



# Town of York

186 York Street  
York, Maine 03909-1314

Town Manager/  
Selectmen  
(207)363-1000

Town Clerk/  
Tax Collector  
(207)363-1003

Finance/  
Treasurer  
(207)363-1004

Code Enforcement  
(207)363-1002

Planning  
(207)363-1007

Assessor  
(207)363-1005

Police Department  
(207)363-1031

Dispatch  
(207)363-2557

York Beach Fire  
Department  
(207)363-1014

York Village Fire  
Department  
(207)363-1015

Public Works  
(207)363-1011

Harbor Master  
(207)363-1000

Senior Center/  
General Assistance  
(207)363-1036

Parks and  
Recreation  
(207)363-1040

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

www.yorkmaine.org

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

### Call to Order

### Opening Ceremonies

#### A. Minutes

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

#### B. Chairman's Report

#### C. Manager's Report

#### D. Awards

1. Police Cruiser Bid

#### 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 #8

#### H. Public Hearings

1. Amendments to be Considered at the November 2014 General Referendum:
  - 1) MS4 Post-Construction Stormwater Management Ordinance
  - 2) MS4 Non-Stormwater Discharge Ordinance
  - 3) Require Septic System Inspections at Time of Property Transfers

- 4) Application Procedures for Piers, Wharfs, Docks and Floats
- 5) Standards for Piers, Wharfs, Docks and Floats
- 6) Medical Marijuana
- 7) Enabling Ordinance for Special Events Regulations
- 8) Artisanal Food and Drink Amendment

**I. Endorsements**

Business Licenses:

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

**J. Old Business**

**K. New Business**

1. Discussion and Possible Action on Moving Ordinance Amendments to the November 4, 2014 Referendum
2. Discussion and Possible Action on Enforcement Request from CEO Regarding Notice of Violation at 69 Long Beach Avenue
3. Discussion and Possible Action on the Issuance of a Request for Qualifications for the Mount A Universal Trail Project
4. Discussion and Possible Action on a Request From the Police Chief Regarding Statewide Arrest Powers
5. Replacement of Coin Machine at Police Department
6. Discussion and Possible Action on the Purchase of Property in York by the Maine Turnpike Authority
7. Discussion and Possible Action on the Appointment of an Interim Town Manager
8. Abatement of Building Permit Application Fees: 2 Raydon Road
9. Pole Location Permit: Cider Hill Road
10. Special Event Permit: Marketfest
11. Special Event Permit: Halloween Hop

**L. Other Business**

**M. Citizens' Forum**

**Adjourn**

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
9:00AM TUESDAY, AUGUST 5, 2014  
YORK TOWN HALL**

**Present:** Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Torbert Macdonald, Ronald Nowell, Town Manager Robert G. Yandow and Town Attorney Mary Costigan.

**Call to Order**

Chairman Mary Andrews called the meeting to order at 9:03AM.

**A. Executive Session**

1. Consultation with Town Attorney; Pursuant to MRSA Title 1, Section 405 (6)(E)

Moved by Mr. Macdonald, seconded by Mr. Speers to enter into Executive Session at 9:03AM. No objection, so moved.

Moved by Mr. Macdonald, seconded by Mr. Speers to exit out of Executive Session at 10:08AM. No objection, so moved.

**Adjourn**

Chairman Andrews adjourned the meeting at 10:08AM. No objection, so moved.

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
7:00PM MONDAY, AUGUST 11, 2014  
YORK LIBRARY**

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

**Call to Order**

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

**Opening Ceremonies**

**A. Minutes**

1. July 7, 2014 Meeting Minutes
2. July 8, 2014 Meeting Minutes
3. July 8, 2014 Meeting Minutes
4. July 21, 2014 Meeting Minutes
5. July 28, 2014 Meeting Minutes

Moved by Mr. Macdonald, seconded by Mr. Speers to approve the July 7, July 8, July 8, July 21 and July 28, 2014 Meeting Minutes. Vote 5-0, motion passes.

**B. Chairman's Report**

Chairman Andrews wanted to publicly thank the Citizen's Committee for the Town Manager Search; they had great insight and added a great deal to their efforts.

**C. Manager's Report**

Town Manager Yandow gave an updated total cost from the Microburst Clean-up that has occurred so far; it is now up to \$33,314.36, but the Town is still waiting on invoices from two of the private contractors hired by the Town and is also planning to expense funds for limbs left dangerously hanging from the storm. Mr. Yandow announced that the Town received a check for \$8,182 from the Maine Municipal Association in regards to the Town's Loss Prevention

Programs. Mr. Yandow also stated that Gorrill Palmer conducted traffic safety studies in five locations throughout the Town and the results of those studies should be available by the end of the month.

**D. Awards**

1. York Village Study Committee Contract with TDRC

On June 23, 2014 the Board of Selectmen authorized the York Village Study Committee to negotiate a contract with the Downtown Revitalization Collaborative of Portland for design and development of the York Village Master Plan. Village Study Committee Chairman Ron McAllister gave an over view of the proposal and agreement for professional services and recommended that the Board of Selectmen award the contract in the amount of \$143,303 to the Downtown Revitalization Collaborative of Portland, Maine.

Moved by Mr. Nowell, seconded by Mr. Speers to award the contract in the amount of \$143,303 to the Downtown Revitalization Collaborative of Portland, Maine for design and development of a Master Plan in York Village. Vote 5-0, motion passes.

**E. Reports**

1. Energy Efficiency Committee Report on Solar Project at the York Beach Fire Department

Energy Efficiency Steering Committee Chairman Wayne Boardman gave an update on the Solar Project at the York Beach Fire Department.

2. Assessor's Annual Report

Town Tax Assessor Rick Mace presented his annual report to the Board of Selectmen. He announced that the new tax rate for 2015 will be \$10.70, up \$0.27 from last year.

**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: Mike Micciche  
Ed Woods  
Charles Stacy

**G. Approval of Warrant #6**

Moved by Mr. Nowell, seconded by Mr. Speers to approve Warrant #6. Vote 5-0, motion passes.

**H. Public Hearings**

1. New Business License: Bamboo Garden

Moved by Mr. Macdonald, seconded by Mr. Nowell to open the Public Hearing for a New Business License for Bamboo Garden. No objection, so moved.

Public Comment: None

Moved by Mr. Macdonald, seconded by Mr. Nowell to close the Public Hearing. No objection, so moved.

**I. Endorsements**

Business Licenses:

1. Woods Family, Inc. DBA: Woody's Brick Oven Pizza (Food Service);  
Located at 11 Railroad Avenue

Moved by Mr. Macdonald, seconded by Mr. Nowell to approve the following license: Woods Family, Inc. DBA: Woody's Brick Over Pizza for Food Service; Located at 11 Railroad Avenue subject to taxes, fees and inspections being current and compliant with the usual noise stipulations. Vote 5-0, motion passes.

**J. Old Business**

**K. New Business**

1. Discussion and Possible Action for Submission of an MS4 319 Grant

Moved by Mr. Macdonald, seconded by Mr. Speers to authorize the Town Manager to sign the Letter of Support regarding the Clean Water Act 319 Grant for the Cape Neddick River Watershed and further moved by Mr. Macdonald, seconded by Mr. Palmer to authorize the Town Manager to sign the Maine DEP Application to apply for a 319 Grant with a cash match of \$10,000 in the FY2015 MS4 Budget. Vote 5-0, motion passes.

2. Discussion and Possible Action of the FY15 Paving List

Director of Public Works Dean Lessard recommended that the Board of Selectmen approve the proposed pavement preservation projects for FY2015 that he presented to them.

Moved by Mr. Palmer, seconded by Mr. Speers to approve the list of proposed pavement preservation projects submitted by the Director of Public Works for FY2015. Vote 5-0, motion passed.

3. Discussion and Possible Action on Authorizing SMRT to Complete Plans and Documents Necessary for the Initiation of a Competitive Bid Process for the Police Station and Connector Road Projects

Moved by Mr. Palmer, seconded by Mr. Speers to authorize SMRT to gather all the necessary information and to complete any plans necessary to prepare the Police Station and Connector Road projects for a competitive bid process and, further, to prepare all bid documents required for the competitive bid discussion. Vote 3-2, motion passes.

4. Discussion and Possible Action of a Joint Agreement with the York Public Library

For many years there has been discussion about updating the Town's original agreement with the York Public Library, as outlined in the document entitled *Library Financing and Construction* dated February 23, 2000. Recently Town staff met with representatives of the York Public Library on two occasions to discuss a new agreement. As a result of those meetings, a *Memorandum of Understanding* (MOU) has been developed and is attached. The MOU essentially incorporated what is current practice with more clearly defined responsibilities moving forward.

Mr. Speers recused himself to avoid any idea of Conflict of Interest with his wife being the President of the York Public Library Association.

Moved by Mr. Nowell, seconded by Mr. Palmer to approve the operational Memorandum of Understanding between the Town of York and the York Public Library dated August 11, 2014. Vote 4-0-1, Mr. Speers abstained, motion passes.

5. Discussion and Possible Approval of a Voting Ballot for MMA Executive Committee and Vice-President

Moved by Mr. Macdonald, seconded by Mr. Nowell that the Board of Selectmen cast ballots for Cynthia Mehnert, Laurie Smith, and Patricia Sutherland for the Maine Municipal Associated Executive Committee and a ballot for Stephan Bunker for Maine Municipal Association Vice-President. Vote 5-0, motion passes.

6. MSSRB Appointment

Moved by Mr. Macdonald, seconded by Mr. Nowell to appoint Karen Gilroy as a Regular Member to the Municipal Social Services Review Board, with a term expiring June 30, 2017. Vote 5-0, motion passes.

7. EESC Appointment

Moved by Mr. Macdonald, seconded by Mr. Nowell to appoint Rozanna Patane as an Alternate Member to the Energy Efficiency Steering Committee, with a term expiring June 30, 2016. Vote 5-0, motion passes.

8. Business Directional Sign: Just Write Card and Gift

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve the single sided Business Directional Signs requested for the intersection of Long Beach Avenue at Long Sands Road and Route One (Southbound) at Old Post Road for "Just Write Card & Gift". Vote 5-0, motion passes.

9. Business Directional Sign: The Grandview Hotel

Moved by Mr. Nowell, seconded by Mr. Macdonald to approve the single sided Business Directional Signs requested for the intersection of Route One at Old Post Road (northbound) and Ridge Road at Long Sands Road (southbound) for "The Grandview Hotel". Vote 5-0, motion passes.

10. Property Redemption: 16 Pine Street

It was requested by Community Development Director Steve Burns that the Town place a deed restriction on the parcel before transferring it back to the former owners – the deed restriction should prohibit any wetland fill on the lot.

Moved by Mr. Speers, seconded by Mr. Nowell to table the Property Redemption of 16 Pine Street and also request the redemption requester address the build-ability of the lot before it is brought in front of the Board again. Vote 5-0, motion passes.

**L. Other Business**

Chairman Andrews mentioned that there is a joint work session with the Planning Board tentatively scheduled for September 25, 2014.

**M. Citizens' Forum**

Public Comment: Judy Romano  
David Brinkman

**Adjourn**

Moved by Mr. Speers, seconded by Mr. Macdonald to adjourn the meeting at 8:50PM. No objection, so moved.

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
9:00AM WEDNESDAY, AUGUST 13, 2014  
YORK TOWN HALL**

**Present:** Chairman Mary Andrews, Vice Chairman Robert E. Palmer Jr., Jonathan O. Speers, Ronald Nowell, Town Manager Robert G. Yandow and Director of Human Resources Liam Gallagher.

**Call to Order**

Chairman Mary Andrews called the meeting to order at 9:02AM.

**A. Executive Session**

1. Personnel Discussion; Pursuant to MRSA Title 1, Section 405 (6)(A)

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

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

**Adjourn**

Chairman Andrews adjourned the meeting at 9:36AM.

**BOARD OF SELECTMEN'S  
MEETING MINUTES  
4:00PM MONDAY, AUGUST 18, 2014  
YORK TOWN HALL**

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

**Call to Order**

Chairman Mary Andrews called the meeting to order at 4:00PM.

**A. Executive Session**

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

Moved by Mr. Palmer, seconded by Mr. Macdonald to enter into Executive Session. No objection, so moved.

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

**Adjourn**

Chairman Mary Andrews adjourned the meeting at 5:05PM.



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: August 20, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: August 25, 2014	
Regular <input checked="" type="checkbox"/> Work Session _____	
Subject: Acceptance of bid to purchase a 2015 Chevrolet Tahoe Special Service Vehicle from Quirk Ford of Augusta.	

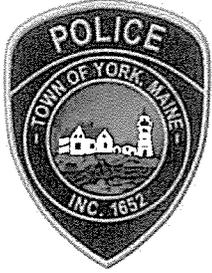
TO: BOARD OF SELECTMEN
FROM: Chief Douglas P. Bracy
RECOMMENDATION: Award the bid for 2015 Chevrolet Tahoe to Quirk Ford of Augusta
PROPOSED MOTION: I move that the Board of Selectmen award the bid for the purchase of a 2015 Chevrolet Tahoe Special Service Police Package to Quirk Ford of Augusta for the amount of \$24,173.00.

Discussion: Quirk Ford submitted a proposal that has met all the bid specifications. See attached memo and back up information regarding this purchase.

FISCAL IMPACT: \$24,173.00
DEPARTMENT LINE ITEM ACCOUNT: Capital cruiser account
BALANCE IN LINE ITEM IF APPROVED: \$84,716.51

Prepared By: Chief Douglas P. Bracy

Reviewed By: Town Manager Robert Yandow



# TOWN OF YORK, MAINE

## Police Department

**Douglas P. Bracy**  
Chief of Police

### Memorandum

**Mailing Address:**  
36 Main Street  
York, Maine 03909

**Dispatch:**  
Non-Emergency  
(207) 363-4444

**Administration:**  
(207) 363-1031

**Facsimile:**  
(207) 361-6818

[www.yorkpolice.org](http://www.yorkpolice.org)

**Committed  
to excellence**

**Date:** August 20, 2014

**To:** Board of Selectmen

**Cc:** Town Manager Robert G. Yandow

**From:** Chief Douglas P Bracy

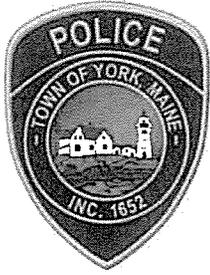
**RE:** Cruiser Bid Acceptance

The Police Department is replacing a 2010 Chevrolet Tahoe SUV cruiser with a 2015 Chevrolet Tahoe SUV. This vehicle serves as the supervisor's primary vehicle and contains a specialized vault for additional equipment. In keeping this style of vehicle it enables us to continue to use the same equipment as is in the old vehicle thus saving us a substantial amount of money.

A bid request for the one (1) Chevrolet Tahoe Special Service 4 x 4 vehicle which is attached in this package was sent out several weeks ago to four Chevrolet dealers in our area. Only one bid was received by the August 19<sup>th</sup>, 2014 deadline which was opened in the Town Manager's Office on August 19<sup>th</sup> at 1400 hours.

Quirk Ford of Augusta, Maine submitted a total bid price of \$24,173.00. This price reflected a base unit price of \$32,360.00 for the new vehicle minus the trade-in value of \$8187.00 for the used 2010 Chevrolet Tahoe SUV.

In comparing this price with other police departments utilizing the same type of vehicle it is my belief that this is a very fair bid price and should be accepted.



# TOWN OF YORK, MAINE

## Police Department

**Douglas P. Bracy**  
**Chief of Police**

**Mailing Address:**  
36 Main Street  
York, Maine 03909

**Dispatch:**  
**Non-Emergency**  
(207) 363-4444

**Administration:**  
(207) 363-1031

**Facsimile:**  
(207) 361-6818

[www.yorkpolice.org](http://www.yorkpolice.org)

**Committed**  
**to excellence**

### PURCHASE OF ONE 2015 CHEVROLET TAHOE

The Town of York is now accepting bids for one (1) 2015 Chevrolet Tahoe Special Services 4X4 vehicle. Bids should be forwarded to the office of the Town Manager, 186 York Street, York, Maine 03909 not later than 12:00 P.M., Tuesday, August 19, 2014, and mark outside the envelope "Bid for Special Service Police Vehicle".

Bids will be opened at the Town Managers office on Tuesday, August 19, 2014 at 2:00 P.M., and awarded on Monday, August 25, 2014, at the Selectmen's Meeting. The Board of Selectmen reserves the right to accept or reject any or all bids.

#### SPECIFICATIONS:

Type and model: 2015 Chevrolet Tahoe Special Service 4X4, 4 door vehicle.

Exterior color: Medium Gray

Interior color: Keyed to exterior color

Engine assembly: 8 cyl. Minimum 5.3, heavy duty cooling system and fan.

Wheelbase: Standard

Rear Axle: Differential, locking, heavy-duty rear

Transmission: 6 Speed automatic with overdrive and tow/haul mode with oil cooler.

Electrical system: 12 volt, with at least 170 amp heavy duty alternator (KW7), Radio suppression package with ground strap (UN9), Power Outlets, 4 auxiliary, 12 Volt. Instrumentation; analog with 120 mph speedometer, odometer, fuel level. Voltmeter, engine temp. oil pressure and tachometer and dual batteries (K4B).

Accessories: Switch for 4-way flasher to allow all directional signals to flash simultaneously, electric interval or intermittent windshield wipers, deluxe heavy-duty fresh air heater and defroster with rear defroster, Air Conditioning with manual temperature control, AM/FM radio, Power Windows, Locks and Driver's Seat.

Equipment: Suspension package, premium smooth ride (ZW7)  
Emissions, Conn., Delaware, Maine and Mass. (NE1)  
Engine, 5.3 Ecotec3 V8 with active fuel management direct injection (L83)  
Transmission, 6 Speed automatic electronically controlled (MYC)  
Rear axle, 3.08 Ratio (GU4)  
Commercial preferred equipment group (1FL)  
Wheels, 17" X 8" painted steel (RD6)  
Tires, P255/70R17 All Season Blackwall (RBZ)  
Spare Tire P255/70R17 All Season Blackwall (ZBZ)  
Paint Scheme, Solid application (ZY1)  
Tungsten Metallic (GXG)  
Seating, Front bucket with Premium Cloth (A95)  
Jet Black, Cloth seat trim (HOU)  
Audio System, AM/FM Stereo with CD player (IO3)  
Identifyer for Special Service Vehicle (5W4)  
Transfer Case, Active 2-Speed Electronic Autotrac (NQH)  
Front Underbody Shield (NZZ)  
Battery, Auxiliary 730 CCA (K4B)  
Power Supply, 100 AMP Auxiliary Battery  
Power Supply, 50 AMP, Power Supply, Auxiliary Battery  
Alternator, 170 AMP High Output (KW7)  
Luggage Rack delete  
Spotlamp, Left hand (7X6)  
Glass, deep-Tinted (AKO)  
Windshield, Solar Absorbing, Shaded Upper (AKX)  
Windshield Style, Acoustic Laminated Glass (AKK)  
Exterior Ornamentation Delete  
License Plate Front Mounting package (VK3)  
Door Handles, Body Color  
Radio Suppression Package (UN9)  
Seat Delete, Third Row Passenger (ATD)  
Console, Floor Delete  
Instrumentation, Analog  
Key, 2 Sided  
Key Common, Complete Vehicle Fleet (6E2)  
Theft-Deterrent System, Vehicle Pass-Key  
Power Outlets, 4 Auxiliary, 12 Volt  
Dome Lighting, Red and White Front (6C7)

Air Bags, Frontal and Side-Impact for Driver and Front Passenger (AYQ)  
Safety Belts, 3-Point Driver and Front Passenger in all seating  
Floor Mats, Front and Rear Rubber or Vinyl  
Black Running Boards Special Service Package  
Keys, Match Existing Tahoe

SPECIAL EQUIPMENT OPTIONS  
Ship Thru, Produced in Arlington Assembly (VPV)

Delivery: Within ninety (90) days of bid award. Vehicle to be delivered to the York Police Department. Final acceptance and approval by the Chief of Police on satisfaction that all specifications are met.

Trade In: 2010 Chevrolet Tahoe 4X4 with an estimated 122,000 miles, Vehicle had \$5,147.45 prior repaired damage in October 2013. Vehicle can be viewed at the York Police Department.

POLICE CRUISER BID PROPOSAL DEALERSHIPS

Pape Chevrolet/Chrysler  
Attn: Ben Welch  
425 Westbrook Street  
South Portland, ME  
FAX: 207-775-5330  
Phone: 207-775-6111

Dutch Chevrolet  
Attn: Josh  
6 Belmont Avenue  
Belfast, ME  
FAX: 207-338-6193  
Phone: 207-338-1470

Goodwin Chevrolet  
Attn: Dennis Treptow  
195 Pleasant Street  
Brunswick, ME 04011  
FAX: 207-725-1287  
Phone: 207-239-1973  
Cell: 207-504-3700

Quirk Chevrolet  
Attn: Leo Chicoine  
293 Hogan Road  
Bangor, ME  
FAX: 207-991-5510  
Phone: 207-299-1610

**Prepared For:**  
BID ON SUV SPECIAL SERVICE  
TOWN OF YORK POLICE  
YORK, ME

**Prepared By:**  
LEO CHICOINE  
QUIRK FORD OF AUGUSTA  
P O BOX 1055  
AUGUSTA, ME 043321055  
Phone: (207) 430-1621  
Fax: (207) 622-9528

**2015 Chevrolet Tahoe**  
CK15706 4WD 4dr Commercial

Photo may not represent exact vehicle or selected equipment.

Prepared For:  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

Prepared By:  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

## 2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

### WINDOW STICKER

2015 Chevrolet Tahoe 4WD 4dr Commercial		Interior: - Jet Black
5.3L/- TBD - CID Gas/Ethanol V8		Exterior 1: - Tungsten Metallic
* 6-Speed Automatic		Exterior 2: - No color has been selected.
<b>CODE</b>	<b>MODEL</b>	<b>MSRP</b>
CK15706	2015 Chevrolet Tahoe 4WD 4dr Commercial	\$47,895.00
<b>OPTIONS</b>		
ZW7	SUSPENSION PACKAGE, PREMIUM SMOOTH RIDE	\$0.00
NE1	EMISSIONS, CONNECTICUT, DELAWARE, MAINE, MARYLAND, MASSACHUSE	\$0.00
L83	ENGINE, 5.3L ECOTEC3 V8 WITH ACTIVE FUEL MANAGEMENT, DIRECT INJE	\$0.00
MYC	TRANSMISSION, 6-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED	\$0.00
GU4	REAR AXLE, 3.08 RATIO	\$0.00
1FL	COMMERCIAL PREFERRED EQUIPMENT GROUP	\$0.00
RD6	WHEELS, 17" X 8" PAINTED STEEL	\$0.00
RBZ	TIRES, P255/70R17 ALL-SEASON, BLACKWALL	INC
ZBZ	TIRE, SPARE P255/70R17 ALL-SEASON, BLACKWALL	INC
ZY1	PAINT SCHEME, SOLID APPLICATION	\$0.00
GXG	TUNGSTEN METALLIC	\$0.00
A95	SEATING, FRONT BUCKET WITH PREMIUM CLOTH	\$250.00
H0U	JET BLACK, CLOTH SEAT TRIM	\$0.00
IO3	AUDIO SYSTEM, AM/FM STEREO WITH CD PLAYER AND AUXILIARY INPUT J	\$0.00
5W4	IDENTIFIER FOR SPECIAL SERVICE VEHICLE.	-\$5,335.00
NQH	TRANSFER CASE, ACTIVE, 2-SPEED ELECTRONIC AUTOTRAC	INC
NZZ	FRONT UNDERBODY SHIELD	INC
K4B	BATTERY, AUXILIARY, 730 CCA	INC
---	POWER SUPPLY, 100-AMP, AUXILIARY BATTERY, REAR ELECTRICAL CENTE	INC
---	POWER SUPPLY, 50-AMP, POWER SUPPLY, AUXILIARY BATTERY	INC

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Customer File:

Prepared For:  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

Prepared By:  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

**WINDOW STICKER**

KW7	ALTERNATOR, 170 AMPS, HIGH OUTPUT	INC
---	LUGGAGE RACK, DELETE	INC
7X6	SPOTLAMP, LEFT-HAND	\$490.00
AKO	GLASS, DEEP-TINTED	INC
AKX	WINDSHIELD, SOLAR ABSORBING, SHADED UPPER	INC
AKK	WINDSHIELD STYLE, ACOUSTIC LAMINATED GLASS	INC
---	EXTERIOR ORNAMENTATION DELETE	INC
VK3	LICENSE PLATE FRONT MOUNTING PACKAGE	\$0.00
---	DOOR HANDLES, BODY-COLOR	INC
UN9	RADIO SUPPRESSION PACKAGE, WITH GROUND STRAPS	INC
ATD	SEAT DELETE, THIRD ROW PASSENGER	INC
D07	CONSOLE, FLOOR	INC
---	INSTRUMENTATION, ANALOG	INC
---	KEY, 2-SIDED	INC
6E2	KEY COMMON, COMPLETE VEHICLE FLEET	\$25.00
---	THEFT-DETERRENT SYSTEM, VEHICLE, PASS-KEY III	INC
---	POWER OUTLETS, 4 AUXILIARY, 12-VOLT	INC
6C7	LIGHTING, RED AND WHITE FRONT AUXILIARY DOME	\$170.00
AYQ	AIR BAGS, FRONTAL AND SIDE-IMPACT FOR DRIVER AND FRONT PASSENGER	INC
---	SAFETY BELTS, 3-POINT, DRIVER AND FRONT PASSENGER IN ALL SEATING	INC
<b>SPECIAL EQUIPMENT OPTIONS</b>		
VPV	SHIP THRU, PRODUCED IN ARLINGTON ASSEMBLY	INC
<b>SUBTOTAL</b>		<b>\$43,495.00</b>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Customer File:

Prepared For:  
BID ON SUV SPECIAL SERVICE  
TOWN OF YORK POLICE  
YORK, ME

Prepared By:  
LEO CHICOINE  
QUIRK FORD OF AUGUSTA  
P O BOX 1055  
AUGUSTA, ME 043321055  
Phone: (207) 430-1621  
Fax: (207) 622-9528

2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

**WINDOW STICKER**

Advert/Adjustments	\$0.00
Destination Charge	\$995.00
<b>TOTAL PRICE</b>	<b>\$44,490.00</b>
Est City: 16.00 mpg	
Est Highway: 22.00 mpg	
Est Highway Cruising Range: 572.00 mi	

*Price is with the spec's* *\$32,360.00*  
*Trade 2010-Chevrolet Tahoe.* *deductance 8187.00*  
*\$34,173.00*

*Leo Chicoine*  
*Photo Mgr*  
*430-1621*

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
© Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Prepared For:  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

Prepared By:  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

## 2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

### SELECTED MODEL & OPTIONS

#### SELECTED MODEL - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
CK15706	2015 Chevrolet Tahoe 4WD 4dr Commercial	\$47,895.00

#### SELECTED VEHICLE COLORS - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial

<u>Code</u>	<u>Description</u>
-	Interior: Jet Black
-	Exterior 1: Tungsten Metallic
-	Exterior 2: No color has been selected.

#### SELECTED OPTIONS - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial

##### CATEGORY

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
SUSPENSION PKG		
ZW7	SUSPENSION PACKAGE, PREMIUM SMOOTH RIDE (STD)	\$0.00
EMISSIONS		
NE1	EMISSIONS, CONNECTICUT, DELAWARE, MAINE, MARYLAND, MASSACHUSETTS, NEW JERSEY, NEW YORK, OREGON, PENNSYLVANIA, RHODE ISLAND, VERMONT AND WASHINGTON STATE REQUIREMENTS	\$0.00
ENGINE		
L83	ENGINE, 5.3L ECOTEC3 V8 WITH ACTIVE FUEL MANAGEMENT, DIRECT INJECTION AND VARIABLE VALVE TIMING includes aluminum block construction (355 hp [265 kW] @ 5600 rpm, 382 lb-ft of torque [516 N-m] @ 4100 rpm) (STD)	\$0.00
TRANSMISSION		
MYC	TRANSMISSION, 6-SPEED AUTOMATIC, ELECTRONICALLY CONTROLLED with overdrive and tow/haul mode (STD)	\$0.00
AXLE		

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Customer File:

**Prepared For:**  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

**Prepared By:**  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

**2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706**

***SELECTED MODEL & OPTIONS***

**SELECTED OPTIONS - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial**

**CATEGORY**

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
<b>AXLE</b>		
GU4	REAR AXLE, 3.08 RATIO (STD) (Not available with (NHT) Max Trailering Package.)	\$0.00
<b>PREFERRED EQUIPMENT GROUP</b>		
1FL	COMMERCIAL PREFERRED EQUIPMENT GROUP Includes Standard Equipment *CREDIT*	\$0.00
<b>WHEEL TYPE</b>		
RD6	WHEELS, 17" X 8" PAINTED STEEL (STD) (Standard unless (NHT) Max Trailering Package is selected. Must order (PZX) 18" aluminum wheels with (NHT) Max Trailering Package.)	\$0.00
<b>TIRES</b>		
RBZ	TIRES, P255/70R17 ALL-SEASON, BLACKWALL (Included and only available with (5W4) Special Service Vehicle)	INC
<b>SPARE TIRE</b>		
ZBZ	TIRE, SPARE P255/70R17 ALL-SEASON, BLACKWALL (Included and only available with (5W4) Special Service Vehicle)	INC
<b>PAINT SCHEME</b>		
ZY1	PAINT SCHEME, SOLID APPLICATION	\$0.00
<b>PAINT</b>		
GXG	TUNGSTEN METALLIC	\$0.00
<b>SEAT TYPE</b>		
A95	SEATING, FRONT BUCKET WITH PREMIUM CLOTH passenger seat includes power fore/aft, power recline and Power lumbar, 10-way power driver seat includes 6-way power cushion, 2-way power lumbar control and power recline (Includes (AYQ) frontal and side-impact for driver and front passenger air bags and (D07) Front center console.)	\$250.00
<b>SEAT TRIM</b>		
H0U	JET BLACK, CLOTH SEAT TRIM	\$0.00
<b>RADIO</b>		
IO3	AUDIO SYSTEM, AM/FM STEREO WITH CD PLAYER AND AUXILIARY INPUT JACK includes 2 USB ports and 1 SD card reader (STD)	\$0.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Customer File:

Prepared For:  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

Prepared By:  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

## 2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

### ***SELECTED MODEL & OPTIONS***

#### SELECTED OPTIONS - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial

#### CATEGORY

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
ADDITIONAL EQUIPMENT		
5W4	IDENTIFIER FOR SPECIAL SERVICE VEHICLE. Utilized to identify a vehicle as a police/fire special service vehicle for marketing, order-build process and emission certification purposes (Must be specified.) *CREDIT*	-\$5,335.00
NQH	TRANSFER CASE, ACTIVE, 2-SPEED ELECTRONIC AUTOTRAC with rotary controls, includes neutral position for dinghy towing (Requires 4WD model. Included with (9C1) Police Vehicle or (5W4) Special Service Vehicle.)	INC
NZZ	FRONT UNDERBODY SHIELD (Requires 4WD model. Included with (9C1) Police Vehicle or (5W4) Special Service Vehicle)	INC
K4B	BATTERY, AUXILIARY, 730 CCA	INC
—	POWER SUPPLY, 100-AMP, AUXILIARY BATTERY, REAR ELECTRICAL CENTER (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
—	POWER SUPPLY, 50-AMP, POWER SUPPLY, AUXILIARY BATTERY passenger compartment wiring harness (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
KW7	ALTERNATOR, 170 AMPS, HIGH OUTPUT (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
—	LUGGAGE RACK, DELETE (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
7X6	SPOTLAMP, LEFT-HAND (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	\$490.00
AKO	GLASS, DEEP-TINTED (all windows, except light-tinted glass on windshield and driver- and front passenger-side glass) (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
AKX	WINDSHIELD, SOLAR ABSORBING, SHADED UPPER (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.  
 Customer File:

Prepared For:  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

Prepared By:  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

## 2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

### **SELECTED MODEL & OPTIONS**

#### SELECTED OPTIONS - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial

#### CATEGORY

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
ADDITIONAL EQUIPMENT		
AKK	WINDSHIELD STYLE, ACOUSTIC LAMINATED GLASS (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
---	EXTERIOR ORNAMENTATION DELETE (Included and only available with (5W4) Special Service Vehicle only)	INC
VK3	LICENSE PLATE FRONT MOUNTING PACKAGE (Included on orders with ship-to-states that require a front license plate.)	\$0.00
---	DOOR HANDLES, BODY-COLOR (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
UN9	RADIO SUPPRESSION PACKAGE, WITH GROUND STRAPS (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle)	INC
ATD	SEAT DELETE, THIRD ROW PASSENGER (Included with (9C1) Police Vehicle or (5W4) Special Service Vehicle) (Deletes rear storage compartment.) *CREDIT*	INC
D07	CONSOLE, FLOOR with storage area, cup holders, SD card slot and auxiliary jack (Included and only available with (A95) front bucket seats.)	INC
---	INSTRUMENTATION, ANALOG with certified 140 mph speedometer, odometer with trip odometer, engine hour meter, fuel level, voltmeter, engine temperature, oil pressure and tachometer (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
---	KEY, 2-SIDED (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
6E2	KEY COMMON, COMPLETE VEHICLE FLEET provides a single key with a specific code that is common to the door locks and ignition of all the vehicles in the vehicle fleet. Key code is an alternate to SEO(6E8) complete vehicle fleet common key. NOTE: NOT COMPATIBLE with previous model years (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	\$25.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Customer File:

Prepared For:  
 BID ON SUV SPECIAL SERVICE  
 TOWN OF YORK POLICE  
 YORK, ME

Prepared By:  
 LEO CHICOINE  
 QUIRK FORD OF AUGUSTA  
 P O BOX 1055  
 AUGUSTA, ME 043321055  
 Phone: (207) 430-1621  
 Fax: (207) 622-9528

2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

**SELECTED MODEL & OPTIONS**

SELECTED OPTIONS - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial

CATEGORY

<u>Code</u>	<u>Description</u>	<u>MSRP</u>
ADDITIONAL EQUIPMENT		
—	THEFT-DETERRENT SYSTEM, VEHICLE, PASS-KEY III (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
—	POWER OUTLETS, 4 AUXILIARY, 12-VOLT includes 1 on the instrument panel, 1 in armrest, and 2 in the cargo area (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle)	INC
6C7	LIGHTING, RED AND WHITE FRONT AUXILIARY DOME (Requires (9C1) Police Vehicle or (5W4) Special Service Vehicle)	\$170.00
AYQ	AIR BAGS, FRONTAL AND SIDE-IMPACT FOR DRIVER AND FRONT PASSENGER driver inboard seat-mounted side-impact and head curtain side-impact for all rows in outboard seating positions (Included and only available with (A95) front bucket seats. Always use safety belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)	INC
—	SAFETY BELTS, 3-POINT, DRIVER AND FRONT PASSENGER IN ALL SEATING POSITIONS (Included and only available with (9C1) Police Vehicle or (5W4) Special Service Vehicle only)	INC
SPECIAL EQUIPMENT OPTIONS		
VPV	SHIP THRU, PRODUCED IN ARLINGTON ASSEMBLY and shipped to Kerr Industries and onto Arlington Assembly	INC
<b>OPTIONS TOTAL</b>		<b>-\$4,400.00</b>

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
 © Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.  
 Customer File:

**Prepared For:**  
BID ON SUV SPECIAL SERVICE  
TOWN OF YORK POLICE  
YORK, ME

**Prepared By:**  
LEO CHICOINE  
QUIRK FORD OF AUGUSTA  
P O BOX 1055  
AUGUSTA, ME 043321055  
Phone: (207) 430-1621  
Fax: (207) 622-9528

## 2015 Fleet/Non-Retail Chevrolet Tahoe 4WD 4dr Commercial CK15706

### ***WARRANTY INFORMATION***

#### **WARRANTY INFORMATION - 2015 Fleet/Non-Retail CK15706 4WD 4dr Commercial**

**WARRANTY**

**Basic:**

3 Years/36,000 Miles

**Drivetrain:**

5 Years/100,000 Miles

**Corrosion:**

3 Years/36,000 Miles

Rust-Through

6 Years/100,000 Miles

**Roadside Assistance:**

5 Years/100,000 Miles

**Maintenance:**

2 Years/24,000 Miles

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 345.0, Data updated 8/5/2014  
© Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

Customer File:



**Notice of Public Hearing  
Board of Selectmen  
Monday, August 25, 2014  
7:00 PM  
York Public Library**

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

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

Printed copies of the text of these amendments (draft document dated August 1, 2014) are available at Town Clerk's office in Town Hall, and digital copies are available on the Town's Web page ([www.yorkmaine.org](http://www.yorkmaine.org)).

# **Proposed Amendments**

to be considered at the

## **November 2014 General Referendum**

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

# Amendment #1

## *MS4 Post-Construction Stormwater Management Ordinance*

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

Article X

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

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

**Recommendations:**

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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

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

**6.7 *Performance Standards for Maintenance of Stormwater Management Facilities.***

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

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

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

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

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

**Amendment #2**  
*MS4 Non-Stormwater Discharge Ordinance*

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

Article X

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

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

**Recommendations:**

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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

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

**6.6 Prohibition of Dumping into Waterbodies, Wetlands and Man-Made Drainage Facilities**

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

## Amendment #3

### *Required Septic System Inspection at Time of Property Transfer*

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

Article X

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

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

**Recommendations:**

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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

5.5 *Property Transfer.*

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

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

5.6 *Corrective Action.*

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

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

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

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

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

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

- A. New System. *A new system constructed within 5 years of the date of property transfer shall be exempt from the requirements of §13-A. Date of construction shall be considered the date of the final LPI inspection.*
- B. Connection to Public Sewer. *If the prospective buyer of a property certifies in writing to the LPI that they will terminate use of the septic system and will connect to public sewer within 6 months of property transfer, provides approval of the public sewer provider, and this work is satisfactorily completed, then the requirements of §13-A shall not apply. Failure to honor this commitment shall be grounds for enforcement under §13-A, including the immediate revoking of occupancy when the 6-month deadline passes.*
- C. System to be Replaced. *If the prospective buyer of a property certifies in writing to the LPI that they will replace the system within 6 months of property transfer, and this work is satisfactorily completed, then the requirements of §13-A shall not apply. Failure to honor this commitment shall be grounds for enforcement under §13-A, including the immediate revoking of occupancy when the 6-month deadline passes.*

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

13-A.3 Requirements.

- A. Inspection. Inspection by a Maine Licensed Site Evaluator or Certified Septic Inspector shall be required in accordance with the following timeframes:
1. Except as provided in Subsections A.2 and A.3 below, an inspection shall be conducted not more than 3 years prior to the date of property transfer. If the inspection is conducted more than 1 year prior to the property transfer, the inspection report shall be accompanied by septic tank pumping records demonstrating the tank has been pumped at least once following the inspection, or a new inspection shall be required.
  2. Where weather conditions preclude inspection in advance, the inspection may be completed as soon as weather permits, but in no event shall it occur later than 6 months after the date of property transfer.
  3. When a property transfer occurs because of any of the reasons listed below, the inspection shall be completed within 6 months after the date of transfer.
    - a. Foreclosure, or a deed in lieu of foreclosure;
    - b. Inheritance; or
    - c. Tax taking by the Town.
- B. Reporting to the Town. Within 30 days of completion of an inspection, an inspection report shall be prepared by the Maine Licensed Site Evaluator or Certified Septic Inspector which meet York Supplemental Plumbing Code requirements. A copy of the inspection report shall be filed with the Local Plumbing Inspector. The inspection report shall be a written report that describes each of the required inspection criteria, provides a sketch of the system, and identifies any need for corrective actions.
- C. Deadline for Completion of Corrective Action. Corrective action specified in the Inspection Report per §13-A.4.D shall be completed within 6 months of the date of property transfer, or within 3 years of the inspection if no property transfer occurs.

- D. Responsibility for Corrective Action. The property owner on the deadline date for completion of corrective actions (§13-A.3.C) shall be responsible for completion of all required corrective actions. Sellers and buyers may make arrangements for completing work and/or allocating costs associated with such work, but that does not change the responsible party with respect to Town enforcement action.
- E. Reporting to Prospective Buyers. The seller shall provide advance written notice to all prospective buyers of the inspection, the inspection report, any possible corrective action specified, and the penalty requirements of §13-A. Along with this notice, all available inspection reports, septic pumping records and other documentation of work shall be provided.

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

- A. General. The Licensed Site Evaluator or Certified Septic Inspector shall perform the inspection in a manner that avoids damage to the system and unnecessary disturbance to the treatment process. The septic tank and distribution box, or cesspool in such cases, shall be located, uncovered and inspected. Reasonable professional efforts shall be made to locate, identify and inspect other system components and features.
- B. Information from Other Parties. The Licensed Site Evaluator or Certified Septic Inspector shall make reasonable professional efforts to obtain information that could help indicate whether or not the system functions properly. This information shall be requested from:
1. the property owner;
  2. any person or business known to have worked on the system within the past 5 years;
  3. any person or business that has pumped the system within the past 5 years; and
  4. the public water supplier, if applicable, for water use records.
- C. Inspection. The inspection shall consist of collection and recording of all information required per Title 33 §173(3) Required Disclosure, plus each of the following.
1. A copy of the approved septic system design, if available from the Town or State.
  2. A system sketch which shows the general location of system components and approximate location of any water supply wells within 100 feet, if no septic system design document is available from the Town or State.

3. *An evaluation of the septic tank, including:*
    - a. *inspection date and time, plus weather and soil conditions;*
    - b. *tank material, approximate age, size and condition of the tank;*
    - c. *condition of the inlet and outlet baffle;*
    - d. *distance between the bottom of the grease/scum layer and the bottom of the outlet baffle;*
    - e. *distance between the top of the grease/scum layer and the top of the outlet tee;*
    - f. *thickness of the grease/scum layer;*
    - g. *depth of the sludge layer and distance from the sludge to the outlet tee;*
    - h. *physical condition of inlet and outlet tees;*
    - i. *evidence of leakage into or out of the tank; and*
    - j. *any evidence of backup of effluent.*
  4. *An evaluation of the distribution box, including:*
    - a. *any evidence of solids carryover;*
    - b. *any evidence of leakage into or out of the distribution box;*
    - c. *whether the flow is equally divided; and*
    - d. *any evidence of backup.*
  5. *An evaluation of the leach field, including:*
    - a. *excavation of a small portion of the disposal area to help determine the actual condition of the system;*
    - b. *description of the disposal area type: stone bed, concrete chambers, etc.;*
    - c. *any signs of hydraulic failure;*
    - d. *condition of surface vegetation;*
    - e. *level of ponding within the disposal area;*
    - f. *encroachments into the disposal area; and*
    - g. *other sources of hydraulic loading.*
  6. *A determination whether or not the system is malfunctioning.*
  7. *Identification of the location and a description of the capacity, usage, and condition of any grey wastewater disposal systems.*
- D. *Corrective Action.* *Where malfunction is identified by the Licensed Site Evaluator or Certified Septic Inspector, the inspection report shall specify repairs or replacement necessary to correct the malfunction.*

13-A.5 Penalty. *In addition to any other penalty provisions of the State or Town external plumbing codes, failure to comply with the requirements of §13-A, will result in the following:*

- A. Permits and Approvals. *No Town permit or approval of any kind shall be issued until the violation is fully corrected.*
- B. Occupancy. *Occupancy shall be revoked if the violation poses an immediate and significant risk to public health, and shall be revoked if the violation persists more than one year past any required deadline of §13-A.*

## Amendment #4

### *Application Procedures for Piers, Wharfs, Docks and Floats*

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

Article X

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

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

**Recommendations:**

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

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

3. The following procedure shall be applied by the Harbor Board when reviewing applications for new structures and for additions, alterations, or changes to existing structures:
  - a. Any person wishing to construct a new structure and/or make additions, alterations, or changes to an existing structure shall: ~~file an application with the Harbor Board on the form provided and shall pay an application fee.~~
    1. *File an application on the form provided by the Harbor Board;*
    2. *Provide a plan that shows the proposal in plan view which meets the following requirements:*
      - a. *is prepared and certified by a Maine-licensed Professional Engineer;*

- b. *has a signature block with a title, "Approval of the Town of York, Maine", has signature and date lines for the Chair of the Harbor Board, the Code Enforcement Officer and the Chair of the Board of Selectmen, and concludes with the sentence, "All 3 signatures shall be required before the plan is considered approved and construction may commence."*
  - c. *shows all information necessary to demonstrate compliance with all applicable codes; and*
3. *Pay a non-refundable application fee of \$50.*

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

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

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

- 8.3.6.10 In addition to any other local, state, or federal permitting and licensing requirements, prior written approval by the York Harbor Board is a necessary precondition to the Code Enforcement Officer's issuance of either:
- a. a permit to build a new dock, float, moored float, pier, landing, or any other new structure within the jurisdictional limits of the Town of York Harbor Ordinance; or
  - b. a permit to make additions, alterations, or changes to an existing dock, float, moored float, pier, landing, or any other existing structure within the jurisdictional limits of the Town of York Harbor Ordinance. No permit is required for routine repairs and/or maintenance to existing structures.

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

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

**Amendment #5**  
*Standards for Piers, Wharfs, Docks and Floats*

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

Article X

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

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

**Recommendations:**

Recommended by the Harbor Board:

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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

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

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

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

- ~~a. New piers and floats shall not extend to within 100 feet of the opposite marsh bank. All measurements shall be made perpendicular to the normal high water mark of the natural shoreline. No measurements shall be made from any man-made structure.~~
- ~~b. To avoid interference with navigation, no pier or float combination shall extend into the channel more than 10% of the width of the channel at low tide.~~
- ~~c. Wharves, piers, and docks will be permitted on the York River, west (upstream) of Sewall's Bridge, only in areas where the low water channel is 50 feet or less from the high water mark. Wharves, piers, and docks will be permitted on the York River, east (downstream) of Sewall's Bridge, only in areas where the low water channel is 84 feet or less from the high water mark. No wharves, piers or docks will be permitted in the Barrells Mill Pond. All measurements shall be made perpendicular to the high water mark of the natural shoreline at the location of the proposed structure. No measurements may be made from any man-made structure.~~
- a. ~~d.~~ The total area of all floats associated with any single pier shall not exceed 200 square feet, excepting that floats exceeding 200 square feet in place at a pier before March 6, 1977 shall be allowed to continue, be maintained, and be repaired. This limitation shall not apply to any pier or wharf with an owner whose use is categorized as "Public, Semi-Public, or Institutional" per the use tables of Article 4.
- ~~e. All piers should be maintained, but if a pier falls into and remains in disrepair for any period of two years, it shall be considered defunct. Defunct piers, where a minimum of 25% of the pier when it was last used is visible and standing, and provided the last active use of the pier occurred within 10 years of when it became defunct, may be repaired provided all reasonable measures are taken to bring the pier into conformance with current standards to the greatest extent possible and upon issuance of a permit by the Code Enforcement Officer or Planning Board.~~
- b. ~~f.~~ Piers shall not be constructed where uplands adjacent to the water body are in the Resource Protection Subdistrict.
- c. *Approval pursuant to the Harbor Ordinance shall be required prior to approval of the Code Enforcement Officer.*

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

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

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

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

- e. The Harbor Board shall not approve the application unless a majority of members present and voting finds that the new structure, or the addition, alteration, or change to the existing structure will neither impede navigation nor endanger vessels. *In addition to this general standard, the following shall also apply:*
  1. *New wharves, piers and floats shall not extend closer than 100 feet from the opposite marsh bank. All measurements shall be made perpendicular to the high water mark of the natural shoreline. No measurements shall be made from any man-made structure.*
  2. *To avoid interference with navigation, no pier or float combination shall extend into the channel a distance greater than 10% of the width of the channel at low tide.*
  3. *Wharves, piers, and docks will be permitted on the York River, west (upstream) of Sewall's Bridge, only in areas where the low water channel is 50 feet or less from the high water mark. Wharves, piers, and docks will be permitted on the York River, east (downstream) of Sewall's Bridge, only in areas where the low water channel is 84 feet or less from the high water mark. No wharves, piers or docks will be permitted in Barrells Mill Pond. All measurements shall be made perpendicular to the high water mark of the natural shoreline at the location of the proposed structure. No measurements may be made from any man-made structure.*
  4. *To be repaired in kind, the structure (in this context to include wharf, pier, dock and/or float) must have been in place and functioning as intended, in the opinion of the Harbor Master, within 24 months of the Town's receipt of an application. When repaired, all reasonable measures shall be taken to bring the structure into conformance with current standards to the greatest extent possible and only upon issuance of a permit by the Harbor Board. A structure that has not been functioning as intended for longer than 24 months, in the opinion of the Harbor Master, may be repaired or replaced only in full compliance with all current local and State permitting requirements. Shoreland and Building permits from the Code Enforcement Officer may also be required. See also – Zoning Ordinance §8.3.6.10.*

## **Amendment #6** *Medical Marijuana*

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

Article X

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

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

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

**Recommendations:**

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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

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

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

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

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

**MEDICAL MARIJUANA HOME PRODUCTION:** *Cultivating, processing and/or storing of medical marijuana by a qualifying patient at their own residence or a medical marijuana caregiver at their own primary year-round residence for use by a qualifying patient. This use shall be considered an accessory use.*

**MEDICAL MARIJUANA PRODUCTION FACILITY:** *A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver’s primary year-round residence or their patient’s primary year-round residence. This shall be considered a commercial use.*

**MEDICAL MARIJUANA REGISTERED DISPENSARY:** *A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and educational materials to qualifying patients and the primary caregivers of those patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.*

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

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

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

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

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

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

**7.18 Medical Marijuana**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **1.2 Licensed Activities**

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

### **Lodging**

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

### **Food and Beverage**

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

### **Entertainment**

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

**Miscellaneous**

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

**For local approvals required for State licenses, see also:**

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

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

**4.2.13 *Medical Marijuana Grower License***

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

*A. Inspections Required:*

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

*B. Definitions.*

- 1. Medical Marijuana. Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the qualifying patient’s debilitating medical condition.*
- 2. Medical Marijuana Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of marijuana in accordance with state law. A person who is a medical marijuana caregiver must be at least 21 years of age and may not have been convicted of a disqualifying drug offense.*
- 3. Medical Marijuana Registered Dispensary. A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses marijuana, paraphernalia or related supplies and*

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

4. *Medical Marijuana Production Facility.* *A facility used for cultivating, processing, and/or storing medical marijuana by a medical marijuana caregiver at a location which is not the medical marijuana caregiver's primary year-round residence or their patient's primary year-round residence.*
  
- C. *State Authorization.* *Prior to issuance, renewal or amendment of a License, the applicant must demonstrate their authorization to cultivate, process and store medical marijuana pursuant to the Maine Use of Medical Marijuana Program. Loss of such State authorization shall automatically invalidate the Town-issued License.*
  
- D. *Related Laws.* *See: Zoning Ordinance; Title 22 M.R.S. Chapter 558-C, Maine Medical Use of Marijuana Act; 10-144 C.M.R. Chapter 122, Rules Governing the Maine Medical Use of Marijuana Program.*
  
- E. *Statutory Authority.* *Home rule authority.*
  
- F. *Enforcement Authority.* *York Police Department.*

**Amendment #7**  
*Enabling Ordinance for Special Events Regulations*

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

Article X

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

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

**Recommendations:**

Recommended by the Board of Selectmen:

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

***SPECIAL EVENTS ORDINANCE***

***SECTION 1: PURPOSE***

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

***SECTION 2: DEFINITIONS***

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

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

**SECTION 3: AUTHORIZATION TO ENACT REGULATIONS**

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

**SECTION 4: FEES AND EXPENSES**

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

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

**SECTION 5: EFFECTIVE DATE**

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

## **Amendment #8**

### *Artisanal Food and Drink Amendment*

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

Article X

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

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

**Recommendations:**

Recommended by the Planning Board:

Recommended by the Board of Selectmen:

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

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

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

BUS-1

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

YBVC

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

GEN-1

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

GEN-2

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

GEN-3

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

RT 1-2

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

RT 1-3

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

RT 1-4

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

RT 1-5

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

RT 1-6

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

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

RES 1-A & RES 1-B

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

RES-2

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

RES-3

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

RES-4

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

RES-5

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

RES-6

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

RES-7

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

BUS-2

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

RT 1-1

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

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

8.2.1.A Mixed Use Subdistrict

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

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

8.2.1.B Limited Residential Subdistrict

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

8.2.1.C Resource Protection Subdistrict

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

8.2.1.D Stream Protection Subdistrict

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

## Post-Construction Stormwater Management Ordinance

1. **Purpose.** The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of York through monitoring and enforcement of compliance with post-construction stormwater management plans in order to comply with requirements of the federal Clean Water Act, of federal regulations, and of the General Permit. Monitoring and enforcement of post-construction stormwater management plans will ensure to the maximum extent practicable that stormwater management facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures that are part of a storm drainage system, are properly maintained and pose no threat to public safety.
  
2. **Authority.** The Town of York enacts this Ordinance pursuant to 30-A M.S.R.A. §3001 (municipal home rule ordinance authority), 38 M.S.R.A §413 (the “Wastewater Discharge Law”), 33 U.S.C. §1251 et seq. (the “Clean Water Act”), and 40 CFR Part 122 (U.S. Environmental Protection Agency’s regulations governing the National Pollution Discharge Elimination System (“NPDES”)). The Maine Department of Environmental Protection, through its promulgation of the “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer System (“Small MS4”); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this Ordinance as part of the Town’s Stormwater Management Program in order to satisfy the minimum control measures required by Part IV D 5 (“Post-construction stormwater management in new development and redevelopment”).
  
3. **Definitions.** For the purpose of this Ordinance, the terms listed below are defined as follows:  
  
APPLICANT: A Person with requisite right, title or interest, or an agent for such Person who has filed an application for new development, or redevelopment that requires a post-construction stormwater management plan under this Ordinance.  
  
BEST MANAGEMENT PRACTICES (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.  
  
CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. §1251 *et seq.*, also known as the “Clean Water Act”), and any subsequent amendments thereto.  
  
CODE ENFORCEMENT OFFICER (CEO): Any of the individuals appointed by the York Board of Selectmen to fulfill duties of code enforcement for shoreland zoning and/or land use within the Town.

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

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

MUNICIPALITY: The Town of York.

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

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

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

NEW DEVELOPMENT: Any construction activity on an unimproved premise.

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

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

POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN:

- A. An Inspection and Maintenance Plan as required by rule for projects that require approval by the Maine Department of Environmental Protection under Chapter 500, Stormwater Management in Maine; or
- B. For projects that do not require approval by the Maine Department of Environmental Protection under Chapter 500 Stormwater Management in Maine, a plan to inspect and maintain BMPs and Stormwater Management Facilities employed by a new development or redevelopment to meet stormwater standards of the Town’s Site Plan and Subdivision Regulations and Zoning Ordinances.

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

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

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

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

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

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

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

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

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

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

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

4. **Applicability.** This Ordinance shall apply to all properties on which there will be one or more acres of disturbed area and which discharge stormwater off the property. The measure of disturbed area is determined at the buildout of all project phases.
5. **Effective Date.** This Ordinance shall take effect on the date of passage by the voters. Future amendments shall take effect on the date of passage by the voters unless otherwise specified in the amendment.

**6. Approval and Notice.**

- A. General Requirements.** If subject to this Ordinance as identified in Section 4, an applicant must receive approval pursuant to this Ordinance before any other Town official or board may grant a permit or approval for any building permit, subdivision, site plan or other such activity.
- B. Stormwater Management Review and Approval.** If subject to this Ordinance as identified in Section 4, where no other stormwater management requirements are applicable to the proposal, an applicant must demonstrate compliance to the CEO with the stormwater management, storm drainage construction, and erosion and sedimentation control standards of the Site Plan & Subdivision Regulations.
- C. Notice of BMP Discharge to Municipality's MS4.** At the time of application for a building permit, subdivision approval, site plan approval or other land use approval for new development or redevelopment within the scope of this Ordinance, the applicant shall notify the municipal permitting authority of its Post-Construction Stormwater Management Plan including any BMP(s) that will discharge to the Town's MS4 and shall include in this notification a listing of which BMP(s) will so discharge.
- D. Notice of BMP Discharge to MDOT and MTA.** At the time of application for a building permit, subdivision approval, site plan approval or other land use approval for new development or redevelopment within the scope of this Ordinance, the applicant shall notify the MDOT or MTA of its Post-Construction Stormwater Management Plan including any BMP(s) that will discharge to their jurisdiction.

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

- A. Inspection.** That person or a qualified third-party inspector hired by that person shall, at least annually, inspect the stormwater management facilities, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection and maintenance requirements of the approved Post-Construction Stormwater Management Plan.
- B. Maintenance.** If the Stormwater Management Facilities require maintenance to function as intended by the approved Post-Construction Stormwater Management Plan, that person shall take necessary action(s) to address the deficiency or deficiencies.
- C. Annual Reporting and Fee.** That person or qualified third-party inspector hired by that person, shall, on or by July 1 of each year, provide a completed and signed certification to the Stormwater Manager (identical to that attached as Appendix A), certifying that the person has inspected the Stormwater Management Facilities. This certification shall demonstrate that the Stormwater Management Facilities are adequately maintained and functioning as intended by the approved Post-Construction Stormwater Management Plan.  
The person or qualified third-party inspector shall provide a record of any required maintenance or deficiency and any corrective action(s) taken for compliance with this

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

8. **Right of Entry.** In order to determine compliance with this ordinance and with the Post-Construction Stormwater Management Plan, the CEO may enter upon property at a reasonable hour with the consent of the owner, occupant or agent to inspect the Stormwater Management Facilities. Refusal to grant reasonable access may require the Town to gain access by Administrative Warrant.
9. **Annual Report.** Beginning July 1, 2014 and each year thereafter, the Stormwater Manager shall include the following in their Annual Report to the Maine Department of Environmental Protection;
  - A. The cumulative number of sites that have Stormwater Management Facilities discharging into their MS4;
  - B. A summary of the number of sites that have Stormwater Management Facilities discharging into their MS4 that were reported to the Municipality per §6.C in the reporting year;
  - C. The number of sites with documented functioning Stormwater Management Facilities per §7.C; and
  - D. The number of sites that required routine maintenance or remedial action to ensure that Stormwater Management Facilities are functioning as intended.
10. **Inspections.** The Town shall annually inspect a percentage of Stormwater Management Facilities located in the direct watershed of a lake most at risk from new development in the Urbanized Area or in watersheds of an urban impaired stream in the Urbanized Area. If the owner or operator of a Stormwater Management Facility hires a Qualified Third-Party Inspector, the permittee will not be subject to Town inspections per this Section. If the owner or operator of a Stormwater Management Facility does a “self” inspection, the Municipality is required to conduct the following:

1-10 sites:	inspect at least one site, or 40% (whichever is greater)
11-30 sites:	inspect at least four sites, or 30% (whichever is greater)
31-60 sites:	inspect at least nine sites, or 25% (whichever is greater)
61-100 sites:	inspect at least fifteen sites, or 20% (whichever is greater)
101-160 sites:	inspect at least twenty sites, or 17% (whichever is greater)
Over 160 sites:	inspect at least twenty seven sites, or 11% (whichever is greater)
11. **Enforcement.** It shall be unlawful for any person to violate any provision of, or to fail to comply with any of the requirements of this Ordinance or the approved Post-Construction Stormwater Management Plan. Whenever the CEO believes that a person has violated this

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

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

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

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

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

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

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

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

2. For a lot with multiple tenants or units, such as but not limited to apartment buildings or malls, one of the following two options shall apply:
      - a. If the violation relates solely to a single tenant or unit, no permits or approvals shall be issued for that tenant or unit until the violation is resolved (the tenant and units which were not cited shall not be adversely affected); or
      - b. If the violation relates to the site in general, no permits or approvals shall be issued for any tenant, unit or that lot until the violation is resolved.
  - C. **Consent Agreement.** With approval of the Board of Selectmen, the CEO may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance or the Post-Construction Stormwater Management Plan for purposes of eliminating violations of this Ordinance or the Post-Construction Stormwater Management Plan and recovering fines, costs and fees without court action.
  - D. **Appeal:** Any action or inaction of the CEO relative to this Ordinance or an approved post-construction stormwater management plan may be appealed to the York Board of Appeals. This shall be treated as an administrative appeal and shall be processed pursuant to the provisions of York Zoning Ordinance §18.8. The appeal must be received by the Town within 30 days of the action being appealed. The Board of Appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt. The Board of Appeals may affirm, reverse, modify or remand the decision of the CEO. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.
  - E. **Enforcement Measures.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation and Order for Corrective Action, or in the event of an appeal to the Board of Appeals within 45 days of a decision of the Board of Appeals affirming the CEO's decision, then the CEO may recommend to the Board of Selectmen (BOS) pursue legal action. The BOS may direct the Town's attorney to file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedures. The BOS may initiate this action without a recommendation from the CEO, and may act sooner, provided the BOS finds that the circumstances pose an immediate and unacceptable threat to the public health, safety and welfare.
12. **Administration and Enforcement.** The Stormwater Manager shall administer the provisions of this Ordinance. CEOs shall enforce the provisions of this Ordinance.
13. **Saving Clause.** In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.



TOWN OF YORK, MAINE

**Appendix A**

**Annual Stormwater Management Facilities Certificate**

I, \_\_\_\_\_, certify the following:  
Print or Type

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

\_\_\_\_\_ Print or Type name of subdivision, condominium or other development  
located at \_\_\_\_\_ Print or Type Address (“the Property”);

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

\_\_\_\_\_ Print or Type name(s);

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

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

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

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Town of York, Maine**

---

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Dated: \_\_\_\_\_, 20\_\_\_\_ By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_\_\_

Personally appeared the above-named \_\_\_\_\_,

the \_\_\_\_\_ of \_\_\_\_\_,

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

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law

\_\_\_\_\_  
Print Name

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

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

## Non-Stormwater Discharge Ordinance

- 1. Purpose.** The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of York through regulation of non-stormwater Discharges to the Town's storm sewer system as required by Federal and State law. This Ordinance establishes methods for controlling the introduction of pollutants into the Town's storm sewer system in order to comply with requirements of the Federal Clean Water Act and State law. Objectives are to prohibit unpermitted non-stormwater discharges to the storm sewer system and to set forth the legal authority and procedures to carry out all inspection, monitoring and enforcement activities necessary to ensure compliance with this Ordinance.
- 2. Authority.** The Town of York enacts this Ordinance pursuant to 30-A M.S.R.A. §3001 (municipal home rule ordinance authority), 38 M.S.R.A §413 (the "Wastewater Discharge Law"), 33 U.S.C. §1251 et seq. (the "Clean Water Act"), and 40 CFR Part 122 (U.S. Environmental Protection Agency's regulations governing the National Pollution Discharge Elimination System ("NPDES")). The Maine Department of Environmental Protection, through its promulgation of the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer System ("Small MS4"); under this General Permit, listing as a Regulated Small MS4 necessitates enactment of this Ordinance as part of the Town's Stormwater Management Program in order to satisfy the minimum control measures.
- 3. Definitions.** For the purposes of this Ordinance, the terms listed below are defined as follows:

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

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

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

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

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

MUNICIPALITY: The Town of York.

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

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

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

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

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

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

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

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

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

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

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

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

4. **Applicability.** This Ordinance shall apply to all stormwater and/or non-stormwater discharges from any premises into the storm sewer system.
5. **Administration and Enforcement.** The Stormwater Manager shall administer the provisions of this Ordinance. CEO's shall enforce the provisions of this Ordinance.
6. **Prohibition of Non-Stormwater Discharges**
  - A. General Prohibition - Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-stormwater discharge to the Town's storm sewer system. Such non-stormwater discharges are prohibited notwithstanding the fact that the Town may have approved the connections, drains or conveyances through which the non-stormwater discharges flow.
  - B. Allowed Non-Stormwater Discharge - The creation, initiation, origination and maintenance of the following non-stormwater discharges to the storm sewer system are allowed provided the discharge does not contribute to a violation of water quality standards defined by the Maine Department of Environmental Protection:
    1. Landscape irrigation;
    2. Diverted stream flows;
    3. Rising ground waters;
    4. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
    5. Uncontaminated pumped ground water;
    6. Uncontaminated flows from foundation drains;
    7. Air conditioning and compressor condensate;
    8. Irrigation water;
    9. Flows from uncontaminated springs;
    10. Uncontaminated water from basement or crawl space pumps;
    11. Uncontaminated flows from footing drains;
    12. Lawn watering runoff;

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

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

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

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

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

9. **Enforcement.**

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

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

2. The cessation of discharges, practices, or operations in violation of this Ordinance;
3. At the person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-stormwater discharges to the storm sewer system and the restoration of any affected property; and/or
4. The payment of fines, of the Town's remediation costs and of the Town's reasonable administrative costs and attorneys' fees and costs.

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

- B. Penalties/Fines/Injunctive Relief:** Any person who violates this Ordinance shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the Town's attorney's fees and costs all in accordance with 30-A M.R.S.A. §4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this Ordinance also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Town for violation of Federal and State environmental laws and regulations caused by or related to that person's violation of this Ordinance; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Section.
- C. Consent Agreement:** With the approval of the Board of Selectmen, the CEO may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Ordinance for the purposes of eliminating violations of this Ordinance and of recovering fines, costs and fees without court action.
- D. Appeal:** Any action or inaction of the CEO relative to this Ordinance may be appealed to the York Board of Appeals. This shall be treated as an administrative appeal and shall be processed pursuant to the provisions of York Zoning Ordinance §18.8. The appeal must be received by the Town within 30 days of the action being appealed. The Board of Appeals shall hold a *de novo* hearing on the appeal within 30 days from the date of receipt. The Board of Appeals may affirm, reverse, modify or remand the decision of the CEO. A suspension under Section 7 of this Ordinance remains in place unless or until lifted by the Board of Appeals or by a reviewing court. A party aggrieved by the decision of the Board of Appeals may appeal that decision to the Maine Superior Court within 45 days of the date of the Board of Appeals decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

- E. Enforcement Measures:** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation and Order for Corrective Action, or in the event of an appeal to the Board of Appeals within 45 days of a decision of the Board of Appeals affirming the CEO's decision, then the CEO may recommend that the Board of Selectmen (BOS) pursue legal action. The BOS may direct the Town's attorney to file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedures. The BOS may initiate this action without a recommendation from the CEO, and may act sooner, provided the BOS finds that the polluting activity poses an immediate and unacceptable threat to the public health, safety and welfare.
- F. Ultimate Responsibility of Discharger:** The standards set forth herein are minimum standards; therefore the Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the U.S. caused by said person. This Ordinance shall not create liability on the part of the Municipality, or any officer, agent or employee thereof, for any damages that result from any person's reliance on this Ordinance or any administrative decision lawfully made hereunder.
- 10. Effective Date.** This Ordinance shall take effect on the date of passage by the voters. Future amendments shall take effect on the date of passage by the voters unless otherwise specified in the amendment.
- 11. Saving Clause.** In the event any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 22, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 25, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Business License Applications (2)	

**TO:** BOARD OF SELECTMEN

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

**RECOMMENDATION:**

**PROPOSED MOTION:** I move to approve the following licenses:

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

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

---

**Discussion:**

---

**FISCAL IMPACT:** N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared By:

Melinda M. Aney

Reviewed By:

Robert B. Gandon

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

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

Business Name: HANNAFORD Food & Drug # 8384

Street Address: 5 HANNAFORD Drive

Business Owner: HANNAFORD Bros. Co, LLC Business Manager: ASHLEIGH OFFORD LAPIERRE

Mailing Address: P.O. Box 1000, ATTN: J. Goulet Mailing Address: 5 HANNAFORD Drive  
PORTLAND, ME 04104 YORK, ME 03909

Phone Number: 207-885-3321 Phone Number: 207-363-5357

E-mail Address: JANE.GOULET@delhaize.com E-mail Address: ASOFFORD@HANNAFORD.com

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

Is the Business Owner same as the prior year?  YES  NO

Please indicate which Licenses or Local Approvals you seek:

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms:

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats:

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other:

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

THE TOWN OF

# YORK, MAINE

186 York Street, York, Maine 03909

## BUSINESS LICENSE APPLICATION

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

Business Name: Bamboo Garden

Street Address: 8 Market Place Dr, York, Me 03909

Business Owner: Hong Ji Inc. Business Manager: Yu Ping Chen

Mailing Address: 10 Weston Av, #110 Mailing Address: 8 Market Place Dr, 2B

Quincy, MA 02170 York, Me 03909

Phone Number: 207-361-4388 Phone Number: 207-361-4388

E-mail Address: \_\_\_\_\_ E-mail Address: esalwu@gmail.com

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

Is the Business Owner same as the prior year?  YES  NO

*Please indicate which Licenses or Local Approvals you seek:*

### Lodging:

Bed and Breakfast License (C/F)

Innkeeper License (C/F)

Number of Rooms: \_\_\_\_\_

### Food and Beverage:

Food Service License (C/F)

Liquor License (F/P)

Bottle Club License (F/P)

Number of Seats: \_\_\_\_\_

### Entertainment:

Special Amusement License (F/P)

Dance Hall License (F/P)

Bowling Alley License (F)

Coin-Operated Amusement License (P)

Bingo, Beano and Games of Chance

### Miscellaneous:

Transient Seller's License

Flea Market License

Junkyard, Auto Graveyard/Recycling License

Other: \_\_\_\_\_

C - Code Enforcement Inspection Required F - Fire Department Inspection Required P - Police Department Inspection Required

Code Enforcement: (207) 363-1002

Police Department: (207) 363-1031

Village Fire Department: (207) 363-1015

Beach Fire Department: (207) 363-1014

FEES: Each application will incur a \$60 fee, plus \$30 for each license after the first. All NEW applications will have an additional \$50 fee, and all license amendments will have a \$25 fee. All fees are to be paid at time of submittal and shall be non-refundable. Cash or Check only; Please make check payable to Town of York.

**Department of Public Safety  
Liquor Licensing & Inspection  
Division**



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

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.

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input type="checkbox"/> HOTEL-OPTINONAL FOOD (Class I-A)          | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)                  | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                            | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Hong Ji Inc.</u> <b>DOB:</b>			<b>2. Business Name (D/B/A)</b> <u>Bamboo Garden</u>		
<b>DOB:</b>					
<b>DOB:</b>			<b>Location (Street Address)</b> <u>8 Market Place Dr.</u>		
<b>Address</b> <u>10 Weston Av., #110.</u>			<b>City/Town</b> <u>York</u>		<b>State</b> <u>ME</u>
			<b>Zip Code</b> <u>03909</u>		
			<b>Mailing Address</b> <u>8 Market Place Dr.</u>		
<b>City/Town</b> <u>Quincy</u>		<b>State</b> <u>MA</u>	<b>City/Town</b> <u>York</u>		<b>State</b> <u>ME</u>
<b>Zip Code</b> <u>02170</u>		<b>Zip Code</b> <u>03909</u>			
<b>Telephone Number</b>			<b>Business Telephone Number</b> <u>207-361-4388</u>		<b>Fax Number</b>
<b>Federal I.D. #</b>			<b>Seller Certificate #</b>		

3. If premises is a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ N/A 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: Yu Ping Chen
8. If business is NEW or under new ownership, indicate starting date: 9-1-2014  
Requested inspection date: 8/26/2014 Business hours: 11 AM to 11 pm.
9. Business records are located at: Premises
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
Yu Ping Chen	10/26/1976	Taiwan

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
10 Weston Ave, #110, Quincy, MA 02170.

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: \_\_\_\_\_  
Kimball Farm Lane, Me 03909.

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) \_\_\_\_\_

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? 1 mile Which of the above is nearest? Church.

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: Bank of America.

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, York Maine on July 24th, 20 14  
Town/City, State Date

[Signature] Please sign in blue ink  
Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

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

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**FILING FEE** .....\$ 10.00

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

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

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, c.589, §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, c.45, 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, c.730, §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 license requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

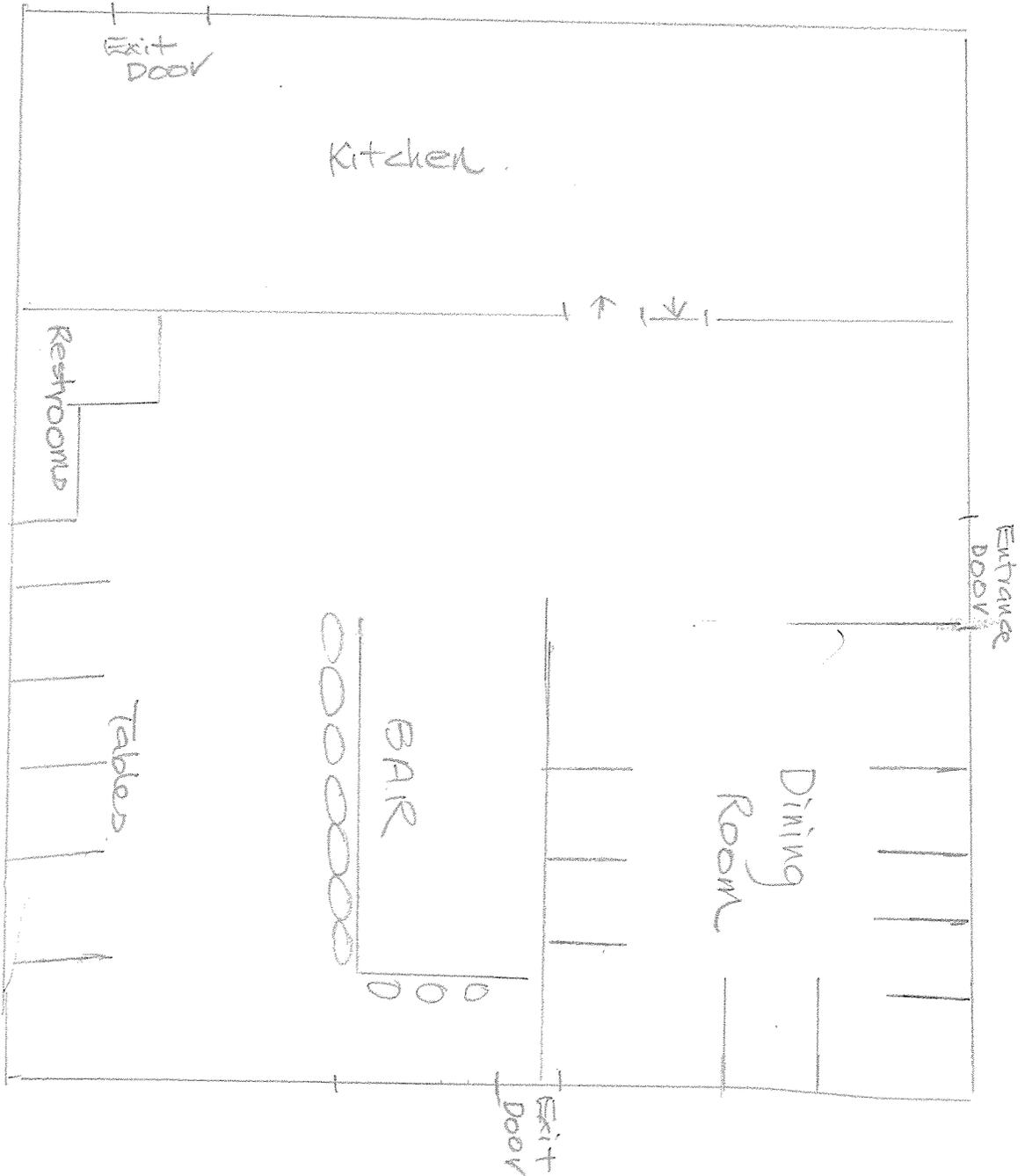
4. **No license to person who moved to obtain a license. (REPEALED)**

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

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



PREMISE DIAGRAM





AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 21, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action  <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 25, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Ordinance Amendments	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Stephen H. Burns, Community Development Director
<b>RECOMMENDATION:</b> I recommend the Board send all but one of the proposed ordinance amendments to the November ballot. I do <u>not</u> recommend sending Amendment #3, Requiring Septic System Inspections.
<b>PROPOSED MOTION:</b> I move to send the following ordinance amendments to public vote at the November General Referendum:  <ol style="list-style-type: none"><li>1. MS4 Post-Construction Stormwater Management Ordinance</li><li>2. MS4 Non-Stormwater Discharge Ordinance</li><li>4. Application Procedures for Piers, Wharfs, Docks and Floats</li><li>5. Standards for Piers, Wharfs, Docks and Floats</li><li>6. Medical Marijuana</li><li>7. Enabling Ordinance for Special Events Regulations</li><li>8. Artisanal Food and Drink Amendment</li></ol> <i>If the Board wants to bring the septic inspection amendment forward, the following should be inserted into the list above:</i>  <ol style="list-style-type: none"><li>3. <i>Require Septic System Inspection at Time of Property Transfer</i></li></ol>

---

**Discussion:** Each of the first 7 amendments went through a public hearing by the Board of Selectmen in July so the subject matter should be familiar to the Board.

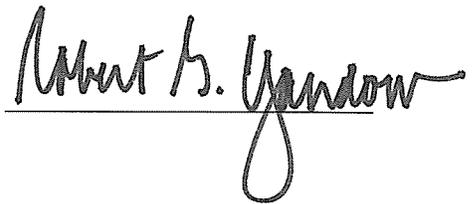
Regarding the 8<sup>th</sup> amendment, *Artisanal Food and Drink Amendment*, this was introduced by a Selectmen as is provided in the Town of York Home Rule Charter, Article II (Town Meetings), Section 21 (Ordinances in General). This same authority was used years ago to send the proposed Growth Ordinance forward for its first public vote, and it was also used for initial establishment of the Accessory Dwelling Unit Ordinance. The Charter provides no mechanism for making changes, and since the legal form appears to be correct I think this must go on the ballot unless pulled by Mr. Macdonald. Also, I'm aware the Planning Board reviewed the proposal and has already forwarded comments to the Board of Selectmen.

Regarding the 3<sup>rd</sup> amendment, *Require Septic System Inspections at Time of Property Transfers*, there was much criticism of this amendment at the first public hearing and there wasn't much time to make changes so it was re-posted as is. I believe it would be advisable to send this back to the Planning Board. Leslie Hinz and I have outlined a much simpler proposal that we feel will do the job equally well, will reduce the amount of reporting to the Town, and will remove the buyer/seller problem that was so central to the criticism of the realtors. I do believe this is an important requirement to enact so expect it to return in a much improved form in May.

Prepared By:



Reviewed By:





AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: August 8, 2014	Type of Action: <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
Date Action Requested: August 8, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
Subject: Enforcement required at 69 Long Beach Avenue (Map 31 Lot 123A)	

TO: BOARD OF SELECTMEN
FROM: Amber L. Harrison, York Cod Enforcement Officer
RECOMMENDATION: Enforcement of Notices of Violation (see submitted NOVs, Memo and Pictures)
PROPOSED MOTION: Immediate Cease and Desist of illegal commercial parking lot at 69 Long Beach Avenue.

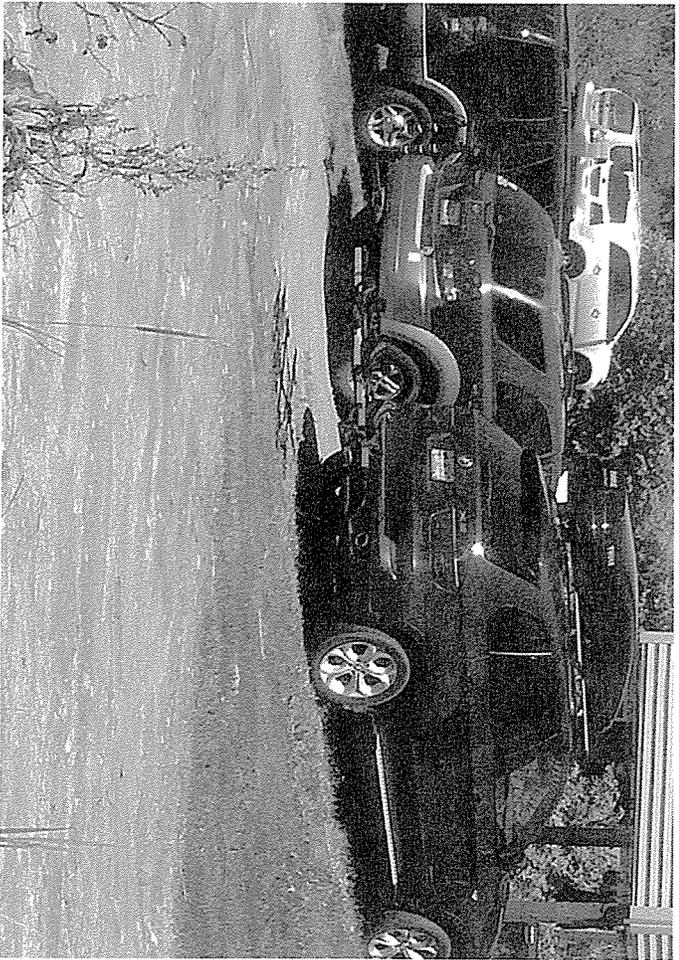
**Discussion:**

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

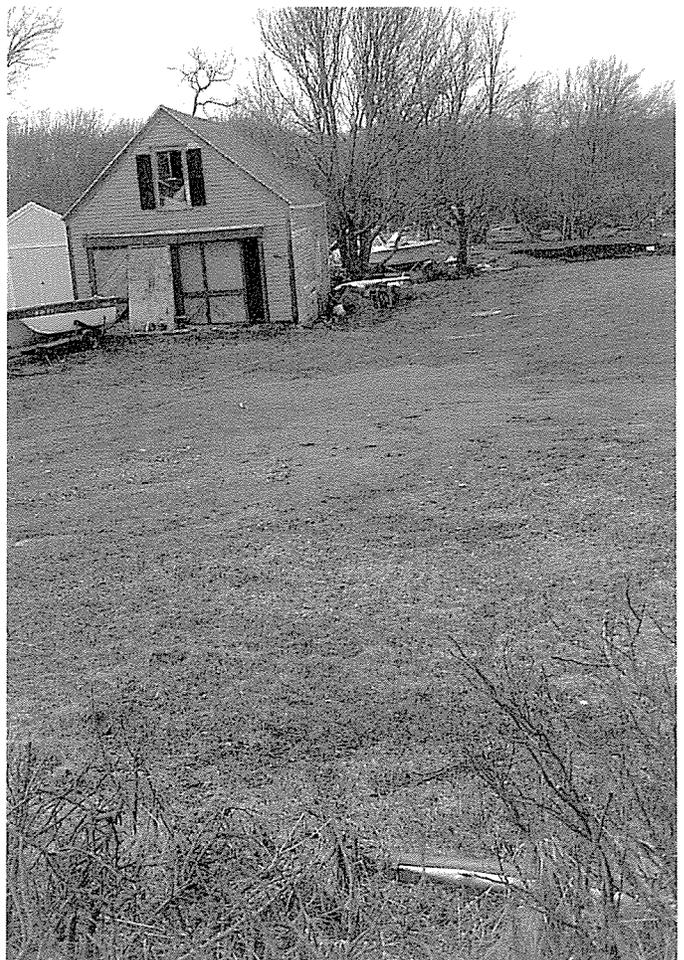
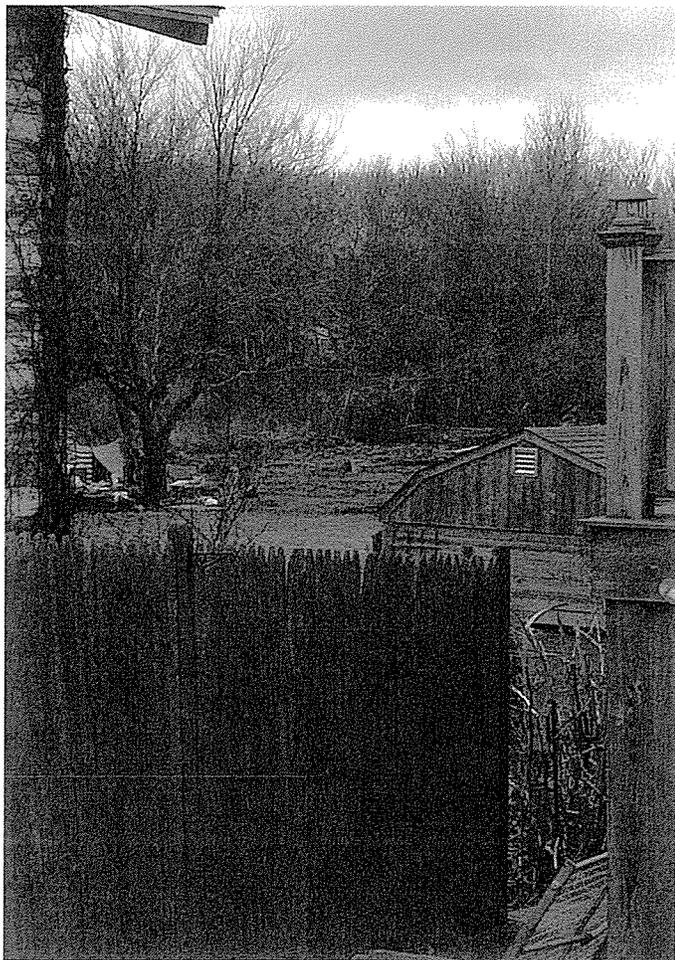
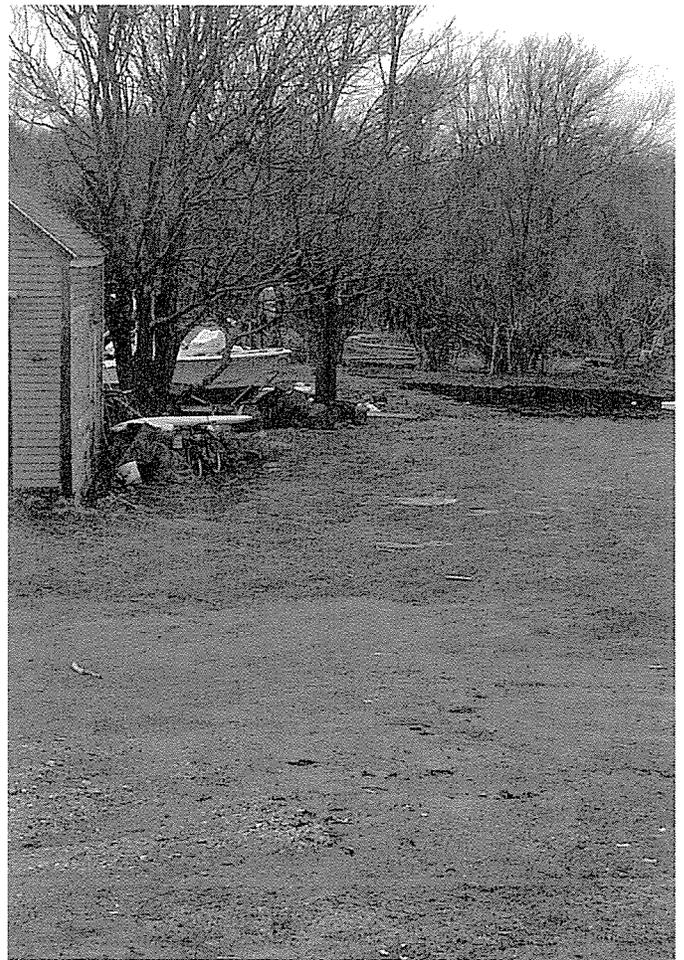
Prepared By: \_\_\_\_\_

Reviewed By: Robert H. Gandon





01/15/13



4.1.12



# Town of York

186 York Street  
York, Maine 03909-1314

## MEMO

**TO:** York Board of Selectman  
**CC:** Community Development Staff  
**FROM:** Amber L. Harrison, CEO  
**DATE:** August 8, 2014  
**RE:** 69 Long Beach Avenue (Map 31 Lot 123A)

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

The purpose of this memo is to evaluate the multiple Notices of violations that have been issued to 69 Long Beach Avenue (M31 L123A), and to detail the actions necessary to attain compliance from the Code Enforcement Office.

On April 10<sup>th</sup>, 2013, Leslie Hinz and Amber Harrison did a site visit at 69 Long Beach Avenue in response from complaints from abutters' concerning fill in a wetland and a commercial parking lot. A Notice of Violation was issued on April 13<sup>th</sup>, 2013, regarding the aforementioned violation (wetland fill), that was found (see attached pictures and NOV). Remedial action was performed by the property owner (Jane Saunders Wilson), to rectify the fill in the wetland and the parking of cars on the lot ceased for a short period of time. By June 2013, the commercial parking lot was operating again and witnessed by the Code Enforcement Office. The property owner was once again verbally put on notice that this was a violation of the Land Use Code (§4.1.1. Permitted Uses in RES-7 and § 15.1.1.1. Off-Street Parking), and the Wilson's Attorney James Bartlett was consulted. After aerial photos and tax records reviewed for 69 Long Beach, it could not be proven that the commercial parking lot was a grandfathered use. Upon a request by Bartlett to allow Mrs. Wilson more time prior to the issuance of a NOV, the Code Enforcement Office allowed illegal use to continue until the end of the 2013 summer. Mrs. Wilson was to provide documentation establishing a legally non-conforming use through historical evidence and needed the supplemental income. No documentation was ever provided by the Wilson's establishing a legally non-conforming use.

The commercial parking lot (parked cars on lot, in shoreland zone wetland, with sign charging \$20.00/day), was evidence by Kathy Newell during a Saturday, June 28<sup>th</sup>, 2014, Code Enforcement shift. A Notice of Violation was sent via certified mail to Mrs. Wilson on July 9<sup>th</sup>, 2014. The NOV documented the illegal parking lot and the order for corrective action entailed immediate cease and desist of the commercial parking lot. The parking lot was again witnessed by the Code Enforcement staff on July 19<sup>th</sup>, 2014, by myself during a Saturday Code Enforcement shift. A second NOV was hand delivered to Mrs. Wilson on July

30<sup>th</sup>, 2014. The hand delivery of the second NOV to Mrs. Wilson at 69 Long Beach Avenue was witnessed by York Police Officer, Detective Calcina.

Currently, the illegal commercial parking lot is still in operation at 69 Long Beach Avenue and the Code Enforcement Office continues to receive complaints from abutters regarding the parking lot. The Code Enforcement Office is requesting that the Board of Selectman take legal action or pursue fines in order to enforce the Notices of Violations issued to 69 Long Beach Avenue.

Please call me at 363-1002 or email me at [aharrison@yorkmaine.org](mailto:aharrison@yorkmaine.org) if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Amber L. Harrison".

Amber L. Harrison, Town of York Code Enforcement Officer

## Applicable Codes

### Section §4.1.1. Vehicular Use Category (RES-7)

**EXPRESSLY PROHIBITED:** Vehicle Service Stations, Auto Repair Garages; Auto Body Repair Shops; Sale, Rental and Accessory Storage of Automobiles, Light Trucks, Motorcycles, and Mopeds Conducted Wholly or Partially in Open Lots; Sale of Pickup Coaches, Campers, Tent Trailers and Similar Equipment, Including Snowmobiles; Place for Repair, Sale, Rent or Storage of Pleasure Boats; Salvage Yards, Junk Yards, Wrecking Yards; Car Washing Establishment.

### Section §15.1.1.1. Off-Street Parking Requirements

Off-street parking, either by means of open air spaces or by garage space, in addition to being a permitted use, shall be considered an accessory use when required or provided to serve conforming uses located in any district.



# Town of York

186 York Street  
York, Maine 03909-1314

## Notice of Violation & Order for Corrective Action

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

July 30, 2014

Jane Saunders Wilson Life Estate  
P.O. Box 84  
York Beach, ME 03910

Re: regarding parking lot violation at 69 Long Beach Avenue (Map 31 Lot 123A)

Dear Ms. Wilson,

The Town of York has received numerous complaints that commercial parking is occurring on your lot at 69 Long Beach Avenue (M31 L123A). Upon recent inspection of the aforementioned area, it can be noted that a sign was posted stating the parking fee and cars were parked on the lot. On July 9<sup>th</sup>, 2014, the Code Enforcement Office issued a Notice of Violation for this same issue and likewise ordered the advertising of the parking and the parking itself cease immediately. This is your second Notice of Violation for this issue.

### VIOLATION

The Town of York Code Enforcement office has yet to receive the necessary documentation from said property owner as to demonstrate a Use permit has been issued.

Failure to comply with the following Town of York Zoning Ordinances:

§ 4.1.1. Permitted Uses in RES-7; Vehicular Use Category

§ 15.1.1.1. Off-street Parking Requirements

### ORDER FOR CORRECTIVE ACTION

You are hereby ordered to remove the sign advertising parking immediately and to cease using your residential lot for commercial parking immediately. Work shall be subject to inspection by a Town Code Enforcement Officer to verify compliance with this Order. A request for inspection can be made by calling 363-1002.

While I anticipate your prompt cooperation, your failure to comply with this order may result in actions including court proceedings and penalties and legal costs as prescribed in the Town of York Zoning Ordinance – Article 19.1 – 19.5, being initiated to secure your compliance.

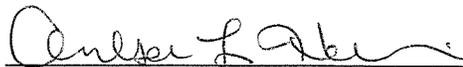
**APPEAL LANGUAGE**

You have a right to appeal this Notice of Violation and Order for Corrective Action. You may appeal it in whole or in part. Your right to appeal should be directed to the York Board of Appeals. You may contact Reenie Johnson at Town Hall (363-1000) to find out the requirements to file an appeal.

Failure to fulfill the Order for Corrective Action within the timeframe specified may result in this case being turned over for prosecution in court. The Town may then seek a Court Order for corrective action, along with fines and reimbursement of legal costs for prosecution. The fine for violation is \$100 to \$2,500 per day per violation, beginning on the date on which you receive this Notice. This determination will become a final determination in thirty days if it is not appealed and it may not be appealable to either the Town of York Board of Appeals or the State of Maine Court System.

If you have any other concerns or questions please contact the Code Enforcement Office at 363-1002. I truly hope we are able to resolve the matter without the necessity of any further legal action.

On behalf of the Town of York



---

Amber L. Harrison  
Code Enforcement Officer  
Town of York



# Town of York

186 York Street  
York, Maine 03909-1314

## Notice of Violation & Order for Corrective Action

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

July 9, 2014

Jane Saunders Wilson Life Estate  
P.O. Box 84  
York Beach, ME 03910

Re: regarding parking lot violation at 69 Long Beach Avenue (Map 31 Lot 123A)

Dear Ms. Wilson,

The Town of York has received numerous complaints that commercial parking is occurring on your lot at 69 Long Beach Avenue (M31 L123A). Upon recent inspection of the aforementioned area, it can be noted that a sign was posted stating the parking fee and cars were parked on the lot.

### VIOLATION

The Town of York Code Enforcement office has yet to receive the necessary documentation from said property owner as to demonstrate a Use permit has been issued.

Failure to comply with the following Town of York Zoning Ordinances:

§ 4.1.1. Permitted Uses in RES-7; Vehicular Use Category

§ 15.1.1.1. Off-street Parking Requirements

### ORDER FOR CORRECTIVE ACTION

You are hereby ordered to remove the sign advertising parking immediately and to cease using your residential lot for commercial parking immediately. Work shall be subject to inspection by a Town Code Enforcement Officer to verify compliance with this Order. A request for inspection can be made by calling 363-1002.

While I anticipate your prompt cooperation, your failure to comply with this order may result in actions including court proceedings and penalties and legal costs as prescribed in the Town of York Zoning Ordinance – Article 19.1 – 19.5, being initiated to secure your compliance.

**APPEAL LANGUAGE**

You have a right to appeal this Notice of Violation and Order for Corrective Action. You may appeal it in whole or in part. Your right to appeal should be directed to the York Board of Appeals. You may contact Reenie Johnson at Town Hall (363-1000) to find out the requirements to file an appeal.

Failure to fulfill the Order for Corrective Action within the timeframe specified may result in this case being turned over for prosecution in court. The Town may then seek a Court Order for corrective action, along with fines and reimbursement of legal costs for prosecution. The fine for violation is \$100 to \$2,500 per day per violation, beginning on the date on which you receive this Notice. This determination will become a final determination in thirty days if it is not appealed and it may not be appealable to either the Town of York Board of Appeals or the State of Maine Court System.

If you have any other concerns or questions please contact the Code Enforcement Office at 363-1002. I truly hope we are able to resolve the matter without the necessity of any further legal action.

On behalf of the Town of York

A handwritten signature in cursive script, appearing to read "Amber L. Harrison", is written over a horizontal line.

Amber L. Harrison  
Code Enforcement Officer  
Town of York



# Town of York

186 York Street  
York, Maine 03909-1314

## Notice of Violation & Oder for Corrective Action

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

April 12, 2013

Jane Saunders Wilson Life Estate  
P.O. Box 84  
York Beach, ME 03910

Re: regarding wetland violation at 69 Long Beach Avenue (Map 31 Lot 123A)

Dear Ms. Wilson,

The Town of York has received numerous complaints that loads of fill are being dumped into the wetlands in your backyard. A previous Notice of Violation concerning the fill was hand deliver to Jane Saunders Wilson on June 29<sup>th</sup>, 2012 (Attachment A). Wetland determination was made by Michael Cuomo dated July 5, 2012, examining the area of fill "about 45 x 45 feet behind the lawn and beside the garden" (Attachment B). Cuomo's letter also states "I determined that this area of recent gravelly fill was placed over a mineral soil wetland...No fill is allowed in wetlands in York without a permit; this fill was not permitted and does not qualify for a permit under the Town's zoning." Upon recent inspection of the aforementioned area, it can be noted that the fill has not been removed nor has seed been put down in the disturbed area (Attachment C).

### VIOLATION

The Town of York Code Enforcement office has yet to receive the necessary documentation from said property owner as to demonstrate that it is not a wetland.

Failure to comply with the following Town of York Zoning Ordinances:

§ 11.2 Filling wetland without a permit

§ 18.2.1 Doing earthwork in the Shoreland Overlay District without a permit

It will be considered an additional violation if your property is used as a commercial parking lot without the required Town approvals.

### ORDER FOR CORRECTIVE ACTION

You are hereby ordered to remove the fill from this area, restore it to its original grade, and replant it with appropriate vegetation no later than June 1, 2013.

You are also required to ensure proper erosion control until all disturbed ground is fully stabilized. Work shall be subject to inspection by a Town Code



# 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

Enforcement Officer, with assistance from a landscaper as necessary and at your expense, to verify compliance with this Order. A request for inspection can be made by calling 363-1002.

While I anticipate your prompt cooperation, your failure to comply with this order may result in actions including court proceedings and penalties and legal costs as prescribed in the Town of York Zoning Ordinance – Article 19.1 – 19.5, being initiated to secure your compliance.

## APPEAL LANGUAGE

You have a right to appeal this Notice of Violation and Order for Corrective Action. You may appeal it in whole or in part. Your right to appeal should be directed to the York Board of Appeals. You may contact Reenie Johnson at Town Hall (363-1000) to find out the requirements to file an appeal.

**Failure to fulfill the Order for Corrective Action within the timeframe specified may result in this case being turned over for prosecution in court. The Town may then seek a Court Order for corrective action, along with fines and reimbursement of legal costs for prosecution. The fine for violation is \$100 to \$2,500 per day per violation, beginning on the date on which you receive this Notice. This determination will become a final determination in thirty days if it is not appealed and it may not be appealable to either the Town of York Board of Appeals or the State of Maine Court System.**

If you have any other concerns or questions please contact the Code Enforcement Office at 363-1002. I truly hope we are able to resolve the matter without the necessity of any further legal action.

On behalf of the Town of York

Amber L. Harrison  
Code Enforcement Officer  
Town of York



Aug 8, 2014

Board of Selectmen

Yard # ME 03909

RE: 69 Long Beach Ave

Please be advised that  
the neighborhood is fed  
up with the Wilson's  
filling in wet lands  
and charging people  
\$10 ~~\$20~~ to park in  
their yard. It is an  
eyesore to Long Beach Ave.  
and a sin to fill in wet land.  
We cannot give our names  
because we have to  
live in neighborhood

Thank you.

Assigned to Code Office



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> 08/20/2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> 08/25/14	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b>	

<b>TO</b> Board of Selectmen
<b>FROM:</b> Michael J. Sullivan, Director of Parks & Recreation, and Robin Kerr, Mount Agamenticus Conservation Coordinator
<b>RECOMMENDATION:</b> To approve the proposed RFQ & RFP process for selecting a Design/Build firm(s) to design and construct the four phases of the 1-mile Big A Universal Access Trail, a universally accessible multi-use natural surface trail system within the summit of Mt. Agamenticus.
<b>PROPOSED MOTION:</b> I move to approve the RFQ & RFP process as proposed for selecting a Design/Build firm(s) to design and construct the four phases of the 1-mile Big A Universal Access Trail.

**Discussion:** In January of this year the Board of Selectmen voted to approve the necessary ground work to make the Big A trail and deck universally accessible. Due to the method of construction related to this trail, the close coordination of layout and construction expertise, and the need to limit the impacts of disturbance throughout the Mt. A region it has been determined that it is in the best interest to enter into a design-build contract with a professional trail building firm to complete this public improvement project. Four phases of implementation have been identified. Through initial fundraising efforts, resources have been secured for all of Phase 1 (845') and a portion of Phase 2 at this time.

We are seeking Board approval to move forward with selecting a design-build firm thru an initial Request for Qualification and subsequent Request for Proposal bid process. This would allow a selection committee (made up of selected Mt. A Steering Committee members, Director of Parks &

Recreation, Conservation Coordinator, and anyone else the Board would like to appoint) to prescreen and select the top three qualified candidates to submit a complete proposal and bid. Once proposals are submitted, the same selection committee would make a final recommendation for Board approval. Proposals will include a fixed bid on Phase 1 along with estimates for work on future phases. It may be in the best interest to work closely with the selected contractor to design/build the latter phases in order to insure ideal desired outcomes working within available financial resources. However, if the Town is not fully satisfied with work completed during Phase 1, or negotiated costs for future phases falls outside the proposed estimate, the Town reserves the right to issue additional Requests for Proposals to pre-qualified contractors for latter phases of this project.

**FISCAL IMPACT:** None at this time

**DEPARTMENT LINE ITEM ACCOUNT:** n/a

**BALANCE IN LINE ITEM IF APPROVED:** n/a

Prepared By: Robin Kerr

Reviewed By:

Robert M. Gandon



TOWN OF YORK  
**PARKS & RECREATION**



**TOWN OF YORK**  
**Department of Parks & Recreation**  
**Mount Agamenticus Conservation Program**

186 York Street

York, ME 03909

Telephone: (207) 361-1102 FAX: (207) 351-2967

<http://www.agamenticus.org/>

**REQUEST FOR QUALIFICATIONS AND STATEMENT OF INTEREST  
DESIGN-BUILD SERVICES FOR  
THE BIG A UNIVERSAL ACCESS TRAIL PROJECT**

The Town of York, in conjunction with the York Parks and Recreation Department and the Mount Agamenticus Conservation Program, is seeking contractors to design and construct a universally accessible multi-use natural surface trail system within the summit of Mt. Agamenticus. Due to the method of construction related to this trail, the close coordination of layout and construction expertise, and the need to limit the impacts of disturbance throughout the Mt. A region it has been determined that it is in the best interest to enter into a design-build contract to complete this public improvement project; the enclosed Project Qualifications Evaluation Form will be used in selecting the most qualified firms.

The trail development within the Mount Agamenticus Conservation Region will be based on actual and conceptual trail alignments identified in the 2013 Big A Trail Map. The first phase of work (approximately 845 ft.) will be limited to the layout and construction of a network of natural surface trails built to the Federal Accessibility Guidelines for Trails and Outdoor Recreation Areas. From that point, further phases of the 1-mile universally accessible trail and degree of accessibility will be dependent on the amount of funding secured. All phases will utilize existing trails where feasible and include erosion mitigation and trail restoration where necessary. The fixed budget for Phase 1 of this project is \$60,000 and the anticipated project timeline is 2014-2015.

**Minimum Qualification Requirements for Firm Providing Design-Build Services**

Firms seeking consideration should be 1) a Professional Trail Building Contractor, and 2) be experienced in the design and construction of natural surface trails of this size and scope.

Prior to a contract being awarded, Design-Builders are required to provide certification of Professional Liability Insurance for a minimum of \$1,000,000 with the Town of York listed as an additionally insured; be able to provide proof of workers compensation insurance; and be able to secure all necessary Town Permits for construction.

**Statement of Interest and Qualifications Submission**

Please submit four (4) copies of your Statement of Interest and Qualifications and one (1) completed and signed Submittal Cover Sheet to the Town of York Manager's Office, 186 York Street, York, ME 03909 on or before September 12, 2014.

Firms desiring to submit proposals on the design-build project shall submit a Statement of Interest and Qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required. Design-Build firms may only submit one Statement of Qualifications.

All Costs related to responding to the RFQ are the sole responsibility of the firm.

**Statement of Interest and Qualifications Evaluation**

The Town shall determine the relative ability of each Design-Build Firm to propose on this project; the Town shall base its determination upon the following:

1. Meets minimum requirements for RFQ.
2. Experience with comparable projects;
3. Financial and bonding capacity; A certificate of insurance including errors and omissions executed by the insurance carrier's authorized agent
4. Managerial resources;
5. The abilities of the professional personnel;
6. Past performance;
7. Capacity to meet time and budget requirements;
8. Knowledge of local or regional conditions;
9. Recent and current project workload; and
10. The ability of the design and construction teams to complete the work in a timely and satisfactory manner.

The above criteria will be evaluated to select those most qualified to submit a Final Proposal for this Project. Please review Attachment One – Project Qualification Evaluation Form for the relative weight of the above scoring criteria.

The Town shall select no more than three firms deemed to be most highly qualified to perform the required services, after considering the factors above. The Town shall issue a Request for Proposals to the most highly qualified firms selected.

**Questions and Inquiries**

Questions about the RFQ should be addressed through email to:

*Robin Kerr, Conservation Coordinator, 186 York Street, York, ME 03909; email: rkerr@yorkmaine.org.*

**Anticipated Timeline For Design Build Firm Selection**

- August 25, 2014..... Town of York Selectmen to approve RFQ/RFP process
- August 26, 2014..... Public Announcement of RFQ
- September 12, 2014..... Statement of Qualifications Due
- September 16, 2014..... Issue Request for Proposals to most highly qualified Firms
- September 22, 2014..... SITE VISIT (optional)
- September 29, 2014..... RFP Proposal Submission Deadline
- October 01, 2014..... Selection Committee Recommend Design-Build Firm
- October 06/20, 2014..... Selectmen Approves Design-Build Firm (meeting date TBD)

Project commencement: As soon as possible after Selectmen approve Firm depending on weather and contractor availability.

Project completion: Phase 1 of project must be completed within six weeks of commencement, barring extended periods of non-conductive weather. Further phases will be funding dependant.

**ATTACHMENT ONE**  
**Project Qualification Evaluation Form**  
**(100 Total Points Possible)**

**Project Name:** Big A Universal Access Trail

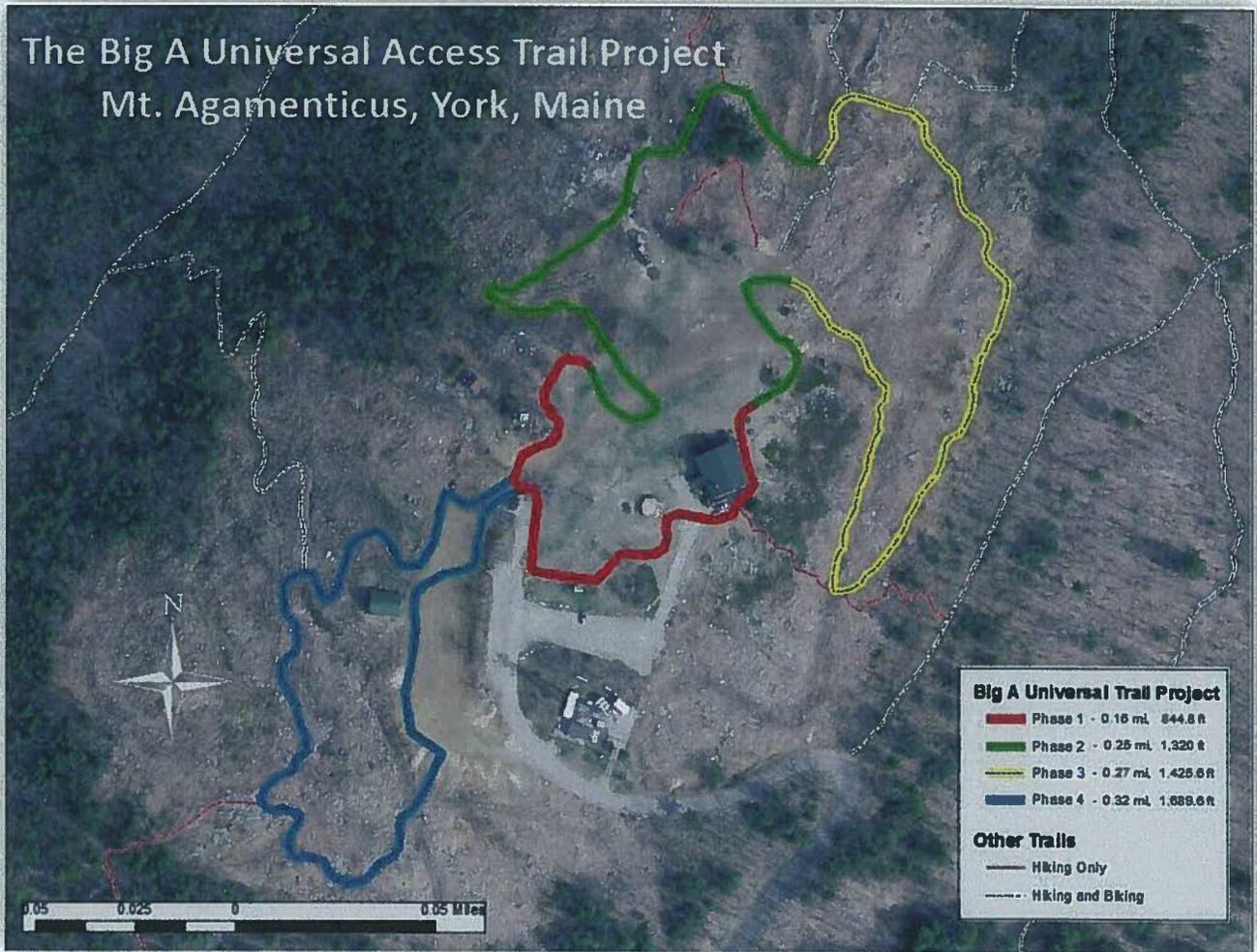
**Evaluator:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

QUALIFICATION EVALUATION FORM	Scoring (Circle One)
1. Firm Meets Minimum Requirements for RFQ	1 2 3 4 5 6 7 8 9 10
2. Firm's Recent Experience with Similar Projects	1 2 3 4 5 6 7 8 9 10
3. Firm's Financial & Bonding Capacity	1 2 3 4 5 6 7 8 9 10
4. Firm's Managerial Resources	1 2 3 4 5 6 7 8 9 10
5. Abilities of Professional Personnel	1 2 3 4 5 6 7 8 9 10
6. Past Performance	1 2 3 4 5 6 7 8 9 10
7. Capacity to Meet Time & Budget Requirements	1 2 3 4 5 6 7 8 9 10
8. Knowledge of Local or Regional Conditions	1 2 3 4 5 6 7 8 9 10
9. Recent & Current Project Workload	1 2 3 4 5 6 7 8 9 10
10. Ability of Design Build Team to Complete the Work In a Timely and Satisfactory Manner	1 2 3 4 5 6 7 8 9 10

**ATTACHMENT TWO  
BIG A UNIVERSAL ACCESS TRAIL MAP**



**SUBMISSION COVER SHEET  
FOR STATEMENT OF INTEREST  
AND QUALIFICATIONS (RFQ)**

**Attention:**

Town of York Manager's Office  
186 York Street  
York, ME 03909

**RFQ Title:**

Big A Universal Access Trail Project

**RFQ Due Date:**

1:00 P.M. Eastern Time  
September 12, 2014

Submitted on this \_\_\_\_ day of \_\_\_\_\_, 2014 by \_\_\_\_\_ (authorized  
representative), on behalf of \_\_\_\_\_ (proposing organization),  
located at \_\_\_\_\_.

Signature: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Fax: \_\_\_\_\_



TOWN OF YORK  
**PARKS & RECREATION**



# **TOWN OF YORK**

## **Department of Parks & Recreation**

### **Mount Agamenticus Conservation Program**

186 York Street  
York, ME 03909  
Telephone: (207) 361-1102 FAX: (207) 351-2967  
<http://www.agamenticus.org/>

#### **REQUEST FOR PROPOSALS DESIGN-BUILD SERVICES FOR THE BIG A UNIVERSAL ACCESS TRAIL PROJECT**

The Town of York, in conjunction with the York Parks and Recreation Department and the Mount Agamenticus Conservation Program, requests proposals from pre-qualified Design/Build trail construction professionals to design and construct a universally accessible multi-use natural surface trail system within the summit of Mt. Agamenticus.

