



**November 12, 2023 – 9:00 a.m.**

**Meeting of the Northport Village Corporation Board of Overseers**

This is a hybrid meeting – in person\* in the Community Room of Community Hall, 813 Shore Road, Northport, ME and virtually at:

<https://us02web.zoom.us/j/83323257818?pwd=VTJaOFZPVXZwWVVJUnRqckVONmVQdz09> ☐

\*This is a business meeting conducted in public; it is not a public meeting. An opportunity for comments from members of the public is provided before the business meeting begins and end of the meeting. Unless a question from the public can be answered definitively and very briefly, the Board usually does not engage in a dialog with a commenter. If the speaker addresses an item on the Board's agenda, the Board's consideration at that time may respond to the speaker's comments. When recognized, a commenter should state their name and Village address and make their point briefly. Depending on the number of public members who wish to address the Board and the length of the Board's agenda, the presiding officer may establish a time limit for speakers. Agenda items may be taken out of order to accommodate guests. **Remote participants will not be admitted to the meeting unless the participant's name is identifiable.**

**Meeting Agenda**

- Comments by members of the public.
- Call to order business meeting.
- Agenda review.

**Action Items**

- Approval of October 8, 2023 and October 22, 2023 meeting minutes.\*
- President's Report
  - Recommendation to approve Town of Northport Climate Resilience Committee use of the Richard Brockway Meeting Room on 11/15 from 10-11:30 and approximately every other Wednesday through January.
- Treasurer's Report\*
- Village Agent Report\*
  - Recommendation to approve Town of Northport's application for access to NVC property.\*
- Office Manager's Report\*

**Discussion**

**Utilities Report**

**Town Liaison Report**

**Discussion of Other Committee Reports/business (*as needed*)**

- Communications
- Finance
- Governance
- Infrastructure
- Parks & Trees, Tree Warden
- Safety
- Waterfront
- Communications
- Technology Officer
- Other business
- Comments by members of the public
- Executive session to consult with legal counsel pursuant to 1 M.R.S.A. § 405(6)(E) and to consider personnel matters pursuant to 1 M.R.S.A. § 405(6)(A).

- Adjourn

**Warrants: reminder to Overseers to review and approve October warrants sent electronically for your review and available at the meeting for signature by those present.**

\*Written materials submitted.

- Draft October 8 and 22, 2023 Overseer Meeting Minutes
- Treasurer's Report
- November 2023 Village Agent Report
- Town of Northport Application for Access to NVC Property
- November 2023 Office Manager Report

**Northport Village Corporation  
Board of Overseers Meeting  
Sunday, October 8, 2023**

Overseers, Officers and Staff present: Celine Bewsher; Brady Brim-Deforest (via Zoom); Fred Lincoln; Vicky Matthews; Judy Metcalf (via Zoom); Michael Tirrell (via Zoom); and Jeffrey Wilt; President, Janae Novotny; Clerk, Maureen (Beanie) Einstein; Bill Paige, Village Agent; Office Manager Patricia "Trish" Parker.

**Comments by Members of the Public**

John Hoy, 2 Sea Street, spoke in favor of getting the 17 foot wide "connector" path from Shore Road to Bluff Road, donated by the Tim and Ann Marie Samway many years ago, up and running, referring to the Parks & Trees Committee recommendation of approving a survey by Good Deeds. Boundaries need to be defined before clearing a path can be undertaken.

Dan Webster, 670 Shore Road, thanked the village staff, Bill P. and Trish P., for all their hard work in preparing the village for the recent storm related to the effects of the hurricane. He also thanked Bill P. and Fernie Barton for their work in cleaning a spill at the wastewater treatment plant.

The meeting was called to order at 9:03 a.m.

**Approval of September 10, 2023 meeting Minutes**

Janae N. asked if there were any questions or comments on the minutes of the September 10th meeting. Celine B. clarified that at the September meeting, she abstained on the vote to engage Wilke & Associates as bookkeeper.

**Jeffrey W. moved, seconded by Celine B., to approve the minutes of the September 2023 Overseers meeting with the note that Celine B. had abstained not voted no on the vote to engage Wilke & Associates. Voted: Unanimous.**

**President's Report – Janae Novotny**

Recommendation to accept a donation of \$100.00 from Martha Block for the library.

**Vicky M. made a motion, seconded by Michael T., to accept the donation of \$100.00 from Martha Block for the village library. Voted: Unanimous.**

At the September 10 Overseers meeting she was designated to discuss with the Kazilionis family whether they want to proceed with their donation of a garden in Upper Bayview Park. Due to time constraints from both parties, this discussion will take place prior to the next Overseers' meeting.

She encouraged Committee Chairs to attempt to meet the week prior to the Overseers meeting and submit their reports to Michael T. so their notes and attachments can be available to other members and villagers.

She will be arranging an Overseers' Orientation and be in touch with them regarding dates and time availability.

**Treasurer's Report – Wendy Huntoon**

Wendy H. referred the Overseers to her written report circulated prior to the meeting.

### **Village Agent Report – Bill Paige**

Bill P. referred the Overseers to his written report circulated prior to the meeting. Celine B. asked about the status of electrical work in the garage. Bill P. stated that the electrician is aware of the requested work, and he and Trish P. are trying to determine if there are enough funds to do the work this fall.

The Village has received two “Applications for Use of Village Property for Construction Activity” for the Butters’ cottage on Merithew Square from the co-owners of the property, one from Sandra Butters and one from James Butters. Rick Fisher, Fisher Properties, James Butters Contractor, submitted the application after a lengthy discussion with Bill P. He expects the equipment needed for the job, excavator’s, etc. will be in the park for a approximately one month, and any year-round residential parking will not be disturbed.

A lengthy and thorough discussion ensued. It was determined that the application from Sandra Butters was incomplete, so no action was needed. Judy M. stated that because of the competing applications for the same property that in addition to the bond usually required that NVC also needs to be indemnified against any actions by Sandra Butters.

**Vicky M. made a motion, seconded by Jeffrey W., to approve the James Butters application, and to require a \$10,000 refundable deposit cash or bond (once the Overseers and Village Agent have concluded there was no damage to the Park) and that James Butters indemnify the village against any damage incurred and any action related to the property filed by Sandra Butters.**

After much discussion, Judy M. recommended that the Village increase the refundable deposit to \$20,000.

**Jeffrey W. made a motion, seconded by Brady B., to amend the above motion to increase the refundable deposit to \$20,000. Voted on the amended motion: Unanimous.**

### **Office Manager – Trish Parker**

Trish P. referred the Overseers to her written report circulated prior to the meeting.

### **Finance Committee – Fred Lincoln**

Fred L. referred the Overseers to his written report circulated prior to the meeting.

Fred L. made the following recommendation: Under the condition the interest rate offered by FDIC-insured First National Bank is at least 4.3% (annual rate) for a period not less than one year on all NVC deposit accounts and with no early withdrawal restrictions, the Finance Committee recommends that the Overseers approve a graduated transfer of NVC bank deposits to the First National Bank to commence within a reasonable time determined by the Treasurer.

After discussion, Fred L. tabled the recommendation until Treasurer Wendy H. has more in depth discussions with appropriate personnel at Bangor Savings Bank.

### **Infrastructure – Celine Bewsher**

Celine B. referred the Overseers to her written report circulated prior to the meeting.

Celine B. offered the following committee recommendations:

Re Cradle Row: To leave Cradle Row as is without further construction and remove this item from the Infrastructure Committee and refer it to the Trees and Parks Committee for further improvement.

Re fencing work around the pond: Leave as it is for now and not spend the \$20,000 allocated and instead keep the funds for infrastructure emergencies that may come up. The Committee recommends proactively evaluating the trees around the pond to avoid another situation that will damage the fence. Bill P. stated that the fence is falling down and needs to be replaced regardless of the trees.

No action was taken on the Committee recommendations.

The Town of Northport in conjunction with the Village has been awarded a Community Resilience Grant for \$50,000. Celine B. will continue working with James Kossuth to coordinate the next steps to coordinate for the engineering study of shoreline stabilization.

#### **Parks & Trees Committee/Tree Warden – Vicky Matthews**

**Vicky M., made a motion, seconded by Jeffrey W. (subject to discussion), to approve Good Deeds proposal of \$4800.00 for a survey to determine the property boundaries of the Bluff/Shore Roads “connector” donated to the NVC.**

Judy M. reiterated what was stated at the last Overseers’ meeting that the Village has an essential understanding of where the boundaries are and it is up to an abutter who disagrees to prove it, and a survey from the Village would not stop a dispute. A thorough and lengthy discussion ensued. Vicky M. stated that she is not comfortable asking volunteers to clear a path without a survey and she will not do it. Michael T. and Judy M. stated that, as discussed at the September meeting, this is not in the budget and there is no need to spend money on a survey at this time. Michael T. noted that surveying Village property whenever an abutter pushed back set a bad precedent. Judy M. noted that the Village could notify the abutters that the Village would be working on our property as shown on the tax map. Jeffrey W. stated that he was comfortable withdrawing his second to the motion, but that clear instruction about how to move forward should be provided to the committee. Jeffrey W. withdrew his second to the motion. No action was taken.

Cradle Row: There are two large beech trees on either side of Cradle Row which will need to be watched and, if removal is advised, the arborist has given an estimate of \$3,000-\$4,000. No treatment recommended at this time.

The arborist was in the Village the day after the storm and evaluated two trees in Auditorium Park that residents were concerned about. He recommended no treatment and noted that a normal bending/weaving during a storm is expected with healthy trees.

The arborist evaluated a tree between the Malone and Crowley properties on Griffin Street based on residents concerns. No treatment was recommended.

A tree in lower Bayview Park damaged during the storm was determined to be on private property.

#### **Utilities – Jeffrey Wilt**

The Trustees met on Friday, October 7, 2023.

The holding tank in the wastewater treatment plant leaked approximately 2 gallons of sodium hydrochloride; this leak was attended to and fixed by Bill Paige and Fernie Barton. An estimate to fix the leak by a contractor was approximately \$12,000. Thank you Bill and Fernie!

The Village continued to have exceedances of BOD in August and September. In September, the exceedances were higher than we expect. We have been in a dialog with DEP. These exceedances are an issue with soluble BOD (Biochemical Oxygen Demand). The Trustees will be sending a communication with the November billing, to NVC website and Baysidemaine.com, to reinforce that our wastewater system is for solid waste and toilet paper and nothing more! This is a concerning issue that must be fixed.

There was a public hearing on the moratorium on new sewer hook-ups. Our efforts to decrease BOD have not been successful, so, at its meeting, the Trustees voted to extend the moratorium another six months, from October 6, 2023 to April 6, 2024.

Belfast Water District has informed the Trustees that their cost for selling water to NVC will be increased by 30% beginning January 2024. PUC sets strict guidelines how a utility can increase its rates, so we will be considering our options and will also consider our reserves in developing a budget.

Our contract with Chuck Appleee and his company ends in January 2024. His hourly rate will not increase and the Trustees are happy with his performance. Brady reminded the Board that in the original search, he contacted 73 companies and received a response from only two. The Trustees will recommend signing a new contract with Chuck A. without an RFP.

#### **Governance – Judy Metcalf**

The draft of our Zoning Ordinance, adopted two years ago had a recommendation for a Design/Review Committee for the Historic District. Because of the negative feedback from the villagers it was removed from the Ordinance. The Committee has talked about revisiting this conversation with village residents. The Committee is asking the Overseers to appoint an Ad Hoc Design/Resource Committee that would be charged with the task to be a resource to the community and develop communication with members of the Village what is available to them, as an educational tool, if they consider architectural changes or new construction.

**Judy M. made a motion, seconded by Michael T., that the Overseers create an ad hoc committee for design resource tools and ask President Janae N. to appoint Elaine Moss and Beverly Crofoot to that Committee. Voted: Unanimous.**

#### **Town Liaison – Jeffrey Wilt**

The regular Northport Town Meeting has been rescheduled to Thursday, October 12 at 6:15 in recognition of the Indigenous Peoples Day Holiday.

#### **Other Business**

Judy M. – There is a five-foot strip of land that goes from Main Street to Griffin Street that is Village property. The Village has been in touch with owner of the Baker cottage on Griffin to confirm this and the placement of her proposed garden.

Celine B. – The Community Resilience Grant: one of the qualifiers for the next \$50,000 grant that we would like to apply for in the future requires a community resilience committee. Some people have indicated interest in this group, and she will be following up on same to continue discussion.

Michael T. – Acknowledged and thanked Bill and Gina Cressey for removing the fence in front of their cottage. Judy M. approached the Cressey's about the revocable license in place, they were gracious and cooperative and had the fence removed thereafter.

#### **Public Comments**

Rachel Rosa (7 Auditorium Park) thanked Celine B. for the recommendation that the Village get the necessary electrical work needed for Bill P. prior to the winter.

**Adjournment**

The meeting was adjourned at 11:05 a.m.

Submitted by:

Maureen Einstein (Beanie) Einstein, Clerk

Janae Novotny, President

Draft

**Minutes of the Special Meeting of the  
Northport Board of Overseers  
Sunday, October 22, 2023**

Overseers, Officers and Staff present: Celine Bewsher; Brady Brim-Deforest (via Zoom); Fred Lincoln (via Zoom); Vicky Matthews; Judy Metcalf (via Zoom), Jeffrey Wilt; President, Janae Novotny; Treasurer, Wendy Huntoon (via Zoom); Clerk, Maureen (Beanie) Einstein (via Zoom).

President, Janae Novotny, called the meeting to order at 8:02 a.m.

Janae Novotny recommended that the Board approve James Butters' amended request for access to Village property to allow storage of the cottage in Merithew Park during foundation work. (All other conditions of the previously approved application, including timeline are unchanged).

**Judy M. moved, seconded by Jeffrey W., to approve James Butters amended request for access to village property to allow storage of the cottage in Merithew Park during foundation work. Voted: Unanimous.**

Janae Novotny recommended that the Board approve the annual winter parking ban which will take effect from November 15, 2023 to April 15, 2024. The terms of the winter parking ban are described in the Parking Ordinance.

**Jeffrey W. moved, seconded by Brady B., to approve the annual winter parking ban as stated above.**

There were no comments by members of the public.

The meeting was adjourned at 8:10 a.m.

Submitted:

Maureen Einstein, Clerk

Janae Novotny, President

Treasurer's Report  
11/12/2023

- Warrants and Monthly Reports
  - October warrants are provided under separate cover.
  - Bank Statements through October 2023 are available in the office.
  - Bank balances are provided separately to the Overseers, Officers and NVC Staff.
  - See information below regarding monthly reports.
- Bookkeeping
  - Office Manager continues to work with Wilke & Associates on transitioning accounting functions.
  - W&A was provided access to all NVC financial information, including the ability to pay bills or transfer funds online when necessary.
- Audit Update
  - Wilke & Associates completed cleaning up the 2021 General Ledger and the information was provided to Purdy Powers for review.
  - Office Manager has requested the engagement letter from Purdy Powers.
  - Statement of Financial Position for 2021 is available online for the Overseers to review.
- Monthly Reports
  - As part of the transition, Wilke & Associates is catching up on the data entry into QBO. For informational purposes only, the following QBO reports are made available as is to the Overseers by the Treasurer.
    - Statement of Activity by Property
    - Budget vs Actuals by Property (in a single Excel file)
    - Statement of Activity by Month. (Note that this report does not breakdown the monthly information by property or class).
- NVC 2025 Budgeting Process
  - 2025 budgeting process will begin in January 2024 with a draft 2025 budget based on the 2024 budget.
    - Input will be requested from all NVC committees, including the Finance Committee, regarding specific items of interest for the 2025 budget.
  - Budget Workshop schedule will be discussed by the Overseers at the January 2024 meeting, with a recommendation of at least three workshops scheduled between February 2024 and May 2024.
    - Workshop agendas for 2023 are provided below as reference.

## **2024 Budget Workshop Agendas**

### **Meeting 1**

- 1) Budget overview - format, what has been done so far.
- 2) Input from the Overseers - specifically review the information requested from committee or overseer.
- 3) Capital Budget Planning - identifying capital projects that will be included in the 2024 operating budget.
- 4) Wrap up - next steps (updated budget based on input from Meeting 1 and share updated budget with Overseers).

### **Meeting 2**

- 1) Budget Overview - review what was provided in Meeting 1 and budget impact.
- 2) Collect any remaining input from Overseers not provided during Meeting 1.
- 3) Review budget sections (not line by line yet, but still major areas).
- 4) 2024 Capital Budget projects (if any).
- 5) Wrap up.

### **Meeting 3**

- 1) Budget Overview.
- 2) Collect any outstanding budget information, including capital budget.
- 3) Review line by line (with the assumption Meeting 1 & 2 collected the major information so that the Overseers are primarily confirming line items).
- 4) Wrap up - focus on finalizing the budget and putting it into a format for discussing with the villagers.

**Northport Village Corporation  
Village Agent Report  
November 12, 2023 Board of Overseers Meeting**

**Parks**

- Ruggles Park playground. Playground needs more chips – in addition to what we recently put down. The cedar chips used on the playground are made in Canada. Not practical to buy them directly; we must purchase through a 3<sup>rd</sup> party. Need to fill areas under swings with crusher rock.
- Ruggles Park: Looking into removing rotten stumps at some point in the future.
- Bayview Park and Auditorium Park: We lost some shoreline embankment at the bottom of these parks. Will need to have a soils engineer assess possible stabilization. See Infrastructure Committee report and grant application activities.
- All parks: Park benches need to be repositioned (close to existing locations) because they have settled. May need to fill holes when they are repositioned.

**Wharf, floats and Ruggles Park seawall**

- Wharf: Still waiting for Prock Marine to schedule routine maintenance.
- Signage: Signage regarding swimming safety finally arrived. Boat float and fishing signs being worked on.
- Dock Building: Looking tired. Needs scraping and new paint

**Roads**

- General road maintenance: Planned maintenance has been completed. Rented a roller to compact the regraded streets and they have held up so well in recent rainstorms that we plan to do it again next year.
- Property owner complaints about water runoff from village roads: Whenever I have an opportunity, I advise property owners building new structures or doing major remodels to build their foundations higher than the crest of the road grade to avoid flooding. Property owners who ignore this advice then complain that runoff from the road floods their property and they want the village to do something about it.

**Miscellaneous**

- **Needed electrical work**: Received the following estimates for needed electrical work:
  - Maintenance building: \$1300.61
  - Lab/water shed: \$954.76
  - Community Hall (meeting room, office and hallway): \$1350.08
  - Community Hall (upstairs stage area-to install proper wiring for fans added by Bayside Arts): \$936.18

If 2023 funds are available later in the year, request that the maintenance building electrical work be approved so that I will have light for maintenance work needed this fall and winter. The remaining work should be in the 2024 budget.

- Fence around the fire pond: The frost had picked up the concrete posts and the fence was falling over before the tree fell on it. Replacing the fence was on a “10-year plan” that was never funded. A temporary fix is no longer possible. The fence needs to be replaced as soon as possible for safety reasons. First estimate about \$20,000. I’m looking for another estimate.
- Fire hydrants: Two new hydrants installed – one on Shore Road and one on Bluff Road.
- Truck and sander: Truck serviced. Sander and snowplow repairs completed. Total exceeded estimate. Equipment is ready for winter.
- I continue to field calls from private contractors working throughout the Village on current and planned projects in the Village.
- I continue to deal with various villagers with issues they want addressed.
- Cradle Row: Still waiting for Overseers’ decision for a plan, money and new signage for planned future Cradle Row/Grove Street use.
  - If Cradle Row will continue to be used for parking, we need to prune trees. A villager recently notified us that a falling tree limb damaged their car when it was parked in Cradle Row.

#### **Village projects/needs on the near and far horizon with budget implications**

- **Inshore mooring block for the boat float**: The new block arrived and will be installed in spring 2024.
- **Floats replacement**: It is still time to begin setting aside and saving money to replace the floats; they are starting to show their age.

#### **Other Activities .**

- Talking with the new lawn-mowing contractor about an estimate for shoveling and plowing for Community Hall and the utility buildings this winter.
- Met with Drinkwater School officials regarding the school’s use of Community Hall as an emergency center in case of a school evacuation. The Board approved this some years ago. The school wants to reacquaint teachers and staff with the facility.

#### **Utilities**

- Still working with plumbers to get final seasonal water services turned off.
  - Seasonal water shut off issues: Seasonal water shut off starts Oct 15 and all seasonal water needs to be off by Nov 1.
  - *More issues this year with several mostly new owners insisting on having their water turned back on after it had been shut off, blown out and antifreeze added for the winter.*
  - *Also more (about 10) “regulars” who wanted to leave their water on until November 1. That does not work because of the time needed to shut off a water service; I cannot leave that many until the last minute.*
  - Shutting off the water at the street (Village property/equipment) is prohibited unless authorized by Village Agent. Only the Village turns water on/off at the street.

- Everything from the Village shut off at the street to the house and under/in the house is the homeowner's responsibility. The homeowner arranges with a plumber to drain the house, remove the water meter in or under the house and return the water meter to the Village for winter storage.
- The water meters belong to the Water Department. The Village collects and stores them for the winter.
- Seasonal water turn on for seasonal cottages begins May 1.
- The Utilities Department will be sending out more reminders about these terms of service. In the future, after water shut off has happened, we will not turn water back on. Water shut offs will happen on a schedule that allows for other Village work to be done, too.
- My cell phone: Plumbers have given my cell number to some owners, who call me at night and on weekends. My cell phone is also my personal phone. **If you have my number, do not give it out to anyone. The Village office phone is the right number to use for Village business.**

Submitted by Bill Paige, Village Agent.



# TOWN OF NORTHPORT

16 Beech Hill Road  
(207) 338-3819 ext.5

Northport, Maine 04849  
(207) 338-3596 (fax)

northportceo@gmail.com

*A community of neighbors, a tradition of caring since 1796.*

November 6, 2023

Dear NVC,

The Town is submitting a request for use of your land on Merrithew Square.

This is a precaution incase the Butters do not act in time to fulfill their requirement of bringing the house into a safe position by December 30, 2023.

Attached is a proposal letter from DM&J Waste for the demolition and removal of debris, Josh (from DM&J) told me it should take two or three days to do.

It also outlines their plan.

If this happens it will be as soon as possible after December 30, 2023

Also attached is the ORDER and DECSION from the Town.

Sincerely,

C. Toupie Rooney  
Code Enforcement Officer  
Town of Northport



### **Application for Use of Village Property for Construction Activity**

**FOR ALL WORK SOUGHT TO BE PERFORMED BY STORAGE OR CROSSING OF CONSTRUCTION MATERIALS OR EQUIPMENT UPON VILLAGE PROPERTY, THE HOMEOWNER MUST FIRST GET PERMISSION FROM THE NORTHPORT VILLAGE CORPORATION BOARD OF OVERSEERS FOR SUCH USE.**

**Homeowners and contractors must complete this application and provide the following:**

- **A description of the proposed use of Village property, including relevant drawings;**
- **The timeline for proposed use of Village Property;**
- **A description of the nature of the burden placed on the Village property; and**
- **An explanation as to why there is no commercially feasible alternative to the use of Village property.**

**In addition, the homeowner may be required to post security to restore any damage done to Village property.**

**No work or storage will be allowed between May 15<sup>th</sup> and October 20<sup>th</sup> of each year, regardless of the date the permit is issued. When roads are posted by the town of Northport or the Northport Village Corporation, no work or storage will be permitted.**

**Kindly complete this application and provide all of the information required in order for your request to be placed on the agenda for the next Overseers meeting. Applicants are strongly advised to meet with the Village Agent prior to submitting an application to discuss the proposed project. Please be aware that failure to have submitted a completed application at least five days in advance of the scheduled Overseers meeting may result in delay in approval. The Overseers typically meet only once per month.**

**If permission for the use is granted either conditionally or unconditionally, a License and Indemnification Agreement will be prepared by the Village substantially in the form attached to this application and executed by the NVC President. In every instance, the License and Indemnification Agreement shall be provided to the homeowner only after the homeowner has provided the Village with proof that all required permits (e.g., DEP) have been received and proof that the homeowner has insurance coverage as required by the License and Indemnification Agreement.**

**Application for Use of Village Property for Construction Activity**

Owner Name: Town of Northport Owner Phone: 338-3819 ext 5  
Owner Mailing Address: 16 Beech Hill Owner Email: Northportceo@gmail.com  
Bayside Property Address: 9 North US/149  
Village Property Impacted: Merrillhow Square  
Contractor Name: DM+J Contractor Phone: 949-2162  
Contractor Address: 219 Stream Rd Contractor Email: help@dmjwaste.com  
W. Northport  
Have you or your contractor met with the Village Agent to discuss the project: ☒ Yes ☐ No

Provide a brief description of the nature of the proposed use of Village land (description of equipment to be used, type of materials to be stored, duration of storage needs, method of egress to Village land, whether alternatives have been explored, etc.). Attach additional pages as necessary.

listed in letter - placement of mats - bring in roll off + tearing down house - 2 to 3 day duration

Explain why no commercially feasible alternative to the use of public land exists. Attach additional pages as necessary.

The house sits totally surrounded by NVC Property

**Required Submittals Attached:**

- ☐ Timeline for Proposed Use
- ☐ Drawings
- ☐ Any Required Permits (e.g., DEP), If Already Received - N/A

**Northport Village Corporation Use Only:**

Village Agent: ☐ Approved ☐ Disapproved Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Board of Overseers: ☐ Approved ☐ Disapproved Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Tax Parcel of Homeowner's Property: \_\_\_\_\_

Conditions of Use to Be Incorporated into License and Indemnification Agreement):

Deficiencies of Application and Conditions to be Satisfied Before License and Indemnification Agreement Is Provided:



**Mailing Address:**  
219 Stream Road  
Winterport, ME 04496

**Telephone:** (207) 223-4112  
**Email:** help@dmjwaste.com

*Our licensed transfer stations are located at  
44 Transfer Station Road in Winterport and  
15 Industrial Road in Ellsworth, Maine.*

November 6, 2023

Town Of Northport  
16 Beech Hill Road  
Northport, ME 04849

Attention Toupie Rooney

We are pleased to have this opportunity to submit the following proposal/contract for the demolition, transportation and disposal of the demolition debris waste generated from the house located at 9 North Ave Northport, Maine 04849

The following work will be performed by DM&J Waste for the consideration of \$20,000.00 (Twenty Thousand Dollars).

DM&J can hold the quoted price until March of 2024.

The price includes demolition, transportation, and disposal of demolition debris, concrete walls and footers generated from the building. Fill will be brought in to fill the crawl space hole under the house then mulched. Chimney's will be taken down by hand prior to demolition to avoid any damage to the neighbor's property. The park bench will be moved and then put back in place once the demolition is done. Day Lillys will be replanted in the spring if destroyed during the demolition process. Matts will be placed over the lawn to avoid damage to the property. All demolition debris waste generated from the building will be disposed of at our DEP licensed facility located in Winterport.

The Town of Northport agrees to pay DM&J Waste \$20,000.00 to perform the work and agrees to pay the within 30 days from the date of invoice. Late charge of 18% per year charged at 1.5% per month on the unpaid balance after the due date. The minimum finance charge is \$15.00. Customer shall pay all collection costs. Attorney fees and all other expenses incurred to collect past due balances.

By signing below, both parties agree to the work to be performed, the prices quoted and the terms of this contract.

\_\_\_\_\_  
Town Of Northport

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
For DM&J Waste

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

Thank you and we look forward to working with you. If you have any questions, please do not hesitate to contact me.

Sincerely,  
Josh Wellman  
President & Co-Owner

**Visit us at [www.dmjwaste.com](http://www.dmjwaste.com)**



ATTEST Stacy L Grant, Waldo Co Registry of Deeds

**ORDER AND DECISION OF  
THE MUNICIPAL OFFICERS OF THE TOWN OF NORTHPORT, MAINE  
RE: PROPERTY OF SANDRA BUTTERS AND JAMES BUTTERS, TRUSTEE, BUTTERS  
BAYSIDE FAMILY CAMP IRREVOCABLE TRUST  
9 NORTH AVENUE, NORTHPORT; TAX MAP US LOT 149**

Upon due and sufficient notice provided to Sandra Butters and James Butters as Trustee of the Butters Bayside Family Camp Irrevocable Trust (Collectively, "Butters"), a hearing regarding real property located at 9 North Avenue, Northport, ME, ("Premises") and described in a deed to Butters as recorded in Book 4790 Page 289 of the Waldo County Registry of Deeds, was convened on August 14, 2023 at 6:15 pm in the Northport Town Office, pursuant to 17 MRS 2851 by the Municipal Officers ("Select Board") of the Town of Northport. Sandra Butters was present and James Butters was represented by Attorney Paul Dillon. Testimony was provided by the Town Code Enforcement Officer Toupie Rooney ("CEO"), and a structural engineer Carmen Bombeke, P.E., who was retained by the Town to complete a dangerous building assessment, Sandra Butters, and Paul Dillon on behalf of James Butters. There is an audio recording of the hearing which may be consulted as to the testimony and discourse.

**EXHIBITS INTRODUCED AT HEARING**

Exhibits introduced and considered by the Select Board were marked as follows:

Exhibit A -- Copy of the June 2, 2023 cover letter and Notice of Hearing, with attached copies of Title 17 MRS 2851 et seq., and the Professional Engineer's Report dated April 13, 2023;

Exhibit B – Copy of Tax Assessing card and deeds for the Premises;

Exhibit C – Certified Mail receipts and service for Butters;

Exhibit D – Notice of Violation letter, dated April 19, 2022, and copies of photos of inspection from 2022 inspection of the Premises by the CEO;

Exhibit E – Introduced by Paul Dillon, copies of photos of pilings placed by James Butters to help stabilize the Premises;

Exhibit F – Email and copy of two estimates by Pelletier and Daughters to do certain described repair work.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The CEO testified as to the history of her inspection of the Premises in 2016 after receipt of a written complaint. Photos were taken at that time, but the CEO did not order any remedial action. Upon additional complaints in the first two months of 2022, the CEO again visited the Premises. The CEO described the alarming scope and severity of deterioration of the Premises, when compared to her inspection in 2016. The CEO issued a Notice of Violation, dated April 19, 2022 (“NOV”), describing the condition of the premises and setting forth a timeline for correcting the hazards she identified. The NOV letter set a deadline of one year from the date of that letter (i.e., April 19, 2023) to make the building safe or demolish it.

After approximately one year of discussions with Butters, which did not result in any meaningful remedy of the deteriorated Premises, the CEO in the spring of 2023 retained a structural engineer, Carmen Bombeke, P.E. of Gartley and Dorsky Engineering (“Engineer”). The

Engineer's report ("Report"), entitled "Dangerous Building Assessment" was relied upon by the CEO in her decision to initiate this prosecution.

The Engineer described her 16-year practice as a Professional Structural Engineer who does conduct Dangerous Building Assessments. She has an engineering BS degree from Stanford University and a Masters from Columbia University. She testified in detail as to her findings, as outlined in her Report, and her conclusion that for the multiple independent reasons referenced in the Report, the building is "*structurally unsafe, constitutes a fire hazard, is unsuitable or improper for occupancy, and constitutes a hazard to health and safety due to inadequate maintenance, dilapidation and abandonment.*" Report, pg. 2.

Sandra Butters did not refute the substance of the Engineer's findings in the Report, but did clarify an issue as to who did some repair work on the porch. Ms. Butters testified that she has been making efforts to hire a contractor to remove a chimney and install footings and frost walls to support the building. She described the obstacles of her neighbor (won't move items on his property to allow her contractor access to a ladder), the Northport Village Corporation (getting confusing responses from NVC as to her application, and the NVC has not processed her application to drive over an NVC park), illness and delays of her first contractor (contractor got ill and subsequently refused to schedule work), and the "other owner" (will not help pay for repairs and other difficulties), which have all contributed to the delay in repairing the Premises. Sandra Butters had no written estimate or outline of the scope of repairs to reflect any repair work that she is willing to start in the near future. The work she is willing to commit to appears to be foundation work and removal of a chimney. After multiple questions from the Select Board as to the full list of repair work and commitment to pay for it, regardless of contribution from James Butters as Trustee, it was clear that Sandra Butter is not ready or willing to commit

to solely pay for and undertake repairs to address the many unsafe and hazardous conditions on the Premises, other than pay for one-half of the chimney and foundation repairs. Ms. Butters testified that the inside of the cottage is in better condition than the exterior or foundation.

The President of the Northport Village Corporation ("NVC") testified that the long-term policy of the NVC is the requirement of a complete application and approval to use NVC property for access to cottage repair. Additionally, access is permitted only between October 20 and the following May 15. She stated that the NVC Overseers declined to consider the application because it was not complete. If procedures are followed, the NVC routinely authorizes cottage access according to the written policy.

Paul Dillon, on behalf of James Butters did not dispute the findings of the Report, and instead focused on a period of time, such as one year, in which his client would seek to come to terms with Sandra Butters to work cooperatively to sell the property. It is apparent from the testimony that the Butters have been unable to agree to any particular Plan to either renovate or sell the Premises; importantly including that there is no agreement of cost sharing between these two Owners. Mr. Dillon introduced two estimates of repair from Pelletier and Daughters (Exhibit E), which provided two different scopes of work, one for \$ 62,900 and a more inclusive one for \$ 91,900. His point was that the repair cost is prohibitive for James Butters who is on disability, and the Trust has no means to pay for repairs. He requested time, of a year or so, to sell the property by agreement with Sandra Butters. There was no agreement by Ms. Butters with this proposed path forward. Mr. Dillon also submitted multiple photographs (Exhibit F) which depicted temporary dimensional lumber posts on uninsulated concrete pads sitting on grade, which the Engineer made comment to the effect that these temporary posts will shift in the winter with freezing and thawing.

After the evidentiary hearing was closed by unanimous vote of the Select Board, the Select Board then began general deliberations, and quickly and unanimously found that it was very clear from the Report and testimony from the CEO and Engineer that each of the five criteria found in 17 MRS 2851(2-A), which are necessary to adjudge a building to be a nuisance or dangerous, had been met. The Select Board further discussed the fact they wished to provide the Owners a final opportunity to address the many required repairs, consistent with 17 MRS 2851 which generally provides for delay in the Municipality's Order to dispose of the building for the purpose of giving the Owners one last chance to keep control of the Premises if the Owners demonstrate the "ability and willingness to satisfactorily rehabilitate the building." There was consensus that two paths should be offered for Owner controlled resolution: (i) a signed contract(s) with professional contractors, with evidence of current financing to sufficiently pay, for a scope of work which will address all the safety and hazard concerns outlined in the Engineer's Report, or (ii) a signed listing agreement with a reputable licensed real estate agent with a commitment to sell the premises to a third party with sufficient resources to bring the Premises into a safe and habitable condition.

The Select Board makes the following findings of fact:

1. There was no real dispute at this hearing that the Engineer's Report and incorporated photographs accurately depicted and described the conditions on the Premises. No contradictory professional opinion nor any written evidence was provided by Butters; nor was any credible evidence submitted by Butters to refute the Engineer's conclusion of existing conditions of significant dilapidation, unsafe conditions, nuisance and a dangerous building. No credible evidence was introduced to challenge the rational and compelling findings of the Engineer in her

Report and her testimony. We adopt the CEO's testimony and the Engineer's Report and testimony as reasonable, reliable and demonstrating far more than a preponderance of the credible evidence to find that the building is dangerous and a nuisance as defined in 17 MRS 2851 *et seq.*

2. The explanations provided by Sandra Butters as to why no effort had been made after approximately 16 months of the CEO's requests to bring the Premises into a safe and hazard-free condition were not credible. It was clear that the Butters cannot agree on much of anything as to funding the repairs, or the scope of repairs, but the Select Board cannot broker a deal between the Butters. The dangerous building statute does not provide the Butters with a right to delay sufficient remedial action to bring an unsafe and dangerous building into reasonably habitable condition. It is further noted that the Butters were sent a Notice of Violation dated April 19, 2022, and Notice of this Hearing by letter dated June 2, 2023, and after approximately 16 months and numerous telephone calls from Ms. Butters and Attorney Dillon to the CEO, no remedial work progressed, regardless of the many excuses provided by Ms. Butters.

3. James Butters, as Trustee of the Butters Bayside Family Camp Irrevocable Trust, has no financial ability to contribute to the remediation of the Premises.

4. There was no viable proposed Plan presented to the Select Board to actively remediate the premises, but there was a willingness by Sandra Butters to apparently commence work with a contractor to remove the chimney and replace the foundation. However, that verbal proposal to remove the chimney and replace the foundation was not sufficient to address the entire list of dangerous and nuisance conditions which need immediate attention.

5. There was no evidence of any financial capacity of the Owners to effectively cure the dangerous and nuisance conditions; Ms. Butters did not state she had funds available to do the required remediation, and it appeared that she indicated she would be need to get a loan to finance the repairs (or perhaps a loan to only pay for one-half the cost of repairs – it was unclear by her testimony), and the Butters Trust has no funds.

6. Unreasonable delays in the demolition of the Building will cause a threat to the health and safety of the public, and in particular the health and safety of children playing in the area.

The Select Board makes the following conclusions of law:

1. The Dangerous Buildings statute provides that if the municipal officers adjudge a building to be a “nuisance or dangerous” they may make an order to prescribe what disposal must be made of that building. To satisfy the standard to determine if a building is a nuisance or dangerous, the municipal officers must find that the building is (i) structurally unsafe, unstable or unsanitary (ii) constitutes a fire hazard (iii) is unsuitable or improper for the use or occupancy to which it is put (iv) constitutes a hazard to health or safety because of inadequate maintenance dilapidation obsolescence or abandonment OR (v) is otherwise dangerous to life or property. (17 MRS 2851(2-A)). Any one of these criteria is sufficient, if found, to support a finding of nuisance and dangerousness.

2. The Select Board finds that all five of the criteria described in 17 MRS 2851(2-A), which are found both individually and collectively for items 1 through 18 as depicted and described in the Engineer’s Report, have been met in this case, and therefore based on the findings described above, the evidence and testimony of record, the Building is hereby declared to meet the statutory standard of nuisance and a dangerous building.

## **ORDER and DECISION**

It is hereby Ordered as follows:

1. The Butters shall have a final opportunity to control the demolition of the building, if one or both of them can present a written Plan which shall include (i) demonstration of available finances (or loan commitment from an institutional lender) to pay for remediation of the 18 items referenced in the Engineer's Report, (ii) a signed contract(s) with reputable contractor(s) with demonstration of sufficient experience to perform a clearly stated scope of work that specifically includes the 18 items in the Engineer's Report, and includes a start date on or about October 15, 2023 and completion of all work on or before December 30, 2023, (iii) demonstration of written permission from the NVC to access the Premises from the NVC property, and (iv) all necessary approvals and building permits issued by the Town of Northport for the work. Each of the items listed above must be received by the CEO, to her reasonable satisfaction, on or before October 15, 2023. The Plan will include an analysis of hazardous materials as may be on site, and a disposal Plan for those hazardous materials, pursuant to Maine law. The Plan shall be approved in the discretion of the CEO, in consultation with appropriate professional engineers as may be necessary.

Provided, however, as a prerequisite to consideration of this Plan by the Select Board, Butters shall cause access to the basement/crawl space, the foundation, the porch, ground under the north addition, and every other access point into or under the Premises, to be secured by the Butters to the reasonable satisfaction of the CEO, within 14 days of the date of this Order and Decision. If

the securing of the Premises as described above is not accomplished within said 14 days by Butters, the Plan offered and described in this paragraph shall be terminated and the CEO shall take possession of the Premises and secure it pending complete remediation or demolition by the Town.

2. If the Butters seek to comply with the Plan described in the preceding paragraph, they shall pay such reasonable Town expenses as may be calculated by the CEO relating to engineering services for the review of the Plan, and periodic inspection by the CEO during the course of the remediation by Butters, who shall be jointly and severally liable, within 30 days of the demand for such payment, as authorized by 17 MRS 2853.

3. In the alternative to the Plan offered to Butters in paragraph 1 above, and per the request of James Butters, the Butters may choose to provide to the Town the following Plan for the sale of the premises to a bona fide third party for value: a conforming copy of a signed listing agreement, followed by diligent marketing, with a licensed real estate agent to sell the Premises in its present condition. The listing agreement shall be free from an unreasonable asking price or unreasonable conditions, in the opinion of the Town Attorney, that would serve to negatively impact the marketability of the Premises in an arms-length sale to a bona fide third party purchaser for value. The signed listing agreement must be provided to the CEO on or before September 15, 2023.

Provided, however, as a prerequisite to consideration of this Plan by the Select Board, Butters shall cause access to the basement/crawl space, the foundation, the porch, ground under the north addition, and every other access point into or under the Premises, to be secured by the Butters to the reasonable satisfaction of the CEO, within 14 days of the date of this Order and Decision. If the securing of the Premises as described above is not accomplished within said 14 days by

Butters, the Plan offered and described in this paragraph shall be terminated and the CEO shall take possession of the Premises and secure it pending complete remediation or demolition by the Town.

In the event that a sale to a bona fide third party purchaser for value is not completed on or before December 30, 2023, then in that event the Plan described in this paragraph 3 shall be terminated and void.

4. If no Plan per paragraph 1 or 3 is filed and approved by the CEO within the time frames required, the CEO shall take all steps necessary to take complete possession of the Building, secure it to be free from access by any person, and thereafter either commence repair and remediation of the 18 items on the premises if it can be accomplished at a cost not to exceed the estimate of \$ 91,900 as provided in the estimate of Pelletier and Daughters, or cause the demolition of the Building to grade and remediate the site consistent with any applicable ordinance or law. The CEO shall cause a survey or analysis of the premises as may be required prior to remediation or demolition to inspect for hazardous materials, which shall be disposed of consistent with Maine law. The CEO shall retain and consult with an engineer to adopt a Plan of demolition. The CEO shall request contractor bids for the demolition, which shall be forwarded to the Select Board for approval and award, subject to requisite appropriations for funding at Town meeting.

5. The Engineer shall submit to the CEO an invoice for her fees for her inspection of the Premises on April 7, 2023, the drafting of her Report, and for attendance at the hearing on August 14, 2023, which are hereby found to have been necessary expenses incurred by the Town in this matter related to the abatement or removal of the building, consistent with the authority

granted in 17 MRS 2853. The invoice shall be paid by the Butters to the Town, with joint and several liability, within 30 days after demand as required by 17 MRS 2853.

6. The Town Attorney shall submit invoices for his fees and costs incurred related to the preparation of the matter for hearing, attendance at the hearing, and preparation of this Order and Decision. The invoice shall be paid by the Butters, with joint and several liability, within 30 days after demand as required by 17 MRS 2853.

7. All of the pre-demolition and actual demolition expenses shall be paid by Butters, with joint and several liability, to the Town within 30 days after demand as required by 17 MRS 2853, including but not limited to: Town attorney fees, expenses of the engineering consultant fees, permit application expenses to the Maine Department of Environmental Protection if necessary, permit application fees to the Town of Northport, or the NVC as applicable, demolition of the Building including but not limited to all contractor fees and disposal fees, and the cost to return of the site to grade in compliance with Maine laws, which shall be paid within 30 days of demand by the Town as authorized by 17 MRS 2853.

8. To the extent any state or federal permitting, license, study or other investigation, analysis or work requires cooperation from the Butters, they shall cooperate and execute any and all necessary documents related to any permits, study, testing, investigation, requests, applications, and shall provide permissions for access to the site. In the event that the Butters refuses to cooperate, the CEO is hereby appointed as the sole authorized Agent of the Butters to take whatever action is necessary to obtain such permitting, license, testing, study, investigation or site access as is reasonably necessary to accomplish the demolition of the Building and remediation of the site. Butters shall maintain liability insurance and name the Town of

Northport as an additional insured, or the Town of Northport may obtain a general liability insurance policy, at the cost of the Owner.

9. To the extent deemed necessary by the CEO, the Town Attorney may seek a Writ of Attachment(s) of Owner's property for the pre-demolition or demolition expenses, as authorized by 17 MRS 2851.

10. It is specifically Ordered that the Town may use any and all mechanisms to recover the costs, fees and expenses as authorized by 17 MRS 2853, including but not limited to a civil action or one or more Special Assessments, as may be assessed by the Assessors, and may thereafter take ownership and possession of the Owner's property at 9 North Street, Northport, Maine, for any unpaid assessment that is automatically foreclosed, as provided and authorized by Title 36 and 17 MRS 2851 et. seq.

11. An attested copy of this Order and Decision shall be filed in the Waldo County Registry of Deeds.

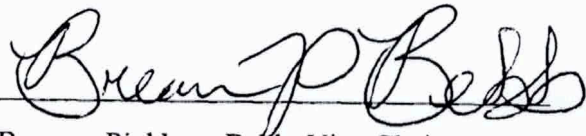
Notice is hereby provided that any appeal of this Order and Decision must be filed in the Waldo County Superior Court pursuant to 17 MRS 2852, which has been provided to the Butters, and Rule 80B of the Maine Rules of Civil Procedure.

DATED: AUGUST 21, 2023

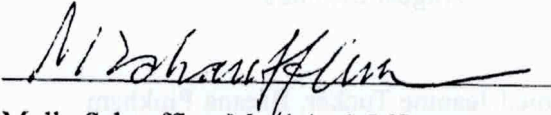
**MUNICIPAL OFFICERS OF THE TOWN OF NORTHPORT, MAINE**



Jeanine Tucker, Chair



Breanna Pinkham-Bebb, Vice-Chair



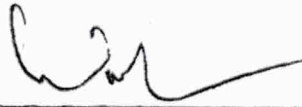
Molly Schauffler, Municipal Officer

STATE OF MAINE  
County of Waldo, ss.

August 21, 2023

Then personally appeared before me the above-named Jeanine Tucker, Breana Pinkham-Bebb and Molly Schaufler, and acknowledged the foregoing instrument to be their free act and deed in their said capacity.

BEFORE ME

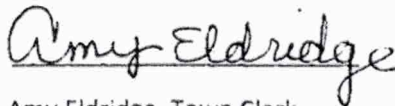


Attorney At Law

WILLIAM S KELLY Esq.  
Print/Type Name

My Commission Expires: BAR # 2077

ATTESTED:



Amy Eldridge, Town Clerk

**SEAL**



## **Office Manager's Report Overseers Meeting 11/12/23**

- The Overseer's held a special meeting on October 22nd to approve 2 items. One of those items was to approve the winter parking ban. Please see the attached winter parking ban notice. This notice appears in The Republican Journal the first and second week of November. As it states, the ban goes into effect on November 15, 2023 and stays in effect until April 15, 2024. The notice is also posted on the bulletin boards.
- Chuck Applebee, Utilities Superintendent, asked the office to send out an email blast or letter to all sewer customers, relating the BOD issues in the sewer testing. In the letter that was sent, it was requested that an email address from those customers be returned, to save on postage for future use. There were 162 letters that were mailed. To date there have been approximately 65 new email addresses collected. Hopefully, we can get to the point that we will have mostly electronic correspondence, which will save postage, paper, ink, envelopes and staff time. Of course all billing is still mailed.
- Wilke and Associates have completed their "clean up" of 2021 financials. Lisa Perri, of Wilke, and I have been working closely to get this done. I have forwarded the preliminary info to Purdy Powers Auditing firm so they can review and decide if they will take us on. If they do, which is expected, they will be sending a letter of engagement. With luck, 2021 Audit will be underway soon.
- I have been working on 2022 financials, to prepare them in the same manner as I prepare our current warrants, for Lisa of Wilkes & Associates to start her clean up. Hopefully this will cut her time down significantly, in her clean up. Lisa has told me that the way I am preparing the warrants makes her job extremely easy, which should also cut down on her time required to do the current monthly bookkeeping as well. She also said that the cover sheet makes all of our finances completely transparent, so all audits, should be smooth and give us a favorable rating, in the future.
- I will out of the office for the week of Thanksgiving (Nov 20th-24th) and also the week of Christmas (Dec 25th-29th). With Jan 1st holiday, I will back in the office on Tuesday, Jan 2nd. I will have my computer with me and will respond to emails and handle payable during these times, but the office will be closed.

Respectfully Submitted,

Trish Parker  
NVC Office Manager

## **Town of Northport Request for Proposals**

### **Engineering Assessment, Survey, and Design for Shoreline Stabilization**

#### **I. GENERAL**

- a. The Town of Northport (“Town”), acting as lead agency, intends to retain a qualified civil engineering firm (hereinafter “Firm”) to provide assessment, survey, civil engineering, landscape design, and permitting work needed to stabilize banks and limit erosion at critical public sites on the shoreline in Northport and Bayside (hereinafter “Project”) in accordance with the scope of services as outlined below. The Town has recently adopted a climate action resolution and continues to support climate action activities. This project will help to fulfill some of these goals by beginning to protect Town infrastructure from the effects of severe storms and sea-level rise.
- b. Background. The Town was awarded a Community Action Grant through the Community Resilience Partnership of the Governor’s Office of Policy Innovation and the Future.
- c. Project Goals. The goal of this project is to complete a written Coastal Stabilization Study, including survey, schematic design and planning, civil engineering, landscape design, and permit applications for stabilizing shoreline erosion at four identified sites in Northport and Bayside, sufficient for beginning the RFP process for the construction work itself.
- d. Estimated Timeline.

RFP Release Date	October 27, 2023
Proposals Due	November 22, 2023
Proposals Opened and Evaluated	November 27, 2023
Expected Contract Execution, Project Kick-off	December 2023
Project Completion	October 2024

- e. Contact Information. Please direct all questions regarding the RFP to James Kossuth, Town Administrator for the Town of Northport, at [administrator@northportmaine.org](mailto:administrator@northportmaine.org) or (207) 338-3819 x6.

## II. SCOPE OF SERVICES

The Town is seeking proposals from qualified and experienced providers of civil engineering assessment, survey, and design services, with a specific background in conducting shoreline infrastructure surveys and developing nature-based strategies for shoreline stabilization.

Objective: Conduct Coastal Stabilization Study.

The study will include survey, schematic design and planning, civil engineering, landscape design, and permit applications for stabilizing shoreline erosion at four identified sites: Auditorium Park, Bayview Park, Kelly Cove, and Shore Road. (See Appendix A for map of locations.)

Survey: Collect detailed topographic survey data including vegetation, exposed ledge, detail of eroding areas, and significant trees; determine the location of the Highest Annual Tide line and the Mean High Water line to set the evaluation benchmark; prepare existing conditions plan which will show the shoreline, property lines, setbacks and features located during the topographic survey. The survey will also account for storm surge and expected sea level rise by 2050. The deliverable from this step will provide the basis for designing a shoreline stabilization plan for each area.

Schematic Design and Planning: Working off the survey results, develop designs for nature-based slope remediation and stabilization options and public beach access options with schematic plans, including landscape design. The deliverable of this step will be a preliminary construction estimate for several design options for review and input.

Civil Engineering: Prepare multiple cross-sections for the proposed stabilization work in order to best address the conditions observed on site. The deliverable for this step will be drawings that will be sufficient for permitting and construction.

Permitting: This step includes preparing and submitting a full NRPA application for the DEP, as well as a permit application to the U.S Army Corps of Engineers (if applicable).

Outcome: Completed written Coastal Stabilization Study, including engineering and landscaping design (where appropriate) for identified vulnerable sites in Northport and Bayside, sufficient for beginning the RFP process for the construction work itself.

Guiding References:

1. Town of Northport Community Resilience Partnership Community Action Grant Application, July 2023
2. Town of Northport Community Resilience Self-Evaluation, June 2023
3. Town of Northport Community Resilience Partnership List of Community Actions, June 2023

4. Town of Northport Community Resilience Partnership Resolution, June 2023
5. State of Maine's four-year climate action plan, Maine Won't Wait
6. UMaine Climate Change Institute Climate Futures Plausible Scenario framework
7. Applicable Town, State, and Federal laws and regulations

#### Deliverables

1. Survey of the four sites, including detailed topographic survey data including vegetation, exposed ledge, detail of eroding areas, and significant trees; determine the location of the Highest Annual Tide line and the Mean High Water line to set the evaluation benchmark, accounting for expected sea level rise by 2050; prepare existing conditions plan which will show the shoreline, property lines, setbacks and features located during the topographic survey.
2. Schematic Design and Planning, based on the survey results, including nature-based solutions for slope remediation and stabilization options and public beach access options with schematic plans, including landscape design. The deliverable of this step will be a preliminary construction estimate for several design options for public review and input.
3. Civil Engineering drawings in multiple cross-sections for the proposed stabilization work in order to best address the conditions addressed on site. The drawings will be sufficient for permitting and construction.
4. Preparing and submitting a full NRPA application for the DEP, as well as a permit application to the U.S Army Corps of Engineers (if applicable).
5. All above deliverables assembled into completed written Coastal Stabilization Study, including engineering and landscaping design (where appropriate) for identified vulnerable sites in Northport and Bayside, sufficient for beginning the RFP process for the construction work itself.

#### III. PROPOSAL SUBMITTAL REQUIREMENTS

1. The Town requires submission to the Town Office, 16 Beech Hill Road, Northport, ME 04849, in a sealed envelope marked "Shoreline Stabilization Project." In order to expedite and simplify proposal evaluation and to assure that each proposal receives the same orderly review, all proposals should adhere to the format described below. Submission of a proposal shall be conclusive evidence that the proposer has investigated and is satisfied as to the conditions to be encountered in performing the work. All proposal sections and pages should be consecutively numbered. Proposals must

include a table of contents listing all sections, figures, and tables. Submitted proposals shall include:

- a. Executive Summary, Company Overview, and Professional Qualifications. Include a brief introduction and executive summary of the major facets or features of the proposal, including any conclusions, assumptions, and recommendations the consultant desires to make. The Executive Summary should be designed specifically for review by a nontechnical audience and Town administration. Provide clear, descriptive information on the following:
  - i. The company's background and history. Provide the name of the authorized office/representative for the company with regard to negotiation and contractual matters.
  - ii. Number of total personnel currently available for services described herein.
  - iii. Provide names, resumes of the project leads or managers, qualifications and experience of all staff anticipated to be involved in the project, including the project manager and technical staff.
  - iv. The assigned Project Manager of this project shall be identified in the proposal and cannot be changed, replaced, or altered throughout the project unless agreed to in writing by both the Town and the Firm.
  - v. Identify whether the company is a single source provider of professional services or if a subcontractor will be used. If a subcontractor will be used, please provide detailed information regarding the nature of the subcontracting work and descriptive information about the company, including its primary representative.
- b. References and Experience: Provide detailed descriptions of at least three (3) references for similar projects, including but not limited to the organization name, contact person, address, telephone number and email address, date of initiation, contract status, and a brief overview of the services provided. The Firm agrees that the Town may contact the references given at the Town's discretion.
- c. Proposed Approach: The Town desires a Firm with a minimum of five (5) years of demonstrated experience with similar projects. Describe how the Firm will be able to analyze climate change effects on infrastructure, develop and prioritize nature-based adaptation strategies, and work with Town staff to develop feasible and cost-effective shoreline stabilization solutions. Proposed approach should include identified tasks as they relate to the scope of services, timeline, and outcomes.
- d. Expected Project Timeline: Describe the timeline the consultant will use to complete the project.

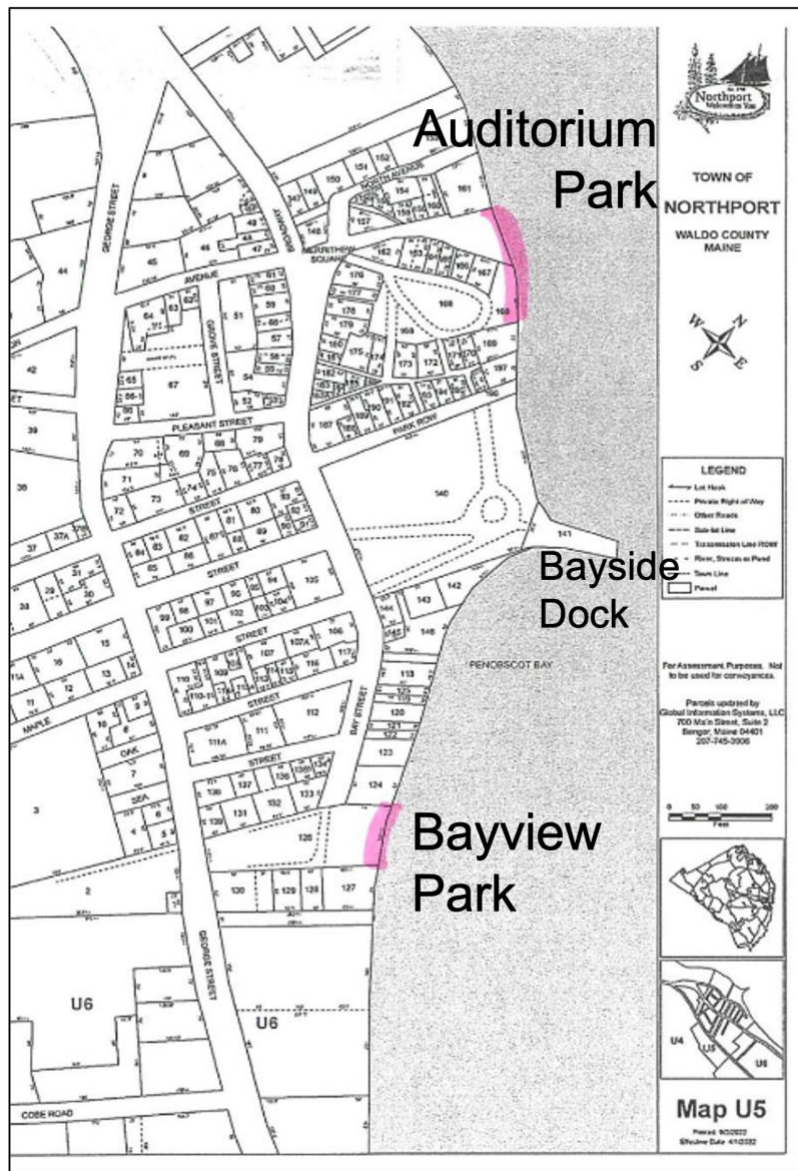
- e. Cost Proposal: For each task listed in scope of services, please provide a clear, complete, and detailed cost schedule including hours and labor rates.
2. Submittals Deadline: The Town requires submission of the proposal to the Town Office, 16 Beech Hill Road, Northport, 04849, in a sealed envelope marked "Shoreline Stabilization Project." All proposal pages should be consecutively numbered.
3. Proposal responses and submittals shall be received at the Town Office no later than **NOON on November 22, 2023**.
4. The Select Board will open and evaluate bids on Monday, November 27, 2023, after 6:15pm at the Town Office, and bidders and the public are invited to attend.

#### IV. CONSULTANT SELECTION POLICY AND PROCEDURE

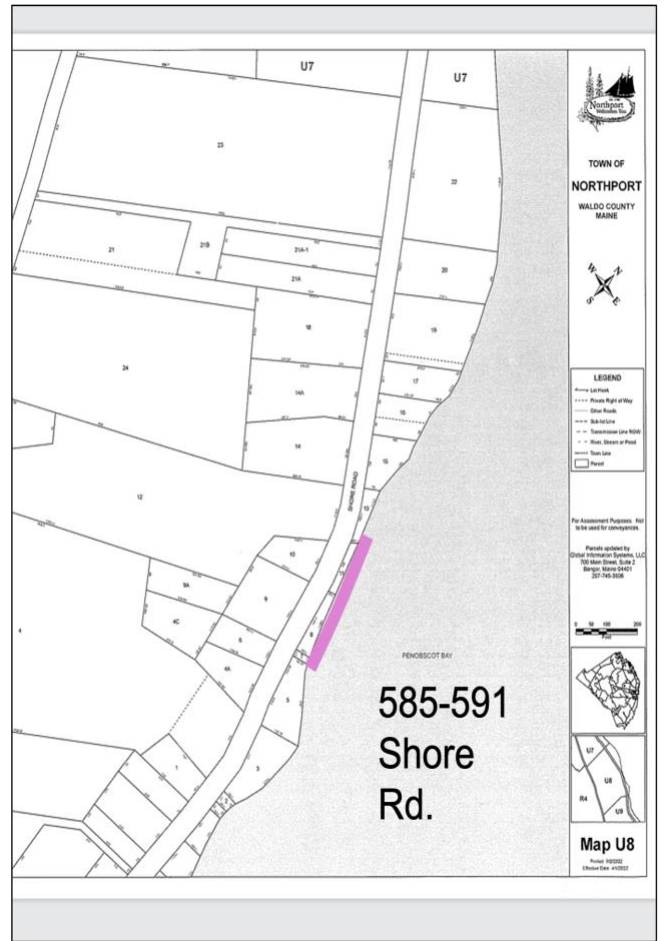
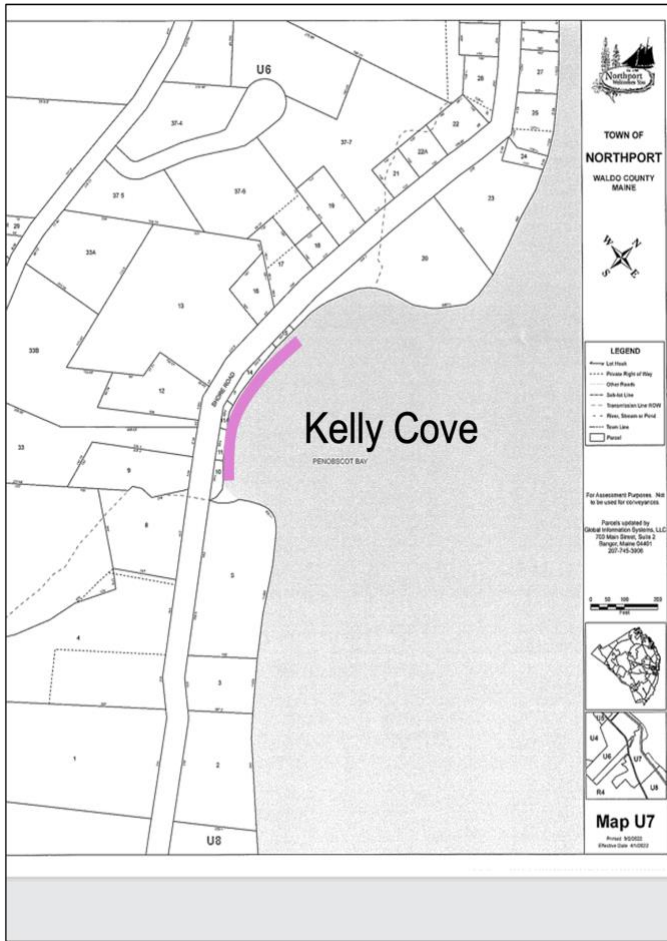
The Town reserves the right to waive informalities and technicalities; to accept or reject any part of, or all of each bid proposal; to negotiate a revised Scope of Services and/or fee, and to accept a proposal which the Town, in its sole, exclusive judgment, deems to be in the best interest of the Town. Proposal price shall be a consideration, but lowest dollar cost proposal shall not be the sole criterion to be considered. The Town will evaluate each proposal based on the documentation requested above, and proposals will be evaluated using criteria that include, but are not necessarily limited to, the following:

- Company Overview and Professional Qualifications
- References and Experience
- Proposed Approach
- Expected Project Timeline
- Cost Proposal

## Appendix A: Site Locations



Site map for vulnerable public shore access areas in Bayside in relationship to the Bayside dock.



Site maps for vulnerable areas along Kelly Cove (681-701 Shore Rd) and 585-591 Shore Rd.