

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the July 24, 2006 Council Meeting.

- I. **CALL TO ORDER** – On Monday, July 24, 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 Councilors present constituted a quorum.
Councilors present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.

Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

Minutes were not presented this evening.

V. GENERAL:

VIII. CONSENT AGENDA ITEMS:

A. **(First Reading) Zoning Ordinance, S 707: Amendment to Sign Regulation**

The City of Saco hereby Ordains and Approves the First Reading of the document titled, ‘**Amendment to Zoning Ordinance Section 707. Signs, dated June 13, 2006**, and further move to schedule a Public Hearing for August 21, 2006.

B. Amendment to Fee Schedule – Parks & Recreation

Be it Ordered that the City Council approve the document titled, ‘**Amendments to Fee Schedule – Parks and Recreation for Fiscal-Year 2007, dated July 24, 2006**’.

Amendments to Fee Schedule - Parks and Recreation – For Fiscal Year 2007, dated July 24, 2006

Recreation Department Revenue				
Location in Code		Original	Current	New 06-07
	10230-300708 Registration fee to become part of program	\$10	\$0	
	Fall Soccer	\$35	\$ 35.00	\$ 35.00
	Field Hockey	\$35	\$ 35.00	\$ 35.00
	Basketball	\$35	\$ 35.00	\$ 35.00
	Travel Basketball (5&6)	\$90	\$ 90.00	
	Travel Basketball (7&8)	\$70	\$ 70.00	
	Indoor Soccer	\$30	\$ 30.00	
	Indoor Field Hockey	\$30	\$ 30.00	
	Adult Indoor Field Hockey	\$20	\$ 20.00	

Summer Day Camp	\$500	\$500.00	
Summer Teen Companion Camp (full week)	NEW		
Summer Teen Companion Camp (partial week)	NEW		
Summer Pre-School Program (summer)	NEW		
Summer Pre-School Program (daily)	NEW		
Weekly Rate	\$60		
Daily Rate	NEW		
Extended Camp*	\$100/ 2 weeks		Eliminated
Mini Camp per week	NEW	\$50.00	
Mini Camp (Daily)	NEW		
Before and After Care	\$90		Consolidated
Before or After Care	\$50		Consolidated
Gymnastics (Pre-School - Grade 2)	\$30	\$ 30.00	\$ 30.00
Gymnastics (Grade 3-8)	\$30	\$ 30.00	\$ 30.00
Cheerleading	\$30	\$ 30.00	\$ 30.00
Open Cheer Gym	NEW		
Cheer Aerobics	NEW		
Cheer Gymnastics	NEW		
Infant Toddler Program/ Movement 6 week	\$38	\$20.00	
Game Session	\$30	\$ 30.00	Eliminated
After School Intramurals	NEW		
Men's Basketball	\$35	\$ 35.00	\$ 35.00
Walk/Jog Fitness	\$30	\$ 30.00	\$ 30.00
Open Walk	NEW		
Aerobics	\$30	\$ 30.00	\$ 30.00
Co-Ed Volleyball	\$20	\$ 20.00	
Tennis	\$20	\$ 20.00	
Summer Gymnastics	\$75	\$75.00	
Pre-School Program	\$113		
Pre-School Daily (Winter)	NEW		
T-Ball	\$35	\$ 35.00	\$ 35.00
Hershey Track	\$35	\$ 35.00	Eliminated
Fish Derby	\$10	\$10.00	
Baseball Clinic	\$10	\$10.00	
Facility Rental (See Tab for Schedule)		\$ 15.00	See fee Schedule
Day Camp fee - non residents	\$750		
All other programs - non resident	-		
Saco Jets	\$25		
After School Care Program	\$30	\$ 30.00	
After School Daily	NEW		
Vacation Camp	\$50	\$ 50.00	
Vacation Daily	NEW		
Adult softball league	\$20		
Team Fee	NEW		
Adult volleyball league	\$20		
Women's Team Fee	NEW		
February Vacation Camp			
Pre-School Fun & Games Session II			
Wiffleball grades 1 & 2			Eliminated
Wiffleball grades 3 & 4			Eliminated
Kinder kick-ball			Eliminated

C. Authorization to Write Off Old Taxes

Be it Ordered that the City Council approve the removal from the tax roll the unpaid personal property taxes, plus any additional interest for the account identified as: Copier Network - \$650.52; and also to remove this account from the tax collector and tax assessor's records; and further move to write off the unpaid real estate taxes, plus any additional interest for Corinne Goulet - \$822.17; and for Roberta J. Hanson - \$249.73, and also to remove these accounts from the tax collector and tax assessor's records.

