

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, April 2, 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

A. HISTORIC PRESERVATION COMMISSION RECOGNITION

Mayor Lovell moved this item to the April 17th Council meeting.

B. FIRE DEPT. OPEN HOUSE

Mayor Lovell announced that everyone was invited to the Annual Fire Dept. open house on Saturday, April 7, 2018 9:00 a.m. – 1:00 p.m. on North Street.

V. PUBLIC COMMENT

- Stephen Shiman, Board of Education – The city now has information on the basic budget and the RAD's that have been submitted. The Superintendent is preparing to justify both areas in terms of the report card and strategic plan. I haven't seen it yet but I'm looking forward to seeing it myself. It is going to be very important as a number of us feel that be very carefully listed because obviously it is very important because there is an increase in there. A significant increase. The second thing is that there was a vote at the last board meeting turning down an interlocal agreement which mandated that we return \$50,000 to the state. I have heard from a number of people I that vote may get overturned at Wednesday's meeting. This is an important factor because it may happen next year or the year after and it may affect our state funding for the school.
- John Harkins, 4 Christopher Terr. – I don't think that item #D, the discussion of the City Administrators contract and the related 360 Evaluation is appropriate Executive Session item. Mayor Lovell noted that it was going to be about a particular person and in the presence of an attorney. Mr. Harkins stated he still didn't think it should be. Mayor Lovell thanked him for his opinion.

VI. CONSENT AGENDA

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

A. Minutes – Approval of the minutes for March 19, 2018.

B. Confirmation of Council Liaison Appointment to the Personnel Committee – Be it Ordered that the City Council approve the Mayor's appointments of Councilor Micah Smart to the Personnel Committee. Further to approve the order.

C. Confirmation of the Mayor's Appointment to the Conservation Commission - Be it Ordered that the City Council confirm the Mayor's appointment of Karl Carrigan to the Conservation Commission as a full member for a three-year term ending on April 2, 2021. Further move to approve the Order.

Councilor Minthorn asked to discuss item #B before voting on the consent agenda. A discussion ensued.

Councilor Minthorn moved, Councilor Johnston seconded to pull item #B from the consent agenda. The motion failed with three (3) yeas and four (4) nays – Councilors Archer, Gay, Copeland and Smart.

Mayor Lovell called for a vote on consent agenda items #A, #B, and #C. The motion passed with seven (7) yeas.

VIII. AGENDA

A. ORGANIZATIONAL ASSESSMENT OF THE SACO FIRE DEPARTMENT – PRESENTATION BY MUNICIPAL RESOURCES

Fire Chief John Duross introduced the 2 lead developers of the “Fire Services Assessment” from Municipal Resources Inc. (MRI) Brian Duggan, Director of Fire Resources and George Klauber, Senior Public Safety Consultant.

Mr. Duggan stated that they formally submitted the organizational analysis that was recently completed on the Saco Fire Department. What we are going to do tonight is give you a thumb nail sketch that came out to a total of 173 pages so we will not be going through it in depth but we will hit some aspects from it.

Municipal Resources in a New Hampshire based but New England focused company that does a wide range of municipal services ranging from schools to assessing to public safety. In terms of similar public safety projects such as this we have completed more than 200 studies and as the chief alluded to George and I were the key people in the study and we also had a gentleman with us Peter Finley who is a practitioner out of New Jersey that joined us.

Our goal in this entire process was to do a number of things. 1) To generate a document that generates the dialog and discussion going forward and helps you plan for the healthy future. To give you an outside professional look at the organization. A snapshot of where things are and a plan for that healthy future and a guide. In every presentation that we do we say “It is your choice whether a study like this becomes a useful guide, strategic plan or a dust collector”. We have seen them all. We have seen some communities forge a path forward and implement about 80% of the recommendations.

PROJECT OVERVIEW

Municipal Resources, Inc. (MRI) was engaged by the City of Saco, Maine, to undertake a comprehensive organizational, effectiveness, and overall efficiency study of the city’s fire, rescue, and emergency medical services (EMS) delivery system. The primary intent and goal of this project was to determine whether existing levels of staffing, facilities, equipment, and funding are adequate to provide a level of service within the city that is in line with generally accepted standards and benchmarks for safety utilized by comparable fire departments in similar communities and based on standards and best practices for modern-day fire services currently in practice in Maine and the United States. To that end, the evaluation included, but was not limited to, the following key components:

- **Fire/EMS staffing levels**
- **Deployment of resources**
- **Fire/EMS service integration**
- **Fire/EMS facilities**
- **Evaluation of the adequacy of apparatus and equipment**
- **Fire service administration**
- **Financials**
- **Insurance grading pertaining to the fire service**
- **Adequacy of training**
- **Adequacy of support services**
- **Adequacy of funding**
- **Services of the fire departments/companies serving Saco**

During the course of this study, the MRI team investigated areas such as the organizational and command structures of the fire and rescue services, chain of command span of control, budgeting, staffing, on-call recruitment and retention, service demands, fire prevention services, response districts, dispatch protocols and the deployment of personnel, standards of cover, the communications and data processing functions, perceptions within the community, working relationships with other persons and agencies, responsiveness, internal policies and procedures, adequacy and reasonableness of facilities and equipment, and compliance with various state and federal regulations.

Following the on-site visits, the data and documentation collected, and observations made, were subjected to analysis by the project team, both individually and collectively. The information was then compared with contemporary fire service and public safety standards, recommendations, and best practices, to formulate the recommendations contained in this report, and utilized for the development of this document.

We have produced a comprehensive report containing recommendations that will assist the City of Saco and its fire department, to set a clear course of action for future service improvements and delivery. All recommendations for improvement are based on various administrative regulations promulgated at the federal and state levels, nationally accepted consensus standards developed by the Insurance Services Office (ISO), National Fire Protection Association (NFPA), Commission on Fire Accreditation International (CFAI), Commission on Accreditation of Ambulance Services (CAAS), and industry best practices and procedures. However, since every community has unique characteristics, challenges, and resource limitations, our recommendations are specifically designed to address the immediate and long-term needs of the City of Saco.

The resulting recommendations are based upon an acknowledgement that fire and rescue services are living and constantly evolving organizations. They must constantly change and adapt to current, and anticipated, conditions and realities. A municipal fire and rescue service, while steadfastly holding onto traditions, is an organization that must be progressive and proactive, and requires a perpetual commitment to improvement. The modern fire and emergency service is constantly besieged with ever-increasing demands from the public and must readily adapt to changes in technology, constantly evolving risks and hazards, and new generations of men and women entering this highly rewarding and challenging public service avocation. The delivery of high quality fire and emergency medical services requires energetic, enlightened, progressive, and proactive leadership at all levels of the fire and rescue services delivery system. Every day must include an effort to improve and move forward.

MRI would like to take this opportunity to thank the City of Saco, the members of the city council, City Administrator Kevin Sutherland the city's senior management staff, and the entire Saco Fire Department for being most cooperative and helpful in assisting us in carrying out our work on this project. We especially appreciate the candor and integrity of Chief John Duross, Deputy Chiefs David Pendleton, and Robert Martin, and all of the Saco Fire Department personnel we interacted with, all of whom demonstrated their professionalism and genuine desire to improve and strengthen the fire and rescue services that they deliver to the citizens of, and visitors to, the City of Saco.

SCOPE AND METHODOLOGY

SCOPE OF WORK

To be effective, a project of this type requires a thorough assessment to determine a baseline of current operations. Projections for community population growth that can translate into increased requests for service, the need for expanded levels of service, and evolving community expectations were necessary to develop recommendations for the department's long-range plans. A thorough review of existing staffing, funding, management practices, and regulatory environment was undertaken to determine whether the department can provide a level of service that is in line with generally accepted standards and benchmarks for a community of like character. An evaluation of the following information and topics were all components of this review:

1. A review of background information that impacts the fire department including:
 - a. Community population and demographics;
 - b. Residential, commercial, industrial, and municipal features of the community;
 - c. Policies and agreements that may determine staffing levels and practices;
 - d. Municipal ordinances related to fire and EMS delivery;
 - e. Mutual aid agreements and resources;
 - f. Standard Operating Guidelines (SOGs) for the fire department/companies;
 - g. Historical information as provided
 - h. Community road system;

- i. Response statistics;
 - j. Vehicles and staffing/run assignments;
 - k. Fire department management practices;
 - l. Fire department operational plans;
 - m. Annual training schedule;
 - n. Annual operating and capital budgets;
 - o. Fire department facilities and equipment;
 - p. Department succession planning; and
 - q. Vehicle fleet, replacement plan, and future needs assessment.
2. Input was solicited from a wide range of stakeholders either through conference calls or personal interviews, including, but not limited to:
- Y Fire Chief
 - Y Deputy Fire Chiefs
 - Y Several Captains and Lieutenants
 - Y Fire Department Administrative Assistant
 - Y Call Firefighters
 - Y Mutual Aid Fire Chiefs
 - Y Police Chief and senior staff
 - Y City Administrator
 - Y City Finance Director
 - Y City Planner
 - Y City Economic Development Director
 - Y Biddeford-Saco Chamber of Commerce Director
 - Y Maine Water Company representative

In performing this study, and as designated in the original request for proposal, we focused on the following aspects of the fire, rescue, and emergency medical services and their operations:

- Y Organizational structure and governance;
- Y Organizational, managerial, and operational practices including policies, rules and regulations, and standard operating procedures/guidelines (SOPs/SOGs);
- Y Fire and rescue services staffing practices and personnel scheduling;
- Y Community profile and characteristics, risks, vulnerabilities, and concerns;
- Y Fire, rescue, and EMS operations, including standards of cover, incident analysis, designation of operational responsibilities, and deployment of resources;
- Y Training and professional development;
- Y Fire prevention and code enforcement;
- Y Fire and rescue services apparatus and equipment;
- Y Fire and rescue services facilities;
- Y Communications and use of technology;
- Y Budgeting, capital planning, and fiscal management;
- Y External stakeholders' perceptions concerning the fire and rescue services and relationships with various officials;

