

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Council Meeting held on April 2, 2007.

- I. **CALL TO ORDER** – On Monday, April 2, 2007 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 were: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques.

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

III. **PLEDGE OF ALLEGIANCE**

III. **APPROVAL OF MINUTES**

Minutes were not presented this evening.

V. **AGENDA ITEMS**

- A. Recognition of Employee for 25 Years of Service – Lieutenant Wayne Hanson, Fire Department

Mayor Johnston recognized Lt. Wayne Hanson of the Saco Fire Department. Mr. Hanson first joined the fire department as a call man in 1979. Wayne, who is a second-generation fire fighter, joined the fire department on March 22, 1982 progressing through the ranks to Lieutenant in 2000.

The City of Saco expressed their appreciation for his dedication and exemplary service by presenting Wayne with a plaque recognizing 25 years of service.

VI. **CONSENT AGENDA**

- A. **(First Reading)** Code Amendment – Permit Parking

The City's downtown municipal lots provide parking availability that is essential to the success of the downtown area. They provide safe locations with ready, convenient access to many of our Main Street merchants. The two-hour time limit on Main Street and in the municipal lots, however, makes it very difficult for employers, employees and others who may require longer stays to find a nearby place to park.

Setting aside a select number of spaces in each lot and creating a permit system would allow the City to designate some of these slots for permit holders who would benefit from the ability to leave their vehicles for longer periods of time. The fees generated by the permit system would help to defray some of the costs of developing and maintaining the municipal lots for public use, and ensure that some of these costs are borne by those who would benefit most from increased flexibility.

- B. **(First Reading)** Zoning Ordinance Amendment – Traffic Standards

Worsening traffic conditions, inconsistencies among city ordinances and regulations, inconsistency with state regulations and national engineering standards, concerns about

inequities in mitigation fees are among the reasons the staff initiated a review of traffic standards in the zoning ordinance and subdivision regulations.

Traffic Engineer Diane Morabito of Maine Traffic Services worked with City Engineer Ron Kiene, City Planner Bob Hamblen, Development Director Peter Morelli and the Planning Board to redraft the standards. The proposed zoning ordinance amendments, now recommended to the Council by the Planning Board, would make the following changes:

- the study area of a traffic report is now better defined,
- sight distance requirements have been revised to be consistent with Maine DOT and AASHTO standards,
- visual obstructions along driveways such as landscaping have been prohibited for a distance of 25 feet from the street; this is proposed to be reduced to 15 feet,
- required off-site improvements would be addressed under proposed additions to both site plan and subdivision sections, thereby providing authority to the Board to require off-site improvements, authority that is currently lacking,
- new language as to ‘corner clearance,’ which clarifies the required distance between and intersection and a proposed curb cut.

The Planning Board would adopt similar language as part of the subdivision regulations after the Council acts on the zoning amendments.

C. Flag Pond Wildlife Refuge Access

The old Tannery Pits Superfund remediated hazardous waste site off Flag Pond Road is owned by the Finance Authority of Maine. The State Legislature by law has made it a wildlife refuge in order to provide institutional controls that will limit incompatible activities on the site. The front of the site is fenced and some of the capped waste lagoons have also been fenced. The city owns over 20 acres adjacent to the site. Neither the Tannery Pits site nor the city’s adjacent land is accessible to the public.

On March 7, 2005, the Council met to discuss the future of the Flag Pond Wildlife Preserve. The consensus at the time was to move forward with developing a concept plan that would open this parcel to the public for passive use.

The Parks and Recreation Department has worked with the engineering firm Woodard and Curran to design a means of public access and a small parking lot. The Council tonight is considering endorsing the plan that will provide access to the site. No funding is sought at this time.

