I. CALL TO ORDER – On Monday, May 21, 2007 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Mark 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 E. Morton, Roland Michaud, Arthur Tardif, Eric Cote and Christopher Jacques. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES – MARCH 5; MARCH 12; MARCH 19; APRIL 2; & APRIL 23, 2007

The City Council approved the minutes of March 5; March 12; March 19; April 2 and April 23, 2007 - with the correction that Council Arthur Tardif was late, not absent. The motion passed with unanimous consent.

V. AGENDA ITEMS

A. RESOLUTION: ARBOR WEEK 2007

Mayor Johnston read the Arbor Week 2007 Proclamation. The proclamation was accepted by the Councilors with unanimous consent.

A copy of the complete Arbor Week 2007 Proclamation is on page 11 as Attachment A.

F. FENDERSON ROAD REPAIR AND MAINTENANCE AGREEMENT

It was the consensus of the City Council at the October 24, 2005 Workshop that the property owners on Fenderson Road execute an agreement that would describe how costs were to be shared for road improvements. All of the effected owners have either signed, or agreed to sign, such an agreement referred to as the ‘Fenderson Road Improvements Agreement’. Said agreement describes how abutters would share the cost of the improvements - equal shares totaling $100,000, with the City paying the difference of the total cost to improve Fenderson Road.

The Council then asked staff to have the City prepare an Agreement outlining terms, conditions, and funding options for the improvement of Fenderson Road. That Agreement, titled ‘Fenderson Road Construction Agreement’ has been prepared and states in part, that in addition to the abutters being responsible for $100,000, they will assume the total project cost of $327,000.

The Council discussed this item at Workshop on June 20, 2005; September 19, 2005; October 24, 2005; April 23, 2007; and May 7, 2007.

Councilor Smith moved, Councilor Tripp seconded, Be it Ordered that the City Council authorize the City Administrator to execute the ‘Fenderson Road Construction Agreement’, between the City of Saco, and the resident-abutters of Fenderson Road. Further move to approve the Order. The motion passed with four (4) yeas and three (3) nays – Councilors Tardif, Morton, and Michaud.

Councilor Michaud reviewed the History of Fenderson Road from 1985 when the City received a request from a resident to abandon the right to maintain the road, which the City did, to several Petitions/Agreements that the residents signed in 2005 and 2006, the Bond Issue approved by voters, and to the present agreement tonight where the residents are asking for 10 years to pay back the money. Councilor Michaud felt that the citizens of Saco are being asked to subsidize 2/3 of the cost of the project, and when he voted for it, his understanding was that it would be paid right off, not 10 years from now as they are now requesting. Councilor Michaud stated that he had never heard in prior discussions that they would need years to pay the money back to the City. The homes on Fenderson Road are appraised at $260,000 average, which are higher appraised than the City average appraisal of $200,000.
AMENDMENTS TO THE FENDERSON ROAD CONSTRUCTION AGREEMENT

1st AMENDMENT - Councilor Michaud moved, Councilor Morton seconded to amend section I. Resident’s Funds - (B. Interest) to “6% per year” rather than “5% per year”. The motion passed with four (4) yea and three (3) nays – Councilors Tripp, Smith and Cote.

Councilor Smith stated that he had heard mention of the figure of 20 years to pay back the loan. Councilor Smith also felt that the agreement was finalized 2 weeks ago, and that compromises were made.

TABLED – Councilor Morton moved, Councilor Michaud seconded to have this item tabled and taken back to Workshop. The motion failed three (3) yeas and four (4) nays – Councilors Tripp, Smith, Cote and Jacques.

Mayor Johnston called for a vote on Councilor Michaud’s 1st Amendment.

2nd AMENDMENT – Councilor Michaud moved, Councilor Morton seconded to amend section – IV. Cost Recovery – (B. Lot split assessment) to read “$5,000 lot split surcharge with a 3.5% annual compounded interest rate per year effective with the point of consummated agreement with the Fenderson Road residents to the point of sale of additional new property. The motion passed with five (5) yeas and two (2) nays – Councilors Tripp and Smith.

House keeping item – Councilor Michaud noted that under IV. Cost Recovery (C. Recording) – It should read “these conditions run with the land”, rather than “there conditions run with the land”.

Councilor Michaud and Morton recommended that no action should be taken until all signatories sign the agreement to guarantee the raising of $100,000 within a specified time period, which is apparently going to be 10 years. Mayor Johnston asked if this should be incorporated into the contract, and Councilor Michaud stated that it should be in there somewhere, but that this was not a motion.

Councilor Tripp felt that as a community, we all ought to be responsive people in the community and help out other folks. The City ought to pave the road and move on.

3rd AMENDMENT – Councilor Cote moved, Councilor Smith seconded to amend section V. Acceptance as Public Way - (A. City Acceptance) replace the sentence with “The City will accept the Fenderson Road as a Public Street upon 1) the completion of construction of the road by the City and 2) condition upon all the land owners on the road agreeing to sign this agreement within 3 months from this date. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

Mayor Johnston called for a vote on the Main Motion.

A copy of the complete Fenderson Road Construction Agreement is on page 12 as Attachment B.

G. ACCEPTANCE OF REAL ESTATE PROPERTY BID – MAP 31, LOT 204

The City of Saco owns 2 parcels of surplus real property identified on Tax Map 31, Lot 204 – Common Street, and the other on Tax Map 101, Lot 47 – Boothby Road. At the City Council’s request these parcels were advertised to the public for bid. A letter was sent to all abutters within 200 ft of the parcels, and was advertised in the newspaper.

The sale of Map 31, Lot 204 has the following restriction: “no dwelling or building on lot” and Map 101, Lot 47 is a buildable lot. Both properties will be conveyed by Municipal Quit Claim Deed. There was a public opening of bids on Monday April 30, 2007 at 2:00pm.

There were no bids received for Map 101, Lot 47 – Boothby Road, and the City received 3 bids for Map 31, Lot 204 – Common Street. Those bids were:
1) Lloyd D Paul - $4,500
2) Marguerite R. Gagnon - $8000
3) Richardson & Associates - $15,000

The City Council discussed this item at Workshop on May 7, 2007

Be it ordered that the City Council accept the bid from Lloyd D. Paul for $4,500 and from Marguerite R. Gagnon for $8,000 to equal a combined total bid of $12,500 for Map 31, Lot 204, located on Common Street, and authorize the sale of said property by Municipal Quit Claim deed with the following restriction, ‘no dwelling or building on lot’, and lot to be split between Lloyd D. Paul and Marguerite R. Gagnon according to the percentage of each bid up to the $12,500 total. The motion passed with seven (7) yeas.

Todd Richardson of Richard & Associates, 11 Middle Street – Mr. Richardson wanted some rational on the decisions being made this evening. Mr. Richardson reviewed the history of his bidding on Map 31, Lot 204 – Common St., which started in May 2006. Mr. Richardson originally wanted the lot for a parking lot for his business, with 6 spaces. The Zoning Board of Appeals stated that only 4 spaces would be permissible for a Parking Lot. The last bid that Mr. Richardson submitted after he found out only 4 spaces would be permissible for a parking lot, was $15,000. Mr. Richardson had someone attend the last bid, and the person reported back to Mr. Richardson that he was the highest bidder. On Monday morning, Mr. Richardson learned via downloading from the City web site that the bid was going to be awarded to the abutters Lloyd D. Paul and Marguerite R. Gagnon who had each submitted bids individually. The abutters bids were Lloyd D. Paul for $4,500 and Marguerite R. Gagnon for $8,000. Mr. Richardson felt that the process was to find the highest bidder, and didn’t understand why the City was working with Paul and Gagnon to combine their bids. He was concerned with the equitable treatment, because when you add up the abutters bids, they total $12,500 and his single bid was for $15,000.

Councilor Cote noted that the proposal that was sent out to the public states that “The City of Saco reserves the right to accept or reject any or all bids, or negotiate a bid without right or recourse by bidders, if it is in the best interest of the City to do so”. There was no agreement that the land would go to the highest bidder. Councilor Cote also stated that it is a very small lot, that it would best be suited split amongst the neighbors, and is not suitable for a parking lot. Councilor Cote stated that he appreciates Mr. Richardson’s being a Business owner in the downtown area, and understands Mr. Richardson’s reasonable request to have parking for his business.

Marguerite R. Gagnon, 35 Common Street –Ms. Gagnon inquired if the Councilors had done a site walk, to see just how small that lot is? Ms. Gagnon stated that with part of the proposed parking lot going in between the space of the 2 buildings, if Mr. Richardson’s bid is in fact approved, with the Easement that is in place, as she had mentioned 2 weeks ago, the existing driveway would be the entrance and exit for the parking lot as part of the easement as well she could potentially be losing 1 of the 2 parking spaces that she is currently using. With the property lines being as they are, it is not a nice square rectangle lot. One of the property lines could possibly eliminate the parking space to the right of the garage. That would leave her with 1 space directly in front of the garage door. So while Mr. Richardson may gain parking spaces, she in fact potentially looses parking spaces and that would put her with no where to park if someone at 31 Common St. had more than 1 vehicle. Ms. Gagnon was also concerned how a parking lot would affect the values of abutting properties. The easement has existed for as long as the house has been there, and she was always able to work it out with the neighbors if she needed extra parking in the driveway. This would not be possible if this is turned into a parking lot. Ms. Gagnon and family have been property owners in the City for 60 years, and the Paul family have been property owners for 20 + years. Ms. Gagnon’s father approached the City with an interest in buying the property back in 2001 when the Lizotte house was taken by the City for back taxes.

Mr. Richardson noted that there are numerous types of buildings with small parking lots in the B-3 Zone. He would work with buffering and screening to minimize headlights in windows. Mr. Richardson asked what the bidding process was about, that results in the result here. Where did the notion of combining the 2 abutting property owners bids, who submitted independent bids significantly lower than his come from?
Councilor Michaud noted that the process here tonight is a fluid process. How can things change so quickly? You may go into a meeting with a certain thought, and receive additional information to make you rethink your position, and that is what is occurring regarding this particular parcel, in his perspective. Councilor Michaud stated that he would like to work to find a common solution to Mr. Richardson’s parking problem. The theory now is that the lot disappear, and become part of the abutters lots, increasing their current lots by a small amount. Councilor Michaud inquired if in fact the house next door was up for sale, and being marketed for Residential or Commercial? Ms. Gagnon stated yes, it is for sale. Councilor Michaud asked what is to prevent putting commercial use in that house and putting a parking lot on that side of the building especially if we give them a 1/3 of the lot. What’s to say you won’t end up with parking there anyhow?

Ms. Gagnon stated that if the lot is split, her immediate concern is the parking, specifically access to the garage and the driveway.

**AMENDMENT** - Councilor Cote moved, Councilor Morton seconded to add language in the proposal that the land remain open space, and not be developed in any manor, or parking. The motion passed with seven (7) yeas.

Mayor Johnston called for a vote on the Amended Main Motion.

A copy of the bids & Notice to Abutters is on page 31 as Attachment  C.

**B. CODE AMENDMENT WASTEWATER SERVICE CONNECTION – PUBLIC HEARING**

The Council has requested that the City consider accepting responsibility, with conditions, for repairing failed wastewater service (house) connections within the City Right of Way (ROW). It has been the policy of the City that the homeowner owns and therefore has the responsibility for maintenance of the service connection to the City mainline including the connection to the main.

The proposed ordinance changes would allow the City to repair or replace the homeowner’s house service connection within the City ROW. Based on a determination that the failed sewer is within the City’s ROW, the Director of Public Works or designee, would issue a written determination of failure and authorization to make the repairs. The homeowner would be required to sign permission or authorization forms necessary for the City to work on their property (the house sewer).

The City would assume responsibility for the repairs within the ROW for failed sewers due to a collapsed or separation failure of the line. The city would not assume responsibility for failures due to root intrusion, misuse of the sewer system, or other negligent use by the homeowner.

Staff has estimated a budget to assume responsibility of the lines of $50,000 per year. This is based on an average of 8 repairs at a cost of $6,000 per repair and 20 inspections during and after normal work hours to determine if the malfunction is city or homeowner.

The City Council discussed this item at Workshop on February 20, 2007; and the First Reading was held on March 5, 2007.

An estimated budget amendment would need to be authorized for $50,000 per year. The Sewer User Fee will require an increase of $0.08 per hundred cubic feet.

Councilor Tardif moved, Councilor Smith seconded to open the public hearing on the document titled ‘Code Amendment: §176-27. Use of Old Building Sewers and §76-30a Repairs within the City Right of Way, dated February 20, 2007’. The motion passed with seven (7) yeas.

There were no comments from the public.
Councillor Tardif 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 document titled ‘Code Amendment: §176-27. Use of Old Building Sewers and §76-30a Repairs within the City Right of Way, dated February 20, 2007’ for May 29th. Further move to approve the order. The motion passed with seven (7) yeas.

Councillor Tardif stated that since the Treatment Plant budget was approved, he didn’t feel any need of the sewer user fee increase of .08 per hundred cubic feet.

City Administrator Richard Michaud stated that in the next final version of the document, this wording will be deleted.

A copy of the Code Amendment for Wastewater Service Connection is on page 36 as Attachment D.

C. RESOLUTION ADOPTING THE FRANKLIN FUELING SYSTEMS (INCON) – TAX INCREMENT FINANCING AGREEMENT - PUBLIC HEARING

Intelligent Controls Inc., Incon, a unit of Franklin Fueling Systems (a division of Franklin Electric) operates a plant in Saco which makes gasoline tank monitoring equipment and other electronic monitoring systems. The local branch was founded in Saco 25 years ago by Alan Lukas. Franklin purchased the company in 2002. The parent company has worldwide operations, manufacturing pumps and other industrial equipment.

The company’s sales of tank monitoring equipment have grown substantially in recent years, with significant sales to China and India. New environmental legislation in California is likely to lead to increased sales there, as well.

The company now employs about 50 persons in leased space of 15,700 square feet at 92 Industrial Park Road. It would like to build a high quality, 32,000 square foot building in the Spring Hill Section of the park. The building would be expandable to 50,000 square feet. Employment has increased 20 percent in the last year, and the company is likely to add about 3 employees per month for the next two years. The company is on a fast timeline and would like to build immediately.

The company is working with the state to obtain incentives available under the Pine Tree Zone program. It is also seeking a tax increment financing (TIF) agreement from the City. The Economic Development Commission and the staff recommend that the City Council consider a TIF agreement of 45 percent for 10 years.

In response to City Council questions in workshop the company has provided a May 10 letter which addresses the sections of the TIF policy raised by the Council, including IV-1-a “A need to offset infrastructure cost unique to the site” and IV-1-b “economic advantages available to the corporate entity if it should build or expand outside of Saco.” The letter outlines the difficulty of developing the dog-legged site and the additional driveway and utility and other site costs this creates, and outlines other options for expansion being considered for the company.

The TIF has also been rewritten to preserve 100 percent of the tax increment, with 55 percent of the revenues earmarked for the City’s qualifying economic development and infrastructure projects. This change makes the company’s portion of the TIF revenue-neutral.

The EDC unanimously recommends the TIF. The company should be considered a very good prospect for expanding environmental related employment in a moderately high tech industry. There have been very few similarly good prospects in recent years.

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

There were no comments from the public.

Councilor Morton moved, Councilor Smith seconded to close the public hearing, and to approve the Resolution
Adopting the Franklin Fueling Systems (Incon) – Tax Increment Financing Agreement. The motion passed with seven (7) yeas.

Councilor Morton moved, Councilor Smith seconded to dispense with the reading of the Resolution Adopting the Franklin Fueling Systems (Incon) – Tax Increment Financing Agreement. The motion passed with seven (7) yeas.

RESOLUTION ADOPTING THE FRANKLIN FUELING SYSTEMS (INCON) - TAX INCREMENT FINANCING AGREEMENT

WHEREAS, the City of Saco (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as the City of Saco Municipal Development and Tax Increment Financing District – Incon (Intelligent Controls Inc.) (the “District”) and to adopt a development program for the District (the “Development Program”); and

WHEREAS, there is a need for development in the City of Saco; and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the City of Saco and the surrounding region; to improve and broaden the tax base of the City of Saco; and to improve the general economy of the City of Saco, the surrounding region and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide continued employment for the citizens of the City of Saco and the surrounding region; improve and broaden the tax base in the City of Saco and improve the economy of the City of Saco and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial development in the City through the establishment of the District in accordance with the provisions of Chapter 206 of Title 30-A; and

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

WHEREAS, the City desires to designate the Municipal Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District;

NOW, THEREFORE, BE IT HEREBY VOTED BY THE SACO CITY COUNCIL:

Section 1. The City hereby finds and determines that:

At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial sites as defined in 30-A M.R.S.A. §5223(3); and

(a) The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and
(b) The aggregate original assessed value of the District as of April 1, 2006 plus the original assessed value of all other existing tax increment financing districts in the City does not exceed five percent (5%) of the total value of taxable property within the City as of April 1, 2006; and

(c) The aggregate value of indebtedness financed by the proceeds from tax increment financing district within York County, including the proposed District, does not exceed $50 million; and

(d) The District is designated and the Development Program is adopted by the City in order to induce the Company to complete the project described in the Development Program in the City (the “Project”) by enabling the City to contribute toward the capital cost of project described in the Development Program in an amount not to exceed the costs (including debt service costs) of the project; and

(e) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore the Project constitutes a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates a Municipal Development and Tax Increment Financing District for the benefit of Intelligent Controls Inc. and to promote completion of the Project, designated and described as more particularly set forth in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

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

Section 4. The City Administrator be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by DECD, after the approval of a credit enhancement agreement by the City.

Section 6. The City Administrator be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District as the City Administrator deems reasonably necessary or convenient, including revisions to the scope or description of the Public Improvements to be financed with a portion of tax increment revenues generated by the District, in order to facilitate the process for review and approval of the District by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The City Administrator be and hereby is authorized and directed to enter into the credit enhancement agreement contemplated by the Development Program, and in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the said City Administrator may approve, his approval to be conclusively evidenced by his execution thereof.

Section 8. This Order shall take effect immediately upon adoption.

Approved May 21, 2007, by the City Council of the City of Saco, at a meeting duly convened and conducted at Saco, Maine.

A copy of the Municipal Development and Tax Increment Financing District Development Program is on page 38 as Attachment E.
D. LIQUOR LICENSE FOR KERRYMEN PUB – PUBLIC HEARING

Kerrymen’s Pub 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, and Entertainment sub-section 93-2.

Councilor Morton moved, Councilor Tripp seconded to move to open the Public Hearing. The motion passed with seven (7) yeas.

There were no comments from the public.

Councilor Morton moved, Councilor Smith seconded to move to close the Public Hearing and Be it Ordered that the City Council approve the application for Kerrymen’s Pub Liquor License/Entertainment Permit for a term of one year, expiring in May 2008. Further move to approve the order. The motion passed with seven (7) yeas.

E. LIQUOR LICENSE FOR BPOE #1597 – PUBLIC HEARING

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, and Entertainment sub-section 93-2.

Councilor Morton moved, Councilor Smith seconded to move to open the Public Hearing.

There were no comments from the Public.

During the Cities Inspection of the establishment, Code Enforcement Officer Richard Lambert noted that the sprinkler system hadn’t been inspected since 2004. Mr. Lambert informed the owners that they would need to have this inspection done before the City issues the licenses.

Councilor Morton moved, Councilor Smith seconded to move 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, expiring on August 8, 2008, contingent upon the approval of the Code Enforcement Officer. Further move to approve the order. The motion passed with seven (7) yeas.

VI. CONSENT AGENDA

Mayor Johnston entertained a motion to adopt the following Consent Agenda (A,B,D)

Councilor Smith moved, Councilor Tripp seconded that the City of Saco hereby:

A. approves the Second and Final Reading of the document titles ‘Code Amendment to Chapter 69-9, “Bicycles, Skateboards and Roller Skates”, dated April 2, 2007’;

B. authorize writing off the personal property taxes which total $1,357.38, as identified on the documents titled, ‘Personal Property Write Off Recommendations,’ dated March 7, 2007, to remove the receivable from the tax collector’s records;

D. confirm the Mayor’s appointment of Geoffrey Burr and John Bouchard to the Recreation Advisory Board to complete the 3 year term for Jane Hamblen, and for Danielle Perrault, and then for a full 3 year term for each beginning July 2007 through July 2010.

The motion passed with seven (7) yeas.
***Note: The complete Item Commentaries for the above consent agenda are below.

C. APPLICATION FOR LICENSE TO OPERATE GAME OF CHANCE

BPOE #1597 has applied for a license to operate Games of Chance: Pulled Tickets, from July 1, 2007 to September 30, 2007.

The applicant submitted their 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 Tardif moved, Councilor Tripp seconded that it Be Ordered that the City Council grant the application for a License to Operate a Game of Chance: Pull Tickets, from July 1, 2007 to September 30, 2007, as submitted by BPOE #1597, contingent upon the approval of the Code Enforcement Officer. The motion passed with seven (7) yeas.

A. CODE AMENDMENT TO CHAPTER 69-9, BICYCLES, SKATEBOARDS AND ROLLERSKATES – SECOND & FINAL READING

When Chapter 69 was written it prescribed certain penalties for noncompliance with the ordinance. The penalties provided for citations to be issued if a violator was over 17 years of age, and for bicycles and skateboards to be impounded if the violator was under 17 years of age.

This language inadvertently created no penalties, however, if the violator was 17 years of age, as opposed to being older or younger than 17.

This action will rectify that situation by clarifying that impoundment is the appropriate penalty for minors, while adults may be summoned to court. It also adds some flexibility for officers when addressing violations and amends the hearing process.

The City Council discussed this item at Workshop on April 2, 2007. The First Reading was held on April 23, 2007 and the Public Hearing was held on May 7, 2007.

A complete copy of the Code Amendment to Chapter 69-9 Bicycles, Skateboards and Rollerskates is on page 53 as Attachment F.

B. AUTHORIZATION TO WRITE OFF PERSONAL PROPERTY

Below is a listing of the personal property tax accounts that are unpaid as of today and are recommended for write off. Each business is no longer in business, and then each account has a narrative on the attached listing of why the taxes are being recommended for write off: one has an owner still in town but the account appears billed in error, several owners cannot be located after numerous attempts, etc.

The City Council discussed this item at Workshop on May 7, 2007.

**Personal Property Write Off Recommendations, dated March 7, 2007**

- $65.37 in personal property taxes for McRoss Cleaning Services Inc. from FY05 and 06.
- $19.08 in personal property taxes for East Coast Custom Inc. from FY05.
- $96.13 in personal property taxes for WIDE, Saco Bay Communications from FY04.
- $189.00 in personal property taxes for Maine Sign Crafters Inc. from FY01.
- $987.80 in personal property taxes for Premier Industries Inc. from FY01 and 02.

