

### **Trustees**

Stephen C. Rendall Jr., President  
Frank Witham, Treasurer  
Richard E. Boston, Clerk  
Andrew Belliveau, Trustee  
Karen Arsenault, Trustee



### **Administration**

Donald D. Neumann Jr., Superintendent  
Gary E. Stevens, Resource Prot. Manager  
Ryan Lynch, Treatment Plant Manager  
Patrick M. Desrosiers, Financial Manager

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York, Maine 03909  
Telephone: (207) 363-2265  
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[www.yorkwaterdistrict.org](http://www.yorkwaterdistrict.org)

## York Water District Trustees & York Board of Selectmen Workshop Agenda February 12<sup>th</sup> @ 6:15 pm York Public Library

Introductions;

**6:15-** Intro of Patrol Program and updated agreement.

- See attached overview.

**6:25-** MDOT property update. Quick overview of where TOY is in the process?

- YWD Board of Trustees would like an update.

**6:30-** Summary of current Mt. A. lease agreement between YWD & TOY

- See attached copy of
  - Chronology of Mt. A
  - Existing lease agreement
  - Brief summary of exiting lease agreement

Aerial map will be displayed at workshop to show property lines and existing conditions.

**6:35-** Outline Issues/Current Conditions

- See attached overview
- Props- additional images to be presented at the workshop

**6:40-** Proposed Plan to Move Ahead

- See attached overview
- Additional images to be presented at the workshop

**6:50-** Need to revisit Lease-

- Explain PUC approval needed (costs involved).
- Project Timeline (with fiscal cycles, calendar years, grant deadlines, etc), to be provided by Robin Kerr
- Is there consensus to move forward?
- Possibly establish planning sub-committee?

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## **York Water District/Kittery Water District/York Police Department Natural Resource Patrol Services Agreement Overview**

February 7, 2018

- 1) **1997 – 2002 YWD initiated a patrolling program.**
  - i) Blend in, observe and report activities in YWD Public Water Supply Source Water Protection Area (Chase's Pond watershed).
  - ii) After 5 years patrolling, the District wanted to enhance patrol officer authority.
- 2) **Late 2002 YWD and YPD begin collaborating.**
  - i) YWD patrol person to become a Reserve Police Officer specifically to patrol YWD watershed.
  - ii) YWD & YPD to draft a patrol agreement.
- 3) **2003 Original Patrol Agreement is approved and signed.**
  - i) YWD employee completes Reserve Officer Training with Maine Criminal Justice Academy.
- 4) **2004 KWD enters into agreement with YWD.**
  - i) Have YWD patrol KWD Public Water Supply Source Water Protection Area in the same capacity (police officer) as YWD.
  - ii) July 2004 first patrol of YWD & KWD Source Water Protection Areas as a police officer.
- 5) **Spring 2005 YPD applies for All Terrain Vehicle Law Enforcement Grants for the first time.**
  - i) YPD has been approved every year since.
  - ii) These grants have brought in over \$120,000 in labor, equipment and training.
- 6) **Late 2012 YWD/YPD Patrol Officer to patrol Mt. A. area.**
  - i) In separate capacity for YPD
  - ii) Address Mt. A problems w/AC, lost & injured, assist public.
- 7) **2018 - 21 years of patrolling**
  - i) Successful, well known in Maine and New England by water suppliers.
  - ii) Has gathered a huge amount of patrol data.
  - iii) Patrol program has evolved.
  - iv) Planning for the future of this program.
  - v) Right time to update the Agreement.



# TOWN OF YORK, MAINE

## Police Department

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

***Mailing Address:***  
9 Hannaford Drive  
York, Maine 03909

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

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***Committed  
to excellence***

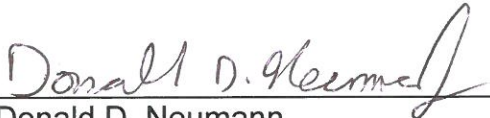
### **York Water District / Kittery Water District / York Police Department Natural Resource Patrol Services Agreement 2018**

1. The following is an agreement between the York Water District, Kittery Water District and the York Police Department as it relates to the establishment and operation of a District employee as a York Police Department reserve officer conducting natural resource protection patrols.
2. District employee's primary purpose for conducting natural resource protection patrols is to interface with the public and enforce those laws that directly pertain to the protection of natural resources.
3. The York Water District, Kittery Water District and the York Police Department will all participate in the selection of all natural resource protection officers.
4. The District employee selected for this position will undergo and successfully pass a background investigation, Maine Criminal Justice Academy (MCJA) Alert Test, polygraph, and physical agility test required to become a certified reserve police officer. The district employee is required to meet all standards required by the MCJA for training and certification of reserve police officers. The natural resource protection officer will attend in-service training as deemed necessary by the Police Department.
5. The natural resource protection officer will be primarily employed by the York Water District. The officer will be compensated by the York Water District, Kittery Water District, York Police Department, and state and federal grants depending upon assigned duties during these activities. The Districts and Police Department will share the costs of training and equipment.
6. When conducting natural resource protection patrols, the District employee will notify York Communications Center in a routine, established by the Police Department that he/she is beginning his/her patrol. At that point, District employee may conduct patrols in areas he/she deems appropriate. However, District employee will be under the immediate supervision of the Police Department's shift supervisor. He/she will identify the area of the property he/she is patrolling and maintain radio contact with

the York Communications Center in a way consistent with the operational procedure established by the Police Department.

7. The natural resource protection officer will comply with all standard operating procedures and directives of the York Police Department. The natural resource protection officer will wear an assigned uniform and equipment established by the Police Department.
8. Should the natural resource protection officer encounter a violation of criminal law outside the primary purpose of the natural resource protection patrol, he/she shall notify the Police Department's shift supervisor immediately.
9. This agreement does not preclude the natural resource protection officer from working in a separate law enforcement capacity for the York Police Department when not working in his/her full time capacity for the York Water District.
10. This agreement shall be subject to modification as deemed necessary by either the District(s) or the Police Department. The Districts or Police Department can terminate this agreement at anytime with written notification to all of the undersigned departments.

\_\_\_\_\_  
Douglas P. Bracy  
Chief of Police

  
\_\_\_\_\_  
Donald D. Neumann  
Superintendent – York Water District

  
\_\_\_\_\_  
Michael S. Rogers  
Superintendent – Kittery Water District

Dated: February 1, 2018

Appendices;

- A-1 Background of Patrolling Program
- A-2 Patrol Areas
- A-3 Payment
- A-4 Equipment
- A-5 Maintenance & Storage
- A-6 Patrol time
- A-7 Summary of ATV LE Grant Project 2008-2017

## **A-1; BACKGROUND**

The current resource protection patrol program has grown from what started as a public water supply watershed patrol program initiated by the York Water District in 1997. At the time the District had noticed an increase in unwanted and at times illegal activities as well as an increase in recreation in general.

Since the original watershed patrol program was initiated by York Water District, this program has evolved multiple times and had great success in controlling unwanted and illegal activities in the nearly 14,000 protected acres in the Mt. Agamenticus area of York. In addition to controlling activities the main focus of the program has always been to keep people safe and educate the visitors of the acceptable use of this great natural resource.

### **February 1997;**

Three YWD Treatment Plant personnel shared the responsibility of patrolling the district trails twice per week during normal business hours using a John Deere Gator. These patrols did little for controlling unwanted activities, just trash pickup from weekend use.

### **July 2000;**

The YWD Superintendent initiated a new form of watershed patrols, by mountain bike on weekends and after hours to have someone unidentifiable as a district employee to patrol the district property twice per week, once after the normal work day M-F and once on a weekend day. Gary Stevens became the Primary Patrol Person (PPP). And began writing detailed patrol reports and photographing everything he found to document the problems. Reports with pictures included were written after every patrol and sent to the Superintendent. The PPP was not to confront the users, just blend in with them and report findings to YWD.

It was clear after a very short time that patrolling this property after hours and weekends was finding problems when and where they are happening. Soon the District decided to make the PPP identifiable with clothing that is labeled "York Water District Watershed Patrol" and begin contacting the recreational users to educate them on the acceptable uses of the District property and to enforce the rules. This was working to a point, but the program and the PPP needed more authority.

### **November 11, 2003;**

After much discussion the York Water District the York Police Department and Town of York entered into a Watershed Enforcement Agreement to train Gary Stevens to serve as a Reserve Police Officer or Primary Patrol Officer (PPO) in the Town of York with the intent to patrol the watershed areas of York as a police officer. At the same time Kittery Water District who had their share of unwanted and illegal activities noticed the success of the patrolling program and liked the idea of a trained public water supply operator patrolling the watershed as a police officer and asked to have Gary patrol their watershed property surrounding 4 drinking water reservoirs (entirely in York) in conjunction with the YWD patrols.

### **July of 2004;**

The first month the watersheds of YWD & KWD were patrolled by Gary as a police officer. Two Watershed Patrol Reports are now generated after each patrol, one for each property (YWD & KWD) and sent to the YWD, KWD and YPD. End of year contact reports are generated for each property to track use. The recreating public (both good and bad) noticed the patrol change immediately. Unwanted activities that had been documented for 4 years began a steady decline and are now at low levels.

### **Spring 2005;**

The York Police Department apply for recently created Maine ATV Law Enforcement (ATV LE) Grants through the Maine Department of Inland Fisheries and Wildlife. There are 3 types of grants. **1. General Enforcement Grants**, where any ATV LE grant approved law enforcement agency can pay for their ATV LE trained police officers to patrol trails and backlands to enforce ATV laws. **2. Multijurisdictional Enforcement Grants**, where the ATV LE grant approved law enforcement agency can partner with another law enforcement agency to conduct joint ATV LE patrols. In the case of York, the Maine Warden Service is our multijurisdictional partner and come out with York Police Officers. **3. Training and Equipment Grants**, where Law Enforcement officer can receive the required ATV LE training in ATV laws, ATV operation, ATV safety and ATV use. Law enforcement agencies can also apply for equipment grants necessary to conduct ATV LE patrols. This grant will cover up to half the cost of things like ATV's and trailers to transport ATV's to patrolling locations. ATV LE Grants are available twice per year, spring grants, April - July and Fall Grants, August - November.

The one problem with patrolling the two water district lands year round and ATV LE patrols paying to patrol those areas as well as Mt. A Region but only when the grant is available (April – July & August – November), is it leaves thousands of acres around Mt. A. without any patrolling much of the year, in addition many miles of trails around Mt. A. are hike bike only, no motorized use. So patrolling those trails using the ATV grant is not going to be helpful in making ATV contacts. ATV contacts are used to show the grant is needed.

Mt. A. regularly sees 40,000 visitors per year. Most are hikers and bikers and sightseers. Control of dogs has been a large problem. In 2012 YPD agreed to have the PPO patrol the Mt. A. trails at reserve officer base rate up to 5 hours per week. Current patrol data shows that 12% of people visiting Mt. A. are exercising their dog. 10% of those are violating the AC ordinance.

### **ATV LE 2005 – 2017;**

With the well-established and successful watershed patrolling program and Gary a member of the York Police Department, applying for the ATV LE Grants was a perfect fit. The YPD has applied for these grants every spring and fall since 2005. ATV LE Grant funded patrols allow **ALL** trails and backlands in York to be patrolled (not just the YWD & KWD property). In 12 years YPD has never been denied an ATV LE grant. These grants have brought in over \$120,000 in labor, training and equipment to the York Police Department. Many YPD officers and multiple Maine Wardens have become familiar with the trail system in York. In the past 12 years the equipment grant has paid

half the cost of 7 ATV's for the Town of York. The other half of the cost of each ATV was paid by the York Water District.

- **UNSCHEDULED GENERAL ATV LE PATROLS**– Since patrolling is included as part of the PPO responsibilities at YWD and YWD and YPD are partners in this patrolling program the PD allows the PPO a small number of General ATV LE hours each week to be used as needed. These hours are usually used at times the PPO finds or is alerted and responds to problems occurring anywhere in the Mt. A Region. This stretches the grant dollars further. All patrols originate from the YWD Resource Protection Office just off Mountain Road.
- **SCHEDULED GENERAL ENFORCEMENT ATV LE PATROLS** –are prescheduled patrols through the PD where any ATV LE trained (and under certain circumstances untrained) Town of York Police Officer can sign up for a patrol. These patrols are 4-hour blocks. Each patrol will have enough sign-up slots as we have ATV's available. Occasionally cruisers will be used at trail heads. All patrols originate from the Resource Protection Office.
- **SCHEDULED MULTI JURISDICTIONAL ATV LE PATROLS** – are prescheduled patrols through the PD and in conjunction with the Maine Warden Service. Any State of Maine Warden and any ATV LE trained (and under certain circumstances untrained) Town of York Police Officer can sign up for a patrol. These patrols are 4-hour blocks. Each patrol will have enough sign-up slots as we have ATV's available. Occasionally cruisers will be used at trail heads. All patrols originate from the Resource Protection Office.

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## **A-2; PATROL AREAS;**

There are three patrol areas around Mt. Agamenticus, York Water District Property, Kittery Water District Property and Mt. Agamenticus Conservation Region, the Mt A. Region includes conservation land owned by the Town of York, State of Maine, York Land Trust, Great Works Regional Land Trust, and Nature Conservancy. These patrols regularly cross in and out of a portion of South Berwick conservation land.

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**A-3; PAYMENT** for patrolling different patrol areas.

## **PATROLLING YORK WATER DISTRICT WATERSHED PROPERTY SURROUNDING CHASE'S POND and WELCH'S POND (1,888 ac.).**

- The Resource Protection Manager (RPM) is the Primary Patrol Officer (PPO)
- YWD Patrols on YWD property are paid for by the District and part of the YWD's RPM 40-hour work week.

- While on Watershed Patrol the PPO wears YPD identifiable clothing and equipment suitable for the season.
- Patrols are conducted twice per week by the PPO. At least one patrol is on the weekend.
- Patrols are at days, times and weather conditions likely to encounter recreational users.
- During these patrols the PPO is in contact with and under the supervision of the YPD.
- When ATV LE Grant funds are available the PPO will switch his time from YWD patrol time to the ATV LE grant when he encounters any issue requiring law enforcement i.e. camping, fires, fishing, swimming, ATV use, alcohol, drugs, lost or injured persons, animal control, etc.
- When the PPO is not patrolling and called out by YPD for an issue on the YWD watershed the PPO will charge his time to the ATV LE grant if the grant is available. If the grant is not available, the PPO will charge his time to YPD at the reserve officer base rate.
- A detailed report is created after every patrol and sent to representatives of YWD/KWD/YPD & Mt. A.

**PATROLLING KITTELY WATER DISTRICT WATERSHED PROPERTY SURROUNDING BELL MARSH RESERVOIR, BOULTER POND, FOLLY POND and MIDDLE POND (2,500 ac.).**

- The RPM is the PPO.
- KWD Patrols on KWD property are billed to the KWD by YWD and part of the YWD Resource Protection Manager (RPM) 40-hour week.
- While on Watershed Patrol the PPO wears YPD identifiable clothing and equipment suitable for the season.
- Patrols are conducted twice per week by the PPO. At least one patrol is on the weekend.
- Patrols are at days, times and weather conditions likely to encounter recreational users.
- During these patrols the PPO is in contact with and under the supervision of the YPD.
- During ATV LE Grants the PPO will switch his time from KWD patrol time to the ATV LE grant when he encounters any issue requiring law enforcement i.e. camping, fires, fishing, swimming, ATV use, alcohol, drugs, lost or injured persons, animal control, etc.
- When the PPO is not patrolling and called out by YPD for an issue on the KWD watershed the PPO will charge his time to the ATV LE grant if the grant is available. If the grant is not available, the PPO will charge his time to YPD at the reserve officer base rate.



- A detailed report is created after every patrol and sent to representatives of YWD/KWD/YPD & Mt. A.

#### **PATROLLING Mt. AGAMENTICUS REGION and OTHER NATURAL AREAS IN YORK (8,000+/- ac.)**

- The RPM is the PPO.
- Mt. A. Patrols on Mt. A. and Conservation Region by the PPO are paid for by the YPD at the reserve officer base rate. These patrols are **NOT** part of the YWD Resource Protection Manager (RPM) 40-hour week.
- While on Mt. A. and conservation region lands the PPO wears YPD identifiable clothing and equipment suitable for the season.
- Mt. A. Patrols are on average, 5 hours per week and completed by the PPO. Patrols can be weekends, weekdays, evenings or any combination of time when not working for YWD.
- Patrols are at days, times and weather conditions likely to encounter recreational users.
- During these patrols the PPO is in contact with and under the supervision of the YPD.
- During ATV LE Grants the PPO will switch his time from Mt. A. patrol time to the ATV LE grant when he encounters any issue requiring law enforcement i.e. camping, fires, fishing, swimming, ATV use, alcohol, drugs, lost or injured persons, animal control, etc.
- When the PPO is not patrolling and called out by YPD for an issue on the Mt. Agamenticus Region the PPO will charge his time to the ATV LE grant if the grant is available. If the grant is not available, the PPO will charge his time to YPD at the reserve officer base rate.
- A detailed report is created after every patrol and sent to representatives of YWD/KWD/YPD & Mt. A.

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#### **A-4; EQUIPMENT used in program**

As mentioned above the ATV LE grants have paid half the cost of 7 ATV's since 2005, in each case YWD paid the other half of the cost of the ATV's. Prior to 2005 the YWD had purchased two ATV's:

- 1997 John Deere Gator side by side that was eventually retired from YWD and given to the Mt. Agamenticus Conservation program.
- 2000 Honda Rubicon. The Honda was eventually retired from patrolling and sold. The funds from the sale went towards the purchase of the 2007 Yamaha Rhino.

- 2005 Honda Rincon four wheeler and a Triton ATV trailer, ATV LE Grant purchase. The trailer is still being used to move ATV's; the 2005 Honda Rincon was retired and traded in towards the 2012 Can Am XMR.
- 2007 Yamaha Rhino side by side ATV, ATV LE Grant purchase. The Rhino was eventually retired and traded in towards the purchase of the 2013 Can Am Commander side by side ATV.
- 2009 John Deere Gator side by side, ATV LE Grant purchase. This ATV was retired in 2017 and still being used on the grounds at the YWD Treatment Plant.
- 2010 **NOT** part of an ATV LE Grant but a State of Maine Volunteer Fire Assistance Program. YWD in cooperation with YVFD received \$1,500 towards the purchase of a 2010 KIMTEK FIRELITE slide in fire unit, YWD paid the remainder of the cost. The fire unit is still in use and stored with all patrolling equipment. It's been used twice for forest fires in York.
- 2012 Can Am XMR ATV, ATV LE Grant purchase. The frame broke after three years of use. Can Am refused to take any responsibility for the broken frame. Together YPD & YWD purchased a new frame and YWD & KWD employees swapped out frames in house. The ATV is retired but still part of the current patrol equipment as a backup ATV when needed. **NOT** part of the grant, YWD purchased a set of tracks in 2013 for this machine so it can be used in snow. **NOT** part of the grant was a plow for this machine in 2016 it's used for plowing at the Resource Protection Office.
- 2013 Can Am Commander side by side ATV, ATV LE Grant purchase. This ATV is still in use and stored with all other patrol equipment. **NOT** part of the grant, YWD purchased a set of tracks for this machine so it can be used in snow.
- 2016 Honda Rincon ATV, ATV LE Grant purchase. The YPD applied for this equipment grant when the 2012 Can Am XMR frame broke.
- 2017 Honda Rincon ATV, ATV LE Grant purchase. The YPD applied for this equipment grant when we retired the 2009 John Deere Gator. **NOT** part of the ATV LE grant, YWD purchased a set of tracks for this machine in 2018 so it can be used in snow.
- The District purchases storage boxes for these ATV's and equips each with hand tools and other equipment needed for patrolling and maintaining trails.

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#### **A-5; MAINTENANCE & STORAGE of EQUIPMENT**

All equipment is stored at the York Water District Resource Protection Office 9 Eber Drive in York. All patrols originate from this site with quick and easy access to the YWD watershed trails and the rest of the region. Most of the maintenance and repairs to the equipment (some in house, some at the dealer) is paid by the YWD. On occasion the YWD will ask for some contribution to maintenance or repairs such as a set of tires from YPD and KWD.

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**A-6; PATROL TIME**

It is the responsibility of the PPO to know when he crosses over to another property. At the time he crosses over he notes the property i.e. YWD, KWD, Mt. A., time, miles and location (trail) he crossed over to. The same is true for times he uses the ATV LE grant. KWD is billed monthly for time spent patrolling there, excluding any ATV grant time. The PPO submits the time he spends on Mt. A. and/or time he is using the ATV LE grant weekly to the YPD. The PPO **WILL NOT** submit time or get paid by two or three entities for the same patrol time. All time is reviewed by YWD staff weekly.

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**A-7; Summary of ATV LE Grant Project 2008-2017**  
**STATE OF MAINE**  
**DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**  
**MAINE WARDEN SERVICE**

	<b>LABOR - Total Hours</b>	<b>2,993.5</b>
YPD		2,736.0
IFW		257.5

<b>LIST OF VIOLATIONS ENCOUNTERED</b>	<b>WARNINGS</b>	<b>CITATIONS</b>
Operating Unregistered ATV	113	25
Underage Operator	23	0
Operating on land without permission	108	8
Carry passenger under 18 without head gear	15	0
Criminal trespass	59	2
Drinking in public	32	3
Reckless Operation of ATV	4	1
Operating on public way	6	3
Animal waste	47	0
Leash law	71	0
Operating motor driven cycle on closed area	0	1
Possesion of marijuana	4	0
Possession of drug paraphernalia	3	2
Illegal camping	18	0
Lost hikers	17	0
Possession of alcohol	1	0
Hunters - No violation	34	0
Operating in closed area	2	0
Tree stands-no ID	2	0
Failure to stop	0	2
Defective equipment	6	0
Fishing in a closed ara	7	0
After market exhaust	2	0
Swimming in closed area	24	0
Eluding	0	1
Failure to operate at a prudent speed	12	0
Carrying loaded firearm in a M/V	1	0
Operator under 16 without safety course	2	0
Possession of liquor by a minor	0	2
Illegal tree stand	1	0
	<b>614</b>	<b>50</b>

**TOTAL PATROL CONTACTS 3614**

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February 12, 2018

### **MDOT Parcel on US Route One**

- Our Board of Trustees would like a quick update.
- Status of P&S.
- If the TOY has an interest in selling the 8± acres to YWD what would a potential timeline be?

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February 5, 2018

## A Chronological Listing of History, Planning and Conservation on and around Mt. Agamenticus

- **1671 – 1873** various mills are operated at the mouth of Chase’s Pond with water that flows from Mt. Agamenticus.
- **1720** Probably the first dam is built at Chase’s Pond.
- **1895** York Shore Water Company was organized to “Supply the Towns of York and Wells with Pure Water”.
- **1896** Directors of the York Shore Water Company Voted: “Chase’s Pond and the Water Rights Connected Therewith be Purchased by This Company”.
- **1896** Piped Water from Chase’s Pond was turned on in York Beach.
- **1908** Piped Water from Chase’s Pond reach’s York Corner.
- **1918** First Fire Tower built on Mt. Agamenticus.
- **1929** An Act to Create the York Water District was passed by The Maine State Legislature.
- **1930** The Supreme Judicial Court orders York Water District to pay York Shore Water Company fair market value for their Plant, Property and Franchises. On payment the property passes to the York Water District including property to the summit of Mt. Agamenticus.
- **1941** A Military Radar Base is built on Summit of Mt. Agamenticus.
- **1950’s** Replace the first fire tower with a second Fire tower on Mt. Agamenticus.
- **1964** Big A Ski Area opens.
- **1974** Big A Ski Area closes.
- **1974** proposed 3500-unit housing development on and around Mt. Agamenticus by an Oklahoma developer.
- **1975** Town of York votes down the proposed 3500-unit housing development.
- **1975** Town of York voters approve to protect Mt. A for a wilderness/recreation area.
- **1975** Sasonoa Preliminary Study and Data Sheets, Citizens Ad Hoc Committee for the Towns of South Berwick and York.
- **1976** Town of York forms the Mt. A. Advisory Committee.
- **1976** Summary of Recommendations for Mt. Agamenticus Wilderness Area, Agamenticus Advisory Committee to Town of York.

- **1977** Local Officials request United States Department of Agriculture conduct a study of the 32-square mile Mt. Agamenticus Area, so local communities can make informed decisions about the future of Mt. A. This was an 18-month study.
- **1980** Final Report of the Mt. Agamenticus United States Department of Agriculture Cooperative Study. Report includes Appendixes for Water Resources, Cultural Resources, Land Resources, Fish & Wildlife Resources, and a Botanical Survey.
- **1980** Wright –Pierce Engineers complete, “HANDBOOK: A Guide to Passive Recreation Potential of Mt. Agamenticus” for the York Parks Commission to aid them in park planning and implementation process.
- **1980** York residents voted to spend \$200,000 to purchase the summit of Mt. Agamenticus for public benefit and appreciation of its vastness, scenic landscape and recreational opportunities.
- **1980** York Water District leases Mt. A Road to Town of York and 2.5 acres for future parking lot at the corner of the Mt. A Road and Mountain Road for 1 dollar for a 50-year lease. The purpose of this lease is access and egress to the planned public park at Mt. A.
- **1991** Surveyor’s Report of Mt. Agamenticus, South Berwick and York Maine, Land for Maine Future Board.
- **1992** Surveyor’s Report of Mt. Agamenticus Properties, Titcomb Associates for the Town of York.
- **1996** Mt. A Advisory Committee held its last meeting on April 12<sup>th</sup>.
- **1996** Mt. A Steering Committee holds its first meeting on April 30<sup>th</sup> York Water District was and continues to be a member to this day.
- **1997** Mt. Agamenticus Trail Condition and Recreational User Review, Roger P. Cole for Mt. Agamenticus Steering Committee.
- **1997** Mt. Agamenticus Chronology, Researched and Compiled by Roger P. Cole for the Mt. Agamenticus Steering Committee.
- **1997** Mt. Agamenticus Trail and Recreational User Survey, Southern Maine Regional Planning Commission for the Mt. Agamenticus Steering Committee. Since then annual “Visitor Use Surveys” have been conducted from 2001 to present.
- **1999 “Mt. Agamenticus Public Use and Trail Management Plan”**, prepared by Southern Maine Regional Planning Commission for the Mt. A Steering Committee. It served as the vehicle for grant applications and the resulting funding as well as establishment of the Conservation Coordinator position and collaborative funding (annual contribution) of that position by the various municipal (such as York Water District) and non-profit stakeholders.
- **1999 – 2000** The Nature Conservancy, Great Works Regional Land Trust and the York Land Trust completed the Mt. Agamenticus Challenge, a conservation effort that raised \$3.2 million and protected an additional 1,652 acres around Mt. Agamenticus.
- **1999** Torbert McDonald led first group of local youth in trail work.
- **2000** Susan Ask, the first Mt. A Conservation Coordinator is hired; first Conservation Trail Crew members hired. Seasonal crews continue to be hired each year through 2017 to manage and maintain the trail system.
- **2002-2018** The successful Mt. Agamenticus Challenge together with increased threats of development inspired the formation of the current land conservation effort: the Mt.

Agamenticus to Sea Conservation Initiative (MtA2C). A coalition of 10 National, Regional and Local partners collectively protected an additional 2,864 acres of land since 2002.

- **2004** Conservation Plan for the Mt. Agamenticus Region this lays forth the community's vision of timely and lasting conservation in the Mt. A Region. It was developed with extensive public input from a broad range of citizens and stakeholders.
- **2004** Robin Kerr is hired as the second Mt. A Conservation Coordinator.
- **2006** Mt. Agamenticus Trail Assessments and Field Observations, David Tibbetts for the Mt. Agamenticus Steering Committee.
- **2009** Mt. A Summit Guidelines for Usage contains original traffic count data and illustrates the need for improved services and vision of the lodge.
- **2010** The Mt. A Lodge is transformed into the Learning lodge.
- **2011** Planning of the Universal Access Trail.
- **2012** Public Access and Trail Plan prepared by Southern Maine regional Planning Commission for the Mt. A Steering Committee.
- **2013** Mt. A. Planning Workshop with Selectmen, YWD Trustees, Steering Committee and others; demonstrated need for additional workshop and implementation /funding plan for Mt. A.
- **2014** Construction of Phase I of the Universal Access Trail on summit of Mt. A.
- **2015** Construction of Universal Deck Phase I and Universal Access Trail Phase II.
- **2015** Mt. Agamenticus Steering Committee "Strategic Plan & Benchmarks" highlighting first hill goals for resource management, access, infrastructure, public support, public programming and communications.
- **2016** "Mt. Agamenticus Parking & Traffic Flow Needs Study" by Southern Maine Planning and Development Commission.
- **2016** Created a draft, Base & Summit Parking Concept Designs.
- **2016** Construction of phase III & IV of the Universal Access Trail. Trail Grand Opening in September 2016.
- **2017** Formal letter from York Water District to the Board of Selectmen and Budget Committee expressing the need for formalized parking and facilities at Mt. Agamenticus. All visitors who park in the limited base parking, most of the summit parking and along Mountain Road are using first hill, property owned by York Water District.
- **2017** York Water District Board of Trustee's approve a line item in the 2018 Capital Improvement Budget to fund the design and engineering of the Parking at Mt. Agamenticus but want a guarantee from Selectmen the parking lot design will go on to the voters for construction in a timely manner.
- **2018** Workshop of Town of York Board of Selectmen and YWD Board of Trustees to discuss Mt. Agamenticus issues.



### **Trustees**

Stephen C. Rendall Jr., President  
Frank Witham, Treasurer  
Richard E. Boston, Clerk  
Andrew Belliveau, Trustee  
Karen Arsenault, Trustee



### **Administration**

Donald D. Neumann Jr., Superintendent  
Gary E. Stevens, Resource Prot. Manager  
Ryan Lynch, Treatment Plant Manager  
Patrick M. Desrosiers, Financial Manager

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York, Maine 03909  
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# Mt. A. lease agreement May 12, 1980

08579

THIS AGREEMENT, made as of the 12 day of May, A.D. 1980, by and between YORK WATER DISTRICT, a quasi-municipal corporation, organized and existing under the provisions of Chapter 8 of the Private and Special Laws of the State of Maine of the year 1929, and located in the Town of York, in the County of York and State of Maine, hereinafter referred to as "the District," as party of the first part, and the INHABITANTS OF THE TOWN OF YORK, MAINE, a municipal corporation organized and existing under the laws of the State of Maine, and located at York, in the County of York and State of Maine, hereinafter referred to as "the Town," as party of the second part

W I T N E S S E T H :

THAT, WHEREAS the District is the owner of a certain land situated in the Town of York, in the County of York and State of Maine, on the north-easterly side of the highway leading from Cape Neddick, in said Town of York, to Emery's Bridge, so-called, in the Town of South Berwick, in said County, and variously known as the George Welch lot, the Samuel W. Norton lot, the Mary A. D. Weare lot and the David Farwell lot, together with a private way leading from said highway across said premises to a point near the top of Agamenticus Mountain, so-called, in said York;

AND WHEREAS the Town is the owner of sundry lots or parcels of land situated on the top and the northwesterly, northerly and northeasterly sides of said Agamenticus Mountain, adjoining, in part, the said land of the District;

AND WHEREAS the Town is in the process of building upon its said lands a public park and recreational area for both summer and winter recreational purposes, and desires to acquire certain rights and easements relative to a right of way for ingress and egress by vehicle or otherwise, a right of way for the maintenance of a power line, so-called, and the use of a parking area, on, over and across said lands of the District for the use and benefit of the said Town, its agents and servants, its patrons or customers,

prospective or otherwise, and any and all persons that may desire to use or patronize the facilities of such recreational area.

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) paid by the Town, the receipt whereof is hereby acknowledged, and the mutual covenants and agreements herein contained, it is hereby mutually agreed by the parties hereto as follows:

The District does hereby grant and lease to the Town, for the term and upon the conditions hereinafter set forth, the following described rights and easements, to wit:-

1. An easement for the building, repairing and maintenance of a right of way for ingress and egress by vehicle or otherwise, over and across said lands of the District for the use and benefit of the said Town, its agents and servants, its patrons or customers, prospective or otherwise, and any and all persons that may desire to use or patronize the facilities of such recreational area.

The easement hereby granted and leased shall cover the road that was laid out and built by the U. S. Government during World War II, leading from the above described highway to the top of Agamenticus Mountain. The strip of land hereby made subject to the easement shall be three (3) rods (49½ ft.) in width, except that if any unusual problem of drainage or construction is presented, the width may be increased to four (4) rods (66 ft.).

2. A right of way for the erection, construction, maintenance, repair and/or replacement of a power line, so-called, consisting of poles, wires and such other appurtenances and equipment as are ordinarily used, or may hereafter be used, in the conduct and transmission of electric power, extending from said highway, in a northeasterly direction, to said lands of the Town at or near the top of said Agamenticus Mountain, said power line to commence at said highway, a short distance westerly of the southwesterly terminus of said right of way for vehicles; thence running approximately parallel to the westerly side of said right of way to a point near the former location

of the sentry box or out post used by the U. S. Government during World War II; thence running easterly, across said right of way, to a point in a line of telephone wire, attached to trees, originally strung by the U. S. Government, and presently being used for communication with the forest service tower on said Agamenticus Mountain; thence following the approximate line of said telephone, in a northeasterly direction, in a straight line, to said land of the Town near the top of said Agamenticus Mountain. Said right of way for said power line to include the right to cut down and remove all trees within twenty (20) feet of either side of the line of poles so to be set for said power line, and the right to said Town and its successors in title, to enter upon said strip of land, twenty (20) feet in width on either side of said power line, for the purpose of erection, maintenance, repair and/or replacement of said power line, and the cutting and removing of trees as hereinbefore provided.

3. Also the right to said Town to use, for the purpose of making a parking area, a tract of land approximately two and one-half (2½) acres in area, situated immediately southeasterly of the private way so hereinbefore constructed by the U. S. Government, and wholly enclosed, except on the side adjoining said highway, by a stone wall, said premises being bounded southwesterly by said highway; northwesterly by said former Government right of way, and northeasterly and southeasterly by other lands of the District, together with the right to cut and remove such trees as said Town shall deem proper, and to level the ground of said parking area so far as may be reasonably necessary to fit it for use. Free access from the westerly side of said parking area to said former U. S. Government right of way shall be permitted at any and all times. All of the foregoing privileges and facilities hereby granted and leased to the Town shall be improved, maintained and repaired at the sole expense of the Town, and the said Town shall save the District harmless from any and all claims for loss or damage that may arise for any reason from the use of said right of way or road, power line and/or parking space,

and any or all of them, by the Town, its agents or servants, its patrons, invitees, permittees or any other person or persons whatsoever.

The said Town covenants and agrees that said easements and the road, power line and parking area built, maintained and repaired in accordance herewith, shall not be used or maintained in any way, or by any person, that will contaminate the waters of the great pond known as "Chase's Pond" or "Chase's Lake," from which the District takes its water supply for the Town of York, to the extent that it is dangerous to public health or in any way distasteful or obnoxious to the District or to the takers of the water from said pond.

In the event it is found that any dangerous or obnoxious condition or conditions exist as a result of the maintenance and use of the rights and privileges hereby granted and leased, the Town, upon notice to that effect, shall forthwith correct or remove such condition or conditions, and failing to do so, the District shall have the right to close the said road and parking space and to suspend the use and occupancy of said road and parking space under this easement agreement until such time as said condition is corrected or removed.

By virtue of the rights and privileges herein contained the Town shall have the right to restrict or restrain the use of said road and/or parking space or to limit its use to its agents or servants, its customers or patrons, prospective or otherwise, and for such purpose to bar or obstruct the said road and/or parking space, or to charge a fee for the use of either or both of them, provided, however, that nothing herein contained shall be construed as preventing, restricting, or in any way limiting the District or its agents and servants in the free use and passage on or over said road and parking space at all times for any reason.

In consideration of the rights and privileges hereby granted, the Town further agrees that any portion of the proposed recreational area which lies on the water shed of said "Chase's Pond" shall be so constructed and maintained

so as to prevent any pollution of said pond or of any of the streams tributary thereto.

No commercial enterprise of any kind, other than parking, shall be carried on or conducted in the area hereinbefore provided to be used as a parking area.

4. The rights and privileges hereby granted and leased shall run and exist for a period of fifty (50) years from the date hereof, and shall be subject to renewal, provided that the terms and conditions herein are performed by the Town, provided, however, that if at any time during the term of this agreement, or any renewal thereof, the Town shall cease to own the land to which access is provided by this agreement, this agreement and the easements and rights herein provided shall all become null and void.

5. This agreement shall enure to the benefit of and be binding on the parties hereto, their successors or assigns.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be sealed with their several corporate seals and executed in the name of their respective Corporations by their duly authorized agents.

Signed, sealed and delivered in the presence of

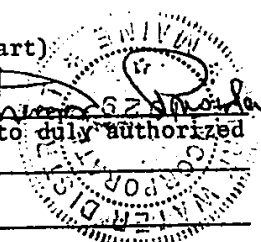
*David C. McInerney Supt.*

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

*David C. McInerney*  
*To All Files*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YORK WATER DISTRICT  
(Party of the first part)

By *Richard D. [Signature]*  
Its President thereunto duly authorized



INHABITANTS OF THE TOWN OF YORK, MAINE  
(Party of the second part)

By *David D. [Signature]*  
*Clarence E. [Signature]*  
*Robert D. [Signature]*  
*Clarence E. [Signature]*  
Selectmen

STATE OF MAINE  
COUNTY OF YORK ss.

May 12, 1980

Then personally appeared Philip D. d'Entremont, President of the Board of Trustees of the York Water District, and acknowledged the foregoing instrument to be his free act and deed, in his said capacity, and the free act and deed of said corporation,

Before me,

*Brenda J. Ruppel*  
Justice of the Peace/Attorney at Law/Notary Public  
5/16/80

York, ss.

Received MAY 13 1980 at 11h.16m. A M  
and recorded from the original

### Trustees

Stephen C. Rendall Jr., President  
Frank Witham, Treasurer  
Richard E. Boston, Clerk  
Andrew Belliveau, Trustee  
Karen Arsenault, Trustee



### Administration

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## York Water District / Town of York Lease Agreement For Mount Agamenticus Access

### 6:30 Summary of current lease agreement;

- **1980** York Water District leased Mt. A Road to Town of York and 2.5 acres for future parking lot at the base for 1 dollar and a 50-year lease.
  - This agreement provided an easement for the building, repairing & maintenance of a ROW for ingress & egress over & across lands of the YWD for the use & benefit of the town.
  - Leading from Mountain Road to the top of the mountain. Lease area is 49.5' wide. May be increased to 66' wide.
  - Included is an easement for powerlines as well.
  - All privileges & facilities shall be improved, maintained & repaired at the expense of the town.
  - Town may limit or restrict the use of the road.
  - Town may charge a fee to users.
  - YWD shall have free use and passage.
  - Any portion of the proposed recreational area that lies within Chase's Pond Watershed shall be constructed to prevent pollution to Chase's Pond.
  - Agreement is subject to renewal.
  
- **2030** Existing lease agreement will expire.
  - Understanding the TOY cannot bond funds for a project on property with a short term lease agreement.
  - YWD would support a review and re-write of the lease agreement.



### **6:35 Outline of Issues/ Current Conditions;**

YWD is not in the recreation business, but due to the fact this property is in our watershed a “Public Water Supply Source Protection Area”, YWD has an interest.

- YWD has witnessed increased activity in this area over a period of many years.
  - No formal restrooms (porta-pottys only).
  - No formal storm water management (tributary flowing towards Chase’s Pond).
  - Insufficient parking.
  - Safety concerns.
  
- Existing summit parking areas are on YWD property.
  - Existing lease agreement does not address existing parking at the summit.
  - New lease(s) must include;
    - Mt. A Road
    - Summit Parking
    - Base Parking
  
- YWD is required to follow the rules of the Maine Public Utilities Commission “MPUC” & Maine Dept. of Health & Human Services, Drinking Water Program.
  - This property is in our watershed and is Designated a Public Water Supply Source Protection Area.
  - New lease agreements need approval of MPUC.
  - New lease agreement can be up to 20 years per MPUC rules.
  - There will be a cost associated obtaining their approval. No fees to MPUC, but legal work for drafting new lease agreement and submittals to make case to MPUC for approval.

### **6:40 Proposed plan to move ahead;**

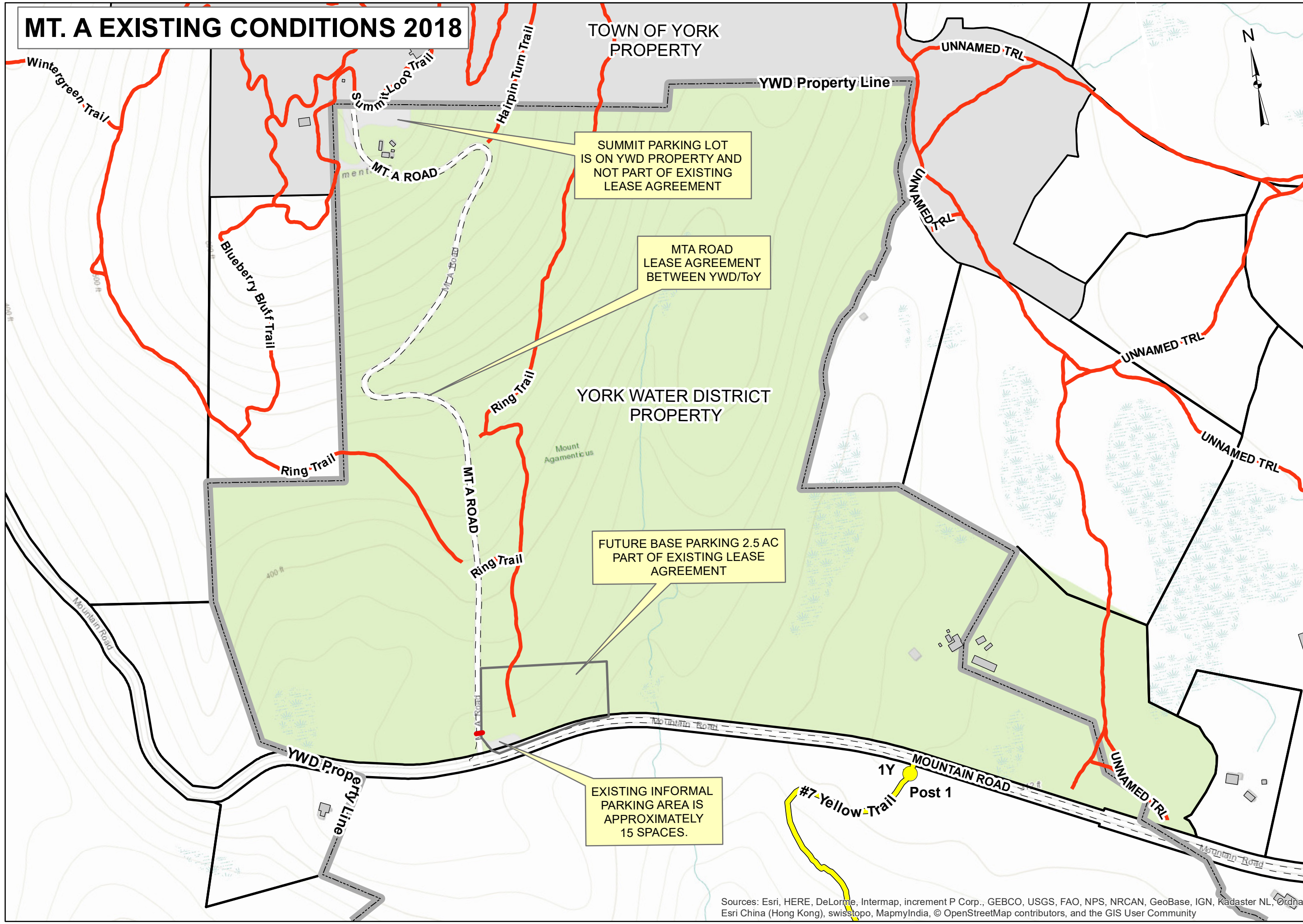
- **Currently York Parks & Rec has 3 Capital planning requests that YWD has an interest in...**
  - **FY 19** \$10k for design & engineering of Mt. A restroom base & summit.
  - **FY 21** \$100k for Mt. A parking lot construction base & summit.
  - **FY 22** \$400k for Mt A public restrooms base & summit.
  -

- YWD Management Staff has asked our Board of Trustees for approval to allow our engineer to undertake the design and engineering for a new parking area up to \$35k. The scope of work would address;
  - Topographic survey to pick up existing features necessary to design the parking and water quality improvements.
  - Siting for proposed restroom facilities.
  - Storm water management.
  - Stakeholder meetings
  - Design development
  - Necessary permitting applications
  - Construction documents
    - We will request an additional task to include a septic design if deemed necessary.
    - We hope Parks & Rec FY 19 request of \$10k for design & engineering of Mt. A restroom base & summit will cover this task.
  
- In principal our Board of Trustees have agreed to support the engineering and design of a new parking area providing TOY Selectmen and Budget Committee will support sending the Parks & Recreation's capital budget request to the voters.
  
- YWD has come up with a great location for a new proposed parking area.
  - Drainage can be engineered away from watershed.
  - Site is partially developed with electricity, existing well and septic
    - Which will all need evaluation.
  - Will be easy to require pay to park and have ability to close when full.
  - Site is fairly flat which will reduce construction costs.
  - Soils should be suitable for this project.

**6:50 Proposed sub-committee;**

- YWD would support the idea of a sub-committee to include 2 Selectmen, 2 YWD Trustees and appropriate YWD/TOY staff to review existing lease agreement and the engineering & design of the new parking area.
- Next steps?

# MT. A EXISTING CONDITIONS 2018



SUMMIT PARKING LOT IS ON YWD PROPERTY AND NOT PART OF EXISTING LEASE AGREEMENT

MTA ROAD LEASE AGREEMENT BETWEEN YWD/ToY

FUTURE BASE PARKING 2.5 AC PART OF EXISTING LEASE AGREEMENT

EXISTING INFORMAL PARKING AREA IS APPROXIMATELY 15 SPACES.

YORK WATER DISTRICT NOTES

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



MT. A EXISTING CONDITIONS 2018

DATE: 1/24/2018 SCALE: NTS

DRAWN BY:  
**TODD HILL**  
UTILITY SERVICES COORDINATOR  
YORK WATER DISTRICT

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Fiscal Year	Calendar Year	Month	Town's Capital Schedule	Task	Comment	
fy18	2018	February		Collaborate with key partners	start lease negotiations	
		April		Data Acquisition/Parking Project Planning	survey to prepare base plans for design	
		April		Parking Preliminary Design	hydrologic and hydraulic analysis to aid in design of low impact development and storm water management practices	
		May				
fy19	2019	June		Public Stakeholder Meeting	input on preliminary design from project partners, stakeholders, and interested members	
		July	Design & Engineering of Mt. A Restrooms	Parking Design, Review & Permitting	detailed and thorough; suitable for coordination with regulatory authorities including Maine DEP Chapter 500 Storm water Management Law permit and review by MDIFW- expected to take several months -April 2019	
		August		Restroom/Septic/Well data acquisition and project planning		
		September		Restroom Preliminary Design		
		October		Public Stakeholder Meeting	input on preliminary parking & restroom design	
		November				
	2020	December				
		January				
		February				
		March				
		April			Parking Final Design & Construction Documents	will include applicable comments from project team and agency review; will include estimate of probable cost of construction
		May			RTP pre-app request	seeking \$\$ to help match construction costs
fy20	2020	June				
		July				
		August				
		September			RTP deadline	
		October				
	2021	November				
		December				
		January				
		February			RTP notification possible	timed with updated budget request
		March				
fy21	2021	April				
		May			if approved in referendum/start preparing rfq's	
		June				
		July	Parking Lot Construction (summit & base)	Break Ground!	possibly move restrooms up to coincide with parking project	
		August				
	2022	September				
		October				
		November				
		December				
		January				
2023	February					
	March					
	April					
	May			RTP pre-ap request		
	June					

fy22

July

Public Restrooms  
(summit & base) &  
Welcome Center

possibly move restrooms up to coincide with parking project

August

September

October

November

December

RTP deadline