

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Council Meeting held on Dec. 13, 2010.

I. **CALL TO ORDER** – On Monday December 13, 2010, 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. Councilors present: Margaret Mills, Leslie Smith Jr., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Marston Lovell. Also in attendance this evening were Mr. Rick Michaud, City Administrator and Lucette S. Pellerin, City Clerk.

III. **PLEDGE OF ALLEGIANCE**

IV. **GENERAL:**

V. **APPROVAL OF MINUTES:** 10/04/2010, 10/18/2010, 11/01/2010 and 11/15/2010

Minutes were approved as written.

VI. **AGENDA**

A. **Resolution – State Odor Standards**

**CITY OF SACO, Maine  
Council Resolution Supporting**

**Efforts of the Maine Department of Environmental Protection to amend the state’s solid waste rules to establish quantitative standards for the evaluation of nuisance odors and landfill gas.**

**WHEREAS:** since 1987, the citizen of Saco have endured persistent odors from the Maine Energy Recovery Company; and

**WHEREAS:** the Maine Department of Environmental Protection, Bureau of Remediation and Waste Management began a comprehensive evaluation of nuisance odor and landfill gas issues in compliance with *Resolve, Chapter 170, 123<sup>rd</sup> Legislature – To Require Rulemaking Concerning Landfill Gas and Odor Management*, effective June 30, 2008; and

**WHEREAS:** the Maine Department of Environmental Protection’s comprehensive evaluation has produced two reports on odor and landfill gas and two pre-rulemaking drafts, the latest pre-rulemaking draft updated on October 4, 2010; and

***NOW, THEREFORE, BE IT RESOLVED***, that the Mayor and City Council of the City of Saco support the pre-rulemaking draft updated on October 4, 2010 as a reasonable approach to the development of quantitative odor standards;

Be it further resolved that a copy of this resolution be sent to the Bureau of Remediation and Waste Management, attention Jeff G. Madore, and to the Director of the Maine Department of Environmental Protection to express the Council's support for their efforts in the development of quantitative standards for evaluation of nuisance odor and landfill gas; and

Lastly, be it resolved that the City Council urge all citizens of the state to offer comment to the Maine Department of Environmental Protection, Bureau of Remediation and Waste Management through Jeff. G. Madore, in support for the Department's efforts that the pre-rulemaking draft be no less stringent than currently proposed.

***Adopted December 13, 2010***

Signed by Mayor Roland Michaud – on behalf of the Saco City Council

Councilor Lovell moved, Councilor Christenbury seconded, to approve the Resolution. The motion passed with seven (7) yeas.

### **B. Disposition of Tax or Sewer Lien Acquired Property Policy**

The city issues an agreement (Payment Plan Agreement) to residential property owners who are facing tax lien foreclosure per the city's existing policy "Disposition of Tax and Sewer Lien Acquired Property Policy". The Payment Plan agreement allows partial payments of the foreclosing taxes in order for the property owner to repurchase/retain their property.

In order to address legal concerns with the current Payment Plan Agreement around state foreclosure law and payment plan law, an Option Plan has been drafted by the City Attorney, working with the MMA Legal department that the city staff recommends the council adopt. The Option Plan allows the city to avoid having to potentially conduct a legal foreclosure if the plan is not completed, and it does not need to comply with payment plan laws, for instance recording of the document at the Registry of Deeds, as concerned MMA Legal.

In order to adopt the Option Plan, the existing policy "Disposition of Tax and Sewer Lien Acquired Property Policy" also had to be modified. In reviewing that policy to add the Option Plan, the City Attorney has proposed several changes to streamline the policy's procedural requirements. The fundamental objective was to establish a simpler process that did not leave the city vulnerable for apparent failure to comply, so as to prevent the potential for legal challenges.

Councilor Mills moved, Councilor Lovell seconded, that it be Ordered that the City Council accept the amended policy titled, ‘Disposition of Tax or Sewer Lien Acquired Property Policy, amended December 13, 2010. Further move the Order. The motion passed with seven (7) yeas.

### **C. Acceptance of Ocean Greens Drive; a portion of Richards Way, and Stone Pony Circle**

At the request of developer Mark McCallum d/b/a Goosefare Acres LTD, Inc., the Council is asked to consider the acceptance of three new streets, part of the Strawberry Fields subdivision approved on February 17, 2004. It is a 45-lot subdivision, with street segments approximately 2,270 feet (Ocean Greens Drive), 410 feet (Stone Pony Drive), and 2,200 feet (new portion of Richards Way) in length. Each was designed to City specifications as a secondary road, includes drainage, public sewer and water and other utilities, streetlights, street trees, and has been inspected regularly while construction was under way.

Councilor Christenbury moved, Councilor Doucette seconded, that it be Ordered that the City Council move pursuant to 23 MSRA Section 3025, to accept the dedication made by Goosefare Acres LTD, Inc., of title in fee simple of Ocean Greens Drive, a portion of Richards Way, and Stone Pony Circle rights of way, parcels of land bounded and described and titled ‘Warranty Deed by and between Goosefare Acres LTD, Inc. dated December 9, 2010’; and the ‘Warranty Deed by and between Goosefare Acres LTD and the City of Saco including Parcel One, Two, and Three, dated December 9, 2010’; and the ‘Access and Utility Easement by and between Goosefare Acres LTS, Inc. and the City of Saco, dated December 9, 2010. The motion passed with seven (7) yeas.

### **D. Approval of Transfer of Assets**

The Office of the Attorney General requires the legislative body of the municipality involved in any asset forfeiture to publicly vote to approve the acceptance of the assets each and every time the courts make them available for disposition.

The matter before the Council at this time involves the seizure of approximately \$5,480 in the matter “State vs. Berard”.

Councilor Cote moved, Councilor Christenbury seconded, that it be Ordered that the City Council does hereby approve, with reference to, Superior Court Docket #10-693, of the transfer of the Defendant(s) in Rem, namely \$5,480, or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) & §5826(6). Further move to approve the order. The motion passed with seven (7) yeas.

## **VII. ADJOURN THE MEETING**

Councilor Mills moved, Councilor Christenbury seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:06 p.m.

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