STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, November 5, 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

Mayor Lovell’s announcements:

A. EXTRA MILE PROGRAM

WHEREAS, Saco, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Saco, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Saco, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Saco, acknowledges the mission of Extra Mile America to create 575 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2018.

NOW THEREFORE, I, Mayor of Saco do hereby proclaim that November 1, 2018, was Extra Mile Day. I urge each individual in the community to take time to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

B. RECOGNIZE EXTRA MILE RECIPIENTS

Mayor Lovell recognized the following individuals as “Extra Mile Recipients”:

Philip Blood:
- Councilor for Ward 4 from April 5, 2011 – December 2, 2013
- Shoreline Commission from January 4, 2016 to present. I believe that Phil is the Chair of the group, but I don’t know how long he has been the chair.

James Katz:
- Coastal Waters Commission from November 3, 2008 to present. I believe that Jim is the Chair of the group, but I don’t know how long he has been the chair.

Donald Girouard:
- Planning Board –from February 10, 1998 to present, currently the Vice-Chair. Started on the Zoning Board in the 90’s, possible for 3 years until 1998 when he went onto the Planning Board.

C. CITY HALL CLOSED NOVEMBER 12TH FOR VETERAN’S DAY – City Hall will be closed on November 12th, Veterans Day a national holiday. There will be a parade that will form up prior to 10:00 a.m. on Middle Street Extension and then at 9:55 a.m. will move Beach Street. The opening ceremony will be held at 10:00
a.m. in Eastman Park. After the ceremony the parade which is segmented into 4 divisions will march down Main Street to Veterans Park in Biddeford. Councilor Archer will be the Master of Ceremony. Directly after the parade as the Commander of the Amvets, we are having a free public luncheon, and all are welcome to attend.

D. CITY HALL CLOSED TO THE PUBLIC NOVEMBER 13th FOR SOFTWARE UPDATE TO IMPROVE CITY’S SECURITY LEVEL – It will also be closed to the public on November 13th for a complete software update to improve the cities computer software and hardware security to move it up a level. City Hall will be open for the Workshop though at 6:30 p.m. November 19th will be our regularly scheduled Council meeting.

E. ELECTION DAY – NOVEMBER 6, 2018 – Election day is tomorrow, and the polls will be open from 7:00 a.m. – 8:00 p.m.


G. Councilor Doyle – Congratulations to the 8th Grade Junior Trojans for winning the 2018 Gold Ball Championship this past Sunday against the Massabesic Mustangs 26 – 0 at the Massabesic stadium. Congratulations to the players, coaches, cheering staff, and all those who volunteered their time to move the football program forward. Mayor Lovell noted that Councilor Doyle has a step-son who is on the team and he congratulated Councilor Doyle and his son.

V. PUBLIC COMMENT
➢ Stephen Shiman – School Board is waiting for tomorrow’s election.
➢ Kevin Roche, 18 Vines Road – Proud parent for winning the Gold Ball on the road. I have allot of questions about the Waters project and where does it stand. There is still continued confusion that I must be an investor. I wish I had that money and maybe I would or maybe I wouldn’t. As of now, I have not done anything with that. I looked at allot of things around the city and the Wates project does still intrigue me as a great investment to bring in over $500,000 in taxes. I commend everyone who has been for or against it to try to push things forward to benefit all of the community. So, as of last we checked thee was condos, hotel, docks, restaurant, open space, Riverwalk, and the potential connection to the North side of the Saco River. Currently, why it has been quiet is because there has been another investor that is looking at Saco and looking to come in and it looks all positive. Mayor, question for you. Richard LaRue is our Saco representative on the Saco River Corridor Commission. Mayor Lovell noted that he was appointed by a prior Mayor. Mr. LaRue was also a citizen speaking on behalf of Horton Woods. But, yet in that public comment he decided as a citizen to remind everyone that the prior developer was Mr. Bernie Saulnier who is a resident of Saco. Also, in his comment he tied it to his performance on that development should remind council how potentially the Waters will go. He sits on the River Corridor Commission. He goes beyond what a citizen would say. I’ve been to a couple of the Corridor Commission meetings and seen Mr. Rick Laverriere who’s comments were recommended to be in here. Does he serve in the Saco government somewhere? No. He runs the Saco River Salmon Club, so he has expertise on salmon. He says at the meeting for the record that he has long time friends that know where pollution is buried out on Saco Island East where the Waters project is. Isn’t that news to everyone? Nothing was done from that. Yes, he rallies the troops to e-mail our city to go investigate runoff into the river because we cut the trees down. For the record, isn’t there an escrow for the cleanup in case they don’t replant the trees? Yes, there is for remediation. The city has responded that not only is there not runoff, the land is actually better. The remediation that was done is better for the river. That is on the record. We have a State Senator whose husband is somehow taking more pictures to do their own private investigation. We have government and process for that.

VI. CONSENT AGENDA
A. CONFIRMATION OF WARD CLERK APPOINTMENT
Councilor Minthorn moved, Councilor Gay seconded “Be it Ordered that the City Council confirm the appointment of Elizabeth DeSimone as the Ward Clerk for Ward 4”. Further move to approve the order. The motion passed with seven (7) yeas.

VII. AGENDA

A. PRESENTATION FROM SACO MAIN STREET

Rob Biggs, Executive Director of Saco Main Street, gave a presentation on the Main Street happenings.

- New Event - Bark in the Park, June 2nd – To raise money for the dog park improvements. We had over 200 dogs, owners and sponsors. Raised over $1,000. Have applied for grant money. Put in a pet food pantry for needy owners.
- Flags on Main Street – 3rd Year – This year in order to help with the maintenance program we had several of the public help us by purchasing flags in memory of veterans.
- Sidewalk Arts Festival – Over 75 artists attending and over 1,000 in attendance.
- Post Office Park – Open this spring. We populated it with 3 lovely benches sponsored by individuals Bill & Mary Johnson, York County Board of Realtors and Saco & Biddeford Savings. Work was done by Gary Gobeil. A “Little free library” has been added to the park by Scott Gillespie. His son was an Eagle Scout Candidate.
- Classic Car Show – Expanded once again with 175 cars.
- Music in the Park – 3rd year. Doubled in attendance from 2017. This has been a great success and people look forward to it.
- RiverJam – Held in September with over 3,000 people. Started Friday night in Biddeford and continued Saturday in Saco.
- Pumpkin Harvest Festival – Over 40 different groups. Michael T. Goulet Foundation gave away over $6,000 in helmets at this event. Helmets and they fit them for every child. Batman was in attendance – Stacy Cote entertained children during the day.
- Come in we are Open Program – Between 55-60 Saco citizen pictures. This has been very successful. Hollystar Film – Mike Nichols. Film will be on this December.
- Adirondacks on Main – Had about 24 chairs with various sponsors.
- Saco Main Street Scholarship – 1st Year - $500 scholarship.
- Doggie Walk Up – Served over 450 doggie dishes.
- Main Street Maine – Grant from Maine Dept. of Tourism and individual contributions from all 10 Main Street programs in Maine. Unified presence in a portal.
- Looking Forward – Holiday Light Festival Parade December 8th.

B. FIRST QUARTER BUDGET REVIEW BY FINANCE DIRECTOR

Finance Director Glenys Salas presented an update on the first quarter budget.

General Fund Budget Update

1. **Overall** - City of Saco has started out FY2019 right on track, with expenses coming in at 26.3% versus 25% of the year elapsed. On the revenue side, we are tracking well ahead at 44.1% of budgeted. However, this is largely because the first half of taxes were collected in September. The revenue number will move up more slowly over the next couple of months until the second half comes due.

2. **Assessing** - Assessing is currently $4804 ahead of budgeted target. $12K for the annual licensing fees for Vision was expensed against the contracting line in error. This will be reclassed for our next update.

3. **Contingency** - The $626,226 overspend in contingency is being driven by the purchase of the Clair Parcel and is partially offset by $331,012 in revenue from the sale of Unit 91 under "Unallocated" in the revenue section of the report. After the related budget amendment is passed by Council, these two items will no longer be flagged in our regular budget updates.
4. County Tax - County Tax is paid up front in one lump sum. Our final bill was even lower than projected at $1,197,241, saving the taxpayers of Saco $9481.

5. Fire - The fire department is tracking ahead of target by $71,169. Fire's capital improvement project was encumbered up front, so this budget item is tracking ahead. Contracts and Equipment are also pacing ahead of budget, but far from being overspent.

6. IT - The IT budget is tracking ahead of target by $49,487. The lease payment in the copier budget, which is ahead by $88, was paid up front. Tyler Technologies, the most significant annual licensing fee at $71K, was paid up front in July.

7. Insurance - Insurance premiums, which are at just 2.8% of budget, are paid annually in March.

8. Parks & Recreation - Most of the funds for this department are expended during the busy summer and fall months. The $216,878 above target is driven mostly by base pay for seasonal summer employees.

9. Police - The police department is over budget by $6,647 because of two items that need to be reclassified to other departments: a software licensing fee and the salary of the new custodian. Both of the entries will be reflected in the next update.

10. School Appropriation - The August transfer was for an incorrect amount. An adjusting entry has been posted and this line item should be right on target for our next update. To clear up future confusion, recurring transfer entries now are labeled by fiscal year in MUNIS.

11. Supported Entities - Saco Main Street and TriCity Transit District received their annual payments up front, driving $158K of the $226,719 above target YTD. The remainder is driving the Dyer Library which is one payment ahead at $53,608 above target. We expect this line to be exactly as budgeted at years' end.

12. Transfer Expense - Transfer expense is all transfer of TIF-sheltered taxes to their respective TIF Funds. These items are booked after the second half of taxes are paid in March.

13. Assessing Revenue - The $19,526 is a land use penalty.

14. Budgeted Use of Surplus - Budgeted Use of Surplus is a place holder to demonstrate the impact of budget amendments made on our fund balance. Approved budget amendments from City Council, including the City Administrator's contract and the Camp Ellis fees, will be added into the FY2019 Budget before our next update.

15. Cable Television Franchise - The FCC is currently in deliberations to more carefully regulate the collection of franchise fees.

16. City Clerk Fees - City Clerk fees have had a slow start to the fiscal year at $6203 below budget.

17. Code Enforcement & Planning Fees - With construction projects still going strong through the remainder of the summer, Code Enforcement fees are $70,517 above target and Planning fees are $27,875 above budget.

18. Federal Assistance - Public works anticipates significant compensation from the FEMA for expenses incurred related to the March 2018 Nor'easter. $387,939 in expenses are being held in this account until the offsetting revenue comes through.

19. Interest - Thanks to higher interest rates at the federal level, interest revenue is $55,365 ahead of forecast YTD.

20. PD Revenue - PD Revenue is tracking $7594 behind. With the addition of the new parking control person, revenue should come in line.

21. Public Works (Excise) Revenues - Excise remained strong through the summer, landing $193,406 above budget through Q1

22. Real and Personal Property - As highlighted above, taxes are collected in two parts. The first part was collected in September, bringing this item close to 50% of budgeted.

23. State Assistance - State Assistance is tracking $348,799 above budgeted because the state's portion of the Homestead Exemption was paid up front in Q1.

### General Fund Budget Update

<table>
<thead>
<tr>
<th>Type</th>
<th>Department</th>
<th>FY2018 Actual</th>
<th>FY2019 Adopted</th>
<th>FY2019 Budget</th>
<th>FY2019 Actual</th>
<th>FY2019 Encumbered</th>
<th>FY2019 Total</th>
<th>% of Budget Spent</th>
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<table>
<thead>
<tr>
<th>Type</th>
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*Actual vs. Target*
C. BLASTING ORDINANCE – (FIRST READING)

During the Lombard Lane Subdivision development in 2016 ledge was encountered during construction and a blasting company was brought in and neighbors became unhappy and concerned about damage to their foundations. As you are aware, there are currently no regulations in Saco concerning blasting.

The Planning Board worked this item on 6/12/2018 and 8/7/2018 and conducted a public hearing on August 21, 2018. The Planning Board wanted to include a newspaper advertisement of the blasting event at least ten days
prior to the blasting occurrence. The Planning Board voted unanimously to forward a positive recommendation to the City Council for the adoption of a Blasting Ordinance (motion by Girouard, seconded by Scontras).

There was a first reading on this item at the September 10th Council meeting. At the meeting, the Council wanted to adopt language that specified blasting distance notifications of 500 ft, 700 ft, and 900 ft by size of blast. Staff has made the changes discussed at that meeting as well as a few other editorial changes related to numbering and repetitions.

Councilor Doyle moved, Councilor Gay seconded “The City of Saco hereby Ordains and Approves the first reading of, “Zoning Ordinance Amendments: Adoption of Zoning Ordinance to include a Blasting Ordinance as Chapter 71 and further move to schedule a public hearing on November 19th.” The motion passed with seven (7) yeas.

Proposed Addition to City Code – Chapter 71: Blasting
Draft Under Review, 5/22/18

Chapter 71: Blasting

GENERAL REFERENCES
Earth Removal — See §§230-702.
Land Use and Zoning — See Ch. 230.

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<td>§ 71-2 Definitions.</td>
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<td>§ 71-4 Permit requirements.</td>
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<td>§ 71-5 Performance standards.</td>
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<td>§ 71-7 Inspection, monitoring, and recordkeeping.</td>
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<td>§ 71-9 Exceptions for undue hardship.</td>
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<td>§ 71-10 Violations and penalties.</td>
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</table>

§ 71-1 Purpose; statutory authority; enforcement.

A.
Blasting is an activity essential to the economic viability of Saco. Unregulated blasting and/or irresponsible blasting may cause undue psychological, physical or nuisance damage to the people, property and environment of the City.

B.
This chapter establishes specific standards for blasting operations, notice requirements, instrument monitoring requirements of blasting operations, a permit process for blasting and other associated standards and requirements.

C.
It is intended to minimize the effects of airblast overpressure, ground vibration, dust, and noise associated with blasting which may be detrimental to the enjoyment of life, property and the conduct of business for those individuals affected.
D. It is also intended to provide standards that will prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region outside the immediate blast area. The chapter is intended to protect the quality of life and the homes of residents, neighborhoods, property, groundwater, wildlife resources, scenic beauty and/or businesses, all lying outside the approved work area and potentially affected by the blasting.

E. It is intended to be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

F. It is intended to provide standards and requirements in conjunction with the City of Saco Zoning Ordinance (Chapter 230) if Earth Removal standards are to be utilized in the mineral extraction process.\[1\]


G. This chapter is enacted pursuant to 30-A M.R.S.A. § 3001. Ordinance power, as well as the City’s Home Rule authority under the Maine Constitution, and shall be administered by the Code Enforcement Officer.

§ 71-30-2 Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AIRBLAST
An airborne shock wave resulting from detonation of explosives. Airblast may be caused by burden movement or the release of expanding gas into the air. Airblast may or may not be audible.

APPLICANT
The owner or other individual, corporation or other business entity who or which applies for the legal right to conduct blasting at real property which it has the legal right to use.

BLAST SITE
The area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes [see 38 M.R.S.A. § 490-W(5)].

BLASTER
An applicant who has been awarded a permit to conduct blasting.

BLASTING
The use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated material.

BLASTING OPERATIONS
All processes conducted in association with site or other preparation for blasting, and the detonation of explosives.

DECIBEL
The unit of sound pressure commonly used to measure airblast from explosives. The decibel scale is logarithmic.

EXPLOSIVES
Any substance, chemical compound or mechanical mixture that is used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

EXTRACTIVE INDUSTRY
Any operation engaged in the removal of more than 20 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

FLYROCK
Rock that is propelled through the air or along the ground, which leaves the secured blast area as a result of the detonation of explosives.

GROUND VIBRATIONS
Shaking of the ground caused by blasting. Ground vibrations are to be measured along three principal axes (x, y, z); namely, transverse, vertical, and longitudinal, all of which are subject to the performance standards herein.
GROUNDWATER
Water beneath the earth’s surface often between saturated soil and rock that supplies wells and streams.

HERTZ
A term used, in the case of blasting, to express the frequency of ground vibrations and airblast. One hertz is one cycle per second.

PARTICLE VELOCITY
A measure of ground vibration in the case of blasting. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

QUARRY
The property designated in the application and permit where rock is excavated in an Extractive Industry operation.

SECURED BLAST AREA
The area that may be affected by fly rock, dust, or fumes from an explosion that may cause personal injuries, damages to property, or losses in the process. • The minimum distance for personnel is 500 feet. • Safe distances will be determined based on conditions for each blast by the Blasting Foreman or designee.
The area designated by permit in which blasting is permitted as defined by the Code Enforcement Officer.

SEISMOGRAPH
An instrument that measures and has the capability to provide a permanent record of hertz and decibel readings concerning ground vibrations caused by blasting.

§ 71-3 Blasting permit required; effect on other regulations.
A. No blasting within the City of Saco shall be allowed unless a permit has been obtained from the Code Enforcement Department, except as otherwise exempted per this chapter.

B. The requirements of this chapter are in addition to any other applicable ordinances, regulations and statutes; and where different standards are contained therein, the more restrictive standards shall apply.

C. This chapter does not replace or negate federal and/or state requirements pertaining to explosives.

§ 71-4 Permit requirements.
A. Blasting permit required. The following shall require a permit:

1. Site Plan/Subdivisions. If the Planning Board determines that a project involves or may require blasting, it shall expressly state and set out in its Conditions of Approval for such project that the applicant/developer secure from the Code Enforcement Officer a proper blasting permit in advance of blasting, and as required herein.

2. General Construction. For any specific construction project, whether reviewed or not reviewed by the Planning Board as part of Site Plan or Subdivision, that is found to need blasting at any time, the owner/developer, or responsible general contractor, shall secure a blasting permit, as described herein, from the Code Enforcement Officer prior to any blasting.

3. Extractive Industry and Gravel Pits. Any party who operates a gravel pit or who otherwise engages in extractive industry or earth removal operations, as described in the City’s Zoning Ordinance (Chapter 230), shall secure from the Code Enforcement Officer a blasting permit, as described herein, prior to any blasting.

4. Catch-All Other Blasting locations. Any other person or party, regardless of prior review, and regardless of purposes, that may need to conduct blasting shall be required to obtain a blasting permit, as described herein, from the Code Enforcement Department.

No person or party may conduct any blasting within the boundaries of the City of Saco without first having obtained review and approval from the Code Enforcement Officer.
B.
Notice required. All proposed blasting activities in Saco shall require notice of blasting to be given to the Code Enforcement Department, in writing, at least ten (10) business days prior to the proposed start of blasting. This notice is in addition to and not in lieu of the 14-day/14-day review notice detailed in Part (C) below. Notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least three (10) days before such blasting is scheduled to take place.[ZM3].

C.
Blasting application information. All applications for permits to conduct blasting shall contain the following information, referred to as the "blast plan". All blast plan applications shall be submitted at least fourteen (14) calendar days prior to the proposed start of any drilling or blasting operation:

1. Applicant: the applicant's name, address, daytime telephone number, fax number, and e-mail address.

2. Owner's name, address, daytime telephone number, fax number, and e-mail address.

3. Blasting contractor: the blasting contractor's name, address, daytime telephone number, fax number, and e-mail address (if other than the blaster). Contractor shall submit written evidence of license(s) held, experience and qualifications of the individual who will be responsible for loading and firing each shot.

4. General contractor: the general contractor's name, address, daytime telephone number, fax number, and e-mail address.

5. Work site: the street address and Tax Assessor's map and lot number for the proposed blasting activity. If the blast plan is for a property shown on a plan reviewed by the Planning Board, the blast area for which the permit is requested shall be included on the plan.

6. Information about the blast plan to include the following:
   a. Purpose of blast: a brief description of the work for which the blasting activity is requested.
   b. Volume of material: the estimated number of cubic yards (measured in place) of material to be loosened or fragmented by blasting.
   c. Number of blasts: the estimated number of blasts required to loosen or fragment the specified amount of material.
   d. Blast period: the planned starting and ending dates of the blasting activity.
   e. Site diagram: a sketch or diagram showing the property where blasting will be conducted, including the location of adjacent structures and distance to those structures; description and location of blasting signs.
   f. Description of test blast drill pattern.
   g. Explosives to be used during both wet and dry conditions.
   h. Description of materials that will be used to prevent flyrock.
   i. Type, number, and planned locations of seismograph, and any other instrumentation proposed for use to monitor vibrations and airblast overpressures.
   j. Description of proposed transport and storage of explosives.
   k. Description of safety procedures, security measures, and warning procedures to be employed before, during and after the blast period.
   l. Signature of blasting contractor testifying to the accuracy of the blast plan.

D.
Insurance. Prior to commencing blasting operations, evidence of liability insurance shall be submitted to the Code Enforcement Office in a minimum amount of one million dollars ($1,000,000), combined single limit per occurrence.

E.
Public hearing. A public hearing is not required prior to the issuance of a blasting permit by the Code Enforcement Officer.

F.
Fees. Fees for blasting permits shall be as determined, and amended from time to time, by City Council order.
G. Permit duration.
   (1) Permits shall be valid for a period of 90 days. No blasting after 90 days shall occur except as permitted herein.

   (2) Lapse and Extension. Any party that does not complete its blasting within the 90 day time period may apply to the Code Enforcement Officer for a reasonable extension, not to exceed 60 days. The Code Enforcement Officer shall have full discretion as to the length and condition of any extension. If the 90 day period lapses prior to a request for extension, the Code Enforcement Officer may require that the party re-apply for a new blasting permit.

   (3) Reserved.

H. Pre-blast survey. The following pre-blast survey requirements shall be required for all blasting permits prior to commencing blasting:

   (a) Small blast (trench blast or under fifty (50) cubic yards of rock removed); All property owners within five-hundred (500) feet of the perimeter of the blasting site.

   (b) Medium Blast (removal of 50-300 cubic yards of rock material); All property owners within seven hundred (700) feet of the perimeter of the blasting site.

   (c) Large Blast (removal of over 300 cubic yards of rock material); All property owners within nine-hundred (900) feet of the perimeter of the blasting site.

   (d) A pre-blast survey shall be performed for all occupied structures/soils within 500 feet of the blast site.

(2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures, contingent upon property owner agreement. The independent seismologist or blasting consultant shall not be an employee of the contractor, subcontractor, explosives manufacturer, or explosives distributor.

(3) Pre-Blast Survey Offer Notice:

Prior to commencement of the pre-blast surveys, the blasting contractor shall provide the following documentation to the Code Enforcement Department:

- A list of property owners to be contacted (in accordance with the distances listed in the table, above).
- Verification that the subject property owners were notified of the pre-blast survey work.
- A copy of the pre-blast survey offer notice.
- Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response.

The contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.

(4) Pre-Blast Survey Documentation.

All pre-blast surveys shall include documentation of interior subgrade and above-grade accessible unobstructed walls, ceilings, floors, roof and visible exterior as viewed from the ground level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high-quality digital video or videotape survey with appropriate audio description of the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary, notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

(5) Pre-Blast Survey Conditions Report.

All pre-blast surveys shall include an existing conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern, including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.
Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Code Enforcement Department at least two weeks prior to commencing at drilling and/or blasting operations.

§ 71-5 Performance standards.

All blasters shall comply with the following performance standards:

A.

Hours of detonation.

(1) Earth Remova operation. As stipulated by the Planning Board in conjunction with §230-702.

(2) All other blasting. Hours of detonation are limited to between sunrise and sunset or between 8:00 a.m. and 8:00 p.m., Monday through Friday inclusive.

(3) Emergency situations. Blasting of any type may occur at any time in situations deemed to be emergencies by the Code Enforcement Department, after consultation with other City staff as may be determined to be necessary by Code Enforcement personnel. Emergency situations may include, but are not limited to, blasting to install utilities damaged by weather events or blasting to correct a misuse of explosives in an otherwise permitted blast event.

B.

Water quality protection. Water is a precious resource and the applicant must take measures to assure that the quality of the groundwater is protected. Prior to the initial blast, the applicant must conduct water quality tests on all non-applicant-owned wells within 800 feet of the property line or as determined by the Planning Board for Earth Removal operations and Planning Board-approved project distances outlined in Section 71-5 (H) above. Water quality testing must also be done post-blast if requested by the property owner because of evidence of a substantive change in water quality. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey.

C.

Ground vibration.

(1) Peak particle velocity. Peak particle velocity limits (inches per second) not to be exceeded at any time, and in any one of the three principal directions at a structure location:

(a) Distance from Blast Maximum Peak Particle Velocity

<table>
<thead>
<tr>
<th>(feet)</th>
<th>(inches/second)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 300</td>
<td>1.25</td>
</tr>
<tr>
<td>300 to less than 500</td>
<td>0.94</td>
</tr>
<tr>
<td>500 to less than 5,000</td>
<td>0.75</td>
</tr>
<tr>
<td>5,000 or more</td>
<td>0.54</td>
</tr>
</tbody>
</table>
(b) Other.

Source: U.S. Bureau of Mines USBM RI 8507, 1980
Up to 30 hertz: 0.5 inch per second.

Thirty to 40 hertz: 1.0 inch per second.

More than 40 hertz: 2.0 inches per second.

Measurement. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions (x, y, z). The maximum allowable peak particle velocity shall apply to each of the three measurements.

Seismographic record. A seismographic record for all blasts shall be retained by the applicant and provided to the Code Enforcement Department or the Planning Board, if requested. The applicant is responsible for such record and for providing proper instrumentation as specified in this chapter. Personnel conducting such monitoring shall be properly trained in the operation of the equipment being used.

Airblast overpressure. Level not to be exceeded at any time: 133 peak dB (linear) two hertz high-pass system.

Instrumentation. All seismographs used for compliance with this chapter shall meet the following minimum specifications:

(1). Seismic frequency range: two Hz to 200 Hz (+three ± Hz).

(2). Acoustic frequency range: two Hz to 200 Hz (+one ± dB).

(3). Velocity range: 0.02 inch to 4.0 inch per second.

(4). Sound range: 110 dB to 140 dB linear.

(5). Transducers: three mutually perpendicular axes.

(6). Recording: provide time-history of waveform.

(7). Calibration: laboratory-calibrated as often as necessary, but at least once every 12 months or according to manufacturer’s recommendations, whichever is less.

(8). Measurements. The requirements established herein shall be measured at the closest building(s) on abutting properties as determined by the Code Enforcement Officer or Planning Board.

Other permits. The applicant must also comply with all standards and conditions contained in other permits issued for such projects and local, state and federal statutes and regulations.

§ 71-6 Notices.

A. Required notification of blasting. The following notice requirements for any blast requiring a blasting permit shall be adhered to by the blaster.

(1). Initial notice. The following initial notice of blasting shall be required:

(a). Notice to Abutters. Abutters/All Blasting. The blaster must send by first class mail an advisory notice to all property owners within 500 feet the distances outlined in Section 71-5 (I)(1) of the secured blasting area. Notification shall be mailed no later than five calendar days prior to the initiation of blasting. A Certificate of Mailing shall be submitted to the Code Enforcement Department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized.
during the operation. The blaster of either an Earth Removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

(2)
Twenty-four-hour requirement. Prior to every blast, the blaster shall notify all property owners within 500 feet of the secured blasting area for project blasting. This will be done whether or not the property owners requested to be notified. The blaster shall also notify all others who have requested in writing to be so notified. Such notification shall be given by telephone, or by door hangers on the door of the residence or business, between 24 hours and 48 hours prior to the blast. The notification shall state the time the blast is proposed to occur. The blast may occur as early as one hour prior to the noticed time, and as late as one hour after the noticed time. The burden of proof of notification is the responsibility of the blaster.

B.
Waiver of notice. The requirement of notice in accordance with this section for a project blast may be waived by the Code Enforcement Department for the removal of less than 50 cubic yards of rock, as estimated in place, when that rock is unexpectedly encountered after work on the project has begun.

§ 71-7 Inspection, monitoring, and recordkeeping.
A.
Entry and testing. The Code Enforcement Officer or his authorized representative may enter the secured blasting area or adjacent area to conduct tests and observe any authorized blasting operations and may order that additional ground vibration and airblast overpressure measurements using approved instrumentation be made by persons responsible for blasting operations to ensure that the limits specified in this chapter are not exceeded, if excess readings are indicated.

B.
Additional monitoring. The blaster shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the Code Enforcement Officer and shall contain the following minimum data for traceability purposes:

(1) Name of responsible party: the name of the person(s) responsible for the blasting operation.

(2) Location, date, time, number and pattern-spacing of blast holes, total charge weight, charge weight per delay, date and time of each blast.

(3) Blaster: the name(s) of blaster in charge.

(4) Weather: the weather conditions (including such factors as wind direction, cloud cover, etc.).

(5) Data: seismograph and airblast readings, including date, time, and location of instrument.

(6) Notice: name, addresses, date and time of all persons who were notified prior to every blast.

§ 71-8 Compliance schedule.
A.
Applicability. Upon adoption of this chapter, all existing and new blasting operations are subject to the terms herein, and must obtain a permit to conduct any further blasting.

B.
Review. A complete review of all activities under this chapter shall be undertaken by the Code Enforcement Department 12 months after adoption of this chapter to determine if the levels are adequate and reasonable to achieve the purpose for which this chapter is intended. The results of this review shall be reported to the City Administrator, which will report to the City Council with recommendations of the review.
D. **BUDGET AMENDMENT #3 – PURCHASE OF 841-853 PORTLAND ROAD**

On 7/23/18 Council approved the purchase of 841 to 853 Portland Road, Saco, ME, with the intent of building a new industrial park. The cost of the Parcels totaled $677,455. $10,000 in earnest money was paid out of the Economic Development fund and is excluded from this budget amendment. Unit 91 Revenue, less the amount allocated to Taxes, offset $331,012.50 of the total. The remaining $336,442.40 will be paid from undesignated fund balance.

Councilor Johnston moved, Councilor Smart seconded “Be it Ordered that City Council approves the second and final reading of ‘Budget Amendment #3: Purchase of 841-853’. ” The motion passed with seven (7) yeas.
VIII. ADMINISTRATIVE UPDATE
➢ Pumpkin Festival – Thanked Councilors and Mayor for pushing a city bed during the festival.

IX. COUNCIL DISCUSSION AND COMMENT
➢ Councilor Archer – Is it possible to get a subject matter expert to talk about blasting? I do have concerns that some of the distances are arbitrary and not based on fact. Mayor Lovell asked City Administrator Kevin Sutherland to look into this.
➢ Councilor Copeland – Thanked the organization that donated the helmets to the kids. Voting, please everyone be heard and come out and vote tomorrow. I would drive anyone who has any mobility or transportation issues to get to the polls.

X. EXECUTIVE SESSION
Councilor Archer moved, Councilor Johnston 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):
A. Economic Development: Discuss potential changing of use in contract zone
B. Acquisition of Property Land Swap Agreement for Public Works

The motion passed with seven (7) yeas. Time: 7:47 p.m.

XI. REPORT FROM EXECUTIVE SESSION
Councilor Minthorn moved, Councilor Copeland seconded to move out of executive session. The motion passed with six (6) yeas. Time: 8:34 p.m.

Mayor Lovell, Councilors: Gay, Doyle, Copeland, Minthorn, Smart, and Johnston, and the City Administrator were present. Councilor Archer was excused.

There was no report this evening.

XII. ADJOURNMENT
Councilor Minthorn moved, Councilor Gay seconded to adjourn the meeting at 8:34 p.m. The motion passed with six (6) yeas.

Attest: ______________________________
Michele L. Hughes, City Clerk