Councilor Smith moved, Councilor Tripp seconded, to approve items A, B and C of the Consent Agenda. The motion passed with seven (7) yeas.

D. Wind Turbine and Anemometer Purchase

Be it Ordered that the City Council approve the purchase of the Skystream Turbine or equivalent, the anemometer, and any associated installation costs for a total cost not to exceed \$8000 dollars.

Councilor McDougal moved, Councilor Tripp seconded, to approve item D of the Consent agenda. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

VI. AGENDA ITEMS:

A. (Public Hearing) Capital Improvement Bond 2006

The City has capital improvement needs that will not be addressed through the conventional budget process. The current approach will require that these projects be deferred many years into the future, which in the end will likely cost more money to complete.

The Council is being asked to place a bond question before the voters to seek approval to borrow funds for these improvements.

The attached exhibits detail various project needs throughout the city. These repairs and improvements are vital to insuring the safety of our citizens. Proposed solutions and cost analysis for each of these items are included for review while considering the capital improvement bond.

The Board of Education (BOE) met to discuss the 80 Common Street renovations project at the BOE Meeting on June 6, 2006.

Project Name	Estimated Cost
Public Works Facility Improvements	\$5,485,475
Parks Dept. Maintenance Building	\$200,000
Main Street Improvements	\$700,000
Saco Middle School Entrance Renovations	\$365,000
Temple, Pleasant, Green & Pearl Street	\$1,249,400
Parks & Recreation Community Building	\$68,700
Garfield Street Sidewalk	\$75,000
Fairfield Street Reconstruction	\$286,600
Fenderson Road Construction	\$337,800
Shadagee Road Reconstruction	\$455,000
80 Common Street Renovations	\$621,348
Trail Improvements	\$1,000,000

TOTAL	\$10,844,323
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Councilor Cote moved, Councilor Michaud seconded, to open the Public Hearing on the item to Authorize A Bond Question Regarding Capital Improvements. The motion passed with seven (7) yeas.

Question #1

**ORDER AUTHORIZING
CITY OF SACO TO BORROW AN AMOUNT NOT TO
EXCEED \$5,485,475 FOR PUBLIC WORKS FACILITY IMPROVEMENTS**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

- 1) That under and pursuant to 30-A M.R.S.A. §5772 and Sections 6.14 and 6.15 of the Charter of the City of Saco, the Treasurer and the Mayor of the City of Saco are authorized to issue general or limited general obligation securities in the name of the City of Saco in an aggregate principal amount not to exceed Five Million Four Hundred Eighty-Five Thousand Four Hundred Seventy-Five Dollars (\$5,485,475), and notes in anticipation thereof, to pay for costs to design, construct and equip additions and renovations to the City's Public Works Facility at 351 North Street and to acquire any real estate or interests in real estate related thereto (the "Project");
- 2) That the proceeds of the said securities and said notes in anticipation thereof (hereinafter collectively, "Bonds"), together with any investment earnings thereon, are appropriated to be used for the Project and for related costs of issuance, credit enhancement and accrued interest, if any;
- 3) That the estimated period of utility of the Project is determined to be in excess of thirty (30) years;
- 4) That pursuant to Section 6.15 of the Charter of the City of Saco, taxes shall be levied on the taxable estates of the City of Saco for each year that the Bonds remain outstanding in the amount necessary to meet the payment of the annual installments of principal and interest on the Bonds;
- 5) That to the extent not inconsistent with this Order, the Treasurer is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of the Bonds, as the Treasurer determines to be in the interest of the City;
- 6) That any of the Bonds may be made callable, with or without premium, prior to their maturity;
- 7) That the Bonds shall be executed in the name of the City by the Treasurer and Mayor, under the official seal of the City attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
- 8) That the Treasurer is authorized to provide for the sale of the Bonds at such times and in such manner, as the Treasurer determines to be in the interest of the City, and to select a purchaser or purchasers of the Bonds and to execute and deliver such contracts or agreements as may be necessary in connection therewith;
- 9) That in connection with the sale of any of the Bonds, the Treasurer may select such financial advisors, bond counsel, underwriters, rating agencies, bond insurance companies, registrars, paying agents, transfer agents and other service providers for such

of the Bonds as the Treasurer determines to be in the interest of the City, and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

10) That the Treasurer is authorized to prepare, or cause to be prepared, Notices of Sale, Preliminary Official Statements and Official Statements and Placement Memoranda for use in the offering and sale of any of the Bonds, in such form and containing such information as may be approved by the Treasurer, and that the distribution thereof in the name of and on behalf of the City in connection with offering any of the Bonds is approved;

11) That the Treasurer is authorized to undertake all acts necessary to provide for the issuance and transfer of such of the Bonds as the Treasurer deems advisable in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify such Bonds for and to participate in the Depository Trust Company Book-Entry Only System;

12) That the Treasurer is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;

13) That the Treasurer is authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, to take all other lawful actions necessary to insure that interest on the Bonds will be excluded from the gross income on the owners thereof for purposes of federal income taxation, and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;

14) That the Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

15) That the Treasurer is authorized to designate any of the Bonds as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986;

16) That the Treasurer is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Treasurer's opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Treasurer, with the advice of the City's bond counsel, may approve;

17) That the Treasurer and other proper officials of the City are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds in accordance herewith and any such prior action by them is hereby ratified and confirmed;

18) That if the Treasurer, Mayor, Clerk or any other City officer or official is for any reason unavailable to approve, execute or attest the Bonds or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;

19) That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed

shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official;

20) That the Treasurer prepare a signed financial statement to accompany this and any other referendum question to be submitted on the same date to the voters of the City for ratification of bond issues;

21) That a copy of this Order be filed with the City Clerk; and

22) That pursuant to Section 6.15 of the Charter of the City of Saco, Maine the following question shall be submitted to the voters of the City of Saco at a referendum vote to be held on November 7, 2006:

Shall the Order of the City Council of the City of Saco entitled "Order Authorizing City of Saco to Borrow an Amount Not to Exceed \$5,485,475 For Public Works Facility Improvements" be ratified and approved?

The following are public comments regarding the above matter.

PUBLIC COMMENTS FROM RESIDENTS AND MUNICIPAL EMPLOYEES

Mr. Michael Bolduc, Public Works Director and a resident of Peabody Lane, the lack of adequate office space, storage of municipal vehicle outside the building, insufficient storage of salt and sand/salt mix which does not meet the new DEP regulations, parts storage and inventory is limited due to space. The lack of separate fabrication area, which exposes mechanics to welding, fumes due to poor ventilation, which may be potential health problems for the employees.

The current facility is lacking in customer parking, is not handicap accessible, the heating and cooling systems need to be updated with more efficient systems and poor ventilation of exhaust fumes.

A new facility would address all these issues and provide additional space for both the public works and school department employees.

Mr. Edward McDonough, Jr., 569 Main St., felt that it was feasible, at this time, to spend this kind of money and interest debt regarding the request for a \$4,550,000 bond.

Mr. Pat Fox, General Superintendent of Public Works and a resident of Cherryfield St., spoke in favor of the proposed facility.

Mr. Michael Ackley, Lead mechanic and a resident of 193 Buxton Road address the ventilation problem at the facility. Mike also stated that five (5) employees doing vehicle maintenance work have two (2) bays to do the repairs. He was in favor of the proposed bond question.

Mr. Dale Shannon, Supervisor at Public Works and a resident of 21 Rumery St. stated that equipment is stored in trailers. These trailers have roofs that leak which in turn damages City property.

Ms. Linda Smit, 100 Beach St., spoke in favor of the Bond Question and felt that the current Public Works facility was inadequate. In order to meet the demands, which will be place on the City, in the future it is a wise solution to address the problem at this time.

Fire Chief Alden Murphy stated that the Public Works mechanic service nineteen (19) vehicles for his department with only one (1) lift. This situation often has the fire and police departments competing for service required to the department vehicles.

Michael Lafortune, Superintendent of Schools and a resident of Saco commended the department for the excellent support extended to the schools and their vehicles.

Mr. Michael Garrity, Maintenance Supervisor for the Saco schools and a resident of 9 Glenhaven Circle spoke of the needs of the bus dispatch office and the bus drivers.

Question #2

**ORDER AUTHORIZING
CITY OF SACO TO BORROW AN AMOUNT NOT TO
EXCEED \$ 4,358,848 FOR CITY-WIDE INFRASTRUCTURE IMPROVEMENTS,
INCLUDING STREET, SIDEWALK, AND PARKING IMPROVEMENTS AND
RENOVATIONS TO CITY BUILDINGS**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1) That under and pursuant to 30-A M.R.S.A. §5772 and Sections 6.14 and 6.15 of the Charter of the City of Saco, the Treasurer and the Mayor of the City of Saco are authorized to issue general or limited general obligation securities in the name of the City of Saco in an aggregate principal amount not to exceed Four Million Three Hundred Fifty-Eight Thousand Eight Hundred Forty-Eight Dollars (\$4,358,848), and notes in anticipation thereof, to pay costs to design and construct the following infrastructure projects, and to acquire any real estate or interests in real estate related thereto (collectively, the “Project”):

Parks Department Maintenance Building: Construct and equip a Parks Department Maintenance building on City property adjacent to the current Community Center at 75 Franklin Street.

Main Street Improvements: Construct/install improvements, including as necessary lighting and related service, poles, fixtures and other related equipment, appurtenances and building service connections, and sidewalk, curbing and turn lane improvements.

Middle School Entrance: Construct an access drive and other improvements related to parking spaces at the Saco Middle School.

Temple, Pleasant, Green and Pearl Streets: Construct improvements, including as necessary roadway surface and subsurface, curbing, sidewalk and separation of sewer and storm water lines as needed.

Parks & Recreation Community Building: Construct exterior renovations to the existing Community Center building at 75 Franklin Street, including as necessary masonry repair and replacement, repointing and sealing.

Garfield Street Sidewalk: Construct a new sidewalk from Bradley Street to Miranda Circle, approximately 1,000 feet in length, including related drainage and other improvements.

Fairfield Street: Construct street improvements, including as necessary roadway surface and subsurface, curbing, sidewalk, sewer, turning lane and traffic signal light.

Fenderson Road: Construct road improvements including as necessary improvements necessary to upgrade this road to an accepted public way.

Shadagee Road: Construct road improvements, including as necessary widening, intersection realignment and improvement, roadway surface and subsurface, curbing, sidewalk and drainage.

School Space Needs: Construct improvements and renovations to the existing City building at 80 Common Street or at another suitable facility for the school department's Adult Education and Alternative Education programs, including as necessary improvements and renovations for air quality, code compliance and programming needs, and demolition of the existing Open Door building.

- 2) That the proceeds of the said securities and said notes in anticipation thereof (hereinafter collectively, "Bonds"), together with any investment earnings thereon, are appropriated to be used for the Project and for related costs of issuance, credit enhancement and accrued interest, if any;
- 3) That the estimated period of utility of the Project is determined to be in excess of thirty (30) years;
- 4) That pursuant to Section 6.15 of the Charter of the City of Saco, taxes shall be levied on the taxable estates of the City of Saco for each year that the Bonds remain outstanding in the amount necessary to meet the payment of the annual installments of principal and interest on the Bonds;
- 5) That to the extent not inconsistent with this Order, the Treasurer is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of the Bonds, as the Treasurer determines to be in the interest of the City;
- 6) That any of the Bonds may be made callable, with or without premium, prior to their maturity;
- 7) That the Bonds shall be executed in the name of the City by the Treasurer and Mayor, under the official seal of the City attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;

- 8) That the Treasurer is authorized to provide for the sale of the Bonds at such times and in such manner, as the Treasurer determines to be in the interest of the City, and to select a purchaser or purchasers of the Bonds and to execute and deliver such contracts or agreements as may be necessary in connection therewith;
- 9) That in connection with the sale of any of the Bonds, the Treasurer may select such financial advisors, bond counsel, underwriters, rating agencies, bond insurance companies, registrars, paying agents, transfer agents and other service providers for such of the Bonds as the Treasurer determines to be in the interest of the City, and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;
- 10) That the Treasurer is authorized to prepare, or cause to be prepared, Notices of Sale, Preliminary Official Statements and Official Statements and Placement Memoranda for use in the offering and sale of any of the Bonds, in such form and containing such information as may be approved by the Treasurer, and that the distribution thereof in the name of and on behalf of the City in connection with offering any of the Bonds is approved;
- 11) That the Treasurer is authorized to undertake all acts necessary to provide for the issuance and transfer of such of the Bonds as the Treasurer deems advisable in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify such Bonds for and to participate in the Depository Trust Company Book-Entry Only System;
- 12) That the Treasurer is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;
- 13) That the Treasurer is authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, to take all other lawful actions necessary to insure that interest on the Bonds will be excluded from the gross income on the owners thereof for purposes of federal income taxation, and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
- 14) That the Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;
- 15) That the Treasurer is authorized to designate any of the Bonds as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986;
- 16) That the Treasurer is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Treasurer's opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Treasurer, with the advice of the City's bond counsel, may approve;
- 17) That the Treasurer and other proper officials of the City are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds in accordance herewith and any such prior action by them is hereby ratified and confirmed;

18) That if the Treasurer, Mayor, Clerk or any other City officer or official is for any reason unavailable to approve, execute or attest the Bonds or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;

19) That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official;

20) That the Treasurer prepare a signed financial statement to accompany this and any other referendum question to be submitted on the same date to the voters of the City for ratification of bond issues;

21) That a copy of this Order be filed with the City Clerk; and

22) That pursuant to Section 6.15 of the Charter of the City of Saco, Maine the following question shall be submitted to the voters of the City of Saco at a referendum vote to be held on November 7, 2006:

Shall the Order of the City Council of the City of Saco entitled "Order Authorizing City of Saco to Borrow an Amount Not to Exceed \$4,358,848 for City-Wide Infrastructure Improvements, Including Street, Sidewalk, and Parking Improvements and Renovations to City Buildings" be ratified and approved?

Public comments regarding the above matter.

Mr. Joseph Hirsch, Director of Park and Recreations, The proposed Parks Maintenance building will be located adjacent to the current Community Center located at 75 Franklin Street where all recreation and parks activities are coordinated. Currently the two smaller parks maintenance buildings are located over 1 mile from the Community Center and one half mile from each other. This requires multiple trips daily to pick up and drop off equipment and supplies needed for parks maintenance operations. The Front Street garage being used by the Parks and Recreation Department is space needed by other departments for storage and the Wastewater Treatment for future expansion. The School Street Maintenance building is too small to house the needs of our maintenance equipment.

By locating one new Parks Maintenance Building approximate to the New Community Center, efficiency of time and scheduling will be realized as well as limiting growing fuel usage costs.

If a suitable building cannot be built at the 75 Franklin Street site additional space will need to be found for equipment and cold storage for the Parks Division's needs.

Mr. Jon Sherman, Park and Recreation Department, stated that two (2) storage areas for the department are located a distance from the current facility which causes a loss of time efficiency for the staff.

Mr. Jeff Scully, 47 Village Green Dr. supported having the equipment located in the proposed maintenance building.

Mr. Peter Morelli, Planning Department Director, stated that the proposed Main Street Improvements would complete the project commenced last year.

Ms. Peg Poulin, 82 Hearn Road, President of the Saco Spirit, expressed support of the Main St. project. Residents have stated that the previous renovations have made Main St. more welcoming and has beautified of main corridor to our community.

Mr. Tom Osmond, Hillview Estate stated that we talking about a lot of money. Citizens of Saco would like to know what the impact was going to be on our taxes and that the matter should go to Referendum.

Mr. Michael Lafortune, Superintendent of School and a resident of Saco, spoke regarding the Saco Middle School Entrance Renovations. The proposed renovations would create a “loop” road, which would address congestion and public safety issues.

Fire Chief Alden Murphy stated that the design of the access road to the Saco Middle Street would not meet today’s design standards and that a “horse shoe” driveway would be a great benefit in case of an emergency at the school.

Mr. Joseph Hirsh, Director of Park and Recreation felt it was a good idea to address the access to the area due to the many events at the fields. The new road would make a good means of egress.

Mr. Howard Carter, Assistant Public Works Director, and a Fenderson Road resident, stated that the segments Temple, Green, and Pleasant Streets between Elm and Spring Street have roadway pavement deterioration, curbing that needs to be reset, sidewalk that needs to be repaved and stormwater that needs separation from the sewer.

The roadway improvements would include a box cut of portions of these streets, replacing poor, substandard gravels, resetting existing granite curb, profiling and repaving road and sidewalk, and separating the stormwater from the sewer lines. The project would decrease the stormwater entering the sewer and subsequently the WWTP and would restore the road and sidewalk in this neighborhood. If the utilities were not separated at this time, staff would not recommend that the City commit to full reconstruction of the road and would as a secondary option recommend that the roads be reclaimed and overlaid. Reconstruction would not be cost effective since the deferred separation work would waste the reconstruction project at a future date. The most cost effective approach is to undertake all of the needed work in one project.

Mr. Ron Keine, Public Works Engineer, stated that there were sixty (60) lots on thirteen (13) acres in the area. He spoke of drainage problems and sidewalks that do not meet ADA standards. The money spent on this project would have maximum benefits.