D. (2nd & Final Reading) Zoning Ordinance Amendment – Compensation Fee Utilization Plan – Stormwater

The Department of Environmental Protection passed new rules on stormwater regulation, specific to Chapters 500 and 502, and as provided for in the Maine Stormwater Management Rules, Chapter 500 §6, the city has prepared a “Saco Compensation Fee Utilization Plan,” (CFUP) which is intended to offer an alternative to developers of large projects wherein a fee may be paid in lieu of either on-site or off-site remediation work. The CFUP would:

- Specify how funds received as a compensation fee payment will be allocated to reduce the impact of stormwater pollution to Goosefare Brook, classified by the Maine DEP as an Urban Impaired Stream.
- Identify actions that can be taken to reduce the degradation of water quality in the Goosefare Brook watershed.
- Identify specific sites for which compensation work is proposed, including a list of Best Management Practices (BMPs) to be installed or constructed with a cost estimate for each.
- Plan for how BMPs will be maintained, including the parties responsible for maintenance.

The draft amendment to Zoning Ordinance Section 1102.10 would serve notice to projects that trigger Site Location of Development review – 3 acres or more of impervious area -- within the Goosefare Brook watershed that a CFUP is available if applicants choose. While payment into the CFUP is not required – a developer with a project in the Goosefare Brook watershed may choose to “...mitigate project impacts by treating, reducing or eliminating an off-site or on-site pre-development impervious stormwater source ...” – it will likely be viewed as an attractive alternative.

Councilor Smith moved, Councilor Michaud seconded, to approve the Consent Agenda. The motion passed with seven (7) yeas.

V. AGENDA ITEMS CONTINUED

B. 1. Combined Municipal/School Budget Presentation

Richard R. Michaud, City Administrator for the City of Saco, presented the first reading of the combined Municipal and School Budget for the fiscal year 2007/2008.

Councilor Michaud moved, Councilor Smith seconded, to set the public hearing for the Fiscal Year 2008 Municipal/School Budget April 30, 2007. The motion passed with seven (7) yeas.

2. Set FY2008 Property Tax Due Dates and Interest Rates
3. Adoption of FY2007-2008 Municipal/School Combined Budget
4. State Required Council Actions for Passage of Budget
5. Intention of City Council to Exceed Property Tax Levy Limit for Fiscal Year 2008
6. Wastewater Treatment Plant Budget Adoption

C. (Public Hearing) Code Amendment – Chapter 60 Ambulance Service Fees

The Saco Fire Department for several years has based its recommendation for the ambulance fee schedule on the New England Fee schedule set by Medicare. This fee schedule, based on nationally accepted reasonable fees with regional variables, is updated annually by Medicare to allow for inflation. Typically new fees are based on the current reasonable fees but do not adjust for inflation for several years at a time.

Consistent with many nearby municipalities, the city is proposing a policy change that adjusts the Saco ambulance fee schedule whenever Medicare adjusts the New England Fee schedule, and would require a code amendment to Chapter 60, to do so.

The city will base fees for Basic Life Emergency, Advanced Life non-emergency, Advanced Life I, Advanced Life II, and Advanced Life Special Care on the New England Fee Schedule Maine Locality 03 York and Cumberland Counties. The mileage charge per loaded mile will remain at \$10.00 per mile consistent with neighboring communities.

Councilor Jacques moved, Councilor Smith seconded, to open the Public Hearing on ‘Code Amendment to Chapter 60 Ambulance Service, §60-2, Fee Schedule, dated March 5, 2007’. The motion passed with seven (7) yeas.

There being no comments from the public, Councilor Jacques moved, Councilor Smith seconded, to close the Public Hearing and schedule a Second and Final Reading for April 9, 2007. Further move to approve the Order. The motion passed with seven (7) yeas.

Code Amendment to Chapter 60 Ambulance Service, §60-2, Fee Schedule, dated March 5, 2007.

(underline represents new language, while ~~strikethrough~~ indicates wording to be deleted)

§60-2. Fee Schedule

Fees shall be determined by Council after a public hearing, except for ambulance fees which will be adjusted annually according to the Medicare New England Fee Schedule, specifically, Maine locality 03 York and Cumberland Counties.

Saco Rescue fee schedule, dated March 5, 2007

Annually in January the ambulance fee schedule is adjusted for inflation approximately 3% increases based on current 2007 New England Ambulance Fee Schedule

Code	Description	current fee	proposed fee	increase
A0429	Basic Life Emergency	\$280.00	\$332.44	\$52.44
A0426	Advanced Life Support non-emergency	\$225.00	\$249.33	\$24.33
A0427	Advanced Life I	\$350.00	\$394.78	\$44.78
A0433	Advanced Life II	\$500.00	\$571.39	\$71.39
A0434	Advanced Life Special Care	\$575.00	\$675.27	\$100.27

The Saco Rescue service does not use a laundry list for additional charges such as oxygen, Heart Monitor, I.V., Defib, or intubation. All costs are included in the appropriate base cost meeting Medicare billing requirements.

D. (Public Hearing) Contract Zone Amendment – Acapella

Acapello Salon was granted a contract zone on January 17, 2006, in order to establish a personal services business in the existing residential building at 401 Main Street. June Juliano and her husband David Stanley own and manage the salon. The contract zone agreement was amended on June 26, 2006, in order to allow a parking lot in the Historic Preservation District. Acapello now requests a second amendment, which would allow the sign installed along Main Street to be lighted. Lighted signs are not allowed in residential zones.

The Planning Board reviewed the proposed contract zone amendment on February 20, 2007 and voted to forward a negative recommendation for the proposed amendment. This amendment is authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8)

Councilor Cote moved, Councilor Smith 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 6, 2006 and February 6, 2007. The motion passed with seven (7) yeas.

Ms. June Juliano and her spouse David Stanley addressed the Mayor and Council regarding the request to install a sign along Main Street, which would be lighted. The owners of Acapello were in agreement that should the request be granted, they would have the light on the same timer as that of the parking lot.

Mr. Stanley Mozden was not in agreement with the request since the illuminated sign may reflect in neighbors’ home(s).

Ms. Linda Gardner, an employee of the salon, spoke of the numerous complaints that she has received from patrons who are unable to locate the establishment in the evening due to poor lighting.

Councilor Cote moved, Councilor Morton seconded, to close the Public Hearing and set the Second and Final Reading for April 9, 2007. Further move to approve the order. The motion passed with seven (7) yeas.

Mayor Johnston requested a motion to recess. The motion passed unanimously at 7:30 p.m.

By unanimous consent the Council Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, §405 (6) (E) (C) move to enter into Executive Session to discuss:

Disposition of 33 Common Street & Map 24 Lot 2

Property Acquisition – Public Works Facility. TIME: 8:15 p.m.

Report from Executive Session:

Councilor Smith moved, Councilor Michaud seconded, to come out of executive session. The motion passed with seven (7) yeas. TIME: 9:07 p.m.

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

Councilor Smith moved, Councilor Michaud seconded, to reject all bids on Map 31, Lot 204. The motion passed with seven (7) yeas.

Councilor Smith moved, Councilor Morton seconded to accept the \$500, submitted by Mark McCallum, on Map 24, Lot 2. The motion failed with three (3) yeas and four (4) nays. Councilors Michaud, Tardif, Tripp and Cote voted in the negative.

Councilor Tripp moved, Councilor Cote seconded, to reconsider the matter regarding Map 24, Lot 2. The motion passed with five (5) yeas and two (2) nays. Councilors Tardif and Michaud voted in the negative.

Councilor Tripp moved, Councilor Michaud seconded, to offer Map 24, Lot 2, to Mark McCallum, for \$6,500. The motion passed with four (4) yeas and three (3) nays. Councilors Tardif, Cote and Michaud voted in the negative.

IV. ADJOURNMENT

Councilor Michaud moved, Councilor Smith seconded, to adjourn. The motion passed with yeas. TIME: 9:09 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk