SACO CITY COUNCIL MEETING  
MONDAY, JANUARY 13, 2020 – 6:30PM  
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. RECOGNITION OF MEMBERS PRESENT
III. PLEDGE OF ALLEGIANCE
IV. PUBLIC COMMENT
V. ACTION ITEMS
   A. 351 North Street (Public Works Facility) RFP and Sale of City Property Review Process
   P2

VI. NEW BUSINESS
   A. Audit Presentation
   B. Chapter 15 – Funds Updates
   C. Creation of a Bicycle and Pedestrian Advisory Committee
   P16 P21

VII. ADMINISTRATIVE UPDATE

VIII. COUNCIL DISCUSSION AND COMMENT

IX. ADJOURNMENT

CHANGE IN ELECTED OFFICIALS EMAIL ADDRESSES
To reach Saco’s Elected Officials use first letter of first name last name @sacomaine.org.  
Ex: bdoyle@sacomaine.org.  See a list of the Elected Officials above.
Starting with Mayor Bill Doyle, Councilor Archer, Ward 1, Councilor Purdy, Ward 2, etc.

Hearing Assistance Devices are available at the back of the Auditorium.

If you are interested in addressing the Mayor and Council in the public comment session, please add your name to the roster at the back of the room.
MEETING ITEM COMMENTARY

AGENDA ITEM: 351 North Street (Public Works Facility) RFP and Sale of City Property Review Process

COUNCIL RESOURCE: Councilor Alan Minthorn

STAFF RESOURCE: Denise M. Clavette, Planning and Development Director

BACKGROUND: The City, acting through the Department of Planning & Development, seeks a qualified developer to purchase and improve the property (351 North Street). Proposals will be evaluated on several factors including, but not limited to: ability to maximize the economic development potential of the site; negotiated sale price; additional evaluation criteria as described on page 5 of the RFP. To be considered, developers must submit a development proposal in response to this Request for Proposals (RFP), in the manner described in the RFP.

The property is situated on approximately 24 acres and currently consists of a 7,404 square foot industrial building built in 1991 and a 15,646 square foot garage built in 1973. The building is connected to public water and public sewer. It has three-phase power and natural gas hook-ups. The parcel abuts the Maine Turnpike for approximately 1,500 feet. The only entrance is from North Street (Route 112), at the southern end of the property.

The RFP outlines the Proposal Requirements on pages 4-5; Evaluation Criteria on page 5; and the proposed RFP Schedule, on page 7 of the RFP (listed below). Selection of the Developer is subject to following the review process in the City Code Chapter 81, Sale of City Property, 81-2, Procedure; and pending final City Council vote to authorize a sale or lease of the premises for City staff to negotiate an agreement with selected respondent.

Schedule
RFP Available: Tuesday, January 14, 2020
Site Visits: January 21-24, 2020
Questions Submitted by: Friday, January 31, 2020
City Response to Questions: Friday, February 7, 2020
Proposals DUE: Wednesday, February 19, 2020
Interviews: February 26-28, 2020
Developer Recommended To Begin City Approval Process By: March 13, 2020
Anticipated Purchase and Sale Negotiated By: April 15, 2020
A legal interpretation of the City Code, Section 81-2, on Procedure was obtained, to determine if the sale of city-owned property review process could run concurrently or simultaneously with the RFP process. It was determined by Attorney Tim Murphy, that both processes could run simultaneously. Refer to Attachment 3 for legal opinion.

The City Planner will begin the Planning Board review process at the next Planning Board meeting, scheduled for January 14, 2020.

The attached exhibits include the Public Works RFP, and the Section of the City Code, pertaining to the sale of public property, Section 81-2 Procedure.

EXHIBITS:
1. 351 North Street, Saco (Public Works Facility) RFP
2. City Code Chapter 81, Sale of City Property, 81-2, Procedure
3. Email correspondence on legal interpretation of City Code Chapter 81-2, Procedure

RECOMMENDATION: Staff recommends that the City Council authorize the City Administrator to publicize the Request for Proposals (RFP) for 351 North Street (Public Works Facility) effective January 14, 2020 and permit the City to run the RFP process concurrently with the sale of city-owned property review process.

SUGGESTED MOTIONS: “I move that the City Council authorize the City Administrator to publicize the Request for Proposals for 351 North Street (Public Works Facility) effective January 14, 2020 and permit the City to run the RFP process concurrently with the sale of city-owned property review process, as in City Code Chapter 81, Sale of City Property, 81-2, Procedure.”
City of Saco
Request for Proposals
Sale and Development of Real Estate
351 North Street, Saco, ME 04072

The City of Saco is seeking proposals for the sale and redevelopment of a parcel of city-owned real estate located at 351 North Street, currently used as the Public Works Facility (tentative relocation date October 2020).

Proposals will be accepted until 11:00 AM on Wednesday, February 19, 2020 at the Finance Office at Saco City Hall, located at 300 Main Street, Saco, Maine, 04072.

The City, acting through the Department of Planning & Development, seeks a qualified developer to purchase and improve the property. Proposals will be evaluated on several factors including, but not limited to: ability to maximize the economic development potential of the site; negotiated sale price; additional evaluation criteria as described on page 5. To be considered, developers must submit a development proposal in response to this Request for Proposals (RFP), in the manner described herein, and labeled “351 North Street”.

Any questions regarding the project specifications should be directed to Denise Clavette, Planning and Development Director, by emailing DClavette@sacomaine.org.

The attached response form must be completed and included with your proposal. Failure to submit a complete package will nullify your proposal. The City of Saco reserves the right to accept or reject any or all proposals or negotiate with a proposer following the opening without right or recourse by vendors, if it is in the best interest of the City to do so.

The City of Saco is sales tax exempt.

Reviewed and approved by:

_________________________________________  _________________
Bryan Kaenrath, City Administrator      Date
REQUEST FOR PROPOSALS (RFP) FOR
SALE AND DEVELOPMENT OF REAL ESTATE
351 NORTH STREET

City of Saco

RFP Circulation Date: Tuesday, January 14, 2020
Proposal Submission Due Date: Wednesday, February 19, 2020

Introduction

The City of Saco is seeking proposals for the sale and redevelopment of a parcel of city-owned real
estate located at 351 North Street, currently used as the Public Works Facility (tentative relocation
date October 2020). The City, acting through the Department of Planning & Development, seeks a
qualified developer to purchase and improve the property. Proposals will be evaluated on several
factors including, but not limited to: ability to maximize the economic development potential of the
site; negotiated sale price; additional evaluation criteria as described on page 5. To be considered,
developers must submit a proposal in response to this Request for Proposals (RFP), in the manner
described herein.

Property Details

The City of Saco is a service center community within the Portland-South Portland-Biddeford
Metropolitan Statistical Area (pop. 523,874). Saco is characterized by many distinctive features that
draw new residents and visitors, including its historic downtown and unique natural resources,
including a coastline featuring miles of sandy beaches on beautiful Saco Bay. Access to Saco is
convenient and multi-modal, via I-95, U.S. Route 1, the Amtrak Downeaster, and the Eastern Trail.
Saco is a 20-minute drive from Maine’s largest city, Portland, and a one hour, 45-minute drive from
Boston. This particular property is located less than 5 minutes from the Maine Turnpike to the East
and from historic downtown Saco to the South.

The property is situated on approximately 24 acres and currently consists of a 7,404 square foot
industrial building built in 1991 and a 15,646 square foot garage built in 1973. The building is
connected to public water and public sewer. It has three-phase power and natural gas hook-ups. The
parcel abuts the Maine Turnpike for approximately 1,500 feet. The only entrance is from North
Street (Route 112), at the southern end of the property.

Access to the property is via North Street/Route 112, a two-lane state highway running from Saco
to Gorham. The area is characterized by other business and industrial uses, such as an enclosed
sports arena and a hotel/conference center. This property is currently zoned I-2, which permits uses
such as nursery schools, business offices, hospitals, research and testing labs, and more. The City is
also currently undergoing a zoning ordinance revision process, slated to be enacted mid-2020, so the
allowed uses on this site have not been finalized and will be informed by this RFP process. The
property falls within the area of the Saco Rt. 112/Exit 36 Transportation Study completed in 2019.
As a result of the study, the Maine Turnpike Authority is looking to enhance Turnpike access to and
from Rt. 112 with additional ramps and signalized intersections as soon as 2022. This will mean
north and southbound I-95 access within 1,000 feet of the property entrance for any future employees, customers, or visitors.

Terms and Conditions of Sale

The sale of the property will be subject to, but not limited to, the following conditions:

1) **Minimum Bid.** Redevelopment of the site and projects with a total projected value of over $10 million shall have no minimum purchase price. The minimum purchase price for reuse of the existing building is $2 million.

2) **Opportunity for Inspection.** Bidders are encouraged to visit the Public Works Facility site by appointment only between the hours of 9 AM to noon, to meet with Public Works Director Patrick Fox and Planning & Development Director Denise Clavette. Call 207-282-3487 to schedule a confidential 45-minute site visit.

3) **Assumption of Responsibility for Inspection.** The bidder will be responsible for approving all inspections, investigations, tests, surveys and other due diligence deemed necessary by the bidder in connection with the acquisition of the Property, and the City shall assume no responsibility to the bidder for the scope and approval of any such due diligence.

4) **No Representations or Warranties from the City.** The bidder must enter into an agreement with the intention of relying upon its own investigation and review of the physical, environmental, economic use, compliance, and legal conditions of the Property and the bidder must acknowledge that it is not now relying, and will not later rely, upon any representations and warranties made by the City or anyone acting or claiming to act, by, through, under or on the City’s behalf concerning the property. The bidder will review, prior to entering into an agreement with the City, all items which in the bidder’s sole judgment affect or influence the bidder’s acquisition and use of the property. Accordingly, the City will only agree to sell the property via a Quitclaim Deed, and on an “AS IS, WHERE IS, WITH ALL FAULTS” basis, and the City will make no representations or warranties of any kind whatsoever, either express or implied, in connection with any matters with respect to the property. The bidder must be willing to accept the title to the property on an “AS IS” and “WHERE IS” basis, with all faults and subject to any and all latent and patent defects, and, except as expressly set forth herein, without any representation or warranty, all of which the City hereby disclaims. No warranty or representation will be made by the City as to (a) fitness for any particular purpose, (b) merchantability, (c) design, (d) quality, (e) condition, (f) the operation of, or the income to be derived from, the Property, (g) the feasibility or advisability of the bidder’s proposed redevelopment of the Property, (h) absence of defects, (i) absence of hazardous or toxic substances, (j) absence of faults, (k) flooding, (l) compliance with laws and regulations including, without limitation, those relating to health, safety, and the environment, or (m) any other matter with respect to the Property except as expressly set forth herein. In particular, by way of example but not of limitation, the City will make no representations or warranties with respect to: the suitability of the Property for any and all development activities and uses which the bidder may conduct thereon; the use or condition
of the Property, including, without limitation, the condition of the soils or groundwater of the Property and the presence or absence of asbestos, lead-based paint, toxic materials or hazardous substances in, on or under the Property; compliance with applicable statutes, laws, codes, ordinances, regulations or requirements relating to zoning, subdivision, planning, building, fire safety, health or environmental matters; compliance with covenants, conditions and restrictions, including deed restrictions; and compliance with other local, municipal, regional, state or federal requirements or other statutes, laws, codes, ordinances, regulations or requirements.

5) **Environmental Report.** In July 2019, TRC Environmental Corporation (TRC) conducted a Phase II Environmental Site Assessment (ESA) at this site for the City of Saco on behalf of the Southern Maine Planning and Development Commission under their Brownfields Assessment Grant funded by the United States Environmental Protection Agency. The complete report is included as attachment D of this document.

6) **Release of the City from Liability for Property Condition.** The bidder, for itself and its agents, employees, affiliates, successors and assigns, must agree to release and forever discharge the Released Parties from any and all rights, claims and demands at law or in equity, whether known or unknown at the time of the execution of an agreement, which the bidder has or may have in the future, arising out of the physical or environmental condition of the Property, including, without limitation, claims in tort or contract and claims for indemnification or contribution arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. Section 9601, et seq.) or to the extent allowable under any similar federal, state or local statute, rule or regulation now or hereafter in effect. The foregoing release will be set forth in the deed from the City.

7) **Development Review Process.** The redevelopment and/or reuse of the Public Works Facility is also subject to later local Planning Board, Economic Development Commission and City Council review and approval process, and subject to State regulations.

**Proposal Requirements**

Proposal packages must include:

- A statement indicating how your proposal represents the highest and best use of the property in terms of direct or indirect financial, economic, or community benefits.
- A formal letter of interest on letterhead of principal developer, if a single entity, or the principal entity of the respondent, where the respondent is a team.
- Identification of the respondent or business with contact information, including a description and general history of the individual, firm, or entity that is anticipated to become the owner of record, and/or will have the primary responsibility for implementing the development proposal. The respondent’s specific experience in implement the type of project proposed should be highlighted.
- A proposed development plan outlining the proposed use of the property, a corresponding business plan, and timing of project completion. This should also include the number and types of jobs that will be created by the proposed development.
- Plans to attract tenants and types of tenants to be sought, if applicable.
- A proposed timeline for taking occupancy of the property under the proposed development plan.
- An offer of payment for the property.
- A document providing evidence of bidder’s financial capability to complete the purchase and development plan.

Failure to provide any of the above requested information may result in disqualification of proposal. The City reserves the right to request additional information pertaining to the proposal package, or any other matters related to the Request for Proposal. Proposal documents, including the offer of payment, must be signed by persons authorized to contractually bind the bidder.

Bidders are encouraged to visit the Public Works Facility site by appointment only January 21-24, 2020 between the hours of 9 AM – 12 PM to meet with Public Works Director Patrick Fox and Planning & Development Director Denise Clavette. Call 207-282-3487 to schedule a confidential 45-minute site visit.

**Evaluation Criteria**

From the complete proposals received before the deadline, finalists may be selected to present their respective proposals to the selection committee for review. Finalists shall be scored and ranked based on criteria that include but are not limited to:

- Evidence showing how the proposal represents highest and best use of the property in terms of direct or indirect financial, economic, or community benefits;
- Ability to maximize the economic development potential of the site;
- Negotiated sale price;
- Inclusion of all required proposal requirements;
- Professional qualifications of developer and firm’s key personnel;
- Prior experience and proven performance with similar development projects;
- Ability to substantially develop the property;
- Quality and clarity of proposal;
- Other factors deemed relevant by the selection committee.

**PRIOR TO ANY FINAL CITY COUNCIL REVIEW AND DECISION, THE CITY SHALL RECEIVE AN INDEPENDENT COMPANION EVALUATION OF THE PARCEL FROM THE CITY PLANNING BOARD AS REQUIRED BY CITY ORDINANCE SECTION 81-2, ET SEQ.**

Following the review process and following a final City Council vote to authorize a sale or lease of the premises, City staff will negotiate an agreement with the selected respondent.
Submission

Please refer to the City’s website, www.sacomaine.org, throughout the process for additional information which may become available. Submissions must be received hard copy/electronically by Wednesday, February 19, 2020 at 11 AM. Submit one printed proposal in a sealed package clearly labeled with the developer’s name and address; and email a PDF version to Denise Clavette labeled CONFIDENTIAL Public Works Site RFP:

City of Saco  
Finance Department  
ATTN: Denise M. Clavette  
Director, Planning & Development Department  
300 Main Street  
Saco, Maine 04072  
dclavette@sacomaine.org

Proposals shall not be returned, and the proposals submitted, and any ideas contained therein for use, re-use and/or development of the parcel, shall become the sole and exclusive property of the City of Saco without further claim or demand. Your proposal must include responses to all requirements contained within this RFP. By submitting a proposal, your firm agrees to all applicable provisions, terms and conditions associated with this RFP. This RFP, your submitted proposal, all appendices and attachments (if applicable), and stated terms and conditions may become part of the resulting contract.

IF ANY PART OF THE PROPOSAL INCLUDES CONFIDENTIAL FINANCIAL INFORMATION OR TRADE SECRETS SUCH INFORMATION MUST BE CLEARLY MARKED AS CONFIDENTIAL WITHIN THE RFP, OR ANY ATTACHMENT WHERE SUCH INFORMATION IS FOUND, OTHERWISE THE CITY WILL DEEM ALL MATERIAL SUBMITTED AS A PUBLIC RECORD QUALIFIED FOR POSSIBLE DISCLOSURE.

Questions regarding the proposal specifications should be directed to Denise Clavette at dclavette@sacomaine.org. All questions must be submitted in writing no later than Friday, January 31, 2020. Questions and answers regarding the RFP may be shared with all consultants known to be interested in submitting a proposal.

Selection

The City of Saco reserves the right to accept or reject any or all proposals, and at its discretion, may select a firm outright or select a finalist(s) for in-person and/or telephone interviews.
Schedule

RFP Available: Tuesday, January 14, 2020
Site Visits (by appointment): January 21-24, 2020
Questions Submitted by: Friday, January 31, 2020
City Response to Questions (available on website): Friday, February 7, 2020
Proposals DUE: Wednesday, February 19, 2020
Interviews:
Developer Recommended to Begin the City Approval Process By: March 13, 2020
Anticipated Purchase and Sale Negotiated By: April 15, 2020

Attachments

The following documents are attached:
A. Deed
B. Tax Assessment Card
C. Site Map
D. Proposed Maine Turnpike Exit Ramps to Route 112
E. Phase II ESA Brownfields Report
§ 81-2. Procedure.

A. Initiation. All requests for the City to consider selling any City-owned property, whether initiated by any City official or by a member of the general public, shall be submitted to the City Administrator in writing and shall specify the parcel by reference to its Tax Map and lot number. If from the general public, the application shall include the name, postal address and telephone number of the applicant and shall state the purpose for which the land is proposed to be used (if the applicant is a prospective purchaser).

B. Evaluation. The City Administrator shall refer such requests to the Planning Board for evaluation and a report to the City Council.

(1) All City-owned property shall be evaluated with regard to its present or potential usefulness to the City for streets, sewers and drains, for public buildings, for economic development purposes, for parks and natural areas or for other municipal and community uses. Factors to be examined shall include land area, overall shape, minimum dimensions, soil characteristics, slope, drainage, potential for flooding, the presence of wetlands, its potential for correcting neighborhood problems such as failing septic systems, road frontage, character of surrounding properties, economic development possibility, whether it is contiguous to other City land, future usefulness to the overall traffic circulation needs of the City and other features, as well as whether any easements should be retained across the property if it is to be sold.

(2) The Planning Board shall seek written comments on each parcel by the City Administrator, City Planner, Treatment Plant Superintendent, Code Enforcement Officer, Assessor, Finance Director, Public Works Director, Parks and Recreation Director, City Solicitor, Economic Development Director, the Conservation Commission and, if the property has commercial potential, the Economic Development Commission.

(3) The Planning Board shall integrate all of the comments submitted by the above-named City officials and shall prepare a written report to the Mayor and Council with its own recommendations.
(4) The Council shall review the report submitted by the Planning Board and any recommendation by the City Administrator and, at that point, may decide to retain the property. If the Council decides to retain a property, it may wish to consult with the City Attorney about title. If the Council has an interest in selling a City-owned property, it shall conduct a public hearing on the request to sell before any decision is taken to sell City-owned property. Written notification of the hearing shall be mailed, at least 10 days in advance, to all property owners within 200 feet of the perimeter of the subject parcel, and an advertisement shall be placed in a newspaper of general circulation at least seven days before the hearing.

C. Decision and offer for sale. If the Council decides to offer any City-owned property for sale, after following the above procedures the Council shall determine the method of sale, whether by sealed bid, sealed request for proposals, auction, by negotiation with the previous owner or by contract with a real estate broker at predetermined prices for such real estate and real estate interests. The City Council may make a determination that City-owned business and industrial property shall be sold by alternative means, such as by contract with a commercial real estate broker, negotiated sale or the procedure outlined for industrial park sales in Chapter 4, Administrative Code, § 4-35F(6). Regardless of the method of sale, notice shall be sent to all abutters. [Amended 1-6-2003]

(1) In evaluating the proposals to purchase, regardless of the method of sale, the City Council may consider factors such as annual property tax generation, job creation, economic benefit, price, environmental benefit or detriment, proposed land use, community need or neighborhood benefits when awarding the sale. The Council may set any reasonable conditions on future use of the land, through deed restrictions, to ensure that the property will be used in the best interests of the City.

(2) The City Council may also contribute City-owned property for nonprofit community use or for economic development projects.

D. Proceeds. Proceeds from the sale of tax-acquired properties shall be applied to the balance of the unpaid taxes and sewer user fees, interest and lien fees for the property. Any additional funds received will be deposited as directed by the Council. For
properties not acquired through foreclosure, the proceeds shall be directed to a capital project account, the Economic Development Fund or the general fund, as directed by the Council.
Hi Denise:

So, I interpret 81-2 to allow for the PB review to occur simultaneously with the RFP process provided a couple conditions are met. Those conditions are as follows: first, the RFP must cross reference the Planning Board's review so that interested parties are aware that another City entity (the Planning Board) is still reviewing the matter, second the required "public hearing" set out in 81-2 (B) 4 must still occur before any potential sale process is undertaken, and third, no final decision to sell can occur before the Planning Board has finished its review and presented its "evaluation" per 81-2 B.

Now, I understand this may seem at initial odds with verbiage in 81-2 (C) ("...after following the above procedures...") which suggests that the Planning Board must go first with its review before the City Council takes any action as to sales. For the following reasons though, this is not the best interpretation of 81-2 (C).

First, no part of Section 81 expressly prohibits the actions occurring simultaneously. In effect, no part of 81-2 prevents the City from commencing its RFP at the same time and while the Planning Board conducts its own review under 81-2. Again, as long as the above conditions are met, then the Planning Board's role or purpose under Section 81 is assured because the RFP does not result in a final sale decision, and because a public hearing will still be held.

Second, reading Section 81-2 C to MANDATE that the Planning Board fully and finally complete its evaluation before the Council even commences any review or investigation of potential proposals via an RFP would make the process of Section 81 more important than the objectives. The objective is to get feedback and thoughts BEFORE a final decision to sell. As noted above, this can and would still occur even if matters progress on a dual track. So, the goals of the ordinance are still assured even in the dual track approach if proper conditions are met.

Further, arguing that 81-2 (C) is a MANDATE elevates the Planning Board to a role not intended based on the ordinance's verbiage. If this section were truly meant to be a MANDATE, then the ordinance would have verbiage in it that says the City Council is bound by the decision and evaluation of the Planning Board. But, it does not have any such condition. On the contrary, under any circumstance (Planning Board acts first; Planning Board and RFP occur simultaneously) the City Council is ENTIRELY FREE under Section 81 to totally and wholly disregard the Planning Board's recommendation, and to sell any City parcel as it chooses, without concern for the Planning Board, or its views. Because the Council can completely disregard any evaluation, it's clear the sequence is not meant to be a MANDATE at all but is intended to accomplish a policy goal...to assure the Council gets input from the Board before a final decision.

What is clear is that the drafters wanted the thoughts of the Planning Board to be heard and reviewed by the Council before a final sale decision, but they were not empowering the Planning Board to be the final arbiter. This means Section 81-2 (C) is not a true MANDATE but is merely a process. And, it's also clear it's not the exclusive process because no verbiage prohibits other processes that foster the same goals/objectives. A dual track, simultaneous approach, that still assures a Planning Board review and a public hearing, can also be used as a process provided it all occurs before any final decision to sell is made by the City Council.

Trust this addresses your concerns, but let me know if I can be of any further help.

Tim Murphy

Torie: I looped you in so you might forward this along to Bryan K. I'll get him set up in my Outlook later today.
Thanx  TM
---- Original Message ----
From: Denise Clavette <dclavette@sacomaine.org>
Sent: Tuesday, January 7, 2020 9:03 AM
To: Tim Murphy <tmurphy@padzilla.com>
Subject: Chapter 81.pdf

Interpretation
NEW BUSINESS ITEM COMMENTARY

AGENDA ITEM: Chapter 15 – Funds Updates

COUNCIL RESOURCE: Councilor Marshall Archer

STAFF RESOURCE: Glenys Salas, Finance Director

BACKGROUND: On November 12th, 2019, the Finance Director presented a recommendation to City Council to increase the Maximum Unassigned Fund Balance per the City Charter to 16.67% of the following year’s budget, or two months’ expenditures. This higher unassigned fund balance will enhance the City’s ability to make appropriations in times of emergency and to offset tax increases during economic slowdowns. Other minor corrections have been made to Chapter 15. This Chapter now also contains a comprehensive list of all funds prescribed or implied by City Ordinance.

EXHIBIT ITEM: Chapter 15 Excerpts with Revisions

RECOMMENDATION: City staff recommends approval.

SUGGESTED MOTION: “I move to add ‘Amendments to Chapter 15 – Funds’ to the January 21st Council meetings agenda.”

Article III

Arrest Asset Forfeiture Funds

§ 15-19 Purpose.
The purpose of this article is to authorize the City of Saco Police Department to accept funds, grants or personal property to be used for law enforcement purposes.

§ 15-20 Authorization to accept funds or gifts.
The City of Saco Police Department is authorized to accept, from the United States Government or any of its agencies, the State of Maine or any of its agencies, the County of York or any of its agencies or any other private or public entity, funds, grants or personal property derived from property forfeitures following lawful arrests. The City of Saco Police Department is further authorized to accept funds designated for law enforcement purposes from governmental entities or private sources.

§ 15-21 Special nonlapsing fund.
All funds received according to § 15-20 above shall be placed in a special nonlapsing fund that shall be used for law enforcement activities within the City of Saco or in cooperation with other law enforcement agencies. All funds derived from property forfeitures resulting from arrests within the City of Saco or in cooperation with other law enforcement agencies shall also be placed in this fund and used for law enforcement purposes. The total amount of money deposited into the special nonlapsing fund shall not exceed $25,000 per fiscal year; any funds received in excess of $25,000 per year, except those forfeited funds which are subject to federal law governing their use, shall be placed in the City of Saco General Fund, unless a private donor specifies otherwise as a condition of the gift or grant or this ceiling is superseded by state or federal law, in which cases the wish of the donor or the superseding state or federal law shall control. This fund shall supplement and not supplant the annual Police Department budget appropriations. The City Council may augment this fund at its discretion.

§ 15-22 Applicability of purchasing regulations.
A. Expenditures from the special nonlapsing fund shall be made according to Chapter 38, Purchasing, of this Code, except in the following two circumstances, when expenditures shall be exempt from the requirements of the purchasing regulations:

(1) Cases where the law enforcement activity being funded would be rendered ineffective by the application of the purchasing regulations; or

(2) Cases where public knowledge of the law enforcement activity being funded could reasonably be foreseen to result in risk to the health or safety of a member of the Police Department or the public.

B. In situations set forth in Subsection A(1) and (2) above, the Police Chief or Deputy Chief shall be authorized to expend the necessary funds with the approval of the City Administrator, who shall determine whether or not the expenditure shall be subject to the purchasing regulations according to the standards of this section. A written statement describing the expenditure shall be presented to the Council at the next regularly scheduled Council meeting.

§ 15-23 Reports.
At least once a year, within 90 days of the end of the fiscal year, the Police Chief shall provide a written
report stating the sources and amount of income to the fund; the date, amount and purpose of all expenditures from the fund; and the balance forward.

Article IV
Unassigned Fund Balance Policy

[Amended 10-3-2011]

§ 15-24 Definition and classification.
A. "Fund balance" is a term used to describe the net assets of governmental funds. It is calculated as the difference between the assets and liabilities reported in a governmental fund.

B. Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balance for the general fund are defined as follows.

   (1) Non-spendable: resources which cannot be spent because they are either a) not in spendable form or b) legally or contractually required to be maintained intact.

   (2) Restricted: resources with constraints placed on the use of resources which are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.

   (3) Committed: resources which are subject to limitations the government imposes upon itself at its highest level of decision making, and that remain binding unless removed in the same manner.

   (4) Assigned: resources neither restricted nor committed for which a government has a stated intended use as established by the City Council, or body or official to which the City Council has delegated the authority to assign amounts for specific purposes.

   (5) Unassigned: resources which cannot be properly classified in one of the other four categories. The general fund should be the only fund that reports a positive unassigned fund balance amount.

C. The committed, assigned, and unassigned classifications are often referred to, in the aggregate, as the unrestricted fund balance.

§ 15-25 Findings.
The City's unassigned fund balance represents those funds held in reserve to cover unexpected expenditure needs and emergencies, revenue shortfalls and seasonal cash flow variations. The City Council has determined that maintenance of an adequate fund balance is essential to the financial health and security of the City of Saco.

§ 15-26 Objective.
It is the policy objective of the City that the audited unassigned fund balance should be a maximum of 10% of the following year's general fund budget as adopted by the Saco City Council. The minimum unassigned fund balance should be set at one month's budgeted expenditures or 8.33% of the annual budget.

§ 15-27 Shortfalls.
It is the goal of the City that unassigned fund balance identified in the City's audited financial statements
shall be raised by the City Council in the next three budget cycles. The minimum revenue requirement shall be the funds needed to bring the unassigned fund balance above the 8.33% established in § 15-26.

§ 15-28 **Surplus.** Any surplus in the unassigned fund balance identified in the City's audited financial statements that exceeds the 16.67% maximum target shall be made available for Council appropriation. In making said allocation of funds, the City Council shall give priority to the following activities:

A. Economic development projects, such as industrial park land acquisition, establishment of economic development loan fund programs or the development of infrastructure improvements associated with industrial park priorities.

B. Replacement of aging capital equipment that carries unusually high costs and has a utility life of eight years or more.

C. Specifically targeted infrastructure projects or other capital expenditures required by the City.

§ 15-29 **Administration.** Upon acceptance of the City's annual audit by the City Council, the City Administrator shall determine the status of the unassigned fund balance relative to the policy established in § 15-26. At the second City Council meeting in January, the City Administrator or designee shall present his/her evaluation of the current unassigned fund balance and make his/her recommendations regarding the action necessary to either make up any shortfall or appropriate any excesses. The City Council shall act on these recommendations no later than the first City Council meeting in February.

§ 15-30 **Emergency actions permitted.** Notwithstanding any provision of this chapter, the City Council may vote at any time to use unassigned fund balance funds to respond to emergency funding needs.

**Article V: Other Funds**

The City maintains a number of additional funds in its accounting system. Some funds are created at the discretion of the Finance Director and City Administrator for various purposes while others are prescribed by or derived from local ordinance. Those funds governed by local ordinance are as follows:

§ C-4.01. Board of Education (School Fund)

§ C-6.05. Capital Program (Capital Projects Fund)


§ 4-14. E. Tax Increment Finance (TIF) Funds.

§ 60-5. Ambulance Fund.


§ 172-6. Registration Incentive Fund.

§ 176-34: Sewer Impact Fee

§ 176-53; § 4-20. User Charges and the Water Resource & Recovery Division

§ 176-96: CSO Impact Fee

§ 176-109: Subsurface Disposal Impact Fee
§ 186-5. Street Opening Permit Fee Fund. *These fees are deposited and tracked as a dedicated portion of the Capital Improvement Fund*

§ 230-413: Historic Preservation Fund

§ 230-1602: Recreation and Impact Fee Funds

§ 230-1603: Fire Department/emergency medical services impact fee funds
NEW BUSINESS ITEM COMMENTARY

AGENDA ITEM: Creation of Bicycle & Pedestrian Advisory Committee

COUNCIL RESOURCE: Councilor Lynn Copeland

STAFF RESOURCE: Deputy Police Chief Corey Huntress

BACKGROUND: A group of Saco residents has requested the Council’s consideration of the formation of a bicycle and pedestrian advisory committee, not unlike the existing Parks and Recreation Advisory Board, or Age Friendly Saco.

In general, the group’s goal is for Saco to become a bicycle and walking friendly community, which provides for safe, convenient, and enjoyable active transportation for all ages and abilities. The group intends to involve all potential interest groups, including the Saco School Department, Age Friendly Saco, BSOOB Transit, the Maine DOT, the Bicycle Coalition of Maine, City staff and others.

EXHIBITS: 1. Mission Statement, draft
    2. Letter from Saco Residents
    3. Letters of Support: Age Friendly Saco; Saco Bay Trails; Eastern Trail Alliance; Eastern Trail Management District

RECOMMENDATION: Bicycle and pedestrian policy is a universal issue affecting all ages, and citizens and visitors alike, as recognized by the 2018 Comprehensive Plan Update. We support the establishment of a Bicycle and Pedestrian Advisory Committee.

SUGGESTED MOTION “I move to add ‘Creation of a Bicycle and Pedestrian Advisory Committee’ to the January 21st Council meeting agenda.”

Suggested motion for January 21st meeting: “The City Council hereby approves the creation of a Bicycle and Pedestrian Advisory Committee.”
SACO BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE
MISSION STATEMENT

The mission of the Saco Bicycle and Pedestrian Advisory Committee is to support and encourage a bicycle and walking friendly community, which provides for safe, convenient, and enjoyable active transportation for all ages and abilities. The quality of life of all citizens is enhanced when no matter where we live, we can choose whether to bike, walk, take public transportation, or drive as we go about daily living.

The Saco Bicycle and Pedestrian Advisory Committee will consist of a group of invested volunteers and involved residents and business owners – of varied ages, interests and income brackets – whose goal is to provide safe, convenient and friendly passage within the City of Saco. The Committee will work in concert with the City of Saco Department of Public Works, the Saco School Department and the Department of Parks and Recreation, advocating for safe places to bike and walk in our City.

The goals of the Saco Bicycle and Pedestrian Advisory Committee are to:

- Plan for and initiate implementation of a seamless network of sidewalks, bike paths, and bike lanes that will encourage “viable alternatives to vehicular travel and opportunities to encourage all age groups to walk and bicycle.” (Section 3A, 2018 Saco Comprehensive Plan Update)

- Provide residents and business owners of Saco with a wide variety of programs -- classes, symposia, conferences, events, newsletters, websites, and presentations -- with the goal of informing and educating all about the benefits of multi-modal – bicycling, walking, taking the bus or train -- transportation.

- Assist in providing a safe and convenient community, because both bicycling and walking are good for our health, environment, and sense of well-being.

- Children deserve safe places to walk and bike -- starting with the trip to school. Work with the School Department to consider the benefits of a “Walk to School Day” and a “Bike to School Day, a “walking school bus,” and other measures that would encourage a healthier start and end to the school day.

- Strive to create a cost effective, equitable, and fully accessible transportation network that supports walkable, attractive, residential and business-friendly neighborhoods, which will contribute to the city’s livability goals by encouraging energy and environmental sustainability.

- Work with City staff and elected officials to implement recommendations found in the 2018 Saco Comprehensive Plan Update, and in the 2004 Saco Bicycle and Pedestrian Master Plan, and to consider recommendations put forth in regional and state transportation reports, studies and similar documents.

- Identify funding sources for improvements to the City’s walking and bicycling infrastructure, programming, and educational efforts.
December 23, 2019

The Honorable P. William Doyle
Mayor of Saco
300 Main Street
Saco ME 04072

Re: Creation of Bicycle and Pedestrian Advisory Committee

Dear Mayor Doyle:

It is our pleasure to present this request to you and to the City Council: that the City consider establishing a Bicycle and Pedestrian Advisory Committee. As you know, Saco is blessed with a walkable downtown surrounded by residential neighborhoods, public and private schools, and a vital mix of retail and service establishments. Those who choose can visit and navigate several square miles of Saco’s developed area, on foot and by bicycle. We’ve grown accustomed to seeing our children, friends and neighbors out and about, whether for transportation or pleasure.

Yet improvements are possible, and certainly desirable. Young and old alike are sometimes best served by the ability to walk or bike to school or work, to run errands, or simply to enjoy the outdoors and amenities that Saco offers. The City’s Comprehensive Plan and Bicycle and Pedestrian Master Plan each recognize the value in establishing and maintaining a safe, clearly identifiable, and widely accessible system of sidewalks, bicycle lanes, paths and trails, that, when combined with the existing bus, Amtrak and motor vehicle network, guarantee that residents and visitors have many safe and affordable options for moving about within and beyond Saco’s borders.

A number of Maine communities already benefit from bike and pedestrian committees. Saco deserves no less. It is our intent that all interested stakeholders – the school community, seniors, those with disabilities as well as all who choose to utilize a safe and well planned bicycle and pedestrian system – be invited to participate. We believe that the City can realize significant economic, environmental, and social benefits by becoming more bicycle and pedestrian-friendly.

We are proud to report that this proposed Committee has the support and backing of Main Street Saco, the Saco Conservation Commission, Saco Bay Trails, the Eastern Trail Alliance, and Age Friendly Saco; letters to this effect will be forwarded to your attention.

We thank you for your time and consideration and welcome the opportunity to meet with you and the City Council.

Sincerely,

Bicycle-Pedestrian Advisory Committee Request

Dec. 23, 2019
(The undersigned have attended one or both of the two meetings to date of those interested in the creation of a Bicycle and Pedestrian Advisory Committee in Saco, and hereby affirm their interest in serving on the Committee).

JASON BRAYLEY
RESIDENT OF SACO
OWNER OF MARINE WORKS

Rev. Brian Treuden

Chris Nucci (Saco Resident)

Guy Allen

Bob Hamlen
347 Ferry Rd.

Dana Brown

DANIEL SNOW
131 MIDDLE ST. Ext.

Deborah McKenna
Saco Resident

CM. McKenna
Saco Resident

David Furrow
Saco Resident

Bicycle-Pedestrian Advisory Committee Request

Dec. 12, 2019
Dear Mayor Doyle and City Council Members:

I am writing in support of the establishment of a City sanctioned Bicycle and Pedestrian Advisory Committee. There is a great deal of community support for the establishment of this committee. In October of 2019, the State of Maine became just the 7th state nationally to be named an Age Friendly State. With this designation comes the responsibility to make our communities more livable for all. In 2016 the City of Saco applied to join the network of livable communities as part of the World Health Organization’s active aging framework. An age-friendly city encourages active aging by optimizing opportunities for health, participation and security in order to enhance the quality of life as people age.

The outside environment and public spaces are a major aspect of a livable community and can have a major impact on the health and quality of life within a community. The establishment of a city supported Bicycle and Pedestrian Advisory Committee not only supports the Comprehensive Plan for the City of Saco but also supports the Action Plan submitted by Age Friendly Saco as part of the WHO process for becoming a member of the Age Friendly States and Communities. Our action plan calls for the assessment of sidewalk safety as well as the improvement of walking trails. This past summer, Age Friendly Saco advocated for the establishment of a bicycling program through Seniority programming and one was created. We see a real win: win situation for the city to bring all the various community champions together in the creation of the new committee to help create a move livable environment for all City of Saco residents.

Age Friendly Saco, as part of the national network of age friendly states and communities, is committed to being part of this process and we hope you will consider the creation of this new city sanctioned Bicycle and Pedestrian Advisory Committee.

Sincerely,

Jean Saunders

Age Friendly Saco
December 16, 2019

Ms. Deborah McKenney
39 Village Green Dr.
Saco, Maine 04072

Re: Saco Bicycle/Pedestrian Advisory Committee

Dear Deb,

We are glad to hear of your efforts to form a bicycle/pedestrian advisory committee. Making Saco a safer, more accessible community for walkers and bikers is consistent with the mission of Saco Bay Trails. We support your goal of becoming recognized as an official committee in the City of Saco, and look forward to hearing your recommendations to improve road safety for walkers, bikers and drivers alike.

Saco Bay Trails is an all-volunteer, member-supported 501(c)(3) organization dedicated to building, maintaining and promoting trails in the Saco Bay region.

All the best,

Dan Ross
President, Saco Bay Trails

Saco Bay Trails
P.O. Box 720
Saco, Maine 04072
contact@sacobaytrails.org
www.sacobaytrails.org
We are a 501(c)(3)
Tax exempt organization
Tax ID: 01-0522678
January 3, 2020

The Honorable William P. Doyle
Mayor of Saco
300 Main Street
Saco, ME 04072

Dear Mayor Doyle:

The Eastern Trail Alliance (ETA) is pleased to offer its support for the proposed Bicycle and Pedestrian Advisory Committee in the City of Saco. We understand that the proposal is being put forth by a group of interested residents who are volunteering their time and effort to improve conditions for bicyclists and walkers. Such efforts reflect well on the community and deserve support at the highest level.

The ETA is nearing twenty years of existence, in large part due to the support of the Eastern Trail communities. As the Trail has grown, interest in seeing it through to completion has also expanded.

Residents, and prospective residents, recognize and appreciate investments in walking and bicycling infrastructure. We welcome the addition of a Bike and Ped Advisory Committee on the local scene and look forward to working with its members and the City toward improvements that will benefit us all.

Regards,

Nancy Borg, Executive Director
Eastern Trail Alliance
nancy@easterntrail.org
207-284-9260
December 13, 2019

The Honorable William P. Doyle
Mayor of Saco
300 Main Street
Saco, ME 04072

Dear Mayor Doyle:

The Eastern Trail Management District (ETMD) is pleased to offer its support for the proposed Bicycle and Pedestrian Advisory Committee in the City of Saco. We understand that the proposal is being put forth by a group of interested residents who are volunteering their time and effort to improve conditions for bicyclists and walkers. Such efforts reflect well on the community and deserve support at the highest level.

The ETMD is nearing twenty years of existence, in large part due to the support of the Eastern Trail communities. As the Trail has grown, interest in seeing it through to completion has also expanded. “If you build it, they will come” has a ring of truth about it, as the Trail’s popularity has continued to expand as it has grown from three miles in length, to seven, ten and now 21 miles between South Portland and Kennebunk.

Residents, and prospective residents, recognize and appreciate investments in walking and bicycling infrastructure. We welcome the addition of a Bike and Ped Advisory Committee on the local scene and look forward to working with its members and the City toward improvements that will benefit us all.

Sincerely,

Carole Brush
Executive Director