

STATE OF MAINE

COUNTY OF YORK
SACO

CITY OF

The following are minutes of the June 19, 2006 Council Meeting.

- I. **CALL TO ORDER** – On Monday, June 19, 2006 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.
- II. **ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members and determined that the Councilor in attendance constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF MINUTES:**

Minutes were not presented this evening.
- V. **GENERAL**
- VI. **AGENDA ITEMS:**
 - A. **(Public Hearing)** Contract Zone Amendment Acapello Salon

Acapello Salons was granted a contract zone on January 17, 2006, in order to establish a hair salon in the existing residential building at 401 Main Street. June Juliano, Acapello president, and her husband David Stanley operate salons in Scarborough and Falmouth, and have a sister company location in Portland. They find the Main Street location attractive due to its visibility, the high volume of traffic on Main Street, and the large side and rear yard that can be converted to parking.

A contract zone was requested due to the existing zoning of the parcel, R-1b, which does not allow a Personal Services use as defined by the Zoning Ordinance.

On May 19, 2006, the Historic Preservation Commission issued a “denial of a certificate of appropriateness” to build a parking lot in the backyard of the property at 401 Main Street. Therefore, an amendment to the Contract Zone has been proposed to the City Council. The Planning Board reviewed the proposed contract zone amendment at its June 13 meeting, did not agree with the proposed amendment, and voted to forward a negative recommendation.

The First Reading for this item was held on June 5, 2006.

Councilor Cote moved, Councilor Morton seconded, to open the Public Hearing on the contract zone document entitled “Contract Zone Agreement by and Between Acapello Salons, Inc., and the City of Saco,” dated November 1, 2005, amended June 13, 2006”; for the property at 401 Main Street. The motion passed with seven (7) yeas.

Councilor Michaud moved, Councilor Tardif seconded, to table the matter and to refer the matter to the Planning Board. The motion failed with two (2) yeas and five (5) nays. Councilors Tripp, Smith, Morton, Cote and McDougal voted in the negative.

Bill Kany, Esq., who represents the applicants, spoke in favor of the project and requested that the matter be approved.

Mr. Ted Sirois, 38 Summer St., spoke against the project. Mr. Sirois felt that approval of this Contract Zone and the Amendments would depreciate neighborhood values, was going against the recommendation of the Historic Preservation Commission and that the proposed parking lot would not be in accordance with historic value.

Mr. Steve Huot, stated that Article 4 should not be amended since the review process by the Historic Review Commission was a worthwhile one.

Mr. David Versel, Summer Street, stated that the Mayor and Council were elected to enforce the laws of the City and asked that they not be abused.

Mr. Peter Danton, 384 Main St., stated that he had not been notified in January and the hearings and that this Contract Zone would disrupt the neighborhood.

Mr. Arthur Huot, Village Green Dr., stated that he supported the Contract Zone.

The following individuals supported the Contract Zone Amendments: Julie Juliano, Cindy Gardner and Richard Caron.

Ms. Trisha Huot, 330 Main St., had concerns that the Contract Zone and Amendments would weaken the Historic Preservation Zone.

Mr. Alex Mouzas, 5 Beach St., opposed the project.

Councilor Cote moved, Councilor Smith seconded, to close the Public Hearing, and Be it Ordered that the City Council set the Second and Final Reading on the contract zone document entitled “**Contract Zone Agreement by and Between Acapello Salons, Inc., and the City of Saco,**” dated November 1, 2005, amended June 13, 2006”; for the property at 401 Main Street for **June 26, 2006**, as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8). Further move to approve the Order. The motion passed with seven (7) yeas.

At this time the Mayor called for a five (5) minute recess. Time: 8:03 p.m.

At 8:14 p.m. the Mayor reconvened the meeting.

B. (Public Hearing) Contract Zone J.W. Group, 439 Main Street

Josh Waterhouse d/b/a the J.W. Group requests consideration of a contract zone for a portion of the property at 439 Main Street, the site of Great American Realty. The plan calls for splitting the parcel in two, leaving the existing building on its own lot with frontage on Main Street, and

creating a separate 1.89 acre parcel to the rear. A 13-unit condominium for those 55 years of age and older is proposed on the rear lot, with access only from Smith Lane. A contract zone is requested due to the existing zoning of the parcel, R-1b, which does not allow multi-family dwellings. A second issue addressed with the contract zone is that of frontage: if split off from the Main Street frontage, the rear parcel is landlocked, but does have an access and utility easement to Smith Lane across the abutting Volunteers of America parcel. The contract zone proposes to recognize this 50-foot easement as adequate frontage for the purpose of this proposal.

The Planning Board reviewed this issue at the May 16, 2006 meeting. The Board voted to make a positive finding on each of the four standards required for a contract zone, and has forwarded a positive recommendation to the Council. If the contract zone is approved, the project would be subject to site plan review and subdivision review by the Planning Board prior to development of the site.

The City Council discussed this item at Workshop on May 22, 2006; the First Reading was held on June 5, 2006.

Councilor Morton moved, Councilor Smith seconded, to open the Public Hearing on the contract zone document entitled ‘**Contract Zone Agreement By and Between J.W. Group and the City of Saco,**’ dated May 16, 2006. The motion passed with seven (7) yeas.

Mr. Josh Waterhouse, the applicant, presented a sketch of the proposed project.

Ms. Barbara Field, Charles St., spoke in favor of the Contract Zone proposal.

There being no further comments Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the Council set the Second and Final Reading of the contract zone document entitled, ‘**Contract Zone Agreement By and Between J.W. Group and the City of Saco, dated May 16, 2006**’, for June 26, 2006. The motion passed with seven (7) yeas.

C. **(Public Hearing)** New Liquor License Permit Application – Funtown Splashtown USA

Funtown Splashtown d/b/a Funtown Splashtown USA, has applied for a liquor license a period of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653.

Councilor Morton moved, Councilor Smith seconded, to open public hearing. The motion passed with seven (7) yeas.

Mr. Kenneth Cormier addressed the Mayor and Council regarding the request to enable the park to obtain a Liquor License.

Councilor Morton moved, Councilor Smith seconded, to close public hearing and grant the Funtown Splashtown USA Liquor License. Further move to approve the Order. The motion passed with seven (7) yeas.

D. Resolution – School Vision 2020

The proposed memorandum of understanding is intended to be an invitation to the Saco City Council, Old Orchard Beach Town Council, Dayton Board of Selectmen, Thornton Academy Board of Trustees, Saco Board of Education, Old Orchard Beach Board of Education, and the Dayton Board of Education to create a study group and charge it with the task of developing a vision for our educational community for the year 2020 and study the legal, financial, political, and physical feasibility of sharing resources and educational opportunities.

In line with this proposed study, the City Council included in the Strategic Plan for 2006-2008, several Council goals related to education in Saco. First, to consider options for our elementary schools, and second is the same consideration for a Middle School at Thornton Academy.

The City Council discussed this item at Workshop on June 5, 2006.

Councilor Michaud moved, Councilor Morton seconded, that it be Ordered that the City Council approve the document titled

‘MEMORANDUM of UNDERSTANDING between Saco City Council, Old Orchard Beach Town Council, Dayton Board of Selectmen, Thornton Academy Board of Trustees, Saco Board of Education, Old Orchard Beach Board of Education, Dayton Board of Education, draft dated June 19, 2006’, ”. Further move to approve the Order. The motion passed with seven (7) yeas.

MEMORANDUM of UNDERSTANDING

BETWEEN Saco City Council, Old Orchard Beach Town Council, Dayton Board of Selectmen, Thornton Academy Board of Trustees, Saco Board of Education, Old Orchard Beach Board of Education, Dayton Board of Education

AGREEMENT made this _____, by and between the Saco City Council, Old Orchard Beach Town Council, Dayton Board of Selectmen, Thornton Academy Board of Trustees, Saco Board of Education, Old Orchard Beach Board of Education, Dayton Board of Education, (hereafter collectively referred to as the “parties”) for the purpose of jointly studying the legal, financial, political, and physical feasibility of cooperation with facilities and educational opportunities.

WHEREAS, enrollments are declining in the City of Saco, and the Town of Old Orchard Beach; and

WHEREAS, enrollments are increasing in the Town of Dayton; and

WHEREAS, costs are increasing, and economies of scale may be achievable; and

WHEREAS, the parties wish to jointly study the legal, financial, political, and physical feasibility of cooperation with facilities and educational opportunities including but not limited to: preparing a vision for our education community; and

WHEREAS, the parties want to prepare a vision for the year 2020; and
WHEREAS, the parties wish to inventory educational needs and review alternatives to address those needs; and other areas that the group determines ought to be reviewed; and
WHEREAS, the parties wish to study opportunities for enhancing municipal and school cooperation with respect to functions, and facilities.

THEREFORE be it resolved that, the parties agree to create the study group charged with the task of developing a vision for our educational community for the year 2020 and studying the items above and prepare a written report detailing its findings and recommendations by November 1, 2006. The study group will meet (8) times: twice in July, August, September, and October; and members of the study group will be (3) representatives from each of the parties, each party has one vote.

The signatures of the following shall effectuate compliance with the terms and conditions of this Memorandum of Understanding.

_____	DATE _____
Saco City Council – Authorized Signatory	
_____	DATE _____
Old Orchard Beach Town Council – Authorized Signatory	
_____	DATE _____
Dayton Board of Selectmen – Authorized Signatory	
_____	DATE _____
Thornton Academy Board of Trustees – Authorized Signatory	
_____	DATE _____
Saco Board of Education – Authorized Signatory	
_____	DATE _____
Old Orchard Beach Board of Education – Authorized Signatory	
_____	DATE _____
Dayton Board of Education – Authorized Signatory	

VII. Recess the Meeting Move to Workshop

Mayor Johnston called for a recess at 8:35 p.m.

VIII. ADJOURN THE WORKSHOP – RECONVENE THE MEETING

Mayor Johnston requested a motion to move to an executive session.

IX. Councilor Tripp moved, Councilor Michaud seconded, to move to executive session. Be it Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, § 405(6)(D) move to enter into EXECUTIVE SESSION to discuss:

A. Labor Contract Negotiations

The motion passed with seven (7) yeas. Time 8:35 p.m.

X. Report From Executive Session:

Councilor Tripp moved, Councilor Michaud seconded, to come out of executive session. The motion passed with seven (7) yeas.

Mayor Johnston conducted a roll call of the members and determined that the Councilor in attendance constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.

No report from the executive session this evening.

IV. ADJOURNMENT

Mayor Johnston declared the meeting adjourned at 10:23 p.m.