

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Tuesday, January 22, 2019 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart, and Nathan Johnston. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

- Martin Luther King Jr. Day – This is a very important recognition for the nation. When Martin Luther King Jr. was in Boston one of my classmates marched with Dr. King and certainly understood the importance of that far better than all of the rest of his high school classmates.

V. PUBLIC COMMENT

- Stephen Shiman, School Board Liaison – We had a meeting last week and went over things having to do with committee structures and approving committee structures. We went over the Interlocal Agreement that amounts to \$100,000. It is in the 279 but we have to approve it. It was put off for a week because there were 2 members who were not there, and it was felt that it was important enough that it should be dealt with next week when we have our meeting. An important part of that meeting was hearing from the school principals about what their recommendations were for RAD's. We will have to evaluate the RAD's. There will be more discussion for more RAD's I think at the next meeting. Everything that was discussed had to do with strategic planning and tying in what they are trying to do with strategic planning. I think the concern of everybody is where are the things that make a difference and where don't they really make a difference. Are there other ways to do it? We are all pretty conscious of that. We did find out budget wise that we had some lucky things happen to us. One of them is the student count at the high school is down so that cuts our expenses this year. The second bid thing was that the MAT came in far lower than we thought, like 1% or something and we have budgeted 4%. So, that makes a difference. The potential here is good and we will have to see how it goes. We also don't have any lawsuits going which keeps the costs down.
- Barbara Colman, 45B Stockman Ave. – What the Mayor is handing out has one slight calculation problem. But, what this comes down to is a comment that Councilor Copeland started with questioning the other night about the IRS and Senior Tax Program. She had the 2 inter-combined at the time which I can understand why you would. We are talking about here is an implication to the tax program for this new program. What you have in front of you and on the back is some information. Right now, the city FICA is what is calculated. He problem is that the seniors should be moved up to 2018 and 2017. I dropped it down when I wrote it across. They are owed right now \$2,100. The FICA and Medicare owed on this is \$10,442.26. Because I adjusted the 2018 because I wasn't sure if the full \$35,000 was paid out or not and that is what I used as a figure. I then went further down and said if we went from 2009 to 2014 at \$35,000 because I really don't have a clear figure at the FICA and Medicare rate of \$2,677.50 for 6 years that would be \$16,065 that we would owe the IRS. The key piece in all of this is this is without penalties, interest, or failure to file 941's or to properly deposit the taxes. If you flip to the other side which is your key piece of information. It tells you generally this is the interest if you have unpaid taxes from the due date and it continues on to tell you it is based on quarterly. So, if you are cleaning up from 2009 forward and I didn't have the time to sit there and do the math all the way forward for all these years. You are not looking simply just owing a senior tax program amount of \$39,607, you are owing allot of money just in interest and penalties for failure to file your FICA and Medicare deposits. You also have a failure to submit 941's and I didn't even give you that interest rate. I just gave you the basics of the FICA's not being deposited. You have a guaranteed failure to file the 941's and it is probably about the same percentage. I can get you those figures by tomorrow. So, you are no longer looking at a \$40,000 bill to clean up, but probably a couple hundred thousand because you have been doing this since 2009. I know that I'm a subject of conversation amongst allot of people because I have been told 2 things and somebody said never to say what 2 elected officials said about me, I'm dangerous and

unproductive. I could have taken those words as mean and vicious, but I take them as badge of honors because I'm pointing out the issues and we need to resolve them. They have implications to everybody including the tax payer. Mayor Lovell – Barbara, I would like you to know that I don't consider you unproductive at all and I also don't consider you dangerous as you know because we have had a conversation to that effect. Unproductive is not a good definition for you. You are quite productive.

VI. CONSENT AGENDA

Councilor Minthorn moved, Councilor Copeland seconded “Be it Ordered that the council approve the minutes for January 7, 2019.” The motion passed with seven (7) yeas.

VII. AGENDA

A. RECYCLING PRESENTATION

Public Works Department Director Pat Fox presented the following steps, the department would like to take in the next couple of months on recycling issues:

Background:

Beginning in September of 2018 the City has started to receive fees from our solid waste and recycling provider for recycling contamination. Due to a decline in the recycling market, Ecomaine has had to spend additional time sorting through material to ensure low contamination levels. This is adding \$5,000 to \$8,000 per month in fees to our Solid Waste Budget.

What can the City do to lower our rates?

The City needs to focus on outreach and recycling education. Ways we can do this, with the help of Ecomaine include:

- Mailings. The city wishes to provide a mailing with current recycling practices along with notifying residents of carts being tagged and not collected when found to be non-compliant
- City employees to tag carts after providing Recycling inspections
- Social Media outreach
- School education. Ecomaine has an education team that provides free informational Recycling presentations to any school, city or community event.

How would the tagging program work?

The City would have a team of 2-4 employees out inspecting recycling carts and coordinating with Pine Tree Waste to ensure the two teams are ahead of the collection. If non-recyclable items are found within a cart, the cart will be tagged displaying what is wrong with the cart. Any cart with a tag will not be collected by Pine Tree Waste. This process will take about a month to complete across all five collection routes, weather pending.

What are the cost savings?

Reducing contamination by even 5% a month is a cost savings of up to \$3,000 per month. The City's intent is to lower our contamination levels to less than 10%. Current contamination levels for the month of December average around 20%. The highest item of contamination is plastic bags, and residents utilizing recycling carts for overflow trash.

What are our options moving forward?

Our goal is always to meet and exceed recycling goals through outreach and education. We will continue to work with Ecomaine on providing up to date information on proper recycling practices.

B. CONTRACT ZONE – WIRELESS TELECOMMUNICATIONS FACILITY AT 644 MAIN STREET – (PUBLIC HEARING)

Applicant L&M Properties, Inc., proposes to erect a 130 foot tower on a fenced 100'X100' portion of the property at 644 Main Street. Wireless Telecommunication Facilities are not an allowed use in the B-2b zone. The applicant hopes to lease space on the tower to multiple carriers. A contract zone (CZ) is the only option that would allow a

cell tower to be built and operated in this location. There is precedent for cell towers being allowed via contract zoning; there are WCF's on Industrial Park Road, Rte. One and Flag Pond Road. WCFs are conditional uses in the I-1 and I-3 zones (Mill Brook Business Park). Elsewhere, such facilities would be subject to contract zoning. The applicant was approved for a CZ at this location for the construction of an identical wireless facility in May 2014. In January 2015, the applicant obtained site plan approval from the Planning Board. The applicant did not obtain necessary approvals and permits from the City within the allotted timeframe of the contract zone provisions, which nullified the contract zone.

This item was again reviewed by the Planning Board at its Oct. 16 meeting. The Board arrived at a positive finding on each of the four standards found in Sec. 230-1405 (E), and voted to forward a positive recommendation to the Council

Councilor Doyle moved, Councilor Gay seconded to open the public hearing. The motion passed with seven (7) yeas.

Torie Bell, 4 Trailside Circle in Ross Ridge Development – I don't know much about the construction plans but I have read some articles on research that states that cell phone towers that are placed in residential areas can have medical implications and can be dangerous. So, given how residential the area right around 644 Main Street is I wonder if that has been considered by the city?

Mayor Lovell – I'm sure to some extent that it is but once a contract zone is approved the Planning Board is in charge of site plan review. So, that would be associated with that. This is whether we should allow a contract zone there. So, your point is the possible hazard particularly to children associated with being near a residential area.

Michael Malloy, 28 Woodman Ave – I'm not far from where this proposed tower would be. I would also like to speak against it. You have just educated me a little bit that this is just a vote about the contract zone and not the actual direction of the tower. I thought that was what this meeting was about tonight.

Mayor Lovell – No contract zone and no site plan review and no planning board action after this. So, speaking to the council to explain your position is very helpful for the council in determining how they would vote on the contract zone. So, I'm against the contract zone and the erection of this tower which in the paper it said it would be 130 feet tall. I tried to get my head around how big that was, and I know that my house is about 30 feet tall. So, if I took my house and put that on top of itself 4 times that is about how tall this tower is going to be. I think about the neighbors on Moody Street who might come home and I'm kind of disappointed there isn't anyone from Moody Street to speak on this, but I can imagine their frustration on this if they came home one night and found this 130 foot tower in their backyard. I know I wouldn't be happy about it. So, I urge the council to please vote against this tower because it is not the right thing for that neighborhood.

Councilor Doyle moved, Councilor Minthorn seconded to close the public hearing and further move to set the final reading of the contract zone document entitled "Contract Zone Agreement By and between L&M Properties, Inc. and the City of Saco," dated September 23, 2018; and to schedule the Second and Final Reading for February 4 2019, for the property identified as Tax map 42, Lot 9-1, as authorized by Section 1405 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8)." The motion passed with seven (7) yeas.

Proposed

Contract Zone Agreement by and between
L&M Properties, Inc., and the City of Saco, Maine
Wireless Telecommunication Tower and Facilities
Submitted to Saco Planning Department September 23, 2018

THE CITY OF SACO, MAINE HEREBY ORDAINS:

- I. That the zoning ordinance of the City of Saco, Maine, dated January 2, 1985 is hereby amended by adopting the proposed change in use as further described in the following contract between the City of Saco, and L & M Properties, Inc.

This contract amends the Saco Zoning Ordinance to permit the construction of a 130-foot Wireless Telecommunication Facility on a parcel abutting 644 Main Street, identified as Tax Map 42, Lot 9-1, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. L&M Properties, Inc., (the Applicant) and/or its affiliates, proposes to construct a single Wireless Telecommunication Facility in the form of a monopole tower one hundred and thirty (130) feet high on a parcel identified as Tax Map 42, Lot 9-1 (Subject Property), abutting the parcel at 644 Main Street.
2. The Subject Property has an area of 3.37 acres and is regarded by the City as a Lot of Record, having existed in its current ownership since March 2001,
3. The Subject Property is located in the Highway Business B2-B District. The Subject Property is a vacant lot of record owned by the applicant.
4. The abutting parcel, Tax Map 42, Lot 10, is owned by the same owner under a different entity name, Leon Foster, which will be encumbered by an access and utility easement as well as a restriction from development easement as determined by 105% of the Tower height or 136.5 Feet as created from the proposed tower centerline.
5. The City of Saco does not prohibit more than one principal commercial or business use from co-existing on a single conforming lot of record.
6. Wireless Telecommunication Facilities are defined by the Saco Zoning Ordinance and recognized as a conditional use in certain districts. Said Facilities are not an allowed use in the B2-B District.
8. Due to the ownership of the parcel, and its location along US Route 1 and Interstate I-195 corridor, and that there is an apparent lack of reception and coverage for receiving data via wireless devices, the Applicant believes that the proposed site is an ideal location for a Wireless Facility.
9. The Applicant thereby requests that the City of Saco establish a Contract Zone specifically and exclusively for the Subject Property in order to allow the installation, and operation of a Wireless Telecommunication Facility.

II. This Contract amends the Saco Zoning Ordinance as follows:

1. A single Wireless Telecommunication Facility, specifically a one hundred thirty foot monopole tower and supporting infrastructure, including a pre-fabricated support structure for housing the electronic and/or mechanical instrumentation, and a backup generator at the tower's base sited within a fenced enclosure as shown on a site plan submitted by the applicant, shall be regarded as an allowed use on the Subject Property.
2. The proposed Tower location is approximately 50 feet from a property line separating the subject parcel from land owned by Leon Foster (644 Main Street parcel). Given the possibility of a Tower accident and fall, and resulting property damage and/or personal injury, the City requests, and it will be part of this agreement, that the applicant shall secure from Mr. Foster a negative, no build easement/covenant over a portion of the parcel found at 644 Main Street. The no build restrictive easement shall cover that portion of 644 Main Street that lies within a 136.5 foot radius fall zone (130 foot Tower height plus a 5% added buffer) measured out from the base of the Tower. The easement must be reviewed and approved by the City in advance; it must be binding upon Mr. Foster and his heirs, successors and assigns; it will be recorded by the City; and this condition must be met before a building permit for the Tower can be issued. The failure to deliver a satisfactory easement prior to construction shall constitute a default of this Agreement. Upon compliance with this request, Section 230- 728. E. 2 of the Saco Zoning Ordinance is waived as to setbacks, including the condition that no easement exceed 30% of a Towers' height.

III. This Contract Zone is subject to the following conditions and restrictions as provided for in Section 1403 of the Saco Zoning Ordinance:

1. The Wireless Telecommunication Facility is subject to review under the provisions of Section 728, and Article 11, Site Plan Review of the Saco Zoning Ordinance,

2. Except as addressed in this Contract Zone document, the property shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance.
3. All details as shown on the final plan approved by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be “major” shall constitute a change to the contract, and then the developer shall also be required to obtain City Council approval for the changes.
4. This Contract Zone Agreement affects the parcel of land identified as Tax Map 42, lot 9-1 on the City of Saco Tax Maps. Recognition is given that the abutting parcel, identified as Tax Map 42, Lot 10, will be subject to an easement pertaining to access and a “fall-down zone,” which will be a necessary component for the project.
5. This contract and its provisions shall apply exclusively to the contract zone request submitted by L&M Properties, Inc.
6. This Document and the Contract Zone it creates shall not be transferable prior to development as proposed by the Applicant.
7. Failure of the Applicant to secure site plan approval from the Planning Board, and any and all permits or approvals that may be required by the City, or other regulatory agencies including but not limited to the Federal Aviation Administration and/or Federal Communications Commission within one year of the approval of this Contract by the City of Saco Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the Applicant, this one year deadline may be extended by one year upon written request by the Applicant.
8. Breach of these conditions and restrictions by the developer shall constitute a breach of the Contract. Said breach of the Contract shall constitute a zoning violation subject to enforcement by the City of Saco.
9. The Applicant, and its successors and assigns,, shall provide the City of Saco’s Fire and Police Departments with a co-location position on the proposed tower, at no charge, along with space in the support structure or area within the fenced enclosure also at no charge for as long as the tower stands. Notwithstanding the preceding, the cost of any necessary equipment shall be borne by the City. The City’s use shall be reasonably accommodated on the tower and not unduly restricted by location or height but in no event shall its Tower location be below 110 feet.
10. The Applicant shall provide a signed statement obligating the owner of the Facility and its successors and assigns to:
 - a. Respond in a timely, comprehensive manner to any request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - b. Negotiate in good faith for shared use of the facility by the third parties, thereby agreeing not limit the number of wireless carriers utilizing the Facility to less than the carrying capacity of the Facility;
 - c. Allow shared use of the facility if any applicant agrees in writing to pay reasonable charges for co-location;
 - d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to a pro-rata share of the cost of planning the project administration, site design, construction, financing, return on equity, depreciation, and all of the costs adapting the Facility or equipment to accommodate a shared user without causing electromagnetic interference.
 - e. The above conditions shall not apply to the City of Saco’s use of the tower.

IV. By Vote of the Saco Planning Board on October 16, 2018 the following findings are hereby adopted:

- A. Map 42, lot 9-1 possesses an unusual nature and location for the following reasons:

1. The Property in question is owned by the applicant, and is adjacent to US Route 1, and I-195 corridor. The Telecommunications industry typically seeks Wireless Telecommunications Facilities along transportation corridors, such as the Maine Turnpike and US Route 1, or areas demanding high volumes of wireless data, or internet access, such as downtown areas, Business and Commercial Districts, or such as the Northern Route 1 Business District and the edge of the Downtowns Saco District. Subject Property is well situated for the proposed use.

2. The Subject Property is unique in its location from its abutters. Abutters and/or nearby properties include the Eastern Trail, Sweetser Home, and the owner's adjacent lot of residential rentals, and business buildings. The site also abuts residential uses and properties on Moody Street, but will be well buffered from their view.

3. The parcel is burdened with a tributary of the Goosefare Brook, which traverses the middle of the parcel making the parcel rear unlikely for development given the terrain and wetlands necessary to cross, and for that reason is limited in possible uses.

B. The proposed rezoning is consistent with the City of Saco Comprehensive Plan, based on the following Chapter 6 Land Use Policy and Goals:

-To increase the commercial tax base of the City.

-To strengthen Saco's role as a service center for the region, including the industrial, commercial, office, health and medical, tourism and hospitality, education and retail.

-To assure that new commercial and industrial development occurs in a way that is visually and environmentally sound and That protects established residential neighborhoods.

-To maintain the vitality of Downtown Saco and expand its role as a commercial, office, retail, educational and cultural, residential, and service center. To assure that the City's public facilities are adequate to support residential and nonresidential development in any areas where the City desires growth.

-To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.

-The City should also maintain the Route One Corridor from Thornton Academy north to the I-195 Spur as a commercial district recognizing the established pattern of commercial use in this area. The City should continue its efforts in this area to improve visual attractiveness, traffic flow, vehicular access, and pedestrian safety.

The installation of a Wireless Telecommunications Facility at the Subject Parcel adjacent to US Route 1 and I-195 will serve the telecommunication needs for the citizens, business owners and visitors of Saco. The location and proposed use of this site is consistent with the existing zoning for the B2-B Business district. The current zoning will allow for TV and Radio Tower facilities and broadcasting equipment as a conditional use, but not Telecommunications which is a similar use which is actually less intensive and less visually intrusive than wireless uses.

The location of the proposed facility will reduce the immediate need to locate other Wireless telecommunications Facilities between the Downtown and Northern Business Districts. The facility will not produce noise, dirt, light glare, smoke, sewerage, vibration, fumes, odor, or promote danger from fire, and will fit harmoniously in the location and will not be detrimental to the neighborhood nor will impose safety or health risks. It will have minimal visual impact to residences with the provisions of wooded buffers and will protect those neighbors which are fearful from impacts of business. The installation of the facility will provide a useful transitional buffer and promote privacy between the boundaries of the Residential and Business districts.

The immediate vicinity of the Route 1 and I-195 Corridor will promote excellent coverage adjacent businesses, downtown areas, and customers further improving the desire for citizens, or business owners to utilize these areas for investment. The demand for cellular and wireless data services in such an area is consistent with this heavily travelled and commercially active area. The development will have no further impacts on traffic, or other public services, and will provide space for City emergency broadcasting services if so desired.

C. The proposed use is consistent with but not limited to existing uses and permitted uses allowed conditionally in the B2-B zone. Existing uses include Overhead transmission lines for Central Maine Power, retail businesses, financial institutions, professional offices, hotels and lodging. Permitted uses include Essential services, public utility buildings, Repair services, (as conditional uses Contractors, Light

industrial uses, Radio and TV Transmission towers, High Voltage Transmission lines, and outdoor recreational facilities, etc.

D. The Conditions and restrictions noted in the above are adequate to meet intent of the Saco Zoning Ordinance.

Based on the above findings, conditions, and the restrictions listed above the City Council hereby incorporates this Contract Zone agreement into the Saco Zoning Ordinance by reference.

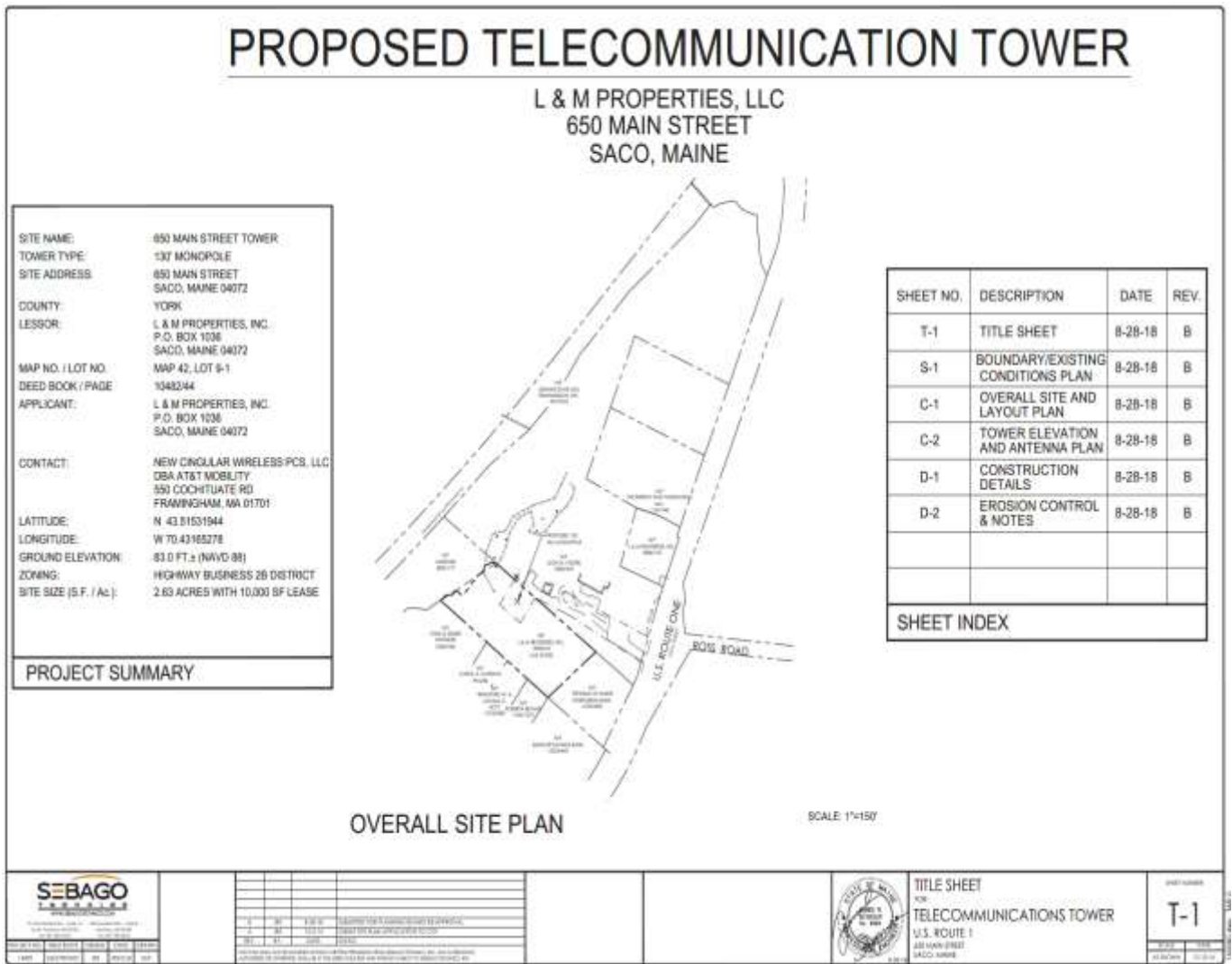
By signing this contract, both parties agree to abide by all the conditions and restrictions contained herein. Adopted by the Saco City Council on _____, 2019.

City of Saco

L & M Properties, Inc.

By: _____
Its Duly Authorized: City Administrator

By: Leon M. Foster
Its Duly Authorized: President



C. CREDIT ENHANCEMENT AGREEMENT BETWEEN CITY OF SACO, MAINE AND NIKEL PRECISION GROUP LLC – (FIRST READING)

A Credit Enhancement Agreement (CEA) for Nikel Precision Group LLC is being presented for consideration. This application is for proposed business development at lot 9 in the Mill Brook Business Park (19 Mill Brook Road, M:\2019\cm_2019_01_22.docx 1/25/2019 Page 7 of 26

Map 45 Lot 19-3-9). This business, Precision Manufacturing Solutions, is a solution-oriented manufacturing company for high-quality, mission critical components qualified on a variety of aerospace and defense programs. The applicant plans to relocate and expand an existing Maine business, and will construct a 63,000 square foot facility; relocate 74 FT positions and add 10 new FT positions in the next two years. The Mill Brook Business Park is in the City's TIF #14, and has as part of its Development Program, the option to enter into Credit Enhancement Agreements with applicants, after review, public hearing and approval by the City Council. The approved CEA is then submitted to the Maine Department of Economic and Community Development (DECD).

Credit Enhancement Agreement Terms

The City already captures 100% of the tax increment revenues of the existing Mill Brook Business Park TIF District; and has an active Credit Enhancement Agreement with Maine Molecular Quality Controls. The terms of this draft CEA propose that Nikel Precision Group receive 60% of the TIF revenue generated from their lot from 2019 to 2027, then 50% of TIF revenue from 2028 through 2035, and 30% of the TIF revenue generated from lot 9 from 2036 through the end of the TIF district in 2045, with a TIF revenue reimbursement cap of \$1.2 million. In addition, the business is anticipating an expansion in the next several years. The applicant would like to have the opportunity to re-negotiate the cap limit in direct proportion to the increased valuation from the expansion.

Recommendation

Over the last several months, City staff worked with applicant John Strautnieks, of Nikel Holdings and Michael Sheehan, Attorney at Preti-Flaherty to negotiate terms of the Credit Enhancement Agreement. Executive sessions with the City Council and Economic Development Commission were held December 17, 2018 to discuss draft terms and receive guidance to develop the final CEA draft. This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council, subject to legal and technical review, for workshop, first reading, public hearing, and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council voting in support of sending to First Reading.

Councilor Doyle moved, Councilor Minthorn seconded that the City Administrator is hereby authorized and directed to enter into a credit enhancement agreement with the Nikel Precision Group, LLC in substantially the form as presented to the City Council.” The motion passed with seven (7) yeas.

Councilor Doyle moved, Councilor Johnston seconded to move this item to the Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

D. ORDER REGARDING READY SEAFOOD MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM – (FIRST READING)

Enclosed is an application to establish a new TIF district in the City. The district will encompass an approximate forty-acre parcel at 1016 Portland Road (Map 64 Lot 12), where Ready Seafood plans to develop their new headquarters, and create a “Maine Lobster Full Utilization Campus.” The company, which currently employs 100 people, is expanding to integrate more cutting-edge technology into their operations, including a “500,000-pound lobster tank facility “developed and funded by the State of Maine and the Maine Technology Institute” (page 1). With this development, Ready Seafood plans to spend approximately \$12 million in Saco. Ready also plans to bring 40 new jobs to Saco, with the intention of moving all company operations into Saco, resulting in more than 140 jobs in the City.

Tax Increment Finance District and Credit Enhancement Agreement Terms: This application proposes the creation of a new TIF district within the City, for a term of 30 years with a capture rate of 100% of increased assessed value of both real and personal property. This TIF application is written with a “triggering event” of \$3 million, indicating that the company will start to receive tax reimbursements from the City in the tax year that an increased assessed valuation of \$3 million occurs. At that point, Ready Seafood will continue to receive TIF reimbursement payments for twenty years. In years one through ten, the company will receive 70% of the TIF revenues, and the City will receive 30% of TIF revenue. In years 11 through 20, Ready Seafood will receive 60% of the TIF revenue and the City will receive 40%. In any remaining years of the District, the City will receive 100%

of the TIF revenue. The City will retain funds from TIF revenues to use for project costs outlined in the Development Program.

Over the last several months, City staff has negotiated the terms of this TIF application with Ready Seafood owners, and Joan Fortin, attorney at Bernstein Shur. Executive sessions with the City Council and Economic Development Commission were held December 17, 2018 to discuss draft terms and receive guidance to develop the final TIF/CEA draft. This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council voting in support of sending to First Reading.

Councilor Doyle moved, Councilor Smart seconded to approve the First Reading regarding the Ready Seafood Co. Municipal Development and Tax Increment Financing District Development Program and to schedule a Public Hearing on February 4, 2019.

Note: City Administrator Kevin Sutherland noted that in the reading of these there is some background that says they voted in workshop. We do not vote in workshop. This is more of an understanding that the council would like to move forward with the process. I apologize for that language being in there. Maybe on the other ones, when we see it, not to read it into the record.

Mayor Lovell called for a vote on the main motion. The motion passed with seven (7) yeas.

Reconsider – Councilor Doyle moved, Councilor Archer seconded to reconsider item #D. The motion passed with seven (7) yeas.

Councilor Doyle moved, Councilor Johnston seconded to waive the reading of the Council Order and to approve the First Reading regarding the Ready Seafood Co. Municipal Development and Tax Increment Financing District Development Program and to schedule a Public Hearing on February 4, 2019. The motion passed with seven (7) yeas.

**CITY OF SACO, MAINE
COUNCIL ORDER**

2019. _____ IN CITY COUNCIL, _____, 2019

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "Act"), to designate a specified area within the City as the **Ready Seafood Co. Municipal Development and Tax Increment Financing District (#16)** (the "District") and adopt a development program (the "Development Program") for the District pursuant to the Act; and

WHEREAS, there is a need for economic development in the City of Saco, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Saco; and to improve the general economy of the City of Saco and the surrounding region; and

WHEREAS, designation of the District and adoption of the Development Program will help to improve and broaden the tax base in the City of Saco and improve the economy of the City of Saco and the region by attracting business development to the District; and

WHEREAS, the City desires to designate the District and adopt the Development Program; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the "Department"), approving the designation of the District and adoption of the Development Program.

ORDERED AS FOLLOWS:

Section 1. The City of Saco hereby designates the Ready Seafood Company Municipal Development and Tax Increment Financing District (#16) and hereby adopts the Development Program for said District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the proposed District) does not exceed five percent (5%) of the total acreage of the City; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the proposed District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of the most recent April 1 for which such value is available; and
- d. The designation of the District and adoption of the related Development Program will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City Council has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the District and the Development Program.

Section 3. The City Administrator, or his/her duly appointed representative, is hereby authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226; and further is authorized to execute a Credit Enhancement Agreement consistent with the provisions of the District's Development Program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

Section 4. The foregoing designation of the District and approval of the Development Program shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 5. The City Administrator, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the Development Program as the City Administrator, or his duly appointed representative, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and/or the Development Program by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

E. ORDER REGARDING SECOND AMENDMENT TO INDUSTRIAL PARK ROAD A/K/A FIRST LIGHT – MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (DISTRICT #1) TO BE RENAMED 77 INDUSTRIAL PARK ROAD OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT – (FIRST READING)

Denise Clavette, Planning and Development Director, and Emily Cole-Prescott, Economic Development Specialist, have spent several months researching, reviewing and analyzing existing Tax Increment Financing (TIF) Districts, accompanying original applications, maps, assessing records and development programs. As part of this process, a

TIF “Jump-Start” team was created with staff from many departments, for the purpose to review existing development programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached, draft TIF amendment applications. The Department’s goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Specific to 77 Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

- Revision to capture 100% (rather than current 60%) of increased assessed value
- Amend project list of Development Program for consistency with other districts, and to expand what the City can fund through TIF revenue.
- Rename the District from First Light to the property address 77 Industrial Park Road

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council in support of sending to First Reading.

Councilor Archer moved, Councilor Copeland seconded to approve the First Reading regarding the 77 Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program and to set schedule the Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

Reconsider - Councilor Archer moved, Councilor Smart seconded to reconsider item #E. The motion passed with seven (7) yeas.

Councilor Archer moved, Councilor Minthorn seconded to waive the reading of the Council Order and approve the First Reading regarding the 77 Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program and to set schedule the Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

**CITY OF SACO, MAINE
COUNCIL ORDER
Amending the 77 Industrial Park Road Omnibus Municipal Development
Tax Increment Financing Development Program**

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the 77 Industrial Park Road Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on April 2, 1997, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on June ; and

WHEREAS, on June 19, 2017 the City adopted the First Amendment to the Original Development Program (as amended, the "First Amendment") in order to extend the term of the district; and

WHEREAS, the City desires to adopt this Second Amendment to the District and Development Program (the “Second Amendment”) to continue to achieve the District’s original goals; and

WHEREAS, the City Council has held a public hearing on February 4, 2019, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the Second Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the First Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

- a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this Second Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area within the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.
- b. The adoption of the Second Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the 77 Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his/her duly appointed representative, is hereby authorized, empowered and directed to submit the proposed First Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the First Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his duly appointed representative, is hereby authorized and empowered, at his/her discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.

F. ORDER REGARDING FIRST AMENDMENT TO INDUSTRIAL PARK ROAD MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (DISTRICT #5) TO BE RENAMED INDUSTRIAL PARK ROAD OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT – (FIRST READING)

accompanying original applications, maps, assessing records and development programs. As part of this process, a TIF "Jump-Start" team was created with staff from many departments, for the purpose to review existing development programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached, draft TIF amendment applications. The Department's goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Specific to Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

- Term extension from 20 to 30 years
- Amend project list of Development Program for consistency with other districts, and to expand what the City can fund through TIF revenue.

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading.

This item was heard at the City Council workshop on January 14, 2019 with City Council in support of sending to First Reading.

Councilor Gay moved, Councilor Doyle seconded to approve the First Reading of the Order regarding First Amendment to Industrial Park Road Municipal Development and Tax Increment Financing District Development Program (District #5) to be renamed Industrial Park Road Omnibus Municipal Development and Tax Increment Financing District and to schedule a Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

Reconsider – Councilor Gay moved, Councilor Minthorn seconded to reconsider item #F. The motion passed with seven (7) yeas.

Councilor Gay moved, Councilor Minthorn seconded to add the Order as written and to approve the First Reading of the Order regarding First Amendment to Industrial Park Road Municipal Development and Tax Increment Financing District Development Program (District #5) to be renamed Industrial Park Road Omnibus Municipal Development and Tax Increment Financing District and to schedule a Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

CITY OF SACO, MAINE COUNCIL ORDER

Amending the Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Industrial Park Road Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on January 2, 2007, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on March 16, 2007; and

WHEREAS, the City desires to adopt this First Amendment to the District and Development Program (the "First Amendment:") to continue to achieve the District's original goals; and

WHEREAS, the City Council has held a public hearing on February 4, 2019, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the First Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this First Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.

b. The adoption of the First Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Industrial Park Road Omnibus Municipal Development Tax Increment Financing Development Program and adopts the First Amendment, all as more particularly described in the First Amendment presented to the City Council and such First Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his/her duly appointed representative, is hereby authorized, empowered and directed to submit the proposed First Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the First Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his/her duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the First Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the First Amendment.”

G. ORDER REGARDING SECOND AMENDMENT TO SPRING HILL MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (DISTRICT #7) TO BE RENAMED SPRING HILL OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT – (FIRST READING)

Denise Clavette, Planning and Development Director, and Emily Cole-Prescott, Economic Development Specialist, have spent several months researching, reviewing and analyzing existing Tax Increment Financing (TIF) Districts, accompanying original applications, maps, assessing records and development programs. As part of this process, a TIF “Jump-Start” team was created with staff from many departments, for the purpose to review existing

development programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached, draft TIF amendment applications. The Department's goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Specific to Spring Hill Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

- Term extension from 20 to 30 years
- Map Boundary change, to add two parcels to the district:
 - Tax Map 70 Lot 13
 - Tax Map 71 Lot 2-1
- Amend project list of Development Program for consistency with other districts, and to expand what the City can fund through TIF revenue.

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council in support of sending to First Reading.

Councilor Doyle moved, Councilor Gay seconded to approve the First Reading of Second Amendment to Spring Hill Municipal Development and Tax Increment Financing District Development Program (District #7) to be renamed Spring Hill Omnibus Municipal Development and Tax Increment Financing District and to schedule a Public Hearing for February 4, 2019 and further move to waive the reading of the Order below, City of Saco, Maine Council Order. The motion passed with seven (7) yeas.

CITY OF SACO, MAINE COUNCIL ORDER

Amending the Spring Hill Omnibus Municipal Development Tax Increment Financing Development Program

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Spring Hill Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on March 4, 2002, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on March 29, 2002; and

WHEREAS, on **July 7, 2008** the City adopted the First Amendment to the Original Development Program (as amended, the "First Amendment") in order to: extend the term of the district, expand the District from 125 acres to 135 acres and allow for traffic improvements, which received the approval from the Department on October 7, 2002; and

WHEREAS, the City desires to adopt this Second Amendment to the District and Development Program (the "Second Amendment") to continue to achieve the District's original goals; and

WHEREAS, the City Council has held a public hearing on February 4, 2019, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the Second Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the Second Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this Second Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area the District that is suitable for commercial use, the IF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.

b. The adoption of the Second Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Spring Hill Omnibus Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the Second Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.”

H. ORDER REGARDING SECOND AMENDMENT TO FRANKLIN FUELS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (DISTRICT #8) TO BE RENAMED 34 SPRING HILL ROAD OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT – (FIRST READING)

Denise Clavette, Planning and Development Director, and Emily Cole-Prescott, Economic Development Specialist, have spent several months researching, reviewing and analyzing existing Tax Increment Financing (TIF) Districts, accompanying original applications, maps, assessing records and development programs. As part of this process, a TIF “Jump-Start” team was created with staff from many departments, for the purpose to review existing development

programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached, draft TIF amendment applications. The Department's goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Specific to 34 Spring Hill Road Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

- Amend project list of Development Program for consistency with other districts, and to expand what the City can fund through TIF revenue.
- Rename the District from Franklin Fuels to the property address 34 Spring Hill Road

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council supports sending to the First Reading.

Councilor Copeland moved, Councilor Minthorn seconded to approve the First Reading regarding the 34 Spring Hill Road Omnibus Municipal Development Tax Increment Financing Development Program and to schedule a Public Hearing for February 4, 2019, and to include the proposed Order as written with the understanding that the "Whereas" clause regarding the public hearing on February 4th hasn't yet occurred and will occur. The motion passed with seven (7) yeas.

CITY OF SACO, MAINE COUNCIL ORDER

Amending the 34 Spring Hill Road Omnibus Municipal Development Tax Increment Financing Development Program

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the 34 Spring Hill Road Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on **May 21, 2007**, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on March 24, 2008; and

WHEREAS, on **May 23, 2016** the City adopted the First Amendment to the Original Development Program (as amended, the "First Amendment") in order to: extend the term of the District from ten (10) to twenty (20) years and allow for public facilities improvements and programs which received the approval from the Department on October 9, 2018; and

WHEREAS, the City desires to adopt this Second Amendment to the District and Development Program (the "Second Amendment") to continue to achieve the District's original goals; and

WHEREAS, the City Council has held a public hearing on **February 4, 2019**, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the Second Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the Second Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

- a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this Second Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area the District that is suitable for commercial use, the IF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.
- b. The adoption of the Second Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the 34 Spring Hill Road Omnibus Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the Second Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.

I. ORDER REGARDING SECOND AMENDMENT TO PARK NORTH MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM (DISTRICT #9) TO BE RENAMED PARK NORTH OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT – (FIRST READING)

Denise Clavette, Planning and Development Director, and Emily Cole-Prescott, Economic Development Specialist, have spent several months researching, reviewing and analyzing existing Tax Increment Financing (TIF) Districts, accompanying original applications, maps, assessing records and development programs. As part of this process, a TIF “Jump-Start” team was created with staff from many departments, for the purpose to review existing development programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached,

draft TIF amendment applications. The Department's goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Councilor Minthorn waived the reading of the Council Order following the motion.

Specific to the Park North Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

Amend project list of Development Program for consistency with other districts, and to expand what the City can fund through TIF revenue.

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council sending to First Reading.

Councilor Minthorn moved, Councilor Doyle seconded to approve the First Reading regarding the Park North Omnibus Municipal Development Tax Increment Financing Development Program and to schedule a Public Hearing on February 4, 2019. The motion passed with seven (7) yeas.

**CITY OF SACO, MAINE
COUNCIL ORDER
Amending the Park North Omnibus Municipal Development
Tax Increment Financing Development Program**

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Park North Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on May 1, 2007, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on September 17, 2007; and,

WHEREAS, on March 18, 2013 the City adopted the First Amendment to the Original Development Program (as amended, the "First Amendment") in order to: extend the term of the District and change the TIF revenue allocation formula, which received the approval from the Department on July 16, 2013; and

WHEREAS, the City desires to adopt this Second Amendment to the District and Development Program (the "Second Amendment") to continue to achieve the District's original goals; and

WHEREAS, the City Council has held a public hearing on February 4, 2019, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the Second Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the Second Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this Second Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area the District that is suitable for

commercial use, the IF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.

b. The adoption of the Second Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Park North Omnibus Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the Second Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.

J. ORDER REGARDING SECOND AMENDMENT TO MAINE MOLECULAR QUALITY CONTROLS OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT – (FIRST READING)

Denise Clavette, Planning and Development Director, and Emily Cole-Prescott, Economic Development Specialist, have spent several months researching, reviewing and analyzing existing Tax Increment Financing (TIF) Districts, accompanying original applications, maps, assessing records and development programs. As part of this process, a TIF “Jump-Start” team was created with staff from many departments, for the purpose to review existing development programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached, draft TIF amendment applications. The Department’s goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Specific to Mill Brook Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

- Amend project list of Development Program for consistency with other districts, and to expand what the City can fund through TIF revenue.
- Amend name of the District to the subdivision name Mill Brook

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council in support of sending to First Reading.

Councilor Smart moved, Councilor Minthorn seconded to waive the reading of the remaining of the motion below as reflected in the agenda and approve the First Reading regarding the Mill Brook Omnibus Municipal Development Tax Increment Financing Development Program and to schedule a Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

**CITY OF SACO, MAINE
COUNCIL ORDER
Amending the Mill Brook Omnibus Municipal Development
Tax Increment Financing Development Program**

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Mill Brook Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on January 5, 2015, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on March 30, 2015; and

WHEREAS, on **November 20, 2017** the City adopted the First Amendment to the Original Development Program (as amended, the "First Amendment") to correct Original Assessed Value, acreage and related tax increment revenue projections and tax shifts; and

WHEREAS, the City desires to adopt this Second Amendment to the District and Development Program (the "Second Amendment") to continue to achieve the District's original goals; and

WHEREAS, the City Council has held a public hearing on **February 4, 2019**, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the Second Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the Second Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this Second Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area the District that is suitable for commercial use, the IF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.

b. The adoption of the Second Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Mill Brook Omnibus Municipal Development Tax Increment Financing Development Program and adopts the Second Amendment, all as more particularly described in the Second Amendment presented to the City Council and such Second Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his or her duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Second Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the Second Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the Second Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his or her duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the Second Amendment as he or she may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the Second Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the Second Amendment.

K. ORDER REGARDING FIRST AMENDMENT TO SACO DOWNTOWN OMNIBUS MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT (DISTRICT #15) – (FIRST READING)

Denise Clavette, Planning and Development Director, and Emily Cole-Prescott, Economic Development Specialist, have spent several months researching, reviewing and analyzing existing Tax Increment Financing (TIF) Districts, accompanying original applications, maps, assessing records and development programs. As part of this process, a TIF “Jump-Start” team was created with staff from many departments, for the purpose to review existing development programs, discuss upcoming capital projects, and collaborate with Planning and Development staff to align the development programs with City projects and initiatives. Extensive research was also conducted by Assessing staff, Nick Desjardins, and Kate Kern.

Additionally, the City engaged the services of Shana Cook-Mueller, Attorney, and her team at Bernstein Shur to review all existing TIFs, CEAs, development programs, and to guide City staff through the TIF Amendment process. The Planning and Development Department, with consulting attorneys (Bernstein Shur) has compiled the attached, draft TIF amendment applications. The Department’s goal is to better align Development Programs of existing TIF Districts, while recommending boundary revisions to include parcels where appropriate, and to correct TIF documentation where necessary.

Specific to Saco Downtown Omnibus Municipal Development Tax Increment Financing Development Program, the following highlights the changes:

- Correction of Original Assessed Value (OAV) and acreage

This item was presented at the Economic Development Commission meeting on January 14, 2019, and the Economic Development Commission voted to recommend forwarding a technical amendment to the City Council for workshop, first reading, public hearing and second and final reading. This item was heard at the City Council workshop on January 14, 2019 with City Council supported sending to the First Reading.

Councilor Johnston moved, Councilor Smart seconded to waive reading the Council Order but have it reflected in the minutes and approve the First Reading regarding the Saco Downtown Omnibus Municipal Development and Tax

Increment Financing Development Program and to schedule a Public Hearing for February 4, 2019. The motion passed with seven (7) yeas.

**CITY OF SACO, MAINE
COUNCIL ORDER**

**Amending the Saco Downtown Omnibus Municipal Development and
Tax Increment Financing Development Program**

WHEREAS, the City of Saco (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specific areas within the City as the Saco Downtown Omnibus Tax Increment Financing District ("the District") and to adopt a development program for the District (the "Development Program"); and

WHEREAS, on February 21, 2017, the Saco City Council (the "City Council") designated the District and adopted a Development Program for the District (the "Original Development Program"), which received the approval from the Maine Department of Economic and Community Development (the "Department") on August 7, 2018; and

WHEREAS, the City desires to adopt this First Amendment to the District and Development Program (the "First Amendment") to continue to achieve the District's original goals; and

WHEREAS, the City Council has held a public hearing on February 4, 2019, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City, on the question of amending the Original Development Program in accordance with the requirements of 30-A M.R.S.A. § 5226; and

WHEREAS, the City Council has considered the comments provided at the public hearing, both for and against the adoption of the First Amendment, if any; and

WHEREAS, it is expected that approval will be sought and obtained from the Department, approving the First Amendment;

NOW THEREFORE BE IT ORDERED AS FOLLOWS:

Section 1. The City Council hereby finds and determines that:

a. Pursuant to Title 30-A M.R.S.A. Section 5226(5) pertaining to TIF district and development program amendment, this First Amendment does not result in the District being out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3) which include the percentage of area the District that is suitable for commercial use, the TIF acreage caps for single TIF districts and for all TIF districts in the City, and the total TIF district valuation cap.

b. The adoption of the First Amendment will make a contribution to the economic growth and well-being of the City of Saco and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Saco, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby amends the Saco Downtown Omnibus Municipal Development Tax Increment Financing Development Program and adopts the First Amendment, all as more particularly described in the First Amendment presented to the City Council and such First Amendment is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator, or his/her duly appointed representative, is hereby authorized, empowered and directed to submit the proposed First Amendment to Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

Section 5. The foregoing adoption of the First Amendment shall automatically become final and shall take full force and effect upon receipt by the City of approval of adoption of the First Amendment by the Department, without requirement of any further action by the City, the City Council, or any other party.

Section 6. The City Administrator, or his/her duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the documents adopting the First Amendment as he may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the First Amendment by the Department, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Council in adopting the First Amendment.”

Note: Because some of the Council Orders were not read into the record on items #D, E, and F, Mayor Lovell asked the Council to go back to these items to motion to add the Orders into the record.

L. REMOVAL OF MOBILE HOME ON FOSS ROAD – (FINAL READING)

On January 25th, 2013 the city of Saco acquired a mobile home from 19 Pine Haven Street in Saco, Maine because of past due taxes. It was moved to the Foss Rd Recreational the following summer. The organization planned to use the structure as storage for the recreational facility and a warming hut for the winter recreation programs.

It was determined that the structure was not suitable for a warming hut due to ADA compliancy issues and storage was difficult because of stairs. Over the next 5 years it had not been maintained and has become an eye sore for the recreational facility. The structure has holes in the floor and is partially dismantled on the inside. The Parks and Recreation Department has not been able to use this structure as was originally planned, and recommends it be removed.

CIA Salvage has agreed to demolish the mobile home for free if they are allowed the metal. They will put the demo material into a trash bin and a 30-yard dumpster will be used. It should cost less than \$1,000 to fully remove the structure.

Councilor Copeland moved, Councilor Johnston seconded “Be it Ordered that City Council approves the Removal of the Mobile Home on Foss Road.” Further move to approve the order. The motion passed with seven (7) yeas.

M. BUDGET AMENDMENT #8 – POLICE DEPARTMENT ASSET FORFEITURE – (FIRST READING)

A federal asset forfeiture revenue share in the amount of \$17,391 was erroneously booked as police revenue in the General Fund and fell to the unassigned fund balance at the end of FY 2018. This motion appropriates the amount from the unassigned fund balance in the General Fund and transfers it to the correct account in the Federal Asset Forfeiture special revenue fund.

Councilor Smart moved, Councilor Doyle seconded “Be it Ordered that City Council approves the first reading of ‘Budget Amendment #8 FY2019’ and moves to schedule a second and final reading for February 4, 2019. Further move to approve the order. The motion passed with seven (7) yeas.

City of Saco
Budget Amendment Request Form
Revenue & Appropriation
Amendment # 8 - PD Asset Forfeiture Funds

1/8/2019

Police

Date

Department

Summary								
New Expense		\$17,931	New Revenues		\$17,931	Balance		\$0
Type	Org	Object	Project	Account Name	Current Budget	Actual YTD	Adjustment Requested	Ammended Budget
Rev	10350	300800	00000	Budgeted Use of Surplus	\$617,487	(\$0)	\$17,931.00	\$635,418
Exp	10680	500951	00000	TRANSFER TO SPECIAL REVENUE	\$25,000	\$25,000	\$17,931.00	\$42,931

Notes: A federal asset forfeiture revenue share in the amount of \$17,391 was erroneously booked as police revenue in the General Fund and fell to the unassigned fund balance at the end of FY 2018. This amendment appropriates the funds so that they can be correctly transferred to the Federal Asset Forfeiture Special Revenue Fund, per state and federal regulations.

Finance Director certifies that funds are available:



Glenn S. Galas, Finance Director

1/8/2019

Date

VIII. ADMINISTRATIVE UPDATE

City Administrator Kevin Sutherland provided the following updates:

Snow Pile Removal on Main Street

Public Works will be removing snow from main street starting at 10pm this evening. The blower works better in the colder weather. So, I hope we're done with the meeting before then.

Zoning Survey

We had 1,080 responses to the zoning survey! This is a tremendous accomplishment and I want to thank everyone who helped get the word out about the importance this feedback is providing staff and the Zoning Steering Committee as we look to make recommended changes for the future of Saco. Because we broke 1,000 I will be jumping in the ocean on January 31st at 8am down in Camp Ellis. Not sure if it will be by the pier or at the beach near North Ave... that is still in the air. It's unfortunate none of the other Councilors will be joining me, but it may be fun to come watch.

Camp Ellis Jetty

ACOE leadership and Federal representatives met with staff and the Mayor last week to further discuss the report they would like to submit to headquarters. We have until the middle of February to respond with a letter of support or it will most likely result in the project being shelved. The Saco Bay Erosion Working Group will meet next week, we'll look to have an informational meeting for the public the following week, and a discussion with Council at the workshop on the 11th.

Interim City Planner

Our former City Planner Bob Hamblen has graciously offered to assist us between the transition of finding our next City Planner. Bob will start tomorrow for part-time.

IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Archer – I just want to bring up what happened today. I wasn't too pleased and wrote this in advance. While I recognize that no intent to the council existed with today's agenda items #E - #K, & item

#M, I found the manner in which these motions were presented today did not accurately portray the professionalism and expertise of the Council and that of the Mayor. I would ask of the city that should motions that require procedures be conducted outside of the norm that I'm notified in advance. Councilor Gay seconded. Mayor Lovell concurred.

- Councilor Gay – I just wanted to say the same thing and to have “voting” removed from further workshops. City Administrator Kevin Sutherland noted that was no error on staff's part.
- Councilor Doyle – I don't want to belabor a point, but I think we were all kind of all on the same idea here. I know that allot of work went into creating all that we did tonight. Because I saw at the Economic Development Commission and I saw it again last week at the workshop. I understand that allot goes into this, but you can clearly tell from #D - #K that there is allot of copy and pasting in there as well. Copy and pasting errors on multiple things and not going over and reading it and making sure it is accurate reflects poorly when we have to go back and rescind things because it wasn't done correctly. Errors happened especially in a 300 and something page document. But, we need to make sure we are being more vigilant because that is what the tax payers expect of our city staff. City Administrator Kevin Sutherland – I understand that there were quite a few challenges in the document this week. We are under an extreme tight time constraint related to these and I apologize for the errors. We are doing the best we can and given the fact that we are down staff in Planning & Development. Really the 2 people that I give allot of support to for everything they have carried forward and continue to do in addition to all of the people who come into our offices and ask for the sun and the moon. I want to stress that I understand that there were errors here and we will work very hard not to have these occur again. But, I also need the public and council to understand we are under allot of stress right now and they are good people doing good work for the city of Saco. Councilor Doyle – No doubt, I whole heartedly agree that they are great people doing good work and that errors happen. Maybe we should revisit something that was talked about last year when there was the creation of the Economic Development & Planning Department. Maybe we should revisit separating these departments so that they have clear guidelines and so that they are not inter-lapping which is something that I brought up many months ago when we were talking about it as something that could be detrimental if the 2 parties are working out on their own paths but intertwined. So, maybe it is something that we need to revisit now or in the next budget cycle I guess would be the right time to address it. Mayor Lovell stated that there is a meeting on February 11, 2019 as a workshop and the last item on the workshop is called discussion and meeting agenda and we will discuss it then. The entire council will talk about whether we want to bring that back again.

X. EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Doyle seconded “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) Evaluation of Officials – City Administrator’s Contract and Personnel Discussion”. The motion passed with seven (7) yeas. Time: 8:15 p.m.

XI. REPORT FROM EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Archer seconded to come out of Executive Session. The motion passed with seven (7) yeas. Time: 10:23 p.m.

Mayor Lovell, Councilors: Archer, Gay, Doyle, Copeland, Minthorn, Smart, and Johnston, and the City Administrator were all present.

There was no report this evening.

XII. ADJOURNMENT

Councilor Minthorn moved, Councilor Gay second to adjourn the meeting at 10:24 p.m. The motion passed with seven (7) yeas.

Attest: _____
Michele L. Hughes, City Clerk