

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Tuesday, September 3, 2019 at 6:31 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, and Nathan Johnston. Councilors excused this evening: Alan Minthorn and Micah Smart. Acting City Administrator Patrick Fox and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

- Labor Day – the decision to make Labor Day the first Monday in September was approved on June 1894. Labor Day started as part of the Labor Union movement and recognizes the contribution of the men and women in the United States workforce modernity has been seen as a chance to celebrate the last weekend of summer. Oregon was the first state to celebrate Labor Day. Prior to the American labor movement Americans often worked 12-hour days 7 days a week.
- Ready Seafood Opening – We celebrated the opening of Ready Seafood earlier today. They are a new addition to our commercial enterprises, and they look to be a very successful one.
- City Administrator Job Posting – There was a minor mess up associated with the one posting that is on the Maine Municipal Association website and the cities website. That due to a data update apparently the City Administrator posting was changed to September 29th. It was quickly changed back early today, and it also stated on there that the position would be open until filled. It is likely that process will commence well before the 29th.

V. PUBLIC COMMENT

- Barbara Colman, 45B Stockman Avenue – I've taken a break to watch this meeting from home to see how it looks differently and there is a big difference. Mayor, on August 16th, and I'm not sure but you are not a good comedian because you made a statement that bombed. You made a statement that we are so glad that we are not here for gun control and a couple councilors said that was a highly inappropriate response and it was. That was the night that we were appointing Jack Clements the Chief of Police for the City of Saco. It was the day after 6 officers in Philadelphia were shot. I think a better statement would have been we are lucky to have this gentleman who is coming to us from as Vegas and has been with us a couple of years and has additional talents above and beyond because Las Vegas is a much bigger city than ours. 2) You have a habit and I do not understand why but I do understand why. There is a particular councilor who when the want to speak and ask a question because they are seeking additional information and I have stated this before "pauses" to think about the statement that she is going to be making or asking to make sure she gets the relevant information that she is trying to obtain from that process. Please, I understand that you have set up a schedule for the meetings so that only so many minutes are allotted for each subject. This is a council meeting, this is our representation and I don't care if it takes her 10 hours. If the information is relevant and can provide insight for everybody, allow the person to ask the question. Everybody learns, speaks and it educated on different levels. 3) We have not yet seen a financial statement since the end of June. Actually, we haven't seen a financial statement since April/May. This is a long time, so we really should have a year end one. 4) What is the rush of getting a new City Administrator? Allot of you are up for election, actually all of you. So, why are we rushing to fill this position prior to the election of the next council which is going to be sitting her much longer than the majority of the people because they are staggered, 2, 3, 4-year terms. Please, do not rush this process. Why would anyone publicly disclose a salary on an ad? That is not done in today's world. It is called negotiable. You have now fixed the salary at \$128,000. Congratulations, you have already spent the money. That person knows what their salary may be. It would behoove everybody because of all the money that has been spent on various things to really take a look at it all. A true audit on our books and a true HR audit. Because, it is still costing us a fortune in staff time and I mean our deputy directors and our department heads working with staff to get the payroll done. The last is going to be the Mayor's office hours. You have stated to me publicly and in the presence of Councilor from Ward 1, Ward

7, and the City Administrator that those are public meetings. If they are public meetings there should be no policy discussion taken place. On August 16th one of the councilors who are in that session said we will be discussing this policy, which is for a final reading tonight on Wednesday. That makes it a public meeting and that is not permissible under state statute. It is being reviewed right now with the State of Maine to see if those office meetings have been illegally run or not. Lastly, Councilor from Ward 1 would you please speak into the mic. Even at home I cannot hear you.

VI. CONSENT AGENDA

A. CONFIRM MAYOR’S APPOINTMENT OF ANDREW BRACY AS AN ASSOCIATE MEMBER TO THE HISTORIC PRESERVATION COMMISSION

Councilor Johnston moved, Councilor Doyle seconded “Be it Ordered that the City Council confirm the Mayor’s appointment of Andrew Bracy as an associate member on the Historic Preservation Commission, for a three-year term to expire on June 30, 2022. The motion passed with seven (7) yeas.

VII. AGENDA

A. TOBACCO FREE ZONES ORDINANCE - (FINAL READING)

To promote healthy standards of living for adults and protect children from the harmful effects of second-hand smoke, the City of Saco is looking to ban tobacco products in the previously specified public areas. All tobacco products, including smoked tobacco, smokeless tobacco, vapes and e-cigarettes, are to be banned.

The ordinance has been written and would fall under §199-1 to §199-5 of the City code.

Councilor Johnston moved, Councilor Gay seconded “Be it Ordered that the City Council hereby ordains and approves the second and final reading of, ‘Implementation of a Tobacco-Free Zone Ordinance’ to be added to the City Code under §199-1 to §199-5. Further move to approve the order. The motion passed with five (5) yeas.

**Chapter 199
TOBACCO-FREE ZONES**

**ARTICLE I
Tobacco-Free Zones in Saco Public Parks,
Recreational Areas and Sporting Venues**

- §199-1. Purpose.
- §199-2. Definitions.
- §199-3. Policies.
- §199-4. Communications.
- §199-5. Enforcement.

[HISTORY: Adopted by the City Council of the City of Saco on: ____.]

GENERAL REFERENCES

ARTICLE I

§199-1. Purpose.

The City of Saco strives to be a community that fosters healthy standards of living for all its citizens. Substantial evidence has shown that the use and exposure to tobacco products, whether through direct or secondhand consumption, leads to over 400,000 deaths each year, making it the foremost preventable cause of premature death in the United States. Tobacco-Free Zones in Saco are hereby implemented for the purpose of reducing tobacco use among the citizenry in public, recreational locations with high volumes of youth and families.

§ 199-2. Definitions.

For the purpose of this Chapter, the following terms shall have the following meaning and definition:

PARK, RECREATIONAL AREA OR SPORTING VENUE: Any outdoor area accommodating or having facilities for rest or recreation (including passive activities) or playground designed at

least in part to be used by children that has play or sports equipment installed or that has been designed or landscaped for play, sports, or leisure activities on grounds owned, occupied or operated by the City or a department thereof, or any similar facility located on public school grounds. All areas included in this article will be distinguished using clear and conspicuous signage consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it.

SECONDHAND SMOKE: Smoke emitted from a lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco product intended for inhalation, in any manner or in any form, when the smoker is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the smoker. Secondhand smoke also includes aerosol or vapor from the use of an electronic smoking device emitted, in any manner or in any form, when the smoker is not inhaling, at the mouthpiece during puff drawing, and when the smoker is exhaling.

TOBACCO PRODUCTS: (1) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, or snuff; or (2) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device.

§199-3. Policies.

The City Council shall enact policies to effectuate the goals and purposes of this Ordinance. It authorizes and directs the Parks and Recreation Department, through the City Administrator, to draft proposed policies for its review, and to implement and enforce those policies once adopted.

§199-4. Communication.

The City of Saco Parks and Recreation department shall be responsible for the distribution and posting of Tobacco-Free Zone signage in all designated locations. The City of Saco Parks and Recreation department shall be responsible monitoring compliance.

§199-5. Enforcement.

It shall be unlawful for any person to smoke, vape, or use tobacco products in any form in all areas outlined in this article. For any person who violates the tobacco/smoke-free rule, Parks and Recreation staff, or other person designated by the Parks and Recreation Director, shall request that the person cease the use of tobacco and give a verbal warning. If the person refuses to cease, others authorized by the Director may request that the person leave the Tobacco/Smoke-Free Zone. Refusal of any person to leave the Tobacco/Smoke-Free Zone as requested is considered a trespass, for which the police may enforce in accordance with State of Maine law.

B. SMOKE AND TOBACCO FREE CITY RESOLUTION

This Resolution is meant to complement the new ordinance Chapter 199 – Tobacco-Free Zones. The City would like to promote health and wellness for all residents and visitors to the City of Saco.

Councilor Johnston moved, Councilor Copeland seconded “Be it Resolved that:

WHEREAS, this RESOLUTION is to promote the health and wellness of the City of Saco residents and visitors on all City owned property by making said properties SMOKE AND TOBACCO FREE; and

WHEREAS, the City of Saco, Maine has set as a goal that Saco be a safe and healthy place to live, work, and play; and

WHEREAS, tobacco use is the single most preventable cause of death and disease in the United States; and

WHEREAS, secondhand smoke contains many harmful chemicals and cancer-causing agents, and is a serious health risk to humans, especially infants, children, and pregnant women; and increases a non-smoker's risk for asthma, heart disease and lung cancer; and

WHEREAS, chewing tobacco contains many harmful chemicals and cancer-causing agents, and their use is associated with cancers of the mouth, gums, tongue and throat; and

WHEREAS, the use of chewing tobacco is associated with saliva, or spit, being cast upon the ground, seating areas and other surfaces in recreational settings; and

WHEREAS, secondhand smoke levels in outdoor public places can reach levels as high as those found in indoor facilities where smoking is unrestricted; and

WHEREAS, the purpose of the City of Saco Parks and Recreation Department is to provide quality recreation and leisure experiences that enhance the quality of life for the City of Saco, including providing a safe environment for these experiences; and

WHEREAS, tobacco-use and exposure to secondhand smoke are contrary to enhancing the quality of life and providing safe environments.

NOW, THEREFORE BE IT RESOLVED, that the City of Saco does hereby declare that all of its City of Saco properties be tobacco and smoke free and specifically restricts the use of any tobacco product, including, but not limited to cigarettes, e-cigarettes, cigars, chewing tobacco, or any other tobacco and nicotine derivative on, in or at any City of Saco property.

BE IT FURTHER RESOLVED, that City Staff are authorized to take reasonable steps such as signage and other communication tools to achieve compliance with a tobacco and smoke free City established hereunder.

Further move to approve the Resolution. The motion passed with five (5) yeas.

VIII. ADMINISTRATIVE UPDATE

Acting City Administrator Patrick Fox stated there was no report this evening.

IX. COUNCIL DISCUSSION AND COMMENT

There were no comments this evening.

X. ADJOURNMENT

Councilor Copeland moved, Councilor Gay seconded to adjourn the meeting at 6:48 p.m. The motion passed with five (5) yeas.

Attest: _____
Michele L. Hughes, City Clerk