*each of these amounts is the original billed amount, not including interest.*
D. CONFIRM MAYORS APPOINTMENTS TO THE RECREATION ADVISORY BOARD

The Parks and Recreation Advisory Board is established with the purpose of planning a City-wide Parks and Recreation Program and to advise and assist the Parks and Recreation Director in initiating and maintaining this Program. The responsibility of the Parks and Recreation Advisory Board includes: (1) Over-all responsibility to promote, enhance and protect recreational opportunities in Saco in order to maintain and further develop the quality of life. (2) Serve as an Advisor to the Parks and Recreation Director, and as a forum for the discussion of new and creative programs including needs and requirements of present and future activities, programs, and projects.

The Mayor has appointed Geoffrey Burr of 125 Middle Street and John Bouchard of 4 Plymouth Drive to a three-year term on the Board.

RECESS & RECONVENE FOR WORKSHOP. TIME: 8:30 P.M.

RECONVENE TO CITY COUNCIL MEETING. TIME: 9:15 P.M.

VII. EXECUTIVE SESSION

Councilor Michaud moved, Councilor Smith seconded Be it Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, §405 (6) (E) move to enter into Executive Session to discuss:

A. MERC – Pending litigation

The motion passed with seven (7) yeas.

Present at the Executive Session were: Mayor Johnston, David Tripp, Leslie Smith Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote, Christopher Jacques, City Administrator Rick Michaud, City Solicitor Tim Murphy and Director of Public Works Michael Bolduc.

REPORT FROM EXECUTIVE SESSION

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 Christopher Jacques.

There was no report from the Executive Session.

Councilor Tripp moved, Councilor Morton seconded to come out of the Executive Session. The motion passed with seven (7) yeas. TIME: 9:28 p.m.

VII. ADJOURNMENT

With unanimous consent, the City Council adjourned at 9:29 p.m.

Attest: ___________________________ Date Approved: ___________________________

Michele L. Hughes, Deputy City Clerk
WHEREAS: In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
WHEREAS: this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
WHEREAS: In 1978, the State of Maine first celebrated Arbor Week during the 3rd full week of May, and
WHEREAS: trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
WHEREAS: trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and
WHEREAS: trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Mark D. Johnston, Mayor of the City of Saco, do hereby proclaim the week of May 21 through May 25, 2007 as the celebration of Arbor Week in the City of Saco, and I urge all citizens to celebrate Arbor Week by supporting efforts to protect our trees and woodlands, and I further urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Signed by the Saco City Council on this 21st day of May 2007

David Tripp – Ward 1
Ronald Morton – Ward 3
Arthur Tardif – Ward 5
Chris Jacques – Ward 7

Leslie Smith, Jr. – Ward 2
Roland Michaud – Ward 4
Eric Cote – Ward 6

SACO CITY COUNCIL
FENDERSO ROAD CONSTRUCTION AGREEMENT

NOW COMES, the parties, the City of Saco (the “City”) a municipal corporation, 300 Main Street, Saco, Maine and the herein listed resident-abutters of Fenderson Road (the “Residents”) who all own lots abutting Fenderson Road, a private road in Saco, Maine, who collectively state as follows:

WHEREAS, the Residents would like Fenderson Road to be developed from a private 33 foot wide gravel way to a 50 foot wide public and paved way from Hearn Road to an agreed terminus point; and

WHEREAS, the City is willing to construct a public road provided the Residents transfer sufficient land and/or property rights, and provided Residents agree to pay $100,000.00 of the costs of said construction;

NOW THEREFORE, the parties agree as follows:

I. RESIDENT’S FUNDS

A. Construction Fund. Each abutting lot owner shall contribute an equal, pro-rata share of $100,000.00 (estimate of $5,000.00) to the City for the construction of Fenderson Road. Each lot owner shall be responsible for a single contribution regardless of the number of title owners to each applicable lot. Each Resident shall have the option to pay their pro-rata share within 30 days hereafter, or, at their choice they may take up to ten (10) years to meet their obligation.

B. Interest. Any resident that opts to pay their pro-rata share over time shall incur simple annual interest on the unpaid balance at a rate of five (5) % per year.

C. Sale Transfer or Devise of Lot. If any Resident (or their agents, trustees, heirs or personal representative) shall hereafter sell, transfer or gift the Resident’s own lot after the execution of this agreement, but prior to their full payment of their pro-rata contribution described in Section A above, then that Resident’s obligation, including any accrued interest, shall be paid to the City off upon transfer or closing of the Resident’s lot.

D. Default. If any Resident shall fail to fully pay their pro-rata obligation within ten (10) years, it shall constitute a breach of this agreement. The City may thereafter sue for the breach and the City shall be entitled, upon judgment, to all costs of collection, including reasonable attorneys’ fees.

II. COMMENCEMENT OF CONSTRUCTION

A. Title to land. The City shall not commence with construction until all land necessary to expand Fenderson Road from 33 feet to 50 feet has been transferred by Warranty Deed to the City. A title opinion must certify sufficient rights to the City.

B. Timing of construction. Once land rights are established, the City will commence construction as its schedule permits, subject to limitations imposed by weather conditions, permitting, delay for bidding, and any unforeseen conditions.

C. Routing. The Residents shall prepare a survey of the existing ROW, and of the subject lots. That information shall be shared with the City for purposes of preparing an engineers plan for the road lay-out. The actual routing of the road, shall be determined at the sole discretion and decision of the City and its engineers, but the City shall not over burden any particular Resident. However, at all times the City shall follow sound engineering and road construction practices in determining the optimum course of said any proposed ROW.
D. **Construction.** The City shall be solely responsible for all construction. This shall include the following:
1. Selecting an Engineer;
2. Selecting route of Right of Way;
3. Selecting location and type of all improvements including lights, sidewalks, drainage, road bed;
4. All bidding and contract documents;
5. Selection of Contractor;
6. Conduct and supervision of actual construction.

All work will be to City Code and Standard for a public way, including road bed standards and drainage standards, and shall be done in a workman like and professional manner.

E. **Terminus of Improvements.** The City estimates its construction budget will permit the ROW to be improved to a terminus at a point marking the boundaries of those lots identified as Tax Map ____. Lots ____. ____. However, the project has a budget of $327,000.00 for all work. Therefore, all parties agree that improvements will be extended up to a point that $327,000.00 has been expended by the City, at which point no further extension shall be undertaken without additional review and agreement of the City.

F. **Hammerhead Turn required.** At whatever point marks the terminus of the improvements, all parties agree the City must install a Hammerhead Turning area for City plows and public safety vehicles. Any additional rights/easements needed for such Hammerhead shall be provided by the Residents.

**III. COST ALLOCATION**

A. **Residents.** The Residents shall be responsible for the following costs:
1. Survey of existing ROW and lot lines;
2. Preparing all deeds of land to be transferred into the City with Mortgage and Lien Releases;
3. $100,000.00, as noted above.

B. **City.** The City shall be responsible for the following costs:
1. Title Opinion;
2. All pre-construction engineering;
3. All bid preparation and bidding costs;
4. All costs of construction, including blasting, grading, fill, drainage and paving;
5. Recording of this agreement and/or any memorandum or document anticipated hereunder.

**IV. COST RECOVERY**

A. **Final Calculation of Costs.** Upon the completion of final coat paving, the City shall total all the costs of construction. That figure, less the resident’s contribution of $100,000.00 (“Final Fenderson Road Construction Balance”) shall be recovered as set further below in section B.

B. **Lot split assessment.** All Residents agree that the Final Fenderson Road Construction Balance shall be recovered from Residents and their successors and assigns by assessing a $5,000.00 lot split surcharge for each and every new lot divided out of any Resident’s existing lot at anytime following the execution of this Agreement. For example if 4 new lots are carved out of Tax Map ____ Lot ____, then each carved off lot shall be subject to a $5,000.00 lot surcharge, payable upon each applicable lot owner requesting a building permit from the City. The City shall, from time to time, advise all Residents of the status of cost recovery, which shall terminate once the lot split surcharge total equals the Final Fenderson Road Construction Balance.

C. **Recording.** Residents shall sign a memorandum acknowledging this Agreement, including the lot sale, gift or devise condition (Section I,C) and the future lot split surcharge (Section IV, B) and of their intents to make
there conditions run with the land, and binding upon their successors and assigns. Said memorandum shall be recorded by the City in the York County Registry of Deeds.

D. Cessation. Upon the full collection and recovery of the unfunded portion of the costs of construction no further lot surcharges will be collected, and the City will record a waiver and release of this condition within the Registry of Deeds.

E. Permits. Residents for themselves and their successors and assigns agree and acknowledge that no building permit of any kind, certificate of occupancy, or other City permit or approval will issue for any new lot until all conditions of this agreement are met, and all required payments are made. Permits related to existing lots of record are exempted from this provision.

V. ACCEPTANCE AS PUBLIC WAY

A. City Acceptance. Provided Residents meet the terms and conditions herein, the City covenants it shall not withhold acceptance of Fenderson Road as a City Street.

B. Services. Residents shall thereupon be entitled to all customary services for parties on public ways such as snow plowing, maintenance, trash removal, recycling collection, all as from time to time provided by City.

C. Maintenance going forward. Upon acceptance, the City shall thereupon bear all costs of maintenance for Fenderson Road for as long as it remains a public way.

VI. ADDITIONAL IMPROVEMENTS

A. Other Improvements. If the construction budget permits and as may be required by prudence, sound engineering and construction practices, the City may build into the project certain additional improvements including the following:

1. Sidewalks;
2. Lighting;
3. Drainage;

B. Obligation as to Improvements. Residents acknowledge that the budget for the entire project is limited, and may or may not allow for any or all of the above referenced improvements. Residents waive all demands for such improvements, and release the City from any and all claims or demands for failing to install any or all of them.

VII. COOPERATION

A. Cooperation. Residents will cooperate with the City, and any agents, contractors, subcontractors or employees it employs to complete said work. City will cooperate with Residents. This shall include:

1. Keeping Residents informed as to collected funds;
2. Progress of bidding;
3. Progress of construction;
4. Progress of cost recovery via lot surcharges.

B. Construction. Any construction contract that City signs to build-out Fenderson Road shall include the following language:

Contractor shall, at all times, assure all Residents access to their premises, although access may be temporarily (no more than 4 hours) suspended in order to facilitate construction
Contractor will cooperate with Residents at all times to minimize interference with access and egress.

Dated at Saco, Maine this ____ day of ________________, 2007.

WITNESS: ______________________________

____________________________

____________________

Print Name

CITY OF SACO: ______________________________

____________________________

RICK MICHAUD
City Administrator

RESIDENTS:

Name: _____________________________
Address: _____________________________

Signature

____________________________

Signature of Co-Owner, if applicable

Name: _____________________________
Address: _____________________________

Signature

____________________________

Signature of Co-Owner, if applicable

Name: _____________________________
Address: _____________________________

Signature

____________________________

Signature of Co-Owner, if applicable

Name: _____________________________
Address: _____________________________

Signature

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Signature of Co-Owner, if applicable

Name: _____________________________
Address: _____________________________

Signature

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Signature of Co-Owner, if applicable

Name: _____________________________
Address: _____________________________

Signature

____________________________

Signature of Co-Owner, if applicable
Historical Background:

Twenty four (24) “citizens and taxpayers of the Fenderson Road, Saco, Maine, respectfully petition the City of Saco to seriously consider, in the interest of public safety and community quality of life, to repair and maintain the Fenderson Road”; twenty (20) of the petitioners own property on Fenderson Road.
The Council properly abandoned Fenderson Road based on Statute by determination of presumed abandonment as follows, “…If a review of the facts reveals that the road (or a portion thereof) has not been maintained at public expense for 30 or more consecutive years, the municipal officers may make a determination under 23 M.R.S.A. § 3028 that the road is presumed abandoned and that the town has no further obligation to repair or maintain the way.”

The status of the road is recorded in the Council Minutes, dated May 6, 1985, as follows: “…Fenderson Road was abandoned according to Section 3028 M.R.S.A. Title 23 because it had not been used for over 30 years and the City had not maintained it and there was access to any abutters’ property and no damages be awarded to the abutters….voted and passed 6 yeas”.

As a result of the Council’s action to abandon said road, the statute further provides, “…that when a road is abandoned, it is relegated to the same status as it would have had following discontinuance under Section 3026.” And … “If the abandonment occurred on or after September 3, 1965, a public easement remains.”

A public easement remains on Fenderson Road, and although the City is not obligated to maintain or repair a public easement, according to the Maine Roads Manual the public easement affords the following, “A municipality’s legislative body may authorize the repair and maintenance of public easements, but it is not required to do so.

When a municipality does maintain public easements, it is not required to maintain them to the same level or degree of maintenance as town ways. Since the decision to maintain is discretionary, the level of maintenance is likewise up to the legislative body. The municipality is not liable for defects in or lack of repair to public easements, but may be liable for injuries caused by negligent acts or omissions in its ownership, maintenance or use of vehicles or machinery and equipment on such roads…”

Sent via email:

From: The Carters
To: Bill Kany
Sent: Monday, April 09, 2007 6:24 AM
Subject: Fenderson Road 4-9-07

Dear Bill,

The residents of Fenderson Rd. met Saturday afternoon.

A few observations regarding the City's contract;

• The time-line. What happened to the 20 year, interest-free, loan/payback schedule? It should be noted that this original wording came from the City, and not the residents. This is a large issue for us. We cannot understand why the City has 20 years to pay $337,800 (bond), and expects us to pay $100,000 in two months?? We believe that Fenderson Road should be extended the same courtesies that the City enjoys. Bill, if you have to call in a marker, this is the one to use it on. The time-line could be a make-or-break for us. Is this, or isn't this project funded by the bond? With the residents $100,000.00 payback and the $5,000.00 surcharges, the City is out nothing. Why are they being so stringent with the terms? We want 20 years
• The bond issue I have in front of me indicates a $337,800.00 price tag. Where did $327,000.00 come from?
• Section IV, F. We assume this applies to a lot split and not to an existing home. Surely the City will not deny building permits, i.e. sheds/garages/additions, to us if we are making our payments (see above). Deleting that paragraph would be a nice gesture.
• The opening salvo; the third "Whereas". What does that mean? Again, hasn't the bond determined the funding? And isn't the money available now?

We have a few more questions, but they are contingent on how the above issues unfold.

Dan
AGREEMENT

The undersigned, being landowners with property accessed by or with frontage on Fenderson Road, so-called, in Saco, York County, Maine, hereby agree as follows:

WHEREAS, the undersigned have been negotiating with the City of Saco to have the City of Saco acquire title to Fenderson Road and make certain improvements to Fenderson Road; and

WHEREAS, a pre-condition of the City of Saco making any improvements to Fenderson Road it will be necessary to have the entire length of the roadway surveyed and it will be necessary to insure that the entire length of the roadway includes a fifty foot (50') wide right of way that can be conveyed to the City of Saco; and

WHEREAS, the undersigned do not know whether the survey will show that some or all of the undersigned will be required to convey portions of their property to the City of Saco in order to create a 50' wide right of way; and

WHEREAS, the undersigned hereby agree to contribute their share of the cost of surveying Fenderson Road as well as agreeing to convey that portion of their real estate that may be required in order to create a 50" wide right of way for the entire length of Fenderson Road.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the undersigned agree as follows:

1. The undersigned hereby agree to share equally the cost of surveying the entire length of Fenderson Road. The undersigned hereby acknowledge that two survey quotes are being secured and that the lowest quote will be accepted and that each of the undersigned will be obligated to pay their equal share based upon the total number of landowners (for example, if there are 20 parcels with frontage on or accessed by Fenderson Road, then each lot would be obligated to pay 1/20th of the cost associated the survey work). The undersigned further agree to select a coordinator who will collect the estimated cost of the survey from each landowner up-front and will ultimately disburse those amounts to the surveyor pursuant to the agreed upon payment schedule. The undersigned further agree that if the cost of surveying exceeds the initial estimate, then they will pay their proportionate share (as set forth above) for any additional charges with said amount to be paid to the coordinator. All contributions for surveying costs must be made within thirty (30) days of the landowners being informed of the amount due.

2. The undersigned hereby acknowledge that in order to convey Fenderson Road to the City of Saco so that it can be improved, the property is to have a minimum right of way width of 50 feet. The undersigned further acknowledge that at the present time it is not clear what portion, if any, of the Fenderson Road right of way is already at a width of 50 feet. Accordingly, all of the undersigned hereby agree to the extent it becomes necessary for them to convey a portion of their property to the City of Saco to create a 50’ wide right of way.
way, they hereby agree to do so. They further agree to use all reasonable and good faith efforts to have any mortgages encumbering their respective properties partially released so that they can convey their portion of the right of way free and clear of any encumbrances.

3. The undersigned, hereby agree to pay one-third the cost, not to exceed $100,000 to the improvement of the Fenderson Road.

4. The undersigned hereby agree that this document shall be construed as a Maine contract and shall be binding upon the parties hereto and their respective personal representatives heir and assigns.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the dates noted below.

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<thead>
<tr>
<th>WITNESS</th>
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<th>SIGNATURE</th>
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<td>Carmen M. Caron</td>
<td>4-20-06</td>
<td>Dan Carter</td>
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<td>4-20-06</td>
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<td>Print Name</td>
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<td>Thomas Gallagher</td>
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<tr>
<td>Print Name</td>
<td>3-26-06</td>
<td>Delores Gallagher</td>
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<td>Marc Roberge</td>
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HARVEST PLACE:
By: Sonya Deny
Its
WITNESS               DATE               SIGNATURE

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

Signature

Print Name

ARMAND TASCHEREAUX
BUILDER, INC.

By: ____________________________

______________________________
George Chase

______________________________
Shawn Smith

______________________________
Lucille Smith

______________________________
Shawn Lambert

______________________________
Cheryl Lambert

______________________________
James Remy

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18799.0001
FENDERTON ROAD PETITION

April 5, 2005

The undersigned citizens and taxpayers of the Fenderson Road, Saco, Maine, respectfully petition the City of Saco to seriously consider, in the interest of public safety and community quality of life, to repair and maintain the Fenderson Road.

<table>
<thead>
<tr>
<th>NAME/SIGNATURE</th>
<th>ADDRESS</th>
<th>PHONE #</th>
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<tbody>
<tr>
<td>Lynn Borden</td>
<td>3 Strawberry Ln</td>
<td>571-4954</td>
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<tr>
<td>Mary W. Blayle</td>
<td>19 Fenderson Rd</td>
<td>283-1383</td>
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<td>Mary A. LaGre</td>
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<td>Mark Borden</td>
<td>26 Fenderson Rd</td>
<td>284-3992</td>
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<td>Aleitha</td>
<td>26 Fenderson Rd</td>
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<td>Michael Smaller</td>
<td>23 Fenderson Rd</td>
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<td>Doreen Simpkin</td>
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<td>Marc Paine</td>
<td>22 Fenderson Rd</td>
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<td>B. K. NW.</td>
<td>20 Fenderson Rd</td>
<td>284-1678</td>
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<td>Lynn Borden</td>
<td>15 Fenderson Rd</td>
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<td>L. E. Johnson</td>
<td>12 Fenderson Rd</td>
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<td>Jim Borden</td>
<td>6 Fenderson Rd</td>
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<td>Stephanie Chase</td>
<td>11 Fenderson Rd</td>
<td>283-0576</td>
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<td>James C. Hodge</td>
<td>10 Fenderson Rd</td>
<td>284-6734</td>
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<td>Darnold Gallifan</td>
<td>6 Fenderson Rd</td>
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<td>Cheryl A. Lambert</td>
<td>5 Strawberry Ln</td>
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<td>Darnold Gallifan</td>
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<td>Carolyn M. Brown</td>
<td>6 Heron Rd.</td>
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<td>Paul L. G.</td>
<td>9 Fenderson Rd</td>
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<td>Robert H. H.</td>
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<tr>
<td>Richard A. Chase</td>
<td>70 Heron Rd.</td>
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</table>
FENDerson road Petition

April 5, 2005

The undersigned citizens and taxpayers of the Fenderson Road, Saco, Maine, respectfully petition the City of Saco to seriously consider, in the interest of public safety and community quality of life, to repair and maintain the Fenderson Road.

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<tr>
<th>Name/Signature</th>
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<tbody>
<tr>
<td>John Smith</td>
<td>33 Fenderson Rd.</td>
<td>286-58128</td>
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</tbody>
</table>


Not yet. I have spoken with him and just sent an email asking for a written opinion. Thanks

Mike

-----Original Message-----
From: Rick Michaud [mailto:rmichaud@sacomaine.org]
Sent: Monday, September 12, 2005 12:45 PM
To: Mike Bolduc
Cc: Kate Kern
Subject: FW: Fenderson Road acceptance

Have you heard from Tim on this issue?

-----Original Message-----
From: Michael Bolduc [mailto:mbolduc@sacomaine.org]
Sent: Monday, August 29, 2005 8:57 AM
To: rmichaud@sacomaine.org
Cc: Ronald Kiene; Tim Murphy (Tim Murphy)
Subject: RE: Fenderson Road acceptance

Hi Rick,

Section 186-34 says no street can be designed to be accepted by the City less than 50' in width. The next section 186-35 says that we won’t accept any street built prior to 12/9/1978 less than 35 feet in width. Section 186-36 defines assessments for streets and it does suggest that the owners pay 33% and the city to pay 66%. It also requires that the owners give up property to achieve turn around and the 35 ROW.

However, in practical terms, would the city ever decide that the taxpayers of Saco would be best served by budgeting 2/3 of the cost of the road improvements. I cannot find any language binding the commitment of funds, so I would think that it is unlikely that Section 186-36 ever comes into play.

Why is it still in there? Why do we need Sections 186-34 through 186-36 at all? The language is poorly written and does not pertain to any of our streets with the possible exception of Fenderson and Berry. Both those roads have been extended and have added additional street off them conflicting with this language in this ordinance.

We should rewrite this section. I will be meeting with Tim Murphy today on the Berry road and will discuss with him. Do you have any direction on this?

Mike

-----Original Message-----
From: Rick Michaud [mailto:rmichaud@sacomaine.org]
Sent: Friday, August 26, 2005 2:18 PM
To: Mike Bolduc; Bob Hamblen; Peter Morelli
Subject: Fenderson Road acceptance
Mike,

We appear to have a contradiction in our code relating to streets. Does the city pay 2/3 of the cost of improvements or must all improvements be complete prior to street acceptance? I have pasted in the code below.

Rick

ARTICLE II, Street Acceptances

§ 186-34. Streets less than 50 feet wide.

No street or way less than 50 feet wide shall be laid out and accepted by the City as a public street or way unless the same shall have been actually dedicated and constructed and used for public travel prior to December 8, 1978.

§ 186-35. Acceptance or extension of previously constructed streets.

No street or way dedicated or constructed prior to December 9, 1978, shall be accepted nor shall any street previously accepted be extended in length which is of a width less than 35 feet, unless the owners of property adjoining the street shall deed to the City of Saco sufficient land to lay out a street of minimum width, except as hereinafter provided.

