STATE OF MAINE  
COUNTY OF YORK  
CITY OF SACO

I. CALL TO ORDER – On Monday, March 7, 2016 at 6:40 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, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening. Councilor Gay was excused this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

Councilor Doyle moved, Councilor Minthorn seconded to table the February 16, 2016 minutes until corrections are made to the previous minutes of February 1, 2016. The motion passed with six (6) yeas.

V. GENERAL RECOGNITION OF THORNTON ACADEMY’S WORLD QUEST TEAM

On February 3rd, 2016 Thornton Academy AP Human Geography students won First and Second Place at the statewide Maine Academic WorldQuest competition for high school students held at Falmouth High School. This was Thornton Academy’s first year participating in the competition. Thornton Academy was represented by four teams with students from Saco and Arundel, as well as the countries of Thailand, Vietnam, China, and Kazakhstan, and were coached by faculty members Mr. Tom Rackmales and Mr. Mike Nelson.

Academic WorldQuest is a national education program with the goal of informing and engaging high school students in global affairs. Teams of four to eight people competed for six rounds of ten questions each. The 2016 categories were: Geography, The Arctic, NATO, Asia Matters, Food Security, and Current Events.

The team who won First Place earned an expense-paid trip to Washington D.C. in April to participate in the national competition, as well as a $1500 scholarship towards CIEE sponsored Global Navigator summer program.

Mayor Michaud and Coach Nelson presented the students with city pins.

Class of 2016 (Seniors):  
Erin Acheson  
Lauren Bishop  
Lauren Dickson  
Linh Do  
Shannon Fraley  
Napat (Dew) Intarachumnum  
Miraz Karazhigitov  
Tai Duc Nguyen  
Emily Richards

Class of 2018 (Sophomores):  
Amber Coxen  
Vincent Falardeau  
Owen Hey  
Ethan Nadeau  
Ethan Richards  
Elizabeth Roy  
Ella Stillman

VI. AGENDA

A. ZONING ORDINANCE AMENDMENTS: SECTIONS 805, 1102.12 AND 1106.16 RELATED TO STORMWATER RUN-OFF – (PUBLIC HEARING)

The proposed amendments to Section 805 are necessary to update the Zoning Ordinance to ensure compliance with current requirements of the Maine DEP and the Small Municipal Separated Storm Sewer System (MS4) program; maintain the City’s delegated review authority from Maine DEP; improve standards for inspection and maintenance of stormwater facilities; and improve water quality protection to the natural receiving water systems throughout the City.

The Planning Board considered this twice in workshop and held public hearings on December 15, 2015, and on Jan.
The Board recommends that the amendments be adopted as proposed. The City Council discussed these amendments during workshop on February 8, 2016 and the first reading was held on February 22, 2016.

Councilor Johnston moved, Councilor Precourt seconded to open the Public Hearing for the document titled, “Amendment to Sections 805, 1102.10, and 1106.18, January 19, 2016”. The motion passed with six (6) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Doyle seconded to close the Public Hearing and further move to set the Second and Final Reading for March 28, 2016. The motion passed with six (6) yeas.

"Amendments to Sections 805 – Stormwater Run-Off, 1102.10, and 1106.18, January 19, 2016"

Section 805. Stormwater Run-Off (Amended 3/2/92; 6/18/2001; 6/1/09; 7/16/12; ??/?/16)

In general, surface water run-off shall be minimized, and it shall be the responsibility of the person developing the land to demonstrate that the work will not have an adverse impact on abutting or downstream properties. Sites shall be designed to minimize the amount of impervious area with a focus on reducing vehicle areas, including parking, drives, aisles, and service areas.

The volume of stormwater discharged from any parcel shall be minimized through the use of on-site infiltration, detention, or retention to the extent practical. When stormwater must be discharged from a parcel, the preferred method is to discharge into the natural drainage system. Discharge of stormwater to the City’s Municipal Separated Storm Sewer System (MS4) shall be allowed only when on-site retention and/or discharge to the natural system is not practical.

Infiltration, detention, or retention of stormwater shall assure that the Total Maximum Daily Loads (TMDLs) that have been established by the U.S. Environmental Protection Agency for various waterbodies in the City will be met to the extent practical. The disposal of stormwater shall not constitute a threat to public health, safety and welfare and shall not degrade the quality of surface water or groundwater below city, state or federal standards.

The City is a regulated community under the National Pollutant Discharge Elimination System (NPDES) MS4 Program; therefore, provisions for stormwater runoff management are required for all new development or redevelopment projects (Site Plan and Subdivision) that result in one or more acres of disturbed area. In determining if the threshold has been met, all disturbed area created after December 27, 2006 (original effective date of this provision) shall be included in this total. This provision also applies to projects disturbing less than one acre, if the construction activity is part of a larger common plan or development or sale that would disturb one or more acre. This provision does not apply to any new development or redevelopment on a parcel that is part of a subdivision previously approved under this Ordinance that has a compliant Post-Construction Stormwater Management Plan with sufficient capacity to accept and treat increases in stormwater discharges associated with the project.

Projects resulting in one or more acre of disturbed area shall be subject to the requirements of the Maine General Construction Permit (MGCP): Maine State Stormwater Management Law, 38 MRSA § 420D and the latest revision of the “Stormwater Management Rules” Chapters 500, 501 and 502; and the requirements of Section 805-1 and 805-2 of the City’s Ordinance. Where the standards or provisions of such stormwater rules conflict with City ordinances, the stricter (more protective) standard shall apply.

Smaller projects resulting in less than one acre of disturbed area but more than 10,000 square feet of new or redeveloped impervious area are subject to the requirements of Section 805-3 of the City’s Ordinance.

805-1. Stormwater Quantity and Quality Control

All projects subject to this section shall be designed with adequate provisions for the proper quantity and quality control management of all stormwater from a proposed development through a stormwater drainage system that will not have adverse impacts on abutting or downstream properties. The stormwater drainage system shall be designed to meet the standards contained in the most recently revised version of the Maine Department of Environmental Protection’s “Stormwater Management Rules” Chapters 500, 501 and 502; comply with the practices described in the most recently revised version of the “Maine Stormwater Best Management Practices Manual”; and meet the requirements of Section 805-2.

1. To the extent possible, the design shall dispose of stormwater runoff on the land at the proposed development through the appropriate use of the natural features of the site. Stormwater runoff systems will infiltrate, detain, or retain stormwater falling on the site such that the rate of flow from the site does not exceed that which would occur in the undeveloped state for a storm of intensity equal to the 2, 10, 25 and 50-year storm events.
2. If the postdevelopment peak runoff rate exceeds the predevelopment peak runoff rate, on-site mitigation measures, such as detention basins or flow restrictors, shall be required.

3. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.

4. The design of the storm drain system shall fully incorporate the existing upstream runoff which must pass over and/or through the site to be developed. The system shall be designed to pass upstream flows without surcharging the system. Any special roadway culvert crossing designed to meet other applicable state regulations (i.e. fish passage) shall be specifically identified on the plans.

5. Proposed alterations in stormwater drainage paths shall not enable the crossing of runoff over a city street in order to enter a drainage system.

6. A waiver may be granted by the Department of Public Works to discharge an insignificant increase in stormwater runoff to the MS4 when all of the following conditions are met:

   A. A drainage study is prepared by a professional engineer licensed in the State of Maine, which demonstrates that the increase has no adverse impact to the downstream conditions, including impacts on abutting or city properties. Improvements may be required of the developer to prevent adverse downstream impacts caused by the project.

   B. The increase in the peak flow from the site or in the peak flow of the receiving waters cannot be avoided by reasonable changes in project design or density.

