

**STATE OF MAINE**

**COUNTY OF YORK**

**CITY OF SACO**

The following are minutes of the April 25, 2011 Council Meeting.

**I. CALL TO ORDER** – On Monday, April 25, 2011, at 7:00 p.m. a Council Meeting was held in the 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, Arthur Tardif, Eric Cote and Marston Lovell. Also in attendance this evening was City Administrator Rick Michaud and Lucette S. Pellerin City Clerk.

**III. PLEDGE OF ALLEGIANCE**

**IV. GENERAL:**

**V. APPROVAL OF MINUTES:**

Minutes were not presented this evening.

**VI. AGENDA**

**D. Appointment of a Councilor to Ward 4**

Effective April 5, 2011, Councilor Jeff Christenbury resigned his seat as City Councilor for Ward 4. The City Code provides a process for filling the vacancy of a city council member through: Section 2.06 Vacancies, Forfeiture of Office, Filling of Vacancies.

a. Vacancies. The office of Mayor or a City Councilor shall become vacant upon death, resignation, removal from office in the manner authorized by law, or forfeiture of office.

c. Filling of Vacancies. 2. "In the case of a vacancy created in the City Council less than twelve (12) months prior to the next regular municipal election, the remaining members of the City Council may appoint an eligible person to fill the unexpired term within thirty (30) days after the vacancy occurs. If the City Council fails to make such appointment within thirty (30) days, the Mayor shall appoint an eligible person to fill the unexpired term within ten (10) days thereafter. "

**Philip L. Blood of 6 Ocean View Circle** has submitted a letter of introduction to the Mayor and City Council dated April 5, 2011, in which he requests to be appointed to fill the vacant city council seat in Ward 4.

Councilor Lovell moved, Councilor Mills seconded, that it be Ordered that the City Council accept Jeff Christenbury' resignation as Councilor for Ward 4 and appoint Philip L. Blood of 6 Ocean View Circle to fill the City Council seat for Ward Four (4). Further move to approve the Order. The motion passed with six (6) yeas.

Ms. Lucette S. Pellerin, City Clerk administered the Oath of Office. Congratulations to the newly appointed Councilor, Mr. Philip L. Blood.

### **A. (Public Hearing) Chapter 172 Registration Incentive Plan**

This matter will be on the May 2, 2011 Agenda.

### **B. (First Reading) Contract Zone: Retail Business 97 Buxton Road, Map 97, Lot 13**

Applicants Peter Scontras, Maynard Cousens and Donald Cousens propose a contract zone that would allow Mr. Scontras to establish a “Retail Business including Outdoor Sales” in the Way Way store at 97 Buxton Rd. The Cousens closed the store in 2003, and its grandfathered status ended a year later. In order to establish this use in the R-1d zone, the best alternative for the applicants is a contract zone.

The Planning Board reviewed this item on April 5, 2011 and forwards a positive recommendation to the City Council. If the contract zone is approved, the project would be subject to site plan review by the Planning Board prior to opening.

Councilor Smith moved, Councilor Tardif seconded, that the City Council hereby ordains and approves the First Reading of the document titled, ‘Contract Zone Agreement By and Between Peter Scontras, Maynard Cousens, Donald Cousens and the City of Saco,’ dated April 5, 2011’; and further moved so schedule a public hearing for May 16, 2011, for the property at 97 Buxton Road. The motion passed with seven (7) yeas.

### **C. Asset Forfeiture Monroe**

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 disposal.

This matter, State vs. Randy S. Monroe, involves the potential forfeiture of cash in an amount of up to \$1,007.00. The exact amount will be determined by the courts.

Councilor Smith moved, Councilor Lovell seconded that it be Ordered that the City Council does hereby approve with reference to Superior Court Docket #CR-10-980-Criminal Forfeiture, of the transfer of the Defendant(s) in Rem, namely \$1,007.00, or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) and /or §5826(6). Further move to approve the order. The motion passed with seven (7) yeas.

## **VII. ADJOURNMENT**

Councilor Mills moved, Councilor Smith seconded, to adjourn. The motion passed with yeas. TIME: 7:12 p.m.

ATTEST: \_\_\_\_\_  
Lucette S. Pellerin, MMC/CCM  
City Clerk