STATE OF MAINE  
COUNTY OF YORK  
CITY OF SACO

I. CALL TO ORDER – On Tuesday, April 17, 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
   A. HISTORIC PRESERVATION COMMISSION RECOGNITION
   
   Mayor Lovell moved this item to the next meeting.
   
   B. JAY SNYDER’S NEW BOOK “SACO AND ME”
   
   Saco native Jay Snyder has written a book called “Saco and Me”. It is currently on sale and is another one of these interesting books on Saco’s history. This is a series of stories associated with growing up in Saco in the 1960’s and 1970’s.

   C. CLARIFICATION OF COUNCIL PROCEDURES
   
   Mayor Lovell noted that there was a Special Council meeting scheduled for last week solely to go into Executive Session before the Budget presentations. In order to better assist the public, we had updated the agenda after it had originally been published so that we were going to start with the workshop at 7:45 p.m.

   Due to a family emergency we had to cancel the special meeting. Given the current turnout of the public, staff and agencies ready for a presentation and that everything was being recorded and would be available for review both through cable television and through the website, I made the decision to move forward with the workshop. By starting a bit earlier, we were able to get through all of the presentations and catch up to where we had failed to cover the previous week.

   Reflecting back, it certainly seems to me and to many others that it may not have made sense to not have cancelled the meeting, but to pull the Executive Session out of the agenda and to have taken a vote from the council as to whether to proceed or to recess and to return and then to either have started then or to have returned at 7:45 p.m.

   In addition, I have heard some concerns that we are not following our rules and order of business. Since last week I have reviewed the Council meeting from December 11, 2017 where we approved with amendments our rules and order of business. As part of the workshop of Dec. 11th the City Administrator had made several suggested changes to the rules and order of business. Specifically, there were 4 items that were recommended: change the start time to 6:30 pm.; move the workshop to after the meeting; have only 2 meetings per month unless otherwise needed; and removal of the language of the public comment from the workshop agenda and council discussion and comment as the purpose of the workshop is for the council and staff to discuss upcoming agenda items. After review of the minutes and the video from the meeting that took place on Dec. 11th only the first 2 of those amendments took place. The time change and the time for when council workshops would occur.

   Additionally, it was brought to my attention that the online link to the Rules and Order of Business had not been updated since then. The workshop will be updated to reflect the approved amendments later during this week. In going forward the agenda will reflect what the council had approved. Remember, as a body council can update its rules and order of business at any time. I had suggested that we wait until September, but given these additional tweaks and modifications that we have operated under I suggest that we consider after the budget process is over that we further amend the rules and order of business to reflect what we have been practicing.

   Councilor Minthorn stated that we ought to restore the public comment into the workshop since we are discussing budget items the public has a right to air their concerns.
D. **JOINT WORKSHOP WITH SCHOOL BOARD**

Mayor Lovell asked the council to try to define a period when we can invite school board members to meet with the council, prior to the public hearing on the budget on May 7th. It was decided to take this item up later on.

V. **PUBLIC COMMENT**

- Barbara Colman, 45B Stockman Avenue – Ms. Colman asked the Mayor to hand out an article (“Letter to the Editor: Fight back when South Portland council tries to shut out public”) that was very relevant to her comments. She noted that the Mayor has covered part of it. I think this applies equally to the council. As Mayor and Councilor’s you made a conscious decision to run in your respective wards and to be a member of the Saco City Council. You were elected and took the Oath of Office. This is an abbreviated part of the oath that you took: “To support the laws of the United States and the State of Maine and all respect provisions of the Charter and Ordinances of the City of Saco. It was with hope after several years of public comments, written letters, e-mails etc. regarding the rules and regulations of a properly run public meeting and executive session the newly elected officials that I stand before this evening understand what constitutes a legal meeting, a start time for workshop and executive sessions. Though I provided significant information to indicate the violation which occurred last week, it was ignored by all. It does not surprise me. As you will see from the handout this is a common occurrence in another community. The gentleman who wrote the letter is an attorney who has practiced law for over 30 years. As an elected official at the time of any illegal action that has taken place, it is in your best interest to remove yourself from the meeting, join the public, particularly your constituents and to understand your role as a council member. I had the opportunity to discuss with the City Administrator Kevin Sutherland the error that created the issue, though current council passed no rules of operation as the Mayor pointed out. The original policies still remained on the website. He has acknowledged this is clearly a conflict of information and will be resolved. Mayor Lovell also researched the issue and also discovered the same. He has since noted in a board meeting that I was indeed correct based on the information available to the public. These acknowledgements have been accepted and for once a welcome response for the public officials.

- John Harkins, 4 Christopher Terrace – Building improvements – I think we should take the long view as expressed by Councilor Minthorn. We could add onto this building or to the adjacent building and it seems like that would be a prudent move. Secondly, this time of year the focus should be on the budget. We have very heavy agendas, running late and confusion on agendas with changing hours and executive sessions. So I would recommend again that we lighten up the agendas even if we have to meet 3 times a month rather than 2. Saco, if we keep spending level recommended by the board and the city will be a ghost town. The public cannot stand the dollars that are being recommended.

VI. **CONSENT AGENDA**

Councillor Copeland moved, Councillor Doyle seconded to approve Consent Agenda items #A, #B, #C, and #D as follows:

A. **Minutes** – Approval of the minutes for April 2, 2018.


C. **Confirmation of Mayor’s Appointments to the Parks & Recreation Advisory Board** - Be it Ordered that the City Council confirm the Mayor’s appointment of Candice Eng and Sandy Mekonis to the Parks & Recreation Advisory Board for a 3-year term to begin April 18, 2018 and to expire on June 30, 2019. Further move to approve the order.

D. **Confirmation of Mayor’s Appointment to the Planning Board** - Be it Ordered that the City Council confirm the Mayor’s re-appointment of Peter Scontras to the Planning Board, for a 3-year term to expire on April 1, 2021, and thank Mr. Scontras for his continued and valued service. Further move to approve the Order.

The motion passed with seven (7) yeas.

Note: The item commentary for item #B is listed below.
B. NOMINATION OF ELECTION CLERKS 2018-2020

Election Clerks are the election officials who are appointed to represent the qualified party in which they are enrolled and provide a check and balance in the electoral process. The City Clerk has submitted a list of individuals who would like to be appointed to help with voting activities at the polls on Election Day.

The municipal officers must appoint nominated election clerks by May 1st (of the even-numbered years), pursuant to Title 21-A §503. The individuals appointed by the municipal officers serve as election clerks until new appointments are made on or before May 1, 2020.

**Nomination Report - Election Clerks 2018 – 2020**
**Dated: April 17, 2018**

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<td>Madeleine Thibeault</td>
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<td>Louise Stuart</td>
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VII. AGENDA

A. CONTRACT ZONE APPLICATION – 95 HEATH ROAD – (PUBLIC HEARING)

Applicant Cole Coletro proposes to establish an “event venue” at 95 Heath Road. A “rustic barn” is proposed along with various improvements in order to allow events such as weddings or graduations parties for up to 150 people. The 15 acre parcel has adequate space for parking, the season would be May through September, with hours no later
than 11 p.m. A commercial kitchen would be installed in the barn, with food largely being provided by caterers.

The Planning Board held a public hearing on this proposal at its March 6, 2018 meeting, and made a negative finding on each of the four standards required for a contract zone, and voted to forward a negative recommendation to the Council.

Councilor Gay moved, Councilor Doyle seconded to open the public hearing for the document entitled “Contract Zone Agreement by and Between Cole Coletro and the City of Saco,” dated March 6, 2018;
lived at 108 Heath Road for 30 years. My husband and I moved there because we wanted a quiet country setting. I’m a home body and a gardener and I spend enormous amounts of time in my yard. I have loved my 30 peaceful years in North Saco. I do feel that an event barn located across the street from my property would change that. In reading a job description for the Saco Plan I read that they work with staff to ensure that proposed development in Saco is safe, suitable and a welcome addition to the fabric of the community. Myself, and many other neighbors who would be affected by this venue feel it would be disruptive to our way of life and a very unwelcome addition to the North Saco community. Since the Planning Board does not recommend approval of this contract zone and all the neighbors whom I have spoken with are extremely opposed to an event venue at this location, I believe that approval of this contract zone would be unconscionable and a disservice to our North Saco community.

Mayor Lovell, asked City Administrator Kevin Sutherland to look into the subdivision question posed by Ms. McEnarey. From my reading I do not see anything about creating a subdivision in the contract zone that is not associated with that.

Dennis Johnson, 102 Heath Road – I live in the driveway directly across the street. Carol did a great job and we agree with everything that she said. One thing she didn’t touch on is does this venue need to apply for a liquor license? Mayor Lovell noted that was beyond the scope of the contract zone and is something that would occur later on. They would have to make an application and it too would come before the council but as a permitting process as opposed to a contract process. Mr. Johnson stated that obviously he is thing it would and that created all kinds of other issues. We have all been to wedding receptions and just think it is very unhealthy and not safe living across the street from a facility like this. That was my only comment about the alcohol that I wanted to touch on.

Jeannine Lamey, 130 Heath Road – Approximately across the street from the proposed venue. I agree with what Carol said. We moved to that neighborhood because it was quiet and rural and we don’t want to be sitting on our screened porch all summer listening to band music coming from the barn across the street. It is just not what we moved out there for. I don’t think it is a good fit for that neighborhood.

Richard Ayotte, 104 Heath Road – Across the street from the proposed venue. This is not a good fit for our neighborhood. Allot of us have families and we are off on the weekend and we enjoy our outdoors and our quiet and this would be a negative effect not only on our lifestyles, but on our property. I’m hoping that the council will take this into consideration. This would be detrimental to our property values. We have one place already that has events and that is the Snowmobile Club and that is enough.

Richard Lamey, 130 Heath Road – I believe that contract zoning is a wonderful way to utilize properties that need to be utilized within a city. The ability to build a building and create a venue in our neighborhood I don’t think is an appropriate use of a contract zone in a farm zone. We have a wonderful business park off of Route 1 that borders the old eastern and I know there is allot down there by the old eastern and it would be a beautiful venue spot that would only affect the birds and mosquitos. So, we feel it is not correct for our zone.

Paul Gurney, 95 Heath Road – I’m with my friends and business partner. This is the first time I have met our neighbors and I wish it was under a more happy circumstances for sure. We wanted to put our faces to the project and letters. We’ve talked amongst ourselves and said would we feel the same way in a rural area and someone wanted to put in a event barn near us and we recognize that we would be a challenge because it represents a change and a disruption and traffic and things like that. We did take a year to decide where this could go and for sue honestly a community event, we are picking a barn not something downtown. We are trying to find something that means community and rural. Basically, the idea that we empathize and we want you to know that we would be your neighbors and be neighborly. We do care about the sound and the potential for disruption and about the traffic and we laid out our case where we thought the road was already busy and we did some sound checks and fairly certain with the sounds apps that that the sound would drop to below the level of cars passing. There are real concerns. We do know that there are great examples of harmonious co-existences between businesses and homes. Allot of businesses right next to homes all across Saco. Wherever there is a double yellow line there is often a business in a home. We feel like we would be one of the best kinds to be next too. We are highly incentivized to keep the place beautiful. The finished building based on some appraisals we have got would be worth $600,000. The advice we got is that this will increase house values being next to a really pristine property. We would absolutely take care of any trash that got out there and we already do that now. We have disposed of spare tires thrown in the field, countless times. We clean up our own property as people come and arrive in there and leave trash. So, I feel like our incentives
are aligned with the neighbors. So, enough said that we have to stay perfect and beautiful and not violate sound levels and all that good stuff. We are not professional developers coming in and not rinse and repeat type of people. This is us exercising our collective skills in marketing, design, photography, and customer service. So, this means allot to us. We know that we are coming into a neighborhood already and it just seemed like the right fit of distance and we are using about 2% of the property on about an acre. The whole rest of the property is there to stay wild. Not fields of grass but literally the wild grass that is there. We are not coming in to disrupt the land. We had to take down some dead trees and clean up the property and we will keep doing that. We actually don’t want concerts there like rock. The type of community events we would like to have are recitals and classical music and things like that that would indoors. Our site plan that the Planning Board will see calls for a 10’ apron around the building. Not for 30’ patios and outdoor dining and other noises. It really is meant to be inside. I guess I didn’t want this to be a rebuttal of everything of their concerns because sometimes there is just a matter of opinion. So, I would like to submit that we believe this to be the right spot and we would be far better neighbors that the automobile club that is down the road. That we will address the concerns with sound and hours and number of cars and with site planning for sure. We would be good neighbors and we would be better than putting a giant farm there with mud and animals and noise and tractors plowing up the place. We feel that with the contract zone amendment would allow us to part of this creative economy and getting people to actually enjoy this rural area that the neighbors have talked about too.

Carol McEnarey, 108 Heath Road – I would like to ask the people voting on this since this is a contract zone in which to me seems to be the same thing as a zoning change. What is typically allowed in a conservation district? Is it typical that the members voting on this would at least look at the site? Mayor Lovell stated that was the business of individual councilors. City Administrator noted that the Planning Board looks at the sites.

Katie Arnold, 95 Heath Road – I’d like to offer a different perspective. I have ventured in weddings for 5 years and my thought process on the noise and the music is that the reception normally isn’t like 6 hours of music. So, it is the first dance, dinner, the speeches and maybe 3 hours of dancing. So maybe just think of it as 3 hours.

Councilor Gay moved, Councilor Doyle seconded to close the public hearing and further schedule a second and final reading for May 7th, 2018. The motion passed with seven (7) yeas.

Contract Zone Agreement  
by and between  
Cole Coletro and the City of Saco  
March 6, 2018

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through July 17, 2017 is hereby further amended by adopting this contract by and between the City of Saco and Cole Coletro.

1. Cole Coletro (Applicant) has submitted an application for a contract zone for the parcel (Subject Property) at 95 Heath Road.

2. The Subject Property is owned by Cole K. Coletro, acquired January 22, 2017, and subject to a deed recorded in Book 17178, Pages 62-65 at the York County Registry of Deeds.

3. The Subject Property is a 15.16 acre parcel identified as Tax Map 108, Lot 1 on City of Saco tax maps.

4. The Subject Property is in the C-1 zoning district.

5. The Applicants propose to establish a Place of Public Assembly on the Subject Property. This is not an allowed use in the C-1 zoning district.

6. Recognizing the requirements of the Zoning Ordinance, and the limitations on establishing such a use in the C-1 zoning district, the Applicant hereby makes application for a Contract Zone that would allow said use to be established on the Subject Property as a legally conforming use.
II. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicants to establish a Place of Public Assembly as an allowed use, as provided for in Article 14 of the Saco Zoning Ordinance:

Section 230-410-22 of the Zoning Ordinance is hereby amended so that “Place of Public Assembly” shall be a permitted use on the Subject Property.

A Place of Public Assembly shall be defined as follows: A commercial use that may operate either fully enclosed within a building, or outdoors, or both, that provides a place for public gatherings such as weddings, graduations, anniversaries and similar events. A place of public assembly may include facilities for eating and drinking, provided that required licenses and permits have been issued by the applicable agencies.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 230-1405.F of the Saco Zoning Ordinance:

a. The Applicant shall adhere to all other applicable provisions of the C-1 zoning district and of the City of Saco Zoning Ordinance.

b. City and Applicant recognize that the plan/map submitted for contract zone review is a representation of existing site layout, but is subject to change as the result of site plan review conducted by the Planning Board. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

c. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.

d. Hours for which the Place of Public Assembly is open to the public shall be reasonable in order to accommodate gatherings as proposed, by shall be limited to between the hours of 9:00 a.m. and 11:00 p.m.

e. Parking shall be limited to the Subject Property. No parking shall be permitted within the Heath Road right of way.

f. All permits, licenses and approvals required by local or state agencies for a Place of Public Assembly and/or commercial kitchen shall be secured by the Applicants prior to opening for business. These may include but are not limited to a building permit for the barn, a building permit for the installation of a commercial kitchen, a Victualer’s License, a business license, and a Certificate of Occupancy.

g. For the purposes of this Agreement, a Food Truck shall be defined as, “A motorized vehicle with on-board power, refrigeration, food preparation facilities, and usually room for two to four employees. A food truck is distinct from push carts, trailers (towed carts), and other mobile retail vendors.”

h. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable prior to review of said qualifications by a potential buyer or other operator of the Place of Public Assembly by the Planning Board.

i. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer shall be required to apply for a contract modification. Failure to apply for, or to obtain a modification shall constitute a zoning violation, subject to enforcement action.
IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1405, and by vote of the Saco Planning Board on March 6, 2018 and the Saco City Council on __________, 2018, the following findings are hereby adopted:

A. The parcel identified as City Tax Map 108, Lot 1 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:

1. The Subject Property is the proposed location of the sole Eating and Drinking Establishment based on a “rustic barn and landscaping” rental venue concept, featuring native landscaping, orchard trees, local produce and foods, in the City of Saco. The City seeks to encourage rural-preservation efforts, which are reflective of the agricultural heritage in Saco.

2. The Subject Property borders the 1,200 acre Heath Preserve, and contains a mix of forest groves and open grasslands. The owner’s intent is to preserve the property and forest for non-residential use, to promote wildlife and nature. The proposed use as a rental venue will minimize the impact of housing development on these 15 acres, but still positively contribute to the economic activity of Saco as well as rural appreciation.

B. The proposed rezoning is consistent with the 2011 Saco Comprehensive Plan, based on the following goals:

   The parcel’s **C-1 Conservation District zone** allows conditional agriculturally-based commercial uses (“agriculturally related business uses,” “the processing and/or sale of agricultural products raised on the premises,” and “farm stands”). A **contract zone** could allow establishment of the proposed use. The draft agreement would amend Section 230-410-22 in order to allow a **Place of Public Assembly** in the C-1 zone, and to rely on either external caterers or a commercial kitchen.

Chapter 3, Overview of Updated Inventories
L. Land Use
   Agriculture and forestry play a diminishing role in both Saco’s economy and its landscape—since 1992 the amount of land enrolled in the state’s Farmland and Tree Growth taxation programs in Saco has dropped by 40 percent. The state Growth Management Act requires comprehensive plans to designate rural and growth areas. Previous Saco comprehensive plans have called for farmland preservation. Maintaining the rural landscape is important but is becoming increasingly difficult.

Chapter 5, Community Goals and Policies
J. Historic, Archaeological, and Cultural Resources
11. The City should continue to support regional “creative economy” efforts that leverage cultural resources for economic development.

Chapter 6, Land Use Goals and Policies
Farm and Forest Land
33. Within areas designated as Rural Conservation Areas, the City’s land use regulations should allow for the continued operation of traditional agricultural and forestry uses. The City’s standards should permit reasonable signage and display in conjunction with uses related to agriculture and forestry. In addition, nonresidential uses that are compatible with a working rural landscape should be allowed as part of these active uses.

C. The proposed use is consistent with but not limited to the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated to promote agriculture and open space while permitting low density residential uses. Examples of uses allowed in the vicinity of the subject property include single-family dwellings, agriculture, agriculturally related business uses, the processing and/or sale of agricultural products raised on the premises, and farm stands.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.
V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on __________, 2018.

by ________________________ by ________________________
  Kevin L. Sutherland        Cole K. Coletro
  City Administrator         Applicant

B. AMENDMENT TO CHAPTER 171-SINGLE USE PLASTIC BAGS – (SECOND AND FINAL READING)

In April of 2017, the City Council added Chapter 171 – Single-Use Plastic Bags to the City of Saco’s general code. Businesses was given six months to comply with the ordinance. During that time, it became apparent that clarity in the Reusable bags definition was required.

In September of 2017, the Council supported the Administrators decision to use section 106 and not enforce the ban on the reusable bags with plastic content until a revision to the ordinance was made by Council.

The revisions being proposed have been reviewed with businesses and business representatives and all agree that these changes will ensure compliance as the ordinance intended.

The Council reviewed this item at its March 5, 2018 workshop.

Councilor Minthorn moved, Councilor Doyle seconded the “Saco City Council hereby ordains and approves the Second and Final Reading of the document entitled ‘Amendments to Chapter 171 - Single-Use Plastic Bags’”. The motion passed with seven (7) yeas.

“Amendments to Chapter 171 - Single-Use Plastic Bags”
(changes are underlined in document)

Chapter 171. Single-Use Plastic Bags

Section 171-101. Purpose:

It is in the best interest of the residents of the City of Saco (City) to protect the environment and natural resources of Maine by prohibiting the distribution and use of single-use plastic bags. This ordinance intends to encourage the use of degradable resin bags and/or reusable shopping bags in businesses.

Section 171-102. Findings:

Single-use plastic bags have an adverse effect on the environment. Because the City is an oceanside community with a river as a natural border, both aquatic and wild life are affected by the environmentally hazardous plastic bags. Research has shown that production and disposal of petroleum based products can injure or poison animals, disrupt habitats, and leach into ground water. Additionally, chemical by products can cause harm to humans, pets, and livestock.

Sec. 171-103. Authority:

This proposed Ordinance to be adopted pursuant to the City’s home rule authority pursuant to 30-A MRS Section 3001, et seq.

Section 171-104. Definitions:

ASTM International means the former American Society for Testing and Materials. It is now called ASTM International.
ASTM Standards means the standards related to single or reusable bags.

- ASTM 5208 is the standard for UV exposure of photodegradable plastics
- ASTM 5272 is the standard practice for outdoor exposure testing of photodegradable plastics
- ASTM 5338 is the standard for determining aerobic biodegradation of plastic materials (requiring oxygen)
- ASTM 5511 is the standard for determining anaerobic biodegradation of plastic materials (does not require oxygen)
- ASTM 6400 is the standard for labeling of plastics designed to be aerobically composted

**Business** means any business that has or requires a business license with the City.

**Degradable** means a compound that breaks down into simpler compounds by stages.

**Emergency food or other goods provider** means a facility operated by a non-profit or governmental agency that provides goods to residents for no charge.

**Degradable resin** means a solid or highly viscous substance that is typically convertible into polymers.

**Plastic** means an organic or petroleum derived synthetic organic solid that is moldable.

**Plastic film** means any organic or petrochemical film less than 1 mil in thickness.

**Retail business** means any business that sells consumers goods and has or requires a retail business license with the City.

**Reusable bag** means a bag with consumer carrying handles that is specifically designed and manufactured for multiple reuse and is made of cloth, fiber or other machine washable fabric or regularly disinfected but not plastic film less than 1 mil in thickness.

**Single-use plastic bag** means a bag with consumer carrying handles made from plastic, which also may or may not be intended for a one time use. These bags fall under the category of plastic film.

**Section 171-105. Single-Use Plastic Bag:**

A business, as defined above, may not provide single use bags made of plastic for any purpose. A business may provide a non-petroleum based bag that meets one or more of the aforementioned ASTM standards, such as:

- a paper bag
- a reusable bag as defined
- a bag made from degradable resin compounds

If a retail business chooses to not provide a bag of any kind, a sign that measures at least 3 inches by 5 inches near the point of sale and at least 10 inches by 14 inches at entrance door must be posted stating bags will not be provided.

Customers are allowed to bring into a business and use their own bags, including plastic bags, without the business being in violation hereof.

**Section 171-106. Exemptions:**

Exemption from these limitations herein is made for emergency food or goods providers.

The City Administrator may exempt other businesses during major City emergencies or disasters. The exemption will end when the emergency or disaster has ended per the City Administrator.

**Section 171-107. Violations and Enforcement:**

The City Administrator, or his/her designee(s), shall have the primary responsibility for enforcement of this Ordinance. If the City Administrator or his/her designee(s) determines that a violation of this Ordinance has occurred,
he or she shall issue a written warning to the business that a violation was found. Subsequent violations of the
Ordinance shall be subject to the penalties set forth below.

A violation of the ordinance is based on the availability of plastic bags in a business.

Violations of this Ordinance shall be punishable by fines as follows:

- A fine not exceeding $250 for the first violation in a one-year period;
- A fine not exceeding $500 for the second and each subsequent violation in a one-year period.

Each day that a violation occurs will be considered a subsequent violation.

Section 171-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment. Notwithstanding the preceding,
the City Administrator is authorized to delay any enforcement of these provisions for up to a period of six (6) months
so that local businesses may cost-effectively eliminate existing inventory of plastic bags, and secure replacement of
an acceptable biodegradable alternative.

Section 171-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the
remainer of the Ordinance, including the application of such part or provision to other persons or circumstances,
shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are
severable.

C. BUDGET AMENDMENT – CITY HALL AND ANNEX RENOVATIONS – (FINAL
READING)

Over the last two years, departments that provide direct services to the community have been relocated to the first
floor in City Hall to improve the customer experience. The departments located on the first floor include: Assessment,
City Clerk, Code Enforcement, Economic Development, General Assistance, Finance, and Planning. To continue
this level of service, improve workflow, and support ergonomic modifications, some additional resources are needed
to update the two buildings and create sufficient office space. It is estimated that the improvements required will cost
around $75,000, with the use of in house staff to offset some of these costs.

There is currently $53,535 in the Capital Program for City Hall Improvements. $15,000 of which was allocated as
part of the FY18 budget for additional improvements to the audio and visual system. The remaining $38,535 would
fall to the unassigned fund balance at the close of FY18 (remaining funds from roof work and heating system
upgrades) if the money is not re-allocated for these much needed renovations and upgrades.

The additional $36,465 use of reserves would enable the Facilities division to make needed updates to city hall and
the annex to accommodate the growth in our organization. This item was discussed in the February 20th and March
19th Workshops. Council action would have no impact on the property tax.

Councilor Archer moved, Councilor Smart seconded “Be it Ordered that City Council approves the second and final
reading of ‘Budget Amendment #11 FY2018’. ” Further move to approve the order. The motion passed with six (6)
veas and one (1) nav – Councilor Doyle.

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D. SCHOOL BUDGET DISCUSSION AND DIRECTIVE

MEMORANDUM

TO: Mayor Lovell and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: April 13, 2018
RE: School Budget Discussion and Directive

At the City Council Workshop on April 9th, the School Superintendent presented the proposed FY2019 School Department budget in the amount of $39,348,972. This proposed budget had been approved by the School Board at their March 21st meeting. However, at the April 9th Workshop, there were many councilors who expressed concerns with the proposed mill rate increase that would result from adopting the school’s budget as presented.

In an effort to provide the School Board with a better idea of where the Council wants the expenditure amount to be amended to, the Mayor has asked to get a directive from Council on April 17th.

We will also have a joint workshop with the School Board later this month or the first week in May to better understand the School Department’s needs and consider the competing resources that are required to ensure quality services are being provided for all of Saco’s citizens cost-effectively.

Mayor Lovell noted that he was looking for a resolve to send along as a message to the School Board. I know the council is interested in further investigating some of the decisions they have made. But one of the decisions they have made is to pass allot of increased expense. So, I was looking to see if there was any council interest in identifying as a resolve a bottom line figure so that the School Board itself could work through their own RAD’s.

The Council agreed that a meeting with the school board would be needed first.

VIII. COUNCIL DISCUSSION AND COMMENT

- Councilor Minthorn – With respect to the schools, here we are with my 3rd go around with the budget. The schools once again are shoving a rather large increase down our throat and we are going to be told that if we don’t pass it in May that it will not make the June ballot and the wheels are going to come off the proverbial bus. It is the same old, same old again. If we suggest reducing any numbers at all then it will impact teachers and impact the kids. We have been advocating for multiple years now that the administrative costs are out of line in this district, bottom line. If you factor and look at what is required to manage the T.A. contract, it is fairly minimal. You count heads, write a check and make sure some of the students that do have special needs are getting those needs met by T.A., and that kinda thing. But that is more at the downhill level not at upper admin level. At the last school board meeting they went ahead and voted the contract extensions on all of their administration again. So now if we do come in at a much lower administrative cost what are they going to tell these people whose contract they just extended? The cart is before the horse for the 3rd year in a row. This council needs to get with the school board to figure out how to get things in proper order. Once again, we are sitting here looking at budget numbers and the state legislature hasn’t adjourned yet. We are not really sure what they are going to pass. It was worse a year ago when that session ended in June. At some point I think it would make a great deal of common sense to look at adjusting our fiscal year further into the Fall so that the legislation would be done in Augusta and we would really know what our numbers are so that we could then set everything in motion after that fact. The way it is now it is all crystal ball and maybe it will and maybe it won’t, we are not sure we may get this maybe we won’t, and it is a challenge the school district has faced for years and I appreciate that. But, it is also a situation where I was looking today on the social security website and we have 128 seniors out of the 4,000+ Medicare beneficiaries here in the City of Saco that will be getting a letter on May 1st stating “Do you understand that you qualify for the low-income subsidy to help you with your low-income drug coverage?” There are 128 seniors that have been missed some-how by the system for that benefit that is available to them. If we pas $1 or $1.50 on the mill rate we literally are going to have seniors who can no longer afford to stay in their home. One of the workshop items that we have coming up is about the senior abatement process. Many cities in southern Maine are
increasing abatements to $900 or $1,000 and we are reducing ours from $750 to $499. We are going the wrong way folks. We have to fix the abatement process and to figure out a way to have our school department live within their budget. The last council voted $1.1 million to pass off all their debt so that they would start out with a clean slate and they come back with $1.20 on the mill rate. People, you have to raise your voices and let the school board know this is unacceptable. They have to find a better way to live within their numbers. Mayor Lovell noted it was this council that voted to pay off the school debt.

- Councilor Copeland – I think that we need to have a conservation with the school board, here jointly. I agree with We need to hear from the taxpayers of Saco. My contact information is on the city website. You can google Lynn Copeland, City Councilor. I have a facebook page and you can e-mail or give me a phone call. It is important. They are proposing a $1 more for the mill rate increase. Some are saying “Well, it is an investment in our community”. There is all that. We represent you so we need to hear from you. I’m all for holding the budget line as it is and for holding the school board accountable. They have made some decisions that I can’t understand and I would like to hear from them on that. Again, contact us and let us know how you feel on this. To switch gears. I’m going to advocate for not quite so green lawns. There is a nitrogen problem in Casco Bay at the moment. It is heading our way. People are using fertilizers on their lawn and the nitrogen is getting into the run-off and going down the drains and running right into the waters and creating a green slime or green algae bloom that suffocates the shellfish underneath them and it is really awful. There is so much information about it and I suggest that people take a look at “Friends of Casco Bay” website. There is allot of information on there and I have handouts from them. It is something that we really need to address. I ask you to please value our resources rather than a bright green lawn. Stop using fertilizers.

- Councilor Minthorn – I looked at the December 11th minutes and in my review our Workshop Agenda is listed as it is currently on the city website as having a: Call to order, public comment, agenda, council comment, followed by adjournment. For at least the last half dozen workshops most of those items have been missing from the agenda.

IX. EXECUTIVE SESSION

Councilor Archer moved, Councilor Gay seconded “Be it Ordered that the City Council enter into executive session, Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6)] A. Discussion on the evaluation of the City Administrator”. The motion passed with seven (7) yeas. Time: 7:33 p.m.

X. REPORT FROM EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Copeland seconded to come out of executive session at 8:35 p.m. The motion passed with seven (7) yeas.

Mayor Lovell, all the Councilors and the City Administrator were present.

There was no report this evening.

Mayor Lovell noted that they had just learned that Mrs. Barbara Bush has passed away and he asked that a moment of silence be observed.

XI. ADJOURNMENT

Councilor Minthorn moved, Councilor Doyle seconded to adjourn the meeting at 8:36 p.m. The motion passed with seven (7) yeas.

Attest:____________________________
Michele L. Hughes, City Clerk