MM BC) Hub Piloted, Flanged Nut, Metric Mount, 8.25 DC Rims; With .472" Thick Increased Capacity Disc and Steel Hubs
	Includes : PAINT IDENTITY, FRONT WHEELS White
	Notes : Compatible Tire Sizes: 11R22.5, 12R22.5, 255/70R22.5, 255/80R22.5, 265/75R22.5, 275/70R22.5, 275/80R22.5, 295/75R22.5, 295/80R22,5
28DRN	WHEELS, REAR {Accuride} DUAL DISC; 22.5" Painted Steel, 5 Hand Hole, 10-Stud (285.75MM BC) Hub Piloted, Flanged Nut, Metric Mount, 8.25 DC Rims; With .472" Thick Increased Capacity Disc and Steel Hubs
	Includes : PAINT IDENTITY, REAR WHEELS White
	Notes : Compatible Tire Sizes: 11R22.5, 12R22.5, 255/70R22.5, 255/80R22.5, 265/75R22.5, 275/70R22.5, 275/80R22.5, 295/75R22.5, 295/80R22,5
29PAW	PAINT IDENTITY, FRONT WHEELS Disc Front Wheels; With Vendor Applied Gray Powder Coat Paint
29PAX	PAINT IDENTITY, REAR WHEELS Disc Rear Wheels; With Vendor Applied Gray Powder Coat Paint
29WAP	WHEEL GUARDS, FRONT {Accuride} for Metric Hub Piloted Wheels with Flanged Mounting Nuts Mounted Between Hub and Wheel
29WAR	WHEEL GUARDS, REAR {Accuride} for Metric Hub Piloted Wheels with Flanged Mounting Nuts, Mounted Between Hub & Wheel and Between Dual Wheels
7382158102	(4) TIRE, REAR 12R22.5 G622 RSD (GOODYEAR) 482 rev/mile, load range H, 16 ply
7382158107	(2) TIRE, FRONT 12R22.5 G661 HSA (GOODYEAR) 484 rev/mile, load range H, 16 ply
	Services Section:
40107	WARRANTY Standard for WorkStar 7300/7400 (4x2, 4x4, 6x4, 6x6), Effective with Vehicles Built January 2, 2014 or Later, CTS-2002T

Code	Description
40LCP	SRV CONTRACT, EXT ENGINE {Navistar} To 84-Month/100,000 Miles (160,000 km), 3,600 Hours; Includes Engine, Engine Electronics and Injectors; for MaxxForce 9 and Navistar N9 Engines
	Allison 5 Year Extended Warranty

INTERNATIONAL®

Trade Information
2015 7400 SFA 4X2 (SA525)

(US DOLLAR)

August 14, 2014

Description	Price
trk number 49 2004 International plow truck , with front and wing plow 4J094773	30000.00

Total Trade Allowance: $30,000.00

Proposal: 16374-01

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INTERNATIONAL®

Financial Summary
2015 7400 SFA 4X2 (SA525)

(US DOLLAR)

August 14, 2014

Description	Price
Net Sales Price:	$61,900.00

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Approved by Seller:

Official Title and Date

Authorized Signature

Accepted by Purchaser:

Firm or Business Name

Authorized Signature and Date

This proposal is not binding upon the seller without Seller's Authorized Signature

Official Title and Date

The TOPS FET calculation is an estimate for reference purposes only. The seller or retailer is responsible for calculating and reporting/paying appropriate FET to the IRS.

MEMO

TO: Board of Selectmen
FROM: Stephen H. Burns, Interim Town Manager SHB
DATE: September 4, 2014
RE: Meeting Schedule

I would like the Board's confirmation of the following dates for regularly scheduled meetings through the end of the year. Other work sessions and special meetings will be scheduled as needed.

- September 8, 2014
- September 22, 2014
- September 25, 2014 – joint meeting with the Planning Board
- October 6, 2014
- October 27, 2014
- November 10, 2014
- November 24, 2014
- December 8, 2014
- December 22, 2014

The second meetings in November and December are relatively close to Thanksgiving and Christmas, so if the Board would like to adjust the schedule it would be best to do this well in advance.

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: 09/04/2014	**Type of Action:**
Date Action Requested: 09/08/2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Criminal Forfeiture	

TO: **BOARD OF SELECTMEN**

FROM: Chief Douglas P. Bracy

RECOMMENDATION: To accept the forfeiture of $566.00 of U.S. Currency as documented in the attached State of Maine Superior Court Criminal Action Docket No: 14-1063

PROPOSED MOTION: I would like to make a motion that we as a Board approve the signing of the asset forfeiture documented in the State of Maine Superior Court Criminal Action Docket No: 14-1063 and as required by Title 15 M.R.S.A. Subsection 5824(3) & 5826(6).

Discussion: The procedure by which the State conducts forfeiture transactions is outlined in a letter from Attorney General's Office of Maine and the attached documentation from State of Maine Superior Court Docket #: 14-1063. These funds are to be returned to the department to be used to fund drug investigations, equipment, and/or education to help combat illegal drugs in our community.

FISCAL IMPACT: none

DEPARTMENT LINE ITEM ACCOUNT: n/a

BALANCE IN LINE ITEM IF APPROVED: n/a

Prepared By: Douglas P. Bracy Reviewed By: _____

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JANET T. MILLS
ATTORNEY GENERAL

TEL: (207) 626-8800
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006

REGIONAL OFFICES
84 HARLOW ST. 2ND FLOOR
BANGOR, MAINE 04401
TEL: (207) 941-3070
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301
PORTLAND, MAINE 04101
TEL: (207) 822-0260
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1
CARIBOU, MAINE 04736
TEL: (207) 496-3792
FAX: (207) 496-3291

September 3, 2014

York Police Department
Chief Douglas Bracy
36 Main Street
York, ME 03909

RE: State of Maine vs. Quinton Smith
York County Superior Court Doc. No. CR-14-1063 - **Criminal Forfeiture**
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Bracy:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court**;

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law

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enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

Penney Kenney for

Raphaelle Silver
Assistant Attorney General

Enclosure

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STATE OF MAINE
York, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-14-1063

State of Maine	}	
	}	Municipality of York
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) &
	}	§5822(4)(A)
Quinton Smith,	}	
Defendant;	}	
	}	
	}	
And	}	
	}	
$1,132.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of York, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem ($566.00 in U.S. Currency), or any portion thereof, on the grounds that the York Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of York, Maine does hereby approve of the transfer of the Defendant(s) in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the York municipal legislative body on or about _____.

Dated: _____

_____
Municipal Officer
York, Maine
(Impress municipal legislative body seal here)

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 4, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Land Acquisition from the York Sewer District	

TO: **BOARD OF SELECTMEN**

FROM: Stephen H. Burns, Interim Town Manager

RECOMMENDATION: I recommend the Board seek a proposal from a Maine-licensed Professional Land Surveyor to locate and monument the properties being offered by the York Sewer District to the Town. Further, I recommend the Board direct the Interim Town Manager to work with the York Sewer District Superintendent to draft specific questions about liability and a possible agreement that would address shared responsibility for additional stormwater drainage that would cross the York Sewer District property.

PROPOSED MOTION: 2 motions:

I move to direct staff to obtain a proposal from a Maine-Licensed Professional Surveyor to locate and monument the properties being offered by the York Sewer District to the Town.

I move to direct the Interim Town Manager to work with the York Sewer District Superintendent to draft specific questions about liability and a possible agreement that would address shared responsibility for additional stormwater drainage that would cross the York Sewer District property.

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Discussion: The Board of Selectmen had a joint meeting with the York Sewer District Board of Trustees to discuss the possibility of transfer of two parcels of land on the ocean side of Bay Haven Road. There was general agreement among the Selectmen that it would be wise to seek a survey and deed research prior to a transfer. There is also an issue of an agreement between the Town and the York Sewer District relating to liability for additional stormwater that will flow through the YSD property as a result of the Main Street reconstruction project. The recommended motions would address the issues as were discussed at the joint meeting.

FISCAL IMPACT: ?
DEPARTMENT LINE ITEM ACCOUNT: ?
BALANCE IN LINE ITEM IF APPROVED: ?

Prepared By: _____ Reviewed By: _____

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 5, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Special Event Permit: Walker John Family Foundation Garden Party and Art Auction	

TO: **BOARD OF SELECTMEN**

FROM: Melissa M. Avery, Assistant to the Town Manager

RECOMMENDATION:

PROPOSED MOTION: I move to approve Special Event Permit application for the Walker John Family Foundation's *Annual Garden Party and Art Auction* on Saturday, August 27, 2014 with the attached conditions given by Department Heads.

Discussion: All appropriate departments have been notified and given approval, see attached.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melissa M Avery Reviewed By: _____

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Town of York, Maine
Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: 8/7/14

Name of Event: 1st Annual Walker John Family Foundation Garden Party & Art Auction

Type of Event: Benefit

Organization Name: Walker John Family Foundation Phone #: 207 216 2019

Organization Address: 155 Ogunquit Rd City: Cape Neddick State: ME Zip: 03902

Applicant Name: Rachel Walker Phone #: 207 216 2019

Applicant Address: 155 Ogunquit Rd City: Cape Neddick State: ME Zip: 03902

Contact Name for Day of Event: Charlotte Tragard Contact Phone #: 207 251 0446

Date of Event: 9/27/14 Day of Week: Saturday

Starting Time: 1 PM Ending Time: 7 PM

Assembly Area: 155 Ogunquit Rd, Cape Neddick, 03902

Dispersal Area: " " "

Event Route:

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)
200

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):

0

Describe how group is organized and supervised to insure order: Volunteers, Insurance

Purpose of the Event: Benefit for Charities

The above information is true to the best of my knowledge and belief.

Signature of Applicant: Rachel Walker

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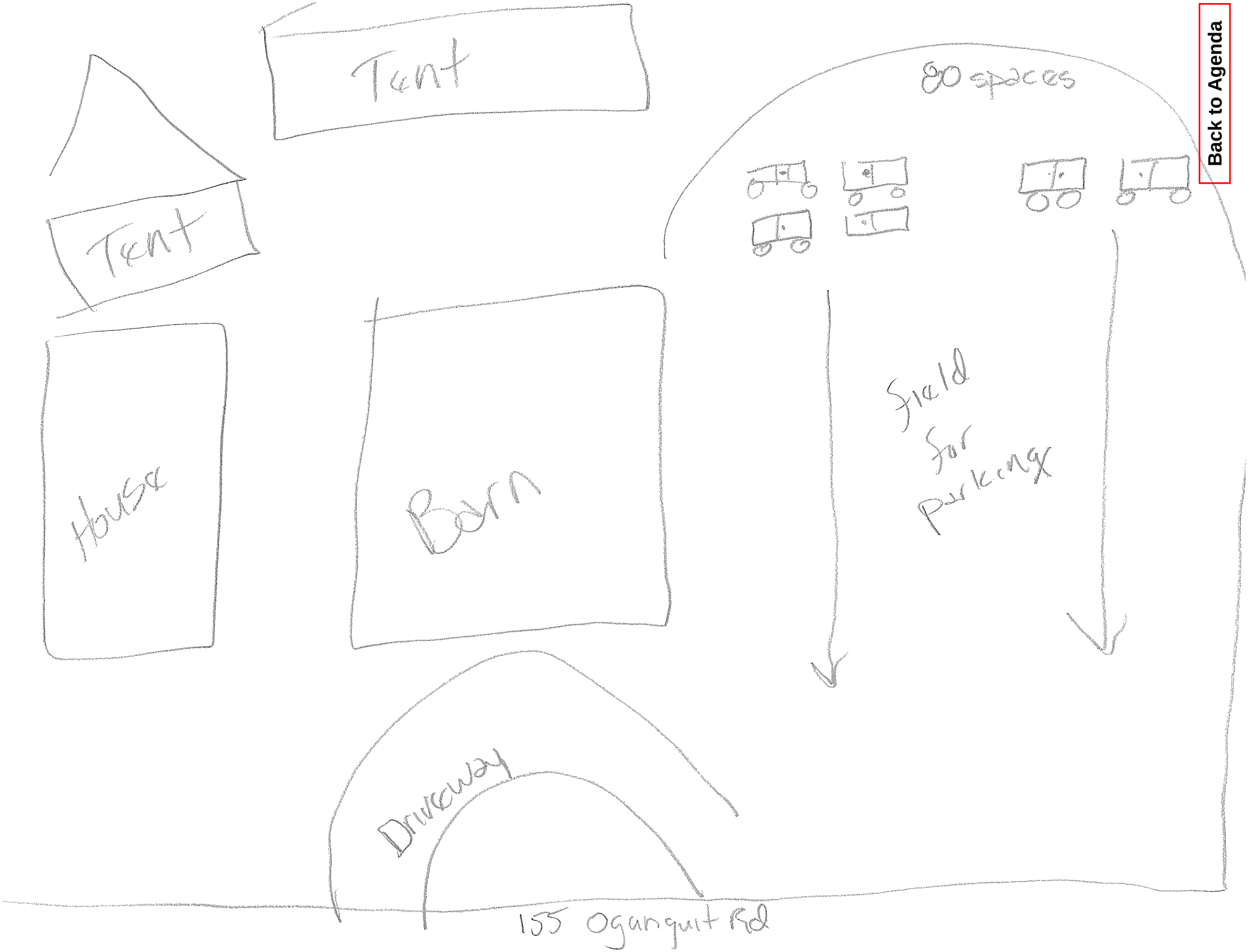

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Reviewed by:

Department	**Initials**	
Police Department	Szeniawski	08-25-2014
Public Works	Lessard	08-21-2014
Parks/Recreation	Sullivan	08-21-2014
Village Fire	Apgar	08-21-2014
York Beach Fire	Bridges	08-26-2014
Code Enforcement	Burns	08-21-2014
York Ambulance	Prince	08-21-2014

Special Conditions:

Police: With "Parking Plan" in play, the Police Department is OK with this event.

Any Questions: Lieutenant Charlie Szeniawski (207) 363-1031

Town Manager

9/5/14

Date

Melissa M. Avery

From: Charles J. Szeniawski
Sent: Monday, August 25, 2014 10:47 AM
To: Melissa M. Avery; Stephen H. Burns; Dean Lessard; Michael J. Sullivan; Ellen Prince; David K. Bridges; David Apgar
Subject: RE: Special Event: Walker John Family Foundation Garden Party and Art Auction

Follow Up Flag: Follow up
Flag Status: Flagged

With parking plan in play we ok with this event

From: Melissa M. Avery
Sent: Monday, August 25, 2014 10:39 AM
To: Charles J. Szeniawski; Stephen H. Burns; Dean Lessard; Michael J. Sullivan; Ellen Prince; David K. Bridges; David Apgar
Subject: RE: Special Event: Walker John Family Foundation Garden Party and Art Auction

Attached is the parking plan that I received from the applicant

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

From: Charles J. Szeniawski
Sent: Thursday, August 21, 2014 11:01 AM
To: Melissa M. Avery; Stephen H. Burns; Dean Lessard; Michael J. Sullivan; Ellen Prince; David K. Bridges; David Apgar
Subject: RE: Special Event: Walker John Family Foundation Garden Party and Art Auction

Missy I take it this is a public event for Charities as such I do not see a vehicle parking plan

From: Melissa M. Avery
Sent: Thursday, August 21, 2014 9:33 AM
To: Charles J. Szeniawski; Stephen H. Burns; Dean Lessard; Michael J. Sullivan; Ellen Prince; David K. Bridges; David Apgar
Subject: Special Event: Walker John Family Foundation Garden Party and Art Auction

Attached is a Special Event Permit for the Walker John Family Foundation's Garden Party and Art Auction at 155 Ogunquit Road, scheduled for September 27, 2014. I am not sure that they need an event permit, but figured I would pass it around to you guys and you can let me know what you think.

Thank you,
Missy

Melissa M. Avery
Assistant to the Town Manager

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AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 5, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Special Event Permit: Ride for Help and Hope	

TO: **BOARD OF SELECTMEN**

FROM: Melissa M. Avery, Assistant to the Town Manager

RECOMMENDATION:

PROPOSED MOTION: I move to approve Special Event Permit application for the My Breast Cancer Support's *Annual Ride for Help and Hope* on Saturday, October 4, 2014 with the attached conditions given by Department Heads.

Discussion: All appropriate departments have been notified and given approval, see attached.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melissa M Avery Reviewed By: _____

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Town of York, Maine
Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: 8/15/14

Name of Event: 5th Annual Ride for Help and Hope

Type of Event: Breast cancer fundraiser - motorcycle ride

Organization Name: My Breast Cancer Support Phone #: 9782703027

Organization Address: PO Box 1576 City Portsmouth State: NH Zip: 03802

Applicant Name: Brenda Smith Phone #: 978 270 3027

Applicant Address: 50 Ledge Rd unit B City: Seabrook State: NH Zip: 03874

Contact Name for Day of Event: Brenda Smith Contact Phone # 9782703027

Date of Event: 10/4/14 Day of Week: Saturday

Starting Time: 12 pm Ending Time: 5pm

Assembly Area: American Legion Post 56 York

Dispersal Area: American Legion Post 56 York

Event Route: See attached

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)
200

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):
Motorcycle ride starting in N. Hampton NH + ending in York. There will be a band inside and approx 200 attendees inside + outside.

Describe how group is organized and supervised to insure order: The attendees of the group are a mature audience ranging from 30-60. This is our 5th year holding this event, we have never had an incident.

Purpose of the Event: Breast Cancer Fundraiser

The above information is true to the best of my knowledge and belief.

Signature of Applicant: Brenda Smith

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start ⇒ SHD Lafayette Rd N. Hampton

Rte 1 South Hampton / Hampton Falls / Seabrook

NH Rte 107 Seabrook / E. Kingston

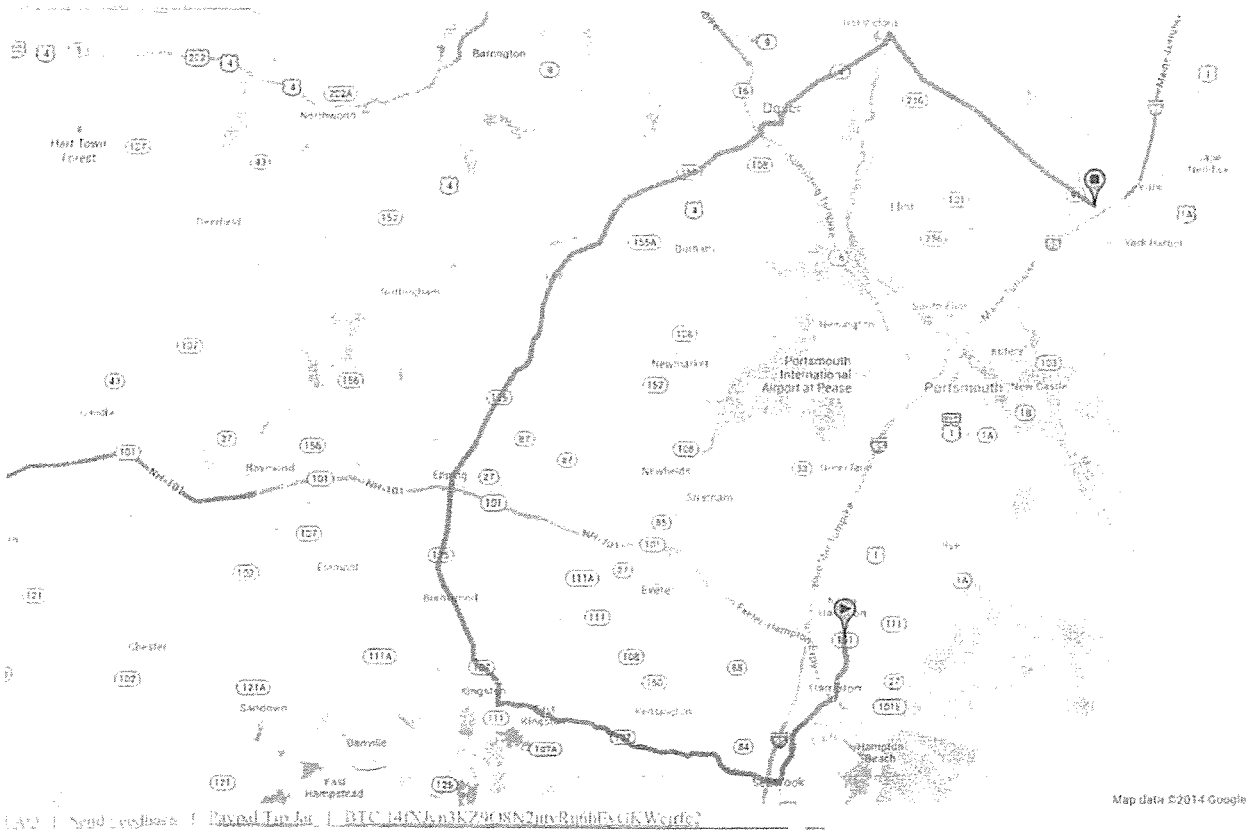
Rte 125 Kingston Brentwood / Epping Lee

Rte 155 Lee Durham

Rte 4 Dover

Name Rte 236

END Rte 91 York / American Legion POST 56



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Reviewed by:

Department	**Initials**	
Police Department	Szeniawski	08-29-2014
Public Works	Lessard	08-21-2014
Parks/Recreation	Sullivan	08-19-2014
Village Fire	Apgar	08-19-2014
York Beach Fire	Bridges	08-19-2014
Code Enforcement	Burns	08-19-2014
York Ambulance	Prince	08-19-2014

Special Conditions:

Town Manager

9/5/14

Date

AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 5, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Special Event Permit: Long Sands Beach – Run, Walk and Kids Fun Run	

TO: **BOARD OF SELECTMEN**

FROM: Melissa M. Avery, Assistant to the Town Manager

RECOMMENDATION:

PROPOSED MOTION: I move to approve Special Event Permit application for the Agamenticus Ski Club's *Long Sands Beach – Run, Walk and Kids Fun Run* on Saturday, October 25, 2014 with the attached conditions given by Department Heads.

Discussion: All appropriate departments have been notified and given approval, see attached.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Melissa M Avery Reviewed By: _____

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moultonkelly@gmail.com - (Kelly Moulton)

Town of York, Maine
Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: 8.17.2014

Name of Event: Long Sands Beach: Run, Walk, Kids Fun Run

Type of Event: Benefit Run for ASC - Agamenticus Ski Club

Organization Name: Agamenticus Ski Club Phone #: 207.703.8166

Organization Address: P.O. Box 592 City York State: ME Zip: 03909

Applicant Name: Laura Creagan Phone #: 207.703.8166

Applicant Address: 5 Graystone Lane City: York State: ME Zip: 03909

Contact Name for Day of Event: Laura Creagan or Kelly Moulton - 603.498.2297 Contact Phone # 703.8166

Date of Event: 10.25.14 Day of Week: Sat

Starting Time: 8:00 am Ending Time: 9:00 am -

Assembly Area: Long Sands Beach - Far End - Nubble End

Dispersal Area: Flagged/Cone Running Lane on Sand - Long San

Event Route: Starts and finishes at Far End of Long Sands Beach (closet to Nubble) - Out and back course (less than 2 miles)

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)
capped @ 200

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):

There will be walkers, runners and very short youth running/walking.

Describe how group is organized and supervised to insure order: The entire run will be done on Long Sands - avoiding cars, traffic + intersections. Volunteers posted @ registration, a timing crew and many adult volunteers along course to provide direction and water support. Volunteer medical staff will be on site.

Purpose of the Event: Benefit ASC

The above information is true to the best of my knowledge ~~and belief~~.

Signature of Applicant: Laura Creagan (LMC)

+ Portapotty - ? where

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For Town Use Only

Reviewed by:

Department	**Initials**	
Police Department	Szeniawski	08-29-2014
Public Works	Lessard	08-29-2014
Parks/Recreation	Sullivan	08-29-2014
Village Fire	Apgar	08-29-2014
York Beach Fire	Bridges	09-05-2014
Code Enforcement	Burns	08-29-2014
York Ambulance	Prince	08-29-2014

Special Conditions:

Parks and Recreation: Will make sure the Long Sands Bath House is open for 10/25/2014.

Any Questions: Mike Sullivan (207) 363-1040

Town Manager

9/5/14

Date

AGENDA ITEM NUMBER: ____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: September 5, 2014	**Type of Action:**
Date Action Requested: September 8, 2014	☐ **Procedural** ☒ **Formal Action**
Regular X **Work Session** __	☐ **Other:** _____
Subject: Special Event Permit: Tri-State Seacoast Century	

TO: **BOARD OF SELECTMEN**

FROM: Melissa M. Avery, Assistant to the Town Manager

RECOMMENDATION:

PROPOSED MOTION: I move to approve Special Event Permit application for the Granite State Wheelmen's *Tri-State Seacoast Century* on Saturday and Sunday, September 20 and 21, 2014 with the attached conditions given by Department Heads.

Discussion: All appropriate departments have been notified and given approval, see attached.

FISCAL IMPACT:

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: _____ Reviewed By: _____

Back to Agenda

Town of York, Maine
Special Event Permit Application

This application for a special event permit is hereby presented to the York Town Manager, 186 York Street, York, ME 03909.

Date: Sept. 3, 2014

Name of Event: Tri-State Seacoast Century

Type of Event: Bicycle Ride (not a race)

Organization Name: Granite State Wheelmen Phone #: 414-258-3287

Organization Address: 181 Leavitt Rd. City Belmont State: NH Zip: 03220

Applicant Name: Donna Hepp Phone #: Same as above – 414-837-8976 cell

Applicant Address: 181 Leavitt Rd City: Belmont State: NH Zip: 03220

Contact Name for Day of Event: Donna Hepp Contact Phone # 414-837-8976

Date of Event: Sept. 20-21, 2014 Day of Week: Sat & Sun.

Starting Time: 0700 (Riders start at different times) Ending Time: 1700 (Kittery rest stop closes at 4pm)

Assembly Area: Hampton Beach State Park, NH start & finish

Dispersal Area: Rest stop for riders at Fort McClary, Kittery Point

Event Route: Route 103 to Route 1A, out & back to Nubble Light, at Main Street to Long Beach Ave., York St, Woodbridge to Moulton Lane and back to 103 (full route provided to Police Department)

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)
1300 (1000 will be participating in the long route through Maine over the weekend)

Describe number of bands, vehicles, signs, floats, or other articles carried or displayed along with method of participation (walking, bicycles, motorcycles etc):
Bicycle riders traveling individually or in small groups, will spread out thru York

Describe how group is organized and supervised to insure order: We have requested a Police detail in York in key locations (see attached letter). We also have volunteer "ride marshals"

Purpose of the Event: To promote safe cycling, proceeds go to bicycle advocacy

The above information is true to the best of my knowledge and belief.

Signature of Applicant: Donna Hepp

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For Town Use Only

Reviewed by:

Department	**Initials**	
Police Department	Szeniawski	09-03-2014
Public Works	Lessard	09-05-2014
Parks/Recreation	Sullivan	09-03-2014
Village Fire	Apgar	09-03-2014
York Beach Fire	Bridges	09-04-2014
Code Enforcement	Burns	09-03-2014
York Ambulance	Prince	09-03-2014

Special Conditions:

Police Department: 2 (Two) Detail Officers and a roving Officer to address bike rider issues. Will also assist with the signboard if available.

Any Questions: Lieutenant Szeniawski (207) 363-1031

Town Manager

9/5/14

Date

Melissa M. Avery

From: Charles J. Szeniawski
Sent: Wednesday, September 03, 2014 1:30 PM
To: Melissa M. Avery; Owen T. Davis; Dean Lessard; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan
Cc: Owen T. Davis
Subject: RE: Special Event Permit: Tri- State Seacoast Century

This will be all set we have two detail officers with this event a roving officer to address bike riders issues. They are aware of the required details and have agreed we will also assist with the signboard if available for this event.We will have contact numbers as well.

From: Melissa M. Avery
Sent: Wednesday, September 03, 2014 11:21 AM
To: Charles J. Szeniawski; Owen T. Davis; Dean Lessard; Stephen H. Burns; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan
Subject: Special Event Permit: Tri- State Seacoast Century

Please see the attached Application, supporting documents and email below regarding the Special Event Permit Application for the Tri-State Seacoast Century Bike Ride. Please note that this event is scheduled for September 20/21 so I will need to get all of your approvals by Friday to make it on the Selectmen's agenda for Monday night.

Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

From: Donna Hepp [mailto:dhepp3@gmail.com]
Sent: Wednesday, September 03, 2014 10:29 AM
To: Melissa M. Avery
Subject: Re: Special Event Permit - York

Missy -Many thanks for your assistance. This is the 41st annual Tri-State Seacoast Century. We have folks riding 25, 50, 63 and 100 mile routes. Only the riders going 63 and 100 miles will travel through York. As we discussed, the Granite State Wheelmen have worked with the Police Dept. and used Police details at key locations for many years. We weren't aware that a permit was needed. I've enclosed our scanned permit application, a copy of our letter to the Police Dept from last May and a copy of our insurance rider for York.

Thanks for expediting our request! You can reach me by cell 414-837-8976 over the next few days. Donna Hepp, Century Chair

On Wed, Sep 3, 2014 at 7:25 AM, Melissa M. Avery <mmavery@yorkmaine.org> wrote:

Hi Donna,

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