#### **Background**

The Mount Agamenticus Conservation Region is located within a 13,000 acres expanse of conservation land set amidst the largest expanse of coastal forest between Acadia and New Jersey. The region is known for its unique trail system as well as its rich natural resources including many vernal pools, rare plants and animals.

Since 2000, the Town of York along with State, local and non-profit landowners have worked together to balance protection of these lands for wildlife habitat and water quality while providing opportunities for sustainable recreation. These landowners make up the Mount Agamenticus Steering Committee and include: the Towns of York and South Berwick, The York Water District, Maine Dept. of Inland Fisheries and Wildlife, Great Works Regional Land Trust, and the York Land Trust.

Due to its natural beauty, proximity to population centers, and unique network of over 40 miles of trail, the popularity of this area continues to grow and is regularly used by outdoor enthusiasts, especially for hiking, mountain biking, snowshoeing, Nordic skiing, equestrian and ATV use. With increased and continuous year round use, comes the need to actively manage and remediate trails, protect the area's rich natural resources, and provide safe and enjoyable recreational opportunities.

The Big A Universal Access Project will allow the Mount Agamenticus Conservation Program to carry out management objectives that sustain the region's great diversity of natural resources and improve access and the quality of life for everyone including people with disabilities, seniors, and families with young children and strollers. This 1 mile trail looping around the top of Mount Agamenticus has been identified as a key recommendation in a summit conceptual design and landscaping plan. The recommendations, compiled through a public planning process, will provide new and improved visitor opportunities and create a lasting scenic attraction to one of York's most valuable natural treasures.

Implementation of this project is funded through various sources, including grants, appropriations from the Town of York, and donations. Therefore, this project is of great public interest and visibility and must be completed according to the specific terms and conditions stipulated by funders.

### **Scope of Work**

The "Big A" trail, named for the former ski area located here, will guide visitors through the open field, down into the shrubland and connect with re-established trail heads. The trail will be 3-5 feet wide and have a compacted crushed stone and gravel, stone cribbing, or boardwalk surface. It will also provide resting/picnic areas, look-outs with expansive vistas, and wildlife viewing opportunities. Plantings of native shrubs will occur to deter shortcutting of the trail and to benefit wildlife, ecological diversity and add visual interest.

A major project goal, dependant on attaining funding, is to make the entire 1-mile trail universally accessible. To manage this remarkable endeavor, we have identified a four phase implementation approach. Phase 1 includes the first 845' of trail and its completion has a high potential to be the catalyst for funding the entire project. This section is located on fairly flat terrain, near accessible restroom facilities and an informational kiosk. Phase 1 connects people from the trail entry point to both the northerly and easterly resting and viewing sites and incorporates the central observation deck and summit Learning Lodge. Phase 1 will be built to meet Federal Accessibility Guidelines for Trails and Outdoor Recreation Areas. The fixed budget for Phase 1 of this project is \$60,000 and fundraising is underway for the remainder of the trail.

This project includes two components: 1) Trail Design and 2) Trail Construction for all phases of the Big A Universal Access Trail Project.

### **Trail Layout/Design**

The contractor will be expected to provide a complete layout and design of the trail project at hand. The Contractor should ensure that Phase 1 is built to meet Federal Accessibility Guidelines for Trails and Outdoor Recreation Areas and that the trail is a natural progression providing a unique recreational experience at the park without compromising aesthetic and natural resources. The Contractor must submit any drawings as needed, acquire any and all permits, and work closely with the Parks & Recreation Department and Mount Agamenticus Conservation Program staff.

### **Trail Construction**

The desired completion date for AT LEAST 845 feet (Phase 1) of trail construction is December 12th, 2014, so time is of the essence. Construction must be implemented based on the approved design which will include all construction labor, materials, erosion control and planting as needed, and may involve a combination of excavation and stone cribbing. The drainage on this path will be managed via grade reversals and out-sloping to ensure long term trail sustainability.

**Proposal Response Requirements**

Four (4) paper copies of the proposal are to be submitted to the Town of York. All Costs related to responding to the RFP are the sole responsibility of the firm.

Proposals should be organized and address the following information accordingly.

**Cover**

- Project Name: The Big A Universal Access Trail Project
- Name of company/persons

**Approach and Method**

- State in specific, succinct terms your understanding of the tasks required by this RFP
- Provide description of process to be utilized to perform work
- Detail team/firm’s understanding of issues that could affect schedule or project success and discuss how these issues will be anticipated and managed
- The Town of York is looking for added project quality and value. Describe any unique features, safety features, and other factors to consider.
- Describe how firm/team will manage input and assistance by Parks & Recreation Dept. and Mount Agamenticus staff, and explain impact input will have on final design and finished product.
- Provide a projected timetable according to RFP

**Provide fee proposals:**

- Reflect all costs to accomplish project goals for Phase 1.
- Provide cost estimates to be used for future phases of work.

Note: If the Town is not fully satisfied with work completed during Phase 1, or negotiated costs falls outside the proposed estimate, the Town reserves the right to issue additional Requests for Proposals to pre-qualified contractors for future phases of this project.

**Selection Process**

The proposed schedule for procurement is as follows:

- September 16, 2014.....Issue Requests for Proposals
- September 22, 2014.....SITE VISIT (optional)
- September 29, 2014.....RFP Proposal Submission Deadline
- October 01, 2014.....Selection Committee Recommend Design-Build Firm
- October 06/20, 2014..... Selectmen Approves Design-Build Firm (meeting date TBD)

Project commencement: As soon as possible after Selectmen approve Firm depending on weather and contractor availability.

Project completion: Phase 1 of project must be completed within six weeks of commencement, barring extended periods of non-conductive weather. Further phases will be funding dependant.

**Site Visits**

The Mount Agamenticus Conservation Program staff will be available to provide any clarifications of this proposal and a guided visit on September 22<sup>nd</sup>. A scheduled meeting is not required. However, respondents are highly encouraged to have a guided visit to further understand the general conditions and scope of work. Bidders are welcome to walk the site as much and as often as they wish.

### Project Evaluation and Selection

The Town of York will likely make an award based upon review of the proposals as submitted. However, if interviews are required to distinguish between finalists, additional information may be requested (thru a phone interview or invitation to make a presentation before a selection committee).

The Town of York reserves the right to determine the firm it feels will perform the services in a manner that is in the best interests of the Town for this project. Other than price, the evaluation criteria will include:

1. Specialized and appropriate expertise of the contractor for this type of project
2. Past performance on similar projects including the ability to meet all sustainable construction guidelines and any permitting requirements
3. Experience and adequate staff and proposed team for the project
4. Proposed conceptual design approach for the project
5. Proximity to and familiarity with the area where the project is located

Finally, the Town of York reserves the right to reject any proposals or to waive any informality in the bidding process if it is in the best interest of the Town.

### Insurance

The contractor selected will need to demonstrate proof of professional liability insurance of \$1,000,000 with the Town of York listed as an additionally insured for the duration of the work. In addition, the contractor must have a business license, be able to provide proof of worker's compensation insurance, and be able to secure all Town permits for construction.

### Proposal Submission

All proposals will be delivered no later than 1:00 PM Eastern Time on September 29, 2014 to:

Town of York Manager's Office  
186 York Street  
York, ME 03909

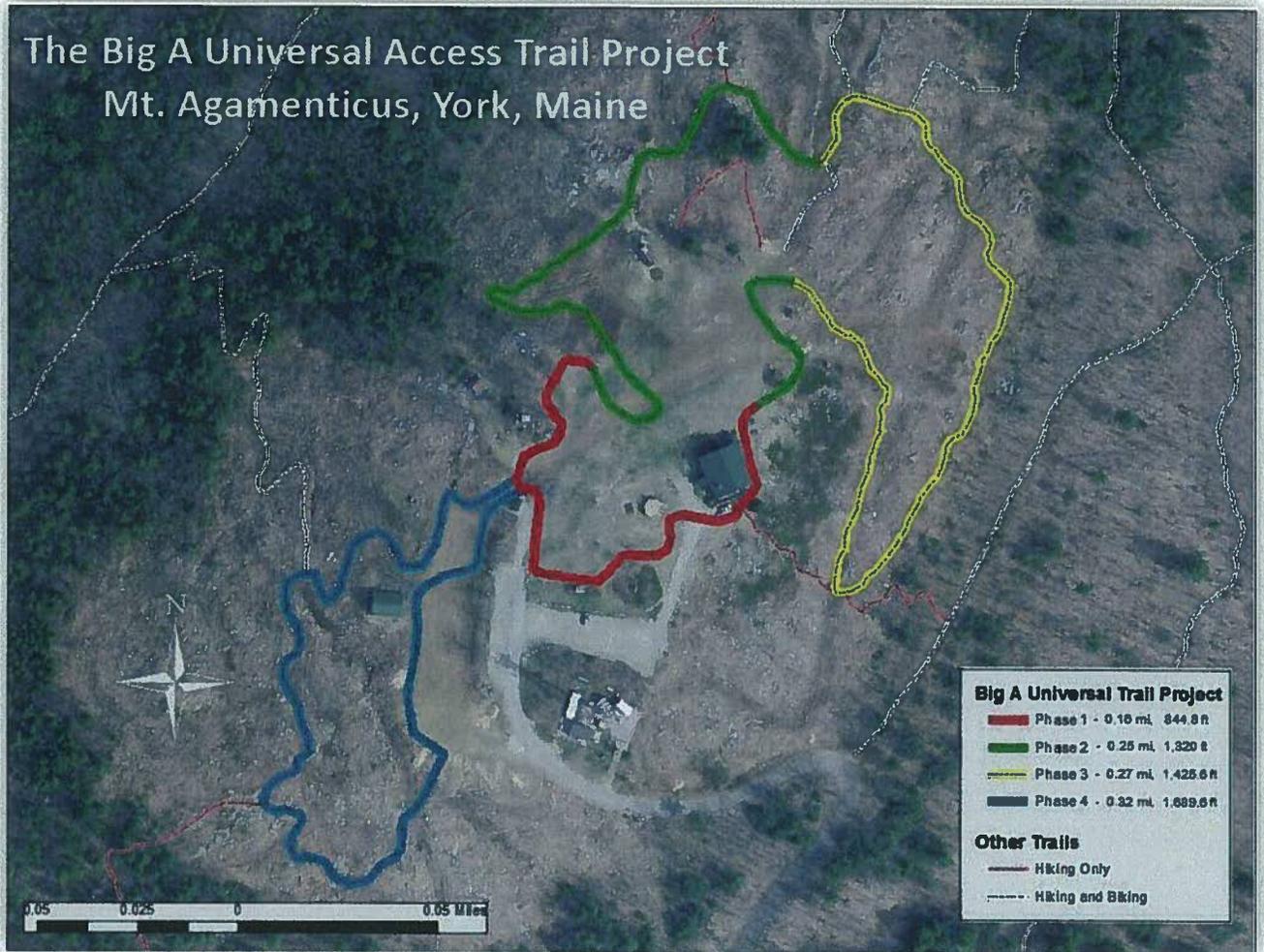
### Questions

Direct all inquiries regarding this Request for Proposal to:

Robin Kerr  
Mount Agamenticus Conservation Coordinator  
186 York Street  
York, ME 03909

Telephone: 207-361-1102  
Email: [rkerr@yorkmaine.org](mailto:rkerr@yorkmaine.org)

**ATTACHMENT ONE  
BIG A UNIVERSAL ACCESS TRAIL MAP**





AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: August 20, 2014	Type of Action:
Date Action Requested: August 25, 2014	<input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action
Regular <input checked="" type="checkbox"/> Work Session _____	<input type="checkbox"/> Other: _____
Subject: Municipal Authorization of Statewide Arrest Power for York Police Department full time certified police officers.	

TO: BOARD OF SELECTMEN
FROM: Chief Douglas P. Bracy
RECOMMENDATION: To approve and sign the authorization for York Police Officers to have statewide arrests powers pursuant to Title 30-A Section 2671, 2A who have met the requirements of MRSA, Title 30-A, Section 2804-C.
PROPOSED MOTION: I move to approve the resolution by this Board to hereby authorize the police officers of this Town who have met the requirements of Title 25, Section 2804-C, the authority to exercise statewide arrest powers pursuant to, and authorized by MRSA, Title 30-A, Section 2671, (2A)..

**Discussion:**

FISCAL IMPACT: n/a
DEPARTMENT LINE ITEM ACCOUNT: n/a
BALANCE IN LINE ITEM IF APPROVED: n/a

Prepared By: Chief Douglas P Bracy

Reviewed By: Town Manager Robert Yandow



# 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

## **AUTHORIZATION BY YORK BOARD OF SELECTMEN, PURSUANT TO TITLE 30-A, SECTION 2671, (2A) FOR YORK POLICE OFFICERS TO HAVE STATEWIDE JURISDICTION AS NEEDED**

We, the Board of Selectmen for the Town of York Maine, do hereby authorize its Police Officers, who have met the requirements of Title 25, Section 2804-C, the authority to exercise statewide arrest powers pursuant to, and authorized by MRSA, Title 30-A, Section 2671, (2A) as needed.

**Approved this 25<sup>th</sup> day of August, 2014, by the York Board of Selectmen.**

\_\_\_\_\_  
**Mary Andrews, Chairperson**

\_\_\_\_\_  
**Robert E. Palmer Jr., Vice Chair**

\_\_\_\_\_  
**Ronald Nowell**

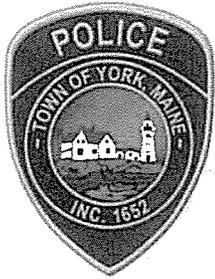
\_\_\_\_\_  
**Torbert Macdonald**

\_\_\_\_\_  
**Jonathan O. Speers**

**A true copy**

**ATTEST:** \_\_\_\_\_

**Town Clerk,  
Mary-Anne Szeniewski**



**Douglas P. Bracy**  
Chief of Police

*Mailing Address:*  
36 Main Street  
York, Maine 03909

*Dispatch:*  
**Non-Emergency**  
(207) 363-4444

*Administration:*  
(207) 363-1031

*Facsimile:*  
(207) 361-6818

[www.yorkpolice.org](http://www.yorkpolice.org)

***Committed  
to excellence***

# TOWN OF YORK, MAINE

## Police Department

**To: Town Manager Robert Yandow**

**Cc: York Board of Selectmen**

**From: Chief Douglas P. Bracy**

**Subject: August 08, 2014**

**Date: Statewide Arrest Powers**

---

I am requesting that the Board of Selectmen act to adopt a resolution to authorize full time certified police officers of the York Police Department to be granted statewide arrest powers authorized under MRSA Title 30-A, Section 2671, (2A). As the department has become more involved in regional law enforcement efforts and sharing resources it is apparent to me that we need to afford these officers with the legal authority given by the statewide arrest powers statute to enhance their abilities to do their jobs more effectively and to help keep everyone safe regardless of town lines or duty status.

Over the last five years many of the chiefs in this area have done more to work collectively together in an effort achieve efficiencies and to better deter crime that affects all of us. Sharing resources between Towns has become important as state resources are harder to come by and individual towns can't afford to cover every specialty needed. Today we have an officer involved in a regional drug task force, two officers on the York County Special Response Team, two accident reconstructionists, two drug recognition experts, two domestic violence investigators, and other officers who are participating in special traffic enforcement programs. In the past many of these collective partnerships were given county wide arrest powers by being sworn in as deputies through the York County Sheriff's Office or individual Towns would reciprocate and swear in officers in each Town. As liability has changed so has the ability to grant these authorities by organizations such as the Sheriff's Department and Towns.

Besides the need to share resources regionally, there is also the need to understand that our officers in the course of their duties are taken beyond the town lines for many reasons. Adjoining towns many times call for assistance when a serious crime has occurred or when their units are tied up on a serious event to respond to other incoming calls in that Town. Our geographic boundaries also lend to the fact some patrols routinely go thorough adjoining towns to get to calls or patrol in other parts of our town. Examples such as going through Ogunquit from Shore Road to go up Berwick Road or traveling from Belle Marsh Road to the back side of Mount A. Officers are also taking beyond our borders to transport prisoners to jail, to attend various courts appearances, hearings, training, or other department sanctioned meetings. In any of these occasions officers can be

confronted or be witnesses to serious crimes but statutorily are unable to legally stop the perpetrators of these crimes or act under the law. One specific incident involved a York officer taking a prisoner to jail encountered coming up behind a drunk driver who several times narrowly missed striking oncoming cars. Radioing for a unit from that time the officer finally decided that he had to stop the vehicle before the operator killed someone. Even though the other unit arrived within minutes to take over the investigation he operator was found not guilty as our officer did not have the authority to make the stop regardless of the condition of the driver or the danger to the public.

Many of our bordering towns have adopted statewide arrest powers for their officers due to the various reasons stated. I have put together a formal authorization letter for the statewide arrest powers for the Board and have asked that you further designate the Police Chief the authority to administratively grant this approval to such qualified officers on an officer by officer basis as needed, in keeping with the training requirements of the department and the requirements of the statute. This authority also authorizes the Chief to suspend, further limit, or revoke such authority if deemed necessary. In addition I have adopted a formal policy to add to the department's policy and procedure manual to clarify my expectations of when and how these powers will be used.



## Maine Revised Statutes

- [§2671 PDF](#)
- [§2671 MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 123 CONTENTS](#)
- [TITLE 30-A CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

**§2655**                      **Title 30-A:**                      **§2672**

**MUNICIPALITIES AND COUNTIES**  
**HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Subpart 3: MUNICIPAL AFFAIRS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Chapter 123: MUNICIPAL OFFICIALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Subchapter 4: LAW ENFORCEMENT OFFICERS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

### §2671. Police officers

**1. Appointment.** Except as provided by charter, ordinance or section 2636, subsection 6, the municipal officers may appoint police officers for a definite term, and control and fix their compensation. Police officers, including chiefs of police, may be removed for cause after notice and hearing.

A. Before appointing any law enforcement officer, the municipal officers shall investigate the qualifications and background of any person being considered for appointment. This includes investigating the applicant's abilities, reputation for truthfulness and respect for the law. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. An appointed law enforcement officer is subject to the training requirements of Title 25, chapter 341. [1993, c. 349, §64 (AMD).]

C. Notwithstanding section 2526, residency in the State is not a condition of initial or continued appointment as a municipal police officer. [1989, c. 279, §1 (NEW).]

[ 1993, c. 349, §64 (AMD) .]

**2. Powers.** Police officers may serve criminal and traffic infraction processes and arrest and prosecute offenders of the law. A police officer has all the statutory powers of a constable, unless limited by charter or ordinance. No police officer has any authority in criminal or traffic infraction matters beyond the limits of the municipality in which the officer is appointed, except to:

A. Recapture a prisoner whom the officer has arrested and who has escaped; [1987, c. 737, Pt. A, §2 (NEW); 1987, c.

- [§2671 PDF](#)
- [§2671 MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 123 CONTENTS](#)
- [TITLE 30-A CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Take a person before the District Court; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Execute a mittimus given to the officer by the District Court; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Pursue a person who has gone into another municipality and for whose arrest the officer has a warrant; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. Arrest a person who travels beyond the limits of the municipality in which the officer is appointed when in fresh pursuit of that person. This paragraph applies to all crimes and traffic infractions. As used in this paragraph:

(1) With respect to Class A, Class B and Class C crimes, the term "fresh pursuit" is defined in Title 15, section 152; and

(2) With respect to Class D and Class E crimes and traffic infractions, "fresh pursuit" means instant pursuit of a person with intent to apprehend; or [1989, c. 104, Pt. C, §§8, 10 (AMD); 1989, c. 104, Pt. D, §6 (AMD).]

F. As provided for in section 2674. [1989, c. 104, Pt. A, §23 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1989, c. 104, Pt. C, §23, Pt (AMD); 1989, c. 104, Pt. D, §6 (AMD) .]

**2-A. Optional powers.** Notwithstanding subsection 2, municipal officers may authorize a municipality's police officers who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest.

[ 2003, c. 233, §4 (AMD) .]

**2-B. Liability.** When a municipal police officer makes an arrest, as authorized in subsection 2-A or subsection 4, outside of jurisdictional limits of the municipality in which the police officer is appointed, that police officer has the same immunity from tort

- ☑ [§2671 PDF](#)
- ☑ [§2671 MS-WORD](#)

---

- ☑ [STATUTE SEARCH](#)

---

- ☑ [CH. 123 CONTENTS](#)
- ☑ [TITLE 30-A](#)
- [CONTENTS](#)
- ☑ [LIST OF TITLES](#)
- ☑ [DISCLAIMER](#)
- ☑ [MAINE LAW](#)
- ☑ [REVISOR'S OFFICE](#)
- ☑ [MAINE LEGISLATURE](#)

liability and all of the pension, relief, disability, workers' compensation, insurance and any other benefits the police officer enjoys while performing duties within the police officer's appointing municipality.

[ 2005, c. 320, §1 (AMD) .]

**3. Representation of the municipality in District Court.** The municipal officers may authorize a law enforcement officer certified by the Maine Criminal Justice Academy, under Title 25, section 2803-A, subsection 1, to represent the municipality in District Court in the prosecution of alleged violations of ordinances which the officer may enforce. Under this subsection, the municipal officers may delegate their power to authorize law enforcement officers to represent the municipality to the municipality's full-time chief of police.

[ RR 2007, c. 1, §16 (COR) .]

**4. Multijurisdictional crimes.** If there is probable cause to believe that more than one theft, forgery or negotiation of a worthless instrument committed pursuant to one scheme or course of conduct by the same or several persons has occurred in more than one municipal jurisdiction, a police officer in a municipality in which at least one of the thefts, forgeries or negotiations of worthless instruments was committed may investigate and assist in the prosecution of all the related thefts, forgeries or negotiations of worthless instruments, with the express authorization of the police officer's municipal officers.

[ 2005, c. 320, §2 (NEW) .]

#### SECTION HISTORY

1987, c. 737, §SA2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §SA23,C8,C10 D6 (AMD). 1989, c. 279, §1 (AMD). 1993, c. 349, §64 (AMD). 1993, c. 594, §2 (AMD). 2003, c. 233, §4 (AMD). 2005, c. 320, §§1,2 (AMD). RR 2007, c. 1, §16 (COR).

*Data for this page extracted on 12/03/2013 12:01:24.*

**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

-  [§2804-C PDF](#)
-  [§2804-C MS-WORD](#)
-  [STATUTE SEARCH](#)
-  [CH. 341 CONTENTS](#)
-  [TITLE 25 CONTENTS](#)
-  [LIST OF TITLES](#)
-  [DISCLAIMER](#)
-  [MAINE LAW](#)
-  [REVISOR'S OFFICE](#)
-  [MAINE LEGISLATURE](#)

**§2804-B**                      **Title 25:**                      **§2804-D**  
**INTERNAL SECURITY AND PUBLIC SAFETY**  
**Part 8: MAINE CRIMINAL JUSTICE ACADEMY**  
**Chapter 341: THE MAINE CRIMINAL JUSTICE**  
**ACADEMY**

**§2804-C. Basic law enforcement training; core curriculum requirements**

**1. Required.** As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of initial full-time employment, the basic training course at the Maine Criminal Justice Academy approved by the board. If a person's failure to comply with this requirement was a result of that person's failure to satisfy any of the admission standards applicable to the basic training course and that person is subsequently employed as a full-time law enforcement officer within 12 months of termination of the initial employment by a municipality, a county, the State or any other nonfederal employer, the person must have satisfied all the admission standards established by the board prior to the time of hire. As a condition of continued employment as a full-time law enforcement officer, the officer must satisfactorily maintain the basic certification by completing the recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board also, in individual cases, may waive the basic training requirement when the facts indicate that an equivalent course has been successfully completed.

[ 2013, c. 147, §29 (AMD) . ]

**2. Core curriculum requirements.**

[ 1993, c. 744, §6 (RP) . ]

**2-A. Probationary employment period.** Upon being hired, a law enforcement officer shall complete an employment probationary period that lasts for at least one year after graduation from the academy or the date the board waives the basic training requirement.

[ 1993, c. 744, §6 (NEW) . ]

**2-B. Training regarding people who are homeless.** The board shall include in the basic law enforcement training program a block of instruction aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless.

[ 2005, c. 393, §1 (NEW) .]

**2-C. Receipt of firearms; training; procedure; liability.** The Maine Criminal Justice Academy shall provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a court order under Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1. Such training must include education concerning the prohibitions on the purchase or possession of a firearm when a protection order has been obtained and communication with parties to protection orders concerning such prohibitions.

In developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

A law enforcement officer who receives custody of a firearm pursuant to Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

[ 2013, c. 147, §30 (AMD) .]

**2-D. Training regarding people who have mental illness and the involuntary commitment process.** The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the clinical, safety and procedural components of the involuntary commitment process, including the provision of a uniform checklist that includes reference to Title 34-B, section 1207, subsection 7 for law enforcement officers to use in order to effectively describe the seriousness of a case to a mental health professional.

[ 2009, c. 451, §6 (NEW) .]

**3. Certification.** The board shall certify each person who meets the core curriculum training requirements.

[ 2013, c. 147, §31 (AMD) .]

**4. Courses.** The board shall:

A. Provide a training course, the successful completion of which meets the basic training requirements; [1993, c. 744, §6 (NEW) .]

- [§2804-C PDF](#)
- [§2804-C MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 341 CONTENTS](#)
- [TITLE 25 CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

- [§2804-C PDF](#)
- [§2804-C MS-WORD](#)
- [STATUTE SEARCH](#)
- [CH. 341 CONTENTS](#)
- [TITLE 25 CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

B. Provide a structured residential program that balances the goals of professional policing with public services emphasis; and [2005, c. 331, §22 (AMD).]

C. Incorporate a community policing philosophy in its training program. [2005, c. 331, §22 (AMD).]

[ 2005, c. 331, §§22, 23 (AMD) .]

**5. Application to currently certified law enforcement officers.** This section does not apply to any law enforcement officer certified as meeting the law enforcement training requirements or to any full-time law enforcement officer employed by a state agency, including the University of Maine System, as of July 1, 1990 or to any person employed as a full-time law enforcement officer by a municipality on September 23, 1971 or by a county on July 1, 1972.

[ 2013, c. 147, §32 (AMD) .]

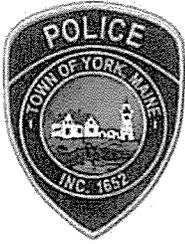
SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 1993, c. 551, §2 (AMD). 1993, c. 744, §6 (AMD). 1997, c. 395, §04 (AMD). 2005, c. 331, §§21-23 (AMD). 2005, c. 393, §1 (AMD). 2005, c. 684, §1 (AMD). 2009, c. 451, §6 (AMD). 2013, c. 147, §§29-32 (AMD).

*Data for this page extracted on 12/03/2013 11:59:51.*

**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**



## York Police Department

# STANDARD OPERATING PROCEDURE

---

Effective Date	Number
08/26/2014	SOP14-0001

---

Subject
<b>Optional Police Powers of Full Time Law Enforcement Officer Outside the Municipality of York</b>

---

Revisions	Date
	08/26/2014

---

### I. ESTABLISHMENT:

This order establishes a procedure to regulate optional police powers of full time law enforcement officer outside the municipality of the town of York.

### II. POLICY:

Officers are frequently confronted with investigations and enforcement situations that take them outside the municipality of York. Officers are often witnesses to crimes occurring while in other communities within the State of Maine. It is the policy of the York Police Department, with authorization of the York Board of Selectmen, that the chief of police may grant full time officers in good standing optional powers under Title 30-A, section 2671, 2-A as needed.

Title 30-A, section 2671, 2-A, of the Maine Revised Statutes Annotated states:

**Optional Powers.** Notwithstanding subsection 2, municipal officers may authorize a municipality's police officers who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest has been made is notified immediately after the arrest.

The Board of Selectmen, at the request of the Chief of Police, authorizes the officers of the York Police Department who are recognized by the Maine Criminal Justice Academy as full-time certified law enforcement officers and have successfully completed the York Police Department Field Training Program, to be granted optional powers.

### III. PROCEDURE:

Title 17-A, §15 authorizes an officer to **only make a warrantless arrest**. There is no specific language that authorizes any other actions that officers may take while on duty, such as the authority to give directions or orders to individuals.

#### A. Arrests, outside the jurisdiction in which the officer is appointed, without a warrant for crimes committed in the Officer's presence:

1. The Board of Selectmen has authorized full time police officers to perform any of the acts described in Title 17-A, section 15 while the police officer is outside the jurisdiction in which they are appointed if, any on-duty officer anticipates that an arrest will be made in a foreign jurisdiction, the law enforcement agency for that jurisdiction will be notified *prior* to the arrest if at all possible. When not possible, the law enforcement agency of the foreign municipality in which the arrest has been made, is notified immediately after the arrest.
2. It is the policy of the York Police Department to strictly adhere to the intent of the Legislature when exercising these optional arrest powers.
3. Under no circumstances are officers permitted to use their personal vehicle for the purpose of attempting to stop a motor vehicle for any of the crimes described in Title 17-A, section 15 or for transporting any person arrested.
4. Officers who make an arrest pursuant to optional arrest powers shall notify the duty police supervisor for the York Police Department as soon as possible who shall then notify the Chief of Police after the arrest and shall be required to write an arrest report outlining the details of the arrest as soon as possible

#### B. Arrests, outside the jurisdiction in which the officer is appointed, without a warrant for crimes not committed in your presence:

1. It is the policy of the York Police Department in collaboration with the District Attorney's Office and only when time permits and no danger exists that the individual to be arrested is in a foreign jurisdiction and the expectation is that the individual will flee if not immediately apprehended, a warrant for the arrest of that individual is preferred before an arrest is made.

C. Arrests, outside the jurisdiction in which the officer is appointed, without a warrant for crimes committed in this jurisdiction.

1. It is the policy of the York Police Department that if the arrest is made as part of an ongoing criminal investigation and the person to be arrested is known to be in a foreign jurisdiction the investigating officer shall:

- a. First notify the duty supervisor of the investigator's intent to arrest the individual in the foreign jurisdiction.
- b. Notify, in advance, the law enforcement agency of the foreign municipality in which the arrest is to be made.
- c. To the extent possible and as soon as the situation allows, prior to effecting the arrest, the arresting officer shall seek the assistance of the law enforcement agency in that jurisdiction.

#### D. Off-Duty Officers

Officers must be cognizant of the potential problems that could arise when exercising optional police powers off-duty and out of their jurisdiction, to include:

- Unfamiliarity with the geography
- No backup available
- Family members may be present
- Not possessing necessary police equipment such as handcuff, OC Spray, or ASP baton
- No vehicle for transport

In most cases, the best decision is to NOT exercise optional powers but to be a professional witness who can provide accurate descriptions of suspects and events. Ideally, off-duty officers should:

- Stabilize the scene
  - Apply emergency first aid and notify medical personnel if necessary
  - Notify or cause to be notified local law enforcement as soon as it is safe to do so
1. While state law grants certain rights to sworn police officers who have been authorized optional powers by the governing body under Title 30-A, 2671, 2-A, it shall be the policy of the York Police Department that its off-duty officers will exercise optional powers only under truly exigent circumstances *and* when there is a threat of serious bodily harm to the officer or another person. In this context, serious means “grave or dangerous” which does not include simple assault or threat of an assault.

2. Off-duty officers who choose to exercise optional powers outside their jurisdiction must have in their possession a York Police Badge, York Police Photo Identification Card, and an issued or authorized firearm.
3. Off duty officers **will NOT** exercise optional powers for:
  - Misdemeanors to include but not limited to, disorderly conduct, trespassing, theft, criminal mischief, harassment, actual assault between mutual combatants, criminal threatening, criminal terrorizing, violation of condition of release, violation of a protective order, or violation of sex offender registry.
  - Any traffic offense

**EXCEPTION:** Officers may arrest for criminal OUI if the officer has probable cause to believe that 1) the driver is under the influence of alcohol or drugs, 2) there will be a significant danger to the community if the operator drives a vehicle, and 3) the operator refuses to obey the officer's order to not drive.

4. Off-duty officers who make an arrest in a foreign jurisdiction will contact the law enforcement agency responsible for that jurisdiction and request that the officer summons the arrested individual. York officers will complete any arrest paperwork necessary as requested by the jurisdiction that is accepting custody. If the jurisdiction refuses to accept custody, the officer will contact the on-duty York patrol supervisor who will decide the correct course of action.
5. Off-duty officers **will not** make or attempt to make traffic stops in a privately owned vehicle.
6. Officers **will not** exercise optional powers if they have been **consuming** alcoholic beverages or prescription drugs that may cause impairment.
7. Off-duty officers who exercise or attempt to exercise optional powers in a foreign jurisdiction must immediately notify a supervisor of the York Police Department of such action and, must complete an Incident Report as soon as possible..
8. Department supervisors will ensure the command staff is notified of any York Officer's extra-jurisdictional use of optional powers.
9. Any use of force during the exercising of optional powers will be reviewed by the officer's supervisor according to York Police SOP's.

IV. DIRECTIVE:

This directive is for departmental use only. It does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in any evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in the recognized judicial setting.

This document is the property of the York Police Department. It is not to be duplicated without the authority of the Chief of Police or his expressed designee. This document is for official use only.

Per Order of:

---

Douglas P. Bracy  
Chief of Police

## ADDENDUM

Optional powers are restricted by statute. Officers are restricted to perform only the acts described in Title 17-A, section 15. As of the date of issuance of this policy, those restrictions are as follows:

1. Except as otherwise specifically provided, a law enforcement officer may arrest without a warrant:
  - A. Any person who the officer has probable cause to believe has committed or is committing:
    - (1) Murder;
    - (2) Any Class A, Class B, or Class C crime;
    - (3) Assault while hunting;
    - (4) Any offense defined in Chapter 45 (drug violations);
    - (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
    - (5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 19-A, section 4002, subsection 4;
    - (6) Theft as defined in section 357, when the value of the services is \$1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
    - (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
    - (8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
    - (9) A violation of a condition of probation when requested by a probation officer or juvenile community corrections officer;
    - (10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;
    - (11) Theft involving a detention under Title 15, section 3521;
    - (12) Harassment, as set forth in section 506-A;
    - (13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5; or,
    - (14) A violation of a sex offender registration provision under Title 34-A, chapter 15; and

- B. Any person who has committed or is committing in the officer's presence any Class D or Class E crime.



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

Date Submitted: August 21, 2014	Type of Action:
Date Action Requested: August 25, 2014	<input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action
Regular <input checked="" type="checkbox"/> Work Session _____	<input type="checkbox"/> Other: _____
<b>Subject:</b> Authorized the expenditure of up to \$6,040 from either the Selectmen's Contingency Account or Emergency Contingency Account for the purchase of a new coin/sorter machine for the Police Department.	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Chief Douglas P. Bracy
<b>RECOMMENDATION:</b> To approve the purchase of a Jetsort Model 4601 coin sorter/counter for use in processing municipal parking meter revenues.
<b>PROPOSED MOTION:</b> I move to approve purchase a Jetsort 4601 coin counter/sorter machine by the Police Department from Contingency not to exceed \$6,040.

**Discussion:**

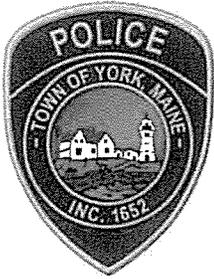
<b>FISCAL IMPACT:</b> \$6,040
<b>DEPARTMENT LINE ITEM ACCOUNT:</b> TBD
<b>BALANCE IN LINE ITEM IF APPROVED:</b> TBD

Prepared By: Chief Douglas P Bracy

*Douglas P. Bracy*

Reviewed By: Town Manager Robert Yandow

*Robert H. Yandow*



**Douglas P. Bracy**  
**Chief of Police**

*Mailing Address:*  
36 Main Street  
York, Maine 03909

*Dispatch:*  
Non-Emergency  
(207) 363-4444

*Administration:*  
(207) 363-1031

*Facsimile:*  
(207) 361-6818

[www.yorkpolice.org](http://www.yorkpolice.org)

***Committed  
to excellence***

# TOWN OF YORK, MAINE

## Police Department

### Memorandum

**To:** Town Manager Robert Yandow

**Cc:** Board of Selectmen

**From:** Chief Douglas P. Bracy *DPB*

**Subject:** August 21, 2014

**Date:** Replacement of Coin Sorting Machine for Municipal  
Parking Meter Revenues

---

This week we experienced a major malfunction in the machine we used to sort and count our municipal parking meter money that is collected each week. The present machine is some 30 years old and was donated by a local bank who was getting out of the business of counting their own money. We have nursed this machine along for all these years but now find that we cannot get parts for it. I have attached a picture for your understanding.

Currently we pay an individual weekly to sort the money into predetermined amounts and bag it for deposit at Kennebunk Savings Bank. This process takes approximately 4 – 6 hrs. per week to accomplish. If we have to have that individual sort and count that money by hand and bag it we will double or triple that cost. Currently we spend about \$3,000 per year for this service.

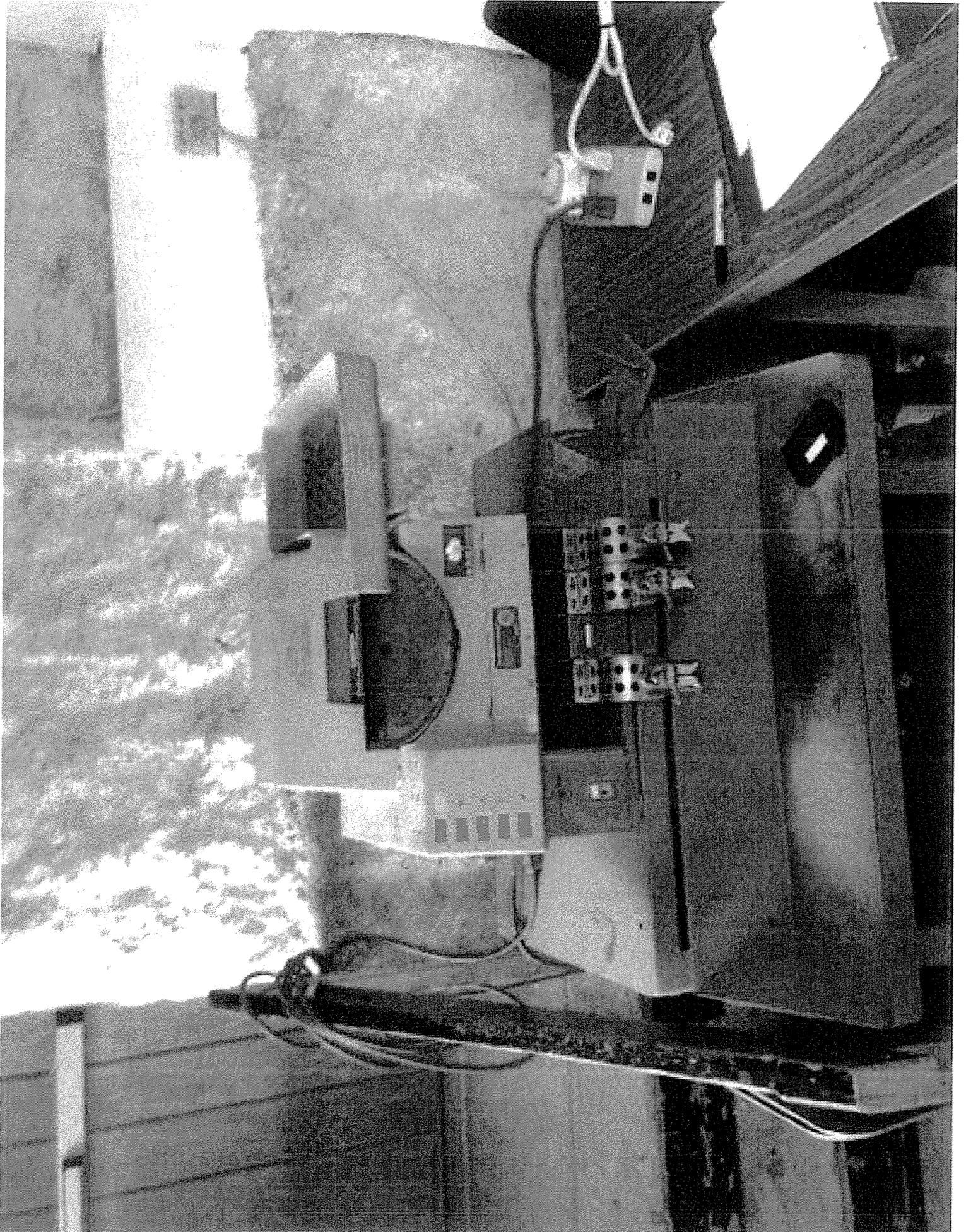
I have made a number of inquiries through various companies into the types of machines available to do this task, taking into consideration the man hours now needed and the volume of money that we handle per year. This is how I have come to suggest the purchase of the JetSort 4601. This machine will be able to increase our productivity by 2-3 times or more due to its ability to sort multiple denominations of change and bag it all at the same time.

I am also speaking with Ellis Park trustees to see if they still have an interest in possibly sharing the cost of a machine as they currently pay a percentage to their bank to have their money processed by Brinks Inc. Initial discussions with

Park Chairman William Burnham indicated he believes his Board would be very interested in working cooperatively with the Town and sharing some of the cost.

There is no dedicated funding for our parking meter program for replacement of this machine as this purchase would have normally gone through the capital equipment request if not for the fact that it broke down in the middle of our season. I calculate we will take in another \$30,000 to \$40,000 in coin revenues before the season ends in October. We are going to have to find a way to process this coin revenue which will ultimately add additional costs that could be put into this machine.

I will have further information for the Board on Monday, August 25<sup>th</sup>, 2014 and hopefully will have more information about Ellis Park's possible involvement.



RX Date/Time 08/20/2014 11:20

P.001

08/20/2014 11:27AM TERRY STUKOWSKI

p.1

**Cummins-Allison Price Quote**

Page 1 of 1

**Cummins-Allison Price Quote**

Stukowski, Terry

SENT: Monday, August 18, 2014 2:25 PM

To: tcrayan@yorkpolice.org

Hello, Detective Sergeant Cryan:

Here are the quotes you requested on the JetSort coin sorters/counters:

JetSort model 3601 to include 3 bag adapters,  
3 coin boxes, rolling stand, and a case of 100 bags. \$5595.00

JetSort model 4601 to include rolling stand and a  
case of 100 bags \$6040.00

The model 4601 requires no bag adapters or boxes, as all coin denominations are sorted into bags. The prices are closer together than I anticipated because there is a larger discount available on the 4601.

Considering the high volume batches you are doing, I would be inclined to recommend the 4601, as it is a faster and more robust machine.

Delivery should be 2-3 weeks ARO. FOB ML. Prospect, IL. All Cummins equipment is manufactured in the USA.

We very much appreciate your interest in Cummins-Allison equipment.

Thanks,  
Terry

**Terry Stukowski**

**Regional Sales Representative**

Phone: 774 279 8441

Service: 800 473 4288

Fax: 508-628-3681

**American Made**

**American Owned  
American Jobs**

# JetSort<sup>®</sup> High Speed Coin Sorters

Up to 10,000 coins per minute, 99.995% accuracy,  
exact stop coin-counting technology



# High speed coin sorters for any application

## The fastest and most accurate coin sorters and counters in the industry.

The JetSort® family of coin counters are the fastest, high-capacity coin processors in the industry. The patented technology used in JetSort machines sorts and counts at speeds up to 10,000 dimes per minute.

## Accuracy and Dependability

Managing coin processing is easy when counts are quick and accurate. With 99.995% accuracy, JetSort products provide precise processing. This translates into less time managing coin processing and more time for other tasks.

## Unmatched dependability

Warranted to 50 million mixed coins JetSort coin counters ensure years of operating excellence. Designed with only one moving part means fewer jams and lower maintenance costs.

## Exact bag stops

JetSort is the only high speed coin sorter that stops on the exact count – every time. Simply set each bag to the amount you want processed, with no more adjustments or manual shifting of coins from bag to bag. Each denomination can be set for varying quantities and changed on demand.

## Dual bags for high demand

To accommodate large quantities of specific denominations and allow for longer processing times, the JetSort 6000 model offers dual bags. Minimize down time and bag changes with dual bagging capability.



## Fast and Flexible

Fast and efficient. JetSort commercial coin sorters are warranted to 50 million coins. Only Cummins Allison technology helps you:

- Maximize efficiency with processing speeds up to 10,000 coins per minute.
- Ensure balanced deposits with 99.995% accuracy and exact bag stops.
- Expand processing volume with dual bags for high-volume denominations.
- Improve flexibility with rich features and options designed for your changing business needs.



Enhance productivity with the world's most powerful coin processor.

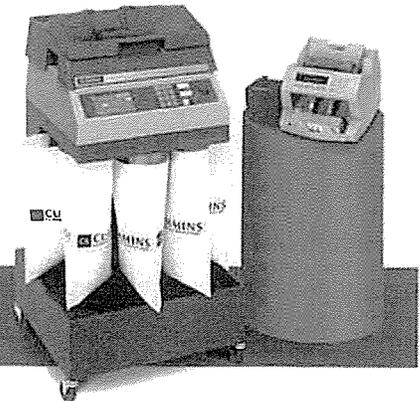
# World class service and support

Cummins Allison service technicians stand behind each product. Delivering dependable, local service and parts inventories, each skilled professional is trained to maintain your specific machine requirements. CA service is unparalleled, 97% satisfaction to customers day in, day out, year after year.

With a wide variety of models to choose from, the JetSort family of products can meet your business needs. Select the processing speed, coin collection method and much more.

## Complete Processing Systems

Each JetSort model can be interfaced with Cummins Allison currency equipment to combine coin and currency totals which may be transmitted to your computer or printed at the machine.



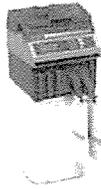
## Models designed for your business needs



JetSort 6000



JetSort 4000

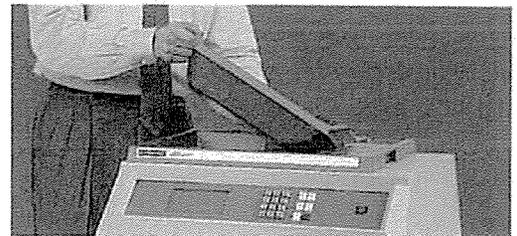


JetSort 3000



JetSort 2000

	JetSort 6000	JetSort 4000	JetSort 3000	JetSort 2000
Type	Floor unit	Floor unit	Counter top	Counter top
Counting speed	Up to 10,000	Up to 4,500	Up to 4,500	Up to 3,600
Number of coins	6 standard - up to 9	6 standard - up to 8	6 standard - up to 7	6 standard
Sorts coins into	Bags	Bags	Boxes or bags	Boxes or bags
Display	Illuminated	Illuminated	Illuminated	LCD
Keyboard controls	Touch screen and tactile keys	Touch screen and tactile keys	Touch screen and tactile keys	Tactile keys with scrolling
Tray type	Gravity or lift tray	Lift tray	Lift tray	Lift tray
Exact bag stop	Standard	Standard	Standard	Not available
Option kits	All available	All available	All available	Limited



Optional large capacity lift tray pours coins quickly and neatly into sorter.



# JetSort® High Speed Coin Sorters

## Specifications

Accuracy: 99.995%

Coins: 1¢, 5¢, 10¢, 25¢, 50¢, \$1 SBA.

## Dimensions

2000: 19.6" W x 20.5" D x 18.5" H

3000: 19.6" W x 20.5" D x 18.5" H  
(with inspection tray)

19.6" W x 20.5" D x 22.5" H  
(with lift tray)

4000: 22.5" W x 23" D x 38.15" H  
(with inspection tray)

22.5" W x 23" D x 42.5" H  
(with lift tray)

6000: 26.25" W x 23.5" D x 42.25" H

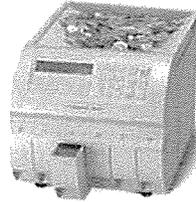
Power: Voltage operating range is 105-130VAC. Frequency is 50/60Hz. Customer must provide a single-phase, dedicated power line that meets the machine's power rating(s). Power conditioning/stabilizing devices are available for purchase from Cummins Allison.

Power consumption (full load amps) at nominal voltage:

JetSort 2000 Model:  
6.0 Amps (120v); 3.0 Amps (220v)

JetSort 3000, 4000 & 6000 Models:  
9.0 Amps (120v); 4.5 Amps (220v)

**JetSort 1000**  
JetSort is also available in a small, counter-top model to fit tight work spaces.



## Options & Accessories

Configured to meet your specific requirements with a variety of options and accessories, JetSort's capabilities are nearly limitless.

**Electronic Options Kits:** A wide variety of added capabilities enhance your JetSort.

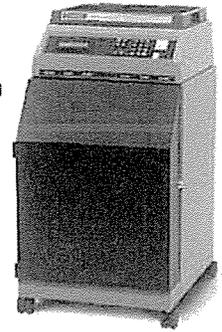
**Coin Lift Tray:** JetSort trays facilitate coin processing.

**Printers:** Provides permanent and easy to read record of coin processing.

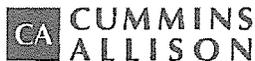
**Remote Display:** Large LED display of totals for customer viewing.

**Security Doors:** Restricts access to coin bags (varies by model).

**JetSort 2000 Series**  
with optional stand and security doors.



To learn more about how  
JetSort high speed coin sorters  
improve productivity, visit  
[cumminsallison.com/jetsort](http://cumminsallison.com/jetsort)



852 Feehanville Drive  
Mt. Prospect, IL 60056  
800 786 5528  
[cumminsallison.com](http://cumminsallison.com)

© 2013 Cummins-Allison Corp. Specifications subject to change without notice.

## Generations of Vision and Excellence

Cummins Allison sets the standard for accuracy and dependability.

Cummins Allison is a global leader in developing solutions that quickly and efficiently count, sort and authenticate currency, checks and coin. With a 125-year heritage of leadership in technology and product innovation, Cummins Allison serves the majority of financial institutions worldwide, as well as leading organizations in retail, gaming, law enforcement and government. Ninety-seven percent of our customers recommend our products and services.

CA holds more than 350 U.S. patents and invests double the industry average in R&D. Our world-class sales and service network includes hundreds of local representatives in more than 50 offices in North America, 4 wholly-owned subsidiaries in Europe and is represented in more than 70 countries around the world.

Form 023-1665 Rev. C



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 20, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 25, 2014	
<b>Regular</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/>	
<b>Subject:</b> Abatement of Building Permit Application Fees: 2 Raydon Road	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the request for Abatement of Building Permit Application Fees at 2 Raydon Road for damage caused in the July micro-burst.

**Discussion:** Mr. Coburn of 2 Raydon Road is asking for abatement of his building permit application fees in accordance with the Selectmen's Policy Concerning Abatement of Building Permit Application Fees (Adopted 1/10/1995; Amended 5/26/1998).

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert S. Gendron*

August 19, 2014

To Whom It May Concern:

I, Bruce Coburn respectfully request the Board of Selectman waive the building permit fees for the reconstruction of my home damaged by the micro-burst in July. My town selectman Ron Nowell suggested we request the waiver.

Thank you for your kind consideration into this tragic matter.

Respectfully,

Bruce Coburn

SELECTMEN'S POLICY CONCERNING  
ABATEMENT OF BUILDING PERMIT  
APPLICATION FEES

The Board of Selectmen for the Town of York recognizes the fact that natural disasters, such as fires, floods, etc. do, from time to time, occur. Said disasters may cause extensive damage to property in the Town which may ultimately require the property owner(s) to demolish any damaged structures, and totally rebuild or otherwise rehabilitate said property.

In such cases, the municipal officers for the Town of York may waive building permit application fees necessary for a property owner to replace any destroyed structure(s). The intent of the municipal officers is that said fee(s) be waived up to the fee that would be levied to rebuild said structure(s) based on the most recent property assessment valuation prior to the applicable disaster. Requests for abatement under this policy are to be made in writing by the applicable property owner(s) and will be considered by the Board of Selectmen during a regular Selectmen's Meeting held as soon after receipt of the request as feasibly possible.

Adopted at Selectmen's Mtg. 1/10/95

ABATBLD.DOC  
Adopted 5/13/97  
5/26/98



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 19, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 25, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Pole Location Permit: Cider Hill Road	

<b>TO:</b> BOARD OF SELECTMEN
<b>FROM:</b> Melissa M. Avery, Assistant to the Town Manager
<b>RECOMMENDATION:</b>
<b>PROPOSED MOTION:</b> I move to approve the Pole Location Permit for 1 pole on Cider Hill Road, in an Easterly direction, 50 feet from pole #69.

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

<b>FISCAL IMPACT:</b>
<b>DEPARTMENT LINE ITEM ACCOUNT:</b>
<b>BALANCE IN LINE ITEM IF APPROVED:</b>

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert B. Gandon*

Form 4503

Notification: 301232967

Work Order: 1000526856

### LOCATION PERMIT

Upon the Application of Center Maine Power Company and Northern New England Telephone Operations LLC ME ,  
 dated 06/10/2014 , 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: 69
2. Road (State & CMP): Cider Hill Road/ CMP South Berwick Road /Route 91
3. Direction: Easterly
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

Jun. 12. 2014., 2:34PM FairPoint

No. 5424 P. 2 # 2/ 3

Form 4501

Notification: 301232967

Work Order: 1000526856

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 and 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: 69

2. Road (State & CMP): Cider Hill Road/ CMP South Berwick Road /Route 91

3. Direction: Easterly

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: 06/10/2014

By: *Joyce Floyd* Date: 6-12-14



## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Thursday, August 14, 2014 4:51 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Pole Permit: Cider Hill Road

Hi Missy

I have reviewed the attached pole permit on Cider Hill Road. DPW doesn't anticipate any problems with the proposed location. DPW recommends approval.

Thanks for the help  
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](mailto:dlessard@yorkmaine.org)

Online: [www.yorkmaine.org](http://www.yorkmaine.org)

Follow us!

Facebook: [www.facebook.com/YorkMainePublicWorks](http://www.facebook.com/YorkMainePublicWorks)

**From:** Melissa M. Avery  
**Sent:** Friday, August 01, 2014 11:03 AM  
**To:** Dean Lessard  
**Subject:** Pole Permit: Cider Hill Road

Morning Dean,

Attached is a Pole Location Permit from CMP for Cider Hill Road. Let me know when you've had a chance to review.

Thanks!  
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](mailto: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



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 19, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 25, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: Marketfest – York Village	

**TO:** BOARD OF SELECTMEN

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

**RECOMMENDATION:**

**PROPOSED MOTION:** I move to approve the Special Event Permit for the York Village Association's *Marketfest – York Village* event on Friday and Saturday, October 17 and 18, 2014 subject to any attached conditions given by Department Heads

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

**FISCAL IMPACT:**

**DEPARTMENT LINE ITEM ACCOUNT:**

**BALANCE IN LINE ITEM IF APPROVED:**

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert B. Gandon*



# 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: 5/26/14

Name of Event: Marketfest - York Village

Type of Event: Art Craft Festival

Organization Name: York Village Assoc. Phone #: 363-3373

Ana Knowles Pres.

Organization Address: PO Box 650 City York State: ME Zip: 03909

Applicant Name: Gloria Gustafson Phone #: 363-4687

Applicant Address: 19 Organug Rd City: York State: ME Zip: 03909

Contact Name for Day of Event: Wendy Tapley Contact Phone # 207-337-0213

Date of Event: 2014 Oct. 17 + 18 Day of Week: Friday + Saturday

Starting Time: 2014 Friday 10 AM Ending Time: Friday 5 PM  
Saturday 9 AM Saturday 4 PM

Assembly Area: Village Green / First Parish Church

Dispersal Area: N/A

Event Route: N/A

Approximate Number of Persons Attending (If more than 500, Insurance coverage needed)  
5,000

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

Describe how group is organized and supervised to insure order: Village Assoc. members + volunteers, York Police, Fire Dept + Ambulance onsite

Purpose of the Event: Food + Craft Festival Fundraiser for non-profits

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

Signature of Applicant: Gloria Gustafson

Rec'd 5/30/2014  
MMA

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>	
Police Department	<u>Szeniawski</u>	<u>08-07-2014</u>
Public Works	<u>Lessard</u>	<u>06-03-2014</u>
Parks/Recreation	<u>Sullivan</u>	<u>06-02-2014</u>
Village Fire	<u>Apgar</u>	<u>08-19-2014</u>
York Beach Fire	<u>Bridges</u>	<u>06-04-2014</u>
Code Enforcement	<u>Burns</u>	<u>06-02-2014</u>
York Ambulance	<u>Prince</u>	<u>06-02-2014</u>

Special Conditions:

**Police:** Will have set a Traffic and Safety Plan for this event.

---

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

---

---

---

---

Town Manager

---

Date

## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Tuesday, June 03, 2014 12:19 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Marketfest

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. 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](mailto:dlessard@yorkmaine.org)

Online: [www.yorkmaine.org](http://www.yorkmaine.org)

Follow us!

Facebook: [www.facebook.com/YorkMainePublicWorks](http://www.facebook.com/YorkMainePublicWorks)

**From:** Melissa M. Avery  
**Sent:** Monday, June 02, 2014 1:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Marketfest

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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](mailto: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

## Melissa M. Avery

---

**From:** Stephen H. Burns  
**Sent:** Monday, June 02, 2014 2:33 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Marketfest

Missy,

I have no code enforcement issues with this event.

Steve

Stephen H. Burns  
Community Development Director

**From:** Melissa M. Avery  
**Sent:** Monday, June 2, 2014 1:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Marketfest

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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](mailto: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](mailto: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:** Monday, June 02, 2014 1:18 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniewski; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns  
**Subject:** Re: Special Event Permit: Marketfest

This is fine with York Ambulance.

Ellen

*Ellen Prince  
Asst. Chief  
York Ambulance Association, Inc.  
15 Salisbury Ave.  
P.O. Box 238  
York, ME 03909-0238  
Phone: 207-363-4403  
Fax: 207-363-2041*

On Mon, Jun 2, 2014 at 1:10 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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:** Michael J. Sullivan  
**Sent:** Monday, June 02, 2014 1:28 PM  
**To:** Melissa M. Avery; Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event Permit: Marketfest

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](mailto:msullivan@yorkmaine.org)*

**From:** Melissa M. Avery  
**Sent:** Monday, June 02, 2014 1:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Marketfest

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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](mailto: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](mailto: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 K. Bridges  
**Sent:** Wednesday, June 04, 2014 8:07 PM  
**To:** Melissa M. Avery; Charles J. Szeniawski; Dean Lessard; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Cc:** David K. Bridges  
**Subject:** RE: Special Event Permit: Marketfest

This is in the Village district so I have no problem with it.

**From:** Melissa M. Avery  
**Sent:** Monday, June 02, 2014 1:10 PM  
**To:** Charles J. Szeniawski; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Marketfest

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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](mailto: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](mailto:town@yorkmaine.org). This footnote also confirms that this email message has been checked for the presence of computer viruses.

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Thursday, August 07, 2014 4:41 PM  
**To:** Melissa M. Avery; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** RE: Special Event Permit: Marketfest

The police department is all set with the review we have met and a safety and traffic plan is in place.

**From:** Melissa M. Avery  
**Sent:** Monday, June 02, 2014 1:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Marketfest

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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](mailto: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](mailto: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:** Wednesday, August 20, 2014 5:39 AM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event Permit: Marketfest

Yes, Village Fire approval.

David Apgar  
Deputy Fire Chief  
Fire Inspector  
Fire/Arson Investigator  
(B) 207-363-1015  
(C) 207-451-8258

---

**From:** Melissa M. Avery  
**Sent:** Tuesday, August 19, 2014 2:27 PM  
**To:** David Apgar  
**Subject:** FW: Special Event Permit: Marketfest

Hi Dave,

The Police have met with the Village Association and have their safety plan all set. Are you all set too?

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:** Monday, June 02, 2014 1:10 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; Dave Bridges; Dave Apgar; Michael J. Sullivan; Stephen H. Burns; Ellen Prince  
**Subject:** Special Event Permit: Marketfest

Attached is the Special Event Permit Application for the York Village Association's Marketfest to be held on October 17 and 18.

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



AGENDA ITEM NUMBER: \_\_\_\_\_

## REQUEST FOR ACTION BY BOARD OF SELECTMEN

<b>Date Submitted:</b> August 19, 2014	<b>Type of Action:</b> <input type="checkbox"/> Procedural <input checked="" type="checkbox"/> Formal Action <input type="checkbox"/> Other: _____
<b>Date Action Requested:</b> August 25, 2014	
Regular <input checked="" type="checkbox"/> Work Session <input type="checkbox"/>	
<b>Subject:</b> Special Event Permit: Annual Halloween Hop and Parade	

**TO:** BOARD OF SELECTMEN

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

**RECOMMENDATION:**

**PROPOSED MOTION:** I move to approve the Special Event Permit for the York Parks and Recreation Department's Annual Halloween Hop event on Friday, October 31, 2014 subject to any attached conditions given by Department Heads

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

**FISCAL IMPACT:**

**DEPARTMENT LINE ITEM ACCOUNT:**

**BALANCE IN LINE ITEM IF APPROVED:**

Prepared By:

*Melissa M. Avery*

Reviewed By:

*Robert B. Gandon*



## Town of York, Maine Special Event Permit Application

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

Date: 8/13/14

Name of Event: Annual Halloween Hop and Parade

Type of Event: Parade

Organization Name: York Parks and Recreation Phone #: 363-1040

Organization Address: 186 York Street City: York State: ME Zip: 03909

Applicant Name: Ryan Avery Phone #: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Name for Day of Event: Ryan Avery Contact Phone #: 450-1988

Date of Event: October 31st Day of Week: Friday

Starting Time: 4:30 Parade Starts Ending Time: Parade ends at VES 4:45

Assembly Area: Town Hall

Dispersal Area: Costume Parade to walk from Town Hall to VES

Event Route: Town Hall, Down York Street to Village Elementary School

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

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

Children and Families walking in costume - No floats or vehicles

Describe how group is organized and supervised to insure order: \_\_\_\_\_

Parks and Recreation Staff and assistance from York Police Department

Purpose of the Event: Annual FREE Alternative Community Halloween Event

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

Signature of Applicant: \_\_\_\_\_

**For Town Use Only**

Reviewed by:

<u>Department</u>	<u>Initials</u>
Police Department	<u>Szeniawski 08-13-2014</u>
Public Works	<u>Lessard 08-14-2014</u>
Parks/Recreation	<u>Sullivan 08-13-2014</u>
Village Fire	<u>Apgar 08-13-2014</u>
York Beach Fire	<u>Bridges 08-14-2014</u>
Code Enforcement	<u>Burns 08-13-2014</u>
York Ambulance	<u>Prince 08-13-2014</u>

Special Conditions:

**Police:** Will have set a Traffic and Safety Plan for this event.

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

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Date

## Melissa M. Avery

---

**From:** Dean Lessard  
**Sent:** Thursday, August 14, 2014 1:09 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event: Halloween Hop

Hi Missy

I have reviewed the attached special event permit. DPW doesn't anticipate any issues with this event. DPW recommends approval.

Thanks for your help  
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](mailto:dlessard@yorkmaine.org)

Online: [www.yorkmaine.org](http://www.yorkmaine.org)

Follow us!

Facebook: [www.facebook.com/YorkMainePublicWorks](http://www.facebook.com/YorkMainePublicWorks)

**From:** Melissa M. Avery

**Sent:** Wednesday, August 13, 2014 2:58 PM

**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince

**Cc:** Ryan E. Avery

**Subject:** Special Event: Halloween Hop

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

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

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](mailto: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

## Melissa M. Avery

---

**From:** Charles J. Szeniaowski  
**Sent:** Wednesday, August 13, 2014 3:00 PM  
**To:** Melissa M. Avery; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Cc:** Ryan E. Avery; Owen T. Davis  
**Subject:** RE: Special Event: Halloween Hop

We will be all set a traffic and safety plan has been created for this event we will have officers assigned.

**From:** Melissa M. Avery  
**Sent:** Wednesday, August 13, 2014 2:58 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Cc:** Ryan E. Avery  
**Subject:** Special Event: Halloween Hop

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

Let me know when you've had a chance to review!  
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](mailto: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](mailto: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:** Wednesday, August 13, 2014 3:19 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniawski; Dean Lessard; David K. Bridges; David Appgar; Stephen H. Burns; Michael J. Sullivan; Ryan E. Avery  
**Subject:** Re: Special Event: Halloween Hop

Fine with York Ambulance.

*Ellen Prince  
Asst. Chief  
York Ambulance Association, Inc.  
15 Salisbury Ave.  
P.O. Box 238  
York, ME 03909-0238  
Phone: 207-363-4403  
Fax: 207-363-2041*

On Wed, Aug 13, 2014 at 2:58 PM, Melissa M. Avery <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

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

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 Apgar  
**Sent:** Wednesday, August 13, 2014 3:59 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event: Halloween Hop

Village Fire approval.

David Apgar  
Deputy Fire Chief  
Fire Inspector  
Fire/Arson Investigator  
(B) 207-363-1015  
(C) 207-451-8258

---

**From:** Melissa M. Avery  
**Sent:** Wednesday, August 13, 2014 2:58 PM  
**To:** Charles J. Szeniewski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Cc:** Ryan E. Avery  
**Subject:** Special Event: Halloween Hop

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

Let me know when you've had a chance to review!  
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:** Stephen H. Burns  
**Sent:** Wednesday, August 13, 2014 3:48 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event: Halloween Hop

Missy,

I have no code concerns with this event.

Steve

Stephen H. Burns  
Community Development Director

**From:** Melissa M. Avery  
**Sent:** Wednesday, August 13, 2014 2:58 PM  
**To:** Charles J. Szeniaowski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Cc:** Ryan E. Avery  
**Subject:** Special Event: Halloween Hop

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

Let me know when you've had a chance to review!  
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](mailto: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](mailto:town@yorkmaine.org). This footnote also confirms that this email message has been checked for the presence of computer viruses.

**Melissa M. Avery**

---

**From:** Michael J. Sullivan  
**Sent:** Wednesday, August 13, 2014 3:22 PM  
**To:** Melissa M. Avery  
**Subject:** RE: Special Event: Halloween Hop

Good to go

*Michael J. Sullivan, Director  
Parks and Recreation*

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

**From:** Melissa M. Avery  
**Sent:** Wednesday, August 13, 2014 2:58 PM  
**To:** Charles J. Szeniaewski; Dean Lessard; David K. Bridges; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince  
**Cc:** Ryan E. Avery  
**Subject:** Special Event: Halloween Hop

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

Let me know when you've had a chance to review!  
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](mailto: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](mailto: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 K. Bridges  
**Sent:** Thursday, August 14, 2014 12:37 PM  
**To:** Melissa M. Avery  
**Cc:** Charles J. Szeniawski; Dean Lessard; David Apgar; Stephen H. Burns; Michael J. Sullivan; Ellen Prince; Ryan E. Avery  
**Subject:** Re: Special Event: Halloween Hop

It's in the Village district so I have no problem with it.

Sent from my iPhone. Dave

On Aug 13, 2014, at 2:58 PM, "Melissa M. Avery" <[mmavery@yorkmaine.org](mailto:mmavery@yorkmaine.org)> wrote:

Attached is the Parks and Recreation's Special Event Application for their annual Halloween Hop, scheduled for Friday, October 31, 2014.

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

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](mailto:town@yorkmaine.org). This footnote also confirms that this email message has been checked for the presence of computer viruses.

<Halloween Hop.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](mailto:town@yorkmaine.org). This footnote also confirms that this email message has been checked for the presence of computer viruses.