STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, December 3, 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 noted that the next Council Meeting would be a Workshop on December 10, 2018.

A. RECOGNITION OF JUNIOR TROJAN FOOTBALL TEAM

Mayor Lovell and the President of the team Darrell Whitney recognized each of the members of the Junior Trojan football team who were present as follows:


Cheer Coach – Karen Whitten.

Each member of the team was congratulated by the Councilors and Mayor and they each received a city pin.

B. RECOGNITION OF AL SCHUTZ, SHUTTLE BUS ZOOM

This recognition was postponed to a later date.

V. PUBLIC COMMENT

Kevin Roche, 18 Vines Road – Noted that one of his sons was on the team and he thanked the Mayor and Council for honoring the team. Allot of success has come from there comradery, commitment over many years and keeping all the players together. This includes the whole support system of coaches, parents, volunteers and cheerleaders. By large the 8th grade year they kept the group intact and have been friends for such a long time. We even added a few new players and we kept almost all of the cheerleaders. Almost. I want to address the lack of information coming from the schools regarding the investigation into an SMS teacher. I understand Maine Statutes protecting both the accused and the accuser, and the separation of the School Board and City Council and the over sight that each board provides. However, Mr. Mayor, the Mayor serves on both the School Board and the City Council. The Saco Police Dept. concluding the School Resource Officers at SMS and Thornton Academy serve under the cities domain. Your Police Department has already confirmed the existence of an investigation including who the subject is and in part why it was transferred to the State Police. As of this moment, you, the city, and the schools can’t even find a way to communicate the summary findings of the investigation. It is a real head scratcher for me. I can get it through a FOAA request with the State Police and the District Attorney. But, I was hoping I could hear something from our schools understanding that it is difficult for you as council to get that. Finally, you of course know
that the council approves the school budget and own the school buildings. You may remember, as a recovering councilor myself, Councilor Precourt and I were on the joint school and city committee about maybe consolidating central office here into City Hall. As you may know, the alleged incident at SMS occurred at the same time as a student threat that we had. Yet, with both those 2 safety concerns at SMS, SMS being a city owned building with the school’s primary focus being the safety and well-being of the students. School Administration spent this summer, over $100,000 addressing privacy, and perhaps safety concerns in sound proofing the walls of central office. I ask you Mr. Mayor and Council what has been spent at SMS since May on the safety and well-being of the students. Perhaps that is a topic at your next joint meeting.

VI. CONSENT AGENDA

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

A. Renewal Application for a Special Entertainment Permit – Northeastern Hospitality Management
   - Be it Ordered that the City Council grant the renewal application submitted by Northeastern Hospitality Management LLC d/b/a Ramada Saco for a Special Entertainment permit to be concurrent with the establishment’s current liquor license. Further move to approve the Order.

B. Certification of Election - Be it Ordered that the City Council hereby approve the results of the November 6, 2018 General & Referendum Election as presented. Further move to approve the Order.

C. Approval of Minutes for October 1, October 15, and November 5, 2018 – Be it Ordered that the City Council approve the minutes of October 1, October 15, and November 5, 2018. Further move to approve the order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. SWEARING IN OF NEWLY ELECTED SCHOOL BOARD MEMBERS

City Clerk Michele Hughes administered the Oath of Office to the newly elected School Board members:

Ward 1 – Garrett W. Abrahamson
Ward 3 – Emily M. Walters
Ward 5 – Arthur J. Tardif
Ward 7 – Elizabeth Johnston

The Mayor and Council congratulated all School Board members.

B. ADOPTION OF CITY BRAND STYLE GUIDE

The City of Saco has a seal and a logo. A Brand Style Guide has been created incorporating feedback from city councilors and staff, as well as the research regarding best practices for several educational institutions, military organizations, and municipalities for when and how to use a seal or logo.

The Brand Style Guide was presented at the City Council Workshop on November 19th.

Councilor Archer moved, Councilor Doyle seconded “Be it ordered, that the City Council accepts the City of Saco Brand Style Guide.” Further move to approve the order. The motion passed with seven (7) yeas.

The City of Saco Brand Style Guide

Use of the City Seal
The City of Saco Seal represents our community’s rich heritage and history. Saco’s seal represents its founding name of Pepperrillborough in honor of the city’s benefactor, Sir William Pepperrell. The Pepperrell family coat of arms is incorporated into Saco’s seal. The seal was re-digitized in 2015 to include the incorporated date and remove *domine dirigite nos.*

The seal is to be used only for official documents and occasions. It must not be used as a casual logo or identity. The seal is used for the purposes of certifying official records for the city.

Uses for the seal include:
- City Council letterhead
- Police Department letterhead
- City Council business cards
- Official decrees and proclamations
- Correspondence related to enforcement
- Official legal documents

**Minimum Seal Size**

To ensure readability and visual integrity of the seal in print, do not reduce the height to less than 1 inch. For screen applications, do not reduce the height to less than 72 pixels.

**Color Palette**

![Color Palette](image)

**Use of the City Logo**

The City of Saco has adopted a new logo that will represent the community and the city departments. The look and feel of the logo properly reflects the tagline adopted by the City of Saco: friendly by nature. The wave form in the “o” implies water, waves, and motion. The color palette invokes trust, strength, and stability. The “o” can also serve as a secondary element for branding, as seen with our email signature and letterhead template. The font included for the tagline emits friendliness and approachability.

The logo seeks to target and represent a broad audience – residents, business owners and entrepreneurs, and visitors to our community. Strategically, the logo does not track tightly to any one of these audiences, rather, it has a broad appeal that can flex across markets. The logo is strong without rigid formality, fresh without being trendy, and emanates vibrant, flowing energy.

Saco’s logo and tagline are registered trademarks of the city.

Uses for the logo include:
- Business cards (Police Department and Fire Department are exempt)
- Email signatures
- Letterheads
- PowerPoint presentations
- Department service updates
- Marketing materials
Department Descriptors

Departments have the option of using the city logo with their respective department descriptors in place of the tagline. Logos with department descriptors must be approved and provided by the office of Marketing and Communications. Adding department descriptors independently is not permitted nor is designing your own departmental logo.

Minimum Logo Size

To ensure readability and visual integrity of the seal in print, do not reduce the height to less than 1 inch. For screen applications, do not reduce the height to less than 72 pixels.

Color Palette

<table>
<thead>
<tr>
<th>Logo</th>
<th>RGB</th>
<th>CMYK</th>
<th>HEX</th>
<th>PMS</th>
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<tr>
<td>City of Saco</td>
<td>0, 56, 101</td>
<td>100, 60, 10, 53</td>
<td>#003865</td>
<td>2955C</td>
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<tr>
<td>City of Saco</td>
<td>198, 218, 232</td>
<td>15, 6, 0, 9</td>
<td>#C6DAE8</td>
<td>545C</td>
</tr>
</tbody>
</table>

Typography

The primary logo font is Estrangelo Edessa but should be used sparingly in other situations.

Garamond should be used as the primary font for correspondence, including memorandums, item commentaries, and reports.

Email signature

All email signatures must follow the format below. Instructions about setting up an email signature are available on Sharepoint. Departments must use the logo with the tagline or their department descriptor (with approval from the office of Marketing & Communications).

Email Signature with Department Descriptor

RAYNALD N. DEMERS, CHIEF OF POLICE
Saco Police Department
20 Storer Street | Saco, ME 04072
t 207.282.8214 | sacomaine.org
Follow us: Facebook | Twitter | Instagram
Business Cards

The City of Saco has setup an order form to make the ordering process easy for staff. To deviate from this template, you will need authorization from the office of Marketing and Communications. The order form with pricing is available on Sharepoint. The City Council will determine their business card design while establishing their rules and order of business.

Letterhead Template

All department letterheads must but approved by Administration or the office of Marketing and Communications. Departments have the option of using the logo with the tagline or their department descriptor. An example is included below.

Use the PowerPoint Template on Sharepoint. For the header and title text use Georgia (serif). For the body text use Arial (sans-serif).
C. BUDGET AMENDMENT #6 – ADDITIONAL POLICE POSITION – INVESTIGATIVE ASSISTANT – (FIRST READING)

The Police Department is requesting to add an administrative staff position to assist the Criminal Investigations Bureau in day to day operations and to support the Maine Law Enforcement Accreditation Program process.
Councilor Johnston moved, Councilor Smart seconded “Be it Ordered that City Council approves the first reading of ‘Budget Amendment #6 F2019’ and moves to schedule a second and final reading for December 17, 2018.” Further move to approve the order. The motion passed with seven (7) yeas.

City of Saco
Budget Amendment Request Form
Revenue & Appropriation
Amendment # 6: PD Investigative Assistant

<table>
<thead>
<tr>
<th>Date</th>
<th>Police Department</th>
</tr>
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<tbody>
<tr>
<td>12/3/2018</td>
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**Summary**

<table>
<thead>
<tr>
<th>New Expense</th>
<th>$0</th>
<th>New Revenues</th>
<th>$0</th>
<th>Balance</th>
<th>$0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
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<td>Project</td>
<td>Account Name</td>
<td>Current Budget</td>
<td>Actual YTD</td>
</tr>
<tr>
<td>Exp.</td>
<td>10460</td>
<td>500106</td>
<td>00000</td>
<td>Police Patrolmen</td>
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<tr>
<td>Exp.</td>
<td>10464</td>
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<td>Dispatcher Wages</td>
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<tr>
<td>Exp.</td>
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<td>PAYROLL CONTINGENCY</td>
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<tr>
<td>Exp.</td>
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<td>MISC. EQUIPMENT</td>
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<tr>
<td>Exp.</td>
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<td>500370</td>
<td>00000</td>
<td>Filing Fees/Licenses/Permits</td>
<td>$324,761</td>
</tr>
</tbody>
</table>

Notes: There are several openings in the patrol unit sufficient to cover the cost of the new investigative assistant in this year’s budget. Next year, the investigative assistant will be added to the Police budget. The allocation to “Payroll Contingency” is to cover fringe benefits. Fringe benefits are calculated as 40% of base salary.

Finance Director certifies that funds are available:

Glenys Bala
Chairman, Finance Director

11/27/2018

D. BUDGET AMENDMENT #7 – ADDITIONAL PARKS AND RECREATION POSITION – (FIRST READING)

On October 9, 2018, Council discussed the possibility of adding a Programmer to the Parks & Rec department, making use of available funds in the budget for seasonal staff to avoid dipping into unassigned fund balance.

Councilor Copeland moved, Councilor Johnston seconded “Be it Ordered that City Council approves the first reading of ‘Budget Amendment #7 F2019’ and moves to schedule a second and final reading for December 17, 2018. Further move to approve the order. The motion passed with seven (7) yeas.

City of Saco
Budget Amendment Request Form
Revenue & Appropriation
Amendment # 7: Parks & Recreation Programmer II Position

<table>
<thead>
<tr>
<th>Date</th>
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<tbody>
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<td>12/3/2018</td>
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</table>

**Summary**

<table>
<thead>
<tr>
<th>New Expense</th>
<th>$0</th>
<th>New Revenues</th>
<th>$0</th>
<th>Balance</th>
<th>$0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Org</td>
<td>Project</td>
<td>Account Name</td>
<td>Current Budget</td>
<td>Actual YTD</td>
</tr>
<tr>
<td>Exp.</td>
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<td>500113</td>
<td>00000</td>
<td>Temporary/Seasonal Wages</td>
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<tr>
<td>Exp.</td>
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<td>500130</td>
<td>00000</td>
<td>Laborer Wages</td>
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<tr>
<td>Exp.</td>
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<td>500296</td>
<td>00000</td>
<td>PAYROLL CONTINGENCY</td>
<td>$316,132</td>
</tr>
<tr>
<td>Exp.</td>
<td>10386</td>
<td>500370</td>
<td>00000</td>
<td>Filing Fees/Licenses/Permits</td>
<td>$324,761</td>
</tr>
</tbody>
</table>

Notes: The cost of this position is being covered by savings under the temporary/seasonal wages line. In future budget years, it will be allocated against the Laborer wages line.

Finance Director certifies that funds are available:

Glenys Bala
Chairman, Finance Director

11/29/2018
E. CODE AMENDMENT O THE ECONOMIC DEVELOPMENT COMMISSION, SECTION 4-35 – (PUBLIC HEARING)

The Economic Development Commission, along with City Administrator Kevin Sutherland and Planning and Development Director, Denise Clavette, worked on updating and revising the Economic Development Commission Charter language to reflect the current role of the Commission that has evolved over the last few years. The changes were discussed at two EDC meetings, and were approved at their September 17, 2018 meeting; to be sent to the City Council for the City Council’s review and approval.

At the September 17, 2018 meeting, the EDC members reviewed the Economic Development Commission Charter changes and agreed that the primary role of the EDC was to be advisory; that the language removing reference to an annual work plan was fine as the language of the entire document was inclusive enough with the reference to collaboratively working with the City of Saco’s economic development staff. Changes are reflected in the attached red-lined version, and the clean copy is provided for final review and approval. Action taken by the EDC at this meeting was: Motion made by Bette Brunswick, second by Bob Tkacik to approve the Charter changes as amended. Motion passed unanimously.

At the November 19, 2018 City Council meeting, the City Council held the First Reading of this Code Amendment to the Economic Development Commission, Section 4-35.

At the first reading on November 19, 2018, the City Council noted that sections 2.c. and 2.d. should be clarified to indicate that the Economic Development Commission does not solely enter into negotiations, options to purchase and lease/rental transactions, but rather recommends to City Council such proposals on negotiations, options to purchase and lease/rental transactions. The City Council acknowledged that although this language has remained unchanged for several years, the Economic Development Commission’s role in sections 2.c. and 2.d. should be clarified for consistency with its advisory status outlined in Section 1.

Staff agrees and recommends City Council consider altering the language of sections 2.c. and 2.d. to clarify that City Council has oversight and final authority for any such transactions noted in sections 2.c. and 2.d., as follows:

“2. The objectives of the Economic Development Commission shall be to:

c. Negotiate to purchase, enter into options to purchase, and purchase lands lying within the City for current and prospective industrial uses, with City Council’s approval.

d. Negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City, with City Council’s approval.”

Those changes recommended, have been incorporated in the red-lined copy and highlighted in yellow, and placed in the clean-copy

Councilor Doyle moved, Councilor Gay seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Doyle moved, Councilor Gay seconded to close the Public Hearing and further move to set the Final Reading of the document titled, ‘Code Amendment to the Economic Development Commission, Section 4-35,’ for December 17, 2018. The motion passed with seven (7) yeas.

RED-LINED VERSION

4-35. Economic Development Commission

A. Purpose and Responsibilities.
1. The Economic Development Commission is established to support the City of Saco’s economic and community development efforts and to advise the City Council, staff and community on strategies, programs and policies, funding sources, and various actions that the City should undertake to promote and enhance the City of Saco; to assist City staff to actively pursue, within the goals and guidelines of City Council, commercial and industrial business development/investment for relocation into the City of Saco in order to achieve a balanced tax base; to assist City staff in working with the business community in the retention and expansion of the businesses already within the City; and to promote the City in various manners as an excellent place to live, work and do business.

