STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the November 5, 2007 Council Meeting.

I. CALL TO ORDER – On Monday November 5, 2007, at 7:02 p.m. a Council Meeting was held in the City Hall Auditorium.

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

Peter Morelli, Acting City Administrator and Lucette S. Pellerin, City Clerk were also in attendance this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES:

Minutes were not presented this evening.

V. AGENDA ITEMS:

A. Report on Island Point Development

Mr. Robert A. Martin gave a brief presentation regarding Island Point Development. The 100 million dollar project has begun and should prove to be an economic windfall for the community.

B. Presentation on River Walk Project

This item was not presented this evening.

C. (Public Hearing) Zoning Ordinance Amendment – Historic Preservation

The Council is considering about 30 amendments to the historic preservation section of the zoning ordinance, most of which are housekeeping amendments.

The Historic Preservation Commission discussed the amendments at the September 12, 2007 Workshop and held a hearing on September 26, 2007, at which time the Commission recommended the amendments. On October 2, 2007, the Planning Board held a hearing on the amendments and forwards a positive recommendation to Council.

While few of the amendments are substantive, an extensive revision to the demolition provision of the ordinance is included. The current ordinance includes an incomprehensible, unenforceable forced “offer of sale” provision and other cumbersome provisions. The revision includes a less stringent delay procedure. The amendments add explicit language for a variance in section 902-1.

There being no comments from the public Councilor Jacques moved, Councilor Smith seconded, to close the Public Hearing on the document titled, ‘Zoning Ordinance Amendments Historic Preservation §413 and §902 Variances, dated October 22, 2007’, and Be it Ordered that the City Council set the Second and Final Reading for November 19, 2007. Further move to approve the Order. The motion passed with seven (7) yeas.

Councilor Cote requested that the matter be sent back to Workshop for discussion.

Zoning Ordinance Amendments
Historic Preservation §413 and §902 Variances
Dated October 22, 2007

(Underline represents language to be added, while strikethrough represents language to be deleted)

Section 413. Historic Preservation

413-1. PURPOSE AND INTENT

The purpose of this Section is to provide a legal framework within which the residents of the City of Saco can protect the historic, architectural and cultural heritage of historically significant areas, landmarks and sites in the community while accepting compatible new construction. The heritage and economic well-being of the city will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the City of Saco. The intent of this ordinance is to in every way possible assist property owners to maintain the architectural integrity of the district.

Once destroyed, architectural history cannot be replaced. To prevent such losses, the intent of this Section is to:
1) Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.

2) Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.

3) Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.

4) Accept new buildings and structures in designated districts, which are designed and built in a manner which is compatible with the character of the district.

5) Promote the educational, cultural, economic and general welfare of the people of the City. (Amended 3/2/87; 3/7/94; 8/22/94; 1/17/95)

413-2. DEFINITIONS

As used in this section, the following terms have the following meanings, unless the context indicates otherwise:

**Altered:** The word altered includes "rebuilt", "reconstructed", "rehabilitated", "restored", "removed", and "demolished".

**Appropriate:** Shall refer to those changes in historic properties, landmarks, buildings, structures or sites within historic overlay zones, or sites or landmarks, which are not incongruous with what is historically and architecturally significant as determined by the Commission.

**Building:** A combination of materials forming a shelter that may be used for persons, animals, or property.

**Certificate of Appropriateness:** The permit indicating compliance with Section 413, the historic preservation section of the Saco Zoning Ordinance.

**Commission:** The commission acting as the Historic Preservation Commission established in 413-3.
**Conflict of interest:** Shall be construed to mean direct or indirect pecuniary benefit to any person, including regular and associate members of the Commission or member of the person's immediate family (i.e., related by blood or marriage) or to his employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the interests of those for whom the law authorized and required him to act.

**Constructed:** The word constructed includes the words "built", "erected", "enlarged", "installed", and "moved".

**Contributing structure:** A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

**Demolition:** The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

**District:** See "Historic District".

**Erected:** The word erected includes the words "built", "constructed", "reconstructed", "rehabilitated", "restored", "enlarged", and "moved".

**Exterior architectural feature:** The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to:

1) the kind, roof, type, and texture of the building materials;

2) the type and style of all windows, doors, lights, dormers, roofs, gable cornices, porches, decorative trim, etc.;

3) the location and treatment of any vehicle access or parking space;

4) the design of any sign; and

5) the arrangement of any fencing.

**Historic (adj.):** Important in or contributing to history.
**Historic district:** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or by physical development and designated in accordance with the requirements of this Section as appropriate for historic preservation. Such historic districts may also comprise an individual Historic Landmark or Historic Site separated geographically, but linked by association or history.

**Historic landmark:** Any improvement, building or structures of particular historic or architectural significance to the City relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Section.

**Historic site:** Any parcel of land of special significance in the history of the City of Saco, and its inhabitants, or upon which a historic event has occurred, including prehistoric and archeological sites, and which has been designated as such in accordance with this Section. The term "historic site" shall also include any improved parcel, or part thereof, used as and constituting part of the premises on which an historic landmark is situated as may be designated in accordance with this Section.

**Historic significance:** A building, structure or site possesses historic significance if it embodies one or more of the six qualities outlined in Section 413-4. Any building classified as non-contributing is not considered to possess historical significance.

**History (noun):** A record of events, as of life or development of a people, country, institution, etc.

**Historic district(s):** The district(s) established in 413-5 or amended in accordance with the procedures detailed in 413-6 and having one or more of the qualifications outlined in 413-6.

**Materials and texture:** The exterior surface material of a building or structure, including but not limited to, brick, stone, wood or slate.
**Person:** The word person includes an individual, a corporate or unincorporated organization or association, and the City of Saco.

**Site:** See Historic Site

**Structure:** Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but not including sidewalks, fences, driveways, parking lots and non-commercial swimming pools (whether above-ground or in-ground).

**Rhythm:** Characterized by the regular recurrence of strong and weak elements.

**Total floor space:** All the floor space in the building.

*(Amended 3/2/87)*

413-3. HISTORIC PRESERVATION COMMISSION

1) **APPOINTMENT**

Members of the Historic Preservation Commission shall be appointed by the Mayor and approved by the City Council.

2) **QUALIFICATIONS**

The Commission shall consist of five (5) regular members, and five (5) associate members. All members shall be residents of the City of Saco. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in the City of Saco within the meaning of Section 1 of this Ordinance. To the extent available, the members shall have architectural design skills or other skills related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction, and should include a member of the Saco Historic Society. Regular and associate members shall serve without compensation.
3) REGULAR MEMBERS

The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Commission Members shall be appointed for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Mayor shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed.

4a) ASSOCIATE MEMBERS

Membership should include a resident of each the historic district. Associate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: One for one (1) year, two for two (2) years, and two for three (3) years from the date of their appointment. Thereafter, said Associate members shall be appointed for terms of three (3) years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if the Chairman appoints an associate to act in place of the regular member who is absent, has resigned, or has been disqualified because of conflict of interest. Associate members may be reappointed.

4b) ADVISORY MEMBERS

In addition to the regular and associate members of the Commission, the City Council may appoint other persons, not necessarily residents of the City of Saco, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.

5) REMOVAL

Any regular or associate member may be removed for cause by the City Council upon written charges after a public hearing.
6) **OFFICERS AND QUORUM**

Such commission shall elect annually a chairperson, and vice chairperson, and secretary from its own membership, the regular members. Four members shall constitute a quorum for the transaction of business before said Commission, but if less than quorum, the meeting shall be adjourned. The secretary planning office shall maintain a permanent record of the activities of the Commission, including but not limited to, such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of Commission Members, attendance records, appointments to the Commission, correspondence and minutes of all meetings. This duty may be delegated to the City Planning Department, which The City Planner shall be the authorized agent of the Historic Preservation Commission, to whom the Commission may delegate any duties.

7) **PROCEDURE**

Said The Commission for its purposes shall may adopt and may amend rules of procedure.

8) **MEETINGS**

All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. Public notice shall be provided prior to any special meetings of the Commission.

9) **DUTIES**

The duties of the Commission, at a minimum, shall be to:

a) Advise, and inform City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.

b) Advise and inform owners in complying with the requirements of this Section.
c) Make recommendations for establishing historic districts, historic sites, or historic landmarks.

d) Review all proposed additions, reconstruction, alterations, construction, removal, or demolition of properties designated under the jurisdiction of Section 413 of the Saco Zoning Ordinance.

e) Review all proposed National Register nominations in for properties within the jurisdiction of the Historic Preservation Commission of Saco.

f) Serve an advisory role to city officials regarding local historical and cultural resources, and act as a liaison between local government and those persons and organizations concerned with historic preservation.

g) Conduct or cause to be conducted a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.

h) Work to provide continuing education on historic preservation issues to local citizens.

i) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this Section.

j) Cooperate with federal, state and city officials in the pursuance of the objectives of historic preservation.

k) Participate in land use planning efforts of the city, state and federal government.

10) GIFTS, GRANTS, FUNDING

The Historic Preservation Commission may, subject to appropriations by the City Council or other income, employ clerical and technical assistants or
consultants, and may apply for and accept grants, money gifts, or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City of Saco. A non-lapsing fund for gifts and grants shall be established by the City's Finance Director. Appropriations from the City Council shall be managed in accord with city policies and lapse each year if unexpended.

(Amended 3/2/97)

413-4. QUALIFICATIONS FOR HISTORIC DISTRICTS, SITES AND LANDMARKS

The historic districts, historic sites or historic landmarks established in accordance with this Section shall have one or more or any combination of the following characteristics and qualifications, without limitations as to cultural or chronological period:

1) HISTORY OF SACO

Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Saco and the nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

2) PERSONS

Structures, buildings or sites associated with important historic personages.

3) IDEAS

Structures, buildings or sites associated with important historic examples of a great idea or ideal.

4) ARCHITECTURE

Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or
method of building construction, of community organization and living, or landscaping; of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect.

5) VISUAL CONTINUITY

Structures or buildings contributing to the visual continuity of the historic district.

6) NATIONAL REGISTER

Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

(Amended 3/2/87)

413-5. ESTABLISHMENT OF HISTORIC DISTRICT, HISTORIC SITES OR HISTORIC LANDMARKS

1) PRELIMINARY PROCEDURES

The initial establishment of historic districts, historic sites or historic landmarks shall be done by amendment to 413-6 and shall overlay the districts created by Section 403. The City Council, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend 413-6. Subsequent action to add new districts, or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites, or landmarks shall request the amendment in writing to the Commission. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before Council action. After receiving the Commission’s recommendation concerning the request, the City Administrator shall place it on the agenda of the City Council to act on the request. Any application or designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

a) DESIGNATION OF BUILDING, STRUCTURES AND SITES FOR HISTORIC PRESERVATION SHALL INCLUDE:
i) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.

ii) A concise statement of how the building, structure or site meets the review criteria of 413-4 above.

iii) Exterior photographs of the building or structure, or a site map, illustrating significant details described in i), above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.

b) DESIGNATION OR EXPANSION OF DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

i) A concise statement of the physical elements which make justify making this area a historic district and a description of building types and architectural styles and periods represented.

ii) A concise statement of how the district meets the review criteria of 413-4 above.

iii) An explanation of the boundaries of the district.

iv) A definition of the types of structures that do not contribute to the significance of the district and an estimate of the number of non-contributing structures.

v) A map showing the location of all district structures with an identification of contributing structures.

c) EXPANSION OF EXISTING DISTRICTS FOR HISTORIC PRESERVATION SHALL INCLUDE:

i) A concise statement of the physical elements that justify an expansion of an existing district, an explanation detailing how the expansion is
consistent with the character of the district, and a description of building types and architectural styles and periods represented.

ii) A concise statement of how the expansion of an existing district meets the review criteria of 413.4 above.

iii) A justification of the expanded boundaries of the district.

iv) A map showing all district structures in the proposed expansion area with an identification of contributing structures.

2) STUDIES, RECOMMENDATIONS

Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission will make a report to the City Administrator on every request received within 6 months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission in Augusta for review.

3) PUBLIC HEARING, FINAL REPORT

Before a final report is made to the City, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and abutting property within a 200 foot radius of the property under consideration. Not later than thirty (30) days after said public hearing, the Commission shall submit a final report to the City Council.

4) ACTION BY THE CITY COUNCIL

After receipt of the Commission’s recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within twenty (20) days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice by the City Clerk.
5) APPLICABILITY OF THIS ORDINANCE

All land, buildings or structures within a historic district are subject to the requirements of this ordinance after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this ordinance after they have been so designated by the City Council.

413-6. HISTORIC DISTRICTS, HISTORIC SITES AND HISTORIC LANDMARKS DESIGNATED

The following described lands, buildings or structures, or areas of the City are designated historic districts, historic sites or historic landmarks as follows: (as designated after this ordinance has been adopted, and the Commission recommendations have been approved).

1) Districts

Beginning at Thornton Academy on the north end of Main Street the district takes in the grounds surrounding the Academy and the football field on the opposite side of the street. It then takes in all properties on both sides of Main Street as far south as 146 Main. Beginning at the intersection of Main and North Streets it includes all properties on both sides of North Street as far as the Boston and Maine railroad tracks. All properties on both sides of Vernon Street and Cross Street are included, all properties on the north side of Cutts Avenue, and properties on both sides of Elm Street from the intersection of Elm Street and Main Street to the intersection of Elm Street and Cutts Avenue are included. All buildings in Pepperell Square are included. The full width and depth of all lots, except for a portion of the Thornton Academy campus, as depicted on the map entitled "Saco Historic District, City of Saco, Maine," official zoning map are included for all properties. (Amended 6-17-02)

Also, all lots on the north side of Beach Street beginning at Middle Street Extension to Winter Street, except for Memorial Field, where the boundary is an extension of the rear lot line of Map 32 Lot 113; on Winter Street, Map 32, Lot 117; on the south side of Beach Street from Map 32, Lot 98 on Beach Street east to James Street, including Pepperell Park, defined for this purpose
as Map 32, Lot 65, but not including Fairfield School and three feet of land around it. The full depth and width of all the lots, except for the Fairfield School exception noted above, as depicted on the official zoning map entitled, "Saco Historic District, City of Saco, Maine, Panel 2", are included. In the case of any discrepancies between the boundaries of the district as described above and the map, the map shall have precedence. (Amended 1-17-95, 6-17-02)

Also, the following lots on Middle and School streets, Map 31, Lots 6, 7, 7-1, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 53, 54, 55 (limited to the portion which is the location of the original Wardwell Home), 63, 64, 65, and Map 32, Lots 89, 90, 91, 92, 94, and 96.

Also, Map 38, Lot 183.

2) Sites

3) Landmarks

413-7. USES PERMITTED

Uses permitted in historic districts, historic sites or historic landmarks shall be those set forth in Section 410, for the zone in which such district, site or landmark is located.

Determinations of permitted and conditional uses shall continue to be within the authority of the code enforcement office, the Planning Board (for conditional uses), and the Zoning Board of Appeals, for appeals of the code enforcement officer’s and Planning Board’s decisions, to the extent that those appeals are authorized under the zoning ordinance.

413-8. CERTIFICATE OF APPROPRIATENESS
A Certificate of Appropriateness issued by the Commission shall be required for any of the following:

1) New construction of a principal or accessory building visible from a public street where such building will be located in a historic district, or upon a historic site.

2) Demolition of a historic landmark or **demolition** of any building or portion of any building, including the removal of architecture features from an historic landmark or a contributing building in a historic district.

3) Moving of an historic landmark or any building located in a historic district.

4) Additions, alterations, or reconstruction, including porches and steps to existing buildings within a historic district or a historic site where such addition would be clearly visible from a public way.

5) New signs placed in a historic district or a historic site or historic landmark.

6) New construction of walls, fences and parking lots in an historic district within 75 feet of and clearly visible from a public way.

7) **Sandblasting of brick or stone buildings.**

3) **MAJORITY VOTE**

   After a quorum of the voting members has been established in accordance with 413-3(6), an affirmative vote of at least 3 of the quorum shall be required to issue a Certificate of Appropriateness.

4) **BUILDING PERMITS**

   In any historic district and with respect to any historic site or historic landmark, no building permit shall be issued for any construction, alteration, or demolition until a corresponding Certificate of Appropriateness, where required by this section, has been issued by the Historic Preservation Commission.

**413-9. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS**
1) APPLICATION FORMS, FEES

Application for a Certificate of Appropriateness shall be obtained from the City Planner, Planning Department. No fee is required for a certificate of appropriateness application.

2) APPLICATION PROCEDURE

A completed application for a Certificate of Appropriateness shall be submitted to the City Planner who Planning Department which shall verify that the requirements of (3), below, have been met, then date it and transmit such application to the Historic Preservation Commission for action. The Commission shall consider each completed application within twenty-one (21) days of the date of submittal of a complete application and within fifteen (15) days following, approve, approve the application with modifications, make recommendations for modifications to the application, or deny the application. By mutual written consent of the Commission and the applicant, the review period may be extended. When the Commission acts on the application, it shall notify the Code Enforcement Officer.

2a) ALTERNATIVE PROCEDURE FOR REVIEW OF INSTALLATION OR ALTERATION OF ANY EXTERIOR SIGN; MINOR ALTERATIONS; AND TEMPORARY ALTERATIONS.

In order to process Certificates of Appropriateness more efficiently, applications for minor alterations shall be reviewed by the City Planning Department rather than the Historic Preservation Commission. The City Planning Department shall review the application to the standards of Section 413 and approve the application, approve it with modifications or deny it within 10 working days of receiving a complete plan. No public hearings or abutter notices are required for applications reviewed under this section. If the department has not acted within 10 working days the applicant may seek approval from the Commission, rather than the department. Inaction by the City Planning Department does not constitute approval or disapproval of the plan.
If the applicant is not satisfied with the determination of the department, the applicant shall be permitted to have the entire application reviewed by the Commission. The City Planning Department can, for any reason, forward any minor alteration to the Commission for review. The department shall provide the Commission with written notice of any action.

For purposes of this section only, temporary is defined as either a one-time occurrence that does not exceed thirty (30) days or as an annual occurrence that does not exceed one thirty (30) day period each year.

Minor alterations are defined as incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Planning Department, such change shall alter the historic character of the building or site.

3) APPLICATION CONTENTS

The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined in paragraphs a through h of this section. The Commission may waive any application requirement if it determines that it is not necessary to an application.

a) The applicant’s name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.

b) The owner's name and address, if different from the applicant's, and the owner's signature.

c) **The address and the tax map and lot number.**

d) The present use and zoning classification of the subject property.

e) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the Certificate of Appropriateness.
f) A scale drawing or drawings of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the Certificate is being applied. As used herein, drawings shall mean plans or exterior elevations drawn to scale, with sufficient detail to show as far as they relate exterior appearances, the architectural design of the building(s), including materials and textures including samples of exterior materials. Drawings shall be clear, complete and specific.

g) Photographs of the building involved and of adjacent buildings.

h) A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements.

