

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the August 21, 2006 Council Meeting.

- I. **CALL TO ORDER** – On Monday, August 21, 2006 at 7:05 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, Arthur Tardif, Eric Cote and Jesse McDougal. Councilor Roland Michaud was excused this evening.

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

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

- V. **GENERAL:** Life-Saving Award commendation given to police officer Kevin Gray

Chief Bradley Paul requested that Officer Kevin Gray please step forward to receive a Life Saving Award.

The following is the statement read by Chief Paul:

On April 12, 2006 shortly before 10:00 p.m. we received several calls from concerned citizens regarding a man who was standing on the outer side of the rail on the Main Street Bridge that separates Biddeford from Saco. A person jumping from this height would almost certainly meet his demise in the river below.

Officer Kevin Gray responded and succeeded in pulling this person back over to the inside of the rail before he had a chance to act upon any suicidal impulses. As it turns out, this person had a history of suicide attempts and Officer Gray's quick thinking averted a potential tragedy that evening.

Officer Gray's supervisor nominated him for a Life Saving Award. The incident has been reviewed by the Police Department Awards Committee, which has recommended that Officer Gray be recognized for his good work. I agree with the supervisor and the committee's finding and endorse him whole-heartedly for a Life Saving Award, which is typically presented at a meeting of the Saco City Council.

This is the fifth time in recent history we have presented this award, and it reflects very positively on the character and dedication of the fine men and women we have serving the City in uniform.

Proclamation: National Assisted Living Week – September 10-16
Resolution Endorsing the U.S. Mayors Climate Protection Agreement

CITY OF SACO
PROCLAMATION:
National Assisted Living Week, September 10-16

- WHEREAS:** The number of elderly and disabled Americans is dramatically increasing;
- WHEREAS:** Assisted living is a long-term care service that fosters choice, dignity, independence and autonomy in our elderly nationwide;
- WHEREAS:** The National Center for Assisted Living proudly created National Assisted Living Week;
- WHEREAS:** The theme of National Assisted Living Week 2006 – “Hearts in Harmony” provides us the opportunity to promote the special bond between our beloved seniors and the staff who care for them. That bond is the most special of bonds and one of great love, trust, and friendship;

NOW, THEREFORE, I, Mark D. Johnston, Mayor of the City of Saco, do hereby proclaim the week of September 10-16, 2006 as National Assisted Living Week in this City of Saco, Maine. I urge all citizens to visit friends and loved ones that reside at these facilities and also to learn more about assisted living services and how they benefit our communities.

Signed this 21st Day of August, 2006

CITY OF SACO
RESOLUTION:
Endorsing the U.S. Mayors Climate Protection Agreement

WHEREAS: the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS: the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS: recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS: climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS: on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS: the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

WHEREAS: the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS: many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS: state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS: many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS: mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement, which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads:

The U.S. Mayors Climate Protection Agreement

- A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a flexible, market-based system of tradable allowances among emitting industries; and
- C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
 - 1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
 - 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 - 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
 - 4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
 - 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
 - 6. Purchase only Energy Star equipment and appliances for City use;
 - 7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
 - 8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
 - 9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
 - 10. Increase recycling rates in City operations and in the community;
 - 11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and
 - 12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming

pollution.

NOW, THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors endorses the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, The U.S. Conference of Mayors will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting.

NOW, THEREFORE, I, Mark D. Johnston, Mayor of the City of Saco, do hereby proclaim my support and the Saco City Council's support for the US Mayors Climate Protection Agreement.

Signed this 21st Day of August, 2006

Mark D. Johnston, Mayor – City of Saco, Maine
Saco City Hall
300 Main Street
Saco, Maine 04072

Councilor Tardif moved, Councilor Tripp seconded, to approve the proclamations. The motion passed with six (6) yeas.

VI. AGENDA ITEMS:

A. Assessor's Report to Council on Tax Rate

Mr. Daniel Sanborn submitted to the Mayor and Council the following memo.

