

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Sept. 8, 2009 Council Meeting.

- I. CALL TO ORDER** – On Monday, September 8, 2009 at 7:00 p.m. a Council Meeting was held in the City Hall Conference Room.
- II. ROLL CALL OF MEMBERS** – Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Those present: Margaret Mills, Leslie Smith, Jr., Ronald Morton, Arthur Tardif, Eric Cote and Marston Lovell. Councilor Sandra Bastille was excused this evening. Also attending the meeting this evenings were Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk.
- III. PLEDGE OF ALLEGIANCE**
- IV. GENERAL:**
- V. APPROVAL OF MINUTES:** *August 31, 2009*

Minutes were approved as printed.

VI. AGENDA ITEMS:

A. Proclamation – Family Day 2009

The Proclamation will be placed on the September 21, 2009 Agenda.

B. (Second & Final Reading) Authorize Bond Question for Paving and Road Improvements

The City has capital improvement needs that will not be addressed through the conventional budget process. The current approach will require that these projects be deferred many years into the future, which in the end will likely cost more money to complete.

The Council is being asked to place a bond question before the voters to seek approval to borrow funds for these improvements.

The attached exhibit details the 2009 paving needs throughout the city. The paving projects are vital to insuring the safety of our citizens, and protecting our investment in our road network. In the next 8 years we will be retiring \$2,747,840 of indebtedness, principal and interest and the proposed bond would add new indebtedness, principal and interest of approximately \$2,610,500.

The Council discussed this item at Workshop on July 20, 2009; and the First Reading was held on August 3, 2009.

Question # ____

Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to Borrow an Amount Not to Exceed \$2,300,000 for Paving and Improvement of Public

Streets It is estimated \$2,300,000 will cover most of the cost of paving of the Street List attached, as Exhibit A and other streets, as the need may arise”, be ratified and approved?”

Yes _____

No _____

Councilor Cote moved, Councilor Mills seconded, that the City of Saco hereby approves the Second and Final Reading of the ‘Order Authorizing the City of Saco to Borrow an Amount not to Exceed \$2,300,000 for Paving and Improvements of Public Streets. It is Estimated \$2,300,000 Will Cover Most of the Cost of Paving of the Street List Attached as Exhibit A and Other Streets as the Need May Arise’, and hereby adopts said Order and directs that a copy of said Order be included in the minutes of this meeting. Further move to approve the Order. The motion passed with six (6) yeas.

VII. ADJOURN THE MEETING and CONVENE THE WORKSHOP in the Conference Room

Councilor Mills moved, Councilor Marston seconded to recess. The motion passed with six (6) yeas. TIME 7:05 p.m.

VIII. ADJOURN THE WORKSHOP AND RECONVENE the MEETING:

Councilor Mills moved, Councilor Smith seconded to reconvene the meeting. The motion passed with six (6) yeas. Time: 8:20 p.m.

IX. AGENDA ITEMS:

D. Wilson Lane Property – Map 116, Lot 18-4

The City owns a parcel of land identified on Tax Map 116, as Lot 18-4; this parcel is a 1.75 acre lot located at 5 Wilson Lane. Ownership of the lot was turned over to the city in February 2005. The Planning Board held a public hearing on this parcel and forwards to the council a recommendation that the parcel be declared surplus and sold if the council so chooses.

The Council, on April 27, 2009, authorized the City Administrator to advertise the parcel for sale by sealed bid process. According to process, the parcel was advertised in the local paper, as well as notification sent to all abutters and property owners in the general vicinity. Local realtors were also notified. Two bids were received and opened on June 10, 2009.

The Council discussed this item at Workshop on June 15, 2009; and at the council meeting on June 29, 2009 and August 17, 2009.

Councilor Mills moved, Councilor Smith seconded, that the second bidder(s) Mike and Karen Dineen, 7 Wilson Lane, be approached to ascertain if they are still interested in Tax Map 116,

Lot 18-4. If Mike and Karen Dineen are not interested in the property said property would be reviewed in the spring. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

A. Tax Base Sharing Agreement

State statute (Title 30 M.R.S.A. Chapter 203) permits cities to cooperate to provide for orderly development of their tax base.

Saco and Biddeford participated jointly in the development of a solid waste resource recovery facility, namely Maine Energy Recovery Company (MERC) as a result of both communities being under obligation in 1985, from the State of Maine to close their existing landfills.

The communities entered a tax base sharing agreement which took into account the cost of services provided by the city, in which the plant is located, and include adjustments for the effects of State educational subsidy and County tax levies which are based on property valuation.

The two communities mutually agreed that personal property and real estate property taxes, service fees and payments in lieu of taxes collected on the resource recovery plant namely MERC, shall be share annually. The Agreement titled ‘Agreement Development of Saco Biddeford Solid Waste Resource Recovery Incinerator Facility, dated 05/16/1983 contains the full terms of the tax base sharing agreement. Amendments were made to the agreement in 1985 for the purpose of inserting the words “service fees and payment in lieu of taxes.”

It is the position of the City of Biddeford that in 1983 both Councils authorized the execution of a tax sharing agreement for a term of 22 years ending in 2005. Saco has taken a position that this tax base sharing agreement ended in 2007.

Councilor Lovell moved, Councilor Smith seconded, that it be Ordered that the City Council authorize the City Administrator to execute and send a letter dated September 4, 2009 to Biddeford City Manager regarding ‘City’s Tax Revenue Sharing dispute – Tax Years 2006 – 2007. The motion passed with five (5) yeas and one (1) nay. Councilor Mills voted in the negative.

B. Discussion Bond Question for Paving and Road Improvements

Councilor Tardif stated that he had requested that the Public Works Department keep the Council informed, as to the projects to be undertaken, should the Bond Question pass. The Councilor would like to know how the streets are chosen to be repaired.

The Mayor called for a recess at 8:20 p.m.

The meeting reconvened at 8:25 p.m.

C. Zoning Ordinance Amendment – B3 Zone

The Mayor has requested that the B3 zone district be amended to limit the construction of commercial buildings to no more than 5000 square feet.

Councilor Lovell moved, Councilor Smith seconded, to refer to Planning Board consideration of amendments to the Saco Zoning Ordinance related to size and character of new commercial development in the B-3 district. The Planning Board's review should include consideration of the mixed use character of the neighborhood in the B-3 district, whether portions of the district are more residential in character, the depth of the commercial district along Elm Street, protecting the pedestrian nature of the downtown, traffic impacts, the language in the Comprehensive Plan related to the Elm Street area, the issues of single story and multi-story buildings. The Planning Board should consider techniques such as size limitations on one commercial construction, rezoning portions of the district, and other zoning and design review techniques that it may consider appropriate. The Council asks that this review be completed within sixty (60) days. The motion passed with six (6) yeas.

Councilor Lovell moved, Councilor Smith seconded, to set a date of September 21, 2009 to hold a public hearing on a moratorium of 180 days duration on new construction of commercial buildings over 5000 square feet in the B-3 district. The motion passed with five (5) yeas and one (1) nay. Councilor Tardif voted in the negative.

X. ADJOURNMENT

Councilor Mills moved, Councilor Smith seconded, to adjourn. The motion passed with six (6) yeas. TIME: 8:30 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk