

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

**I. CALL TO ORDER** – On Monday, February 11, 2019 at 6:33 p.m. a Special Council Meeting was held in the City Hall Auditorium.

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

**III. PLEDGE OF ALLEGIANCE**

**IV. GENERAL**

**V. PUBLIC COMMENT**

- Stephen Shiman, School Board Liaison – We had a board meeting last week and we did go through final areas for consideration of RAD's and the preliminary budget for next year. At the next meeting we will be thinking through the RAD's that we will be recommending. At the finance meeting, we had the concerns were the number of students at TA next year, which there are proposals to build up the number to more than we anticipate in order to be safe about it. On the other hand, there is a negative to that because over predicting like that raises everything up. The other thing is we sort of arrived at a 4% MAT which is about the highest it could be or has been in past years and is a fairly safe figure. We also discussed some school bus leases and how to handle all of this. There is also the purchase of a small truck involved and we do have some options on that.
- Sean Tarpey, Rumery's Boat Yard, Cleve St., Biddeford - There are 2 dredges in the river and the river is rather vital to my livelihood, and my employees at Rumery's Boat Yard. We are very pleased that the cities have worked so hard to get the Army Corp of Engineers to fund this dredging and complete the upper part of the river and tackle the mouth of the river at this point and I just hope they finish. A clean river is also vitally important to our business and our and the health of the river is vital. In large part we have the Saco River Corridor Commission to thank for that.
- Mr. Richard LaRue, 20 North St. – I have had the privilege now for about 3 years to serve on the Saco River Corridor Commission (SRCC). That was an appointment made by the council and the chair at the time that position was open. I have learned a lot being on the SRCC. I understand more than I thought I ever would and I still have a lot to learn. As a lifelong educator I have found that knowledge is essential to make good decisions and it seems very smart from my point of view that if you are going to partner with anyone in this particular situation you want to partner with the SRCC. I don't know everything there is to know about water quality or about maintaining our rivers. But, I can tell you that conglomeration of volunteers that serve on the SRCC and our wonderful administrator and leader, they do know the answers and where we need to make changes. To not depend upon those individuals and not reach out would be like trying to run a business without having very much direction. I'm going to strongly encourage you to listen today and contemplate how important it is for the burden of decisions of what is going on in the Saco River doesn't just rest on this city council, but it also rests on the State of Maine through the SRCC.
- Dalyn Houser, Executive Director SRCC, 42 Reservoir Hill Rd, Parsonsfield – We want to first note that this whole process has been handled in a way that we feel rushed the commission in order to put forth some order of resolution given a period of 2 weeks of time to determine and come up with proposed changes to the act that we needed to make. This is in response to extremely complicated policy matters. We presented something to the city leadership that we felt the commission would be supportive of at that time. Now, all of our efforts were completely discounted and that what was proposed was thrown out the window. What was done and said was that legislation was submitted by the city leadership of Biddeford and Saco to Senator Deschambeault without our approval and knowledge what would be in the bill and what the contents of the bill would contain. Which is essentially the removal of the SRCC regulatory authority from the downtown areas in Saco and Biddeford unless there was a change to the MET non-vegetative surface area in the downtown area. This would absolutely weaken the regulations and environmental protections currently in place in these cities. The commission is one of the few entities that is mentioned in the legislation that the city leaders claim make us redundant. Among the list the list Shoreland Zoning, approval of the MS 4 water quality permitting, local comprehensive plans, protection through traditional downtown zoning, and historic

preservation zones, site law, Army Corp of Engineer review, and go through the revision of public water and sewer on both sides of the river. For the most part, most of these regulatory mechanisms are carried out by the city themselves with the oversight sometimes of the DEP, of course excluding the Army Corp of Engineers or NERFA Act. So, the removal of the commission and our standards are entirely different from the other regulations mentioned and would absolutely weaken the standards currently in place. I have a whole bunch of other things to mention about changes we can make on a local level and we have already moved forward doing. We would absolutely like the legislative delegation to be able to attend and be a part of this conversation because it involves major changes to the environmental regulations in place. The Mayor, you sir submitted disparaging comments regarding the commission basically stating that the rule and nature of the typical commission member does not enable them to understand the different economic development in the city or various other code enforcement things of that nature. We feel that that was very offensive, inappropriate and that an apology should be issued to the commission.

- Kevin Roche, 18 Vines Road – I came here for a completely different purpose, but I will say that the elective body has received a letter by the Saco Middle School and I went public with my comment on social media and I will make it public to the camera. I demand and many of us will the immediate resignation of Dominic DePatsy Superintendent of Saco Schools effective immediately and give the Saco Middle School a chance to rectify the situation that we were hoping to rectify 3 months ago. Someone in audience said this wasn't the body to address this. Mr. Roche replied that this is the body to address this because the council did receive this and has the police department involved in a couple issues. One in general, truancy. Also, the public works department houses the bus. The big reason why the council can send a message not only for the microphones and bully pulpit, they approve the school budget to get to the voters. So, one answer could be in protest to not approve a school budget for the voters and it will go back to the prior year budget. Last year's budget was increased significantly including Saco Middle School for 10% and they won't even put a security camera in the hallway and the overall budget was increased. This year coming up Thornton Academy has less students, so you could use the same budget as last year and have more money and then the state reimbursement ED279 is going to be more this year supposedly. I don't think the schools and kids will suffer as much if the council wants to make a statement that this performance by the superintendent will no longer be tolerated. As for the Saco River Corridor Commission I hear that this might get to the state house to eliminate the oversight of the downtown. I truly don't want it to get that far. However, things are not being handled well locally here. In the summer when we went to present, no public is allowed to speak from Saco. No public comments allowed and no videoing of the proceedings. But, this shouldn't be about one person or personalities. This should be about what can be best done for the citizens of Saco. That's all. We have heard about the contamination on the site. So, I hope we can resolve this locally.
- Rob Biggs, 92 Middle St. Executive Director of Saco Main Street – Over the last year just about everyone on the council has asked me to do something about the floral displays in our downtown. So, we have done some research. The current containers we have are small, falling apart, and are aging out. We have the opportunity to purchase 25 planters similar to the ones in the post office park that need to be watered everyone 2-3 weeks at max. Basically to place throughout the downtown at each of the intersections for maximum visit ability. They are taller, larger, and easier to maintain than the ones that we currently have. Saco Maine Street will fill them with dirt and get sponsors to sponsor each one of them and put flowers in them each year as we have done in the past. Saco Main Street will be purchasing these planters tomorrow which will save \$2,000 and the total price will be about \$9,700. We are asking the council to find the money somewhere in the budget or TIF monies to reimburse us after we have purchased them. If they are not purchased within the next 2 days than they will cost \$2,000 more.
- Eduard Chenette, 6A Lillian Ave – Read a letter from Senator Justin Chenette.



Senator Justin M. Chenette  
P.O. Box 315  
Saco, Maine 04072  
Office (207)287-1515  
Cell (207)590-3266

Mayor, Saco City Councilors, and the City Administrator,

My apologies for not being able to honor your invitation to attend tonight's meeting and workshop, but this was conveniently scheduled at the same time as the Governor's State of the State address. The entire legislative delegation is required to be in attendance for the joint convention of the legislature in Augusta.

I would like to share some frank opinions about the process that led to this point and the status of pending legislation that the city of Saco has apparently helped to draft and is lobbying for. It has come to my attention that LR 2204: 'An Act to Eliminate Permitting Process Redundancy in Saco and Biddeford's Downtowns' has been submitted by the Senator representing Biddeford on behalf of both the City of Saco and the City of Biddeford. The bill itself and the city's advocacy for it both warrant further inspection.

First, the bill doesn't seek to simply eliminate redundancy, it all out removes the Saco River Corridor Commission's regulatory authority from a portion of our downtown areas. The Saco River Corridor Commission, who is strongly against this proposal, was founded in 1973, due to concern for improper development and overcrowding in the Corridor that would lead to the degradation of the Saco River and the land around it. Improper development and overcrowding sound like areas we are most definitely familiar with here in Saco. They feared for the loss of the water quality of the rivers which act as our drinking water reservoir and also a major recreational attraction. Their oversight is a necessary level of protection of our land and waterways and is needed now more than ever.

Eliminating their purview from Saco and Biddeford would remove a critical step in ensuring responsible development and allow developers to bypass environmental oversight. I'm all for development and consistently work towards supporting our downtown, but I don't think we are so desperate for development that we should change the rules midway through the game that have potentially long lasting negative impacts to our way of life. The rules are there for a reason and should be followed. If we can't get responsible developers that respect our water quality and environment, then they should find a different home. We've already seen how developers have tried to come in with complete disregard for our local rules; Aka the clear cutting of trees on Saco Island. This action wasn't allowed and yet it was swept under the rug in the name of 'progress'. How's that working out for us now? Let history be a lesson for all of us.

The city of Saco is advocating for changes to state law. My question to the Council is, did you know this was your position? Who sets the policy objectives you or the city administrator? Do you have to have a conversation before deciding on what legislation to support as a city?

Apparently, the city administrator for both cities met privately to discuss this issue back in December. After set meeting, the Senator from Biddeford was asked to put forward legislation with language suggested by the two cities. There wasn't a public meeting to openly flush out these new founded concerns. There was no direct attempt to involve council to get input directing this as a priority to pursue. Not only that, the Saco delegation was completely left out of the loop until we started receiving calls from concerned Saco River Corridor Commission members and then subsequently when approached about supporting the bill from the Mayor and city administrator. It's now Feb. 11<sup>th</sup>.

Keep in mind we all had a great meeting together after the election to discuss legislative priorities in a public setting. This issue was never brought up.

The Mayor and the City Administrator should not be able to represent the position of the city without Council direction, without your input, especially when it comes to lobbying members of the legislature for law changes at the state level. I understand things can move quickly, but you have cell phones. You check your emails. There is no reason, not to keep you informed and request your opinion on the matter. This needs to be made clear tonight at your workshop. I should also note that I received an email from the Mayor to the entire delegation dated Feb. 7<sup>th</sup>, that very much alarmed me. The email from the Mayor regarding tonight's workshop indicated that...

*'the purpose of the discussion is to explain why (a) typical member of the Saco River Corridor Commission, who resides in a far more rural and less intensely developed municipality, is not equipped to comprehend the City of Saco's economic development, code enforcement, police, fire, water, sewer among other municipal services.'*

This is offensive not only to me, but to anyone who serves in a volunteer compacity with our city and state boards and commissions. Our entire political system is predicated on the idea of citizen engagement and involvement. You yourselves come from different backgrounds and have to make decisions on complex topics. No one questions your ability to arrive at certain conclusions. Same thing for members of the legislature.

We are all citizens, who have day jobs, trying to make a difference. Our intelligence should not be questioned by the Mayor. It's deeply concerning to learn the Mayor's true view of input from the very individuals the city appoints to serve on local commissions. I shouldn't have to remind you that Saco and Biddeford both have members on the Saco River Corridor Commission that you appointed to be on there. I for one am grateful for their service. I think citizens can understand municipal governance just fine because citizens are what run it.

I serve as a member of the Environment & Natural Resources Committee. This committee has direct oversight of the Saco River Corridor Commission. Subsequently, this bill will be coming to my committee. I will be working to defeat this bill in the committee process and before it even has a vote on the floor of the legislature. When the Saco delegation is firmly against it and the Biddeford delegation is divided, it's not a good sign for the bill. The environment committee isn't going to be in a good mood for loosening up environmental regulation and oversight.

I would like to make clear, I have no problem working with anyone with the city when it comes to advocating for the best interests of our community. But I will not undermine well established environmental oversight to speed up development along our beautiful river. Everyone should follow the rules to keep Maine a place for future generations to call home.

I urge this council not to abdicate your statutory power and authority to set policy decisions and direction for the city of Saco.



- John Harkins, 4 Christopher Terrance – I would like to bring a couple of matters to your attention. Mr. Administrator would you like to revise your statements regarding the senior program made at the last meeting? Mayor Lovell asked Mr. Harkins to please continue. Saco Citizens for Sensible Government support the documents sent to the council and the finance director. This is the work of Ms. Colman no that of the SCSG. She has considerable knowledge and experience in payroll and benefit administration. Although SCSG did not compose the letter, we believe that she is correct in her accounting. We need to hire people with appropriate credentials for the job. The city has spent thousands of dollars needlessly because of the lack of experience in certain roles. It is time to stop the practice of hiring and providing on the job training in various administrative roles. Perhaps this is one reason we keep asking and adding more personnel to handle the task. Transparency has been a long issue with our group. We would like to have meetings recorded including the workshop sessions. Any meeting in a group gathering is a public meeting or session. I wish the council would look into the statute and make sure these meetings are recorded for the public.
- Christine Fort, 149 Brown St., Kennebunk, Professor at UNE – For 5 years the UNE Professors about 9 of us and 100 undergraduates studied the Saco River Estuary and we did generate a science report of the value of the estuary from a scientific perspective of species, water quality, importance to business, and I have copies of that report which is also available online. I thought that since you are just beginning the deliberation, I wanted to make those available. The other thing we discovered in those 5 years of research that we were actually surprised about was just what excellent shape the estuary was in and that is the area primarily below the downtown of Biddeford and Saco and that is because of the actions of the City of Saco and Biddeford, and all the communities upstream. When we teach students at UNE about the value of the estuary and how it has recovered as you all know from the condition in the past, we also teach that this is a laboratory for democracy. Thank you all for your role in that and for continuing with the public process.
- Barbara Colman, 45B Stockman Ave. – First, I'm going to reference back to John Harkins comment about the City Administrator's comment last week that said, "The 2018 W-2's were issued for the senior program". I have an e-mail that says that they were not. Again, our seniors are not getting their W-2's until sometime later. If we wait until August 1<sup>st</sup> per the chart that I have given all of you, you are looking at another \$19,000 in fines just for not issuing the W-2's. The longer you continue to not issue the more interest and penalties. We have not looked at the FICA, Medicare, or 941's. So, when I'm told that I exaggerate my numbers remember that I was looking at 9-10 years' worth of data and I hadn't finished the last calculation. I would be more than willing to do it. The amount of work that it would be taken considered we added an additional 10 hours to our senior coordinator to assist to make sure the 2018 got out is more amazing to me as well because I'm not sure we have actually seen a motion for council to approve it nor have we seen a motion to bring it to \$11.00 per hour. So, when somebody makes a statement, please understand that I do have credentials. Second, I'm too in receipt of an e-mail to the congressional delegation about this meeting tonight. What bothers me is one late arrival. When you are inviting a group of people and you know they are in session we should be looking in advance at least 2 weeks out to see their availability and to recognize that



tonight is the Governors State of the State speech at 7:00 p.m. That is an easy thing to research. Also, I received a copy of the e-mail from the Mayor as well stating the same comments that people have the inability to understand the complexity of the issue and that is false. Many people can learn many things in their life Councilor Copeland, you started on a process last week and you were driving that bus again the right way. I followed up with Jon Harkins comments and I believe that all the councilors today received the law on public proceedings. That is the key word "proceedings". Any more than 3 requires, posting, minutes, and recording and that includes a workshop. It is all there except for the executive session stuff. Council, please take it upon yourselves to get this working. It has been 3 ½ year. What are you doing to disappoint the taxpayers in Saco, you keep hurting them. You have to make some changes.

- Dan Ross, 54 Ferry Lane – I'm here because I watched the public hearing on the Camp Ellis Jetty on tv and somebody said tonight would be the night to comment on that. I heard allot of people at that hearing express the desire to do something, anything. I didn't hear allot of people stepping back to see whether the deal and offer really made sense. I heard that we agreed to take on all the cost overruns. That the budget was limited to \$26.9 million and that we would pay everything over that. I heard that estimate was done years ago and that nobody has updated it, and nobody really knows what the original estimate was based on or how accurate it is or how much the project will cost. But, whatever it is we are going to pay everything over \$26.9 million. I also heard that the city is going to take on all liability in the future and hat whatever goes wrong the federal government and the Army Corp. of Engineers now they will get to wash their hands of it. If anything goes wrong, or houses wash away, or neighboring beaches start to disappear they can't blame the Army Corp. of Engineers anymore, they blame the city of Saco. What are we getting for all this? I heard that we were getting an unproven solution that has been tested in a laboratory with methodology that nobody really knows how accurate it is. At best it might reduce 20% of the wave action. Even if it does that, it will be temporary. Nobody knows ow long it is going to be for and there are unknowns side effects for the neighboring beaches. So, at best it is a temporary band-aid. But, now if anything goes wrong it is the city of Saco's fault. To me this sounds like a bad deal and our children and grandchildren will be paying for this. One day people will look back and ask, "Who signed it?"

## **VI. CONSENT AGENDA**

### **VII. AGENDA**

#### **A. BUDGET OVERVIEW AND DIRECTIVE – TABLED FROM 2/4/2019 COUNCIL MEETING**

Background from prior meeting: Tonight, the City Administrator and Finance Director presented their evaluation of the city's finances and the budget necessary to meet existing obligations. They are asking the City Council to provide a directive on the budget for FY2020. They have also asked the Council to select a valuation forecast with which to model the impact of the FY2020 Budget on the property tax rate. This directive is not prescriptive, and the City Administrator is free to present the budget he believes best meets city needs at the official budget presentation in March.

Councilor Johnston moved, Councilor Smart seconded to remove the item from the table. The motion passed with seven (7) yeas.

Councilor Johnston moved, Councilor Smart seconded to direct the City Administrator to develop a version of the FY2020 budget that maintains current city efforts and further direct the City Administrator to make use of a moderate valuation increase of \$35 million in modeling the impact of any budget action on the property tax rate. Further move to approve the order. The motion passed failed with two (2) yeas and five (5) nays – Councilors Archer, Gay, Doyle, Copeland, and Minthorn.

Councilor Minthorn moved, Councilor Copeland seconded to start maintenance of effort with what our existing contracts support and add 1.9% indifference to the senior citizens social security cost of living adjustment and that be our starting point and everything above that becomes a RAD.

Councilor Minthorn noted it seems like there always hidden dollars that get hidden when we do it this way. What I'm trying to do, is go what are our contracts. We have 6-8 labor union unions that have contracts and we know what those numbers are hard and real, and payroll is the biggest thing we do. We know what our capital plan is looking like and thanks to Pat Fox and all of his hard work and assets, we will know what that stuff is going to look like. All

I'm saying is that we ratchet that up 1.9 % to reflect the cost of living adjustment that our senior citizens have received and that would be the starting point. Anything that we need to do above that becomes a RAD. Then we discuss item by item, department by department what we are willing to spend above that. It is that simple. Taking and doing this is a lot of work, effort, and modeling and all that. But we all know at the end of the day that if the assessed value comes in up here, then there is a big chunk of money that we didn't account for. This way we know exactly what we are accounting for and then we can adjust the RAD's as we get closer to having that assessed value come in, then we can adjust our spending based on what the assessed value is hopefully before we get to May.

Mayor Lovell stated that by law the Assessor is not able to close the assessing books until April 1<sup>st</sup> and it takes then some months then to reconcile those transactions which is why they don't show up until June.

Councilor Smart stated that he understood that, and it does make a lot of sense. First of all, I think we did make it pretty clear that we wanted to see more detail in the budget this year including more line items and that is still what I'm anticipating seeing. I think we all are going to go through that with a fine-tooth comb. As Councilor Johnston said, we are simply trying to get them an idea of what kind of budget we are looking for. If we want them to go with the absolute bare minimum and 2% or 1.9 % I'm fine with that. But, I want to see what that number would be before I would support anything. If we could get what 1.9% of that would be that would be something to go on.

Finance Director Glenys Salas noted that the contracted obligations, the maintenance of effort version of the budget that was in the presentation from last Monday contains only contracted obligations and a forecasted assumption about our benefits cost increase because we don't have those numbers yet. Then, it also includes contract adjustments to our TIF agreement, so that comes to a 5% increase. So, we could layer on a 6.9% and of course, because I'm hearing very clearly this evening that the council will see not just the RAD column as they have in the past, but also a dollar change column from last year's budget to this year's budget. So, you will have clarification about what exactly is in those line items and changes. However, were we to go with the motion that is on the floor basically each one of those dollar changes could become contracted increases. That is all we are going to put from last year's budget to this year's budget.

City Administrator Kevin Sutherland stated that we are going to go into the details of every department this year. We never were or have ever tried to hide money as some comments have been made. What we will do is go into every one of the line items of these budgets so that council can fully understand what we spend our money on and hopefully come out of this ahead.

Councilor Smart asked if there was any way you can give me a ballpark of what \$35 million increase over the maintenance of effort budget would be percentage wise?

Finance Director asked when you say \$35 million do you mean the valuation increase?

Councilor Smart replied yes.

Finance Director Glenys Salas stated the valuation increase of \$35 million versus last year's valuation would put us at \$2 billion \$314 million total on valuation. Also, initially we had said contracted increases only which would be about a .44 cent increase on the mill rate on that moderate valuation. If we were going to add another 1.9% and would be a couple cents more in terms of the mill rate and give us a little more breathing room in terms of developing our budgets. There is also the option and since the motion on the floor is not addressing this specifically we could start with \$35 million and just pump it up as we get more information from the Assessor you will see the mill rate moving around but we will also provide analytics that will show the total actual budget amount percentage increase every year. That number won't change by the mill rate may move around and that gives us more of a starting point.

Mayor Lovell called for a vote on the motion. The motion passed with five (5) yeas and two (2) nays – Councilors Johnston and Smart.

## **VIII. ADMINISTRATIVE UPDATE**

- Regional dispatch opportunity – There is a state grant opportunity that has availed itself to regionalize dispatch. The concept has been kicking around for a few years now. Our public safety officers on both sides of the river are exploring this funding and how a quasi-government model could be formed. More to come in future weeks.

- Flag Pond Road Signalization – Funding for Flag Pond Road and Portland Road signalization and lane improvements has been realized and we have secured a business partnership initiative grant through the state. It is a partnership between the municipality, State of Maine, and Hancock Lumber, who has just announced they will be moving here to Saco. Our portion will be funded through the Park North District Tax Increment Financing.
- City Planner – I'm pleased to announce the Emily Cole-Prescott has been hired as the new City Planner. She will begin in her new capacity on February 25<sup>th</sup>. Since her employment here in Saco, Emily has been instrumental in moving through several TIF applications. In addition, her collaborative effort on projects initiative as well as her research has added great value to the Planning and Economic Development. Emily came to the city with experience as Eliot's Town Planner and several years as full experience across a variety of planning, development, community, and law enforcement initiatives. Please join me in welcoming Emily to Saco's team.
- W-2's – Last week I misspoke about the W-2's comment I made on the senior volunteers. Those that had worked for the city in the Fall were paid through payroll on February 1<sup>st</sup> of this year and their time was deducted from their tax bill. They will be a part of the W-2 bills for the end of 2019-2020. This was shared with council mid last week and updated through council on the 2-4-19 Admin Memo online.

#### **IX. COUNCIL DISCUSSION AND COMMENT**

- Councilor Johnston – On the Flag Pond Road signalization I would suggest that the city look into the traffic movement permit because I believe that was supposed to be borne by Elliott Chamberlain. Mr. Sutherland noted he was aware of this.
- Councilor Archer – Kevin can you look up to see what the cost would be to broadcast workshops? Mr. Sutherland noted that he intends to bring this to council as part of the budget process for 2020.
- Councilor Doyle – On of the things that was brought up earlier tonight and I just want to agree with it and see if we can't utilize some of the \$86,000 that we discussed a couple of meetings ago overage on our 10%, maybe some of the funding could go to Saco Main Street to buy those \$9,700 for the flower planters for the long term beautifying of our downtown. I would suggest we use some of the funding to pay for those, so we can get them at a lower cost now rather than \$2,000 more if we wait. Mr. Sutherland stated he would work with staff to find funding for that.
- Councilor Johnston – In addition to funding a position to film workshops and council meetings when you prepare your budget, could you plan to also maybe film planning board meeting. That is something that most communities film and we don't.

#### **X. ADJOURNMENT**

Councilor Gay moved, Councilor Archer seconded to adjourn the meeting at 7:47 p.m. The motion passed with seven (7) yeas.

Attest: \_\_\_\_\_  
Michele L. Hughes, City Clerk