2. The responsibilities objectives of the Economic Development Commission shall be to:

a. Encourage and promote desirable economic development within the City consistent with other ordinances and policies, so as to keep an equitable and diverse tax base.

b. Undertake and support activities aimed at enhancing the economic well-being of the community by the promotion of a sustainable economy which will retain and create quality employment opportunities and a broadened tax base for the City and its residents.

c. Negotiate to purchase, enter into options to purchase, and purchase lands lying within the City for current and prospective industrial uses, with City Council’s approval.

d. Negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City, with City Council’s approval.

e. Conduct preliminary review of business development site plans and building designs and make recommendations to the Planning Board.

f. Collect economic and demographic data and perform analyses to help develop guidelines and recommendations, in addition to accessing and using state reports, such as Vacancy Rate Report, Retail Sales Report, and Business Activity Report to help guide the City’s economic development plans.

g. Develop guidelines and recommendations in such areas related to economic development including but not limited to business retention, business attraction, workforce development, the development of infrastructure necessary to support economic growth, redevelopment, and business development.

h. Assist City Council with implementation of the Goals and Strategies of the Comprehensive Plan.

i. Provide advisory guidance to Economic Development staff for matters pertaining to economic development including but not limited to the annual budget process, policy development, strategic planning, tax increment financing and land use.

j. In consultation with the City Administrator, develop and prioritize an annual workplan and associated goals for Economic Development staff.

k. Act as a liaison and advocate for businesses in the licensing and permitting processes.

l. Work with other public and private entities and staff to promote the economic well-being of the community and perform such other functions as may be appropriate to achieve such goals.

m. Participate in regional economic development efforts.
B. Commission membership and terms of office.

1. Voting members. The Commission consists of seven voting members who shall be appointed by the Mayor, with Council confirmation, for terms of five years. Commission members shall be residents of the City of Saco and shall be selected for their business knowledge and interest in economic development issues.

2. Non-voting members. The Commission shall consist of six non-voting members. These members will consist of the Executive Directors or their designees of the Biddeford Saco Area Economic Development Commission, Saco Main Street, and the Chamber of Commerce; the headmaster of Thornton Academy or their designee; a Council liaison; and the City Administrator or their designee.

C. Organization.

1. A quorum consists of four voting members. The Commission may act by a majority vote of those present and voting, but at least three affirmative votes shall be necessary to take any action under Subsection 2.

2. The Commission shall annually elect a Chairperson. They shall hold regular meetings as they shall determine. Special meetings may be called by the Chairman after notice to each member at least seventy-two hours in advance of such meeting.

3. Minutes of all meetings shall be recorded by City Staff and upon approval of the Commission shall be made available to the public.

4. The Commission shall prepare an operating budget for each fiscal year and shall submit such budget to the City Administrator, for inclusion in the City operating budget.

D. Vacancy in office

1. Vacancies in office occur when:
   a. A member submits his/her resignation
   b. A member's official residence is no longer within the City
   c. A member fails to attend three consecutive unexcused meetings of the Commission
   d. Upon the expiration of the term of a member

2. In the event that a vacancy does occur, the Mayor shall appoint a replacement for the unexpired term, subject to confirmation by the City Council. A member whose term has expired may continue to serve until the vacancy is filled.

E. Confidentiality of negotiations. It is hereby determined that premature disclosure of information used in or generated by negotiations undertaken pursuant to Subsection A2c, Subsection A2d, and Subsection A2j would prejudice the competitive and bargaining positions of the Commission and the City. Therefore, the Commission (all members and involved staff) may conduct those negotiations in accordance with M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6).

F. CHANGE OF USE IN CASCADE CONTRACT ZONE FOR LUMBER YARD – (PUBLIC HEARING)

Elliot Chamberlain, of Park North Development LLC, requests approval of an amendment to the current Cascade Contract Zone to allow “lumber and material yards” use to parcel one. The Cascade Contract Zone (outlined on attached exhibit) was approved in 2006, and amended in 2014 to include “automobile dealer” as a permittable use on what was considered at that time, Lot C1. Therefore, you will see this use on the list of permittable uses for parcel one of the Cascade Contract Zone. The Park North Subdivision was approved in 2008, and with the aid of TIF funds, sewer service, road and utility network were constructed. It should be noted that per current Zoning ordinances, this additional use is a permittable use in the zone directly across the street from the site.

Councilor Doyle moved, Councilor Johnston seconded to open the Public Hearing. The motion passed with seven (7) yeas.
Kevin Roche, 18 Vines Road – I know that when I was on the council and with the current council there has been debate about the Park North Contract Zone and I just wanted to put my full weight and support of this proposal. It is fantastic that we are getting commercial development finally out in that neck of the woods. I would strongly encourage as you know this is just a conditional use and you can’t think of all of them at the time. When I was on council we had proposed that auto place that was a little more of a debate. I’m in full support of this use.

Councilor Doyle moved, Councilor Gay seconded to close the Public Hearing and further move to set the final reading of the proposed amendment to the Contract Zone titled “Contract Zone Agreement by and between Park North Development, LLC and the City of Saco” dated June 6, 2006 as subsequently amended, and further move to set the final reading for December 17, 2018. The motion passed with seven (7) yeas.

G. CONTRACT ZONE FOR CONVENIENT MD AT 506 MAIN STREET – (PUBLIC HEARING)

Applicant Mammoth Acquisitions, LLC is seeking approval under Section 230-1405 (F) of the Zoning Ordinance for a contract zone agreement (CZA) for demolition of the existing Rosa Linda’s restaurant, and construction of a new building proposed for a “Hospital and Clinic for Humans,” a permitted use in the B-2d zone. The applicant has applied for this CZA for the following reasons:

1) Required setbacks in the B-2d zone are 40 feet in the front and 20 feet in the side and rear. The applicant seeks to reduce the front setback to 15 ft.

2) The Zoning Ordinance would limit signage to 150 sf. The applicant is proposing three wall signs, and the ability to install a freestanding sign located between Main Street and the building. The three building signs would be approx. 325 sf.

3) Height of structures in the B-2d zone is limited to 35 feet. The applicant requests an increase to 43 feet for “…a better building design and configuration…”

This item was reviewed by the Planning Board at its November 6, 2018 meeting. The Board arrived at a negative
finding on each of the four standards found in Sec. 230-1405 (F), and voted to forward a negative recommendation to the Council. The negative recommendation was based on signage and building height requested by the applicant.

Councilor Johnston moved, Councilor Archer seconded to open the Public Hearing. The motion passed with seven (7) yeas.

The following people spoke in favor of the contract zone:

- Mark Malone, Malone Commercial Brokers, Portland, Me. – Been working with Convenient MD since 2012.
- Max Puyanic, CEO of Convenient MD
- Michael Coffman, Coffman Development – Mammoth Acquisition is a subsidiary of Coffman Development.
- Natalie Burns Esq., Jensen, Baird, Gardner, and Henry – Here tonight with Mammoth Acquisitions and Convenient MD.
- Dan Cote, 440 Ferry Road, Saco – Speaking as a resident and Benefits Broker.
- Rosemary Prentice, 503 Alewive Kennebunk - Nurse Practioner at Convenient MD
- Chelsea Laughton, Lydia Lane, South Portland – Registered Nurse at Convenient MD
- Charles Tsomides, 43 Middle St., Saco – Resident
- Jeffrey Thivierge, Westbrook – Registered Nurse at Convenient MD
- Linda Morin, 142 Woodman Ave – Owner of Rosa Linda’s Restaurant
- Dennis Dancause, Falmouth – Has children who are involved in the medical field.

The following people were opposed to the contract zone:

- Inga Browne, 161 Simpson Road, Saco – Resident
- Robert Biggs, 92 Middle St., Saco - Executive Director for Saco Main Street

The city has a complete recording of the public hearing testimony (1 hour 45 minutes) which can be viewed at https://townhallstreams.com/.

Councilor Johnston moved, Councilor Archer seconded to close the Public Hearing and further move to set the final reading to adopt the findings in the contract zone document entitled ‘Contract Zone Agreement by and Between Mammoth Acquisition Company LLC and the City of Saco,’ dated November 6, 2018; and to schedule a Final Reading for December 17, 2018 for the property identified as Tax Map 40, Lot 57 as authorized by Section 1405 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8). The motion passed with seven (7) yeas.

Mayor Lovell called for a recess at 9:00 p.m.

Mayor Lovell called the meeting back to order at 9:10 p.m.

Reconsideration – Councilor Doyle moved, Councilor Copeland seconded to reconsider the closing of the public hearing. The motion passed with five (5) yeas and two (2) nays – Councilors Archer and Johnston.

Table – Councilor Minthorn moved, Councilor Copeland seconded to table the motion to close the public hearing until Dec. 17th. The motion passed with five (5) yeas and two (2) nays – Councilors Archer and Johnston.

Contract Zone Agreement By and Between
MAMMOTH ACQUISITION COMPANY LLC and the CITY OF SACO

_________________________________________, 2018

THE CITY OF SACO HEREBY ORDAINS
That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through September 12, 2018, is hereby amended by adopting this contract by and between the City of Saco and MAMMOTH ACQUISITION COMPANY LLC, with a mailing address of 632 Washington Street South Easton, Massachusetts 02375 (the "Applicant") and its successors and assigns:

1. The Applicant proposes to establish an urgent care facility to be located at 506 Main Street.

2. Said property is identified as Tax Map 40, Lot 57 on the City of Saco tax maps, and is in a B-2e-2d zoning district (the "Subject Property").
3. The subject property is currently improved with a nonconforming structure. The structure will be replaced, subject to the terms and conditions of this Agreement.

4. Offices and hospitals and clinics for humans are permitted uses in the B-2e-2d zoning district.

5. The Applicant proposes a zoning amendment in the form of a contract zone to facilitate the construction of a ConvenientMD urgent care facility. Recognizing the public necessity and convenience that will result from this undertaking, and recognizing the unique location of the Subject Parcel, and the requirements of the Zoning Ordinance, the Applicant hereby make application for a Contract Zone that would permit the following modifications to the requirements in the B-2e Zone and the establishment of the following components for the Subject Property, which modifications would, in part, amend the Saco Zoning Ordinance:

A. The front setback for the structure shall be 15 feet.

B. The maximum allowed signage for the urgent care facility shall be 400 square feet. A portion of this amount may be utilized by a freestanding sign of no more than 40 square feet in sign area, located between the front of the building and Main Street.

C. The maximum allowed building height shall be 43 feet, measured from grade to the highest point around the footprint of the structure itself, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

D. The site shall be developed substantially generally in accordance with Exhibit A, including building location, parking spaces and landscaping. There shall be thirty (30) parking spaces provided on the site. The final site design shall be determined during site plan review by the Saco Planning Board, which may allow changes to the site design as long as such changes do not modify any specific condition of this Agreement and otherwise comply with the provisions of the Zoning Ordinance, as amended by this Agreement. The Applicant agrees that it will connect to a rear access provided from either abutting property in the event that such an access is provided by either abutter in the future. In the event of such connection, the Applicant is authorized to remove up to four (4) parking spaces, with the connection and the revised parking plan to be reviewed and approved by the City Planner as a minor change under Section 230-1109 of the Zoning Ordinance.

E. The design of the building shall be substantially in accordance with Exhibit C. The final building design shall be determined during site plan review by the Saco Planning Board, which may allow changes to the site design as long as such changes do not modify any specific condition of this Agreement and otherwise comply with the provisions of the Zoning Ordinance, as amended by this Agreement.

F. Building signage shall be substantially similar to that shown in Exhibit C. Final signage location and design shall be determined during site plan review by the Saco Planning Board, subject to the area limitation established in Section 5.B of this Agreement. The increased signage is determined to be necessary for the urgent care facility for the following reasons:

1. People seeking the urgent care facility are frequently in distress and need to be able to read the name of the facility to quickly locate it.

2. Many patients of the urgent care facility travel from outside the City and they will not be familiar with the location. Approximately 50% of the facility’s patients travel more than 25 miles to the facility, often based upon a recommendation from their health care insurer. Those users rely upon prominent signage to assist them in locating the urgent care facility.

3. Unlike many businesses or other facilities, ConvenientMD does not have a logo or an abbreviated form of its name that could be used in place of the full name. Patients seeking urgent care at the facility need to be able to read the full name on the building, which identifies the facility.

G. In the event that the urgent care center use is discontinued, the structure may be reutilized for any use allowed in the underlying zoning district. Signage for any other use shall comply with the applicable signage requirements in effect at the time of the change of use.

H. The City and the Applicant recognize that Exhibits A, and B and C are submitted for the purposes of this Contract Zoning Agreement and that they are limited in scope and detail. The project is subject to site plan review by the Planning Board, and to any and all permits, licenses or approvals to which the project may be subject by the any regional, state or federal agencies.

I. Failure of the Applicant to submit applications for site plan review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zoning Agreement shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicant, this deadline may be extended by the City’s Director of Planning and Development by twelve (12) months upon written request submitted by the Applicant.
H. BUDGET AMENDMENT #4 – COLA INCREASE FOR NON-UNION EMPLOYEES – (SECOND & FINAL READING)

An adjustment will be made to the COLA increase in the amount of 1%, bringing the total COLA increase for non-union employees to 3% in line with salary increases likely to be approved in the union negotiations. This budget adjustment reflects the adjustment to the COLA increase.
Councilor Johnston moved, Councilor Minthorn seconded “Be it Ordered that City Council approves the second and final reading of ‘Budget Amendment #4 2019’.” Further move to approve the order. The motion passed with seven (7) yeas.

### I. BUDGET AMENDMENT #5 – FIRE UNION PAY INCREASE – (SECOND & FINAL READING)

On July 23, 2018, Council approved a one-year contract with Saco Professional Firefighters Association, I.A.F.F., Local 2300. This budget amendment moves funds from the fringe benefit account to the Fire Department to cover the three percent salary increase.

Councilor Minthorn moved, Councilor Doyle seconded “Be it Ordered that City Council approves the second and final reading of ‘Budget Amendment #5’.” Further move to approve the order. The motion passed with seven (7) yeas.

### J. CHAPTER 71 – BLASTING – (SECOND & FINAL 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.

There was a first reading on this item at the September 10, 2018 Council meeting and it was workshopped on November 13, 2018. At the September meeting, the Council wanted to adopt language that specified blasting distance notifications of 500 ft, 700 ft, and 900 ft by size of blast. At the November meeting, council wished to create two categories of notification. The first is a simple notification to owners within a certain distance from the blast site. That distance is the original distance everybody agreed to in the first reading. The second is a notification and offer to perform a pre-blast survey which has a much smaller radius from the blast site. Because of the way this needed to be written, staff moved the definition of “small, medium and large blast” into the definition section rather than have it incorporated into the notice standard. Staff also removed the graph from the final version since it was redundant with the narrative below it and made a few other editorial changes related to numbering and repetitions.

Councilor Doyle moved, Councilor Gay seconded “The Saco City Council hereby ordains and approves the second and final reading of ‘Chapter 71: Blasting’ as presented at the Public Hearing on November 19, 2018.”

Amendment - Councilor Archer moved, Councilor Smart seconded to amend as presented today in the December 3, 2018 council packet, Item #J, Exhibit #1. The motion failed with two (2) yeas and five (5) nays – Councilors Johnston, Minthorn, Copeland, Doyle, and Gay.

Amendment - Councilor Smart moved, Councilor Archer seconded “To accept the ordinance as written in this packet with the amendments that would change the pre-blast survey distances to 250 feet for a small blast, 500 feet for a medium blast, and 700 feet for a large blast. As opposed to 100 feet, 300 feet, and 500 feet. In section 71-10 Violations and penalties, subsection #A, I would add another sentence at the end, saying “in addition, the Code Enforcement Officer may revoke the blasting permit.”. In addition, in section 71-5, I would like to remove the (5) in front of 71-5, and also remove the editor’s note from 71-1 (F1).” The motion passed with seven (7) yeas.

Mayor Lovell called for a vote on the main motion with the amendment. The motion passed with seven (7) yeas.

Proposed Addition to City Code – Chapter 71, Blasting
Draft Under Review, 5/22/18
A. Blasting is an activity essential to the economic viability of Saco. Unregulated blasting and/or irresponsible blasting may cause undue 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]

Editor's Note: See §230-702, Earth Removal.

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.

§ 71-2 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)].

**BLAST SIZE**
- **Small blast**: trench blast or under fifty (50) cubic yards of rock removed
- **Medium Blast**: removal of fifty to three-hundred (50-300) cubic yards of rock material
- **Large Blast**: removal of over three hundred (300) cubic yards of rock material

**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.

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 advanced 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). 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 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 ten (10) days before such blasting is scheduled to take place.

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

<table>
<thead>
<tr>
<th>NOTICE REQUIRED</th>
<th>SMALL BLAST</th>
<th>MEDIUM BLAST</th>
<th>LARGE BLAST</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRE-BLAST SURVEY TO BE OFFERED</td>
<td>500 FEET</td>
<td>700 FEET</td>
<td>900 FEET</td>
</tr>
<tr>
<td>100 FEET</td>
<td>300 FEET</td>
<td>500 FEET</td>
<td></td>
</tr>
</tbody>
</table>

(2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures in the areas outlined in H (1) above, 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 unobscured walls, ceilings, floors, roof and visible exterior as viewed from the grade 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 used 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.

(6) 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 any drilling and/or blasting operations.

(5) § 71-5 Performance standards.

All blasters shall comply with the following performance standards:

A.

Hours of detonation.

(1)

Earth Removal 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 but no earlier that 8:00 a.m. and no later than 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 misfire 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 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 (feet) (inches/second)

| Less than 300 | 1.25 |
| 300 to less than 500 | 0.94 |
| 500 to less than 5,000 | 0.75 |
| 5,000 or more | 0.54 |

(b)

Other:

Graph removed

[1]
Up to 30 hertz: 0.5 inch per second.

[2]
Thirty to 40 hertz: 1.0 inch per second.

[3]

More than 40 hertz: 2.0 inches per second.

(2).
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.

(3).
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.

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

E.
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.

F.
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/All Blasting. The blaster must send by first class mail an advisory notice to all property owners within the distances outlined in Section 71-4 (H)(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.
§ 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 and contact information of responsible party: the name and contact information 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.

§ 71.9 Exceptions for undue hardship.

A. Application. Applications for a permit for exception from the performance standards designated in this chapter may, on the basis of hardship, may be made to the Code Enforcement Department with notice to the Mayor and City Council prior to blasting. Blasting shall not proceed until 24 hours has elapsed from the time notice was given to the Mayor and City Council. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

B. Standards. The Code Enforcement Officer may grant the exception as applied for only if:

1. Limited in scope: the activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this chapter;

2. Reasonable alternative: no other reasonable alternative is available to the applicants; and

3. Safety: the applicants represent, and the Code Enforcement Officer finds, that blasting as permitted will not violate recognized safety standards.
C. Conditions. Upon the issuance of any exception permit, the Code Enforcement Officer may limit the scope of the exception and prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects.

§ 71-10 Violations and penalties.
A. Penalties. The submission of false information required by this chapter, or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation for which an enforcement action may be commenced by the City in accordance with 30-A M.R.S. § 4452.

B. Reporting. A copy of the violation report and consent agreement reached between the City and the person or entity found in violation of any portion of this chapter will be filed in the permit or license file.

§ 71-11 Conflict.
Blasting in Saco shall be conducted in compliance with all pertinent section of the City Code of Ordinance, and, except as superseded by the provision of this article, the NFPA 1 Fire Prevention Code, and NFPA 495 Explosive Materials Code as adopted by the State of Maine. In any particular instance where these regulations are in conflict with any other rules, regulations or ordinances of the City, the more restrictive regulation or provision shall prevail.

§ 71-12 Appeal of denial of a blasting permit.
If the Code Enforcement Department has denied a blasting permit under this article, the applicant may appeal the denial to the Zoning Board of Appeals within thirty (30) days of the decision by filing a written notice of appeal.

VIII. ADMINISTRATIVE UPDATE

MEMORANDUM

TO: Mayor Lovell and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: December 3, 2018
RE: Administrative Update

Request For Proposals
As part of the City’s Purchasing Policy, we’re sharing the announcement of a Request for Proposal.

Main Street Pedestrian Bridge

The City of Saco seeks professional services for the preliminary design of a Pedestrian Bridge that would allow pedestrian and bicycle movements between the easterly and westerly sides of Saco Island. The proposed structure would literally be a “bridge beneath a bridge,” and is envisioned to be constructed beneath the northerly end of the existing Main Street/Route 9 bridge over the Saco River, which connects the City of Saco to the City of Biddeford.

This project is in coordination with Saco Main Street and funded through an Elmina B. Sewall Foundation grant – with a reporting requirement of 06/01/2019 – thus the scope of professional services must be completed no later than 05/15/2019.
Proposals will be accepted until Wednesday, December 19th at 2pm.
Any questions regarding the project specifications should be directed to Brandon Pettit, Grants and Projects Specialist by email at bpettit@sacomaine.org

Saco Bids and Request for Proposals can be found at sacomaine.org/business

**City Hall Parking Lot**

Last Thursday, the Traffic Safety Committee approved the use of the parking lot behind City Hall for Employee Parking Only – 7am to 5pm.

With a now full-time parking enforcement position on staff, this lot, along with the rest of the city where parking regulations are in place, will be monitored and violators will be ticketed. 3 unpaid parking tickets can result in your vehicle being towed. While the City Hall Lot is new change, parking regulations have always been in place, but we have not been at adequate staffing levels to ensure consistent enforcement. You will, if you haven’t already, noticed a stricter enforcement of these regulations.

A few important side notes on the City Hall parking lot:

Three of the spots are deeded to the Stepping Out Dance Studio and in addition to parking spot being signed for them, they will be receiving separate color placards for their rearview mirror.

The handicap spots in the back of the building will remain available to employees, residents, and guests as long as they have the proper handicap placard.

I want to make sure all the Councilors receive an employee placard giving them access to the lot during regular business hours, so please send Torie the plate number for up two of your vehicles and we will get these processed.

**Main Ave in Camp Ellis**

Last Tuesday during a high tide, we experienced easterly winds which caused significant damage to Main Ave at North Ave in Camp Ellis. The driving routes have been altered as part of the road has been compromised. With the closing of asphalt plants for the season, we’ll be waiting until the Spring to re-evaluate a more permanent solution given the continued erosion and road infrastructure challenges we face in this part of our community.

**Union Negotiations**

Union Negotiations are finally coming into focus, administration is optimistic that union ratification will occur over the next week or so. I will be looking to meet with the Council in Executive Session to review the contracts on December 17th.

**President George W.H. Bush**

As you’re all aware, our 41st president past away Saturday evening, December 1st. The governor has just announced that he is closing all state offices for the National Day of Mourning this Wednesday. I have also learned that Portland is also closing its offices for the day. Should Saco consider closing as well? I’d like to ask the Council for their opinion.

Mayor and Council gave the City Administrator consent to close City Hall.

**IX. COUNCIL DISCUSSION AND COMMENT**

➢ Councilor Copeland - What has changed in Camp Ellis. What are the alternate routes? City Administrator Kevin Sutherland stated that East Ave. has become a two-way street instead of a one way and will remain that way through the winter. Councilor Copeland – We are trying to get our Committees and Boards to
submit their minutes so that we can all know what is going on in each committee councilors are liaison too. Something came up in the Parks & Recreation that I think you should know. The Codes, Police Dept., and Parks are working on a Firearm Ordinance. It would be a Non-Discharge Ordinance on city property. What happened was that someone was on the Transfer Station property near the Bass Pond pathway with a loaded gun and it was alarming to people. So, they are working on the ordinance and will be bringing it to Workshop.

➢ Councilor Doyle – Invited everyone in the community to the December 8th festivities with the Saco Tree Lighting that will take place down near the Tran Station were the recently removed wind turbine use to be. Also, the Parade of Lights will be the same day and is always a good time. Come out and enjoy the festivities that are going on all day on Saturday.

➢ Councilor Gay – My condolences go out to the Bush Family and friends.

➢ Councilor Archer - My condolences also go to the Bush Family, and everyone he has served and his legacy. Also, for Chamber Business, the Assistant James has resigned and there will be an open position hired by the Chamber. I’m a very process orientated individual and I’m proud of how the council handled the Blasting Ordinance. We handled it very professionally and we heard different points of views and there was respect. In the end I think we had a document that met the needs of pretty much all the councilors and the city is now protected which is all done to Councilor Doyle with all his work on the front end. This did take a little longer than I thought as well.

➢ Councilor Johnston – As the City Administrator pointed out last Thursday, Traffic Safety made permanent parking to the rear being employees only. I was reluctant on that being the fact that we are a place of business and are basically telling the public to go away. The reason I ultimately agreed to it is because we will be signing all the spots on the other side of the street from the Cutts Ave. Apartments down to Main St. with 30-minute parking. Right now, it is 2-hour and this way change will make it more available parking to the public.

X. ADJOURNMENT

Councilor Doyle moved, Councilor Gay seconded to adjourn the meeting at 10:11 p.m. The motion passed with seven (7) yeas.

Attest: __________________________
Michele L. Hughes, City Clerk