- Sense of common vision among internal stakeholders and membership perceptions and feedback;
- Automatic/mutual aid and regional emergency service delivery;
- Benchmarking and comparative analysis; and
- Long-range and strategic planning

METHODOLOGY

To fulfill the requirements of this assessment, members of the study team held an initial orientation meeting with the fire department staff, and in partnership with them and Chief John Duross, gathered a large amount of statistical information and data on the city and service area. MRI consultants performed several days of on-site work, interviews, and observations in Saco.

Our project team made multiple visits to Saco and completed a wide variety of tasks in the development of this report including conducting more than 40 personal interviews with internal and external stakeholders. We engaged members of the city council, the city administrator, several department heads, a wide cross-section of the fire and EMS services community, other appointed senior municipal officials, and other internal and external stakeholders in discussions about the current system and structure to identify any concerns or areas requiring special focus, and to gather thoughts and ideas about areas of potential improvement and long-range visions, needs, goals, and objectives. The team spent significant time with the department's command staff and other key personnel in the fire and rescue services to gain an understanding of the organizational, operational, and management systems and approaches currently in place, and then compared and contrasted the current structures against contemporary practice and convention.

Altogether, there were thirty-three major work elements involved in conducting this assessment. These work elements are detailed below:

1. A review of compiled data regarding key operational aspects of the fire and EMS services.
2. A thorough tour of the response area to gain a sense of the physical environment, the primary fire and life safety risk exposures, and the location of population and commercial centers in relation to existing facilities.
3. A target hazard analysis of residential, commercial, and industrial occupancies within the City of Saco.
4. A tour of the public safety dispatch center.
5. Interviews with the city administrator and representatives of the city council.
6. Interviews with the fire chief, command officers, and members of the Saco Fire Department.
7. Interviews with fire chiefs from adjacent communities.
8. Interview with the Saco Police Chief and senior staff.
9. Interviews with various City of Saco senior staff.
10. Interview with the executive director of the Biddeford Saco Chamber of Commerce.
11. Interview with a representative of the Maine Water Company.
12. An interview with planning personnel from the City of Saco to review potential development within the community.
13. Interviews with dispatch and records personnel.
14. Inspection and review of all fire service facilities, apparatus, and equipment.
15. Development of an inventory of fire and rescue services apparatus and equipment.
16. Analysis of the fire and rescue service's current deployment strategy, response districts, and dispatch protocols.
17. Review and evaluation of mutual and automatic aid capabilities.
18. Analysis of the existing fire and rescue services organizational structure and governance including evaluation of the sense of common vision.
19. Review and evaluation of existing fire service policies, procedures, and practices.

20. Analysis of compliance with applicable regulations and standards.
21. Review and evaluation of the department's training programs.
22. Review and evaluation of the department's community outreach efforts.
23. Review and evaluation of the department's fire prevention and code enforcement operations and strategies.
24. Review and evaluation of department maintenance records.
25. Review and evaluation of the department's incident reporting system.
26. Provided guidance in the development of appropriate geographic information system (GIS) layered mapping by the GIS Consultant retained by the City of Saco.
27. Review and analysis of the department's incident/response time statistics.
28. Reviewed numerous documents, including the municipal budget, fire and rescue services budget, and capital budget.
29. Considered the feasibility and operational relevance of creating a regional public safety dispatch center with the City of Biddeford.
30. Identified pertinent data points and developed a comparative analysis survey.
31. Performed an analysis of comparative data based on the average of the data developed by peer communities.
32. Evaluated opportunities for additional regional or shared services related to emergency response.
33. Developed a report containing a comprehensive assessment of existing conditions of the Saco fire and rescue services along with recommendations for improvement.

Note: A complete copy of the report can be found on the cities website under the Fire Department tab.

Councilor Johnston, Councilor Smart seconded "Be it Ordered that the City Council accept the Municipal Resources Inc. report titled the 'Organizational Assessment of the Saco Fire Department'." The motion passed with seven (7) yeas.

B. AMENDMENT TO CHAPTER 171-SINGLE USE PLASTIC BAGS – (PUBLIC HEARING)

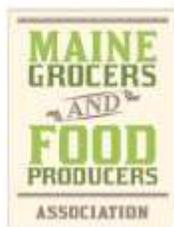
In April of 2017, the City Council added Chapter 171 – Single-Use Plastic Bags to the City of Saco's general code. Businesses was given six months to comply with the ordinance. During that time, it became apparent that clarity in the Reusable bags definition was required.

In September of 2017, the Council supported the Administrators decision to use section 106 and not enforce the ban on the reusable bags with plastic content until a revision to the ordinance was made by Council.

The revisions being proposed have been reviewed with businesses and business representatives and all agree that these changes will ensure compliance as the ordinance intended.

The Council reviewed this item at its March 5, 2018 workshop.

Councilor Minthorn moved, Councilor Johnston seconded to open the Public Hearing on the document titled 'Amendments to Chapter 171 - Single-Use Plastic Bags'. The motion passed with seven (7) yeas.



45 Melville Street, Suite 1
Augusta, ME 04330



March 30, 2018

Mayor Marston D. Lovell
Members of the Saco City Council
City of Saco
300 Main Street
Saco, Maine 04072

RE: Amendment to Chapter 171: Plastic Bags, Single Use ordinance

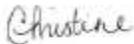
Dear Mayor Lovell and members of the Saco City Council;

On behalf of the Maine Grocers & Food Producers Association and the Retail Association of Maine, we are writing to share our support of the amended language to statute *Chapter 171: Plastic Bags, Single Use* as agreed upon on February 1, 2018. We appreciate the work the council has done to improve the ordinance and to address the reusable bag issue that caught everyone by surprise. The amended language will ensure no misinterpretations of the ordinance and will allow current reusable bag products to be compliant.

We urge you accept the new language and to move forward with the ordinance amendment so that there are no issues as the current enforcement delay expiration nears on July 1st, 2018.

Thank you for the opportunity to work with the City of Saco on this initiative.

Sincerely,



Christine Cummings
Executive Director
Maine Grocers & Food
Producers Association
207-622-4461



Curtis Picard
President and CEO
Retail Association of Maine
207-623-1149

Cc: Kevin Sutherland, City Manager

Councilor Mintorn moved, Councilor Copeland seconded to close the Public Hearing and further move to set the Second and Final Reading for April 17, 2018. The motion passed with seven (7) yeas.

“Amendments to Chapter 171 - Single-Use Plastic Bags”

(changes are underlined in document)

Chapter 171. Single-Use Plastic Bags

Section 171-101. Purpose:

It is in the best interest of the residents of the City of Saco (City) to protect the environment and natural resources of Maine by prohibiting the distribution and use of single-use plastic bags. This ordinance intends to encourage the use of degradable resin bags and/or reusable shopping bags in businesses.

Section 171-102. Findings:

Single-use plastic bags have an adverse effect on the environment. Because the City is an oceanside community with a river as a natural border, both aquatic and wild life are affected by the environmentally hazardous plastic bags. Research has shown that production and disposal of petroleum based products can injure or poison animals, disrupt habitats, and leach into ground water. Additionally, chemical by products can cause harm to humans, pets, and livestock.

Sec. 171-103. Authority:

This proposed Ordinance to be adopted pursuant to the City's home rule authority pursuant to 30-A MRS Section 3001, et seq.

Section 171-104. Definitions:

ASTM International means the former American Society for Testing and Materials. It is now called ASTM International.

ASTM Standards means the standards related to single or reusable bags.

- ASTM 5208 is the standard for UV exposure of photodegradable plastics
- ASTM 5272 is the standard practice for outdoor exposure testing of photodegradable plastics
- ASTM 5338 is the standard for determining aerobic biodegradation of plastic materials (requiring oxygen)
- ASTM 5511 is the standard for determining anaerobic biodegradation of plastic materials (does not require oxygen)
- ASTM 6400 is the standard for labeling of plastics designed to be aerobically composted

Business means any business that has or requires a business license with the City.

Degradable means a compound that breaks down into simpler compounds by stages.

Emergency food or other goods provider means a facility operated by a non-profit or governmental agency that provides goods to residents for no charge

Degradable resin means a solid or highly viscous substance that is typically convertible into polymers.

Plastic means an organic or petroleum derived synthetic organic solid that is moldable.

Plastic film means any organic or petrochemical film less than 1 mil in thickness.

Retail business means any business that sells consumers goods and has or requires a retail business license with the City.

Reusable bag means a bag with consumer carrying handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber or other machine washable fabric or regularly disinfected but not plastic film less than 1 mil in thickness.

Single-use plastic bag means a bag with consumer carrying handles made from plastic, which also may or may not be intended for a one time use. These bags fall under the category of plastic film.

Section 171-105. Single-Use Plastic Bag:

A business, as defined above, may not provide single use bags made of plastic for any purpose. A business may provide a non-petroleum based bag that meets one or more of the aforementioned ASTM standards, such as:

- a paper bag
- a reusable bag as defined
- a bag made from degradable resin compounds

If a retail business chooses to not provide a bag of any kind, a sign that measures at least 3 inches by 5 inches near the point of sale and at least 10 inches by 14 inches at entrance door must be posted stating bags will not be provided.

Customers are allowed to bring into a business and use their own bags, including plastic bags, without the business being in violation hereof.

Section 171-106. Exemptions:

Exemption from these limitations herein is made for emergency food or goods providers.

The City Administrator may exempt other businesses during major City emergencies or disasters. The exemption will end when the emergency or disaster has ended per the City Administrator.

Section 171-107. Violations and Enforcement:

The City Administrator, or his/her designee(s), shall have the primary responsibility for enforcement of this Ordinance. If the City Administrator or his/her designee(s) determines that a violation of this Ordinance has occurred, he or she shall issue a written warning to the business that a violation was found. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

A violation of the ordinance is based on the availability of plastic bags in a business.

Violations of this Ordinance shall be punishable by fines as follows:

- A fine not exceeding \$250 for the first violation in a one-year period;
- A fine not exceeding \$500 for the second and each subsequent violation in a one-year period.

Each day that a violation occurs will be considered a subsequent violation.

Section 171-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment. Notwithstanding the preceding, the City Administrator is authorized to delay any enforcement of these provisions for up to a period of six (6) months so that local businesses may cost-effectively eliminate existing inventory of plastic bags, and secure replacement of an acceptable biodegradable alternative.

Section 171-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

C. CONTRACT ZONE APPLICATION – 445 MAIN STREET – (SECOND & FINAL READING)

Applicant Lise Ouellette makes application for a contract zone for the property at 445 Main Street that would allow up to four apartment units to be established on the 2nd and 3rd floors of the existing building. The real estate office would remain in use on the first floor.

In the R-1b zone, multi-family dwellings are not allowed; two-family dwellings are, as a conditional use. However, the applicant's primary issue is density. The parcel is 12,197 s.f. in area. A two-family in the R-1b zone requires 10,000 s.f. per unit, so only a single residential unit would be possible. The applicant seeks approval for up to four units, and is proposing a minimum lot area per dwelling unit of 3,000 s.f. per unit, as stated in the draft agreement.

The Planning Board made a positive finding on each of the four standards for a contract zone, and forwards a positive recommendation for the contract zone as proposed.

Councilor Smart moved, Councilor Gay seconded the “Saco City Council hereby ordains and approves the Second and Final Reading of the document entitled ‘Contract Zone Agreement By and between Lise D. Ouellette and the City of Saco,’ dated December 5, 2017”.

Amendment – Councilor Copeland moved, Councilor Johnston seconded that if the property is to be sold to another party the contract zone is no longer in effect. The motion passed with six (6) yeas and one (1) nay – Councilor Minthorn.

Mayor Lovell called for a vote on the main motion with the amendment. The motion passed with six (6) yeas and one (1) nay – Councilor Minthorn.

Contract Zone Agreement
by and between
Lise D. Ouellette and the City of Saco
December 5, 2017

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through July 17, 2017 is hereby amended by adopting this contract zone agreement by and between the City of Saco and Lise D. Ouellette (Applicant).

1. The Applicant owns the property at 445 Main Street (Subject Property), a 0.28 acre parcel (12,197 square feet).
2. Said property is identified as Tax Map 33, Lot 25 on City of Saco tax maps.
3. Said property is in the R-1B zoning district. The property is also located in the Saco Historic Preservation District.
4. The building on the property is used as an office, which is a conditional use in the R-1b zone.
5. The Applicant proposes to maintain the existing office use on the first floor of the building. The Applicant proposes to "...rehab the 2nd and 3rd floors into apartments, which would allow us to reach its potential."
6. The R-1b zone allows a Two-Family Dwelling as a Conditional Use. In the R-1b zone each dwelling unit requires 10,000 square feet of lot area. Given the existing lot area, a single dwelling unit would be possible, but no more.
7. The owner submitted a request in 2013 for an amendment to the Zoning Map to rezone the Subject Property and the abutting Great American Realty parcel at 439 Main Street from R-1b to B-2d, as the Subject Property abuts the B-2d zone to the north. The B-2d zone allows two-family or multi-family units at 4,000 square feet of lot area.
8. The Planning Board reviewed this request, and rather than extending the B-2d zone further south along Main Street, the Board suggested that a contract zone may better address both the Applicant's and the City's goals.
9. Recognizing the limitations of the parcel, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow the proposed residential units to be established and co-exist with the established office use.

II. This contract amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the parcel at 445 Main Street, would allow the Applicants to maintain the existing Office use on the first floor, and also to establish up to four residential units on the second and third floors of the existing building, subject to the following conditions and restrictions, as provided for in Section 230-1405 of the Saco Zoning Ordinance:

- a. The Applicant may establish no more than four (4) residential dwelling units on the second and third floors of the existing structure.
- b. For the purpose of meeting Minimum Lot and Yard Requirements as stated in Table 412-1 of the Zoning Ordinance, the Minimum Lot Area per Dwelling Unit for the Subject Property shall be 3,000 s.f. per unit.
- c. The site currently functions with fourteen (14) parking spaces. Table 708-2 of the Zoning Ordinance requires one (1) space for every 250 s.f. of floor area for an office use. The first and second floors of the building total 3,856 s.f. of floor area, thereby requiring sixteen (16) parking spaces. Notwithstanding

Table 708-2, the changes proposed for use of the building shall be allowed based on the existing fourteen (14) parking spaces.

- d. The applicant shall incorporate Section 230-708.C(10) of the Zoning Ordinance into the site plan review application in order to identify and reserve an existing landscaped area that may be converted to parking should the need arise, as determined by either applicant/owner or Planning Board.
- e. Section 230-707-4 of the Zoning Ordinance limits a sign in a residential district to four square feet if one-sided, or two square feet per side if two-sided. Notwithstanding Section 707-4, the Applicant may maintain the existing business sign for Berkshire Hathaway Home Services N.E. Prime Properties as a conforming sign. However, said sign shall not be grandfathered in the case of a future change in the use of this property.
- f. The Applicants shall adhere to all other applicable provisions of the R-1b zoning district, of the Historic Preservation District, and of the City of Saco Zoning Ordinance and Subdivision Regulations.
- g. All details included in the submitted application materials are hereby incorporated into this contract by reference. The proposed use shall be operated substantially in conformance with these materials.
- h. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be "major" shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.
- i. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office in order that the project may be reviewed by the Planning Board. Failure of the Applicants to secure site plan approval from the Planning Board within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.
- j. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. A change in ownership prior to completion of the terms of this Contract may necessitate review and approval by the City Council. Determination of such shall be made by the Planning Office.
- k. Failure of the Applicant to initiate the creation of up to four residential units as described in application materials for this Contract Zone within two (2) years of the date of approval shall render this Agreement null and void. Said two year period may be extended for a period of one (1) year upon written request to the Planning Office prior to termination of said two year period.
- l. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer may 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.

III. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 230-1405~~3~~, and by vote of the Saco Planning Board on December 5, 2017, and the Saco City Council on _____, 2018, the following findings are hereby adopted:

- A. City Tax Map 33, Lot 25 is a parcel of an unusual nature and location, for the following reasons:
 - 1. The residence at 445 Main Street is a historically significant structure located in the R-1b zoning district and the City's Historic Preservation District.
 - 2. The residence was identified as the Paul Sands house as part of the City's historic resources survey in 1995. The Second Empire-style structure was built around 1860, and the exterior

retains much of its historic character.

- 3. The Subject Property abuts the B-2d zoning district to its north. Among the permitted uses in the B-2d zone are Offices, and Dwellings above the first floor in a mixed-use building.

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

Chap. 5. B. The Local Economy -- While the goal of the City is to accommodate good quality commercial development in appropriate locations, the City is also interested in discouraging commercial use in inappropriate locations. Therefore, it is a policy of the City to avoid the location of commercial activities within residential neighborhoods except for strictly regulated home occupations, day care, or others with minimum impact. In addition, the City discourages the establishment of commercial enterprises along major streets except in those areas specifically designated for commercial use in the land use policies.

Within the built-up area of the City, residential neighborhoods often abut commercial areas. The City should restrict the expansion of commercial activity into established residentially zoned neighborhoods, should limit the use of residential streets for access to commercial activities, and should require buffering along the transition from commercial to residential use.

Chap. 6 Land Use Goals and Policies

Commercial Development 25. The City’s policy should be to resist designating other areas along the City’s major streets for commercialization. Even within those areas designated for commercial development, the City’s development standards should control the number of access points along these arteries to maintain their capacity to move traffic as safely and efficiently as possible.

- C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the Residential-1b (R-1b) zone, a high density residential district “. . . designated for areas which are predominately single-family residential in character.” (Zoning Ordinance, Section 405-1.)

Among the permitted and conditional uses allowed in the R-1b zone are single and two-family dwellings, offices within existing buildings, accessory apartments, community living uses, churches, daycare centers, elderly congregate housing and bed and breakfast establishments.

Examples of uses in the vicinity of the subject property include Keller Williams Realty, Harbor View Lending, and Active Chiropractic (439 Main St.), Rite-Aid (461 Main St.), Thornton Academy (438 Main St.) and the Paul Hazelton House (7 Smith Ln.), as well as single-family and multi-family dwellings. The property abuts the B-2d zone along its northerly property line.

- D. The conditions proposed are sufficient to meet the intent of Section 230-1403. Contract Zoning, of the Saco Zoning Ordinance.

IV. 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, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _____, 2018.

by _____
Kevin L. Sutherland
City Administrator

by _____
Lise D. Ouellette, Broker
Berkshire Hathaway/Home Services, NEPPI
Applicant

D. CONTRACT ZONE APPLICATION – 95 HEATH ROAD – (FIRST READING)

Applicant Cole Coletro proposes to establish an “event venue” at 95 Heath Road. A “rustic barn” is proposed along with various improvements in order to allow events such as weddings or graduations parties for up to 150 people.

The 15 acre parcel has adequate space for parking, the season would be May through September, with hours no later than 11 p.m. A commercial kitchen would be installed in the barn, with food largely being provided by caterers.

The Planning Board held a public hearing on this proposal at its March 6, 2018 meeting, and made a negative finding on each of the four standards required for a contract zone, and voted to forward a negative recommendation to the Council.

Councilor Gay moved, Councilor Doyle seconded to approve the First Reading of the contract zone document entitled “Contract Zone Agreement by and Between Cole Coletro and the City of Saco,” dated March 6, 2018”; and further to schedule a Public Hearing for April 17, 2018, for the property identified as Tax Map 108, Lot 1 as authorized by Section 230-1405 of the Zoning Ordinance.” The motion passed with seven (7) yeas.

Contract Zone Agreement
by and between
Cole Coletro and the City of Saco
March 6, 2018

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through July 17, 2017 is hereby further amended by adopting this contract by and between the City of Saco and Cole Coletro.

1. Cole Coletro (Applicant) has submitted an application for a contract zone for the parcel (Subject Property) at 95 Heath Road.
2. The Subject Property is owned by Cole K. Coletro, acquired January 22, 2017, and subject to a deed recorded in Book 17178, Pages 62-65 at the York County Registry of Deeds.
3. The Subject Property is a 15.16 acre parcel identified as Tax Map 108, Lot 1 on City of Saco tax maps.
4. The Subject Property is in the C-1 zoning district.
5. The Applicants propose to establish a Place of Public Assembly on the Subject Property. This is not an allowed use in the C-1 zoning district.
6. Recognizing the requirements of the Zoning Ordinance, and the limitations on establishing such a use in the C-1 zoning district, the Applicant hereby makes application for a Contract Zone that would allow said use to be established on the Subject Property as a legally conforming use.

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

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicants to establish a Place of Public Assembly as an allowed use, as provided for in Article 14 of the Saco Zoning Ordinance:

Section 230-410-22 of the Zoning Ordinance is hereby amended so that “Place of Public Assembly” shall be a permitted use on the Subject Property.

A Place of Public Assembly shall be defined as follows: A commercial use that may operate either fully enclosed within a building, or outdoors, or both, that provides a place for public gatherings such as weddings, graduations, anniversaries and similar events. A place of public assembly may include facilities for eating and drinking, provided that required licenses and permits have been issued by the applicable agencies.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 230-1405.F of the Saco Zoning Ordinance:

The Applicant shall adhere to all other applicable provisions of the C-1 zoning district and of the City of Saco Zoning Ordinance.

a. City and Applicant recognize that the plan/map submitted for contract zone review is a representation of existing site layout, but is subject to change as the result of site plan review conducted by the Planning Board. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

b. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.

c. Hours for which the Place of Public Assembly is open to the public shall be reasonable in order to accommodate gatherings as proposed, by shall be limited to between the hours of 9:00 a.m. and 11:00 p.m.

d. Parking shall be limited to the Subject Property. No parking shall be permitted within the Heath Road right of way.

e. All permits, licenses and approvals required by local or state agencies for a Place of Public Assembly and/or commercial kitchen shall be secured by the Applicants prior to opening for business. These may include but are not limited to a building permit for the barn, a building permit for the installation of a commercial kitchen, a Victualer's License, a business license, and a Certificate of Occupancy.

f. For the purposes of this Agreement, a Food Truck shall be defined as, "A motorized vehicle with on-board power, refrigeration, food preparation facilities, and usually room for two to four employees. A food truck is distinct from push carts, trailers (towed carts), and other mobile retail vendors."

g. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable prior to review of said qualifications by a potential buyer or other operator of the Place of Public Assembly by the Planning Board.

h. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer 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.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1405, and by vote of the Saco Planning Board on March 6, 2018 and the Saco City Council on _____, 2018, the following findings are hereby adopted:

A. The parcel identified as City Tax Map 108, Lot 1 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:

1. The Subject Property is the proposed location of the sole Eating and Drinking Establishment based on a "rustic barn and landscaping" rental venue concept, featuring native landscaping, orchard trees, local produce and foods, in the City of Saco. The City seeks to encourage rural- preservation efforts, which are reflective of the agricultural heritage in Saco.
2. The Subject Property borders the 1,200 acre Heath Preserve, and contains a mix of forest groves and open grasslands. The owner's intent is to preserve the property and forest for non-residential use, to promote wildlife and nature. The proposed use as a rental venue will minimize the impact of housing development on these 15 acres, but still positively contribute to the economic activity of Saco as well as rural appreciation.

B. The proposed rezoning is consistent with the 2011 Saco Comprehensive Plan, based on the following goals:

The parcel's **C-1 Conservation District zone** allows conditional agriculturally-based commercial uses ("agriculturally related business uses," "the processing and/or sale of agricultural products raised on the premises," and "farm stands"). A *contract zone* could allow establishment of the proposed use. The draft agreement would amend Section 230-410-22 in order to allow a Place of Public Assembly in the C-1 zone, and to rely on either external caterers or a commercial kitchen.

Chapter 3, Overview of Updated Inventories

L. Land Use

Agriculture and forestry play a diminishing role in both Saco's economy and its landscape—since 1992 the amount of land enrolled in the state's Farmland and Tree Growth taxation programs in Saco has dropped by 40 percent. The state Growth Management Act requires comprehensive plans to designate rural and growth areas. Previous Saco comprehensive plans have called for farmland preservation. Maintaining the rural landscape is important but is becoming increasingly difficult.

Chapter 5, Community Goals and Policies

J. Historic, Archaeological, and Cultural Resources

11. The City should continue to support regional "creative economy" efforts that leverage cultural resources for economic development.

Chapter 6, Land Use Goals and Policies

Farm and Forest Land

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. The City's standards should permit reasonable signage and display in conjunction with uses related to agriculture and forestry. In addition, nonresidential uses that are compatible with a working rural landscape should be allowed as part of these active uses.

C. The proposed use is consistent with but not limited to the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated to promote agriculture and open space while permitting low density residential uses. Examples of uses allowed in the vicinity of the subject property include single-family dwellings, agriculture, agriculturally related business uses, the processing and/or sale of agricultural products raised on the premises, and farm stands.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. 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, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _____, 2018.

by _____
Kevin L. Sutherland
City Administrator

by _____
Cole K. Coletro
Applicant

E. BUDGET AMENDMENT – CITY HALL AND ANNEX RENOVATIONS – (FIRST READING)

Over the last two years, departments that provide direct services to the community have been relocated to the first floor in City Hall to improve the customer experience. The departments located on the first floor include: Assessment, City Clerk, Code Enforcement, Economic Development, General Assistance, Finance, and Planning. To continue this level of service, improve workflow, and support ergonomic modifications, some additional resources are needed to update the two buildings and create sufficient office space. It is estimated that the improvements required will cost around \$75,000, with the use of in house staff to offset some of these costs.

There is currently \$53,535 in the Capital Program for City Hall Improvements. \$15,000 of which was allocated as

part of the FY18 budget for additional improvements to the audio and visual system. The remaining \$38,535 would fall to the unassigned fund balance at the close of FY18 (remaining funds from roof work and heating system upgrades) if the money is not re-allocated for these much needed renovations and upgrades.

The additional \$36,465 use of reserves would enable the Facilities division to make needed updates to city hall and the annex to accommodate the growth in our organization. This item was discussed in the February 20th and March 19th Workshops. Council action would have no impact on the property tax.

Councilor Archer moved, Councilor Gay seconded “Be it Ordered that City Council approves the first reading of ‘Budget Amendment #11 FY2018’ and moves to schedule a second and final reading for April 17, 2018.” Further move to approve the order. The motion passed with six (6) yeas and one (1) nay – Councilor Doyle.

Name of Account	Account Number	Current Budget 2017-2018	Received to Date	Adjustment Request	Amended Dept. Total
Draw On Fund Balance	10350/300800	\$(809,870)	\$0	\$(36,465)	\$(846,335)
Capital Program – City Hall	10670/500911.05101	\$53,535	\$0	\$36,465	\$90,000

VIII. COUNCIL DISCUSSION AND COMMENTS

There was no discussion or comments this evening.

IX. EXECUTIVE SESSION

Councilor Johnston moved, Councilor Smart seconded “Be it Ordered that the City Council enter into executive session. Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6):

C. Real Estate and Economic Development Negotiations: 110 Main Street, Unit 91

D. Discussion on the City Administrator’s Contract and the related 360 Evaluation

D. Labor negotiations: Teamsters Local 340 (Clerical Unit, Public Safety Support Unit, Public Works, and WRRD), Saco Professional Firefighters Association IAFF Local 2300, and the Maine Association of Police (Saco Police Command Unit and the Saco Police Patrol Unit).

Further move to approve the order. The motion passed with seven (7) yeas. Time: 7:38 p.m.

X. REPORT FROM EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Gay seconded to come out of executive session at 9:59 p.m. The motion passed with seven (7) yeas.

All the Councilors were present.

Item #C – Real Estate and Economic Development Negotiations: 110 Main Street, Unit 91 – Councilor Minthorn moved, Councilor Johnston seconded that the City Administrator negotiate with Saulnier Development for the purchase of 110 Main Street, Unit 91. The motion passed with six (6) yeas and one (1) nay – Councilor Doyle.

Item #D – Discussion on the City Administrator’s Contract and the Related 360 Evaluation – Councilor Minthorn moved, Councilor Copeland seconded that the city contract with Drake, Inglesi and Milardo to assist the City Council in personnel matters. The motion passed with six (6) yeas and one (1) nay – Councilor Doyle.

Item #D – Labor Negotiations – There was no report this evening.

XI. ADJOURNMENT

Councilor Gay moved, Councilor Archer seconded to adjourn the meeting at 10:01 p.m. The motion passed with seven (7) yeas.

Attest: _____

Michele L. Hughes, City Clerk