§ 186-36. Petition by abutters; assessments.

No street or way in §§ 186-34 and 186-35 above shall be laid out, accepted, extended or improved unless:

A. Petition by abutters. A majority of the abutters upon the street or way shall, in writing, on a form to be prescribed by the Director of Public Works, petition the City Council to improve the street by grading, curbing, gravelling, macadamizing, paving or in any other way making a permanent street of the same or any part thereof and in the petition shall waive any damages resulting from the laying out and acceptance of the street or way or any necessary changes in the grade thereof and shall agree to pay their just proportion of 1/3 of the cost thereof. For purposes of this section, a majority of the abutters shall mean those abutters who own more than 50% of the frontage, both in front feet and in assessed value. The abutter shall be notified by letter.

B. Assessments. When the street or way shall have been laid out and accepted as a public street or way and such improvements have been made, 1/3 of the cost thereof shall be assessed on the property adjacent to and bounded on such street or way in the manner and with the same right of appeal provided in 23 M.R.S.A. §§ 3601 to 3605. The assessment shall be on a front foot basis. The cost of the culs-de-sac or turnarounds necessary for the provision of municipal services shall be borne by the City of Saco. Land necessary for said culs-de-sac or turnarounds will be provided by the abutters.


No street or way constructed on private lands by the owners thereof shall be hereafter recommended by any committee or office of the City government to the City Council for acceptance as a public street of the City of Saco unless previously constructed in accordance with the City’s specifications, which shall constitute the minimum requirements for the acceptance of such street or way.

A. Plan and profile. The accepted record drawing plan and profile of every such street shall be filed in the Planning Office and Department of Public Works.
B. Design and construction standards. The entire area of the street shall be constructed in all respects according to Planning Board approval based on standards set forth in the City of Saco Subdivision Regulations, latest revision.

C. Grades. The Director of Public Works or his designee shall fix grades of every such street.

D. No petition for acceptance of a street or portion of a street shall be approved until the City Council has reviewed the request and considered the following factors: recommendations received from the Planning Board and staff as to completeness of the street, sidewalk, streetlights, street trees, drainage structures, utilities, deeds, easements, and any other issues the Planning Board, staff, or City Council deem appropriate.

E. No petition shall be complete and ready for review until the following have been submitted, reviewed and found acceptable by staff:

1. The legal description of the street to be accepted, name of subdivision where the street is located, date the subdivision was approved and the book and page where the subdivision plan is recorded at the York County Registry of Deeds.

2. The warranty deed for the real estate to be conveyed to the City.

3. Copies of any easements to be transferred.

F. After a completed petition has been submitted to the City Planner, the City Planner shall seek recommendations from the City Administrator, Police Chief, Fire Chief, Public Works Director, Code Officer, Development Director, Parks and Recreation Director, Conservation Commission and such other officials or persons as he/she deems necessary. The City Planner will seek a recommendation from the Planning Board. The Planning Board shall consider the comments of City staff in arriving at a recommendation as to whether or not the street shall be accepted, which shall be forwarded to the City Council. Final action on the street acceptance will be made by the City Council.

G. If any issues remain unresolved when brought forth for Council consideration, a written report shall be submitted by staff, and said issues shall be immediately reported to the Council. The Council shall determine whether said issues shall delay consideration of acceptance until resolved or may be noted and addressed as consideration of acceptance moves forward.

§ 186-38. Conveyance of land; filing of plan; bond.

Compliance with the above conditions and specifications will render a street or way constructed on private land by the owners thereof eligible for consideration by the Councilmen for laying out and acceptance as a street or public way for the use of the City of Saco, provided that:

A. The owner conveys to the City, in fee, the land occupied by the street.

B. A plan of the street shall be recorded in the York County Registry of Deeds.

C. Should any of the work remain to be done to complete the project or street in any of its specifications, the owner shall post a good and sufficient bond with the City Treasurer to cover the cost of completion, in an amount to be set by the City Council.

§ 186-39. City not to participate financially.
It is expressly provided that the City of Saco will not participate financially in the improvement of a street where the primary beneficiary is a subdivider.

Richard R. Michaud, City Administrator, City of Saco

CONCEPTUAL COST ESTIMATE
FENDERSON ROAD CONSTRUCTION
JULY 2005

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QUANTITY</th>
<th>UNIT COST</th>
<th>COST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Survey (for Design)</td>
<td>L.S.</td>
<td>$6,000</td>
<td>$ 6,000</td>
</tr>
<tr>
<td>2. Design</td>
<td>L.S.</td>
<td>4,000</td>
<td>4,000</td>
</tr>
<tr>
<td>3. Construction Stake Out</td>
<td>L.S.</td>
<td>1,500</td>
<td>1,500</td>
</tr>
<tr>
<td>4. Clearing &amp; Grubbing</td>
<td>L.S.</td>
<td>8,000</td>
<td>8,000</td>
</tr>
<tr>
<td>5. Excavation</td>
<td>5,250 c.y.</td>
<td>6.00</td>
<td>31,500</td>
</tr>
<tr>
<td>6. Ditching</td>
<td>2,500 l.f.</td>
<td>4.00</td>
<td>10,000</td>
</tr>
<tr>
<td>7. Cross Culverts</td>
<td>4-units</td>
<td>800</td>
<td>3,200</td>
</tr>
<tr>
<td>8. Driveway Culverts</td>
<td>7-units</td>
<td>400</td>
<td>2,800</td>
</tr>
<tr>
<td>9. 6” Underdrain</td>
<td>3,000 l.f.</td>
<td>15.00</td>
<td>45,000</td>
</tr>
<tr>
<td>10. Subbase Gravel</td>
<td>4,500 c.y.</td>
<td>7.00</td>
<td>31,500</td>
</tr>
<tr>
<td>11. Base Gravel</td>
<td>750 c.y.</td>
<td>9.00</td>
<td>6,750</td>
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<tr>
<td>12. Grading</td>
<td>L.S.</td>
<td>6,000</td>
<td>6,000</td>
</tr>
<tr>
<td>13. Shoulders</td>
<td>6,600 l.f.</td>
<td>2.00</td>
<td>13,200</td>
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<tr>
<td>14. Bituminous Pavement (3”)</td>
<td>1,485 ton</td>
<td>45.00</td>
<td>66,825</td>
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<tr>
<td>15. Loam &amp; Seed</td>
<td>L.S.</td>
<td>3,000</td>
<td>3,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>$ 239,275</td>
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<tr>
<td>Contingency:</td>
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<td></td>
<td></td>
<td></td>
<td>$ 275,000</td>
</tr>
</tbody>
</table>

Total: $ 275,000

Notes:
1. Estimate based on constructing a 24-ft. wide paved road to City of Saco standards.
2. Right-of-Way acquisition assumed to be at no cost to City.
3. Requirement for curbing and sidewalk assumed to be waived.
4. Dead end road length exceeding maximum allowed by ordinance assumed to be approved by Mayor &
   Council.
5. Suitability and depth of existing gravel unknown. Some material may be suitable for re-use. To meet City
   of Saco standards, depth of gravel subbase must be 18”.
6. Drainage facilities included in the estimate are minimal.
7. Survey and design cost estimates are minimal for design purposes only and include some geo-technical
   evaluation of existing materials. Costs may be significantly higher.
8. Fenderson Road was discontinued in 1985. It is assumed the property owners will pay all survey and
   monumentation costs and all legal costs associated with the Right-of-Way acquisition for the City.
9. Street lights not included.
TO: City of Saco
Finance Department

RE: Sale of City owned Surplus
Real Property — Map 31, Lot 204

I, Lloyd D. Paul, resident
of 29 Common St., Saco, Me.,
would like to place a bid
of $4,500 — on said property
regarded above.

/Lloyd D. Paul/
April 30, 2007

From: Marguerite R. Gagnon  
6 River Drive  
Old Orchard Beach, Maine 04064  
Tel: 207 937-2464  
E-mail: mgagnon3@main rr.com

RE: Sale of Surplus Parcels, City of Saco, ME

I hereby submit a sealed bid of $8000.00 to the City of Saco, Office of the Administrator,
for the parcel of property located on Map 31, Lot 204, 31-33 Common Street, Saco,
Maine.

Thank you for your consideration.

Signed: ___________________________ Date: __/30/07__ 8:30 a.m.

Marguerite R. Gagnon  
Abutting property owner of 35-37 Common St. Saco, ME Map31, Lot 203.
April 30, 2007

City of Saco, Sale of Surplus Property
City Managers Office, City Hall
300 Main Street
Saco, Maine 04072

To Whom it May Concern,

I am pleased to submit an offer of $15,000.00 as a bid for the City owned surplus property described as Lot 204 / Map 31. I look forward to hearing the results of the bidding process. Thank you for your consideration.

Sincerely,

Todd Richardson
April 5, 2007

To: Abutters and potential interested persons:

**RE: Sale of City owned surplus real property**

The City of Saco is accepting sealed bids for a parcel of land, namely Map 31, Lot 204, located in the general vicinity of your property. Since you own property close by, you may be interested in bidding on said lot.

Map 31, Lot 204 is located on Common Street and has the following restrictions: “no dwelling or building on lot”. The property will be conveyed by Municipal Quitclaim Deed. If you are interested in bidding on this parcel, please submit a “sealed bid” to:

City of Saco
Finance Department
300 Main Street
Saco, Maine 04072

Please be sure to mark the outside of the sealed envelope with the words “PROPERTY BID”. A public bid opening on Map 31, Lot 204 will be held on **Monday, April 30, 2007, at 2:00 pm at Saco City Hall Conference Room**. The City of Saco reserves the right to accept or reject any or all bids, or negotiate a bid, if it is in the best interest of the City to do so.

Enclosed is a tax map of the area, depicting the parcel to be bid upon, and the property record card.

For more information on this parcel, you may visit the Assessor’s Office at City Hall and inquire about the parcel or visit our website: [www.sacomaine.org](http://www.sacomaine.org) following the Department link to the Assessor’s Page where you will find links to maps and property information. You may also call the City Administrator’s Office at 282-4191 for more information.

Sincerely,

Richard R. Michaud
City Administrator

Enc (2)
RRM/kk

April 5, 2007

To: Abutters and potential interested persons:

**RE: Sale of City owned surplus real property**

The City of Saco is accepting sealed bids for a parcel of land, namely Map 101, Lot 47, located in the general vicinity of your property. Since you own property close by, you may be interested in bidding on said lot.

Map 101, Lot 47 is located on Boothby Road and is a buildable lot. The property will be conveyed by Municipal Quitclaim Deed. If you are interested in bidding on this parcel, please submit a “sealed bid” to:

City of Saco
Finance Department
300 Main Street
Saco, Maine 04072

Enclosed is a tax map of the area, depicting the parcel to be bid upon, and the property record card.
Please be sure to mark the outside of the sealed envelope with the words “PROPERTY BID”. A public bid opening on Map 101, Lot 47 will be held on **Monday, April 30, 2007, at 2:00 pm at Saco City Hall Conference Room.** The City of Saco reserves the right to accept or reject any or all bids, or negotiate a bid, if it is in the best interest of the City to do so.

Enclosed is a tax map of the area, depicting the parcel to be bid upon, and the property record card.

For more information on this parcel, you may visit the Assessor’s Office at City Hall and inquire about the parcel or visit our website: [www.sacomaine.org](http://www.sacomaine.org) following the Department link to the Assessor’s Page where you will find links to maps and property information. You may also call the City Administrator’s Office at 282-4191 for more information.

Sincerely,

Richard R. Michaud
City Administrator

Enc (2)
RRM/kk

---

**PLEASE RUN: Saturday April 14, 2007**

The CITY OF SACO, MAINE is accepting sealed bids for (2) parcels of surplus real property:

Map 31, Lot 204 – Common Street
Map 101, Lot 47 – Boothby Road

The sale of Map 31, Lot 204 has the following restriction: No dwelling or Building on lot.
Map 101, Lot 47 is a buildable lot.

Both properties will be conveyed by Municipal Quitclaim Deed

Sealed bids should be submitted to:

City of Saco
Finance Department
300 Main Street
Saco, Maine 04072

ENVELOPE SHOULD BE CLEARLY MARKED “PROPERTY BID”

**BID OPENING:**

**DATE:** MONDAY, April 30, 2007

**TIME:** 2:00 pm

**PLACE:** Saco City Hall, 300 Main Street, Saco, Maine 04072

**FMI:** Visit the Assessors Office or contact City Administration @ 282-4191

The City of Saco reserves the right to accept or reject any or all bids, or negotiate a bid without right or recourse by bidders, if it is in the best interest of the City to do so.
ARTICLE V Building Sewers and Connections

§ 176-27. Use of old building sewers.

Old building sewers shall not be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this article.


The size, slope, alignment and materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joining, testing and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply.

§ 176-29. Use of gravity flow.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 176-30. Prohibited connections.

No person shall make connections of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

connected directly or indirectly to a public sanitary sewer.

§ 176-30a. Repairs within the City Right of Way

The City shall assume responsibility for the repair and/or replacement of the failed residential house connections within the City Right of Way provided that the failure was not a result of negligence on the part of the owner, owner’s agent, or tenant. The City shall not be responsible for private pressure sewers (forcemains) residing within the right-of-way or for negligent use of the sewer system. The cost of initial installation shall be borne by the resident as provided in § 176-25.
Questions and answers in this section are from InfoNOW, a member-only service of the American Public Works Association. APWA's InfoNOW communities provide public works professionals an open forum for information exchange. There are two different online communities, covering diverse topics such as fleet, emergency management, and stormwater. Community members post questions, provide answers to other's questions, or simply review the communications via e-mail or the Web. To learn more about InfoNOW and other benefits of APWA membership, visit www.apwa.net or call 800-848-APWA.

**Question:** I am interested in information pertaining to the responsibility for maintenance and repairs of existing sanitary sewer laterals. Is the municipality responsible for the lateral to its connection at the main? If the property owner is responsible for the portion of the lateral located in the right of way (ROW), how are repairs to the lateral and street handled?

— Kevin Breit, Mosinee, Wis.

**Answers:** Within the town of Narragansett, R.I., the property owner is responsible for the entire service lateral, even the portion out in the public ROW. Our wastewater operations run as an enterprise fund, meaning that no tax dollars are involved—user fees support the entire program. As such, the theory behind our lateral policy is that only the benefiting property owner should pay for his/her service. In other words, my neighbor does not derive a direct benefit from my lateral, so he should not pay toward the repair of it (through fund revenues that come from user fees). This theory also puts the most arguments about whose responsibility the problem is (i.e. where's the blockage?). If the main is functioning normally, and the house is experiencing problems, it's up to the property owner to hire a licensed contractor to find and fix it. We require a repair permit (and road cut permit) and perform inspections but waive the permit fees for emergency repairs.

— Jeffry Ceasrine, P.E., town engineer, Narragansett, R.I.

The county of San Luis Obispo department of public works has several county service areas that provide wastewater service. Our district rules and regulations always require the property owner to assume the responsibility for the entire sewer lateral from the home to the point of connection with the sewer collector in the ROW. Any repairs to the lateral that are done in the ROW have to be contracted for and paid for by the property owner. In addition, we require that they get an encroachment permit from our department for doing work in the street. Plus, they must file an underground service alert ticket prior to conducting any excavations. We find that by having the property owner responsible for the lateral, we eliminate the potential for disputes over whose fault it is that the line broke or was clogged. It also fits with our department's policy of not conducting work on private property, which we see as having a real potential for liability if we were to take that on.

— Douglas C. Bird, hydraulic operations administrator, utilities security coordinator, County of San Luis Obispo

I would think that it is most common for the owners to be responsible for the laterals to their connection into the ROW. Plumbers need to be bonded and licensed to do the private repair work in the ROW, along with appropriate permits. On an aside, I believe a good argument could be made for the city/district/commission/utility to find a way to be responsible for the maintenance, or to at least ensure the lateral is in good condition. As sewer systems are tightened up to preclude inflow and infiltration, it becomes more apparent the contribution to this problem from private service lines. We all need a means to address that source.

One way to finance the maintenance of the lateral is similar to the "line maintenance" fee our telephone companies charge us. For a $1 per month (or some appropriate fee) on the sewer bill, the utility will assume maintenance of the lateral. This source of funding would be used to contract with plumbers as problems occur on the private lines. Alternatively, the utility could use its own dedicated crews for this work. Another approach would be to require a TV/smoke test of a lateral when the house/building comes up for sale. Necessary repairs would be required before a certificate of occupancy could be issued. The costs for the inspection, and necessary repairs, would then be amortized in the mortgage.

— John C. Barr, special project analyst, Little Rock (Ark.) public works department
ATTACHMENT E

CITY OF SACO, MAINE

MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT
DEVELOPMENT PROGRAM

INCON
(Intelligent Controls, Inc.)

DATED: May 9, 2007

ARTICLE I
DEVELOPMENT PROGRAM NARRATIVE

Section 1.01. Intelligent Controls Inc.; The TIF Improvements.
The Maine Legislature established tax increment financing as an economic development tool to be used by municipalities to: (a) provide new employment opportunities; (b) improve and broaden its tax base; and (c) improve the general economy of the state. The Legislature recognizes that the State and its municipalities benefit from a municipality’s economic development partnership with a local business to promote responsible new development that (a) enhances local efforts for economic, industrial or commercial development; and (b) retains and expands the local tax base and employment opportunities. The City of Saco now has the opportunity to enter into such an undertaking with Intelligent Controls, Inc.

The City proposes a 6.86 acre tax increment financing district on Spring Hill Road in Saco, Maine (the “District” or the “TIF District” as more particularly described in Exhibit A hereto) to accommodate an industrial building by Intelligent Controls Inc (the “Company”). The Company is a unit of Franklin Fuels, which is a division of Franklin Electric Co. Inc., a Bluffton, Indiana, based industrial firm. The Company plans to invest in excess of $3,000,000 to build a 32,000 square foot industrial building in the Spring Hill Section of the Saco Industrial Park. The building will be expandable to 50,000 sq. ft.

In addition to the Company’s improvements contemplated within the District, the City plans additional economic development uses of a portion of the TIF revenues, as outlined herein.

Section 1.02. Statement of Means and Objectives.
The District’s means and objectives are to provide financing assistance to the Company to promote completion of an industrial building which will provide high quality employment and increase the local tax base, and to provide financing for public improvements that are directly related to or are made necessary by the establishment of the District and for other costs of economic development in the City.

Section 1.03. Public Improvements.
The City is planning to use a portion of the TIF revenues toward the installation of two traffic lights near to the District and for ramp improvements that are directly related to and necessary to accommodate traffic anticipated from the District. The traffic lights at the intersection of Spring Hill Road and Route 1 and at the nearby Interstate ramps were required (when traffic level milestones are met) as part of the Maine Department of Transportation’s traffic permits for expansion of the City’s industrial parks. In addition the City’s portion of the TIF will be used: (a) to support of city economic development projects approved by the City Council including land and building acquisition and construction of business parks, construction and financing of buildings for business attraction purposes, capitalization of economic development loan funds, and (b) to fund costs of marketing of the city’s
industrial parks and other economic development projects, and other eligible “Project Costs” as described in the TIF law.

**Section 1.04. Uses of Private Property.**
The District is located at 34 Spring Hill Road, Map 59, Lot 27, which contains 6.86 acres. A map of the District is attached as Exhibit A hereto.

**Section 1.05. Relocation of Displaced Persons.**
Not applicable.

**Section 1.06. Proposed Regulations and Facilities to Improve Transportation.**
The project is located in a fully permitted industrial park. Two traffic lights, ramping and associated minor modifications to striping at the intersection are additional transportation improvements which will be funded from the TIF.

**Section 1.07. Environmental Controls.**
The improvements contemplated by this Development Program will comply with all federal, state and local environmental and land development laws, rules, regulations, and ordinances.

**Section 1.08. Plan of Operation Upon Completion.**
The City and the Company will enter into a credit enhancement agreement which will assist the Company in developing its industrial building. During the life of the District, the City Administrator or his designee will be responsible for all administrative matters required of the City concerning the implementation and operation of the District. The City shall not be responsible for construction, operation or implementation of the Company’s project.

**ARTICLE II**

**FINANCIAL PLAN**

**Section 2.01. General Characteristics.**
Attached as Exhibit E is a certification of original assessed value executed by the Assessor of the City of Saco in accordance with the requirements of 30-A M.R.S.A. §5227(2), certifying that the original assessed value of the land, building and equipment in the District as of April 1, 2006 (March 31, 2007) was $167,500 (the “Original Assessed Value”). One hundred percent (100%) of the increase in the District’s assessed value from all real property within the District over the Original Assessed Value shall be retained in the District as captured assessed value (the “captured assessed value”) for ten (10) years.

Forty-five percent of the TIF revenues generated by the captured assessed value in the District will be paid to the Company to assist in its project costs. Such payments will be paid under a credit enhancement agreement to be entered into by the City and the Company. The remainder of the increase in value (55%) shall be used for public improvements and other economic development uses outlined herein.

This Development Program requires the establishment of a Development Program Fund consisting of an Intelligent Controls Inc. TIF Account and a City TIF Account. Pursuant to the Credit Enhancement Agreement to be entered into by the City and the Company, the City will deposit TIF revenues allocable to the Intelligent Controls Inc. project to the Intelligent Controls Inc. TIF Account. The City will deposit the City’s TIF revenues in the City’s TIF account to be used for public improvements and other permissible uses in the development program outlined herein. Public improvement and economic development costs designated as projects costs and to be funded from the City’s share of the TIF will be determined by the City.

**Section 2.02. Cost Estimates for Development Program.**
Estimated costs of the Company project are $3,000,000, and estimated costs of the public improvements and other uses of the City share of the Tax Increment are $570,000. A more detailed estimate of these costs is included in Exhibit B.
Section 2.03. Indebtedness.
None of the costs of the Company project will be financed through issuance of any municipal indebtedness.

Section 2.04. Sources of Anticipated Revenues.
Pursuant to the credit enhancement agreement to be developed, TIF revenues allocated to the Company project will be used and applied by the Company to pay costs of the Company project directly, to reimburse the Company for the payment of such costs or to pay debt service on any loans entered into by the Company to finance the Company project.

Exhibit C reflects: (i) the estimated increase in assessed value per year following implementation of the Development Program; (ii) the total tax increment generated by the increase in value; (iii) the percentage of increased assessed value/captured assessed value and tax increment retained by the City in the District; and (iv) the estimated allocation of TIF revenues following implementation of the Development Program.

Section 2.05. Financial and Statistical Data.
Exhibit D lists financial and statistical information relating to the District required as a prerequisite to designation of the District by the City and approval by the Maine Department of Economic and Community Development (“DECD”).

Section 2.06. Estimated Impact of Financing Upon Taxing Jurisdiction.
The table set forth below identifies estimated tax shifts projected to result from the establishment of the District, using formulas reviewed by DECD. A more detailed schedule of the tax shifts is included as part of Exhibit C.

<table>
<thead>
<tr>
<th>TAX SHIFTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Shift Item</td>
</tr>
<tr>
<td>State Aid to Education</td>
</tr>
<tr>
<td>Municipal Revenue Sharing</td>
</tr>
<tr>
<td>County Tax</td>
</tr>
<tr>
<td>Total all Tax Shifts:</td>
</tr>
</tbody>
</table>

Exhibit F is a summary of the methodology utilized in calculating tax shifts.

Section 2.07. Duration of Development Program.
The Development Program shall continue in effect for ten (10) years following approval by DECD commencing with the City’s 2008-2009 fiscal year and continuing through the City’s 2018-2019 fiscal year. During the term of the Development Program, the City will retain 100% of the increased assessed value as captured assessed value for 10 years and allocate those revenues to this development program.

ARTICLE III

PHYSICAL DESCRIPTION

Section 3.01. Description of District.
The District consists of approximately 6.86 acres at 34 Spring Hill Road, Saco, Maine and described on Tax Map 59, Lot 27. A map of the District is attached as Exhibit A hereto.

ARTICLE IV

MUNICIPAL APPROVALS

Section 4.01. Public Hearing.
Exhibit G is a copy of the Public Notice of the hearing held in accordance with the requirements of 30-A M.R.S.A. §5226. The Notice was published in the Journal Tribune, a newspaper of general circulation in Saco, on or before May 9, 2007, a date at least ten (10) days before the public hearing. A public hearing was held by the City at a City Council Meeting on May 21, 2007.
Section 4.02. Authorizing Votes.
At the City Council Meeting held May 21, 2007, the City Council designated the District and adopted this Development Program. A certified copy of the minutes of the meeting reflecting the designation of the District and adoption of this Development Program at such City Council meeting is attached as Exhibit H. Following such approval, the designation of the District and adoption of the Development Program is final subject only to approval by DECD and the approval by the City of a credit enhancement agreement.

ARTICLE V
VALUATION ISSUES

Section 5.01. Adjustment to Assessed Valuation.
There are certain assumptions regarding valuation and depreciation of assets, which underlie the analysis set forth in the Development Program. The City and the Company each covenant and agree that the assumptions, analysis and results set forth in the Development Program shall in no way prejudice the rights of any party or be used, in any way, by any party in either presenting evidence or making argument in any dispute which may arise in connection with valuation of the property within the District.

CITY OF SACO, MAINE
MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM
(INTELLIGENT CONTROLS, INC.)

EXHIBIT A

PROJECT MAP
## CITY OF SACO, MAINE
MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM
(INTELLIGENT CONTROLS, INC.)
EXHIBIT B

<table>
<thead>
<tr>
<th>Activity</th>
<th>Municipal TIF Proceeds Allocable to Intelligent Controls Inc.</th>
<th>Private Funds (Loans and Equity)</th>
<th>Other (Specify)</th>
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<td>11. Administrative Costs</td>
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### Estimated Development Costs (City Share of the Tax Increment)

- Traffic lights and ramp improvements: $100,000
- Economic Development Department Marketing: $70,000
- Other Economic Development Support such as land acquisition for industrial sites, and economic development loan funds: $400,000

**TOTAL:** $570,000
### COUNTY TAX SHIFT

<table>
<thead>
<tr>
<th>Year</th>
<th>County Tax History</th>
<th>Total County Tax</th>
<th>Pct Change</th>
<th>Year</th>
<th>County Tax (w/out CAV)</th>
<th>Projected CAV (w/ CAV)</th>
<th>City Share of County Tax (w/ CAV)</th>
<th>City Share of County Tax (w/ CAV)</th>
<th>County Tax Shift</th>
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<td>2002</td>
<td>$11,489,484</td>
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<td>2003</td>
<td>$11,130,027</td>
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Average annual change in county tax over last five years: 2.286811%

<table>
<thead>
<tr>
<th>Year</th>
<th>County Tax History</th>
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<th>Pct Change</th>
<th>Year</th>
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<th>Projected CAV (w/ CAV)</th>
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<th>City Share of County Tax (w/ CAV)</th>
<th>County Tax Shift</th>
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<td>2007</td>
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</table>

Average annual change in county tax over last five years: 2.286811%

State Val'n County: $28,845,750,000
State Val'n City: $1,987,550,000
City as % of Cty: 6.89%
## Exhibit C (continued)
### Tax Shift Estimates

<table>
<thead>
<tr>
<th>TIF Year</th>
<th>Total</th>
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### Education Tax Shift

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Education Rate $7.60
### REVENUE SHARING SHIFT

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#### Distribution Percentage:

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<th>Number (Computed No.)</th>
<th>(Computed No.)</th>
<th>Percent Change</th>
<th>(Adj. Comp. No. / Adj. Tot. Agg. No.)</th>
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### COUNTY TAX SHIFT

#### County Tax History

<table>
<thead>
<tr>
<th>County Tax History</th>
<th>Total County Tax</th>
<th>Pct Change</th>
<th>Year</th>
<th>County Tax (w/out CAV)</th>
<th>CAV (w/ CAV)</th>
<th>Projected County Tax</th>
<th>City Share of County Tax</th>
<th>County Tax Shift</th>
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</thead>
<tbody>
<tr>
<td>Year</td>
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<td>Base</td>
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<td>n/a</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>2002</td>
<td>$11,489,484</td>
<td></td>
<td>1</td>
<td>$13,095,983</td>
<td>$902,349</td>
<td>$2,800,000</td>
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<td>$924,194</td>
<td>$1,211</td>
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<td>$1,238</td>
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Average annual change in county tax over last five years:

- **2.286811%**

<table>
<thead>
<tr>
<th>Year</th>
<th>County Tax</th>
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<td>$14,998,780</td>
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</tr>
</tbody>
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State Val’n County: $28,845,750,000
State Val’n City: $1,987,550,000
City as % of City: 6.89%
CITY OF SACO, MAINE
MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM
(INTELLIGENT CONTROLS, INC.)

EXHIBIT D

1. Total acreage of municipality: 24,640 acres
2. Total acreage of proposed municipal tax increment financing district 6.86 acres
3. Percentage of total acreage in proposed municipal tax increment financing district: (Line 2 divided by Line 1 cannot exceed 2%) .02%
4. Total acreage of all existing and proposed municipal tax increment financing districts in the municipality:
   Existing: 234.37 acres
   Intelligent Controls Proposed: 6.86 acres
   Park North Proposed: 323.48 acres
   Total: 455.41 acres
5. Percentage of total acreage in all existing and proposed municipal tax increment financing districts: (Line 4 divided by Line 1 cannot exceed 5%) 1.8%
6. Total acreage of all real property in the proposed tax increment financing district that is:
   (a) Blighted: 0 acres
   Line 6.a divided by Line 2:
   (b) In need of rehabilitation or conversion: 0 acres
   Line 6.b divided by Line 2:
   (c) Suitable for industrial and commercial uses: 6.86 acres
   Line 6.c divided by Line 2:
   The percentage resulting from either 6.a, 6.b or 6.c must be equal or exceed 25% 100%
7. Total value of taxable property in the City as of April 1, 2007 $1,987,800,000¹
8. Aggregate total of original assessed value in all existing and proposed tax increment financing districts in Saco
   Existing: $20,166,700
   Proposed Park North $ 5,516,400
   Proposed Intelligent Controls:$ 167,500
   Total: $25,850,600
9. Percentage of total value of taxable property represented by aggregate total of original assessed value in all existing and proposed tax increment financing districts (i.e., paragraph (8) divided by paragraph (7) expressed as a percentage) 1.3%
10. Aggregate original principal amount of municipal indebtedness financed by the proceeds from existing tax increment financing districts within York County does not exceed $50,000,000.

CITY OF SACO, MAINE
MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM
(INTELLIGENT CONTROLS, INC.)

EXHIBIT E

CERTIFICATE OF

¹ Current estimate. To be updated when finalized by the City Assessor.
ASSESSOR  
CITY OF SACO, MAINE  

The undersigned Assessor for the City of Saco, Maine, does hereby certify pursuant to the provisions of 30-A M.R.S.A. §5227(2) that the assessed value of the City of Saco Municipal Development Tax Increment Financing District (Intelligent Controls Inc.), constituting Tax Map 59, Lot 27, as described in the Development Program to which this Certificate is attached, was $167,500 as of April 1, 2006 (March 31, 2007).

IN WITNESS WHEREOF, this Certificate has been executed as of the tenth day of May, 2007.

CITY OF SACO  
____________________________________  
City Assessor

CITY OF SACO, MAINE  
MUNICIPAL DEVELOPMENT AND  
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM  
(INTELLIGENT CONTROLS, INC.)

EXHIBIT F  
TAX INCREMENT FINANCING  
TAX SHIFT FORMULAS

One element which must be included in any application for designation as a tax increment financing district is the calculation of tax shifts which result from the creation of the district. These tax shifts are noted in three basic formulae that use local property tax valuation as a basis for calculation. These three formulas relate to:

• State Aid to Education  
• Municipal Revenue Sharing  
• Municipal Share of County Taxes

The following is the process used to derive each of these tax shifts.

**State Aid to Education Tax Shift.** Adjust the current state education subsidy formula to account for the annual captured assessed value in the District. The education subsidy formula is the projected state aid to education over the life of the District using the current mil rate for local share contribution under the State’s EPS funding program. The result will be an estimated annual Education Tax Shift for the proposed district.

**Municipal Revenue Sharing Shifts.** To determine the Municipal Revenue Sharing Tax Shifts, get the following information from the State Treasurer’s office:

1. Projected Total Municipal Revenue Share for the current fiscal year;  
2. Saco’s “current factor”;  
3. Saco’s “computed number,” and the three figures used to calculate the current computed number:  
   Saco population, local assessment, and Saco’s Equalized State Valuation;

From there, you must go through five simple steps outlined in the following formula:

---

3 Get these numbers from the State Treasurer’s office, not from other sources, including the Town. The Municipal Revenue Sharing calculation is based on some prior year numbers that may be outdated at the time the tax shift calculation is done. Note also, the State Treasurer drops the last three figures from the State Local Valuation.
STEP ONE
Get the State Aggregate Computed Number, Saco’s current computed number and Saco’s current projected revenue sharing amount

STEP TWO
Calculate Saco’s Adjusted Computed Number for each year during the term of the District:

\[
\text{Saco Population x Local Assessment} \over \text{Saco Equalized State Valuation + CAV for the Year}
\]

STEP THREE
Calculate the State’s Adjusted Aggregate Computed Number for each year during the term of the District:

\[
\text{Aggregate Computed Number} - \text{Saco’s Computed Number} + \text{Saco’s Adjusted Computed Number}
\]

STEP FOUR
Calculate the Saco’s Adjusted Current Factor for each year during the term of the District:

\[
\text{(Saco’s Adjusted Computed Number, State’s Adjusted Aggregate Computed Number)}
\]

STEP FIVE
Calculate Saco’s projected Adjusted Revenue Sharing amounts:

\[
\text{Projected Total Municipal Revenue Sharing Pool x Saco’s Adjusted Current Factor}
\]

STEP SIX
The difference between Step 5 and Saco’s current project revenue sharing amount Step 1 = Municipal Revenue Sharing Shift for that year - Repeat for each year’s Projected Annual CAV

County Tax Shift. First obtain the most recent State Equalized Valuation of the County and the City from the Secretary of State’s office and the County. Calculate the following two percentages for each year during the term of the District. First, divide the current City’s State Equalized Valuation plus the Captured Assessed Value for a given year by the current State Equalized Valuation for the County, plus the Captured Assessed Value for that year. This gives the City’s County tax percentage without sheltering the project. Second, divide the current City State Equalized Valuation by the current State Equalized Valuation of the County. This gives the City’s county tax percentage if the project is sheltered.

Next, determine the estimated average annual County tax over the life of the District. To arrive at this number, get the County tax for the County for the last five years. Determine the average change in County tax for the last five years, and then project it over the term of the District. Multiply this projected tax by each of the two percentages developed above. The difference will be the annual County Tax Shift.

CITY OF SACO, MAINE
MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM
(INTELLIGENT CONTROLS, INC.)

EXHIBIT G

PUBLIC NOTICE

The Saco City Council will hold a public hearing on at 7 p.m., on Monday, May 21, 2007, at the City Council Chambers, Saco City Hall, 300 Main Street. The Council will receive public comments on the designation of the
proposed City of Saco Municipal Development and Tax Increment Financing District (Incon Inc.) and the adoption of a development program for the District, pursuant to the provisions of Chapter 206 of Title 30-A MRSA.

The proposed District will be located at 34 Spring Hill Road on the lot designated as Tax Map 59, Lot 27. A copy of the proposed development program for the district is on file with the City Clerk and may be reviewed during normal business hours. Interested residents are invited to attend the hearing and to be heard at that time.

CITY OF SACO, MAINE
MUNICIPAL DEVELOPMENT AND
TAX INCREMENT FINANCING DISTRICT DEVELOPMENT PROGRAM
(INTelligent CONTROLS, INC.)

EXHIBIT H

TIF Vote

WHEREAS, the City of Saco (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as the City of Saco Municipal Development and Tax Increment Financing District – Incon (Intelligent Controls Inc.) (the “District”) and to adopt a development program for the District (the “Development Program”); and

WHEREAS, there is a need for development in the City of Saco; and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the City of Saco and the surrounding region; to improve and broaden the tax base of the City of Saco; and to improve the general economy of the City of Saco, the surrounding region and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide continued employment for the citizens of the City of Saco and the surrounding region; improve and broaden the tax base in the City of Saco and improve the economy of the City of Saco and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial development in the City through the establishment of the District in accordance with the provisions of Chapter 206 of Title 30-A; and

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

WHEREAS, the City desires to designate the Municipal Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District;

NOW, THEREFORE, BE IT HEREBY VOTED BY THE SACO CITY COUNCIL:
Section 1. The City hereby finds and determines that: At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial sites as defined in 30-A M.R.S.A. §5223(3); and

(f) The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

(g) The aggregate original assessed value of the District as of April 1, 2006 plus the original assessed value of all other existing tax increment financing districts in the City does not exceed five percent (5%) of the total value of taxable property within the City as of April 1, 2006; and

(h) The aggregate value of indebtedness financed by the proceeds from tax increment financing district within York County, including the proposed District, does not exceed $50 million; and

(i) The District is designated and the Development Program is adopted by the City in order to induce the Company to complete the project described in the Development Program in the City (the “Project”) by enabling the City to contribute toward the capital cost of project described in the Development Program in an amount not to exceed the costs (including debt service costs) of the project; and

(j) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore the Project constitutes a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates a Municipal Development and Tax Increment Financing District for the benefit of Intelligent Controls Inc. and to promote completion of the Project, designated and described as more particularly set forth in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

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

Section 4. The City Administrator be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by DECD, after the approval of a credit enhancement agreement by the City.

Section 6. The City Administrator be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District as the City Administrator deems reasonably necessary or convenient, including revisions to the scope or description of the Public Improvements to be financed with a portion of tax increment revenues generated by the District, in order to facilitate the process for review and approval of the District by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program.

Section 7. The City Administrator be and hereby is authorized and directed to enter into the credit enhancement agreement contemplated by the Development Program, and in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the said City Administrator may approve, his approval to be conclusively evidenced by his execution thereof.

Section 8. This Order shall take effect immediately upon adoption.
Approved May 21, 2007, by the City Council of the City of Saco, at a meeting duly convened and conducted at Saco, Maine.

City of Saco, Maine
Tax Increment Financing Guidelines
Adopted by the City Council, 6/16/97 (Readopted w/out amendment 8/1/05)

I. Introduction
Tax Increment Financing is one of the few techniques authorized under state law to promote economic development by cities and towns. TIF’s should be used for projects which would not occur otherwise, which provide good, new jobs, which make substantial increases in the City's tax base, and which are in keeping with the quality and types of development sought by the City, as outlined in the Zoning Ordinance, the Comprehensive Plan and in other city policies developed by the City Council. Because of the potential of TIF agreements to defer potential gains in general fund revenues, they should be entered into cautiously by the City. The purpose of these guidelines is to outline standards that will be used by the City Staff, the Economic Development Commission and the City Council with respect to the City's involvement in TIF agreements.

Notwithstanding these guidelines, the creation of a TIF District is a policy decision of the Saco City Council made on a case by case basis. The Council may override these guidelines if it determines that a project merits such treatment. A TIF is not a right under Maine law and these guidelines do not create a right or entitlement for any application, nor should they be interpreted to encourage any application.

II. Eligibility
1. Uses Applicants are limited to manufacturing, assembly operations, warehousing and distribution, research and development, and major office, major tourism facilities such as major hotels, major amusement parks, and major urban redevelopment projects. Retail uses are generally ineligible except in major mixed use redevelopment project and in extraordinary circumstances approved by the City Council.
2. Jobs Applicant shall create at least 15 new full time jobs meeting the guidelines herein within three years of TIF approval.
3. Investment Proposed investment (new taxable value) must achieve at least $750,000 within three years of the approval of the TIF.
4. Quality of Employment
   a. Wages The average hourly wage for new jobs to be created or relocated must be at a rate at least 50 percent greater than the federal minimum wage anticipated during the first three years of the agreement.
   b. Benefits A competitive benefits package, including as many as possible of the following: paid holidays, vacations and sick leave, and employee health benefits with a substantial employer contribution.
5. Environmental Standards The applicant shall ensure that high environmental standards are met and that all state, federal and local environmental standards are met.

III. Basic Provisions
1. Enhancement Agreements - Tax Increment Financing Districts are generally approved only for credit enhancement agreements.
2. Documentation - The applicant is required to submit all report and documentation so that the City and the City determine if the standards herein are met and to protect the City's financial interests.
3. Terms - The specific terms of each TIF agreement are negotiated between the City and the applicant, but in no case shall the tax recapture for the applicant exceed the limits prescribed below:
   
<table>
<thead>
<tr>
<th>Term of TIF</th>
<th>Maximum Recapture to Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 5 years</td>
<td>50 percent</td>
</tr>
<tr>
<td>6 - 10 years</td>
<td>40 percent</td>
</tr>
</tbody>
</table>

   Agreements may be structured so that additional recaptured amounts and amounts recaptured for longer periods are used by the City for purposes permitted by Maine law, not for the applicant.
4. **Costs and Fees** - All applicants shall pay for the City's legal fees and any other out-of-pocket costs associated with the development and approval of a TIF agreement, regardless of whether it is approved. TIF agreements shall provide for a 1 percent annual administrative fee to be deducted from the tax recapture forwarded to the applicant during the life of the agreement.

5. **Performance Reporting** - The TIF agreement shall provide for the applicant to submit reports and documentation in a form satisfactory to the City supporting any costs to be reimbursed by the TIF and in order to assess the applicant's performance with regard to compliance standards outlined in "Eligibility" above, including investment, jobs, wages, benefits, and environmental standards.

6. **Suspension and Recapture of Benefits** - The TIF agreements shall contain provisions for the suspension, termination and/or recapture of benefits to the applicant if the applicant does not meet compliance standards outlined in "Eligibility" above, including investment, jobs, wages, benefits, and environmental standards. The agreements shall also provide for the termination and/or recapture of benefits to the applicant if the applicant relocates all or a substantial portion, to be determined at the time of agreement, of the Saco operation outside the City during the term of the agreement or within five years after its end.

IV. **Guidelines For All Applicants**

In all instances, applicants requesting tax increment financing must demonstrate:

1. The City's participation is economically necessary and involvement by the City is needed in order for the project to be undertaken. Justification for economic need and City involvement must be demonstrated by:
   a. A need to offset infrastructure costs unique to the site; or
   b. A need to offset economic advantages available to the corporate entity if it should build (or expand) outside of Saco; or
   c. The unavailability of sufficient private or other public funding sources to meet the full capital investment needs of the corporate entity seeking assistance.

2. The project creates significant new tax value equal to or greater than $750,000 and creates at least 15 new full time jobs meeting the standards of these guidelines.

3. Financial capacity to undertake the project must be demonstrated by means such as commitment letters. If commitments await approval, a letter of "intent to fund" from a reputable bank or other financial entity not associated with the project indicating the uses and amounts of funds. The most recent audit of the company shall be provided. If self-financing is planned, evidence of the availability of funds, such as bank statements, shall be submitted.

4. Compliance with all statutory and regulatory guidelines of the City and state.

V. **Guidelines to Determine Level of City Participation.**

Although an applicant need not meet each of the following criteria, they will be used to determine the level of participation by the City:

1. The project assists an established business in the City of Saco, thus assisting in expanding and retaining existing employment;

2. The project creates significant long-term, permanent employment;

3. The project improves a blighted area or building in need of redevelopment or rehabilitated, or an area identified as a priority by the City of Saco;

4. The project creates public infrastructure facilities which have application beyond the particular development such as traffic upgrades, sewer upgrades, public parking facilities, etc;

5. The project broadens the tax base of the City.

VI. **Standard Operating Procedures**

The City's Director of Economic Planning and Development Programs will coordinate all City activity regarding tax increment financing proposals, by providing information on tax increment financing; discussing project proposals and accepting preliminary applications from applicants; reviewing preliminary applications based on policy guidelines with city staff, attorneys and Bond Counsel; coordinating consideration by the Economic Development Commission, and, if approved by the City Council, submitting application to the State.
CODE AMENDMENT TO CHAPTER 69-9, BICYCLES, SKATEBOARDS AND ROLLER SKATES

April 2, 2007

(Please note that language to be deleted is represented by strikethrough, while new language is underlined).


The following penalties shall apply for a violation of this article:

A. Persons over 17 years. Adults. If a person is over 17 years of age an adult, he/she may be issued a citation for court by the officer. The amount of the fine will be left to the discretion of the court. His/her bicycle or skateboard should also be impounded if continued operation would result in violation.

B. Persons under 17 years. Minors. If the person is under 17 years of age a minor, the bicycle or skateboard shall may be impounded for five days (first offense), 10 days (second offense) or 30 days (any other offense). Any person charged with a violation of this article may request a hearing with the Chief of Police, or in his or her absence, the Deputy Chief Department Juvenile officer. Such hearing will be on the next working day.

C. Inspection prior to release. The Chief of Police will require all bicycles to be inspected before their release and proper action taken.

D. Safety classes. The Chief of Police may require any person who commits any bicycle or skateboard offense, whether it be of this city, county or state, to attend a special class of bicycle or skateboard safety.

E. Repeat offenders. If a fourth offense and every offense thereafter occur, in addition to impounding the bicycle or skateboard, a fee shall be established by the City Council after a public hearing to release the bicycle or skateboard. Editor's Note: Copies of the current fee schedule are on file in the office of the City Clerk. If the fee is not paid within three months, the bicycle or skateboard will become property of the Saco Police Department and can be disposed of with the rest of the bicycles or skateboards that are unclaimed.