

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the June 2, 2008 City Council Meeting.

- I. **CALL TO ORDER** – On Monday June 2, 2008 at 7:00 p.m. a council meeting was held in the City Hall Auditorium.

- II. **ROLL CALL OF MEMBERS** – Mayor 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 Morton, Sandra Bastille, Arthur Tardif. Eric Cote and Marston Lovell.

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

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. APPROVAL OF MINUTES: April 7, 2008; April 28, 2008; May 5, 2008

Minutes for the above entitle minutes were approved as written.

VI. AGENDA ITEMS:

A. (Public Hearing) Annual Mooring Application Fee

City Code requires that moorings be inspected by the Harbor Master or his designee biannually. There has not been a fee established by the City for these inspections and it is not covered in the mooring permit fee. The current practice is for the Harbormaster to charge the mooring holder for the inspection, and that rate is currently \$25.00.

The Coastal Waters Commission discussed this issue in June 2007, and recommended that the Director of Public Works establish a fee for inspection services. City Code requires that fees be established by the City Council after a Public Hearing. This item is intended to act on such recommendation.

The City Council discussed this item at Workshop on April 7, 2008. This item was tabled after the Public Hearing on April 28, 2008. The Coastal Waters Commission discussed this matter in their monthly meeting on May 7, 2008 and has recommended keeping the fee at \$50 for the inspection but including it in the mooring holder's annual renewal fee.

The issue of the Yacht Club Moorings became moot with the letter from the Army Corp of Engineers (ACE) who indicated that only the six moorings initially approved by the ACE belonged to the yacht club, all other moorings are the responsibility of the individual members.

Councilor Bastille moved, Councilor Smith seconded, to open the Public Hearing on the annual mooring application fee. The motion passed with seven yeas.

There being no comments from the public Councilor Bastille moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council approve increasing the annual mooring application fee from \$100.00 to \$125.00 annually to include a biannual mooring inspection. That inspection would include two visits by the Harbormaster. Any additional inspection visits will require an additional \$25.00 Fee. Further move to approve the Order. The motion passed with seven (7) yeas

**B. (Public Hearing) Renewal Application For Liquor License /Entertainment Permit
– Biddeford-Saco Elks Lodge No. 1597**

The Biddeford-Saco Elks Lodge No. 1597 has applied for the renewal of their Liquor License/Special Entertainment Permit for a period 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 Lovell moved, Councilor Smith seconded, to open the Public Hearing on the Liquor License renewal for the Biddeford-Saco Elks Lodge. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Lovell moved, Councilor Smith seconded, to close the Public Hearing and grant the renewal applications submitted by the Biddeford-Saco Elks Lodge No. 1597 for a Liquor License and Entertainment permit for the period of one year. The motion passed with seven (7) yeas.

C. Vote to Adopt FY 09 School Budget

a. Adoption of FY 2008-2009 School Budget

The Council discussed this item at workshop on March 4th, April 14th, and April 28th and held a public hearing on May 5th.

Below is a motion for the adoption of the Fiscal Year 2008-2009 Budget for the City of Saco as was proposed by the City Administrator and the Superintendent of Schools.

Councilor Cote moved, Councilor Bastille seconded that it Ordered that the City Council move to approve the adoption of an appropriation order for the adoption of the Fiscal Year 2008-2009 budget, **excluding all city related items**, per Section 6.06 and 6.07 of the Charter of the City of Saco, Maine as follows:

Approve gross expenditures of \$27,579,894 which represents \$146,591 in adult education expenditures, \$25,000 in capital improvements for school operations and \$27,408,303 in school expenditures; to be offset by \$27,579,894 in anticipated revenues and other credits, which represents \$11,787,941 in anticipated school revenues, of which \$763,528 is from the School's Undesignated Fund Balance, thereby raising gross taxes of \$15,791,953; and further ordering that the amounts set in the following attached schedule titled "CITY OF SACO FY 2009 SCHOOL BUDGET" which shall become a part of the City Clerk's records and shall designate the form of the City of Saco Budget for Fiscal Year 2008-2009 as authorized under Section 6.04 of the Charter of the City of Saco, Maine.

FY 2009 COMBINED CITY & SCHOOL BUDGET				
May 5, 2008 -				
	COUNCIL	CITY		
	APPROVED	ADMIN	REQUESTED	PERCENT
<u>MUNICIPAL BUDGET</u>	<u>FY 07-08</u>	<u>FY 08-09</u>	<u>CHANGE</u>	<u>CHANGE</u>
Mayor-Council (Legislative)	\$ 20,600	\$ 20,600	\$ -	0.00%
City Administration	\$ 240,018	\$ 265,426	\$ 25,408	10.59%
Finance/Technology Department	\$ 732,358	\$ 770,623	\$ 38,265	5.22%
City Clerk	\$ 206,473	\$ 217,945	\$ 11,472	5.56%
Tax Assessor	\$ 178,479	\$ 182,697	\$ 4,218	2.36%
City Building Maintenance	\$ 99,895	\$ 116,214	\$ 16,319	16.34%
Legal Department	\$ 235,000	\$ 115,000	\$ (120,000)	-51.06%
Police Department	\$ 3,078,312	\$ 3,209,701	\$ 131,389	4.27%
Fire/Ambulance Department	\$ 2,399,783	\$ 2,575,605	\$ 175,822	7.33%
Building Inspection	\$ 241,833	\$ 247,828	\$ 5,995	2.48%
Planning & Economic Development	\$ 277,303	\$ 300,928	\$ 23,625	8.52%
Public Works Department	\$ 3,963,100	\$ 4,317,566	\$ 354,466	8.94%
Public Agencies	\$ 543,000	\$ 559,800	\$ 16,800	3.09%
Emergency Management	\$ 5,900	\$ 5,900	\$ -	0.00%
Parks & Recreation Department	\$ 894,988	\$ 920,251	\$ 25,263	2.82%
Debt Service	\$ 1,367,533	\$ 1,778,585	\$ 411,052	30.06%
Employee Benefits	\$ 2,265,316	\$ 2,460,036	\$ 194,720	8.60%
Insurance	\$ 231,067	\$ 179,425	\$ (51,642)	-22.35%
Contingency	\$ 67,000	\$ 89,239	\$ 22,239	33.19%
Capital Projects	\$ 423,256	\$ 522,953	\$ 99,697	23.55%
Gross Municipal Budget	\$ 17,471,214	\$ 18,646,481	\$ 1,385,108	7.93%

	COUNCIL	SCHOOL		
	APPROVED	BOARD	REQUESTE	PERCENT
<u>EDUCATION BUDGET</u>	<u>FY 07-08</u>	<u>FY 08-09</u>	<u>D</u>	<u>CHANGE</u>
			<u>CHANGE</u>	<u>CHANGE</u>
K-8	\$ 8,521,086	\$ 9,023,496	\$ 502,410	5.90%
Thornton Academy	\$ 8,540,562	\$ 8,408,658	\$ (131,904)	-1.54%
Special Education (K-12)	\$ 3,642,840	\$ 3,916,720	\$ 273,880	7.52%
Transportation	\$ 897,738	\$ 956,756	\$ 59,018	6.57%
Building Maintenance	\$ 2,027,959	\$ 2,175,688	\$ 147,729	7.28%
Superintendent's Office	\$ 495,041	\$ 521,285	\$ 26,244	5.30%
Professional Development	\$ 178,324	\$ 181,539	\$ 3,215	1.80%
School Board	\$ 64,695	\$ 64,692	\$ (3)	0.00%
District Wide Instruction	\$ 521,594	\$ 769,403	\$ 247,809	47.51%
Health Services	\$ 198,800	\$ 208,508	\$ 9,708	4.88%
Technology	\$ 263,196	\$ 315,460	\$ 53,264	20.24%
Debt Service	\$ 918,602	\$ 889,212	\$ (29,390)	-3.20%
Gifted and Talented	\$ 80,685	\$ 83,393	\$ 2,708	3.36%
Subtotal Education K-12	\$ 26,351,122	\$ 27,737,401	\$ 1,164,688	4.42%
Adult Education (Gross Budget)	\$ 140,910	\$ 146,591	\$ 5,681	4.03%
Transfer to School Lunch Program	\$ 26,827	\$ -	\$ (26,827)	100.00%
Capital Improvements	\$ 100,000	\$ 75,000	\$ (25,000)	-25.00%
Subtotal Adult Educ. & Cap. Improv.	\$ 267,737	\$ 221,591	\$ (46,146)	-17.24%
Total Education Budget	\$ 26,618,859	\$ 27,737,401	\$ 1,118,542	4.20%

Total Combined Budget	\$	\$	\$	5.68%
	44,090,073	46,395,282	2,503,650	
Total Combined Budget	\$	\$	\$	5.68%
	44,090,073	46,395,282	2,503,650	

The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

b. Fiscal Year 2009 – State Required Council Action for School

The State Department of Education requires that the Council approve the School Warrant Articles with the wording specifically that they require and with the appropriate numbers from the local ED269 and the approved budget. The essence of these four articles is to establish that the City is committing enough local funds to be eligible for the State Education funds and to establish the total Education budget for the municipality.

Councilor Morton moved, Councilor Bastille seconded, that it be Ordered that the City Council authorize the City Treasurer to accept, on behalf of the City of Saco, the following categories of state funds and their estimated amounts for the fiscal year 2008-2009 which are provided by the Legislature of the State of Maine to the City of Saco, and which action is required under Title 30-A MRSA 5682.

Education Subsidies	\$9,494,668
Medicaid monies	\$ 360,000
Adult education	\$ 37,500
State Agency Clients	\$ 100,000

And such other state revenues, grants or reimbursements which may from time to time become available to the City of Saco from the State of Maine.

And further move to approve the School Warrant Articles as presented.

And adopt the Resolution Approving School Budget For Fiscal year 2008-2009, the Resolution Approving Additional Local Funds for School Budget For Fiscal Year 2008-2009, and the Resolution Approving Adult Education Budget For Fiscal Year 2008-2009. The motion passed with five (5) yeas and two (2) nays. Councilors Smith and Tardif voted in the negative

**City of Saco, Maine
Resolution Approving School Budget
For Fiscal year 2008-2009**

BE IT RESOLVED, Pursuant to Title 20-A, sections 1485 and 15690, that

1. The following school budget cost center articles be adopted and approved for expenditure for fiscal year 2008-2009:

Article 1-

The sum of \$16,452,419 for Regular Instruction.

Article 2- The sum of \$4,565,380 for Special Education.

Article 3- The sum of \$0 for Career and Technical Education.

Article 4- The sum of \$98,653 for Other Instruction.

Article 5- The sum of \$895,229 for Student and Staff Support.

Article 6- The sum of \$585,977 for System Administration.

Article 7- The sum of \$828,990 for School Administration.

Article 8- The sum of \$956,756 for Transportation and Buses.

Article 9- The sum of \$2,190,688 for Facilities Maintenance.

Article 10- The sum of \$889,212 for Debt Service and Other Commitments, and

Article 11- The sum of \$0 for All Other Expenditures.

2. The sum of \$22,514,513 be appropriated for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and the sum of \$13,018,453 be raised as the municipality's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688.

State Mandated Explanation: The City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that the City must raise in order to receive the full amount of state dollars.

3. That the sum of \$609,767 be raised and appropriated for the annual payments on debt service previously approved by the City's legislative body for non-state-funded school construction projects, non-state-funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the City's contribution to the total cost of funding public education from kindergarten to grade 12.

State Mandated Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the City's long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The bonding of this long-term debt was previously approved by the voters or other legislative body.

4. The school committee be authorized to expend \$27,463,304 for the fiscal year beginning July 1, 2008 and ending June 30, 2009 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school

purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

City of Saco, Maine
Resolution Approving Additional Local Funds for School Budget
For Fiscal Year 2008-2009

(Note: State law requires a recorded vote with a majority of full council in favor)

BE IT RESOLVED, in accordance with the separate approval requirement of Title 20-A, section 15671-A (5) (B), that \$2,084,643 be raised and appropriated in additional local

funds, which exceeds the State's Essential Programs and Services allocation model by \$1,519,279 as required to fund the budget recommended by the school committee.

The school committee recommends \$2,084,643 for additional local funds and gives the following reasons for exceeding the state's Essential Programs and Services funding model by \$1,519,279: to cover costs of the City's schools that the state's funding model does not recognize, primarily increases in personnel contractual obligations, heating oil, gasoline and diesel fuel prices. The remaining increase is a result of State reductions within the EPS funding model.

State Mandated Explanation: The additional local funds are those locally raised funds over and above the municipality's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the school department budget for educational programs.

City of Saco, Maine
Resolution Approving Adult Education Budget
For Fiscal Year 2008-2009

BE IT RESOLVED, that the City of Saco appropriate \$158,182 for Adult Education and that the City raise \$79,091 as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program.

VII. CONSENT AGENDA

**C. (First Reading) Contract Zone – Pathfinders Snowmobile Club –
Lawnmower Races**

The Saco Pathfinders Snowmobile Club clubhouse at 42 Heath Road was the setting for a series of lawnmower races last year. Upon hearing about the events from a neighbor, the City advised the Club that lawnmower races are not permitted under zoning. Discussion with the City has led the Club to propose a contract zone that would allow the events with certain limitations:

- No more than two evenings per month,
- Hours of operation from 6-9 p.m., and
- In the event that a contract zone is approved, the Lawnmower Race Project would then be subject to site plan review.

On May 6, 2008, the Planning Board reviewed the Saco Pathfinders Club proposal. The Board made a positive finding on each of the standards found in Sec. 1403-6, and voted to make a positive recommendation on the proposed contract zone.

The City of Saco hereby Ordains and Approves the First Reading of the findings in the Contract Zone document titled, “**Contract Zone Agreement By and Between Saco Pathfinders Snowmobile Club and the City of Saco,**” dated May 6, 2007”; and further moves to schedule a Public Hearing for June 16, 2008, for the property identified on Tax map 116, as Lot 22-1, as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8).

**Contract Zone Agreement By and Between
Saco Pathfinders Snowmobile Club and the City of Saco**

May 6, 2008

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through November 19, 2007 is hereby further amended by adopting this contract by and between the City of Saco and the Saco Pathfinders Snowmobile Club.

1. The Saco Pathfinders Snowmobile Club (Applicant) has submitted an application for a contract zone for the parcel (Subject Property) at 42 Heath Road.
2. The Subject Property is owned by the Applicant, acquired November 12, 1973, and subject to a deed recorded in Book 2019, Page 292 at the York County Registry of Deeds.
3. The Subject Property is a 2.0 acre parcel identified as Tax Map 116, Lot 22-1 on City of Saco tax maps.
4. The Subject Property is in the C-1 zoning district.
5. The Applicant proposes to establish a use not currently recognized by the Zoning Ordinance – “Lawnmower Races” -- on the Subject Property. This is not an allowed use in the C-1 zoning district or in the City of Saco.
6. Recognizing the requirements of the Zoning Ordinance, and the limitations on establishing such a use in the C-1 zoning district, the Applicant hereby makes application for a Contract Zone that would allow said use to be established on the Subject Property as a legally conforming use.

II. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicant to establish Lawnmower Races as an allowed use, as provided for in Article 14 of the Saco Zoning Ordinance:

Section 410-14 of the Zoning Ordinance is hereby amended so that “Lawnmower Races” shall be a permitted use on the Subject Property.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 1403-5 of the Saco Zoning Ordinance:

- a. The Applicant shall adhere to all other applicable provisions of the C-1 zoning district and of the City of Saco Zoning Ordinance.
- b. City and Applicant recognize that the plan/map submitted for contract zone review is an accurate representation of existing site layout, but is subject to change as a result of site plan review conducted by the Planning Office. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the changes.
- c. Abutter Scamman, 38 Heath Road, has offered to allow parking on his property for lawnmower racing events. An easement specifying this arrangement shall be drafted, made available to the City for review, and recorded at the York County Registry of Deeds prior to said events taking place. The Applicant is aware that should the Scamman property be found to contain wetlands, or found to be inadequate in some other way for the creation of additional parking, then an alternative may need to be found in order for site plan parking requirements to be met.
- d. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.
- e. Lawnmower races shall be limited to no more than two evenings per months, between the hours of 6:00 p.m. and 9:00 p.m.
- f. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable prior to review of said qualifications by the Planning Board.
- g. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer shall be required to apply for a contract modification. Failure to apply for or to obtain a modification shall constitute a zoning violation, subject to enforcement action.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on May 6, 2008 and the Saco City Council on _____, 2008, the following findings are hereby adopted:

- A. The parcel identified as City Tax Map 116, Lot 22-1 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:
 - 1. The Subject Property is the location of the sole snowmobile club in the City of Saco. The City finds the Saco Pathfinders Snowmobile Club to be a valued entity within Saco, as a supporter and contributor to numerous causes and events.
- B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Chapter 17, Section J. Recreation and Open Space

Local Goals: To provide recreational facilities to meet the needs of the City’s growing population.

Chapter 17, Section K. Cultural Facilities

Local Goal: To provide cultural facilities to meet the needs of the community and reinforce Saco’s role as a core community within the region.
- C. The proposed use is consistent with but not limited to the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated to promote agriculture and open space while permitting low density residential uses. Examples of uses in the vicinity of the subject property include single-family dwellings and agricultural land.
- D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _____, 2008.

by _____
 Richard Michaud
 City Administrator

by _____
 Robert Berry, Chairman
 Saco Pathfinders Board of Directors
 Applicant

**D. (First Reading) Zoning Ordinance Amendment Site Plan Review –§1103.3
 Waiver of Submission Requirements**

Recently, the Planning Board discussed extensively the topic of completeness of applications submitted for review, and when and why waivers of submission items may be granted.

The Board proposes to strengthen the existing language pertaining to waivers in an effort to clarify for applicants that waiver requests must be detailed and supported with evidence related to why a waiver should be granted.

“The City of Saco hereby approves the First Reading of the document titled, ‘Amendment to Zoning Ordinance Section 1103.3 dated May 19, 2008,’ and further moves to schedule a Public Hearing for June 16, 2008.”

‘Amendment to Zoning Ordinance Section 1103.3, dated May 19, 2008.’

The underlined passages are proposed as new language.

Section 1103.3. After an application is submitted, the planning department within ten (10) working days shall determine whether all information required under Section 1104, or requests for waivers of submission for items that have not been addressed, have been submitted. Any requests for waivers must be explained in detail and supported by substantial evidence where appropriate. If the application appears to be complete, it shall be scheduled for Planning Board consideration within four weeks. Nothing in this subsection shall preclude a determination by the Planning Board that additional information is needed before the application is treated as complete. A determination of completeness by the Planning Board does not constitute approval of any waiver requests, unless a specific finding to that effect is made by the Planning Board.

E. School Budget Validation Referendum Election Warrant

WARRANT
SCHOOL BUDGET VALIDATION REFERENDUM
(20-A M.R.S.A. §§ 1486 AND 2307)
CITY OF SACO

York County’s.

State of Maine

TO: Bradley Paul, Chief of Police of the City of Saco: You are hereby required in the name of the State of Maine to notify the voters of the City of Saco of the referendum election described in this warrant.

TO THE VOTERS OF THE CITY OF SACO:

You are hereby notified that a school budget validation referendum election will be held at:

Ward One,	at Saco Middle School, 40 Buxton Road
Ward Two,	at Saco Middle School, 40 Buxton Road
Ward Three,	at Gov. John Fairfield School, 75 Beach St.
Ward Four,	at Gov. John Fairfield School, 75 Beach St.
Ward Five,	at Saco Community Center, 75 Franklin St.
Ward Six,	at C. K. Burns School, 135 Middle St.
Ward Seven,	at C. K. Burns School, 135 Middle St.

In the City of Saco on June 10, 2008 for the purpose of determining the following question:

Question 1: Do you favor approving the City of Saco school budget for the upcoming school year that was adopted at the City council meeting held on June 02, 2008 and that includes

locally raised funds that exceed the required local contribution as described in the Essential Programs and Services Funding Act?

A YES vote allows additional funds to be raised for K-12 public education

A NO vote means additional funds cannot be raised for K-12 public education.

The voting on Question 1 shall be by secret ballot referendum, and the polls shall be opened at 7:00 a.m. and close at 8:00 p.m.

The Registrar of Voters shall hold office hours while the polls are open to correct any error in or change in name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election.

Given under our hand this day, June 2, 2008 at Saco, Maine.

A majority of the municipal officers of the City of Saco.

A true copy of the Warrant, attest: _____

Lucette S. Pellerin, Clerk of the City of Saco.

G. Confirm the Mayor’s Appointment to the Coastal Waters Commission

The Coastal Waters Commission shall be composed of seven members, to be appointed by the Mayor for a three-year term and approved by the City Council. Each Commission member shall be a resident of the city, shall be persons qualified to perform the duties of such office and shall serve without compensation.

Be it Ordered that the City Council confirm the Mayor’s appointment as a full member of the Saco Coastal Waters Commission, Gary Marston, to fulfill Robert Morowski Jr.’s term to expire on October 16, 2008.

Councilor Bastille moved, Councilor Mills seconded, to approve items C, D, E and G of the Consent Agenda. The Motion passed with seven (7) yeas.

A. (Second & Final Reading) Zoning Ordinance Amendment – Regulation of Marinas

This proposed Zoning Ordinance amendment would create minimum requirements for the siting, design and operation of marinas both on the Saco River and in Saco Bay. Any new marina or marina expansion proposal would be subject to site plan review as well as existing permit requirements with the Maine Department of Environmental Protection and U.S. Army Corps of

Engineers. Marinas are currently allowed uses in the B-1, B-3 and B-5 zones; this proposal would add marinas as a permitted use to the B-4 zone.

The Planning Board considered the proposed Ordinance amendment on April 15, 2008 and made a positive recommendation for passage.

Councilor Bastille moved, Councilor Mills seconded, that the City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘Amendments to Zoning Ordinance, Section 731. Marinas, Article 3, Section 1102. Applicability, and Table 708-2, dated April 28, 2008’. The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

B. (Second & Final Reading) Zoning Ordinance Amendment §730 Small Wind Energy

With the installation of wind turbines at the treatment plant and on Saco Island, the City of Saco has taken the lead among Maine communities in utilizing alternative forms of energy. Recognizing that residents and businesses are also likely to be taking advantage of wind power, this proposal would establish standards for the installation and performance of “Small Wind Energy Systems.” As proposed, they would be allowed throughout the City on lots 20,000 square feet or larger, and would be limited to a 10 kW capacity and 100 feet in height. No more than one turbine would be allowed per lot; units could be installed with a permit from the Code Enforcement Office.

The Planning Board considered the proposed Ordinance amendment on 1/8/08; 03/04/08; and 03/18/08, and forwards a positive recommendation for passage.

MAIN MOTION WITH INCLUSION OF AMENDMENTS #1, 3 AND 4: Councilor Cote moved, Councilor Smith seconded, that the Second & Final Reading of the document titled ‘Amendments to Zoning Ordinance Article 3§ 730. Small Wind Energy Systems, Dated April 7, 2008’ be approved.

AMENDMENT #1 AS PART OF MAIN MOTION: That it be ordered that the City Council approve the following amendment to the document titled ‘Amendments to Zoning Ordinance Article 3 §730. Small Wind Energy Systems, dated April 7, 2008’ – D (5)

D (5) ~~No~~ more than one (1) SWES shall be permitted per lot and shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot

AMENDMENT #3 AS PART OF MAIN MOTION: Be it Ordered that the City Council approve the following amendment to the document titled, ‘Amendments to Zoning Ordinance Article 3, §730. Small Wind Energy Systems, dated April 7, 2008’ –

§ 801.Noise E. Noise Requirements

3. Sound from any source controlled by this Ordinance shall not exceed the following limits at the lot line of the "receiving" property:

SOUND PRESSURE LEVEL LIMITS MEASURED IN dB(A)'s

	<u>DAY</u>	<u>NIGHT</u>
<u>Industrial Districts</u>	<u>65</u>	<u>60</u>
<u>Commercial Districts</u>	<u>60</u>	<u>50</u>
<u>Residential and Conservation Districts</u>	<u>55</u>	<u>45</u>

AMENDMENT #4 AS PART OF MAIN MOTION: Be it Ordered that the City Council approve the following amendment to the document titled, ‘Amendments to Zoning Ordinance Article 3, §730. Small Wind Energy Systems, dated April 7, 2008’ –

(D).

1. NO SWES shall be allowed on a parcel of land with an area of less than 20,000 square feet.

3. All elements of a SWES shall be set back 50% 100% of the distance from the ground to the center of the turbine from all boundaries of the applicant’s property, or shall adhere to the side yard or rear yard setback, whichever is greater.

5.No more than one (1) SWES shall be permitted per lot and shall only generate energy for use for or in support of a main building and/or accessory buildings located on the same lot.

Further move to approve the order. The motion with amendments #1, #3 and #4 passed with seven (7) yeas.

F. Notice of Election

The Notice of Election is submitted to Mayor and Council authorizing the General Election scheduled for June 10, 2008.

The Clerk, as required by Title 21A, Article II § 622-A, has prepared the Notice of Election which will be posted, at all polling places, on June 3, 2008 by Chief Paul or his designee.

Councilor Tardif moved, Councilor Mills seconded, that it be ordered that the City Council approve the Notice of Election for the School Budget Validation Referendum Election scheduled for June 10, 2008. The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

VIII. ADJOURNMENT

Councilor Morton moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 8:20 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk