

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Tuesday, April 19, 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, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening. Councilors Doyle and Roche were excused this evening.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

There were no minutes to approve this evening.

V. GENERAL

➤ **RECOGNITION OF CHUCK TSOMIDES, VOLUNTEER APPRECIATION**

Mayor Michaud read the following recognition:

As many of you know, April is National Volunteer Month, a time when we say thank you to all of those individuals who take the time and make the effort to share their time and talents to help make our community a better place to love and work. The Bureau of Labor Statistics recently reported that, on a yearly average, over 64 million people volunteered in some way to help others in our nation.

This evening I want to take a moment to recognize an individual who has spent a lifetime volunteering his time and efforts in a way that we may not always recognize but is an essential element in helping our children succeed in the world of sports.

Chuck Tsomides has been a life long supporter of the Thornton Academy Trojans. He has been a fixture at the games for years supporting the team win or lose. His support was further demonstrated when he served as the emcee at a recent event held at the Wardwell where the team's efforts were shared with the home's residents; once again demonstrating his commitment to the team and its members and helping to build community relationships.

On behalf of the Saco community I want to take a moment this evening to thank Chuck for always being there supporting our high school athletes as they learned some of life's valuable lessons on how to deal with defeat and to celebrate victory.

VI. AGENDA

A. AMENDMENT TO SACO CODE: CHAPTER 99 – FIREARMS – (PUBLIC HEARING)

Saco is well-known for its horse farms and breeders in the Buxton Road/Louden Road areas. As equine enthusiasm continues to expand, an interest in western-style mounted cowboy shooting sports has developed as well.

Enthusiasts of this activity have requested an ordinance change necessary to permit them to legally conduct competitions and demonstrations in the Shotgun Only zone. Currently this is not permissible by ordinance (Chapter 99 Firearms). The Saco City Code only permits the discharge of shotguns and muzzleloaders in the area where two of the primary horse farms with an expressed interest in mounted cowboy shooting sports are located. This sport does not involve discharging projectiles, as only blank cartridges are used. However, ordinance changes are necessary to permit the activity, as the firearms the blank cartridges are discharged from meet the federal, state, and city definitions of 'firearm'.

An additional issue the suggested changes attempt to address is to permit blank cartridges to be discharged for

limited purposes (military ceremonies, theatrical purposes, etc).

And finally, language/structural changes to the current ordinance were addressed as explained.

City Council discussed during Workshop on March 14, 2016 and suggested revisions to Chapter 99.

Councilor Precourt moved, Councilor Minthorn seconded to open the Public Hearing for the amendment to the Saco Code, Chapter 99-Firearms.

Mark Taylor, 4 Knoll Dr. – We are one of the 2 horse farms that is interested in having this sport be conducted in the area. Along with cowboy mounted shooting there are 4 other western related activities that have come to the area: cow penning, western gaming which is bell racing, pull racing and other sports. River Winds Farm has expressed an interest in expanding her facility to be able to hold regional competitive events in these 4 areas. So in addition to supporting the equine sports that are there, this will bring revenue into the town because this will attract people from a regional area to come to town on multi-day sports activities in these 4 sport areas. Aside from the fact of supporting the equine horse community that is already here it would be nice to bring additional revenue into the town.

Bill Ledoux, Biddeford Resident. – Mr. Ledoux is the President of the Maine Cowboy Shooters. He has been doing this for 12 years and in Maine for about 7 years. In all this time we have had no accidents other than people falling off their horse. We do shoot live blanks which go about 15 feet. We are insured and I don't see anything that really unsafe about it other than a person falling on his horse. The Police Dept. has already said they don't see much of a safety issue. If anybody has any questions what-so-ever I would be glad to answer them.

Dr. Victoria Rogers, 172 Smutty Lane – Dr. Rogers noted that she lives next to Mr. Taylor and that they are very close to this and we have just been having this conversation and if anybody wants to see how close this farm is you can come on out as the Police Chief did. I'm okay with all this but we are within that 100 yards of this so Mark and I were just saying we want people to know if you are really close you need to get permission to shoot the guns. So my husband and I are okay with that as long as we have conversations. I think other people that may be close need to understand that. It is loud, fun and loud and I get it and it is close to my back yard. So, I just wanted it known that we are in support of it as long as we have conversations and we have good neighbors here so we are confident that we can do that. Dave (Councilor Precourt) came out to the house last week and so how close we are. So, out on Smutty Lane we are kind of in the country, it is not like being down here. So that is why it is really important to have some distance.

Mayor Michaud noted that Dr. Rogers mentioned "permissions" and asked for a clarification on her statement.

Dr. Rogers replied that her understanding was that to shoot a gun within 100 yards of a dwelling they need permission from the home owner. We are happy to do that and we have talked about the situation, but we really do not want to be around for the 2 hours they would be practicing that and we are happy to not be there because it is too loud. This happened last year and we had to call the police and say we were pretty surprised at how loud this is. So, we are okay but we can't be there when this practice happens. It is not the competition. We are not close to the competition. It is when the practices are happening. Again, me and Mark have talked and we will work this out as good neighbors but we can't be there when the practice is going on, it is quite loud.

Mark Taylor – Just as a follow up to that. We have spoken to all the neighbors in the area and it happened that on that particular day just before we were going to do it they weren't home. Everyone else we spoke to pretty much said "yeah this is Maine, don't worry about it". We will continue to do what we said, anytime we are doing practice at our facility, we can't do a competition at our facility because it is not big enough. So it will be a practice only maybe twice a year before the competitive season starts. When competitive season starts and it is definitely not every weekend, we would still go back to those neighbors and say "hey we are running a 2-hour practice session on this date and time". We would just continue to do that.

