

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, March 3, 2008 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith Jr., Ronald E. Morton, Sandra Bastille, Arthur Tardif, Eric Cote. Councilor Marston Lovell was excused this evening. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL – ECOMAINE’S ECO EXCELLENCE AWARD: TO COUNCILOR COTE, FORMER COUNCILOR JACQUES, MAYOR EMERITUS MARK JOHNSTON & THE CITY OF SACO

The City of Saco was nominated by Kevin Roche for ecomaine’s eco-Excellence Award. On February 19, 2008 the City was notified that ecomaine’s Recycling Committee had chosen the City to receive the award for 2008. The Recycling Committee wrote that the Cities recycling efforts have set a positive and practical example for others to emulate and that they look forward to sharing the cities approach with others through their website and a printed booklet of recycling ideas.

V. APPROVAL OF MINUTES – JANUARY 22, 2008

The minutes of January 22, 2008 were accepted as written with unanimous consent.

VI. AGENDA ITEMS

A. JOE RILEY QUALITY SERVICE EMPLOYEE AWARD – TRAVIS PEASLEE

The City has an employee recognition program titles the ‘Joe Riley Quality Service Award’. The award is open to all employees – full time, part time, seasonal, union/non-union; and merit/non-merit eligibility. The intent of this program is to recognize an outstanding employee or group of employees for exceptional performance and to inspire employees to perform at their highest levels.

It is with a great deal of pride that the City of Saco presents Travis Peaslee, Wastewater Treatment Plant Technician with the Joe Riley Quality Service Award. Some of the remarks included in the nomination form for tonight’s recipient are: He has and continues to “set the bar” high for day to day performance in many facets including organizational skill; His involvement with the City Asset Management Committee, the Next Gen Task Force, and the Energy Committee are a vibrant demonstration of his interest and a clear reflection of his resource base; He along with 3 other team members from area facilities were recognized for superb knowledge, skill, speed, and expertise – taking 1st place among 30 teams from the US and Canada in the “20th Water Environment Federation Operations Challenge”; He consistently demonstrates a “can do” attitude and a strong work ethic; His dedication to his job, and therefore the city, ranks among the highest.

B. BOARD OF ASSESSMENT REVIEW PRESENTATION – ELSIE BOUDREAU

The Mayor, City Council and citizens of Saco thanked Elsie Boudreau for her 30 years of dedicated Municipal service. Elsie Boudreau served on the Board of Assessment review from 1978 to 2008. Assessor Daniel Sanborn also presented Elsie a plaque, and commented that she always had a strong sense of fairness, and did her very best to assure a thoughtful fair hearing.

C. NEW LIQUOR LICENSE – SACO PLAZA LLC d/b/a HOLIDAY INN EXPRESS - (PUBLIC HEARING)

Saco Plaza LLC d/b/a Holiday Inn Express, 352 North St., has applied for a new Liquor License/Special Entertainment Permit for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 653 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

Councilor Mills moved, Councilor Tardif seconded to move to open the Public Hearing on the new Liquor License and Entertainment Permit for Holiday Inn Express. The motion passed with six (6) yeas.

There were no comments from the public.

Councilor Mills moved, Councilor Tardif seconded to close the Public Hearing and Be it Ordered that the City Council grant the Holiday Inn Express a Liquor License and Entertainment Permit for the period of one year. Further move to approve the Order. The motion passed with six (6) yeas.

D. PUBLIC WORKS FACILITY BOND

In November of 2006, the Saco voters did not approve a proposed bond referendum for the renovations to the City Public Works Facility on North Street. At that time, the proposed bond was for 5.4 million in renovations. Since the need for the renovations remain and are more acute today, staff is proposing a revised renovation plan for consideration by the voters on the June election ballot.

The major difference in the revised plan would be the elimination of the 19,000 square foot vehicular storage facility. This would reduce the cost of the facility from \$5,485,475 to \$4,996,475: a reduction of \$489,000. While the staff feels that this is an important part of the proposed plan, it can be added at a later date in a future phase.

The City Council discussed this item at Workshop on February 19, 2008, and the First Reading of this item was February 19, 2008.

A copy of the complete “Order Authorizing City of Saco to Borrow an Amount not to Exceed \$4,996,475 for Public Works Facility Improvements” is on page 8, as Attachment A.

Councilor Cote moved, Councilor Smith seconded to move to open the Public Hearing on the “Order Authorizing City of Saco to Borrow an Amount not to Exceed \$4,996,475 for Public Works Facility Improvements”. The motion passed with six (6) yeas.

David Precourt, 21 Berry Road, Saco – Mr. Precourt felt the current Public Works facility was adequate. With the times that we are in, with costs of everything rising, and heading towards a recession, state budgets are way off, and shortfalls will be coming, we shouldn't be spending \$5 million dollars right now. It's not appropriate. Mr. Precourt is in opposition of the bond.

Ted Corbett, Resident & Scarborough Public Works Employee – Mr. Corbett felt that the facility is not adequate to maintain the infrastructure for Saco, and to service customer based: fire, police, and public works. The residents need a facility they can depend on. The people who are actually doing the job and taking care of the infrastructure so that they can go in and do the job and increase productivity safely and to do it within reasonable time and cost. Mr. Corbett is in support of the bond.

David Tripp, 346 Buxton Road, Saco – The current facility is 45 years old. As the community grows, the facility needs to grow. Right now we have a facility that is just adequate. We need to look to the future. It won't work in the future for this community, and needs to be upgraded. The cost of building is going up dramatically so each year

we wait it is going to cost us more. It is inevitable that we are going to have to do this. Mr. Tripp felt that the City should educate the public as to why the City needs this new Public Works facility. Let the public know there is a present and a future need.

The Councilors discussed taking this item back to workshop on March 17, 2008 to discuss amending the order that sets the referendum date, to be changed to November 2008, and that the bond amount should be raised back to the original amount requested. And, to have Public Works Director Michael Bolduc come and explain in detail the needs and why we need to do this.

Councilor Cote moved, Councilor Bastille seconded to close the Public Hearing and Be it Ordered that the City Council set the Second and Final reading for March 17, 2008. Further move to approve the Order. The motion passed with six (6) yeas.

E. CDBG – BUSINESS ASSISTANCE LOAN CURRAN BEANSPROUTS - (PUBLIC HEARING)

Curran Beansprouts processes vegetables in a plant at 86 Industrial Park Road. The company would like to take advantage of the CDBG (Community Development Block Grant) Business Assistance lending program. The city must be the applicant for this program. In January the city submitted a letter of intent for the program. While the \$150,000 the company would like to borrow from the state program will have to flow through city coffers, the city has experience in structuring this program in a way that eliminates potential financial liability. The application deadline is March 5. Staff learned of the application from the state’s regional economic development representative on Wednesday. The approval of acceptance can return to the Council for acceptance. Additional public hearings will be required.

Councilor Morton moved, Councilor Smith seconded to move to open the Public Hearing on the Curran Beansprouts CDBG Business Assistance grant application. The motion passed with six (6) yeas.

There were no comments from the public.

Councilor Morton moved, Councilor Bastille seconded to close the Public Hearing and Be it Ordered that the City Council adopt the following resolution:

City of Saco Resolution, March 3, 2008

Whereas the The City of Saco wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant Program award to carry out a community development program; and

Whereas the planning process required by Maine Law and the CDBG program has been compiled with, including participation in the planning process by low and moderate income families and individuals and the Municipal Entity has conducted at least one duly advertised public hearing; and

Whereas the Department of Economic and Community Development has established the Economic Development Program, the Business Assistance Development Fund Loan Category

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL that Richard Michaud its City Administrator:

is authorized and directed to submit a Community Development Block Grant application for the program designated above in the amount of \$ 150,000 to the Department of Economic and Community Development on behalf of Curran Beansprouts as outlined in the letter of intent presented to this Council; and is authorized to make such assurances on behalf of the City Council required as part of such application; and, is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of the City of Saco and the

laws and regulations governing the planning and implementation of community development programs in the State of Maine.

Signed this 3rd day of March, 2008 on behalf of the City Council of Saco.

WITNESS: _____
Title

SIGNED: _____
Mayor

Municipal Seal

The motion passed with six (6) yeas.

F. LIQUOR LICENSE & SPECIAL ENTERTAINMENT PERMIT RENEWAL FOR SACO DAYTON, INC. d/b/a HOWARD SPORTS INC. – (PUBLIC HEARING)

Saco Dayton, Inc. d/b/a Howard Sports, Inc. had applied to renew their Special Entertainment Permit for a term of one year. On February 21, 2006 a permit was granted with the stipulation that the authorities be the same as those authorized in 2005.

Upon review of previous approval of Howard’s Sport Entertainment Permits the following restriction had been imposed:

- **July 3, 2000** – A non-binding voted taken June 19, 2000 –Council asks for load, size, which on the second floor Lounge would be allowed 70 person during the times of live entertainment and 100 persons at all other times, and this Special Entertainment permit would be concurrent with his liquor license. The motion passed with four (4) yeas and three (3) nays. Councilors Smith, Michaud and Cote voted in the negative.
- **February 18, 2003** -1) Limiting the period to 6 p.m. – 1 a.m., 2) Limited entertainment permitting to the mezzanine and lounge area, and 3) Restricted to no live shows without a Special Permit. Said amended motion passed with seven (7) yeas.
- **May 5, 2003 - Special Permit For Off Premises Permit - Howard Sports, Inc. – Curit Fund Raiser** - Grant a Special Permit for Catering Privileges Off Premises to Howard Sports, Inc., for May 17, 2003 from 6:00 p.m. to 1:00 a.m. May 18, 2003 and amend the Liquor License granted on February 3, 2003.

Councilor Mills moved, Councilor Tardif seconded to move to open the Public Hearing on the Liquor License and Special Entertainment Permit renewal for Howard Sports Inc. The motion passed with six (6) yeas.

Neil Schuster, 433 Ferry Road, Saco – Concerned Resident and Chairman of the Planning Board. Mr. Schuster was a member of the Planning Board, when the permit was initially issued to Howard Sports, and have been involved in the majority of the Planning Board decisions at meetings regarding Howard Sports over the years. The concept at the time was that the city was going to get an inside facility that would include ice. The concept of the ice was the primary focus and intent of the applicant’s discussion with the Planning Board and the one thing that hasn’t occurred at the facility, and was the major selling point to the City. Mr. Schuster stated that he was representing his own personal views, and not the views on the Planning Board. Mr. Schuster is strongly opposed to granting the Liquor License and Special Entertainment. Mr. Schuster encouraged the City Council to use this opportunity to fully review the facility against the existing conditions of approval as stipulated by the Planning Board on April 27, 1999. Mr. Schuster encouraged the Council to use the History, Permitting and Legal Compliance document as a basis for discussion as they seriously reconsider this renewal here this evening. Many things have gone on far beyond the stipulations of the Planning Board, and have never been brought back to the Planning Board to ask for consideration for change. The specific wording from the April 27, 1999 conditions on approval from the Planning Board were: this approval is only for soccer, center mezzanine and medical offices consisting of soccer fields, and field space, 125 seats, 4000 sq. ft medical office, 1200 sq ft lounge. No other uses are permitted under this approval without

additional review and approval of the board. In regards to the murder that took place in the parking lot, it happens here when businesses are given the license to do something and the management of that business has the inability to properly assume responsibility and accountability that comes with that license. Mr. Schuster encouraged the Council to deny the liquor license and entertainment permit.

Lenny Holmes, Hillview Ave., Saco and General Manager of Howard Sports – Mr. Holmes stated that he has worked for Howard Sports for 2 ½ years, and was a High School Administrator for 12 years and Asst. Principal at both Windham High School and Deering High School before going to work for Howard Sports. Mr. Holmes stated that he was unaware of any Zoning issues. He felt that if there were Zoning issues, then Howard Sports should rightfully be brought back before the Planning Board. Mr. Holmes mentioned that there have never been any bar issues such as fights where the Police needed to be called, to his knowledge. Their bar is not a big time business, it is there as a courtesy, for people to socialize after events. Ninety nine point five percent of the activity is sporting activities. Mr. Holmes stated that they take the safety of the people who attend events there very seriously. The gunfight was something that was unforeseen, and could have happened anywhere. The correct procedures were taken the night of the gunfight by asking the gentlemen who were arguing inside to leave the facility. For that particular event, Mr. Holmes had contacted the Liquor License Bureau to find out what they needed to do to get an extension of the servicing area. Howard Sports filled out the paperwork and sent it back to the Liquor License Agency, and they came down and approved the extension of services. Mr. Holmes didn't understand that they needed to come back to the City for approval of the extension of services for each event. Mr. Holmes knew there were other events that had an extension of services, and was just following the protocol that had been previously established. The owners are willing to accept clear cut guidelines, and if they need to do anything such as come back to the City Council or Planning Board to get approval before going to the State for the extensions of service approval, they will do so. Mr. Holmes stated that Howard Sports arena is a sports facility, and not a banquet facility. Mr. Holmes would like to be granted a temporary Liquor License extension from the City until the issues can be resolved.

Timothy Murphy, City Attorney – Mr. Murphy stated that the permit drawn up by the Planning Board is a very narrowly defined permit for what they can use the facility for. So they may want to raise cash by having a charity dance, but it isn't allowed under the permit. He realizes that the owners are attempting to just keep the doors open. Mr. Murphy mentioned that the night of the murder, the police officer covering the crime stated that Mr. Howard was anything but cooperative. The Planning Board retained jurisdiction over this project. They said at a 5 year mark, there would have been enough history where they could bring this back and take a look at it, and say well, what are the needs. Mr. Murphy felt that there was confusion on both sides as to what activities were permitted, and that the City has an opportunity to ask Mr. Howard and Mr. Holmes to come back to the Planning Board to review or amend the permitted activities.

Peter Morelli, Development Director and Liaison to the Planning Board – Mr. Morelli stated that the Planning Board doesn't have any enforcement rights in the City. The Code Enforcement Department would need to do the enforcement, if there are any issues with non-permitted activities. It was also noted that the Planning Board doesn't continuously review permits that they issue.

Councilor Mills moved to close the Public Hearing and Be it Ordered that the City Council does not grant the renewal of Howard Sports, Inc. Liquor License and Special Entertainment permit for a term of one year. There was no second. Motion failed.

TABLED – Councilor Cote moved, Councilor Smith seconded to move to table the application with the agreement of the applicant to the beginning of April with the understanding that between now and April the applicant and the City Staff or Planning Board involve whichever is appropriate to meet with the applicant and address the issues that have been raised this evening. The motion passed with five (5) yeas, and one (1) nay – Councilor Mills.

For the record, Mr. Lenny Holmes agreed to the tabling action.

VII. CONSENT AGENDA

Mayor Roland Michaud entertained a motion to adopt the following CONSENT AGENDA –

Councilor Smith moved, Councilor Bastille seconded to hereby:

- A. Approve the Second and Final Reading of the document titled, ‘Code Amendment §211-80 Permit Parking, dated January 7, 2008’:
- B. Authorize giving Public Notice of its Intentions to lay out and take as a Public Way certain property known as ‘Fenderson Road’; and, that the Clerk be ordered to post in two public places within the City, and at two public places within the vicinity of the Way, a Notice of Intention to Lay Out and Take Fenderson Road, which Notice shall detail the date, time and place of its meeting, and the metes and bounds of the land proposed to be taken as a Public Way, and further move to set the Public Meeting on ‘Certificate of Taking’ for March 17, 2008’:
- C. Grant the applications for a License to Operate Games of Chance: Sealed Tickets from April 1, 2008 to April 1, 2009.”

The motion passed with six (6) yeas.

The complete Item Commentaries for the above Consent Agenda are below.

A. CODE AMENDMENT §211-80 PERMIT PARKING (SECOND & FINAL READING)

In 2007, the Council passed Chapter 211-80 “Permit Parking” to establish permit parking in some of the City’s downtown lots. The Gooch Street lot has experienced significant and ongoing disruptions caused by the Island Point Project and the train station construction, and it is apparent that the number of spaces will need adjustment periodically to deal with the public’s needs. Similar problems exist also at the Free Street lot, where demand has not yet met the need for the set aside six (6) spaces, resulting in a loss of available parking for other lot users.

Police Chief Paul recommends moving the process of determining the appropriate number of parking spaces to the Traffic Safety Committee, where the public’s needs could be assessed and the number of spaces per lot periodically adjusted as the community’s needs change. This change would simplify the process without otherwise affecting the ordinance and allow the committee to coordinate the permit regulations with the other parking regulations in place in each lot.

The City Council discussed this item at Workshop on January 7, 2008; the First Reading was held on January 22, 2008. The Public Hearing was held on February 4, 2008.

A copy of Code §211-80 Permit Parking – dated January 7, 2008 is on page 10, as Attachment B.

B. FENDERSON ROAD TAKINGS

The City has begun the construction of Fenderson Road, after reaching an agreement with all abutters of that private way. To date, easements for construction were secured, and work has reached “base coat” stage. Final paving is to occur in the spring and the road would then be ready, and become a fully open public way.

The City and owners originally considered the approach that each owner would deed to Saco just that portion in front of their lot that made up the way. However, while this was a perfectly fine “concept” upon undertaking construction (we needed 20 easements for construction) we realized such a process would be very time consuming, and expensive.

The City Attorney proposed to the lot owners a simpler approach. Rather than creating 20 little deeds (each one a portion of the way) it would be easier if Saco “took” the way under Title 23, permitting Saco to create only one boundary description (of the entire perimeter of the road from tip to tip. Saco would then vote to take their portions en masse, rather than receiving them in 20 individual disconnected pieces. This would also allow us to avoid

needing all the owners' mortgage companies to sign off on the transfers. The Council is being asked to authorize this process and begin by publishing a "Notice of Intentions".

The Council discussed this item at Workshop on February 19, 2008.

A copy of the complete "Notice of Intention to Layout and Take a Public Way pursuant to 23 M.R.S.A. Section 3022", "Certificate of Taking" & "Condemnation Order" is on page 11, as Attachment C.

C. APPLICATION FOR A LICENSE TO OPERATE GAMES OF CHANCE – SACO EAGLES #3792

Saco Eagles #3792 has applied for a license to operate Games of Chance: Sealed Tickets from April 1, 2008 to April 1, 2009.

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

VIII. ADJOURNMENT

Councilor Smith moved, Councilor Bastille seconded to adjourn at 9:15 p.m. The motion passed with six (6) yeas.

ATTEST: _____
Michele L. Hughes, Deputy City Clerk

DATE APPROVED: _____

ORDER AUTHORIZING
CITY OF SACO TO BORROW AN AMOUNT NOT TO
EXCEED \$4,996,475 FOR PUBLIC WORKS FACILITY IMPROVEMENTS

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

- 1) That under and pursuant to 30-A M.R.S.A. §5772 and Sections 6.14 and 6.15 of the Charter of the City of Saco, the Treasurer and the Mayor of the City of Saco are authorized to issue general or limited general obligation securities in the name of the City of Saco in an aggregate principal amount not to exceed Four Million Nine Hundred Ninety-Six Thousand Four Hundred Seventy-Five Dollars (\$4,996,475), and notes in anticipation thereof, to pay for costs to design, construct and equip additions and renovations to the City's Public Works Facility at 351 North Street and to acquire any real estate or interests in real estate related thereto (the "Project");
- 2) That the proceeds of the said securities and said notes in anticipation thereof (hereinafter collectively, "Bonds"), together with any investment earnings thereon, are appropriated to be used for the Project and for related costs of issuance, credit enhancement and accrued interest, if any;
- 3) That the estimated period of utility of the Project is determined to be in excess of thirty (30) years;
- 4) That pursuant to Section 6.15 of the Charter of the City of Saco, taxes shall be levied on the taxable estates of the City of Saco for each year that the Bonds remain outstanding in the amount necessary to meet the payment of the annual installments of principal and interest on the Bonds;
- 5) That to the extent not inconsistent with this Order, the Treasurer is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of the Bonds, as the Treasurer determines to be in the interest of the City;
- 6) That any of the Bonds may be made callable, with or without premium, prior to their maturity;
- 7) That the Bonds shall be executed in the name of the City by the Treasurer and Mayor, under the official seal of the City attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
- 8) That the Treasurer is authorized to provide for the sale of the Bonds at such times and in such manner, as the Treasurer determines to be in the interest of the City, and to select a purchaser or purchasers of the Bonds and to execute and deliver such contracts or agreements as may be necessary in connection therewith;
- 9) That in connection with the sale of any of the Bonds, the Treasurer may select such financial advisors, bond counsel, underwriters, rating agencies, bond insurance companies, registrars, paying agents, transfer agents and other service providers for such of the Bonds as the Treasurer determines to be in the interest of the City, and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;
- 10) That the Treasurer is authorized to prepare, or cause to be prepared, Notices of Sale, Preliminary Official Statements and Official Statements and Placement Memoranda for use in the offering and sale of any of the Bonds, in such form and containing such information as may be approved by the Treasurer, and that the distribution thereof in the name of and on behalf of the City in connection with offering any of the Bonds is approved;
- 11) That the Treasurer is authorized to undertake all acts necessary to provide for the issuance and transfer of such of the Bonds as the Treasurer deems advisable in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to physical transfer of bonds, and the Treasurer is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in the Treasurer's opinion, appropriate in order to qualify such Bonds for and to participate in the Depository Trust Company Book-Entry Only System;
- 12) That the Treasurer is authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the

acquisition of which would cause such Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;

- 13) That the Treasurer is authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, to take all other lawful actions necessary to insure that interest on the Bonds will be excluded from the gross income on the owners thereof for purposes of federal income taxation, and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
- 14) That the Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;
- 15) That the Treasurer is authorized to designate any of the Bonds as qualified tax exempt obligations for purposes of Section 265(b) of the Internal Revenue Code of 1986;
- 16) That the Treasurer is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Treasurer’s opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Treasurer, with the advice of the City’s bond counsel, may approve;
- 17) That the Treasurer and other proper officials of the City are authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds in accordance herewith and any such prior action by them is hereby ratified and confirmed;
- 18) That if the Treasurer, Mayor, Clerk or any other City officer or official is for any reason unavailable to approve, execute or attest the Bonds or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;
- 19) That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official;
- 20) That the Treasurer prepare a signed financial statement to accompany this and any other referendum question to be submitted on the same date to the voters of the City for ratification of bond issues;
- 21) That a copy of this Order be filed with the City Clerk; and
- 22) That pursuant to Section 6.15 of the Charter of the City of Saco, Maine the following question shall be submitted to the voters of the City of Saco at a referendum vote to be held on June 10, 2008:

Shall the Order of the City Council of the City of Saco entitled “Order Authorizing City of Saco to Borrow an Amount Not to Exceed \$4,996,475 For Public Works Facility Improvements” be ratified and approved?

Code Amendment -§ 211-80 Permit Parking – dated January 7, 2008

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

- A. **Purpose.** The purpose of this sub-section is to allow business owners, employees and residents to park in the municipal parking lots, exempted from the two-hour parking restriction.
- B. **Location of parking lots.** Parking lots subject to this section include the Free Street Lot and the Gooch Street Lot.
- C. **Parking Permit Regulations.** Permittees shall be subject to the following regulations:
- a. Permits for parking spaces in the parking lots shall be issued by the City Clerk on either an annual or a month-to-month basis for a fee established by the City Council at a public hearing. Annual permits shall be valid for a single calendar year (January thru December). Annual permits may be purchased at any time during a calendar year and the fee will be prorated at a monthly basis for the number of months remaining in that year.
 - i. ~~Up to six (6) permits for parking spaces shall be issued for the eastern side of the Free Street Lot,~~
 - ii. ~~Up to twenty three (23) permits for parking spaces shall be issued for the southern side of the West lot on Gooch Street~~
 - b. The number of permitted parking spaces at each location shall be determined by the Traffic Safety Committee, and subject to any existing agreements concerning said lots.
 - c. Any permits not renewed by the 25th of the month for which the permit was issued shall be considered available for the next month and may be assigned to another user on a first come, first serve basis.
 - d. No one business, corporation or individual may hold more than 25% of the available parking permits in any given month or for any given year.
 - e. No vehicle shall be allowed to park in a spot designated “Permit Parking Only” unless properly displaying a City of Saco Parking Permit. Parking permits must be clearly displayed in the windshield of the vehicle, either by hanging the permit from the vehicle’s rearview mirror or affixing it to the windshield. Anyone receiving an overtime parking ticket because the permit was not properly displayed shall be responsible for paying the full violation amount.
 - f. Permitted vehicles should be parked in the designated “Permit Parking Only” area; however, if the designated “Permit Parking Only” area is full, permitted vehicles may park in any other space in the Parking Lot that is available.
 - g. Parking Permits are issued to individuals and may be used only on vehicles owned by the permittee.
 - h. Permitted vehicles may not be parked overnight during the City’s winter parking ban, except as otherwise posted.
 - i. The Police Chief shall have the authority to revoke any parking permit if the holder of that permit fails to follow these regulations or any other relevant provision of this Code. Any such revocation may be appealed to the City Administrator.
- D. **Permit Hours.** Permit restrictions and regulations shall be in effect from 7:00 AM to 6:00 PM
- E. **Dedication of Funds.** All revenues collected for Parking Lot parking permits shall be deposited into a dedicated reserve account to be used for the maintenance and improvement of City parking lots and/or the establishment, maintenance and improvement of other parking facilities.

Notice of Intention to Layout and Take a
Public Way pursuant to 23 M.R.S.A. Section 3022

To the Inhabitants of the City of Saco:

Pursuant to 23 M.R.S.A. Section 3022, notice is hereby given of the intentions of the City Council of the City of Saco to lay out and take certain lands for purposes of a Public Way, said parcel bounded and described as follows:

Commencing at a point marking the Northerly corner of land n/f of Bouthillette as described in Book 14651, Page 454 of the York County Registry of Deeds, said point also marking the Westerly sideline of Hearn Road and the Southerly sideline of Fenderson Road;

Thence running North 62° 05' 39" West a distance of 49.90 feet to an iron rod;

Thence running North 61° 49' 49" West a distance of 53.22 feet to an iron rod;

Thence running North 61° 52' 45" West a distance of 101.42 feet to an iron rod;

Thence running North 61° 57' 08" West 218.15 to an iron pin, said pin apparently marking the Westerly corner of Bouthillette and the Easterly corner of land n/f of Gallagher (see Book 5985, Page 25 of said York County Registry);

Thence running North 62° 12' 56" West a distance of 42.27 feet to a point;

Thence running North 61° 10' 54" West a distance of 245.78 feet to another point;

Thence continuing northwest along said sideline, along a curve to the left, with a radius of 975.00 feet, an arc length of 149.60 feet, and a chord of North 65° 34' 38" West, 149.45 feet to a monument to be set at a point of tangency;

Thence running North 69° 58' 22" West a distance of 41.24 feet to a point;

Thence continuing northwest along said sideline, along a curve to the right, with a radius of 625.00 feet, an arc length of 318.26 feet, and a chord of North 55° 23' 05" West, 314.83 feet to a monument to be set at a point of tangency;

Thence running North 40° 47' 49" West a distance of 863.85 feet to a point;

Thence continuing northwest along said sideline, along a curve to the right, with a radius of 2025.00 feet, an arc length of 41.56 feet, and a chord of North 40° 12' 32" West, 41.56 feet to a monument to be set at a point of tangency;

Thence running North 39° 37' 16" West a distance of 561.10 feet along land n/f of Carter (Book 5313, Page 324); and land n/f of F.G. Carter (Book 5090, Page 239) to a point;

Thence continuing northwest along said sideline, along a curve to the left, with a radius of 225.00 feet, an arc length of 48.23 feet, and a chord of North 45° 45' 44" West, 48.14 feet to a monument to be set at a point of tangency;

Thence running North 51° 54' 13" West a distance of 23.60 to a point marking the common boundary of land n/f Taschereaux;

Thence running North 42° 21' 55" East a distance of 16.41 feet to a point;

Thence running North 55° 06' 20" West a distance of 7.77 feet to another point;

Thence running North 38° 05' 47" East a distance of 33 feet to a point:

Thence running South 55° 06' 03" East a distance of 10.33 feet to a point;

Thence running South 73° 49' 32" East a distance of 35.20 feet to another point;

Thence running North 45° 37' 59" East a distance of 53.32 feet to a point;

Thence running South 44° 06' 44" East a distance of 50.26 feet to a point marking the boundary of land n/f of Papagiotopoulos (Book 5238, Page 326);

Thence running along the common boundary of Papagiotopoulos South 35° 13' 22" West a distance of 68.24 feet to a point;

Thence South 39° 37' 16" East a distance of 546.21 feet along land n/f of Gallagher (Book 12801, Page 65) and land n/f of Saucier (Book 87481, Page 128) to a point;

Thence continuing southeast along said sideline, along a curve to the left, with a radius of 1975.00 feet, an arc length of 40.53 feet, and a chord of South 40° 12' 32" East, 40.53 feet to a monument to be set at a point of tangency;

Thence running South 40° 47' 49" East a distance of 863.85 feet to a point;

Thence continuing southeast along said sideline, along a curve to the left, with a radius of 575.00 feet, an arc length of 292.80 feet, and a chord of South 55° 23' 05" East, 289.64 feet to a monument to be set at a point of tangency;

Thence running South 69° 56' 49" East a distance of 47.86 feet to an apparent iron pin;

Thence running South 71° 04' 03" East a distance of 46.72 feet to a point;

Thence running South 62° 55' 03" East a distance of 100 feet to another point;

Thence running South 61° 10' 54" East a distance of 249.9 feet to an iron pin found;

Thence running South 59° 02' 45" East a distance of 10.48 feet to a crimped iron pin found;

Thence running South 62° 29' 54" East a distance of 388.75 feet to a point;

Thence running South 65° 54' 37" East a distance of 75.27 feet to a point marking the Westerly side line of Hearn Road;

Thence running South 37° 50' 19" West a distance of 58.72 feet to the point of beginning.

And, to meet for this purpose on the ___day of _____, 2008 at Saco City Hall, 300 Main Street, Saco, Maine at 7:00 in the evening. All citizens are invited to be present.

Date: _____

Sandra Bastille

Eric Cote

Marston Lowell

Margaret Mills

Ron Morton

Leslie Smith

Arthur Tardif

Mayor Ron Michaud

I, Lucette Pellerin, attest that the following notice was ordered by the City Council to be posted for at least seven (7) days in at least two (2) public places within Saco and two (2) places within vicinity of the proposed way following a duly held vote, at a duly called meeting, of the City Council of the City of Saco.

Lucette Pellerin
Clerk

Date: _____

CERTIFICATE OF TAKING

(23 M.R.S.A. Section 3024)

Pursuant to 23 M.R.S.A. Section 3024, I hereby certify that an Order of Condemnation dated _____ was filed with Lucette Pellerin, the City Clerk of the City of Saco, by order and direction of the Mayor and City Council of the City of Saco, intending thereby the taking and laying out a Public Way (so-called Fenderson Road) for purposes of public travel, said parcel more particularly described and found as follows:

Commencing at a point marking the Northerly corner of land n/f of Bouthillette as described in Book 14651, Page 454 of the York County Registry of Deeds, said point also marking the Westerly sideline of Hearn Road and the Southerly sideline of Fenderson Road;

Thence running North 62° 05' 39" West a distance of 49.90 feet to an iron rod;

Thence running North 61° 49' 49" West a distance of 53.22 feet to an iron rod;

Thence running North 61° 52' 45" West a distance of 101.42 feet to an iron rod;

Thence running North 61° 57' 08" West 218.15 to an iron pin, said pin apparently marking the Westerly corner of Bouthillette and the Easterly corner of land n/f of Gallagher (see Book 5985, Page 25 of said York County Registry);

Thence running North 62° 12' 56" West a distance of 42.27 feet to a point;

Thence running North 61° 10' 54" West a distance of 245.78 feet to another point;

Thence continuing northwest along said sideline, along a curve to the left, with a radius of 975.00 feet, an arc length of 149.60 feet, and a chord of North 65° 34' 38" West, 149.45 feet to a monument to be set at a point of tangency;

Thence running North 69° 58' 22" West a distance of 41.24 feet to a point;

Thence continuing northwest along said sideline, along a curve to the right, with a radius of 625.00 feet, an arc length of 318.26 feet, and a chord of North 55° 23' 05" West, 314.83 feet to a monument to be set at a point of tangency;

Thence running North 40° 47' 49" West a distance of 863.85 feet to a point;

Thence continuing northwest along said sideline, along a curve to the right, with a radius of 2025.00 feet, an arc length of 41.56 feet, and a chord of North 40° 12' 32" West, 41.56 feet to a monument to be set at a point of tangency;

Thence running North 39° 37' 16" West a distance of 561.10 feet along land n/f of Carter (Book 5313, Page 324); and land n/f of F.G. Carter (Book 5090, Page 239) to a point;

Thence continuing northwest along said sideline, along a curve to the left, with a radius of 225.00 feet, an arc length of 48.23 feet, and a chord of North 45° 45' 44" West, 48.14 feet to a monument to be set at a point of tangency;

Thence running North 51° 54' 13" West a distance of 23.60 to a point marking the common boundary of land n/f Taschereaux;

Thence running North 42° 21' 55" East a distance of 16.41 feet to a point;

Thence running North 55° 06' 20" West a distance of 7.77 feet to another point;

Thence running North 38° 05' 47" East a distance of 33 feet to a point;

Thence running South 55° 06' 03" East a distance of 10.33 feet to a point;

Thence running South 73° 49' 32" East a distance of 35.20 feet to another point;

Thence running North 45° 37' 59" East a distance of 53.32 feet to a point;

Thence running South 44° 06' 44" East a distance of 50.26 feet to a point marking the boundary of land n/f of Papagiotopoulos (Book 5238, Page 326);

Thence running along the common boundary of Papagiotopoulos South 35° 13' 22" West a distance of 68.24 feet to a point;

Thence South 39° 37' 16" East a distance of 546.21 feet along land n/f of Gallagher (Book 12801, Page 65) and land n/f of Saucier (Book 87481, Page 128) to a point;

Thence continuing southeast along said sideline, along a curve to the left, with a radius of 1975.00 feet, an arc length of 40.53 feet, and a chord of South 40° 12' 32" East, 40.53 feet to a monument to be set at a point of tangency;

Thence running South 40° 47' 49" East a distance of 863.85 feet to a point;

Thence continuing southeast along said sideline, along a curve to the left, with a radius of 575.00 feet, an arc length of 292.80 feet, and a chord of South 55° 23' 05" East, 289.64 feet to a monument to be set at a point of tangency;

Thence running South 69° 56' 49" East a distance of 47.86 feet to an apparent iron pin;

Thence running South 71° 04' 03" East a distance of 46.72 feet to a point;

Thence running South 62° 55' 03" East a distance of 100 feet to another point;

Thence running South 61° 10' 54" East a distance of 249.9 feet to an iron pin found;

Thence running South 59° 02' 45" East a distance of 10.48 feet to a crimped iron pin found;

Thence running South 62° 29' 54" East a distance of 388.75 feet to a point;

Thence running South 65° 54' 37" East a distance of 75.27 feet to a point marking the Westerly side line of Hearn Road;

Thence running South 37° 50' 19" West a distance of 58.72 feet to the point of beginning.

And, the City Council determined the amount of reasonable compensation and damages to be paid to the owners of record are as follows:

\$ 1.00 to Carmen Caron of 66 Hearn Rd, Saco, ME (Map 092, Lot 011)

\$ 1.00 to George and Ruth Chase of 70 Hearn Rd., Saco, ME (Map 092, Lot 012)

\$ 1.00 to David A. Chase of 9 Fenderson Rd., Saco, ME (Map 092, Lot 012-01)

\$ 1.00 to Donald J. and Stephanie L. Chase of 11 Fenderson Rd., Saco, ME (Map 092, Lot 012- 02)

\$ 1.00 to Douglas P. and Karen S. Waycott of P.O. Box 204, Saco, ME (Map 093, Lot 003)

\$ 1.00 to Harvest Place of 15 Fenderson Rd., Saco, ME (Map 092, Lot 101-02)

\$ 1.00 to Randy W. and Mary G. Sawyer of 19 Fenderson Rd., Saco, ME (Map 092, Lot 010-03)

\$ 1.00 to Thomas W. and Dolores P. Gallagher of 6 Fenderson Rd., Saco, ME (Map 092, Lot 101-05)

\$ 1.00 to Michael J. and Doreen M. Soucier of 23 Fenderson Rd., Saco, ME (Map 092, Lot 010- 01)

\$ 1.00 to Chris and Alexa Keenan of 60 Sebago Lake Rd., Gorham, ME (Map 102, Lot 009-01)

\$ 1.00 to John R. Galloway of 33 Fenderson Rd., Saco, ME (Map 102, Lot 009)

\$ 1.00 to Dan and Julie Carter of 26 Fenderson Rd., Saco, ME (Map 092, Lot 009)

\$ 1.00 to Marc L. Roberge of 22 Fenderson Rd., Saco, ME (Map 092, Lot 009-08)

\$ 1.00 to Kyle W. and Cheryl A. Duffy of 20 Fenderson Rd., Saco, ME (Map 092, Lot 009-07)

\$ 1.00 to David Deshaies of 16 Fenderson Rd., Saco, ME (Map 092, Lot 009-06)

\$ 1.00 to Howard Carter of 8 Fenderson Rd., Saco, ME (Map 092, Lot 009-05)

\$ 1.00 to Shawn P. and Lucille M. Smith of 12 Fenderson Rd., Saco, ME (Map 092, Lot 009-04)

\$ 1.00 to Thomas W. and Dolores P. Gallagher of 6 Fenderson Rd., Saco, ME (Map 092, Lot 009-03)

And, that a copy of this Order and a check in the amount of damages noted above were duly served upon each above referenced owner of record, all as required by law.

Dated at Saco, Maine this ___ day of _____, 2008.

Richard Michaud
City Administrator

ATTEST:

I, Lucette Pellerin, Clerk of the City of Saco herein attest to the delivery and receipt of the herein stated Order of Condemnation. I further attest that my office has submitted said Order to the York County Registry of Deeds for recording on the date herein set forth below.

Lucette Pellerin
City Clerk

Date delivered for recording

STATE OF MAINE
YORK, ss.

_____, 2008

Then personally appeared before me RICHARD MICHAUD, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of the CITY OF SACO, and of his authority herein to act on its behalf.

Before me,

Notary Public/Attorney At Law

STATE OF MAINE
YORK, ss.

_____, 2008

Then personally appeared before me LUCETTE PELLERIN, who gave oath and acknowledged the foregoing to be true and complete, and her free act and deed.

Before me,

Notary Public/Attorney At Law

CONDEMNATION ORDER

To the following Owners of Record:

Pursuant to 23 M.R.S.A. Section 3023, the City Council of the City of Saco, having given notice of their intentions to lay out and take certain real property for a Public Way (so-called Fenderson Road) by posting notice for over seven (7) days in two (2) or more public places (City Hall, Dyer Library and in the vicinity of the proposed way at _____ and _____); and having met for this purpose in accordance with the notice, and having determined that a need and public exigency exists which requires the taking of said property, and it being unable to reasonably purchase the parcel due to the number of owners and mortgage holders of record at a reasonable cost, and title being at issue as a result of prior Judicial Action.

Now therefore, the City Council of the City of Saco does hereby take as a Public Way for the City of Saco, and all its inhabitants, the following parcel of land:

Commencing at a point marking the Northerly corner of land n/f of Bouthillette as described in Book 14651, Page 454 of the York County Registry of Deeds, said point also marking the Westerly sideline of Hearn Road and the Southerly sideline of Fenderson Road;

Thence running North 62° 05' 39" West a distance of 49.90 feet to an iron rod;

Thence running North 61° 49' 49" West a distance of 53.22 feet to an iron rod;

Thence running North 61° 52' 45" West a distance of 101.42 feet to an iron rod;

Thence running North 61° 57' 08" West 218.15 to an iron pin, said pin apparently marking the Westerly corner of Bouthillette and the Easterly corner of land n/f of Gallagher (see Book 5985, Page 25 of said York County Registry);

Thence running North 62° 12' 56" West a distance of 42.27 feet to a point;

Thence running North 61° 10' 54" West a distance of 245.78 feet to another point;

Thence continuing northwest along said sideline, along a curve to the left, with a radius of 975.00 feet, an arc length of 149.60 feet, and a chord of North 65° 34' 38" West, 149.45 feet to a monument to be set at a point of tangency;

Thence running North 69° 58' 22" West a distance of 41.24 feet to a point;

Thence continuing northwest along said sideline, along a curve to the right, with a radius of 625.00 feet, an arc length of 318.26 feet, and a chord of North 55° 23' 05" West, 314.83 feet to a monument to be set at a point of tangency;

Thence running North 40° 47' 49" West a distance of 863.85 feet to a point;

Thence continuing northwest along said sideline, along a curve to the right, with a radius of 2025.00 feet, an arc length of 41.56 feet, and a chord of North 40° 12' 32" West, 41.56 feet to a monument to be set at a point of tangency;

Thence running North 39° 37' 16" West a distance of 561.10 feet along land n/f of Carter (Book 5313, Page 324); and land n/f of F.G. Carter (Book 5090, Page 239) to a point;

Thence continuing northwest along said sideline, along a curve to the left, with a radius of 225.00 feet, an arc length of 48.23 feet, and a chord of North 45° 45' 44" West, 48.14 feet to a monument to be set at a point of tangency;

Thence running North 51° 54' 13" West a distance of 23.60 to a point marking the common boundary of land n/f Taschereaux;

Thence running North 42° 21' 55" East a distance of 16.41 feet to a point;

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Thence running along the common boundary of Papagiotopoulos South 35° 13' 22" West a distance of 68.24 feet to a point;

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Thence running South 71° 04' 03" East a distance of 46.72 feet to a point;

Thence running South 62° 55' 03" East a distance of 100 feet to another point;

Thence running South 61° 10' 54" East a distance of 249.9 feet to an iron pin found;

Thence running South 59° 02' 45" East a distance of 10.48 feet to a crimped iron pin found;

Thence running South 62° 29' 54" East a distance of 388.75 feet to a point;

Thence running South 65° 54' 37" East a distance of 75.27 feet to a point marking the Westerly side line of Hearn Road;

Thence running South 37° 50' 19" West a distance of 58.72 feet to the point of beginning.

And, it determines that the fair and equitable price for said parcel and the fair, reasonable and proper amount of damages attributable to each partial owner of said parcel is as follows:

- \$ 1.00 to Carmen Caron of 66 Hearn Rd, Saco, ME (Map 092, Lot 011)
- \$ 1.00 to George and Ruth Chase of 70 Hearn Rd., Saco, ME (Map 092, Lot 012)
- \$ 1.00 to David A. Chase of 9 Fenderson Rd., Saco, ME (Map 092, Lot 012-01)
- \$ 1.00 to Donald J. and Stephanie L. Chase of 11 Fenderson Rd., Saco, ME (Map 092, Lot 012- 02)
- \$ 1.00 to Douglas P. and Karen S. Waycott of P.O. Box 204, Saco, ME (Map 093, Lot 003)
- \$ 1.00 to Harvest Place of 15 Fenderson Rd., Saco, ME (Map 092, Lot 101-02)
- \$ 1.00 to Randy W. and Mary G. Sawyer of 19 Fenderson Rd., Saco, ME (Map 092, Lot 010-03)
- \$ 1.00 to Thomas W. and Dolores P. Gallagher of 6 Fenderson Rd., Saco, ME (Map 092, Lot 101-05)
- \$ 1.00 to Michael J. and Doreen M. Soucier of 23 Fenderson Rd., Saco, ME (Map 092, Lot 010- 01)
- \$ 1.00 to Chris and Alexa Keenan of 60 Sebago Lake Rd., Gorham, ME (Map 102, Lot 009-01)
- \$ 1.00 to John R. Galloway of 33 Fenderson Rd., Saco, ME (Map 102, Lot 009)
- \$ 1.00 to Dan and Julie Carter of 26 Fenderson Rd., Saco, ME (Map 092, Lot 009)
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- \$ 1.00 to Kyle W. and Cheryl A. Duffy of 20 Fenderson Rd., Saco, ME (Map 092, Lot 009-07)
- \$ 1.00 to David Deshaies of 16 Fenderson Rd., Saco, ME (Map 092, Lot 009-06)
- \$ 1.00 to Howard Carter of 8 Fenderson Rd., Saco, ME (Map 092, Lot 009-05)
- \$ 1.00 to Shawn P. and Lucille M. Smith of 12 Fenderson Rd., Saco, ME (Map 092, Lot 009-04)
- \$ 1.00 to Thomas W. and Dolores P. Gallagher of 6 Fenderson Rd., Saco, ME (Map 092, Lot 009-03)

Dated at Saco, Maine this ____ day of _____, 2008.

Sandra Bastille

Marston Lowell

Ron Morton

Arthur Tardif

Eric Cote

Margaret Mills

Leslie Smith

Mayor Ron Michaud

ATTEST:

I, Lucette Pellerin, herein certify and attest that the City Council of the City of Saco, at a duly noticed, called and held Council meeting on _____, 2008 voted by majority to take and condemn the herein referenced land as a Public Way, and to pay the damages specified herein above to the parties noted.

Lucette Pellerin
City Clerk

Date: