

Sent via e-mail 1/3/2014

Lee Jay and Steve,

I am writing to clarify my role and my Department's role in the Town review of Police Station/connector road application, round 2. I got the sense from one of your e-mails yesterday that my role isn't clear, so I figured I'd commit this to writing. Once the web archive for this project is set up, please post this e-mail there.

First, a little history to set the stage. I am the CEO who issued the violation notice that stopped project construction following initial approval by the Planning Board. The violations I cited are still of record – they have not been released and therefore I am still directly engaged in an enforcement capacity. Whatever happens with the current application, I remain in the enforcement role because of my earlier actions. Per Zoning §19.6.A, the Planning Board can't really do anything unilaterally – the new proposal can only be approved if it results in correction of all cited violations. This will require my written concurrence – effectively releasing the violations conditional upon proper completion of the revised project.

I assume Andrew Johnston will continue to be the Authorized Representative for the project, as will be designated on the application form whenever that is submitted. That means all communication *from the applicant* to the two of you needs to be from Andrew, and your communication goes to him. The applicant is the Town of York. The voters approved funding for the police station and connector road projects. The Selectmen have voted to move forward on each of these. The Board of Selectmen hired SMRT as the design firm, and Andrew is one of their Professional Engineers.

My Department and I do *not* represent the applicant. Yes, the Community Development Department is part of the Town government. Yes, the Community Development Department is directly involved with this application, but *not* in the capacity of representing this application. Please let me clarify the roles of my Department as I currently see them:

1. My staff will be helping with administrative functions like preparing agendas, posting public notices, and legal advertising, just as we do for any other applications which go to the Planning Board. The only 3 people you'll deal with here are Catherine, Christine and me.
2. I will be authorizing payment of consulting review bills. The only person you'll deal with here is me.
3. My staff will be responsible for issuing permits for this project once it gets past the Planning Board phase. These include issuance of building permits for the Police Station and the communications tower, and the flood permit for the road crossing through the 100-year floodplain just below the ice pond. The only 3 people who can issue building permits are Amber, Kathy and Luke. Flood permits could be issued by Amber, Kathy, Leslie or me.
4. My staff and I will continue to fulfill our code enforcement role, unless we choose to exercise the option under Zoning §19.4 to turn enforcement responsibility over to the

Board of Selectmen. Since the Board of Selectmen are technically the applicant, this option is impractical and unlikely. Further, given the political sensitivities surrounding this project, it's highly unlikely I would delegate the code enforcement responsibilities for this project to anyone else in my Department.

Because of the multiple responsibilities of my Department, please be assured that my staff and I will communicate with you directly when we see the need. We will *not* communicate with you through the Authorized Representative. Where appropriate we'll copy others such as the authorized representative and/or Town Manager. This may make it feel like there are too many fingers in the pot, but that's the way it's going to be. Your work affects my Department's work, and vice versa. We're in this together until this darn project gets finished.

I hope this helps clarify my role and that of my Department. At the very least, I think it helps me clarify my thinking.

Take care,

Steve

Stephen H. Burns
Community Development Director
Town of York, Maine
186 York Street, York, ME 03909
e: sburns@yorkmaine.org
p: (207) 363-1007