

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the July 19, 2010 Council Meeting.

- I. **CALL TO ORDER** – On Monday, July 19, 2010, 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., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Councilor Marston Lovell. Also in attendance, this evening, were City Administrator Richard R. Michaud and Lucette S. Pellerin, City Clerk.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **GENERAL:**
- V. **APPROVAL OF MINUTES: 07/06/2010**

Minutes were approved as written.

VI. **CONSENT AGENDA**

- a. **Confirm the Mayor's Appointments to: Parks & Recreation Advisory Board; Economic Development Commission; and Historic Preservation Commission**

Councilor Tardif moved, Councilor Smith seconded, to confirm the Mayor's appointment of John Bouchard and Geoffrey Burr to the Parks and Recreation Advisory Board for a three (3) year term to begin July 19, 2010 and to expire on June 30, 2013; confirm the reappointment of Andrea Morsehead to the Economic Development Commission for a five (5) year term ending April 2, 2015; confirm the Mayor's reappointment of Audrey Milne as a full member of the Historic Preservation Commission with a term ending in June 30, 2013. Further move to approve the Consent Agenda. The motion passed with seven (7) yeas.

VII. **AGENDA:**

B. Saco Central Fire Station Subcontractor Bid Awards

Bids from subcontractors for the Saco Central Fire Station were received by Pizzagalli Construction, Inc. (Pizzagalli) on May 25, 2010 for review and recommendation by Pizzagalli to the City of Saco. In order to continue the construction process, Pizzagalli requests approval

from the City Council to award the following subcontracts based on the bid results outlined in the Letters of Recommendations dated July 15, 2010.

Trade	Proposed Subcontractor/Vendor	Bid Received	GMP Budget
Bid package 2.1 – Landscaping	kd Landscaping	\$28,335	\$28,522
Fiberglass Windows Bid package 8.2 – Aluminum	Marvin Design Gallery	19,900	19,900
Storefront and Glazing	Glass Pro Inc.	20,740	20,880
Bid package 9.2 – Flooring	Capozza Tile and Floor Covering	96,978	98,432
Bid package 9.3 – Epoxy Flooring	Industrial Concrete Services, Inc.	35,980	35,980
Bid package 9.4 – Painting	Theodore Logan & Son, Inc.	33,847	37,720

Councilor Lovell moved, Councilor Christenbury seconded, that it be Ordered, that the City Council authorize the City Administrator to execute the acceptance of subcontract award the Landscaping to kd Landscaping for \$28, 335; the Fiberglass Windows to Marvin Design Gallery for \$19,900; the Aluminum Storefront and Glazing to Glass Pro Inc. for \$20,740; the Flooring to Capozza Tile and Floor Covering for \$96,978; the Epoxy Flooring to Industrial Concrete Services, Inc. for \$35,980; and the Painting to Theodore Logan & Son, Inc. for \$33,847. Further move to approve the Order. The motion passed with seven (7) yeas.

A. Project Partnership Agreement – ACOE and City of Saco

Coastal storms have caused severe shoreline erosion along Camp Ellis Beach and the loss of over 30 homes. At the request of the City, the New England District of the Army Corps of Engineers (ACOE) conducted studies to find a remedy to the ongoing erosion.

These studies indicated an optimal federal plan consisting of a 750-foot long spur jetty and periodic beach fill as shown in Figure 3 of the Project Information Sheet dated January 19, 2010, published by the ACOE (exhibit).

The design and construction of the Saco River and Camp Ellis Beach Section III Jetty Project will exceed the \$5 million statutory cap under Section 111 (of the River and Harbor Act of 1968) authority; however, Congress provided specific authority in the Water Resources Development Act of 2007 to exceed this limitation. The Secretary of the Army is authorized to allot from certain appropriations an amount not to exceed \$26,900,000 for the design and construction of the Project as an aid to navigation, while simultaneously mitigating shoreline damage and erosion.

Such undertaking is dependent upon the City, following construction, acting as a partner. The City of Saco, in connection with this Agreement, desires to foster a partnering strategy and a working relationship between the ACOE and the City of Saco through a mutually developed formal strategy of commitment and communication, which creates an environment where trust and

teamwork prevents disputes, fosters a cooperative bond between the ACOE and the City of Saco, and facilitates the successful implementation of the Project.

Additionally, the City desires to enter into a Project Partnership Agreement with the ACOE to clarify the role and responsibility of each Party from design, through construction, and for a period of 50 years post-construction.

Councilor Christenbury moved, Councilor Lovell seconded, that it be Ordered that the City Council request US Senators Collins and Snowe and US Representative Pingree submit to the U.S. Army Corps of Engineers, the ‘Project Partnership Agreement between the Department of the Army and City of Saco, Maine for Design and Construction of the Saco River and Camp Ellis Jetty Section III Project’. Further move to approve the Order. The motion passed with seven (7) yeas.

C. Award Bid for Copier Services to Specialized Purchasing Consultants

On May 17, 2004, the Council authorized the City to enter into an agreement with Specialized Purchasing Consultants Corporation (SPC) to perform a needs and capabilities analysis of all of the City’s reprographic equipment, prepare bid specifications, obtain bids and recommend new and replacement reprographic equipment. It is time now to renew the city’s agreement with SPC.

SPC is an independent reprographic consulting firm specializing in the acquisition of digital reprographic equipment such as photocopier, high-speed duplicators and network printers. They have over 84 clients, 74 of which are municipal school administrative districts, municipalities and school unions. They are the largest reprographic equipment buyer within the states of Maine, New Hampshire and Vermont.

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SPC has completed their reprographic analysis for the City of Saco and submitted to the city a comprehensive report. Virtually all machines in every department were found to be undersized and upgrades were quoted.

The net annual savings to the city is \$8,150.08 and \$40,750.40 over a 5-year period. It should be noted that the total 5-year savings could vary depending on the consumer price index. Each machine was analyzed for use and production.

Councilor Christenbury moved, Councilor Doucette seconded, that it Ordered that the City Council authorize the City Administrator of the City of Saco, Maine to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the City of Saco, Maine (the “Issuer”), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding One Hundred One Thousand Seven Hundred Forty-Five Dollars and Two Cents (\$101,745.02), at a rate of interest of not more than 3.930% per year through August 1, 2015, and otherwise in such form as the City Administrator may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a “private activity bond” or an “arbitrage bond” within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the “Code”); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the City Administrator be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof. Further move to approve the Order. The motion passed with seven (7) yeas.

D. (Second and Final Reading) Zoning Ordinance Amendment- Medical Marijuana Law

In early April the State Legislature passed a law outlining how eight marijuana dispensaries should be created in the state. The law amends the results of the November 2009 referendum legalizing medical marijuana in Maine. On April 12 the Council rejected the idea of a moratorium and asked that staff report back on the issue by mid-May. On May 10 the City Council reviewed amendments which then went before the Planning Board for a hearing on May 18.

The Planning Board modified the original draft by making some of the dispensary uses nearest residential districts a conditional use rather than a permitted use. At the Planning Board meeting Chairman Neil Schuster praised the detail of the state law and rules and said that Maine would not see “marijuana cafes” as some states have encountered.

The amendments treat medical marijuana as a new kind of medical facility, regulated by the state. The amendments would define three types of “Registered dispensary” and permitted accessory uses, and amend business and industrial zone use lists for the new uses.

Under state law, dispensaries must be non-profit with a community based board and can have growing facilities attached, or separate. The growing facilities can be grow-only facilities which must be indoors. Dispensaries cannot be within 500 feet of a school property line. There will only be one dispensary facility in York County, at least during the first year. (Cumberland is a separate medical district and its first dispensary has been authorized in Portland.)

The dispensary must be incorporated as a nonprofit, with a board, registered with the Maine Department of Health and Human Services, and must grow its own marijuana on site or at one other location.

A May 6 memo to the City Council, the state law, new DHHS rules, a backgrounder, and some state correspondence on the law provide additional background.

The Legislature acted with two-third majority for an emergency implementation. The November 2009 referendum vote was 294,176 to 207,744 in Maine, and 4631 to 2751 in Saco. The Council held a workshop on this item on June 7th, and the First Reading was held on June 21, 2010. A public hearing was held on July 6, without comment from the public.

At the July 6 meeting Councilor Lovell suggested an amendment to make the dispensary use a conditional use wherever the current proposal had indicated it would be a permitted use. An amendment has been prepared to accomplish that.

Councilor Cote moved, Councilor Christenbury seconded that it be ordered that the City Council hereby ordains and approves the second and final reading and adoption of amendments to the Saco Zoning Ordinance included in the document: **Proposed Amendments to the Saco Zoning Ordinance Concerning Medical Marijuana, July 19, 2010.**” The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

Councilor Smith moved that a six month moratorium be put in place. The motion failed due to a lack of second.

E. Fee Waiver Policy Amendment

On September 19th 2005 the Saco City Council voted to approve the Parks and Recreation Program Fee Policy. This policy was developed to address needs of the citizens of Saco who had the need for some type of financial assistance with program fee costs. The Parks and Recreation Department over the past five years has been administering the program with much success.

This request for amendment is to reduce the City’s liability while continuing to offer financial assistance to those citizens who truly need relief. In addition this amendment streamlines the fee waiver process at the Departmental level and provides for a more normal experience for those

individuals needing assistance while allowing the feeling of ownership in the program and not receiving a hand out.

It should be noted on the final exhibit attached to this document the percentages of fee waivers since inception has grown exponentially. The intent of this amendment is to limit the growth of fee waivers to the growth in the revenue stream thus keeping the programs as close to cost neutral as can be possible. Readjustment of this 6% fee waiver yearly total may be necessary in the future but the Department believes this figure will still allow for individuals needing assistance to receive it while maintaining a stable revenue stream.

As with the first fee waiver policy of 2005 the Department of Parks and Recreation has worked closely with the General Assistance Department in creating a fair and equitable set of guidelines to assist those in need. We are still using the State Maximums provided by the General Assistance office as well as the Federal Housing Poverty guidelines in establishing the Sliding Scale.

Councilor Smith moved, Councilor Mills seconded, that it Ordered that the City Council approve the Fee Waiver Policy Amendment. Further move to approve the Order. The motion passed with seven (7) yeas.

VIII. ADJOURN THE MEETING

Councilor Mills moved, Councilor Doucette seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:30 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk