

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

October 16, 2013

COUNCIL CHAMBERS

1. Call to Order

Vice Chairperson Pelletier called the meeting to order at 7:00 P.M.

2. Introductory

Vice Chairperson Pelletier read the introductory.

3. Pledge of Allegiance

Chairperson Dow led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Vice Chairperson Jeffrey Pelletier, Councilors Frank Dennett, Jeffrey Thomson, Leo Guy, Judy Spiller and Jeffrey Brake.

5. Agenda Amendment and Adoption –

COUNCILOR PELLETIER MOVED TO ADD A NEW ITEM UNDER NEW BUSINESS 13A(1) TO TAKE ACTION ON CHANGING THE NON-RESIDENT PASS FEES AT FORT FOSTER AND TO ADD A NEW ITEM 13A(2) TO TAKE ACTION ON THE WOOD ISLAND REPAIR AGREEMENT, SECONDED BY COUNCILOR GUY.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 5/1.

The agenda was accepted as amended.

6. Reserved

7. Acceptance of Previous Minutes – 11/14/12, 8/12/13, 9/18/13, 9/23/13 & 9/30/13

The minutes were accepted as amended.

8. Interviews for the Board of Appeals – None

9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None

10. PUBLIC HEARINGS -

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27 a. (100213-1) The Kittery Town Council moves to hold a public hearing on and approve
28 the application from Michael Landgarten, 315 US Route 1, Kittery for Lil's, 7-17 Wallingford
29 Square, Kittery.

30 Town Manager Place indicated that the business was not ready for an occupancy
31 inspection and asked that this item be continued under further notice. Vice Chairperson Pelletier
32 then opened the public hearing and no response being heard, closed the public hearing.

33 11. DISCUSSION

34 a. Discussion by members of the public (three minutes per person) –

35 John McDonough came to the podium and indicated that he thought the traffic issues
36 were going to be on the agenda that evening. He continued he thought there were many safety
37 issues that needed to be looked at closely.

38 Rob Nichols of the Kittery Land Trust, came to the podium and indicated that the process
39 of moving to close on the Rustlewood Farm in November was nearing and they wanted to make
40 sure that they were clear on releasing all of the funding. He continued that no bond was actually
41 ever put out and the KLT had spoken with Joe Cuetara who stated he could put out a bond
42 anticipation note and could have funds available for closing. He continued they wanted to make
43 sure no further action was needed by Council. Vice Chairperson Pelletier stated that no further
44 action was needed by Council.

45 Milton Hall came to the podium and stated relative to the shorefront taxes that he did not
46 think the new valuations made sense. Mr. Hall then indicated his issues with the KPA and the
47 BIG project.

48 Russell White came to the podium and stated that he was very happy to see the Wood
49 Island agreement move forward.

50 David Lincoln came to the podium and stated that he thought the town needed more
51 transparency and communication and that he had request six items from Council regarding how
52 they were going to pick the town manager and he did not receive an answer back. He continued
53 he thought the trust in the town was extremely fragile at this point.

54 b. Chairperson's response to public –

55 Vice Chairperson Pelletier responded to Mr. McDonough stating that he agreed there
56 were many traffic issues and Council would be scheduling a public hearing on the proposed
57 amendments that night.

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58 Vice Chairperson Pelletier responded to Mr. Lincoln noting that he could understand that
59 it would be frustrating to not get an answer when asked for information. He continued that it
60 was a very difficult time in Kittery and everyone was doing their best.

61 12. UNFINISHED BUSINESS – None

62 13. NEW BUSINESS

63 a(1). The Kittery Town Council moves to take action on the non-resident Fort Foster fees
64 and to create a duplicate pass for non-residents.

65 **COUNCILOR THOMSON MOVED THAT EFFECTIVE FOR THE 2014**
66 **SEASON, FORT FOSTER NON-RESIDENT FEES BE RAISED TO \$60 AND THAT A**
67 **DUPLICATE NON-RESIDENT STICKER MAY BE PURCHASED, WITH THE**
68 **APPROPRIATE PAPERWORK, THROUGH TOWN STAFF FOR \$15.00, SECONDED**
69 **BY COUNCILOR GUY.**

70 Councilor Dennett indicated that he did not think they had been presented with the
71 appropriate financial data and would be voting in opposition of this item.

72 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
73 **OPPOSED. MOTION PASSES 5/1.**

74 a(2). The Kittery Town Council moves to approve the Wood Island agreement.

75 **COUNCILOR GUY MOVED TO APPROVE THE WOOD ISLAND**
76 **AGREEMENT AS PRESENTED, SECONDED BY COUNCILOR SPILLER.**

77 Vice Chairperson Pelletier indicated that this agreement would allow WILSSA to try to
78 secure a Brownfields Grant that would help to remediate the toxic material on the island and
79 would allow for pre-protecting of the building. He continued that WILSSA could then repair the
80 building to its former state and would then return it to the town. Vice Chairperson Pelletier
81 noted that WILSSA was requesting in the agreement that at the end of the process, WILSSA
82 could meet with the town to discuss a management plan of the island. Vice Chairperson stated
83 that WILSSA would have the first opportunity in managing the building which WIAC thought
84 was fair. Councilor Dennett stated that he was worried that this agreement could bind the town
85 to asbestos abatement which was a hazard and that he would be voting in opposition of this.
86 Vice Chairperson Pelletier stated that both parties had the right to terminate the agreement if they
87 were unable to secure a Brownfields Grant.

88 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
89 **OPPOSED. MOTION PASSES 5/1.**

90 a. Donations/gifts received for Council disposition

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91 (100213-2) The Kittery Town Council moves to accept a check from the Pampered Chef
92 in the amount of \$38.84 as a donation to the Kittery Recreation Department to be deposited in
93 Account No. 2063-43600, Kittery Community Center.

94 **COUNCILOR THOMSON MOVED TO ACCEPT A CHECK FROM THE**
95 **PAMPERED CHEF IN THE AMOUNT OF \$38.84 AS A DONATION TO THE**
96 **KITTERY RECREATION DEPARTMENT TO BE DEPOSITED IN ACCOUNT NO.**
97 **2063-43600, KITTERY COMMUNITY CENTER, SECONDED BY COUNCILOR GUY.**

98 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
99 **6/0.**

100 b. (100213-3) The Kittery Town Council moves to establish the Holiday Parade as a
101 town event, sponsored by the Kiwanis Club of the Seacoast, to be held on Saturday, December 7,
102 2013 at 3:00 P.M. and to appoint Kiwanis Club members Norm Leon and Glen Philbrook as the
103 official Parade Committee.

104 **COUNCILOR THOMSON MOVED TO ESTABLISH THE HOLIDAY PARADE**
105 **AS A TOWN EVENT, SPONSORED BY THE KIWANIS CLUB OF THE SEACOAST,**
106 **TO BE HELD ON SATURDAY, DECEMBER 7, 2013 AT 3:00 P.M. AND TO APPOINT**
107 **KIWANIS CLUB MEMBERS NORM LEON AND GLEN PHILBROOK AS THE**
108 **OFFICIAL PARADE COMMITTEE, SECONDED BY COUNCILOR BRAKE.**

109 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
110 **6/0.**

111 c. (100213-4) The Kittery Town Council moves to appoint a representative to meet with
112 a member of the Board of Assessment Review to interview Robert Wyman for his re-
113 appointment to that board until 12/1/16.

114 **COUNCILOR THOMSON MOVED TO WAIVE COUNCIL RULES AND TO**
115 **REAPPOINT ROBERT WYMAN TO THE BOARD OF ASSESSMENT REVIEW FOR A**
116 **TERM ENDING 12/1/16, SECONDED BY COUNCILOR BRAKE.**

117 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
118 **6/0.**

119 d. (100213-5) The Kittery Town Council moves to approve the renewal application
120 from Kittery Foreside, LLC for a Malt, Spirituous and Vinous Liquor License for Anneke Jans,
121 60 Wallingford Square, Kittery.

122 **COUNCILOR THOMSON MOVED TO APPROVE THE RENEWAL**
123 **APPLICATION FROM KITTERY FORESIDE, LLC FOR A MALT, SPIRITUOUS AND**

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124 **VINOUS LIQUOR LICENSE FOR ANNEKE JANS, 60 WALLINGFORD SQUARE,**
125 **KITTERY, SECONDED BY COUNCILOR GUY.**

126 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
127 **6/0.**

128 e. (100213-6) The Kittery Town Council moves to approve the renewal application from
129 Divine Cuisines, LLC, 9 Cook Street, for a Malt, Spirituous and Vinous Liquor License for
130 Tulsi, 20 Walker Street, Kittery.

131 **COUNCILOR GUY MOVED TO APPROVE THE RENEWAL APPLICATION**
132 **FROM DIVINE CUISINES, LLC, 9 COOK STREET FOR A MALT, SPIRITUOUS AND**
133 **VINOUS LIQUOR LICENSE FOR TULSI, 20 WALKER STREET, KITTERY,**
134 **SECONDED BY COUNCILOR THOMSON.**

135 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
136 **6/0.**

137 f. (100213-7) The Kittery Town Council moves to approve the renewal application from
138 Rolling in the Mud, LLC, 460 Route 1, for a Malt, Spirituous and Vinous Liquor License for
139 When Pigs Fly Pizzeria, 460 US Route 1, Kittery.

140 **COUNCILOR SPILLER MOVED TO APPROVE THE RENEWAL**
141 **APPLICATION FROM ROLLING IN THE MUD, LLC, 460 ROUTE 1, FOR A MALT,**
142 **SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR WHEN PIGS FLY PIZZERIA,**
143 **460 ROUTE 1, KITTERY, SECONDED BY COUNCILOR BRAKE.**

144 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
145 **6/0.**

146 g. (100213-8) The Kittery Town Council moves to give authorization to the Kittery Port
147 Authority to apply for a Harbor Improvement Grant with a \$5,000.00 in-kind match to prepare a
148 "Wave Attenuation Plan" for Pepperrell Cove with in-kind services provided by the KPA, Town
149 Planning and Development and Public Works Department.

150 Robert Melanson, Chairperson of the KPA, came to the podium and stated the Army
151 Corps would be dredging material from the river and they were enthused about the KPA and
152 WILSSA taking some of the material. He continued that the Corps would be paying for the
153 dredging and putting the material in place which would help mitigate the waves in Pepperrell
154 Cove. Mr. Melanson indicated they were asking for Council's permission to move forward with
155 the plan and the process would be extensive with lots of permits involved and probably would
156 not happen until 2016. Councilor Dennett asked how much environmental resistance the town
157 would get from this. Mr. Melanson responded that the project would go nowhere until DEP

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158 approve the application and that he thought the biggest concern was going to be Fish and
159 Wildlife but he thought they would wind up getting some good support.

160 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
161 **6/0.**

162 h. (100213-9) The Kittery Town Council moves to approve the Petition and Pole
163 License between Central Maine Power and Northern New England Operations LLC for licensing
164 for future fiber service to per, fiber will run aerial from pole (235/130) on Bellamy Lane, then
165 will run in conduit to pier in the Town of Kittery as per diagram submitted (#267230).

166 **COUNCILOR SPILLER MOVED TO APPROVE THE PETITION AND POLE**
167 **LICENSE BETWEEN CENTRAL MAINE POWER AND NORTHERN NEW ENGLAND**
168 **OPERATIONS LLC FOR LICENSING FOR FUTURE FIBER SERVICE TO PER,**
169 **FIBER WILL RUN AERIAL FROM POLE (235/130) ON BELLAMY LANE, THEN**
170 **WILL RUN IN CONDUIT TO PIER IN THE TOWN OF KITTEY AS PER DIAGRAM**
171 **SUBMITTED (#267230), SECONDED BY COUNCILOR THOMSON.**

172 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
173 **6/0.**

174 i. (100213-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and
175 Sandra Lutts as Deputy Warden, and the opening of the polls at 8:00 A.M. and closing at 8:00
176 P.M. for the November 5th State and Municipal Election, as recommended by the Town Clerk.

177 **COUNCILOR THOMSON MOVED TO APPOINT JOYCE TOBEY AS WARDEN**
178 **AND SANDRA LUTTS AS DEPUTY WARDEN, AND THE OPENING OF THE POLLS**
179 **AT 8:00 A.M. AND CLOSING AT 8:00 P.M. FOR THE NOVEMBER 5TH STATE AND**
180 **MUNICIPAL ELECTION, AS RECOMMENDED BY THE TOWN CLERK,**
181 **SECONDED BY COUNCILOR GUY.**

182 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
183 **6/0.**

184 j. (100213-11) The Kittery Town Council moves to sign the Municipal Warrant for the
185 November 5th election.

186 **COUNCILOR THOMSON MOVED TO SIGN THE MUNICIPAL WARRANT**
187 **FOR THE NOVEMBER 5TH ELECTION, SECONDED BY COUNCILOR GUY.**

188 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
189 **6/0.**

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190 k. (100213-12) The Kittery Town Council moves to schedule a public hearing on
191 proposed amendments to the Kittery Town Code, Title 10, Sections 10.1, 10.2 and 10.3.

192 **COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON**
193 **PROPOSED AMENDMENTS TO THE KITTEERY TOWN CODE, TITLE 10, SECTIONS**
194 **10.1, 10.2 AND 10.3 ON NOVEMBER 11, 2013, SECONDED BY COUNCILOR GUY.**

195 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
196 **6/0.**

197 l. (100213-13) The Kittery Town Council moves to release funds in the amount of
198 \$1,000 from unencumbered surplus and to deposit said funds into Account No. 101740-68427,
199 Self-Insurance Claims Coverage, to cover the cost of the deductible for an insurance claim.

200 **COUNCILOR GUY MOVED TO RELEASE FUNDS IN THE AMOUNT OF \$1000**
201 **FROM UNENCUMBERED SURPLUS AND TO DEPOSIT SAID FUNDS INTO**
202 **ACCOUNT NO. 101740-68427, SELF-INSURANCE CLAIMS COVERAGE, TO COVER**
203 **THE COST OF THE DEDUCTIBLE FOR AN INSURANCE CLAIM, SECONDED BY**
204 **COUNCILOR SPILLER.**

205 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
206 **6/0.**

207 m. The Kittery Town Council moves to approve the disbursement warrants.

208 **COUNCILOR THOMSON MOVED TO APPROVE THE DISBURSEMENT**
209 **WARRANTS, SECONDED BY COUNCILOR SPILLER.**

210 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
211 **6/0.**

212 14. **COUNCILOR ISSUES OR COMMENT**

213 Councilor Thomson stated there was still construction debris at the intersection of State
214 and Walker and wanted to know why it was still there. Norm Albert, DPW, came to the podium
215 and stated this was an ongoing battle with Gilford Railroad. He continued they told him that
216 they did not have the trucks to remove the material. Mr. Albert stated Council could chose to
217 have the town remove the debris at their expense or they could contact Attorney McEachern to
218 find out what options were available. Councilor Thomson indicated that he thought this was
219 unacceptable and that they should speak with Attorney McEachern.

220 Councilor Pelletier indicated that he was very grateful to have such dedicated people
221 working on the Wood Island project and that it was a great win for the community.

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- 222 15. COMMITTEE AND OTHER REPORTS
223 a. Communications from the Chairperson – None
224 b. Town Manager’s Report – None
225 c. Committee Reports – None

226 16. EXECUTIVE SESSION – None

227 17. ADJOURNMENT

228 **COUNCILOR THOMSON MOVED TO ADJOURN, SECONDED BY**
229 **COUNCILOR GUY WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:33 P.M.**

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November 13, 2013

COUNCIL CHAMBERS

1. Call to Order

Town Manager Nancy Colbert Puff called the meeting to order at 7:00 P.M.

2. Introductory

Town Manager Puff read the introductory.

3. Pledge of Allegiance

Town Manager Puff led those present in the Pledge of Allegiance.

4. Oath of Office to Newly Elected Officials

Town Clerk Place administered the oath to Councilor Russell White.

5. Roll Call

Answering the roll were Jeffrey Pelletier, Frank Dennett, Jeffrey Thomson, Judy Spiller, Russell White and Jeffrey Brake.

6. The Kittery Town Council moves to elect a Chairperson for the ensuing year.

Town Manager Puff indicated that in order to elect a Chairperson there needed to be a full Council.

COUNCILOR SPILLER MOVED TO ELECT COUNCILOR PELLETIER AS CHAIRPERSON PRO TEMP, SECONDED BY COUNCILOR THOMSON.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

7. The Kittery Town Council moves to elect a Vice Chairperson for the ensuing year. – No action was taken.

8. Agenda Amendment and Adoption –

Councilor Dennett stated they should postpone action on 12b and 14 until there was a full Council. Councilor Thomson indicated that he thought items 15b & c should also wait until there was a full Council.

The agenda was accepted as amended.

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28 9. Acceptance of Previous Minutes – 10/28/13

29 The minutes of 10/28/13 were accepted as amended.

30 10. Interviews for the Board of Appeals – None

31 11. All items involving the town attorney, town engineers, town employees or other town
32 consultants or requested officials –

33 a. The Kittery Town Council moves to adopt a Resolution Authorizing Issuance of
34 Bonds, and Temporary Notes in Anticipation of Bonds, in the Principal Amount of \$150,000 to
35 Fund the Purchase of Two Agricultural Easements on Rustlewood Farm owned by the Johnson
36 Family to be Held by the Kittery Land Trust.

37 **COUNCILOR SPILLER MOVED TO ADOPT A RESOLUTION AUTHORIZING**
38 **ISSUANCE OF BONDS, AND TEMPORARY NOTES IN ANTICIPATION OF BONDS,**
39 **IN THE PRINCIPAL AMOUNT OF \$150,000 TO FUND THE PURCHASE OF TWO**
40 **AGRICULTURAL EASEMENTS ON RUSTLEWOOD FARM OWNED BY THE**
41 **JOHNSON FAMILY TO BE HELD BY THE KITTEERY LAND TRUST, SECONDED BY**
42 **COUNCILOR BRAKE.**

43 Attorney Stockmeyer came to the podium and stated that he was in the process of
44 preparing to close on a \$150,000 bond anticipation note at Rustlewood Farm. He continued that
45 voters had ratified all three ordinances relative to Rustlewood Farm in June but an issue had
46 arisen in July as to whether further action was needed by Council. Attorney Stockmeyer noted
47 that Council needed to be consistent with what was done with the sewer ordinances to avoid any
48 confusion.

49 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
50 **OPPOSED. MOTION PASSES 5/1.**

51 b. The Kittery Town Council moves to discuss a desired method of tracking revenues
52 and expenses for Fort Foster with the Finance Director.

53 Cindy Saklad, Finance Director, came to the podium and stated that she was making
54 suggestions to track the expenses at Fort Foster. She continued that there was currently one
55 account for the entire parks system and she was suggesting that they split it into two accounts,
56 one for parks and one for Fort Foster. Ms. Saklad indicated that she believed the best way to do
57 this would be to allocate the budget between the two entities. Councilor Spiller stated she
58 thought they should add Seapoint Beach and Crescent Beach in with Fort Foster. Councilor
59 Pelletier indicated that he thought they should keep Fort Foster separate. Councilor Thomson
60 noted there were not tremendous expenses at Seapoint and Crescent and did not think it would be

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61 a problem having all three together. Councilor indicated they were all in favor of endorsing the
62 Finance Director's report.

63 **COUNCILOR SPILLER MOVED TO SPLIT THE PARKS ACCOUNT INTO**
64 **TWO ACCOUNTS, ONE FOR PARKS AND THE OTHER FOR FORT FOSTER,**
65 **SEAPOINT BEACH AND CRESCENT BEACH, SECONDED BY COUNCILOR**
66 **THOMSON.**

67 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
68 **6/0.**

69 12. PUBLIC HEARINGS -

70 a. (110113-1) The Kittery Town Council moves to continue its public hearing on the
71 application from Michael Landgarten, 315 US Route 1 for a Victualer's license for Lil's, 7-17
72 Wallingford Square, Kittery.

73 Chairperson Pelletier reopened the public hearing and no response being heard, closed
74 the public hearing.

75 **COUNCILOR THOMSON MOVED TO APPROVE AN APPLICATION FROM**
76 **MICHAEL LANDGARTEN, 315 US ROUTE 1 FOR A VICTUALER'S LICENSE FOR**
77 **LIL'S, 7-17 WALLINGFORD SQUARE, KITTERY, SECONDED BY COUNCILOR**
78 **SPILLER.**

79 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
80 **6/0.**

81 b. (110113-2) The Kittery Town Council moves to hold a public hearing on
82 amendments to the Kittery Town Code, Title 10, Chapter 10.1, Rules of the Road, 10.1.9, Traffic
83 Restrictions – Trucks, Buses and Tractor-Trailer Vehicles, 10.2, Stop Intersections Designated,
84 10.2.2.1 – on Public Ways, and 10.3, Stopping, Standing and Parking, 10.3.1, General Parking
85 Regulations, 10.3.1.1, Prohibited at All Times, and 10.3.1.5, Time Period Restrictions.

86 Chairperson Pelletier opened the public hearing.

87 Dave Linscott came to the podium and stated that he supported the amendment, He
88 continued there was a major traffic problem and thought this would be a good step towards
89 correcting the problem.

90 Town Planner Mylroie came to the podium and indicated this was brought forward
91 because of residents' concerns in the Shapleigh Road neighborhood relative to speeding, large
92 trucks and stop signs. He continued they were looking to restrict large vehicles from going
93 through the neighborhood by establishing weight limits. Town Planner Mylroie explained the

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94 sign changes would be to add a stop sign at the intersection of Government and Jones and to
95 change three of the 2 hour limit signs at the old Bank of America parking lot to 30 minute limits.
96 He also stated they were looking to add signs clarifying that there was no parking around the
97 Memorial Circle.

98 Police Chief Short came to the podium and stated that he agreed with most of the items
99 proposed but he was opposed to the short term parking limits as he thought there was already
100 limited parking in the Foreside and that he thought it might open up requests from other
101 businesses. He continued he thought the signs at the Memorial Circle were a non-issue as there
102 was nowhere to park there.

103 Town Planner Mylroie indicated that he had spoken with MDOT who told him that the
104 town was not able to impose weight restrictions because it was a state road, but that the town
105 could post truck route signs.

106 Michael Landgarten came to the podium and stated that it was his business that was
107 requesting the parking time limit change. He continued that three spots would be changed and it
108 would only be from 6 AM to 10 AM and that he did not think that morning parking was tight.

109 Norm Albert, interim Commissioner of Public Works came to the podium and asked what
110 the weight limit would be. Town Planner Mylroie responded that it would be 10,000 pounds and
111 that the town had adopted the same for similar types of streets. Mr. Albert indicated that he
112 thought some of the town trucks were over 10,000 pounds and that it might make more sense to
113 restrict by axle.

114 David Lincoln came to the podium and asked if they restricted the parking limits in the
115 Foreside, was the police department ready to enforce those new limits. Mr. Lincoln continued
116 that he supported the truck signage on Rogers Road.

117 Bob Harris came to the podium and asked if they prohibited trucks, which route would
118 they take. He continued that he did not think the other routes would work and that they could
119 possibly lift the restrictions when school was out for the summer.

120 Chairperson Pelletier then closed the public hearing.

121 **COUNCILOR THOMSON MOVED TO CONTINUE THIS PUBLIC HEARING**
122 **UNTIL NOVEMBER 25TH, SECONDED BY COUNCILOR SPILLER.**

123 Chairperson Pelletier stated that he supported continuing this item and that he thought it
124 would give more time to get the appropriate people together to work out the issues in advance of
125 the next meeting. Councilor White indicated that it might be a good idea to separate the items
126 that they expect to pass from the items that still need work.

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127 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
128 **6/0.**

129 c. (110113-3) The Kittery Town Council moves to hold a public hearing to repeal the
130 current Title 11 General Assistance Ordinance and to adopt the new Title 11 General Assistance
131 Ordinance, dated September 2013.

132 Chairperson Pelletier indicated that Councilor Thomson had introduced this item.
133 Chairperson Pelletier then opened the public hearing and no response being heard, closed the
134 public hearing.

135 **COUNCILOR SPILLER MOVED TO REPEAL THE CURRENT TITLE 11**
136 **GENERAL ASSISTANCE ORDINANCE AND TO ADOPT THE NEW TITLE 11**
137 **GENERAL ASSISTANCE ORDINANCE DATED SEPTEMBER 2013, SECONDED BY**
138 **COUNCILOR THOMSON.**

139 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR WHITE ABSTAINED.**
140 **MOTION PASSES 5/0/1.**

141 13. DISCUSSION

142 a. Discussion by members of the public (three minutes per person) –

143 Barry Fitzpatrick came to the podium and spoke about the recent article in the newspaper
144 regarding the vacant basketball coach position.

145 Milton Hall came to the podium and indicated that the new pier needed to be ADA
146 accessible and the funds that they took in would have to stay there.

147 David Lincoln came to the podium and stated he would be bringing up the issues with
148 committees and boards in the town at the next meeting.

149 Bob Harris came to the podium and asked if the taxes on Rustlewood Farm would come
150 down because it was now a conservation land.

151 b. Chairperson's response to public –

152 Chairperson Pelletier responded to Mr. Fitzpatrick stating that School Committee does
153 not report to Council and encouraged him to meet with the superintendent or the Maine
154 Principals Association.

155 Chairperson Pelletier responded to Mr. Lincoln that he agreed that the town could do a
156 better job managing its committees.

157 14. UNFINISHED BUSINESS –

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158 a. The Kittery Town Council moves to consider approving the boating infrastructure
159 grant (BIG) and award the construction bid including local Town of Kittery matching funds.

160 **COUNCILOR SPILLER MOVED TO POSTPONE THIS ITEM UNTIL**
161 **NOVEMBER 25, 2013, SECONDED BY COUNCILOR THOMSON.**

162 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
163 **6/0.**

164 15. NEW BUSINESS

165 a. Donations/gifts received for Council disposition – None

166 b. (110113-4) The Kittery Town Council moves to adopt its current rules for the ensuing
167 year – **postponed**

168 c. (110113-5) The Kittery Town Council moves to appoint Council members to on-
169 going Standing, Ad hoc and Council Committees – **postponed**

170 d. (110113-6) The Kittery Town Council moves to approve the disbursement warrants.

171 **COUNCILOR THOMSON MOVED TO APPROVE THE DISBURSEMENT**
172 **WARRANTS, SECONDED BY COUNCILOR BRAKE.**

173 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
174 **6/0.**

175 e. (110113-7) The Kittery Town Council moves to approve a renewal application from
176 Black Birch, Inc., 2 Government Street, for a Malt, Spirituous and Vinous Liquor License for
177 The Black Birch, 2 Government Street, Kittery.

178 **COUNCILOR SPILLER MOVED TO APPROVE A RENEWAL APPLICATION**
179 **FROM BLACK BIRCH, INC., 2 GOVERNMENT STREET, FOR A MALT,**
180 **SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE BLACK BIRCH, 2**
181 **GOVERNMENT STREET, KITTERY, SECONDED BY COUNCILOR WHITE.**

182 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
183 **6/0.**

184 f. (110113-8) The Kittery Town Council moves to appoint a representative to meet with
185 the Chair of the CIP Committee to interview Jeffrey Clifford for his appointment to that board
186 until 11/24/16.

UNAPPROVED MINUTES

187 **COUNCILOR DENNETT MOVED TO WAIVE COUNCIL RULES AND TO**
188 **REAPPOINT JEFFREY CLIFFORD TO THE CIP COMMITTEE FOR A TERM**
189 **ENDING 11/24/16, SECONDED BY COUNCILOR SPILLER.**

190 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
191 **6/0.**

192 g. (110113-9) The Kittery Town Council moves to approve the request from Project
193 Graduation to set up a voluntary toll booth, in the designated area, at the Resource Recovery
194 Facility on two consecutive Saturdays, November 16th and November 23rd, 2013.

195 **COUNCILOR SPILLER MOVED TO APPROVE THE REQUEST FROM**
196 **PROJECT GRADUATION TO SET UP A VOLUNTARY TOLL BOOTH, IN THE**
197 **DESIGNATED AREA, AT THE RESOURCE RECOVERY FACILITY ON TWO**
198 **CONSECUTIVE SATURDAYS, NOVEMBER 16TH AND NOVEMBER 23RD, 2013,**
199 **SECONDED BY COUNCILOR BRAKE.**

200 Councilor Thomson indicated that no time frame was listed.

201 **COUNCILOR THOMSON MOVED TO AMEND THE MAIN MOTION TO**
202 **REFLECT THE HOURS OF 10 AM TO 3 PM, SECONDED BY COUNCILOR SPILLER.**

203 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
204 **6/0.**

205 **A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH ALL IN**
206 **FAVOR. MOTION PASSES 6/0.**

207 h. (110113-10) The Kittery Town Council moves to authorize and approve the Kittery
208 Port Authority to apply for the \$20,000 Small Harbor Improvement Program (SHIP) with a
209 \$10,000 match and to utilize the Capital Improvement Funds from Account #4052, KPA Float
210 and Ramp Program, for the upgrade to the Traip Boat Launch.

211 **COUNCILOR SPILLER MOVED TO AUTHORIZE AND APPROVE THE**
212 **KITTERY PORT AUTHORITY TO APPLY FOR THE \$20,000 SMALL HARBOR**
213 **IMPROVEMENT PROGRAM (SHIP) WITH A \$10,000 MATCH AND TO UTILIZE**
214 **THE CAPITAL IMPROVEMENT FUNDS FROM ACCOUNT #4052, KPA FLOAT AND**
215 **RAMP PROGRAM, FOR THE UPGRADE TO THE TRAIIP BOAT LAUNCH,**
216 **SECONDED BY COUNCILOR WHITE.**

217 Harbormaster Blake came to the podium and stated that the Traip boat launch needed an
218 overhaul and there was limited access at low tide. He continued they wanted to upgrade the float
219 system which will double the size of the boats that would be able to dock there. Harbormaster

UNAPPROVED MINUTES

220 Blake stated that residents have requested that it become bigger and that it was an ideal spot with
221 ideal parking.

222 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
223 **6/0.**

224 i. (110113-11) The Kittery Town Council moves to schedule a public hearing on
225 amendments to Title 16, Chapter 16.11, Marine-Related Development, namely: 16.11.1
226 Authority and Scope, 16.11.2, Application and 16.11.3 Shorefront Development Plan Review.

227 **COUNCILOR THOMSON MOVED TO SCHEDULE A PUBLIC HEARING ON**
228 **AMENDMENTS TO TITLE 16, CHAPTER 16.11, MARINE-RELATED**
229 **DEVELOPMENT, NAMELY: 16.11.1 AUTHORITY AND SCOPE, 16.11.2,**
230 **APPLICATION AND 16.11.3 SHOREFRONT DEVELOPMENT PLAN REVIEW ON**
231 **DECEMBER 9, 2013, SECONDED BY COUNCILOR SPILLER.**

232 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION**
233 **PASSES 6/0.**

234 16. COUNCILOR ISSUES OR COMMENT

235 Councilor Spiller stated she would like the town to look at the records of the John Paul
236 Jones Park relative to the park being transferred to the town.

237 Councilor Pelletier stated that he would like to thank Councilor Guy for his service and
238 welcomed Councilor White to the Council. He continued he would also like to thank Councilor
239 Dow and Sgt. Denault for both being willing to wait for the recount.

240 17. COMMITTEE AND OTHER REPORTS

241 a. Communications from the Chairperson – None

242 b. Town Manager's Report –

243 Town Manager Puff stated she would like to thank Town Clerk Place for her help in
244 transitioning into the town manager position. She continued she had been meeting with the
245 department heads and was getting up to speed. Town Manager Puff also thanked Council for the
246 reception they had for her that evening.

247 c. Committee Reports – None

248 18. EXECUTIVE SESSION – None

249 19. ADJOURNMENT

UNAPPROVED MINUTES

250 **COUNCILOR THOMSON MOVED TO ADJOURN, SECONDED BY**
251 **COUNCILOR SPILLER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:37**
252 **P.M.**

253

254

255

256

257

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

November 25, 2013

COUNCIL CHAMBERS

1. Call to Order

Town Manager Nancy Colbert Puff called the meeting to order at 7:00 P.M.

2. Introductory

Town Manager Puff read the introductory.

3. Pledge of Allegiance

Town Manager Puff led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Jeffrey Pelletier, Frank Dennett, Jeffrey Thomson, Judy Spiller, Russell White, Charles Denault and Jeffrey Brake.

5. The Kittery Town Council moves to elect a Chairperson for the ensuing year.

COUNCILOR DENAULT MOVED TO NOMINATE JEFFREY THOMSON AS CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

6. The Kittery Town Council moves to elect a Vice Chairperson for the ensuing year.

COUNCILOR DENAULT MOVED TO NOMINATE RUSSELL WHITE AS VICE CHAIRPERSON FOR THE ENSUING YEAR, SECONDED BY COUNCILOR BRAKE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

7. Agenda Amendment and Adoption –

Councilor Pelletier stated that item 14l be removed from the agenda.

The agenda was accepted as amended.

8. Acceptance of Previous Minutes – None

9. Interviews for the Board of Appeals – None

UNAPPROVED MINUTES

27 10. All items involving the town attorney, town engineers, town employees or other town
28 consultants or requested officials – None

29 11. PUBLIC HEARINGS -

30 a. (110113-1) The Kittery Town Council moves to continue the public hearing on
31 amendments to the Kittery Town Code, Title 10, Chapter 10.1, Rules of the Road, 10.1.9, Traffic
32 Restrictions – Trucks, Buses and Tractor-Trailer Vehicles, 10.2, Stop Intersections Designated,
33 10.2.2.1 – on Public Ways, and 10.3, Stopping, Standing and Parking, 10.3.1, General Parking
34 regulations, 10.3.1.1, Prohibited at All Times, and 10.3.1.5, Time Period Restrictions.

35 Chairperson Thomson stated this public hearing had begun at the last meeting and that
36 additional work had been done by the Town Manager and staff. Town Manager Puff stated they
37 had come up with a few amendments which were to strike the language “heaving trucks
38 weighing 10,000 pounds or more” and inserting “heavy trucks with three or more axles”, to
39 remove the proposal for the stop sign at the intersection of State and Walker, to change the
40 language for the stop sign at Applegate Way from public way to private way and to remove the
41 parking restriction around the circle. Councilor Thomson then reopened the public hearing.

42 Bob Harris came to the podium and indicated that he thought it would make sense to
43 make Government to Walker a one way street. He continued he did not think there was really a
44 traffic problem on Rogers Road and that he thought something might be going on behind the
45 scenes.

46 **COUNCILOR WHITE MOVED TO APPROVE THE ORDINANCE WITH THE**
47 **TOWN MANAGER’S RECOMMENDED AMENDMENTS, SECONDED BY**
48 **COUNCILOR BRAKE.**

49 Councilor Dennett noted that some streets in town would now be restricted by weight and
50 some by axles. Chief Short stated they should change the entire town code to refer to three axles.
51 Councilor Dennett stated that Applegate Way was a private way and wanted to know if it was
52 Council’s intent to put stop signs in at all driveways. Norm Albert, interim Commissioner of
53 Public Works, stated that if they residents wanted a stop sign they had to order them and put
54 them up themselves. Councilor Dennett asked why this was included in the ordinance. Town
55 Planner Mylroie responded that it was in the interest of safety to put one in. Councilor Dennett
56 stated that he had a problem with this as he thought that Manson was a superior street and this
57 would impede traffic and that he would like to offer an amendment to the main motion.
58 Councilor Spiller stated she had a problem with the parking restrictions at Wallingford Square as
59 she thought this was a Planning Board matter and did not think Council should be discussing it.
60 She continued she did not support this and would like to strike it from the main motion.

UNAPPROVED MINUTES

61 COUNCILOR SPILLER MOVED TO AMEND THE MOTION MOTION TO
62 STRIKE SECTION 10.3.1.5 G AND THAT LINES 170 & 171 SHOULD BE PARTIALLY
63 DELETED, SECONDED BY COUNCILOR PELLETIER.

64 A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR WHITE OPPOSED.
65 MOTION PASSES 6/1.

66 COUNCILOR DENNETT MOVED TO POSTPONE ACTION ON THIS ITEM
67 UNTIL DECEMBER 9, 2013, SECONDED BY COUNCILOR DENAULT.

68 A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
69 7/0.

70 12. DISCUSSION

71 a. Discussion by members of the public (three minutes per person) –

72 Bob Harris came to the podium and stated that he wanted to thank all of the citizens who
73 went out and voted.

74 David Lincoln came to the podium and stated that there had been many successful citizen
75 initiatives in town that have lead to progress. He continued that he hoped the unsightly
76 properties in town would continue to be demolished. Mr. Lincoln stated there were 22 boards
77 and committees in town and the town website only recognized 8, of which only 7 had duties and
78 responsibilities listed, and only four had agendas and minutes. He continued that no one in town
79 could find out what was going on with any of these particular groups unless they went to a
80 meeting. Mr. Lincoln indicated he would like to see the way that boards and committees are
81 handled restructured.

82 Gary Beers came to the podium and sated relative to the BIG project that it had been
83 brought up in 2009 and the monies were in a designated reserve account and no more monies
84 were needed. He continued an MOU was signed in July of 2011 and denial today would likely
85 default the signed contract and the town would lose the SHIP grant at Traip and possibly the
86 \$500,000 grant for the Fort Foster pier project. Mr. Beers stated he saw the pier project as a
87 positive for the town and urged Council for approval.

88 John Carson came to the podium and indicated that he was in favor of the BIG project
89 and the improvements to Pepperrell Cove would reduce the repair and replacement funds. He
90 continued that he thought it would have nothing but a good effect on the town and that anything
91 that improved the waterfront and attracted the maritime community was good.

92 b. Chairperson's response to public –

UNAPPROVED MINUTES

93 Chairperson Thomson responded to Mr. Lincoln that he would assure that one of the
94 charges of the new town manager would be to manage some of the issues regarding the boards
95 and committees in town.

96 Councilor Thomson thanked Mr. Beers and Mr. Carson for their input on the BIG project.

97 13. UNFINISHED BUSINESS --

98 a. The Kittery Town Council moves to consider approving the boating infrastructure
99 grant (BIG) and award the construction bid including local Town of Kittery matching funds.

100 **COUNCILOR SPILLER MOVED TO APPROVE THE BOATING**
101 **INFRASTRUCTURE GRANT (BIG) AND AWARD THE CONSTRUCTION BID**
102 **INCLUDING LOCAL TOWN OF KITTERY MATCHING FUNDS, SECONDED BY**
103 **COUNCILOR WHITE.**

104 Councilor Dennett asked if the pump-out facilities were included in the BIG grant. KPA
105 Chairperson Melanson responded that they were not currently.

106 **A ROLL CALL VOTE WAS TAKEN ON THE MOTION WITH COUNCILOR**
107 **DENNETT OPPOSED. MOTION PASSES 6/1.**

108 14. NEW BUSINESS

109 a. Donations/gifts received for Council disposition -- None

110 b. (110213-1) The Kittery Town Council moves to adopt its current rules for the ensuing
111 year.

112 **COUNCILOR DENNETT MOVED TO ADOPT COUNCIL'S CURRENT RULES**
113 **FOR THE ENSUING YEAR WITH A LAST AMENDED DATE OF MARCH 25, 2013,**
114 **SECONDED BY COUNCILOR SPILLER.**

115 **A ROLL CALL VOTE WAS TAKEN ON THE MOTION WITH ALL IN FAVOR.**
116 **MOTION PASSES 7/0.**

117 c. (110213-2) The Kittery Town Council moves to appoint Council members to on-
118 going, Standing, Ad hoc and Council Committees.

119 CIP Committee -- Councilor Denault
120 Comprehensive Plan Update Committee -- Councilor White
121 Economic Development Committee -- Councilors Denault and Thomson
122 Eliot Sewer Committee -- Gary Beers
123 Kittery Community Center -- Chairperson Thomson
124 Mary Safford Wildes Trust -- Chairperson Thomson

UNAPPROVED MINUTES

- 125 Open Space Advisory Committee – Councilor White
- 126 Recycling Scholarship Committee – Councilor Denault
- 127 Safford School Preservation Committee – Councilor Spiller
- 128 Shared Services Committee – Councilors Denault and Spiller
- 129 Thresher Memorial Committee – Gary Beers
- 130 Warrant Review for Municipal Expenses – Councilors Dennett, Brake and Pelletier
- 131 Warrant Review for Employee Wages and Benefits – Councilors Brake, Thomson and
- 132 White
- 133 Warrant Review for School Expenses – Councilors Thomson, Brake and Spiller
- 134 Wood Island Preservation Committee – Councilors Spiller and Pelletier
- 135

136 **COUNCILOR DENNETT MOVED TO APPOINT COUNCIL MEMBERS TO**
137 **ON-GOING STANDING, AD HOC AND COUNCIL COMMITTEES AS PRESENTED,**
138 **SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.**

139
140 d. (110213-3) The Kittery Town Council moves to approve the disbursement warrants.

141 **COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT**
142 **WARRANTS, SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.**

143 e. (110213-4) The Kittery Town Council moves to authorize the Town Manager to close
144 departments with the exception of essential personnel, the day after Thanksgiving, November
145 29th, a half day on Christmas Eve, December 24th, and at 3:00 P.M. on New Year's Eve,
146 December 31st, with the understanding that employees will use their personal accumulated time.

147 **COUNCILOR SPILLER MOVED TO AUTHORIZE THE TOWN MANAGER TO**
148 **CLOSE DEPARTMENTS WITH THE EXCEPTION OF ESSENTIAL PERSONNEL,**
149 **THE DAY AFTER THANKSGIVING, NOVEMBER 29TH, A HALF DAY ON**
150 **CHRISTMAS EVE, DECEMBER 24TH, AND AT 3 PM ON NEW YEAR'S EVE,**
151 **DECEMBER 31ST, WITH THE UNDERSTANDING THAT EMPLOYEES WILL USE**
152 **THEIR PERSON ACCUMULATED TIME, SECONDED BY COUNCILOR BRAKE.**

153 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
154 **7/0.**

155 f. (110213-5) The Kittery Town Council moves to approve and sign the policy on
156 Treasurer's Disbursement Warrants for Employee Wages and Benefits, to expire on November
157 30, 2014 and designate three Councilors, _____, _____, and _____
158 _____ who may review, approve and sign such warrants.

159 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE POLICY ON**
160 **TREASURER'S DISBURSEMENT WARRANTS FOR EMPLOYEE WAGES AND**
161 **BENEFITS, TO EXPIRE ON NOVEMBER 30, 2014 AND DESIGNATE THREE**
162 **COUNCILORS, BRAKE, THOMSON AND WHITE WHO MAY REVIEW, APPROVE**

UNAPPROVED MINUTES

163 **AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR BRAKE WITH ALL IN**
164 **FAVOR.**

165 g. (110213-6) The Kittery Town Council moves to approve and sign the policy on
166 Treasurer's Disbursement Warrants for Municipal Expenses to expire on November 30, 2014
167 and designate three Councilors, _____, _____, and _____
168 _____, who may review, approve and sign such warrants.

169 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE POLICY ON**
170 **TREASURER'S DISBURSEMENT WARRANTS FOR MUNICIPAL EXPENSES TO**
171 **EXPIRE ON NOVEMBER 30, 2014 AND DESIGNATE THREE COUNCILORS,**
172 **DENNETT, BRAKE AND PELLETIER, WHO MAY REVIEW, APPROVE AND SIGN**
173 **SUCH WARRANTS, SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

174 h. (110213-7) The Kittery Town Council moves to approve and sign the School
175 Department policy on General Disbursement Warrants for Educational Expenses to expire on
176 November 30, 2014 and designate three Councilors, _____,
177 and _____, who may review, approve and sign such warrants.

178 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE SCHOOL**
179 **DEPARTMENT POLICY ON GENERAL DISBURSEMENT WARRANTS FOR**
180 **EDUCATIONAL EXPENSES TO EXPIRE ON NOVEMBER 30, 2014 AND DESIGNATE**
181 **THREE COUNCILORS, THOMSON, BRAKE AND SPILLER, WHO MAY REVIEW,**
182 **APPROVE AND SIGN SUCH WARRANTS, SECONDED BY COUNCILOR BRAKE**
183 **WITH ALL IN FAVOR.**

184 i. (110213-8) The Kittery Town Council moves to approve and sign the School
185 Department policy on Disbursement Warrants for School Employee Wages and Benefits to
186 expire on November 30, 2014.

187 **COUNCILOR SPILLER MOVED TO APPROVE AND SIGN THE SCHOOL**
188 **DEPARTMENT POLICY ON DISBURSEMENT WARRANTS FOR SCHOOL**
189 **EMPLOYEE WAGES AND BENEFITS TO EXPIRE ON NOVEMBER 30, 2014,**
190 **SECONDED BY COUNCILOR BRAKE, WITH ALL IN FAVOR.**

191 j. (110213-9) The Kittery Town Council moves to schedule a public hearing on
192 amendments to Title 16, 16.10.9.1.4 Approved Plan Expiration and 16.5.2.4, Permit Period.

193 **COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING ON**
194 **AMENDMENTS TO TITLE 16, 16.10.9.1.4 APPROVED PLAN EXPIRATION AND**
195 **16.5.2.4, PERMIT PERIOD ON DECEMBER 9TH, SECONDED BY COUNCILOR**
196 **BRAKE WITH ALL IN FAVOR.**

UNAPPROVED MINUTES

197 k. (110213-10) The Kittery Town Council moves to schedule a public hearing on
198 amendments to Title 16, Chapter 16.11, Marine-Related Development, 16.11.1 Authority and
199 Scope, 16.11.2, Application and 16.11.3, Shorefront Development Plan Review.

200 **COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING ON**
201 **AMENDMENTS TO TITLE 16, CHAPTER 16.11, MARINE-RELATED**
202 **DEVELOPMENT, 16.11.1 AUTHORITY AND SCOPE, 16.11.2, APPLICATION AND**
203 **16.11.3, SHOREFRONT DEVELOPMENT PLAN REVIEW ON DECEMBER 9TH,**
204 **SECONDED BY COUNCILOR BRAKE WITH ALL IN FAVOR.**

205 m. (110213-11) The Kittery Town Council moves to appoint a representative to meet
206 with the Chair of the Parks Commission and Tom Hibsichman, who is moving from an associate
207 member to a full membership until May 3, 2015 (replacing MJ Blanchette).

208 Councilor Dennett stated he would like this item to be held over to figure out
209 membership issues until December 9th.

210 15. COUNCILOR ISSUES OR COMMENT

211 Councilor Brake indicated that there was one dangerous building left in town and wanted
212 to know what was going to be done about it and possibly get a proposal on how much it would
213 cost the town to demolish it.

214 Councilor Spiller indicated that she would like to schedule a goal setting session for
215 sometime in January.

216 Councilor Spiller stated she wanted to thank the public safety officials for their great
217 work during the wind storm the previous weekend.

218 Councilor Denault noted that he would like to establish a committee relative to Channel
219 22 to get it moving forward and would like to include one or two students on the committee.

220 Councilor Denault stated there were various remote installation locations around town
221 and would like to know which ones had not been completed. He continued there was a contract
222 in place with Comcast and it needed to be rectified.

223 Chairperson Thomson noted there were two signs in the Foreside which were rusted
224 badly and needed to come down and the street light in front of the Corner Pub needed to be
225 replaced.

226 16. COMMITTEE AND OTHER REPORTS

227 a. Communications from the Chairperson –

UNAPPROVED MINUTES

228 Chairperson Thomson indicated he would be holding a listening session on January 6th at
229 7 PM with businesses and residents regarding a plan to start giving people a reason to come to
230 Kittery over the new bridge. Councilor Spiller stated she thought the Planning Board should also
231 attend.

232 Chairperson Thomson noted they would schedule a goal setting workshop on January 6th
233 at 6 PM.

234 b. Town Manager's Report –

235 Town Manager Puff indicated relative to the John Paul Jones Park, that she had contacted
236 the state and they were interested in reviving the conversation.

237 Town Manager Puff stated relative to the truck route down Rogers Road, that the town
238 could not restrict the traffic but could petition to limit the traffic on the road. She continued that
239 the Navy Yard directed trucks to go down Route 1 to Walker. Town Manager Puff indicated that
240 the Yard was willing to talk to the town as there was some disagreement on which route the
241 trucks should use and that there were pros and cons to each route.

242 Town Manager Puff stated relative Mr. Harris's recent question regarding taxes at
243 Rustlewood Farm, and noted that there was no change in valuation.

244 Town Manager Puff noted that she wanted to schedule an executive session regarding
245 union negotiations.

246 Town Manager Puff thanked Council and the community for a warm welcome to town.

247 Town Manager Puff indicated that there were ongoing talks relative to regional efforts
248 and that Eliot had reached out to Kittery regarding possibly sharing a CEO.

249 Town Manager Puff stated that the public safety officials had done an excellent job
250 during the storm the previous weekend.

251 c. Committee Reports –

252 Councilor Thomson stated the KCC was working on a strategic plan and would have a
253 report to Council soon.

254 17. EXECUTIVE SESSION – None

255 18. ADJOURNMENT

256 **COUNCILOR SPILLER MOVED TO ADJOURN, SECONDED BY COUNCILOR**
257 **DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:43 P.M.**

Report to the Kittery Town Council

1 **Responsible Individuals:**

Date: 12/9/2013

2 Jessa Kellogg, Shoreland Resource Officer
3 Kristie Rabasca, Integrated Environmental Engineering

4
5 **Subject:** Endorsement of the Stormwater Program Management Plan for York County MS4s

6
7 **Overview of the Regulatory Program:**

8 The Town of Kittery is of one thirty (30) municipalities in the State of Maine subject to the
9 General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer
10 Systems (MS4s) which was issued by the Maine Department of Environmental Protection (DEP)
11 on July 1, 2013. Because the permit is a Clean Water Act-based Maine Pollution Discharge
12 Elimination System (MEPDES) permit, it is limited in duration of five (5) years, and therefore
13 expires on June 30, 2018. This is the third 5-year permit, with the first being issued from 2003-
14 2008 and the second from 2008-2013.

15
16 The York County MS4 group is comprised of the towns of Kittery, Eliot, Berwick, South Berwick
17 and York. The Stormwater Program Management Plan for York County MS4s describes how the
18 towns will reduce or eliminate polluted stormwater runoff to the Maximum Extent Practicable
19 within their Urbanized Areas, from their MS4 infrastructure. This Plan must be substantially
20 implemented by June 30, 2018 and contains six Minimum Control Measures (MCMs) that are
21 required to be addressed.

- 22
- 23 1. Public Education and outreach on stormwater impacts
 - 24 2. Public involvement and participation
 - 25 3. Illicit discharge detection and elimination
 - 26 4. Construction site stormwater runoff control
 - 27 5. Post-construction stormwater management in new development and redevelopment
 - 28 6. Pollution prevention/good housekeeping for municipal operations
- 29

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

33
34 The two prior General Permits also required that the Plan address these six MCMs, but the
35 specific requirements related to each MCM have changed with each permit. In many cases, the
36 towns are required to continue with a program that they developed under a prior General
37 Permit.

38
39 This is a list of the changes to this 2013-2018 General Permit:

- 40 1. BMP 1.3 Municipal (Permit) Awareness Plan and Implementation
- 41 2. BMP 1.6 Targeted Outreach in Priority Watershed or Statewide Issue
- 42 3. BMP 3.3 More outfall and ditch inspections than before (Outfall inspections required
43 in full Urbanized area instead of only in Spruce Creek, and last permit cycle, we only
44 developed a ditch inspection program – now it needs to be implemented)

Report to the Kittery Town Council

- 45 4. BMP 3.5 Document and Evaluate Aging Septic Systems
- 46 5. BMP 3.6 Work with Kittery Water District to Assess if Potable Water Discharges
- 47 impact MS4
- 48 6. BMP 3.7 Work with DMR to assess sources of Bacteria in impaired waters
- 49 7. BMP 6.1 Operations at Municipal Properties (ensure that operations are stormwater
- 50 friendly – this one is not new, it is just more stringent than before)
- 51 8. BMP 6.5 Stormwater Pollution Prevention Plan at Resource Recovery Center/Public
- 52 Works - the following are new elements that have already begun to be
- 53 implemented:
- 54 Wet weather monitoring of runoff
- 55 Dry weather good housekeeping inspections
- 56

57 This General Permit requires the signature of the principal executive officer of the Town of
58 Kittery by December 20, 2013. Town Managers are considered to be the principal executive
59 officers of the Town, and so many Towns do not bring these plans before their councils or
60 selectmen. However, in some communities the Town Manager has decided to go before Council
61 or their Selectmen to educate and present the five year plan. Cape Elizabeth has a long-term
62 town manager and public works director and they decided to have a special presentation for
63 the 5-year plan because their general protocol for any comprehensive plan is to go before
64 Council and ask for an endorsement. York also decided to go before the Selectmen and ask for
65 an endorsement; though in both cases the plans are signed by the Town Managers.

66

67 **Recommendation:** Endorse the Stormwater Program Management Plan for York County MS4s

68

69 **Enclosure:** Stormwater Program Management Plan for York County MS4s

STORMWATER PROGRAM
MANAGEMENT PLAN

FOR

YORK COUNTY MS4s

BERWICK
ELIOT
SOUTH BERWICK
KITTERY
and
YORK

MAINE

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

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SECTION 1 INTRODUCTION

Overview of Regulatory Program

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

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

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

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

Cooperation Between Regulated Communities

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

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

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

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

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

Stormwater Program Management Plan

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

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

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

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

Minimum Control Measures (MCMs)

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

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

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

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

Annual Reporting and Record Keeping

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

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

The report must include the following:

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

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

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

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

Impaired Waters and Total Maximum Daily Load (TMDL)

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

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

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

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

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

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

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

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

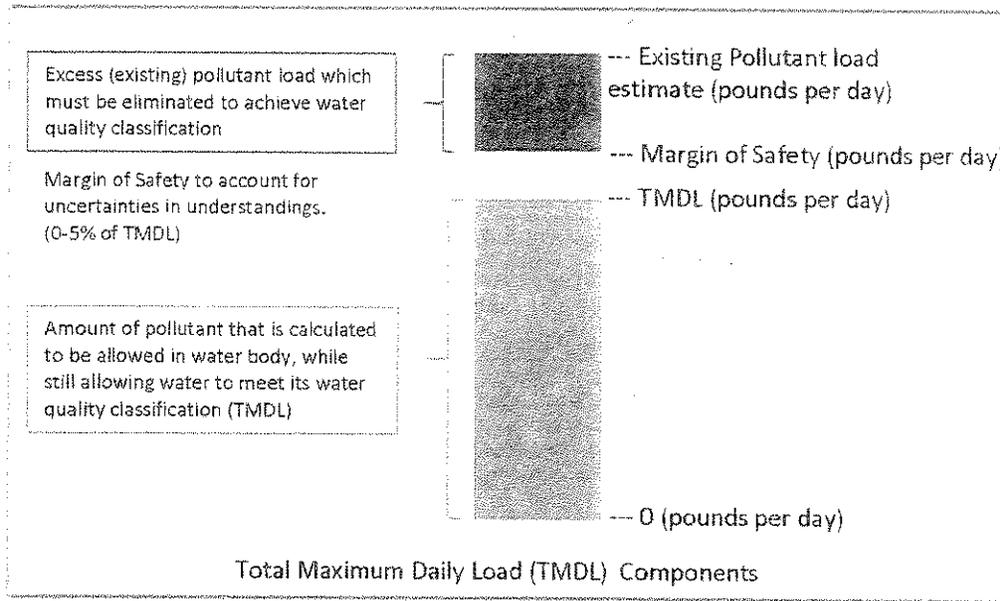


Table 1 summarizes the waters to which each community discharges, their water quality classifications, impairment status and TMDL status.

The following documents were reviewed in making these determinations:

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

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

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

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

| | Eliot 2013 | Berwick 2013 | South Berwick 2013 | Kittery 2013 | York 2013 |
|--|--|--|--|--|---|
| Permit number | MER041004 | MER041003 | MER041014 | MER041013 | MER041029 |
| All waters within Urbanized Area | Piscataqua River Estuary (SB/SC), Sturgeon Creek (B), Spinney Creek (SB), Stacey Creek (B), Great Creek (B), Adlington Creek (B), Shorey's Brook (B) | Ferguson Brook (B), Worster Brook (B), Salmon Falls River (B above Rt 9, C below Rt 9), Coffin Brook (B), Driscoll Brook (B) | Shoreys Brook (B), Quamphegan Brook (B), Lord Brook (B), Piscataqua River Estuary (SB/SC), Great Works River (B), Driscoll Brook (B), Salmon Falls River (C), Lovers Brook (B) | Piscataqua River Estuary (SC), Spruce Creek (SB), Chauncey Creek (SB), Barters Creek (SB), (all are SB north of Rt 103 and SC south of Rt 103), Libby Brook (B) | York River (B) and Harbor (SB), Barrells Millpond (SB), Cape Neddick River and Harbor (SB), Little River (SB), Dolly Gordon Brook (B), Bridges Swamp, Cefalo Swamp, Blaisdell Pond (GPA), Bragdon Island (SB), Johnson Brook (B), Southside Brook (B), Bass Cove Creek (B), North Basin (SB), Prebble Brook (B/SB), and Bridges Ice Pond (historical GPA) |
| 303d list as Category 5A - impaired and needs TMDL (not otherwise listed below) | Piscataqua River Estuary (812-2) Listed on 2012 303d list for Nutrients as Category 5-A. Eelgrass areal extent and density decreases were documented since 1996 by NH DES and Maine DMR. | | | Piscataqua River Estuary (812-2) Listed on 2012 303d list for Nutrients as Category 5-A. | |
| Salmon Falls River TMDL (DO, Phosphorus, CBOD, Ammonia and Piscataqua River for DO (1999)) | | Salmon Falls River | Salmon Falls River | | |
| Bacteria TMDL (2009) | Piscataqua River Estuary (DMR Area 1) | Salmon Falls River | Salmon Falls River, Piscataqua River Estuary (DMR Area 1) | Piscataqua River Estuary (DMR Area 1), Spruce Creek, Barters Creek, Chauncey Creek (DMR Area 2A) (and Atlantic Ocean at Sea Point Road DMR Area 3 is outside UA) | York River, York Harbor, Barrells Millpond (DMR Area 3) Little River at Atlantic Ocean, and Cape Neddick River (DMR Area 4) |
| Impervious Cover TMDL (2012) | No Waters Listed | Adams Brook (Outside UA) | Adams Brook (Outside UA) | No Waters Listed | No Waters Listed |

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

Notes:

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

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

UA - Urbanized Area

DMR - Department of Marine Resources

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

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

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

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

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

Priority Watersheds

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

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

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

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

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

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

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

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

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

Table 2
Priority Water Bodies and Subwatersheds
York County MS4s

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

Table 2
Priority Water Bodies and Subwatersheds
York County MS4s

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

Table 2
Priority Water Bodies and Subwatersheds
York County MS4s

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

SECTION 2 MINIMUM CONTROL MEASURES

MCM 1 Public Education and Outreach

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

MCM Goals

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

BMP 1.1 – Update and implement Public Stormwater Awareness Plan.

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

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

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

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

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

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Coordinator

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

BMP 1.2 – Develop and implement Municipal/Permit Stormwater Awareness Plan.

Measurable Goal 1.2.1 – By January 6, 2014 submit a Municipal/Permit Awareness Plan to raise awareness of stormwater issues including MS4 permit requirements targeting municipal employees, elected officials and volunteers within municipal government. The plan will identify:

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

Measurable Goal 1.2.2 – Unless DEP responds in writing or verbally otherwise, then as of March 1, 2014 the Municipal/Permit Awareness Plan is considered approved and implementation of the Municipal/Permit Awareness Plan will begin within one week of approval. A schedule for implementation will be included in the Plan. Progress on implementation will be documented under this Measurable Goal.

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

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

BMP 1.3 - Continue Targeted Best Management Practices Adoption efforts from previous MS4 permit cycle.

Measurable Goal 1.3.1 – In Permit Year 1, the towns of Berwick, South Berwick, Eliot and Kittery will continue select BMP adoption activities identified in the previous permit cycle's BMP Adoption Plan. Activities include:

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

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

Assisted by third party contractor (implementation and reporting)

BMP 1.4 – Update and Implement BMP Adoption Plan

Measurable Goal 1.4.1 – By November 1, 2013 submit an updated Targeted BMP Adoption Plan to encourage targeted audience to adopt or practice specific BMPs that will reduce stormwater pollution. The Plan will include:

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

Measurable Goal 1.4.2 – Unless DEP responds in writing or verbally otherwise, then as of January 15, 2014 the BMP Adoption Plan is considered approved and implementation of the Plan will begin. A detailed schedule for activities to be completed will be included in the Plan. Implementation of the Plan will be tracked under this Measurable Goal.

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

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

BMP 1.5 – Develop and Implement Targeted Outreach in Priority Watershed Plan.

Measurable Goal 1.5.1 – By July 1, 2014 submit a draft plan on how to meet either permit requirement H.1.a.iv.1 or H.1.a.iv.2. The plan will identify:

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

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

Measurable Goal 1.5.2 – by November 1, 2014 submit a final plan. Unless DEP responds in writing or verbally otherwise, then as of January 5, 2015 the Targeted Outreach in Priority Watershed Plan is considered approved and implementation will begin. A schedule for implementation will be included in the Plan. Implementation will be tracked under this Measurable Goal.

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

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

MCM 2 Public Involvement and Participation

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

MCM Goals:

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

BMP 2.1 - Public Notice Requirement

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

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

BMP 2.2 - Host Public Events

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

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Town Planner

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

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

MCM 3 Illicit Discharge Detection and Elimination

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

MCM Goals

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

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

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

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

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Community Development Director and GIS Manager

Assisted by third party contractor (GIS updates and reporting)

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

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

Discharging Ordinance by January 10, 2015.

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

Reporting - Documentation of the progress of implementing an ordinance will be provided (York only). Documentation of illicit discharge incidents and municipal enforcement actions as a result of the adopted ordinances will be included in annual reports to DEP each year of the permit, reported under BMP 3.3 Implement Dry Weather Outfall Inspection Plan.

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Code Enforcement Officer

Kittery – Sanitation Officer/Code Enforcement Officer

York – Stormwater Manager / Shoreland Resource Officer

BMP 3.3 - Implement Dry Weather Outfall Inspection Plan

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

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

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

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

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

BMP 3.4 - Develop and Implement Open Ditch Illicit Discharge Program

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

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

Reporting - Annual reports to DEP each year of the permit will include a status report on the inspections completed. Note: reporting of illicit discharge detections and actions taken will be done under BMP 3.3, Implement Dry Weather Inspection Plan.

Responsible Parties:

Berwick – Public Works Director

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Stormwater Manager / Shoreland Resource Officer

BMP 3.5 - Document and Evaluate Aging Septic Systems

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

Berwick – Entire Urbanized Area (the Salmon Falls River Watershed is the only watershed in the Urbanized Area)

South Berwick – Great Works River Watershed (encompasses the highest priority subwatershed)

Eliot – Entire Urbanized Area (Hampton River-Frontal Atlantic Ocean is the only watershed in the Urbanized Area)

Kittery – Portsmouth Harbor subwatershed (encompasses all of the Urbanized Area in the largest

Watershed: Hampton River-Frontal Atlantic Ocean Watershed).

York – Frontal Drainages of Southern York County (the only Watershed in the Urbanized Area)

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

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

Responsible Parties:

Berwick – Public Works Director

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Stormwater Manager / Shoreland Resource Officer

BMP 3.6: Coordinate with the water utility regarding water line and hydrant flushing to determine if either is a significant contributor of pollutants to the MS4

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

- Provide the water utility with a location map showing the extent of the municipal urbanized area, and the highest priority watershed(s).
- Gather information from the water utility, specific to the urbanized area and priority watershed(s), including the number and location of hydrants and details on water line or hydrant flushing that outlines procedures, including how often flushing occurs, typical flow rates and duration, where the water is conveyed, what the target or actual chlorine concentrations are, and what best practices are employed to prevent erosion and address potential pollutants.

Measurable Goal 3.6.2 - By no later than December 30, 2014, unless otherwise approved by the Department, using available GIS or other municipal mapping information, the location of hydrants will be added to the storm sewer system infrastructure map to aid in the evaluation; the municipality will work with the water utility to prioritize the hydrants or water lines that have the potential to cause exceedances of the ambient water quality criterion for chlorine when discharged through the MS4. The municipality will request a water quality progress report that documents what best management practices are being implemented for flushing activity at

the prioritized hydrants as well as the water utility's testing results of the total residual chlorine for any such discharges.

Measurable Goal 3.6.3: Permit Years 3 – 5, the municipality will request an annual water quality progress report that documents what best management practices are being implemented for flushing activity at the prioritized hydrants as well as the water utility's testing results of the total residual chlorine for any such discharges.

Measurable Goal 3.6.4: If it is determined by the end of Permit Year 3, that water line or hydrant flushing is a significant contributor of pollutants to the MS4, and the water utility has demonstrated that it will not voluntarily implement BMPs in order to reach ambient water quality criteria for chlorine, the municipality will, as soon as practicable or by no later than the end of Permit Year 4, update their IDDE ordinance to allow enforcement of discharges that cause exceedances of water quality criteria.

Reporting: The annual report will include a status update on the evaluation of water line and hydrant flushing as a significant contributor of pollutants to the MS4 and an update on subsequent actions.

Responsible Parties:

Berwick – Public Works Director
South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Stormwater Manager / Shoreland Resource Officer

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

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

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

Responsible Parties:

South Berwick – Public Works Director
Eliot – Public Works Director
Kittery – Public Works Commissioner
York – Community Development Director and Stormwater Manager / Shoreland Resource Officer

MCM 4 Construction Site Stormwater Runoff Control

MCM Goals

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

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

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

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

Responsible Parties:

Berwick – Town Planner
South Berwick – Public Works Director
Eliot – Town Planner
Kittery – Town Planner
York – Community Development Director

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

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

Responsible Parties:

Berwick – Code Enforcement Officer
South Berwick – Code Enforcement Officer
Eliot – Town Planner
Kittery – Town Planner
York – Community Development Director

BMP 4.3 - Implementing a construction site inspection program.

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

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Code Enforcement Officer

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

York – Community Development Director

MCM 5 Post-Construction Stormwater Management

MCM Goals

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

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

BMP 5.1 –Develop and Enforce Ordinance or Similar Measure

Measurable Goal 5.1.1 – By June 30, 2015 (end of Permit Year 2), the town of York will implement a Post Construction Discharge Ordinance, applicable to stormwater BMPs on sites that disturb one acre of land or more (including projects less than one acre that are part of a larger common plan of development or sale) that discharge into the MS4. This ordinance (or similar measure) must stipulate that the owner or operator of a post construction stormwater BMP provide the town with an annual report documenting that the BMP is adequately maintained and is functioning as intended or requires maintenance. If the post construction BMP requires maintenance, the owner or operator shall provide a record of the deficiency and corrective action(s) taken to the town.

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

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

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

- The cumulative number of sites that have post construction BMPs discharging into the permittee's MS4;
- A summary of the number of sites that have post construction BMPs discharging into the

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

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

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

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

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

Responsible Parties:

Berwick – Code Enforcement Officer

South Berwick – Code Enforcement Officer

Eliot – Public Works Director

Kittery – Code Enforcement Officer

York – Stormwater Manager / Shoreland Resource Officer

MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations

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

MCM Goals

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

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

BMP 6.1 Operations at Municipally Owned Grounds and Facilities

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

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

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

During the previous permit cycle, the towns of Berwick, South Berwick, Eliot, and Kittery each developed operation and maintenance procedures for the municipal operations that could impact stormwater within the Urbanized Area. The towns will continue to implement these procedures, and will implement new procedures in any new municipal properties as necessary to protect stormwater.

Reporting – The towns will provide updates on the inventories and implementation of the procedures.

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

BMP 6.2 Training

Measurable Goal 6.2.1 – Annual stormwater training will be offered by the MS4 on various topics on a rotating basis in each town depending on town-specific needs. Topics will include general MS4 permitting, operation and maintenance procedures for municipal operations, and stormwater pollution prevention plan implementation.

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Stormwater Coordinator

York – Stormwater Manager / Shoreland Resource Officer

BMP 6.3 Continue Street Sweeping Program

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

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

Responsible Parties:

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

BMP 6.4 Cleaning of Stormwater Structures Including Catch Basins

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

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

Responsible Parties:

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

BMP 6.5 Maintenance and Upgrading of Storm water Conveyances and Outfalls

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

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

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

Responsible Parties:

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

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

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

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

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

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

Responsible Parties:

Berwick – Town Planner

South Berwick – Public Works Director

Eliot – Public Works Director

Kittery – Public Works Commissioner

York – Public Works Director

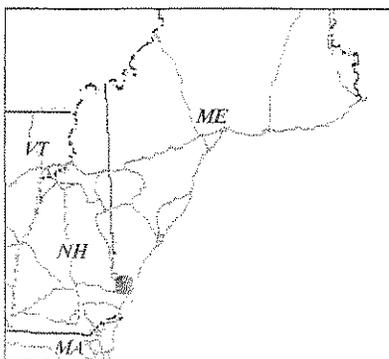
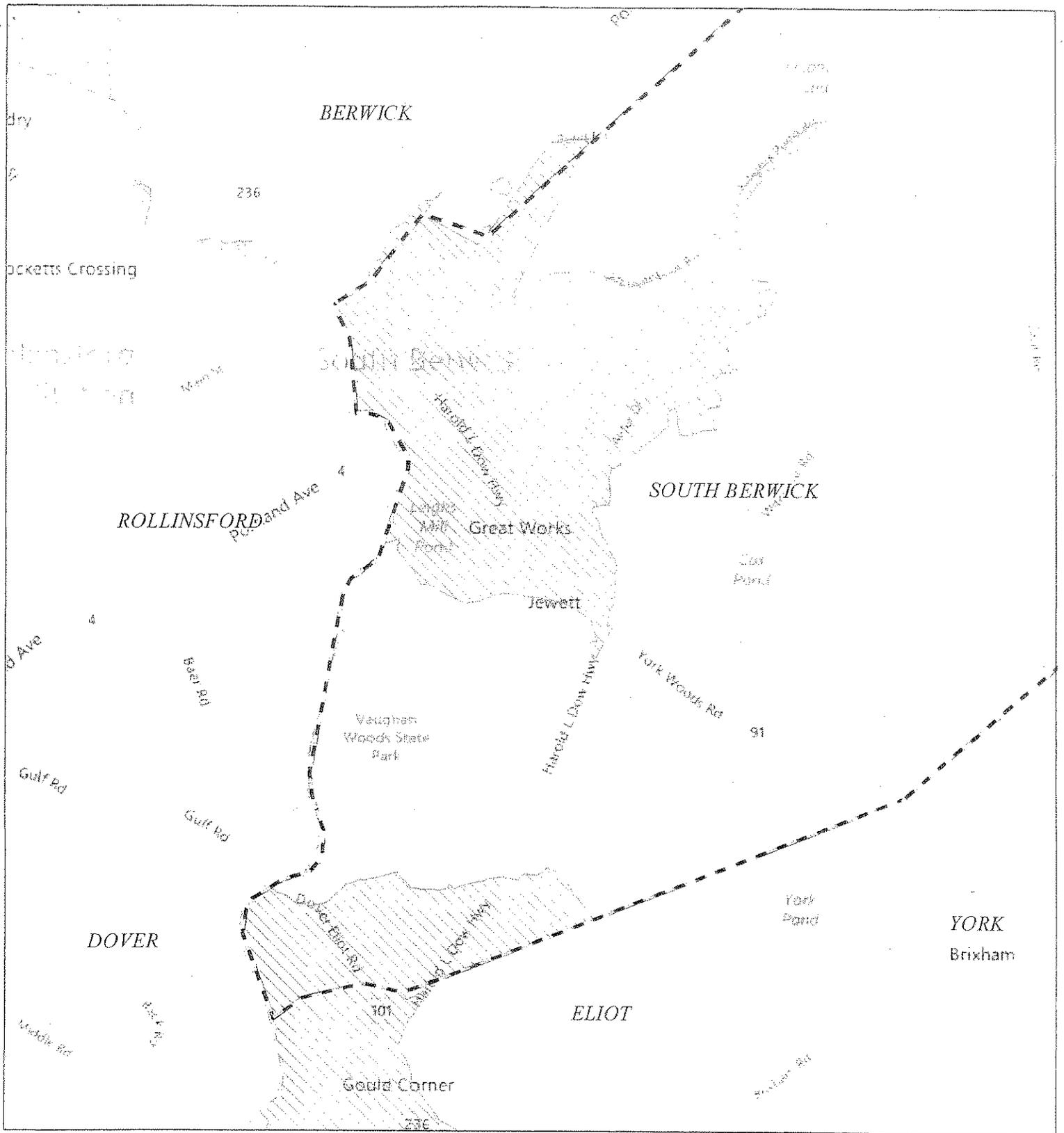
SECTION 3 GENERAL REQUIREMENTS

Certifications

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

APPENDIX A

URBANIZED AREA MAPS



NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

South Berwick ME

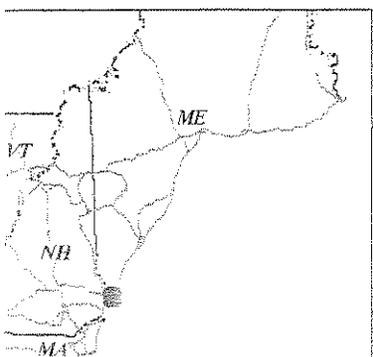
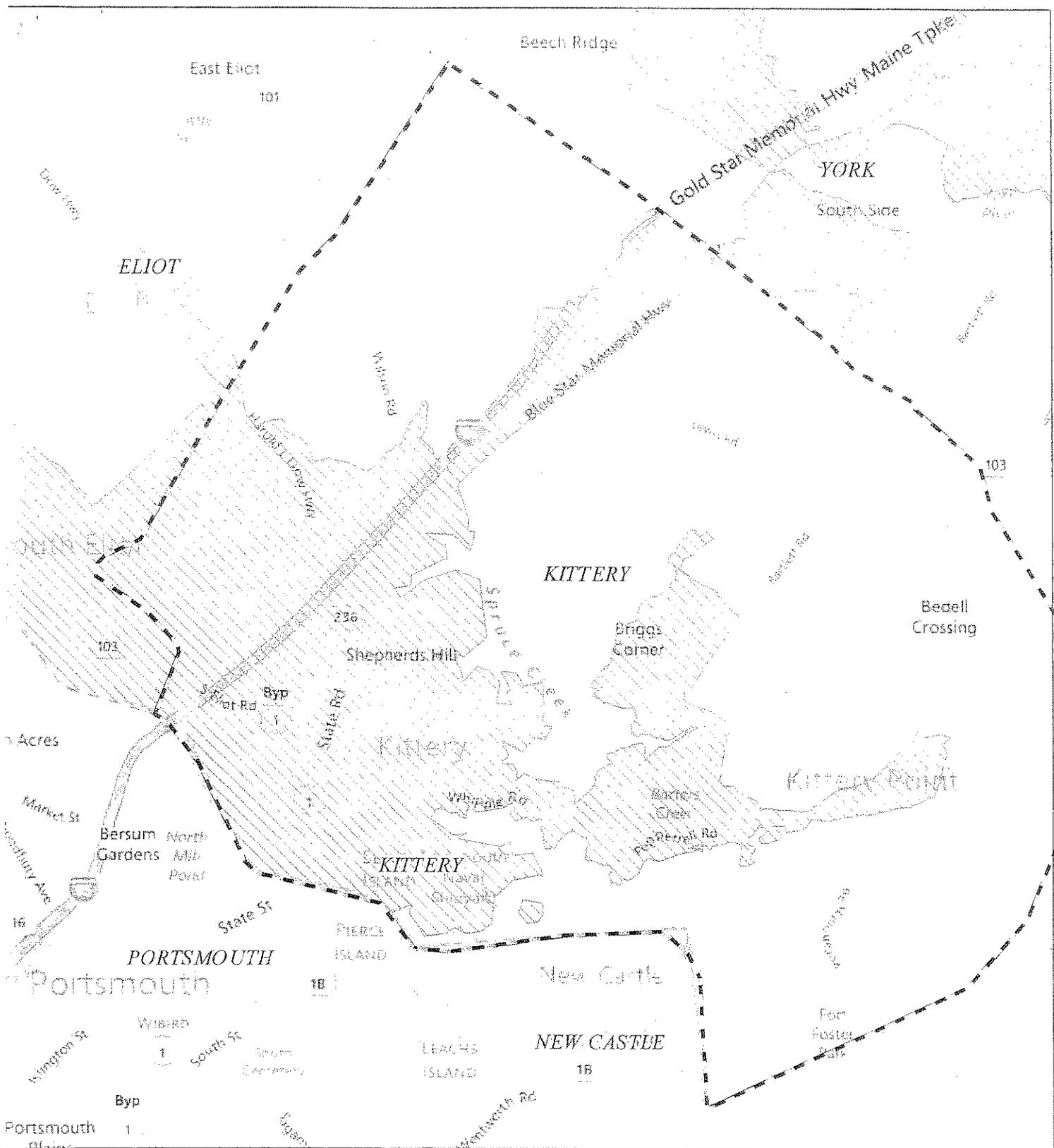
 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **7220**
Regulated Population: **4418**
(Populations estimated from 2010 Census)



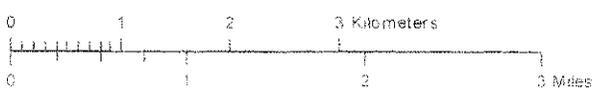
Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2010 Microsoft Corporation
and its data suppliers



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

Kittery ME

 Regulated Area (2000 + 2010 Urbanized Area)

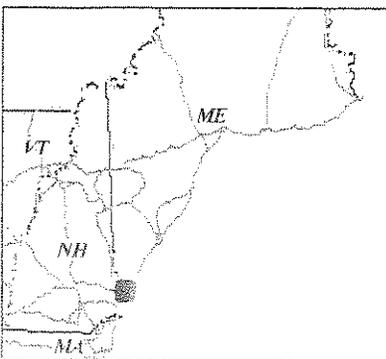


Town Population: **9945**
 Regulated Population: **7034**
 (Populations estimated from 2010 Census)



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

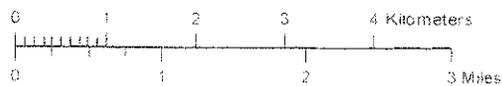




**NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas**

Eliot ME

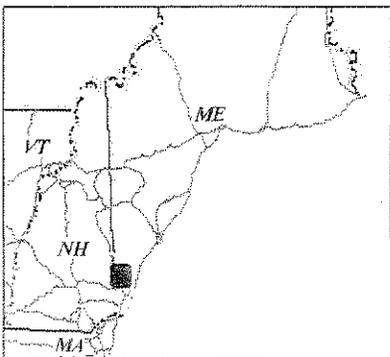
 Regulated Area (2000 + 2010 Urbanized Area)



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



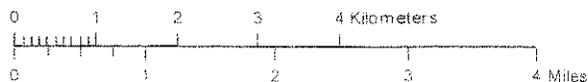
Urbanized Areas, Town Boundaries:
 US Census (2000, 2010)
 Base map © 2010 Microsoft Corporation
 and its data suppliers



NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

Berwick ME

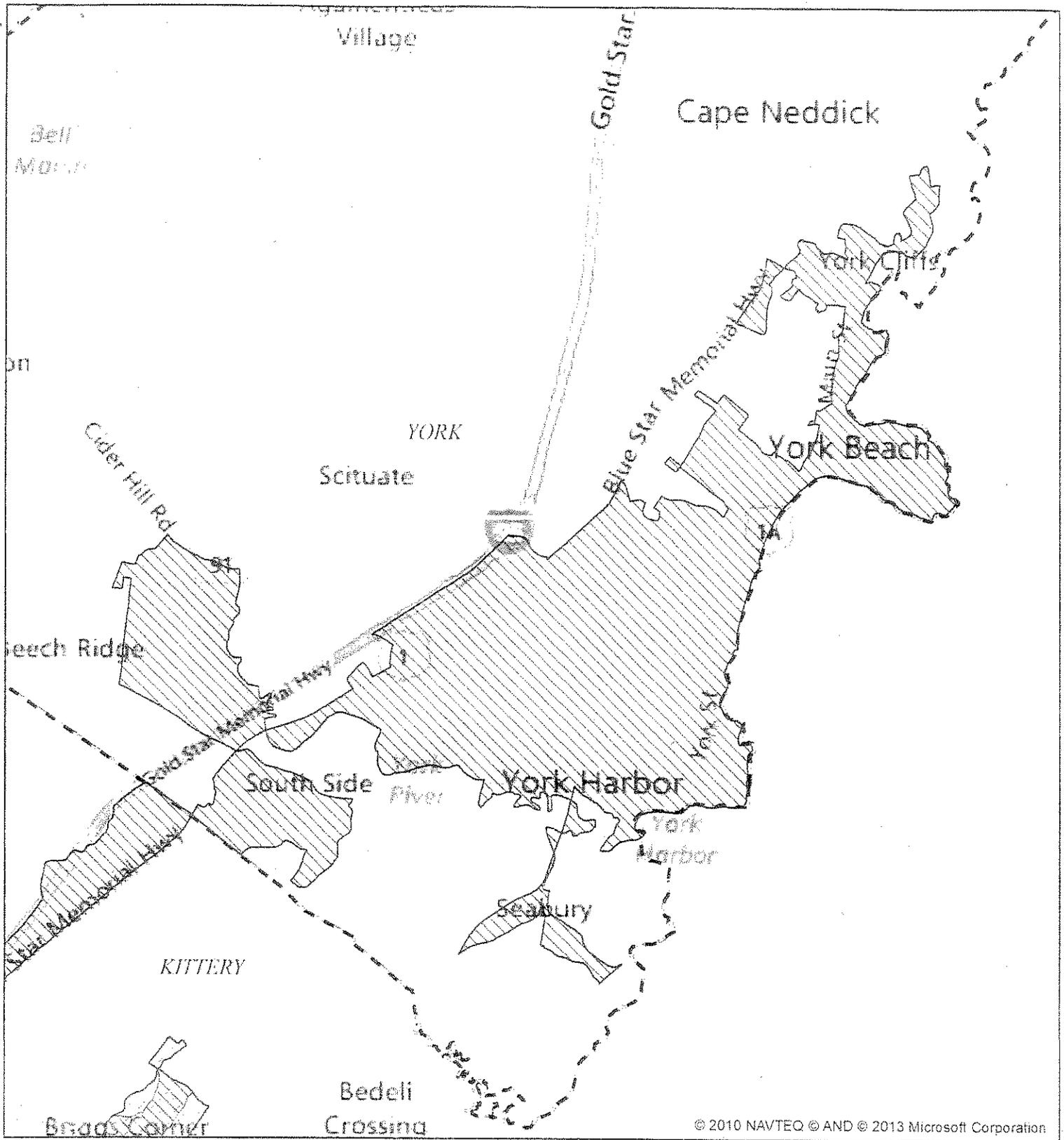
 Regulated Area (2000 + 2010 Urbanized Area)



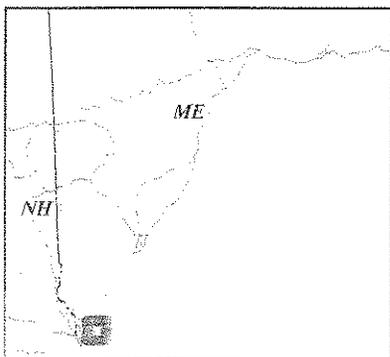
Town Population: **7146**
Regulated Population: **2430**
(Populations estimated from 2010 Census)



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



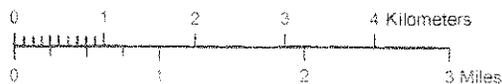
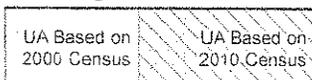
© 2010 NAVTEQ © AND © 2013 Microsoft Corporation



NPDES Phase II Stormwater Program
Automatically Designated MS4 Areas

York ME

Regulated Area:



Town Population: **12529**
Regulated Population: **6502**
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:
US Census (2000, 2010)
Base map © 2013 Microsoft Corporation
and its data suppliers

APPENDIX B

NOTICES OF INTENT

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

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

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

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

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

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

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

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

| | | | | | |
|-----------------|------|------|-----------|-----------|--------------|
| OFFICE USE ONLY | CK.# | Date | Staff | Staff | After Photos |
| NOI # | FP | | Acc. Date | Def. Date | |

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

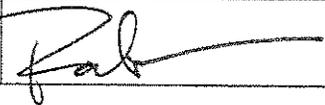
PLEASE TYPE OR PRINT IN BLACK INK ONLY

| | | | | |
|--|-----------------------------|-------------------------------|---|-----------------|
| Municipality: | Town of Berwick | Mailing Address: | 11 Sullivan Square P.O. Box 696 | |
| Town/City: | Berwick | State: | Maine | Zip Code: 03901 |
| Name and title of chief elected official or principal executive officer: | Patrick Venne, Town Manager | Mailing Address: | 11 Sullivan Square, Berwick, ME P.O. Box 696 03901 | |
| Town/City: | Berwick | State: | Maine | Zip Code: 03901 |
| Name of primary contact person responsible for MS4 stormwater management program: | John Stoll, Town Planner | Mailing Address: | 11 Sullivan Square | |
| Town/City: | Berwick | State: | Maine | Zip Code: 03901 |
| Daytime phone: (with area code) | 207-698-1101 ext. 115 | Email if available: | planning@berwickmaine.org | |
| Estimate of the area in square miles of the Urbanized Area: | 2.09 | Permit Number(if applicable): | MER041003 | |
| Name of stream(s), wetland(s) or waterbody(ies) to which the regulated Small MS4 discharges and a list of impaired waterbody(s) which receive stormwater from the Regulated Small MS4 (attach additional sheets as necessary): | Salmon Falls River | | | |
| | | | | |
| | | | | |
| | | | | |

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

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

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

| | | | |
|---|---|-------|--------|
| Signature of chief elected official or principal executive officer: |  | Date: | 7-2-13 |
|---|---|-------|--------|

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

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

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

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

| | | | |
|--|-------------------------------------|--------------------------------|------------------------|
| Municipality: | Town of Kittery | Mailing Address: | 200 Rogers Road |
| Town/City: | Kittery | State: | ME Zip Code: 03904 |
| Name and title of chief elected official or principal executive officer: | Maryann Place – Acting Town Manager | Mailing Address: | 200 Rogers Road |
| Town/City: | Kittery | State: | ME Zip Code: 03904 |
| Name of primary contact person responsible for MS4 stormwater management program: | Jessa Kellogg | Mailing Address: | 200 Rogers Road |
| Town/City: | Kittery | State: | ME Zip Code: 03904 |
| Daytime phone (with area code): | (207) 439-0333 | Email if available: | jkellogg@kitteryme.org |
| Estimate of the area in square miles of the Urbanized Area: | 6.4 square miles | Permit Number (if applicable): | MER041013 |
| Name of stream(s), wetland(s) or waterbody(ies) to which the regulated Small MS4 discharges and a list of impaired waterbody(s) which receive stormwater from the Regulated Small MS4 (attach additional sheets as necessary): | | | |
| All waters – Piscataqua River, Spruce Creek, Chauncey Creek, Barters Creek, Libby Brook | | | |
| Impaired waters – Piscataqua River Estuary (812-2) and Portsmouth Harbor (812-3) for Nutrients | | | |

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

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

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

| | | | |
|---|---|-------|---------|
| Signature of chief elected official or principal executive officer: |  | Date: | 7/18/13 |
|---|---|-------|---------|

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

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

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

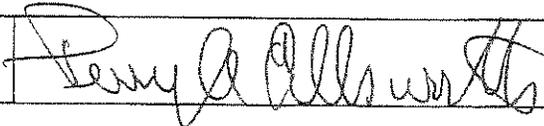
PLEASE TYPE OR PRINT IN BLACK INK ONLY

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

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

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

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

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

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

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

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

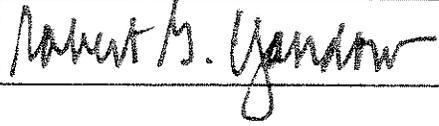
PLEASE TYPE OR PRINT IN BLACK INK ONLY

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

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

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

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

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

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

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

APPENDIX C

STATEWIDE BACTERIA TMDL CONSISTENCY EVALUATION

STATEWIDE BACTERIA TMDL CONSISTENCY EVALUATION

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

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

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

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

APPENDIX D

MUNICIPAL CERTIFICATIONS OF PLANS

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

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

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

Authorized Representative for the municipality of Berwick:

Name: [Signature] Date: 11/19/13

Title: Town Manager

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

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

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

Authorized Representative for the municipality of _____:

Name: _____ Date: _____

Title: _____

1 October 8, 2013 Revised November 20, 2013, December 3, 2013 – Final

2
3 **RESPONSIBLE INDIVIDUAL(s):** Russell B. White, Councilor
4 Theodor Short, Police Chief
5 Norm Albert, Public Works, Interim Commissioner
6 Gerald Mylroie, AICP, Town Planner / Director of Town Planning and Development
7

8 **SUBJECT: Town Municipal Code Amendment – Title 10 Stop Signs**

9
10 **BACKGROUND:**

11
12 To enforce a Town Planning Board subdivision approval condition requiring a stop sign and make other
13 improvements for public safety Town Code, Title 10 dealing with Stop Signs should be amended.
14 Specifically the amendments will:

- 15 1. Enable enforcement of an approved subdivision stop sign at Roseberry Lane;
- 16 2. Increase pedestrian safety in the Shapleigh School neighborhood by installing stop signs; (Note:
17 a prior proposal to limit large truck traffic through the neighbor is recommended to be
18 postponed.)

19
20 **CURRENT SITUATION INVOLVING TOWN COUNCIL:**

21
22 Any changes to Town Code amendments to Title 10 require Town Council approval.
23 If the Town Council is willing to consider the amendments and they are in an appropriate format, and
24 since a public hearing was scheduled and held on October 28, 2013, action is ready on the amendments.
25

26 Due to the testimony and subsequent discussion, it is recommended the main motion be amended for
27 final action by the Town Council as follows:

28
29 **Main motion** – Move to amend Town Code Title 10,
30 Section 10.1.9 Traffic Restrictions – Truck, Buses and Tractor-Trailer Vehicles;
31 Chapter 10.2. One-Way Streets, Stop Intersections and Yield Intersections Designated; and
32 and subsequently approve the proposed amendments as presented.
33

34 **Amendment motion 1** – Move to amend the main motion by withdrawing the proposed
35 amendments in Section 10.1.9 F. and G that would have limited “trucks with three or more axles.”
36

37 **Rational** - Staff recommends postponing this amendment to determine if the stop signs alone
38 will stop the large trucks from cutting through the neighborhood.
39

40 **RECOMMENDATION:** Move to amend Town Code Title 10, Chapter 10.2. One-Way Streets, Stop
41 Intersections and Yield Intersections Designated; and **approve the proposed amendment as herein**
42 **presented.**

43
44 **Enclosures**

- 45
- 46 1. Proposed Amendments – UPDATED VERSION WITH WITHDRAWN PROPOSALS DELETED.
- 47 2. Enactment Ordinance.

49 Enclosure 1 UPDATED VERSION WITH WITHDRAWN PROPOSALS DELETED.

50

51

Town of Kittery Maine Municipal Code

52

53

Title 10

54

55

VEHICLES AND TRAFFIC

56

Title 10 VEHICLES AND TRAFFIC

57

Chapter 10.2 ONE-WAY STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS
DESIGNATED

58

10.2.2 Stop Intersections Designated.

59

10.2.2.1 On Public Ways.

60

The following intersections are designated as stop intersections and stop signs are to be so
erected:

61

62

63

64

65

66

(NOTE: Following to be inserted in Section 10.2.2.1 list, alphabetically)

67

68

On Dana Avenue at Manson Road;

69

On Dana Avenue at Route 236;

70

On Manson Road at Stevenson Road (northwest corner)

71

On Manson Road at Stevenson Road (southeast corner)

72

On Roseberry Lane at Dennett Road

73

On Stevenson Road at Manson Road;

74

75

76 **Enclosure 2 – Town Council Enactment Ordinance**

77

78 **AN ORDINANCE** relating to requiring stop signs in the Shapleigh School and Roseberry Lane
79 neighborhoods by amending the Town Code, Title 10, as more particularly set forth herein.

80

81 The Council is authorized to enact this Ordinance, as specified in Section 2.07 (3) of the Town Charter
82 and 30-A M.R.S. §3001, pursuant to its powers that authorize the town, under certain circumstances, to
83 provide for the public health, safety and welfare. The Council does not intend for this Ordinance to conflict
84 with any existing state or federal laws.

85

86 **WHEREAS**, to improve public safety especially at pedestrian crossings in the area of Shapleigh Middle
87 School, most particularly on Dana Avenue and Manson Road and Stevenson Road, especially when
88 events take place at the school, due to increased school children crossings; and,

89

90 **WHEREAS**, the Town Council intends, through the adoption of this Ordinance, to provide mitigation or
91 elimination of these problems, as well as promote the safety and welfare of area residents; and

92

93 **WHEREAS**, resolution of these conditions would allow improved safety for all school events;

94

95 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN CHARTER
96 SECTION 2.14, THE TOWN OF KITTELY HEREBY ORDAINS REVISION TO TOWN CODE TITLE 10,
97 SECTION 10.2.2.1, TO BE CODIFIED IN THE TOWN CODE, AS PRESENTED.

98

99 **Approved as to form:** {NAME}, Town Attorney

100

101 **INTRODUCED** and read in a public session of the Town Council on the ___ day of _____, 2013,
102 by: _____ {NAME} Motion to approve by Councilor _____ {NAME}, as
103 seconded by Councilor _____ {NAME} and passed by a vote of _____.

104

105 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery, Maine on the
106 ___ day of _____, 2013, _____ {NAME}, Chairperson

107

108 **Attest:** {NAME}, Town Clerk



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

Applicant's name: THE ARES, LLC
(please print)

Address: 68 WALLINGFORD SQUARE Kittery ME 03904
(please print)

Applicant's mailing address if different from above: Same

Applicant's Date of Birth: 9-4-84 Applicant's Home Telephone Number: 207-439-2886

Name of Business: AS SHOOD BOWL PIZZA
(please print)

Business Address: 68 WALLINGFORD SQUARE Kittery ME
(please print)

Business Telephone Number: 207 439-9700

SIGNATURE OF APPLICANT: David Aus DATE: 11-7-13

APPLICANT'S NAME: SIDES ARES
(please print)

LICENSE FEE: \$ 50⁰⁰

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

1 Report to the Town Council – November 25, 2013

2 For consideration on 12/9/13

3 Responsible Individuals:

- 4 • Russell White, Councilor
- 5 • Tom Emerson, Chairman, Planning Board
- 6 • Gerry Mylroie, Town Planner

7

8

9

10

11

12

| |
|---|
| Title 16.10.9.1.4 – Approved Plan Expiration and Title 16.5.2.4 – Permit Period |
|---|

13

Background

14

Amendment language was proposed and discussed at meetings held on June 27 and August 22, 2013, with a public hearing and recommendation to Council on October 24, 2013.

15

16

17

Current Situation

18

Title 16.10.9.1.4 allows the Planning Board to extend plan approval not to exceed a specified period of time. The Board wished ordinance language to be clear that extensions are not guaranteed, and further wished the total approval extension period to be reduced from 10 years to 5 years (for subdivisions) to better move projects forward to completion.

19

20

21

22

Title 16.5.2.4 – Permit Period ordinance amendment is grammatical only.

23

24

Implication:

25

It is anticipated that the proposed reduction in the approval extension period will encourage a more timely start and completion of Planning Board approved projects. Additionally, subsequent ordinance changes may impact an approved project if it is not commenced or completed within a lesser time period. Inclusion of language that the Planning Board *may or may not...grant extensions* clearly states extensions are not guaranteed. Should a project not begin within the approved period, without extensions, building permits may not be issued, and the application will need to be resubmitted for Planning Board review and consideration.

26

27

28

29

30

31

32

Recommendation:

33

Move to schedule a public hearing to amend:

34

35

Title 16.10.9.1.4 Approved Plan Expiration

36

and

37

Title 16.5.2.4 Permit Period

38

39

Enclosures:

40

1. Proposed Amendment

41

2. Enactment Ordinance

42

END

43

44

45 **16.10.9.1.4 Approved Plan Expiration.**

46

47 A. A subdivision plan's approval by the Planning Board will expire if work on the
48 development has not commenced within one year or is not substantially complete within three
49 years from the date of Board approval. The Planning Board may or may not, by formal action,
50 grant extensions for an inclusive period from original approval date not to exceed ~~ten (10)~~five
51 (5) years.

52

53 B. A non-subdivision plan's approval by the Planning Board will expire if work on the
54 development is not commenced within one year or substantially complete within two years
55 from the date of Planning Board approval. The Planning Board may or may not, by formal
56 action, grant extensions for an inclusive period from original approval date not to exceed
57 three years.

58

59

60

61 **16.5.2.4 Permit Period.**

62

63 A permit expires if no substantial work has been commenced within six months from date of
64 issue. ~~and A permit expires if work is not substantially complete within two years from date~~
65 of issue. Expired permits may be renewed upon application and payment of a renewal fee.

66

67

68

69

70 END

71

1 Report to the Town Council – November 25, 2013

2 Responsible Individuals:

- 3 • Tom Emerson, Chairman, Planning Board
- 4 • Robert Melanson, Chairman, Kittery Port Authority
- 5 • Gerry Mylroie, Town Planner

6
7

| |
|--|
| Amend Title 16.11.2 and 16.11.3 Marine-Related Development |
|--|

8

9 Background

10 The Kittery Port Authority voted unanimously on April 4, 2013 to amend Title 16.11.2 and 16.11.3 related to
11 application submittal requirements. Following discussions on April 25, June 27, July 25 and September 26, the
12 Planning Board voted unanimously at a public hearing on October 24, 2013 to forward the enclosed
13 amendment for Council consideration.

14
15 Current Situation

16 Applications submitted for Port Authority review typically include DEP, Army Corps of Engineers and
17 Submerged Lands applications along with the specific designs for piers, wharves, floats, etc. These applications
18 must be submitted to the Town Planner to 'determine whether the application contains significant upland
19 development and requires Planning Board review' (16.11.3.A). If the application is determined not to require
20 Planning Board review, the KPA reviews the plans and makes a decision in accordance with KPA Rules and
21 Regulations and Title 16. Current language reads:

22
23 *Permits, leases, approvals or other documentation required to be submitted include the following:*

- 24 1. *Department of Environmental Protection permit....*
- 25 2. *Army Corps of Engineers permit;*
- 26 3. *Maine State Department of Conservation, Bureau of Parks and Lands, Submerged Land Coordinator*
27 *approval;*
- 28 4. *Building permit application.*

29 The proposed amendment language includes modification of the KPA application review process, revision of
30 application content requirements, review and reporting process, and inclusion of pre- building permit
31 requirements.

32 Implication:

33 Code language currently requires approval from federal and state review authorities prior to submittal to the
34 Planning Department or the Port Authority, which could exact a lengthy, and unnecessary, delay upon the
35 applicant prior to beginning the local review process. By comparison, the Planning Board reviews
36 development where federal and/or state review is concurrent and ongoing during the local review process.
37 Final approval may be granted with the condition that all federal and state approvals be received, prior to the
38 issuance of a site or building permit.

39
40 Recommendation:

41 Move to schedule a public hearing to amend Title 16.11.2 and 16.11.3 Marine-Related Development

42 Enclosures:

- 43 1. Proposed Amendment
- 44 2. Enactment Ordinance

45 END

1 **Chapter 16.11 MARINE-RELATED DEVELOPMENT**

2
3 **16.11.1 Authority and Scope.**

4
5 A. Port Authority approval extends from the navigable tidal waters to the mean high water
6 line or upland edge of a coastal wetland.

7
8 B. The Port Authority may approve, for convenience of access to a pier from land upland
9 of the mean high water line or the edge of a coastal wetland, an extension of the pier that
10 is the shortest practicable extension at its nominal height and width.

11
12 C. Only one pier, ramp and float structure is permitted on any noncommercial or non-
13 industrial lot.

14
15 D. Only functionally water-dependent uses are allowed on, over, or abutting a pier, wharf,
16 or other structure beyond the normal high-water line.

17
18 E. All other structures upland of, and abutting or built on or over a structure extending into
19 a water body beyond the mean high water line or the edge of a coastal wetland require
20 Planning Board approval.

21
22 F. Where the Planning Board must review and approve a development plan involving a
23 pier, ramp, flotation system or principal marine structure, ~~prior to Planning Board approval,~~
24 the Port Authority must comment on the plan's conformance with Port Authority rules and
25 regulations and navigational aspects of any proposed pier, ramp and float system or
26 principal marine structure prior to Planning Board approval.

27
28 G. The Kittery Port Authority (KPA) through its established *Rules and Regulations* reviews
29 and approves applications for piers, wharves, landings, floats, bridges, and other water-
30 dependent structures or uses. Applications are available online and at the Town Offices
31 and are submitted to the Planning and Development Department with the required copies
32 and application fee. Applications that contain upland development within 100 feet of the
33 upland edge of a coastal or freshwater wetland, must be submitted as a separate
34 application for Planning Board review and approval and include all information requires in
35 16.11.2 below.

36
37 H. KPA applications must be reviewed by the Town Planner and Code Enforcement
38 Officer prior to the KPA Chairperson reviewing for completeness and placement on the
39 Port Authority's agenda.

40
41

42 **16.11.2 Application.**

43

44 ~~A. Applications for piers, wharves, landings, floats, bridges, and other water dependent~~
45 ~~structures or uses are available online and in the Planning and Code Enforcement Offices.~~
46 ~~The completed application, including all supportive documentation, must be submitted to~~
47 ~~the Town Planner. Shorefront development applications for marine-related use must~~
48 ~~include the following:~~

49

50 ~~B. Shorefront development plans for marine related use must include the following:~~

51

52 ~~1. Map Aerial photographs and vicinity maps and plans showing the property in relation to~~
53 ~~surrounding properties, and the location of the lots that would have use of the pier, ramp~~
54 ~~and float system. Maps and plans to include:~~

55

56 ~~2a. Construction plans for piers, ramps and floats;~~

57

58 ~~3b. Clearing Areas of vegetation clearing;~~

59

60 ~~4c. Location of required parking space(s) required; and~~

61

62 ~~5d. Storage of boats and/or floats Location of boat and/or float storage.~~

63

64 ~~6. Rights granted for access to the pier, ramp and float system or to any water-~~
65 ~~dependent structure; public and private access paths;~~

66

67 ~~7. Documentation addressing visual impact and controls to assure continuing~~
68 ~~conformance to the shorefront development plan and this Code;~~

69

70 ~~8. The applicant must show at submittal that all necessary applications for~~
71 ~~Permits permits, leases, approvals, or other and any supporting documentation as may be~~
72 ~~required to be submitted have been filed, include including the following:~~

73

74 ~~1a. Department of Environmental Protection permit application pursuant to the Natural~~
75 ~~Resources Protection Act, 38 M.R.S. §480C;~~

76

77 ~~2b. Army Corps of Engineers permit application;~~

78

79 ~~3c. Maine State Department of Conservation, Bureau of Parks and Lands, Submerged~~
80 ~~Land Coordinator approval application; and~~

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d. Building permit application.

~~F5.~~ Any other details requested by the Planning Board or Port Authority.

16.11.3 Shorefront Development Plan Review.

~~A. The Town Planner will determine whether the application contains significant upland development and~~ All applications containing upland development requires Planning Board review, excluding development as described in Title 16.11.1.B.

~~B. If Planning Board review is not required,~~ the Town Planner in consultation with the Code Enforcement Officer will review the application for land use compliance with this Code, and forward ~~and issue~~ a written record of findings to the Planning Board and Port Authority, and forward the application to the Port Authority for processing.

~~C. If Planning Board or Board of Appeals review is required as an integral part of the proposed development, the Planning Board or Board of Appeals review will be completed prior to Port Authority review.~~

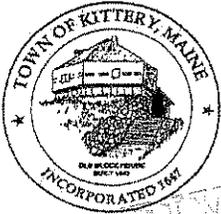
~~D.~~ The Town Planner must transmit copies of Planning Board decisions and the Code Enforcement Officer must transmit copies of Board of Appeals decisions and all documentation constituting the record of the decision for marine-related development to the Port Authority.

~~E.~~ The Port Authority will notify the applicant and the Code Enforcement Officer in writing of the granting of, or denial of, the applicant's request.

E. All required local, federal and state approvals must be received in the Planning Office prior to the issuance of a building permit by the Code Enforcement Officer.

F. Prior to the commencement of construction on any pier, dock, wharf, marina or any other proposed use that projects into a water body, the owner and/or developer must apply for, and ~~acquire~~ obtain a building permit from the Code Enforcement Officer.

END



OFFICE OF THE TOWN CLERK
TOWN OF KITTERY, MAINE

200 Rogers Road
Kittery, ME 03904
Telephone: (207) 439-0452
Fax: (207) 439-6806

RECEIVED
NOV 12 2013
BY: _____

RECEIVED
NOV 12 2013
BY: _____

BY: BB

PLEASE CHECK APPROPRIATE SQUARE:

APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

NAME: TOM HIBSCHMAN

RESIDENCE: 188 BRAVE BOAT HARBOR ROAD

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: braveboatbr@comcast.net

TELEPHONE NUMBERS: (HOME) 439-6721 (WORK) cell 475-8164

PRESENT POSITION: RESIGNED AS ASSOCIATE MEMBER

PLEASE CHECK APPROPRIATE SQUARE:

- | | | |
|----------------------------|-------------------------|------------------------------|
| Board of Appeals | Port Authority | Mary Safford Wildes Trust |
| Conservation Commission | Planning Board | Shellfish Conservation Comm. |
| Board of Assessment Review | <u>Parks Commission</u> | Other |

COMMENTS: WOULD LIKE TO BE REINSTATED AS FULL MEMBER

T.H.
SIGNATURE OF APPLICANT

NOV 8 2014
DATE

From: Tom Hibschan <braveboathbr@comcast.net>
Subject: **Tom Hibschan resigns from Parks Commission**
Date: September 12, 2011 9:21:41 PM EDT
To: Jon Carter <jcarter@kitteryme.org>
Cc: Judy.spiller@comcast.net, Page Mead <pagemead@comcast.net>, Mary-Ann Conroy <mconroy@kitteryme.org>, Gmylroie <gmylroie@kitteryme.org>



Jon Carter <jcarter@kitteryme.org>
judy.spiller@comcast.net
Page Mead <pagemead@comcast.net>
mconroy@kitteryme.org
Gmylroie <gmylroie@kitteryme.org>

9/12/11 from Tom Hibschan

I have decided to resign from the parks commission. A few reasons listed below.

1. Thanks to Page for cutting the invasive phragmites with me in the fresh water marsh at Fort Foster last November. This could have been done every month or so by a park employee in about 20 min. with a weed wacker. Nothing has been done to date and cutting now is much more work now. Left unattended it will take over more of the marsh each year.

2. There seems to be no interest in a plan for a sign program with any graphic standards or coordination.

New signs have been erected to my surprise and embarrassment (several town citizens have spoken to me recently) that are not well thought out.

For example, a huge sign describing Fort Foster was erected near the pier parking lot and was not weather proof. Grammatical errors in text as well.

An aesthetically pleasing, less costly, weather proof and smaller scale sign could have made of anodized aluminum (same as the York Historical Society has used at Barrel pond and the George Marshall store).

Two new ugly signs show x marks the spot of the old hotel.

One is set right next to the walking path and one out on the point cluttering the view.

One sign at the actual site of the hotel would have been aesthetically pleasing and informative (again anodized aluminum).

3. Graffiti spray painted on rocks at Seapoint:

Mary Ann said on May 6 "The graffiti will be taken care of by our crew, if it is not already done. My Foreman had not gotten any request earlier."

Nothing has been done to date. This will only attract more graffiti.

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



BUREAU USE ONLY

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:

- RESTAURANT (Class I,II,III,IV)
- HOTEL-OPTINONAL FOOD (Class I-A)
- CLASS A LOUNGE (Class X)
- CLUB (Class V)
- TAVERN (Class IV)

- RESTAURANT/LOUNGE (Class XI)
- HOTEL (Class I,II,III,IV)
- CLUB-ON PREMISE CATERING (Class I)
- GOLF CLUB (Class I,II,III,IV)
- OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

| | | | | | |
|--|--|--|---------------------------|--|--|
| 1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) | | | 2. Business Name (D/B/A) | | |
| The ARES, LLC | | | AJS WOOD GRILL PIZZA | | |
| EIDES ARES | | | DOB: 9/4/84 | | |
| Henry ARES | | | DOB: 5/13/68 | | |
| Address | | | Location (Street Address) | | |
| 68 WALLINGFORD SQUARE | | | 68 WALLINGFORD SQUARE | | |
| City/Town | | | City/Town | | |
| Kittery ME | | | Kittery ME | | |
| State | | | State | | |
| ME | | | ME | | |
| Zip Code | | | Zip Code | | |
| 03904 | | | 03904 | | |
| Telephone Number | | | Business Telephone Number | | |
| 207 439-9700 | | | 207 439-9700 | | |
| Fax Number | | | Fax Number | | |
| 9700 | | | | | |
| Federal I.D. # | | | Seller Certificate # | | |
| 463 905 045 | | | | | |

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 \$ _____ FOOD \$ _____ LIQUOR \$ _____
5. Is applicant a corporation, limited liability company or limited partnership? YES NO

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES NO
7. If manager is to be employed, give name: Henry ARES
8. If business is NEW or under new ownership, indicate starting date: 11-1-13
Requested inspection date: Anytime Avail Business hours: 11-9pm Sun-Thurs (11-10pm SAT-Sun)
9. Business records are located at: 68 WALLINGFORD SQUARE
10. Is/are applicant(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 |
|------------------------------|---------|----------------|
| EIDES ARES | 9-4-84 | BRASIL |
| HENRY ARES | 5-13-68 | philippines |

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

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: POLOR BEAR REALTY TRUST 13 BRIDGE ST. KITTERY, ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)
25 SEAT PIZZA RESTAURANT

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES NO Applied for: YES (11-7-2013)

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? 300 YARDS 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: PROVIDENT BANK

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: Kittery ME on November 6th, 2013
Town/City, State Date

Eides Ares
Signature of Applicant or Corporate Officer(s)
Eides ARES
Print Name

Please sign in blue ink

Henry Ares
Signature of Applicant or Corporate Officer(s)
Henry ARES
Print Name

**MAINE DEPT OF
PUBLIC SAFETY**

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



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

1. Exact Corporate Name: The ARES, LLC
Business D/B/A Name: AJ'S WOOD GRILL PIZZA
2. Date of Incorporation: OCTOBER 18, 2013
3. State in which you are incorporated: MAINE
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

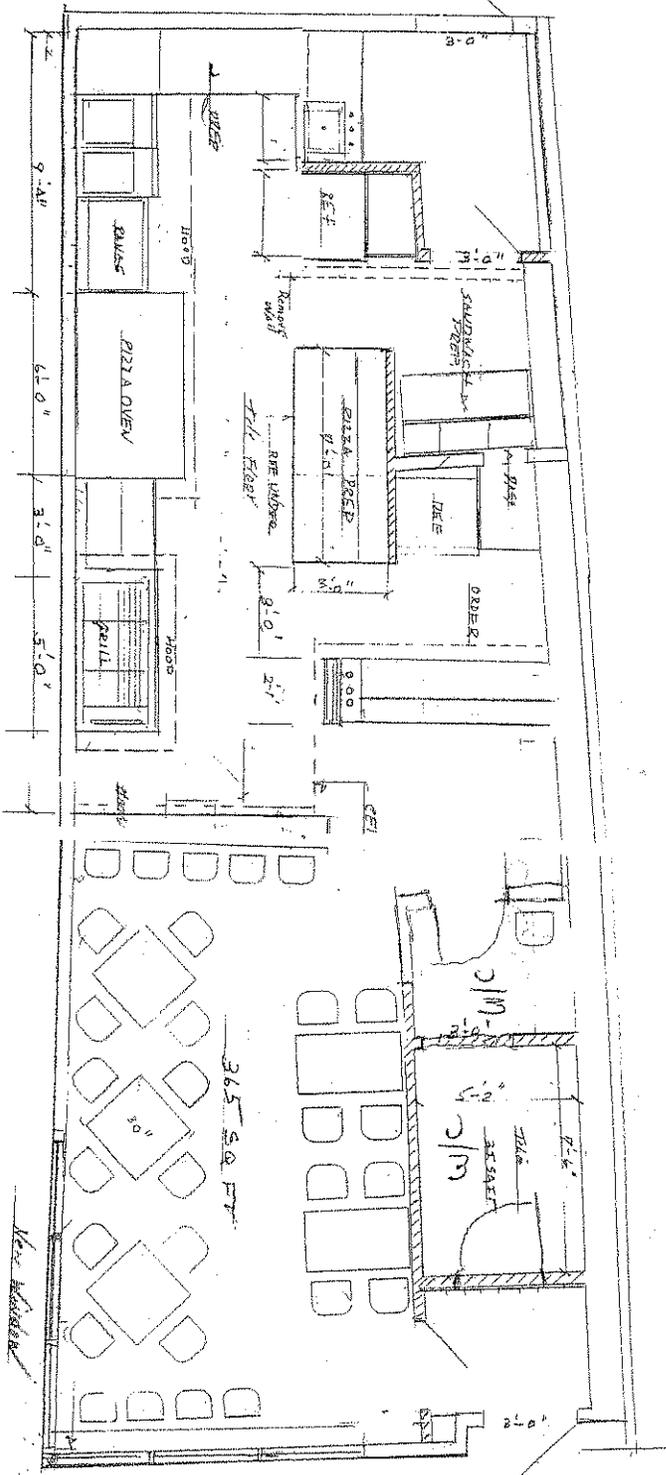
| Name | Print Clearly Address Previous 5 years | Birth Date | % of Stock | Title |
|-------------|---|---------------|---------------|-----------|
| EIDES ARES | 87 Whipple RD. Litterey ME 03904 | 9-4-84 | 50% | President |
| Heneay ARES | 87 Whipple RD. Litterey ME 03904 | 5-13-68 | 50% | President |
| | | | | |
| | | | | |

6. What is the amount of authorized stock? 100 membership units Outstanding Stock (0) units outstanding
7. Is any principal officer of the corporation a law enforcement official? Yes No
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes No
9. If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ City/Town _____ On: _____ Date _____

Eides Ares
Signature of Duly Authorized Officer

Eides Ares
Print Name of Duly Authorized Officer

11-6-2013
Date



COLE & COMPANY

Job **AJ'S**

Floor Plan

| REV | DATE |
|-----|-------------------|
| 1 | 22-Sep 10/23/8 |

SCALE 1/4" = 1'-0"

NOTICE – SPECIAL ATTENTION

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

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

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

FILING FEE..... \$ 10.00

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

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

STATE OF MAINE

Dated at: _____, Maine _____ SS

City/Town

(County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt 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.

Report to Town Council

Responsible Individuals: George Kathios

Date: 12/4/2013

Executive Summary Request for public hearing

Statement of need Request permission for the Town Manager to enter into an Agreement for a four year contract to obtain a cost savings for the IDEXX Quanti-Tray Sealer.

Background The IDEXX Quanti-Tray Sealer is a motor driven, heated roller

Facts Bearing designed to seal the IDEXX Quanti-Trays. The entire procedure is for testing fecal coliform, per our National Pollutant Discharge Elimination System (NPDES) Permit.

If the unit fails, malfunctions, or ceases to operate then there is no backup to meet the NPDES Permit. The loaner exchange ensures that the sewer department will have an emergency plan in case of equipment failure.

Current Situation Existing loaner replacement program \$1400.00

New piece of equipment costs: \$5725.00.

Proposed solution Enter into an agreement with proposed company for four years.

Rational for proposed

Solution To have coverage for four years at \$750.00 (unlimited incidents) opposed to \$1400.00 per incident.

Attached: proposal

IDEXX Sealer Care™

IDEXX Sealer Care™ is a comprehensive protection plan that ensures the Quanti-Tray® Sealer 2X is protected in the event there is a problem with the instrument. With IDEXX Sealer Care you will be in direct contact with our technical service experts, and in the event of a failure have a quality-recertified Quanti-Tray® Sealer 2X on its way to your laboratory or facility within 24 hours.

This offer is only available at the time of a Quanti-Tray Sealer 2X purchase and the coverage period is in addition to the 1-year warranty included with the Quanti-Tray Sealer 2X. Prior to the expiration of your Sealer Care coverage, you may also elect to renew your Sealer Care each year for \$400 per year.

| Coverage Options | Coverage Period | Point-of-Sale Price |
|-------------------------------------|-----------------|---------------------|
| | 1 year | \$300 |
| IDEXX Sealer Care* (95-21376-00) | 2 years | \$475 |
| | 3 years | \$675 |
| | 4 years | \$750 |

For sealers not under warranty or enrolled in IDEXX Sealer Care, customers may elect to buy a quality-recertified sealer or a new unit in the event of a sealer malfunction.

| Options | Price | Coverage |
|---|---------|--|
| Quality-Recertified Sealer (95-0000688-00) | \$1,400 | <ul style="list-style-type: none"> • 1-year warranty • Option to purchase IDEXX Sealer Care • With exchange |
| New Sealer (99-10893-01) | \$4,200 | <ul style="list-style-type: none"> • 1-year warranty • Option to purchase IDEXX Sealer Care |



idexx.com/water

IDEXX Sealer Care™ Agreement

Contact Name _____ Laboratory Name K. Hwy WPCF

Address (mail) 200 Rogers Rd (lab) 18 Dennett Rd

City K. Hwy State/Province ME ZIP/Postal Code 03904

Country USA Telephone 207 439 4646 Fax 207 439 2799

Sealer Serial Number 11-209-07166 Purchase Order Number _____

Coverage Options (check one):

IDEXX Sealer Care

Point of sale purchase:

1 year: \$300 2 years: \$475
3 years: \$675 4 years: \$750

Renewal:

1 year: \$400

Additional Options (check one):

IDEXX Sealer Care with Loaner

Point of sale purchase

1 year: \$700

Renewal:

1 year: \$800

This IDEXX Sealer Care agreement (this "Agreement") applies to the extended service plan offered by IDEXX Laboratories, Inc. or its nominee, referred to as we, us and our, to the customer signing below, referred to as you, for the IDEXX Quanti-Tray Sealer. By signing below, you agree to the terms of this Agreement. If we permit you to pay in installments, it is as an accommodation to you, and you agree to pay the entire fee for the service period you have elected.

Covered Products; Modifications: This Agreement covers only the IDEXX sealer identified by serial number above (and any replacement sealer provided under this Agreement). We will perform repair services under this Agreement at no further cost to you (and we will pay shipping costs to and from our repair facility), except in cases of improper use or mistreatment, etc. as provided below. We reserve the right to modify our service terms from time to time upon not less than 30 days notice to you.

Our Extended Service Commitment: Provided you have paid the service fee for the current service period, **if your equipment does not conform to our published specifications during the service period elected by you above, and unless you elect and pay for the "IDEXX Sealer Care with Loaner" option, we will replace your equipment with quality recertified equipment that is functionally equivalent or superior to the replaced equipment in performance. If you elected and paid for the "IDEXX Sealer Care with Loaner" option, we will repair your sealer with new parts or quality recertified parts that are equivalent or superior to new parts in performance.**

Hours of Service; Service Returns: We will provide service in accordance with our normal procedures and during our normal business hours at our service locations, except holidays. In case

of malfunction, you must first contact IDEXX Customer Support by telephone at our number provided in your product documentation. Our telephone support is available during our normal business hours, which are from 8:00 a.m. to 5:00 p.m. (ET), Monday through Friday, except holidays. Our support personnel will guide you to attempt to correct reported problems yourself. If telephone support is not successful, we will give you further instructions. We have no obligation to provide on-site service; if it is necessary to return the product, you must do so to our designated facility for examination. We will issue you a Return Authorization Number before any return. If we authorize a return, we will pay shipping costs to and from our repair facility except in cases of improper use or mistreatment, etc. as provided below in "Your Obligations; Exclusions for Improper Use, Etc." All exchanged parts and products become our property.

If you elected the standard IDEXX Sealer Care option, and we determine that you need to exchange the equipment for quality recertified equipment, we will ship you the replacement equipment by overnight delivery (if available) within 24 hours, during normal business hours, Monday-Friday, excluding holidays. You shall pack and return-ship us the malfunctioning equipment the next business day after your receipt of replacement equipment. Delayed returns are subject to daily rental charges at our then-current rate.

If you have elected the IDEXX Sealer Care with Loaner option above, we will ship you a loaner unit by overnight delivery (if available) within 24 hours, during normal business hours, Monday-Friday, excluding holidays. You shall pack and return-ship us the malfunctioning equipment the next business day after your receipt of the loaner equipment. We will ship you the repaired equipment and you shall pack and return-ship the loaner

equipment to us within two business days after your receipt of the repaired equipment. Delayed returns are subject to daily rental charges at our then-current rate.

Your Obligations; Exclusions for Improper Use, Etc.: You must take reasonable care of the equipment, maintain it in a clean and appropriate environment and carry out the routine maintenance recommended by us in the applicable user guide, instructions or other documentation or otherwise communicated to you from time to time. You must provide reasonable supporting data to help identify reported problems.

We cannot assure you of the performance of our products if you use them other than in strict accordance with our product instructions or if you use them on or in conjunction with products or services not provided and configured by us. FAILURE TO USE ONLY OUR AUTHORIZED PRODUCTS OR SERVICES IN OR ON OUR PRODUCTS VOIDS THIS AGREEMENT AND OUR OBLIGATIONS TO YOU. In addition, if your equipment is not under warranty and is not currently covered by our service plan, we may at our option inspect your equipment before we agree to provide coverage. We may charge you our then-standard rates for such inspection, and if repairs are required, we may either charge you for such repairs and replacement parts at our then-standard rates, exclude repairs to parts that have exceeded their reasonable life from service coverage, or vary your service fee accordingly. If for any period you are not covered by our service plan and wish to start or resume such coverage, resumption will be at our discretion and we may charge you the service fee for any period you were not covered.

Our service plan coverage does not cover damage resulting from any causes external to our products (which if repairable will be repaired at your expense), such as negligence or improper use or handling; casualty; external electrical fault; failure to follow packing or shipping instructions; use of unauthorized products in conjunction with our products; or repairs or modifications made by anyone other than us or our authorized service providers. We will repair normal wear-and-tear damage only to the extent required for proper functioning of equipment; cosmetic damage to equipment is not covered. If we determine that the reported problem is not covered by this Agreement, you must reimburse us for the costs of equipment shipping, and we will attempt to repair/replace the product at your cost, at our then-standard rates for such work, or return it as you instruct and at your cost; in such case you will also return any loaner or replacement equipment to us at your cost.

Service Period; Renewal; Renewal Fees: If you purchased IDEXX Sealer Care at the time you purchased the equipment, the service period begins upon the expiration of the relevant product warranty period and ends after the elapse of the number of years of coverage you selected on the first page of this Agreement. For other service plan purchases, including renewals, the service period begins when we receive your signed Sealer Care Agreement and ends after elapse of the number of years of coverage you selected on the first page. You may renew the service plan by notifying us prior to expiration of your current service period and paying the then current fee. We may invoice you for renewal of the service period before the current period

expires. If we do not receive payment of the service fee in accordance with our invoices to you, then we reserve the right to terminate this Agreement immediately, and we will not have any further obligations to you.

Limitation of Damages: We are not liable for failure to provide services due to circumstances beyond our reasonable control. UNDER NO CIRCUMSTANCES WILL WE OR OUR LICENSORS BE LIABLE TO YOU OR ANY OTHER PERSON FOR LOSS OF PROFIT OR USE, SPECIAL, INCIDENTAL, CONSEQUENTIAL, INDIRECT, EXEMPLARY, PUNITIVE OR MULTIPLE DAMAGES, INCLUDING WITHOUT LIMITATION FOR LOSS OF GOODWILL, DATA OR EQUIPMENT OR FOR BUSINESS INTERRUPTION, ARISING OUT OF THE MANUFACTURE, SALE, SUPPLY OR USE OF OUR PRODUCTS OR SERVICES OR FAILURE OR DELAY IN DELIVERING SUCH PRODUCTS OR SERVICES, WHETHER BASED ON WARRANTY, CONTRACT, TORT OR OTHERWISE, EVEN IF WE WERE ADVISED OF THE POSSIBILITY OF SUCH DAMAGES OR LOSSES.

OUR ENTIRE LIABILITY FOR A PRODUCT WHETHER BASED ON CONTRACT, TORT OR OTHERWISE, SHALL NOT EXCEED THE SERVICE FEE FOR THE APPLICABLE PRODUCT PAID BY YOU FOR THE MOST RECENT SIX MONTHS OF THE SERVICE PERIOD (OR THE LAST SUCH PERIOD, FOR ANY CLAIMS ARISING AFTER ALL SERVICE PERIODS).

EXCEPT AS STATED IN THIS AGREEMENT, WE AND OUR LICENSORS MAKE NO OTHER WARRANTY, REPRESENTATION OR CONDITION, EXPRESS OR IMPLIED, WRITTEN OR ORAL, AND THERE IS NO WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, CARE AND SKILL, TITLE OR NONINFRINGEMENT.

Termination: This Agreement may be terminated by either party upon 60 days written notice to the other. If this Agreement is terminated by you, you shall not be entitled to any refund of any fee paid by you. If this Agreement is terminated by us, IDEXX shall refund to you a pro rata portion of any fee paid with respect to the initial service period or current renewal, as the case may be.

We reserve the right to refuse to provide service to you if you are in breach of this Agreement or if your account with any IDEXX company for any product or service is delinquent.

Miscellaneous; No Assignment: This Agreement is our entire agreement with respect to its subject matter, and it supersedes all prior oral or written agreements or statements. Any term of any purchase order or other document that you provide us that is in any way inconsistent with or in addition to the terms set forth in this Agreement will not become a part of the contract between the parties or be binding on us. Except as provided above for our right to modify service terms from time to time upon not less than 30 days' notice to you, neither party can modify this Agreement (including this paragraph) except in a written document signed by authorized representatives of both parties. You may not assign any duties, rights or claims hereunder without our prior written consent, even if you sell your equipment to another. Any such attempted assignment is void, and we will not have any obligations to you or your assignee.



Governing Law; Venue; Waiver of Jury Trial: This Agreement and the transactions contemplated hereby, and all related disputes between the parties under or relating to this Agreement, whether in contract, tort or otherwise, shall be governed by the laws of the State of Maine (or the Province of Ontario, for Canadian sales), without reference to conflict of laws principles, and any related legal actions must be brought in the court of appropriate jurisdiction in the State of Maine (Province of Ontario, for Canadian sales), which shall have exclusive jurisdiction (except that either of us may bring an action for an injunction or similar equitable relief against the other in any proper jurisdiction). You hereby waive any claim of lack of jurisdiction or inconvenient forum. YOU AND WE WAIVE TRIAL BY JURY IN ANY LEGAL

ACTION BY OR AGAINST US IN SUCH LEGAL ACTIONS. We each further waive any claims against the other for multiple, punitive or exemplary damages in any legal actions relating to this Agreement. The prevailing party in any such legal actions shall be entitled to an award of its reasonable legal fees and costs.

English Language (Québec only): The parties confirm that it is their wish that this Agreement and any other documents delivered or given pursuant to this Agreement, including notices, have been and shall be in the English language only. Les parties aux présents confirment leur volonté que cette convention de même tous les documents, y compris tous avis, s'y rattachant, soient rédigés en anglais seulement.

I acknowledge that I have received and reviewed the IDEXX Sealer Care™ Agreement and accept and agree to its conditions.

Fax the Agreement to 1-207-556-4630, email water@idexx.com, or mail to:

Company Name: _____

IDEXX Sealer Care
Attn: Technical Services
IDEXX Laboratories
One IDEXX Drive
Westbrook, Maine 04092 USA

By (signature): _____

Name (printed): _____

Title: _____

Date: _____

IDEXX Representative:  _____

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RESPONSIBLE INDIVIDUAL: Kathios

DATE: 11/26/13

Subject: Amendment of the Town Code, Title13 - Public Services

Background:

- During the 2010 recodification, some internal references in Title 13 did not get updated as shown in Enclosure 2 and need to be corrected

Recommendation: Public hearing and ordainment of a revision to Town Code Titles 13, Chapters 13.1 and 13.2, as presented.

Enclosures:

1. Ordinance enactment
2. Title 13 amendment, Chapters 13.1 & 13.2

REPORT TO TOWN COUNCIL - TITLE ERROR CORRECTION – 11/26/13

19 **AN ORDINANCE** relating to amending the Town Code Title 13 ordinance to by revision of
20 Chapter 13.1, Section 13.1.1.2 and 13.1.1.9, and Chapter 13.2, Sections 13.2.1.1, 13.2.1.2, and
21 13.1.2.3, as more particularly set forth herein.

22
23 **WHEREAS**, The Kittery Town Council is authorized to enact this Ordinance, as specified in
24 Section 2.07 (3) of the Town Charter and 30-A M.R.S. §3001, pursuant to its powers that
25 authorize the town, under certain circumstances, to provide for the public health, safety and
26 general welfare, not intending for this Ordinance to conflict with any existing state or federal
27 laws; and

28
29 **WHEREAS**, the Town Council intends, through the adoption of this Ordinance, to correct
30 internal reference errors from the 2010 recodification of the Town Code;

31
32 **NOW THEREFORE**, IN ACCORDANCE WITH TITLE 30-A, M.R.S. §3001, AND TOWN
33 CHARTER SECTION 2.14:

34
35 **THE TOWN OF KITTERY HEREBY ORDAINS A REVISION TO TOWN CODE TITLE 13,**
36 **CHAPTERS 13.1 AND 13.2, AS PRESENTED.**

37
38 **Approved as to form:** {NAME}, Town Attorney

39
40 **INTRODUCED** and read in a public session of the Town Council on the ___ day of _____,
41 20___, by: _____ {NAME} Motion to approve by
42 Councilor _____ {NAME}, as seconded by Councilor _____
43 {NAME} and passed by a vote of _____.

44
45 **THIS ORDINANCE IS DULY AND PROPERLY ORDAINED** by the Town Council of Kittery,
46 Maine on the ___ day of _____, 20___, _____ {NAME}, Chairperson

47
48 **Attest:** {NAME}, Town Clerk

49

50 REVISION: Title 13 PUBLIC SERVICES

51

52 Chapter 13.1 SEWER SERVICE SYSTEM

53

54 Article I. In General

55

56 13.1.1.2 Penalty—Violator’s Liability—Additional Remedies.

57

58 A. Any person found to be violating any of the provisions of this chapter except Section
59 | ~~13.04.090.1.1.9~~ is to be served by the Town with written notice stating the nature of the
60 violation and providing a reasonable time limit for the satisfactory correction thereof.

61 The offender must, within the period of time stated in such notice, permanently cease all
62 violations.

63

64 13.1.1.9 Damaging, Tampering with Equipment, etc., Prohibited.

65 No person may maliciously, willfully or negligently break, damage, destroy, uncover, deface or
66 tamper with any structure, appurtenance or equipment which is part of the wastewater facilities.

67 Any person violating this provision is subject to arrest under charge of criminal mischief as set
68 | forth in Title 17-A, M.R.S. Chapter 33, §8060, Criminal Mischief.

69

70 Chapter 13.2 SEWER IMPACT FEE

71

72 13.2.1 Sewer Impact Fee.

73

74 13.2.1 Sewer Impact Fee.

75

76 13.2.1.1 Time Payable.

77 A sewer impact fee is due and payable by the property owner prior to the connection of
78 any sewer line to the municipal sewage collection system, or upon the issuance of any
79 plumbing permit for additional plumbing fixtures or change in use of any property
80 already connected to the municipal sewage collection system. Said sewer impact fee is
81 | to be determined as provided in ~~Subsection~~ subsection B-13.2.1.2 of this section. As
82 used in this chapter the term “plumbing fixture” is as defined by the State of Maine
83 Internal Plumbing Rules, Chapter 238, promulgated pursuant to 22 M.R.S. §42.

84

85 13.2.1.2 Amount Determined.

86 | The sewer impact fee payable pursuant to subsection A-13.2.1.1 of this section is
87 determined by multiplying the unit charge for the particular category(s) of property use
88 | as set forth in ~~subsection C-13.2.1.3~~ of this section by the basic sewer impact fee of two
89 thousand dollars (\$2,000.00) per unit charge.

90

91 13.2.1.3 Categories of Use and Unit Charge.

92 The following categories of property use carry the unit charge set forth herein to be
93 | used in the computation of the sewer impact fee as provided in subsection B-13.2.1.2 of
94 this section:

****Archive Copy****Archive Copy****Archive Copy****Archive Copy****

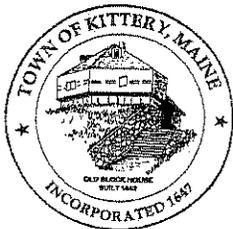
Article 40. It was voted to adopt the Retirement Plan of the State of Maine for the regular employees of the Town of Kittery and to join the Town with the State Employees Retirement System as a participating local district under Chapter 60, Section 15, of the 1944 Revised Statutes of Maine and to authorize the payment of the sum of \$1612.00 per year or the sum necessary to participate with the State Employees' Retirement System under the law.

I hereby certify that the foregoing is a true copy of the vote passed at the annual town meeting held March 2, 1946.

Attest:

Burnell C. Frisbee

Town Clerk



OFFICE OF THE TOWN CLERK
TOWN OF KITTERY, MAINE

200 Rogers Road
Kittery, ME 03904
Telephone: (207) 439-0452
Fax: (207) 439-6806

RECEIVED
DEC 02 2013

BY: 9:30 am

PLEASE CHECK APPROPRIATE SQUARE:



APPLICATION FOR RE-APPOINTMENT TO TOWN BOARDS

APPLICATION FOR APPOINTMENT FROM ALTERNATE TO FULL MEMBER

NAME: DAVID EVANS

RESIDENCE: 8 MAW ST, KITTERY, ME

MAILING ADDRESS IF DIFFERENT FROM ABOVE: _____

E-MAIL ADDRESS: evansdavid83@gmail.com

TELEPHONE NUMBERS: (HOME) 727-542-7548 (WORK) 207-439-1477

PRESENT POSITION: Equip Operator

PLEASE CHECK APPROPRIATE SQUARE:

- | | | |
|---|---|--|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Port Authority | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Planning Board | <input type="checkbox"/> Shellfish Conservation Comm. |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Parks Commission | <input checked="" type="checkbox"/> Other <u>Recycling Scholarship</u> |

COMMENTS: Sorry about this - some miscommunication

going on -

SIGNATURE OF APPLICANT

11/24/13
DATE



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council December 9, 2013

1. **John Paul Jones Park:** The State is willing to assist us in the transfer of management of the Park; before I proceed, I want confirm the Council's direction and to ask if you would likewise be interested in pursuit of park ownership.
2. **Distressed Property:** Pursuant to Councilor Brake's request, I spoke with the owner of the property located at 459 US Route 1, and he is preparing a written summary of his plans to remove the structure that I will share with the Board. In conversation with me and Code Enforcement Officer Heather Ross, he indicated an active plan to demolish the building and properly dispose of asbestos-containing materials which will likely begin as early as March. He explained that since asbestos removal employs a significant amount of water, attempting to do this during freezing temperatures is inadvisable. He also indicated a willingness to install perimeter fencing in the interim to deter access to the building.
3. **Pepperell Cove Town Landing "BIG" Project** – I participated in a conference call with Maine Department of Transportation (MDOT) regarding the contract award and execution for the BIG project. MDOT is interested in assisting the Town in financing Alternates #16 and #17 if the Town could provide an "in-kind" match to perform work identified in Alternates #12-14 – taken together, the alternates encompass the scope of what is the "Utilities Relocation" portion of work. Attached is the bid tab that itemizes the Alternates.

Interim Public Works Commissioner Norm Albert believes his Department is capable of providing the labor associated with Alternates #12-14, which involves ledge removal, trenching, and installation of underground conduit and seasonal water service. (N.B. we believe the lowest bidder for the alternates, Riverside Marine, accurately reflects the cost of this work.) In addition, we expect existing CIP funding set aside for this project, perhaps in conjunction with other departmental sources, may suffice to fund the materials required. Norm is working on a more detailed plan to describe this proposal.

The low bidder on the BIG project (Prock Marine Company) has guaranteed their price until the end of the month. MDOT's approval is required prior to the Town issuance of a notice of award and execution of a contract. In order to move forward, MDOT has requested that the Town communicate its intent to complete Alternates #12-14. I will do this via email, once I have confirmed with Norm and our Finance Director, Cindy Saklad that an available appropriation(s) exist to enable our commitment. I will continue to keep the Council informed of this project as it unfolds.

4. **Certificates of Appreciation for former Councilors Guy and Dow:** At Council's request, I have prepared certificates of appreciation for signature by the Chair this evening.

5. **Department of Public Works Commissioner:** I intend to advertise this opening immediately. It will remain open until filled, but I expect to begin reviewing resumes and screening candidates in mid-January.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nancy Colbert Puff".

Nancy Colbert Puff

| CONTRACTOR | | | | Prock Marine Company | | Riverside Marine Construction, Inc. | | Maritime Construction & Engineering LLC | | Wyman & Simpson, Inc. | | Cianbro Corporation | |
|----------------------------------|--|-----------|----------|---|---------------------|---|---------------------|---|---------------------|---|---------------------|---|---------------------|
| BID ITEM | ITEM DESCRIPTION | UNIT | QUANTITY | <input checked="" type="checkbox"/> Bid Bond <input checked="" type="checkbox"/> Addenda <input checked="" type="checkbox"/> DBE Form <input checked="" type="checkbox"/> Signed | | <input checked="" type="checkbox"/> Bid Bond <input checked="" type="checkbox"/> Addenda <input checked="" type="checkbox"/> DBE Form <input checked="" type="checkbox"/> Signed | | <input checked="" type="checkbox"/> Bid Bond <input checked="" type="checkbox"/> Addenda <input checked="" type="checkbox"/> DBE Form <input checked="" type="checkbox"/> Signed | | <input checked="" type="checkbox"/> Bid Bond <input checked="" type="checkbox"/> Addenda <input checked="" type="checkbox"/> DBE Form <input checked="" type="checkbox"/> Signed | | <input checked="" type="checkbox"/> Bid Bond <input checked="" type="checkbox"/> Addenda <input checked="" type="checkbox"/> DBE Form <input checked="" type="checkbox"/> Signed | |
| BASE BID ITEMS | | | | UNIT PRICE | BID AMOUNT |
| 1 | Mobilization/Demobilization | Lump Sum | | | \$36,650.00 | | \$17,700.00 | | \$20,230.00 | | \$55,000.00 | | \$73,000.00 |
| 2 | Pier Improvements | Lump Sum | | | \$20,000.00 | | \$27,004.00 | | \$46,725.00 | | \$35,000.00 | | \$29,900.00 |
| 3 | 80-ft x 5-ft ADA Gangway | Lump Sum | | | \$30,000.00 | | \$34,537.00 | | \$37,085.00 | | \$40,000.00 | | \$45,640.00 |
| 4 | Timber Float (10-ft Wide) | EA | 1 | \$16,400 | \$16,400.00 | \$13,603 | \$13,603.00 | \$18,000 | \$18,000.00 | \$25,000 | \$25,000.00 | \$23,200 | \$23,200.00 |
| 5 | Timber Floats (12-ft Wide) | EA | 2 | \$20,150 | \$40,300.00 | \$18,730 | \$37,460.00 | \$22,925 | \$45,850.00 | \$30,000 | \$60,000.00 | \$28,100 | \$56,200.00 |
| 6 | Timber Floats (16-ft Wide) | EA | 2 | \$23,000 | \$46,000.00 | \$21,968 | \$43,936.00 | \$29,000 | \$58,000.00 | \$35,000 | \$70,000.00 | \$34,200 | \$68,400.00 |
| 7 | Timber Guide Piles | EA | 4 | \$3,600 | \$14,400.00 | \$3,250 | \$13,000.00 | \$3,760 | \$15,040.00 | \$8,500 | \$34,000.00 | \$6,000 | \$24,000.00 |
| 8 | Steel Piles | EA | 5 | \$7,900 | \$39,500.00 | \$11,094 | \$55,470.00 | \$8,485 | \$42,425.00 | \$12,500 | \$62,500.00 | \$10,800 | \$54,000.00 |
| 9 | Rock Sockets | EA | 3 | \$5,000 | \$15,000.00 | \$15,000 | \$45,000.00 | \$16,000 | \$48,000.00 | \$13,000 | \$39,000.00 | \$34,700 | \$104,100.00 |
| 10 | Single Point Mooring | EA | 6 | \$2,600 | \$15,600.00 | \$4,280 | \$25,680.00 | \$5,660 | \$33,960.00 | \$4,500 | \$27,000.00 | \$4,400 | \$26,400.00 |
| 11 | Pier Amenities Allowance | Allowance | | | \$10,000.00 | | \$10,000.00 | | \$10,000.00 | | \$10,000.00 | | \$10,000.00 |
| Total BASE BID | | | | | \$283,850.00 | | \$323,390.00 | | \$375,315.00 | | \$457,500.00 | | \$514,840.00 |
| Ranking | | | | | 1 | | 2 | | 3 | | 4 | | 5 |
| ALTERNATE BID ITEMS | | | | UNIT PRICE | BID AMOUNT |
| 12 | Ledge Removal | CY | 85 | \$400 | \$34,000.00 | \$105 | \$8,925.00 | \$210 | \$17,850.00 | \$250 | \$21,250.00 | \$204 | \$17,340.00 |
| 13 | Underground Service; Belamy Street Pole to Harbor Master Building. | Lump Sum | | | \$70,000.00 | | \$53,188.00 | | \$68,000.00 | | \$84,000.00 | | \$63,300.00 |
| 14 | Seasonal Water Service | Lump Sum | | | \$27,000.00 | | \$21,105.00 | | \$28,000.00 | | \$43,000.00 | | \$30,100.00 |
| 15 | Fire Service, Hydrant, Seasonal Water | Lump Sum | | | \$29,000.00 | | \$50,026.00 | | \$32,000.00 | | \$62,000.00 | | \$65,520.00 |
| 16 | Pier and Transient Float System Utilities | Lump Sum | | | \$78,000.00 | | \$60,900.00 | | \$64,000.00 | | \$120,000.00 | | \$55,500.00 |
| 17 | Pepperrell Pier Lighting | Lump Sum | | | \$19,000.00 | | \$11,760.00 | | \$20,500.00 | | \$25,000.00 | | \$12,300.00 |
| Total ALTERNATE BID ITEMS | | | | | \$257,000.00 | | \$205,904.00 | | \$230,350.00 | | \$355,250.00 | | \$244,060.00 |