

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

- I. **CALL TO ORDER** – On Monday, June 16, 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 Councilor 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: May 19, 2008

Minutes for May 19, 2008 were approved as written.

VI. AGENDA ITEMS:

A. (Public Hearing) 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 Council discussed this item at Workshop on May 19, 2008, and the First Reading was held on June 2, 2008. The Planning Department notified all abutters by mail of the Public Hearing.

Councilor Smith moved, Councilor Mills seconded, to open the Public Hearing on the Contract Zone document titled, “Contract Zone Agreement By and Between Saco Pathfinders Snowmobile Club and the City of Saco,” dated May 6, 2007”. The motion passed with seven yeas.

Ms. Carolyn Nedza, 46 Heath Rd., stated that she was concerned about the deafening noise from the track which 100 feet from her yard. The area is residential and such an activity should not be located there.

Mr. Bob Berry, Chair of the club, stated that without fund raising opportunities the club would have to close their doors. Annual expenses for the club are over \$10,000.

Mr. Charley Goss felt that the community should be proud of what the club was doing.

Councilor Smith moved, Councilor Tardif seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for July 7, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

This matter will be discussed at the next Council Workshop.

**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

**B. (Public Hearing) 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 Planning Board considered the proposed ordinance amendment at several workshops, and on May 6, 2008, a Public Hearing was held. The Board makes a positive recommendation for passage.

Councilor Morton moved, Councilor Smith seconded, to open the Public Hearing on the document titled, ‘Amendment to Zoning Ordinance Section 1103.3 dated May 19, 2008’,

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 for July 7, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

**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.

C. Rescind the Order for Bond Question Public Works Facility

On March 17, 2008, the Council voted to approve the Second and Final Reading of the ‘**Order Authorizing City of Saco to Borrow an Amount not to Exceed \$4,996,475 for Public Works Facility Improvements**’. The approved Order was scheduled to go to citizen vote in the form of a bond question in November 2008.

The Council is being asked to rescind the order to authorize a bond question regarding public works facility improvements in light of the fact that other cost saving alternatives are being explored by the city at this time.

Councilor Cote moved, Councilor Lovell seconded, that the City of Saco hereby rescinds the ‘Order Authorizing City of Saco to Borrow an Amount not to Exceed \$4,996,475 for Public Works Facility Improvements’, approved on March 17, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

**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?

*(Please note that when the Council approved the Order on 3/17/08, that bond counsel advised that it would be ok for the Council to change the election date from 6/10/08 to 11/11/08 without starting the process anew)

VII. CONSENT AGENDA

A. Personal Property Write Off

The attached exhibit shows a listing of the personal property tax accounts and two real estate tax bills for mobile homes that are unpaid as of May 30, 2008 and are recommended for write off. Each business is no longer in business, one mobile home was destroyed, and one mobile home is scheduled to be destroyed June 30th; each account has a narrative on the attached listing of why the taxes are being recommended for write off.

Be it Ordered that the City Council authorize writing off the personal property and real estate taxes which total \$1593.81, as identified on the documents titled, 'Personal Property Write Off

Recommendations, dated January 30, 2008, February 21, 2008, and May 20, 2008, to remove the receivable from the tax collector's records.

Exhibits:

01/30/08 Real Estate and Personal Property Write Off Recommendations

1) \$191.90* in Personal Property tax for Shenanigans from Fiscal Year 2004 and Fiscal Year 2005. Background is as follows:

This account was originally owned by James Booth but appears to have been out of business for the years in question. However, the equipment was presumed to be on the premises for those years and so still taxable, per Assessing. A UCC lien was on file in 2004 against this business equipment. A new business operator, Paul Sabatino, took this account over in about March 2006. When information on this account was last presented to the City Council, the charge was to try further to collect the taxes on the basis that the new business operator was now using the equipment to generate income and the tax liability carried forward with the equipment. The new owner was contacted, and when there was no progress in receiving payment, a small claims action was undertaken. The city was awarded a small claims judgment, however the business subsequently had gone out of business before any further next steps could be taken. Mr. Sabatino is not from Saco, so collecting from him on the small claims judgment is more difficult. As well, the UCC lien has proven ineffective in that recently, a new business moved into the space, and it is my understanding that the establishment was renovated and new equipment is now in place, so we believe the old equipment is gone. At this point, there does not seem to be a high likelihood of collecting on this account from Mr. Sabatino for the original equipment and not worth more resources from the city for this amount due.

2) \$69.08* in Real Estate property taxes from Fiscal Year 2007 for a mobile home that was formerly at 41 Pheasant Rd in Saco. Background is as follows:

Per city policy, a lien was filed against this property for past due Fiscal Year 2007 property taxes. In researching this account further, I found that in April 2007, the mobile home park owner had the mobile home torn down, and it seems likely that this property was abandoned as long ago as Fall 2006. Therefore, there is no asset to claim; I have been unable to locate the former owner to collect the taxes from. The lien can remain as the taxpayer may come forward to clear that someday.

3) \$836.74* in total Personal Property taxes from Fiscal Year 2006 for New England Shrimp Co, from Fiscal Year 2007 for the River Sports & Dance Club, and from Fiscal Year 2007 for Ratigan's. Background is as follows:

In June 2006, Mr. Ratigan, owner of Ratigan's, met with the Assessing department and he indicated he had taken over the River Sports & Dance Club and asked that its Fiscal Year 2007 Personal Property tax bill be sent to him, which was done. In the meantime, while researching the Personal Property taxes past due from New England Shrimp Co, I found that the company had filed for bankruptcy and their lawyer informed me that the business equipment assets had been acquired by Ratigan's. I contacted the owner of Ratigan's in Oct. 2006 about this, and in Nov. 2006 he agreed that he would pay the past due tax bill from New England Shrimp Co and also the River Club, as already promised. When Mr. Ratigan had failed to pay these 2 bills plus the first half of his original business Fiscal Year 2007 bill by Feb. 2007, a small claims claim

was undertaken. In June 2007, a small claims judgment was awarded to the city. However, I then learned that the business was closed in June and the equipment was auctioned off, possibly by the IRS, in early July. Finally, Mr. Ratigan filed for Chapter 7 bankruptcy in October 2007, which I responded to but from which I have little expectation of seeing anything as these are considered unsecured debts. *Update: As verbally reported, this Chapter 7 case has been discharged; the debts owed Saco were discharged.* Mr. Ratigan does not reside in Saco (*but does appear to be in Biddeford*), to my knowledge, and as this equipment is gone, there is very low likelihood that anything can be collected on these accounts; *update: the city attorney has reviewed the bankruptcy filing and sees no personal assets that we could collect from.*

02/21/08 Real Estate and Personal Property Write Off Recommendations

1) \$20.37* in Personal Property tax for Arctic Flamingo for Fiscal Year 2007 (the first half payment was made). Background is as follows:

The account is believed to be out of business, based on returned mail since April 2007 and that phone is disconnected and the building where the business was located is for sale and vacant. Neither owner is in Saco; in October 2007, we had contacted one business owner but had not received back a reply as requested to let us now when the business closed. Subsequent messages left on the phone number we have are unanswered. This does not seem collectable as the owners are not in town and the dollar amount is not worth more effort.

2) \$81.79* in Personal Property taxes for Detailz Auto Detailing from Fiscal Years 2005, 2006 and 2007. Background is as follows:

A UCC lien was placed against this business in FY2005 for nonpayment of personal property taxes (second half taxes). Research indicates the building is empty, but I have been unable to reach the landlord to find out since when. According to the City Clerk, the business was gone from Saco by 2006 and did not register for a license after 2006. Assessing shows the account as recently inactivated, but mail sent by that department has been returned for some time, as have recent tax bills. The owner possibly is in Kennebunk but mail and calls to a similarly named business there that were made by this office have not generated any response; Assessing's contacts to the same Kennebunk business generated returned mail saying the Saco business was never theirs. The company is gone and the whereabouts of the owner are unknown; as the UCC lien has failed to impact this company and as annual collections efforts by mail and phone have not gotten results, this account should be written off.

05/20/08 Real Estate Write Off Recommendation:

1) \$393.93* in Real Estate property taxes from Fiscal Year 2007 for a mobile home that is at 79 Pheasant Rd in Saco. Background is as follows:

Per city policy, a lien was filed against this property for past due Fiscal Year 2007 property taxes. Earlier this month, the mobile home park operator called to report the unit was abandoned and that they were planning to destroy it on June 30 as it was uninhabitable, provided the city had no interest in it. As the unit has no value and the city could incur expenses if it prevents the park from acting, the recommendation is to write off these taxes and let the park owner know ASAP.

*each is original billed amount, not including interest

CURRENT POLICY:

- A. **APPLICABILITY**-This policy shall apply to the collection of all personal property taxes billed by the City of Saco.

PURPOSE - The intention of this policy is to clarify the collection procedures to be performed in attempts to collect unpaid personal property taxes billed by the City of Saco. Section 4-14 (C.) 3 of the Saco City Code outlines that Finance Department is responsible for the sound fiscal management of the tax collection.

- B. division, but it does not give any direction as to how these taxes will be collected. The development of procedures, which bring revenue dollars into the city's general fund as quickly as possible, naturally can result in a significant increase in investment dollars earned. These earnings as well as the timely collection of the billings for personal property taxes, will help to assure the financial well being of the city's general fund.

- C. **COLLECTION PROCEDURES** - Within two months of the end of each fiscal year, the Tax Collector and Finance Director will review the outstanding personal property taxes. A letter will be prepared and mailed by the Finance Director, notifying them of the outstanding status of their personal property tax account. This letter will urge their prompt payment to avoid further collection efforts. Thirty days after the letters are mailed, the outstanding personal property tax listing will be reviewed by the Tax Collector and Finance Director again and the following actions will then be taken based on the amount of the respective outstanding balances:

- (1) If the outstanding balance is \$500 or greater – the taxpayer will be taken to small claims court in order to receive a judgment. Prior to serving the taxpayer for small claims court, one more letter will be sent by the Finance Director, threatening this action and extending them two weeks to pay the outstanding balance. After two weeks, if no payment has been received and no contact has been made by the taxpayer to set up payment terms with the Tax Collector, then the necessary papers will be filed for small claims court. If a judgment is received in favor of the city, and the taxpayer does not make payment, then a lien will be filed in the taxpayers name, with the Registry of Deeds, on all property owned by the taxpayer. This lien action will secure the city's eventual collection of the outstanding personal property taxes at some point in the future when the any property owned in their name is sold.
- (2) If the outstanding balance is between \$50-\$500 – the Tax Collector will file UCC liens on the personal property even if there are no serial numbers available for the property. Prior to the UCC lien preparation, one more letter will be sent by the Finance Director threatening this action and extending them two weeks to pay the outstanding balance. After two weeks, if no payment has been received and no contact has been made by the taxpayer to set up payment terms with the Tax Collector, then the necessary papers will be filed to secure a UCC lien on the personal property. This lien action will affect the taxpayer's future credit rating

and will secure the city's eventual collection of the outstanding personal property taxes at some point in the future when the personal property bearing the lien is sold.

- (3) If the outstanding balance is less than \$50 – the Finance Director will mail one last letter requesting payment of the outstanding personal property taxes.

D. ANNUAL PROCEDURES - On an annual basis, after all the above procedures have been completed, a report will be made to the City Council as to the status of all the outstanding personal property tax accounts. All of those accounts which have been outstanding for at least three years and have an amount due of less than \$50, or from corporate businesses who have closed and are no longer in business within the city will be requested by the Finance Director for write off by the City Council. All those businesses, which are not incorporated but rather operating as a sole proprietor doing business as (DBA), will be reviewed to determine whether the owners are residents of the city. If the owners reside in the city, then the collection efforts outlined above will apply in regards to the owner individually.

B. Parks & Recreation FY 08 Field Usage Fees

The Parks and Recreation Department has realized many adult and youth teams comprised of non-residents using City of Saco fields for game play and practices. This in part is being caused by adjacent communities charging for their fields as a cost recovery type of activity to aide in the improvement and maintenance of their fields. These projected fees are to bring the City in line with what other communities around us are already doing.

Additional overtime rates apply for any man hours requested outside of scheduled business hours.

Biddeford Recreation Department Field Usage Fees

The following are Biddeford's current hourly field usage fees. They are in the process of reworking their fees with the Recreation Commission to make sure their fees are similar to Saco's and Scarborough's fees as all neighboring communities are facing the same problems with field usage issues.

Ball Fields or Athletic Facilities

Youth Resident:	Free	W/LIGHTS \$46*	Adult Resident: \$35	W/LIGHTS
	\$81*			
Youth Non-Resident:	\$35	W/LIGHTS \$81	Adult Non-Resident: \$65	
	W/LIGHTS \$111			

Beginning of Spring Season 2009 Biddeford will be charging League, Full Day and Weekend Rental fees.

Be it Ordered that the City Council adopt the document titled, 'City of Saco Athletic Field Fee Schedule, date June 2, 2008.

C. Confirm the Mayors Appointment to Historic Preservation Commission

Four of the five, Historic Preservation Commission full members' terms will expire on June 30, 2008. Mayor Michaud seeks to reappoint all four, with terms that will restore the staggered pattern that was lost at some point.

Be it Ordered that the City Council confirms the Mayor's nomination of Audrey Milne, 50 Summer Street and Robert Demers, 263 Boom Road to a two year term on the Historic Preservation Commission, ending June 30, 2010; and confirms the Mayor's nomination of John Read, 30 School St., and Johanna Hoffman, 10 Pepperell Square, to a three year term ending June 30, 2011.

D. Confirm the Mayor's Appointment to the Conservation Commission

The Conservation Commission consists of seven members appointed by the Mayor and confirmed by the Council, for a term of three years. Primarily, the Commission shall: conduct research into local land area usage; make recommendations to preserve and enhance the natural resources of the City; and assist the Planning Board on development applications.

The Mayor requests the reappointment for (3) year terms as full members – Peter Browne, Ed Gardner and Elizabeth Shaw. The Mayor also requests the Appointment of Thomas Goulding for a (3) year term, full membership to the Commission.

Be it ordered that the City Council confirm the Mayor's reappointment of Peter Browne, Ed Gardner and Elizabeth Shaw to 3 year terms as full members with terms to expire June 30, 2011, and the appointment of Thomas Goulding to a 3 year term as a full member of the Conservation Commission with a term to expire June 30, 2011.

E. Massage Therapist/Establishment License Application – Thawin Charles

Thawin Charles, whose business location is 68 Storer St., has applied for a Massage Therapist/Establishment License.

The applicant has paid all applicable permit fees and has provided Diploma from the Americana College in compliance with Chapter 138 § 138-9 Basic proficiency.

Be it ordered that the City Council grant **Thawin Charles** a Massage Therapist /Establishment License, in accordance to the Codes of the City of Saco, Chapter 138.

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

VIII. ADJOURNMENT

Councilor Smith moved, Councilor Morton seconded, to adjourn. The motion passed with yeas.
TIME: 7:33 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk