



Town of York

186 York Street
York, Maine 03909-1314

BOARD OF SELECTMEN'S MEETING AGENDA

7:00PM MONDAY, NOVEMBER 18TH, 2013
YORK LIBRARY

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

Call to Order

Opening Ceremonies

A. Minutes

1. October 7, 2013 Meeting Minutes
2. October 21, 2013 Meeting Minutes
3. November 4, 2013 Meeting Minutes

B. Chairman's Report

C. Manager's Report

D. Awards

1. Village Survey Bid Award
2. Salt Bid Award
3. Short Sands Street Light Fixtures

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 #20

H. Public Hearings

1. New Business: York 54

I. Endorsements

Business Licenses:

1. William Hollar DBA: 3 Buoys Seafood Shanty and Grille
(Victualers/Liquor)

K. New Business

1. Discussion and Possible Action on Purchase and Sale Agreement with Chamber of Commerce
2. Discussion Regarding Dangerous Building at 1 Justin Circle
3. Discussion and Possible Approval of Stormwater Management Plan
4. Historic District Commission Appointment
5. Discussion and Possible Approval of the Process to be Used for Hiring a Town Attorney
6. Ana Gray Resignation
7. Application for License for Incorporated Civic Organization: Museums of Old York
8. Pole Location Permit: Brixham Road
9. Special Event Permit: Art in the Park

L. Other Business

M. Citizens' Forum

Adjourn

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00PM/7:00PM MONDAY, OCTOBER 7TH, 2013
YORK LIBRARY**

6:00PM: Executive Session - Discussion with Town Attorney Regarding Kittery Water District Quitclaim Deed

6:45PM: Sohier Park Committee Interview

7:00PM: Call to Order

Chairman, Ronald Nowell called the meeting to order at 7:00PM

Present: Chairman, Ronald Nowell, Vice Chairman, Kinley Gregg, Scott Fiorentino, Mary Andrews, Torbert Macdonald, Town Manager, Robert G. Yandow, Recorder, Melissa M. Avery and members of the press and public

Opening Ceremonies

A. Minutes

None

B. Chairman's Report

Chairman Nowell let the public know that he met with the First Parish Cemetery regarding the possibility of a parking lot for Town Hall at 190 York Street and during that meeting they pointed out that according to State Statute there is a 25 foot setback requirement from cemetery boundaries for any kind of construction. Mr. Nowell has asked that the following question be forwarded to Maine Municipal Association for a legal opinion: "Can a municipality lay-out a public right of way closer than 25 feet from a cemetery boundary?"

Mr. Nowell also mentioned that there is a situation on Mountain Road with citizens living in a property acquired by the Town for back taxes that are thought to be unhealthy living conditions that needs to be addressed.

Portland Press Herald recently had a negative article on Time Warner Cable to which Mr. Nowell referred to because of complaints he receives regarding the same issues in the article.

C. Manager's Report

Town Manger, Robert G. Yandow made an announcement that the Town Clerks Office in Town Hall will be closed on November 5th due to the election held at the High School and also that absentee ballots are now available to pick up until October 31st.

Mr. Yandow reminded the public to take advantage of the Town's Hazardous Waste Day on October 26th from 9:00AM to 1:00PM at the Transfer Station on Witchtrot Road and to call the Department of Public Works at 363-1010 to register for the event.

The Town Manager made note of the Selectmen's meeting schedule during October, November and December as it does not fall on the regular meetings dates due to holidays.

Mr. Yandow encouraged citizens to attend the three meetings put on by the York Community Dialogue for the public to discuss the possible purchase of the Davis Property on York Street. Those meetings are on the following dates: October 11th at 7:00PM, October 26th at 10:00AM and November 2nd at 10:00AM.

D. Awards

None

E. Reports

1. Town Assessor's Annual Report

Rick Mace, Town Tax Assessor gave the Selectmen a few facts from his annual Assessor's Report of which he previously submitted to the Board: The current tax rate is \$10.43; The total taxable value of the town is up 5 million dollars totaling \$3,855,034.16; The Town assessed 28 million dollars in new construction this year; The Town had 282 property sales this year with an average selling price of \$475,878.

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 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: Jim Carmody
Peter Ashley
Charles Stacey
Mike Micciche
Sam Horn

G. Approval of Warrant #14

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #14. Vote 5-0, motion passes

H. Public Hearings

None

I. Endorsements

Business Licenses:

1. TCF Corp DBA Clay Hill Restaurant (*Victualers/Liquor/Special Amusement*); Located at 220 Clay Hill Road

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve TCF Corp, DBA Clay Hill Restaurant, located at 220 Clay Hill Road for Victualers, 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

None

K. New Business

1. Discussion of Next Steps for Police Station/Connector Road Project

On September 25, 2013 the Town Manager sent a memorandum to the Board of Selectmen entitled "Police Station and Connector Road Projects – Next Steps". The memorandum addressed a number of police station/connector road issues; however one focus of the memorandum was the clear cutting that occurred to allow for two large stock piles on site, one rock pile and one loam pile. The US Army Corps of Engineers has mandated that the Town restore the area that had been damaged by the clear cutting; however the two large stockpiles are encumbering the area that needs to be restored. The material in the stockpiles was intended to be used in the construction of the connector road but the Board of Selectmen has not authorized SMRT to finalize plans for the connector road as of yet. At the end of the memorandum three questions were posed pertaining to the connector road and the US Army Corps of Engineers mandated restoration of the environmentally disturbed area near the police station site. The three

questions are as follows: 1) Is the Board of Selectmen going to approve finalizing plans for the connector road as currently designed? If not, the issue of the two stock piles needs to be addressed immediately. As indicated previously in the September 25, 2013 memorandum, and in the August 15, 2013 memorandum, the cost to relocate the two stockpiles so the mandated restoration can be accomplished ranges from \$147,200 to \$590,200. 2) If the Board of Selectmen does not approve finalizing plans for the connector road as currently designed does the board have an alternative to the existing design or does the board want to scrap the whole idea of Route One access? 3) Is the Board of Selectmen going to approve a partial restoration of the 1.8 acres based on the draft proposal by Steve Burns dated April 8, 2013? If the draft proposal for alternative uses, or a similar proposal, is approved the amount of restoration would be reduced to approximately one acre. All costs for restoration of the area will be borne by PC Construction, so the proposed alternative use should be judged on its own merits, not in connection with restoration costs.

Mr. Macdonald in reference to question one, said that he feels the overwhelming rejection of the proposed traffic light at the intersection of the Connector Road and Route One was not in indication that they felt there did not need to be a traffic light at a possible future intersection there, but that it was the handle by which they could say "no" to that road configuration.

Ms. Andrews stated that the Town never envisioned paying for the proposed traffic light that it came about as a decision by the Planning Board that would be at the expense of the State. Ms. Andrews has received comments from several citizens that they feel the Town needs to move forward with what the voters approved and the voters did not approve a road in by York's Wild Kingdom that would cost more money at this point. Ms. Andrews agreed that the project needs to move forward or else the Town will be stuck with a lot more costs and she will not agree to go back to the voters for more money.

Ms. Gregg inquired of the Town Manager of what the status of the request to the Army Core of Engineers for an extension on the removal of the rocks was; he replied stating that he had not yet received anything from them. Ms. Gregg commented that she thought the rock removal should be bid out to do better on price and Mr. Yandow explained that PC Construction gave those estimates to give a general basis of knowledge for what the potential costs may be but that it would be possible to bid out the rock removal. Ms. Gregg commented on a statement in the Town Manager's memo dated September 25th, 2013 regarding the funds for the material relocation not being taken from the Police Station budget, stating that she felt it should come from the Police Station budget because that project was the genesis for why the rocks were stored there. Town Manager Yandow explained that the \$147,000 figure does not relocate the piles; it moves part of a pile out of the way, the other two options actually move the piles either onsite or off site.

Mr. Fiorentino feels the State, rather than the Town should pay for the proposed traffic light on a State road and that is why the constituents voted against it after previously voting to approve the Police Station and the Connector Road.

Chairman Nowell stated that Dave Marshall, former member of the Board of Selectmen approached the board volunteering to act as a good faith negotiator between the Horns and the Town. Since that time neither the Horns nor the Selectmen have heard from or been able to contact Mr. Marshal. Secondly, Mr. Nowell commented that he feels the Town should not pay for the mistakes of the contractors because nowhere in the construction plans, contracts or discussions was there an order for PC Construction to construct the stock piles, that they did that on their own and created environmental violations. He also commented that Gorham Sand and Gravel claimed that SMRT's plan was not specific enough to show the vernal pool, to which he did not agree with, which resulted in the filling of the vernal pool.

The Town Manager recommended that based on tonight's discussion and issues that are still outstanding, that the board not take a vote but move it to the October 21st meeting as there might be additional information that can be generated and deemed useful in the decision making process, to which the Board agreed.

2. Appointment of Election Warden and Set Polling Hours

Moved by Mr. Macdonald, seconded by Ms. Andrews to appoint David N. Ott as the Warden for the November 5, 2013 Referendum Election and further, to set polling hours on that date as 8:00AM until 8:00PM. Vote 5-0, motion passes.

3. YVFD's Request to Sponsor and Host the Maine State Federation of Firefighters Convention

On September 18, 2013 York Village Fire Department Chief, Chris Balentine requested the Board of Selectmen's endorsement on sponsoring and hosting the Maine State Firefighters Convention in York on September 16-18, 2016.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Board of Selectmen's Endorsement of the York Village Fire Department's bid to sponsor and host the Maine State Federation of Firefighters Convention in September of 2016. Vote 5-0, motion passes.

4. Discussion and Possible Action on Chamber of Commerce Purchase and Sale Agreement

The Chamber of Commerce has submitted a Purchase and Sale Agreement to the Town offering to purchase 2.02 acres of Town owned land located next to the Chamber at 571 US Route One for \$150,000. The Chamber has indicated that they are interested in expanding the farmer's market as they do not have sufficient space for all the vendors that would like to participate.

After the Board discussed possible deed restrictions and other possible non-profit uses with Chris Kehl, a member of the Chamber Board, they decided to wait on an amended Purchase and Sale Agreement to be formally submitted and act on that.

5. Discussion and Possible Action on Carry Forwards from FY13

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve carrying forward the recommended funds from FY13 to FY14 referred to in the memo and accompanying spreadsheet from Town Manager Yandow, dated October 4, 2013.

Moved by Ms. Gregg, seconded by Ms. Andrews to amend the motion to remove the Village Plan Carry Forwards. Vote 3-2. Ms. Gregg and Mr. Macdonald opposed, motion passes.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve carrying forward the recommended funds from FY13 to FY14 referred to in the memo and accompanying spreadsheet from Town Manager Yandow, dated October 4, 2013 with the Village Plan Carry Forward removed. Vote 4-1, Ms. Gregg opposed, motion passes.

6. Discussion and Possible Action on Kittery Water District Quitclaim Deed

Ms. Gregg commented that she was going to oppose the motion due to the fact that the Kittery Water District has been paying the tax bills for the property sent to them by the Town of York for the past 50 years.

Moved by Mr. Macdonald, seconded by Ms. Andrews in regards to the Kittery Water District lawsuit to authorize the Town Attorney to schedule mediation and conduct any discovery necessary prior to the mediation. The Town Attorney is authorized to speak with the Water District Attorney regarding restricts of the land for a golf course. Vote 4-1, Ms. Gregg opposed, motion passes.

The Town Attorney asked that the Board select two members of the Board to attend the mediation with the Kittery Water District. Mr. Macdonald volunteered himself and recommended the chair be the other member present.

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Chairman Nowell, Selectmen Macdonald and Town Tax Assessor, Rick Mace to attend the mediation process. Vote 4-0-1, Mr. Nowell abstains

7. Property Redemption: 4 Hemlock Avenue

Mr. Macdonald and Ms. Gregg commented on the Tax Collectors proposal of assessing additional monies to cover the work of the redemption the former property owners were approved last year and did not follow through with. Town Manager Yandow met with Mr. Goldman and he explained that there was a serious illness that came about which caused the redemption to take a back seat.

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the redemption of Tax Map 0032-0014-I; 4 Hemlock Avenue, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full by no later than December 6, 2013. Vote 5-0, motion passes

8. Special Event Permit: York Village Marketfest

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve the Special Event for the York Village Marketfest on October 18th and 19th. Vote 5-0, motion passes

9. Special Event Permit: Turkey Trot 5K

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit for the York Parks and Recreation's "Turkey Trot 5K" on November 30, 2013. Vote 5-0, motion passes

10. Special Event Permit: Drive Through Nativity

Moved by Ms. Gregg, seconded by Mr. Macdonald to approve the Special Event Permit for The Journey to Bethlehem Annual "Drive Through Nativity" on December 14th, 2013. Vote 5-0, motion passes

11. Pole Permit: Old County Road/Barrells Lane Extension

Ms. Gregg expressed concern over the road names on Central Maine Power's application not matching the Town's road names.

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve the Pole Location Permit for 1 pole on Old County Road/Barrells Lane Extension in a southeasterly direction, 50 feet from pole #4. Vote 4-1, Ms. Gregg opposed, motion passes

L. Other Business

Ms. Andrews made the comment that she has mentioned before and feels the Board needs to get the process started for lowering the speed limit on Route One. Mr. Nowell asked the Town Manager to find out what is necessary to request the speed limit change from the State.

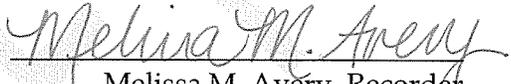
M. Citizens' Forum

Public Comment: Sam Horn
Charles Stacey
David Brinkman

Adjourn

Moved by Mr. Macdonald, seconded by Ms. Gregg to adjourn the meeting to adjourn at 10:02PM

Respectfully Submitted,


Melissa M. Avery, Recorder

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:00/7:00PM MONDAY, OCTOBER 21ST, 2013
YORK LIBRARY**

6:00PM: Executive Session – Real Estate; Pursuant to MRSA Title 1, Section 405 (6)(C) and Union Contracts; Pursuant to MRSA Title 1, Section 405 (6)(D)

Moved by Ms. Gregg, seconded by Mr. Fiorentino to enter into Executive Session at 6:02PM. Without objection, so ordered

Moved by Ms. Andrews, seconded by Mr. Fiorentino to exit out of Executive Session at 6:54PM. Without objection, so ordered

7:00PM: Call to Order

Chairman Nowell called the meeting to order at 7:00PM

Present: Chairman, Ronald Nowell, Vice Chairman, Kinley Gregg, Scott Fiorentino, Mary Andrews, Torbert Macdonald, Town Manager, Robert G. Yandow, Recorder, Melissa M. Avery and members of the press and public

Opening Ceremonies

A. Minutes

1. August 26, 2013 Meeting Minutes

Moved by Ms. Gregg, seconded by Ms. Andrews to approve the August 26, 2013 Meeting Minutes as amended. Vote 5-0, motion passes

2. September 23, 2013 Meeting Minutes

Moved by Mr. Gregg, seconded by Ms. Andrews to approve the September 23, 2013 Meeting Minutes as amended. Vote 5-0, motion passes

B. Chairman's Report

Chairman Nowell stated that he left a series of pictures of Broadway Extension in all the Board of Selectmen's mailboxes and would like to address the condition of that road at an upcoming meeting.

He also wanted to remind the Board to bring up any questions or comments on the Request for Proposals they received regarding Town Counsel so that it can be addressed at a future meeting.

Mr. Nowell noted that he attended a meeting with the Maine Department of Environmental Protection regarding the Short Sands Beach Outfall and that a report will be generated about the meeting that will be made available to the newspapers and put on the Town website when it is finished. Also he mentioned that Peter Slovinski of the Maine DEP would be willing to come to a town meeting to speak about the Short Sands drainage system.

C. Manager's Report

Town Manager, Robert G. Yandow informed the citizens that absentee ballots for the upcoming election are available in the Town Clerk's Office at Town Hall until October 31st and also that the Town Clerk's Office will be closed on Election Day, November 5, 2013 to man the polls.

Mr. Yandow also reminded the citizens to register with Public Works at 207-363-1010 for the annual Hazardous Waste Day happening on Saturday, October 26th from 9:00AM to 1:00AM.

D. Awards

None

E. Reports

None

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 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: John Harrigan
 Mike Micciche
 Josh Mirick
 Jim Carmody
 Sam Horn
 Helen Rollins
 Charles Stacey
 Ted Little
 Ray McMahan

G. Approval of Warrant #16

Moved by Ms. Gregg, seconded by Mr. Fiorentino to approve Warrant #16. Vote 5-0, motion passes

H. Public Hearings

None

I. Endorsements

None

J. Old Business

None

K. New Business

Moved by Mr. Macdonald, seconded by Ms. Andrews to take item 2 and times 5-12 in New Business out of order. Vote 5-0, motion passes

1. "2. Contract with York Ambulance"

The Town's current contract with York Ambulance will expire at the end of this fiscal year. Approval of a new two year contract will aid in the budgeting process for fiscal years 2015 and 2016.

Ms. Andrews stated that there were five "cardiac arrest" saves this year because of the care and timely manner of York Ambulance and applauded their commitment to saving lives.

Moved by Mr. Macdonald, seconded by Ms. Andrews to approve a two year contract with York Ambulance for the provision of ambulance services in the Town of York for fiscal years 2015 and 2016 in the amount of \$40,000 per year subject to voter approval each year. Vote 5-0, motion passes

2. "5. Appointments to the Municipal Social Services Review Board"

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Edward Little and Roslyn Birger-Hershfield to the Municipal Social Services Review Board as Regular Members, with terms expiring June 30, 2016. Vote 5-0, motion passes

3. "6. Appointments to the Sohier Park Committee"

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Francis Hartwell and Tony Knox to the Sohier Park Committee as Alternate Members, with terms expiring June 30, 2016. Vote 5-0, motion passes

4. "7. Appointment to the Historic District Commission"

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to appoint Jon Powers to the Historic District Commission as a Regular Member with a term expiring June 30, 2016. Vote 5-0, motion passes

5. "8. Appointment to the York Harbor Site Design Review Board"

Ms. Gregg put out the suggestion of re-writing the ordinance(s) that contain(s) the York Harbor Site Design Review Board by-laws to omit the membership pigeonholing requirement to this board and others like it.

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to appoint Dean A. Mello to the York Harbor Site Design Review Board as a Regular Member with a term expiring June 30, 2016. Vote 5-0, motion passes

6. "9. Appointment to the Senior Citizen Advisory Board"

Moved by Mr. Macdonald, seconded by Ms. Gregg to appoint Deborah J. Meyers to the Senior Citizens Advisory Board as an Alternate Member with a term expiring June 30, 2016. Vote 5-0, motion passes

7. "10. Special Event Permit: Great Strides"

Moved by Mr. Macdonald, seconded by Ms. Gregg to approve the Special Event Permit for Great Strides on Sunday, May 18, 2014 from 9:00AM to 12:00PM. Vote 5-0, motion passes

8. "11. Special Event Permit: Costume Parade and Halloween Hop"

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for Parks and Recreation's "Halloween Hop and Parade" on Friday, November 1, 2013 starting at 4:30PM. Vote 5-0, motion passes

9. "12. Special Event Permit: Festival of Lights Parade"

Moved by Mr. Macdonald, seconded by Mr. Fiorentino to approve the Special Event Permit for Parks and Recreation's "Festival of Lights Parade" on Sunday, December 7th 2013 starting at 4:30PM. Vote 5-0, motion passes

10. "1. Discussion and Possible Action on Moving Forward with Connector Road or Other Alternative"

At the October 7, 2013 Selectmen's meeting, the Board discussed the Connector Road between Route One and the new police station. During that discussion, the Board talked about revisiting a consolidated road with the York Wild Kingdom. Chairman Nowell read the memorandum from the Town Manager dated October 18, 2013 and also a memorandum from Andrew Johnston of SMRT dated October 15, 2013 into the record.

Mr. Macdonald expressed concern of having two roads within 100 feet of each other in a high speed zone on Route One and agrees with note #6 of Town Manager Yandow's memo that a meeting with all local, state and federal regulators would be necessary to determine the feasibility of a connector road that is partially shared with York Wild Kingdom to which he thinks will rectify, in his view the wrong decision of the currently designed project.

Ms. Andrews reiterated a previous point that she made that the Board of Selectmen knew that there would be a traffic light at the intersection of the Connector Road and Route One, but assumed they would be held to following the State protocol which would result in a delay of that light being put in; It wasn't until the Planning Board proposed the traffic light that it became the Town's responsibility to pay for it. She feels that going through the process of the possibility of changing of the current design will push the project back further and cost more of the taxpayer's money.

Mr. Fiorentino stated that the traffic engineering study that was done of the proposed intersection has been confirmed by Maine Department of Transportation to exceed and/or meet national standards. Mr. Fiorentino also stated that the current design for the project is what was presented to and approved by the voters and it is the responsibility of the Selectmen to see the project through as approved and put personal bias aside.

Ms. Gregg expressed that she is sympathetic to the York Wild Kingdom's ingress and egress and that even though she is not a fan of the intersection being where it is currently designed, that it is a decision that was made by the voters and in the essence of time and money, it needs to move forward.

Chairman Nowell stated that he and Mr. Macdonald are not trying to delay the project, as per some people's perception and that he feels that the project has been drawn out due to the Board of Selectmen delegating the Town Manager to direct the project. He feels that the project has not moved forward because it is not ready to go to the Planning Board. Mr. Nowell voiced concern that no one is taking responsibility of the authorization of the tasks that took place and resulted in environmental violations that on the town property.

Moved by Mr. Fiorentino, seconded by Ms. Andrews to authorize SMRT to complete the engineering documents for the Connector Road as currently designed. Vote 3-2, Chairman Nowell and Mr. Macdonald opposed, motion passes

11. "3. Process for Requesting Speed Limit Reduction on Route 1"

On October 7, 2013 the Town Manager was asked by the Board of Selectmen to contact the Maine Department of Transportation and determine the steps necessary to request a speed limit reduction on US Route One. Steve Landry, State Traffic Engineer for MDOT advised that a letter from the Town is all that is required to initiate the process.

Chairman Nowell suggested contacting local Legislators, Senators, Representatives and the York Police Department for their support and to get them on board with pushing the speed limit reduction petition on Route One. The Board asked the Town Manager to contact Steve Landry of the Maine Department of Transportation to set up a meeting to discuss the speed limit reduction process.

12. "4. Resolution for Penstock Road"

At a work session on October 3, 2013, the existence of Penstock Road was discussed with information being provided by Dennis Carrillo, attorney for Ellis Short Sands Park and Bill Burnham, and by Director of Public Works, Dean Lessard. At the end of the meeting it was determined that the Town and Ellis Park/Bill Burnham would meet in an attempt to come up with a mutually agreeable resolution. On October 17, 2013 Dennis Carrillo met with Dean Lessard and Town Manager, Robert G. Yandow and discussed the Town's need for future access to the area in the event the road is formally abandoned or discontinued. Mr. Carrillo, with assistance from Town Attorney, Durward Parkinson will draft an easement document for the Town's review.

L. Other Business

The Board discussed setting a date in the next few weeks for a work session to discuss the request for proposals that were received for Town Legal Counsel.

M. Citizens' Forum

Public Comment: Jim Carmody
John Harrigan
Helen Rollins
Betty Weaver
Charles Stacey
Mike Micciche
Tom Hoffman
Sam Horn
David Brinkman

Adjourn

Chairman Nowell adjourned the meeting at 10:05PM

Respectfully Submitted,


Melissa M. Avery, Recorder

**BOARD OF SELECTMEN'S
MEETING MINUTES
6:45PM/7:00PM MONDAY, NOVEMBER 4TH, 2013
YORK LIBRARY**

6:45PM: Historic District Commission Interview

7:00PM: Call to Order

Vice Chairman Gregg called the meeting to order at 7:00PM

Present: Vice Chairman, Kinley Gregg, Scott Fiorentino, Mary Andrews, Town Manager, Robert G. Yandow, Recorder, Melissa M. Avery and members of the press and public

Opening Ceremonies

A. Minutes

None

B. Chairman's Report

Vice Chairman Gregg had no report to give in Chairman Nowell's absence but stated she would like to take the opportunity to ask the Town Manager for an update on the Police Station Project. Town Manger, Robert G. Yandow stated that last week the Sewer District's final utility plans were sent to SMRT and those changes are being incorporated into the final plans. He also noted that there is still the remaining issue of the survey and boundary discrepancies between the Town survey and that of the York Wild Kingdom but that the two surveyors have met to discuss the issues and are preparing a boundary agreement to present to the Board of Selectmen for discussion and possible action. Mr. Yandow also mentioned that the other issue that will likely need to be resolved before applying to the Planning Board is the need to install monumentation along the exterior boundaries which he believes will be accomplished in time for that step to go forward.

C. Manager's Report

Town Manger, Robert G. Yandow reminded the citizens that the Town Clerk's Office will be closed tomorrow, November 5th due to the election, which will be held at York High School from 8:00AM to 8:00PM.

Mr. Yandow also noted that he has been in contact with Steve Landry of the Maine Department of Transportation regarding the petition for speed limit reduction on Route One a requested by the Board of Selectmen and is currently trying to figure out dates of possible meetings that work for Mr. Landry and the Board.

D. Awards

1. DPW Truck Body/Snowplow Installation Bid Recommendation

The Department of Public Works solicited bids from two different truck vendors. The following bids were received:

1. Viking Cives \$73,422.00
2. HP Fairfield \$75,223.80

Dean Lessard, Director of Public Works, recommended that Viking Cives be awarded the bid for the Dump Body/Snowplow installation on the new Public Works Truck Chassis.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to award the low bid from Viking Cives for the Dump Body/Snowplow installation in the amount of \$73,422.00. Vote 3-0, motion passes

2. York Village Survey Bid Award

The Town of York and the York Village Study Committee have been studying different ways to make York Village a more lively and attractive place for residents and visitors alike. On August 26, 2013 the Board of Selectmen approved the Village Study Committee's request to have an existing conditions survey of the Village Center completed.

The Town solicited bids from four local surveying companies. The following bid was received:

1. LinePro Land Surveying, Inc \$22,500.00

Dean Lessard, Director of Public Works recommended that LinePro Surveying, Inc be awarded the bid for the York Village Survey.

Mr. Fiorentino and Ms. Andrews expressed concern over only receiving one bid, with the concern not being the bid amount but the lack of response from other companies. Ms. Gregg stated that she intended to recuse herself from the vote due to the survey and project's proximity to her property.

Without objection, this item was tabled until the next agenda to discuss and vote with a full board.

E. Reports

None

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: Lew Stowe
Charles Stacy
Ray McMahan

G. Approval of Warrant #18

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve Warrant #18. Vote 3-0, motion passes.

H. Public Hearings

None

I. Endorsements

Business Licenses:

1. Boardman-Ellis VFW Post 6977 DBA Boardman-Ellis VFW Post 6977 (*Victualers, Liquor, Special Amusement, Coin Operated Amusement*);
Located at 75 Cape Neddick Road

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the license for Boardman-Ellis VFW Post 6977 DBA Boardman-Ellis VFW Post 6977, located at 75 Cape Neddick Road for Victualers, Liquor, Special Amusement and Coin Operated Amusement, subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 3-0, motion passes

J. Old Business

None

K. New Business

1. Property Redemption; 23 Oceanside Avenue West

Vice Chairman Gregg asked for a summary of the property redemption from the Town Manager. Town Manager, Robert G. Yandow stated that the Town has had the property for sale since 2011 and it wasn't until the property was up for sale in September of 2013 that his office was contacted by the former owner, stating that they were not aware that the property had been taken by the Town and requested the property redemption.

Ms. Andrews read the following conditions of the redemption into the record: Condition #1 – Karen Ballou Knowles pay all current taxes, interest and lien costs owed, which totals \$4,671.04. Condition #2 – Karen Ballou Knowles pay Town administrative costs involved with the processing of the foreclosure disposition, a total of \$200.00. This amount covers the cost of issuing a Quit Claim Deed and the administrative costs in processing this redemption. Condition #3 – Karen Ballou Knowles pay the invoice from CLD Consulting Engineers Inc, dated 10/03/2013, invoice number 49997 for \$4,074.65 for the professional services for the survey done at 23 Oceanside Avenue West. Condition #4 – Karen Ballou Knowles shall pay in full, to the Town of York, all current taxes, interest, administrative costs and lien costs, which total \$8,945.69 by no later than December 20th, 2013.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the redemption of Tax Map 0032-0060-A, located at 23 Oceanside Avenue West, as requested, subject to the attached conditions being met and that all taxes, interest and administrative costs are paid in full by no later than December 20th, 2013. Vote 3-0, motion passes

2. Discussion and Possible Action on Chamber of Commerce Purchase and Sale Agreement

Absent Selectmen Macdonald requested that this item be postponed until the next meeting to be discussed and possibly acted upon with a full board.

3. Cost of Living Adjustment for Non-Union Personnel

Director of Human Resources, Liam Gallagher explained to the Board that per the Non-Union Personnel Policy, Section II, Article J; The Board of Selectmen will grant a cost of living increase in compensation to employees in the pay scale plan in order to maintain the wage scales at a competitive level. The consumer price index in December of the previous year is the indicator for the adjustment; the CPI as of December 2012 was 1.7%.

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve a 1.7% cost of living adjustment to non-union wage scales, as appropriated in the fiscal year

2014 budget; Wage adjustment to be retroactively effective July 1, 2013. Vote 3-0, motion passes

4. Pole Location Permit: Back Road

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Pole Location Permit for one pole on Back Road in a Northerly direction, 88 feet from pole #25. Vote 3-0, motion passes

5. Pole Location Permit: Oceanside Avenue

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Pole Location Permit for one pole on Oceanside Avenue in Southerly direction, 30 feet from pole #3. Vote 3-0, motion passes

6. Special Permit for Catering Privileges off Premises: Bill Fosters Downeast Clambake

Moved by Ms. Andrews, seconded by Mr. Fiorentino to approve the Special Permit for Catering Privileges off Premises for Bill Fosters Downeast Clambake at People's United Bank, on December 3, 2013. Vote 3-0, motion passes

L. Other Business

The Board set a tentative date of Thursday, November 14th, 8:00AM at the York Public Library for a work session of the Board to discuss the Requests for Proposals regarding the Town legal counsel.

M. Citizens' Forum

Public Comment: None

Adjourn

Vice Chairman Gregg adjourned the meeting at 8:00PM

Respectfully Submitted,


Melissa M. Avery, Recorder



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: October 31, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 4, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: York Village Survey Bid Award	

TO: BOARD OF SELECTMEN
FROM: Dean Lessard, Director of Public Works
RECOMMENDATION: Award the York Village Survey bid to LinePro Land Surveying, Inc.
PROPOSED MOTION: I move to award the York Village Survey bid to LinePro Land Surveying, Inc. in the amount of \$22,500.

Discussion:

The Town of York and the York Village Study Committee (appointed in 2011 by the York Board of Selectmen) have been studying different ways to make York Village a more lively and attractive place for residents and visitors alike. Recently the York Board of Selectmen approved the Study Committee's request to have an existing conditions survey of the Village center completed. The Study Committee has been working on a series of possible options for revitalizing the historic Village.

In the weeks ahead, people in Town will be asked to evaluate these options so that workable recommendations can be made to the Board of Selectmen. Before making any recommendation to the Board of Selectmen the Study Committee must determine precise property boundaries and limits of any established rights of way.

-
- On August 26, 2013 the York Board of Selectmen approved the York Village Study Committees request to have an existing conditions survey of the York Village center completed.
 - On September 24, 2013 the Town of York solicited bids from four local York County Surveying companies. (LinePro Land Surveying, Inc.; North Easterly Surveying, Inc.; CLD Consulting Engineers, Inc. and Dow & Coulombe, Inc.).
 - On Thursday October 24, 2013 at 1:30 pm the Town opened bids for the York Village Survey. One responsive bid proposal (LinePro Land Surveying, Inc - \$22,500) was received by the Town of York.
 - On Friday October 25, 2013 at 8:30 am the York Village Study Committee met to discuss the bid results. After a lengthy discussion the committee voted to recommend approval of the bid to the York Board of Selectmen.
-

FISCAL IMPACT: \$22,500
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared By: _____

Reviewed By: _____

BID FORM

BIDS DUE: Thursday October 24, 2013 1:00 pm, Town Manager's Office

PUBLIC BID OPENING: Thursday October 24, 2013 1:30 pm. Town Manager's Office

PROJECT IDENTIFICATION:

TOWN OF YORK, MAINE

**YORK VILLAGE STUDY PROJECT
EXISTING CONDITIONS SURVEY**

THIS BID IS SUBMITTED TO:

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

THIS BID IS SUBMITTED BY:

Contractor Name: Line Pro Landsurveying

- A. The undersigned Bidder proposes and agrees, if this Bid is accepted, to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price. This bid will remain subject to acceptance for thirty (30) days after the day of Bid opening.
- B. The Bidder certifies to have examined and carefully studied the Bidding Documents and the following Addenda, if any, receipt of which is hereby acknowledged (list Addenda by Addendum Number and Date):

C. Bid and Contract Format

1. Bid Preparation and Submission

- a. Bidders are expected to examine the drawings, all instructions, and the site. Failure to do so will be at the Bidder's risk.
- b. All bids must be submitted on the forms provided by the municipality, included herein. All bid documents shall be sealed in an envelope which shall be clearly marked with the words "Bid Documents - York Village Survey," and the Bidder's

name.

- c. Unless expressly authorized elsewhere in this solicitation, bids submitted by facsimile (fax) or email will not be considered.

2. Contract Format

Contract Documents include this Bid Form and the survey area map.

This Project will be administered as a Lump Sum Contract. The Lump Sum Bid Price shall include all work indicated in the Contract Documents or reasonably inferred as required to complete the existing conditions survey.

D. Bid Price and Signature

LUMP SUM BID PRICE	
Twenty Two Thousand Five Hundred dollars	
Zero cents	\$ 22,500
(Price written in words)	(Price in numbers)
<i>(in the event of a discrepancy between the prices in words and numbers above, the price in words shall govern)</i>	

BIDDER offers the following schedule for work: 10 Weeks
(Subsequent to utilities marking their facilities)

SUBMITTED on October 24, 2013.

Bidder's Signature

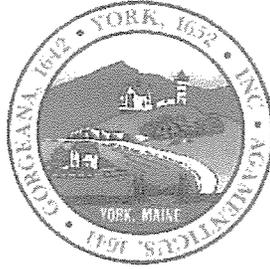
By Dustin Morrill Dustin Morrill
(Authorized Individual's Printed Name) (Signature)

Doing business as Line Pro Land Surveying

Business address: P.O. Box 60, Shapleigh, ME. 04076

Phone No.: 207-636-4555

TEL. 207-363-1010
207-363-1011
FAX 207-363-1012



Dean A. Lessard, P.E.

*Director of Public Works
Town of York
York, Maine 03909
dlessard@yorkmaine.org*

September 24, 2013

Joe Stanley, PLS
LinePro Land Surveying, Inc.
P.O. Box 60
Shapleigh, Maine 04076

Re: Invitation to Bid – York Village Survey

Dear: Mr. Stanley

I am writing to invite your company to submit a bid for survey work in the downtown of York Village. The Town of York and the York Village Study Committee (appointed in 2011 by the York Board of Selectmen) have been studying different ways to make York Village a more lively and attractive place for residents and visitors alike. Recently the York Board of Selectmen approved the Study Committee's request to have an existing conditions survey of the Village center completed. The Study Committee has been working on a series of possible options for revitalizing the historic Village.

In the weeks ahead, people in Town will be asked to evaluate these options so that workable recommendations can be made to the Board of Selectmen. Before making any recommendation to the Board of Selectmen the Study Committee must determine precise property boundaries and limits of any established rights of way. If you have any questions about the project, please contact me at (363-1011) or York Town Planner Christine Grimando at Town Hall (363-1007).

Sincerely,

Dean Lessard, P.E.
Director of Public Works

York Village Existing Conditions Survey

Description of Work

Perform a survey of the existing conditions showing all elevations (2ft contours), observable landmarks and utilities to 75-feet from roadway centerline on both sides. A more detailed list of survey needs is listed below. The survey and datum will be tied into the Maine State plane coordinate system (West NAD 83). The surveyor shall investigate and determine the existing limits of right of way (ROW) of all public roads in the survey area defined by the attached map and show it on the plan. The surveyor shall locate enough property pins to accurately delineate the existing ROW in which the work will be performed. The Town will coordinate to have subsurface utilities marked out prior to field survey.

The surveyor shall submit one original existing conditions survey plans and one set of reproducible polyester film plans stamped by a Professional Land Surveyor licensed in the State of Maine. The surveyor shall also provide the Town of York with a compact disk (CD) or digital versatile disk (DVD) or external hard drive that includes all of the survey data including digital line work, topographic surface, survey control, and point files. Media shall be in a format compatible with AutoCAD or ESRI software (that is, DWG, DXF, file geodatabase). Files shall be geo-referenced to the Maine State Plane Coordinates (West NAD 83) and shall be expressed in feet. The Town of York shall be granted permission to use the survey data for future design and engineering.

Public & Private Road ROW – York Street, Long Sands Avenue, Lindsay Road, Hospital Drive, Salisbury Avenue, Williams Avenue and Fellows Lane:

- Limits of the ROWs
- Ownership
- All physical improvements in the ROW, including at a minimum:
 - Paved or Gravel
 - Edge of Road
 - Driveways
 - Parking spaces
 - Sidewalks
 - Curbs
 - Pavement markings (Center & edge lines, Arrows, Crosswalks)
 - Street signs
 - Underground utilities (Public water mains, Public sewer mains, Telephone Communications facilities)
 - Utility poles
 - Stormwater structures with invert elevations
 - Contours (2 versions required: 2' contours in NGVD and 2' contours in NAVD88)
 - Trees
 - ROW monuments & property pins

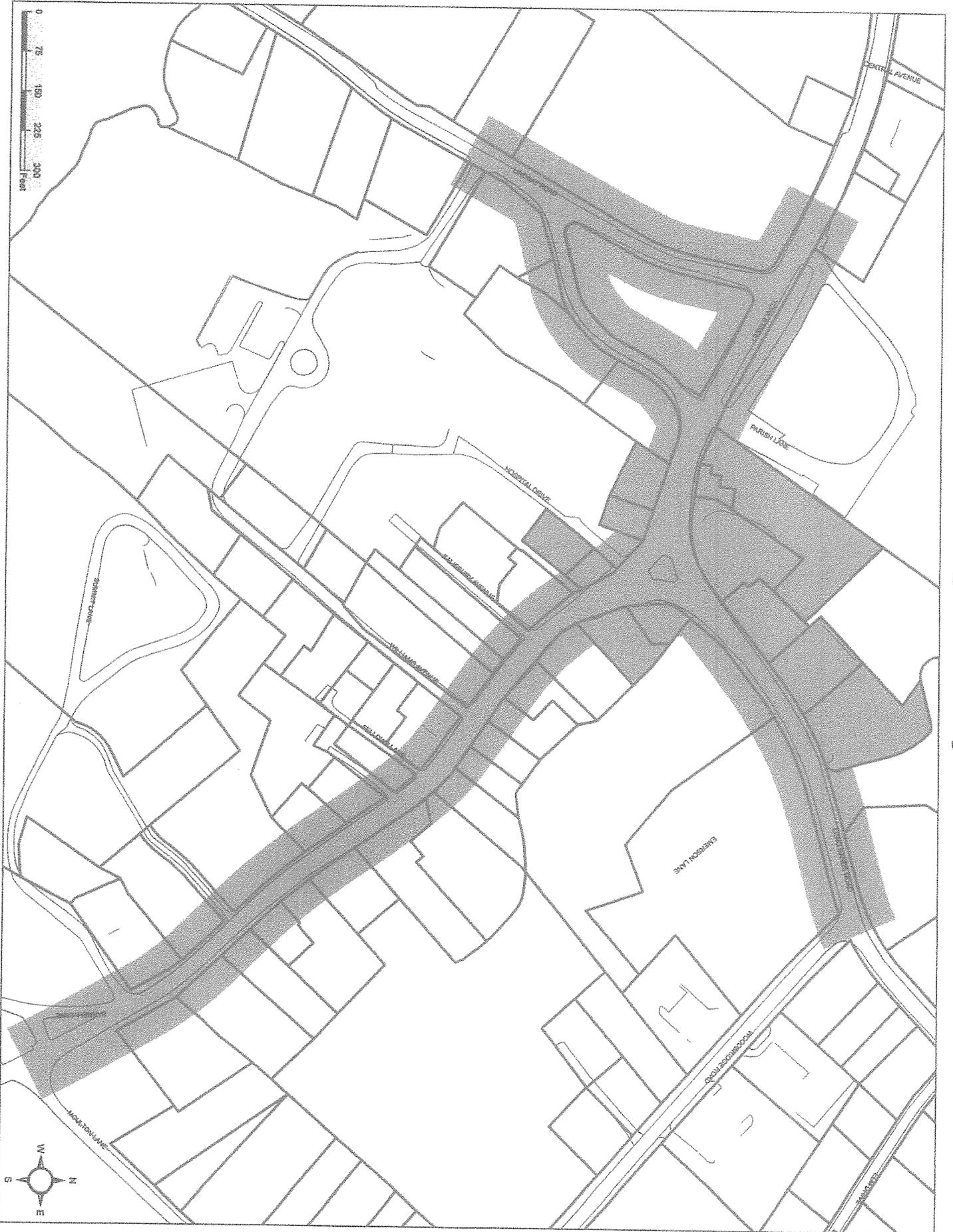
Public & Private Properties:

- Front and side Boundaries of the lots
- All structures, buildings, utilities, improvements and impervious surfaces on the lot
- Identify any easements, deed restrictions, or other relevant restrictions
- Ownership
- Contours (2 versions required: 2' contours in NGVD29 and 2' contours in NAVD88)

Key Regulatory Boundaries

- Overlay District boundaries
 - Village Center Local Historic District
 - York Village Overlay District
 - York Village Hospital overlay District

York Village Survey Area



INVITATION TO BID DETAILS

YORK VILLAGE EXISTING CONDITIONS SURVEY

Bid for an existing conditions survey of historic downtown York Village in conjunction with the York Village Study Project.

Sealed Bids will be received at the Town Manager's Office, York Town Hall, at 186 York Street, York, Maine, until 1:00 PM, local time, on Thursday, October 24, 2013. Bids submitted after this time will not be accepted.

All bid documents shall be sealed in an envelope which shall be clearly marked with the words "Bid York Village Survey" and the Bidder's name. No faxed, emailed or late bids will be accepted. Bids will be publicly opened at the time of the bid. Award will be at a subsequent Board of Selectmen's meeting.

The successful Bidder shall comply with all applicable federal, state, and local laws, ordinances, rules, regulations, and codes in the performance of this Contract.

All qualified Bidders will receive consideration without regard to race, color, religion, creed, age, sex, or national origin.

The OWNER reserves the right to waive any informality, to award projects in any combination, to negotiate with any Bidder and to reject any or all Bids. No Bidder may withdraw his Bid within 30 days after the actual date of the opening thereof.

BID FORM

BIDS DUE: Thursday October 24, 2013 1:00 pm, Town Manager's Office

PUBLIC BID OPENING: Thursday October 24, 2013 1:30 pm. Town Manager's Office

PROJECT IDENTIFICATION:

TOWN OF YORK, MAINE

**YORK VILLAGE STUDY PROJECT
EXISTING CONDITIONS SURVEY**

THIS BID IS SUBMITTED TO:

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

THIS BID IS SUBMITTED BY:

Contractor Name:

-
- A. The undersigned Bidder proposes and agrees, if this Bid is accepted, to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid Price. This bid will remain subject to acceptance for thirty (30) days after the day of Bid opening.
 - B. The Bidder certifies to have examined and carefully studied the Bidding Documents and the following Addenda, if any, receipt of which is hereby acknowledged (list Addenda by Addendum Number and Date):

C. Bid and Contract Format

1. Bid Preparation and Submission

- a. Bidders are expected to examine the drawings, all instructions, and the site. Failure to do so will be at the Bidder's risk.
- b. All bids must be submitted on the forms provided by the municipality, included herein. All bid documents shall be sealed in an envelope which shall be clearly marked with the words "Bid Documents - York Village Survey," and the Bidder's

name.

- c. Unless expressly authorized elsewhere in this solicitation, bids submitted by facsimile (fax) or email will not be considered.

2. Contract Format

Contract Documents include this Bid Form and the survey area map.

This Project will be administered as a Lump Sum Contract. The Lump Sum Bid Price shall include all work indicated in the Contract Documents or reasonably inferred as required to complete the existing conditions survey.

D. Bid Price and Signature

LUMP SUM BID PRICE	
dollars	
cents	\$
(Price written in words)	(Price in numbers)
<i>(in the event of a discrepancy between the prices in words and numbers above, the price in words shall govern)</i>	

BIDDER offers the following schedule for work: _____ Weeks
(Subsequent to utilities marking their facilities)

SUBMITTED on _____, 20__.

Bidder's Signature

By _____
(Authorized Individual's Printed Name) (Signature)

Doing business as _____

Business address: _____

Phone No.: _____



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2012	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Salt Bid Award	

TO: BOARD OF SELECTMEN
FROM: Dean Lessard, Director of Public Works
RECOMMENDATION: Award of the 2013/2014 winter salt bid to International Salt Company. Their price was the lowest bid received.
PROPOSED MOTION: I move to award the 2013/2014 winter salt bid to International Salt Company for \$49.63 per ton.

Discussion: In June the Department requested competitive bid proposals through The Southern Maine Planning Commission for the purchase of sodium chloride (salt) for the 2013/2014 winter season. Bids were opened on Thursday, June 27, 2013. Two companies responded to the regional bid request and their price information is presented on the included 2013-2014 SMRPC Road Salt Bid Results form. The results are included for your review.

FISCAL IMPACT: The \$49.63 price per ton received from International Salt represents a \$0.71 per ton decrease from the previous year bid price. The new 0.25% administrative fee from SMRPC will add \$0.12 per ton.
--

DEPARTMENT LINE ITEM ACCOUNT: 100.0304.6111

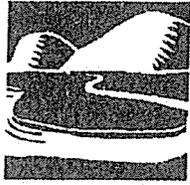
BALANCE IN LINE ITEM IF APPROVED: \$248,500

Prepared By: _____

Reviewed By: Robert S. Gendron

2013-2014 SMRPC Road Salt Bid Results

	International Salt Company, Inc. Daniel Thompson (888) 388-4726 X 2001 Fax: (570) 586-6463	Eastern Salt Company, Inc. Jason Archambault (978) 251-8553 Fax: (978) 251-8244	Harcros Chemicals Frank Lemanski (800) 286-6756 Fax (207) 854-8976	Monson Company Jeff Pellerin (207) 885-5572 X 423 Fax: (207) 885-0569	Cargill Jean Davis (899) 600-7258	American Rock Salt Jamie McClain (585) 243-9510	Granite State Minerals Janet Harrington (877) 889-7924
Sodium Chloride							
Inside Storage - Per Ton - Delivered	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Inside Storage - Per Ton - Picked Up	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Outside Storage - Per Ton - Delivered	\$49.63	\$53.83	No Bid	No Bid	No Bid	No Bid	No Bid
Outside Storage - Per Ton - Picked Up	\$49.00	\$53.83	No Bid	No Bid	No Bid	No Bid	No Bid
Calcium Chloride							
Liquid - Per Gallon - FOB	No Bid	No Bid	No Bid	\$1.50	No Bid	No Bid	No Bid
Liquid - Per Gallon - Delivered	No Bid	No Bid	No Bid	\$2.00	No Bid	No Bid	No Bid
Flaked - Per Pound - FOB	No Bid	No Bid	\$0.2890	\$0.225	No Bid	No Bid	No Bid
Flaked - Per Pound - Delivered	No Bid	No Bid	No Bid	\$0.254	No Bid	No Bid	No Bid
Magnesium Chloride							
Liquid - Per Gallon	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Flaked - Per Pound	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Treated Sodium Chloride - Per Ton	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Brine - Per Gallon	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Ice BiGone Treated Salt							
Liquid - Per Gallon	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Bulk - Per Ton	\$67.13	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
Approx. Delivery Time after Orders:	36 Hours	24-36 Hours	As Needed	2-5 Days			



**SOUTHERN MAINE
REGIONAL PLANNING
COMMISSION**

The Council of Governments
Serving the Municipalities of
Southwestern Maine

Acton
Alfred
Arundel
Baldwin
Berwick
Biddeford
Brownfield
Buxton
Cornish
Dayton
Denmark
Eliot
Fryeburg
Hiram
Hollis
Kennebunk
Kennebunkport
Kittery
Lebanon
Limerick
Limington
Lovell
Lyman
Newfield
North Berwick
Ogunquit
Old Orchard Beach
Parsonsfield
Porter
Saco
Sanford
Shapleigh
South Berwick
Stoneham
Stow
Sweden
Waterboro
Wells
York

TO: Town Managers and Public Works Directors
FROM: Marian Alexandre
RE: 2013-2014 Road Salt Bid
DATE: June 27, 2013

The 2013-2014 Road Salt bids were opened today at 2:00 PM and read aloud. Jason Archambault from Eastern Salt was present at the bid opening. Seven vendors returned bid proposals, but three did not submit pricing.

I have attached a copy of the bid results for your review. **Please note that the prices are, again this year; even lower than previous year's.** Please contact the vendor directly to place your orders.

This year, because of time, printing, and mailing costs associated with securing you the lowest Road Salt pricing, SMRPC will be charging your town a small administrative fee of .25% per ton. A separate billing will be sent out at the end of the winter season for this fee. This fee is far less than SMRPC communities paid in prior years. Even with this added small Administrative fee, the savings you receive by purchasing your road salt needs from our Cooperative Purchasing program will be substantial.

If you would like to discuss this fee, please call Paul Schumacher, Executive Director at SMRPC at 324-2952.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: 11/14/2013	Type of Action: <input type="checkbox"/> Procedural <input type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: 11/18/2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Short Sands street light fixtures.	

TO: BOARD OF SELECTMEN
FROM: Dean Lessard, Director of Public Works
RECOMMENDATION: The Director's recommendation is that the Town of York purchase Holophane utility post top LED street light fixtures from Graybar. I recommend that the Board of Selectmen authorize the expenditure of up to \$23,906.34 for the 18 fixtures using the attached unit costs price proposal.
PROPOSED MOTION: I move to approve the purchase of 18 Holophane utility post top street light fixtures from Graybar in the amount of \$23,906.34.

Discussion: The DPW solicited bids from three different lighting vendors that sell the Holophane utility post top street light fixtures that match the fixtures previously installed on Beach Street. They all returned price proposals for 18 fixtures. The following price proposals were received:

- | | |
|-------------------------|-------------|
| 1. Graybar | \$23,906.34 |
| 2. Wesco | \$24,097.50 |
| 3. NorthEast Electrical | \$24,408.00 |

In the weeks ahead DPW will purchase 26 Mel Northerly street light poles with GFCI receptacles directly from the manufacturer. The Department will also solicit bids for the electrical work from the same local contractors that bid on the previous electrical work on Beach Street.

-
- On March 25, 2013 the York Board of Selectmen approved a warrant article to request that the voters approve the purchase of York Beach Lighting and appropriating a sum not to exceed \$75,000.
 - On May 18, 2013 the voters of the Town of York approved article #45 approving the purchase of York Beach Lighting and appropriating a sum not to exceed \$75,000.
 - On Friday October 25, 2013 the Town of York solicited price proposals from three different lighting vendors that sell the Holophane utility post top street light fixtures. (Graybar, Wesco & NorthEast Electrical)
 - On Tuesday November 14, 2013 the Town received price proposals for 18 Holophane utility post top street light fixtures. Three proposals (Graybar \$23,906.34, Wesco \$24,097.50 & NorthEast Electrical \$24,408) were received by the Town of York.
-

FISCAL IMPACT: \$23,906.34

DEPARTMENT LINE ITEM ACCOUNT: 243.0000.8001

BALANCE IN LINE ITEM IF APPROVED: \$51,093.66

Prepared By: _____

Reviewed By: Robert B. Gannon



WESCO
DISTRIBUTIONSM

Job Name: Town of York, Maine Street Lighting

Customer: Town of York, Maine

Sender: Mark Whitney

To: Dean Lessard, P.E., Public Works Director

November 13, 2013

QTY	TYPE	MFG.	DESCRIPTION	PRICE	TOTAL
18	Post-Top	Holophane	PTUE 100 5K AS G3 B S H PCS	\$ 1,338.75	\$ 24,097.50
Discription:					
Utility Postop LED (PTUE): Utility Post Top LED (PTUE)					
100 Watt System, 5000 Series CCT					
Auto-Sensing Voltage (120-277) 50/60 HZ					
Asymmetric Glass Refractor					
Color is Black with Spike					
NEMA Twistlock Photocontrol Receptacle,					
DLT Solid State Photocontrol 120-277V					
Notes:					
Freight Prepaid					
Estimated Lead time is 6 Weeks					
Subject to Approvals					
Direct Ship to Customer					
Please Call if you have Questions					



29 WEST COMMERCIAL STREET
 PORTLAND ME 04101-4631
 Phone: 207-773-1766
 Fax: 207-774-7864

To: YORK, TOWN OF
 186 YORK ST.
 YORK ME 03909-1314
 Attn: DEAN LESSARD
 Phone: 207-363-1000
 Fax: 207-363-1019
 Email: john.byrne@graybar.com

Date: 11/13/2013
Proj Name: STREET LIGHTING
GB Project Qte#: 219051124
 Valid From: 11/13/2013
 Valid To: 12/13/2013
 Contact: John Byrne
 Email: john.byrne@graybar.com

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
Notes: QUOTE GOOD 30 DAYS. FOB SHIPPING POINT-FULL FREIGHT ALLOWED. mANUFACTURERS TERMS AND CONDITIONS APPLY. LEAD TIME 6 WEEKS							
100	18 EA	HOLOPHANE	PTUE 100 5K AS G3 B S H PCS		\$1,328.13	1	\$23,906.34
Item Note: Utility Postop LED (PTUE): Utility Post Top LED (PTUE), 100 Watt System, 5000 Series CCT, Auto-Sensing Voltage (120-277) 50/60 HZ, Asymmetric Glass Refractor, Black, Spike, NEMA Twistlock Photocontrol Receptacle, DTL Solid State Photocontrol 120-277V							

Total in USD (Tax not included): \$23,906.34

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com 24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill. Unless noted the estimated ship date will be determined at the time of order placement.

To: YORK, TOWN OF
186 YORK ST.
YORK ME 03909-1314
Attn: DEAN LESSARD

Date: 11/13/2013
Proj Name: STREET LIGHTING
GB Project Qte#: 219051124

Proposal

We Appreciate Your Request and Take Pleasure in Responding As Follows

Item	Quantity	Supplier	Catalog Nbr	Description	Price	Unit	Ext.Price
------	----------	----------	-------------	-------------	-------	------	-----------

**GRAYBAR ELECTRIC COMPANY, INC.
TERMS AND CONDITIONS OF SALE**

1. ACCEPTANCE OF ORDER; TERMINATION - Acceptance of any order is subject to credit approval and acceptance of order by Graybar Electric Company, Inc. ("Graybar") and, when applicable, Graybar's suppliers. If credit of the buyer of the goods ("Buyer") becomes unsatisfactory to Graybar, Graybar reserves the right to terminate upon notice to Buyer and without liability to Graybar.
2. PRICES AND SHIPMENTS - Unless otherwise quoted, prices shall be those in effect at time of shipment, which shall be made F.O.B. shipping point, prepaid and bill.
3. RETURN OF GOODS - Credit may be allowed for goods returned with prior approval. A deduction may be made from credits issued to cover cost of handling.
4. TAXES - Prices shown do not include sales or other taxes imposed on the sale of goods. Taxes now or hereafter imposed upon sales or shipments will be added to the purchase price. Buyer agrees to reimburse Graybar for any such tax or provide Graybar with acceptable tax exemption certificate.
5. DELAY IN DELIVERY - Graybar is not to be accountable for delays in delivery occasioned by acts of God, failure of its suppliers to ship or deliver on time, or other circumstances beyond Graybar's reasonable control. Factory shipment or delivery dates are the best estimates of our suppliers, and in no case shall Graybar be liable for any consequential or special damages arising from any delay in shipment or delivery.
6. LIMITED WARRANTIES - Graybar warrants that all goods sold are free of any security interest and will make available to Buyer all transferable warranties (including without limitation warranties with respect to intellectual property infringement) made to Graybar by the manufacturer of the goods. GRAYBAR MAKES NO OTHER EXPRESS OR IMPLIED WARRANTIES, AND SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PURPOSE. UNLESS OTHERWISE AGREED IN WRITING BY AN AUTHORIZED REPRESENTATIVE OF GRAYBAR, PRODUCTS SOLD HEREUNDER ARE NOT INTENDED FOR USE IN OR IN CONNECTION WITH (1) ANY SAFETY APPLICATION OR THE CONTAINMENT AREA OF A NUCLEAR FACILITY, OR (2) IN A HEALTHCARE APPLICATION, WHERE THE GOODS HAVE POTENTIAL FOR DIRECT PATIENT CONTACT OR WHERE A SIX (6) FOOT CLEARANCE FROM A PATIENT CANNOT BE MAINTAINED AT ALL TIMES.
7. LIMITATION OF LIABILITY - Buyer's remedies under this agreement are subject to any limitations contained in manufacturer's terms and conditions to Graybar, a copy of which will be furnished upon written request. Furthermore, Graybar's liability shall be limited to either repair or replacement of the goods or refund of the purchase price, all at Graybar's option, and IN NO CASE SHALL GRAYBAR BE LIABLE FOR INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES. In addition, claims for shortages, other than loss in transit, must be made in writing not more than five (5) days after receipt of shipment.
8. WAIVER - The failure of Graybar to insist upon the performance of any of the terms or conditions of this agreement or to exercise any right hereunder shall not be deemed to be a waiver of such terms, conditions, or rights in the future, nor shall it be deemed to be a waiver of any other term, condition, or right under this agreement.
9. MODIFICATION OF TERMS AND CONDITIONS - These terms and conditions supersede all other communications, negotiations, and prior oral or written statements regarding the subject matter of these terms and conditions. No change, modification, rescission, discharge, abandonment, or waiver of these terms and conditions shall be binding upon Graybar unless made in writing and signed on its behalf by a duly authorized representative of Graybar. No conditions, usage of trade, course of dealing or performance, understanding or agreement, purporting to modify, vary, explain, or supplement these terms and conditions shall be binding unless hereafter made in writing and signed by the party to be bound. Any proposed modifications or additional terms are specifically rejected and deemed a material alteration hereof. If this document shall be deemed an acceptance of a prior offer by Buyer, such acceptance is expressly conditional upon Buyer's assent to any additional or different terms set forth herein.
10. REELS - When Graybar ships returnable reels, a reel deposit may be included in the invoice. The Buyer should contact the nearest Graybar service location to return reels.
11. CERTIFICATION - Graybar hereby certifies that these goods were produced in compliance with all applicable requirements of Sections 6, 7, and 12 of the Fair Labor Standards Act, as amended, and of regulations and orders of the United States Department of Labor issued under Section 14 thereof. This agreement is subject to Executive Order 11246, as amended, the Rehabilitation Act of 1973, as amended, the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended, E.O. 13496, 29 CFR Part 471, Appendix A to Subpart A, and the corresponding regulations, to the extent required by law. 41 CFR 60-1.4, 60-741.5, and 60-250.5 are incorporated herein by reference, to the extent legally required.
12. FOREIGN CORRUPT PRACTICES ACT - Buyer shall comply with applicable laws and regulations relating to anti-corruption, including, without limitation, (i) the United States Foreign Corrupt Practices Act (FCPA) (15 U.S.C. §§78dd-1, et seq.) irrespective of the place of performance, and (ii) laws and regulations implementing the Organization for Economic Cooperation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the U.N. Convention Against Corruption, and the Inter-American Convention Against Corruption in Buyer's country or any country where performance of this agreement or delivery of goods will occur.
13. ASSIGNMENT - Buyer shall not assign its rights or delegate its duties hereunder or any interest herein without the prior written consent of Graybar, and any such assignment, without such consent, shall be void.
14. GENERAL PROVISIONS - All typographical or clerical errors made by Graybar in any quotation, acknowledgment or publication are subject to correction. This agreement shall be governed by the laws of the State of Missouri applicable to contracts to be formed and fully performed within the State of Missouri, without giving effect to the choice or conflicts of law provisions thereof. All suits arising from or concerning this agreement shall be filed in the Circuit Court of St. Louis County, Missouri, or the United States District Court for the Eastern District of Missouri, and no other place unless otherwise determined in Graybar's sole discretion. Buyer hereby irrevocably consents to the jurisdiction of such court or courts and agrees to appear in any such action upon written notice thereof.
15. PAYMENT TERMS - Payment terms shall be as stated on Graybar's invoice or as otherwise mutually agreed. As a condition of the sales agreement, a monthly service charge of the lesser of 1-1/2% or the maximum permitted by law may be added to all accounts not paid by net due date. Visa, MasterCard, American Express, and Discover credit cards are accepted at point of purchase only.
16. EXPORTING - Buyer acknowledges that this order and the performance thereof are subject to compliance with any and all applicable United States laws, regulations, or orders. Buyer agrees to comply with all such laws, regulations, and orders, including, if applicable, all requirements of the International Traffic in Arms Regulations and/or the Export Administration Act, as may be amended. Buyer further agrees that if the export laws are applicable, it will not disclose or re-export any technical data received under this order to any countries for which the United States government requires an export license or other supporting documentation at the time of export or transfer, unless Buyer has obtained prior written authorization from the United States Office of Export Control or other authority responsible for such matters.

Signed: _____

This equipment and associated installation charges may be financed for a low monthly payment through Graybar Financial Services (subject to credit approval). For more information call 1-800-241-7408 to speak with a leasing specialist.

To learn more about Graybar, visit our website at www.graybar.com

24-Hour Emergency Phone#: 1-800-GRAYBAR

Subject to the standard terms and conditions set forth in this document. Unless otherwise noted, freight terms are F.O.B. shipping point prepaid and bill.
Unless noted the estimated ship date will be determined at the time of order placement.



HOLOPHANE

ASSOCIATED LIGHTS COMPANY

Quoted To: Town of York
York, ME

TO: DEAN KESSARD
CC: JOHN MAHONEY

Job Name: Town of York
Quote #: 2066-13-10281-0
Job Label: street lighting (budget)
Job Location: Maine
Issue Date: 10/24/2013
Bid Date: 10/31/2013

Quoted By: Jim Bailey
207/582-5106
JBailey@holophane.com

Type	Qty	Catalog #	Unit \$	Ext \$
Utility Postop LED (PTUE): Utility Post Top LED (PTUE), 100 Watt System, 5000 Series CCT, Auto-Sensing Voltage (120-277) 50/60 HZ, Asymmetric Glass Refractor, Black, Spike, NEMA Twistlock Photocontrol Receptacle, DTL Solid State Photocontrol 120-277V	18	PTUE 100 5K AS G3 B S H PCS	\$ 1356	\$ 24,408
Estimated Lead Time: 6 weeks			Grand Total: \$ 24,408	

Notes

* NOTE- price quoted is budget for the Town of York to purchase the material thru an authorized Holophane wholesale electrical distributor.

Terms

HOLOPHANE: This quote is valid for 90 calendar days from date of quote. Shipment lead times begin the day after the order is released and are based on working days only. Shipments are FOB Shipping Point on all orders. Holophane shall pay freight on orders of \$3,000 or more (\$750 for replacement ballast kits) to all points in the continental United States and Canada. Upon release of your order, poles and non-standard material cannot be cancelled or returned. Terms are subject to revision. Items with "Hold" status have not been allocated any labor, material, or scheduled production time. The lead time to shipment will begin when Holophane receives your clarification or approval to release your purchase order item(s) from "Hold" status. Prices in this acknowledgement are firm for release within a period of six months from the date of order. At the end of six months, Holophane, at its option, shall either increase prices by 3% or renegotiate pricing. Thereafter, escalation of 1-1/2% per three month period will be added. In the event of an extraordinary change in raw material costs, Holophane reserves the right to renegotiate pricing. Pricing will be reevaluated and confirmed upon receipt of your clarification or approval to release the purchase order item(s) from "Hold" status.

Frey

NorthEast Electrical Distributors
68 Elm Street
Biddeford, Maine 04005
1-207-282-3301 & 3302

George Foster



PUBLIC HEARING NOTICE
November 18, 2013
7:00 PM
York Library

The Selectmen will hold a Public Hearing on November 18, 2013 regarding a New Business License Application for the following:

- Miller Brothers LLC DBA York 54 (Victualers/Liquor); Located at 449 US Route One, Suite 105



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 15, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Business License Application (1)	

TO: BOARD OF SELECTMEN
FROM: Kathryn Newell; Assistant Code Enforcement Officer
RECOMMENDATION: Approve Business License Application (1)
PROPOSED MOTION: I move to approve the following license: <i>1. William Holler DBA 3 Buoys Seafood Shanty and Grille, located at 2 US Route One for Victualers and Liquor</i> ... subject to taxes, fees and inspections being current and compliant with the usual noise stipulations

Discussion: All appropriate departments have been notified and there is still a pending approval from the tax collector; see attached emails.

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melina M. Arroyo

Reviewed By: Robert S. Gannon



Town of York

186 York Street
York, Maine 03909-1314

TO: Board of Selectmen
FROM: Kathryn Newell
Code Enforcement Officer

DATE: November 15, 2013

RE: LICENSE INSPECTIONS AND RECOMMENDATIONS

Based on my review, I recommend the following position on the Licenses to be heard on November 18, 2013.

ENDORSEMENTS

William Holler
DBA: 3 Bouys Seafood Shanty & Grille
Victualers/Liquor

MAP 86/LOT 1-B

William Holler
2 U.S. Route 1
York, ME 03909

**FACILITY
ZONE
USE
RECOMMENDATION**

Restaurant/50 Seats
Rt. 1-2
Conforming, Existing
Approval

lah 11/15/2013

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

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



Business Name 3 Buoys Seafood Shack + Grille
 Business Location 215 Pt. 1 York, ME 03909
 Telephone Number 207-439-3401

OWNER'S Name and Mailing Address William Holler
215 Pt. 1 York, ME 03909

APPLICANT'S Name and Mailing Address William Holler
215 Pt. 1 York, ME 03909

Is applicant same operator as prior year? Yes No

INSPECTION DATA (Office Use Only)		
DEPARTMENT	DATE	INITIALS
Zoning/Land Use		
Building Structural	11/13	mmf
Electrical		
Plumbing		
Fire	10/31	Appar
Tax Collector		

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: <u>0086-0001-B</u> License Year: <u>2014</u> No. Of Seats: <u>50</u> No. Of Parking Spaces: <u>20</u> New License (One Time \$30 Fee): YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> License Renewal: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> Bed and Breakfast License: # of Rooms <u>N/A</u> Hotel/Motel with Cooking Facilities: # of Rooms <u>N/A</u> Is Your Establishment Closed for More Than 120 Consecutive Days? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	REQUESTING THE FOLLOWING LICENSES: <input checked="" type="checkbox"/> \$25.00 Victualers <input checked="" type="checkbox"/> \$25.00 Liquor <input type="checkbox"/> \$25.00 Special Amusement <input type="checkbox"/> \$25.00 Bottle Club <input type="checkbox"/> \$25.00 Theater <input type="checkbox"/> \$25.00 Dance Hall <input type="checkbox"/> Coin-OP Amusement (\$75 each or \$250 for 3 or more) Nature of Entertainment (If Applicable): _____ <input type="checkbox"/> Bed and Breakfast (\$10 Per Room): Total _____ <input type="checkbox"/> Hotel/Motel with Cooking Facilities (\$25 Per Every 10 Rooms): Total _____
---	---

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

I certify the above statements are true and understand false statements may be cause to revoke a license.
8/27/13 Date William Holler Applicant's Signature

Please Read and Initial the Following Statements:

- I understand that a license is required before operating or conducting any business or activity governed by the Town of York Licensing Ordinance.
- 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
- 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.
- 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
- 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 William Holler 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. 100.00 RECEIPT NO. 2104 RECEIPT DATE 9/9/13 MI PM MM MS
 mmf

**Department of Public Safety
Division**



Liquor Licensing & Inspection

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.

<u>BUREAU USE ONLY</u>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTIONAL 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.) <i>William Holler</i>			2. Business Name (D/B/A) <i>3 Buoys Seafood Shanty + Grill</i>		
DOB: <i>9/17/1963</i>			<i>8 US Rt. 1</i>		
DOB:			Location (Street Address)		
DOB:			<i>York ME 03909</i>		
Address <i>419 River Rd.</i>			City/Town <i>York</i> State <i>ME</i> Zip Code <i>03909</i>		
City/Town <i>Elia</i> State <i>ME</i> Zip Code <i>03903</i>			Mailing Address		
Telephone Number <i>603-686-1313</i> Fax Number			Business Telephone Number <i>807-439-3401</i> Fax Number		
Federal I.D. # <i>38-3903025</i>			Seller Certificate # <i>5273</i>		

- 3. If premises are 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

complete Supplementary Questionnaire ,If YES

- 6. Do you permit dancing or entertainment on the licensed premises? YES NO
- 7. If manager is to be employed, give name: _____
- 8. If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: _____ Business hours: _____
- 9. Business records are located at: *Town of York*
- 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
William Park	11/11/70	Meridan, CT
Nicole Stack	3/4/76	Norwood, MA
William Heller	9/17/63	Hingham, MA

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

William Park	71 Ellingwood St. Manchester, NH 03103
William Heller	86 Stratham Heights Rd. Stratham, NH 03885
Nicole Stack	48 O. St. Turners Falls, MA 01376

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

Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____

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: Peter + Valerie Belesis 12 Lucia Rd. Marblehead, MA 01945

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Small Restaurant - Fried Seafood

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

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? _____ Which of the above is nearest? _____

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, ME on 9/9, 20 13
Town/City, State Date

Signature of Applicant or Corporate Officer(s)
William P. Heller

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE

Dated at: _____, Maine _____ 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 hereby approve said application.

THIS APPROVAL EXPIRES 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 public 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. 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.

STATE OF MAINE
Liquor Licensing & Inspection Unit
 164 State House Station
 Augusta, Maine 04333-0164
 Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: 3Buoys Seafood Company
 Business D/B/A Name: 3Buoys Seafood Shanty + Grille
2. Date of Incorporation: 3/8/2011
3. State in which you are incorporated: NH
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine:
8/29/2011
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
William Hollar	86 Stratham Heights Rd. Stratham, NH 03885	9/17/63		owner

6. What is the amount of authorized stock? _____ Outstanding Stock? _____
7. Is any principal officer of the corporation a law enforcement official? () YES () NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES () NO.
9. If yes, please complete the following: Name: _____

Date of Conviction: _____ Offense: _____

Location: _____ Disposition: _____

Dated at: _____ City/Town _____ On: _____ Date _____

William P. Hollar Date: 9/9/2013
 Signature of Duly Authorized Officer

 Print Name of Duly Authorized Officer



State of Maine



DEPARTMENT OF PUBLIC SAFETY
Bureau of Liquor Licensing

License Number	Date of Issue	Date of Expiration
5273	11/28/2012	11/27/2013

THIS CERTIFICATE IS VALID ONLY BETWEEN THE DATE ISSUED AND EXPIRATION DATE APPEARING HEREIN. IT MAY BE USED ONLY FOR THE NAMED HOLDER AT THE LOCATION FOR WHICH ISSUED.

THE PERSON NAMED HEREIN IS AUTHORIZED TO SELL OR DISPENSE ALCOHOLIC BEVERAGES WITH ALCOHOLIC CONTENT PERMITTED BY LAW FOR THE PERMITS DESIGNATED BELOW.

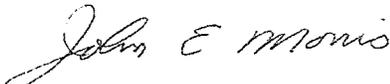
THIS CERTIFICATE AND/OR EACH TYPE OF PERMIT REPRESENTED IS SUBJECT TO SUSPENSION, REVOCATION OR CANCELLATION AS AUTHORIZED BY TITLE 28-A OF THE REVISED STATUTES.

Owner(s): 3 BOUYS SEAFOOD LLC
Business: 3 BUOYS SEAFOOD SHANTY & DELI
 2 US ROUTE ONE
 YORK, ME

CODE	PERMIT TYPE/DESCRIPTION	FEE
1138	CLASS IV - MALT ONLY - RESTAURANT	\$220.00
2630	FILING FEE	10.00

Total Fees: \$ 230.00

Every license shall be displayed on the licensed premises in a conspicuous location in that part of the premises where liquor is served or sold, where it can easily be seen.

*Bureau of
Liquor Licensing*

 Commissioner



STATE OF MAINE
 MAINE REVENUE SERVICES
RESALE CERTIFICATE

THIS CERTIFICATE IS VALID
 DECEMBER 01 2012 THRU DECEMBER 31 2015



Business Name and Location Address	Certificate Number	Business Type
3 BUOYS SEAFOOD LLC	1159800	PREP FOOD
D/B/A 3 BOUYS SEAFOOD SHANTY &		
2 US ROUTE 1		
YORK, ME 03909-5105		

This is to certify that the above named business is authorized to purchase tangible personal property for resale during the period identified on this certificate. This certificate cannot be reassigned or transferred and can only be used by the above business or its authorized employees. This certificate is void if the business has ceased operating or if the certificate has been altered.

The above named business certifies that the following items will be resold as tangible personal property in the ordinary course of their business.

Presented to: _____ (Insert name of seller on photocopy) _____ (date) _____ Presented by: _____ Authorized Signature (purchaser) _____ (date)

State of Maine

DEPARTMENT OF HEALTH AND HUMAN SERVICES

EST ID: 4982

EATING PLACE 30-75 SEATS

50 Seats

3 BUOYS SEAFOOD SHANTY & GRILLE
2 US ROUTE 1
YORK ME 03909

EXPIRES: 07-09-2014

FEE: \$195.00

ATTN WILLIAM PARK & WILLIAM, HOLDER
3 BUOYS SEAFOOD LLC
3 BUOYS SEAFOOD SHANTY & GRILLE
2 US RT 1
YORK ME 03909

Mary C. Maynew
COMMISSIONER

07-09-2014

07-09-2014

License Certificate

No. 012-111



Municipality of York, Maine
Office of the Municipal Clerk
Date: October 22, 2012

To all whom these presents may concern:

Know Ye, that William Holler and William Park DBA 3 Buoys Seafood Shanty & Grille located at 2 US Rt. 1, York, Maine receipt of which is hereby acknowledged, having complied with all the requirements of Law, has been duly licensed within the Municipality of York, Maine for the following licenses:
Victualers & Liquor

This License is subject to the strict observance of all Laws and Regulations in such case made and provided and is to continue until the 30th day of November 2015, unless sooner revoked.

License is non-transferable

Seating Capacity: 50

William Park
Municipal Clerk

Municipal Clerk

Melissa M. Avery

From: David Apgar
Sent: Thursday, October 31, 2013 7:46 PM
To: Melissa M. Avery
Subject: Inspection Completed - 3 Buoys

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Missy,

I have completed a fire inspection at the 3 Buoys Restaurant. Please proceed with their license renewal .

Thank you,

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

Issues: Hood system over fry-o-laters need cleaning. (Scheduled in two weeks.)
Install Emergency lighting and Exit sign. (Combo sign is fine.)

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

Melissa M. Avery

From: Mary-Anne Szeniaewski
Sent: Thursday, September 19, 2013 11:41 AM
To: Melissa M. Avery
Subject: RE: Business License - 3Buoys

\$114.90 due through September 30, 2013

Mary-Anne Szeniaewski
Town Clerk/Tax Collector
Town of York, Maine
186 York Street, York, ME 03909-1314
i: www.yorkmaine.org
e: mszeniaewski@yorkmaine.org
p: (207) 363-1003, Ext. 272
f: (207) 363-1009

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

From: Melissa M. Avery
Sent: Thursday, September 19, 2013 10:06 AM
To: Mary-Anne Szeniaewski; David K. Bridges; David Apgar
Cc: Melissa M. Avery
Subject: Business License - 3Buoys

Morning!

Attached is the Business License for 3Buoys, located at 2 US Route One.

Let me know when you've had a chance to review!

Thank you!

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
www.yorkmaine.org

Please consider the environment before printing this email.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: October 24, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 4, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Discussion and Possible Action of Chamber of Commerce Purchase and Sale Agreement	

TO: BOARD OF SELECTMEN
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION: Approve the Purchase and Sale with the Chamber of Commerce
PROPOSED MOTION: I move to approve the Purchase and Sale agreement with the Chamber of Commerce for town owned property at 571 US Route One.

Discussion: The Chamber of Commerce has submitted a revised Purchase and Sale Agreement, reflecting the Selectmen's comments to their previous Purchase and Sale regarding their offer to purchase 2.02 acres of town owned land located at 571 US Route One.

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melina M. Arce

Reviewed By: _____

PURCHASE AND SALE AGREEMENT - LAND ONLY
("days" means business days unless otherwise noted, see paragraph 20)

September 23, 2013
Offer Date

Effective Date is defined in Paragraph 20 of this Agreement. Effective Date

1. PARTIES: This Agreement is made between The Greater York Region, Chamber of Commerce
Town of York ("Buyer") and
____ ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (all
 part of; If "part of" see para. 22 for explanation) the property situated in municipality of York County of York, State of Maine, located at 571 U.S. Route 1 and
described in deed(s) recorded at said County's Registry of Deeds Book(s) 4503, Page(s) 182

3. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of
\$ 150,000.00. Buyer has delivered; or will deliver to the Agency within 2 days of the Offer Date,
a deposit of earnest money in the amount \$ 1,000.00. If said deposit is to be delivered after the submission of this
offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the
deposit being delivered will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of
\$ N/A will be delivered N/A. Failure by Buyer to deliver this additional deposit in
compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by
wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

4. ESCROW AGENT/ACCEPTANCE: Coldwell Banker Yorke Realty ("Agency") shall hold
said earnest money and act as escrow agent until closing; this offer shall be valid until October 18, 2013 (date)
5:00 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly
to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to
recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

5. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by
the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and
execute all necessary papers on February 28, 2014 (closing date) or before, if agreed in writing by both parties. If
Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to
exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller,
to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the
closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and
accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any
further obligations hereunder and any earnest money shall be returned to the Buyer.

6. DEED: The property shall be conveyed by a Quit Claim deed, and shall be free and clear of all
encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the
continued current use of the property.

7. POSSESSION: Possession of premises shall be given to Buyer immediately at closing unless otherwise agreed in writing.

8. RISK OF LOSS: Until the closing, the risk of loss or damage to said premises by fire or otherwise, is assumed by Seller. Buyer
shall have the right to view the property within 24 hours prior to closing for the purpose of determining that the premises are in
substantially the same condition as on the date of this Agreement.

9. PRORATIONS: The following items, where applicable, shall be prorated as of the date of closing: rent, association fees, (other
N/A). Real estate taxes shall be prorated as of the date of closing (based on municipality's
fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing,
they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate
and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as
required by State of Maine.

January 2013 Page 1 of 4 - P&S-LO Buyer(s) Initials WJ Seller(s) Initials _____

Coldwell Banker Yorke Realty 529 US Route 1, Suite 101 York, ME 03909
Phone: (207)363-4300 Fax: (207)363-1458 Wesley Cook

Produced with zipForm® by zipLogix 18070 Filteen Mile Road, Fraser, Michigan 48026 www.ziplogix.com

Untitled

10. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern.

Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Sellers' real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

CONTINGENCY	YES	NO	DAYS FOR COMPLETION	OBTAINED BY	TO BE PAID FOR BY
1. SURVEY Purpose: <u>Update 1998 A & L survey showing current improvements & easements.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>30</u>	<u>Buyer</u>	<u>Buyer</u>
2. SOILS TEST Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
3. SEPTIC SYSTEM DESIGN Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
4. LOCAL PERMITS Purpose: <u>Farmers Market expansion.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>30</u>	<u>Buyer</u>	<u>Buyer</u>
5. HAZARDOUS WASTE REPORTS Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>30</u>	<u>Seller</u>	<u>Seller</u>
6. UTILITIES Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
7. WATER Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
8. SUB-DIVISION APPROVAL Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
9. DEP/LURC APPROVALS Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>30</u>	<u>Buyer</u>	<u>Buyer</u>
10. ZONING VARIANCE Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
11. HABITAT REVIEW/WATERFOWL Purpose: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>30</u>	<u>Seller</u>	<u>Seller</u>
12. FARMLAND ADJACENCY Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
13. MDOT DRIVEWAY/ENTRANCE PERMIT Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
14. DEED RESTRICTION Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
15. TAX STATUS/TREE GROWTH Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____
16. OTHER Purpose: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____

Further specifications regarding any of the above: **None**

Unless otherwise specified above, all of the above will be obtained and paid for by Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

11. FINANCING: This Agreement is is not subject to Financing. If subject to Financing:
- This Agreement is subject to Buyer obtaining a USDA Rural Development loan of 100.000 % of the purchase price, at an interest rate not to exceed Current % and amortized over a period of 40 years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
 - Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within 7 days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
 - Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee or Buyer's licensee.
 - After (b) is met, Buyer is obligated to notify Seller in writing if a lender notifies Buyer that it is unable or unwilling to provide said financing. Any failure by Buyer to notify Seller within two days of receipt by Buyer of such notice from a lender shall be a default under this Agreement.
 - Buyer agrees to pay no more than 0 points. Seller agrees to pay up to \$ N/A toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
 - Buyer's ability to obtain financing is is not subject to the sale of another property. See addendum Yes No .
 - Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

12. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Wesley F. Cook (004195) of Coldwell Banker Yorke Realty (1274)
 Licensee MLS ID Agency MLS ID
 is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

N/A (N/A) of N/A (N/A)
 Licensee MLS ID Agency MLS ID
 is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form.

14. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

15. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

16. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

17. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

18. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original, faxed or other electronically transmitted signatures are binding.

19. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

20. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

22. OTHER CONDITIONS: Coldwell Banker Yorke Realty will receive "NO" commission on this transaction. 2. The portion of the real estate to be sold is York Tax Map 42, Lot 9, containing about 2.02 Ac. and being parcel B on Boundary Survey for Stonewall Kitchen by A & L dated 1998-1999 Plan # 1644.981101.

23. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

24. ADDENDA: Yes Explain: See Addendum #1 No

Buyer's Mailing address is 1 Stonewall Lane, York, ME 03909

[Signature] _____ 10, 21 13 _____
 BUYER DATE BUYER DATE
 The Greater York Region Chamber of Commerce

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is _____

_____ DATE _____ DATE
 SELLER Town of York SELLER

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM.

_____ DATE _____ DATE
 SELLER SELLER

The Buyer hereby accepts the counter offer set forth above.

_____ DATE _____ DATE
 BUYER BUYER

EXTENSION:

The time for the performance of this Agreement is extended until _____ DATE

_____ DATE _____ DATE
 SELLER SELLER

_____ DATE _____ DATE
 BUYER BUYER



ADDENDUM 1 TO PURCHASE AND SALE AGREEMENT

The Purchase and Sale Agreement with an effective date of 10/23/13 2013, ("Agreement") between The Greater York Region Chamber of Commerce (the "Buyer") and Town of York (the "Seller"), concerning real estate located at 571 U.S. Route 1 York, Maine ("Map 42/Lot 9"), in consideration of these mutual covenants and other value, is hereby amended as follows:

Article 6. DEED: After the first sentence, insert: *The deed shall include and the land shall be conveyed together with and subject to these rights, restrictions and covenants, which shall run with the land and bind the successors and assigns of the grantor and grantee: 1 Stonewall Lane and 571 U.S. Route 1 (York Tax Map 42, Lot 9B and Lot 9, respectively) shall be combined as one lot for zoning and land use and development purposes, including lot coverage and density calculations that allow the expansion of buildings and improvements on Lot 9B; and no structures shall be placed on Map42/Lot 9 except those accessory to operation of a seasonal or year-round farmer's market and those accessory to low impact recreational uses consistent with the operation of a visitor's welcome facility and information center.*

All other terms and conditions of the Agreement shall remain in full force and effect.

BUYER:

THE GREATER YORK REGION CHAMBER OF COMMERCE

By:



10/23/13

Chris Kehl, Treasurer
Duly Authorized

Date

SELLER:

TOWN OF YORK

By:

Robert Yandow, Town Manager
Duly Authorized

Date



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 14, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: Immediate	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Dangerous Building at Map 94 Lot 84 Unit I, 1 Justin Circle.	

TO: BOARD OF SELECTMEN
FROM: Amber Harrison, CEO
RECOMMENDATION: The Board of Selectmen send a legal notice to the owner at 1 Justin Circle giving the owner three possible options: <ol style="list-style-type: none">1. To remove the dangerous building2. To authorize the town to remove the dangerous building, and to assess a "special tax" to recuperate costs3. To go to Superior Court
PROPOSED MOTION: Motion to approve sending a legal notice to the owner of Map 94 Lot 84 Unit I; 1 Justin Circle, regarding the above mentioned options for the dangerous building on the property.

Discussion:

FISCAL IMPACT: Any costs to the town will be recuperated by a "special tax".

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: *Andrew L. Decker*

Reviewed By: *Robert B. Gannon*



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

November 14, 2013

Town of York Board of Selectmen
186 York Street
York, ME 03909

RE: 1 Justin Circle, Map 94 Lot 84 Unit I; Dangerous Building

Dear Board,

On April 30, 2013 the York Code Enforcement Department received a complaint about "a structure...well beyond repair...and a danger to the area" at 1 Justin Circle. A York Code Enforcement Officer was later dispatched to the property to discuss the issue with the property owner. At that time the property owner disagreed with the Code Enforcement Officer over the dangerous structure and it has therefore been brought to your attention. The building seems to have been vacant for several years.

As a result of these events, I visited the property on August 8, 2013, to assess the situation, and see if I could find someone on the property to talk to. I did not find anyone residing there. I could clearly see from a distance that the building was in fact depreciated to a point that would raise safety concerns. The building leans several inches off of plumb, and has large holes through the roof. There are also several holes where animals have been entering and exiting the area under the building. I took a few photos of the concerning areas of the structure. I immediately sent a letter to the owner stating the situation, and that he would have 30 days to demonstrate that the building is safe or to have the building removed.

In the days after the receipt of that letter I had a conversation with the owner Harry Norton Sr. At that time he communicated to me that he would be willing to demolish the structure if he was allowed a variance on the time required to rebuild on the same footprint. The owner expressed that he would comply with demolition if given a time frame of five to ten years in which to rebuild using the existing structure footprint. I went on to explain that the Town of York's Land Use Ordinance contains specific standards on the demolition and rebuilding of a non-conforming structure.

Section 17.2.5 of the Ordinance states:

Except for buildings which are non-conforming with respect to required Shoreland setbacks, a non-conforming building can be demolished and replaced with another building so long as the new building is no more non-conforming than the building that is removed. To qualify under this provision, the property owner or applicant shall have a Maine-licensed land surveyor locate the existing building on the lot and show it on a stamped plot plan. The new building shall be constructed within two years. Once the new building is in place and prior to the issuance of an occupancy permit, the surveyor must evaluate and certify that the new building is not more non-conforming than the prior building in any respect.

I have not heard anything from the owner since this conversation in October 2013, and his 30 day window to correct the issue is now closed.

Title 17 of the Maine Revised Statues § 2851 states:

“Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure.”

Therefore, it is my recommendation that the Board of Selectmen send a legal notice to the owner giving him three possible options:

1. To remove the dangerous building.
2. To authorize the town to remove the dangerous building, and to assess a "special tax" to recoup costs.
3. To dispute the notice in Superior Court.

The procedure for this legal notice, the court process, and the "special tax" are all laid out in the Maine Revised Statutes Title 17, § 2851-2858.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amber L. Harrison". The signature is fluid and cursive, with a long horizontal flourish at the end.

Amber L. Harrison
Code Enforcement Officer

Attachments: Photographs of the failing structure dated August 8, 2013.
Letter to property owner dated October 7, 2013.
Maine Revised Statutes Title 17 § 2851-2859







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

To
1
York,

October 7
Harry H. M
PO BOX 4
York Beac
RE: 1 Just

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

1 Justin Circle 94-84-I
Harry H. Norton, Sr.
P.O. Box 466
York Beach, ME 03910-0466

2. Article Number
(Transfer from service label)

7011 1150 0002 3272 6316

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

Dear Mr.

The Code Enforcement Office has received complaints concerning the safety of your property (namely the garage/barn) at 1 Justin Circle in York (Map 94 Lot 84 Unit I). Title 17 of the Maine Revised Statutes Section 2851-2859 authorizes the Municipal Officers to determine if a building is considered "dangerous." York Code Enforcement Officers have visited the property and have discussed with you the condition of the dilapidated garage/barn with regard to the complaints we've received. It can clearly be seen from the sidewalk that the structure is beyond repair and has numerous holes in fact it is depreciated to a point that would raise safety concerns. The building leans several inches off of plumb, and has large holes through the roof. There are also several holes where animals have been entering and exiting the area under the building. Based on the visual evidence, I feel that your building may be considered a dangerous building. If you cannot demonstrate to me within the next 30 days that the building is in fact safe according to 17 M.R.S. 2851-2859, I will have to recommend to the Board of Selectmen that they take corrective action. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Amber L. Harrison

CEO

Town of York, ME

aharrison@yorkmaine.org

207.363.1002

CC: Robert Yandow, York Town Manager

COMPLETE THIS SECTION ON DELIVERY

A. Signature

- Agent
- Addressee

B. Received by (Printed Name)

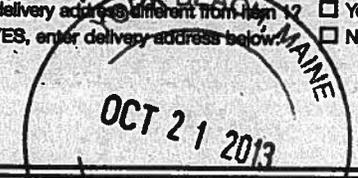
C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below. No

3. Service Type

- Certified Mail
- Express Mail
- Registered
- Return Receipt for Merchandise
- Insured Mail G.O.D.

4. Restricted Delivery? (Extra Fee) Yes





Town of York

186 York Street
York, Maine 03909-1314

October 7, 2013

Harry H. Norton, Sr.
PO BOX 466
York Beach, ME 03910-0466
RE: 1 Justin Circle, Map 94 Lot 84 Unit I

Dear Mr. Norton,

The Code Enforcement Office has received complaints concerning the safety of your property (namely the garage/barn) at 1 Justin Circle in York (Map 94 Lot 84 Unit I). Title 17 of the Maine Revised Statutes Section 2851-2859 authorizes the Municipal Officers to determine if a building is considered "dangerous." York Code Enforcement Officers have visited the property and have discussed with you the condition of the dilapidated garage/barn with regard to the complaints we've received. It can clearly be seen from the sidewalk that the structure is beyond repair and has numerous holes in fact it is depreciated to a point that would raise safety concerns. The building leans several inches off of plumb, and has large holes through the roof. There are also several holes where animals have been entering and exiting the area under the building. Based on the visual evidence, I feel that your building may be considered a dangerous building. If you cannot demonstrate to me within the next 30 days that the building is in fact safe according to 17 M.R.S. 2851-2859, I will have to recommend to the Board of Selectmen that they take corrective action. If you have any questions concerning this matter, please feel free to contact me.

Sincerely,

Amber L. Harrison
CEO
Town of York, ME
aharrison@yorkmaine.org
207.363.1002

CC: Robert Yandow, York Town Manager

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

Maine Revised Statutes

[§2852 PDF](#)

[§2852 WORD/RTF](#)

[STATUTE SEARCH](#)

[CH. 91 CONTENTS](#)

[TITLE 17 CONTENTS](#)

[LIST OF TITLES](#)

[DISCLAIMER](#)

[MAINE LAW](#)

[REVISOR'S OFFICE](#)

[MAINE LEGISLATURE](#)

§2851

Title 17: CRIMES

§2853

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2852. Appeal; hearing

An appeal from a decision of the municipal officers or county commissioners must be to the Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B. [1997, c. 6, §2 (AMD).]

SECTION HISTORY

1965, c. 284, (RPR). 1979, c. 27, §4 (RPR). 1997, c. 6, §2 (AMD).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

**7 State House Station
State House Room 108
Augusta, Maine 04333-0007**

Maine Revised Statutes

☑ [§2851 PDF](#)

☑ [§2851 WORD/RTF](#)

➤ [STATUTE SEARCH](#)

⏪ [CH. 91 CONTENTS](#)

⏪ [TITLE 17 CONTENTS](#)

⏪ [LIST OF TITLES](#)

➤ [DISCLAIMER](#)

⏪ [MAINE LAW](#)

⏪ [REVISOR'S OFFICE](#)

⏪ [MAINE LEGISLATURE](#)

§2808

Title 17: CRIMES

§2852

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2851. Dangerous buildings

Whenever the municipal officers in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county, find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof that is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure. [1997, c. 6, §1 (AMD).]

1. Notice. The notice must be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

2. Notice; how published. When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice must be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

[1997, c. 6, §1 (AMD) .]

3. Order. The order made by the municipal officers or county commissioners must be recorded by the municipal or county clerk, who shall cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

[1997, c. 6, §1 (AMD) .]

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the

structure is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

[1997, c. 6, §1 (AMD) .]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §1 (AMD). 1973, c. 143, §1 (AMD). 1979, c. 27, §§1-3 (AMD). 1997, c. 6, §1 (AMD).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

**7 State House Station
State House Room 108
Augusta, Maine 04333-0007**

Maine Revised Statutes

- ▼ [§2853 PDF](#)
- ▼ [§2853 WORD/RTF](#)
- [STATUTE SEARCH](#)
- ◀ [CH. 91 CONTENTS](#)
- ◀ [TITLE 17 CONTENTS](#)
- ◀ [LIST OF TITLES](#)
- [DISCLAIMER](#)
- ◀ [MAINE LAW](#)
- ◀ [REVISOR'S OFFICE](#)
- ◀ [MAINE LEGISLATURE](#)

§2852

Title 17: CRIMES

§2854

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2853. Municipal officers may order nuisance abated

If no appeal is filed, the municipal officers of such municipality shall cause said nuisance to be abated or removed in compliance with their order, and all expenses thereof shall be repaid to the municipality by the owner or co-owner within 30 days after demand or a special tax may be assessed by the assessors against the land on which said building was located for the amount of such expenses and such amount shall be included in the next annual warrant to the tax collector of said town for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected. [1967, c. 401, §2 (AMD).]

In the case of any claim for expenses incurred in the abatement or removal of any wharf, pier, pilings or any portion thereof which extends beyond the low water mark, the special tax authorized by this section shall apply to the land from which such wharf, pier or pilings extended or to which they were adjacent, provided the owner of the land is also the owner of the said wharf, pier, pilings or portion thereof. [1973, c. 143, §2 (NEW).]

Expenses shall include, but not by way of limitation, the costs of title searches, location reports, service or process, costs of removal of the structure, any costs incurred in securing the structure, pending its removal, and all other costs incurred by the municipality which are reasonably related to the removal of the structure. In addition to levying a special tax, the municipality may recover its expenses, including its reasonable attorney's fees, by means of a civil action brought against the owner. [1979, c. 27, §5 (NEW).]

SECTION HISTORY

1965, c. 284, (RPR). 1967, c. 401, §2 (AMD). 1973, c. 143, §2 (AMD). 1977, c. 707, §§5-A (AMD). 1979, c. 27, §5 (AMD).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Maine Revised Statutes

- ☑ [§2856 PDF](#)
- ☑ [§2856 WORD/RTF](#)
- [STATUTE SEARCH](#)
- ◀ [CH. 91 CONTENTS](#)
- ◀ [TITLE 17 CONTENTS](#)
- ◀ [LIST OF TITLES](#)
- [DISCLAIMER](#)
- ◀ [MAINE LAW](#)
- ◀ [REVISOR'S OFFICE](#)
- ◀ [MAINE LEGISLATURE](#)

§2855

Title 17: CRIMES

§2857

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2856. Securing dangerous structures

In addition to other proceedings authorized by this subchapter, a municipality shall have the right to secure structures which pose a serious threat to the public health and safety and to recover its expenses in so doing as provided in this subchapter. If a building is secured under this section, notice, in accordance with section 2851, subsection 1, shall be given. This notice need not be given before securing the structure if the threat to the public health and safety requires prompt action. [1979, c. 27, §6 (NEW).]

SECTION HISTORY
1979, c. 27, §6 (NEW).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

**Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007**

Maine Revised Statutes

- §2857 PDF
- §2857 WORD/RTF
- STATUTE SEARCH
- CH. 91 CONTENTS
- TITLE 17 CONTENTS
- LIST OF TITLES
- DISCLAIMER
- MAINE LAW
- REVISOR'S OFFICE
- MAINE LEGISLATURE

§2856

Title 17: CRIMES

§2858

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2857. Recording of notice

The municipal clerk shall cause an attested copy of the notice to be recorded in the Registry of Deeds located within the county where the structure is situated. Recording of this notice shall be deemed to put any person claiming under the owner of a structure subject to proceedings under this subchapter on notice of the pendency of the proceedings. [1979, c. 27, §6 (NEW).]

SECTION HISTORY
1979, c. 27, §6 (NEW).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

**7 State House Station
State House Room 108
Augusta, Maine 04333-0007**

Maine Revised Statutes

[§2858 PDF](#)

[§2858 WORD/RTF](#)

[STATUTE SEARCH](#)

[CH. 91 CONTENTS](#)

[TITLE 17 CONTENTS](#)

[LIST OF TITLES](#)

[DISCLAIMER](#)

[MAINE LAW](#)

[REVISOR'S OFFICE](#)

[MAINE LEGISLATURE](#)

§2857

Title 17: CRIMES

§2859

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2858. Consent to removal

The owner and parties-in-interest of a dangerous structure may consent to its removal and to the recovery of the expenses incurred by a municipality by means of a special tax as set forth in this subchapter. Notices of the consent shall be recorded in the Registry of Deeds located in the county where the structure is situated. [1979, c. 27, §6 (NEW).]

SECTION HISTORY

1979, c. 27, §6 (NEW).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

7 State House Station

State House Room 108

Augusta, Maine 04333-0007

Maine Revised Statutes

☑ [§2859 PDF](#)

☑ [§2859 WORD/RTF](#)

➤ [STATUTE SEARCH](#)

⏪ [CH. 91 CONTENTS](#)

⏪ [TITLE 17 CONTENTS](#)

⏪ [LIST OF TITLES](#)

➤ [DISCLAIMER](#)

⏪ [MAINE LAW](#)

⏪ [REVISOR'S OFFICE](#)

⏪ [MAINE LEGISLATURE](#)

§2858

Title 17: CRIMES

§2871

Chapter 91: NUISANCES

Subchapter 4: DANGEROUS BUILDINGS

§2859. Summary process

In cases involving an immediate and serious threat to the public health, safety or welfare, in addition to any other remedies, a municipality may obtain an order of demolition by summary process in Superior Court, in accordance with this section. [1981, c. 43, (NEW) .]

1. Commencement of action. A municipality, acting through its building official, code enforcement officer, fire chief or municipal officers, shall file a verified complaint setting forth such facts as would justify a conclusion that a building or structure is "dangerous," as that term is defined in section 2851; and shall state in the complaint that the public health, safety or welfare requires the immediate removal of that building or structure.

[RR 2007, c. 2, §5 (COR) .]

2. Order of notice. Whenever a complaint is filed under this section, the justice before whom it is brought, acting ex parte, shall promptly issue an order:

A. Requiring the owner and all parties-in-interest, as that term is defined in the statutes governing foreclosure by civil action, to appear and show cause why the building or structure should not be ordered demolished; [1981, c. 43, (NEW) .]

B. Specifying the method of service of the order and the complaint; [1981, c. 43, (NEW) .]

C. Setting a time and place for hearing the complaint, which shall be the earliest possible time but not be later than 10 days from the date of filing; and [1981, c. 43, (NEW) .]

D. Fixing the time for filing an answer to the complaint if the court determines that an answer is required. [1981, c. 43, (NEW) .]

3. Enlargement of time; default. The court may for good cause shown enlarge the time for the hearing. If the owner or parties-in-interest, or any of them, fail to answer, if an answer is required, or fail to appear as directed, or to attend the hearing at the time appointed or as enlarged, the court shall order a default judgment to be entered with respect to the owner or parties-in-interest.

[1981, c. 43, (NEW) .]

4. Hearing. After hearing, the court shall enter judgment. If the judgment requires removal of the building or structure, the court shall

award costs to the municipality as authorized by this subchapter. The award of costs may be contested and damages sought in a separate action to the extent permitted by subsection 7.

[1981, c. 43, (NEW) .]

5. Appeal. No judgment requiring demolition issued pursuant to this section may be appealed. The owner of a building or structure which is the subject of an order issued under this section, or a party-in-interest, may appeal the award of costs, if any, or seek damages for wrongful removal pursuant to subsection 7.

[1981, c. 43, (NEW) .]

6. Stay. No judgment authorizing demolition may be stayed pending appeal, unless the court first determines that granting a stay would not pose a significant risk to the public health, safety or welfare.

[1981, c. 43, (NEW) .]

7. Damages. Any complaint that either seeks damages for the wrongful removal of a building or structure or challenges the award of costs must be filed no later than 30 days from the date of the judgment or order that is the subject of the appeal. The damages that may be awarded for wrongful demolition are limited to the actual value of the structure at the time of its removal. The provisions of Title 14, section 7552 do not apply. If the municipality should prevail, the court may award it its costs in defending any appeal which may include, but are not limited to, reasonable attorney's fees.

[1995, c. 450, §6 (AMD) .]

SECTION HISTORY

1981, c. 43, (NEW). 1995, c. 450, §6 (AMD). RR 2007, c. 2, §5 (COR).

Data for this page extracted on 10/16/2012 08:27:36.

**The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.
If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

**7 State House Station
State House Room 108
Augusta, Maine 04333-0007**



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Overview of Draft Stormwater Program Management Plan	

TO: BOARD OF SELECTMEN
FROM: Leslie Hinz
<p>RECOMMENDATION: To receive a presentation from the York County MS4 consultant, Kristie Rabasca of Integrated Environmental Engineering, regarding the Draft Stormwater Program Management Plan to be submitted to Maine DEP by December 20, 2013. I recommend the Board approve the Stormwater Management Plan, and authorize the Town Manager to sign the Certification for the Draft Plan.</p> <p>PROPOSED MOTION: Regarding the submission of the Draft Stormwater Management Plan:</p> <ol style="list-style-type: none">1- I recommend the Board approve the Draft Plan, with authorization to correct typographic and consistency errors as discovered; and2- I move to authorize the Town Manager to sign the Certificate for the Draft Plan.

Discussion: A copy of the Draft Plan is included in the meeting packet. This presentation will give an overview of the Plan and its 6 minimum control measure. This presentation is required as part of the Public Education and Outreach, under Part IV, H.1 of the 2013-2018 General Permit. Working together, the York County MS4 Group is submitting this Plan and 2 other required plans to coordinate efforts and save money.

FISCAL IMPACT: None

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Jessie King

Reviewed By: Robert B. Yandow

**General Permit for the Discharge of Stormwater from
Small Municipal Separate Storm Sewer Systems**

**Certificate for Stormwater Program Management Plan
(July 1, 2013 – June 30, 2018)**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Representative for the municipality of York:

Name: _____ Date: _____

Title: _____

Town Manager

DRAFT
STORMWATER PROGRAM MANAGEMENT PLAN

FOR

YORK COUNTY MS4s

BERWICK

ELIOT

SOUTH BERWICK

KITTERY

and

YORK

MAINE

Permit Years 1 through 5 (June 1, 2013 to June 1, 2018)
Submitted to Maine DEP November 2013

Table of Contents

SECTION 1	INTRODUCTION	3
	Overview of Regulatory Program.....	3
	Cooperation Between Regulated Communities	3
	Stormwater Program Management Plan	4
	Minimum Control Measures (MCM's)	4
	Annual Reporting and Record Keeping.....	5
	Impaired Waters and Total Maximum Daily Load (TMDL).....	6
	Priority Watersheds	10
SECTION 2	MINIMUM CONTROL MEASURES.....	14
	MCM 1 Public Education and Outreach	14
	MCM 2 Public Involvement and Participation	19
	MCM 3 Illicit Discharge Detection and Elimination	20
	MCM 4 Construction Site Stormwater Runoff Control.....	25
	MCM 5 Post-Construction Stormwater Management.....	26
	MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations.....	29
SECTION 3	GENERAL REQUIREMENTS	33
	Certifications	33

APPENDICES

- A. Urbanized Area Maps**
- B. Notices of Intent**
- C. Bacteria TMDL Consistency Evaluation**
- D. Certifications**

SECTION 1 INTRODUCTION

Overview of Regulatory Program

The towns of Berwick, South Berwick, Eliot, Kittery and York, Maine are subject to the General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s) which was issued by the Maine Department of Environmental Protection (DEP) on July 1, 2013. Because the permit is a Clean Water Act-based Maine Pollution Discharge Elimination System (MEPDES) permit, it is limited to a duration of five (5) years, and therefore expires on June 30, 2018.

Communities are regulated under this program when and if they are identified as having “Urbanized Areas” in their municipal boundary. An Urbanized Area is a US Census-defined term, requiring a population density of 1,000 people per square mile, within a Central Place. Central Places consist of an accumulation of 50,000 in adjacent census blocks that each have the density of 1,000 people per square mile. The Greater Portsmouth Area is a Central Place, and the towns of Berwick, South Berwick, Eliot and Kittery have had Urbanized Areas within their municipal boundaries since the first General Permit was issued in Maine in 2003. The town of York became regulated July 1, 2013 when the third General Permit was issued because the 2010 Census identified the town as having Urbanized Areas within its municipal boundaries.

Once a community becomes regulated by the General Permit, only the Urbanized Area portions of the town are regulated. As each US Census is published, if the Urbanized Area changes (based on changes to the population), additional areas can be added to the regulated area. Appendix A shows the Urbanized Areas that are regulated by the General Permit for each of the towns, which is based on the 2000 and 2010 US Census data.

Each of the towns was required to file a separate Notice of Intent to comply with the General Permit in July 2013. Copies of the NOIs filed are provided in Appendix B. Several key requirements of the General Permit are described below.

Cooperation Between Regulated Communities

In 2003, when the towns of Berwick, South Berwick, Eliot and Kittery became regulated, they decided to work together in implementing the requirements of the General Permit as a cost saving measure. The General Permit specifies that the towns complete the same activities, so there was good opportunity to save costs by working together. When the town of York became regulated, they joined the other four communities in cooperative efforts. The towns selected the name York County MS4s to describe their cooperative entity.

There are 25 other municipalities in the State of Maine that are subject to the General Permit. The municipalities have a good history of cooperating on a state-wide basis to complete

activities required by the General Permit such as public outreach and training.

The Bangor area regulated municipalities have formed the Bangor Area Stormwater Working Group (BASWG), the Lewiston Auburn area municipalities formed the Androscoggin Valley Stormwater Working Group (AVSWG), and the Portland Area municipalities formed the Casco Bay Interlocal Stormwater Working Group (ISWG).

In implementing the current General Permit, the York County MS4s continue to cooperate both regionally and state-wide to fulfill select requirements. In particular, the York County MS4s will prepare planning documents and annual reports as regional efforts. Some training and public education efforts will be regional, and some public education efforts will be statewide. This plan describes which elements will be completed individually, regionally or as a state-wide effort.

Stormwater Program Management Plan

Each of the three General Permits that have been issued have required that the towns develop, implement, and enforce a 5-year Stormwater Program Management Plan ("Plan") to coincide with the term of the General Permit. This Plan is effectively a revision of the prior Plan, updated to reflect the new General Permit requirements.

The Plan describes how the towns will implement six Minimum Control Measures (MCMs), set forth in Part IV.H of the General Permit. The MCMs are designed to reduce the discharge of pollutants from the towns' separated storm drain systems within their respective Urbanized Areas to the Maximum Extent Practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

The term "Maximum Extent Practicable" is defined in the General Permit. The term means available and feasible considering cost, existing technology, and logistics based on the overall purpose of the project. Effectively, the regulated MS4s are allowed to consider these concepts as they select Best Management Practices (BMPs) to meet permit requirements. In addition, the term Maximum Extent Practical allows the regulated MS4s to adjust BMPs throughout the Permit Cycle if needed based on evaluations of their effectiveness, changing conditions, specific local concerns, or changes in other factors.

This Plan describes how the towns will reduce or eliminate polluted stormwater runoff to the Maximum Extent Practicable within their Urbanized Areas, from their MS4 infrastructure. This Plan must be substantially implemented by June 30, 2018.

Minimum Control Measures (MCM's)

The six MCMs that are required to be addressed in this Plan are:

- 1 Public education and outreach on stormwater impacts
- 2 Public involvement and participation
- 3 Illicit discharge detection and elimination
- 4 Construction site stormwater runoff control
- 5 Post-construction stormwater management in new development and redevelopment
- 6 Pollution prevention/good housekeeping for municipal operations

The General Permit requires that for each MCM, the towns must: define appropriate BMPs; designate a person(s) responsible for each BMP; define a time line for implementation of each BMP; and define measurable goals for each BMP.

The prior General Permits also required that the Plan address these six MCMs, but the specific requirements related to each MCM have changed with each permit. In many cases, the four towns previously subject to the General Permit are required to continue with a program that they developed under a prior General Permit.

Annual Reporting and Record Keeping

By September 15, 2014, and annually thereafter by September 15, the towns must submit a report for the DEP's review and approval. The annual report must be sent to:

**Municipal/Industrial Stormwater Coordinator
Department of Environmental Protection
17 State House Station Augusta,
Maine 04333-0017**

The report must include the following:

- a. The status of compliance with permit conditions based on the Plan, an assessment of the appropriateness of identified best management practices, progress towards achieving identified measurable goals for each of the MCMs, and progress toward achieving the goal of reducing the discharge of pollutants to the Maximum Extent Practicable.
- b. Results of information collected and analyzed, including monitoring data, if any, during the reporting period.
- c. A summary of the stormwater activities the towns intend to undertake pursuant to the Plan during the next reporting cycle.
- d. A change in any identified BMPs or measurable goals that apply to the Plan.
- e. A summary describing the activities, progress, and accomplishments for each of the MCMs (including such items as the status of education and outreach efforts, public involvement activities, stormwater mapping efforts, dry weather inspections, detected illicit discharges, detected illicit connections, illicit discharges that were eliminated,

construction site inspections, number and nature of enforcement actions, post construction BMP status and inspections, and the status of the towns' good housekeeping/pollution prevention programs).

Changes to the report based on the DEP's review comment(s) must be submitted to the Department within 30 days of the receipt of the comment(s). The DEP has suggested the town provide an estimate of annual expenditures for permit compliance for the reporting period and projected budget for the following year.

The towns must keep records required by the General Permit for at least three (3) years following its expiration or longer if requested by the Commissioner. The towns must make records, including this Plan, available to the public at reasonable times during regular business hours.

Impaired Waters and Total Maximum Daily Load (TMDL)

The State of Maine is required by the Clean Water Act to identify water quality classifications for each surface water in the State, and then to assess whether each of those waters is meeting its designated classification. Maine has four classifications for freshwater rivers, three classes for marine and estuarine waters, and one class for lakes and ponds. Each classification identifies a use and set of water quality standards for the water. The classifications, uses, and standards are described and assigned to the various waters in the Maine Statutes (Title 38, Sections 464 through 469).

Assessments as to whether each water is achieving its designated classification are based on data that is obtained from a number of sources depending on the type of water being assessed:

- Lake and ponds are assessed primarily through data obtained by the DEP and the Volunteer Lake Assessment Program
- Marine and Estuary waters are assessed by evaluation of data obtained from the DEP, Maine Healthy Beaches, Department of Marine Resources, Marine Environment's Gulf Watch, Gulf of Maine Council, and several other academic and non-profit organizations
- Wetlands are assessed primarily using data obtained from the DEP Biomonitoring Program
- Rivers and Streams are assessed using data from the DEP Biomonitoring Program, Surface Water Ambient Toxics (SWAT) Monitoring Program, the Atlantic Salmon Recovery Plan and through specific data collection for rivers and streams.

Every two years, the DEP publishes a report and list documenting the results of the

assessments, and identifying which waters are meeting their designated classifications, and which are considered impaired. The report and list are referred to by the Section of the Clean Water Act which requires them: 303(d). There are five categories of impairments possible for each water:

- Category 1: Attaining all designated uses and water quality standards, and no use is threatened.
- Category 2: Attains some of the designated uses; no use is threatened; and insufficient data or no data and information is available to determine if the remaining uses are attained or threatened (with presumption that all uses are attained).
- Category 3: Insufficient data and information to determine if designated uses are attained (with presumption that one or more uses may be impaired).
- Category 4: Impaired or threatened for one or more designated uses, but does not require development of a TMDL (Total Maximum Daily Load) report.
- Category 5: Waters impaired or threatened for one or more designated uses by a pollutant(s), and a TMDL report is required.

The General Permit contains special requirements for waters that are no longer meeting their state water quality classifications if a Total Maximum Daily Load (TMDL) document has been prepared. These waters are listed in Category 4 A Impaired or threatened, not requiring a TMDL of the 303(d) report and list. They have this listing because a TMDL has already been prepared for the water.

A TMDL document identifies the sources of the impairments and a plan of action to correct the impairments. In particular, the TMDL document identifies how much of a pollutant a water body can receive and still meet its water quality classification. Pollutants that are discharged in excess of the maximum load will need to be eliminated to achieve the required load. Typically the units for the amount of pollutant are identified as pounds per day, which is the basis for the term "Total Maximum Daily Load". A TMDL action plan typically describes how to reduce the excess pollutant loadings to the TMDL level. TMDLs typically include a Margin of Safety between 2 and 5% of the TMDL to account for uncertainties or lack of knowledge about the relationship between the pollutant loading and water quality.

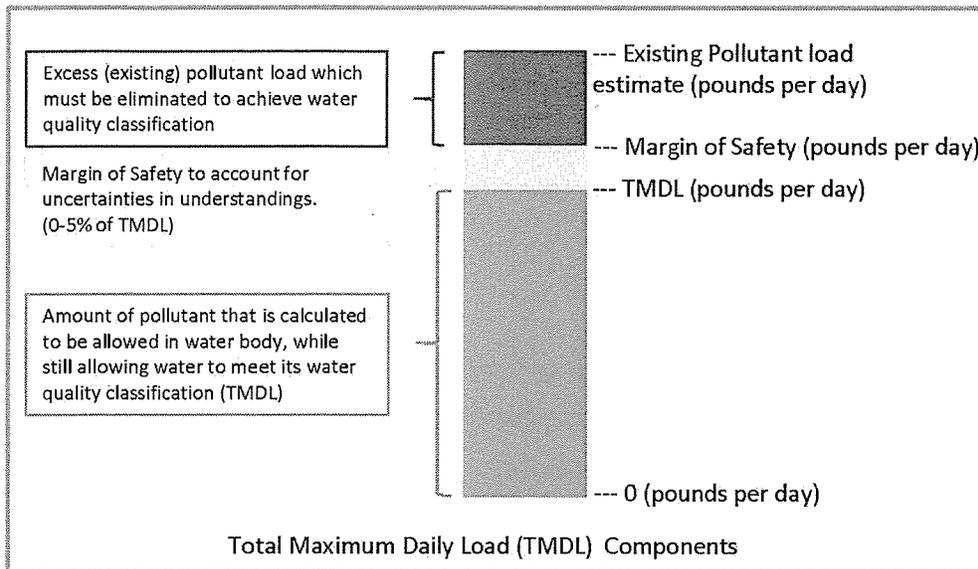


Table 1 summarizes the waters to which each community discharges, their water quality classifications, impairment status and TMDL status.

The following documents were reviewed in making these determinations:

- Statewide Bacteria TMDL (August 2009)
- Chapter 502 Direct Watersheds of Lakes Most at Risk from New Development and Urban Impaired Streams
- Impervious Cover TMDL (September 2012)
- Draft 2012 Maine Integrated Water Quality Report and Appendices (a.k.a. Maine 303(d) list)
- USEPA and Maine DEP approved TMDL lists

Table 1 shows that a number of waters are listed on the Statewide Bacteria TMDL which was finalized in 2009. Most of the waters on the list are estuarine, and are listed because of data associated with the Department of Marine Resources municipal shellfish program. The Salmon Falls River is also listed in the report portion of the document, but no details are provided as to the source of the data causing this listing. The listing is for the portion of the Salmon Falls River North of the Route 9 bridge in Berwick.

The Statewide Bacteria TMDL document requires that all sources of bacteria that are prohibited (such as failed septic systems or illicit discharges) be removed. It also requires that any sources of bacteria from allowed discharges (such as this MS4 permitting program) be restricted to concentrations equal to the water quality criteria. The limit for Class B (fresh) waters is 100 colonies of e-coli per 100 ml. The limit for SB (estuarine) waters is 54 colonies/100 ml.

Table 1
 Summary and status of Waters to which MS4 discharges
 York County MS4s 2013

	Eliot 2013	Berwick 2013	South Berwick 2013	Kittery 2013	York 2013
Permit number	MER041004	MER041003	MER041014	MER041013	MER041029
All waters within Urbanized Area	Piscataqua River Estuary (SB/SC), Sturgeon Creek (B), Spinney Creek (SB), Stacey Creek (B), Great Creek (B), Adlington Creek (B), Shorey's Brook (B)	Ferguson Brook (B), Worster Brook (B), Salmon Falls River (B above Rt 9, C below Rt 9), Coffin Brook (B), Driscoll Brook (B)	Shoreys Brook (B), Quamphagan Brook (B), Lord Brook (B), Piscataqua River Estuary (SB/SC), Great Works River (B), Driscoll Brook (B), Salmon Falls River (C), Lovers Brook (B)	Piscataqua River Estuary (SC), Spruce Creek (SB), Chauncey Creek (SB), Barters Creek (SB), (all are SB north of Rt 103 and SC south of Rt 103), Libby Brook (B)	York River (B) and Harbor (SB), Barrells Millpond (SB), Cape Neddick River and Harbor (SB), Little River (SB), Dolly Gordon Brook (B), Bridges Swamp, Cider Hill Creek (B), Cefalo Swamp, Blaisdell Pond (GPA), Bragdon Island (SB), Johnson Brook (B), Southside Brook (B), Bass Cove Creek (B), North Basin (SB), Prebble Brook (B/SB), and Bridges Ice Pond (historical GPA)
303d list as Category 5A - impaired and needs TMDL (not otherwise listed below)	Piscataqua River Estuary (812-2) Listed on 2012 303d list for Nutrients as Category 5-A. Eelgrass areal extent and density decreases were documented since 1996 by NH DES and Maine DMR.			Piscataqua River Estuary (812-2) Listed on 2012 303d list for Nutrients as Category 5-A.	
TMDL DO, Phosphorus, CBOD, Ammonia and Piscataqua River for		Salmon Falls River	Salmon Falls River		
Bacteria TMDL (2009)	Piscataqua River Estuary (DMR Area 1)	Salmon Falls River	Salmon Falls River, Piscataqua River Estuary (DMR Area 1)	Piscataqua River Estuary (DMR Area 1), Spruce Creek, Barters Creek, Chauncey Creek (DMR Area 2A) (and Atlantic Ocean at Sea Point Road DRM Area 3 is outside UA)	York River, York Harbor, Barrells Millpond (DMR Area 3) Little River at Atlantic Ocean, and Cape Neddick River (DMR Area 4)
Impervious Cover TMDL (2012)	No Waters Listed	Adams Brook (Outside UA)	Adams Brook (Outside UA)	No Waters Listed	No Waters Listed

	Eliot 2013	Berwick 2013	South Berwick 2013	Kittery 2013	York 2013
Lakes Most at Risk (Chpt 502)	York Pond (Outside UA)	Murdock (Hatfield, Outside UA)	Knights Pond (Outside UA)	No Waters Listed	Boulter Pond (outside UA)
			Warren Pond (Outside UA)		Chases Pond
					Scituate Pond
Urban Impaired Streams (Chpt 502)	No Waters Listed	No Waters Listed	No Waters Listed	No Waters Listed	No Waters Listed
CLF Petition (2013)	No Waters Listed	Salmon Falls River	Salmon Falls River	No Waters Listed	No Waters Listed

Notes:

The 2009 Bacteria TMDL document lists Brave Boat Harbor in York as impaired for bacteria (it is incorrectly listed as DMR area 1B, but it is really a formerly listed portion of DMR Area 3). However, as of 3/2/2011, data showed this area as reopened to shellfishing with no restrictions because bacteria concentrations had decreased. In addition, the Bacteria TMDL document and the Maine 303(d) lists both show Lobster Cove (DMR Area 2B) listed as impaired, however, DMR documents show no restrictions for this water.

Although Adams Brook (outside the Berwick and South Berwick UAs) is not listed in the 2012 Impervious Cover TMDL, the 2012 303(d) list identified it would be included .

UA - Urbanized Area

DMR - Department of Marine Resources

Beyond these requirements, no specific sources of bacteria are identified.

Appendix C provides a summary of how this Plan is consistent with the Statewide Bacteria TMDL for those waters that are listed therein.

A TMDL document was also prepared in 1999 for the Salmon Falls River impairments due to excess ammonia, dissolved oxygen, and nutrient/eutrophication and for biological indicators. The TMDL document resulted in a change in classification of the River between the Route 9 bridge in Berwick and the head of the tide in South Berwick from Class B to Class C. The Use Attainability Analysis completed showed that Class B dissolved oxygen concentrations were not attainable for this section because of impoundments.

The TMDL also recommended new permit limits for five waste water treatment plants that discharge into the river (Milton, NH; Berwick, ME; Somersworth, NH; Rollinsford, NH; and S. Berwick, ME).

Sampling of discharges into the River in 1995 did not show any widespread significant contribution of non-point source phosphorous loading to the Salmon Falls River when compared to the point source inputs (note that the MS4 outfalls that discharge into the River were considered non-point source contributions at that time). The TMDL document did not recommend any actions associated with stormwater runoff, therefore this Stormwater Program Management Plan does not contain any specific measures for consistency.

Priority Watersheds

Many of the requirements in the General Permit apply only to the towns' highest priority watersheds or to the towns' top two highest priority watersheds.

Watersheds, subwatersheds and drainage areas are described using a national naming and numbering system. Watersheds are described using a 10-digit Hydrologic Unit Code (HUC). Watersheds are divided into smaller divisions called subwatersheds and are numbered by retaining the 10-digit HUC from the watershed and adding two additional digits to form a resultant 12-digit HUC. National HUC data sets end with the 12 digit HUC subwatersheds. Municipalities and/or states typically subdivide the subwatersheds into smaller drainage areas, again retaining the 12-digit HUC of the parent subwatershed and adding two more digits.

The priority watershed in most of the towns were selected because most of the Urbanized Area falls within one watershed. The following is a description of the watersheds in each of the towns:

Berwick: The Urbanized Area is completely contained within the Salmon Falls River Watershed (HUC 0106000305). Therefore the town's priority watershed is the Salmon Falls River.

South Berwick: The Urbanized Area is split approximately equally between two Watersheds: the Salmon Falls River (HUC 0106000305) and Great Works River (HUC 0106000304). The town's priority watershed is the Great Works River Watershed.

Eliot: Approximately 90% of the Urbanized Area is contained within the watershed called, Hampton River Frontal Atlantic Ocean (HUC 0106000310).. The remaining 10% of the Urbanized Area is contained in the Salmon Falls River Watershed ((HUC 0106000305). The town's priority watershed is the Hampton River Frontal Atlantic Ocean Watershed.

Kittery: Approximately 80% of the Urbanized Area is contained within the watershed called, Hampton River Frontal Atlantic Ocean (HUC 0106000310). The remaining portions of the Urbanized area are contained in the watershed called, Frontal Drainages of Southern York County (HUC 0106000311). The town's priority watershed is the Hampton River Frontal Atlantic Ocean Watershed.

York: The entire Urbanized Area is contained within the watershed called, Frontal Drainages of Southern York County (HUC 0106000311). Therefore this is the priority watershed for the town.

Table 2 shows the priority waterbodies and subwatersheds for each of the towns and the rationale for their selection.

Table 2
Priority Water Bodies and Subwatersheds
York County MS4s

Municipality	Priority Waterbody	Priority Subwatershed (12-digit HUC Code)	Rational/Discussion
Berwick	Salmon Falls River	Middle Salmon Falls River (0106000305-06)	The majority of the Urbanized Area discharges directly to the Salmon Falls River. The Salmon Falls River is the source water for the town's drinking water.
Eliot	Spinney Creek	Portsmouth Harbor (0106000310-01)	This is the largest subwatershed in the town, encompassing more than 90 percent of the Urbanized Area. The only other subwatersheds in Eliot are the York River (which has no Urbanized Area) and the Lower Salmon Falls River, which has ~10% of the Urbanized Area)

Table 2
Priority Water Bodies and Subwatersheds
York County MS4s

Municipality	Priority Waterbody	Priority Subwatershed (12-digit HUC Code)	Rational/Discussion
Kittery	Spruce Creek	Portsmouth Harbor Harbor (0106000310-01)	The Portsmouth Harbor Subwatershed contains Spruce Creek which is listed as impaired for shell fishing because of excess bacteria, and has received significant attention from a local grass-roots watershed organization focused on improving its water quality. The Portsmouth Harbor Subwatershed also encompasses approximately 80% of the Kittery Urbanized Area. (Brave Boat Harbor subwatershed and York River subwatershed are the only other subwatersheds, and each covers a small portion of the Urbanized Area within Kittery).
South Berwick	Great Works River	Great Works River – Leigh’s Mill Pond (0106000304-02)	The Great Works River – Leigh’s Mill Pond subwatershed contains the Great Works River which is not listed as impaired but has received significant attention from a local grass-roots watershed organization focused on maintaining its water quality. The Great Works River – Leigh’s Mill Pond subwatershed also encompasses more than 50% of the South Berwick Urbanized Area. The only other subwatershed in South Berwick that overlaps the Urbanized Area is the Lower Salmon Falls Subwatershed.

Table 2
Priority Water Bodies and Subwatersheds
York County MS4s

Municipality	Priority Waterbody	Priority Subwatershed (12-digit HUC Code)	Rational/Discussion
York	Cape Neddick River	Stevens Brook-Cape Neddick River (0106000311-02)	The town of York has designated the Cape Neddick River as a priority water, hence the subwatershed and watershed associated with this are priority for the town. This water is listed as impaired for shell fishing because of excess bacteria. Cape Neddick River has received significant attention from a local-grass roots organization focused on improving its water quality.

SECTION 2 MINIMUM CONTROL MEASURES

MCM 1 Public Education and Outreach

The towns will cooperate on a regional and statewide scale to complete the requirements of the Public Education and Outreach MCM.

MCM Goals

1. To raise awareness that polluted stormwater runoff is the most significant source of water quality problems for Maine's waters;
2. To motivate people to use Best Management Practices (BMPs) which reduce polluted stormwater runoff ; and
3. To reduce polluted stormwater runoff as a result of increased awareness and utilization of BMPs.

BMP 1.1 – Update and implement Public Stormwater Awareness Plan.

Measurable Goal 1.1.1 – The towns are cooperating on preparation of a Statewide Public Awareness Plan. The Plan is being written by the ISWG with input by the towns. ISWG has indicated that by December 2, 2013 they will submit the Statewide Public Stormwater Awareness Plan to raise awareness of stormwater issues such as the path stormwater runoff takes, sources of stormwater pollution and the impact that polluted stormwater runoff has in the community(s). The plan will identify:

- a) the target audience
- b) the outreach tool(s) to be used
- c) the message
- d) the distribution system
- e) the time line and implementation schedule
- f) the person(s) responsible for implementation
- g) an impact evaluation protocol
- h) a plan modification protocol (this must include DEP approval of significant plan modifications)
- i) the goals (e.g., the targeted level of change sought as a result of the education and outreach effort; specific measurable goals for plan implementation).

Measurable Goal 1.1.2 – Unless DEP responds in writing or verbally otherwise, then as of February 1, 2014 the Stormwater Awareness Plan is considered approved and implementation of the Stormwater Awareness Plan will begin within one week of approval. The details and schedule for implementation will be defined in the Plan. The implementation activities associated with the Awareness Plan will be documented under this Measureable Goal.

Measurable Goal 1.1.3 –The towns of Berwick, South Berwick, Eliot and Kittery will also continue to implement select awareness activities that they began in the 2008-2013 Permit cycle. Activities include:

- Maintaining a link to www.thinkblumaine.org on municipal website;
- Promoting their approved public event (see BMP 2.2 Host Public Events)
- Maintain posters and/or flyers at public buildings

Reporting: Review of Stormwater Awareness Plan will be included in every Annual Report. The review will include process and impact indicators as outlined in the Stormwater Awareness Plan. In permit year five an in-depth assessment of both the implementation and the impact of the Stormwater Awareness Plan will be provided.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

Assisted by third party contractor (Plan implementation and reporting),
and ISWG (Plan development)

BMP 1.3 – Develop and implement Municipal/Permit Stormwater Awareness Plan.

Measurable Goal 1.3.1 – By January 6, 2014 submit a Municipal/Permit Awareness Plan to raise awareness of stormwater issues including MS4 permit requirements from municipal employees, elected officials and volunteers within municipal government. The plan will identify:

- a) the target audience
- b) the outreach tool(s) to be used
- c) the message
- d) the distribution system
- e) the time line and implementation schedule
- f) the person(s) responsible for implementation
- g) an impact evaluation protocol
- h) a plan modification protocol (this must include DEP approval of significant plan modifications)
- i) the goals (e.g., the targeted level of change sought as a result of the education and outreach effort; specific measurable goals for plan implementation).

Measurable Goal 1.3.2 – Unless DEP responds in writing or verbally otherwise, then as of March 1, 2014 the Municipal/Permit Awareness Plan is considered approved and implementation of the Municipal/Permit Awareness Plan will begin within one week of approval. A schedule for implementation will be included in the Plan. Progress on implementation will be documented under this Measurable Goal.

Reporting: review of Municipal/Permit Awareness Plan will be included in every Annual Report. The review will include process and impact indicators as outlined in the Permit Awareness Plan. In permit year five an analysis of the process and impact indicators of the Permit Awareness Plan will be provided.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

Assisted by third party contractor (Plan development, implementation and reporting)

BMP 1.4 - Continue Targeted Best Management Practices Adoption efforts from previous MS4 permit cycle.

Measurable Goal 1.4.1 – In Permit Year 1, the towns of Berwick, South Berwick, Eliot and Kittery will continue select BMP adoption activities identified in the previous permit cycle's BMP Adoption Plan. Activities include:

- Send out email, newspaper or newsletter communication to reinforce the message of YardScaping and
- Maintain links on municipal websites to the YardScaping website hosted by CCSWCD; and
- Continue to work with school groups or watershed groups in a cooperative manner to promote YardScaping.

Reporting: Summary of completed activities will be included in the Annual Report.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

Assisted by third party contractor (implementation and reporting)

BMP 1.5 – Update and implement BMP Adoption Plan

Measurable Goal 1.5.1 – By November 1, 2013 submit an updated Targeted BMP Adoption Plan to encourage targeted audience to adopt or practice specific BMPs that will reduce stormwater pollution. The Plan will include:

- a) The BMP
- b) The target audience
- c) The outreach tool(s) to be used
- d) The message
- e) The distribution system
- f) The time line
- g) The person(s) responsible for implementation
- h) An impact evaluation protocol
- i) A plan modification protocol
- j) The targeted level of change as a result of the outreach effort (specific measurable goals for plan implementation).

Measurable Goal 1.5.2 – Unless DEP responds in writing or verbally otherwise, then as of January 15, 2014 the BMP Adoption Plan is considered approved and implementation of the Plan will begin. A detailed schedule for activities to be completed will be included in the Plan. Implementation of the Plan will be tracked under this Measurable Goal.

Reporting – a review of BMP Adoption Plan will be included in every Annual Report. The review will include process and impact indicators as outlined in the BMP Adoption Plan. In permit year five an in-depth assessment of both the implementation and the impact of the BMP Adoption Plan will be provided.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

Assisted by third party contractor (Plan development, implementation and reporting)

BMP 1.6 – Develop and implement Targeted Outreach in Priority Watershed Plan.

Measurable Goal 1.6.1 – By July 1, 2014 submit a draft plan on how to meet either permit requirement H.1.a.iv.1 or H.1.a.iv.2. The plan will identify:

- a) Identify the specific stormwater activity or pollutant to be addressed
- b) the target audience
- c) the outreach tool(s) to be used

- d) the message and the BMPs to be encouraged
- e) the time line and implementation schedule
- f) the person(s) responsible for implementation
- g) the goal of the outreach effort
- h) impact evaluation protocol.

Measurable Goal 1.6.2 – by November 1, 2014 submit a final plan. Unless DEP responds in writing or verbally otherwise, then as of January 5, 2015 the Targeted Outreach in Priority Watershed Plan is considered approved and implementation will begin. A schedule for implementation will be included in the Plan. Implementation will be tracked under this Measurable Goal.

Reporting: review of Targeted Outreach in Priority Watershed Plan will be included in Annual Reports starting in permit year two. The review will include process and impact indicators as outlined in the Targeted Outreach in Priority Watershed Plan. In permit year five an analysis of the process and impact indicators of the Targeted Outreach in Priority Watershed Plan will be provided.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

Assisted by third party contractor (Plan development, implementation and reporting)

MCM 2 Public Involvement and Participation

The York County MS4s will cooperate on Public Involvement and Participation activities on a regional basis, as described in this section of the plan.

MCM Goals:

1. Involve the public in both the planning and implementation process of improving water quality and reducing quantity via the stormwater program.

BMP 2.1 - Public Notice Requirement

Measurable Goal 2.1.1 —The York County MS4s will follow state and local Public Notice requirements for their Stormwater Management Program Plans and Notices of Intent (NOIs) to comply with the Permit. Copies of the NOIs and plans will be made available on each of the towns' web site.

Measurable Goal 2.1.2—The York County MS4s will follow state and local Public Notice requirements when involving stakeholders in the implementation of the Small MS4 General Permit.

BMP 2.2 - Host Public Events

Measurable Goal 2.2.1 —The York County MS4s will annually host/conduct or participate in at least one public event such as storm drain stenciling, stream clean-up, household hazardous waste collection day, volunteer monitoring, neighborhood educational events, conservation commission outreach program, Urban Impaired Stream outreach program, or adopt a storm drain or local stream program). Implementation of the Targeted BMP Plan will include public events each year.

Reporting - The annual report will include descriptions of the all public notice information and events held including estimated attendance/participation and an impact evaluation to assess effectiveness of the methods used to plan and host the event.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

Assisted by third party contractor (Plan development, implementation and reporting)

MCM 3 Illicit Discharge Detection and Elimination

The towns of Berwick, South Berwick, Eliot and Kittery developed and implemented programs related to Illicit Discharge Detection and Elimination over the past two permit cycles. These communities will continue to implement these programs as required. Though it was not subject to the previous General Permits, the town of York has already implemented some of the Permit requirements, and will be implementing the other requirements in this permit cycle.

MCM Goals

1. Maintain an updated watershed based storm sewer system infrastructure map;
2. Implement (York only) and enforce the towns' non-stormwater discharge ordinances;
3. Develop (York only) and implement the towns' prioritized dry weather outfall inspection plans, expanding into watersheds that have not been inspected;
4. Develop (York only) and implement the towns' strategy to detect any illicit discharges to the open ditch system within priority watersheds; and
5. Develop a list of septic systems in the highest priority watershed that are 20 years old or older and implement a drive-by evaluation and documentation program
6. Work with water utilities to identify if hydrant flushing practices in the MS4s constitute significant contributors of pollutants.

For specific permit requirements and suggestions, Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems Part IV.H.3 refer to the General Permit.

BMP 3.1 - Maintain an updated Watershed Based Storm Sewer System Infrastructure Map

Measurable Goal 3.1.1 – Each of the towns created a watershed-based maps of their MS4 infrastructure. Annually by June 30 each year, the towns will update either the GIS systems or the paper copies of the maps to reflect new infrastructure and changes to the infrastructure.

Reporting - Annual update of mapping efforts undertaken in the Permit Year.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Community Development Director and GIS Coordinator

Assisted by third party contractor (GIS updates and reporting)

BMP 3.2 – Implement and enforce a Non-Stormwater Discharge Ordinance

Measurable Goal 3.2.1 - The town of York will adopt and implement a Non-Stormwater

Discharging Ordinance by January 10, 2015.

Measurable Goal 3.2.2 - The towns of Berwick, South Berwick, Eliot and Kittery previously adopted ordinances prohibiting illicit discharges to the MS4 system. The towns will continue to enforce the ordinances during Permit Years 1 through 5. The town of York will begin enforcing its ordinance as soon as it becomes effective.

Reporting - Documentation of the progress of implementing an ordinance will be provided (York only). Documentation of illicit discharge incidents and municipal enforcement actions as a result of the adopted ordinances will be included in annual reports to DEP each year of the permit.

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Code Enforcement Officer

Kittery – Sanitation Officer/Code Enforcement Officer

York – Code Enforcement Officer

BMP 3.3 - Implement Dry Weather Outfall Inspection Plan

Measurable Goal 3.3.1 (York only) - The town of York will develop and implement a prioritized dry weather outfall inspection plan by June 30, 2014. The plan will pertain to the watershed or subwatershed of a receiving water that the town identifies as having the greatest potential threat from stormwater or illicit non-stormwater discharges.

Measurable Goal 3.3.2 – During the past permit cycle, the towns of Berwick, Eliot and South Berwick decided to conduct dry weather outfall inspections on all of the outfalls in their urbanized area, therefore no prioritization was required. The towns will continue conducting inspections of all outfalls throughout the Urbanized Area each year.

The town of Kittery identified the Spruce Creek Drainage area (in the Portsmouth Harbor Subwatershed) as their priority watershed. The only other subwatersheds in Kittery are the Brave Boat Harbor subwatershed (which has no urbanized area in it) and the York River subwatershed, which has a small portion of the Urbanized Area in it. The town of Kittery will expand dry weather outfall inspections to the entire Portsmouth Harbor Subwatershed beginning in Permit Year 2.

The town of York will conduct inspections in its two highest priority subwatersheds beginning in Permit Year 2 (after June 30, 2014). The town will expand these inspections into the third (and only remaining subwatershed) beginning in Permit Year 3 (after June 30, 2015).

Reporting - Inspection results will be documented in a spreadsheet or other recordkeeping system and a summary will be reported in annual reports submitted to the DEP.

Responsible Parties:

Berwick – Town Planner
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Stormwater Coordinator
York – Code Enforcement Officer(s)

BMP 3.4 - Develop and Implement Open Ditch Illicit Discharge Program

Measurable Goal 3.4.1 – The town of York will develop a strategy to detect illicit discharges to the open ditch system within the Urbanized Area by June 30, 2018. (Note that although the permit requires this only be completed for the highest priority watershed, the town’s Urbanized Area falls entirely within a single watershed – the *Frontal Drainages of Southern York County Watershed*).

Measurable Goal 3.4.2 – During the past permit cycle, the towns of Berwick, South Berwick, Eliot and Kittery each developed a strategy for detecting illicit discharges in their open ditch systems within their MS4 controlled Urbanized Areas. The towns will continue implementing the detection program.

Reporting - Annual reports to DEP each year of the permit will include a status report on the inspections completed. Note: reporting of illicit discharge detections and actions taken will be done under BMP 3.2, Continue to Enforce the Non- Stormwater Discharge Ordinance.

Responsible Parties:

Berwick – Public Works Director
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Community Development Director

BMP 3.5 - Document and Evaluate Aging Septic Systems

Measurable Goal 3.5.1 – By June 30, 2016, the towns will develop lists of aging (i.e., greater than 20 years old) septic systems that might discharge to the MS4 if they were to fail as follows at a minimum:

Berwick – Entire Urbanized Area (the Salmon Falls River Watershed is the only watershed in the Urbanized Area)
South Berwick – Great Works River Watershed (encompasses the highest priority subwatershed)
Eliot – Entire Urbanized Area (Hampton River-Frontal Atlantic Ocean is the only watershed in the Urbanized Area)
Kittery – Portsmouth Harbor subwatershed (encompasses all of the Urbanized Area in the largest

Watershed: Hampton River-Frontal Atlantic Ocean Watershed).
York – Frontal Drainages of Southern York County (the only Watershed in the Urbanized Area)

Measurable Goal 3.5.2 – By June 30, 2017, the York County MS4s will implement a drive-by evaluation and documentation program of the aging septic systems identified in Measurable Goal 3.5.1. The program will include a mechanism to address any discharges from failed septic systems.

Reporting – The Permit Year 3 Annual report will include a status report on the number of septic systems identified. The Permit Year 4 Annual Report will include a description of the evaluation and documentation program. Note: reporting of illicit discharge detections and actions taken will be done under BMP 3.2, Continue to Enforce the Non- Stormwater Discharge Ordinance.

Responsible Parties:

Berwick – Public Works Director
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Community Development Director

BMP 3.6: Work with Water Utilities to Assess if Hydrant and Water Line Practices Contribute Significant Pollutants to the MS4

Measurable Goal 3.6.1 – By June 30, 2014 (end of Permit Year 1), coordinate with the water utility via mail or in person to evaluate whether or not water line and hydrant flushing from potable water sources is a significant contributor of pollutants to the MS4. Evaluation will include the following action:

- Provide the water utility with a location map showing the extent of the municipal urbanized area and highest priority watershed.

Gather information from the water utility, specific to the urbanized area and priority watershed, including the number and location of hydrants and details on water line and hydrant flushing that outlines procedures, including how often flushing occurs, typical flow rates, where the water is conveyed, what the target chlorine concentrations are, and what best practices are employed. If necessary, perform an estimate of concentrations in receiving waters on watershed basis using available receiving water flow information

Measurable Goal 3.6.2 - By the end of Permit Year 2, using available GIS information, the location of hydrants will be added as a layer to the storm sewer system infrastructure map to aid in the evaluation; the municipality will work with the water utility to prioritize the hydrants and water lines that have the potential to cause exceedances of the acute water quality criterion for chlorine when discharged through the to the MS4. The municipality will request an annual water utility progress report that documents the water utility's testing results of the total residual

chlorine for any such discharges.

Measurable Goal 3.6.3 – If it is determined that water line and hydrant flushing is a significant contributor of pollutants to the MS4, and the water utility has demonstrated that it will not voluntarily implement BMPs in order to reach ambient water quality criteria for chlorine, by the end of Permit Year 4, the municipality will update their IDDE ordinance to allow enforcement of discharges that cause exceedances of water quality criteria.

Reporting: The annual report will include a status update on the evaluation of water line and hydrant flushing as a significant contributor of pollutants to the MS4 and an update on subsequent actions including development and implementation of BMPs, or ordinance adoption, if warranted.

Responsible Parties:

Berwick – Public Works Director
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Community Development Director

BMP 3.7 - Work with Department of Marine Resources to address Bacteria Impairments

Measurable Goal 3.7.1 – By June 30, 2014, the towns of Kittery, Eliot, South Berwick and York will meet with the Department of Marine Resources to review the data associated with Bacteria impairments as shown in Table 1 of this plan. The purpose of the meeting will be to gain an understanding of what the DMR is doing to address the impairment, share what the towns are doing to address the impairment, and develop plans to move forward in addressing impairments in a cooperative fashion.

Reporting – The Permit Year 1 Annual reports will include a status summary of the meeting(s) held and will identify any resultant action items from the meeting that might affect this plan.

Responsible Parties:

South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Community Development Director and Stormwater Coordinator

MCM 4 Construction Site Stormwater Runoff Control

MCM Goals

Implement and enforce a program to reduce pollutants in any stormwater runoff to the regulated small MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. For specific permit requirements and suggestions, refer to DEP's General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems Part IV.H.4.

The York County MS4s will rely on the Maine Construction General Permit or Chapter 500, Stormwater Management.

BMP 4.1: Provide notification to construction site developers and operators of the requirements for registration under the Maine Construction General Permit or Chapter 500, Stormwater Management for the discharge of stormwater associated with construction activities;

Measurable Goal 4.1.1 – Each town will notify developers and contractors through modified building permits meetings with town staff and development review processes.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Town Planner

York – Community Development Director

BMP 4.2 – Continue documenting every construction activity that disturb one or more acres within the Urbanized Area.

Measurable Goal 4.2.1 – Use a spreadsheet or other tracking mechanism to document the construction activities that disturb more than one acre of land in the Urbanized Area. By June 30 each year the spreadsheet or other tracking mechanism will be updated to include the construction projects in the Urbanized Area that disturbed more than one acre of land.

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Town Planner

Kittery – Town Planner

York – Community Development Director

BMP 4.3 - Implementing a construction site inspection program.

Measurable Goal 4.3.1 – During the previous permit cycle, the towns of Berwick, South Berwick, Eliot and Kittery developed procedures for construction site inspections by either a municipal official or a contracted third party to meet the terms and conditions of the MS4 General Permit. The programs include three construction inspections for sediment and erosion control issues in those sites that are in the highest priority watersheds see (BMP 3.5 for listings of highest priority watersheds), and two inspections in all other portions of the Urbanized Areas. One of the inspections occurs at the end of construction to document that final stabilization of the site has been completed. The town of York will implement this program by the end of Permit Year 1 (June 30, 2014). The other towns will continue to implement this program, and by June 30 each year will document this information in the Construction Inspection Tracking spreadsheet or other tracking mechanism (see BMP 4.2).

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Code Enforcement Officer

Kittery – Town Planner (to document third party inspections), Code Enforcement Officer (to document all other inspections)

York – Community Development Director

MCM 5 Post-Construction Stormwater Management

MCM Goals

- Implement a program to address stormwater runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the town’s MS4;
- Implement an ordinance or similar measure to ensure adequate long-term operation and maintenance of post construction BMPs;
- Ensure post construction BMPs are functioning as intended; and
- Document and report annually to the Maine DEP all applicable post-construction related information.

For specific permit requirements and suggestions, refer Part IV.H.5 of the General Permit.

BMP 5.1 –Develop and Enforce Ordinance or Similar Measure

Measurable Goal 5.1.1 – By June 30, 2015 (end of Permit Year 2), the town of York will implement a Post Construction Discharge Ordinance, applicable to stormwater BMPs on sites that disturb one acre of land or more (including projects less than one acre that are part of a

larger common plan of development or sale) that discharge into the MS4. This ordinance (or similar measure) must stipulate that the owner or operator of a post construction stormwater BMP provide the town with an annual report documenting that the BMP is adequately maintained and is functioning as intended or requires maintenance. If the post construction BMP requires maintenance, the owner or operator shall provide a record of the deficiency and corrective action(s) taken to the town.

During the previous permit cycle, the towns of Berwick, South Berwick, Eliot, and Kittery each passed Post Construction Discharge Ordinances. The towns will continue to implement these ordinances.

BMP 5.2 – Track Post Construction Sites to ensure proper reporting and compliance with the Ordinance

Measurable Goal 5.2.1 - The York County MS4s will use a spreadsheet or other mechanism to track sites that trigger the Post Construction Ordinances and to document the following elements which are required to be reported to the Maine DEP:

- The cumulative number of sites that have post construction BMPs discharging into the permittee's MS4;
- A summary of the number of sites that have post construction BMPs discharging into the permittee's MS4 that were reported to the municipality;
- The number of sites with documented functioning post construction BMPs; and
- The number of sites that required routine maintenance or remedial action to ensure that the post construction BMP is functioning as intended.

The towns will update their tracking spreadsheets or other mechanisms by June 30 each year.

The General Permit requires that the towns conduct additional inspections at sites that are located in watersheds of Urban Impaired Streams and Lakes Most at Risk unless a “Qualified Third Party Inspector” has conducted the inspections. Most MS4s have passed ordinances requiring Qualified Third Party Inspectors to conduct the inspections to eliminate this requirement, and because it is a good practice.

The waters in the Urbanized Areas of the York County MS4s are not listed as Lakes Most at Risk or Urban Impaired Streams, therefore this requirement does not apply.

Reporting - Documentation of all inspections will be entered into a spreadsheet or other tracking mechanism and annually reported to the Maine DEP.

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Public Works Director
Kittery –Code Enforcement Officer
York – Community Development Director

MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations

This program has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

MCM Goals

- Maintain an updated inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space owned or operated by regulated MS4s that have the potential to cause or contribute to stormwater or surface water pollution.
- Implement written operation and maintenance procedures for the facilities in the inventory to ensure long term operation of structural and non-structural controls that reduce stormwater pollution to the maximum extent practicable.
- Train employees on ways to prevent and reduce stormwater pollution from municipal operations and facilities.
- Implement a program to sweep all publicly accepted paved streets and publicly owned paved parking lots as well as clean catch basins and other stormwater structures.
- Maintain the conveyances, structures and outfalls of the regulated MS4.
- Implement a Stormwater Pollution Prevention Plan for public works facilities, transfer stations, and school bus maintenance facilities in the Urbanized Areas.

For specific permit requirements and suggestions, refer to Part IV.H.6 of the General Permit.

BMP 6.1 Operations at Municipally Owned Grounds and Facilities

Measurable Goal 6.1.1 – By June 30, 2014, the town of York will develop an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space that have the potential to cause or contribute to stormwater or surface water pollution within the Urbanized Area.

During the previous permit cycle, the towns of Berwick, South Berwick, Eliot, and Kittery each developed an inventory of all municipal operations conducted in, on, or associated with facilities, buildings, golf courses, cemeteries, parks and open space that have the potential to cause or contribute to stormwater or surface water pollution. These towns will review the inventories and update them if necessary to include any new properties that have the potential to cause or contribute to stormwater or surface water pollution.

Measurable Goal 6.1.2 – By June 30, 2015, the town of York will develop a set of operation and maintenance procedures to ensure the long term operation of structural and non-structural controls that reduce stormwater pollution to the maximum extent practicable.

During the previous permit cycle, the towns of Berwick, South Berwick, Eliot, and Kittery each

developed operation and maintenance procedures for the municipal operations that could impact stormwater within the Urbanized Area. The towns will continue to implement these procedures, and will implement new procedures in any new municipal properties as necessary to protect stormwater.

Measurable Goal 6.1.3 – Annual stormwater training will be offered by the MS4 on various topics on a rotating basis in each town depending on town-specific needs. Topics will include general MS4 permitting, operation and maintenance procedures for municipal operations, and stormwater pollution prevention plan implementation.

Reporting - Annual reports to DEP each year of the permit will include information on the types of trainings presented, the number of municipal and contract staff the received training, the length of the training and effectiveness of the training.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

BMP 6.3 Continue Street Sweeping Program

Measurable Goal 6.3.1 - Each permit year the York County MS4s will continue to sweep all publicly accepted paved streets and publicly owned paved parking lots at least once a year as soon as possible after snowmelt.

Reporting - Annual reports to DEP each year of the permit will include a status report on street sweeping.

Responsible Parties:

Berwick – Public Works Director

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Public Works Director

BMP 6.4 Cleaning of Stormwater Structures Including Catch Basins

Measurable Goal 6.4.1 - Each permit year the York County MS4s will inspect at least 50% of their MS4 catch basins and will clean catch basins that accumulate more than three inches of sediment. The towns will clean catch basins more frequently if inspections indicate excessive accumulation of sediment. Excessive accumulation is greater than or equal to 50 percent filled.

Reporting - Annual reports to DEP each year of the permit will include a status report on cleaning of stormwater structures.

Responsible Parties:

Berwick – Public Works Director
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Public Works Director

BMP 6.5 Maintenance and Upgrading of Storm water Conveyances and Outfalls

Measurable Goal 6.5.1 – By June 30, 2013, the town of York will develop a prioritized schedule for repairing or upgrading the stormwater conveyances, structures and outfalls of the regulated MS4.

The towns of Berwick, South Berwick, Eliot and Kittery developed prioritized maintenance programs during the previous permit cycle, and will continue to implement those programs.

Reporting - Annual reports to DEP each year of the permit will include a status report on the maintenance and upgrading of stormwater conveyances and outfalls.

Responsible Parties:

Berwick – Public Works Director
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Public Works Director

BMP 6.6 - Stormwater Pollution Prevention Plans (SWPPP's)

Measurable Goal 6.6.1 – By June 30, 2015 (the end of Permit Year 2), the town of York will prepare a Stormwater Pollution Prevention Plan for its Beach Garage, which is the only public works, transfer station or school bus maintenance facility in the Urbanized Area. The SWPPP will be prepared to conform to the conditions and requirements of the Maine Multi-Sector General Permit for Stormwater Discharge Associated with Industrial Activity published April 26, 2011 (MSGP).

By June 30, 2014 (the end of Permit Year 1), the towns of Berwick, Eliot and South Berwick will update their SWPPPs to conform to the MSGP.

During subsequent permit years, the towns will implement the SWPPPs, including conducting quarterly visual monitoring and quarterly housekeeping inspections.

Reporting - Annual reports to DEP each year of the permit will include a status report on the development of the SWPPP's.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Public Works Director

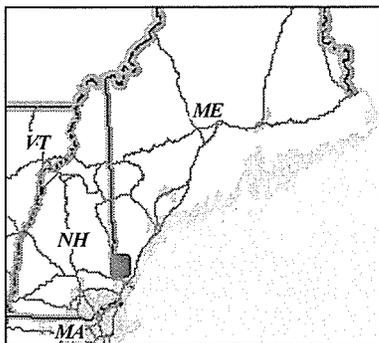
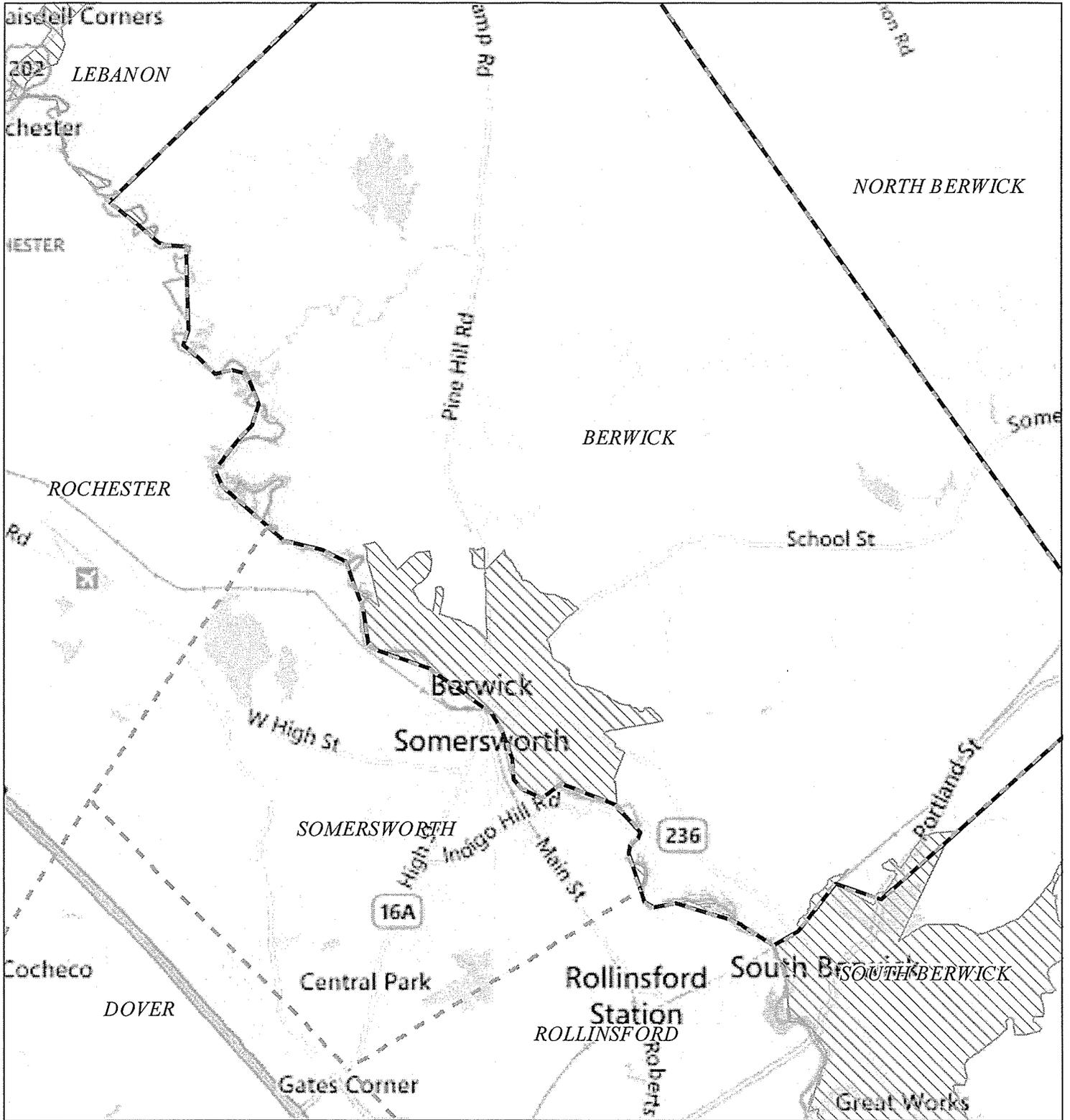
SECTION 3 GENERAL REQUIREMENTS

Certifications

The General Permit requires that this Plan be certified by either a principal executive officer or ranking elected official of the municipality, or by a person who has received delegated authority to certify on their behalf. Appendix D contains copies of the certification forms for each of the York County MS4 towns

APPENDIX A

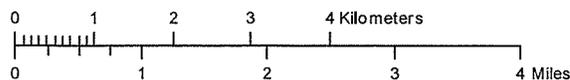
URBANIZED AREA MAPS



NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

Berwick ME

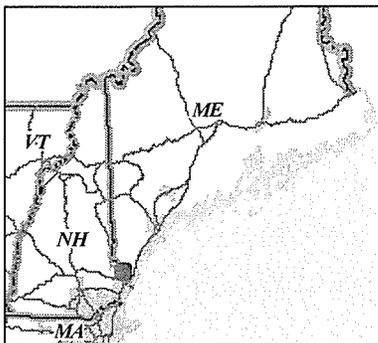
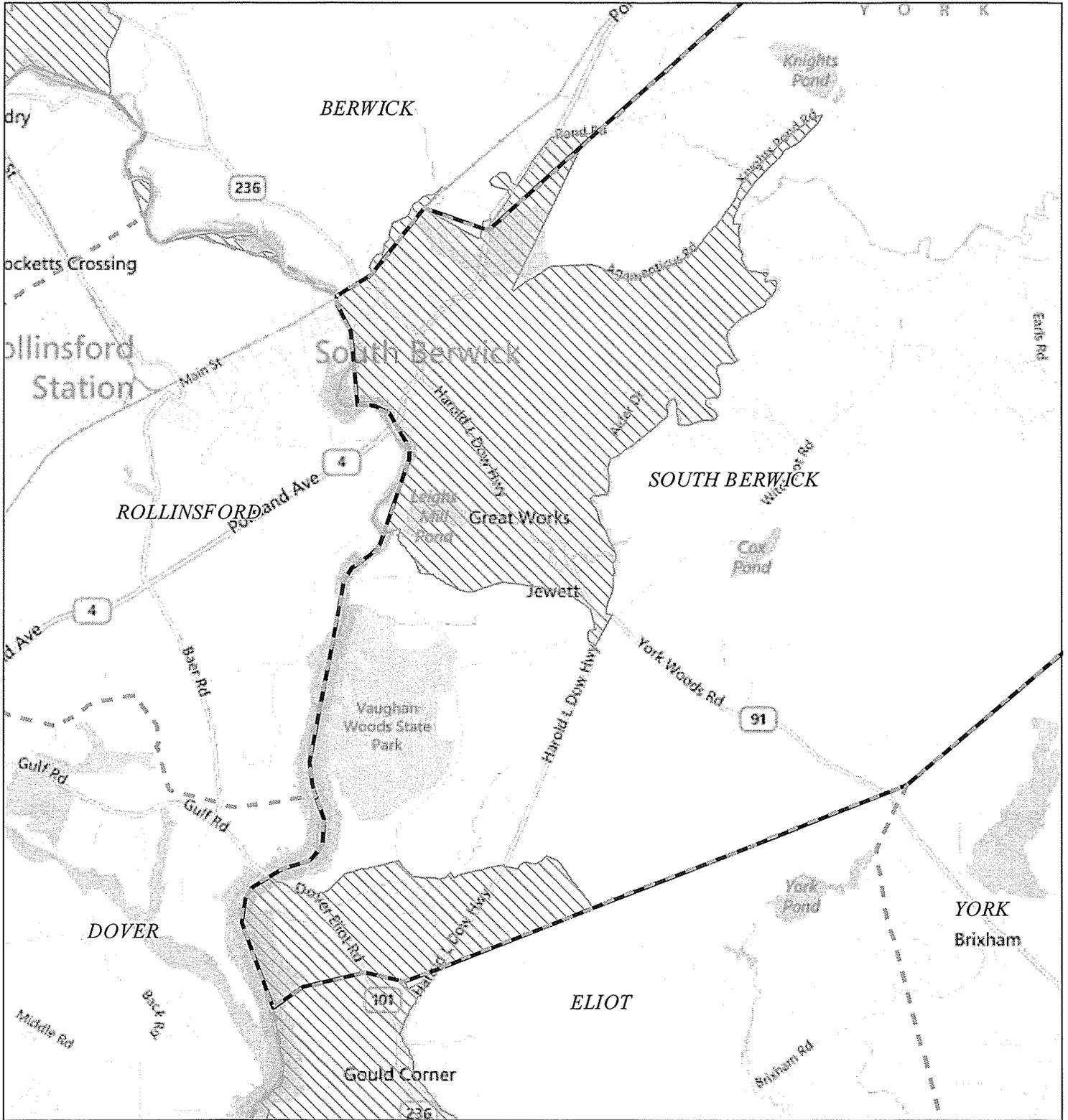
 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **7146**
Regulated Population: **2430**
(Populations estimated from 2010 Census)



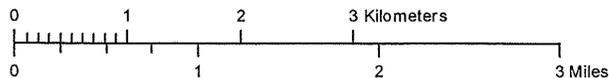
Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers



NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

South Berwick ME

 Regulated Area (2000 + 2010 Urbanized Area)

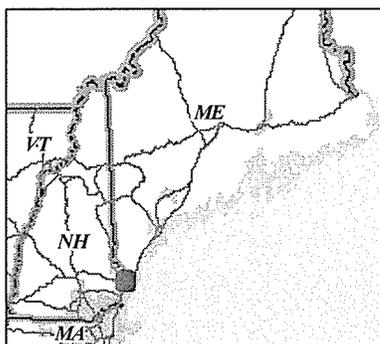
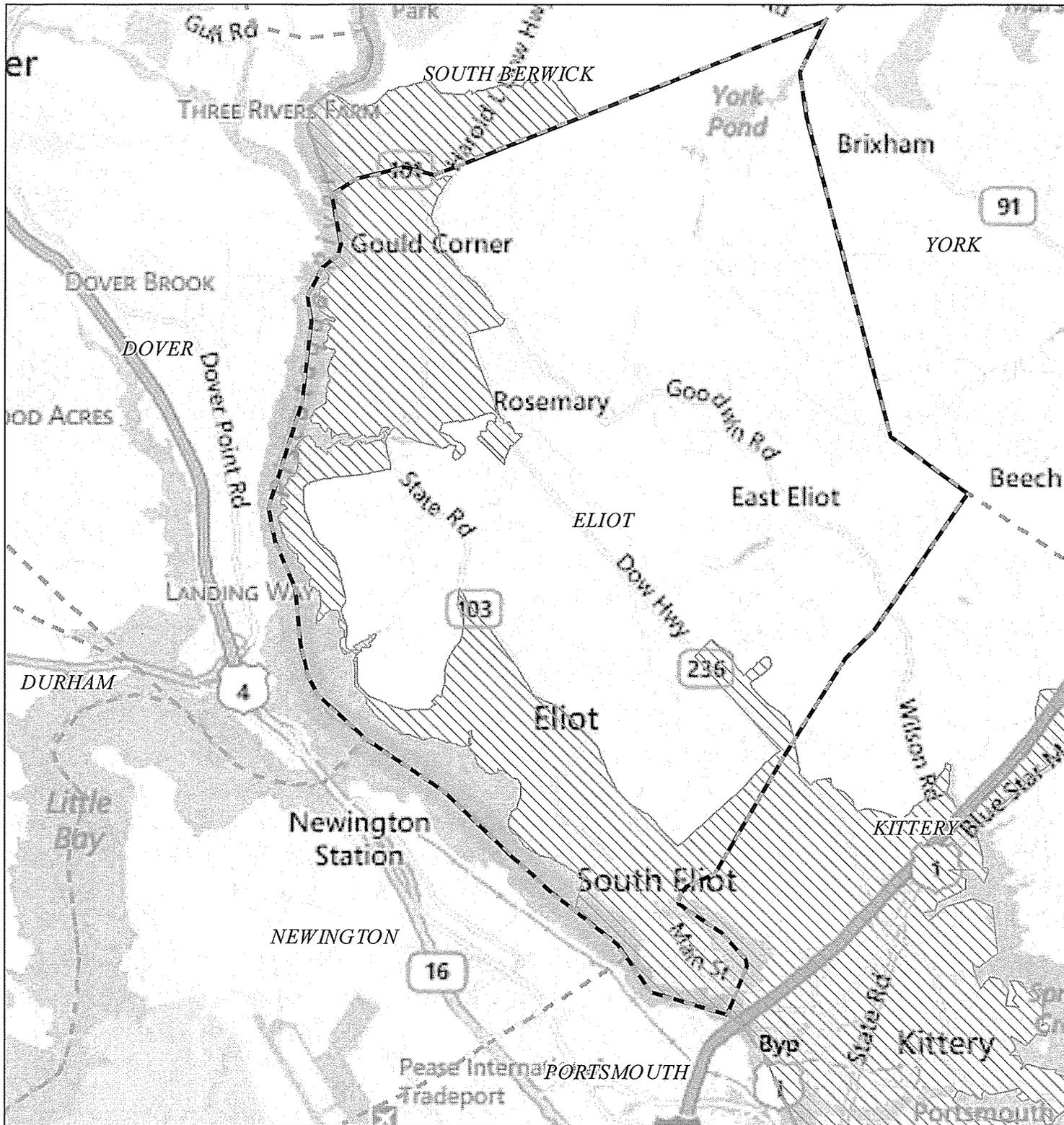


Town Population: **7220**
Regulated Population: **4418**

(Populations estimated from 2010 Census)



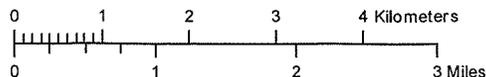
Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers



**NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas**

Eliot ME

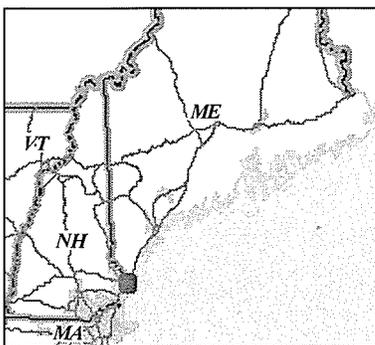
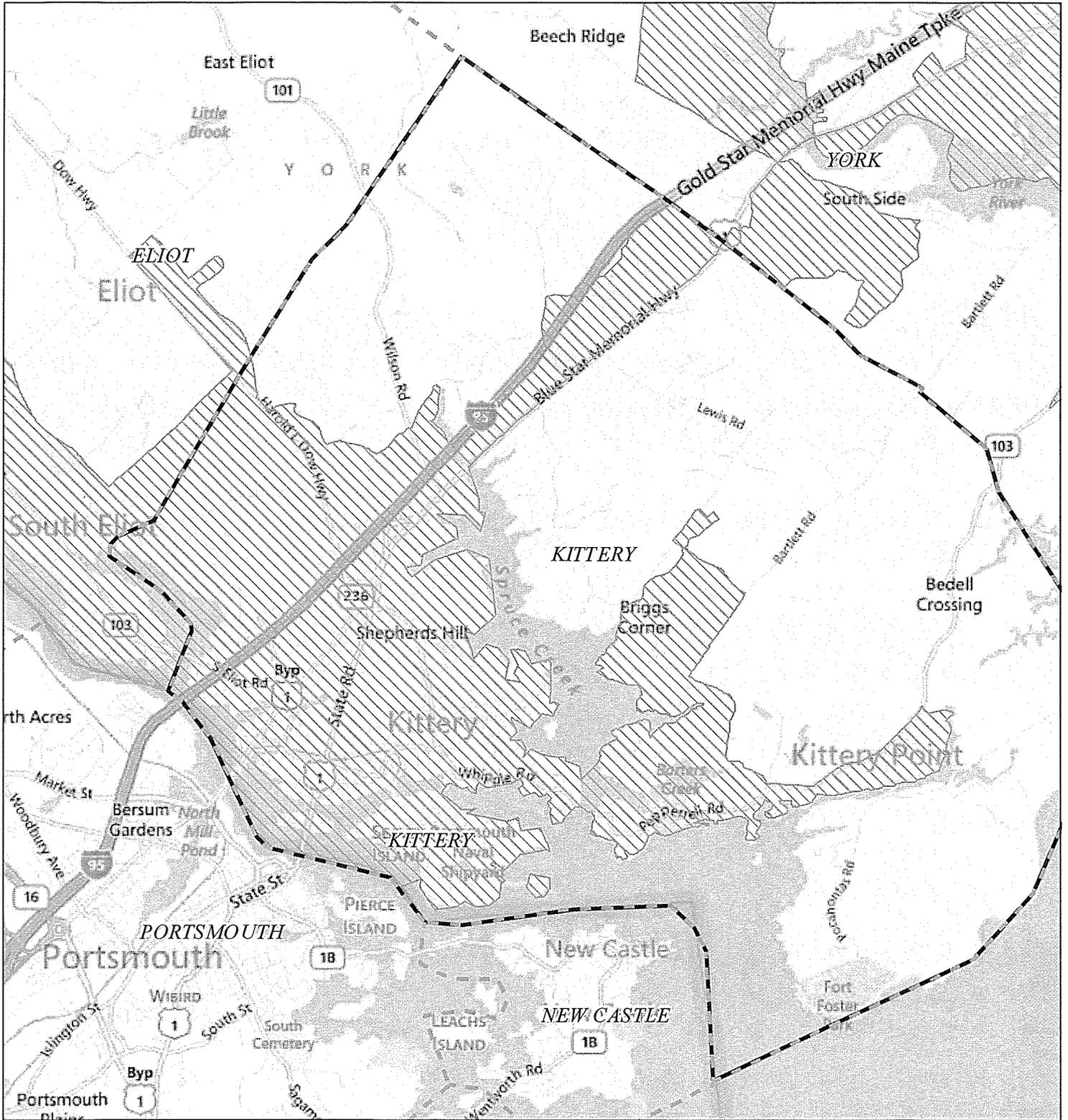
 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **6204**
Regulated Population: **3227**
(Populations estimated from 2010 Census)



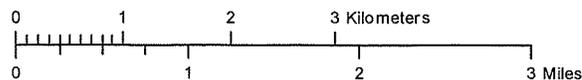
Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers



NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

Kittery ME

 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **9945**
Regulated Population: **7034**
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers

APPENDIX B

NOTICES OF INTENT

NOTICE OF INTENT TO COMPLY WITH MAINE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS

PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

Municipality:	Town of Eliot	Mailing Address:	1333 State Rd.	
Town/City:	Eliot	State:	ME	Zip Code: 03903
Name and title of chief elected official or principal executive officer:	Michael T. MOynahan, Chairman of the Board of Selectmen	Mailing Address:	1333 State Rd.	
Town/City:	Eliot	State:	ME	Zip Code: 03903
Name of primary contact person responsible for MS4 stormwater management program:	Kate Pelletier, Planning Assistant	Mailing Address:	1333 State Rd.	
Town/City:	Eliot	State:	ME	Zip Code: 03903
Daytime phone: (with area code)	(207) 439-1813 x 15	Email if available:	kpelletier@eliotme.org	
Estimate of the area in square miles of the Urbanized Area:	4.7 sq. miles	Permit Number(if applicable):	MER041004	
Name of stream(s), wetland(s) or waterbody(ies) to which the regulated Small MS4 discharges and a list of impaired waterbody(s) which receive stormwater from the Regulated Small MS4 (attach additional sheets as necessary):	Waterbodies discharged to: Piscataqua River, Sturgeon Creek, Spinney Creek, Stacy Creek, Great Creek, Adlington Creek, Shorey's Brook. Impaired waterbodies: Piscataqua River (impaired for Nitrogen/Eutrophication Biological Indicators.)			

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement knowingly made in the submitted information may be punishable as a criminal offense, in accordance with Maine General Statutes.

I certify that this permit registration is on complete and accurate forms as prescribed by the Department without alteration of the text.

I also certify under penalty of law that I have read and understand all requirements of the General Permit. I certify that all requirements for authorization under the general permit are met and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit for the municipality. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly making false statements.

Signature of chief elected official or principal executive officer:		Date:	7-8-13
---	---	-------	--------

This NOI registration form must be filed with the Department at the following address:

Stormwater Coordinator
Maine Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta ME 04333-0017

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	After Photos
NOI #	FP		Acc. Date	Def. Date	

NOTICE OF INTENT TO COMPLY WITH MAINE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS

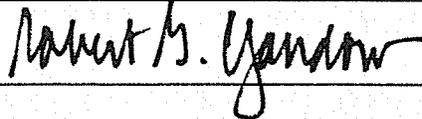
PLEASE TYPE OR PRINT IN BLACK INK ONLY

Municipality:	Town of York	Mailing Address:	186 York Street		
Town/City:	York	State:	Maine	Zip Code:	03909
Name and title of chief elected official or principal executive officer:	Robert G. Yandow, Town Manager	Mailing Address:	186 York Street		
Town/City:	York	State:	Maine	Zip Code:	03909
Name of primary contact person responsible for MS4 stormwater management program:	Leslie Hinz	Mailing Address:	186 York Street		
Town/City:	York	State:	Maine	Zip Code:	03909
Daytime phone: (with area code)	207-363-1002	Email if available:	lhinz@yorkmaine.org		
Estimate of the area in square miles of the Urbanized Area:	8.5	Permit Number(if applicable):	MER041029		
Name of stream(s), wetland(s) or waterbody(ies) to which the regulated Small MS4 discharges and a list of impaired waterbody(s) which receive stormwater from the Regulated Small MS4 (attach additional sheets as necessary):	York River and Harbor, Barrells Millpond, Cape Neddick River and Harbor, Little River, Dolly Gordon Brook, Bridges Swamp, Cider Hill Creek, Cefalo Swamp, Blaisdell Pond, Bragdon Island, Johnson Brook, Southside Brook, Bass Cove Creek, North Basin, Prebble Brook, and Bridges Ice Pond (historical).				

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement knowingly made in the submitted information may be punishable as a criminal offense, in accordance with Maine General Statutes.

I certify that this permit registration is on complete and accurate forms as prescribed by the Department without alteration of the text.

I also certify under penalty of law that I have read and understand all requirements of the General Permit. I certify that all requirements for authorization under the general permit are met and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit for the municipality. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly making false statements.

Signature of chief elected official or principal executive officer:		Date:	July 29, 2013
---	---	-------	---------------

This NOI registration form must be filed with the Department at the following address:
 Stormwater Coordinator
 Maine Department of Environmental Protection
 Bureau of Land & Water Quality
 17 State House Station
 Augusta ME 04333-0017

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	
NOI #	FP		Acc. Date	Def. Date	After Photos

NOTICE OF INTENT TO COMPLY WITH MAINE GENERAL PERMIT FOR THE DISCHARGE OF STORMWATER FROM MUNICIPAL SEPARATE STORM SEWER SYSTEMS

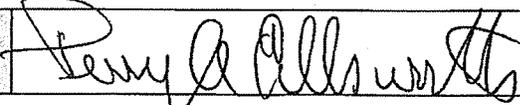
PLEASE TYPE OR PRINT IN **BLACK INK ONLY**

Municipality:	South Berwick	Mailing Address:	180 Main Street	
Town/City:	South Berwick	State:	Maine	Zip Code: 03908
Name and title of chief elected official or principal executive officer:	Perry Ellsworth	Mailing Address:	same	
Town/City:		State:		Zip Code:
Name of primary contact person responsible for MS4 stormwater management program:	Jon St. Pierre	Mailing Address:	same	
Town/City:		State:		Zip Code:
Daytime phone: (with area code)	207-384-3300 X117	Email if available:	jstpierre@sbmaine.us	
Estimate of the area in square miles of the Urbanized Area:	4.4	Permit Number(if applicable):	MER041014	
Name of stream(s), wetland(s) or waterbody(ies) to which the regulated Small MS4 discharges and a list of impaired waterbody(s) which receive stormwater from the Regulated Small MS4 (attach additional sheets as necessary):				
Shoreys Brook, Quamphegan Brook, Lord Brook, Piscataqua River, Great Works River, Driscoll Brook, Salmon Falls River, Lovers Brook				
Only the Salmon Falls and Piscataqua are listed as impaired with TMDL documents prepared in 1999.				

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement knowingly made in the submitted information may be punishable as a criminal offense, in accordance with Maine General Statutes.

I certify that this permit registration is on complete and accurate forms as prescribed by the Department without alteration of the text.

I also certify under penalty of law that I have read and understand all requirements of the General Permit. I certify that all requirements for authorization under the general permit are met and that a system is in place to ensure that all terms and conditions of this general permit will continue to be met for all discharges authorized by this general permit for the municipality. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowingly making false statements.

Signature of chief elected official or principal executive officer:		Date:	7/10/2013
---	---	-------	-----------

This NOI registration form must be filed with the Department at the following address:
Stormwater Coordinator
Maine Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta ME 04333-0017

OFFICE USE ONLY	Ck.#	Date	Staff	Staff	After Photos
NOI #	FP		Acc. Date	Def. Date	

APPENDIX C

STATEWIDE BACTERIA TMDL CONSISTENCY EVALUATION

STATEWIDE BACTERIA TMDL CONSISTENCY EVALUATION

The following is a summary of the BMPs contained in the York County MS4 Stormwater Program Management Plan that are consistent with the Statewide Bacteria Total Maximum Daily Load (TMDL) document for the following waters:

Piscataqua River (Department of Marine Resources Area 1), which affects Kittery, Eliot and S. Berwick
 Spruce Creek, Barters Creek, Chauncey Creek (DMR Area 2A) which affects Kittery
 York River, York Harbor, Barrells Millpond (DMR Area 3) which affects York
 Little River at Atlantic Ocean, and Cape Neddick River (DMR Area 4) which affects York

BMP	Measurable Goal	Consistency Discussion
BMP 3.1-Maintain an updated Watershed Based Storm Sewer System Infrastructure Map	The towns will maintain their maps of the stormwater infrastructure.	This BMP is important so the towns maintain an accurate understanding of the infrastructure in the watersheds.
BMP 3.3 - Implement Dry Weather Outfall Inspection Program	Measurable Goal 3.3.1 – The towns will conduct dry weather outfall inspections in the watersheds for each of the areas listed.	The TMDL document identifies that illicit discharges should be investigated and eliminated.
BMP 3.4: Continue Open Ditch Illicit Discharge Program	Measurable Goal 3.4.1 – The towns will implement a strategy to detect illicit discharges in their open ditch system within these watersheds.	The TMDL document identifies that illicit discharges should be investigated and eliminated.
BMP 3.5: Document and Evaluate Aging Septic Systems	<p>Measurable Goal 3.5.1 – By June 30, 2016, the towns will develop a list of aging (i.e., greater than 20 years old) septic systems in these watersheds that might discharge to the MS4 if they were to fail.</p> <p>Measurable Goal 3.5.2 – By June 30, 2017, the towns will implement a drive-by evaluation and documentation program of the aging septic systems identified in Measurable Goal 3.5.1. The program will include a mechanism to address any discharges from failed septic systems.</p>	The TMDL document identifies that illicit discharges should be investigated and eliminated.
BMP 3.7: Work with Department of Marine Resources to address Bacteria Impairments	Measurable Goal 3.7.1 – By June 30, 2014, the towns of Kittery, Eliot, South Berwick and York will meet with the Department of Marine	The TMDL recommends moving forward to correct the impairments in a cooperative fashion.

	<p>Resources to review the data associated with Bacteria impairments as shown in Table 1 of this plan. The purpose of the meeting will be to gain an understanding of what the DMR is doing to address the impairment, share what the towns are doing to address the impairment, and develop plans to move forward in addressing impairments in a cooperative fashion.</p>	
--	--	--

APPENDIX D

MUNICIPAL CERTIFICATIONS OF PLANS



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Appointment to the Historic District Commission	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Appoint Kent White to the Historic District Commission
PROPOSED MOTION: I move to appoint Kent White to the Historic District Commission as a regular member with a term expiring June 30, 2014.

Discussion: Mr. White was interviewed by the Board of Selectmen on November 4, 2013.

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By:

Melissa M. Avery

Reviewed By:

Robert M. Gandon

The Board of Selectmen is seeking applicants for Boards, Committees and Commissions. If you have an interest in becoming involved in your community, please fill out the following form and return to the Town Manager's Office, York Town Hall, 186 York Street, York, Maine 03909.

TOWN OF YORK
Application for Membership
Town Boards, Committees, Commissions

Date: 10/20/13

Name: Kent White

Telephone: 603-781-6546

Address: 111 Lindsay Rd
York ME 03909

Mailing Address: _____

State of Residency: ME

E-Mail Address: Kwhite@CBRE-Portsmouth.com

Why do you wish to serve? I live on Lindsay Rd and interested in
the historic relevance.

What expertise can you provide? 18+ years working as a commercial real estate
broker with CBRE and The Boulos Company. Partner/Principal Broker

Please check the Board(s), Committee(s), or Commission(s) you wish to apply to for membership consideration.

<input type="checkbox"/> Charter Commission	<input type="checkbox"/> Open Space Committee
<input type="checkbox"/> Appeals Board	<input type="checkbox"/> Parks & Recreation Board
<input type="checkbox"/> Assessment Review Board	<input type="checkbox"/> Planning Board
<input type="checkbox"/> Cable TV Regulatory Committee	<input type="checkbox"/> Senior Citizens Advisory Board
<input type="checkbox"/> Capital Planning Committee	<input type="checkbox"/> Shellfish Conservation Commission
<input type="checkbox"/> Conservation Commission	<input type="checkbox"/> Sohier Park Committee
<input type="checkbox"/> Harbor Board	<input type="checkbox"/> Tax Task Force Committee
<input checked="" type="checkbox"/> Historic District Committee	<input type="checkbox"/> York Harbor Site Design Review Board
<input type="checkbox"/> York Village Sub-Committee	<input type="checkbox"/> York Housing Authority
<input type="checkbox"/> Municipal Social Service Review Bd.	<input type="checkbox"/> Energy Efficiency Steering Committee

Received 10/24/13
 mma



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 14, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session	
Subject: Process for Hiring a Town Attorney	

TO: Board of Selectmen
FROM: Robert G. Yandow, Town Manager
RECOMMENDATION:
PROPOSED MOTION:

Discussion: At a work session on November 14, 2013 the Board of Selectmen discussed the proposals that had been received in response to the Board's Request for Proposals (RFP) for legal services. During the work session the Selectmen identified three responding legal firms that would be offered interviews. These firms are:

- Bergen & Parkinson
- Bernstein Shur
- Jensen Baird Gardner & Henry

During the work session the Selectmen also agreed to develop questions that would be asked of all three firms during the interviews. Those questions, and any other process issues, will be discussed Monday night.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared By: Robert B. Gannon

Reviewed By: _____

November 2, 2013

To the Town of York Selectmen,

After twelve years as a member of the Conservation Commission, it is time for me to tend my resignation from the Commission, as of November 3, 2013. I had planned to do so in person before the Board, but I am scheduled to work every Monday evening now and in the future, and therefore cannot attend.

My time on the Conservation Commission has been very interesting and educational, with positive and encouraging decisions as well as some frustrations regarding the preservation of the natural resources of this beautiful town.

I hope that the Town will continue to support and respect the "conservation" piece of this Commission.

Respectfully,

A handwritten signature in cursive script that reads "Ana I Gray".

Ana I Gray



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Application for License for Incorporated Civic Organization: Museums of Old York	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the License for Incorporated Civic Organization
PROPOSED MOTION: I move to approve the License for Incorporated Civic Organization for the Old York Historical Society DBA: Museums of Old York event at 3 Lindsay Road on Saturday, December 14, 2013 at 5:30PM

Discussion:

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melissa M. Avery

Reviewed By: Robert B. Gandon

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR LICENSE FOR
INCORPORATED CIVIC ORGANIZATION**

\$50.00 Fee / \$10.00 Filing Fee
Check Payable: Treasurer State of Maine

1. (a) Full Name of Applicant: Old York Historical Society d/b/a Museums of Old York
(Corporate Name)
- (b) Corporate Address: 207 York Street, P.O. Box 312, York, ME 03909
Street Address City/Town State Zip Code
- (c) Authorized Corporate Office: _____
- (d) Address: _____
Street Address Town/City State Zip Code
- (e) Telephone Number: (207) 363-4974 Fax: (207) 363-4021

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. (a) Title and Purpose of Event: Whiskey Tasting Public Educational Program
- (b) Date of Event: Saturday, December 14, 2013 Time – From: 5:30 p.m. PM To: 8:30 p.m. PM
- (c) **Inside** Outside Event (If **Outside**, attach diagram of area)
- (d) Location of Event: Jefferds Tavern and Parsons Education Center at 3 Lindsay Road, York, ME 03909
- (e) Number of Persons Attending: 40 to 70
- (f) Name and Address of Sponsor: same as applicant
Address: _____ Town/City: _____ State: _____
- (g) Name and Address of Caterer: Museums of Old York will be catering the event
Address: PO Box 312 Town/City: York State: ME
- (If other than licensee): Museums of Old York will be serving the food and liquor. Liquor to be purchased from a Maine Distributor: Bow Street Distributing
- (If food is to be served):
- (h) Type of building to be occupied: Museum Visitor Center and adjoining buildings

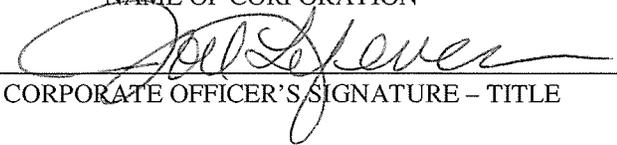
(i) Area to be licensed: 3 Lindsay Road, York, ME 03909

Dated at: York, Maine on November 1, 2013
Town/City, State Month/Day

NOTE:

This application must be signed by a duly authorized officer of the corporation executing the application and approved by the Municipal Officer/Country Commissioners and filed with the Liquor Licensing & Inspection Division.

Old York Historical Society d/b/a Museums of Old York
NAME OF CORPORATION

BY:  Joel Lefever, Executive Director
CORPORATE OFFICER'S SIGNATURE - TITLE PRINTED NAME & TITLE

STATE OF MAINE

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

On: _____
Date

The undersigned being: Municipal Offices County Commissioners of the
 City Town Plantation Unincorporated Place of: York, 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 hereby approve said application.

Signature	Print

**72 Hours in Advance of Said Event or Gathering
REQUESTED**

N.B. If said event or gathering is located in an unincorporated place, the application must be approved by the County Commissioners of the County wherein the event or gathering is to take place and the above approval form may be changed in accordance with the fact.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 12, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Pole Location Permit: Brixham Road	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the Pole Location Permit for Brixham Road
PROPOSED MOTION: I move to approve the Pole Location Permit for one pole on Brixham Road in a southeasterly direction, 50 feet from pole #14.

Discussion: The permit request has been reviewed by Dean Lessard, Director of Public Works and an onsite inspection of the area completed; Mr. Lessard has given his approval of the permit requested.

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melissa M. Avery

Reviewed By: Robert B. Yandow

Form 4503

Notification: 301107889

Work Order: 1000501950

LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC ME ,
 dated 10/23/2013 , asking for permission, in accordance with law, to construct and
 maintain poles, buried cables, conduits, and transformers, together with attached facilities and appurtenances
 over, under, along or across certain highways and public roads in the location described in said application,
 permission is hereby given to construct, reconstruct, maintain and relocate in substantially the same location,
 said facilities and appurtenances in the City / Town of York ,
 approximately located as follows:

1. Starting Point: 14
2. Road (State & CMP): Brixham road
3. Direction: Southeasterly
4. Distance: 50' feet
5. Number of Poles: 1

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

By: _____

By: _____

By: _____

By: _____

By: _____

Municipal Officers

Office of the _____

Received and Recorded in Book _____, Page _____

Attest: _____

Clerk

Form 4501

Notification: 301107889

Work Order: 1000501950

CENTRAL MAINE POWER COMPANY APPLICATION FOR POLE LOCATION OR UNDERGROUND LOCATION

In the City/Town of: York, Maine

To the: City
 Town
 County of: York, Maine

- Central Maine Power hereby applies for permission to:
 - Construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.
 - Construct and maintain buried cables, conduits, manholes and handholes, together with wire and cables, transformers, cutouts, and other equipment therein, under, along, and across certain streets and highways in said City/Town as described below.

Central Maine Power Company and Northern New England Telephone Operations LLC ME jointly apply for permission to construct and maintain poles together with attached facilities and appurtenances upon, along or across certain streets and highways in said City/Town as described below.

1. Starting Point: 14
2. Road (State & CMP): Brixham road
3. Direction: Southeasterly
4. Distance: 50' feet
5. Number of Poles: 1

- Overhead wires shall have a minimum clearance of 18 feet over the public highway and be constructed to conform with the requirements of the National Electric Safety Code.
- Buried cable facilities shall be placed at a minimum depth of 36 inches under pavement and 30 inches elsewhere and be constructed to conform with the requirements of the National Electric Safety Code.

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

Public Notice of this application has been given by publishing the text of the same Not Published

In: _____
On: _____

CENTRAL MAINE POWER COMPANY

Northern New England Telephone Operations LLC ME

By: Elaine Titherington

Date: 10/23/2013

By: Deb Murphy Date: 10/28/2013
Deb Murphy

Melissa M. Avery

From: Dean Lessard
Sent: Thursday, November 07, 2013 2:18 PM
To: Melissa M. Avery
Subject: RE: Pole Permit

Hi Missy
I have reviewed this pole permit. DPW recommends approval.

Thanks
Dean

Dean A. Lessard, P.E. | *Director of Public Works*

Town of York, Maine

186 York Street | York, Maine 03909

Phone: (207) 363-1010, Ext. 6201

Fax: (207) 363-1012

E-Mail: dlessard@yorkmaine.org

Online: www.yorkmaine.org

From: Melissa M. Avery
Sent: Thursday, November 07, 2013 2:17 PM
To: Dean Lessard
Subject: Pole Permit

Just a reminder that this Pole Permit is still waiting for your approval ☺

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.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.



AGENDA ITEM NUMBER: _____

REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: November 15, 2013	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: November 18, 2013	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Special Event Permit: Art in the Park	

TO: BOARD OF SELECTMEN
FROM: Melissa M. Avery, Assistant to the Town Manager
RECOMMENDATION: Approve the Special Event Permit for York Art Association's "Art in the Park"
PROPOSED MOTION: I move to approve the Special Event Permit for York Art Association's "Art in the Park" on Saturday, September 13, 2014 from 9:00AM to 4:00PM

Discussion: All appropriate departments have been notified and given their approval (see attached).

FISCAL IMPACT: N/A
DEPARTMENT LINE ITEM ACCOUNT: N/A
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By: Melina M. Avery

Reviewed By: Robert B. Gannon



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: Oct 30, 2013

Name of Event: Art in the Park

Type of Event: Art Fair

Organization Name: York Art Association Phone #: 363-4049

Organization Address: _____ City York State: ME Zip: 03909

Applicant Name: Colleen Forde Phone #: 207 651-7028

Applicant Address: 2527 Tatnick Rd City: Wells State: ME Zip: 04090

Contact Name for Day of Event: Colleen Contact Phone # 207 651-7028

Date of Event: Sept 13, 2014 Day of Week: Saturday

Starting Time: 9am Ending Time: 4pm

Assembly Area: Moulton Park

Dispersal Area: _____

Event Route: _____

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

300

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

Describe how group is organized and supervised to insure order: Event co-

ordinator on premises / many volunteers

Purpose of the Event: Art Fair / Fundraiser

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

Signature of Applicant: Colleen Forde

For Town Use Only

Reviewed by:

Department

Initials

Police Department	<u>Szeniawski</u>	<u>11-14-2013</u>
Public Works	<u>Lessard</u>	<u>11-7-2013</u>
Parks/Recreation	<u>Sullivan</u>	<u>11-7-2013</u>
Village Fire	<u>Apgar</u>	<u>11-8-2013</u>
York Beach Fire	<u>Bridges</u>	<u>11-7-2013</u>
Code Enforcement	<u>Burns</u>	<u>11-7-2013</u>
York Ambulance	<u>Prince</u>	<u>11-7-2013</u>

Special Conditions:

Town Manager

Date

Melissa M. Avery

From: Charles J. Szeniaowski
Sent: Thursday, November 14, 2013 9:20 AM
To: Melissa M. Avery
Subject: RE: Special Event - Art in the Park

No issues with this event..

Lieutenant Charles J. Szeniaowski
Commander, Patrol Division
Town of York, Maine Police Department
36 Main Street, York, ME 03909-6244
i: www.yorkpolice.org
e: cszeniaowski@yorkpolice.org
p: (207) 363-1031, Ext. 104
f: (207) 361.6818

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

From: Melissa M. Avery
Sent: Wednesday, November 13, 2013 3:54 PM
To: Charles J. Szeniaowski
Subject: RE: Special Event - Art in the Park

Hi Charlie,
Have you had a chance to review this special event permit?

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: Melissa M. Avery
Sent: Thursday, November 07, 2013 3:41 PM
To: Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan; Stephen H. Burns
Cc: Melissa M. Avery
Subject: Special Event - Art in the Park

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Melissa M. Avery

From: Michael J. Sullivan
Sent: Thursday, November 07, 2013 4:04 PM
To: Melissa M. Avery
Subject: RE: Special Event - Art in the Park

Parks and Recreation has no issues with this event.

*Michael J. Sullivan, Director
Parks and Recreation*

*Town of York, Maine
186 York Street
York, Maine 03909
(207) 363-1040
msullivan@yorkmaine.org*

From: Melissa M. Avery
Sent: Thursday, November 07, 2013 3:41 PM
To: Charles J. Szeniewski; Dean Lessard; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan; Stephen H. Burns
Cc: Melissa M. Avery
Subject: Special Event - Art in the Park

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Thank you!
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.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

Melissa M. Avery

From: Dean Lessard
Sent: Thursday, November 07, 2013 3:50 PM
To: Melissa M. Avery
Cc: Timothy DePerrio; Elizabeth Hayden
Subject: RE: Special Event - Art in the Park

Hi Missy

I have reviewed the attached special event permit and don't anticipate any issues. DPW recommends approval.

Thanks
Dean

Dean A. Lessard, P.E. | *Director of Public Works*

Town of York, Maine

186 York Street | York, Maine 03909

Phone: (207) 363-1010, Ext. 6201

Fax: (207) 363-1012

E-Mail: dlessard@yorkmaine.org

Online: www.yorkmaine.org

From: Melissa M. Avery
Sent: Thursday, November 07, 2013 3:41 PM
To: Charles J. Szeniewski; Dean Lessard; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan; Stephen H. Burns
Cc: Melissa M. Avery
Subject: Special Event - Art in the Park

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Thank you!
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.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

Melissa M. Avery

From: Ellen Prince [ellenprince@gmail.com]
Sent: Thursday, November 07, 2013 3:44 PM
To: Melissa M. Avery
Subject: Re: Special Event - Art in the Park

Fine with York Ambulance.

Thank you!
Ellen

On Thu, Nov 7, 2013 at 3:41 PM, Melissa M. Avery <mmavery@yorkmaine.org> wrote:

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Thank you!

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.

Melissa M. Avery

From: David K. Bridges
Sent: Thursday, November 07, 2013 10:16 PM
To: Melissa M. Avery
Subject: Re: Special Event - Art in the Park

In the Village district

Sent from my iPhone. Dave

On Nov 7, 2013, at 3:41 PM, "Melissa M. Avery" <mmavery@yorkmaine.org> wrote:

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Thank you!
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.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

<Art in the Park.pdf>

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

Melissa M. Avery

From: David Apgar
Sent: Friday, November 08, 2013 5:51 AM
To: Melissa M. Avery
Subject: RE: Special Event - Art in the Park

Village Fire approval.

David Apgar
Deputy Fire Chief
York Village Fire Dept
Fire Inspector
207-451-8258

From: Melissa M. Avery
Sent: Thursday, November 07, 2013 3:41 PM
To: Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan; Stephen H. Burns
Cc: Melissa M. Avery
Subject: Special Event - Art in the Park

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Thank you!
Missy

Melissa M. Avery
Assistant to the Town Manager

Town of York, Maine <<http://www.yorkmaine.org/>>
186 York Street, York, ME 03909
Phone: (207) 363-1000 - Fax: (207) 363-1019

Please consider the environment before printing this email.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

Melissa M. Avery

From: Stephen H. Burns
Sent: Thursday, November 07, 2013 4:25 PM
To: Melissa M. Avery
Subject: RE: Special Event - Art in the Park

Missy,

I have no code enforcement concerns with this event.

Steve

Stephen H. Burns
Community Development Director

From: Melissa M. Avery
Sent: Thursday, November 7, 2013 3:41 PM
To: Charles J. Szeniewski; Dean Lessard; David K. Bridges; David Apgar; Ellen Prince; Michael J. Sullivan; Stephen H. Burns
Cc: Melissa M. Avery
Subject: Special Event - Art in the Park

Good afternoon,

Attached is a Special Event Application for Art in the Park at Moulton Park September 13, 2014. Please let me know when you've had a chance to review.

Thank you!
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.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorized. If you have received this electronic message in error, please inform the sender or contact town@yorkmaine.org. This footnote also confirms that this email message has been checked for the presence of computer viruses.