As we estimated during the budget process our tax rate this year has been set at \$12.73 thousand of assessed value. Total taxable for the years was \$1,929,962,500 based on 100% valuations. The increase in assessment was just 5% this year. The property tax levy was \$25,568,422.62 an increase of about \$1,330,000 from the previous year and did comply the LD1.

The rapid increase in market value has slowed to what could be considered normal. You may recall the last three years increases in assessment was from 20 to 26 each year. My

department will of course track the sales this year to see if any adjustments in values either up or down are necessary for next year.

Please find attached a copy of this year Certificate of Assessment to Lisa Parker, CFO
/s/ Daniel H. Sanborn, Assessor
City of Saco

Assessments:	\$45,123,585.30
Total Deductions:	<u>\$20,555,162.68</u>
Net Assessment for Commitment	\$24,568,422.62

B. (Second & Final Reading) CIP 2006 Bond

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.

The City Council discussed this item in Workshop on June 5, and June 19, 2006; the First Reading was held on June 26, 2006, and the Public Hearing was held on July 24, 2006.

Councilor Cote moved, Councilor McDougal seconded, that the City of Saco hereby approves the second reading of the Order entitled, 'Order Authorizing City of Saco to Borrow an Amount Not to Exceed \$5,485,475 for Public Works Facility Improvements' and hereby adopts said Order and directs that a copy of said Order be included in the minutes of this meeting. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

Councilor Cote moved, Councilor McDougal seconded, that the City of Saco hereby approves the second reading of the Order 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' and hereby adopts said Order in form presented to this meeting and

directs that a copy of said Order be included in the minutes of this meeting. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

Councilor Cote moved, Councilor McDougal seconded, that the City of Saco hereby approves the second reading of the Order entitled, 'Order Authorizing City of Saco to Borrow an Amount Not to Exceed \$1,000,000 for Trail Improvements' and hereby adopts said Order in form presented to this meeting and directs that a copy of said Order be included in the minutes of this meeting. The motion received three (3) yeas and three (3) nays. Mayor Johnston broke the tie and voted in favor of the motion. Motion carries. Councilors voting in the negative were: Smith, Morton and Tardif.

C. (Public Hearing) Code Amendment – Medical Insurance

The City Council is considering amending the Personnel Ordinance Chapter IV Fringe Benefit Section 34-25 Group Health Insurance by changing the formula on the amount employee's will contribute to their monthly health insurance premium to help cover the increasing costs of health insurance. The current formulas for employees to contribute to their monthly health insurance premiums are:

- 100% employer for employee only
- 80% employer and 20% employee split after the subtraction of the single coverage for the employee with child, employee and spouse and family coverage.
- The employee also picks up 25% of the annual increases each year on all their plan coverage excluding employee only.

The new formula that shall begin In January 1, 2007 shall be:

- 90% employer and 10% employee for all Maine Municipal Employee Health Trust (MMEHT) Point of Service (POS) plans (employee only, employee and child, employee and spouse and family)

Beginning January 1, 2008 the formula would change to:

- 88% employer and 12% employee for all MMEHT POS plans (employee only, employee and child, employee and spouse and family)

Beginning January 1, 2009 the formula would change to:

- 85% employer and 15% employee for all MMEHT POS plans (employee only, employee and child, employee and spouse and family)

Councilor Smith moved, Councilor Morton seconded, to open the Public Hearing on the code amendment described in the document entitled, '**Personnel Ordinance, Chapter IV Fringe Benefits § 34-25. Group Insurance Plan dated June 26, 2006.**' The motion passed with six (6) yeas.

There being no comments from the public Councilor Smith moved, Councilor Tripp seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the code amendment described in the document entitled,

‘Personnel Ordinance, Chapter IV Fringe Benefits § 34-25. Group Insurance. The motion passed with six (6) yeas.

D. (Public Hearing) Contract Zone Cascade

Park North Development, LLC requests consideration of a contract zone in order to develop a mixed-use project on the Cascade Inn property at 941 Portland Road. The applicant, represented by Elliott Chamberlain, proposes commercial uses along the parcel’s Route One frontage and at the corner of Route One and Cascade Road, a 30-unit condominium further east on the parcel, and two single-family lots at the rear of the parcel. As part of the contract zone, Cascade Falls along with 17.26 acres of open space would be conveyed to the City. The City defines a condominium as a Multi-Family Dwelling, which is not a use allowed in the B-6 zone, therefore the need for a contract zone.

A critical element of this proposal is the extension of the public sewer system along Route One approximately 0.7 miles in order to service the site. This would occur under a separate agreement with the City.

The Planning Board reviewed this item at its June 13 meeting. The Board voted to make a positive finding on each of the four standards required for a contract zone, and thereby has forwarded a positive recommendation to the Council. If the Council approves the contract zone, the project would be subject to site plan and subdivision review by the Planning Board prior to any development occurring on the site.

Councilor Morton moved, Councilor Smith seconded, to open the Public Hearing on the contract zone document entitled “Contract Zone Agreement by and Between Park North Development LLC and the City of Saco,” dated June 6, 2006. The motion passed with six (6) yeas.

There being no comments from the public Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the contract zone document entitled ‘Contract Zone Agreement by and Between Park North Development LLC and the City of Saco,’ dated June 6, 2006’ for September 5, 2006. Further move to approve the Order. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

E. (Public Hearing) Contract Zone RiverBank, LLC

Applicant R. Brewster Harding d/b/a Riverbank LLC requests consideration of a contract zone for the property at 44 Lincoln Street, a .88-acre parcel that includes a 6,000 s.f. commercial building. The parcel is in the R-3 residential zone, and has housed nonconforming uses in the past, including the manufacture and distribution of metal products, and the production of screen-printed clothing.

A contract zone is requested due to the existing zoning of the parcel, R-3, which does not allow retail or office uses. The property is adjacent to a mix of uses: at the corner of Lincoln and Spring Streets is a woodworking shop. Several two-family and multi-family dwellings exist on Lincoln Street, and just to the east at the corner of Elm and Lincoln Streets are a service station and an auto repair garage. The property is just to the west of the Elm Street B-1 zone, which would allow the uses Mr. Harding proposes.

The Planning Board reviewed this item at the meeting on June 20, 2006, and 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 by the Planning Board prior to the building being occupied.

Councilor Tardif moved, Councilor McDougal seconded, to open the Public Hearing on the contract zone document entitled “Contract Zone Agreement By and Between Riverbank LLC and the City of Saco,” dated June 20, 2006. The motion passed with six (6) yeas.

There being no comments from the public Councilor Tardif moved, Councilor McDougal seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the contract zone document entitled, ‘Contract Zone Agreement By and Between Riverbank LLC and the City of Saco,’ dated June 20, 2006’ for September 5, 2006. Further move to approve the Order. The motion passed with six (6) yeas.

F. (Public Hearing) Zoning Ordinance, § 707: Amendment to Sign Regulation

Following a Feb. 27, 2006 public meeting held to solicit input from Route One business and property owners, a ‘sign committee’ was appointed by the City Council, and has met a number of times for the purpose of reviewing and recommending changes to Section 707 of the Ordinance. The committee focused on the section of Route One between I-195 and the northerly most extent of the B-6 zoning district; the draft recommendations are limited to changes that would affect the B-2b and B-6 districts on Route One.

Committee members included: Chairman Bill Johnson, Mark Galos, Claire Dube, Ira Rosenberg, Councilors Ron Michaud and Ron Morton. Code Officer Dick Lambert and Planner Bob Hamblen attended all meetings on an advisory basis.

The Planning Board considered these proposals at its June 13, 2006 meeting, and made a positive recommendation for passage of the proposed amendments.

Councilor Morton moved, Councilor Smith seconded, to open the Public Hearing on the Amendment to Zoning Ordinance § 707. Signs dated June 13, 2006. The motion passed with six (6) yeas.

There being no comments from the public Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the Zoning Ordinance Amendment to § 707. Signs for September 5, 2006. Further move to approve the Order. The motion passed with six (6) yeas.

G. (Public Hearing) Amendment to Police Department Fee Schedule

The Police Department assesses fees for the impounding and boarding of the animals it picks up. The fees currently charged do not cover the costs associated with caring for, transporting and feeding the animals, nor do they provide the necessary incentive for owners to see that their dogs are properly confined, as required by law.

Additionally, fee adjustments in two other areas are necessary due to State regulations that establish the amount the City is permitted to charge.

Pursuant to Chapter 4 – Administrative Code § 4-16. Police Department, “The Police Chief may, in his or her judgment, provide additional services for the convenience and safety of the public that are not otherwise required by law, ordinance or statute the Council will establish these types of fees for services after a public hearing.

Councilor Tripp moved, Councilor Smith seconded, to open the Public Hearing on the document titled, ‘Police Department Fee Schedule Amendments, dated July 24, 2006’ The motion passed with six (6) yeas.

There being no comments from the public Councilor Tripp 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 document titled, ‘Police Department Fee Schedule Amendments, dated July 24, 2006’ for September 5, 2006. Further move to approve the Order. The motion passed with six (6) yeas.

H. (Public Hearing) Renewal of Liquor License/Entertainment Permit – Lodge 1597

Biddeford-Saco Lodge #1597 of the Benevolent and Protective Order of Elks has applied for their liquor license to be renewed for a term 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 and in accordance with Saco City Code, Chapter 93, Entertainment sub-section 93-2.

Councilor Smith moved, Councilor Morton seconded, to open the Public Hearing on the liquor license renewal application for Biddeford-Saco Lodge #1597. The motion passed with six (6) yeas.

There being no comments from the public Councilor Smith moved, Councilor Tripp seconded, to close the Public Hearing and be it ordered that the City Council approve the application for Biddeford-Saco Lodge #1597 liquor license/entertainment permit for a term of one year. Further move to approve the Order. The motion passed with six (6) yeas.

I. (Public Hearing) New Liquor License Application for Cinemagic

Zyacorp Entertainment I, LLC d/b/a Cinemagic, 779 Portland Road, has applied for a new liquor license.

Councilor Morton moved, Councilor Tripp seconded, to open the Public Hearing on the liquor license application for Cinemagic to obtain a liquor license for a term of one year. The motion passed with six (6) yeas.

A representative from Cinemagic spoke briefly as to the safeguards that will be in place, at the establishment located in Saco, to insure that there will not be abuse regarding minors being served alcohol.

There being no comments from the public Councilor Morton moved, Councilor Tripp seconded to close the Public Hearing and be it ordered that the City Council approve the application for Cinemagic to obtain a liquor license for a term of one year. Further move to approve the Order. The motion passed with six (6) yeas.

VII. CONSENT AGENDA:

A. Combine Massage Establishment/Therapist License Application – Codwise

Muriel E. Codwise, whose business location is 890 Portland Road, has applied for a Combined Massage Establishment/Therapist License.

The applicant has paid all applicable permit fees and has provided a license issued by the State of Maine in compliance with Chapter 138 § 138-9 Basic proficiency.

B. Application for a License to Operate Games of Chance – Lodge 1597

BPOE #1597 has applied for a license to operate Games of Chance: Pull Tickets, from September 1, 2006 to December 31, 2006.

The applicant has submitted the application in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Councilor McDougal moved, Councilor Smith seconded, to approve the Consent Agenda. The motion passed with six (6) yeas.

VIII. ADJOURNMENT

Councilor Tardif moved, Councilor Morton seconded, to adjourn. The motion passed with six (6) yeas. TIME: 7:45 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk