

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, February 1, 2016 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

Councilor Gay moved, Councilor Johnston seconded “Be it ordered that the City Council approve the minutes for January 11, 2016”. The motion passed with seven (7) yeas.

V. GENERAL

A. RECOGNITION OF THORNTON ACADEMY GOLF TEAM, 2015 STATE CHAMPIONS

Mayor Michaud asked Coach Jeff Camire to join him in recognizing the team. Mayor Michaud also noted that Coach Camire:

- Was a long-time JV coach before becoming the varsity coach in 2014 and 2015
- His overall coaching won-loss record is 17-5
- Coach Camire was named *Maine Sunday Telegram* Golf Coach of the Year in 2015
- Coach Camire has accomplished a lot in a very short period as a varsity coach

Also under his leadership:

- The 2014 team was SMAA Central Division Champions and SMAA Champions
- 2015 was Class A State Champions

Golf Team – 2015 State Champions

Greg Kalagias	Zach Foss
Logan Picard	Zach Ham
Noah Jacques	Napat "Dew" Intarachumnum
Hashilla Rivai	Coach: Jeff Camire
Jordan Laplume	JV Coach: Emily Bouchard
Jacob Laplume	Assistant Coach: Matt Regan
Riley Donovan	
Matt Merrill	

B. PAUL JANSEN AWARD GIVEN BY THE CONSERVATION COMMISSION

The Paul Janson Conservation Award is named in memory of a former Councilman and Mayor who was environmentally conscious of what can happen if we do not protect our natural surroundings in a world that is beginning to think that asphalt is better than natural wetlands and marshes. Once those places are gone they can never be retrieved.

Conservation Commission member Donna Goulding and Mayor Michaud presented the Paul Janson Award to this years recipient Peter Anderson. Mr. Anderson has been a conservation contributor to the Saco Conservation Commission a little over 20 years. Most of his time it was on environmental issues, the largest effort was with the Purple Loosestrife growing along our highways.

He attended many of the meetings that had to do with the environment in Saco, Scarboro and Wells to help

coordinate conservation efforts. He aided the city DPW in the inspection of culverts to determine deterioration and he assisted on recycle collection days and manned Conservation information Booths at the Saco Art Festival and on Election Day.

C. INTRODUCTION OF ROB BIGGS, SACO MAIN STREET, INC. EXECUTIVE DIRECTOR

Bette Brunswick, Chairman of Saco Main Street introduced Rob Biggs as Saco's new Saco Main Street Executive Director. Mr. Biggs has extensive knowledge in facilities management, in Real Estate and is a entrepreneur and team builder. He will provide Saco Main Street with the sure footing to help create a vibrant downtown Saco.

Mr. Biggs noted that he is a relatively new resident to Saco. He is interested in finding out what the Council's and resident's vision is for the long term in the downtown district. A couple of his initiatives are to focus on a age based community for all ages so that there will be events for all people to enjoy and also Start Up Saco which is a competition for three businesses to either move their business to downtown or start their business in the downtown.

He is excited to be working with the Economic Development Director as the Saco Island development and other activities heat up and grown in the downtown area. Mr. Biggs will also be working with the cities sister organization the Heart of Biddeford.

VI. AGENDA

B. TRANSFER OF APPROPRIATIONS, POLICE DEPARTMENT PHONE SYSTEM – (FIRST READING)

In 2011-2012, the City of Saco migrated to a VoIP phone system for City Hall, Fire Department, Public Works, and WRRD. At the time the phone system at the Police Department was stable and showed no issues; however, it was noted that the phone system should eventually be replaced.

In recent weeks, the Police Department phones have been showing major issues such as: Randomly picking up lines and calling poison control, randomly crashing leaving the Police Department without phone communication until the phones are reset, and recently going completely dead until circuit cards were replaced by the vendor. The parts that are put into the phone system are refurbished and have no estimated lifetime.

The other issue is the recording of the phone system. Currently the existing NICE recording device is on a Windows XP operating system which went "end of support" April 8, 2014. This equipment is not compatible with a new VoIP option without major updates and changes that would cost more than a new, updated recording server.

Other things that will need to be updated are the network infrastructure at the Police Department that will allow them to change over to a VoIP system such as switching gear, wiring, and logical network changes.

Councilor Doyle moved, Councilor Minthorn seconded "Be it ordered that the City Council authorizes the transfer of appropriations from 10350/300800 to 10670/500910 in the amount of \$57,000 upon approval of the Second and Final Reading scheduled for February 16, 2016" Further move to approve the order. The motion passed with seven (7) yeas.

C. GENERAL ASSISTANCE MAXIMUMS – (FIRST READING)

Each year Maine Municipal Association presents municipalities with new Appendixes for their City Ordinance, which need to be reviewed and adopted. This year, the Over-All Maximums on Appendix A have increased slightly. The food maximums on Appendix B have remained the same since last year. On Appendix C, we used an average between the York County HMFA and the York/Kittery/South Berwick HMFA. Those amounts are up in all categories this year. The amounts in Appendix D have not changed. The City Council discussed this item during Workshop on January 19, 2016.

Councilor Cote moved, Councilor Doyle seconded “The City of Saco hereby approves the First Reading of the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix A- Overall Maximum, Appendix B – Food Maximums, Appendix C – General Assistance Housing Maximums, and Appendix D – Utilities, and further move to set the Public Hearing for February 16, 2016.” The motion passed with seven (7) yeas.

**General Assistance Ordinance Appendixes (A, B, C and D),
Proposed Figures dated October 1, 2015**

Appendix A - GA Overall Maximums

# IN HOUSEHOLD	MAXIMUMS	
	Current	Proposed
1	\$689.00	\$695.00
2	\$714.00	\$796.00
3	\$903.00	\$1009.00
4	\$1206.00	\$1370.00
5	\$1248.00	\$1418.00
EACH ADDITIONAL	\$69.00	\$75.00

Appendix B - Food Maximums

# IN HOUSEHOLD	WEEKLY MAX.	WEEKLY MAX	MONTHLY MAX	MONTHLY MAX
	Current	Proposed	Current	Proposed
1	\$45.12	\$45.12	\$194.00	\$194.00
2	\$83.02	\$83.02	\$357.00	\$357.00
3	\$118.84	\$118.84	\$511.00	\$511.00
4	\$150.93	\$150.93	\$649.00	\$649.00
5	\$179.30	\$179.30	\$771.00	\$771.00
6	\$215.12	\$215.12	\$925.00	\$925.00
7	\$237.67	\$237.67	\$1022.00	\$1022.00
8	\$271.86	\$271.86	\$1169.00	\$1169.00
EACH ADDITIONAL	-----		\$146.00	\$146.00

Appendix C – GA Housing Maximums

Unheated Units

# BDRMS	MONTHLY	
	Current	Proposed
0	\$660.00	\$669.50
1	\$660.00	\$697.50
2	\$779.50	\$885.00
3	\$1139.00	\$1236.00
4	\$1181.00	\$1282.00

Heated

# BDRMS.	MONTHLY	
	Current	Proposed
0	\$759.50	\$769.50
1	\$768.00	\$814.00
2	\$942.50	\$1045.00
3	\$1339.00	1432.00
4	\$1418.50	\$1515.50

APPENDIX D - UTILITIES

ELECTRIC

NOTE: For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households *Without Electric Hot Water:*** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$14.00	\$60.00
2	\$15.70	\$67.50
3	\$17.45	\$75.00
4	\$19.70	\$86.00
5	\$23.10	\$99.00
6	\$25.00	\$107.00

NOTE: For each additional person add \$7.50 per month.

2) **Electricity Maximums for Households *With Electrically Heated Hot Water:*** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.10	\$86.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$37.30	\$160.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

D. RENEWAL APPLICATION FOR SPECIAL ENTERTAINMENT PERMIT – SACO PLAZA LLC. D/B/A RAMADA SACO

Saco Plaza LLC d/b/a Ramada Saco has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Precourt moved, Councilor Johnston seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no comments from the public.

Councilor Precourt moved, Councilor Johnston seconded to close the Public Hearing and “Be it ordered that the City Council grant the renewal application submitted by Saco Plaza LLC d/b/a Ramada Saco for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”.

Further move to approve the Order. The motion passed with seven (7) yeas.

E. CONTRACT ZONE – 184 SIMPSON ROAD – (SECOND & FINAL READING)

Applicant The Ecology School requests consideration of a contract zone that would allow an ecology education program (“School”) to be established on the 105 acre parcel at 184 Simpson Road. Schools are not an allowed use in the C-1 zone.

The application was reviewed by the Planning Board on Oct. 27 and Nov. 10, 2015. The Board held a public hearing, and voted 5-1 to forward a positive recommendation to the City Council, based on the four standards for a

contract zone, Sec. 1403-6 of the Zoning Ordinance. City Council discussed this item during Workshop on November 16th and December 21st. The First Reading was held during the December 21st City Council meeting. The Public Hearing was held during the January 4, 2016 Council meeting. The City Council held an additional Workshop on January 14, 2016 where several amendments were suggested. On January 19, 2016, the City Council held the Second and Final Reading, where twelve amendments were approved. The item was then tabled to the February 1st meeting pending Planning Board input on one additional amendment.

Councilor Precourt moved, Councilor Minthorn seconded to take Agenda Item #E off the table and to bring it back before the Council. The motion passed with seven (7) yeas.

The amendment that was on the floor when this item was last discussed & tabled on Jan 19th is as follows:

AMENDMENT #12 – Councilor Doyle moved, Councilor Gay seconded to incorporate into the contract “Sec III B. – New Structures. Notwithstanding the requirements in Table 412-1 of the Zoning Ordinance, the Property shall contain no more than two dormitories of approximately nine-thousand (9,000) square feet and up to thirty-five (35) feet in height which will be used to house up to 120 students and a building of approximately seven-thousand square feet which will be used as a dining hall, kitchen and classroom, subject to site plan review by the Planning Board. These new structures will be built within the approximately 8.75 acre parcel designated as the “Residential/Farm Area” as permitted by the conservation easement.

-----New Actions taken tonight are shown below-----

AMENDMENT TO THE AMENDMENT #1- Councilor Doyle moved, Councilor Minthorn seconded to amend the amendment to replace the currently proposed language in III. B: New Structures with: Notwithstanding the requirements in Table 412-1 of the Zoning Ordinance, the Property shall contain no more than two dormitories of up to nine thousand (9,000) square feet of Floor Area each and no more than a 4,500 square foot Footprint each and up to three stories in size which will be used to house up to 120 students. Also, a building of up to seven-thousand square feet of Floor Area and no more than a 7,000 square foot Footprint which will be used as a dining hall, kitchen, and classroom. Also, accessory buildings as may be needed to support the School’s mission, subject to site plan review by the Planning Board. These new structures will be built within the approximately 8.75 acre parcel designated at the “Residential/Farm Area” as permitted by the conservation easement, and shall meet all other applicable requirements found in Table 412-1 of the Zoning Ordinance.

Several people spoke – Jesse Thompson - Architect for the Ecology School, John Tarbox – Simpson Rd, Andy Tartre – 157 Simpson Rd, Sue Littlefield – 121 Simpson Rd, Nichol Tifft – Rocky Hill Rd, Kathleen Tartre – 157 Simpson Rd, Jim Molleur – Hickory Hollow, Doreen Metcalf – Simpson Rd, Brian Dupuis - Simpson Rd, Don Girouard – Planning Board Member, Phil Saucier – Attorney for the Ecology School, Tom Merrill – Current Owner of River View Farm, Henry Beeuwkes – Simpson Rd.

Mayor Michaud called for a vote on the motion to amend the amendment. The motion failed with two (2) yeas and five (5) nays – Councilors Precourt, Gay, Roche, Cote and Johnston.

AMENDMENT TO THE AMENDMENT #2 – Councilor Roche moved, Councilor Minthorn seconded Sec. III B. – New Structures: Notwithstanding the requirements in Table 412-1 of the Zoning Ordinance, the Property shall contain no more than two dormitories of up to nine thousand (9,000) square feet of Floor Area and no more than a 4,500 square foot Footprint each and height no more than thirty-five (35) feet from the highest point of the property and up to three stories stories in size which will be used to house up to 120 students. Also, a building of up to seven-thousand square feet of Floor Area and no more than a 7,000 square foot Footprint which will be used as a dining hall, kitchen, and classroom. Also, accessory buildings as may be needed to support the School’s mission, subject to site plan review by the Planning Board. These new structures will be built within the approximately 8.75 acre parcel designated at the “Residential/Farm Area” as permitted by the conservation easement, and shall meet all other applicable requirements found in Table 412-1 of the Zoning Ordinance. The motion passed with seven (7) yeas.

Mayor Michaud called for a vote on the primary amendment which is replacing item #3B in the original contract

with the #3B that was just approved as an amendment. The motion passed with seven (7) yeas.

Mayor Michaud called for a vote on the main original motion which is the over-all contract approval as amended the other evening and including this evening's amendment. Mayor Michaud asked Councilor Precourt who had made that original motion to reiterate it for the record.

Councilor Precourt moved, Councilor Minthorn seconded "The City Council hereby ordains and approves the Second and Final Reading of the document 'Contract Zone Agreement By and Between the Ecology School and the City of Saco' Amended January 26, 2016" including all the amendments previously passed and agreed upon. The motion passed with five (5) yeas and two (2) nays – Councilors Johnston and Gay.

Contract Zone Agreement Between The Ecology School and the City of Saco

(As amended through January 19, 2016)

Current Amendment 12 (tabled)

Additional Amendments from Planning Board Action 1-26-16

THE CITY OF SACO HEREBY ORDAINS:

I. Definitions:

A. The Ecology School

- i. A 501c3 educational nonprofit organization incorporated in December 1998 in Saco, Maine. The mission of the school is to foster stewardship for the earth by reimagining education through the science of ecology and the practice of sustainability. The schools programs bring a rigorous, field-based ecology education curriculum to students, teachers and other program participants through residential programs, multi-year and day program field trips, teacher workshops and vacation programs for kids. The Schools programs provide a hands-on outdoor learning experience and the curriculum serves a growing need to provide authentic science and sustainability experiences to students in natural surroundings including varied ecosystems and farmland.

B. The City of Saco

- i. The Inhabitants of the City of Saco, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal corporation by the name of the "City of Saco." as initially incorporated in the State of Maine and County of York on February 18, 1867.

C. Saco Valley Land Trust

- i. A 501c(3) nonprofit, chartered to hold conservation easements and own land, as well as to promote the concepts of value of preservation of open spaces to wildlife, water quality and quality of place for southern Maine residents.

II. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and as amended, is hereby further amended by adopting this contract by and between the City of Saco and The Ecology School.

A. The Ecology School (the "Applicant" or "School") submitted an application for a contract zone to operate an ecology education school on an approximately 105 acre parcel of land located at 184 Simpson Road, City Tax Map 121, Lot 6 and more particularly depicted on a survey attached as Exhibit A entitled "Standard Boundary Survey for Mary Merrill of the River Bend Farm Parcel (the "Property").

B. The Property is owned by Thomas W. Merrill and Mary R. Merrill as reflected in a deed recorded in Book 16175, Page 690 at the York County Registry of Deeds, and is subject to a contract for the sale of real estate to the Applicant (Attached as Exhibit B).

C. The Property is subject to a Conservation Easement held by the Saco Valley Land Trust as reflected in the

Conservation Easement recorded in Book 8640, Page 232 at the York County Registry of Deeds (Attached as Exhibit C).

- D. The Applicant proposes to establish a new campus on the Property for their ecology education program for children, currently located on Ferry Beach in Saco. The School leads on-campus overnight and day programs, teaches outreach programs at schools, runs camps and publishes curriculum and field guides so that students can better understand and care for the environment.
- E. Approximately 95 acres of the Property will be maintained under the current Saco Valley Land Trust conservation easement for farming, education, research and recreation purposes only. The remaining approximately 8.75+/- acres of the property not under a conservation easement will serve as a "green campus" that can accommodate up to 120 weekly program participants and approximately 10 seasonal staff (educators & other staff) for residential education programs primarily in the spring & fall (weekdays & weekends) and summer (conferences, workshops & camps).
- F. The number of buildings to be permitted hereunder will be based on the lowest ecological footprint possible (including parking) but may include two dormitories of approximately 9,000 square feet each (3 stories in height) and one dining hall/kitchen/classroom space of approximately 7,000 square feet and will be built within the area of the property where new structures are permitted by the Conservation Easement.
- G. The current 1794 farm house and other existing farm buildings will be maintained and would be used for farming & education purposes, office & meeting space and housing.
- H. The property is currently located in the C-1 Conservation District under the Saco Zoning Ordinance (hereafter the "Zoning Ordinance"). The C-1 District does not presently allow, either as a permitted or a conditional use, public or private schools, but the proposed use of the property is consistent with the other permitted uses in the C-1 zone and with the Comprehensive Plan, as more fully described in Section IV(B) and (C) below.
- I. In order for the School to operate on the Property and to construct the necessary student dormitories and other administrative buildings that are essential to the School, certain amendments to the Zoning Ordinance are required.
- J. As stated in Section 1403-1 of the Zoning Ordinance, "Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change."
- K. Recognizing the use restrictions imposed by the Zoning Ordinance, the Applicants hereby makes application for a Contract Zone that would allow the proposed ecology school use as described above to be established and to operate on the Subject Property.
- L. **This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Accordingly, this contract and the contract zone it creates shall not be transferable without approval of the City Council.**
- M. Delivery of services/supplies shall occur between the hours of 8AM and 8PM.
- N. The Applicant shall not permit, authorize or allow parking on Simpson Road nor on the property of neighbors.
- O. To the extent that the Applicant retains any perimeter fencing said fencing shall be either maintained or

removed.

- P. The Ecology School, as part of its curriculum and educational programming, shall commit to supporting the Saco School system, in perpetuity, with at least 66% of all yearly program tuition for school year academic programs that are provided upon mutual agreement between the Saco Schools and The Ecology School. If the Ecology School program is unable to provide support at the 66% level, the value of the overall program is below \$40,000, or the Saco School is no longer able to participate, the Ecology School will make an annual contribution of \$20,000 to the City of Saco.
- Q. A majority (51% or more) of all construction work to be done as part of the Applicant's final and approved development will be done by Maine contractors and tradesmen.
- R. The applicant shall submit evidence of financial capacity and technical ability as part of its site plan review application.

III. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Property as identified above, would allow the Applicant to establish an ecology school use in and associated with the Property, as provided for in Article 14 of the Saco Zoning Ordinance:

- A. Permitted Uses. Notwithstanding Section 410-14 of the Zoning Ordinance, as it may be amended from time to time, and in addition to the permitted and conditional uses in the C-1 District, an ecology school with residential programs, field trips, and outreach programs to schools, workshops, curriculum design, camps and events is a permitted use on the Property.
- B. New Structures. Notwithstanding the requirements in Table 412-1 of the Zoning Ordinance, the Property ~~shall~~ contain ~~up to~~ no more than two dormitories of approximately nine-thousand (9,000) square feet of floor area and no more than a 4,500 square foot footprint each and up to thirty-five (35) feet in height three (3) stories in size which will be used to house up to 120 students, and a building of approximately seven-thousand square feet of floor area and no more than a 7,000 square foot footprint which will be used as a dining hall, kitchen and classroom, ~~along with other necessary buildings to support to the School's mission~~ subject to site plan review by the Planning Board. These new structures will be built within the approximately 8.75 ~~ten~~ acre parcel designated as the "Residential/Farm Area" as permitted by the conservation easement.
- C. Existing Agricultural Buildings. Notwithstanding Section 726 of the Zoning Ordinance, the existing agricultural buildings will be reused for residential and nonresidential purposes to support the School's mission, including for farming, education, office, meeting space and housing purposes. The existing farm structures shall be preserved and maintained as part of the School going forward.

IV. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 1403-5 of the Saco Zoning Ordinance:

- A. Except as set forth above regarding the development and use of the Property, the Applicant shall adhere to all other applicable provisions of the underlying C-1 Zoning District and of the Zoning Ordinance.
- B. The City and Applicant recognize that the boundary plan submitted for contract zone review is representative of the existing site layout, but is subject to change as a result of site plan review conducted by the Planning Board for proposed future structures including dormitories and administrative and classroom buildings. If it is determined by the City that any change in use required by the Planning Board constitutes a significant change in undertakings described in this contract zone, then the Applicant shall also be required to obtain subsequent and additional City Council approval of the change.

- C. Upon approval of this contract by the City Council, the Applicant shall submit materials required for site plan review to the Planning Office. Failure of the Applicant to secure site plan approval within two years of the approval of this Contract by the Saco City Council shall render this Contract null and void.
- D. The above stated restrictions, provisions and conditions are an essential part of this Agreement and shall run with the Property, shall bind the Applicant, their successors and assigns of the Property or any part thereof, and any party in possession or occupancy of the Property or any part thereof, and shall insure to the benefit of and be enforceable by the City, by and through its duly authorized representatives. This Agreement may not be amended except by mutual written agreement of the parties.
- E. Breach of these conditions and restrictions by the Applicant shall constitute a breach of the contract, and the Applicant shall be required to apply for a contract modification. Failure to apply for or to obtain a modification shall constitute a zoning violation, subject to enforcement action pursuant to 30-A M.R.S.A. § 4452 as it may be amended from time to time.
- F. In the event any provision of this Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights and such party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, either in law or in equity. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of Maine except any conflict of laws or provisions applying laws of any other jurisdiction.
- V. Pursuant to authority found in 30-A M.R.S.A. Section 4352(8), and Section 1403 of the Zoning Ordinance, and by vote of the Saco Planning Board on November 10, 2015, and the Saco City Council on January 19, 2015, the following findings are hereby adopted:
- A. The Property identified on City Tax Map 121, Lot 6 is a parcel of an unusual nature and location for the following reasons:
1. In comparison to other ~~most~~ land parcels in the coastal York County area, the River Bend Farm property is an unusually large and ecologically diverse 105 acre farm with a mix of woods, fields, ponds and intervals. In addition, the parcel has almost a half mile of frontage along the Saco River.
 2. River Bend Farm is also unique and unusual in that approximately 96 acres of the property are subject to a conservation easement held by the Saco Valley Land Trust. This land is also partially located in the Resource Protection Zone of the Saco River Corridor, which contains numerous and additional restrictions on the use and development of the land.
 3. The City is of the opinion that non-commercial, architecturally appropriate development is allowed under the conservation easement on the approximate 8.75 acres of the property. In addition, River Bend Farm in its entirety is ideally suited for educational, outdoor ecology and agricultural activities for children and provides a singularly unique location to engage both children and adults with conservation, farming and sustainability.
 4. The property contains historic farm buildings including a 1794 farmhouse and 1840's barn which The Ecology School will preserve and maintain for all times hereafter. The parcel also abuts the historic Stackpole Bridge, and thus provides additional educational opportunities for program participants.

5. The unique combination of conserved and limited-development land along with historic farm buildings on a large and beautiful parcel with accessible river frontage, makes the property unique not only in Saco but in the whole of Southern Maine, and well suited as a location for a School committed to stewardship and educational programming regarding our environment.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Chapter 5, Community Goals and Policies

B. The Local Economy

Local Goals:

To strengthen Saco's role as a service center for the region, including the industrial, commercial, office, health and medical, tourism and hospitality, education and retail.

Chapter 6, Land Use Goals and Policies

Farm and Forest Land

31. The City's policy should be to work to retain the City's farm and forest land in natural resource use while allowing the owners of this land to have reasonable use of this property...

32. The City should work proactively and in cooperation with the owners of farm and forest land to keep this land in production where possible. As part of this effort, the City should actively encourage the owners of this land to make use of the Farm and Open Space and Tree Growth Tax programs. In addition, the City should develop and help fund a program to voluntarily acquire conservation easements/leases on farmland in which the property owner agrees not to develop or subdivide the property during the term of the agreement in return for an annual payment tied to the property taxes paid on the property.

33. Within areas designated as Rural Conservation Areas, the City's land use regulations should allow for the continued operation of traditional agricultural and forestry uses.

Rural Conservation Area (RC)

Vision: The Rural Conservation Area continues to be a primarily rural landscape with agricultural and other natural resource activities. Limited very-low density residential development occurs over time in a manner that preserves both the rural character of this area and large blocks of unfragmented wildlife habitat. Large scale residential developments do not occur in this area.

Allowed Uses: Uses in the Rural Conservation Area are limited to agricultural and forestry activities, other natural resource related uses, and single-and two family homes including manufactured housing units on individual lots. Limited community and commercial activities that are compatible with a rural environment are also allowed. The following types of uses are generally appropriate in this area as a permitted or conditional use: - agriculture and agriculturally related businesses - forestry and natural resource uses including extractive industries - outdoor recreational uses including campgrounds and golf courses - adult and child care facilities - bed and breakfasts - medical services - single and two-family dwellings including manufactured housing units on individual lots - small clustered residential

developments that preserve habitat blocks (See Development Standards) - community facilities such as places of worship, cemeteries, and municipal facilities.

- C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated for areas which are predominantly agricultural in character. Allowed uses in the C-1 include agriculture, public parks and playgrounds, clustered residential projects, places of worship, adult day care centers, agriculturally related business uses, the reuse of existing agricultural buildings, outdoor commercial recreational facilities involving limited structural development, golf courses, campgrounds, nursery schools, day care centers, hospitals and clinics for humans, among other uses. The proposed use is consistent with the character and intensity of these and other uses.
- D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

VI. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, all parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on February 1, 2016.

WITNESS:

CITY OF SACO

By:

name of witness

Kevin L. Sutherland
City Administrator

WITNESS:

THE ECOLOGY SCHOOL

By:

name of witness

Andrew J. Dumsch
Executive Director

A. AUDITOR’S PRESENTATION OF FISCAL YEAR 2015 AUDITED FINANCIALS

Roger Lebreux from RKO – Runyon Kersteen Ouellette presented a financial overview for both the Saco School Department and City of Saco.

Recently, the City of Saco completed the financial audit process. The School Department is part of the City and has been included in the City’s financial statements. We are pleased to report that the City received an unmodified opinion, which means the financial statements are fairly stated in all material respects. Further, the City reported no material weaknesses related to its internal controls. The City did report a federal audit finding related to the school nutrition program. Finally, we wish to express our appreciation to all those who were so helpful to us during the audit process.

The complete “Comprehensive Annual Financial Report for Fiscal Year End June 30, 2015” can be viewed on the cities website at www.sacomaine.org under the Ordinances & Archives Financial Reports.

VII. CONSENT AGENDA

Councilor Roche asked to remove item #A - “Confirmation of Mayors Appointment of Bette Brunswick to the Economic Development Commission” for further discussion.

Councilor Precourt moved, Councilor Minthorn seconded to approve Consent Agenda items #B and C as follows:

B. “Be it Ordered that the City Council grant the application for a License to Operate a Game of Chance as follows: Various Pull Tickets from April 1, 2016 to March 31, 2017 as submitted by the Fraternal Order of Eagles #3792.” Further move to approve the Order.

C. “Be it Ordered that the City Council grant Maegan Phillips a Massage Therapist License in accordance with the Codes of the City of Saco, Chapter 138.” Further move to approve the Order.

The motion passed with seven (7) yeas.

The item commentaries for the above consent agenda as well as the motion and vote on item #A are listed below.

A. CONFIRMATION OF MAYORS APPOINTMENT OF BETTE BRUNSWICK TO THE ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission of the City of Saco has been established to: encourage, promote, solicit, and provide for industrial and business development and growth within the City on land that is particularly adaptable to industrial and business uses; whether publicly or privately owned in areas of the community. The commission is also charged with the gathering of data and research required for economic development and improvement of the City of Saco. Additionally, it shall recommend improvements that require City Council action which support orderly and planned development consistent with the City’s historic character, quality of life and natural environment, and encourage and foster industrial, retail, office, agricultural, tourism, recreation, as well as downtown development.

The Mayor seeks to appoint Bette Brunswick of 11 Old Orchard Road to the Economic Development Commission for a five-year term ending February 1, 2021.

Councilor Precourt moved, Councilor Minthorn seconded “Be it ordered that the City Council confirm the appointment of Bette Brunswick to the Economic Development Commission for a five-year term ending February 1, 2021.” Further move to approve the order.

B. APPLICATION FOR LICENSE TO OPERATE GAMES OF CHANCE – FRATERNAL ORDER OF EAGLES #3792

Fraternal Order of Eagles #3792 has applied for a License to Operate a Game of Chance as follows: Various Pull Tickets from April 1, 2016 to March 31, 2017.

The applicant has submitted their application 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.

C. APPLICATION FOR MASSAGE THERAPIST LICENSE – MAEGAN PHILLIPS

Maegan Phillips who is located at Peak Performance Therapeutic Massage, 334 Main Street has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a copy of her State of Maine Massage Therapist License in compliance with Chapter 138, Sub-section §138-9 Basic proficiency.

VIII. ADJOURNMENT

Councilor Minthorn moved, Councilor Roche seconded to adjourn the meeting at 8:30 p.m. The motion passed with unanimous consent:

Attest: _____
Michele L. Hughes, City Clerk