

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Nov. 17, 2008 Council Meeting.

I. CALL TO ORDER – On Monday, November 17, 2008 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS - Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith, Jr. Ronald 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: Joe Riley Quality Service Award Presentation

SACO CITY COUNCIL MEETING November 17th, 2008

Presentation of the Joe Riley Employee Recognition Award

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

The award is given on a quarterly basis. Nominations can be made by any employee, citizen, or board/committee member. Candidates for the award should meet the criteria as established on the nomination form as follows in part:

- Record of excellence in day to day performance
- Leadership by example
- ‘Can Do’ attitude
- Dedication to serving the public
- Service above and beyond

Some of the remarks included in the nomination form for tonight’s recipient are:

- She has and continues to demonstrate the highest of day to day performance in many facets including organizational skill;
- She stepped up with her “can do” attitude when the City was in need of financial guidance,

- She has demonstrated balance; between keeping up with her regular job activities, learning a new job along with keeping her department content.
- She consistently shines with her optimistic attitude and a strong work ethic; especially to her peers in her department.
- With her dedication, inspiration; and exceptional leadership; and therefore the city, ranks among the highest;

It is with a great deal of pride that I present before all of you the Joe Riley Quality Service Award to:

**Stephanie Weaver – Finance Department Tax Collector.
The City hired Stephanie on October 3rd, 2005.**

Congratulations to Stephanie Weaver for a job well done.

V. APPROVAL OF MINUTES:

Minutes were not presented this evening.

VI. AGENDA ITEMS:

A. (Public Hearing) Community Development Block Grant Planning Grant

The City has received notice of approval for a Community Development Block Grant Planning grant of \$8,000 to prepare a housing assessment and housing plan for the City. A public hearing is required before the administrator signs a contract with the state.

The Planning Grant would prepare a housing plan for the city that would help non-profit housing agencies qualify to receive funding for housing in Saco. It would also help the city as it begins data gathering for a new comprehensive plan, by funding data gathering for housing and demographics. The state's Minimum Standards for Acceptable Housing Assessment Plan (attached) outlines the contents of a housing plan.

Council's Housing Committee (Cote, Morton, Tardif) has been meeting since February, exploring ways to increase housing opportunities in Saco. The committee has reviewed housing data and housing techniques, met with several housing providers, met with developers and reviewed some of Saco's policies.

The state's description of the planning grant program follows. The Council on July 1 approved application and acceptance of the grant, and the required \$4,100 match. The public hearing is the only item necessary tonight.

Community Planning Grant Program

Maximum grant award: \$10,000

The Community Planning Grant Program (CPG) provides funding to communities or community partnerships that have clearly identified a local housing, community or economic development problem and lack the resources to develop a strategy for solving the problem.

CPG funds may be used for planning only activities that include studies, analysis, data gathering, preparation of plans and maps, comprehensive planning and identification of actions that will implement plans. Engineering, architectural and design costs related to specific activities are not eligible.

Councilor Cote moved, Councilor Lovell seconded, to open the Public Hearing on the Community Development Block Grant Planning grant. The motion passed with seven yeas.

This evening's meeting was attended by approximately 20 individuals. None of the individuals in attendance spoke regarding this matter.

There being no comments from the public Councilor Cote moved, Councilor Bastille seconded, to close the Public Hearing. The motion passed with seven (7) yeas.

CDBG grant application

Introduction

The City of Saco is seeking a Community Planning Grant of \$8,000 to develop a Housing Assessment and Plan. Strong City Council support for affordable housing development assures that this grant will have a large impact for low and moderate income persons.

1. Impact (35 points)

A. Description scope, magnitude and severity of the identified problems

Saco suffers from a severe housing affordability problem. Rising housing costs and rapid population growth have combined to make housing costs exceed incomes throughout the coastal region. For affordable rental housing, waiting lists in Saco are long. AVESTA Housing indicates a 4-year waiting list for vouchers. The Wardwell Retirement Neighborhood, an elder housing provider, has a 4-year waiting list for affordable elder units. The Caleb Foundation has 320 people on its waiting list for its 100 units, indicating that the need is regional, as well as local. Other providers say their waiting lists range from six months to two years.

For renters, MSHA calculates that 796 affordable family rental units are needed, but only 426 are available, with 46.5% (370) of the need unmet. For seniors, MSHA calculates that 300 affordable elder units are needed, but only 213 available, with 29.1% (87) of the need unmet.

For owner occupied housing, MSHA says that 71.6% of households cannot afford the median house price, compared with 65.5% of Mainers, and 85.3% of homes sold in 2007 were at prices unattainable by local residents, compared to 80.9%, York County, and 73.1%, Maine.

The City has little developed capacity for addressing housing issues. Priorities have not been identified and programs have not been developed to address housing issues. With this project the City would identify housing issues, prioritize the issues, select those which can be most effectively addressed, and develop the capacity to address housing affordability issues.

B. How the problems were identified

Saco's housing affordability problem was initially identified by City Councilors from their own experience. One lives in a mobile home park; another serves on the board of an affordable housing provider. They had heard recently from the city assessor that no starter houses were built in Saco since 1999, nor had any rental housing been built in over a decade. Based on their experience, these councilors convinced the Council in January 2008 to include housing among goals identified in the Council's biennial goal setting process. This is the foundation for the city's performance management system and sets the city's work agenda.

The Councilors' initial impressions were confirmed by the work of the committee. It began by reviewing data provided by the MSHA, local providers, the Census, and nearby towns. Then the Committee convened a series of meetings and with affordable housing providers, housing trusts, housing authorities, builders, developers, and others. These initial efforts have (1) confirmed the existence of a severe problem; (2) identified potential opportunities to create affordable housing; (3) recognized a need to compile additional information, identify resources, and build capacity to have a significant impact for low and moderate income residents.

C. Past efforts to deal with the identified problems

Since January's identification of housing as a Council goal the City has:

- Drafted zoning ordinance amendments to permit accessory apartments city wide. A public hearing is scheduled for August 5.
- Amended its zoning ordinance to permit a 12-unit project for low income veterans.
- Introduced an affordable housing provider to an owner of a 21-unit mobile home park with excess land. Development of a cooperative 60-unit mobile home park and a conversion of the small park to cooperative ownership is anticipated.
- Discovered capacity for 24 more units at two existing affordable complexes. The provider has retained a consultant to explore adding units at these existing sites.
- Focused code enforcement efforts on substandard housing.
- Drafted zoning ordinance amendments to permit density bonuses for affordable housing in Saco subdivisions. (Public hearing in September.)

Before January, the City occasionally assisted elder housing and made several major zoning amendments to increase affordability. The Council used the tool of contract zoning four times to help produce over 250 units of elder housing. Zoning amendments have added density around the downtown; reduced frontage requirements to reduce construction costs; and reduced impact fees for some elder projects. In addition, the city has done major drainage and neighborhood improvement projects in several low income areas, such as Boothby Park; Lewis, James and Gray Streets; and, most recently, Pleasant, Temple and Green Streets.

D. Impact of the problem on LMI persons or slum/blight conditions

The lack of information relating to affordable housing has a direct impact on LMI persons. Without a more complete understanding, the City cannot develop policies and projects to meet the LMI housing needs. In addition, the lack of a housing plan hinders Saco from developing the capacity to address housing needs, along with its partners.

For both renters and lower income home owners, especially those who are elderly, disabled and on fixed incomes, recent cost increases in fuel and electricity compromise the ability to meet basic needs such as utilities, transportation, food, health care daycare and utilities. Unpaid electric bills are at a recent high, and liens for non-payment of taxes are up some 70% over last year in Saco, although there have been few foreclosures. Lack of elder housing and assisted living complexes cause elders to be remote from affordable services.

Because both rental housing and home ownership are not affordable to low and moderate income persons, the quality of housing for is compromised. Landlord-tenant disputes and visibly substandard conditions in a few downtown complexes has led the code department to undertake a systematic inspection program to address substandard multi-family dwellings.

E. Why CPG funds are critical for the project

Community Planning Grant funds are critical to address the affordable housing issue because the City lacks the knowledge, expertise, and staff capacity. This project set goals that will develop that capacity for the City. This project allows rapid progress now while Council interest is high and promises to develop implementable group of projects on which the City can

build for years to come. This first sustained attention that the community's elected leadership has given to affordable housing in over two decades should be nurtured.

2. Development Strategy

A. Planning tasks proposed to solve the identified problems and use of CPG funds

The plan will be designed to meet local needs by following two sets of State guidelines: (1) the Community Development Office's 2001 "Minimum Standards for Acceptable Housing Assessment Plan," and (2) the state law and associated rules related to comprehensive plans.

Inventory and Analysis: The project begins with a thorough inventory including: an inventory of existing housing, including the type, age, purchase and rental cost and affordability, local barriers, vacancy rates, new housing construction, subsidized and public housing, population trends and demographic information on local residents. The inventory will explore issues such as blight, accessibility, code enforcement, local barriers to housing production, and rehabilitation needs.

The inventory will consider elderly housing, assisted living, special needs housing, family housing, homelessness, and the impact of the local transportation system on housing opportunity. Energy efficiency has emerged as an especially critical component of affordability, and energy conservation, weatherization, and related services will be explored.

Prioritization: The results of the inventory will be used to determine what are the most critical housing issues in Saco and the region, and which might be successfully addressed. This identification of needs and priorities will involve elected and appointed officials, housing professionals and local residents, including LMI and elder persons.

Implementation: The Saco Planning Department includes in all plans an implementation section which identifies actions to be taken, the person or agency responsible, and a timetable. This table continues to be updated for many years and continues to guide actions based on the plan for many years. In this case the implementation section might include proposed changes in local regulations, potential cooperative projects to develop housing with housing providers, code enforcement programs for multi-family housing, developing funding sources, mobile home park cooperatives, energy audits and weatherization, and other actions based on the inventory, analysis, and prioritization by participants.

B. Project timeline

September 10, 2008:	Approval
November 24, 2008:	Complete Phase 2 project development and city/state contract
December 1, 2008:	Request for proposals issued
January 5, 2009:	Proposals received
January 19, 2009:	Proposals evaluated and awarded
February 2, 2009:	Contracting with consultant complete, project begins
February 7, 2009:	Kick-off public meeting and initial local issues brainstorm
Feb 7 to April 8, 2009:	Housing inventory by consultant
April 9 to May 16, 2009:	Issues analysis and prioritization with 2 committee meetings
May 16 to June 9, 2009:	Implementation plan and final plan development
June 22, 2009:	City Council adoption of plan
July 31, 2009:	Grant close-out

C. How community partnerships will work together to develop solution strategies

Saco's initial approach to addressing affordable housing needs in February was to begin a series of meetings and interviews with affordable housing providers, housing trusts, housing authorities, builders, developers, and others knowledgeable about the issue locally. This project offers an opportunity to continue that discussion and broaden it to include residents generally,

low and moderate income residents, the elderly, employers, and other elements of the community interested in the issue.

These stakeholders will serve on committees analyzing and prioritizing housing needs, and proposing any implementation strategy. The City does not expect to become a major housing provider, but hopes to work with residents, agencies, housing providers, developers, and other interested parties to address housing issues.

D. How solution strategies will benefit LMI persons or alleviate slum/blight

This plan is designed to address affordable housing needs of low and moderate income persons, of the elderly, and of the disabled. Implementation will chiefly benefit LMI persons, who, along with LMI housing providers, will be involved in developing the strategies. While no slum and blight declaration is anticipated, some isolated blight conditions would be addressed under anticipated strategies. Specifically the plan process will:

- Sharpen the community's focus on LMI housing needs and help build consensus among city leaders and stakeholders regarding commitments and action plans.
- Will allow Saco to develop the capacity to address housing needs of LMI persons.
- Identify and understand housing needs with specificity, equipping affordable housing providers, the City and partners to develop targeted policies and projects.

E. Experience of the applicant community with planning projects

The City of Saco is very experienced in executing and implementing planning projects. It employs two city planners with a combined 37 years of experience. The Development Director is a certified CDBG administrator. Recent plans have included a Downtown Plan, a Bicycle Pedestrian Study, and a Main Street Access Study.

The City's performance management system quickly incorporates goals developed in plans into a city-wide support system, in which Council-adopted plans become goals for the City and all relevant departments. The process sets goals and milestones, and monitors progress in achieving them. A merit pay system tied to goal achievement assures implementation. A Comprehensive Plan is under development, and portions of the housing plan also would be incorporated into it.

3. Project Leverage – See budget, attached, and Item E below.

4. Citizen Participation

A. How participation process relates to i.d. of solution strategies and application

The City Council's Housing Committee since February has held a series of six meetings with interviews with affordable housing providers, housing trusts, housing authorities, builders, developers, and others knowledgeable about the issue locally. The affordable housing providers have been particularly helpful in identifying ideas for targeting various housing types. These sessions have also included experts on energy audits and weatherization. The staff has participated in regional fuel emergency issues such as the Step Ahead Plan and Keeping Neighbors Warm effort. Other staff members have participated in landlord seminars aimed at housing blight and improvement.

This project incorporates ideas developed in those sessions, including energy audits, weatherization, mobile home park cooperatives and other strategies that might not have been considered. In addition to the required public hearing, one public forum was held in early July. While only about seven members of the general public attended, several members of the Council not previously involved in the housing issue chose to attend and learn about the issue.

B. Effective use of any media to further public awareness and participation

A well-designed newspaper advertisement and a large poster in many locations publicized a community housing forum. The forum was attended by one reporter who published a story in

daily newspaper outlining the discussion at the meeting, including a potential mobile home park cooperative. The public hearing was broadcast on cable television.

C. Relevance of listed activities/comments on application and project development

This project incorporates ideas developed in the housing committee's work sessions, including energy audits, weatherization, mobile home park cooperatives and other issues and techniques that might not otherwise have been considered. Ideas developed in the Housing Committee's series of meetings are also incorporated.

D. Involvement of potential LMI project beneficiaries in project development

Potential LMI project beneficiaries were involved in the development of the project chiefly through representatives at housing agencies and housing trusts, who expressed detailed knowledge of LMI persons' housing needs.

E. How other local resources relate to project and cash value equivalent for in-kind

The City is seeking a grant of \$8,000, matched by \$4,100 in City funds now appropriated by the City Council. The City Development Director will be an active participant in the project, devoting an estimated 40 hours with a value of \$1500. The finance department will have a role in grant administration, estimated value \$150. And other staff members such as the code enforcement officer, general assistance director, and city planner will be asked to help with the areas of expertise for a total of about 10 hours, with a value of \$300. To extend the grant, advertising and photocopying are done outside the grant budget and will likely total about \$500. Value of in-kind and non-budget = \$2,450. Total contribution, \$4,100 + \$2,450 = \$6,550.

B. (Public Hearing) Adoption of International Energy Conservation Code

The City of Saco adopts and enforces model construction codes that regulate many phases of building, plumbing, electrical and fire safety installations. These codes are written and revised by membership organizations such as the International Code Council and the National Fire Protection Association. The International Energy Conservation Code (IECC) will provide minimum standards for energy conservation. What follows are some important reasons to adopt the building energy conservation code:

One key element to this code will be the effective date of mandatory enforcement. There will be a "ramp-up" period of one year where the code will be introduced, classes will be held and field inspections will include suggestions on what would need to be done to comply with the code. After the one-year ramp-up, the code will become mandatory on all new construction and renovation projects.

Councilor Tardif moved, Councilor Lovell seconded, to open the Public Hearing on the document titled, 'Chapter 74, Building Energy Conservation Code, October 20, 2008'. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Tardif moved, Councilor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for December 1, 2008. Further move to approve the Order. The motion passed with six (6) yeas and one nay. Councilor Smith voted in the negative.

Chapter 74, BUILDING ENERGY CONSERVATION CODE

October 20, 2008

§ 74-1 Purpose	§ 74-6 Additions, deletions & insertions
§ 74-2 Findings and Intentions	§ 74-7 Appeals
§ 74-3 Title	§ 74-8 Violations, enforcement and fines
§ 74-4 Adoption of standards by reference	§ 74-9 Validity and/or conflict with other ordinances
§ 74-5 Supervising Official and effective date	§ 74-10 Effective Date

[HISTORY: Adopted by the City Council of the City of Saco as Chapter 74 of its Code.]

GENERAL REFERENCES

Building Construction – See Ch. 73
Electrical Code - See Ch. 87

Fire Prevention – See Ch. 102
Mobile Homes – See Ch. 143

§ 74-1 Purpose. The purpose of this Ordinance is to assure the comfort, convenience, safety, health and welfare of the inhabitants of the City of Saco, to protect and conserve its environment and resources, and to provide for alternative measures to design and construct energy efficient buildings.

§ 74-2 Findings and Intentions. The City of Saco finds that preserving resources through energy efficient construction will improve the quality of community life, will foster continued re-investment and re-development in the community, and promote and sustain the greater public's interest in visiting and living in Saco. As part of its over-all green and clean initiatives including the installation of windmills, the adoption of mandatory single stream recycling, the purchase of electric and other alternative energy vehicles, the preservation of critical open space, and the adoption of this and other similar ordinances, the City intends to lead by example, and promote and maintain for its citizens a clean and sustainable life.

§ 74-3 Title. This chapter shall be known and may be cited as the "Building Energy Conservation Code."

§ 74-4 Adoption of standards by reference, effective date. The 2006 Edition of the International Energy Conservation Code as recommended and published by the International Code Council is adopted by reference and made a part of this chapter, with the same force and effect as though set out in full herein, as the Official Building Energy Conservation Code of the City of Saco, subject to additions and deletions set forth in this article. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3001 and 3003, and pursuant to the authority provided under the Maine Constitution Article VIII, Part Second. Pursuant to Title 30-A. M.R.S.A., § 3003, at least one (1) copy of the International Energy Conservation Code has been and shall be on file in the office of the City Clerk for public inspection and use.

Chapter 74, BUILDING ENERGY CONSERVATION CODE

October 20, 2008

§ 74-5 Supervising Official. The Building Inspector, Code Enforcement Officers and Electrical Inspector of the City of Saco are all authorized to administer and enforce this Ordinance.

§ 74-6 Additions, Deletions & Insertions. The following are hereby revised:
Section 101.1 Insert: [City of Saco]

§ 74-7 Appeals.

- A. Any person aggrieved by a decision of the Building Inspector, Code Enforcement Officer or Electrical Inspector with regard to the enforcement of the Building Energy Conservation Code may take such appeal to the City Council.
- B. An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Building Inspector is unsafe, dangerous and a threat to safety of the inhabitants thereof, the time for such an appeal shall be seven days. Upon receipt of an appeal, the Clerk and the Building Inspector shall cause and forthwith transmit to the City Council all papers upon which the action appealed from was taken.
- C. The City Council shall act as a review board of appeals, hold a hearing and make findings of fact and conclusions of law before rendering a decision on the matter appealed. The hearing will not be de novo.
- D. Any appeal from a decision of the City Council shall be taken pursuant to Rule 80(B) of the Maine Rules of Civil Procedure.

§ 74-8 Violations, Enforcement and Penalties. The following provisions shall apply to violations of the laws and ordinances set forth in this Chapter, and all monetary penalties shall be civil penalties.

- A. The minimum penalty for violation of any provision of this code shall be \$100 and the maximum penalty shall be \$2,500 per violation or instance.
- B. The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be \$2,500.
- C. In addition to monetary fines, the violator may be ordered to correct or abate the violations. Where a Court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:
 - (1) Result in a threat or hazard to public health or safety;
 - (2) Result in substantial environmental damage; or
 - (3) Result in substantial injustice.
- D. If the City is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, he/she may be awarded reasonable attorney fees, expert witness fees and costs, only as provided by court rule, or state law.
- E. The maximum penalty may exceed \$2,500 but shall not exceed \$25,000 when it can be shown that there has been a previous violation of the Chapter by the same party, within the past two years.

- F. All enforcement proceedings initiated by the City, arising under the provisions of this Chapter and the Code adopted by reference herein shall be brought in the Maine District Court pursuant to the Maine Rule of Civil Procedure 80 (K). Proceedings shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.
- G. The Code Enforcement Officer may, in consultation with the City Administrator and with the advice of the City Attorney, reach, enter into and execute a settlement or consent agreement with the party alleged to have violated this Chapter or any provision of the International Energy Conservation Code incorporated herein. Such consent or settlement agreement may provide for the following remedies or relief:
 - (1) Fines;
 - (2) Attorney fees;
 - (3) Costs, including experts and tests;
 - (4) Injunctive relief;
 - (5) Other affirmative undertakings by the subject party-defendant.

§ 74-9 Validity and/or Conflict With Other Ordinances.

- A. Validity. Should any section or provision of this Ordinance be declared by any Court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.
- B. Conflict with Other Ordinances. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirement shall apply.

§ 74-10 Effective Date. This ordinance shall become effective as provided by the City Charter, however, the Code provisions adopted by reference herein shall remain advisory only until January 1, 2010. Thereafter, all provisions shall become mandatory, and the failure to comply with them shall become enforceable as provided herein.

C. (Public Hearing) Code Amendment – Chapter 112 – General Assistance Maximum Increases

Each year Maine Municipal Association presents municipalities with new Appendixes for their City or Town Ordinance, which need to be reviewed and adopted or kept the same. Municipalities should adopt the new maximums (Appendixes) by October 1st or as soon as possible thereafter. The City Council discussed this item at Workshop on October 20, 2008. The First Reading was held on November 3, 2008.

Councilor Tardif moved, Councilor Lovell seconded, to open the Public Hearing on the document titled, ‘General Assistance Ordinance Appendixes (A, B, and C), Proposed Figures dated October 1, 2008’. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Tardif moved, Councilor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second & Final Reading for December 1, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

General Assistance Ordinance Appendixes (A, B, and C),

Proposed Figures dated October 1, 2008

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

Appendix A - GA Overall Maximums

# IN HOUSEHOLD	MAXIMUMS	
	Current	New Proposed
1	\$686.00	<u>\$704.00</u>
2	\$765.00	<u>\$785.00</u>
3	\$964.00	<u>\$989.00</u>
4	\$1223.00	<u>\$1255.00</u>
5	\$1446.00	<u>\$1484.00</u>
EACH ADDITIONAL	\$75.00	<u>\$75.00</u>

Appendix B - Food Maximums

# IN HOUSEHOLD	WEEKLY MAX.		MONTHLY MAX.	
	Current	New Proposed	Current	New Proposed
1	\$37.67	<u>\$40.93</u>	\$162.00	<u>\$176.00</u>
2	\$69.30	<u>\$75.12</u>	\$298.00	<u>\$323.00</u>
3	\$99.07	<u>\$107.67</u>	\$426.00	<u>\$463.00</u>
4	\$126.05	<u>\$136.74</u>	\$542.00	<u>\$588.00</u>
5	\$149.53	<u>\$162.33</u>	\$643.00	<u>\$698.00</u>
6	\$179.53	<u>\$194.88</u>	\$772.00	<u>\$838.00</u>
7	\$198.37	<u>\$215.35</u>	\$853.00	<u>\$926.00</u>
8	\$226.74	<u>\$246.05</u>	\$975.00	<u>\$1058.00</u>
EACH ADDITIONAL		-----	\$122.00	<u>\$132.00</u>

Appendix C - Housing Maximums

Unheated Units

# BDRMS	MONTHLY
	Current - Proposed
0	\$542.00
1	\$629.00
2	\$775.00

3	\$1047.00
4	\$1225.00

Heated

# BDRMS.	MONTHLY
	Current - Proposed
0	\$582.00
1	\$682.00
2	\$849.00
3	\$1140.00
4	\$1338.00

Actual Saco Housing Rents Oct. 07 - Sept 08

E = Electric / H.W. = Hot Water/ S = Sewer

<u># of Bedrooms</u>	<u>Unheated</u>	<u>Cost</u>	<u>Currently</u>
0	None	None	\$542.00
<u># of Bedrooms</u>	<u>Heated</u>	<u>Cost</u>	<u>Currently</u>
0	None	None	\$582.00
<u># of Bedrooms</u>	<u>Unheated</u>	<u>Cost</u>	<u>Currently</u>
1	None	None	\$629.00
<u># of Bedrooms</u>	<u>Heated</u>	<u>Cost</u>	<u>Currently</u>
1	H.W.	\$500.00	
1	E. & H.W	\$600.00	
1	H.W.	\$640.00	
1	None	\$650.00	
1	None	<u>\$650.00</u>	
	Gr. Total	\$3,040.00	
	Average	\$608.00	\$682.00
<u># of Bedrooms</u>	<u>Unheated</u>	<u>Cost</u>	<u>Currently</u>
2	None	\$800.00	
2	None	<u>\$950.00</u>	
	Gr. Total	\$1,750.00	
	Average	\$875.00	\$775.00

<u># of Bedrooms</u>	<u>Heated</u>	<u>Cost</u>	<u>Currently</u>
2	None	\$675.00	
2	H.W.	\$750.00	
2	None	\$755.00	
2	H.W.	\$775.00	
2	None	\$850.00	
2	None	\$850.00	
	Gr. Total	\$4,655.00	
	Average	\$775.83	\$849.00

<u># of Bedrooms</u>	<u>Unheated</u>	<u>Cost</u>	<u>Currently</u>
3	None	\$650.00	
3	None	\$985.00	
3	H.W. & S.	\$1,200.00	
	Gr. Total	\$2,835.00	
	Average	\$945.00	\$1,047.00

<u># of Bedrooms</u>	<u>Heated</u>	<u>Cost</u>	<u>Currently</u>
3	None	None	\$1,140.00

<u># of Bedrooms</u>	<u>Unheated</u>	<u>Cost</u>	<u>Currently</u>
4	None	None	\$1,225.00

<u># of Bedrooms</u>	<u>Heated</u>	<u>Cost</u>	<u>Currently</u>
4	None	\$1,000.00	
	Gr. Total	\$1,000.00	
	Average	\$1,000.00	\$1,338.00

D. (Public Hearing) Zoning Ordinance Amendment – Article 3 – Solar Energy Systems and §410-9 adds Accessory Uses as Permitted Use

These proposed Zoning Ordinance amendment would create a definition for the term “*Solar Energy System*” and recognize it as an accessory use, which is currently a permitted use in all zones in the City except B-5 (Camp Ellis). This would allow solar powered hot water systems, air heating or photovoltaic systems to be installed as an energy source for a principal use or structure.

The second amendment would amend § 410-9 in order to add “Accessory Use” as a permitted use to the B-5 zone.

The Planning Board considered the proposed Ordinance amendment on October 7, 2008, and forwards a positive recommendation for passage.

Councilor Cote moved, Councilor Lovell seconded, to open the Public Hearing on the document titled, ‘Amendments to Zoning Ordinance, Article 3, and Section 410-9 dated October 7, 2008.’ The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for December 1, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

‘Amendments to Zoning Ordinance, Article 3, and Section 410-9 dated October 7, 2008.’

Article 3. Definitions Underlined language indicates proposed language.

Solar Energy System: a system designed and used to obtain energy from the sun in order to supply energy to a principal use or structure located on the same lot as the system, or on multiple lots in the case of a common system serving more than one principal use or structure, for the purpose of reducing the consumption of fuel for heating or electricity. A Solar Energy System may include but is not limited to solar hot water, or air heating, or photovoltaic systems. Solar Energy Systems are allowed only as accessory uses or structures. Solar Energy Systems shall comply with all applicable building, plumbing and electrical codes and with all applicable dimensional requirements of this Ordinance.

Section 410-9. B-5 Marine Business and Residential

26. Accessory Uses

E. (Public Hearing) Zoning Ordinance Amendment – Community Living Spaces - §410-1-3

The proposed Zoning Ordinance amendments would ensure compliance with Title 30-A, §4357-A, regarding group homes. This statute is the Legislature’s way of ‘protecting’ housing facilities for 8 or fewer persons with disabilities that are licensed by the State. If such a facility is proposed, the law says that the permitting authority shall regard the facility as a single-family dwelling for the purposes of zoning.

The residential zones – R-1, R-2 and R-3 – currently state that “community living uses” shall be reviewed as conditional uses. In order to comply with statute, said uses must be reviewed instead as permitted uses.

The Zoning Ordinance currently defines as follows -- **Community living use:** A state-approved, authorized, certified or licensed group home or intermediate care facility for eight (8) or fewer mentally handicapped or developmentally disabled persons.

The proposed amendments would leave the definition as is, but amend the sections referenced above in order to make “Community Living Uses” a permitted use, just as single family dwellings are in each of these zones.

The Planning Board considered the proposed Ordinance amendment on October 7, 2008, and made a positive recommendation for passage.

Councilor Cote moved, Councilor Mills seconded, to open the Public Hearing on the document titled, ‘Amendments to Zoning Ordinance, Sections 410-1, 410-2, 410-3 dated October 7, 2008. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Mills seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for December 1, 2008. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

“Amendments to Zoning Ordinance, Sections 410-1, 410-2, 410-3 dated October 7, 2008.”

(Underlined language indicates proposed language; ~~strikethrough~~ indicates language proposed for deletion)

410-1. R-1 LOW DENSITY DISTRICT (Editor's note: includes R-1a, R-1b, R-1c and R-1d except where otherwise noted.)

PERMITTED USES

1. Single family dwellings
2. Agriculture, excluding livestock
3. Public parks and playgrounds
4. Public and private schools, excluding commercial schools
5. Churches
6. Essential services
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service (Amended 8/1/88)
10. Adult day care center, Type 1 (Amended 7/1/91)
11. Accessory apartments in Single Family Dwelling, R-1b only (Amended 8/6/01)
12. Community living uses (Amended ??/??/08)

CONDITIONAL USES

1. Two-family dwellings (reviewed as minor conditional use) (Amended 12/17/02)
2. Cemeteries
3. Home occupations
4. Nonprofit recreational uses
5. Nursery schools
6. Day care centers

7. Nursing homes
8. Municipal uses not listed under permitted uses
9. Public utility buildings
10. Commercial greenhouses and nurseries
11. Kennels
12. Stables
13. Quasi-public uses
14. Water recreation including piers, docks, and boathouses related thereto
- ~~15. Community living uses~~
16. Offices which comply with the standards of Section 713 of this Ordinance (R1-b district only) (Amended 5/7/93)
17. Bed and breakfast establishment, in the R1-b District only (Amended 9/5/85)
18. Day care home (Amended 8/1/88)
19. Religious conference center in the R1-c District only (Amended 6/19/88)
20. Adult day care center, Type 2 (Amended 7/1/91)
21. Elderly Congregate Housing, in the R-1c District only (Amended 2/3/92)
22. Bed and Breakfast Establishments, in Historic Overlay Districts and on Historic Sites only, subject to Section 716 (R-1a only)
23. Home Based Retail Use (R-1b district only with frontage on Main Street, subject to Section 721)
24. Golf Courses, in the R-1a District only, subject to Section 722

410-2. R-2 MEDIUM DENSITY DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Essential services
5. Public parks and playgrounds
6. Public and private schools, excluding commercial schools
7. Agriculture, excluding livestock
8. Accessory uses
9. Any use permitted in the resource protection district
10. Home babysitting service (Amended 8/1/88)
11. Adult day care center, Type 1 (7/1/91)
12. Community living uses (Amended ??/??/08)

CONDITIONAL USES

1. Multi-family dwellings limited to no more than eight units in each building, unless a conversion of an existing building, within the existing structure, except for minor additions such as stair towers, entrances, dormers, and similar minor building features (Amended 4/28/08)
2. Elderly congregate housing
3. Hospitals and clinics
4. Boarding houses
5. Home occupations

6. Parking lots (Amended 1/3/95)
7. Funeral homes
8. Cemeteries
9. Nursing homes
10. Municipal uses not listed under permitted uses
11. Nursery schools
12. Day care centers
13. Nonprofit recreational uses
14. Public utility buildings
15. Commercial greenhouses and nurseries
16. Water recreation including piers, docks, and boathouses related thereto
17. Private clubs
18. Offices which comply with the standards of Section 713 of this Ordinance
19. Kennels
20. Quasi-public uses
- ~~21. Community living uses~~
22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91) (Amended 8/1/88; 7/1/91)

410-3. R-3 HIGH DENSITY DISTRICT

PERMITTED USES

1. Single family dwellings
2. Two family dwellings
3. Churches
4. Essential services
5. Public and private schools, excluding commercial schools
6. Public parks and playgrounds
7. Accessory uses
8. Any use permitted in the Resource Protection District
9. Home babysitting service (Amended 8/1/88)
10. Adult day care center, Type 1 (Amended 7/1/91)
11. Community living uses (Amended ??/??/08)

CONDITIONAL USES

1. Multi-family dwellings
2. Elderly congregate housing
3. Boarding homes
4. Home occupations
5. Hotels and motels
6. Tourist homes
7. Commercial parking lots
8. Funeral homes
9. Offices which comply with the standards of Section 713 of this Ordinance
10. Hospitals and clinics for humans
11. Quasi-public uses
12. Nursing homes
13. Nursery schools

14. Day care centers
15. Private clubs
16. Nonprofit recreational uses
17. Municipal uses not listed under permitted uses
18. Public utility buildings
19. Water recreation including piers, docks, and boathouses related thereto
- ~~20. Community livings uses~~
21. Bed and breakfast establishments (Amended 9/5/85)
22. Day care home (Amended 8/1/88)
23. Adult day care center, Type 2 (Amended 7/1/91) (Amended 9/5/85; 8/1/88; 7/1/91)

30-A §4357-A. Community living arrangements

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular Session of the 123rd Legislature, and is current through December 31, 2007, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

30-A §4357-A. Community living arrangements

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Community living arrangement" means a housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. [1997, c. 442, §2 (NEW) .]

B. "Disability" has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602. [1997, c. 442, §2 (NEW) .]

[1997, c. 442, §2 (NEW) .]

2. Single-family use. In order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living arrangement is deemed a single-family use of property for the purposes of zoning.

[1997, c. 442, §2 (NEW) .]

SECTION HISTORY

1997, c. 442, §2 (NEW) .

VII. CONSENT AGENDA

B. Accept City Retreat Drive

Staff has been reviewing the legal status of a few streets that are currently and have historically been receiving City services. In this case, staff has requested that the City Solicitor, Tim Murphy, review the status of the street commonly known as “*City Retreat Drive*” (off Beach Street). The city provides services to this street including plowing, trash and recycling collection, and maintenance of the sewer system.

According to the solicitor, the simplest method to resolve the issue is to have the property owner deed the rights and interest to the street to the City of Saco through a quit claim deed. The required right that would be needed is owned by Janice Biasin-Hanson and Edward Hanson. They are agreeable to providing a quit claim deed to the City as shown in Exhibit 3.

Councilor Mills moved, Councilor Smith seconded, that it be Ordered that the City Council authorize the City Administrator to accept transfer of land, rights and utilities described in the **Quit Claim Deed from Janice Biasin-Hanson and Edward Hanson to the City of Saco.** Further move to approve the Order. The motion passed with seven (7) yeas.

QUITCLAIM DEED

NOW COMES the Grantors, JANICE C. BIASIN-HANSON and EDWARD M. HANSON both of 194 Beach Street, Saco, Maine, who for one dollar and other good and valuable consideration paid herein transfer, convey and quitclaim unto the City of Saco (Grantee) a Municipal Corporation, 300 Main Street, Saco, Maine, the following described parcel:

Beginning at a point marking the Southeasterly most corner of Grantors lot, said point also abutting the Beach Street Right of Way;

Thence running Northeasterly along the common boundary of Grantor and lands of Craig, St. Pierre, Vincent and Goforth, and Labonte a distance of 322 feet, more or less to a point marking the boundary line of land n/f Jane and Herbert Redlon;

Thence turning and running 38 feet along the common boundary of Grantee and land n/f of Redlon to another point;

Thence turning and running in a line 322 feet, more or less to a point abutting land n/f of Kouzounas, said point marking the Beach Street Right of Way, and said line running 38 feet from and always parallel with the first course as described in paragraph two (2) above;

Thence turning and running 38 feet along the Beach Street Right of Way back to the point of beginning.

Meaning and intending to describe and transfer an area known as “City Retreat Drive”, an area of approximately 12,236 square feet, more or less, and with and upon the understanding the City will accept such transferred land as a public way for purpose of ingress and egress, as well as to lay out, maintain and install necessary utilities and infrastructure including sewers, sewer pipes, drains, manholes, pipes, conduits, etc.

TO HAVE AND TO HOLD with all the benefits and privileges appurtenant thereto, now and forever.

Now witness their hands and seals this ____ day of November, 2008.

WITNESS:

(Signature)

JANICE C. BIASIN-HANSON

(Print Name)

EDWARD M. HANSON

STATE OF MAINE
YORK, ss.

November ____, 2008

Then personally appeared before me JANICE C. BIASIN-HANSON, who gave oath and acknowledged the foregoing to be her free act and deed.

Before me,

Notary Public/Attorney At Law

STATE OF MAINE
YORK, ss.

November ____, 2008

Then personally appeared before me EDWARD M. HANSON, who gave oath and acknowledged the foregoing to be his free act and deed.

Before me,

Notary Public/Attorney At Law

RELEASE:

NOW COMES T.D. BANKNORTH, NA of Portland, Maine who herein releases that portion of the premises described above from a certain mortgage granted by these Parties, said mortgage dated September 18, 2006, as recorded in Book 14978, Page 262, of the York County Registry of Deeds, but otherwise remaining in force and effect, and with the intention to keep and retain said mortgage upon the balance of the premises found at 194 Beach Street, Saco, Maine.

Dated at Portland, Maine this ____ day of November, 2008

WITNESS:

T.D. BANKNORTH, NA

(Signature)

(Signature)

(Print Name)

(Print Name)

STATE OF MAINE
YORK, ss.

November ____, 2008

Then personally appeared before me _____, who gave oath and acknowledged the foregoing to be his or her free act and deed, and the free act and deed of T.D. BANKNORTH, NA, and of his or her authority herein to act on its behalf.

Before me,

Notary Public/Attorney At Law

A. (First Reading) Code Amendment – Property Tax Options for Residents

Title 36 § 6232, Sub §1A, Senior Citizen Tax Work-off Program was passed by our legislature. Maine’s law was fashioned from the Massachusetts law, and Maine’s version is a very trim version of the Massachusetts law.

The Maine law really has only two points. You must be 60 years old to earn a \$750 abatement off your tax bill by performing volunteer work for the City. What makes the Maine law somewhat more difficult than the Massachusetts law is we must run our program by ordinance not just simple “guidelines”.

The Finance Director and Personnel Officer are checking on issues related to income tax laws both State & Federal and issues related to the work status of a “volunteer worker”.

Taunton, Massachusetts, population 45,000, currently runs a similar program; I contacted their Assessor and did some information gathering about how they run their program. They had 20 participants in their program last year.

Based on research many Massachusetts towns have the same program and most guidelines are very similar. According to the Maine Municipal Association, no municipality in Maine has implemented such a program to date, however Kittery is currently working on setting up a program and could be the Maine model. Of course, if Saco is up and running with a program sooner, we could be the model for Maine.

Councilor Tardif moved, Councilor Bastille seconded, that the City of Saco hereby ordains and approves the First Reading of the document titled, ‘Code Amendment – Chapter 220, Volunteer Program, dated November 17, 2008’, and further moves to schedule a Public Hearing for December 1, 2008. The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

Code Amendment – Chapter 220, Volunteer Program, dated November 17, 2008

(Please note that underline represents new language, while ~~strike through~~ represents language to be deleted)

Chapter 220 – Volunteer Program

§220-1. Volunteer Citizen Work-off Program

- A. Pursuant to State statute Section 2. 36 M.R.S.A. §6232, Sub-§1-A, the City Council adopts the volunteer program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 by volunteering to provide services to the city. The City Council shall establish a policy that establishes procedures and standards of eligibility for the volunteer citizen work-off program.

Guidelines Chapter 220 Work Volunteer Program

Approved:

- A. **Applicability** - This policy shall apply to the Administration of the City Code Chapter 220-2 Volunteer Citizen Work-off Program.
- B. **Purpose**- The purpose of these guidelines is to administer Section 220 of the City Code, (ref 220-1 Volunteer Citizen Work -Off Program). The City of Saco understands that the State of Maine sponsored Tax Rebate Program may in certain instances still not grant the amount of property tax relief for families and individuals that may be necessary.

Therefore the City of Saco has by ordinance adopted the volunteer program. The program guidelines are as follows:

C. Eligibility Guidelines:

1. Participant must be age 60 on or April 1st of the first year of eligibility.
2. Participant must be a legal resident of the City of Saco.
3. Participant must be the owner of record as of April 1st and reside in the dwelling the abatement will be applied to.
4. Limit one participant per household
5. Participant's household income cannot exceed \$60,000. And the annual tax bill must be more than 4% of household income (based on previous year's gross income).

***Due to the limited resources available to the City of Saco, annual participation is not guaranteed. Annual participation will be based on the amount of funds certified

to the Assessor by the City Council on an annual basis. Applicants will be selected on a needs basis.***

D. Annual Procedures

1. The City Assessor is the Program Administrator.
2. On or Before February 1st each year Departments must request the number of hours and tasks that they would like accomplished for the ensuing year.
3. On or about April 1st the City Council will certify to the Assessor the amount of funds to be added to the commitment overlay for the ensuing year.
4. Application deadline is May 1st each year.
5. All work must be completed two weeks prior to the second half due date for property taxes as set by Council each year.
6. Applicant's certification for work will be done by the Human Resource Department as is typical for any part time employee.
7. An annual report will be submitted by the Program Administrator to the City Council by March 1st.

E. Finance Officers Procedures:

1. All earnings under this program are considered wages for Federal taxation purposes.
2. Earned reductions must be applied to the actual tax bills for the fiscal year. The Assessor must commit the full tax for the year and process the gross amount earned as certified by the department head supervising the volunteer.
3. All earnings, federal social security and Medicare taxes are recorded gross and the entire cost is covered by overlay. The taxpayer's actual tax bill, however, should only show a credit for the amount earned net of any federal withholdings.

F. Human Resource Procedures:

1. Taxpayers performing services in return for property tax reduction shall be considered "volunteers" and will be covered under the City's liability insurance. The City will therefore be liable for damages for injuries to a third party or if the City and/or City employee causes damage to the volunteer.
2. As part of the application process the taxpayer/volunteer shall complete a form indicating information to conduct a background reference check.

- a. Full name (including maiden name), date of birth, address and social security number.
3. Volunteers shall not drive City vehicles.
4. This shall not constitute regular or part-time employment with the City of Saco nor shall it constitute as a contract.
5. Volunteers shall complete a W-4 withholding form.

C. Confirm the Mayors appointment to the Zoning Board of Appeals and Historic Preservation Commission

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

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

Mayor Michaud has appointed Richard Buhr of 52 Wildwood Drive, to a 5-year term on the Zoning Board of Appeals, with a term to expire on November 16, 2013.

The Historic Preservation Commission consists of five members and five associate members, appointed by the Mayor and confirmed by the Council, for a 3-year term. Some of the duties of the Commission are to: advise and inform the City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation. 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.

Mayor Michaud has reappointed Bob Hollingworth as an associate member with a term to expire on June 30, 2013.

Councilor Tardif moved, Councilor Bastille seconded, that it be ordered that the City Council confirm the Mayor's the re-appointment of Bob Hollingworth to the Historic Preservation Commission with a term to expire on June 30, 2013. Further move to approve the order. The motion passed with seven (7) yeas.

VIII. Recess the Meeting and move to WORKSHOP in the Conference Room

Councilor Mills moved, Councilor Smith seconded, to recess. The motion passed by unanimous consent. TIME: 7:30 p.m.

IX. Recess the Workshop and reconvene the MEETING:

Mayor Roland Michaud reconvened the meeting at 8:44 p.m.

A. **(First Reading)** Zoning Ordinance Amendment – 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.

High voltage power lines would be required to locate underground if they are within 1200 feet of houses, schools and certain other facilities.

The recommendation of the Planning Board has two minor differences from the ordinance referred by the Council. The Board recommends revisions to the definition of "High Voltage Transmission Lines" by removing language that draws in substations and other facilities. The board is willing to work on language for that purpose if the Council wishes. The Board also recommends adding the findings it has included at 432-1, to provide some explanation of the Council's goals.

The City Council passed emergency ordinance amendments on November 3. The City Council referred these amendments to the Planning Board, which made this recommendation on November 4.

Zoning ordinance amendments are effective 30 days after adoption. The emergency provisions were passed on Nov.3 and expire in 60 days, or January 2. At second reading, which is likely to occur on December 15, the previous emergency ordinance should also be extended until January 14, and repealed after that date.

Councilor Cote moved, Councilor Lovell seconded, that the City of Saco hereby ordains and approves the First Reading of the amendments to the zoning ordinance included in "Proposed ordinance amendments to Saco Zoning Ordinance Regarding electrical transmission lines Recommended by the Saco Planning Board, November 4, 2008. The motion passed with seven (7) yeas.

**Proposed ordinance amendments to Saco Zoning Ordinance
Regarding electrical transmission lines
Recommended by the Saco Planning Board
November 4, 2008**

1. Amend definition of "Essential Services," in Article 3, Definitions, as follows:

Essential Services: The erection, construction, alteration or maintenance by public and private utilities or municipal or other governmental agencies of gas, electrical and communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Electrical power transmission lines which carry or have the capacity to carry more than 70,000 volts are not included within this definition, but shall fall within the definition of "High Voltage Transmission Lines" herein. Essential services do not include radio

or TV transmission towers or cellular communications towers. Such systems are exempt from the Minimum Lot and Yard Requirements of Table 412-1 and shall include buildings under 400 square feet, except as noted below, which are necessary for the furnishing of such services. Any buildings which are over 400 square feet in size, except as noted below, must meet all setbacks for the zone in which they are located. City sewer pump stations may be up to 800 square feet and retain their exemption from the requirements of Table 412-1 if they are in a business or industrial zone and at least 75 feet from a dwelling unit. (Amended 2/2/88; 5/2/94; 2/19/02)

2. Amend Article 3, Definitions, by adding the following definition of “High Voltage Transmission Lines”.

High Voltage Transmission Lines: Electrical power transmission lines which carry or handle more than 70,000 volts of electricity.

3. Amend Article 4, District Regulations, by inserting “High Voltage Transmission Lines” in the permitted and conditional use lists as follows:

Add to all use industrial use lists as a permitted use: High Voltage Transmission Lines

- (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: High Voltage Transmission Lines

- (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)

4. Amend Article 7, Standards of Performance, by adding a new Section 732 governing “High Voltage Transmission Lines”, as follows:

Section 732 Standards for High Voltage Transmission Lines

732-1. Findings. Scientific studies have raised concerns about adverse health effects of electromagnetic fields on people living or working near high voltage lines. In addition, High Voltage Transmission Lines have the appearance of large scale industrial facilities and are frequently

incompatible with nearby residential areas. The City intends to limit or mitigate, where possible, such adverse impacts.

732-2. Burial. All High Voltage Transmission Lines shall be buried where they pass within 200 feet of any residence, school building, school playground, publicly owned recreational facility, field or park, or any occupied place of employment, but otherwise they may be placed above ground. When installed underground they shall be installed in locations and in sections of sufficient length so that unsightly transition structures shall be minimized.

732-3. Contract Zoning. A party wishing to erect High Voltage Transmission Lines may apply for a contract zone, outside of RP districts, provided it follows the procedures and meets the conditions set forth in Article 14 of this ordinance.

**Proposed emergency ordinance amendments to Saco Zoning Ordinance
regarding electrical transmission lines
November 3, 2008**

Emergency preamble:

Because High Voltage Transmission Lines when installed aerially are incompatible residential and other non-industrial areas of the City, the City Council find that emergency exists which requires the adoption of these provisions to protect property.

1. Amend definition of “Essential Services,” in Article 3, Definitions, as follows:

Essential Services: The erection, construction, alteration or maintenance by public and private utilities or municipal or other governmental agencies of gas, electrical and communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Electrical power transmission lines which carry or have the capacity to carry more than 70,000 volts are not included within this definition, but shall fall within the definition of “High Voltage Transmission Lines” herein. Essential services do not include radio or TV transmission towers or cellular communications towers. Such systems are exempt from the Minimum Lot and Yard Requirements of Table 412-1 and shall include buildings under 400 square feet, except as noted below, which are necessary for the furnishing of such services. Any buildings which are over 400 square feet in size, except as noted below, must meet all setbacks for the zone in which they are located. City sewer pump stations may be up to 800 square feet and retain their exemption from the requirements of Table 412-1 if they are in a business or industrial zone and at least 75 feet from a dwelling unit. (Amended 2/2/88; 5/2/94; 2/19/02)

2. Amend Article 3, Definitions, by adding the following definition of “High Voltage Transmission Lines”:

High Voltage Transmission Lines: Electrical power transmission line or other facilities (substation, transformer, capacitor or other equipment or assemblage of equipment) the purposes of which is to process, carry or handle more than 70,000 volts of electricity.

3. Amend Article 4, District Regulations, by inserting “High Voltage Transmission Lines” in the permitted and conditional use lists as follows:

Add to all use industrial use lists as a permitted use: High Voltage Transmission Lines

(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: High Voltage Transmission Lines

(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)

5. Amend Article 7, Standards of Performance, by adding a new Section 732 governing “High Voltage Transmission Lines”, as follows:

Section 732 Standards for High Voltage Transmission Lines

732-1. Burial. All High Voltage Transmission Lines shall be buried where they pass within 200 feet of any residence, school building, school playground, publicly owned recreational facility, field or park, or any occupied place of employment, but otherwise they may be placed above ground. When installed underground they shall be installed in locations and in sections of sufficient length so that unsightly transition structures shall be minimized.

732-3. Use of Chemicals for Plant Suppression. No party may use chemicals, herbicides or other formulations to kill, retard, destroy or suppress plant or tree growth below or adjacent to such lines. All such areas may be tended by traditional pruning, clearing and cutting by non-chemical means.

732-4. Contract Zoning. A party wishing to erect High Voltage Transmission Lines may apply for a contract zone, outside of RP districts, provided it follows the procedures and meets the conditions set forth in Article 14 of this ordinance.

At 8:48 p.m. Councilor Smith moved, Councilor Mills seconded, to go into executive session. The motion passed with seven (7) yeas.

X. Councilor Smith moved, Councilor Mills seconded, that it be Ordered that the City Council, Pursuant to [1 M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (C) (E)] move to enter into Executive Session to discuss: Use of property and discussion of litigation, pending or otherwise. The motion passed with seven (7) yeas. TIME 8:48 p.m.

a. Report from Executive Session

Councilor Bastille moved, Councilor Smith seconded, to come out of executive session at 9:03 p.m. The motion passed with seven (7) yeas.

Upon return from executive session 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.

A report, from the executive session, was not given at this time.

I. ADJOURNMENT

Councilor Bastille moved, Councilor Mills seconded, to adjourn. The motion passed with seven (7) yeas. TIME 9:03 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk