

## STATE OF MAINE

### COUNTY OF YORK

### CITY OF SACO

The following are minutes of the October 20, 2008 City Council Meeting.

- I. **CALL TO ORDER** – On Monday October 20, 2008 at 7:02 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 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:**

Minutes were not presented this evening.

- VI. **AGENDA ITEMS:**
  - A. **(Public Hearing) Riverfront Bond Grant Application**

The Riverfront Bond grant application is a project that has both an environmental and economic development aspect to it.

The City's application for the \$750,000 maximum amount would provide \$700,000 for riverfront work for the Saco Island project, including public access and parking, and \$50,000 for the Riverwalk. The match requirement is two to one, but all of this is covered by the developer of the Saco Island portion of the project. No city match is required.

The Public Hearing is a required portion of the application process. Strong public support can increase the likelihood that the grant will be successful. The grant deadline is October 24, 2008.

Councilor Lovell moved, Councilor Bastille seconded to open the Public Hearing on the Riverfront Bond Grant Application. The motion passed with seven (7) yeas.

Mr. Robert A. Martin, president of Mattson developer of Saco Island encouraged the Mayor and Council to support the Riverfront Bond Grant Application. This project purposes of repairing seawalls, improving public parking adjacent to the river and creating a public park and pathways on Saco Island which will offer the residents and tourist an opportunity to enjoy the beauty of the river.

Don Pilon, State of Maine Legislative Representative for District 133, spoke in favor of the project and also encouraged the approval of the grant application.

Mr. Peter Morelli, Development Director, for the City of Saco, stated that three letters had been received pertaining to this matter and requested that the documents be entered into the minutes. Portions of the letters were read by Mr. Morelli.

October 16, 2008

Mayor Ron Michaud and City Councilors  
City of Saco  
300 Main Street  
Saco, Maine 04072

Dear Mayor Michaud and Members of the City Council,

I am writing to indicate my complete and enthusiastic support for the grant application of \$750,000 recently submitted to the Riverfront Development Bond Program at DECD by the City of Saco and Mattson Development.

As you know, if the grant application is successful, the \$750,000 will be matched by \$1,500,000 from Mattson Development without any financial commitment from the city. The total amount of grant and matching funds of \$2,250,00 will be used for the crucial purposes of repairing seawalls, improving public parking adjacent to the Saco River, and creating a public park and pathways on Saco Island.

It is clear to me that these much needed infrastructure improvements are crucial to the ongoing efforts of Mattson Development to successfully implement the Island Point redevelopment effort on Saco Island in very bleak economic times. Just as importantly, the repair of deteriorating seawalls, construction of much needed public parking and the construction of public park areas and walkways will simultaneously serve to improve public safety, spur economic development and provide additional recreational opportunities for the citizens of Saco without any additional municipal expenditure.

It is my understanding that a public hearing will be held on this grant proposal in Saco at 7 PM on Monday, October 20, 2008. I respectfully request that this letter be read into the record of that public hearing to reflect my complete support of this grant application.

Please do not hesitate to contact me with any questions about this matter.

Sincerely,

Senator Barry J. Hobbins  
Senate District 5, Saco



81 Bridge Street Yarmouth Maine 04096 207-847-9275

Monday, July 25, 2016

Mayor Ron Michaud and City Councilors  
City of Saco  
300 Main Street  
Saco, Maine 04072

Dear Mayor Michaud and Members of the City Council,

I am writing to relay the support of GrowSmart Maine for the grant application of \$750,000 recently submitted to the Riverfront Development Bond Program, at DECD, by the City of Saco and Mattson Development.

As an organization dedicated sustainable growth, including the revitalization of our older and historic communities, GrowSmart Maine believes that the proposed infrastructural improvements to be funded by that application, together with the applicants' contributions, are entirely consistent with the goals of our organization. The repair of crumbling seawalls, the reconstruction of necessary public parking to further prevent riverside erosion and the construction of public green park areas and walkways represent the type of public-private partnership which is essential to meaningful and sustainable economic development in downtown areas.

It is my understanding that a public hearing will be held on this grant proposal in Saco at 7 PM on Monday, October 20, 2008. I hope this letter will be helpful to you, at that hearing.

Please feel free to contact me with any questions about this matter.

Sincerely,

A handwritten signature in black ink that reads "Alan Caron".

Alan Caron  
President, GrowSmart Maine

October 15, 2008

***Mayor Ron Michaud and City Councilors***

***City of Saco***

300 Main Street

Saco, Maine 04072

***Dear Mayor Michaud and Members of the City Council,***

Natural resource protection along the Saco River and protection of the water quality of the river itself are the primary responsibilities of the Saco River Corridor Commission (SRCC). The Commission is a regional land use regulatory body with the privilege of administering the Saco River Corridor Act and overseeing development projects in the Saco River Corridor. Reviewing development along the river corridor often provides the Commission with an opportunity to observe important changes to the landscape that can have profound impacts on water quality and on the quality of the land adjacent to the river. The proposed work on Saco Island and the subject of the grant from the Riverfront Community Development Bond Program (RCDB) is such a development proposal.

Stabilization of the river wall and elimination of erosion potential are necessary for the project to begin the adaptive re-use of the river's edge and to begin the process of revitalization of this important area in Saco. The RCDB funds are an important key to the success of this project. Completion of the Saco Island project and the subsequent repair of the river wall will enhance the land next to the river making the area a tremendous asset to both residents and visitors. Successful completion of the project, however, can be further assured by the acquisition of additional funds through programs such as the RCBD. The Saco River Corridor Commission supports the request and would ask the Grantor to fully fund the project up to the requested amount.

The City of Saco prospered along the banks of the Saco. Throughout history, cities and towns sought out the typically flat and fertile banks of rivers for development, for drinking water, for electrical power to fuel industry and development and for recreation use. The Saco River is a critical and wonderful resource for the city and for the state and it is in this light that the Saco River Corridor Commission enthusiastically supports the grant request.

***It is my understanding that a public hearing will be held on this grant proposal in Saco at 7 PM on Monday, October 20, 2008. I respectfully request that this letter be read into the record of that public hearing to reflect my complete support of this grant application.***

If you have any comments, questions or if additional information is needed, please feel free to contact me.

Sincerely,

Dennis J. Finn

Executive Director

Councilor Lovell moved, Councilor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council authorize the City Administrator to submit a Riverfront Bond Grant Application to the Department of Economic and Community Development. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

**B. (Public Hearing) Liquor License/Entertainment Permit – Saco Eagles #3792**

**The Saco Eagles Aerie #3792** has applied for the renewal of their 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 Cote moved, Councilor Smith seconded, to open the Public Hearing. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council grant the renewal applications submitted by the Saco Eagles Aerie #3792 for a Liquor License and Entertainment permit for the period of one year. Further I move to approve the Order. The motion passed with seven (7) yeas.

**C. Zoning Ordinance Amendments: Electrical Transmission and Distribution Lines**

State law on zoning permits cities to regulate the construction of power lines. While the city has consistently maintained that there would be a local review of CMP's currently planned power line projects, the zoning ordinance now has very limited standards for review. The proposed amendments provide additional standards and may address concerns related to electromagnetic fields, proximity to houses and schools, as well as other issues.

The City Charter permits the adoption of ordinances on an emergency basis for a period of 60 days. (Renewal is permitted.) An emergency preamble has been prepared to permit such adoption.

The emergency preamble would allow a temporary, but immediate adoption of these ordinance provisions so that the higher voltage lines could not be installed aurally before adequate protections are in place. For permanent adoption, the normal Planning Board recommendation and two-Council-reading and public hearing procedure is required and would begin immediately.

Councilor Cote moved, Councilor Lovell seconded, The City of Saco hereby ordains and approves pursuant to Section 2.10, Emergency Ordinances, of the City Charter, the amendments to the zoning ordinance included in "Proposed emergency ordinance amendments to Saco Zoning Ordinance regarding electrical transmission and distribution lines, October 20, 2008.

Be it order that the City Council refer the zoning ordinance amendments entitled “Proposed emergency amendments to Saco Zoning Ordinance regarding electrical transmission and distribution lines, October 20, 2008 to the Planning Board to report back to the Council as soon as possible. Further move to approve the order. The motion passed with seven (7) yeas.

*Proposed emergency ordinance amendments to Saco Zoning Ordinance  
regarding electrical transmission and distribution line  
October 20, 2008*

*The City Council finds that a public emergency exists because 115kv power lines are being considered for installation very near houses in the Rotary Drive and Chelsea Circle neighborhoods, and elsewhere, and further finds that such power lines may threaten the property of nearby residents and the health of the nearby residents because of their extreme proximity.*

1. Amend definition of “Essential Services” in Article 3 by adding the following:

Essential services do not include electrical power transmission and distribution lines, overhead, carrying 70,000 volts or more. Essential services includes electrical power transmission and distribution lines overhead, carrying 70,000 volts or less, or any electrical power transmission and distribution lines which are underground.

2. Add to Article 7

Section 732. Electrical Distribution and Transmission Lines:

- A. Location of electrical transmission and distribution lines carrying over 70,000 volts, which are not underground

Numerous scientific studies have raised concerns about the adverse health effects of electromagnetic fields on people living or working near high-voltage lines. All transmission and distribution lines which carry over 70,000 volts, and which are not underground, and all associated structures, shall be located at least 200 feet away from any residence, school building, school playground, athletic field, or occupied place of business.

- B. Use of toxic chemicals

No toxic chemicals including herbicides shall be used to maintain an existing or proposed transmission line corridor. This requirement applies to all transmission and distribution lines without regard to voltage of the line.

- C. The City Council may consider a contract zoning petition for power line installations under the normal procedures of this ordinance.

Add to all use industrial use lists as a permitted use:

Electrical transmission and distribution lines exceeding 70,000 volts, which are not underground

(At 410-11. I-1 Industrial Park District  
410-12. I-2 Industrial Business District  
410-13. I-3 Light Industrial-Business Park District)

Add to all other use lists as a conditional use:

Electrical transmission and distribution lines exceeding 70,000 volts, which are not underground

(At 410-1. R-1 Low Density District  
410.2. R-2 Medium Density District  
410.3. R-3 High Density District  
410-4. R-4 General Residential District  
410-5. B-1 General Business District  
410-A. B-2a Highway Business District  
410-6B. B-2b Highway Business District  
410-6. B-2c and B-2d Highway Business District  
410.7 B-3 Downtown Business District  
410-8. B-4 Planned Development District  
410-9. B-5 Marine Business and Residential  
410-9-A. B-6 Highway Business and Commercial District  
410-9-B. B-7 Limited Business/Residential District  
410-10 BP Business Park District  
410-14. C-1 Conservation District  
410-15. RP Resource Protection District)

VII. CONSENT AGENDA

B. (First Reading) Code Amendment – Noise Ordinance

Sections of the Chapter 149, Noise Ordinance are vague and ambiguous as applied to municipal operations. City staff researched other municipal ordinances and now proposes changes to the city's current ordinance. Changes include specific language relating to the restrictions permitted and exempted from the City ordinance as they pertain to municipal operations.

The Council discussed this item at Workshop on October 14, 2008.

The City of Saco hereby Ordains and Approves the First Reading of the document titled, 'Amendments to Chapter 149: Noise, dated October 14, 2008', and further moves to schedule the Public Hearing for November 3, 2008.

C. (Second & Final Reading) Code Amendment – Solid Waste Ordinance

The City of Saco hereby Ordains and Approves the Second & Final Reading of the document titled, 'Amendments to Article II Disposal Facilities, dated September 2, 2008.

**Amendments to Article II Disposal Facilities, dated September 2, 2008**

(~~Strikethrough~~ indicates language to be deleted, while underline represents new language)

ARTICLE II Disposal Facilities

§ 181-3. Containers required; hours for placement and removal; replacement or additional containers; overflow waste.

- C. Residents who have “overflow waste,” defined as garbage set out for collection that exceeds the amount contained in the city-provided collection container, may take it to the city's Transfer Station Recycling Center for disposal. Residents may after picking up a disposal permit at City Hall Public Works. With proof of residency, a household may dispose of up to three cubic yards of ~~overflow~~-waste acceptable at the Transfer Station per year at no cost; ~~overflow~~-waste in excess of three cubic yards can be disposed of at the Transfer Station at a rate to be established by the City Council.

§ 181-14. Findings and purpose.

- A. The City has a statutory obligation to provide a solid waste disposal facility for domestic and commercial waste generated within the City and is authorized to provide such a facility for industrial waste and sewage treatment plant sludge pursuant to 38 M.R.S.A. § 1305, Subsection 1. .



§ 181-15. Definitions.

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

**ACCEPTABLE WASTE** — Solid wastes of the type presently accepted at the landfill used by the municipality, including all ordinary household, municipal, institutional and industrial wastes, with the following exceptions:

- A. Demolition or construction debris from building and roadway projects or locations.
- A. Liquid wastes or sludges.
- B. Abandoned or junk vehicles.
- C. Hazardous waste; that is, waste with inherent properties that make it dangerous to manage by ordinary means, including but not limited to chemicals, explosives, pathological wastes, radioactive wastes, toxic wastes and other wastes defined as hazardous by the State of Maine or the Resource Conservation and Recovery Act of 1976, as amended, or other federal, state and local laws, regulations, orders or other actions promulgated or taken with respect thereto.
- D. Dead animals or portions thereof or other pathological wastes.
- E. Water treatment residues.
- F. Tree stumps.
- G. Tannery sludge.
- H. Waste oil.
- I. Discarded white goods, including but not limited to freezers, stoves, refrigerators and washing machines.

**COLLECTION FACILITY** — A building or container or designated area at which acceptable waste is disposed for transshipment to the energy recovery facility.

**DISPOSAL FACILITY** — One or more facilities designated by the municipality as the storage and/or disposal site for unacceptable wastes.

**ENERGY RECOVERY FACILITY** — The facility designated herein which processes and recovers energy and/or useful materials from acceptable waste generated in the City.

**MIXED OR SPLIT LOAD** — Municipal solid waste generated by two or more municipalities and transported by a single waste vehicle for disposal at a licensed waste handling facility and chargeable to respective municipalities.

**MUNICIPALITY** — The City of Saco, Maine.

**UNACCEPTABLE WASTE** — All solid waste of the type municipalities are required to regulate by 38 M.R.S.A. § 1305, as amended, which specifically excludes industrial and sewage treatment plant sludge and is not included in the definition of acceptable waste.

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**D. (Second & Final Reading) Zoning Ordinance Amendment – Accessory Apartments**

The Planning Board reviewed the proposal on July 15, 2008 and on August 5, 2008 held a public hearing. The Board unanimously recommends the amendments.

(The Housing Committee members are: Councilors Cote, Morton and Tardif. Peter Morelli staffs the committee.)

“The City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘**Proposed Amendments - Saco Zoning Ordinance Related to Accessory Apartments, dated August 5, 2008**’.

**Proposed Amendments -  
Saco Zoning Ordinance Related to Accessory Apartments  
August 5, 2008**

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

**(Article 3, Definitions) Accessory apartment in a single family dwelling:** A small apartment with more than four hundred (400) but less than eight hundred (800) square feet of gross floor area that meets the standards of Section 727 and is located within and is accessory to a an owner occupied single family dwelling. An accessory apartment shall not be considered to be a dwelling unit even if it allows fully independent living. (Amended 6/18/2001)

**Section 727. Standards for an Accessory Apartment in a Single Family Dwelling** (Amended 6/18/01)

An accessory apartment is a small apartment that is accessory and subordinate to the principal use of a property as a single family dwelling. These standards are intended to allow the addition of an accessory apartment to a single family dwelling only if such addition will preserve the single family residential character of the property. The following standards shall be met to create and maintain an accessory apartment in a single family dwelling:

1. An accessory apartment in a single family dwelling must be an allowed use in the District in which the property is located.
2. The single family home and the accessory apartment must be located entirely outside of the Shoreland Zone.
3. The single family dwelling must be located on a lot that conforms to the minimum lot area requirement for the district in which it is located but in no case shall the lot be less than seven thousand five hundred (7,500) square feet in area if served by public sewerage or forty thousand (40,000) square feet in area if served by on site sewage disposal. For the purposes of this section, the accessory apartment shall not be considered to be a second dwelling unit for determining the required minimum lot area.
4. If the lot is served by public sewerage, both the single family dwelling and the accessory apartment must be connected to the sewer system. If the lot is served by on-site sewage disposal, the owner must demonstrate that lot complies with the State of Maine Minimum Lot Size law and the sewage disposal system(s) for both the single family dwelling and the accessory apartment complies with the Maine Subsurface Wastewater Disposal rules.

5. Following the creation of the accessory apartment, the single family dwelling must have a gross floor area of at least nine hundred (900) square feet.
6. The accessory apartment shall be located within ~~the existing~~ a single family dwelling with or without addition to the building.
7. Either the single family dwelling or the accessory apartment must be occupied by the owner of the property as his/her primary residence. Both units shall be occupied as primary residences and neither unit may be rented for less than a monthly basis.
8. Any exterior alteration of the single family dwelling or accessory buildings shall preserve the single family appearance, architectural style, and character of the original structure and shall be in harmony with the general appearance of the neighborhood. Any alteration shall preserve the front entrance of the original structure to preserve the single family character. A separate entrance for the accessory apartment may be created but shall not be located on any facade that faces a public street or private road or on the facade of the building where the main entrance is located, except for houses with double or triple frontage. ~~Only one electrical meter enclosure shall be permitted.~~
9. At least three off street parking spaces shall be provided in accordance with Section 708. At least one space shall be available for the occupant(s) of the accessory apartment. The parking shall be located and designed to minimize the impact on adjacent properties and shall be buffered by landscaping and/or fencing from abutting residential uses if located in the side or rear yard.

***Amend the following use lists*** by adding the words One accessory apartment in a single family dwelling to the permitted use lists at:

- 410-1, R-1 Low Density District
- 410-2, R-2 Medium Density District
- 410-3, R-3 High Density District
- 410-4, R-4 General Residential District
- 410-5, B-1 General Business District
- 410-6 B-2c and B-2d Highway Business District
- 410-7, B-3 Downtown Business District
- 410-9, B-5 Marine Business and Residential
- 410-9A, B-6 Highway Business and Commercial District
- 410-9-B, B-7 Limited Business/Residential District
- 410-14, C-1 Conservation District

**E. Application Game of Chance – Daily Pool – Saco Eagles #3792**

Be it Ordered that the City Council grant the application for a License to Operate a Game of Chance: Daily Pool from January 1, 2009 to January 1, 2010 as submitted by Saco Eagles #3792.

**F. Application Game of Chance – Cards – Saco Eagles #3792**

Be it Ordered that the City Council grant the application for a License to Operate a Game of Chance: Cards from January 1, 2009 to January 1, 2010 as submitted by Saco Eagles #3792.

Councilor Smith requested that Consent Item A be considered separately.

Councilor Mills moved, Councilor Bastille seconded, that Consent Items B, C, D, E and F be approved. The motion passed with seven (7) yeas.

**A. Public Improvements – Map 31, Lot 174 – Wharf Street**

MAIN MOTION AS AMENDED: Councilor Cote moved, Councilor Lovell seconded that it be Ordered that the City Council authorize the City Administrator to execute the document titled, ‘**Agreement between the City of Saco and Diane B. Deering and David N. Deering of Hollis Maine**’. The motion as amended passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

Amendment: Councilor Tardif moved, Councilor Morton seconded, that the removal of the structure be \$15,000 and that the expense for the survey, title and deed cost, which is \$7,000 be share with the owners at a rate of 50%. The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

**AGREEMENT**

NOW COMES the Parties, the CITY OF SACO, a municipal corporation, 300 Main Street, Saco, Maine (“the City”) and DIANE B. DEERING and DAVID N. DEERING (“the Deerings”), of Deerwander Road, Hollis, Maine who state and agree as follows:

Demolition of Property at 11 Wharf Street

1-1. The Parties have agreed that the building (“the Premises”) at 11 Wharf Street (that structure closest to the railroad tracks) shall be demolished by the City on or after September 1, 2008, at the City’s expense. See Tab 1, photo of subject structure. The remaining two structures upon the premises (2 furthest from railroad tracks, and 2 closest to the Saco River) shall not be demolished. See Tab 2. The Parties understand the City may or may not contract demolition to a third party.

1-2. Prior to demolition, the Deerings agree they shall cause the removal and lawful disposal of all TVs, and other electronic goods within and upon the premises. They shall also cause the removal of any and all special, toxic and/or hazardous waste, (including but not limited to asbestos) wherever found situated or located within the property before any City demolition

shall commence. All costs for removal of such materials shall be at the Deerings' expense, and they shall bear the costs of any and all lawful disposal of such material.

1-3. The City shall inspect the premises with the Deerings before demolition to ascertain the compliance with Section 2 above, and that it is free of all tenants. Once the City is satisfied that all TVs, electronics, toxic, hazardous or special waste have been fully removed, the Deerings shall be asked to sign a "Commencement Order" for demolition. The signed signature of the Deerings, upon such Order shall constitute full, final and irrevocable authority for the City to undertake demolition of the structure.

1-4. The Deerings agree that upon execution of the Commencement Order, they will fully and unconditionally release and hold the City harmless from any and all claims from, related to, or arising from the demolition and removal of the herein referenced improvements at 7 Wharf Street. The Hold Harmless Agreement will be included and made part of the Commencement Order, and a copy of the Proposed Order is attached hereto as Tab 3.

1-5. Following demolition and removal of the subject structure upon the premises, the City shall deposit sufficient clean fill upon the site, fill any foundation, and restore the property to grade.

1-6. The City shall assure that the demolition work does not damage the other two remaining structures on the premises.

1-7. Before commencing, the City shall be responsible for securing any required permits or approvals. It shall start the demolition within 90 days of execution of the Commencement Order and shall conclude 30 days thereafter.

1-8. The City may reuse any salvageable materials at its option, but it must lawfully dispose of all other debris.

#### Ownership of and to the Real Property at 11 Wharf Street

2-1. No demolition as detailed above shall occur until the Deerings have transferred by Quitclaim with covenant deed sufficient land for the proposed, revised Deering Avenue Right of Way to the City. The approximate area of said parcel to be transferred to the City is 5,300 square feet and consists of the northernmost portion of Map 31, lot 174.

2-2. The Deerings shall retain title to the balance of the lot at 11 Wharf Street, being that portion not necessary for the revised Deering Avenue Right of Way. The approximate area of the balance of the lot is 8,200 square feet and consists of the southerly end of Map 31, lot 174.

2-3. The City will pay to survey the parcel at 11 Wharf Street. The survey will establish and detail the specific area proposed for transfer by the Deerings to the City for purposes of setting the revised Right of Way for Deering Avenue.

2-4. The Deerings shall transfer for \$1.00 the above referenced portion of the premises at 11 Wharf Street for purposes of the City formally re-setting the Deering Avenue Right of

Way. The City shall bear the cost of preparing a deed, and of recording that deed, and of all transfer taxes associated therewith.

2-5. If City utilities are at or in proximity to the Right of Way but otherwise located on the remaining portion of 11 Wharf (that portion of the parcel not deeded over to the City), the Deerings shall provide sufficient perpetual easements for the use and maintenance of such utilities. Any such easements shall be prepared and recorded at City expense.

2-6. The Parties believe a retaining wall may be required once the applicable structure is demolished. The Parties agree the City shall build such retaining wall in a location reasonably determined by the Parties following consultation with the City's Engineer. All reasonable efforts shall be made to re-use any existing granite blocks found on site.

2-7. The retaining wall shall be situated on residual land of the Deerings, and shall upon installation become the responsibility of the Deerings.

2-8. The Deerings shall provide a construction easement over the residual, non-transferred parcel so the City may enter the land and complete construction of the retaining wall.

#### Other Considerations

3-1. The City will, within a reasonable time after the execution of this agreement, present to its Council a proposal to formally abandon Forskol Street for its entirety. If approved, the Right of Way shall revert to abutters as determined by Maine law. Notwithstanding the preceding, the City shall also provide a release and quitclaim deed directly to the Deerings for the applicable portion of Forskol Street abandoned by the City Council if such decision is made and approved by the City Council.

3-2. Should a portion of land comprising Forskol be transferred into ownership and possession of the Deerings, the Code Enforcement Officer will review, with all due favorable consideration, a request to "functionally divide" the two structures remaining on the property such that each will rest and reside upon its own independent lot of record. Any required costs to survey the parcel, and create a deed of division shall be the responsibility of the Deerings. The Deerings are not in any way obligated or required to request or seek a functional division.

3-3. The City will review and consider if safe access (ingress/egress) can be provided off Wharf Street for the next immediate structure. If feasible in its opinion, the City will grade a driveway off Wharf Street. If such access point is deemed unsafe or inadvisable, the City will construct and grade a driveway off the newly re-located Deering Avenue Right of Way.

3-4. If any dispute arises concerning this Agreement, it shall be finally and conclusively resolved through mediation in Saco, Maine, all costs to be shared, and each side to pay for its own Attorneys fees.

Dated at Saco, Maine this \_\_\_\_ day of October, 2008.

City of Saco:

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Richard Michaud  
City Administrator

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Diane B. Deering

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David N. Deering

**G. Recess the Meeting and Move to the Conference Room and Reconvene the Meeting:**

**Councilor Smith moved, Councilor Morton seconded, that it be Ordered that the City Council, Pursuant to [1 M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (C) to discuss acquisition of real property move to enter into Executive Session:**

- a. Potential Land Purchase –recommendation from Land for Saco’s Future Committee
- b. **Report from Executive Session**

The motion passed with seven (7) yeas. TIME: 7:37 p.m.

Upon return from the executive session at 7:45 p.m. 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 Morton, Sandra Bastille, Arthur Tardif, Eric Cote and Marston Lovell.

The Council, by unanimous vote, authorized the Planning Director proceed with the purchase.

**H. ADJOURNMENT**

Councilor Smith moved, Councilor Morton seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:48 p.m.

ATTEST: \_\_\_\_\_  
Lucette S. Pellerin, City Clerk