SACO CITY COUNCIL MEETING
MONDAY, MARCH 23, 2020 – 6:30PM
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. RECOGNITION OF MEMBERS PRESENT
III. PLEDGE OF ALLEGIANCE
IV. GENERAL
V. COMMITTEE CORRESPONDENCE TO COUNCIL
VI. PUBLIC COMMENT
VII. APPROVAL OF MINUTES: March 16, 2020
VIII. CONSENT ITEMS
   A. Appointments to Bicycle and Pedestrian Advisory Committee
   B. Appointment to Saco River Corridor Commission
   C. Appointment to Conservation Commission – Ben Cote
   D. Reappointment to Conservation Commission – Craig Burgess
   E. Reappointment to Conservation Commission – Melissa Fields
IX. ACTION ITEMS
   A. Equal Rights Act Resolution
   B. Police Department – Optional Police Powers
   C. Crane Truck Lease
X. NEW BUSINESS
   A. Discussion on Climate Emergency
   B. City and School Budget Presentations
XI. ADMINISTRATIVE UPDATE
XII. COUNCIL DISCUSSION AND COMMENT
XIII. EXECUTIVE SESSION
   “Be it Ordered that the City Council enter into executive session, pursuant to [M.R.S.A.
   Title 1, Chapter 13, Subchapter 1, §405(6)]:
   (A) Personnel Update
   (C) 351 North Street Proposal
XIV. REPORT FROM EXECUTIVE SESSION
XV. ADJOURNMENT

INFO ON COUNCIL MEETINGS WHILE CITY HALL IS CLOSED TO THE PUBLIC
For up to date information on watching Council meetings and submitting public comments, visit
sacomaine.org/watchmeetings

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.
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm the Mayor’s Appointments to the Bicycle & Pedestrian Advisory Committee

STAFF RESOURCE: Bryan Kaenrath, City Administrator

COUNCIL RESOURCE: Councilor Lynn Copeland

BACKGROUND: The Bicycle and Pedestrian Advisory Committee exists for the general purpose of supporting and encouraging a bicycle and walking friendly community, which provides for safe, convenient, and enjoyable active transportation for all ages and abilities.

The 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. The Committee will work in concert with the City of Saco Department of Public Works, Saco School Department, and Department of Parks and Recreation, advocating for safe places to bike and walk in our City. Members will be appointed by the Mayor and confirmed by the Council.

The Mayor is recommending the appointment of Robert Hamblen, Daniel Snow, Chris Nucci, Jean Saunders, Deborah McKenney, James Burnell, and Christopher McKenney as full members, and Brian Chrader, and Kory White as advisory members of the Bicycle & Pedestrian Advisory Committee.

RECOMMENDATION: Staff recommends approval

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s appointment of Robert Hamblen, Daniel Snow, Chris Nucci, Jean Saunders, Deborah McKenney, James Burnell, and Christopher McKenney as full members, and Brian Chrader, and Kory White as advisory members of the Bicycle & Pedestrian Advisory Committee.”

“I move to approve the Order”.

March 23, 2020
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm Mayor’s Appointment to the Saco River Corridor Commission as an Alternate Member – Emily Cole-Prescott

COUNCIL RESOURCE: Councilor Lynn Copeland, Ward 4

STAFF RESOURCE: Bryan Kaenrath, City Administrator

BACKGROUND: The Saco River Corridor Commission is statutorily authorized by MRSA Title 38, Chapter 6. The Commission is charged with implementing statutory provisions of State law to protect overall health and quality of the Saco River Corridor.

Per Statute, the Commission consists of one member and one alternate member from each municipality. Commissioners serve three-year terms, per by laws. This appointment is for fulfillment of vacated terms, until November 1, 2020.

RECOMMENDATION: The Mayor recommends confirmation of this appointment to the Saco River Corridor Commission, to Saco’s alternate member seat, of vacated term set to expire on November 1, 2020.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s appointment of Emily Cole-Prescott to the Saco River Corridor Commission, to serve in Saco’s alternate member seat, to fulfill unexpired term, until November 1, 2020.

I move to approve the Order.”
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm the Mayor’s Appointment to the Conservation Commission – Ben Cote

COUNCIL RESOURCE: Councilor Jodi MacPhail, Ward 6

STAFF RESOURCE: Emily Cole-Prescott, City Planner
Michele Hughes, City Clerk

BACKGROUND: The Conservation Commission is comprised of eleven regular members and four associate members. Members serve terms as outlined in section 4-37 of the Administrative Code.

Mayor Doyle has recommended appointment of Ben Cote (Ward 6) to the Conservation Commission as a regular member, to a term from March 24, 2020 to March 24, 2023.

RECOMMENDATION: The Mayor recommends confirmation of appointment of Ben Cote to the Conservation Commission as a regular member.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s appointment of Ben Cote to the Conservation Commission as a regular member, for terms from March 24, 2020 to March 24, 2023.

I move to approve the Order.”
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm the Mayor’s Re-appointment to the Conservation Commission – Craig Burgess

COUNCIL RESOURCE: Councilor Alan Minthorn, Ward 5

STAFF RESOURCE: Emily Cole-Prescott, City Planner
Michele Hughes, City Clerk

BACKGROUND: The Conservation Commission is comprised of eleven regular members and four associate members. Members serve terms as outlined in section 4-37 of the Administrative Code.

Mayor Doyle has recommended re-appointment of Craig Burgess (Ward 5) to the Conservation Commission as a regular member, to serve a three-year term from March 24, 2020 to February 21, 2023.

RECOMMENDATION: The Mayor recommends confirmation of re-appointment of Craig Burgess to the Conservation Commission as a regular member.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s re-appointment of Craig Burgess to the Conservation Commission, as a regular member for a three-year term, from March 24, 2020 to February 21, 2023.

I move to approve the Order.”
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm the Mayor’s Re-appointment to the Conservation Commission – Melissa Fields

COUNCIL RESOURCE: Councilor Alan Minthorn, Ward 5

STAFF RESOURCE: Emily Cole-Prescott, City Planner
Michele Hughes, City Clerk

BACKGROUND: The Conservation Commission is comprised of eleven regular members and four associate members. Members serve terms as outlined in section 4-37 of the Administrative Code.

Mayor Doyle has recommended re-appointment of Melissa Fields (Ward 5) to the Conservation Commission as a regular member, to serve a three-year term from March 24, 2020 to March 6, 2023.

RECOMMENDATION: The Mayor recommends confirmation of re-appointment of Melissa Fields to the Conservation Commission as a regular member.

SUGGESTED MOTION: "Be it Ordered that the City Council confirm the Mayor’s re-appointment of Melissa Fields to the Conservation Commission, as a regular member for a three-year term, from March 24, 2020 to March 6, 2023.”

“I move to approve the Order.”
From Representative Donna Bailey:

A number of communities across the State are taking up the attached Resolution to support Maine passing an ERA Amendment that is pending before the State Legislature.

Legislative Document 433:

Resolution: Proposing an Amendment to the Constitution of Maine to Explicitly Prohibit Discrimination Based on the Sex of an Individual
RESOLUTION CALLING ON THE LEGISLATURE TO PASS LD 433, THE "MAINE ERA"

WHEREAS, at the State of Maine's founding women were not recognized as citizens under the new Constitution and were unable to vote;

WHEREAS, it was not until one hundred years after Maine became a state that most women earned the right to vote through the ratification of the 19th Amendment;

WHEREAS, the right to vote remains women's only constitutionally protected right, in Maine and nationally;

WHEREAS, all other rights that women have won have come as a result of legislation, legal decisions, or regulation, and those rights are more easily reversed;

WHEREAS, Maine's legislature ratified the federal Equal Rights Amendment in a bipartisan vote in 1974;

WHEREAS, there exists no language in Maine's Constitution prohibiting discrimination on the basis of sex;

WHEREAS, the final decision of whether to amend Maine's Constitution is not in the hands of the legislature, but of the voters;

WHEREAS, an amendment passed in this session can be on the ballot on November 3, 2020;

RESOLVED: In Maine's bicentennial year, and the centennial of woman suffrage, the name the entity calls on the Maine legislature to pass LD 433, the Maine Equal Rights Amendment, which reads simply, Equality of rights under the law may not be denied or abridged by the State or any political subdivision of the State based on the sex of an individual. The legislature has the power to enforce this section by appropriate legislation.
MEETING ITEM COMMENTARY

AGENDA ITEM:  Optional Police Powers

COUNCIL RESOURCE:  Councilor Nathan Johnston

STAFF RESOURCE:  Police Chief Jack Clements

BACKGROUND:  There is concern among the Police Department leadership that with the increased requests for assistance across the state of Maine, Saco Police officers require additional authorization.

Chief Clements is requesting that the City Council grant fully certified Saco Police Officers optional police powers, authorizing them statewide arrest powers, pursuant to Title 30, § 2671 (2-A) of the Maine Revised Statutes.

EXHIBIT:  Memo from Police Chief Jack Clements

RECOMMENDATION:  Staff recommends granting the Police Department Optional Police Powers.

SUGGESTED MOTION:  “Be it Ordered that the City Council authorize statewide arrest powers for fully certified Saco Police Officers pursuant to Title 30-A, M.R.S.A § 2671 (2-A) of the Maine Revised Statutes.”

“I move to approve the Order.”
MEMORANDUM

To: Bryan Kaenrath, City Administrator  
From: Jack Clements, Chief of Police  
Date: March 12, 2020  
Re: Optional Police Powers

Since my arrival in Saco I have been concerned regarding our (the Police Department) limited authority within the State of Maine given the fact so much change has occurred across our nation with regard to terrorism and crime. Having said this, I am requesting that the City of Saco City Council grant fully certified Saco Police Officers optional police powers pursuant to Title 30, § 2671 (2-A) of the Maine Revised Statutes. I am providing the following as the basis for my request:

Officers are frequently confronted with investigations that take them outside the City of Saco. Officers are also often witnesses to crimes occurring while in other communities within the State of Maine. Increasingly, we are working collaboratively with other law enforcement agencies in Maine in addressing narcotics and violent crime. This is occurring both because crime is mobile and also because agencies across the country are dealing with staffing shortages. Working together, as we have been, we can be more efficient and effective.

The challenge has been that we do not have the authority to make an arrest outside of the city. Most communities in our area including York, Biddeford, Scarborough, Sanford, Portland, South Portland and Westbrook, just to name a few, have had this authorization for years. With Saco having borders with not only York, but also Cumberland County Communities, we are often placed in a position where an officer checks on a disable motorist just feet over the city line. They do this because they are trained to check on people who may need assistance and also because it is what is expected of a police officer. However, if while the officer is checking on the person if they observe narcotics or the person becomes combative, the officer is placed in a very difficult position.

To allay any fears the council may have, Title 17-A, §15 authorizes an officer to use Optional Powers outside their jurisdiction only for the purpose of making a warrantless arrest. There is no specific language that authorizes any other actions that officers may take while on duty, such as the authority to give directions or orders to individuals. What this means is that our officers would NOT be authorized to stop someone for running a red light in another community.

In order for a Saco Police Officers to be authorized with optional powers, they would have to meet the requirements of Title 25, section 2804-C (full certification) to perform any of the acts described in Title 17-A, section 15 while the police officers are outside the jurisdiction. Officers that are not fully certified by the MCJA would not have this authority.

I have a draft copy of a restrictive policy that will be put in place if approved.
MEETING ITEM COMMENTARY

AGENDA ITEM: Council Approval of Lease for WRRD Crane Truck

COUNCIL RESOURCE: Councilor Joseph Gunn

STAFF RESOURCE: Glenys Salas, Finance Director

BACKGROUND: The City Administrator has approved an emergency purchase for the replacement of the WRRD Crane Truck in the amount of $84,612. The current crane truck requires about $14,000 in repairs and, at 10 years old, is well past its expected life. Council approval is still required to obtain a capital lease (capital equipment loan) to pay for the equipment. There is no buyout at the end of a capital lease and the city will own the vehicle outright. Per Maine state statute, Council action is required to approve all new debt. This lease will be bundled with the ambulance lease purchase in order to acquire favorable rates.

RECOMMENDATION: City staff recommends approval.

SUGGESTED MOTION Be it ordered that the Council approve a new capital lease in the amount of $84,612 for the purchase of a new crane truck for WRRD.

“I move to approve the order.”
From Saco Middle School Teacher, Andrew Fersch:

The Climate Emergency Declaration is the culmination of months of work by students at Saco Middle School. Initially, students were expressing concern about the state of our natural world but were unsure what to do as a result. The students began researching what others in the state and around the country have done to try to address climate change locally, keeping in mind that every community has unique needs. They began meeting with the students who worked to get the Climate Emergency Declaration passed in Portland, ME (who represent various advocacy groups) to draft their own declaration, unique to Saco, Maine.

Students are concurrently working towards conserving an eight acre piece of land in Saco, but realized that real change needs to be fostered by our elected officials. The declaration is to serve as a commitment by our community towards limiting the harmful aspects of climate change. They have worked tirelessly to take into account various industries locally and statewide, while also holding true to their values and the word of science in how this would best be addressed. The end result of this work is the Climate Emergency Resolution, which we hope will be passed unanimously, to show unwavering support for our community.
RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even the dangerous 1.5°C target this century will require an unprecedented transformation of every sector of the global economy by 2030;

WHEREAS, climate change and the global industrialized economy’s overshoot of ecological limits are driving the Sixth Mass Extinction of species, which could devastate the wildlife of Maine, such as moose, lobster and loon, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services;

WHEREAS, the death and destruction already wrought by current average global warming of 1°C demonstrate that the Earth is already too hot for safety and justice, as attested by increased and intensifying snowstorms, hurricanes, floods, rising seas, diseases, droughts, and extreme weather worldwide;

WHEREAS, the Gulf of Maine is warming 99% faster than other oceans around the world, and ocean acidification and warming ocean temperatures pose a serious economic and cultural risk to lobstering and other fishing industries in Saco and across Maine;

WHEREAS, climate change has led to marked shifts in local seasonal temperature changes and thus threatens the natural ecosystems and weather patterns of Saco economic activity such as tourism and seasonal recreation including snowshoeing and other outdoor activities, and public health due to increased local incidence of tick borne illnesses such as Lyme Disease;

WHEREAS, rising sea levels due to climate change are eroding wetlands and beaches, such as Camp Ellis in Saco, across the coast of Maine, increasing damage and vulnerability of other coastal towns during severe storms;

WHEREAS, over 1175 local, county, and national governments worldwide, have passed a declaration of Climate Emergency and committed to taking emergency action to restore a safe and stable climate;

WHEREAS, restoring a safe and stable climate requires a Climate Mobilization: an emergency mobilization on a scale not seen since World War II in order to reach zero greenhouse gas emissions across all sectors of the economy, rapidly and safely drawdown and remove all the excess carbon from the atmosphere at emergency speed and with utmost care until safe, pre-industrial climate conditions are restored, and to implement measures to protect all people and species from the impacts of abrupt climate breakdown;

WHEREAS, such necessary measures to restore a safe climate include a rapid, just, managed phase-out of fossil fuels, ending greenhouse gas emissions as quickly as possible to establish a zero- emissions economy, a widespread effort to safely drawdown excess carbon from the
atmosphere and an end to the Sixth Mass Extinction through widespread conservation and
restoration of ecosystems;

WHEREAS, Saco, Maine can act as a leader in the State of Maine and worldwide through
initiating an emergency Climate Mobilization to convert to an ecologically, socially, and
economically regenerative local economy at emergency speed, as well as advocating for
regional, national, and international efforts necessary to reverse global warming and the
ecological crisis;

NOW BE IT THEREFORE RESOLVED, the Town of Saco Maine declares that a climate and
ecological emergency threatens our town, state, nation, civilization, humanity, and the natural
world;

BE IT FURTHER RESOLVED, the Town of Saco commits to a town-wide mobilization effort
to reverse global warming and the ecological crisis, which, with appropriate financial and
regulatory assistance from State and Federal authorities:

(a) Ends town-wide greenhouse gas emissions and initiates additional greenhouse gas
drawdown efforts as quickly as possible and no later than December 31, 2030;
prioritizing zero-carbon solutions for local electricity, heating, and transportation
systems; and

(b) Ensures a just transition for local residents and accelerates local adaptation and resilience
strategies in preparation for intensifying local climate impacts;

BE IT FURTHER RESOLVED, the Town of Saco recognizes that the full participation,
inclusion, support, and leadership of youth, community organizations, faith communities,
adademic institutions, indigenous groups, labor organizations, and racial, gender, immigrant, and
disability justice organizations and other allies are integral to the climate emergency response
and mobilization efforts;

BE IT FURTHER RESOLVED, the Saco Town Council directs that an all-staff meeting be
held to educate Saco Municipal staff on the latest climate science, climate risk to Saco and
surrounding area, and the mobilization of resources needed in response within four weeks of the
date of this resolution;

BE IT FURTHER RESOLVED, the Saco Town Council directs all Saco departments,
proprietaries, and commissions to report back within 60 days of the date of the all-staff meeting
referenced above on maximum emergency reductions in greenhouse gas emissions from their
operations feasible by the end of 2030;

BE IT FURTHER RESOLVED, the Saco Town Council directs the Mayor to report back on
opportunities, within 60 days, for radical greenhouse gas emissions reductions through new local
ordinances, building codes, and permitting processes facilitating the rapid phase out of fossil fuel
use and adoption of renewable energy within the community in collaboration with local organizations;

**BE IT FURTHER RESOLVED,** the Saco Town Council will establish a Climate Emergency Task Force within 30 days, and report back within 60 days on the establishment of Saco Climate Emergency Task Force, with representatives from town staff, local youth, and other stakeholders, responsible for collaboratively planning and coordinating the town’s climate emergency response, including emergency climate mitigation, education, resilience and adaptation programs, and the development of a “Climate Mobilization Action Plan” to guide efforts to reach the goals stated in this resolution;

**BE IT FURTHER RESOLVED,** that the Town of Saco implements tax incentives to encourage usage of non-polluting utilities such as solar panels, while also supporting less driving in general and using non-gas powered vehicles, which would be one method of the Saco Climate Mobilization Action Plan, the goal of which is to further the rapid expansion of renewable energy, energy efficiency, and sustainable transportation initiatives within its jurisdiction, as well as other projects to rapidly eliminate community-wide greenhouse gas emissions;

**BE IT FURTHER RESOLVED,** the Town of Saco commits to engaging our residents and local stakeholders in education and public deliberations on the climate emergency, ensuring that local voices will directly inform the creation of the Saco Climate Mobilization Action Plan as well as ensure a just transition with the full democratic participation of the residents of Saco;

**BE IT FURTHER RESOLVED,** The Town of Saco establishes an education system to teach mechanics about the workings of electric workings. A similar program would be established to teach local residents how to drive, charge and work an electric car;

**BE IT FURTHER RESOLVED,** The Town of Saco joins the global Climate Emergency Movement and calls on the State of Maine, the United States Congress, the President of the United States, and all governments and people worldwide to declare a climate emergency, initiate a Climate Mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world; and,

**BE IT FURTHER RESOLVED,** in furtherance of this resolution, the Town of Saco shall submit a certified copy of this resolution to the County Commissioners office, State Representatives, Senators Susan Collins and Angus King, Governor Janet Mills, and the newly convened Maine Climate Council and request that all relevant support and assistance in effectuating this resolution be provided.

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