   C. Written authorization to discharge the increased peak flow rates has been provided by the Director of Public Works.

7. At the time of application, the applicant shall notify the Department of Public Works if its stormwater management system includes any Stormwater BMP(s) that will discharge to the City’s MS4 and shall include in this notification a listing of which Stormwater BMP(s) will so discharge.

805-2 POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN

All projects subject to this section shall be designed to meet the following requirements:

1. The applicant may meet the quantity and quality standards listed in Section 805-1 above either on-site or off-site, but where off-site facilities are used, the applicant shall submit documentation to the City that the applicant has sufficient property interest where the off-site facilities are located – by perpetual easement or other appropriate legal instrument – to ensure that the facilities will be available to provide post-construction stormwater management for the project and that the property will not be altered in a way that interferes with the off-site facilities.

2. Where the applicant proposes to retain ownership of the stormwater management facilities shown in its Post-Construction Stormwater Management Plan, and the stormwater management facilities will not be dedicated to the City, the applicant shall enter into a Maintenance Agreement with the City. The form of the Maintenance Agreement is attached as Form 1. The applicant shall cause the Maintenance Agreement to be recorded in the York County Registry of Deeds within 30 days of the date of execution of the Agreement. Failure to comply with the terms of the Maintenance Agreement shall constitute a violation of this Ordinance.

3. Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the City for acceptance as public facilities, the Planning Board may require that perpetual easements be provided to the City allowing access for maintenance, repair, replacement and improvement of the stormwater management facilities in accordance with the approved Drainage Maintenance Agreement. If an offer of dedication is proposed, the applicant shall be responsible for the maintenance of these stormwater management facilities until such time (if ever) they are accepted by the City. Nothing in this Ordinance requires the City to accept any stormwater management facilities offered or dedicated by the applicant.
4. Any person, business, corporation or other entity owning, leasing or having control over stormwater management facilities required by a Post-Construction Stormwater Management Plan shall demonstrate compliance with that Plan as follows:

A. That person shall, at least annually, inspect, clean and maintain the stormwater management facilities, including, but not limited to, any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all City and State inspection, cleaning and maintenance requirements of the approved Post-Construction Stormwater Management Plan.

B. That person shall repair any deficiencies found during inspection of the stormwater management facilities.

C. That person shall, on or by July 15th of each year, provide a completed and signed certification to the Department of Public Works certifying that the person has inspected, cleaned and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted during the annual inspection. The form of the Annual Stormwater Certification is attached as Form 2.

D. The required inspection(s) must be conducted by a qualified inspector employed by the responsible person. The qualified inspector shall perform an initial inspection to determine the status of the stormwater management facilities. If the initial inspection identifies any deficiencies with the facilities, the same qualified inspector shall reinspect the facilities after they have been maintained or repaired to determine if they are performing as intended.

E. The qualified inspector means a person who conducts post-construction stormwater management facilities, Best Management Practice (“BMP”) inspections and meets the following qualifications:

1.) The inspector shall not have any ownership or financial interest in the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property; and

2.) The inspector shall have a working knowledge of Chapter 500, Stormwater Management Rules, and Maine’s Stormwater BMP Manual, and

3.) The qualified inspector shall meet at least one of the following criteria outlined in a-c below; or the qualified inspector must be on the DEP’s list of approved post construction stormwater BMP inspectors.

Non-Proprietary Stormwater Management Facilities

a.) Has a college degree in environmental science or civil engineering and is a professional engineer with at least three years of experience designing, evaluating or inspecting stormwater management facilities; or

b.) Has a college degree in an environmental science or civil engineering, or comparable expertise, and has demonstrated a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for Stormwater Management Facilities, and has the ability to determine if stormwater facilities are performing as intended. This qualification must be accompanied by two professional references to be valid; or

c.) Has successfully completed the requirements of a DEP training course on inspecting post-construction stormwater management facilities. Note: successful completion may require receiving a passing grade in an examination at the conclusion of the course.
Proprietary Stormwater Management Facilities

a.) Proprietary stormwater management facilities must be inspected by a person approved by the manufacturer.

5. In order to determine compliance with this section and with the Post-Construction Stormwater Management Plan, the Director of the Department of Public Works or his/her designee may enter upon a property at reasonable hours and after making a good faith effort to contact the owner, occupant or agent to inspect the stormwater management facilities. Entry into a building shall only be after actual notice to the owner, occupant or agent.

6. Submission Requirements

A. Post-Construction Stormwater Management Plan shall conform to the applicable submission requirements of Section 8 of DEP Chapter 500 Rules.

The applicant shall provide the City with an electronic version of the Post-Construction Stormwater Management Plan in a format that is compatible with the City’s requirements. Following completion of construction, the applicant shall provide the City with an updated version of the plan showing the Stormwater Management Facilities as actually constructed.

The Planning Board may modify or waive any of the submission requirements for a Post-Construction Stormwater Management Plan if the Board finds that, due to the unique physical characteristics of the site or the scale of the proposed activity, the information is not required to allow the Board to determine if the applicable stormwater management standards are met.

B. As-Built Certification. Prior to the issuance of a Certificate of Occupancy for a project requiring a Post-Construction Stormwater Management Plan under this Ordinance, the Applicant shall submit evidence in the form of a letter with as-built survey plan prepared and stamped by a Professional Engineer who either prepared the Post-Construction Stormwater Management Plan and its associated Facilities or supervised the Plan and Facilities construction and implementation. The letter or plan shall certify that the Stormwater Management Facilities have been installed in accordance with the approved Post-Construction Stormwater Management Plan and that they will function as intended by said Plan. The as-built survey plan shall be performed for all post-construction stormwater facilities to document general conformance with the approved plans.

805-3. DRAINAGE PLAN

Activities that are not subject to site plan review that result in the expansion or alteration of an existing building or structure that results in the creation or redevelopment of ten thousand (10,000) square feet of impervious surface area shall meet the requirements for a Drainage Plan. New principal buildings that are located in a subdivision with an approved Post-Construction Stormwater Management Plan are not required to comply with the requirement for a Drainage Plan if the approved Stormwater Management Plan contains provisions that adequately address surface drainage related to the construction of the building as determined by the Code Enforcement Officer.

The Drainage Plan shall meet the “urban impaired stream standard” when located within a watershed designated by the Maine Department of Environmental Protection as an Urban Impaired Watershed.

The Drainage Plan shall demonstrate that the proposed improvements are designed to minimize the amount of stormwater leaving the site. This shall include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The Drainage Plan shall provide for the treatment of 0.5 inches of runoff from ninety (90) percent of the new or redeveloped impervious area and 0.2 inches of runoff from seventy-five (75) percent of the new or redeveloped non-impervious surface area. The use of LID practices appropriate for the type of development as set forth in Chapter 10 of the DEP Stormwater Manual, Volume III-BMPs Technical Design Manual is encouraged but not required.
A. The Drainage Plan must also demonstrate that:

1. any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;

2. any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;

3. any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City’s property; and

4. Any increase in volume or rate of stormwater draining from the lot into the City’s separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.

B. Submission Requirements

A Drainage Plan must include a written statement demonstrating how the project has been designed to minimize the volume and rate of stormwater leaving the site including provisions for minimizing the area of impervious surface or the use of LID practices, and a plan and supporting documentation with at least the following information:

1. The location and characteristics of any streams or drainage courses existing on the parcel and/or abutting parcels.

2. The existing and proposed grading of the site using one-foot contours.

3. The location and area of existing and proposed buildings and impervious surfaces on the site.

4. The existing pattern of stormwater drainage on the site, including points of discharge to the City’s storm sewer system or adjacent properties.

5. The proposed pattern of stormwater drainage after development, including the location and design of any stormwater facilities.

The Planning Board may modify or waive any of the submission requirements for a Drainage Plan if the Planning Board determines that the information is not required to determine if the drainage standard is met.

805-4. STANDARDS FOR EASEMENTS AND RIGHT-OF-WAY

Drainage easements containing components of the stormwater water runoff system lying outside of the public right-of-way lines shall conform to the following standards:

A. The minimum width of the easement shall be thirty (30) feet, provided that where a watercourse or retention area is wider than thirty (30) feet, the Planning Board may require a drainage easement of adequate width to conform substantially to the lines of such watercourse or retention area, including additional width to provide access. The Planning Board may reduce the width of the easement upon a positive recommendation from the Director of Public Works, if the narrower easement will allow the stormwater facilities to be maintained or if the unique characteristics of the site make the creation of a wider easement impractical.

B. Where a drainage easement will contain an open channel, stream or drainage way, the easement shall be designed and landscaped to further the objectives of the Stormwater Management Plan. The natural landscape shall be retained to the extent practical as determined by the Planning Board.

C. Where a drainage easement will contain a closed conduit, the easement shall be centered
along the conduit.

D. Any public stormwater management system that will be offered to the City for acceptance as public facilities shall be located on the separate parcel of land deeded to the City.

1102.10. Site Developments requiring stormwater permits pursuant to Title 38 MRSA Section 420-D shall, to the extent permitted under 38 MRSA Section 489-A, be reviewed under the procedures of Article XI of this Ordinance; and, they shall meet and comply with those Rules promulgated by the Bureau of Environmental Protection pursuant to Section 420-D, specifically Rules 500 and 502, adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by the Legislative Resolve, Chapter 87, Public Laws of 2005 (LD 625/HP 458). The latest revision of the “Stormwater Management Rules” Chapters 500, 501 and 502 shall apply. (Amended 3/20/06; ___/16)

1106.18 WATER QUALITY
A. Surface Water: The proposed development will conform to the following standards:
1) The project will not discharge any water pollutants which affect the state classification of any water body (38 M.R.S.A. § 363 et seq.)
2) The project will conform to the stormwater quality standards of section 805
3) The project will not change water temperatures more than permitted by DEP regulations 582-1 through 582-8.

B. AMENDMENT TO SACO CODE, CHAPTER 112 – GENERAL ASSISTANCE MAXIMUMS – (SECOND & FINAL 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, held the first reading February 1, 2016 and the Public Hearing on February 16, 2016.

Councilor Cote moved, Councilor Johnston seconded “The City Council hereby ordains and approves the Second and Final Reading for 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.” The motion passed with six (6) yeas.

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

**Appendix A - GA Overall Maximums**

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Appendix B - Food Maximums

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Appendix C - GA Housing Maximums

Unheated Units

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Heated

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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:

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**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:

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<tr>
<td>6</td>
<td>$41.00</td>
<td>$176.00</td>
</tr>
</tbody>
</table>

**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.
C. RENEWAL OF TAXICAB BUSINESS LICENSE – A1 CAB SERVICE – (PUBLIC HEARING)

A-1 Cab Service LLC has applied for a Taxicab Business License for a term of one calendar year.

The applicant has paid all applicable license fees and the clerk has properly advertised the public hearing in accordance with Chapter 195 – Taxicabs, Subsection 195-3 Licenses required and Subsection 195-4 Application for Taxicab Business License.

Councilor Johnston moved, Councilor Precourt seconded to open the Public Hearing. The motion passed with six (6) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Minthorn seconded to close the Public Hearing and “Be it Ordered that the City Council grant A-1 Cab Service a Business License for a term of one calendar year”. Further move to approve the order. The motion passed with six (6) yeas.

D. JOINT BIDDEFORD SACO COUNCIL RESOLUTION – (FIRST READING)

WHEREAS, the City Councils of Biddeford and Saco held a joint meeting on January 11th, 2016 to re-focus our commitment to working together in order to strengthen our communities. Going forward, the Cities of Biddeford and Saco wish to work in close cooperation to find opportunities to reduce municipal operating and capital costs, improve service to the public, and promote economic growth in our region; and

WHEREAS, to encourage such efforts, periodic joint meetings may be held between the City Councils. In addition, the Saco City Administrator and Biddeford City Manager should make every effort to meet at least quarterly to discuss issues of mutual concern and explore areas of further cooperation: Now, therefore

Councilor Precourt moved, Councilor Roche seconded “BE IT RESOLVED that the City of Saco on this 28th day of March establish a joint steering committee with Biddeford. The committee shall consist of the two (2) Mayors and two (2) City Councilors from each community. The Saco City Administrator and Biddeford City Manager shall staff the committee. The committee shall meet at least quarterly but may meet more often. The meetings shall rotate between each city. The host community shall provide staff support for the meeting and the Mayor of the host community shall chair the meeting; and

BE IT FURTHER RESOLVED, it is recommended that the City Councils meet at least twice annually in joint session. The meetings shall take place in January and September of each year. The location of the meeting shall be set by the host community with rotation between the communities. The host community will provide the staffing for the meeting. The meeting shall be jointly run by the two Mayors with the host community Mayor taking the lead. The steering committee will provide recommendations for the establishment of the agenda for the joint meetings with the respective Mayors having the responsibility to finalize the agenda for the joint meetings.

BE IT FURTHER RESOLVED, each year, the City Administrator/Manager shall provide a report to the City Council during the annual budget message outlining the current cooperative efforts between the Cities. There shall be specific emphasis on those efforts that have been improved and initiated. Any efforts that have been terminated or reduced shall also be identified. The report shall be made part of the public documents that are included with the annual budget message.”

Further move to send this to a second reading. The motion passed with six (6) yeas.

E. RENEWAL OF LICENSE AGREEMENT FOR RIZMARTZ LLC

The City of Saco proposes to enter into a License Agreement (renewal) with RizMartz, LLC (and Tyler Martel)
(Vendor) to locate a drink/snack truck on the premises of the Saco Transportation Center located at 138 Main Street, Saco, Maine. The vendor wishes to occupy no more than two parking spaces with a drink/snack truck from May 1, 2016 through October 31, 2016 for a fee of $1,000.00.**

*NOTE: There will be no food preparation done on the drink/snack truck.

**NOTE: The fee for 2015 was $750.00 for a May 20 thru October 31 season. Revised fee set for a longer season is proposed at $1,000.00.

The City reserves the exclusive right to terminate this license at any time and for any reason. It is the responsibility of the Vendor to adhere to the City and State codes, parking restrictions including not utilizing the 7 spaces reserved for the Transportation Center tenant.

Councilor Johnston moved, Councilor Precourt seconded “Be it ordered that the City Council approve the renewal of a License Agreement by and between the City of Saco and RizMartz, LLC, to operate a drink/snack truck from May 1, 2016 through October 31, 2016 at a parking space at the Saco Transportation Center located at 138 Main Street, Saco, Maine.” Further move to approve the Order. The motion passed with six (6) yeas.

DRAFT LICENSE AGREEMENT

NOW COME the parties, the City of Saco, a municipal corporation located at 300 Main Street, Saco, Maine (hereinafter the “City”) and RizMartz, LLC (hereinafter the “Vendor”) of 229 Boom Road, Saco, Maine who state and agree as follows:

1. City owns certain real property at 138 Main Street known as the Saco Transportation Center. Vendor is desirous of locating a drink/snack truck for the purpose of selling drinks and snacks on those premises and the party herein agree such use is permitted subject to the following additional terms and conditions.

2. Vendor may occupy no more than two (2) parking spaces with their sales cart from May 1, 2016 through October 31, 2016 for a fee of One Thousand and 00/100 U.S. Dollars $1,000.00 said fee payable upon the execution of this license. The City shall assign Vendor to a location, and Vendor will occupy said space through the term of this license.

3. City reserves the exclusive right to terminate this license at any time and for any reason. If City does terminate said license, it shall reimburse on a pro-rata basis, that portion of the annual fee representing days left through October 31.

4. Vendor may enter and occupy his/her location during regular hours (6:00 a.m. to 11:00 p.m.) but must not leave any materials, fixtures, equipment, etc. on site overnight at any time. Vendor’s property is his/her responsibility, and he/she herein releases the City from any claim for lost, damaged or stolen equipment, supplies or materials.

5. Vendor will at all times control litter and clean up any wastes or messes resulting from his/her operation, and shall at all times keep his/her immediate premises clean, sanitary and free of refuse/litter. Vendor will provide two (2) receptacles, one for trash and one for cans. All trash will be removed daily. Failure to comply with this condition shall constitute a violation of this license, and shall afford the City the option to terminate Vendor’s license. Vendor may not alter or otherwise make improvements to the premises without the written approval of City.

6. Vendor shall not interfere with the City or public’s use, maintenance and/or operation of the Saco Transportation Center parking lot. Vendor will not use electrical service provided at the Parking Lot.

7. Vendor releases, indemnifies and agrees to hold City harmless from all suits, claims, demands, costs, expenses, causes of action, and judgments (including reasonable attorney’s fees) related to or arising
from his/her acts and operations under this License Agreement, as well as from any acts taken by City related to or connected with the Transportation Center.

8. Vendor shall maintain commercial liability insurance with coverage of no less than $400,000.00 which policy/coverage shall name the City as a certificate holder.

9. Vendor shall comply with all local, state and federal laws, statutes, regulations and ordinances.

Dated at Saco, Maine this __ day of May, 2016.

______________________________  ______________________________
Kevin L. Sutherland         Vendor
City Administrator

F. LICENSE AGREEMENT FOR BENJIE’S MEMPHIS STYLE BBQ LLC

The City of Saco proposes to enter into a License Agreement (New) with Benjie’s Memphis Style BBQ (and Jane Lombard) (Vendor) to locate a food truck serving BBQ sandwiches and smoked ribs on the premises of the Saco Transportation Center located at 138 Main Street, Saco, Maine. The vendor wishes to occupy no more than two parking spaces with a food truck from March 9, 2016 through October 31, 2016 for a fee of $1,288.00. Licensee will obtain and pay all other required food service licenses.

The City reserves the exclusive right to terminate this license at any time and for any reason. It is the responsibility of the Vendor to adhere to the City and State codes, parking restrictions including not utilizing the 7 spaces reserved for the Transportation Center tenant.

Councilor Johnston moved, Councilor Minthorn seconded “Be it ordered that the City Council approve the License Agreement by and between the City of Saco and Benjie’s Memphis Style BBQ (and Jane Lombard) to operate a food truck from March 9, 2016 through October 31, 2016 at a parking space at the Saco Transportation Center located at 138 Main Street, Saco, Maine.” Further move to approve the Order. The motion passed with six (6) yeas.

DRAFT LICENSE AGREEMENT

NOW COME the parties, the City of Saco, a municipal corporation located at 300 Main Street, Saco, Maine (hereinafter the “City”) Benjie’s Memphis Style BBQ (and Jane Lombard) (hereinafter the “Vendor”) of 2 Main Street, Biddeford, Maine who state and agree as follows:

1. City owns certain real property at 138 Main Street known as the Saco Transportation Center. Vendor is desirous of locating a drink/snack truck for the purpose of selling drinks and snacks on those premises and the party herein agree such use is permitted subject to the following additional terms and conditions.

2. Vendor may occupy no more than two (2) parking spaces with their truck from March 9, 2016 through October 31, 2016 for a fee of One Thousand Two Hundred Eighty Eight and 00/100 U.S. Dollars $1,288.00 said fee payable upon the execution of this license. The City shall assign Vendor to a location, and Vendor will occupy said space through the term of this license.

3. City reserves the exclusive right to terminate this license at any time and for any reason. If City does terminate said license, it shall reimburse on a pro-rata basis, that portion of the annual fee representing days left through October 31.

4. Vendor may enter and occupy his/her location during regular hours (6:00 a.m. to 11:00 p.m.) but must not leave any materials, fixtures, equipment, etc. on site overnight at any time. Vendor’s property is
his/her responsibility, and he/she herein releases the City from any claim for lost, damaged or stolen equipment, supplies or materials.

5. Vendor will at all times control litter and clean up any wastes or messes resulting from his/her operation, and shall at all times keep his/her immediate premises clean, sanitary and free of refuse/litter. Vendor will provide two (2) receptacles, one for trash and one for cans. All trash will be removed daily. Failure to comply with this condition shall constitute a violation of this license, and shall afford the City the option to terminate Vendor’s license. Vendor may not alter or otherwise make improvements to the premises without the written approval of City.

6. Vendor shall not interfere with the City or public’s use, maintenance and/or operation of the Saco Transportation Center parking lot. Vendor will not use electrical service provided at the Parking Lot.

7. Vendor releases, indemnifies and agrees to hold City harmless from all suits, claims, demands, costs, expenses, causes of action, and judgments (including reasonable attorney’s fees) related to or arising from his/her acts and operations under this License Agreement, as well as from any acts taken by City related to or connected with the Transportation Center.

8. Vendor shall maintain commercial liability insurance with coverage of no less than $1,000,000.00 which policy/coverage shall name the City as a certificate holder.

9. Vendor shall comply with all local, state and federal laws, statutes, regulations and ordinances.

Dated at Saco, Maine this ___ day of May, 2016.

______________________________  ______________________________
Kevin L. Sutherland                Vendor
City Administrator

VII. CONSENT AGENDA

Mayor Michaud noted that item #B – Confirmation of Mayors Reappointments to the Planning Board was being pulled from the agenda tonight because it wasn’t ready.

Councilor Johnston moved, Councilor Roche seconded to approve consent agenda items #A and #C as follows:

A. Be it ordered that the City Council confirm the reappointment of Andrea Morshead, Robert Quentin, Robert M. Tkacik, Jr. and Roger Johnson to the Economic Development Commission, each for five-year term ending February 28, 2021. Further move to approve the order;

C. “Be it Ordered that the City Council does hereby approve with reference to York County Superior Court Docket #CR-15-158-Criminal Forfeiture, of the transfer of assets to the City of Saco, pursuant to 15 M.R.S. §5824(3) and/or §5826(6). Further move to approve the order.

The motion passed with six (6) yeas.

A CONFIRMATION OF MAYORS REAPPOINTMENT TO THE ECONOMIC DEVELOPMENT COMMISSION

The Economic Development Commission of the City of Saco has been established to: encourage, promote, establish, solicit and provide for industrial and business development and growth within the City on land that are particularly adaptable to industrial and business uses; whether publicly or privately owned in areas of the community. The commission is also charged the 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 reappoint: Andrea Morshead, Robert Quentin, Robert M. Tkacik, Jr. and Roger Johnson to the City of Saco Economic Development Commission.

C. ASSET FORFEITURE – STATE VS. SHARKEEM WILLIAMS

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

This matter, State v. Sharkeem Williams involves the forfeiture of $851.00.

VIII. EXECUTIVE SESSION

Councilor Precourt moved, Councilor Doyle seconded “Be it Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, Subchapter 1, §405 (6)] move to enter into Executive Session to discuss: (D) Labor Contract Negotiations for Saco Professional Firefighters Association I.A.F.F. 2300”. The motion passed with six (6) yeas. TIME: 7:10 p.m.

IX. REPORT FROM EXECUTIVE SESSION

Councilor Johnston moved, Councilor Doyle seconded to move from the Executive Session. The motion passed with six (6) yeas. TIME: 7:53 p.m.

Mayor Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston.

There was no report this evening.

X. ADJOURNMENT

Councilor Johnston moved, Councilor Doyle seconded to adjourn the meeting. The motion passed with unanimous consent. Time: 7:53 p.m.

Attest:________________________________  Michele L. Hughes, City Clerk