Mr. Thomas Oulellette, Pleasant Street, stated that he was in favor of the Bond Question that address infrastructure needs. Tom also suggested that perhaps the City could apply for Federal and State Grants to defray some of the expenses.

Mr. Peter Morelli, Planning Department Director, spoke of an ongoing survey in the Temple, Pleasant, Green and Pearl Streets, which was being gathered as information for a Grant Application.

Ms. Jane Hamblen, Ferry Road resident and Co-Chair of the Park and Recreation Advisory Board, state that the Saco Community Center located at 75 Franklin Street is a converted State of Maine Armory, which was built in the 1940's. While the City has made many improvements with money coming from Impact Fees, there is still the need to perform certain preservation activities to protect the City's investment in the Center. The exterior masonry has been patched in areas over the 65 years of use and is in need of more extensive work on certain parts of the building as well as sealing all exposed brick from the deteriorating elements. Renovation work would include taking out and disposing of cracked and damaged masonry; rebuilding damaged and fallen areas to specifications; saw out and repoint bad mortar joints in the building where needed; and seal complete brick exterior of building with a high grade masonry sealer.

Ms. Linda, Event Coordinator for Saco Spirit, spoke in favor the proposed Bond.

Mr. Michael Bolduc, Public Works Director and resident of Peabody Lane, spoke in favor the Garfield St. project.

Mr. Pat Fox, 27 Cherryfield St., spoke of the need for sidewalks on Garfield St. due to the pedestrian safety.

Mr. Doug Howard, Public Works Department, spoke in favor of the Fairfield Street Reconstruction Project.

Mr. Leo Bourgeault, a resident of Saco and property owner on Fairfield supported the project and suggested that the municipality coordinate with the water company when doing the project.

Mr. Michael Bolduc, Director of Public Works stated that the Fenderson Road has 15 single-family dwellings that utilize the public-way for access to their homes. In addition, the Harvest Place, a group home, is located on the road that adds considerable traffic to the road. In addition, Strawberry Lane was allowed to develop a few years ago allowing a private road off an existing public-way bringing a total of approximately 25 properties which rely on the road for their commute. While a case can be made that the residences chose to live at this location on their own free will, the under lying issue of the situation is the life and safety of the residents and employees that call the Fenderson Road home.

Employ a partnership between the city and the residences of the Fenderson Road that will allow the public-way to become a certified and excepted city street. The residents of both the Fenderson Road and Strawberry Lane have signed an Agreement stating that they agree to contribute their share of the cost of surveying the road as well as agreeing to convey any portion of their real estate that may be required in order to create a 50' wide right of way for the entire length of the Fenderson Road. The residents further agreed to pay one-third the cost, not to exceed \$100,000 dollars toward the improvements on the Fenderson Road.

By upgrading the existing public-way to a excepted city street current residences will have comfort in knowing that the city will be able to provide key services that will contribute to their safety and well being that are currently being offered to other tax payers in the City of Saco. As an added benefit the unsightly lineup of numerous trash and recycling containers will no longer be a part of the Hearn Road landscape.

Mr. Carter, 56 Fenderson Rd., was in favor of the project since it would provide safe passage for the residents of this road.

Mr. Ron Keine, Public Works Engineer, stated that Shadagee Road serves as a connector between North Street and Bradley Street. Four recent residential developments constructed on Shadagee Road have changed its character from relatively rural to densely developed. The street is very narrow, dangerous, does not meet current geometric design standards, and drainage problems exist all along the street. The acute angle intersection at North Street is dangerous. Some turning movements are almost impossible to negotiate. The pavement is severely deteriorated in many areas and it is not a constructed road. There is no sidewalk from Garfield Street to North Street. It is perilous for children to walk in the narrow street to the Young School area on North Street. The specific area for improvement is the densely developed section from North Street to the Stonegate Condominium complex entrance.

In 2005 the Saco Department of Public Works constructed sidewalk and drainage improvements from the Stonegate Condominium project entrance to Hemlock Drive using the limited funds contributed by recent developments. The City has acquired property at the intersection of North Street to re-align Shadagee Road and eliminate the acute angle intersection. The entire road from North Street to approximately the Stonegate Condominium entrance would be box cut, widened, re-aligned horizontally and vertically and reconstructed to meet current geometric design standards for safety. Drainage improvements would be incorporated in the new construction. Sidewalk would be constructed for pedestrian safety connectivity from the Stonegate Condominium entrance to North Street. The intersection of Shadagee Road and Garfield Street would be improved. If property can be acquired, the acute angle intersection at Lina Avenue would be re-aligned with the newly constructed Buckthorn Circle on the south side of Shadagee Road.

Without improvement, Shadagee Road would continue to be a hazard to pedestrians as well as vehicular travel. The road will continue to deteriorate. Constructing just an overlay on the existing will not resolve the issues. Because of unacceptable underlying road sub base and drainage issues, a new overlay atop the existing pavement will not provide a long lasting wearing surface. Total reconstruction of Shadagee Road is necessary. With improvement, Shadagee Road would be a safely improved asset for the citizens of the City of Saco.

Mr. Ben Chretien, Shadagee Rd., strongly urged the construction.

Mr. Michael Lafortune, Superintendent of School, spoke in favor of the renovating the building in order to re-locate the Adult Education and Alternative Education programs from the Open Door facility.

Question #3

**ORDER AUTHORIZING
CITY OF SACO TO BORROW AN AMOUNT NOT TO
EXCEED \$1,000,000 FOR TRAIL IMPROVEMENTS**

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SACO, MAINE IN
CITY COUNCIL ASSEMBLED:

- 1) That under and pursuant to 30-A M.R.S.A. §5772 and Sections 6.14 and 6.15 of the Charter of the City of Saco, the Treasurer and the Mayor of the City of Saco are authorized to issue general or limited general obligation securities in the name of the City of Saco in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000), and notes in anticipation thereof, to pay a portion of the costs to design and construct improvements for trails in the City of Saco, and to acquire any real estate or interests in real estate related thereto (the "Project");
- 2) That the proceeds of the said securities and said notes in anticipation thereof (hereinafter collectively, "Bonds"), together with any investment earnings thereon, are appropriated to be used for the Project and for related costs of issuance, credit enhancement and accrued interest, if any;
- 3) That the estimated period of utility of the Project is determined to be in excess of thirty (30) years;
- 4) That pursuant to Section 6.15 of the Charter of the City of Saco, taxes shall be levied on the taxable estates of the City of Saco for each year that the Bonds remain outstanding in the amount necessary to meet the payment of the annual installments of principal and interest on the Bonds;
- 5) That to the extent not inconsistent with this Order, the Treasurer is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of the Bonds, as the Treasurer determines to be in the interest of the City;
- 6) That any of the Bonds may be made callable, with or without premium, prior to their maturity;
- 7) That the Bonds shall be executed in the name of the City by the Treasurer and Mayor, under the official seal of the City attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
- 8) That the Treasurer is authorized to provide for the sale of the Bonds at such times and in such manner, as the Treasurer determines to be in the interest of the City, and to select a purchaser or purchasers of the Bonds and to execute and deliver such contracts or agreements as may be necessary in connection therewith;
- 9) That in connection with the sale of any of the Bonds, the Treasurer may select such financial advisors, bond counsel, underwriters, rating agencies, bond insurance companies, registrars, paying agents, transfer agents and other service providers for such of the Bonds as the Treasurer determines to be in the interest of the City, and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;
- 10) That the Treasurer is authorized to prepare, or cause to be prepared, Notices of Sale, Preliminary Official Statements and Official Statements and Placement Memoranda for use in the offering and sale of any of the Bonds, in such form and containing such information as may be approved by the Treasurer, and that the distribution thereof in the name of and on behalf of the City in connection with offering any of the Bonds is approved;
- 11) That the Treasurer is authorized to undertake all acts necessary to provide for the issuance and transfer of such of the Bonds as the Treasurer deems advisable in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding

- necessary or, in the Treasurer's opinion, appropriate in order to qualify such Bonds for and to participate in the Depository Trust Company Book-Entry Only System;
- 12) That the Treasurer is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;
- 13) That the Treasurer is authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, to take all other lawful actions necessary to insure that interest on the Bonds will be excluded from the gross income on the owners thereof for purposes of federal income taxation, and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
- 14) That the Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;
- 15) That the Treasurer is authorized to designate any of the Bonds as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986;
- 16) That the Treasurer is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Treasurer's opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Treasurer, with the advice of the City's bond counsel, may approve;
- 17) That the Treasurer and other proper officials of the City are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds in accordance herewith and any such prior action by them is hereby ratified and confirmed;
- 18) That if the Treasurer, Mayor, Clerk or any other City officer or official is for any reason unavailable to approve, execute or attest the Bonds or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;
- 19) That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official;
- 20) That the Treasurer prepare a signed financial statement to accompany this and any other referendum question to be submitted on the same date to the voters of the City for ratification of bond issues;
- 21) That a copy of this Order be filed with the City Clerk; and
- 22) That pursuant to Section 6.15 of the Charter of the City of Saco, Maine the following question shall be submitted to the voters of the City of Saco at a referendum vote to be held on November 7, 2006:

Shall the Order of the City Council of the City of Saco entitled “Order Authorizing City of Saco to Borrow an Amount Not to Exceed \$1,000,000 For Trail Improvements” be ratified and approved?

The following are public comments regarding the above matter.

Mr. Bob Hamblen, City Planner, stated that the audience had seen the meat and potatoes and he was here to give them the desert. Building the Eastern Trail across Saco will require two bridges: one across Rt. 1 near Goosefare Brook, another over the Saco River near Diamond Park. Maine Department of Transportation allocated funds to design the Eastern Trail across Saco from Cascade Road to South Street in Biddeford. A request for bids is pending. Once complete, the Eastern Trail Management District can apply for limited state and federal funds to build the Saco section. The total cost of construction to cross Saco is expected to exceed \$2 million.

One million dollar trail bond is requested to be included in the proposed bond issue, and that any Saco trail project be allowed to apply for use of the funds made available.

Mr. John Andrews, Harriman Farm Road stated that the trails go from Calais, Maine to Key West, Florida and the funds would be to enhance the trail.

Mr. John Gold, 7 Paul Ave., member of the Saco Trails Committee spoke in favor of the Bond Question.

At this time Ms. Lisa Parker Finance Director for the City of Saco, spoke of the financial implications regarding the Bond Questions.

**CITY OF SACO, MAINE
Treasurer’s Financial Statement for Proposed Bonds**

Referendum Question 1: Public Works Facility Improvements
Referendum Question 2: City-Wide Infrastructure Improvements
Referendum Question 3: Trail Improvements

As of November 7, 2006, the total amount of bonds of the City of Saco outstanding and unpaid is \$21,416,305 of which \$17,239,733 is principal and \$4,176,572 is interest. The City has no other bonds authorized but not yet issued. The bonded indebtedness to be assumed if the questions authorizing these borrowings are ratified by the voters is as follows:

<u>Question</u>	<u>Proposed Improvements</u>	<u>Bond Principal</u>	<u>Estimated Bond Interest</u>	<u>Total Principal and Interest</u>
Question 1	Public Works Facility	\$5,485,475	\$2,948,568	\$8,434,043
Question 2	City-Wide Infrastructure	\$4,358,848	\$2,342,981	\$6,701,829
Question 3	Trail	\$1,000,000	\$ 537,523	\$1,537,523
Total Estimates		\$10,844,323	\$5,829,072	\$16,673,395

The total debt service costs will vary depending on which questions are approved and the prevailing interest rates at the time the bonds are issued. The above estimated costs for the bonds are based upon an estimated interest rate of 4.5% over an estimated term of 20 years.

The validity of this obligation and of the voters' ratification of this obligation may not be affected by any errors in the estimate made pursuant to the above statement. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the obligation is not affected by reason of the variance.

Dated: August 24, 2006 at Saco, Maine

/s/ Lisa Parker
Lisa Parker, Treasurer
City of Saco

Councilor Cote moved, Councilor Smith seconded, to close the Public Hearing and be it Ordered that Council set the Second and Final Reading on the item to Authorize A Bond Question Regarding Capital Improvements for August 21, 2006. Further move to approve the Order. The motion passed with seven (7) yeas.

At this time Mayor Johnston requested a motion to move to an Executive Session.

VIII. Councilor Tripp moved, Councilor Morton seconded, that it be 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 8:53 p.m.

Councilor Michaud moved, Councilor McDougal seconded, to come out of Executive Session. The motion passed with seven (7) yeas. TIME: 9:45 p.m.

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

Report From Executive Session:

Councilor Michaud moved, Councilor Tripp seconded, to approved the Clerical, Supervisors and Waste Water Treatment Plant union contracts. The motion passed with seven (7) yeas.

IX. ADJOURNMENT

Councilor Michaud moved, Councilor Tripp seconded, to adjourn. The motion passed with seven (7) yeas. TIME 9:47 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk