I. CALL TO ORDER – On Monday, March 4, 2013 at 7:05 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith Jr., Marie Doucette, Philip Blood, Arthur Tardif and Eric Cote. City Administrator Rick Michaud was also present. Councilor Lovell was excused this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

MAYOR’S PRESENTATION “LIFE SAVING AWARD’ – PATROL OFFICER’S GRIFFIN AND HATCH

Mayor Johnston described superior performance in the line of duty of two of Saco’s finest. On December 28, 2012 at 4:24 p.m. Patrol Officer’s Ashley Griffin and Brian Hatch were patrolling Saco streets keeping the public safe during a busy holiday season. It was at this time that both officers were sent along with Saco Rescue to 826 Portland Road where a man was reportedly having trouble breathing. Experience tells us that these calls can frequently turn into cardiac events. Officers are sent both as a precaution and because they are often the closest. This was certainly the case this afternoon. Upon their arrival the officers found that the victim Mr. Donald Morrow had no pulse and was not breathing. He was not going to survive without intervention. The officers quickly prepped Mr. Morrow and utilized the AED that all Saco cruisers carry to start his heart twice. They continued CPR until the arrival of the rescue. Later Mr. Morrow told Sargent Chris Hardiman that his doctors said he had suffered a massive heart attack. Cliff Whitten, EMS Coordinator with the City of Saco notes that this is the second save by police officers using an AED in the last 6 months and one that justifies the placing of this equipment in the cruisers.

Mayor Johnston thanked Officer’s Griffin and Hatch and presented them both with a “Life Saving Award” from the city.

V. AGENDA

A. BOTTLE CLUB REGISTRATION APPLICATION FOR SACO RIGER CIGARS – (PUBLIC HEARING)

Daniel Vela d/b/a Saco River Cigars LLC has applied for a new Bottle Club Registration Application for a term of one year. Bottle clubs are defined as persons operating, on a regular, profit or nonprofit basis, facilities for social activities in which members or guests provide their own liquor, where no liquor is sold on the bottle club premises, which maintain suitable facilities for the use of members on a regular basis or charge an admission fee to members or the general public and where members, guests or others are regularly permitted to consume liquor.

The applicant has paid all applicable application fees and the clerk has properly advertised the public hearing in accordance with M.R.S.A., Title 28-A, Subsection 161-B
Councilor Smith moved, Councilor Tripp seconded to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Smith moved, Councilor Tripp seconded to close the Public Hearing and ‘Be it Ordered that the City Council grant the application for a new Bottle Club Registration Application for Saco River Cigars LLC for a term of one year’. Further move to approve the Order. The motion passed with six (6) yeas.

B. CODE AMENDMENTS TO CHAPTER 118 – MOORING PERMITS – (PUBLIC HEARING)

The Coastal Waters Commission is proposing changes to the Chapter 118 Ordinance and the Mooring Permit Application. A summary of the proposed amendments follows:

► Additions to the “Definitions” section to clarify terms and add new terms for vessel types and undesirable behavior;
► Splitting the mooring details out from the “Harbormaster’s Duties” as its own section to make it easy to find;
► Added a section providing remedies for disorderly conduct at the pier;
► Set forth a third classification of Pier User – “Charter Vessel”;
► Added a provision to limit the number of Charter Vessel permits granted to address overcrowding;
► Changed the original text describing abandoned moorings and replaced it with equivalent text from the current Boothbay Harbor ordinance. We respectfully wish to have the council revisit their removing similar wording late last year;
► Added the table describing mooring construction requirements;
► Formatting updates to improve flow and address changes listed above; and
► Updated the attached Mooring Permit to reflect some of these changes.

The Council discussed this item at Workshop on February 4, 2013 the First Reading was February 19, 2013.

Councilor Blood moved, Councilor Smith seconded to open the Public Hearing. The motion passed with unanimous consent.

Coastal Waters Commission Chairman James Katz – In addition to the changes presented, after the council met two weeks ago, there were several suggestions made for items to be looked at in the draft that was submitted to Council. One of the changes was “formal notification” by the Harbormaster to the City Clerk the first of each year as to those individuals who are eligible for a mooring permit. The feeling was that there could be a person who was not eligible for a mooring permit, and go to City Hall and thus apply for one and be issued one, if this line of communication was not locked in to the procedure and regulation. So this wording was added to Chapter 118-8 (A)(1). Another item that was a little redundant in Chapter 118 as we presented it to you the whole structure and membership requirements and term limits that are part of the structure of the coastal Waters Commission. This is already in the Chapter 4 of the Administrative Code, so there is really no need to have that in this regulation. The only thing that we left in the regulation that we felt was important in the Coastal Waters Commission structure was the appeals process for a person who was looking to see if they had a path to appeal a decision by the Harbormaster. It was also decided to formally place the title of “Dock Steward” position in the regulation to define the activities performed by the parking lot attendant at the pier who collects the various fees for permits and parking. As a suggestion taken by Councilor Lovell, we sent this whole document to the City Solicitor to review. Myself and
Secretary Robert Steeves also met with the City Solicitor on Saturday morning had we had an opportunity to discuss the whole structure of the Coastal Waters Commission, activities that surround the waterfront and the use of the pier and moorings. A suggestion of the City Solicitor was to reclassify and move some things around such as the penalty for non-compliance was at the beginning of the document, but you didn’t know what you were being penalized for until you got to the end of the document. There are no other restrictions being asked for, no changes in the mooring requirements, time frames or any of that. It is just a matter of trying to make the document as streamlined as possible and able to pass through the legal magnifying glass and make sure it is an enforceable document and that it provides a good structure for the city.

Councilor Smith stated that basically then we do not have the final document to vote on in front of us tonight. Chairman Katz said that was correct. Councilor Smith inquired what the “Disorderly Conduct” definition actually meant. It reads “Disorderly Conduct - Engaging in fighting without being licensed or privileged to do so”. Chairman Katz asked if there was ever boxing matches at the pier? Councilor Smith stated not to his knowledge. Chairman Katz stated that this was the problem, having no institutional memory on the Coastal Waters Commission. Because unlike other city boards and committees, you can sit on them as long as you renew your term every three years. But on the Coastal Waters Commission after two 3 year terms, you are required to take 1 year off. Usually if you take a year off, you might not come back. So the people who knew why that was put in the original regulation if out there, but we don’t know why it was added into the regulation. Maybe they had boxing matches at Camp Ellis, but I really do know but I wish I did. He agreed with Councilor Smith that it did seem germane to tying up boats.

Councilor Cote noted that he had 4-5 small things that he would address at the second and final reading.

Councilor Blood moved, Councilor Tripp seconded to close the Public Hearing and “Be it ordered that the City Council set the Second and Final Reading of the documents titled, ‘Chapter 118 River, Harbor, and Waterfront Ordinance dated February 4, 2013’, and ‘City of Saco Mooring Permit Application Revised February 4, 2013’, for March 18, 2013.” Further move to approve the order. The motion passed with six (6) yeas.

Note: The complete Chapter 118 River, Harbor and Waterfront Ordinance starts on the next page
(Please note that underline represents new language while strikethrough is language for deletion.)
CHAPTER 118
RIVER, HARBOR AND WATERFRONT ORDINANCE

Dated:  March 4, 2009  February 4, Spring 2013

ARTICLE I
General Regulation of Waters

§ 118-1. Title and Purpose.
§ 118-2. Scope and Enforcement.
§ 118-3. Violations, Penalties, Manner and Method of Service
§ 118-4. Definitions.
§ 118-5. Coastal Waters Commission
§ 118-6. Harbor Master; Duties

ARTICLE II
Prohibited or Restricted Actions

§ 118-85. Waterskiing and Aircraft
§ 118-95. Derelict Vessels.
§ 118-105. Obstructing a Wharf, Dock or Pier
§ 118-115. Diving, Swimming, Fishing on or near Wharves, Docks, Landings, Piers or Within the Channel Prohibited
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§ 118-135. Operation of a Vessel Without Proper Safety Equipment
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§ 118-155. Failing to Report Collision or Accident
§ 118-165. Endangerment of Life or Property

§ 118-176. Beach Restrictions
§ 118-187. Headway Speed Only Zones
§ 118-192. Use of Dune Area
§ 118-2019. Harbor Patrol
§ 118-216. Waste and Refuse
§ 118-224. Storage

118.23  General Misconduct

ARTICLE III
Rentals and Rental Agents

§ 118-226. Definitions
§ 118-234. Licensing and Rental Agreement
§ 118-244. Prohibited Acts
§ 118-254. Agent Negligence; City’s Right to Recovery of Costs

ARTICLE IV
Camp Ellis Pier, Parking Lot and Public Landing Regulations

§ 118-256. Title
§ 118-267. General Pier Use Regulations
§ 118-3025. Camp Ellis Pier and Parking Lot Fund
§ 118-3125. Traffic & Parking Regulations
ARTICLE I
General Regulation of Waters
[Adopted 4-18-1995; Amended 5-15-2006]

§ 118-1. Title and Purpose.

This article shall be known as the "Saco River Harbor and Waterfront Ordinance." This Ordinance is hereby adopted by the City of Saco to ensure the proper operation of recreational and commercial watercraft, and to promote the safe enjoyment and recreational use of the City's waters, which includes all waters adjacent to riverfronts and beaches within the City of Saco, including waterways, tidal areas, rivers and beaches.

§ 118-2. Scope and Enforcement.

No provision of this Ordinance shall be interpreted as conflicting with federal and state laws applicable to the coastal waters, tidal rivers and harbors of this State, but shall be read as supplementing said laws where applicable. This Ordinance shall be enforced by the City through its designated Harbor Master, Harbor Patrol and other subordinates or designees.

§ 118-3. Violations, Penalties, Manner and Method of Service

A. Penalties - Whoever violates any of the provisions of this Ordinance is guilty of a separate offense for each day, or part of a day, or event during which the violation is committed, or continued, or permitted. Unless stated elsewhere, each offense, upon conviction, is punishable by a civil penalty of not less than $100 and not more than $2500.

B. Violations:

(1) Derelict Vessel §118-12-9 - A violation of section D or E shall have a mandatory minimum fine of $250 that may not be suspended.

(2) Operation of a Vessel without Proper Safety Equipment §118-12-13 - A violation of this section shall have a mandatory minimum fine of $150 that may not be suspended and a citation may be issued for each piece of equipment that is missing, not in proper working order or in poor condition.

Each day, if the offense is repeated, shall constitute a separate violation. If the violation relates to damages caused, said party, if found responsible, shall bear reasonable costs of repair in addition to any fines and fees assessed hereunder.

C. Manner and Method of Service - Notice to owner or to persons responsible for a violation of this order shall be made in the following manner and method.
At the discretion of the acting authority, a warning may be issued verbally or in writing, so long as such warning is recorded and made available for future reference.

If, in the discretion of the acting authority, a citation is deemed necessary, such citation will be issued in the following manner:

(1) The citation includes the name of the responsible person and/or owner, the date and time of the violation, a general reference location for the violation, a description of the violation and the location of and date of appearance at the local court having jurisdiction;

(2) The citation used is authorized and accepted by the District Court of the State of Maine;

(3) Service of the citation is made upon the violator by a person authorized under law to make such service; and

(4) The completed citation is properly recorded in the District Court of the State of Maine having jurisdiction over the violation.

§ 118-4. Definitions.

For the purposes of this article, the following definitions shall apply, unless the context clearly indicates another meaning:

BEACH – Refers to that shoreline area directly adjacent to bodies of water, which is customarily comprised of sand, ledge, or loose rock.

BEACHING PILING – Piling – Installed adjacent to the landing for purpose of pier user permit holders’ boat maintenance.

BERTH – The place where a vessel lies when at anchor, on a mooring or at a wharf.

CAMP/CAMPING – The building of and/or occupation of any shelter, tent, lean-to, or other structure or vehicle intended to provide its occupants refuge from the weather.

CHANNELS – Areas of the harbor and river kept open for navigation or other purpose by rule or regulation of the City Council, the Department of the Army Corps of Engineers, the Harbor Master or other regulatory or legislative body.

CHARTER VESSEL – a vessel that carries passengers for hire to engage in sightseeing or fishing.

COASTAL WATERS – Those waters adjacent to all shorelines within the City of Saco, including beaches and riverfront.

COMMERCIAL USER VESSEL – The owner of a commercial vessel engaged in commercial fishing for profit.

DISORDERLY CONDUCT - In a public place, a person intentionally or recklessly causes annoyance to others by intentionally:
(1) Making loud and unreasonable noises;
(2) Activating a device, or exposing a substance, that releases noxious and offensive odors; or
(3) Engaging in fighting, without being licensed or privileged to do so;

B. In a public or private place, the person knowingly accosts, insults, taunts or challenges any person with offensive, derisive or annoying words, or by gestures or other physical
conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged.

DOCK – The slip or waterway extending between two piers or projecting wharves or cut into land for the reception of vessels.

FLOAT – A platform that floats and is anchored at or near shore, used for landing or other purposes.

HARBOR – The tidal waters within the geographical limits of the City from the high tide watermark to the 3-nautical-mile line shown on the most recently published Federal Government nautical chart. It shall specifically include Saco Bay and all portions of the Saco River.

HARBOR MASTER – The officer appointed by the Director of Public Works to enforce this Ordinance, and oversee the jurisdiction area of the River and Harbor.

HARRASSMENT - A person is engaged in harassment if, without reasonable cause, the person engages in any course of conduct with the intent to harass, torment or threaten another person, after having been notified, in writing or otherwise, not to engage in such conduct by any sheriff, deputy sheriff, constable, police officer or justice of the peace or person of equivalent authority.

HEADWAY SPEED – Refers to the minimum amount of power necessary to allow a vessel to navigate safely through the water. Depending on the size, composition and design of the vessel, headway speed may vary.

INNER HARBOR – Refers to the area from green can buoy #7 to the area known as the Lower Narrows and encompasses all of Camp Ellis.

LANDING – A place for landing and discharging persons or things, as from a vessel.

MOORING – Is the means of securing a vessel to a particular location in City waters, other than temporarily by anchor. Dock, pier, wharf or float tie-ups are not moorings. A vessel is moored if at anchor for more than 48 consecutive hours.

PIER – Means a structure extending into navigable water for use as a landing place or to protect or form a harbor. This definition will include breakwaters, jetties and commercial locations used for the loading and unloading of cargo.

PIER USE AGREEMENT – A contract between a pier user and the City of Saco that documents the proper care and allowed uses of the Camp Ellis pier facilities and which must be signed by the prospective permit holder prior to issuance of a pier use permit.

PIER USE PERMIT – A document detailing the level and location of pier use allowed for each permitted vessel, as defined below:

**CA. COMMERCIAL VESSEL PIER USE** – Allows vessels paying the appropriate fee the priority use of the floats, pier, and hoists for the unloading of perishable product, as well as use of the fuel facility (if available).

**B. CHARTER VESSEL PIER USE** – Allows vessels paying the appropriate fee the use of the pier, floats and hoists, as well as the fuel facility (if available).

**CD. RECREATIONAL VESSEL PIER USE** – Allows vessels paying the appropriate fee use of the
PORT – Includes Saco Bay, the City wharves at Saco, together with all known landings and any other public landings or wharves that might be acquired by the City of Saco.

RECREATIONAL VESSEL – a vessel used solely for personal recreation.

RENTAL AGENT - Any person, firm, proprietorship or corporation that rents canoes, kayaks, sailboats under 20 feet in length, personal watercraft and/or motorized watercraft under 22 feet in length to the general public for a fee.

SAFETY EQUIPMENT – Includes, but is not limited to, signals, flares, horn, fire extinguisher and personal flotation devices as defined in federal law per the Federal Boat Safety Act of 1971, Public Law 92-75, as amended.

VESSEL – Includes boats of all sizes, propelled by sail, machinery or hand; scows, dredges, shellfish cars and craft of any kind, including:

A. COMMERCIAL VESSEL – Any vessel that is used in an activity that produces income.

B. RECREATIONAL VESSEL – Any vessel used strictly for pleasure and that does not produce any income.

C. COMMERCIAL VESSEL PIER USE – Allows vessels paying the appropriate fee use of the floats, pier, hoists and fuel facility.

D. RECREATIONAL VESSEL PIER USE – Allows vessels paying the appropriate fee use of the floats. Limited occasional use of the pier, hoists, and fuel facility is allowed with the permission of the Harbor Master.

WATERS – Shall mean Saco Bay and its surrounding coastal waters and beaches, the Saco River and its surrounding tidal areas, as well as those port and landing facilities owned and/or managed by the City.

WHARF - A structure of timber, masonry, cement, earth or other material, built on the shore of a harbor, river, canal or the like, especially one extending parallel to the shoreline, so that vessels may lie close alongside to receive and discharge passengers and cargo.

§ 118-5. Coastal Waters Commission.

A. Purpose and duties.

(1) Establishing policy and procedures. The Saco Coastal Waters Commission exists for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the City of Saco and planning for its future use; to advise the City Council on policy and procedure matters; and to propose to the City Council regulations concerning the Saco River and the City's coastal waters. The proposed regulations and policies shall be consistent with federal, state, and state law.

(2) Further duties. In addition, the Commission shall review and cooperate in maintenance and care of City-owned waterfront facilities with the Harbor Master and Public Works Department and plan harbor improvements in conjunction with the City, state, and federal authorities. The
Commission shall sit as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act or failure to act of the Harbor Master. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City as is appropriate of its activities.

(3) The Commission shall review, evaluate and make a recommendation to the Director of Public Works on the new appointment of the Harbor Master.

B. Organization.

(1) The Coastal Waters Commission shall consist of seven members, appointed by the Mayor and confirmed by the City Council.

(2) Neither a municipal officer nor his or her spouse may be a member of the Commission.

(3) Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the Commission's members, except the member who is being challenged.

(4) Commissioners may be removed by the City Council for cause, after notice and hearing. A Commissioner shall forfeit his or her membership on the Commission if he fails to attend three consecutive regular meetings of the Commission without being excused by the Commission. The Chairman of the Commission shall notify the Mayor of the forfeiture of office by a Commissioner.

(5) The term of office of a member shall be three years. Members may be appointed for a maximum of two three-year terms, but may be appointed again after one year off the Commission. Each commissioner shall be a resident of the City, shall be persons qualified to perform the duties of such office and shall serve without compensation.

C. Procedure.

(1) A Chairman and Secretary shall be elected by the Board in April of each year.

(2) The Chairman or City Administrator shall call meetings of the Commission as required. The Chairman shall also call meetings of the Commission when requested to do so by a majority of the members or by the Mayor. The Commission shall meet at least twice per year, semiannually, to conduct official business. A quorum of the Commission necessary to conduct an official Commission meeting shall consist of at least four members. The Chairman shall preside at all meetings of the Commission and shall be the official spokesman of the Commission.

(3) The Secretary shall assure that a permanent record of all Commission meetings and all correspondence of the Commission is maintained. The Secretary shall be responsible for maintaining those records which are required as part of the various proceedings which may be brought before the Commission. All records to be maintained or prepared by the Secretary are deemed public and shall be filed in the Municipal Clerk’s office and may be inspected at reasonable times. The City Administrator may assign secretarial help to do minutes and other clerical work of the Commission.

(4) The Commission shall adopt rules of procedure, which will be recorded by the Secretary, for any matter relating to the conduct of any hearing, provided that any rule may be waived by the Commission upon good cause shown.

D. Procedure for appeals from decision of the Harbor Master.

(1) Jurisdiction. The Coastal Waters Commission shall hear any appeal by any person affected directly or indirectly from any decision, order, rule, act or failure to act of the Harbor Master. In deciding any appeal, the Commission shall hear and approve, approve with modifications or conditions or disapprove the decision, order, rule, act or failure to act of the Harbor Master from which the appeal is made. The Commission's decision shall be made within 30 days of the filing of the appeal.
(2) The Commission may receive any oral or documentary evidence but shall provide, as a matter of policy, for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts.

(3) The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons and/or basis therefor. Notice of any decision shall be mailed or hand delivered to the petitioner, his/their representative or agent, agency or office, the City Administrator, City Clerk, Mayor and City Council within seven days of its decision.

(4) An appeal may be taken from any act or decision of the Coastal Waters Commission by appeal to the City Council.

E. Interlocal cooperation. The municipal officers of the City of Saco recognize the aesthetic beauty and environmentally sensitive condition of the Saco River, its harbors and the coastal waters of Saco Bay and fully recognize its obligation to the citizens of Saco and future generations to protect such a natural resource. The City Council further recognizes that the City of Biddeford also has an obligation to its citizens to protect these natural resources and, in the spirit of cooperation, hereby authorizes that the Coastal Waters Commission of Saco to join with a similar Commission created by the City of Biddeford to address and incorporate community needs and wishes. The Commission shall have no police powers or authority to create regulations and ordinances or to commit funds, but shall exist for the general purposes enumerated in Subsection A(1), Establishing policy.

§ 118-6. Harbor Master; Duties.

There shall be a Harbor Master appointed by the Director of the Department of Public Works (DPW). The Harbor Master will be under the direction of the Director of Public Works DPW who will act as his/her immediate supervisor. He or she shall also have those duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers. Coastal Water Commission or such other bodies empowered to regulate municipal harbors and specifically assigned herein including the proper designation of channels, assignment and location of anchorages, the assignment and monitoring of moorings, and other duties, all as herein set forth below.

The Harbormaster’s duties shall include:

A. The proper designation of channels.

A. Channels—Channels for the passage of boats shall be designated on the plans of the Saco River, dated November 5, 1963, and filed with the City Clerk, and as updated from time to time. Said plans are hereby incorporated by reference as part of this Article. Said channel shall also remain consistent with the US Army Corps of Engineers designation of the tidal portion of the Saco River as a Project.

B. The assignment and location of anchorages.

B. Anchorages—Vessels shall be anchored in the harbor in such places or areas as the Harbor Master shall designate. The Harbor Master may at any time order any vessel at anchor to change position when, in his or her opinion, such vessel is so anchored as to impede navigation or to endanger other vessels. Anchorages shall also remain consistent with the US Army Corps of Engineers designation of anchorages within the Saco River Project.
C. The assignment and monitoring of moorings.
D. The maintenance and placement of buoys.
E. Implementation of this Ordinance, and
F. Any other defined tasks herein set forth below.

\[1\] Moorings.

\[\Delta\] Assignment of moorings.

(a) No mooring shall be set within City waters except by permission of the Harbor Master. Any person wishing to place a mooring in City waters or to relocate an existing mooring shall submit a Mooring Permit Application to the City and request such permission in advance from the Harbor Master. The Harbor Master shall then assign a location for such mooring and shall advise the applicant concerning the requirements of these rules and regulations. In the assignment of moorings, the Harbor Master shall, insofar as the same may be done consistently with these rules and regulations and with due regard for the safety of other vessels and of navigation, give consideration to the choice of the applicant. However, where mooring rights of individuals are claimed to be invaded and protection is sought of the Harbor Master, the Harbor Master shall assign and indicate to the masters or owners of the vessels the location which they may occupy for said mooring, and the Harbor Master shall assign mooring privileges in all cases where individuals who own or have an interest in the shore rights are complainants and shall locate suitable mooring privileges temporarily or permanently, fronting their lands if so requested, but not so as to encroach upon the natural channel or channels established by this article. Moorings shall be set by July 30\textsuperscript{th} of each year.

(b) City Hall shall maintain a waiting list, with a registration fee established by the City Council after a public hearing. [Amended 4-18-2000; 4-7-2003]

(c) The Harbor Master based, upon the waiting list, shall authorize moorings on a first-come-first-served basis, except that commercial harbor users may be given priority for facilities developed for commercial users with federal funds. The Harbor Master will provide the updated lists to the City Clerk on May 1, July 1 and October 1 each year and at other times when requested. The lists shall be provided to any member of the public who requests them. If there is a dispute about mooring assignments, the Saco Coastal Waters Commission shall hear appeals from the decisions of the Harbor Master.

(2) Application for Mooring permits.

(a) Applications for mooring permits for any one-year period must be filed with the City Clerk by March 15 of the current year, on forms prescribed by the Saco Coastal Waters Commission.

(b) The City of Saco Mooring Permit Application form contains additional rules and regulations regarding use and placement of moorings.

(c) Permits shall be good for one year (March 15 to March 14).

(d) Moorings that are not used for any consecutive three-month period between May 1 and September 20 shall be presumed to be abandoned and be removed at the owner's expense, and the location shall be reallocated. Any mooring location not occupied by the Vessel or Float registered to it during the permit year may be considered to be abandoned. The location may be reassigned by the Harbor Master, after the Harbor
Master has first given the registrant thirty (30) days advance written notice at his/her last known address, (certified mail, return receipt). The cost of removing or dropping moorings shall be assessed to the owner if not removed by him or her within thirty (30) days of receipt of said notice, in accordance with M.R.S.A. Title 38. Notwithstanding the above, this paragraph may not apply to a mooring whose Owner has notified the Harbor Master in writing that such mooring will not be occupied due to prolonged absence from the area, illness, or other extenuating circumstances, provided the permit is timely-renewed annually as required by this Ordinance.

(c) The annual application fee for the waiting list shall be established by the City Council after a public hearing. [Amended 4-7-2003]

(f) Moorings are not transferable except as provided by M.R.S.A. Title 38 section 3-A. [Amended 12-21-1998]

(3) Adequacy of moorings. All existing moorings hereinafter to be set shall be of sufficient size to hold the vessel for which they are used. All moorings shall have approved buoys and must be visible at all times.

(a) All mooring requirements will be determined by the Harbor Master. Guidelines on mooring block weight, attachment requirements and chain link size are listed below and on the mooring permit application.

<table>
<thead>
<tr>
<th>Maximum Boat Length (feet)</th>
<th>Maximum Boat Weight (gross pounds)</th>
<th>Minimum Mooring Weight (pounds)</th>
<th>Minimum Chain Link Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>500</td>
<td>350</td>
<td>3/8</td>
</tr>
<tr>
<td>20</td>
<td>1,500</td>
<td>750</td>
<td>3/8</td>
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<td>25</td>
<td>5,000</td>
<td>1,500</td>
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<td>30</td>
<td>8,000</td>
<td>1,800</td>
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<td>35</td>
<td>12,000</td>
<td>2,500</td>
<td>1/2</td>
</tr>
<tr>
<td>40</td>
<td>3,500</td>
<td>5/8</td>
<td></td>
</tr>
</tbody>
</table>

(4) Inspections of moorings. The Harbor Master or their designee shall inspect moorings biannually. [Amended 4-18-2000] It is the permit holder's responsibility to contact the Harbormaster to arrange for inspections. Two visits by the Harbormaster are included in the mooring application fee; any additional visits required to complete an inspection shall be at the applicant's expense.

(5) Manner/Condition of Moorings:

(a) All mooring floats shall meet United States Coast Guard regulations.

(b) The float attached to the mooring line shall be of sufficient size to remain afloat when not attached to the vessel.

(c) The Harbor Master may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of an emergency, he shall notify the owner of his or her intention to examine the mooring, either in writing or verbally, and request the presence of the owner during such examination. Any cost of examination shall be borne by the owner of the mooring.
(d) If a party fails to properly maintain their mooring, float or cable, the Harbor Master may, in writing, issue a seven (7) day notice to cure letter. If the party thereafter fails to correct the deficiency identified by the Harbor Master, the party’s mooring permit shall thereafter be revoked upon the filing of a written decision from the Harbor Master.

(6) Vessels moored as to impede navigation or to endanger other vessels. All moorings, whether now existing or hereinafter set, shall be so located or relocated that the vessels secured thereby will not impede navigation within City waters nor endanger other vessels moored therein. If the Harbor Master shall find that any vessel is so moored as to impede navigation or to endanger other vessels, he may require that the owner of the mooring or of the vessel secured thereby take such steps, whether by shortening the scope of the mooring lines or by the use of additional mooring or mooring lines, as will prevent such impeding of navigation or endangering of other vessels; or, in the alternative, he may order that the mooring be removed and relocated. In requiring the removal of a mooring because of its danger to other mooring last set shall be the first ordered to be removed. Any person so ordered by the Harbor Master acting under this subsection shall remove a vessel within 48 hours after order, whether written or verbal; provided, however, that if the Harbor Master shall find an emergency requiring immediate action to prevent injury to life or damage to property, he or she may cause said mooring and any vessel attached thereto to be removed and relocated or re-moored without advance notice to owner. Any expense involved shall be borne by the owner of the mooring or vessel.

(7) Interference with Moorings. Except by direction of the Harbor Master acting in an emergency or with permission of the owner, no person shall move or interfere with any mooring or vessel in the harbor.

(8) Removal. A mooring shall be removed after September 30, unless it is still in use by its owner. If not removed by its owner, the Harbor Master shall see to its removal at the expense of the mooring owner. The mooring and ground tackle shall not be returned to its owner until such bill is paid.

(9) Violations as to Moorings.

(a) Upon a first violation of this article relating to moorings, the Harbor Master shall issue a written warning to the owner of the mooring, and to any operator if applicable, unless, in the sole opinion of the Harbor Master, immediate action is determined necessary to mitigate a hazardous condition and ensure proper navigation and/or public safety. In the event of such determination, a verbal notification is deemed sufficient.

(b) Any subsequent violation by any person receiving a warning shall be subject to those penalties as set forth in Section 118-3.

(c) In addition to any fines sought and/or paid, the City, by and through the Harbor Master, shall retain the unilateral right to remove moorings that are in channels or otherwise obstructing navigation or that remain in violation of this article, provided that a written warning has first be given to the owner, except as noted above in paragraph 9(a). Any such removal shall be at the expense of the owner. The Harbor Master may place a lien on any mooring and related tackle that he or she removes under this article to secure his or her claim for expenses.

D. Buoys other than for mooring vessels. No buoy of this type shall be placed in channels leading to wharves, nor shall such buoys be placed less than three vessel lengths 150 feet from a mooring buoy for that vessel. The Harbor Master is empowered, in the interest of public safety, to require the removal of any buoys.
ARTICLE II
Prohibited or Restricted Actions

§ 118-78. Waterskiing and Aircraft.

A. Vessels towing water-skiers and aquaplanes. There shall be no waterskiing in congested mooring areas, anchorage areas or in speed-limit areas. No person shall operate a vessel while towing water-skiers, aquaplanes or similar devices unless there is present in said vessel, in addition to the vessel operator, another person in a position to observe and assist the person or appurtenance being towed. The operator of such a vessel will be held responsible for compliance with the navigating rules for both the vessel and the person or appurtenance being towed. Except in connection with water carnivals and exhibitions authorized by the City Council, no such activity may be conducted during the period between 1/2 hour after sunset and 1/2 hour before sunrise. Special waterskiing areas will be designated by the City Council.

§ 118-98. Derelict Vessels.

An owner, captain or operator of a vessel allows that vessel to become derelict if:

A. The vessel lacks any license or registration, the prerequisite of which is required by state or local authority to allow operation of such vessel in the harbor;

B. Is submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours;

C. Is damaged to the extent that it cannot be moved under its own power; or

D. The owner, captain or operator of the vessel has failed or refused to comply with the lawful orders of the harbormaster, assistant harbormaster or a law enforcement officer. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended;

E. The owner of the vessel has failed or refuses to pay any applicable license fee, excise tax, harbor usage fee, mooring fee, dock or landing fee or any other service fee imposed by the city or Harbor Master. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended.

F. Disclosure of Vessel Ownership—This section requires the disclosure of ownership of any vessel operating within the statutory limits of the City of Saco and further requires all corporate, partnerships, trusts and any other non-individual, including those persons undisclosed, anonymous or otherwise unidentifiable principals, responsible for the maintenance of property and vessels and accountable with respect to violations of this ordinance.
G. Order of Disposal; Abatement of Violation by the City and Recovery of Costs

(1) When the Harbor Master, after notice in writing to the owner of any derelict vessel by regular mail or by publication in a newspaper in the county three weeks successively, and after a hearing on such matter, adjudge that such vessel was or is derelict, dangerous or a nuisance, they may make and record an order prescribing what disposal shall be made thereof. The city clerk shall deliver a copy of such order to a constable or deputy sheriff, who shall serve such owner, if the owner is a resident of the state, with an attested copy thereof, and make return of his or her actions thereon to the clerk forthwith. If the owner or part owner is unknown or resides outside this state, such notice shall be given by publication in a paper published in the county for three successive weeks.

(2) If no application is made to the superior court, as is provided in this section, the city council shall cause such vessel to be abated, removed or altered in compliance with their order, and all expenses thereof shall be repaid to the city within 30 days after demand, or may be recovered of such person by an action for money paid.

(3) Any owner aggrieved by an order made pursuant to this section may, within 30 days after such order is so made and filed, apply to the superior court which shall forthwith, after notice and hearing, affirm, annul or alter such order.

(4) If the court affirms an order made pursuant to this section, costs shall be recovered by the city; if it wholly annuls such order, the applicant shall recover costs; and if it alters it in part, the court may render such judgment as to costs as justice requires.

Note: §118-3 Penalties, Violations, Manner and Method of Service outlines the fine for violations of this section.

§ 118-910. Obstructing a Public Wharf, Dock, Landing or Pier.

No person shall obstruct a wharf, dock, landing or pier by intentionally or knowingly:

A. Obstructs, by any means whatsoever, the free use of any public wharf, dock, landing or pier and is not actively engaged in the loading or unloading of persons, product or cargo; or

B. Allows a vessel under that persons control or ownership to remain tied, moored or affixed to a public wharf, dock, landing or pier without legal authorization from the City or payment of docking fees.

§ 118-114. Diving, Swimming, Fishing on or near Public Wharves, Docks, Landings, Piers or Within the Channel Prohibited.

A. No person shall dive from or swim within 50 feet of any public wharf, dock, landing or pier. This restriction does not govern or limit special events sanctioned by the City, nor commercial divers and emergency personnel or others who have been granted special permission by the Harbor Master. At no time, other than for emergency purposes, may anyone swim within the channel.

B. No person shall fish from city wharves.

§ 118-124. Obstructing Channel or Inner Harbor Prohibited.

No person, firm, or organization may intentionally, knowingly or recklessly obstruct a channel or the inner harbor by:
A. Setting any commercial fishing gear within the inner harbor or a channel; or

B. Place or set any lobster traps, including buoys, within 100 feet of a mooring; or

C. Place, stop, or anchor any vessel within a channel without providing for adequate room for a vessel of any reasonable size to navigate safely around in both directions simultaneously.

D. Knowingly or willfully obstruct the free use of any channel or waterway within the harbor.

§ 118-132. Operation of a Vessel Without Proper Safety Equipment.

No Person shall operate a vessel without meeting current State Law.

§ 118-143. Imprudent Operation of a Vessel.

A person may not intentionally, knowingly or recklessly operate a vessel in violation of State Law (Title 12).

§ 118-154. Failing to Report Collision or Accident.

The owner, captain, or operator of a vessel involved in a collision with another vessel, a wharf, pier, landing, dock or other fixed object within the harbor; a fire on-board; or an accident as defined by the United States Coast Guard, must report such collision to local law enforcement or the Harbor Master by quickest means.

Failing to report such collision, fire or accident, regardless of visible damage or injury, constitutes a violation of this section.

§ 118-165. Endangerment of Life or Property.

A person is guilty of endangerment of life or property if that person:

A. Operates a vessel and fails to have a proper lookout while towing a water-skier; or

B. Operates a vessel and fails to require a water-skier to wear a personal flotation device (PFD); or

C. Operates a vessel and permits a passenger to ride on the swim platform or bow while underway; or

D. Operates a vessel and engages in "tear surfing", "drag surfing" or otherwise allows someone to physically hang onto the stern, transom, swim platform or gunnels of a vessel; or

E. Water-skis without wearing a personal flotation device (PFD); or

F. Rides or physically hangs onto the stern, bow, transom, swim platform or gunnels of a vessel while underway.

The provisions of this section do not apply to emergency personnel in the performance of their duties; emergency situations in which this activity could not be avoided; or the use of approved recreational equipment designed to be towed behind a vessel as long as the distance behind the vessel is adequate to prevent injury from moving parts, fuels and/or carbon monoxide gases.

§ 118-176. Beach Restrictions
A. Alcoholic Beverages - The consumption or possession of alcoholic beverages is prohibited on any beach. For the purposes of this section, any person found within reasonable reach of an alcoholic beverage is deemed to be in possession.

B. Vehicles Prohibited on Beach - No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and those City vehicles designated for public works purposes.

C. Overnight Camping on Beaches Prohibited - No person or group may camp or otherwise set up temporary, overnight shelter on a beach for any purpose. Overnight is defined as any time following sunset and before sunrise.

D. Camp Fires or Burning on Beaches Prohibited - No Person or group may have a camp fire or otherwise burn on a beach for any purpose.

| § 118-182. Headway Speed Only Zones |

A. Headway speed only zones shall be established by the Coastal Waters Commission for the tidal areas of the Saco River and Saco Bay.

B. Designated headway speed only zones will be marked appropriately with buoys, signs or other reasonable markers likely to come to the attention of boaters. All types and locations of markers or buoys placed into the river or harbor will be approved by the authority having jurisdiction over navigable waters.

C. Once approved, buoys will be placed in the designated areas by the Harbor Master, Assistant Harbor Master, or by an independent contractor hired by the City with the recommendation of the Harbor Master and Coastal Waters Commission. Placement of buoys or markers within the areas shall be at the discretion of the Harbor Master.

D. These zones will be reviewed periodically to ensure that they do not conflict with state or local City law and reflect the needs of the citizens of Saco.

| § 118-198. Use of Dune Area |

No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein so-called dune grass is growing. It shall also be a violation of this section to burn, crush, uproot, poison or in any other manner kill, injure or remove any dune grass or any other vegetation growing on the beach.

For the purposes of this section, subsequent violations will have been committed for each square foot of dune grass damaged, injured or destroyed.

| § 118-2049. Harbor Patrol |

A. Recognizing the increase in recreational boating traffic and other activities within the Saco River and Saco Bay, the City of Saco hereby establishes the Harbor Patrol, which shall be operated under the supervision of the Chief of Police.

B. The Harbor Patrol will be responsible for ensuring that safe boating practices are used within our waterways and for the enforcement of City ordinances and State law.

C. Members of the Harbor Patrol will be law enforcement officers as defined under Title 25, section 2801-A(5). The Chief of Police may appoint such members of the Police Department as Harbor Patrol members as shall from time to time be necessary.
D. The Harbor Patrol will typically operate from Memorial Day weekend to Labor Day weekend or longer, as determined by available resources and the Chief of Police.


No person or vessel shall discharge, deposit, throw, sweep or cause to be deposited or swept into or upon the waters of Saco or into waters adjacent thereto any gas, fuel, coolant, oil, bilge water, human waste, ashes, dirt, stone, gravel, mud, logs, planks or any object or substance tending to pollute or obstruct the harbor or waters adjacent thereto or to shoal the depth of said waters. No person or vessel shall discharge, dump or dispose of any refuse, garbage, offal, gas, oil, fuel, coolant, waste, fish waste, or any other object or substance tending to pollute upon any shore of the City of Saco.

§ 118-224. Storage.

Personal property, such as lobster pots, automobiles, cradles, boats, etc., shall not be stored on city wharves or landings. Exemptions to this rule shall be considered on an individual basis when submitted, in writing, to the Harbor Master. The hauling-out area at Camp Ellis will be under the jurisdiction of the Harbor Master.

118-23 Disorderly Conduct / Harrassment

No person shall conduct him or herself in a manner that disrupts the enjoyment of the pier and its facilities by other pier users. Such conduct may result in the forfeiture of pier use permission after:

A. First instance, a verbal warning by the Harbor Master, and
B. Second instance, a written warning by the Harbor Master, and
C. Third instance, revocation of pier use permit.

ARTICLE III
Rentals and Rental Agents

§ 118-224. Definitions.

Rental Agent is defined as any person, firm, proprietorship or corporation who specifically rents canoes, kayaks, sailboats under 20 feet in length, personal watercraft and/or motorized watercraft under 22 feet in length to the general public for a fee.

§ 118-225. Licensing and Rental Agreement.

Licensing - All Rental Agents are to acquire and maintain a current business license through the City of Saco, and secure all pertinent State and Federal licenses as necessary. Furthermore, Rental Agents must abide by all requirements or provisions issued by the Code Enforcement Officer, Planning Board, Zoning Board or other City official.

Rental Agreement - A rental agent must provide, to any person whom they know to be operating a canoe, kayak, sailboat, personal watercraft (PWCs) or motorized watercraft:

A. The occupant capacity and weight limits of the craft being rented and operated.
B. Proper operational instruction and safety education for the craft being used.

C. Personal Flotation Devices (PFDs) of adequate size and proper working order for all intended occupants of the craft.

D. Verify, by way of demonstrated ability, the operator’s knowledge of the craft and equipment and ability to control and maneuver the craft safely.

E. Written information pertaining to local and state laws governing the body of water in which they will be operating and a brief description of the so-called rules of the road. For PWCs or motorized watercraft, the information will also include the laws pertaining to headway speed violations and a map indicating “headway speed only” areas.

For subsection “B”, the rental agent may use an audio/visual presentation in lieu of personal instruction, however, the sole use of written instruction will not satisfy the requirements of this section.

For subsection “D”, the rental agent may accept a watercraft license issued from another state or from the United States Coast Guard as proof of demonstrated ability. The rental agent may also waive the requirements of subsection “D” if the person renting has previously rented and demonstrated their ability, with that type of equipment, within the last 30 days.

§ 118-246. Prohibited Acts.

The following violations, in addition to the fines outlined in section 118-3, will also result in the immediate suspension of all City business licenses and/or permits.

No Rental Agent may continue to operate until the violations have been corrected and the City is satisfied with those corrections.

A. Failing to Provide Safety Instruction: A rental agent is guilty of failing to provide safety instruction if they fail to comply with all the requirements of section 118-23.

B. Failing to Maintain Records: The rental agent must maintain written records showing that the requirements of section 118-23 were followed. If a waiver of subsection “D” is allowed, a photocopy of the watercraft license, USCG license or previous rental agreement and demonstrated ability must be included. Rental agents may not destroy these records in the event of a watercraft accident, drowning or other incident involving the rented equipment. Records may otherwise be destroyed six months following the date of rental.

C. No License / Violation of Licensing Agreement: Any Rental Agent who fails to obtain or maintain a current City business license; or who fails to abide by the requirements of section 118-23 is guilty of this violation.

§ 118-247. Agent Negligence; City’s Right to Recovery of Costs.

When a Rental Agent fails to follow the provisions of this division ordinance and an accident or incident occurs that requires the use of City services, or requires the City to hire or fund private businesses or other government agencies as a result of the accident or incident, the Rental Agent shall be responsible for reimbursement of all associated costs.

These services include, but are not limited to: police, fire, rescue, or other emergency services; divers; water recovery specialists; engineers; environmental or hazardous materials specialists or companies; product inspectors, investigators, private consultants, attorneys, and/or legal expenses.
ARTICLE IV
Camp Ellis Pier, Parking Lot and Public Landing Regulations
[Adopted 4-18-1995]

§ 118-268. Title.

This article shall be known as "Camp Ellis Pier Use Regulations."

§ 118-279. General Regulations.

A. No person who owns, leases or operates a commercial or recreational boat or vessel shall use a public wharf, dock or pier unless they shall first obtain a permit therefor, as is hereinafter provided. A pier use agreement must be signed prior to the issuance of a user permit.

B. No person who owns, leases or operates a commercial, charter or recreational vessel shall store said boat or vessel on any public wharf, dock, pier or parking lot.

C. All said pier use and mooring fees should be paid to the City of Saco through City Hall and a receipt for same presented to the Harbor Master. [Amended 4-18-2000]

D. User fees, mooring fees and parking fees are to be established annually by the City Council, by resolution, after a public hearing, as recommended by the Coastal Waters Commission.

E. Commercial Fishermen Pier Use Permit holders have priority use of the hoists for loading and unloading perishable products.

F. Use of the beaching piles located adjacent to the public landing will be available to pier use permit holders. The maximum size boat to use the piles shall not exceed 20,000 pound displacement. Proper support must be installed under a berthed boat prior to allowing people to go into the boat fall area. Boats may only be berthed on the north side of the piles to maintain access to the public landing at all times. Berthed boats may remain at beaching piles for one full tide cycle.

118-30 Pier Use Permits

A. There shall be three (3) types of Pier Use Permits.
   1. Commercial Vessel Pier Use
   2. Charter Vessel Pier Use
   3. Recreational Vessel Pier Use

   Commercial Vessel Pier Use—Allows vessels paying the appropriate fee the priority use of the floats, pier, and hoists for the unloading of perishable product, as well as use of the fuel facility.

   Charter Vessel Pier Use—Allows vessels paying the appropriate fee the use of the pier, floats and hoists, as well as the fuel facility.

   Recreational Vessel Pier Use—Allows vessels paying the appropriate fee use of the floats for loading and unloading. Limited occasional use of the pier, hoists, and fuel facility is allowed at the discretion of the Harbor Master.

[reg1]

C. Establishment of Permit Limitations—The Harbormaster will establish the maximum number of pier use permits to be granted within each type, described above. A waiting list will be established for persons desiring a Pier Use Permit when the maximum number has been reached.

D. Pier Use by Mooring Permit Holders—A Mooring Permit holder who wishes to maintain a vessel at the pier shall obtain a Pier Use Permit.
§ 118-2831. Camp Ellis Pier and Parking Lot Fund.

A. Purpose. The City of Saco operates and maintains a parking and docking facility at Camp Ellis for the benefit of the general public. The purpose of this section is to create a special revenue fund into which all the proceeds derived from the pier and parking lot shall be deposited. A transfer of funds to this account shall be budgeted each year by the City, in whatever amount is suitable for the maintenance and expansion of public facilities at the Camp Ellis pier, parking lot, and other marine related uses as deemed necessary by the Coastal Waters Commission.

B. Source of revenues. All revenues derived from the pier and parking lot, including but not limited to fees for parking cars and fees for mooring and docking, shall be deposited into this account.

C. Use of revenues. Funds in the Camp Ellis Pier and Parking Lot account shall be used for the expansion and maintenance of the Camp Ellis parking lot, pier, floats, City-owned moorings, waterways and other marine-related uses, as recommended by the Saco Coastal Waters Commission and approved by the Director of DPW or the Saco City Council.

§ 118-3229. Traffic and Parking Regulations.

A. The City of Saco has constructed a launching ramp and parking lot, for use by the public, on the shore of the Saco River at Bay Avenue in Camp Ellis, between the extension of North Avenue and East Avenue. There are no existing ordinances to control traffic and regulate parking for the public good and safety of the public which will be using these facilities. The following rules and regulations are hereby adopted, and the Chief of Police is hereby authorized and directed to erect the proper signs and controls to enable the enforcement of these rules and regulations.

B. Public lot and public landing rules and regulations shall be as follows:

1. Diagonal parking only.

2. No parking after 1:00 a.m. until 5:00 a.m. from May 1 through September 30 and from 10:00 p.m. to 5:00 a.m. from September 30 through May 1, except for pier users with permit holders.

3. Five-miles-per-hour speed limit.

4. No parking in front of launching ramp.

5. No throwing of rocks and debris in the river.

6. Boat trailers are to be parked in designated areas.

7. Camping is not permissible.

8. Parking violators shall be towed away at the owner's expense.

9. All cars and trucks parked in the parking lot shall prominently display a current pier user sticker or seasonal parking sticker issued by the city, unless they are paying the daily parking fee. A seasonal parking permit or the elderly residents permit is only transferable to other vehicles registered in the city by the resident. A commercial vessel pier user permit stays with the permit holder and is transferable to another vehicle.
City of Saco
Mooring Permit Application

Revised February 4, 2013

Owner’s Last Name: __________________________
Date of Application: __________________________
New _____ Renewal _____
Use (circle): Recreational  Comm. Fish  Other: ________

Boat Information:
Boat Reg/Doc #: ____________________________
Make: ____________________________ Type: ____________________________
Color (hull/trim): ____________________________ Length: _____
Draft: _____ Propulsion: ____________________________

Owner Information (individual/business):
Name: ____________________________
Summer Address: ____________________________
Winter Address: ____________________________
E-mail: ____________________________ Home Tel. #: ____________________________
Bus Tel. #: ____________________________
Contact name: ____________________________
(business contact or local responsible person required for non-residents)

I have read and agree to the attached terms and conditions of the mooring permit.

Signed: ____________________________ Date: ____________________________

Office Use Only

Harbor Master Biannual Inspection Date: ____________________________ By: ____________________________

Mooring Tackle Information:
Heavy Chain: ________ ft.  Light Chain: ________ ft.
Bowl ine Nylon: ________ ft.  Ball Size: ________ Pennant Size: ________

Location of Mooring: ___ Camp Ellis ___ Up River: ____________________________
Date Present Mooring Put Down: ___________ Latitude: ___________ Longitude: ___________

Harbor Master Signature: ____________________________ Date: ____________________________

City Staff

Date Received: ____________________________ By: ____________________________
Payment Type: _____ Cash _____ Check/Money Order

Fees
Mooring Fee: $125.00
Late Fee: $50.00
Application Fee: $10.00
Terms and Conditions

1) THIS PERMIT IS NON-TRANSFERABLE and is for the use of the above-named boat only, except on a temporary basis at the discretion of the Harbor Master.

2) Location of all moorings will be assigned by the Harbor Master or Assistant Harbor Master. The location is subject to change at any time at the discretion of the Harbor Master or Assistant Harbor Master as conditions dictate.

3) The Permit Holder is responsible for setting their mooring and making adjustments as required for the safety of their boat and adjacent boats.

4) MOORING NUMBERS AND BOAT REGISTRATION NUMBERS MUST BE ON THE WHITE MOORING BUOY in at least 3" tall font numbers on a white ball.

5) If any boat on a mooring is taking on water or in danger of sinking, the Harbor Master may authorize a private contractor to pump out said boat at the boat owner’s expense of the owner. The owner must pay the contractor within 60 days, or lose mooring privileges.

6) Registration form and fee must be received on or before March 15th or pay an additional fee of $50. All moorings not registered by July 30th will be considered abandoned, removed and their locations reassigned. All moorings must be in by July 30th or their location will be reassigned according to waiting list priority.

7) Moorings that are not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned and be removed at the owner’s expense, and the location shall be reallocated.

7) Any mooring location not occupied by the Vessel or Float registered to it during the permit year may be considered to be abandoned. The location may be reassigned by the Harbor Master, after the Harbor Master has first given the registrant thirty (30) days advance written notice at his/her last known address, (certified mail, return receipt). The cost of removing or dropping moorings shall be assessed to the owner if not removed by him within thirty (30) days of receipt of said notice, in accordance with Title 38.

Notwithstanding the above, this paragraph may not apply to a mooring whose Owner has notified the Harbor Master in writing that such mooring will not be occupied due to prolonged absence from the area, illness, or other extenuating circumstances, provided the permit is timely renewed annually as required by the Ordinance.

8) Adequacy of moorings. All existing moorings hereinafter to be set shall be of sufficient size to hold the vessel for which they are used. All moorings shall have approved buoys and must be visible at all times.

(a) The following mooring standards are provided as a guideline, all mooring requirements will be determined by the Harbor Master.

<table>
<thead>
<tr>
<th>Maximum Boat Length (feet)</th>
<th>Maximum Boat Weight (gross pounds)</th>
<th>Minimum Mooring Weight (pounds)</th>
<th>Minimum Chain Link Size (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>500</td>
<td>350</td>
<td>3/8</td>
</tr>
<tr>
<td>20</td>
<td>1,500</td>
<td>750</td>
<td>3/8</td>
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<td>1/2</td>
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<tr>
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<td>8,000</td>
<td>1,800</td>
<td>1/2</td>
</tr>
<tr>
<td>35</td>
<td>12,000</td>
<td>2,500</td>
<td>1/2</td>
</tr>
</tbody>
</table>

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9) Inspections of moorings. The Harbor Master or his designee shall inspect moorings biannually. The
inspection includes two visits by the Harbor Master. **It is the permit holder’s responsibility to contact the
harbor master for these visits before the mooring is placed in service.** Any additional visits **required** by the
Harbor Master will be at the applicant’s expense.

10) Manner/Condition of Moorings:

(a) All mooring floats shall meet United States Coast Guard regulations.

(b) The float attached to the mooring line shall be of sufficient size to remain afloat when not attached to
the vessel.

(c) The Harbor Master may at any time examine any mooring or mooring line to determine compliance with
this section. Except in the case of an emergency, he shall notify the owner of his intention to examine the
mooring and request the presence of the owner during such examination. Any cost of examination shall
be borne by the owner of the mooring.

11) **Mooring Permit holders (permits issued by the City of Saco) may tie Gone **small boat (a, k, a. dinghies, skiffs,
punts, Jon boats, etc.--must be 16 feet long or less) may be tied to the Camp Ellis floating docks **without
additional charge provided the mooring holder has obtained a Camp Ellis Pier Use Permit. The small boat is
for the sole purpose of transporting the boat owner to and from his moored vessel and must be clearly identified
with the moored vessel’s boat name, or the owner’s name. No person who does not have a City of Saco
Pier Use Permit shall pay the hourly docking fee to tie a small boat to the dock that does not have both a City
issued Mooring permit and a Pier Use Permit. Small boats used for the purpose of transporting the boat owner
to and from his moored vessel, must be clearly identified with the moored vessels boat name, or the owners
name. Small boats must be 16’ or less.

12) It is the permit Owner’s responsibility to be aware of all applicable ordinances. Special attention should be
given to: CHAPTER 118 RIVER AND HARBOR AND WATERFRONT ORDINANCE. Ordinances can be located at the
City Clerk’s Office or online at: www.sacomaine.org.

---End of Chapter 118 document---

C. **ZONING ORDINANCE AMENDMENT - §412-1 HEIGHT OF BARNs AND SIMILAR
STRUCTURES – (SECOND AND FINAL READING)**

The proposed Zoning Ordinance Amendment would increase the height limit for barns from 35 feet to 50 feet in
those zones where they are most likely to be proposed: C-1, and to a lesser extent, B-2a and B-2b, where ‘**Public
Riding Stables**’ are a conditional use.

A proposed footnote 23, will be added to §412-1, which is a list of footnotes to Table 412-1, and also proposed is a
definition of “Barn,” which represents an amendment to Article 3. Definitions.

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The Planning Board considered the proposed amendments in two workshop sessions, held a public hearing on Nov. 27, 2012, continued to December 11, and forwards a positive recommendation for the proposed changes.

The Council discussed this at Workshop on January 7, 2013 and the First Reading was on January 22, 2013; the Public Hearing was February 4, 2013. The Second and Final Reading was tabled on February 19, 2013.

“Proposed Amendments to Section 412-1 and Article 3 of the Saco Zoning Ordinance, December 11, 2012”

Amend Section 412-1 as follows. Language proposed for deletion is struckthrough, while proposed new language is underlined.

23. The maximum height of a non-commercial barn or similar structure in the C-1, B-2a, B-2b and BP zones shall be 50 feet. If proposed as 35-40 feet in height, a barn shall be set back no less than 50 feet from side and rear lot lines. If 41-45 feet in height, a barn shall be set back no less than 75 feet from side and rear lot lines. If 46-50 feet in height, a barn shall be set back no less than 100 feet from side and rear lot lines. The barn or similar structure shall have a sideyard and rearyard setback equal to 105% of its height.

Amend Article 3 as follows.

Barn: a large farm building typically used for storing farm or agricultural products and sheltering livestock, or similarly a very large garage for the housing of vehicles.

(END: ‘Proposed Amendments to the Saco Zoning Ordinance Concerning Section 412-1 and Article 3, December 11, 2012.’)

Councilor Doucette moved, Councilor Tripp seconded “The City of Saco hereby Ordains and Approves the Second and Final Reading of the document titled, ‘Proposed Amendments to Section 412-1 and Article 3 of the Saco Zoning Ordinance, December 11, 2012’ with the amendment.

Councilor Smith moved, Councilor Tripp seconded to remove the Proposed Amendments from the table. The motion passed with five (5) yeas and one (1) nay – Councilor Cote.

Mayor Johnston noted that the city had a meeting last Friday with the abutters and the applicant to discuss options, but very little changed. The applicant still wants a 41’ structure and the abutter does not want it to be so close to their property line. There was discussion with the applicant of some restrictions such as planting of trees along the property line and storage of manure would be away from the abutter’s property. This will be sent to the Planning Board with those recommendations.

AMENDMENT #1 - Mayor Johnston called for a vote on the amendment to the motion to strike “If proposed as 35-40 feet in height, a barn shall be set back no less than 50 feet from side and rear lot lines. If 41-45 feet in height, a barn shall be set back no less than 75 feet from side and rear lot lines. If 46-50 feet in height, a barn shall be set back no less than 100 feet from side and rear lot lines”, and add “The barn or similar structure shall have a sideyard and rearyard setback equal to 105% of its height”. Councilor Tripp moved, Councilor Smith seconded the amendment. The motion passed with five (5) yeas and one (1) nay – Councilor Tardif.
AMENDMENT #2 - Mayor Johnston called for a vote on the motion to amend Article 3, which was moved by Councilor Doucette as follows: “Barn: a large farm building typically used for storing farm or agricultural products and sheltering livestock, or similarly a very large garage for the housing of vehicles”. The motion passed five (5) yeas and one (1) nay – Councilor Tardif.

AMENDMENT #3 – Councilor Cote moved, Councilor Blood seconded to amend the Main motion by adding “Vegetative screening that provides a visual buffer sufficient to minimize impact on abutting properties may be required by either Planning Board or City staff. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such planting shall be maintained as an effective visual screen; plants that dies shall be replaced within one growing season”. The motion passed with the Mayor breaking the tie vote, four (4) yeas and three (3) nays – Councilors Tardif, Doucette and Tripp.

Mayor Johnston called for a vote on the Main motion with all the amendments. The motion passed with five (5) yeas and one (1) nay – Councilor Tardif.

D. MAINE 5 MULTI-MISSION RESPONSE BOAT REPLACEMENT

Marine 5, a 20+ year old Coast Guard surplus boat that was given to the City of Saco almost 10 years ago, experienced a catastrophic failure of the bilge pump system during a severe weather event, heavy rains and astronomical high tide, on June 7, 2012. At 11:30 P.M. that evening the boat was found by a local fisherman to be partially submerged. The fire department along with the assistance of the Assistant Harbor Master was able to raise the boat, pump off the excess water and secure the boat to the dock.

In the days/weeks that followed, the boat was taken to Southern Maine Marine to be evaluated for repair and an insurance claim was filed. In the end, the insurance company determined it to be a total loss and the city received $15,000 from the insurance claim.

During the remainder of the 2012 season, the fire department worked with the Old Orchard Beach Fire Department, through its Mutual Aid Agreement to continue to provide limited fire & rescue response along the river below the dam and in the ocean near the shoreline. It was determined that the Old Orchard Beach boat, because of it size, was not appropriate for response off shore to provide fire and rescue services.

The fire department has been working to develop specifications for a replacement Multi-Mission Response Boat that will meet the current and future needs. The expected life span of the boat is 20+ years. Estimates from manufacturers put the purchase cost of a new Multi-Mission Response Boat at $100,000. Bangor and South Portland have made similar purchases in the past year; Bangor’s cost was approximately $174,000 and the City of South Portland has approximately $100,000 invested in their boat.

After further analysis, we are under budget on the debt service by $12,000. That means that the $21,500 needed to make the first payment could be paid using those funds. The amount left to finance would be $9,500; however, we received $15,100 from the insurance company to pay for the remaining $9,500. There is no need to complete a budget amendment.

The Council discussed this item at Workshop on February 4, 2013, and again on February 19, 2013.

Councilor Cote moved, Councilor Blood seconded to authorize the Fire Dept. to go out to bid to buy a new fire boat. The motion passed with five (5) yeas and one (1) nay – Councilor Tardif.

Councilor Tripp asked the Fire Department to send bids out to all boat dealers in the State of Maine. He also inquired whether the city has seriously looked into a mutual agreement with other municipalities.
Councilor Cote noted that the Council received an e-mail from Chris Denton, and that he would like to see when we get the bids back, the Fire Dept. respond to each of the points made by Chris in the e-mail and also an estimation from the Fire Dept. on what would happen if they don’t get that boat. He sees that we have so many calls a year, but is concerned that some people here think this is a complete waste of money. How many of the Fire Dept calls where a boat would be used are not life threatening, and how many are life threatening? He is concerned about what is this likely to mean in the future with Saco being a coastal community with a major river flowing through it with so many boats and marinas, what would happen if we don’t get the boat.

Councilor Tripp agreed with Councilor Cote, that they need some justification other than we just need it. It needs to be something that the public can accept.

**TABLE** - Councilor Doucette moved, Councilor Tripp seconded to table this item. The motion failed with two (2) yeas and four (4) nays – Councilors Tripp, Smith, Blood and Cote.

**AMENDMENT** – Councilor Tripp moved, Councilor Smith seconded to seek bids in State and out-of State bids with the option of a fiberglass hull in the specs. The motion passed with five (5) yeas and one (1) nay – Tardif

Mayor Johnston called for a vote on the Main motion with the amendment. The motion passed with five (5) yeas and one (1) nay – Councilor Tardif.

**VI. CONSENT AGENDA**

Councilor Tardif requested that Consent Agenda item #4 be pulled and voted on separately.

Councilor Tripp moved, Councilor Smith seconded to approve Consent Agenda items #1, 2, 3, 5 as follows:

| #1.   | “Be it Ordered that the City Council Approve the minutes for February 19, 2013”, further move to approve the Order; |
| #2.   | “Be it Ordered that the City Council approve the abatement for $451.84 for property located on Map 115 Lot 12 as set forth in the document titled, ‘Exemption Table for Map 115, Lot 12, Dated February 19, 2013’”, further move to approve the Order; |
| #3.   | “Be it Ordered that the City Council accept, pursuant to 23 MRSA Section 3025, the dedication of the extension of Richards Way (shown on the original Subdivision Plan as “Ocean Green Circle”) and Country Club Drive, and all drainage ways, utilities and easements attendant thereto, said parcel of land more particularly shown on a Right of Way Plan prepared by Paul Gadbois dated January 11, 2013 and recorded in the York County Registry of Deeds Plan Book 359, Page 20, and that it accept from the Developer Goosefare Acres LTD. Inc. and record in said same Registry a deed to said premises”; “Be it Ordered that The City Council waive, release, and forego any rights it may have secured in the unbuilt portion of Country Club Drive by virtue of its vote on September 26, 2011, meaning that portion of Country Club Drive shown on a certain plan found at Plan Book 335 Page 44, lying northeasterly of the intersection of Country Club Drive and Ocean Greens Drive, as the Council did not intend to accept said portion by said vote.”, further move to approve the Order; |
| #5.   | “Be it Ordered that the City Council grant the applications for a License to Operate Games of Chance: Daily Attendance, Pull Tickets, and Queen of Hearts from April 1, 2013 through June 30, 2013 as submitted by the Biddeford-Saco Elks #1597.” Further move to approve the Order. |

The motion passed with five (5) yeas.

Note: The item commentaries are listed below.
#2 REQUEST FOR COUNCIL TO APPROVE ABATEMENT FOR 2010 AND 2011 WITH REGARD TO HOMESTEAD AND WIDOW VETERAN EXEMPTIONS

Several years ago, the Assessor’s office, in error, removed both the Homestead and Veteran’s exemption for the taxpayer whose property is located at 67 Simpson Road on Map 115 Lot 12. Maine law gives the assessor authority to grant an abatement of property tax for such an error up to one year. Both exemptions have been reinstated for this parcel and the citizen has been granted abatement in the amount of $292.80 for tax year 2012. Title 36 gives to the City Council, the authority to grant abatements for administrative errors such as this for two years beyond the assessor’s authority. (See citation below.)

M.R.S.A. Title 36, Sec. 841
“The municipal officers (City Council), either upon written application filed after one year but within 3 years from commitment stating the grounds for abatement or on their own initiative within that time period may make such reasonable abatement as they consider proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. The municipal officers may not grant an abatement to correct an error in the valuation of property.”

The Council discussed this at Workshop on February 19, 2013.

#3 CLARIFICATION OF ACCEPTANCE OF A PORTION OF RICHARDS WAY AND COUNTRY CLUB DRIVE IN THE OCEAN GREENS II SUBDIVISION

The Council voted to accept a portion of Richards Way and a portion of Country Club Drive as City streets at its meeting of Sept. 26, 2011, accomplished by reference to a plan entitled “Amended Subdivision Plan Ocean Greens II.” The plan also shows an un-built portion of Country Club Drive that was not intended for acceptance. Said un-built portion has changed ownership, and is now shown on the Copper Leaf subdivision plan, approved January 29, 2013 by the Planning Board.

In order to clarify the Council’s intent that only completed sections of Richards Way and Country Club Drive were accepted as part of the 2011 action, the City Attorney has drafted a deed that includes a legal description of the street segments, and specifically excludes the un-built section of Country Club Drive.

The Council discussed this item at Workshop on February 19, 2013.

QUITCLAIM WITH COVENANT DEED

NOW COMES GOOSEFARE ACRES, LTD, INC, a Maine Corporation, with a principal place of business at 18 Pepperell Square, Saco, Maine (“Goosefare Acres”) which for $1.00 herein sells, transfers and conveys, with quitclaim covenants, unto the CITY OF SACO, a municipal corporation, 300 Main Street, Saco, Maine, those roads shown on a certain Right of Way plan entitled “Ocean Greens II” prepared by Paul P. Gadbois, P.O. Box 327, Saco, Maine, said Right of Way plan recorded in the York County Registry of Deeds in Plan Book _____ Page____.

Meaning and Intending to transfer any and all of Goosefare Acres right, title and interest in the roads denominated as “Country Club Drive”, “Richards Way” and the extension of “Elmwood Drive” as shown on said plan drawing, said parcel more particularly bounded and described as follows:

Beginning at a capped iron rod found (PLS #2190) on the northwesterly sideline of the terminus of said Richards Way on the southeasterly sideline of Lot #15 of Strawberry Fields Subdivision as shown on aforesaid plan;

thence N 23º-41’-40” W along said Lot #15 a distance of 63.77 feet to a capped iron rod found (PLS #2190);
thence in a general northwesterly direction along said Lot #15 and along a circular curve to the left, circumscribed by a radius of 10.00 feet, an arc length of 15.71 feet to a capped iron rod found (PLS #2190); said capped iron rod found being N 68º-41-40” W a tie distance of 14.14 feet from said previous capped iron rod found;

thence S 66º-18-’-20” W along said Lot #15 a distance of 54.48 feet to a capped iron rod found (PLS #2190);

thence in a general southwesterly direction along said Lot #15 and along a circular curve to the left, circumscribed by a radius of 125.00 feet, an arc length of 30.52 feet to a capped iron rod found (PLS #2190); said capped iron rod found being S 59º-18-’-41” W a tie distance of 30.44 feet from said previous capped iron rod found;

thence S 52º-19-’-02” W along said Lot #15 a distance of 125.45 feet to a 1” iron pipe found and the terminus of Elmwood Drive, so-called;

thence N 41º-38-’-58” W along the terminus of said Elmwood Drive a distance of 50.12 feet to a point and land now or formerly of Paul and Ann Concessy;

thence N 52º-19-’-02” E along the land of said Concessy and along Lot D a distance of 128.91 feet to a granite monument set;

thence in a general northeasterly direction along Lot D and along a circular curve to the right, circumscribed by a radius of 175.00 feet, an arc length of 42.72 feet to a granite monument set; said granite monument set being N 59º-18-’-41” E a tie distance of 42.62 feet from said previous granite monument set;

thence N 66º-18-’-20” E along Lot D a distance of 54.48 feet to a granite monument set; thence in a general northeasterly direction along Lot D and along a circular curve to the left, circumscribed by a radius of 10.00 feet, an arc length of 15.71 feet to a granite monument set; said granite monument set being N 21º-18-’-20” E a tie distance of 14.14 feet from said previous granite monument set;

thence N 23º-41-’-40” W along Lot D a distance of 109.25 feet to a granite monument set;

thence in a general northeasterly direction along Lot D and Lot C and along a circular curve to the left, circumscribed by a radius of 125.00 feet, an arc length of 39.17 feet to a granite monument set; said granite monument set being N 32º-40-’-17” W a tie distance of 39.01 feet from said previous granite monument set;

thence N 41º-38-’-54” W along Lot C and along Lot B a distance of 177.97 feet to a granite monument set;

thence in a general northwesterly direction along Lot B and along a circular curve to the left, circumscribed by a radius of 125.00 feet, an arc length of 36.47 feet to a capped iron rod set (PLS #2190); said capped iron rod set being N 50º-00-’-25” W a tie distance of 36.34 feet from previous granite monument set;

thence N 58º-21-’-55” W along Lot B and along Lot A a distance of 212.80 feet to a granite monument set;

thence in a general westerly direction along Lot A and along a circular curve to the left, circumscribed by a radius of 10.00 feet, an arc length of 16.39 feet to a granite monument set; said granite monument set being S 74º-40-’-25” W a tie distance of 14.62 feet from said previous granite monument set;

thence in a general southwesterly direction along Lot A and along a circular curve to the left, circumscribed by a radius of 275.00 feet, an arc length of 59.61 feet to a granite monument set; said granite monument set being S 21º-30-’-13” W a tie distance of 59.48 feet from said previous granite monument set;

thence S 15º-17-’-41” W along Lot A and along land now or formerly of Conrad and Sandra Welzel a distance of 276.70 feet to a 5/8” iron rod found and the terminus of Country Club Drive;
thence N 74º-42’-19” W along the terminus of Country Club Drive a distance of 50.00 feet to a point and land now or formerly of Michael and Piper Bolduc;

thence N 15º-17’-41” E along the land of said Bolduc, along land now or formerly of Raymond and Elta Kilcollins and along land now or formerly of Paul and Danielle Collins a distance of 276.70 feet to a granite monument set;

thence in a general northeasterly direction along the land of said Collins and along a circular curve to the right, circumscribed by a radius of 325.00 feet, an arc length of 75.10 feet to a granite monument set; said granite monument set being N 21º-55’-05” E a tie distance of 74.93 feet from said previous granite monument set;

thence in a general northerly direction along the land of said Collins and along a circular curve to the left, circumscribed by a radius of 10.00 feet, an arc length of 15.17 feet to a granite monument set; said granite monument set being N 14º-55’-05” W a tie distance of 13.75 feet from said previous granite monument set;

thence N 58º-21’-55” W along land N/F Sharon and Freeman Tate a distance of 48.95 feet to a point and land now or formerly of Goosefare Acres LTD., Inc.;

thence N 41º-32’-08” W along land N/F Tate a distance of 17.40 feet to a point and remaining land of Goosefare Acres LTD., Inc.;

thence N 48º-27’-52” E along the remaining land of Goosefare Acres LTD., Inc. and terminus of Richard’s Way a distance of 50.00 feet to a point;

thence S 41º-32’-08” E along the land N/F Theresa Greeley a distance of 10.00 feet to a point;

thence S 58º-21’-55” E along land N/F Greeley a distance of 45.11 feet to a granite monument set;

thence continuing S 58º-21’-55” E along land N/F Greeley a distance of 71.09 feet to a granite monument set;

thence S 58º-21’-55” E along land N/F Greeley and along Lot #5 of Ocean Greens II Subdivision a distance of 208.34 feet to a granite monument set;

thence in a general southeasterly direction along Lot #5 and along a circular curve to the right, circumscribed by a radius of 175.00 feet, an arc length of 51.06 feet to a granite monument set; said granite monument set being S 50º-00’-25” E a tie distance of 50.88 from said previous granite monument set;

thence S 41º-38’-54” E along Lot #5 and along Lot #2 a distance of 177.97 feet to a granite monument set and Lot #1;

thence in a general southeasterly direction along Lot #1 and along a circular curve to the right, circumscribed by a radius of 175.00 feet, an arc length of 54.84 feet to a granite monument set; said granite monument set being S 32º-40’-17” E a tie distance of 54.61 feet from said previous granite monument set;

thence S 23º-41’-40” E along Lot #1 and along Lot E a distance of 225.24 feet to a capped iron rod found (PLS #2190) and the terminus of said Richards Way;

thence S 46º-44’-10” W along the terminus of said Richards Way a distance of 53.07 feet to the point of beginning.

The above described parcel contains 71,740 s.f. (1.65 acres). All bearings refer to magnetic north as observed in 1998.

Transferring herein as well all right, title and interest in any sidewalks of the subdivision, and any and all utilities and utilities infrastructure including, but not limited to, any manholes, conduits, wires, pumps, drains, pipes and sewer lines.
Also expressly transferring to the City those rights and easements retained by this Grantor in, over, under and across any of the parcels of land and lots shown on Grantor’s subdivision plans for Ocean Greens II, intending to convey to the City those rights reserved by Grantor in all said lots.

This deed completes a transfer commenced by the Saco City Council by vote on September 26, 2011, clarifying that the City Council did not, at that time, intend acceptance of the unbuilt portion of Country Club Drive extending northerly from and beyond the intersection of Richard’s Way, it being the parties intentions then and now that the City Council’s acceptance be of the area depicted herein.

To Have and To Hold with all the benefits and privileges appurtenant thereto, for itself and for its successors and assigns, now and forever.

Dated at Saco, Maine this ____ day of January, 2013.

WITNESS:  

_____________________________   _____________________________  
Mark McCallum  
Its President  

STATE OF MAINE January___, 2013  
YORK, ss.  
Then personally appeared before me Mark McCallum, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of Goosefare Acres, Ltd., Inc., and of his authority herein to act on its behalf.

Before me,  
_____________________________  
Notary Public/Attorney At Law  

WITNESS:  

_____________________________   _____________________________  
Richard Michaud  
City Administrator  

STATE OF MAINE January___, 2013  
YORK, ss.  
Then personally appeared before me Richard Michaud, who gave oath and acknowledged the foregoing to be his free act and deed, and the free act and deed of the CITY OF SACO, and of his authority herein to act on its behalf.

Before me,  
_____________________________  
Notary Public/Attorney At Law
#4 DISPOSITION OF SURPLUS PERSONAL PROPERTY

The city has 18 vehicles or pieces of equipment to consider declaring as surplus. The equipment includes: three Ford Crown Victoria (5-10 years old all with over 110,000 miles); three pickup trucks (12-15 years old with 61,800-110,000 miles); Ford Explorer (13 years old, with major corrosion and 127,000 miles); Dodge Ram van (19 years old with 72,000 miles); Caterpillar backhoe (25 years old with major corrosion and 12,700 operating hours); and assorted equipment attachments from vehicles the city no longer possesses.

The Council discussed this item at Workshop on February 19, 2013.

Councilor Tardif asked to know more about some of the equipment that said “condition unknown”. Pat Fox stated the equipment has been in yard for quite a while and they can’t tell you if it is fully operable or what they can be hooked up to.
Councilor Blood moved, Councilor Tripp seconded “Be it ordered that the City Council make an exception to Chapter 4, Article VIII of the Administrative Code – Policies and Procedures – 4-40 Loaning or Selling City Property or Equipment to declare as surplus property the List titled, “Surplus Personal Property February 19, 2013” and authorize the city Administrator to dispose of the property in the most advantageous way.” Further move to approve the Order. The motion passed with five (5) yeas.

#5 GAMES OF CHANCE (3) FOR BIDDEFORD & SACO ELKS #1597

Biddeford-Saco Elks #1597 has applied for three Licenses to Operate Games of Chance: Daily Attendance, Pull Tickets, and Queen of Hearts from April 1, 2013 through June 30, 2013.
The applicant has submitted their applications in accordance with the provisions of Title 17 M.R.S.A. Chapter 13-A, and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

VII. ADJOURNMENT

Councilor Tripp suggested that where there is increased interest in Council proceeding and whereas the city gives Thornton Academy a considerable sum of money, he would like them to not only cover the Council meetings, but the Workshops as well.

Councilor Blood moved, Councilor Tripp seconded to adjourn the meeting at 8:03 p.m. The motion passed with unanimous consent.

Attest:____________________________
Michele L. Hughes, City Clerk