

State of Maine

County of York

City of Saco

I. CALL TO ORDER On Monday, July 15 at 8:00 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell introduced the members and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart, Nathan Johnston. City Administrator Kevin Sutherland was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

The Mayor and City Council recognized the Director of Planning and Economic Development. The City now has one hundred percent of all of the TIF District Amendments, approved by the City Council, approved by the Commissioner of the Department of Economic and Community Development.

A. National Night Out – August 6th at Memorial Field

Mayor Lovell read the following proclamation:

WHEREAS, the National Association of Town Watch (NATW) sponsors a national community-building campaign on Tuesday, August 6, 2019 entitled “National Night Out;” and

WHEREAS, the National Night Out campaign provides an opportunity for neighbors in Saco to join over 38 million neighbors across approximately 16 thousand communities from all 50 states, U.S. territories, and military bases worldwide; and

WHEREAS, National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live; and

WHEREAS, neighbors in Saco assist the Saco Police Department through joint community-building efforts and support National Night Out 2019; and

WHEREAS, it is essential that all neighbors of Saco come together with police and work together to build a safer, more caring community; and

NOW, THEREFORE I, Mayor Marston D. Lovell, do hereby call upon all neighbors of Saco to join the City of Saco, Saco Police Department, and National Association of Town Watch in support for National Night Out of Tuesday, August 6, 2019.

FURTHER, LET IT BE RESOLVED THAT I, Mayor Marston D. Lovell, do hereby proclaim Tuesday, August 6, 2019 as "National Night Out" in Saco.

V. PUBLIC COMMENT

A. John Harkins, 4 Christopher Terrace, Saco. "Over a year ago, we were told that we would be receiving a substantial savings in our accounting procedures if we went to "Paychex". After a year, this community has endured and encumbered a tremendous amount of cost in staff time and dollars for a system that is not working properly. I wish the Council would look into this now, rather than spend three or four years trying to get this squared away, as the problem with the Senior Citizen Program, which has taken four years to bring it to where it is now.

The search firms, that's fine. There are national firms that do this. They do this all the time. They are public organizations, national, county, and city organizations, that assist in advertising, in providing people who have retired, seasoned, professional people, who can come in on an interim basis, to help the community through a transition period. They are called "Circuit Riders". There is no need to rush into this process. Everything seems to be a rush, rush, rush, and it leads to errors. There is going to be a new council coming in the Fall. Keep this under consideration please.

I think we need a charter commission, not an ad lib process of changing things. There are model charters out there that would serve this community very well, again, provided by professional organizations, such as the National League of Cities.

The Transit Lease: Both the Transit Authority and the Main Street Group received substantial increases this year in their budgets. I don't know of any organization that has a lease that doesn't pay for their own electricity, trash removal, or other amenities. I think we should take a look at that before we jump.

As a point of reference here, there has been some communication and some criticism about the Saco Citizens for Sensible Government. Just for the record, we were opposed to having the Preschool Program situated in the Industrial Park, and that was communicated to the School Superintendent.

Has our budget this year been published in the newspaper or on the web site? I haven't seen it. I may have missed it.

We are into the new year, two weeks. We have already spent \$250,000.00 plus dollars out of Surplus. Now we are in here for another \$300,000.00, which would leave us down around \$297,000.00 left. Two weeks into the year, with plans to spend that money too, to bring it down

around the ten percent. What is going on in this community? We had a big surplus again, and nothing is ever to the benefit of the taxpayers. Thank you.”

B. Barbara Colman, 45B Stockman Avenue, Saco. “Three items: #1. I approached the City Administrator, as I did about the Senior Program, about issues with wages for salary individuals here in this community, our department heads and anyone who gets a salary. I stated that I did not believe it was being correctly calculated. I stated this four years ago, three years ago, two years ago, and I was promised, with the Mayor present, that Mr. Sutherland would sit down with me and go through this process, so that he would understand what I was trying to point out. I believe there are some individuals that have not been paid correctly, their salary, nor their fringe benefits that go along with it. And if this has been taking place for as many years as I believe it has, there is an impact to these employees. I actually did have an employee give me permission to go over his financial records, his payroll, the authority to the City Administrator, except that individual has now retired. So, anyone who has been a department head, who has been a long term employee and would like some assistance, to see if we can look at this and make sure that’s rectified, please reach out to the City Administrator, and please send me a personal email to bcolman@maine.rr.com and that is colman without an e, and I will then proceed forward again to see what we can do.

#2. It took me a year to figure out this “Paychex Flex” and the comment made by our Finance Director. The comment was made that there were issues with the deduction codes in MUNIS. What were the errors? Somebody else added some deduction codes. Now knowing how MUNIS was originally set up, and there was an error on the school side, on one particular deduction code, it took a lot of work to just fix that one. It was because it was pre-tax, and it should have been post – tax, which meant they should have been charged their FICA and Medicare. Well, the problem may be, and I am going to FOAA a list from Paychex, MUNIS, the School Department, to see how the various deduction codes are set up: If they are pre-taxed or post-taxed. It could be possible that a health insurance program that is being deducted by an employee that was under MUNIS, was being subject to FICA and Medicare and should not have been. But I can’t prove that until I have some documentation, and then again, I am going to need someone, from The City, who lived during those periods of time, to let forth a document, so that we can go through and see if its calculated right. I can do the calculation by hand. We are not going to be able to take care of the state and the federal taxes: They were taken, they got them back. We are worried about the Medicare and FICA, because if it impacted them, it impacted The City, which means there may be a refund. When I did my project, it was \$5,000.00, just for one deduction for one year. One individual received \$131.00 back, and that’s a school teacher, who doesn’t have the FICA side. So there could be some issues there.

And, the Senior Program, I suspect as of today, has not been solved. Am I going to get a response?”

Mayor Lovell : “This is Public Comment”

Barbara Colman: “I know this is Public Comment. Public Comment is, when you don’t do something after a length of time, worry about what could be coming next, because it’s not going to be good. It’s going to be costly to the City. Thank you.”

C. Kevin Roche, 18 Vines Road, Saco. “First off, the dredge has given us a lot more beach down there, it has been very crowded down there the last two weeks, so the citizens thank government for getting that dredge here after twenty five years and getting some sand back on the beach. It’s a band aid, but we’ll take it. I want to tell you a little secret, just between us: Some property owners down there at the beach want to pay more in taxes. Houses that should be valued at Camp Ellis on the shoreline higher, are sometimes well under \$500,000.00. Yet, Biddeford Pool or Hill’s Beach, the starting price is \$500,000.00. Kinney Shores, within our own community, is more. They have the same sea level rise, the same climate change debate, the same ocean. So why? Because the Army Corps jetty and what that jetty does to that section of the beach. We know we have lost homes to the sea, but we have also lost out on current valuation increases that other communities see, and increases from the confidence to build new homes. The tax loss to Saco is easily seven figures annually, and only due to grow more. Yet, most home owners will gladly pay more taxes if the Army Corps legally does what it is supposed to do. And our citizens deserve the City, and regional approach, and State, their support if they decide to take legal action against the Army Corps. The City already pays \$250,000.00 extra down there, that’s what it was when I was on Council but its probably a little more than that, to protect the beach, repair the roads, the infrastructure. It is time we put these extra funds to a more long lasting solution. Residents all on our beaches pay fifteen percent of our residential taxes with little school or city service costs from the City beyond the Army Corps problems. I say residential because all of our commercial taxes, including a \$4,000,000.00 assessment increase at Atlantic Heights last year, are shared throughout the city to lessen our residential tax burden. And we also share, as a community, the beaches and the river. But despite this push for commercial taxes, the revenue, the commercial tax revenue did fall for about the tenth or fifteenth year straight, down to \$462,000,000.00. Only 22% of our tax revenue is commercial. However, there is good news – this is the lowest decrease, only about \$1,000,000.00 dollars, in recent years, and I think when fiscal 2019 report comes out, let’s see if this is finally on the increase thanks to our staff in the Economic Development Department. Again, growing the commercial tax base is the answer. Growing the valuations of resources that we utilize on the beaches should be a priority. This is not a zero- sum game. This is a win for everyone with the support of our beach front residents. And don’t forget that our industrial parks are there for commercial value to help pay for our city services. Thank you.”

VI. CONSENT AGENDA

Councilor Johnston Moved, Councilor Minthorn Seconded to bring the Consent Agenda to the floor.

Councilor Doyle asked that Items B and Item F be removed from the Consent Agenda and placed on the Agenda.

Councilor Minthorn noted that Item A was being addressed at the August 12th Council Meeting. Mayor Lovell removed Item A. from the Consent Agenda.

The Consent Agenda as amended passed with seven (7) Yea's.

The following Items were removed from the Consent Agenda for further discussion and consideration by the Council.

B. City of Saco Digital Sign Policy

The purpose of the Digital Sign Use Policy is to establish specific guidelines to regulate messaging on city-owned digital signs. Previously, there was no policy regulating the content communicated on the city-owned signs. Therefore, there has been inconsistency among departments regarding which messages have been advertised. A policy must be adopted to avoid future discrepancies.

Councilor Johnston Moved, Councilor Minthorn Seconded, and Be it Ordered that The City Council Adopts the Digital Sign Use Policy dated July 15, 2019.

Councilor Doyle Moved, Councilor Gay Seconded, to table this item until the August 12, 2019 Council Meeting.

Motion to Table passed with five (5) Yea's and two (2) Nay's, Councilors Johnston and Smart voting in the minority.

F. Approval of City Administrator Search Firm

Mayor Lovell has contacted multiple firms to aid in the search for a new City Administrator. The data is attached with the results of the search

Councilor Minthorn Moved, Councilor Johnston Seconded, and Be it ordered that the City Council authorize the Mayor to enter into agreement with a third party to aid in the search for a new City Administrator.

Councilor Minthorn Moved, Councilor Doyle Seconded to Amend the Motion to include a Human Resources Audit and a citywide financial audit conducted by a firm other than RKO to be associated with the search for a City Administrator. The Motion to Amend was defeated by a vote of four (4) Nay's, three (3) Yea's, and one (1) abstention, with Councilor Smart abstaining.

The Motion passed with five (5) Yea's, one (1) Nay, and one (1) Abstention., with Councilor Doyle voting in the minority and Councilor Smart abstaining.

VII. AGENDA

A. (Public Hearing) Park North Contract Zone: Amendment Request to Add Two Uses.

Elliott Chamberlain, applicant, had requested a contract zone amendment to add the uses of “offices of contractors and tradesmen” and “contractors” to the Park North Contract Zone (Contract Zone Agreement by and between Park North Development LLC and Preston Properties LLC and the City of Saco dated December 20, 2005, amended through October 17, 2016).

At their meeting on March 19, 2019, the Planning Board reviewed the contract zone amendment request and forwarded a positive recommendation to the City Council for the following:

Add “Offices of Contractors and Tradesmen” as a permitted use to parcel two of the Park North Contract Zone;

Add “Contractors” as a conditional use to parcel two of the Park North Contract Zone

Councilor Doyle Moved, Councilor Gay Seconded to Open the Public Hearing.

The Motion Passed with seven (7) Yea’s.

1. John Harkins, 4 Christopher Terrace, Saco. “Just a question: The last couple of years there has been controversy around the developer. The promises made to this community about completing certain caveats to the projects – have they been completed? If not, then I would go slow. Thank you.”

2. Kevin Bedard, 2 Cori Lane, Saco. “I just think it would be a great idea, as a contractor in the local area, most of my business is focused in Saco-Scarborough area, and we have quite a bit of equipment looking for space, and a little bit of office space, and I think it would be handy. Thank you”.

3. Barbara Colman, 45B Stockman Avenue. “As I pointed out, I don’t know how many weeks ago, based on the chart, Mr. Chamberlain is still 2/3 not in completion. There is only one column that has some marks in it, the middle has a few marks, and the end has a lot of marks. So why would we continue to add things to any contract zone for this developer until we see some more of those marks move into the completed section of the chart. Because you keep giving, giving, giving, and they take, take, take, which includes the subdivisions that are going to be next. So at what point do you stop someone? If Council doesn’t stop now, this is going to come back in two more years for something else, and we are still going to be looking at a chart that isn’t half completed. So Council, please step up, represent the City, and say no, until I see

some progress, no further action until “X” is done. Make it a condition before you move forward. It’s time. This has been before the Council how many times since 2005, and also you’re talking two contract zones and parcels that were so large to begin with that should never have ever made contract zones that big. I don’t think that was the intent of contract zones to be so large, because most of the ones that we talk about nowadays is pretty finite in size, isn’t it? And this parcel, I don’t know how many acres it is, I don’t have that data, but it’s a lot of acreage, I’m thinking, and I don’t think there is any other contract zone in Saco that even compares to the acreage. I will bet that all our other zones only probably equal half of what is out there. Would I be correct? I kind of think I am in the ballpark of what I am thinking. So please, step forward and say no, make them wait until you see progress made. It’s important, because if you don’t set the boundaries now, no one is ever going to set the boundaries. It’s going to fall on the next Council, the Council afterwards, and the Council afterwards. Thank you.”

4. Stanley Brown, 85 Wild Dunes Way, Old Orchard Beach. “Good evening, I would like to speak in favor of the change. I am currently looking for a facility where I can open a small welding business, furniture, whatever, equipment repair, and it’s a good location. I think it’s off the road a little ways, I think there are not many other properties out there, so I just thought I would come and speak in favor of it.”

5. Chris Boisvert, 156 Milliken Mills Road, Saco. “I am currently speaking in favor of this. I think it’s a great idea to get businesses into that park over there. And I just think it’s a good idea.”

Councilor Doyle Moved, Councilor Gay Seconded, to close the public hearing and further move to schedule the final reading of, ‘Park North Contract Zone: Amendment Request to Add Two Uses’ on August 12, 2019.

Councilor Copeland asked if any of the neighbors to this project have objected to this amendment? City Planner Emily Cole-Prescott said that no one objected during the Planning Board process, and no one spoke at the Planning Board Public Hearing on this matter. Councilor Copeland asked if letters had been sent in? The City Planner said not to her knowledge. Councilor Copeland asked if letters were sent to the abutters. The City Planner replied that the Administrative Assistant in the Planning Department would have sent out letters to the abutters at that time.

Councilor Johnston pointed out that part of the problem lies in the way that the City notices people, because it is not sending letters out to every owner in the subdivision. Letters only go out to the abutters within 200 or 300 hundred feet. And so, as has been shown previously, he

and the Mayor have had members of the Cascade Falls apartments that have come to speak, not very favorably, about other issues within that subdivision. He said that Councilor Copeland's question was a good one, but that the City needs to look at how they notice people going forward. Councilor Copeland asked if this Public Hearing was noticed. Councilor Johnston said yes, but only within the current requirements. This is a parcel of several hundred acres, and some of those within the subdivision won't receive that notice. As to specific areas, The City Planner said that she would have to check the list of people who were noticed: That it is usually within 200 or 600 feet of the property, depending on the requirement of the zone is. She said that she would be glad to research and provide that information.

Mayor Lovell said that the Council would need that information for the August 12th Meeting. Councilor Copeland suggested that perhaps some landscaping and some fencing would give the area a more appealing look to the neighbors.

The City Planner said that a zoning ordinance revision was currently underway and that the concerns and ideas that the Council has about any updates would be very welcome, while this process is underway. Mayor Lovell asked Councilor Johnston if he had made any comments in the zoning ordinance review about the notification issue. Councilor Johnston said that he was still going through that.

Councilor Copeland said that the Council needs to make sure that commitments are met, and asked if the City Administrator or City Planner had a punch list of items still remaining to be completed around the city by this builder? The City Administrator said that there was a list provided to the Council at the June 17th meeting of things remaining to be done, and that they are in various form of completion, with the City staff working closely with the developer to see that they are achieved. Mayor Lovell said that Parks and Recreation Department Head Ryan Sommer had spoken about the items that needed to be completed at a previous meeting. Mr. Sutherland said that there are several different items that need to be talked about: #1, Land, which the City is working with Mr. Chamberlain to convey it. #2. There is the TMP that has sunset, and the City is working to get another one in place. #3. Public sidewalks: Mr. Sutherland said that he did not know the answer to that issue currently.

Emily Prescott said that in regard to the parcels, she has received the draft deeds to the Saco A & B parcels that were listed on the map, so it's just a matter of moving them through the final legal processes. The developer has already submitted the TMP application and has been following through on that. The City has also been involved with that as well, offering peer review comments from the City side. The trail plan was submitted and provided to Council in November. It was not done on the original date for completion, but the applicant, Elliot

Chamberlain, has been working on the trail and the last time he spoke on the issue he said it was approximately 70% complete. The initial Planning Board approval that was reviewed was completed within that timeline. Sewer availability is being followed up on. The sidewalk is the remaining item. One of the recommendations that the City had previously made was that the dates be reviewed for conditions, to extend them appropriately. That was a recommendation that was made in November 2018. For right now, that's where our compliance is.

Councilor Copeland asked if Parks and Recreation Director, Ryan Sommer, could speak to the trail situation regarding this issue. He said that he walked them in early Spring when they were very soft, and that if the City took on the trails, they would have to connect to Cascade Falls, through the second part of Waterfall Drive. He said that he realized that some of it would be on the road, on the sidewalk, to get over there. He said that if its just in a neighborhood, then its just a glorified neighborhood trail system. That doesn't go very far and doesn't do very much for the City. If they were to connect to Cascade Falls, then the connectivity would be perfect.

Councilor Doyle asked where the Ross Ridge Field project stood? Mr. Sommer said that he had looked at Ross Ridge Field two weeks ago, the grass was coming in. It is roughly grass that would be visible in a median strip that is not properly fertilized. It is still Mr. Chamberlain's land until early September. His recommendation to Mr. Chamberlain was to fertilize it. Mr. Sommer said that the grass was coming in but is not irrigated, so it will not be as good looking as someone's front lawn. He said that the City would take ownership of it, pending the application of fertilizer once or twice by Mr. Chamberlain. It is Mr. Sommer's understanding that this will be a green space. Councilor Doyle asked if the parcel is up to Parks and Rec's standards, as was the agreement. Mr. Sommer said that he would say that it must be fertilized to build a good root system, because once it is opened to the public, without a good root system, it would require constant care. Hopefully it will be given a full year to grow to establish a good root system, as all Parks and Rec land is managed, with no activities allowed for a full year. Councilor Doyle asked if the 11,000.00 retainage that the City is holding would be enough to cover the costs necessary to bring the lot up to City standards? Mr. Sommer said that the equipment that had been purchased by the City in the Spring, would make this less expensive, but that he would definitely recommend that Mr. Chamberlain fertilize the property well.

Motion to close the Public Hearing passed with seven (7) Yea's.

B. (Public Hearing) Park North and Cascade Contract Zone: Subdivision Amendments

The City Council had asked at the November 13, 2018 workshop, that the eight amendments to the Park North / Cascade Overall Subdivision previously approved by the Planning Board be brought to the City Council for review.

The following is a description of the Planning Board's approved amendments to the Park North / Cascade Overall Subdivision, which altered the original subdivision plan incorporated by reference into the Park North and Cascade Contract Zones:

First Amendment (Cascade Contract Zone) – Division of Lot C1, resulting in the creation of Lot C5 at the corner of Cascade Road and Rte. One, approved 1/22/08

Second Amendment (Cascade Contract Zone) – Further division of Lot C1, resulting in the creation of Lot C6, approved 1/20/09. Applicant Wagner Drywall received site plan approval for the commercial building that now houses a day care and other uses.

Third Amendment (Cascade Contract Zone) – Creation of Lots C4A, C4B and 22. The latter was carved out of the existing Lot 18 at the corner of Portland Road and Main Road (now Waterfall Drive) and is now occupied by the former Ocean Communities credit union building. Lots C4A and C4B were created from the existing parcel that lies between Cascade Road and Old Cascade Road. It is described in the parcel deed for the Cascade Inn as a separate parcel from the larger, former Inn property. Zones C4A and C4B have since been developed with single family dwellings.

Fourth Amendment (Cascade Contract Zone) – Easements associated with a force main and the pump station for Lots C1, C5 and C6 were created.

Fifth Amendment (Park North Contract Zone) – Updating dimensional regulations in parcels 2, 3, and 4 of the contractzone agreement. The space and bulk regulations in Parcel 4 necessitated a change to the subdivision plan for Parcel 4.

Sixth Amendment (Park North Contract Zone) – Modified the residential area of Lot 18.

Seventh Amendment (Park North Contract Zone)

The 1st part proposes to alter phases 3 and 5 within the residential portion of the development which will consist of consolidating the proposed right-of-way of Bears Den Rd (not currently built), the previously proposed Open Space 1, lot C4 and lot CA-5 to accommodate 17 duplexes.

The 2nd part proposes to subdivide lot 18 (at the corner of Waterfall Dr and Portland Rd) to create an approx. 6-acre parcel for future development of a 72-unit apartment building.

Eighth Amendment (Park North Contract Zone) – This amendment consolidates Lots 6 through 15 (located in the northeastern portion of the parcel), the previously proposed right-of-way for Minor Park Road, the previously proposed right-of-way for approximately 1,100 feet of Dawn Marie Drive and the parcel formerly containing Stormwater Detention Area 2. The purpose of this change is to accommodate the out-sale of approximately 27.52 acres to Maine State Department of Defense. As a result of this out-sale, it is necessary to reconfigure the roadway alignments and intersection of Dawn Marie Drive & East View Parkway. Additionally, former lot 5 and the parcel containing Stormwater Detention Area 1 are proposed to be adjusted. In conjunction with these changes, the applicant is proposing to subdivide Lots 2 through 4 to create six lots.

Councilor Doyle Moved, Councilor Minthorn Seconded to open the Public Hearing.

The Motion passed with seven (7) Yea's.

1. Elliot Chamberlain, Scarborough, Maine. "I'm just stating for the record that we have never felt the amendments that we made were amendments to the contract zone. Changes to the plan we never felt got to the level of calling it an amendment to the contract zone. We have always felt that amendments to the contract zone, which we have made since we first received it, we have been to the Council (s), and either got their permission or did not get them. Never have we come to the Council for making a plan change. I have always related to this the same as what happens in the City. If someone wants to change a use on a parcel, they have to come to the City to get a zone change. If they subdivide a lot, they don't come to the Council. I related this exactly the same way. Kevin has, I'm not sure has agreed or disagreed with me, but felt it was necessary with what was said, and correct me if I'm wrong, what was said in your zoning ordinance, that any amendment to a contract zone needs to come before the Council. I don't disagree with that statement, I just disagree with a lot line change is an actual amendment to the contract zone."

2. Barbara Colman, 45B Stockman Avenue. "If you read, and I understand what Elliot Chamberlain just said, in reading state statutes and various documents, it does say that certain things can be done through planning board authority, and not have to come to council. So, I believe that is what has occurred with these subdivisions and all that. And I have seen it written in the state statutes written that way. Now, Tim Murphy may be able to clarify where I'm talking about, and also prior to this, when I brought lawsuit against Cutts Street here, The Maine Municipal Association said, the authoritative body for the City of Saco, because we have one, is the Planning Board. And only when that is being done like a contract zone is being done it comes to the Council. But they are the authoritative body. They are making a lot of decisions that never come before this Council. There are divisions made and all of that. So, to have just this one set of rules applied to this contract zone, though I am guessing some of the other stuff, I don't understand why it has to come before the Council for approval. Because, the Planning Board does subdivisions all the time. So, why this one specific individual has to go through this whole process, when the Maine Municipal has already spoken. And if you would like a copy of it, I can send you a copy. Bob Hamlin gave it to me and it was part of the lawsuit. So you can look at it and see that the Planning Board was very clear, that they are the authoritative body. So, though I fight against the other, I fight in favor of not having to have to go through this process. Thank you."

Councilor Doyle Moved, Councilor Minthorn Seconded, to close the public hearing and further move to schedule the final reading of, ‘Park North & Cascade Contract Zones: Subdivision Amendments’ on August 12, 2019. The Motion passed with seven (7) Yea’s.

The Motion passed with seven (7) Yea’s.

C. (Public Hearing) Cascade Road Contract Zone: Amendment.

Based on an opinion from City Attorney Murphy, the City Council has requested review of all subdivision amendments in the Park North and Cascade Contract Zones.

Recently, the Planning Board conditionally approved the re-subdivision of 4 Cascade Road to create one additional lot. The applicant, Amari Holdings, has also submitted a site plan application for construction of a 6,000-sq. ft. structure for 3,000 sq. ft. of business use and 3,000 sq. ft. of medical office space. The applicant is pending further review by the Planning Board of the site plan application until the Council has issued its decision on this subdivision amendment, which is considered the ninth amendment to the overall Park North and Cascades Subdivision Plan. The exhibits include items that reference all subdivision amendments and are included for the Council’s reference.

Councilor Doyle Moved, Councilor Minthorn Seconded to open the public hearing.

Motion passed with seven (7) Yea’s.

1. William Thompson, representing Nate Libby who is a Saco resident. “ I am his representative from the engineering company and I am here, just wanted to introduce myself, if you have questions during your process, I would be available. I am working on the lot that he needs to have subdivided permission through this process.” Mayor Lovell asked Mr. Thompson if he was speaking in favor of this amendment and he replied that he was.

2. Kevin Roche, 18 Vines Road, Saco. “Let me sneak an audit comment in, RKO is probably process and internal audit is part of their contract, so just look at that. Overall out there, I am in support of Nate Libby and what he wants to do out there, make that front corner lot. We need to encourage, whether it be Park North or Cascades, anything and all commercial. Let’s get back to the spirit of what we are trying to do out there. We also have the opportunity zone that’s going to expire at the end of the year now, so just a head’s up on that, unless something changes in the Federal Government. So, when Reedy’s Sea Food opens up out there, it’s going to be a whole new look and ballgame out there. The traffic studies will be done by then, and I just encourage whatever you decide to do on all amendments, that you come back to the focus of commercial development. Any developer, if they’re not doing something that you would dictate to, you can do escrows, you can bring it up again on the agenda, you could keep doing it over and over if you want. But what we look for out in the development and private

sector is certainty, is this being treated, is each person coming to the same project is treated with the same courtesies, the same criticisms, the same process as everyone else. So, I just want to advocate for it. Thank you very much.”

Councilor Doyle Moved, Councilor Minthorn Seconded, to close the public hearing and further move to schedule the final reading of, ‘Cascade Contract Zone: Subdivision Amendment’ for August 12, 2019.

Councilor Doyle: “I believe the catalyst of what we are seeing tonight is based on the City Charter, Subsection 230-1405 under contract zoning, and you want to look at section H. It says: “Status of amendment. Amendments to the Zoning Map and this chapter made under this section may be amended or repealed by the City Council.” So, when we talk about the authoritative body, we are the authoritative body. So, I think that’s why the large number of amendments are coming before this Council, as the City Administrator has told us before, he was not involved in the process until these started coming to light. And I think that’s the reason why some of these are here. And I am just trying to answer the questions that have been brought up by some folks here tonight.”

Councilor Johnston: “I would agree with Councilor Doyle’s assessment, but I still would like to hear it in legal terms from legal counsel.”

City Attorney Tim Murphy: “What I would say, and I was just commenting with Elliot about this, up until about six months ago, I wasn’t aware of all of the changes going on out at Park North. My impression when I looked at them, based on the charter, was: Hey, these all should have been approved by you, the City Council. Having said that, I also can say, my impression is that Mr. Chamberlain was following the rules as they were laid out in the document as it was explained to him. And Peter Morelli was at some length when he drafted the contract zone that put in language that said ‘Elliot just goes to the Planning Board and gets these approved’, so I think the applicant acted in good faith. It was March or April when someone brought this to me and said: ‘What do you think?’ And that’s when it first came to light that perhaps that may have been a short changing of your authorities as the final arbiter under contract zoning. I think coming to you know is a wise act and an appropriate act and I think one you should make, because the commercial repercussions of this are unpleasant to consider, and also by doing this I think you are re-asserting your role as the arbiter, the final arbiter of what are appropriate changes in contract zones. But I really do, fundamentally, looked at this and said: ‘Hey, I think we’ve made a mistake, it was unintentional, I think the party acted in good faith, to punitive I think is inappropriate, and counter-productive to the global interests of the City’. So

that's how I got to the analysis I got to. I do think the point that was made earlier is correct, I think you are the decider.”

Councilor Johnston: “I agree, I caught this about six years ago and should have brought it to you instead of city staff.”

Tim Murphy: “Well, the Planning staff brought it to my attention and said ‘Well’, and perhaps it was the rate of changes that were going on, that someone finally said: ‘Do we need to bring this to the Council?’ And I said, ‘Yes, I think so.’ So, I leave it to your discretion, but I think in this case you would be wise to give these due and fair consideration and my impression is that the applicant has always acted in good faith. We may disagree on some of the policy decisions, but they were following the rules as they understood them laid out by City staff. “

The Motion passed with seven (7) Yea's.

D. (Public Hearing). Renewal Application for a Special Entertainment Permit – Biddeford-Saco Elks Lodge No. 1597

Biddeford-Saco Elks Lodge No. 1597 has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment's liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Doyle Moved, Councilor Gay Seconded to open the Public Hearing.

The Motion passed with seven (7) Yea's.

1. Barbara Colman 45B Stockman Avenue. “Councilor Archer, good catch. There is an error on the form. And that is the problem. He is being very clear. If you look, it says ‘This permit expires 08/08/2019 unless revoked by the Municipal Officials.’ So, this should say 08/08/2020. Look at the Council Packet at the documentation and you will see that Councilor Archer is correct. You are reading something that is not going to be able to be put into effect because your documentation is illegal because it's not dated properly. So it needs to go back to the City Clerk and have them re-write this application.”

Mr. Sutherland said that was not necessary.

Ms. Colman: “Yes you do. If you ask Mr. Murphy, he will say that contracts are based on dates and signatures. You just don't change dates. I just want to prove that Mr. Archer is correct.”

Mayor Lovell: “Mr. Rankin, you made a clear statement. Do you stand by that statement?”

Dep. Clerk Rankin: “I do.”

Mayor Lovell “We have a City Clerk who has certifications associated with this.”

Councilor Doyle moved, Councilor Gay Seconded to amend the document to change the 2019 to 2020.

Mayor Lovell: “Mr. Rankin, is that in any way a violation of the law?”

Mr. Rankin: “Not to my knowledge. It would appear that this was an error by the Clerk’s Office and very likely by myself, since I passed this document forward to the City Clerk. I may have written 2019 on this in error. The intention is that they do have one, active, and in place as of right now, so the intention of this is to establish an Entertainment Permit for them for the next year.”

Councilor Archer: “Is that just a simple cross out of the 2019, you would circle it and make it 2020, then I am fine with it.”

The Motion to Amend passed with seven (7) Yea’s.

Councilor Doyle Moved, Councilor Minthorn Seconded to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Biddeford-Saco Elks Lodge No. 1597 for a Special Entertainment permit to be concurrent with the establishment’s current liquor license, as amended. The Motion passed with seven (7) Yea’s.

E. (First Reading) Charter Amendment: School Budget

The City Council endeavors to make an amendment to Section 6.06 of the Charter. The section pertains to City Council Action on the Municipal Budget. The amendment will allow the Council to vote on the global school budget, instead of on each cost center.

Councilor Johnston Moved, Councilor Minthorn Seconded, and Be it ordered that the city Council approve the first reading of, ‘Saco City Charter Amendment #3 – School Budget’ dated July 15, 2019 and further move to schedule a public hearing for August 12, 2019, before a vote to add to the November referendum”.

The Motion passed with seven (7) Yea’s.

VIII. ADMINISTRATIVE UPDATE

Transit Tomorrow Survey

Help the Portland Area Comprehensive Transportation System (also known as PACTS and which Saco is a member of) shape the future of public transportation in the region! Transportation leaders are creating a vision and investment plan for public transportation. Please take our quick public survey and tell us how you think public transportation in Southern Maine should look in the future.

Opportunity to be a Host Family

The Greater Portland Council of Governments (GPCOG) is looking for way to provide temporary housing for more than 200 asylum seekers now staying at the Portland Expo. That facility is only available until early August. GPCOG is working with faith groups and is also setting up a system that will allow families in the region to temporarily host asylum seekers in their homes.

If you're interested in hosting a family, please email HostHomes@gpcog.org

Here is an article from the Portland Press Herald on the topic.

IX. COUNCIL DISCUSSION AND COMMENT

A. Councilor Doyle said that The Dyer Library is having their giant annual book sale from July 20th through July 29th. Also, Saco Maine Street, July 27 is the 10th Annual Classic Car Show. We also have the Adirondack chairs downtown if everyone hasn't seen those, or has seen those, they are auctioned off at the end of the Summer. And also Thursdays until August 15th, is Music In The Parking Lot at the Dyer Library and Museum.

B. Mayor Lovell noted that the Greek Festival is August 19th, 20th, and 21st.

C. Councilor Gay asked the City Administrator if there was an update on the Rte. 112 Bypass. Mr. Sutherland said that he did not have an update this evening.

D. Councilor Smart said that he would be recusing himself from the second item listed in the executive session.

E. Councilor Copeland thanked the City Administrator for speaking about the asylum seekers. She said that she is proud to live in Saco, and she encouraged people to open their homes if they are able.

X. EXECUTIVE SESSION

Councilor Minthorn Moved, Councilor Doyle Seconded, and Be it Ordered that the City Council enter into executive session, pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6)]:

(C) Credit Enhancement Agreement Terms and Conditions

(C) Discussion of Real Estate Matter Regarding Pre-K

(C) Parks and Recreation Real Estate Matter

The Motion passed with seven (7) Yea's.

The City Council Entered into Executive Session at 9:48 P.M.

XII. REPORT FROM EXECUTIVE SESSION

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

Councilor Minthorn Moved, Councilor Doyle Seconded to come out of Executive Session.

The Motion passed with Six (6) Yea's. The time was 11:17 P.M.

(C) Credit Enhancement Agreement Terms and Conditions.- No Report

(C) Discussion of Real Estate Matter Regarding Pre-K – No Report

(C) Parks and Recreation Real Estate Matter

Councilor Minthorn Moved, Councilor Johnston Seconded to authorize the City Administrator to purchase the church on School Street for a Parks and Recreation Teen Center.

The Motion passed with (6) Yea's.

Councilor Minthorn Moved, Councilor Copeland Seconded to Adjourn.

The Motion passed with six (6) Yea's. The Meeting Adjourned at 11:20 P.M.

Attest: _____

William T. Rankin, Deputy City Clerk