413-10. ADMINISTRATIVE PROCEDURES

1) NOTICE TO APPLICANT AND ABUTTERS

Prior to consideration of a Certificate of Appropriateness, the city shall inform the applicant and mail a notice to all persons owning abutting property of the application. This section, however, shall not apply to applications heard under Section 413-9-2a. For purposes of the notice required hereunder, the owners of property shall be considered to be those against whom municipal taxes for real estate are assessed. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action by the Commission.

2) HEARING

The Commission will hold a public hearing on each application before it. Applications under Section 413-9-2a do not require a public hearing. A notice of the hearing will be mailed to abutters and posted at City Hall at least five days before the public hearing. In the case of an application for a new building or an addition of over $1,000 estimated value, or in the case of the demolition
of any building, a hearing notice shall be placed in a newspaper of general circulation.

3) APPROVAL

If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition meets the standards of this ordinance and is therefore appropriate, it shall approve a Certificate of Appropriateness and the City Planner - Planning Office shall notify the applicant and code enforcement officer in writing of the determination and any conditions of approval. (Amended 8-22-94)

4) DISAPPROVAL

If the Commission determines that a Certificate of Appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of the ordinance. However, in order to prepare more detailed findings, the Commission may postpone the decision for up to two weeks or allow itself up to an additional two weeks to prepare and adopt more detailed findings. The City Planner shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination. (Amended 8-22-94)

5) APPEALS

An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved within 30 days from the date of the decision to the Zoning Board of Appeals.

6) TIME LIMITS ON CERTIFICATES OF APPROPRIATENESS

If substantial construction is not commenced within six months of the issuance of a certificate of appropriateness, the approval shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning Department upon the written request of the applicant. The written request for an extension must be submitted before the date of expiration of the approval. After the approval has expired or an extension denied, the applicant may reapply for site plan review at any time without
prejudice. The extension shall be approved by either the Planning Department or the Commission, as outlined above, unless:

a. additional information that indicates that the plan does not meet the standards of the zoning ordinance;

b. failure to meet a condition of approval;

c. an amendment in the zoning ordinance that prohibits or alters the proposed project.

413-11. STANDARDS OF EVALUATION

The standards and requirements contained in this section and in the U.S. Secretary of the Interior's "Standards for Rehabilitation" and Guidelines for Rehabilitating Historic Buildings", as revised in 1983 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards of subsections 413-11-2 and 413-12-3 below, shall be used in review of applications for Certificates of Appropriateness and specifically as to the procedures before demolition can take place. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. 1) Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds, giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.

The standards if Section 413-11-5-d shall apply to demolitions.

The following standards shall apply:

a) The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when reasonably possible.
b) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.

c) Change which may have taken place in the course of time is evidence of this history and the development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.

d) Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be retained wherever feasible.

e) Deteriorated architectural features shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, color, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

f) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be avoided when possible.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials, subject to Section 413-12. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

2) VISUAL COMPATIBILITY FACTORS

Within historic districts and on historic sites, new construction, additions to existing buildings or structures and existing buildings and structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related generally in terms of the following factors:

a) HEIGHT

In addition to complying with the height standard of Table 412-1 and the height waiver standards of Section 412-5, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from a public street.

b) WIDTH
The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.

c) WINDOWS AND DOORS

The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the building is visually related particularly to adjacent historic buildings of the same period.

d) RELATION OF SOLIDS TO VOIDS IN FRONT FACADES

The relationship of solids to voids in the front facade of a building shall be compatible with that of buildings to which it is visibly related.

e) RHYTHM OF SPACING OF BUILDINGS ON STREETS

The relationship of the building to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.

f) RHYTHM OF ENTRANCE AND/OR PORCH PROJECTION

The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.

g) RELATIONSHIP OF MATERIALS AND TEXTURE

The relationship of materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related.

h) ROOF SHAPES

The roof shape of a building shall be compatible with that of buildings to which it is visually related.

i) SCALE OF BUILDINGS

The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible
with those characteristics of buildings and spaces to which it is visually related.

j) DIRECTIONAL EXPRESSION OF FRONT ELEVATION

A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or non-directional character.

3) CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN HISTORIC DISTRICTS

In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with area.

4) SIGNS

General: Signs shall be governed by the standards of Section 707, Signs, and this section. If there is any conflict, the stricter standards shall apply. All signs, either new or upon alteration, require a Certificate of Appropriateness.

Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels, and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

a) Location
Wall signs generally shall be located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

b) Design

The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read, and scaled appropriately for both the sign and building shall be used. Pictographs (such as a projecting sign in the shape of a key for a lock shop), can be an appropriate feature if consistent with the standards of the ordinance.

c) Illumination

Generally signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission, (but not the Planning Department) may approve certain special illuminated signs. Special situations, such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

d) Additional Guidelines for Special Categories of Signs:

1. Awnings, Canopies and Marquees: The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed, and fully fill the width of the individual window or door opening. Besides the signs standards of this ordinance, these sign types and all advertising signs, must comply with all other historic ordinance design standards.

2. Painted Wall Signs: Painted wall signs such as business names may be appropriate if designed in conformance with this ordinance.
3. Outdoor Murals: Painted walls such as murals and trompe l'oeil (suggestive of architectural or other three dimensional objects) scenes shall be used only to enhance the streetscape, not for advertising purposes.

5) DEMOLITION OR REMOVAL

a) SCOPE

The following provisions apply to any proposal involving the demolition, moving, or removal of any historic landmark, or any building or structure, or any appurtenance thereto, in a historic district. The purpose of this paragraph is to further the purposes of the Section by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the city, and to afford the City, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. Furthermore, the purpose of this section is to afford the city, and Historic Preservation Commission, other preservation organizations and others interested in preservation, the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof or the proper removal of historic artifacts, or the proper recordation of the building, structure and/or site. The Commission may, at any time during any stay created under this paragraph, approve a Certificate of Appropriateness, in which event a permit shall be issued without further delay.

b) PROCEDURE

Any person proposing any activity falling within the scope of this paragraph shall first file an application for a Certificate. In addition to the regular submissions under Section 413-9, the applicant shall also submit evidence which supports one or more of the approval standards of subsection d below. This might include evidence from a structural engineer, an architectural historian, an appraiser, or other qualified expert.

e. Unless the Commission makes a determination that the subject building, structure or appurtenance, as the case may be, is not of historical significance, the applicant must:
i) demonstrate that the property owner is incapable of earning an economic return on value, given present location, as appraised by a qualified real estate appraiser;

ii) file a Statement of Sale. The Statement shall contain the following information, made by the owner, under oath:

A. identification of the particular property, and the building or structure involved.

B. declaration that the property involved has been properly offered for sale, that there have been no bonafide offers, and

C. identification of a price, reasonably related to fair market value, at which the owner will sell, as required in D. below.

D. declaration of offer to sell such building or structure, or appurtenance thereto, as the case may be, and any land pertaining thereto, to any person or entity (public or private) who gives reasonable assurance of willingness to reserve and restore the building, structure, or appurtenance, and any land pertaining thereto.

E. Consent for the Commission to provide the notices under subparagraph c).

C) NOTICE

When the Commission has received a complete application and a complete Statement of Sale, it shall provide notice of the offer to sell by posting on the premises, in a location clearly visible from the street, and by publication in a local newspaper of general circulation. Published notice shall be done at least 3 times, the first no more than 15 days prior to the date of any Certificate proposed by the Commission.

D) STAY

During a period of 180 days after the Commission deems an application and statement, under this paragraph, to be completed, the Commission
may not issue any Certificate. This time period is to permit the notices, under c), above, to be given. Before the expiration of 180 days, and during the period of the stay, the Commission may prepare a draft Certificate, to be issued in the event that the offer by the owner is not accepted.

e) CERTIFICATE

The Commission may issue a Certificate if all provisions of this section, and of this paragraph, have been complied with, and no acceptance of the offer, under sub-paragraph (b)(ii)(D), was forthcoming.

c). STAY At the hearing on an application to relocate or demolish a Contributing Building in an Historic Preservation District, or an Historic Landmark, or an Historic Site, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If, ten days prior to the expiration of the delay period the Commission finds that there are still reasonable alternatives to explore the Commission may continue the delay for an additional period of up to 60 days. The purpose of the delay is to find alternatives to demolition, such as:

- assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or
- finding other ways to preserve the building or structure, such as outright purchase of the property when feasible, or relocation; or
- proper recordation of buildings, structures and sites including photography and narrative report; or
- preservation of historic artifacts.

d) STANDARDS OF APPROVAL In order to approve an application for the relocation or demolition of a Contributing Building in an Historic Preservation District, or of an Historic Landmark or an Historic Site, the Commission must find that the proposal meets one of the following standards of approval:

1. Not a contributing structure in the historic district nor an historic landmark or site. The determination of what is a contributing structure is based on XXXX(cite original designation XXXX);
2. The Commission determines that the building or structure is not of historical significance;
3. The building or structure, or predominant portions thereof has been determined by the chief Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard can not be abated by reasonable measures.
4. No prudent and feasible alternative exists, or
5. The property is deteriorated beyond repair.

e) CONDITIONS OF APPROVAL  In approving an application for the
demolition of a contributing building in an Historic Preservation District, or
an Historic Landmark or Historic Site, the Commission may impose the
following conditions:
1. Photographic, video, or drawn recordation of the property to be
demolished, and/or
2. Salvage and curation of significant elements, and/or
3. Other reasonable mitigation measures.

f) HAZARD BUILDINGS  No provision in this ordinance shall be construed
to prevent the alteration, demolition, or relocation of a building, when the
chief Code Enforcement Officer certifies that such action is required for the
public safety because the building suffers from irreparable structural damage.

413-12. ORDINARY MAINTENANCE; SAFETY

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance
or repair of any exterior architectural feature in a historic district or of any historic
landmark which does not involve a change in the design, material, or outward
appearance thereof. Paint color and the preparation of a wooden building for
painting, and the construction of legally required ramps for access by the
handicapped, shall be specifically excluded from the scope of this Section.

Nothing in the Section shall prevent the construction, reconstruction, restoration,
or demolition of any feature which the Code Enforcement Officer shall determine
is a required condition because of concerns about the safety of the building and
its occupants.

413-13. APPEAL; HARDSHIP

An appeal from the final decision of the Commission may be taken by any party or
person aggrieved to the Zoning Board of Appeals. Such appeals shall be made in
writing within 30 days of the final decision of the Commission. The Zoning Board
of Appeals may grant a variance from the strict application of this Section
provided that the applicant can show that undue hardship would result without a
variance. Any variance granted by the Board of Appeals shall be the minimum variance as will relieve the hardship. A variance granted by the Board of Appeals shall expire if the work is not commenced within 6 months of the date on which the variance was granted or if the work is not substantially completed within 12 months, unless extended by the Board within 30 days from the date of the decision.

413-14. CONFLICT WITH OTHER ORDINANCES

This Section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Section imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

413-15. AMENDMENTS

The City Council, the Planning Board, or the Commission itself may initiate action to amend this Section. The request to amend shall be referred to the Commission for a report within 90 days thereof. The Commission shall hold a public hearing at least 10 days before the report is made to the City Council. Notice of the hearing shall be made public by notice in a newspaper of general local circulation at least 7 days before the public hearing. The Planning Board shall also make a recommendation to the City Council.

Section 902. Variances (Amended 11/6/89; 6/17/95)

902-1. APPLICABILITY

1. A variance, as defined in Article III, is authorized for only the following space and bulk requirements, and for Certificates of Appropriateness, governed by Section 413, Historic Preservation:
   a) minimum lot area;
   b) lot area per dwelling unit;
   c) minimum street frontage;
d) minimum yards and setbacks;

e) maximum lot coverage;

f) maximum height;

g) on lots divided by district boundaries, the extension of uses allowed in the less restricted zone more than fifty (50) feet into the more restricted zone;

h) the parking standards in Section 708 of this ordinance;

i) the curb cut standards in Section 709-1 of this ordinance;

j) the sign standards of Section 707, except for decisions by the Planning Board under Section 707-5-3. (Amended 6/17/95)

k) the private road dimensional standards found in Section 724-9 A and 724-9 I of this ordinance. However, this variance shall only be granted if the applicant can present a letter from the Saco Fire Department stating that the variance will result in a private road which is adequate for public safety purposes. (Amended 3/15/04)

D. (Public Hearing) Zoning Ordinance Amendment – Church Signs

The Planning Department recently reviewed church signs in the city. The research (attached) was done after the Trinity Episcopal Church approached the City in regard to changing the sign in front of the church on 403 Main Street and found little ability to improve it. The ordinance today allows for a church sign in any district, with twenty-four square feet in total surface area, either one-sided or two-sided (707-2). It limits churches to no more than one sign only in residential, conservation and resource protection districts (707-4) and no more than two signs are permitted in business or industrial districts (707-5).

The proposed revision increases the amount of signage allowable for a church in a residential or conservation district from twenty-four (24) square feet, one or two-sided to forty-eight (48) square feet, one or two-sided if the church is located along an arterial or collector road. The revision also allows churches in residential or conservation districts to have one additional wall sign that does not exceed twelve (12) square feet. Internal lighting would be limited to signs under 24 square feet.

The Planning Board recommended the amendments unanimously after a public hearing on September 25, 2007.

There being no comments from the public Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the document titled, Zoning Ordinance Amendments to 707-2 Church and School Signs, Dated October 22, 2007’ for November 19, 2007.”“I move to approve the Order. The motion passed with seven (7) yeas.

Zoning Ordinance Amendments to 707-2 Church and School Signs, Dated October 22, 2007

(note underline represents new language, while strikethrough represents language to be deleted)

707-2. CHURCH AND SCHOOL SIGNS (Amended 11/3/03)

In any residential or conservation district, a sign not exceeding twenty-four (24) square feet in total surface size, whether one-sided or two-sided, is permitted in connection with any church, public or private school, or similar public or quasi-public structure.

When a church is located on an arterial or collector road in a residential or conservation district, one sign not exceeding forty-eight (48) square feet in total surface size, whether one sided or two-sided, is permitted. Such signs shall not be internally illuminated if they exceed 24 sq. ft.

In any residential or conservation district one additional wall sign is permitted for a church, not to exceed twelve (12) square feet in size.

In business and industrial districts, the allowable signage for any church, public or private school, or similar public or quasi-public structure is the same as specified in section 707-5: Signs in Business and Industrial Districts and Table 707.

In any district, a sign not exceeding twelve (12) square feet in total sign area if one-sided, and not exceeding twelve (12) square feet on either side if double-sided, is permitted in connection with any fraternal organization.
E. Budget Amendment – Position Transfer

The City Administrator is requesting a budget amendment that would allow transferring an existing open position in the Public Works Department to a shared position between Finance and Administration/Personnel Departments.

This position, if approved, will be utilized for several tasks and responsibilities. The functions will include: process the City payroll biweekly, assist the Personnel Officer with clerical tasks/responsibilities and backup the Accounts Payable clerk with processing vendor checks and filing.

- The Finance Department is seeking to add the payroll process back to the Finance Office. Currently the city shares the payroll clerk from the school department, who only processes the payroll (enters time and processes actual checks.) The cost to the City was $6,000 annually. Currently the school and City swap time between the payroll Clerk and the Personnel Officer.
- The Administration/Personnel Office is seeking assistance with everyday clerical tasks associated with payroll functions and personnel tasks. With the employee growth over the past several years and the revamp of the school department only data entering the city payroll, this has created a huge additional work load for the Personnel Officer. The Human Resource department has become an increasingly vital department for the City. It has created unification among the departments and assurance for particular processes (hiring, trainings, and benefits, etc.) to be done in an appropriate and efficient manner.
- The Finance Department will require the position to back-up the accounts payable clerk (which currently has no back-up except for the Finance Director). Currently the individual in this position is out on medical leave and the Finance Director has taken over these responsibilities which use about 10 hours a week of her valuable time.

If approved, the position will cost $17,100 for the remaining fiscal year (if hired by December 3rd). The position will be a non-union position and be classified as a grade 1 step 1 in pay classification plan which has an annual salary of $29,624. The council discussed this item at Workshop on October 22, 2007

_Councilor Morton moved, Councilor Tripp seconded, that it be Ordered that the City Council authorize a FY07/08 budget amendment as follows: move $17,100 from the Public works line 10480/500132 (truck driver wages) to the Administration Department line 10372/500104 (Clerical wages). The motion passed with five (5) yeas and two (2) nays. Councilors Michaud and Tripp voted in the negative._

_Councilor Michaud moved, Councilor Tardif seconded, to table this matter until the spring budget process. The motion failed with two (2) yeas and five (5) nays. Councilors Cote, Jacques, Morton, Smith and Tripp voted in the negative._

**Proposed Position**

POSITION DESCRIPTION
Class Title: Personnel & Payroll Clerk

FLSA: Non-Exempt

Grade: 1

Date: October 5, 2007

Personnel & Payroll Clerk

GENERAL
This is a multitask position that performs a variety of clerical and payroll functions.

SUPERVISION RECEIVED
Works under the general supervision of the Finance Director and Personnel Officer. Although this position does not take direct supervision from other departments, interaction with various department personnel regarding payroll issues is expected.

ESSENTIAL DUTIES & RESPONSIBILITIES
1. Operates computer terminal for data entry, word processing and various miscellaneous functions.
2. Assists in the preparation of studies and reports.
3. Assists in maintaining all personnel files for the City employees, ensuring accuracy and confidentiality of information.
4. Assists in conducting wage survey with labor market to determine competitive wage rate.
5. Assists in preparation of contracts with outside suppliers to provide employee services, such as trainings, employee assistance programs, or outplacement.
6. Assists in the distribution of written and verbal information to inform employees of benefit programs such as insurance plans, pension plans, paid time off and special employer sponsored activities.
7. Assists in salary surveys to determine the City’s marker relationship.
8. Notifies employees and labor union representatives of changes in benefit programs.
9. Assists in the development and maintenance of human resource system that meets top management information needs.
10. Assists in the development and update of the employee handbook.
11. Maintains filing system for Personnel Office.
12. Setups and maintains employee master files in the payroll software.

13. Prepares payment requisitions for tax withholdings, direct deposit and net pay, and any other required payment requisitions.
14. Updates employee vacation/sick accruals.
15. Establishes and maintains proper supporting documentation and files for payroll functions. Runs the necessary monthly, quarterly, and annual payroll reports. Files all necessary tax forms and payroll reports. Prepares all necessary payroll audit schedules. Prepare and print W-2s annually.
16. Coordinates payroll data flow with the departments such as payroll input sheets and changes in time record submission deadlines.
17. Investigates and resolves payroll problems and discrepancies.
18. Posts all payroll activity to the General Ledger.
19. Maintains all payroll journals and reports such as check edit registers, check registers, departmental postings, etc.
20. Transmits the payroll electronically.
21. This position will be cross-trained with the A/P Clerk to provide backup accounts payable assistance.

**TOOLS & EQUIPMENT USED**
Personal Computer, including work processing & spreadsheet software; mainframe computer system; adding machine; telephone; photocopier; fax machine;

**DESIRED MINIMUM QUALIFICATIONS**

1. Ability to prepare and analyze comprehensive reports; ability to carry out assigned projects to their completion; ability to communicate effectively verbally and in writing; ability to establish and maintain effective working relationships with employees, city officials, labor unions and the general public; ability to efficiently and effectively administer a human resource system.

2. Direct experience with computerized payroll system and filing of associated payroll taxes, required. Experience with transmitting payroll electronically desired.

3. Operation of a PC/PC network payroll system encompassing the input of payroll data, printing checks, maintaining employee and deduction files, and the annual update of tax tables.

4. General mathematical and dexterity skills necessary to input payroll data, to prepare quarterly 941 reports and monthly MSRS reports.

5. Knowledge of basic accounting is required.

**Education and Experience:**

(1) High School Diploma or GED certified required; and (2) an Associates Degree in Secretarial Science or Business Administration in Accounting, and a minimum of two years of increasingly responsible office experience, or any equivalent combination of related education and experience.
**WORK ENVIRONMENT**
The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

**SELECTION GUIDELINES**
Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them form the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.
POSITION DESCRIPTION

Class Title: Personnel Officer

FLSA: Exempt

Grade: 5

Date: August 17, 2007

Personnel Officer

GENERAL
Performs a variety of complex administrative, technical and professional work in directing and supervising the personnel systems of the organization, including classification, compensation, recruitment, selection, labor relations and training. Also, maintains the Personnel Office and personnel records. An employee whose duties as Personnel Officer necessarily imply a confidential relationship with the City Administrator, and/or Mayor, and possibly even from time to time, various Department Heads.

SUPERVISION RECEIVED
Works under the general supervision of the City Administrator. Exercises independent judgment based upon knowledge of processes and procedures.

SUPERVISION EXERCISED
Generally none. Personnel Officer is occasionally required to supervise Payroll Clerk or other support staff as necessary.

ESSENTIAL DUTIES & RESPONSIBILITIES
1. Prepares studies, reports and recommendations; coordinates departmental activities with other departments and agencies as needed.
2. Communicates official plans, policies and procedures to staff and the general public.
3. Maintains harmony among workers and resolves informal grievances; Performs or assists subordinates in performing duties; adjusts errors and complaints.
4. Conducts the recruitment and selection of employees to fill vacant positions. Recruits, interviews, and assists in the selection of employees to fill vacant positions.
5. Conducts background and reference check information on candidates.
6. Conducts new employee orientation to foster positive attitude toward organization goals.
7. Keeps record of insurance coverage, pension plan, and personnel transactions such as hires, promotions, transfers, performance reviews, and terminations. Maintains employee personnel files including employee discipline records.
8. Conducts wage survey with labor market to determine competitive wage rate.
10. Prepares reports and recommends procedures to reduce absenteeism and turnover.
11. Prepares contracts with outside suppliers to provide employee services, such as trainings, employee assistance programs, or outplacement.
12. Keeps record of hired employee characteristics for governmental reporting purposes.
13. Arranges manual and dexterity tests to applicants.
14. Prepares and distributes written and verbal information to inform employees of benefit programs such as insurance plans, pension plans, paid time off and special employer sponsored activities.
15. Conducts salary surveys to determine the City’s marker relationship.
16. Directs preparation and distribution or written and verbal information to inform employees of benefit programs such as insurance plans, pension plans, paid time off, bonus pay, and specialized employer sponsored activities.
17. Notifies employees and labor union representatives of changes in benefit program.
18. Develops and maintains human resource system that meets top management information needs.
19. Oversees, the analysis, maintenance, and communication of records required by law or local governing bodies, or other departments in the organization.
20. Develops and updates the employee handbook.
21. Manages and maintains all personnel files for the City employees, ensuring accuracy and confidentiality of information.

Peripheral Duties

1. Computes wages and records data for use payroll processing.
2. Provides back-up and is cross-trained in Executive Secretary duties.
3. Serves as member on various employee committees.
4. Prepares and files reports of accidents and injuries as needed.
5. Evaluates services, coverage and options available through insurance and investment companies to determine program best meeting needs of the organization.

TOOLS & EQUIPMENT USED
Personal Computer, including word processing & spreadsheet software; mainframe computer system; adding machine; telephone; photocopier; fax machine;

DESIRED MINIMUM QUALIFICATIONS
1. Considerable knowledge of modern policies and practices of public personnel administration; thorough knowledge of employee classification, compensation and benefits, recruitment, selection, training, and labor relations; working knowledge of risk management and safety practices.
2. Skill in preparing and administering municipal budgets; skill in planning, directing and administering personnel programs and systems; skill in operating the listed tools and equipment.
3. Ability to prepare and analyze comprehensive reports; ability to carry out assigned projects to their completion; ability to communicate effectively verbally and in writing; ability to establish and maintain effective working relationships with employees, city officials, labor unions and the general public; ability to efficiently and effectively administer a human resource system.

**Education and Experience:**

(1) Graduation from high school; and (2) an Associates Degree in Secretarial Science or Business Administration, and a minimum of two years of increasingly responsible office experience, or any equivalent combination of related education and experience.

**WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually quiet.

**SELECTION GUIDELINES**

Formal application, rating of education and experience; oral interview and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them form the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer.

**VI. CONSENT AGENDA:**

A. *(First Reading)* Code Amendment Chapter 112 General Assistance Program

Each year Maine Municipal Association presents municipalities with new Appendixes for their City or Town Ordinance, which need to be reviewed and either adopted or kept the same. Municipalities should adopt the new maximums (Appendixes) by October 1st or as soon as possible thereafter.
General Assistance Ordinance Appendixes (A, B, C and F),

*Proposed Figures dated October 1, 2007*

Words that have strike through are to be deleted while underline indicates new language.

**Appendix A - GA Overall Maximums**

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**Appendix B - Food Maximums**

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<th>MONTHLY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current - Proposed</td>
</tr>
<tr>
<td>0</td>
<td>$542.00</td>
</tr>
<tr>
<td>1</td>
<td>$629.00</td>
</tr>
<tr>
<td>2</td>
<td>$775.00</td>
</tr>
<tr>
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<td>$1047.00</td>
</tr>
<tr>
<td>4</td>
<td>$1225.00</td>
</tr>
</tbody>
</table>

### Unheated Units

<table>
<thead>
<tr>
<th># BDRMS</th>
<th>MONTHLY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current - Proposed</td>
</tr>
<tr>
<td>0</td>
<td>$542.00</td>
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<tr>
<td>1</td>
<td>$629.00</td>
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<td>$775.00</td>
</tr>
<tr>
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<td>$1047.00</td>
</tr>
<tr>
<td>4</td>
<td>$1225.00</td>
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</tbody>
</table>

### Appendix F - Personal Care & Household Supplies

<table>
<thead>
<tr>
<th># IN HOUSEHOLD</th>
<th>WEEKLY MAX.</th>
<th>MONTHLY MAX.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current</td>
<td>New Proposed</td>
</tr>
<tr>
<td>1 – 2</td>
<td>$8.20</td>
<td>$10.50</td>
</tr>
<tr>
<td>3 – 4</td>
<td>$9.30</td>
<td>$11.60</td>
</tr>
<tr>
<td>5 – 6</td>
<td>$10.50</td>
<td>$12.80</td>
</tr>
<tr>
<td>7 – 8</td>
<td>$11.60</td>
<td>$14.00</td>
</tr>
<tr>
<td>EACH ADITIONAL</td>
<td>$1.25</td>
<td>$1.25</td>
</tr>
</tbody>
</table>

### Supplement For Households With Children Under 5

<table>
<thead>
<tr>
<th># IN HOUSEHOLD</th>
<th>WEEKLY MAX.</th>
<th>MONTHLY MAX.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current</td>
<td>New Proposed</td>
</tr>
<tr>
<td>1</td>
<td>$10.50</td>
<td>$12.80</td>
</tr>
<tr>
<td>2</td>
<td>$15.10</td>
<td>$17.40</td>
</tr>
<tr>
<td>3</td>
<td>$20.90</td>
<td>$23.30</td>
</tr>
<tr>
<td>4</td>
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</table>

### Actual Saco Housing Rents Oct. 06 - Sept. 07

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Heated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td># Of Bedrooms</td>
<td>Unheated</td>
<td>Cost</td>
</tr>
<tr>
<td>---------------</td>
<td>----------</td>
<td>------</td>
</tr>
<tr>
<td>0 BRDM.</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Heated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 BDRM.</td>
<td>Heat, H.W.</td>
<td>$500</td>
</tr>
<tr>
<td>1 BDRM.</td>
<td>Heat</td>
<td>$540</td>
</tr>
<tr>
<td>1 BDRM.</td>
<td>Heat, H.W.</td>
<td>$575</td>
</tr>
<tr>
<td>1 BDRM.</td>
<td>Heat</td>
<td>$585</td>
</tr>
<tr>
<td>1 BDRM.</td>
<td>Heat</td>
<td>$625</td>
</tr>
<tr>
<td>1 BDRM.</td>
<td>Heat, H.W.</td>
<td>$625</td>
</tr>
<tr>
<td>1 BDRM.</td>
<td>Heat</td>
<td>$700</td>
</tr>
<tr>
<td>Gr. Total</td>
<td></td>
<td>$4,150</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>$593</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Unheated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 BDRM.</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Heated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 BDRM.</td>
<td>Heat</td>
<td>$530</td>
</tr>
<tr>
<td>2 BDRM.</td>
<td>Heat, H.W.</td>
<td>$685</td>
</tr>
<tr>
<td>2 BDRM.</td>
<td>Heat, H.W.</td>
<td>$750</td>
</tr>
<tr>
<td># Of Bedrooms</td>
<td>Unheated</td>
<td>Cost</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------</td>
<td>--------</td>
</tr>
<tr>
<td>2 BDRM.</td>
<td>None</td>
<td>$900</td>
</tr>
<tr>
<td>2 BDRM.</td>
<td>None</td>
<td>$1,200</td>
</tr>
<tr>
<td></td>
<td>Gr. Total</td>
<td>$2,100</td>
</tr>
<tr>
<td></td>
<td>Average</td>
<td>$1,050</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Heated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 BDRM.</td>
<td>Heat</td>
<td>$800</td>
</tr>
<tr>
<td></td>
<td>Gr. Total</td>
<td>$800</td>
</tr>
<tr>
<td></td>
<td>Average</td>
<td>$800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Unheated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 BDRM.</td>
<td>None</td>
<td>$650</td>
</tr>
<tr>
<td># Of Bedrooms</td>
<td>Heated</td>
<td>Cost</td>
</tr>
<tr>
<td>---------------</td>
<td>--------</td>
<td>------</td>
</tr>
<tr>
<td>4 BDRM.</td>
<td>Heat</td>
<td>$1,000</td>
</tr>
<tr>
<td>Gr. Total</td>
<td></td>
<td>$1,000</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>$1,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th># Of Bedrooms</th>
<th>Unheated</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 BDRM.</td>
<td>None</td>
<td>$750</td>
</tr>
<tr>
<td>4 BDRM.</td>
<td>Water/Sewer</td>
<td>$1,100</td>
</tr>
<tr>
<td>Gr. Total</td>
<td></td>
<td>$1,850</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>$925</td>
</tr>
</tbody>
</table>
To: Municipal Officials/Welfare Directors/General Assistance Administrators

From: Kristin Collins, Staff Attorney

Re: 2007-2008 General Assistance Ordinance Appendices A, B, C and F

Date: September 11, 2007

Enclosed please find the following items:

- MMA's new (October 1, 2007–October 1, 2008) "General Assistance Ordinance Appendices" (A, B and C).

- "GA Maximums Summary Sheet" which consolidates GA maximums into one document. Municipalities do have to insert individual locality maximums from Appendix A and C in the summary sheet where indicated in order to complete the information. The "summary" does not have to be adopted, as it is not an Appendix but a tool for municipal officials administering GA. **Note that the summary this year also includes changes to the maximums for Personal Care and Household Expenses, as explained below.**

- "GA maximums adoption form" which was developed so that municipalities could easily send DHHS proof of GA maximums adoption. Once the selectpersons adopt the new maximums, the enclosed form should be signed and submitted to DHHS in the self-addressed envelope provided with this packet (see "Filing of GA Ordinance and/or Appendices" below for further information).

**Appendices A, B & C**

The enclosed Appendices A, B and C have been revised for your municipality’s General Assistance Ordinance. These new Appendices, once adopted, should replace the existing Appendices dated October 1, 2006–October 1, 2007. Even if you have already adopted MMA’s model General Assistance Ordinance, the municipal officers must approve/adopt the new Appendices A-C yearly. The various maximum levels of General Assistance set forth in Appendices A-C are established as a matter of state law based on certain federal values that are made effective on the first day of October each year.
Appendix A

Appendix A is a listing of the overall maximum levels of assistance pertaining to all municipalities in Maine. These new overall maximum levels of assistance have been calculated on the basis of the 2007-2008 HUD Fair Market Rent (FMR) values that will become effective on October 1, 2007. These maximum levels of assistance are established by Maine General Assistance law (22 MRSA (4305(3-B))) and cannot be altered by action of the municipal officers.

Because HUD has reorganized certain localities, municipalities should first check to see in which locality they have been placed.

The following abbreviations may assist in your review of the maximums:

Abbreviations:
Department of Housing and Urban Development (HUD)
Fair Market Rent (FMR)
HUD Metro FMR (HMFA)
Metropolitan Statistical Area (MSA)

Appendix B

Appendix B is a listing of the maximum levels of assistance for food. These maximum levels are the same as the USDA 2007-2008 Thrifty Food Plan, which are presumed to be reasonable by regulation of the Department of Health and Human Services (DHHS). If the municipal officers wish to amend these maximum levels of food assistance, a local survey must be developed and provided to DHHS to justify the proposed alterations.

Appendix C

Appendix C is a listing of the maximum levels of assistance for housing (both heated and unheated). These maximum levels were developed by MMA using 2007-2008 HUD Fair Market Rent values that include utility costs. Because the FMR numbers include utility and heating costs, the applicable average utility and heating allowances, as developed by the Maine State Housing Authority (MSHA), are subtracted from the FMR to obtain a pure “housing” cost.

What should your municipality do if the housing maximums contained in this packet are unreasonably low (or high) given the rental rates in your area? First, the preferred option is to conduct a local rental survey. A local rental survey can be developed fairly easily, and municipalities should explore this option by contacting DHHS for guidance on conducting such a survey.

Another option is to forego adopting housing maximums (the law does not actually require housing maximums—the other two maximums, i.e., Appendix A and B, are required). If you are a municipality that has to perform “emergency analysis” each and every time an applicant requests housing assistance and you are not planning to perform a market survey (although you probably should), then perhaps working without housing maximums is an option.
Emergency analysis should be an exception, not "the rule." If it has become the rule in your municipality, then the adoption of artificially low housing maximums is of no service to you (or your clients) and you might be better off with no housing maximums. Municipalities choosing to forego housing maximums must still adhere to the overall maximum and work an applicant's budget accordingly. Such municipalities might choose to utilize the actual FMR provided by the federal government as a guide (enclosed for your convenience).

Appendix F

Appendix F, which lists maximums for personal care and household supplies, is not one of the appendices for which new values must be calculated each year. However, as these numbers have not been increased in approximately 10 years, MMA has worked with local officials to determine the current cost of such goods as compared with levels of inflation over the past ten years. This analysis resulted in a $10 per month increase for all household sizes. A municipality should adopt the increased maximums for Appendix F as shown in the enclosed Summary Sheet if it feels this increase is reasonable given the cost of such goods in their community.

The Adoption Process

The municipal officers (i.e., selectpersons/council) adopt the local General Assistance Ordinance and yearly Appendices, even in town meeting communities. The law requires that the municipal officers adopt the ordinance and/or Appendices after notice and hearing. Seven days posted notice is recommended, unless local law (or practice) provides otherwise.

At the hearing, the municipal officers should:

1) Allow all interested members of the public an opportunity to comment on the proposed ordinance;
2) End public discussion, close the hearing; and
3) Move and vote to adopt the ordinance either in its posted form or as amended in light of public discussion.

Filing of GA Ordinance and/or Appendices

Please remember that General Assistance law requires municipalities to send DHHS a copy of its ordinance once adopted. (For a copy of the GA model ordinance, please call MMA's Publication Department, or visit our website www.menun.org). In addition, any changes or amendments, such as new Appendices, must also be submitted to DHHS. DHHS has made it easier by enclosing a self-addressed envelope for your use. DHHS will accept the enclosed "adoption sheet" as proof that a municipality has adopted the current GA maximums.

Finally, all general assistance forms and notices that the municipality intends to use must also be submitted to DHHS. If it is your intention to use MMA forms, and you have not already done so, simply state that intention to the Department when you submit your ordinance for DHHS filing. Remember, if you intend to use locally developed forms or notices, those forms should be submitted with your adopted ordinance. DHHS's GA Unit address is:
GENERAL ASSISTANCE ORDINANCE
APPENDICES A-C AND F
2007-2008

The Municipality of ______________________ adopts the MMA Model Ordinance GA Appendices (A-C) for the period of Oct. 1, 2007—Oct. 1, 2008, as well as Appendix F (Maximum for Personal Care & Household Supplies), as revised September 2007. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the _______ (day) of __________________ (month) _______ (year) by the municipal officers:

__________________________________________________________________________
(Print Name) (Signature)

__________________________________________________________________________
(Print Name) (Signature)

__________________________________________________________________________
(Print Name) (Signature)

__________________________________________________________________________
(Print Name) (Signature)

__________________________________________________________________________
(Print Name) (Signature)

MMA
09/07
# Appendix A
Effect: 10/01/07-10/1/08

## GA Overall Maximums

### Metropolitan Areas

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bangor HMFA: Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie</td>
<td>557</td>
<td>649</td>
<td>828</td>
<td>1053</td>
<td>1189</td>
</tr>
<tr>
<td>Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales</td>
<td>459</td>
<td>575</td>
<td>703</td>
<td>891</td>
<td>987</td>
</tr>
<tr>
<td>Portland HMFA: Cape Elizabeth, Casco, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach</td>
<td>740</td>
<td>880</td>
<td>1140</td>
<td>1436</td>
<td>1539</td>
</tr>
<tr>
<td>York/Kittery/S.Berwick HMFA: Berwick, Eliot, Kittery, South Berwick, York</td>
<td>938</td>
<td>943</td>
<td>1131</td>
<td>1647</td>
<td>1794</td>
</tr>
<tr>
<td>Cumberland County HMFA: Baldwin, Bridgton, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago</td>
<td>623</td>
<td>726</td>
<td>935</td>
<td>1117</td>
<td>1431</td>
</tr>
<tr>
<td>Brunswick</td>
<td>625</td>
<td>748</td>
<td>965</td>
<td>1223</td>
<td>1467</td>
</tr>
</tbody>
</table>

Prepared by MMA
9/2007
### Appendix A

Effective: 10/01/07-10/1/08

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sagadahoe HMFA: Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich</td>
<td>733</td>
<td>734</td>
<td>880</td>
<td>1126</td>
<td>1525</td>
</tr>
<tr>
<td>York County HMFA: Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limrick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells</td>
<td>670</td>
<td>696</td>
<td>886</td>
<td>1059</td>
<td>1156</td>
</tr>
<tr>
<td>Biddeford, Saco, Sanford</td>
<td>686</td>
<td>765</td>
<td>964</td>
<td>1223</td>
<td>1446</td>
</tr>
</tbody>
</table>

*Note: Add $75 for each additional person.

### Non-Metropolitan Areas

#### Persons in Household

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aroostook County</td>
<td>433</td>
<td>534</td>
<td>640</td>
<td>836</td>
<td>938</td>
</tr>
<tr>
<td>Franklin County</td>
<td>538</td>
<td>580</td>
<td>706</td>
<td>844</td>
<td>1095</td>
</tr>
<tr>
<td>Hancock County</td>
<td>587</td>
<td>677</td>
<td>788</td>
<td>1109</td>
<td>1141</td>
</tr>
<tr>
<td>Kennebec County</td>
<td>465</td>
<td>558</td>
<td>694</td>
<td>947</td>
<td>1012</td>
</tr>
<tr>
<td>Knox County</td>
<td>531</td>
<td>703</td>
<td>802</td>
<td>1086</td>
<td>1253</td>
</tr>
<tr>
<td>Lincoln County</td>
<td>642</td>
<td>691</td>
<td>833</td>
<td>1005</td>
<td>1149</td>
</tr>
<tr>
<td>Oxford County</td>
<td>448</td>
<td>596</td>
<td>686</td>
<td>914</td>
<td>1146</td>
</tr>
<tr>
<td>Piscataquis County</td>
<td>558</td>
<td>636</td>
<td>787</td>
<td>998</td>
<td>1068</td>
</tr>
<tr>
<td>Somerset County</td>
<td>447</td>
<td>554</td>
<td>657</td>
<td>927</td>
<td>983</td>
</tr>
<tr>
<td>Waldo County</td>
<td>626</td>
<td>671</td>
<td>810</td>
<td>992</td>
<td>1056</td>
</tr>
<tr>
<td>Washington County</td>
<td>538</td>
<td>581</td>
<td>693</td>
<td>859</td>
<td>938</td>
</tr>
</tbody>
</table>

* Please Note: Add $75 for each additional person.

Prepared by MMA

9/2007
Appendix B  
Effective: 10/01/07-10/1/08

Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1, 2008, those amounts are:

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Weekly Maximum</th>
<th>Monthly Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>37.67</td>
<td>162</td>
</tr>
<tr>
<td>2</td>
<td>69.30</td>
<td>298</td>
</tr>
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<td>3</td>
<td>99.07</td>
<td>426</td>
</tr>
<tr>
<td>4</td>
<td>126.05</td>
<td>542</td>
</tr>
<tr>
<td>5</td>
<td>149.53</td>
<td>643</td>
</tr>
<tr>
<td>6</td>
<td>179.53</td>
<td>772</td>
</tr>
<tr>
<td>7</td>
<td>198.37</td>
<td>853</td>
</tr>
<tr>
<td>8</td>
<td>226.74</td>
<td>975</td>
</tr>
</tbody>
</table>

Note: For each additional person add $122 per month.
Appendix C
Effective: 10/01/07-10/1/08

GA Housing Maximums
(Heated & Unheated Rents)

NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! Municipalities should ONLY consider adopting the following numbers, if these figures are consistent with local rent values. If not, a market survey should be conducted and the figures should be altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)

Non-Metropolitan FMR Areas

<table>
<thead>
<tr>
<th>Aroostook County</th>
<th>Unheated</th>
<th>Heated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekly</td>
<td>Monthly</td>
</tr>
<tr>
<td></td>
<td>63</td>
<td>273</td>
</tr>
<tr>
<td></td>
<td>77</td>
<td>329</td>
</tr>
<tr>
<td></td>
<td>87</td>
<td>372</td>
</tr>
<tr>
<td></td>
<td>113</td>
<td>487</td>
</tr>
<tr>
<td></td>
<td>121</td>
<td>521</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Franklin County</th>
<th>Unheated</th>
<th>Heated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekly</td>
<td>Monthly</td>
</tr>
<tr>
<td></td>
<td>88</td>
<td>377</td>
</tr>
<tr>
<td></td>
<td>89</td>
<td>383</td>
</tr>
<tr>
<td></td>
<td>104</td>
<td>449</td>
</tr>
<tr>
<td></td>
<td>123</td>
<td>529</td>
</tr>
<tr>
<td></td>
<td>156</td>
<td>670</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hancock County</th>
<th>Unheated</th>
<th>Heated</th>
</tr>
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### Appendix C
Effective: 10/01/07-10/1/08

#### Non-Metropolitan FMR Areas

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# Appendix C
**Effective: 10/01/07-10/1/08**

## Non-Metropolitan FMR Areas

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## Metropolitan FMR Areas

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B. Blue Wave Lane – Street Acceptance

The Saco Bay Estates subdivision off Bay View Road was approved by the Planning Board October 8, 2002. The five lot subdivision includes an 800 foot long street, Blue Wave Lane that was designed and built to City specifications. Acceptance of the street, including a water main, utility lines, sidewalks and drainage structures is requested by developer KBM Builders.

The warranty deed and a metes and bounds description have been submitted, and reviewed by the City Attorney. Record drawings have been prepared, reviewed and found acceptable. The Planning Board considered this requested on March 20, 2007, and forwards a positive recommendation to accept Blue Wave Lane as requested.

Be it Ordered that the City Council move pursuant to 23 MRSA Section 3025, to accept the dedication made by KBM Builders, Inc., of title in fee simple of the Blue Wave Lane right of way, as bounded and described and titled in a Warranty Deed from KBM Builders Inc to City of Saco dated February 22, 2007. Further move to approve the Order.
WARRANTY DEED

NOW COMES KBM BUILDERS, INC., a Maine corporation with a mailing address of 93 River Road, Eliot, Maine, which for one dollar and other consideration, grants, transfers and conveys to the City of Saco, Maine, a municipal corporation, 300 Main Street, Saco, Maine with warranty covenants certain land in Saco, York County, Maine which property is shown as Bluewave Lane shown on a plan entitled “Final Subdivision Plan of Saco Bay Estate 45 Bay View Road Saco, Maine” Sheet 2 of 4 by Anderson Livingston Engineers, Inc. dated June 24, 2002 and recorded on November 5, 2002 in the York County Registry of Deeds in Plan Book 275, Page 47 and as more particularly bounded and described as follows:

See Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey Bluewave Lane as shown on the aforementioned plan.

In Witness whereof I have executed this deed on this 12th day of February 2007.

KBM Builders, Inc.

William J. Cullen, President

Witness

STATE OF MAINE
COUNTY OF YORK, SS.

February 28, 2007

Then personally appeared the above-named WILLIAM J. CULLEN, in his capacity as President of KBM Builders, Inc, who gave oath and acknowledged the foregoing instrument to be his free act and deed.

Before me.

Notary Public/Attorney at Law
Print Name: SAWYER LIBERTS
Exhibit A

Beginning at a granite monument to be set which is located on the property line of Lot 5 and Bay View Road N 64°16'01" W a distance of 34.57' from northwesterly corner of Lot 5; thence along a curve to the right a radius of 25.00' and a length of 39.27' to a granite monument to be set; thence running along Lot 5 the following courses, distances, and radii; S 25°43'59" E a distance of 32.11' to a granite monument to be set; along a curve to the left with a radius of 175.00' and a length of 120.40' to another granite monument to be set; thence S 65°09'13" E a distance of 258.65' to a granite monument to be set; thence along a curve to the right a radius of 75.00' and a length of 56.48'; thence along a curve to the left along Lot 4 a radius of 75.00' and a length of 97.23' to a granite monument to be set; thence along a curve to the left along Lot 3 a radius of 75.00' and a length of 100.85' to a granite monument to be set; thence along a curve to the left along Lot 2 a radius of 75.00' and a length of 103.32' to a granite monument to be set; thence along Lot 1 the following courses, distances and radii, curving to the left a radius of 75.00' and a length of 60.38' to a granite monument to be set; thence curving to the right a radius of 75.00' and a length of 63.08' to granite monument to be set; thence N 65°09'13" W a distance of 231.13' to a granite monument to be set; thence curving to the right a radius of 125.00' and a length of 86.00' to a granite monument to be set; thence running N 25°43'59" W a distance of 32.11' to a granite monument to be set; thence curving to the right a radius of 25.00' and a length of 39.27' to a granite monument to be set at Bay View Road; thence turning and running along Bluewave Lane and Bay View Road S 64°16'01" W a distance of 100' to the point of beginning.
EASEMENT DEED

KBM Builders, Inc., a Maine corporation with a mailing address of 93 River Road, Eliot, Maine, for consideration paid, grant(s) to Town of Saco, Maine a drainage easement over lot #s 1 & 5 as shown of a Plan entitled “Final Subdivision Plan of Saco Bay Estate 45 Bay View Road Saco, Maine” Sheet 2 of 4 by Anderson Livingston Engineers, Inc. dated January 24, 2002 and recorded on November 5, 2002 in the York County Registry of Deeds in Plan Book 275, Page 47.

Said easements are more particularly bounded and described on Exhibit A - Lot # 1 and Exhibit B - lot # 5 attached hereto.

Meaning and intending to convey a portion of the premises conveyed to the Grantor herein by deed of Littlefield Family Trust dated November 8, 2002 and recorded in the York County Registry of Deeds at Book 12161, Page 0011.

In Witness whereof I have executed this deed on this 20 day of November 2006,

KBM Builders, Inc.

By: [Signature]

Witness

__________________________________________

William J. Cullen, President

THE STATE OF MAINE
COUNTY OF ROCKINGHAM

November 20, 2006

Personally appeared the above named William J. Cullen, President, of KBM Builders, Inc. and acknowledged that he executed the foregoing instrument in his/her capacity for the purposes contained herein. Before me,

[Signature]

Notary Public

C:\KBMSaco drainage easemt.doc
LEGAL DESCRIPTION: Drainage Easement #2 - across Lot 1

A drainage easement across Lot 1 as shown on the Revision To Final Subdivision Plan of Saco Bay Estates, by Anderson-Livingston Engineers, dated April 3, 2003; being a perpetual right to flow water through, over and across the land herein described, also to construct and maintain ditches, culverts, inlets and outlets; bounded as follows:

Beginning at a point on the southerly sideline of Bay View Road which is 25.10 feet South 64 degrees - 16 minutes - 01 second West of a 3/4 inch iron pipe on said sideline of Bay View Road and land now or formerly of Theresa Wellborn;

THENCE, South 30 degrees - 46 minutes - 59 seconds East along Parcel A, a distance of 117.21 feet to a point;

THENCE, North 59 degrees - 13 minutes - 01 second East along Parcel A, a distance of 25.00 feet to a point;

THENCE, South 30 degrees - 46 minutes - 59 seconds East along said Wellborn land, a distance of 91.00 feet to a 3/4 inch iron pipe;

THENCE, North 74 degrees - 05 minutes - 01 seconds East along said Wellborn land and land now or formerly of Rita Blais, a distance of 207.53 feet to a 3/4 inch iron pipe;

THENCE, South 41 degrees - 05 minutes - 36 seconds East along land of the State of Maine, a distance of 68.59 feet to a point;

THENCE, North 87 degrees - 59 minutes - 31 seconds West, a distance of 136.71 feet to a point;

THENCE, South 74 degrees - 05 minutes - 01 seconds West, a distance of 106.64 feet to a point;

THENCE, South 21 degrees - 09 minutes - 52 seconds West, a distance of 113.31 feet to a point at the beginning of a non tangent curve;

THENCE, along said curve to the left which has a radius of 55.00 feet, a central angle of 48 degrees - 11 minutes - 23 seconds, an arc length of 46.26 feet, and a chord which bears South 89 degrees - 14 minutes - 56 seconds East having a chord distance of 44.91 feet to a point;

THENCE, South 23 degrees - 20 minutes - 36 seconds East, a distance of 20.00 feet to a point at the beginning of a non tangent curve on the sideline of Bluewave Lane;
THENCE, along said curve to the right which has a radius of 75.00 feet, a central angle of 48 degrees - 11 minutes - 23 seconds, an arc length of 63.08 feet, and a chord which bears North 89 degrees - 14 minutes - 55 seconds West having a chord distance of 61.24 feet to a point;

THENCE, North 65 degrees - 09 minutes - 13 seconds West along said sideline, a distance of 231.13 feet to a point of curvature;

THENCE, along said curve to the right which has a radius of 125.00 feet, a central angle of 39 degrees - 25 minutes - 14 seconds, an arc length of 86.00 feet, and a chord which bears North 45 degrees - 26 minutes - 36 seconds West having a chord distance of 84.32 feet to a point;

THENCE, North 25 degrees - 43 minutes - 59 seconds West along said sideline, a distance of 32.11 feet to a point of curvature;

THENCE, along said curve to the right which has a radius of 25.00 feet, a central angle of 90 degrees - 00 minutes - 00 seconds, an arc length of 39.27 feet, and a chord which bears North 19 degrees - 16 minutes - 01 seconds East having a chord distance of 35.36 feet to a point on the southerly sideline of Bay View Road;

THENCE, North 64 degrees - 16 minutes - 01 seconds East along said Bay View Road, a distance of 233.67 feet to the POINT OF BEGINNING.
LEGAL DESCRIPTION: Drainage Easement #1 - across Lot 5

A drainage easement across Lot 5 as shown on the Final Subdivision Plan of Saco Bay Estates, by Anderson-Livingston Engineers, Inc., dated January 24, 2002 and recorded at the York County Registry of Deeds in Plan Book 275, page 47; being a perpetual right to flow water through, over and across the land herein described, also to construct and maintain ditches, culverts, inlets and outlets; bounded as follows:

Beginning at a 5/8 inch rerod on the southerly sideline of Bay View Road and land now or formerly of Peter Bonnerman & Mary Keeffe;

THENCE, North 64 degrees - 16 minutes - 01 seconds East along Bay View Road, a distance of 54.57 feet to a point of curvature;

THENCE, along said curve to the right which has a radius of 25.00 feet, a central angle of 90 degrees - 00 minutes - 00 seconds, an arc length of 39.27 feet, and a chord which bears South 70 degrees - 43 minutes - 59 seconds East having a chord distance of 35.36 feet to a point;

THENCE, South 25 degrees - 43 minutes - 59 seconds East along the sideline of Bluewave Lane, a distance of 32.11 feet to a point of curvature;

THENCE, along said sideline by a curve to the left which has a radius of 175.00 feet, a central angle of 39 degrees - 25 minutes - 14 seconds, an arc length of 120.40 feet, and a chord which bears South 45 degrees - 26 minutes 36 seconds East having a chord distance of 118.04 feet to a point;

THENCE, South 65 degrees - 09 minutes - 13 seconds East along said sideline, a distance of 127.52 feet to a point;

THENCE, South 36 degrees - 48 minutes - 27 seconds West across Lot 5, a distance of 114.47 feet to a point at land of said Bonnerman & Keeffe;

THENCE, North 40 degrees - 09 minutes - 32 seconds West by said Bonnerman and Keeffe land, a distance of 340.69 feet to the POINT OF BEGINNING.

Containing 0.446 acres, more or less.
KBM Builders, the developer of Saco Bay Estates, has requested the City of Saco accept Blue Wave Lane and associated infrastructure. We have reviewed and inspected the road and infrastructure and recommend the Planning Board recommend acceptance of Blue Wave Lane to the Mayor and Council.

At this time, the only item we are aware of that is not complete are the street trees. It is our understanding this has been resolved with the Parks and Recreation Department.

C. Confirm Mayor’s Appointment to the Zoning Board of Appeals

The Zoning Board of Appeals consists of seven (7) members appointed by the Mayor and confirmed by the City Council for a term of 5 years.

Primarily, the Board, after public hearing and majority vote of its members, will decide administrative appeals, planning board appeals, variances, historic preservation commission appeals, shore-land variances, and denials of building permits.

Mayor Johnston has appointed David Bedell of Lincoln Street, to a 5-year term on the Zoning Board of Appeals.

D. Excise Tax Refund Option

By state law, excise tax is non refundable. However, in certain instances, the State of Maine Bureau of Motor Vehicle (BMV) will approve the cancellation of a registration and will refund the state registration fee to the registrant. The state leaves the municipality to decide if they wish to refund the registrant the associated excise taxes paid from the cancelled registration.

It is the practice of the City to refund excise taxes paid when the BMV has allowed for a registration to be cancelled. The City has done this two times over the last two years.

The state legislature recently passed a law that, as described by the BMV allows “…if the excise credit available exceeds the amount (of excise tax) transferred to another vehicle, a municipality may choose, but is not required to refund the excess amount. If a municipality chooses to refund excess amounts it must do so in all instances where there is an excess amount.”

Because the law is “optional”, the BMV will not mandate the software companies that provide registration software to implement this change, therefore each transaction regardless of how small will have to be manually identified and calculated. In fiscal year 2007, approximately 191 people would have qualified for such refunds, with total dollars refunded of approximately $14,798, or on average $77 per person. In the year prior, approximately 176 people would have qualified for such refunds, with total dollars refunded of approximately $10,465, or on average $59 per person.

Further, in order to eliminate any chance of fraud; ensure that such calculations were done correctly; and create a paper trail of each transaction, Finance would have to manually process a separate refund rather than hand out a cash refund from a cash drawer. The refund, therefore, would have to go through the AP system, thereby creating a second transaction.
Be it Ordered that the City Council participate in the optional program as expressly authorized by Section 2. 36 MRSA §1482 sub- §5 (G) recently passed by the Legislature. Further move to approve the Order.

PL 83, LD227

An Act To Allow the Reimbursement of Motor Vehicle Excise Taxes in Certain Cases

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §1482, sub-§5, ¶C, as amended by PL 1997, c. 175, §1, is repealed.

Sec. 2. 36 MRSA §1482, sub-§5, ¶G is enacted to read:

G. A credit provided under this subsection must be in an amount equal to the amount paid in excise tax less a prorated amount for the portion of the registration year that the motor vehicle was in service by the owner or lessee and be applied against the amount of the excise tax levied on a new motor vehicle that the owner or lessee may be registering within the registration year, with any remaining balance returned to the owner or lessee as a refund.

SUMMARY

This bill requires that a credit on the excise tax paid for a vehicle that is transferred, lost by fire, theft or accident or permanently junked or abandoned within a registration year in the amount of the tax less a prorated amount for the portion of the registration year that the vehicle was in service be applied to the excise tax for a new motor vehicle the owner or lessee is registering within the registration year and that any remaining sum be returned to the owner or lessee as a refund.

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

VII. ADJOURNMENT

Councilor Tripp moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:50 p.m.

ATTEST: ____________________________
Lucette S. Pellerin, City Clerk