

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Tuesday, January 16, 2018 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart and Nathan Johnston. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. PUBLIC COMMENT

- Stanley Mozden, School Board Ward 6 – Mr. Mozden noted that the school liaisons were himself and Stephen Shiman, School Board Ward 4. Mr. Mozden’s contact number is 284-0346. Dates for the budget are as follows:
 - Jan 24th – Budget addressed by the Principals of each school.
 - Jan. 31st – Directors of all the Dept.’s and their budget presentation.
 - Feb 7th – Looking at the total budget by the school administration and others in the school system.
 - Feb 28th – Public Hearing on the budget by the School Board. That will be the School Board’s recommendation.

All of these meetings will be televised. The school board does not have the right to line item veto the budget.

- Kevin Roche , 18 Vines Road, Former Ward 4 Councilor – I was happy to see the goal setting session come up with allot of goals on economic development. Not just with the list of economic goals but in 4 of the 7 non-school primary goals as well. There wasn’t minimizing taxes or keeping the mill rate even as explicit goals. Commercial growth from an economic development is one leg of the 3-legged stool to stabilize taxes. The other 2 being controlling city spending and debt issuance for large projects which the citizens are in control of and they did pass the bonds that we were looking for last year. This council realizes as with the prior council that with these economic goals in mind, we are not where we need to be for economic development, despite council directives in prior years. Under your economic goals you have marketing, tourism and to entice manufacturing to Saco. Which was included in a 2-year unfulfilled directive from the prior council until Emily Roy took this over last year. I personally thank her for stepping up above and beyond her call of duty. You also have Unit #91 to get back onto the tax rolls and to also have a downtown development district. As with the marketing of Saco these 2 goals should also be moved to other staff at City Hall. Both have multiple promise dates over the last 12+ months to no avail. Under your primary goals working collaboratory with Saco Main Street should be a given at this point. Having this as a goal should signal that we don’t want to move backwards. Bringing natural gas to Millbrook and Route 1 north is a nice goal but if new industrial park land is truly available. But, be careful on the lack of natural gas on land as cause for your stagnant commercial growth. I would investigate city communication, reputation and relationships with Industrial Park business owners, abutters and prospects alike. Finally, this new council has 6 or your 7 votes as a primary goal to amend, not consider, but amend tax and contract zone policy to include an Annual Performance review. Based on this supermajority one can only conclude that the current process in not working. This problem is not a “political talking point” from the prior council. As stated by city staff on page 75 on a contract zone being debated tonight. It is your stated goal to correct what often not gets followed up in economic development.

VI. CONSENT AGENDA

Councilor Archer moved, Councilor Minthorn seconded to approve consent agenda items # A, B, C, and D as follows:

- A. MINUTES – Be it ordered that the City Council approve the December 18, 2017; January 2, 2018; and January 8, 2018 council minutes.
- B. CONFIRM THE MAYOR’S APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION - Be it Ordered that the City Council confirm the Mayor’s appointment of Ernest Lowell

as an associate member of the Historic Preservation Commission for a three-year term ending June 30, 2020. Further move to approve the Order.

- C. CONFIRM THE MAYOR’S APPOINTMENT TO THE BIDDEFORD-SACO-OLD ORCHARD BEACH TRANSIT COMMITTEE – Be it Ordered that the City Council confirm the Mayor’s appointment of Bette Brunswick to the BSOOB Transit Committee Board, for a 3-year term to expire on December 31, 2020. Further move to approve the Order.
- D. CONFIRM THE MAYOR’S REAPPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW - Be it ordered that the City Council confirm the Mayor’s re-appointment of Barbara Dresser to the Board of Assessment Review, to a 5-year term to expire in January of 2023. Further move to approve the Order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. BUDGET AMENDMENT – FIRE BOAT TRAINING – (SECOND & FINAL READING)

The Coastal Waters Commission met with the Harbormaster in the Fall of 2017 and are recommending to Council that they utilize Camp Ellis parking, docking, and pier use revenue to provide Fire Boat Rescue training.

This request came after the FY2018 Budget had been approved by Council. In an honest effort to create greater transparency with special revenue funds, the City Administrator is requesting the Council approve a budget amendment to move these funds for this specific training.

Councilor Copeland moved, Councilor Doyle seconded “Be it ordered that the City Council approve Budget Amendment #3 FY2018.” The motion passed with seven (7) yeas.

Name of Account	Account Number	Current Budget 2017-2018	Received to Date	Adjustment Request	Amended Dept. Total
SRF – Camp Ellis Revenues	20120.500950	\$0	\$0	\$-8,000	\$-8,000
SRF – Camp Ellis Pier Expenses	20210.500322	\$0	\$0	\$8,000	\$8,000

B. CONTRACT ZONE AMENDMENT AND EXTENSION – 184 SIMPSON ROAD – (PUBLIC HEARING)

Applicant “The Ecology School” requests consideration of an extension to the contract zone approval granted on Feb. 1, 2016 that would allow an ecology education school to be established at 184 Simpson Road. The contract zone agreement as approved would expire two years after approval if site plan review has not yet been granted by the Planning Board (it has not).

Since the 2016 approval, the applicant has laid some groundwork for pursuing the contract zone: the property, known as River Bend Farm while owned by members of the Merrill family, is subject to a conservation easement, which was recently transferred from the Saco Valley Land Trust to the Maine Farmland Trust. And, the applicant closed on the purchase of the property on Nov. 21, 2017. Their next step after seeking the approval extension is to submit the site plan application for Planning Board review.

Details addressed in the contract zone agreement include the fact that 95 acres of the 105 acre parcel are subject to a conservation easement; the school would serve up to 120 weekly participants and approximately 10 seasonal staff; the school could include two dormitory buildings, each up to 9,000 s.f. of total floor area, up to three stories in height but not to exceed the existing 35 foot height limitation, and a dining hall/kitchen/classroom building of approximately 7,000 s.f. Existing buildings would be used for office, classroom and meeting space.

Councilor Archer noted that it has come to his attention that this property was formerly owned by his great, great grandfather. Harry Townsend use to own this property and he is my great, great grandfather and Arabella who is also mentioned in this document is my great, great grandmother. We have not had a connection to this property since, so I don’t see any issues related to that. But, I figured that I should be open to the public to understand that there is a

connection. This was confirmed yesterday. There is also a cemetery that is connected to this property and at this time we are not sure if we have family buried at this cemetery. I just wanted this information as a public record.

Councilor Archer moved, Councilor Gay seconded to open the Public Hearing on the document titled, ‘Contract Zone Agreement between The Ecology School and the City of Saco February 1, 2016 Proposed Amendment, December 18, 2017. The motion passed with seven (7) yeas.

Evan Parterno, Simpson Road - I’m an ecologist. I truly support this school but I don’t know if it is a good match for where it is. Has anything been surveyed for the ecosystem to see if that will be disrupted? What is the plan to look into that? What is the exit plan? From what I saw the school runs 12 weeks in the Spring and 10 weeks in the Fall and they are looking to extend these programs to Summer and a full year term. Will the business be guaranteed? If that doesn’t go through what will happen to these existing structures? Will the zoning go back into conservation or will it be kept commercial? Will the Simpson Road one lane bridge be able to support the traffic going back and forth with the schooling and people getting out? I know a lot of people across the bridge in the Buxton area are now utilizing it. It is open. Will it be able to support everyone that lives on the Buxton side, Saco side and the school included? What will be done with the septic and the sewer? There is no public water out there. Will the buildings be sprinklered taking out of the Aquaphor or will they be having water tanks? How will they handle septic? It is a pretty big project and I have seen a lot of these answers questioned.

Drew Dumsch, 91 Watson Mill Road, Founder and Director of the Ecology School – Mr. Dumsch thanked the current Mayor and 7 Councilors. This is my 3rd appearance at this request for a contract extension. I also want to thank Mayor Michaud and the previous Council for their consideration on the original contract zone. I also want to thank the city staff. This has been a lot of work over the past 2 ½ years. As someone who has dedicated his life to teaching the science of ecology, what really defines ecology is figuring out how communities work. Whether it is a natural ecosystem or a city community, what really defines that it has changed? That is a huge part of what we teach our students at the ecology school. I think really that education is the process of figuring out and understanding change. I know this is a change for Saco and the Simpson Road community. There is something that you said Mayor before that during the municipal process “being critical is crucial but being cynical is not”. I’ve held that to me over the last few weeks because I think critiquing a project is one thing but being cynical is another. I really hope that given we are teaching kids, what we are really trying to do is helping people reimagine now. Often when we think about change we want to put it off for a year from now or 10 years from now. But what we are giving kids when we take them out to ecosystems and teaching them about farming is helping them realize they can make changes right now to make a difference for our community. I would really welcome those first series of questions I would hope given the information we have supplied during the first round of contract zone and now that people are doing their research. Things like the living building challenge and the living community challenge that we are going to be pursuing are some of the most rigorous and comprehensive community development certification in the world. So folks can research that and figure out the kind of work that will be done whether it is arming operation or building, it is important. In fact, the Maine Farmland Trust holds the easement which is significant. They have done a lot of work over the last few years on young farmer initiatives and bringing back the local food economy. That is something that we look forward to working with them on and many other organizations. I would like to welcome all of you to come and visit us this Spring and spend some time with us. Do a lunch and learn. Join us for a meal and learn a lesson and then get a sense of who we are. I think over this process I’ve learned a lot of it has been that change is hard, but people if I can give you a more definite real-world experience of how we teach kids and the impact that we have, that would be very important. For over 20 years now we have been in the Ferry Beach neighborhood and we have been good neighbors there and are confident we can be good neighbors on the Simpson Road and to the community members.

Mayor Lovell – Has an eco-survey been done? Mr. Dumsch noted it is already part of the master plan and already quite a few detailed surveys for the ecosystems, landscape ecology, and farm analysis. At this point we have been talking with the University of New England and also potential work through the University of Vermont to do a natural resources inventory. What is exciting about the project is that it is going to be bringing education and ecological research together while it is an active farm, so those questions are excellent questions we look forward to talking more about that.

Amy Ouellette, Cartier Circle – I moved back to Maine from Hawaii. My husband and I are from Maine originally. We had just finished our medical training and he from the Navy and I finished up my residency and we came back.

The location, the beauty we fell in love with Saco. When we came here we learned about the school and when my daughter turned 8 she participated in the summer programming. She did remember how much fun she had making her own journal, sitting and participating, drawing pictures, stories and really connecting with the outside. Yes, she learned a lot about growing things and composting but most importantly she was alive with it. She had so much fun. Fun and teaching children is not just a bonus, fun is part of how children observe and absorb new information. So, I feel strongly that who she is now has something to do with that experience. She is part of the ecology club at her Saco Middle School and she is really interested in pursuing engineering. Now whether she continues with that path or diverges off that path is really immaterial as far as what we are talking about tonight. She now has a love of the world around her and that began as a child. It is a feeling place and where things happen for children, not from a talking point from a podium like this or out of fear, worry or guilt. I do feel that children learn fundamentally differently than adults. They have this amazing free-range imagination and they ask questions without feeling self-conscious about it and they have a sense of play. It is what they have to have in order to exist. I want to emphasize that in order to teach children about themselves and the bigger world around them, you have to get to them. You have a window of opportunity and it is really critical and teach them where they are at. Children are at a physical place, they want to see it, smell it, feel it and be with it. That is what this school does. They are very good at this. At the new location at the River Bend Farm children will be able to drop out of their regularly scheduled program and drop into something that is a little deeper than they are used to. They can ask questions, think, and feel at depth. I love a lot of friends that are in engineering, science and physicians and what they tell me is the most important skill for children is curiosity. Yes, they can learn the STEM, it is great but being curious is where it starts. This school has figured that out.

Jessie Thompon, Kaplan Thompson Architects - Mr. Thompson gave the Mayor and Councilors a copy of the overall survey of the property. There is a small section that any new buildings will be allowed. The rest of the property is in conservation easement which is why the school likes this property. It is so carefully controlled. The small percentage is under this very good strict easement. He showed a photograph from Simpson Road looking towards the farm the existing farm houses are barely visible through the trees. He walked down the road a little bit and you can barely see some buildings off in the road a distance. Those are the existing buildings, anything proposed is on the other side of the other tree line behind. We are pretty sure that from the Simpson Road that the property won't change visually. You can also see this beautiful field and this will be the farm when the school brings farming back to River Bend Farm. Since the contract zone was first done we have done design work that we hadn't done previously. There are 2 proposed buildings, a commons and a dining hall where the food will be prepared that is grown on the farm. There is also a proposed dormitory. These are all behind a tree line of maples. It means that the existing farmhouse and barn will sit on one side and any new buildings are further back so that even after to come down the drive and pass into the barnyard it is not going to look any different. The farm development parcel is about a quarter of the field that is in the middle there. The field extends beyond that down to the river. The rest of the area can never have buildings built beyond temporary tents for scientific study. We are showing 2 buildings on 110 acres for students to come and stay here and all the rest of it is where people will be doing ecological study. This is a really exciting project. You don't get a lot of chances where there is a project that tries to make all of its own energy on site with no fossil fuel. Rebuild a farm with all Maine made construction materials, well not all but as many as you can. The idea is that the water coming out of the buildings is cleaner than the water coming in. That is the sorta green you are trying to figure out how to do. There is so much talk about kids on the phone too much and not going outside anymore. Here is a school that is actually trying to change that. We think kids should be outside and here is a chance to do that. We can get the adults off their phones too.

Councilor Smart noted that that the proposed contract zone amendment says there could be two dormitories of 9,000 sq. ft. Is this a proposal for 1 dormitory of 9,000 sq. ft. or a combination? Mr. Thompson stated they wrote in two 9,000 sq. ft. buildings. This is one and there could be another one in the future. But that is not what we are expecting to bring to the Planning Board in the Spring.

Councilor Gay noted that on the survey there is an area called the pig house pasture downhill by the river. I would like to make a recommendation that if you do get that far the DEP can step in and stop you from having pollution come from the place and go down to the water.

Mr. Thompson stated that he thinks that was the pig house pasture but the good thing about the survey is that the

Saco River Corridor Commission is under control of all the land on the Saco River which to us is really great. There is someone watching is very carefully to make sure someone isn't having pollution running into the Saco River. We hope to more than exceed their standards.

Sarah Littlefield, Lives across the street from the property with husband Ryan – Ms. Littlefield stated “Jesse Thompson that is some fancy camera work because you can see the buildings from the road”. I’m a product of the Environmental Science Camp in 6th grade and that I remember very distinctly staying in cabins and sleeping on bunks with friends and going for my first 6-mile hike, eating lunch at the turtle rock, singing boom-chicka-boom with everyone and I truly believe that shaped who I am now as I grew and started truly hiking. I went to college and got a degree in outdoor ed and did a semester of outward bound course. I later changed professions and became a sign language interpreter and have the benefit of working with the Appalachian Mountain Club interpreting back pack courses so I believe in what an ecology school does and what an environmental science camp does. I also believe in transparency. That is where I as a neighbor am struggling with what is proposed to happen across the street from where I live. I want to talk about North Saco. If any of you have driven through lately you know the development that has happened on the Simpson road, Heath Road, McKenney Road, Watson Mills and the Grant Road. North Saco is no longer the North Saco that I grew up in. It has been cut and it has been built. In a matter of 2 years I would say there is 50 new houses in North Saco and that is not why I moved there. Now we are talking about having a school across the street that by numbers you can find on the ecology school’s website is going to serve thousands of people a year on the quiet Simpson Road. I went on the Ecology School website and I went on the day that Drew and his team came over to talk about what their proposal was and it sounded good and what I was doing for work and what I remember doing as a kid. But then I went on the website and I feel it is much larger than what was presented to us as neighbors as community members. I very simply took screen shots and those are things that I would like to share. From our neighborhood understanding and I do use the word neighborhood on purpose because we bridge neighbors and Stackpole Creek neighbors are a neighborhood. We are not a cul-de-sac but we are a neighborhood. So, we are talking about adding a school to our cul-de-sac if you will. It was presented to us that the ecology school would be there during the school year and then it would be quiet. So, when you go to their website at River Bend Farms it says 365 days of programming and we are going to engage the community and we are going to offer adult and family programs. That is allot more than a school year and traffic and an impact. We were told it was school programs so kids would come in on a bus with the teachers and ed tech’s with them and they would stay for a few day or a week and then they would leave. But if we are talking about family camp and adult camp. A family is not going to get on a school bus at a Walmart parking lot and all come together on the bus. So, we are talking about an impact on our road as a quiet rural street in North Saco. If you look at the Ecology Adventure Day camp for families we are talking about busing, not busing but families driving in and out on a daily basis or a weekly basis. The numbers presented on the ecology website are 170,000 participants a year on the Simpson Road in North Saco on our cul-de-sac. These are not my numbers. Seasonal staff since 1998 are 350 that come and go and I get that. That is allot of staff coming every day to and from work on a quiet cul-de-sac. Sustainability & Agriculture – I get it man, I get it, I grown my own food, I have goats, I do the things. Agritourism, ecotourism, experimental ed, permaculture, sustainability, all these flashy words that we use to talk about things people should still be doing since forever, but they are not because they buy their food at Walmart. Where ever you want to buy your food is fine but on here we are talking about the goal being that at least 50% of all food consumed on campus to be organically grown. That is fantastic. The other 50% is going to be locally sourced. To arrive on the farm on a truck. So that is more traffic in our rural community in North Saco at the end of our cul-de-sac. We are talking about Maine’s greenest buildings. Kaplan and Thompson does fantastic work. But Maine’s greenest buildings will become the nation’s most sustainable central environmental learning center. That doesn’t sound like a small school program to me. Again, there are examples of year-round programming and that is not what was presented to us as community members. I feel that the wool was attempted to be pulled over our eyes. We are going to have this sweet program that that I could genuinely but into if there was full transparency and true small program for kids to come to. But that is not what the website says. That is not what grants from the Quimby Foundation bring, LL Bean bring. Those bring in numbers, people and more grants and more grants and more money and more people and programs. I get it I want folks to be successful. I want people to be successful at what they are doing. But, I want transparency. I live across the street.

Councilor Archer called a point of order. The speaker has gone over the time limit and I would like to extend the time for 2 more minutes.

Mayor Lovell noted that he would end the discussion when he saw fit.

Councilor Archer noted that it was a point of order that was brought forward to the Chair.

Mayor Lovell stated that Mrs. Littlefield could continue on.

Sarah Littlefield – Thank you for listening, thank you for listening to me, thank you for listening to the neighbors, thank you for looking at what North Saco was only 5, 10 years ago and what North Saco is now and what North Saco is going to be in the future. Do we want Saco full of traffic in every single corner? Do we want it over developed in every single corner? This needs to be discussed and it is more than what this meeting is. I encourage you to seek transparency and full disclosure in your decisions when it comes to the contract zone and the planning Boards review.

Mary Martin, President of the Ecology School, Resident of Mechanic Falls, Retired school teacher and Principal – Currently chair of her local School Board RSU #16. These experiences have helped me understand the importance of a relevant and rigorous curriculum the benefits of public service and collaborative relationships. My School District RSU #16 and the Saco schools have strong and cooperative relationships with the Ecology School. In both the school systems the programming has grown over a period of years and it is embedded know in the K8 science curriculum my local district. In the Ecology School's financial commitment to Saco which has included grants and direct funding has been consistent and has allowed for programming expansion. In Saco, many students have benefited from over \$2,005.00 worth of programming that has been provided and \$104,000 of that was funded directly by the Ecology School. In August of 2016 Saco schools and the Ecology School partnership committee was formed with goals to develop a systemic and seamless K8 curriculum for science and to partner with the ecology school in building an overall K8 science curriculum that included ecology. This committee has evolved this year a science curriculum with the Ecology School being an ongoing partner with the Saco schools. As an educator, I know that the most meaningful learning experience are those that are relevant and engaging. The learning opportunities provided by the Ecology School allow students to explore the ecosystems that surround them and to understand the importance of stewardship. Sustained multi-year programming and the alignment of the local science curriculum with the Ecology School programs provide a continuum of learning. That enhances the students understanding of the natural world but also a part in that world. So, my connections with the Ecology School have allowed me to get to know and to very much appreciate your community and the unique variety of natural outdoors spaces that exist here in Saco. As President of the Ecology School Board I can say with confidence that the Ecology School is deeply committed to continuing to work with Saco schools and providing the best for students in Saco. We want to continue to inspire your students through the science of ecology and the practice of sustainability. We look forward to building an even stronger connection with your schools in this community.

Mayor Lovell inquired how long Ms. Martin has been on the board. She replied 5 years.

Kathleen Sheehan Tartre, 157 Simpson Road – I would be considered an abutter. I have been on the Simpson Road for 23 years. I have chosen to raise my family there. My husband Andy and I bought Fogg's old farm house back in 1994. We tore it all apart and made t a beautiful home and then decided after 7 years of renovations that we needed to expand our family and we built a house that sits back just up from the hill by Stackpole Creek which is beautiful. Mt two children have spent their life out there and I chose to buy this parcel of land in which are the time we originally purchased it, it had almost 60 acres. I believe in the outdoors and I believe in the value of being outdoors. We have spent out life teaching our kids about the woods, raising our own beef and our own poultry. We just planted apple trees last year and so that someday we can go up and enjoy picking them with our grandchildren. Hat apple orchard overlooks Mary Merrill's farm and the one thing that I need to say is that I don't believe this is about the mission of the school because I think most of us support and believe in what they are doing and believe in children and the community aspect of it. What it is really about is location and are we doing this in a way that it is responsible. Do we have all the facts? One thing that is very concerning to me is the traffic. I would invite all of you to come out and walk Simpson Road with me. I do it almost every day with my labs, I know, it is a busy street. It is becoming more and more busy. The other piece of it is noise pollution. Come on over and sit outside on the deck with me. You can hear Doreen's dogs bark every day especially at 5:00 a.m. in the morning. There is an issue. We don't think about that. We are not thinking about the people wo are going to live every day next to this and it is important that we make responsible decisions and that we do know the facts. I have spent my whole life out there and Mary would come out of her front door and wave to me and I would wave back. It has been a wonderful peaceful place to be. I

need to know exactly what is going to happen and I think we just need to know the facts and really consider what this project is all about and how it is going to impact out neighborhood. As Sarah said, how is it going to affect North Saco and we grow and expand.

Meg Jones, Director of Education for the Ecology School, Resident of Gorham – What I'm reading tonight is a message sent by e-mail from Kathy Baillargeon who is a 4th grade teacher at C.K. Burns School. "Hi Meg, I will not be able to attend the meeting tonight. Please feel free to share my thoughts. As an educator in Saco for 29 years I have seen the value of the Ecology School. My own sons took part in ecology school programs and my 4th grade students have taken part in and enjoyed programs taught by qualified ecology school leaders. I have lived on the Simpson Road for 30+ years so I know the area well. My grandfather Roy Fogg lived across the street from Mary Merrill so as a young child I spent many hours in the fields and woods there. Mary loved having my brothers, cousins and myself romp, play and explore the woods and fields on her property as well as on my grandfathers. Having the Ecology School located on the Simpson Road will provide another place for our children to learn to become good stewards of our environment. Good luck Meg. Best, Kathy."

Linda Boudreau, 293 Sawyer St., So. Portland – Member of the Board of the Ecology School – Thank you Council for your consideration of this contract zone amendment for the River Bend Farm. As a member of the board of the Ecology School I'm here to speak in support of the amendment extending for up to 2 years the Ecology Schools rights under the zoning agreement. Since approval in 2016 the Ecology School and the Saco Valley Land Trust successfully transferred the conservation easement on the property to the Maine Farmland Trust and the Ecology School closed on the purchase of the property from the Merrill family. As a result of this we feel the Ecology School is now ready to complete the vision of building a world class educational facility with guidance and approval from the City of Saco, our architectural team, the Maine Farmland Trust, contractors, supporters, neighbors, friends, and donors. Interestingly, as a former City Councilor for the City of South Portland and a current Planning Board member I can say how truly fortunate the City of Saco is and will be to have the Ecology School remain in the city and relocate to this incredible site. The preservation of the original barn and farm house and restoration of the property to 50% active farmland that will support the school's operation and educational program is unique. The bragging rights as home to this instructional home stand to benefit the city. Certainly, efforts to bring economic development to Saco, the mission of the ecology school and its location in Saco will be appealing to a very coveted investor. The investor looking at the cities position on educational opportunities, environment and sustainability. Also, the living building challenge goal for construction standards will put the ecology school and the City of Saco on the map. I would like to end by reading the mission statement of the ecology school. I think that statement clearly states who we are and what we are intending to do with this property and how we plan to treat our neighbors. The mission of the Ecology School is to foster stewardship for the earth by reimagining education through the science of ecology and the practice of sustainability.

Margaret Mills with husband Henry Beeuwkas, 168 Simpson Road – We own property that abuts the River Bend property. I have listened carefully to this process and the motion was not read and I would like to hear the motion read that we are discussing tonight please. I find that the motion language has alot of problems.

Mayor Lovell read the motion as follows: Councilor Archer moved to open the public hearing on the document titles contract zone amendment between the Ecology School and the City of Saco February 1, 2016 proposed amendment of December 18, 2017.

Margaret Mills inquired as to what the actual motion that is being discussed.

Mayor Lovell stated it was a motion to open the public hearing.

Margaret Mills asked again what the actual motion being discussed by this public hearing? I'm sorry I don't have a copy. Can one of you read that motion please.

Mayor Lovell noted that the motion was only to open the public hearing.

Margaret Mills asked that when you have a public hearing the public hearing is regarding a motion for the council and the motion before the council is being discussed by the public but the motion being discussed has not been presented. I have some questions that I would like to discuss in the public hearing about that motion.

Mayor Lovell noted that the motion to open the public hearing pertained to a contract zone extension at 184 Simpson Road.

Margaret Mills stated that this is the second reading of the motion correct?

Mayor Lovell stated it is the public hearing and that the second reading will occur on January 29, 2018.

Margaret Mills noted that when she looked at the motion that is before the council it had confusing language in it. I would be happy to point it out in generalities. The current contract zone expires February 1, 2018. Inga Browne gave Ms. Mills as copy of the Council item commentary with the motion. Ms. Mills read the motion as follows: The City Council approves the amended Contract Zone document entitled Contract Zone by and between the Ecology School and the City of Saco dated January 19, 2016 that it be amended to allow the applicant... This is the problem that I have with the second part of the sentence. That it would amend it to allow the applicant two (2) one (1) year extensions. So essentially two years of extensions from the expiration date of February 1, 2018 to receive site plan approval from the Planning Board to approve the requested one (1) year extension to February 1st. So, it that three (3) years of extensions? Further move to the public hearing. The amended contract zone as I understand it is there is a change of three (3) years there is a change of ownership.

Mayor Lovell stated that it wasn't three (3) years.

Margaret Mills stated that the language is muddy for her. That was my question. Moving on from that, I will let the council address the motion. My next questions is? I want to bring the conversation back to that we are talking about a contract zone amendment. So, we are taking this old contract which the ownership has changed from the Merrill's to the Ecology School and the timeline has changed and also the holder of the easement has changed. And, because the holder of the easement has changed and the ownership of the land has changed and the dates have changed those are all the amendments that are coming before the council, is that correct?

Mayor Lovell said that was his understanding.

Margaret Mills said that it wasn't clear in the conversation that has been going on tonight that those were the things being discussed. Can you explain to me about that three (3) year thing that is in the motion? Because I'm confused by it.

Mayor Lovell stated that it was not a three (3) year thing even though it may appear that way. The initial motion is to extend the contract zone by one (1) year with a stated extension of a second year that would begin after this first year. So, that the first year is to extend from February 2018 to February 2019 and another part of that motion is to extend from February 2019 to February 2020. So, as you know, this could be amended by the council at the second and final reading where the extension is of a single year and I believe that it has to do with the cities established policy on when a contract zone normally extinguishes. So, when it normally extinguishes after a year this language includes a second year where they won't have to return to the council to get the second year. So, that is why there is the appearance of two (2) years. It is a one (1) year extension that does not extinguish, it can continue to a second one (1) year extension.

Margaret Mills stated that it would be clearer if it just said. It doesn't say that you are amending the contract zone to change the ownership or the easement either. The only thing that is in the motion is just to extend it. Do you see in your motion you are not saying to amend the contract to change the ownership, to amend the contract to change the easement holder, and to amend the contract to change the dates? It just says to change the dates and I have to say, why don't you say amend the contract zone to allow for a two (2) year extension. The language in here is very confusing. I'll just leave it there.

Mayor Lovell stated that he would ask Mr. Hamblen to respond to that.

Margaret Mills – My husband and I are abutting land owners on this project. My concern is that we decided to live out in the country. We don't have a lot of acreage, we have 6 acres. But, we wanted to have visual privacy, a quiet spot in nature and do a little bit of gardening. Have a space for our family. So, because of those requirements we know we have to have a rugged car because the plows don't get out there as soon as they get out on Main St. We knew that if someone gets hurt, you put them in the car and we take them to the hospital. By in large it is really too far away to call the ambulance in any reasonable manner. We know that if the power goes out to turn on the generator because we are not downtown. If we want to buy a carton of milk I drive 6 miles. Those are the things that I said yes, I'm sacrificing to convenience because I want to live in a rural environment. By developing a big institution next door to me and actually they can traipse across my property, walk across my lawn to get to some of their property. There is an easement there that is kind of unpleasant for us. I'm losing that sense of I'm living in a rural environment. Even though I have made all these different sacrifices to live out in the country side I think I'm being plunked down in the middle of a very busy environment. Saco has a comprehensive plan and in the plan repeatedly set aside sections of the city to be left open, not to be so filled up and I think that having a big institution like the school would be contrary to the comprehensive plan. There are very, very few large parcels left in the community. I would be disappointed if such a busy, busy organization would be in this rural part of the community.

Mayor Lovell noted that this was just a public hearing. There is no vote to move this further. That will be coming on January 29th.

Sue Littlefield, 171 Simpson Road, across from the Merrill property – Ms. Littlefield noted that she just handed Council Archer a document that shows 11 members of the Hopkins family and Eliza Andrews that are buried in the cemetery on the property. This document was given to me by Mary Merrill about 20 years ago. So, in our neighborhood many of us walk. We walk early, we walk late and we walk in the middle of the day. We visit with everybody that we see in their yard or that we come across. There are also a few places that we can get out into the woods on other people's property because they are generous enough to let us do that. We have a real neighborhood because people know each other. There are people who just moved in recently that we meet because we are out walking. Ecology is defined by the study of ecosystems. Ecologists study the interaction of organisms in an ecosystem. So, I think it may have been helpful if it had been studied before this started. Maybe our concerns would have been taken more seriously. This is going to change our ecosystem, it will exact some sacrifice from us because our life style will change. You can't have anything that big out there without having traffic issues and the Simpson Road will be very expensive to improve. I think Public Works realizes that already.

Rebecca Donlon, Hickory Hollow f/k/a Fire Lane 2 on the Simpson Rd - My husband and I moved here 21-22 years ago and we have raised 7 children out in the woods down on the Saco River. We are all about ecology. I home school my kids. I have a doctor and 2 engineers and dental hygienist on the way and my kids are doing well. I don't think putting this school in the area it is, is going to be good for the City of Saco, the infrastructure needed to upgrade the Simpson Road. That road is a rural road, you cannot pass. When people are walking as everyone has said we all walk. We walk our dogs and our kids use the Simpson Road as a bike path. When cars come by you literally have to get off the road and into the poison ivy to avoid being hit especially if it is not a neighbor. Because they are screaming through there. No that the bridge is back they are really screaming through. They are coming from Buxton. Nobody seems to be addressing the Buxton end of the Simpson Road either. Because this will impact Buxton as well as Saco. That nice little country driveway cannot accommodate a semi-trailer full of food or lumber or whatever they are going to need to keep this school up and running every day. Where are the buses going to turn around? Between the crazy hill where the Merrill farm is and a very blind corner by Doc Fogg's house, nobody can turn around without putting their life or the life of somebody else coming from a blind corner in jeopardy. There is no place to turn around on Simpson Road. It was brought to my attention by a friend of mine that was on the land trust that the upgrades in the road would have to be to the size of 112 to accommodate the traffic that we are looking at. I don't think us owners on the Simpson Road want a road the size of 112. I also have friends that live off the Plymouth Planation off the Ferry Road and they say the traffic for the ecology school is crazy. Buses going all the time. We don't want that on the Simpson Road. We like it out there nice and quiet.

Inga Browne, 161 Simpson Road – You have heard from my neighbors, abutters, and citizens from the community.

I think what is very apparent is the need for more answers. It is critical. While this is not a voting evening it is coming up on the second and final reading and vote on January 29th. It is my hope that after the public hearing comes to a close this evening there will be many, many more questions from council. The unclarity of this proposal. The impacts are known. Ironically there have been no discussions this evening of student numbers or the actual programming. And while Mr. Dumsch has supplied the city with more information I find that when I read it I have more questions than I had before. It is imperative that we get more answers. While we had a public hearing 2 years ago for the contract zone the first time many of the neighbors and abutters have asked tonight are still being asked tonight are still being asked this evening. We still do not have the answers that we need. We were told that those answers will come out in site plan review. It has been a very frustrating process. I feel that neighbors and abutters have been marginalized and have minimized somewhat by our questions not being taken seriously. I was offended by the City Attorney's commentary that Mr. Hamblen quoted in his letter in the packet this evening: "That the neighbors and abutters simply have fear and once their fears can be allayed then perhaps the process will go more smoothly". I'm not standing here in fear this evening. I'm standing here wanting to know answers and that is not based on fear. The attempt is to be collaborative. The city wants to be collaborative with the ecology school and neighbors. That sounds wonderful to me. But, that is not the feeling that I have gotten in the past 2-3 years with this proposal. My list of questions are longer now than they ever had been. I know we have a school board members in the audience and that we have the Director of Curriculum that I'm happy to see. I will raise one question. Look at the information that has been submitted as far as the school district goes. I'm a parent. I have a second grader at Young School. At Young School, the curriculum is math and ELA. There is really not a science curriculum. I'm surprised to learn from this information that the ecology school is working as a committee to help design the science curriculum. That the curriculum for K-8 is being rewritten and that science instruction is being strengthened. I know nothing about this. Mr. Dumsch has submitted a e-mail to the Mayor with student numbers for Saco schools. In the e-mail Mr. Dumsch says "upcoming this Winter and Spring we will be working with the rest of the grades K-2, 4-6, and 8th grades. So, by the end of the school year we have worked with all the students in K through 8th". That sounds wonderful. I'm an educator myself. I support these programs. I think they are important but I don't see how those numbers add up. I have spoken with some school staff and they know nothing about these programs. Nothing. So, something in the communication chain must improve. Lastly, there is contradictory information between the contract zone agreement and what the Ecology School is promoting and advertising on their website. As Ms. Littlefield said the school is promoting 365 days of programming. The contract zone does not reflect that. The contract zone agreement still has errors in it. The new conservation easement covers the whole property including the 8.75 acre farm lot. So that is an oversight. I wish tonight that many of you will ask more questions. We need more answers if you want support and collaboration your citizens and neighbors then there has to be much more transparency. I support ecology programming and believe in what the school does. I wish them well. I feel that they have a right and a wonderful program and that they should be able to be in Saco and that they should be able to evolve and expand to be a world class organization as one of the board members said. But this is a very large project that will evolve and evolve and evolve. Schools have long term impact. I work in one. I know how they grow, change and have to have more programming. The ecology school should grow, evolve, and develop. But we need to think long and hard about the placement of the ecology school at River Bend farm with a contract zone. I too moved to Simpson Road in 2002, not simply because I found a house that I liked. I knew it was a conservation zone and that the road was quiet and I knew the farm across the road was in a conservation easement that it would not be developed. Well hind sight is 20/20 and here we are. The impacts that neighbors and citizens have talked about tonight are real and will change our lives every day. For those of you who do not live in a rural zone who do not live in a rural environment I would ask you to park your car somewhere on Simpson Road and to walk. It is our neighborhood and our home. I moved there knowing that it was in a conservation zone and that I could rely on that zoning.

Julie Smythe, Director of Curriculum Instruction for K8 Saco, Lives in Biddeford – I cannot be more proud to stand here as your Director of Curriculum. I thank you for the thoughts that you need to put into this. I'm so proud to be affiliated with the Saco schools. When I talk about living in Biddeford and working in Saco I think we have something so unique that the Superintendent in Biddeford lives in Saco. Talk about having the best interest for each others kids right. We are all about collaboration. I'm so appreciative about the passion of the neighbors that came forward. Two years ago I wrote a letter to Mayor Michaud and the Councilors at the time and I came to this meeting to share my support as an educator. I sat in the crowd and I was conflicted. I heard neighbors speaking for it and some against it. I'm thinking "Oh god, I'm the Director of Curriculum for their kids and half of them are going to hate me and half of them are going to support me. I never met Mary Merrill and I wish that I had". But when Mary Merrill's

nephew got up here and spoke to the Council I'm pretty sure it is archived. He said "how incredibly blessed Mary Merrill would feel to have all of those kids and to have such a legacy for the City of Saco. I also want to remind you that you represent 1,700 K8 students. The 35 days that have been referenced. Or the past 5 years Saco has given the Ecology School \$0. They have been in the class rooms and in my curriculum meetings not because they want to make money or economic development but they are passionate about what they do and they want the best for our kids. To live in or work near a community that values that, I'm so proud. I hope that is our legacy. I can't thank Drew and his staff enough for looking after the students of Saco schools. You know the budget situation. We have done as much as we can with little. They have supported us and continue to support us and I hope you will support them going forward.

Ryan Fecteau, Representative of House District #11 in Biddeford – I'm here this evening to speak in favor of the contract zone amendment and extension at 184 Simpson Road. I know that State Farm Insurance has staked its name as "the good neighbor". However, I do believe that the Ecology School can make and will make a strong case to be a very good neighbor the kind that you would be lucky to have. I have followed the Ecology School's journey to being in this chamber tonight. I have seen its plans for 184 Simpson Road. I have visited the site and cannot be more thrilled by having the prospect of this sort of place for learning in our communities. As the House Chairman of the Labor and Economic Development Committee up in Augusta, I would be remiss to not see the future plans for 184 Simpson Road through an economic development lens. Believe it or not Maine as more young people and more young farmers than any other state in the nation. Agriculture is an intimate and significant part of our economy. The Ecology School is poised to peak the interest of young minds in agriculture through programming that cannot be met by any other state in my opinion and certainly not in New England. I can attest that the learning at the ecology school is effective lasting. I don't like to admit this from being from Biddeford now but I was a Saco resident and a C.K. Burns student that went to the Ecology School well before I had a beard. I helped my grandmother circulate compost several years ago and I can vividly recall thinking in my head "Wow, I'm doing what the Ecology School taught me" and that was 15 years after I had been to the Ecology School. The learning sticks with you. This project at 184, I'm looking to new generational professions that have the agricultural spirit panted by their experience at the Ecology School. Perhaps more importantly there are state and federal funds that can be leveraged to support this kind of learning. The benefits to Saco and surrounding communities will be many. Young people in touch with the importance of our land and how it provides us with nutritious food. You people will have the opportunity to see the benefits of sustainable buildings that work. By the way, they don't have to be big to be sustainable and world class in terms of ensuring that the energy impact is net zero if not better. We will also be looking at programming that will be unlike anything in any other state. When I think of our state's motto "Dirigo" meaning "I lead" I think of projects like this one. Maine ought not to lead from behind. We should be the model for how successful youth orientated agricultural education is designed. I cannot think of a better use for 184 Simpson Road and I cannot think of a better neighbor to be a good steward of the land respecting its significance to our ecosystem and of course being courteous of those who live nearby. As an alumni, neighboring resident, advocate for students and our economic future I hope you will move forward with the project at 184 Simpson Road and grant this extension. A future home for a world class learning initiative that we can all be seriously proud of. It is after all about our future. The project as proposed does permit for the turning around of buses which is in the project proposal and the latest annual report from the ecology school notes that there were 12,000 students that participated last year and not the 100,000 that were sighted earlier. I would also mention that this project could be something else like a golf course or commercial permitting. I cannot think of a better project for this one.

Deb Hilton, 143 Simpson Road – Former Treasurer of the Saco Valley Land Trust that was sued by the Ecology School. I want to talk about the transparency of lack thereof. Two years ago, I stood before the council and I asked to see a 5-year plan. As a CPA I do financial planning for a very large corporation and I have does this for over 20 years. So, when I see the ecology school at around \$900,0000, I say "How can they possibly support \$10 million of investments with 11,000-12,000 kids, there is just no way". Now I know they are going to raise money and have grants and things like that but their numbers right now We had to request through the Freedom of Information Act information from the City of Saco. We have asked for this information a number of times and we had to go that route in order to get something. We saw an e-mail from Drew to the city that talked about "please don't share this with the Saco Valley Land Trust" and please don't share this with the "Simpson Road Residents" they won't understand what our full method of teaching the kids are and how important this is. So, I say the lack of transparency is mind boggling. Even the most recent comment from Bill Mann of how they got the \$1.3 million loan should speak by itself that this

project should go forth and their piece of financial feasibility makes sense. That couldn't be anymore further from the truth. It is extremely irresponsible for someone from the city to make a comment like that without seeing the full financial information presented to the bank and also any future investors or any future loans that would need to be taken out. I would also like to speak about the safety and not just about how we walk our kids or we walk our dogs or things like that on the most narrow road and the last road to be plowed but also about the students that go to this school. It was very interesting to see that there were 300 kids that had to be shipped back to Massachusetts due to unsafe conditions at the Ferry Beach location. Those students were shipped back and the parents were extremely upset and if it wasn't for the landlord taking stand to say this is not safe they would he probably have stayed. Out on the Simpson Road as far away as we are from Fire and Police it is extremely dangerous to be putting kids into situations like that. I would also say that if you think back to the recent fire we had on the Simpson Road where Doreen Metcalf's kennels were leveled by a fire, it took the fire trucks a long time to get there. Having this establishment so far from town on a very rural road is putting kids lives at risk. Not just the neighborhood by the kids who come here from everywhere. Now, when I did finally see this one year plan for the Ecology School, which was again obtained through the Freedom of Information Act. I saw that they quickly doubled in size so we are talking 12, 000 to 24,000-25,000 kids and maybe just not kids we are talking families and other groups. So, when you are thinking about that, I want you to put it into perspective. The City of Saco has around 18,000 people. Can you imagine everyone is Saco plus some descending on the Simpson Road. The smallest most narrow road that takes a long time to get to. I would also say that although I believe very strongly in education I believe very strongly in conservation and that was why I was on the commission for 5 years. This is not about whether ecology is right or wrong to be teaching. It is about is this the right location and will this really benefit Saco. So, I would say with those 25,000 people and that is just one year growth maybe 5% of that population will be from Saco. The other 95% is from elsewhere. If you think that is going to put us on the map they haven't yet. Not only that I would say Bates College has not put Lewiston on the map, Colby College has not put Waterville on the map Beaudoin College has not put Brunswick on the map. This is not going to change Saco for the better. It is going to take away our rural part of town and increase traffic dramatically. There are other ways around this. UNE has partnered with the Ecology School and they are a great organization. The Land Trust has an easement New England Woods of roughly over 100 acres where UNE students study out there. UNE and the Ecology School partnership on their campus would be a great opportunity. Saco students could still go there and I might also add that Saco students have not always gone to the ecology school. If you remember the budget cuts with RUS #23 there was a 5-7 year scan when kids did not go there. I grew up in Saco and I don't remember ever going to the Ecology School and my kids say they may have gone 1 year. Really, ecology is just not taught by the Ecology School it is taught by parents. My kids aren't attached to their phone or video games because as a parent it is my responsibility and I'm not going to farm that off to a school. I think there are allot of ways we can continue to educate our kids and continue to have Saco schools participate at the Ecology School, but have them do it in the right location. Partnering with UNE and using their dorms in the summer is the slowest ecological footprint and if you are all about ecology that is what you should be looking towards, not to build \$10 million in infrastructure.

Cheryl Lajoie, 65 Simpson Road – I also had the joy of growing up on the Buxton end as well. I do know Mary Merrill, I grew up with Mary. It was a wonderful opportunity. I went to pony camp at her house. There were no houses at the bottom of the hill. From the Buxton end we were on the Buxton Saco line and we were #5 because there were only 5 houses between us and the end of the road and there weren't many more on the Saco end. It was a dirt road. When a car drove by we all ran out to see who it was because we knew everyone who lived on the Simpson Road. Now, there is allot of traffic on the Simpson Road. When I was lucky enough to build my new home on the Saco end of the Simpson Road I came home because I wanted the quality of life that I find here. People who don't live in Maine don't understand what that is. It is not something that you can always define but we all know what it is. When you are going to do something that changes that quality of life you can expect that we are going to fight and snarl about it because it is really important. There isn't anybody in this room wo doesn't agree with the premise of the Ecology School wants to provide for people in the education they want to provide kids the opportunities they want, the curiosity. There isn't anybody who disagrees with that. What I personally disagree with is I don't see waste water management plans. I don't see environmental impact studies. I don't see where economic development is going to meet a balance with the environment. I see that the residents of the Simpson Road are going to pay the cost of that. Come down that road anytime. It is not wide enough for big trucks and buses. You saw the picture of the beautiful entrance to the property and there is not enough room for a bus let alone a construction vehicle a load of lumber that is going to be able to make that corner. When I was a child there was a fatality at the top of the hill.

It comes up goes over and then stops. So, you cannot see both ways. That is a dangerous spot. Before you even get to that there is a really sharp corner that is really short. I can't see how you are going to get a lot of vehicles going around that corner without having accidents. That is not safe, anybody can see that. I see that we talk about sustainability. I'm a horticulturist. That is my job and what I like to do. I'm a plant geek. What I don't see is where they are managing with the funding to provide all these really expensive things that are important to green structure. I haven't heard word one of LEEDS which is leadership and energy development. Anybody in landscape architecture can tell you that having a LEEDS certified building is a gold standard in the United States. The problem is that when you do those types of projects they are very expensive and they do add more initially to the cost of your building. Where is this funding coming from? If this funding doesn't appear what happens then? Are they going to change their building plan? Are they going to cheap out of the processes they made to filter waste water? How are they going to deal with erosion? Simply farming the property will create some erosion issues. As a horticulturist, I know that there are ways around those things but I haven't seen any plan. I haven't seen anything forthcoming that is going to tell me how they are going to manage those issues especially teaching other people about them. I just want you to understand that we really care about the quality of life that we have and that is why we live there. We are really fortunate to live in the State of Maine and especially on the Simpson Road. That farm is pristine. If that place is damaged you will never ever get that back and you will never see it again. We don't ever want to lose that.

Kevin Roche, 18 Vines Road – To the Mayor and Council, looking about before you I will put this in the top 10 attended meetings in my 4 years on the council. This is a bigger issue than the huge positives of the Ecology School and not in my back yard. It is not at those extremes. It is a bigger middle issue that has gotten a lot of attention. So, please deliver a thoughtful outcome coming up. We did vote on this 2 years ago and some of you were here and some were not. Two years ago when it was first presented to us it would not have gotten the vote. I speak for Councilor Precourt as well. Both of us ended up voting for the contract zone. But initially it was proposed and was not going to get the vote because it was the size of Young School. We all want to get a new elementary school into Saco but there is no way that we would put that size out onto the Simpson Road. It is not going to happen. So, we debated this to get those numbers down. We got those numbers down to a vote that could move forward. Remember, it is not all of a sudden just build a school. It is to zone that area for the potential to build a school. It certainly is not zoned to do a golf course. But, it is zoned for farming. So, in the definition of a school at the size that is in that contract zone that is what you pursue for site review and the Planning Board just to move forward with the potential of a project. The school still needs to find financing. I know it is the chick and the egg and then you get approved and the financing will come. But, you still need to seek financing for potentially \$5-\$10 million worth of buildings. In site review in the Planning Board you will get more of that information. If it is on website material coming before you that it is hundreds of thousands of students. In the contract zone this is where it gets squirrely. It is 120 weekly students on site. Theoretically you could double that with field trips coming in during the day. So those are the numbers you are dealing with to make your decision. This is a new vote for a new council. Just don't copy and paste what we did 2 years ago. You have more information that is coming to you. Make it your own vote and get those questions answered. Everyone is here tonight. You have Ward Councilors and you can e-mail questions further. The final reading will be later this month and it will come to a vote. There should be no issues about transparency or different sets of numbers. The numbers are the numbers and the contract zone says what it says. That is the best information that you can get and where you make your vote.

Alex Grindle, Dir. of Programs at the Ecology School, Resident of South Portland – I've been a part of the Ecology School for almost 17 years. I have had a chance all along to work with Saco schools and there was a gap in programming in the Saco schools due to a number of factors. I have done a lot of work with the Saco school and remember when I first started getting to work with the 4th graders talking about the Camp Ellis Jetty. Running a mock town meeting here in this room. Teaching the 5th graders as part of a over-night program at the Ecology School. It is exciting to be a part of the work with Julie Smythe and the Saco science curriculum design team as we work together to strengthen and deepen the science curriculum. It was noted that the primary kindergarten through second grade curriculum is focused on English and Math and to be able to come and help provide science and curiosity to the younger students and to help teach teachers how to do that has been a really exciting opportunity. A big part of my job as the Director of Programs is to work with the classroom teachers to bring students and work really hard to provide an opportunity for their students to be able to come to the Ecology School. One of the things that is most meaningful and endearing to me is that we work with students in schools and provide an opportunity for a number of students and lots and lots of kids get to go to the camp because they have the privilege to do that. By working through

schools, we are able to give an opportunity for all students regardless for a whole group to come and be part of our programs that that is really a big part of the connection and keeps me passionate about what we do. I've worked with some teachers since being with the ecology school for 17 years and have also had the privilege of working hard to seek out the ecology school and to pioneer a program to bring them to our community and to our school. It has really been an honor to work with people who care so deeply. I have a quote from a teacher colleague "The Ecology School provides our students with an opportunity to be immersed in a different environment, let down their guard and break free from normal routines to develop valuable life skills and learn an immense amount of highly focused information about the natural world." That is from a teacher who teaches 6th grade and I have worked with him since 2009. It has been a privilege to work with all of these teachers and students from as far away as Texas and as nearby as right here in Saco as well as be a part of the Ecology School and to work with Drew who is a visionary leader. We look forward to becoming a part of the community of Simpson Road and not making it a horrible place. It is a beautiful place. I have been there and it is peaceful and this is not something that we are trying to change. I highly support the renewal of the contract zone and I thank you all for your time and consideration of the project.

Evan Paterno, Lives on the Simpson Road - We talk about 120 students attending weekly and a dorm of 9,000 sq ft. with the potential for another dorm of 9,000 sq. ft. if we are limiting the students who go 120 kids per week why would we need a second dorm that is twice the size which would then also alter the amount of food to 50% grown would be more food trucked in. More trucks more traffic more students and more danger. Where would we be able to see all the answers to all the questions that were asked tonight?

Mayor Lovell stated the answers would show up in the item commentary appendixes. Mr. Hamblen, a number of things have come up and one of them was the fact that the motion itself needs amending so that it fully contains what the amended contract zone is seeking and it would have to be an amendment that would be taken up by the Council to make the initial motion fit the request. So, if the motion doesn't fit the request then what gets approved by the Council is what will be the end result.

Mr. Hamblen, City Planner – Notes that he would work with the City Administrator and City Attorney to clarify it.

Mayor Lovell noted that there was a second matter that there have been some questions asked during this meeting and so by the 29th you should be able to get to those so that will get to be included as an appendix in the item commentary, is that true.

Mr. Hamblen stated that he would see if the City Clerk could complete the minutes in a fairly short order and each and every question or comment will can be responded too.

Kevin Sutherland, City Administrator – Two points of clarification. Several of those questions will be addressed as part of the site plan review process and there may be some challenges for us to answer some of them.

Mayor Lovell noted yes that was correct some would be answered with the site plan review handled at the Planning Board level and not the City Council level. Just to clarify that. The other thing I would like to clarify is that this is an extension and this process will be complete on the 29th. If it actually goes to the first meeting in February the Ecology School will actually have to begin the process again. It doesn't stop the Ecology School, it just means that they would end up having to reinitiate the contract zone process through the Planning board and then to the Council.

Councilor Doyle moved, Councilor Minthorn seconded to recess the meeting for 10 minutes 8: 26 p.m. the motion passed with unanimous consent.

Mayor Lovell recovered the meeting at 8:37 p.m.

Nicol Tift, 31 Rocky Hill Rd – I would like to make an observation passionate defenses of the Ecology School and how wonderful their programs are, is actually not relevant to the question.

Mary Johnson, 76 Simpson Road - This has been a very frustrating hearing to sit through because I thought that we were going to be dealing specifically with the question of the extension of the contract. Instead, it's been a emotional

appeal from both sides and I think it is too bad that it was a little out of control and I would just like to say that we have a new owner for the property at 184 Simpson Road. We also have a change in the overseer of the conservation easement which is not, not identical to the previous one by the Saco Land Trust. Thirdly, we have new son the Council and I was very touched to see Kevin Roche who worked on this, thought hard about it and participated in very strenuous discussion before he made a decision and saying to all of you “Don’t just copycat what we did. Look at it brand new from your point of view and come to your own conclusion what seems right and best in the long-term future of Saco considering all of the parameters.”.

Councilor Archer moved, Councilor Gay seconded to close the Public Hearing and further move to set the Second and Final Reading for January 29, 2018. The motion passed with seven (7) yeas.

Contract Zone Agreement between
The Ecology School and the City of Saco
February 1, 2016
Proposed Amendment, December 18, 2017

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 school’s 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 Maine Farmland 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 Ecology Education, Inc., a Maine non-profit corporation with a mailing address of 8 Morris Avenue, Saco, Maine as reflected in a deed recorded in Book 17609 Page 484 at the York County Registry of Deeds. 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).~~

The Property is subject to a Conservation Easement held by the Maine Farmland Trust as reflected in the Amended and Restated Grant of Conservation Easement recorded in Book 17609, Page 452 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~~ Maine Farmland 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 V(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 230-1405.A ~~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 Applicant 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 Applicant. 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 system 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 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 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.
- 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 230-1405.E 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. In the event the Applicant is not able to meet this requirement due to unforeseen events, but continues to make documented progress toward establishing an ecology education school as contemplated by this Agreement, then the Council may approve a one year extension of this Agreement, if requested in writing prior to the original two year expiration date. A second one year extension may also be requested in a like manner and granted, with the approval of the City Council.
 - 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 ~~230-1405~~ 1403 of the Zoning Ordinance, and by vote of the Saco Planning Board on November 10, 2015, and the Saco City Council on February 1, 2016, and amended by the City Council on _____, 2018, 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 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~~ Maine Farmland 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 _____, 2018.

WITNESS:

CITY OF SACO

name of witness

By:

Kevin L. Sutherland
City Administrator

WITNESS:

THE ECOLOGY SCHOOL

name of witness

By:

Andrew J. Dumsch
Executive Director

C. RENEWAL APPLICATION FOR A SPECIAL ENTERTAINMENT PERMIT – BEBE’S BURRITOS – (PUBLIC HEARING)

Native American Investments LLC d/b/a BeBe’s Burritos 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 Johnston moved, Councilor Copeland seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Copeland seconded to close the Public Hearing and be it Ordered that the City Council grant the renewal application submitted by the Native American Investments LLC d/b/a BeBe's Burritos for a Special Entertainment permit to be concurrent with the establishment's liquor license. Further move to approve the Order. The motion passed with seven (7) yeas.

D. ADOPTION OF COUNCIL GOALS FOR 2018-2020

In Workshop on January 8th, Mayor Lovell and City Council reviewed the list of goals suggested by Councilors in previous meetings to create a priority list of goals for staff to focus time and attention on.

Councilor Archer moved, Councilor Gay seconded "Be it ordered that the City Council adopt its 2018-2020 priority goals as follows:

- Review, Fund, and Develop a Strategic Recruitment, Retention, and Succession Plan;
- Work Towards Increasing Recycling Rate to 35% or Better through Targeted Education and Outreach;
- Research School Campus by Middle School + Review/Decide to Move Forward on Future School Construction Regardless of our Positioning on the State "List";
- Amend Policy on TIFs and CZs to Institute a Policy of Annual Performance Reporting of TIFs and CZ;
- Consider New Business Park to Create Infrastructure that Attracts and Retains Business;
- Bringing Natural Gas to the Mill Brook Business Park and the Route 1 North Corridor;
- Work Collaboratively with Saco Main Street to Expand and Promote Downtown Saco in its role as a Commercial, Cultural, and Residential city;
- Continue to Increase our Efforts in Energy Efficiency and Sustainability by Exploring Renewable Energy Projects;

And further move that in January of 2019, the City Council will review these goals and update as they see fit". Further move to approve the Order. The motion passed with seven (7) yeas.

E. SALE OF LOT #14 (18 WILLEY RD) IN THE SPRING HILL SECTION OF THE SAO INDUSTRIAL PARK TO AJR PROPERTY, LLC

***NOTE:** The original entity for the proposed purchaser was AJR Properties, LLC. This has been changed to the entity above and a copy of the online Indication of Good Standing from the Maine Secretary of State is included with this Item Commentary. There is now a desire to establish "ASR Property, LLC" to own this property appropriate assignment language has been added to the Purchase and Sale Agreement.

The matter was discussed in detail at the City Council Workshop on December 18, 2017.

The City of Saco has negotiated, subject to City Council approval, a sale of Lot #14 (18 Spring Hill Road) in the spring Hill section of the Saco Industrial Park for \$290,000; which equals 72.68% of the \$399,000 List Price. Since this sale price is below 80% of the Listing Price therefore must be ratified by the Saco City Council. The sale of this lot was discussed with the Saco Economic Development Commission on November 15, 2017 and December 5, 2017 when the attending members of that body voted unanimously to recommend to the City Council that the offer of \$290,000 be accepted.

There has been some discussion about the planned driveway to access this lot crossing a City owned Right of Way, and language to allow that remains in the proposed Purchase and Sale Agreement. Our current understanding is that

the purchaser now plans to access the lot via the cul-de-sac at the end of Willey road without need to access the City Right of Way.

The developer plans to build a 20,000 to 25,000 sq. ft. building that will become the new headquarters of Dock and Door Handling Systems, Inc.

Councilor Doyle moved, Councilor Minthorn seconded “Be it ordered that the City Council authorize the City Administrator to sign the contract for the sale of commercial real estate for lot #14 in the Spring Hill section of the Saco Industrial Park to AJR Property, LLC.” Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay – Councilor Archer.

PURCHASE AND SALE AGREEMENT

NOW COME the parties, the **CITY OF SACO** (hereinafter the “City” or “Seller”) a municipal corporation, located at 300 Main Street, Saco, Maine and **AJR PROPERTY, LLC** located at 29 Spring Hill Road, Saco, Maine (hereinafter referred to as “Buyer”) or its Assignee, who state and agree as follows:

Note: It is anticipated that a new entity to be named ASR Property, LLC will be established to purchase and develop the property that is the subject of this Purchase and Sale Agreement. In the event that ASR Property, LLC has not been duly established by the time of the closing the property will be sold to AJR Property, LLC.

WITNESSETH:

1. **Agreement.** Seller owns a parcel of land referred to as Lot 14 in the Spring Hill Section of Saco Industrial Park located at 18 Willey Road in the City of Saco, all as further shown in a Subdivision Plan recorded in the York County Registry of Deeds in Plan Book 281, Page 35, said Lot 14 being a portion of land described in a deed recorded at said same Registry in Book 8463, Page 334. The Seller agrees to sell said premises, and Buyer agrees to buy said premises, all as noted herein below.

2. **Financial Terms.** The Buyer agrees to pay the sum of Two Hundred Ninety Thousand Dollars (\$290,000.00) for the parcel, payment due as follows:

- A. \$5,000 shall be due within three (3) days of full execution of this purchase and sale agreement as earnest money;
- B. \$285,000 shall be due at closing.

3. **Personal Property/Fixtures.** This property is sold, as is, without any improvements thereon, and without warranty or guarantee of any kind, including fitness for use and future marketability

4. **Earnest Money.** Five Thousand Dollars (\$5,000.00). This earnest money shall be held by Seller’s Counsel, Prescott Jamieson Murphy Law Group in their Attorney’s Trust Account.

5. **Deed.** The Seller shall deliver the property by Quitclaim Deed. The Buyer shall have thirty (30) days from signing to complete a title search, if desired. The Seller shall have sixty (60) days from receipt of written notice of any title defect to either remedy any defect in title, or terminate this sale, at its option. In the event that the defect cannot be remedied within said time period, or if the Seller elects not to remedy same, the Buyer may, at its option, elect to close notwithstanding said defect. If the Buyer does not elect to close due to such title defect, then this agreement shall terminate. The City shall prepare the deed required for closing.

6. **Possession/Occupancy.**

A. Closing shall occur on or before March 16, 2018, provided that the Buyer has obtained all of its Federal, State, and municipal permits and approvals to develop the property. Upon closing, Buyer shall be entitled to immediate occupancy of the property.

B. Seller covenants that the property is free and clear of all tenancies, occupants, lessees, and/or holders; and, that it shall be free and clear of any and all tenants, lessees, holders, third parties, etc at closing.

C. Seller warrants neither it, nor any agent, employee, contractor or assignee of the Seller, has or shall prior to closing, place, store or deposit any dangerous, toxic, hazardous, flammable, or noxious materials or other forms of waste or debris in or upon the premises.

7. **Risk of Loss.** All risk of loss will be upon the Seller upon the execution of this Purchase and Sales Agreement and until closing.

8. **Inspections.**

A. The Buyer shall have 60 days following the execution of this Purchase and Sale Agreement to conduct any inspections they desire, including a so-called Phase I Environmental Study. If upon review, Buyer determines there is a material condition, including but not limited to environmental contamination, which condition impairs or limits the value of the premises and/or the Buyer's intended use of said premises, then Buyers may at their option: 1) terminate this Agreement, or 2) notice Seller of the defect or deficiency and request remediation, or 3) may conduct further review and analysis including but not limited to a so-called Phase II Environmental Study. In the event Buyer opts for options 2 or 3, the Parties may agree to mutually modify the time frame for closing, or, the City may opt to terminate the agreement, and return the Buyer's earnest money. Buyer has a good faith obligation to share any findings with Seller if material, adverse conditions are found.

B. Buyer may conduct a visual inspection the day of closing. Buyer may terminate this agreement if third parties, holders or lessees are found to be occupying the premises, or if the premises have been materially altered, since the execution of this Agreement.

9. **Real Estate Brokers.** The Buyer and Seller represent and acknowledge that Peter G. Hastings II of NAI The Dunham Group is the broker of record for this transaction and the Seller is responsible for payment of a fifteen thousand dollar (\$15,000) brokerage commission to NAI The Dunham Group at the closing.

10. **Survival of Terms.** All of the terms and conditions of this Purchase and Sale shall survive the closing.

11. **Heirs, Successors and Assigns.** This agreement shall extend to and bind successors and assigns of the parties.

Note: It is anticipated that a new entity to be named ASR Property, LLC will be established to purchase and develop the property that is the subject of this Purchase and Sale Agreement. In the event that ASR Property, LLC has not been duly established by the time of the closing the property will be sold to AJR Property, LLC.

12. **Governing Law.** This Purchase and Sale is a Maine contract, and shall be governed by the laws of the State of Maine. Any dispute involving or arising out of this contract shall be settled by binding mediation in Portland, Maine, by a mediator/attorney jointly selected by the Parties, and all costs of mediation will be split, except each party is responsible for its own attorney's fees. Neither party, as part of any decision or relief in mediation, will receive its attorneys' fees.

13. **Pro-Ration of Taxes, etc.** The Buyer and the Seller shall pro-rate all real estate taxes that may be due.

14. **Default.** In the event of default by the Buyer, the Seller may retain the earnest money of \$5,000.00 as its sole damages. In the event of default by the Seller, the Buyer may employ all legal and equitable remedies including specific performance.

15. **Time.** This offer is valid through Monday, January 22, 2018.

16. **Environmental Covenants.**

A. Covenants. Seller has no knowledge of and makes no representations as to the actions of prior owners or occupants of the property/premises, and whether they ever spilled, buried, left, or deposited hazardous materials on site. Notwithstanding the preceding, Seller believes in good faith no hazardous waste lies in, on or under the premises.

B. The premises will be sold subject to covenants set by the Maine Department of Environmental Protection.

17. **Special Conditions:** The following conditions shall apply:

A. Neither Party shall be obligated to close unless and until the Saco City Council approves this purchase and sale.

B. Buyer, and their agents and employees, may enter the premises, upon reasonable notice, for the purposes of any and all inspections contemplated hereunder but they shall leave the premises as found or better.

C. City may require Buyer to acknowledge delivery of certain notices and covenants applicable to the subject parcel. Buyer covenants it will cooperate with this requirement and execute those reasonable forms/notices required by the City.

D. The Buyer's deed will contain restrictive covenants as to the use, development and re-development of the land transferred herein.

E. Buyer may improve the adjacent, unimproved reserved right of way by installing a driveway, for purposes of access to its land provided such driveway is approved by the Saco Planning Board. Use of the reserved right of way, which Buyer acknowledges is property of Seller, is at sufferance of the City, and should the City, or its successors and assigns, at any time desire to use and or improve said right of way, Buyer's driveway may be removed, or relocated, at the sole discretion of the City or its successors and assigns. The City covenants it will attempt to minimize the inconvenience to Buyer but under no circumstances shall it be liable to Buyer for any damages or costs from any removal or relocation, or for any interruption in Buyer's business or operations. The City covenants if a public road is installed upon such reserved right of way, Buyer shall be assured and provided curb cut off such improved right of way for its exclusive use.

F. This sale is subject to Buyer securing a loan financing commitment from a lender for construction of a building of at least twenty thousand square feet (20,000 sq. ft.) in size, said financing commitment for not less than eighty percent (80%) of the combined lot purchase and construction costs, for a term of not more than twenty (20) years, and at a rate not greater than seven per cent interest (7%). Buyer shall provide the City its letter of commitment within 30 days of the execution of this Agreement.

CITY OF SACO:

Kevin L. Sutherland

Date: _____

AJR PROPERTY, LLC:

Signature

Date: _____

Title
Tax ID Number: _____

VIII. COUNCIL DISCUSSION AND COMMENT

- Mayor Lovell – For any of you who felt that I didn’t have control of the public hearing that just finished, let me say that I found in my own experience that there are people who don’t feel that they are venting their feelings of frustrations. But when they do speak it makes them feel better about their involvement with the Saco City Council. So, I’m very likely to continue on unless somebody has some way of allowing these people to vent without getting to the microphone. I think using the microphone is useful and I think there were tidbits in everyone’s statement.
- Councilor Archer – The whole reason why I interrupted was just that we need to set limits on discussions and as you noticed I only interrupted for a “point of order”. I wanted her to stop and realize it and that is why I said her name. I did request that we extend. We do need to follow Robert’s Rules and that was a motion that was interruptible and we should have voted on it “yea” or “nay”. Let’s just follow the rules. I wanted her to continue but there were a couple of people speaking way too long. It is a learning curve as we go. But when we see 5 minutes being the norm let’s just extend debate as needed.
- Councilor Smart – Thanked everyone who came and made comments. It is good to see the level of involvement here with us and I hope that continues in a productive way. We now have quite to think about and we certainly will.
- Councilor Copeland – She seconded Councilor Smart’s comments. I would like to bring attention to the Saco Dog Park. It is down School Street and you can access it from the back of the Fairfield School. It is a great resource for your dogs. Please bring bags to pick up what your dog leaves behind as a health thing for people and pets. Our Public Works Dept. does have sand with salt in it. Just bring a bucket over to DPW during their normal business hours and you can get some of that for free. In fact, there is a Senior Bucket Program. So, if you have extra buckets please feel free to donate them so they can be distributed to seniors.
- Councilor Johnston – Chapter 15, Section 23 - States “At least once a year, within 90 days of the end of the fiscal year, the Police Chief shall provide a written report stating the sources and amount of income to the fund; the date, amount and purpose of all expenditures from the fund; and the balance forward specifically relating to asset forfeiture”. I have never seen that report for years so I would kind of like to it.
- Mayor Lovell responded that we would cover that in the next workshop and upcoming meeting he Chief report in accordance to Chapter 15, Section 23.
- Councilor Gay – Thanked the people from the Simpson Road for coming out and also the from the Ecology School. This is going to be one of the council’s toughest decisions I believe for this year.

IX. ADJOURNMENT

Councilor Minthorn moved, Councilor Doyle seconded to adjourn the meeting at 8:53 p.m. The motion passed with seven (7) yeas.

Attest: _____
Michele L. Hughes, City Clerk