Mary Johnson, Simpson Rd – Mrs. Johnson came because she wanted to learn about this. I only saw the article in the newspaper and I think from what Dr. Rogers said, we really don't know the impact on the neighborhood and we are within that distance across the river from them. We won't know until we actually hear the sounds and I think it could be very disturbing especially on a weekend and on Sunday. So I would just like to hear more information and to have something submitted so that we can know further about.

Mayor Michaud asked Chief Brad Paul to answer some on Mrs. Johnson's questions about the facility, locations and those types of things.

Police Chief Brad Paul – Chief Paul noted that State Law which Dr. Roger's had referred to because of what we are proposing to permit is the firing although of blank loads which is not a safety issue it is a realistically loud firearm. Because we are discharging firearms they have to seek the permission of property owners or people who are occupying dwellings in the area. The permission aspect is a State Law that the Saco City Ordinance would not supersede or not over rule. The other issue here is going to be one I think of the noise issue. We aren't granting a permit per say we are just making it legal. So there is nothing written into the Firearms Discharge Ordinance that supersedes the Noise Ordinance. The Noise Ordinance will still be the governing document if neighbors aren't satisfied like with respect to noise levels than that will definitely impact the ability of these shooting organizations to conduct that pursuit. A noise complaint if it is too loud (Chapter 149) includes virtually any noise that interferes with the peace of the neighbors. This could certainly be one of those noises if they don't take some measures and care in determining how often they practice, how long they practice or when they practice

Mayor Michaud noted that we do have a sound pressure limit of 55 in the Good Neighbor Performance Standards. A residential District (Zoning Ordinance) in the daytime would be 55 pressure, so would a gunshot be under that?

Police Chief Brad Paul replied that it would depend on the distance. He hasn't taken any measurements on how loud gunshots are especially given distance and terrain. Flat terrain asphalt reflects sound much better than a hilly terrain or a terrain with forests, fields, houses etc. All of that stuff impacts the ability of sound to travel. We can certainly measure it but I really don't have any idea what those levels would be for you. We measure sound from the place where it is received and not from the place that it originates. If you are standing beside someone who is shooting and we had a complaint about noise we would go to the location the complaint is originating and take a measurement from there.

Mayor Michaud noted that the reason he was bringing it up was that the public needs to understand that there are ordinances already in place that deal with noise factors as well. If this becomes an annoying type of noise and it doesn't meet our standard then it would be an issue that had to be dealt with. So there are controls that we have in place to help mitigate some of the concerns.

Police Chief Brad Paul felt that was in everyone's best interest to make sure that neighbors are kept reasonably happy and that accommodations are made so that neighborhoods are not disturbed and people's ability to enjoy their property are still there.

Mayor Michaud inquired about Sundays. You can't hunt in Maine on Sunday's and the Firearms Ordinance is built somewhat on hunting. Now does the Firearms Ordinance deal with Sunday usage or could these events occur on Sunday?

Police Chief Brad Paul noted that the Firearms Ordinance is not specific on any day of the week and we don't have any way to regulate hunting because it is preempted by the state. It is strictly a safety based ordinance. We have areas in the city that are no discharge at all, areas that have no restrictions at all and areas where it is shotgun only because shotguns are perceived to travel less distance than a high powered rifle would. I would say that the Firearms Ordinance is based strictly on safety not on any day of the week or time of day or anything like that. So Sunday usage would be possible.

Councilor Precourt – If they want to come in closer than 100 yards to the properties than they have to get permission, but beyond that point permission is not necessary?

Police Chief Brad Paul stated that permission was not necessary but the Noise Ordinance could still take effect.

Councilor Precourt – I'm kind of torn on how the permission stuff would take place. Is it something that they would have to contact them by phone or how?

Police Chief Brad Paul stated that that was not something that is not addressed by either State Law to get permission from your neighbor to fire within 100 yards. There is absolutely no provision in State Law that you get it in writing or you get it every time you shoot. We would need to take the common sense approach and if we had a complaint about shooting noise with someone discharging a firearm closer to my property than is legally allowed by law

without my permission then we would visit the people doing the shooting and say “do you have their permission”? If they didn't, then they would be done for the day.

Mayor Michaud had 2 statements he had received on this particular proposal and he read them into the record as follows:

- Dear Mr. Mayor, My husband and I own and operate a campground across the river. Homestead Family Campground in the City of Biddeford. We understand there is a proposed posse suit shooting range. What in god's name is the Council thinking of? 1) Our campers as would any members of the public regarding gun issues in any town at this moment whether it is live ammo or blanks make people scared. We have children with special needs asperger's and ADHD and veterans with PTSD who camp at our campground. That is the last thing that they want to hear, gunshots. 2) We have live stock, horses, lhamas, goats and sheep. 3) We operate a quiet campground and that is why people come to our family campground. Not to hear shooting. 4) There is a shooting range in Lyman, Scarborough and Old Orchard Beach now. If you are proposing a shooting range there will be noise issues along with other ordinances that the city should also have to address with any kind of shooting. 5) Just the fact that they removed their house doesn't mean they have to start shooting up the neighborhood. 6) The noise, again the noise. Respectfully, Ruth King, Homestead Family Campground, Route #5, Biddeford.
- Jesse Bowering – Hello, I'm writing in regards to the proposal of all day shooting that will be taking place across the river from Homestead Campground. I have been camping seasonally at that campground for the last 4 years. One of the biggest draws to that campground is that it is quiet and peaceful and away from all the crazy city life including sirens and gunshots. I have PTSD and anxiety. I do not want to spend my relaxing camping season listening to gunshots. There is a shooting range just a few miles away for that. Why disturb the tranquil peace and quiet for those of us who seek it at the campground. Thank you for your time, Jessica and Family.

Councilor Precourt moved, Councilor Minthorn seconded to close the Public Hearing and further move to set the Second and Final Reading for May 2, 2016. The motion passed with five (5) yeas.

Chapter 99: Firearms

[HISTORY: Adopted by the City Council of the City of Saco 5-1-1995 as Ch. III, Sec. 3-2, of the 1994 Code. Amendments noted where applicable.]

§ 99-1 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

APPROVED OUTDOOR FIREARMS RANGE

An approved outdoor firearms range having a backstop constructed of logs or timbers of at least 12 inches in diameter with an earth barrier behind or an earth barrier of suitable materials with no less than a forty-five-degree slope. There shall be a natural obstruction of trees or terrain to the rear of the backstop. The target area shall be placed no less than three feet from the top and sides of the backstop. The range widths of the target shall be no less than 15 feet for 50 yards, 25 feet for 100 yards and 50 feet for 200 yards. ~~A~~ No range shall ~~not~~ be situated ~~less~~ closer than 100 feet from ~~the nearest~~ any roadway and shall ~~not~~ be constructed so that bullets or projectiles will not travel toward the nearest roadway. No shooting at an outdoor range shall be allowed between the hours of sunset and sunrise. These regulations shall not apply to indoor shooting ranges.

FIREARM

Any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive, and includes any such weapon commonly referred to as a "pistol," "revolver," "rifle," "gun," "machine gun" or "shotgun." Any weapon which can be made into a firearm by the insertion of a firing pin or other similar thing or repair is a firearm.

MUZZLE-LOADING FIREARM

A rifle or smoothbore firearm that is loaded through the muzzle with powder or priming charge or a flint-, match- or wheel lock mechanism.

NO-DISCHARGE ZONE

That portion of the City encompassed within the following boundaries: Deep Brook, from the Saco River northerly to Route 112; then easterly to the intersection of Route 112 and Jenkins Road; then northerly to so-called Newton Farm Pond; then easterly to the Maine Turnpike; then southerly to Goosefare Brook; then following Goosefare Brook easterly to Old Orchard Road; then southerly to Ferry Road; then easterly to the easternmost boundary of Laurel Hill Cemetery; then southerly to the Saco River, thence along the Saco River to Deep Brook, the point of beginning.

[Amended 11-7-2005]

SHOTGUN

A rifled or smoothbore firearm designated to shoot shot shells, e.g., 10-, 12-, 16-, 20- and 28-gauge and .410-caliber.

SHOTGUN/MUZZLELOADER FIREARM-ONLY ZONE

[Amended 4-1-1996]

That portion of the city encompassed within the following boundaries:

A. That area from the point where Deep Brook joins the Saco River northerly along the westerly side of Deep Brook to Buxton Road; then westerly along Buxton Road to Simpson Road; then southwesterly along Simpson Road to Fire Lane 4; then from the intersection of Fire Lane 4 and Simpson Road southwesterly to the Saco River; thence along the Saco River to the Maine Turnpike, the point of beginning.

[Amended 11-7-2005]

B. Beginning at a point along the Saco River at the southeast corner of Laurel Hill Cemetery; then in a northerly direction to Ferry Road; then westerly on Ferry Road to Old Orchard Road; then northerly on Old Orchard Road to the Goosefare Brook at the town line; then easterly along Goosefare Brook to the ocean's edge; then southerly along the shoreline to the breakwater at Camp Ellis; then westerly along the Saco River to Laurel Hill Cemetery, being the point of beginning.

UNRESTRICTED ZONE

That portion of the City not encompassed within the No Discharge or Shotgun/Muzzleloader-Only zones.

§ 99-2, Permission required for discharge near residences.

It shall be unlawful for any person to shoot or discharge a firearm of any kind or description in the city within 100 yards of a residential dwelling without the permission of the owner or, in ~~his~~ their absence, of an adult occupant of that dwelling ~~as set forth in 12 M.R.S.A. § 7406, Subsection 13.~~

§ 99-3 Discharge in a reckless manner prohibited.

It shall be unlawful for any person to shoot or discharge a firearm of any kind or description in the city in a reckless manner, ~~pursuant to 17 A M.R.S.A. §§ 208 A and 211.~~

§ 99-4 ~~Shotgun only z~~Zones.

- A. Shotgun/Muzzleloading Firearm-Only zone: It shall be unlawful for any person to shoot or discharge a firearm of any kind or description other than a shotgun, ~~or muzzle-loading firearm,~~ or blank cartridges in any portion of the city which is designated as a shotgun/muzzleloading firearm-only zone.
- B. No-Discharge Zone: It shall be unlawful for a person to shoot or discharge a firearm of any kind or description in the No-Discharge zone except as specifically allowed in this chapter.
- C. Unrestricted Zone: There are no municipal restrictions on discharging legally possessed or licensed firearms in this zone, subject to all applicable federal, state or municipal laws or ordinances.

§ 99-5 Exceptions; ~~self defense.~~

- A. Exceptions. ~~The provisions of §§ 99-2 through 99-4 shall not apply in the following cases, except in the no-discharge zone~~ No provision of this chapter shall be construed to limit the authority to discharge a firearm by a person who is:
 - (1) ~~An approved firearms range~~ acting in lawful defense of a person, including themselves.

- (2) ~~Raccoon hunting at night with a .22 caliber long rifle firearm~~ a law enforcement officer or government official acting within the scope of their lawful duties.
- (3) ~~Trappers tending their traps~~ a member of any branch of the United States military, veterans' organizations or similar organizations in connection with public ceremonial events.
- (4) discharging a firearm with blank cartridges for school-sanctioned theatrical productions or athletic events.
- (5) in the shotgun/muzzleloader-only zone, discharging a firearm with blank cartridges if otherwise compliant with 12 MRS §11209.
- (6) in the shotgun/muzzleloader-only zone, discharging a firearm at an approved firearms range.
- (7) raccoon hunting at night with a .22 long rifle caliber firearm.
- (8) a trapper tending his traps.

~~B. Nothing in this chapter shall infringe upon the statutory right of a person to act in self defense as provided for by Maine statutes.~~

§ 99-6 Noise Limitations. Notwithstanding the preceding, any contest or event that involves shooting, and any facility that hosts, promotes or facilitates shooting on its premises must also comply with any applicable City noise limitation and ordinance.

§ 99-67 Violations and penalties; recovery of fines.

Any person who violates any of the provisions of this section shall be subject to a fine of not less than \$500 nor more than \$1,000, plus costs, which fines shall be recovered in a civil action to the use of the city.

B. ZONING ORDINANCE AMENDMENTS: TABLE 412-1 – MU-3 ZONE – (PUBLIC HEARING)

The developer of the Park North multi-use development asked that the Planning Board consider lessening frontage requirements for parcels in the MU-3 zone, each side of Rte. 1 and North of Flag Pond Road and Cascade Road. The Board reviewed existing parcels and frontages, the Comprehensive Plan, and frontage requirements along Route 1 in nearby communities as part of its discussion.

The Planning Board considered this in a series of workshops from August to December and held a public hearing on Jan. 19, 2016. The Board recommends that the amendments be adopted as proposed.

The City Council discussed this item during Workshop on March 14, 2016 and held the first reading on March 28, 2016.

Councilor Johnston moved, Councilor Precourt seconded to open the Public Hearing for the document titled, “Amendments to Table 412-1 and Footnotes, Amended January 19, 2016”. The motion passed with five (5) yeas.

Elliott Chamberlain, Owner of Commercial Property in this Zone – Mr. Chamberlain stated that he brought this before the Planning staff and asked that the frontage in the Mu-3 zone be looked at. Years ago it use to be 200’ and went through a zoning change and dropped to 150’ and through a second zoning change recently and got back up to 200’ and I had questioned that and felt that it should be 150’ if not as low as 100’ with their own driveways. After a series of conversations with planning staff and the Planning Board it seemed that 150’ as it is before you as in the case of a shared driveway was more than a fair compromise.

Councilor Johnston moved, Councilor Precourt seconded to close the Public Hearing and further move to set the Second and Final Reading for May 2, 2016. The motion passed with five (5) yeas.

“Amendments to Table 412-1 and Footnotes, Amended January 19, 2016”

(New language is underlined).

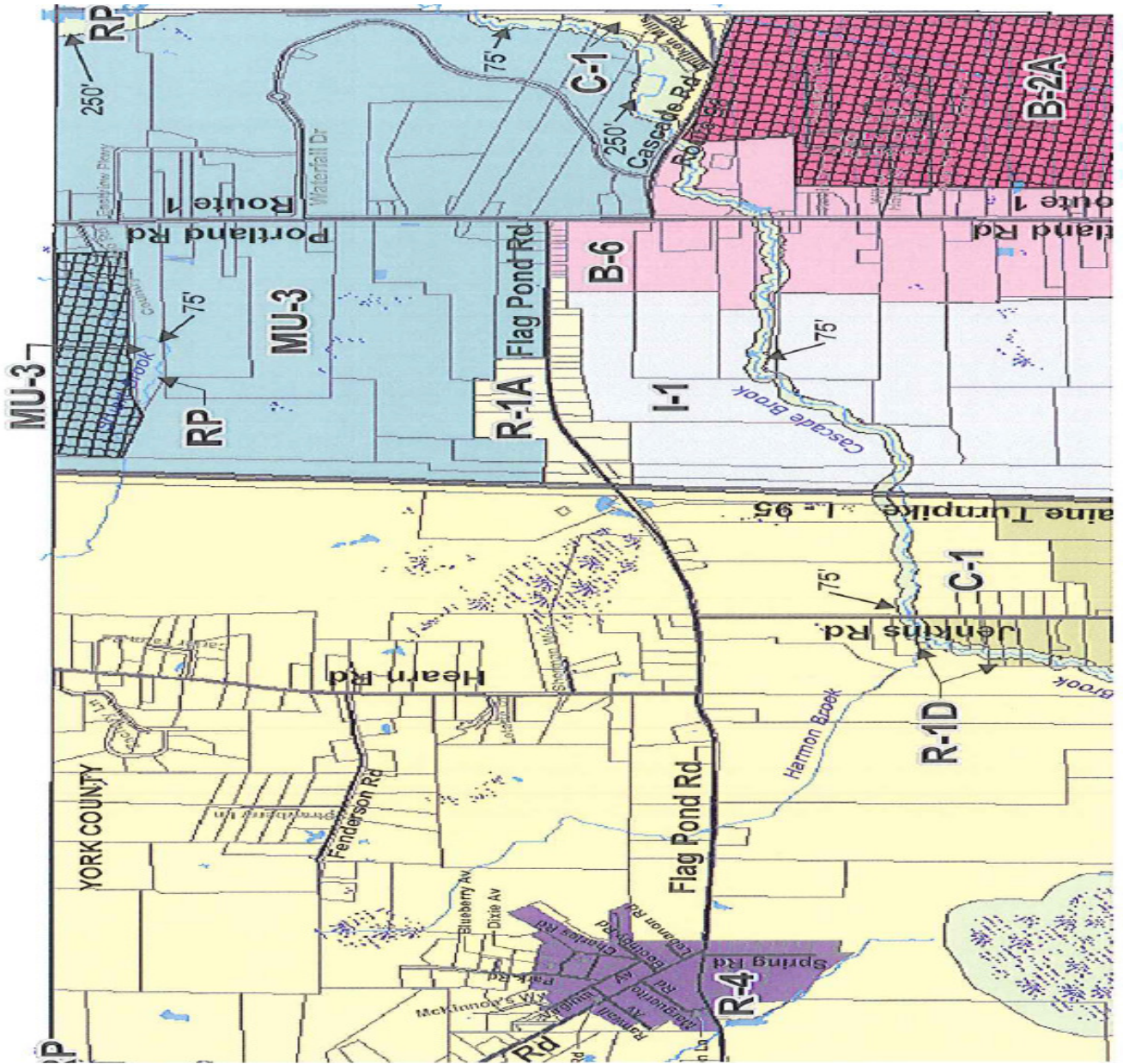
- Maintain 200 feet as required frontage for a parcel in the MU-3 zone, but, add footnote 28 to Table 412-1 as follows:
- **28.** If single point of access (curb cut) to Rte. 1 is shared between two or more parcels, frontage may be reduced to 150 feet for each parcel.

- Add footnote 29 to Table 412-1 as follows:

29. Street frontage for a parcel not obtaining frontage from Rte. 1 may be reduced to 75 feet.

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C. ZONING ORDINANCE AMENDMENT: TABLE 412-1-I2 ZONE – (FIRST READING)

Applicant Sure Winner Foods office is at 2 Lehner Road, a 4.3 acre parcel that includes three outbuildings, two which function as self-storage. The applicant would propose at least one more commercial structure but is hampered by the corner lot situation: with a front yard setback of 50 feet from both Industrial Park Road and Lehner Road, a significant portion of the parcel is rendered unbuildable. The applicant considered a contract zone to request a reduction of the front yard setback from Lehner Road to 25 feet. The Planning Board suggested instead an amendment to the Zoning Ordinance, allowing the front yard setback for parcels in the I-2 zone to be reduced to 25 feet if measured from streets that are not North Street, Industrial Park Road, or Lund Road.

The I-2 district is fairly limited in area, and includes only four streets either within or abutting it: Lehner Road, North Street, Industrial Park Road, and Lund Road. The amendment affects two parcels: 1 Lehner Road, and 2 Lehner Road.

The Planning Board considered and held a public hearing on March 15, 2016. The Board recommends that the

amendment be adopted as proposed.

Councilor Minthorn moved, Councilor Johnston seconded “The City Council hereby Ordains and Approves the First Reading of the document titled, “Amendments to Table 412-1 and Footnotes, Amended January 19, 2016”, and further moves to set the Public Hearing for May 2, 2016. The motion passed with five (5) yeas.

“Amendment to Table 412-1 and Footnotes, Amended March 15, 2016”

(New language is underlined).

30. In the I-2 zone, the front yard setback may be reduced to twenty-five (25) feet for parcels with frontage on City streets other than North Street, Industrial Park Road and Lund Road.

D. AMENDMENT TO THE PURCHASING POLICY

At the March 14, 2016 workshop, our Public Works Director Pat Fox brought to council a proposal to extend the current curbside Municipal Solid Waste (MSW) and Recycling collection contract with Pine Tree Waste for an additional three years. With a limited number of contractors capable of providing automated trash pickup for a community Saco’s size, and after reviewing more recently bid contracts by surrounding communities, it is believed bidding a new collection contract would, at this time cost the City more money. At that meeting, concern was raised that by doing so, we would be violating the city’s Purchasing Policy. At the April 11, 2016 Workshop, Council requested a revision to the purchasing policy to allow for such an exception.

Councilor Cote moved, Councilor Precourt seconded “Be it ordered that the City Council accept the revisions to the Purchasing Policy dated 4/13/16, as presented”.

AMENDMENT– Councilor Minthorn moved, Councilor Precourt seconded to amend #7d to read at the end of the sentence “to be performed subject to City Council approval”. The motion passed with five (5) yeas.

TABLED – Councilor Gay moved, Councilor Johnston seconded to table this item until May 2nd. The motion passed with five (5) yeas.

The following are the sections from the purchasing policy dated 11/5/13 that have been changed to clarify professional services (in red) dated 4/13/16.

C. DEFINITIONS

APPROPRIATION – An amount authorized by the City Council for expenditures or to incur obligation for a specific purpose, such as debt for a capital project.

BID BOND – Protection against a bid offer being withdrawn after opening.

BID SPECIFICATIONS – Conditions set by the City that must be met by the vendor in the type and quality of goods or services offered for bid.

BLANKET CONTRACTS – Are agreements that include items, prices, quantities and periods, which have been negotiated with a supplier into a contractual agreement.

COMMERCIAL CREDIT CARD - See Purchasing Card.

COOPERATIVE PURCHASING – A technique whereby one or more cities or towns may collectively purchase goods and services.

DOCUMENTATION RETENTION – The City follows the State of Maine Rules for Disposition of Local Government records.

EMERGENCY - When an unforeseen event arises or a situation whereby there exists a threat to public health, welfare or safety of the City of Saco, its residents or its employees and failure to act promptly shall result in negative consequences.

INTERMEDIATE PURCHASES - Intermediate purchases shall include purchases of goods and services with a cost of greater than \$3,000 but less than \$8,000.

LARGE PURCHASES - Large purchases shall include the purchases of goods and services the cost of which are \$8,000 or greater.

LONG-TERM COST – Cost of supplies/services needed in maintaining quality of purchase or service after initial purchase.

LOWEST RESPONSIBLE BIDDER – A vendor who bids to provide goods or services on large purchase with the ability, capacity, and skill to provide goods or services required by the bid. The vendor will have the ability of the following:

- a. Perform the bid or provide the service promptly, or within the time specified, without delay or interference.
- b. Have character, integrity, reputation, judgment, experience, and efficiency;
- c. Quality of performance of previous bids;
- d. Previous existing compliance by the bidder with the laws and ordinances relating to the bids;
- e. Sufficiency of financial resources and ability to perform the bid;
- f. Quality, availability and adaptability of the supplies, or contractual services to the particular use required;
- g. Number and scope of conditions attached to the bid;
- h. Other factors as may be indicated in writing by the agent that demonstrate that the bid is not in the City's best interest and does not promote the purposes of this policy.

PAYMENT BOND - A payment bond covers payment of subcontractors, laborers, and materials suppliers associated with the project. Payment bonds are issued for the protection of those supplying labor or materials to a particular bonded project.

PERFORMANCE BOND - An amount of money or insurance bond provided to the City by the bidder to ensure that a specified service or item is provided in accordance with contract provisions. This serves to guarantee that the contractor makes the required payments for labor and suppliers of material.

PERSON WITH AUTHORITY – An employee who has been given authority by the City Administrator or Department Head to act on behalf of the City.

PURCHASING AGENT – The City Administrator or individual assigned authority to perform administration and supervision concerning the purchase of a variety of materials, supplies, services, and equipment for the City

PURCHASING CARD –City owned commercial credit cards which are issued to selected employees who use them to make official purchases of goods and services for the City.

PURCHASE ORDER – The process of setting aside or obligating funds for an expected commodity.

PROFESSIONAL SERVICE – A service provided by an external provider with a specific set of skills that may not be housed within the staff.

REQUEST FOR PROPOSAL – A solicitation most often through a bidding process, by an agency or company interested in procurement of a commodity, service or valuable asset, to potential suppliers to submit business proposals

RESPONSIVE - To respond to all the requirements of the contract/Bid by not modifying any of the requirements or leaving out any of the requirements.

SMALL PURCHASE - Purchase of incidental materials and supplies with a value of less than \$3,000 as detailed in section F1A.*Regulations Governing Purchase and Sale of Property.*

SOLE SOURCE - A sole source vendor is a company or person who sells a product or service that meets the unique needs of the purchaser; generally, sole source means the one and only source for the product or service. Being a municipality, the City can go directly to the distributors for sole source products.

STOCKLESS PURCHASING - A technique providing for the purchase of a commodity or service in quantity at an agreed price ordered by the City, but held by the supplier and delivered to the City when required.

SUPPLEMENTAL APPROPRIATION - An amount authorized by the City Council while the fiscal year is in progress to increase the approved budget for the fiscal year..

SURPLUS PROPERTY - Materials, supplies or equipment that are no longer used by the city or which have become obsolete but has usefulness left which is put up for sale.

UNENCUMBERED BALANCE - The amount of money remaining in a particular appropriation against which there are no outstanding commitments, such as Purchase Orders or contracts.

UNIT PRICE - The amount quoted in terms of so much per agreed or standard unit of product or service.
RE: sand sold at a unit price of \$10.00 per yard.

VENDOR - The individual or company offering goods or services for sale.

7. PURCHASES EXCEPTIONS

The competitive bidding regulations provided in this section (*Purchasing Exceptions*) shall not be applicable:

- a. To any specific case determined by the City Administrator or Person with Authority to be an emergency; in such cases the City Administrator or Person with Authority may make such immediate purchases that he/she determines are in the best interest of the City, and are of good value for the City, considering the nature of the circumstances.
- b. To purchases of specific parcels of real estate, when the Council determines that a particular property and no other meet the needs of the City;
- c. When the item or service that meets the City's requirements is available from a single source only.
- d. If the purchase is for professional services, and the City Administrator or Person with Authority is satisfied that the service is a good value for the City, considering, quality, reliability of past or expected future service or the pre-existing knowledge allows for an enhanced understanding of the service to be performed.
- e. If a public safety vehicle (fire truck, ambulance, police vehicle, public works vehicle etc) breaks down and work cannot be performed by the City department and the public safety vehicle is needed to complete work immediately, then no purchase order or limit will be required.
- f. Parks and Recreation purchases for camp trips to purchase tickets and admissions for the camp program during June, July, and August plus the school vacation week in February and April will not need purchase orders or dollar limit required.
- g. The IT Department will be able to use the purchasing card to purchase software, such as software licenses, software, and other fees that do not send a disc when purchased online.

E. AMENDMENT TO COUNCIL RULES AND ORDER OF BUSINESS

At the regular workshop meeting on March 14, 2016, Mayor Michaud mentioned including a Public Comment item on workshop agendas. The City Administrator made it a point that the current language in the Council Rules and Order of Business document (also referred to as the Council Procedures Manual) gave the Mayor the power to recognize members of the public at either a regular council meeting or at workshop (VIII. A 1 and 2). It has been asked by several council members to make a revision to Appendix C of the current Council Rules and Order of Business to include a Public Comment agenda item and set a public comment time limit to 3 minutes in section VIII A.1.

Councilor Johnston moved, Councilor Minthorn seconded "Be it ordered that the City Council accept the revision to Section VIII. A.1. and A.2. and in Appendix C, setting the council agenda and council workshop format in the Council Rules and Order of Business to include a Public Comment for both meetings, move consent agenda before the regular agenda as outlined below."

City Council meeting agenda:

SACO CITY COUNCIL MEETING
(DATE AND TIME)
CITY HALL AUDITORIUM

CALL TO ORDER
RECOGNITION OF MEMBERS PRESENT
PLEDGE OF ALLEGIANCE
GENERAL
PUBLIC COMMENT
CONSENT AGENDA
AGENDA
EXECUTIVE SESSION
REPORT AND POTENTIAL ACTION FROM EXECUTIVE SESSION

ADJOURNMENT

Workshop meeting agenda:

SACO CITY COUNCIL WORKSHOP
(DATE AND TIME)
CITY HALL AUDITORIUM

CALL TO ORDER
PUBLIC COMMENT
AGENDA ITEMS
ADJOURNMENT

Further move to approve the Order. The motion passed with five (5) yeas.

EXHIBIT #1

Changes to the language in VIII A. 1. and 2.

Language to remove is in red and has a strike through. Language in blue represents replacement language.

VIII. City Council Meetings & Workshops

A. Council Meeting Schedule: Meeting times and dates are established annually by the City Council. (Consistent with Charter section 2.08(a), the Council shall meet regularly at least once in every month).

1. Regular Council Meetings: Regular meetings are held the 1st and 3rd Monday in the City Hall Auditorium, 300 Main Street, Saco, Maine. The public sessions of meetings begin at 6:30 p.m. with executive sessions generally being at the conclusion of public business. In the event that a regular meeting of the Council falls on a legal holiday or the day prior to a holiday, the meeting is usually held the day following observance of the holiday. Council members should inform the Mayor or City Administrator as soon as possible if they intend to be out of town on a set meeting date. **The Public will be allowed to speak for a maximum of three (3) minutes during the public comment item on the agenda established in Appendix C. Members of the public will sign up ahead of the start to the meeting and state their full name and address of residence. In addition, ~~the~~ the public is allowed to speak at the Mayor's discretion.**
2. Workshop Meetings: Formal items will be reviewed at a Workshop meeting scheduled for the 2nd Monday of each month. If needed, a workshop may be required before a regular council meeting. In either case, the meeting will take place in the City Hall ~~Conference Room on the First Floor~~ Auditorium, 300 Main Street, Saco, Maine. It will begin at 6:00 p.m. and will be open to the public. No action may be taken during a workshop. **The Public will be allowed to speak for a maximum of three (3) minutes during the public comment item on the agenda established in Appendix C. Members of the public will sign up ahead of the start to the meeting and state their full name and address of residence. In addition, ~~the~~ the public is allowed to speak at the Mayor's discretion.**

Changes to agenda outline in Appendix C

City Council meeting agenda:

SACO CITY COUNCIL MEETING
(DATE AND TIME)
CITY HALL AUDITORIUM

CALL TO ORDER
~~ROLL CALL~~ RECOGNITION OF MEMBERS ~~PRESENT~~
PLEDGE OF ALLEGIANCE
~~APPROVAL OF MINUTES~~
GENERAL
~~PUBLIC COMMENT~~
~~CONSENT AGENDA~~
AGENDA
~~CONSENT AGENDA~~
EXECUTIVE SESSION
REPORT AND POTENTIAL ACTION FROM EXECUTIVE SESSION
ADJOURNMENT

Workshop meeting agenda:

SACO CITY COUNCIL WORKSHOP
(DATE AND TIME)
CITY HALL ~~CONFERENCE ROOM (1st FLOOR)~~ AUDITORIUM

CALL TO ORDER
~~PUBLIC COMMENT~~
AGENDA ITEMS
ADJOURNMENT

VII. CONSENT AGENDA

Councilor Minthorn moved, Councilor Precourt seconded to approve the consent agenda as follows:

- A. Be it ordered that the City Council confirm the Mayor’s appointment of Lucette Pellerin, to the Zoning Board of Appeals, for a five-year term to expire April 19, 2021. Further move to approve the order;
- B. Be it Ordered that the City Council confirm the Mayor’s reappointment of Donald Girouard and Michael O’Toole, and the appointment of Vangel Cotsis, to the Planning Board each for a three-year term to expire on April 19, 2019. Further move to approve the Order;
- C. Be it Ordered that the City Council confirm the Mayor’s reappointment of Don Uldjborg and Kelly Archer to the Historic Preservation Commission as a member for a three-year term ending April 19, 2019. Further move to approve the Order;
- D. Be it Ordered that the City Council approve the document titled, ‘Nomination Report – Election Clerks 2016 -2018, dated April 19, 2016’. Further move to approve the order;
- E. Be it ordered that The City of Saco authorizes up to forty (40) Senior Abatements pursuant to City Code, Chapter 220, Article I, Volunteer Citizen Work off Program. Further move to approve the order.

The motion passed with five (5) yeas.

A. CONFIRMATION OF MAYOR'S APPOINTMENT OF LUCETTE PELLERIN TO THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals consists of seven (7) members appointed by the Mayor and confirmed by the City Council for a term of 5 years.

Primarily, after public hearing and majority vote of its members, the board will decide administrative appeals, planning board appeals, variances, historic preservation commission appeals, shore-land variances, and denials of building permits.

Mayor Michaud has recommended the appointment of Lucette Pellerin of 33 Garfield Street to a five-year term on the Zoning Board of Appeals

B. CONFIRMATION OF MAYOR'S REAPPOINTMENT OF DONALD GIROUARD AND MICHAEL O'TOOLE AND THE APPOINTMENT OF VANGEL COTSIS TO THE PLANNING BOARD

The Planning Board primarily reviews subdivisions and site plans. The Board is also authorized at its discretion to undertake studies and make recommendations on matters of land development, energy and water conservation, transportation, solid waste disposal, location of municipal and school facilities, affordable housing, urban beautification and design improvements, historic and scenic preservations and agricultural preservation.

Mayor Michaud would like to nominate for reappointment to the Planning Board Donald Girouard (Ward 3), Michael O'Toole (Ward 7), and a new appointment of Vangel Cotsis (Ward 4). Mr. Girouard is completing his sixth term on the Board and Mr. O'Toole has completed his first term. The appointment of each member would be for a three-year term.

C. CONFIRMATION OF MAYOR'S REAPPOINTMENT OF DON ULDBORG AND KELLY ARCHER TO THE HISTORIC PLANNING COMMISSION

The Historic Preservation Commission consists of five members and up to five associate members, appointed by the Mayor and confirmed by the Council, each for a three-year term. Some of the duties of the Commission are to:

- Review applications for certificate of appropriateness,
- Advise and inform the City officials and owners of historic buildings, structures or sites, on physical and financial aspects of preservation, renovation, and rehabilitation.
- Each Commission member shall be a resident of the City and shall be persons qualified to perform the duties of such office and shall serve without compensation.

The Mayor is seeking to have Don Uldborg of 11 Glenhaven Circle who has served two three-year terms, and Kelly Archer of 185 Bradley Street who has served one term as an associate member, reappointed to the Historic Preservation Commission for a three-year term.

D. NOMINATION OF ELECTION CLERKS 2016-2018

Election Clerks are the election officials who are appointed to represent the qualified party in which they are enrolled and provide a check and balance in the electoral process. The City Clerk has submitted a list of individuals who would like to be appointed to help with voting activities at the polls on Election Day.

The municipal officers must appoint nominated election clerks by May 1st (of the even-numbered years), pursuant to Title 21-A §503. The individuals appointed by the municipal officers serve as election clerks until new appointments are made on or before May 1, 2018.

Nomination Report - Election Clerks 2016 – 2018

Dated: April 19, 2016

Democratic Election Clerks:

Stanley Archie	6 Academy Place
Margaret Arenstam	2 Lyman Avenue
Rachel Bolduc	25 Rosewood Drive
Elsie Boudreau	13 Woodcock Avenue
Frank Brancely	41 Roebuck Avenue
Josephine Ciulla	21 Dawn Marie Drive
Joseph Corriveau	250 North Street
Claire Croteau	51 Bradley Street
Lewella Daigle-Landry	60 King Street #10
Carol Doyle	26 Landing Road
Janet Fernald	43 Middle Street
Diane Hall	230 Buxton Road
Kathleen Harder	28 Douglas Avenue
Claire Howard	20 Hillview Avenue
Janet Huot	25 Clark Street
Joan Lambert	131 Loudon Road
Barbara McCreedy	21 Dawn Marie Drive
Margaret Mills	168 Simpson Road
Lorraine Mitchell	3 Shannon Lane
Arlene Murchison	495 Buxton Road
Claudette Nadeau	6 Sunrise Avenue
Nancy Tripp	59 Winter Street
Mary Alice Tripp	38 Glenhaven Circle E.
Joan Twomey	10 Rotary Drive
Diana Whitaker	127 Woodman Avenue
Diane Zehner	124 Buxton Road

Unenrolled Election Clerk:

Dorothy Anagnostis	20 Summer Street
Karen Eames	30 Glenhaven Circle E.
Anita Huizing	17 Sunset Avenue
William Russell	18 Norman Street
Judy Thayer	47 Ferry Road

Republican Election Clerks:

Loralie Albert	11 Woodside Avenue
JoAnn Boucher	9 Pilgrim Lane
Ellena Burt	53A Hill Street
Jan Clark	221 Ferry Road
Richard Clark	221 Ferry Road
Robert Dunn Jr.	8 Richards Way
Barbara Field	16 Charles Street
Anne Gannon	80 Shadagee Road
Barbara Gooding	10 Woodside Avenue
Robert Kelley	10 Wildwood Drive
Edna Leary	269 Flag Pond Road
Joanne Leary	66 Ricker Road
Susan Marston	52 Bayberry Lane
Lawrence Patterson	105 New County Road
Robert Pellerin	34 Landing Road
Marjorie Sanborn	36 North Avenue
Louise Stuart	21 Dawn Marie Drive

VIII. ADJOURN THE MEETING

Councilor Precourt moved, Councilor Minthorn seconded to adjourn the meeting. The motion passed with five (5) yeas. TIME: 7:20 p.m.

Attest: _____
Michele L. Hughes, City Clerk