

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Tuesday, September 4, 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. SACO LITTLE LEAGUE

Kirk Purvis presented Mayor Lovell with a banner which read Little League Champions. Mayor Lovell congratulated each member of the little league team and presented them with city coins.

Mayor Lovell recognized the dedication, hard work and sportsmanship of the Faulkner Teguis Saco Little League Team.

The 11 and 12 year olds, sponsored by Faulkner-Teguis Orthodontics in Biddeford, had a successful season and made it all the way to the New England Regional Little League Championship held in Bristol, CT.

The team was managed by Kirk Purvis and coached by Kevin Kezal and Ryan Chessie.

The players are:

Xander Cantara	Henry Lausier	John Ney	Matt Kimball
Brady Kezal	Jeremiah Chessie	Justin Labelle	Ryan Camire
Cole Purvis	Josh Penney	Mac Lowe	Wyatt Benoit

The district tournament was comprised of nine local little leagues. In order to win that tournament, they played five games and won all of them. They beat Wells, Biddeford, York, Kennebunk, and then Biddeford a second time.

By winning the district tournament, they earned a berth in the six-team state championship tournament which was held in Machias. At the state tournament, they beat Scarborough, Machias and then beat Lewiston twice including an 11-0 win in the state championship game. Victory in this tournament earned the team a trip to the New England Regional Little League championship held in Bristol, CT.

The competition there was exceptional, and the kids competed and had a great time. They took advantage of the opportunity to meet kids from other teams, including six teams from the Mid-Atlantic tournament which was held at the same time and location as the New England tournament, and to enjoy the experience at the incredible facility in Bristol.

There was also a behind the scenes tour of ESPN studios. They came up on the short end of games against Massachusetts and Connecticut, but the experience was phenomenal. To put it in perspective, the tournament director said that 1,800 teams started in the New England and Mid-Atlantic tournaments, and Saco represented one of twelve that made it to Bristol. This is quite an accomplishment for these kids.

B. CHILDHOOD CANCER AWARENESS MONTH

The State of Maine is Going Gold in the month of September from this year forth in support of Childhood Cancer Awareness.

Mayor Lovell read the following proclamation:

WHEREAS, Cancer is the leading cause of death by disease among U.S. Children and is detected in more than 15,000 of our country’s sons and daughters every year; and

WHEREAS, In the State of Maine cancer affects more than 50 new children and families annually, where more than 400 children are undergoing treatment currently and where we are ranked in the top range of incidence of all cancers at 468.3 per 100,000 people; and

WHEREAS, thanks to ongoing advances in research and treatment, the five year survival rate for all childhood cancers has climbed from less than 50 percent to 80 percent over the last several decades; and

WHEREAS, innovative studies are leading to real breakthroughs reminding us of the importance of supporting scientific discovery and moving closer to finding cures, though much work remains to be done; and

WHEREAS, 1 in 5 children diagnosed will not survive.

During National Childhood Cancer Awareness Month we remember the many children who have been taken from us too soon and we extend our support to all those who continue to battle this illness with incredible strength and courage.

NOW, THEREFORE, I, Mayor Marston Lovell, recognize September as Maine Childhood Cancer Awareness Month. This is our way of paying tribute to the families, friends, professionals and communities who lend their strength to children fighting pediatric cancer.

C. SEEDS OF HOPE 10 YEAR ANNIVERSARY

Mayor Lovell read the following proclamation:

WHEREAS Seeds of Hope was founded in 2008 as a community partnership among several church and service organizations under the umbrella of Christ Episcopal Church; and

WHEREAS, Seeds of Hope Neighborhood Center is a non-sectarian and open to all people regardless of faith, sexual orientation, ethnic background, race, gender or level or physical or cognitive abilities; and

WHEREAS, the mission of Seeds of Hope is to collaborate with local communities and neighbors to find meaningful solutions to poverty, isolation, and despair in a welcoming and compassionate environment; and

WHEREAS, Seeds of Hope has become a destination for hundreds each week, offering breakfast and lunch to those in need; and

WHEREAS, Seeds of Hope has become a critical partner through its collaboration with Biddeford's General Assistance and Community Development offices by responding to requests for services to residents and operating a Career Resource Center; and

WHEREAS Seeds of hope offers free internet access, Biddeford Open Net, for low-income neighbors in a 16 sq. ft. block area; and

WHEREAS, Seeds of Hope has created a Security Deposit Revolving Loan Fund to assist those in need secure housing; and

WHEREAS, Seeds of Hope has always been guided by the needs of their neighbors and the stories that brought them through their doors; and

WHEREAS, Seeds of Hope always strives to support personal growth and independence, by meeting basic needs, offering new opportunities, and respecting the dignity of all individuals.

NOW, THEREFORE, I, Mayor Marston Lovell, in celebration of the 10 year Anniversary of the founding of Seeds of Hope do hereby ask our community to join me in recognizing this invaluable service organization.

D. US PAIN FOUNDATION

Mayor Lovell read the following proclamation:

WHEREAS, Chronic Pain and Substance Use Disorders (SUDs) are two of the nation's most serious health concerns and are both multifaceted health conditions impacting almost every single American, and often require multimodal and interprofessional treatment; and

WHEREAS, Chronic Pain and SUDs afflict nearly every aspect of a person's life, impact the entire family, and, because their economic and social implications affect us all; and

WHEREAS, An estimated one in three Americans are affected, and a total of between 75 to 159 million Americans are experiencing some type of chronic pain on a daily basis; and

WHEREAS, Presently, 20.2 million adults are living with SUDs, more than 90,000 Americans die from drugs and alcohol yearly, and between 25,000 and 30,000 Mainers want treatment but don't have access to it; and

WHEREAS, There are 23 million Americans living in long-term recovery, and according to results from the 1st annual Life in Recovery Survey, a shift from active use to active recovery is good for individuals, families, communities, and the nation's economy; and

WHEREAS, The Chronic Pain Support Group of Southern Maine has since 1993, provided a safe support for people with pain and has taught the coping skills necessary to survive; has worked with a multidisciplinary group of chronic pain advocates, comprised of students, staff, faculty, and community members along with healthcare professionals to improve the quality of life of people living in pain; and

WHEREAS, The University of New England, the American Chronic Pain Association and the US Pain Foundation, and chapters of Young People in Recovery seek to raise awareness regarding chronic pain and SUD's in the State of Maine, to empower individuals and reduce barriers to care by educating, advocating, and conducting research, while partnering with the community to improve the quality of life for those living with these conditions.

NOW, THEREFORE, BE IT RESOLVED THAT I, Mayor Marston Lovell do hereby proclaim September 2018 as Pain Awareness & National Recovery Month.

Representatives of the organization were present: Marty Groman, Ernie Merritt, Sue Gold – founder of the group, Ken, and Dale. Mayor Lovell was presented with a hand-made wooden pen from Ken.

➤ **RESOLUTION FROM THE LEGISLATURE OF THE STATE OF MAINE**

The resolution was sponsored by State Representative Donna Bailey from Saco. This resolution expresses immediate action regarding the erosion at Camp Ellis caused by the Federal Navigation Project Jetty.

WHEREAS, Camp Ellis is located in Saco about 16 miles south of Portland. The beach is situated on the southern part of Saco Bay. Some portion of the Saco Bay shoreline near the mouth of the Saco River; and

WHEREAS, at the entrance of the river the Saco River Federal Navigation Project consists of an 8' deep 200' wide channel that is protected by a 6,600' long jetty to the north and a 4,800' long jetty to the south. The north jetty separates the river from Camp Ellis beach which extends approximately 2,500' north to Ferry Beach; and

WHEREAS, the federal navigation project was authorized and constructed between 1828 and 1968 in several increments and provides for navigation safety at the mouth of the river and a reduction in the frequency in the maintenance of the lower river channel and anchorage area; and

WHEREAS, during the last modification in 1968 the shore wood end at the north jetty was raised and tightened to reduce maintenance dredging frequency in the river channel; and

WHEREAS, as a result of the federal navigation project the area of Camp Ellis beach within about 2,500' of the jetty has experienced severe erosion over the past several decades. With losses of over 30 homes, property, roadways, and public and private infrastructure; and

WHEREAS, beside the major commercial transportation effects the commercial activity of the Saco contributes more than \$53 million to our regional communities each year. The Saco river is home to more than 40 commercial fishing

vessels, and the river supports more than 450 full time jobs; and

WHEREAS, the Army Corp of Engineers report dated April 2013 found that the only feasible alternative would be construction of an additional spur jetty with ongoing beach nourishment; and

NOW IT IS TO BE RESOLVED, that we members of the House of Representatives of the 128th Legislature now assembled in the 2nd regular session on behalf of the people that we represent take this occasion to express our support for immediate action to be taken regarding the erosion at Camp Ellis and support for a continued maintenance dredging and construction of an additional spur jetty and periodic beach nourishment.

Signed, Robert B. Hunt of the House, Sarah Gideon Speaker of the House.

Mayor Lovell thanked Representative Bailey for the resolution.

➤ **SEPTEMBER IS NATIONAL EMERGENCY PREPAREDNESS MONTH**

Mayor Lovell noted that September is National Emergency Preparedness Month.

Our local Emergency Management Director is Fire Chief John Duross. The county Emergency Management Director is Arthur Cleaves.

Pamphlets prepared by the State of Maine, FEMA in conjunction with the Salvation Army and the Red Cross are available for people who would like them.

➤ **COUNCIL WORKSHOP**

There will be a council workshop on September 10, 2018 at 6:30 p.m.

V. PUBLIC COMMENT

- Stephen Shiman – Mr. Shiman stated he was looking forward to regular meetings with the council with the objective of making the best possible education in town and find ways to reduce costs. It is a combination of that and working together I think we can get better results. We have a great system, but I think we can do better. We are having a meeting on Wednesday at 7:00 p.m., which should be relatively short and primarily because we have to have an agreement to bus the preschoolers. There will also be a 6:00 p.m. Finance meeting to talk about what has happened and where we are at.
- Rick Milliard, 26 Lower Beach Road – Here to speak in favor of passing the Beach Management Plan. It would have a dramatic effect on the area if this is not put into place. Initially it represents a \$4 million loss of income to the community. Basically, the price of the contract. If the river is not dredged than sand would not be paced on Camp Ellis beach. It represents 78,000 + cubic yards of sand that would actually be placed on 100' of beach at high tide between the jetty and Lower Beach Road. It would put individual landowners that have plovers or other endangered species on their land, it would put them liable for up to a \$25,000 fine and 6 months of imprisonment. Saco needs an 8' channel for commercial and recreational boat traffic. Currently, sailboats are scratching bottom when the tide is low and some of the commercial boats are grounded at low tide. This condition will only get worse with additional sediment over the winter. This represents the loss of 20 year of efforts from locals and staff in Saco. It puts us in competition with 60 other sites that need dredging.
- James Katz, Chairman of the Coastal Waters Commission for 6 years – We have worked on the dredging project for the Saco River. Finally, 2 year ago we muscled aside a few other communities that were scrambling for these limited funds and received the go ahead. Last October, dredging started in the upper river near the dams and in the basin near the Saco Yacht Club. The sand that was taken out of the area was placed in the river, as in-river placement. So, there were no permits or difficulties with beach management plans in order to do that. But, now if the US Army Corp of Engineers places 1 shovel full of sand on a beach, the community in which that sand is placed must have a beach management plan. Everybody loves animals. When you bring a small animal into a public area like a dog or a big animal like a horse that animal needs to be controlled. There are people in the community who will complain about dogs, leashes, lengths and whether or not they can ride their horses on the beach. You are bringing an animal unknowing what it will do into a public space and there need to be some restrictions. All we are asking is for this \$3.4 million dredge

project to continue this Fall is that we have a plan that will allow the Army Corp of Engineers to place sand on the beach. It goes without saying that when you place sand on Ferry Beach you also have to have this plan. Without the plan everything we and many people in this city have worked for will stop. This would be a tremendous win for the city if you will approve this plan.

VI. CONSENT AGENDA

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

A. Approval of minutes for June 18, July 9, July 23, August 6, and August 20.

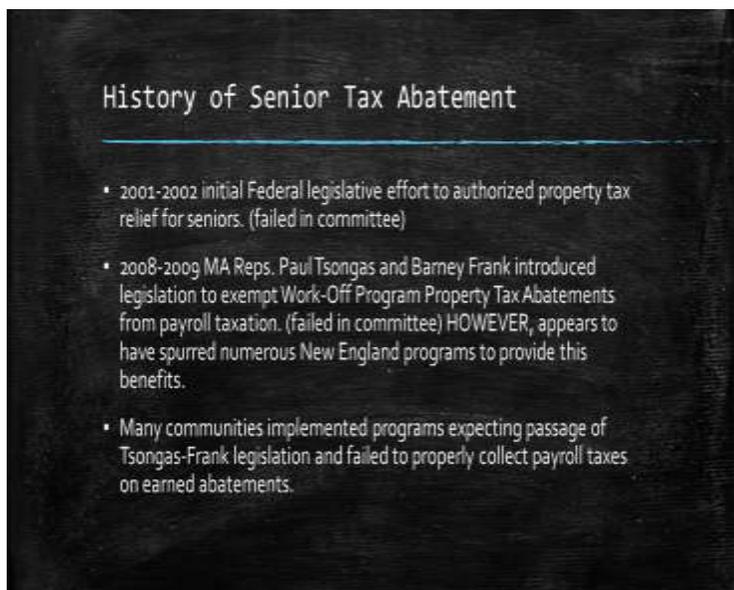
B. Be it Ordered that the Saco City Council does hereby approve with reference to York County Superior Court Docket # CR-14-66 Criminal Forfeiture, of the transfer of assets to the City of Saco, pursuant to 15 M.R.S. §5824(3) and/or §5826(6). Further move to approve the order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. UPDATE FROM COMMITTEE ON SENIOR TAX ABATEMENT

Councilor Minthorn presented the following update on the Senior Tax Abatement program:



What's left

- Revise Chapter 220 language reflecting "new" work-off program guidance based on "filtered" surveys, best practices. (MMA Convention session on 10/3/18 on these programs.)
- Review and potentially recommend implementation to Council, in addition to work-off program, adding the Maine Property Tax Fairness Credit.
- Discussion with City Staff about permanent funding allocation tied to the Residential Valuation. (Possible 2019 Charter Amendment)
- Legislative Delegation is proposing revision to state law linked to State Minimum Wage and 100 hours of volunteer service including municipal flexibility on parameters for eligibility.

Members

- Councilor Al Minthorn, Chair
- Ron Michaud, Former Mayor
- Rep. Donna Bailey
- Rep. Maggie O'Neal
- Eric Cote, Former Mayor & Councilor
- Jean Saunders, Chair Age Friendly
- Glenys Salas, Saco CFO
- MaryLou Kadlik, Saco HR Dir.
- Mary Starr, Sr Prgm Coord.
- Mary Pelkey, Former SPC
- Judy Tripp

B. AMENDMENTS TO CHAPTER 64 – ANIMALS – (TABLED)

Mayor Lovell read a letter from the Dept. of the Army Corp of Engineers New England District, Concord, Ma. as follows:

Subject: Saco River dredging and beneficial placement of sand on Ferry Beach at Camp Ellis

Maintenance dredging of the Saco River federal navigation project is urgently needed to remove approximately 67,500 cubic yards of dredged material from 3 anchorages and a portion of an 8' deep channel at the mouth of the river. Portions of the Saco River federal navigation project have shoaled to depths of less than ½' to 4' in depth at mean low water creating hazardous conditions for navigation.

The 3 anchorages to be dredged offer 13.5 acres of mooring space to commercial fisherman, citizens of Saco and Biddeford, and transient boaters.

The dredge material of sand is suitable for placement on Ferry Beach in Camp Ellis for beach nourishment.

Included in the contract to complete dredging is the upper portion of the river which is comprised of a 10 acre 6' deep maneuvering basin and an 8' channel servicing the head of navigation as the city centers of both Saco and Biddeford.

Maintenance dredging is necessary to ensure safe use of the channel and anchorages.

Throughout the project the Saco River federal navigation project supports important economic resources such as commercial fishing fleet of 40 vessels that utilize the fishing pier at Camp Ellis. Export of approximately 120 tons of paper products yearly by vessel and a number of water-based companies along the shores of the river in both Saco and Biddeford. Recreational activities also make up a large shared use and these vessels would similarly benefit from the project being maintained.

In addition to the positive navigation pact of dredging, the beneficial use of sandy dredged material on Ferry Beach at Camp Ellis is expected to reduce coastal erosion for adjacent residences and city infrastructure while providing recreational opportunities for the citizens of Saco and its visitors.

The dredge window for this work is November 15th – March 31st. For the protection of birds and fish listed under the endangered species act. In order for the maintenance dredging project to successfully use the Ferry Beach placement site at Camp Ellis a finalized beach management plan or associated ordinances developed by the city of Saco in conjunction with the US Fish and Wildlife Service and the Maine Department of Inland Fisheries and Wildlife are necessary by September 12, 2018 so that the Corp. can complete its contracting process. If these commitments are unable to be finalized that date the Corp. will need to stop the solicitation process and reinitiate consultation with US Fish and Wildlife Service before committing irretrievable resources to the project. That is the contractor award to

complete this work this Fall. If the beach is unavailable for placement the dredge need would be postponed in this Fall season and a different dredge material disposal option pursued. In an effort to provide as much information as possible I would like to offer a chart that compares Biddeford, Scarborough, and Saco ordinances. We understand that the US Fish and Wildlife Service coordinated with the Town of Scarborough and as they have with the City of Saco to develop their site-specific plan allowing the town to tailor its ordinance to their sites historic and scientific data. If there are additional questions, you can contact me. Signed by: Craig Morin, Project Manager for the Navigation Section.

Beach Management Plan to Local Ordinance Comparison

Beach Management Plan

Proposed or Current Ordinance

DOGS	
CITY OF SACO	
<p><i>IV) Beach Management Guidelines for Piping Plovers, Least Terns, Red Knots, Roseate Terns, and Migratory Shorebirds D) Animal control.</i></p> <p>All dogs should be leashed and under control of their owners at all times from April 1 through September 30 on beaches where piping plovers or least terns are present or have traditionally nested. Dogs should be prohibited on these beaches from April 1 to September 30 if, based on observations and experience, dog owners fail to keep pets leashed and under control. Pets shall be leashed from April 1 to August 31 on beaches within 1000 feet of locations where piping plover nesting activity has occurred in the prior or current year. The leash shall be held by a person capable of keeping the pet under control, and the leash length may not exceed 8 feet.</p>	<p>Chapter 64, Article II Dogs, Section 64-8 Running at large. (proposed)</p> <p>The following restrictions apply to dogs on beaches: (1) All dogs should be leashed and under control of their owners at all times from April 1 through September 30th on beaches where piping plovers or least terns are present or have traditionally nested. Dogs should be prohibited on these beaches from April 1 through September 30 if, based on observations and experience, dog owners fail to keep pets leashed and under control.</p>
TOWN OF SCARBOROUGH	
<p><i>IV) Beach Management Guidelines for Piping Plovers, Least Terns, and Migratory Shorebirds, C. Animal Control.</i></p> <p>As landowner, Prouts Neck Country Club will not allow pets on the [Western] beach from April 1 to September 30.</p>	<p>Chapter 604-2 Definitions (11), Restricted Areas. (adopted 5/2014)</p> <p>Restricted Areas are beach areas that may be designated for special protection for piping plover or other endangered species based upon scientific and historical data. The following are restricted areas and restrictions apply from April 1 to the day after Labor Day: a) Higgins Beach - No dogs allowed on the beach from Champion Street to Spurwink River. b) Ferry/Western Beach - No dogs allowed on the portion of the beach known as Ferry Beach, beginning at the southerly end of the municipal parking lot and extending south to Ferry Rock and thence southeast the full length of the beach commonly known as Western Beach. c) Pine Point Beach - dogs allowed on leash only from the main beach access path at Hurd Park north to the Scarborough River.</p> <p>Chapter 604-10, Public Beaches and Shores (amended 5/2014)</p> <p>a. From April 1 to Labor Day dogs shall be restricted in the Restricted Areas of each Beach as set forth in Section 604.2(11). b. From May 15th to Labor Day (i) no dogs on any Beach from 9:00am to 5:00pm; and (ii) dogs on leash from 5:00pm to dusk. c. From the day after Labor Day to May 14th dogs on leash from 1:00pm to 3:00pm. d. If directed by the Animal Control Officer or a law enforcement officer a Responsible Party may be required to leash their dog. e. No dogs on any beach from 30 minutes after sunset (dusk) to 30 minutes before sunrise (dawn). f. Whenever a portion of a beach has been roped off, fenced off or otherwise demarcated or posted as a protected area in order to protect the nesting site of a piping plover or of any other endangered species protected under federal law, no dog shall approach within 200 feet of such protected area. g. Dogs shall be on leash while entering or exiting vehicles and the Beach. h. At all times not otherwise addressed above, dogs shall be under Voice and Sight Control.</p>

CITY of BIDDEFORD	
N/A	<p>Chapter 10, Article II, Section 10-35 (3) Running at large on public ways prohibited; restraint required (added 5/2017)</p> <p>City beaches: Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park. See Chapter 46, Section 46-13(d).</p> <p>Chapter 46, Section 46-13(d)(1)a. Park Operating Policy</p> <p>City beaches: No unleashed dog is allowed on any of the City's public beaches from March 15 to September 15. Dogs are completely prohibited from May 25 to September 15 between the hours of 9:00 a.m. and 5:00 p.m. Unleashed dogs under voice command are allowed on the City's public beaches all day from September 16 to March 14. This subsection does not apply to the beach at Rotary Park.</p>

HORSES	
CITY OF SACO	
<p>IV) Beach Management Guidelines for Piping Plovers, Least Terns, Red Knots, Roseate Terns, and Migratory Shorebirds D) Recreational Activities, (1) Horses-</p> <p>Between April 1 and September 30, no person shall ride or drive any horse upon the public beaches of the City or upon any beach to which the public has access, nor shall the owner of the horse permit it to be so ridden.</p>	<p>Chapter 64, Article I Keeping of Animals, Section 64-3 Horses Prohibited on Beaches. (proposed)</p> <p>Between April 1 and September 30, no person shall ride or drive any horse upon the public beaches of the City or upon any beach to which the public has access, nor shall the owner of the horse permit it to be so ridden.</p>
TOWN OF SCARBOROUGH	
No specific Horse related information contained within Beach Management Plan	<p>Chapter 604A-6, Regulation of Horses on the Beach (amended 9/2017)</p> <p>Horses are allowed on [Pine point and/or Old Orchard] beach only from October 1st through March 31st.</p>
CITY OF BIDDEFORD	
N/A	<p>Chapter 46, Section 46-13(d)(1)b. Park Operating Policy (amended 5/2017)</p> <p>Dogs, Horses, and horse-drawn vehicles are prohibited from entering any park or beach areas, except as follows: b. Rotary Park: Horses, horse-drawn vehicles or dogs may not use any part of the Rotary Park beach between the hours of 9:00am and 8:0pm from May 25 to September 15 each year.</p>

-----End of letter-----

On August 20, 2018, the Council voted to table the proposed amendments to Chapter 64 – Animals.

The City of Saco authorized the City Administrator to sign a Beach Management Agreement with Federal Fish and Wildlife Service (FWS) and the Maine Department of Inland Fisheries and Wildlife (MIF&W) on June 4, 2018. This was the first step in the process to ensure sand dredged from the river this upcoming winter season is placed on the beach in Camp Ellis. Now the City of Saco needs to amend two ordinances, “§ 64-8 Running at large” and “§ 64-3 Horses prohibited on beaches” to agree the language within the Beach Management Agreement.

The effects of these ordinance changes will not go into effect until the fall.

Councilor Copeland moved, Councilor Minthorn seconded to take from the table the document entitled, ‘Amendments to Saco City Code, Chapter 64 – Animals’, tabled on August 20, 2018. The motion passed with seven (7) yeas.

Councilor Copeland moved, Councilor Minthorn seconded “The Saco City Council hereby ordains and approves the Second and Final Reading of the document entitled, ‘Amendments to Saco City Code, Chapter 64 – Animals, dated July 23, 2018.’” The motion passed with seven (7) yeas.

**Amendments to Saco City Code, Chapter 64 – Animals
July 23, 2018**

(Strikethrough represents language to be deleted, while underline represents new language.)

Article I: Keeping of Animals

Section 64-3 - Horses prohibited on beaches; ~~exception.~~

Between ~~May~~ April 1 and September ~~15~~30, no person shall ride or drive any horse upon the public beaches of the City or upon any beach to which the public has access, nor shall the owner of the horse permit it to be so ridden. ~~This section shall not apply to persons using horses or teams to clean the beach of any refuse or seaweed, provided that the horses or teams shall be properly attended at all times.~~

Article II: Dogs

Section 64-8 - Running at large.

[Amended 9-4-2012]

A. A dog, while on any public way or place, shall be under restraint, within the meaning of this article, if it is controlled by leash or voice control beside a competent person and obedient to that person's commands or on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper.

B. The following restrictions apply to dogs on beaches:

- (1) ~~During the months of July and August, no dog shall be present on any beach between the hours of 9:00 a.m. and 5:00 p.m., unless it is leashed by its owner. All dogs should be leashed and under control of their owners at all times from April 1 through September 30th on beaches where piping plovers or least terns are present or have traditionally nested. Dogs should be prohibited on these beaches from April 1 through September 30 if, based on observations and experience, dog owners fail to keep pets leashed and under control.~~

C. CHARTER AMENDMENT #6 – REGULAR BUDGET MEETINGS BETWEEN CITY COUNCIL AND SCHOOL BOARD – (PUBLIC HEARING/FINAL READING)

The City Council endeavors to make a few amendments to the Charter. As described in MRSA, Title 30A, Chapter 111, Section 2104, the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to increase the frequency in which the School Board and the City Council meet to discuss the upcoming fiscal year budget.

Councilor Minthorn moved, Councilor Doyle seconded to open the public hearing for the document titled, ‘Saco City Charter Amendment #6: Regular Budget Meetings Between City Council and School Board’ dated August 20, 2018. The motion passed with yeas.

There were no public comments.

Councilor Minthorn moved, Councilor Smart seconded to close the public hearing. The motion passed with seven (7) yeas.

Councilor Minthorn moved, Councilor Smart seconded “The Saco City Council hereby ordains and approves the final reading of, ‘Saco City Charter Amendment #6: Regular Budget Meetings Between City Council and School Board’, dated August 20, 2018 and authorize the City Clerk to include Charter Amendment #6 on the November 6, 2018 ballot.” The motion passed with seven (7) yeas.

*Saco City Charter Amendment #6:
Regular Budget Meetings Between City Council and School Board,
dated August 20, 2018*

(Strikethrough represents language to be deleted, while underline represents new language.)

Section 6.02 - Submission of Budgets.

[Amended 11-6-1984; 11-5-1996; 11-2-2010; 11-4-2014]

The City Council and School Board shall meet in joint session in September and December; at a regular Council meeting in February, the City Administrator and Superintendent shall present a mid-fiscal year financial report at a joint City Council - School Board meeting with details equivalent to their approved budgets. The City Council and School Board shall continue to meet in joint budget sessions, at least monthly, from February through June.

At ~~the second~~ City Council meeting in March of each year, the City Administrator and School Board shall each submit to the City Council their respective budgets (City and School Department) for the ensuing fiscal year along with an accompanying budget message. The School Department Budget shall be broken into those categories or cost centers as required and described from time to time under state law.

Section 6.04 - Municipal Budget.

[Amended 11-6-1984; 11-5-1996; 11-2-2010; 11-4-2014]

The annual municipal budget shall be submitted to the City Council in two parts, one by the City Administrator and one by the School Board. The School Department budget shall include the School Board's estimated cost for operations of the School Department for the ensuing year, including capital expenditures, priorities, and debt costs. The City budget shall include the City Administrator's estimated costs for operations of the City for the ensuing year, including capital expenditures, priorities and debt costs. The combined municipal budget shall be in such form as the City Council may require, except as otherwise required by law or this Charter.

At ~~the second~~ regular meeting of the City Council in March of each year, the City Administrator shall submit to the City Council a summary of the two parts of the municipal budget previously submitted to the City Council by the School Board and the City Administrator, which summary shall be itemized further by principal sources of anticipated revenue, and which shall state separately the amount to be raised by property tax. It shall be itemized also by departments and kinds of expenditures in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget.

The summary of the proposed municipal budget shall be published at least once in one or more newspapers of general circulation in the City within the two-week period following submission to the City Council.

Section 6.05 - Capital Program.

a. Submission to Council. The City Administrator shall prepare and submit to the City Council a five-year capital program at ~~the second~~ regular meeting of the City Council in March of each year.

D. 509 BUXTON ROAD RECOMMENDATION TO FORECLOSE

The City foreclosed on 509 Buxton Road on January 13, 2018. Many attempts have been made to get the property owner to either pay off the matured tax liens or enter into Option Agreement and remain current with them. All attempts were unsuccessful.

Councilor Gay moved, Councilor Doyle seconded "Be it Ordered that the City Council authorize the Finance Director to write off the delinquent tax amount for 509 Buxton Road and remove it from the tax rolls, and further move to authorize the City Administrator to dispose of the tax acquired property." Further move to approve the order. The motion passed with seven (7) yeas.

Councilor Johnston recommended selling the land for fair market value. City Administrator Kevin Sutherland stated he will come back to the council with a recommendation on how to dispose of the property.

MEMORANDUM

TO: Mayor & City Council
FROM: Glenys Salas, Finance Director
DATE: 8/30/28
RE: Foreclosure of 509 Buxton Road

On June 18th, I came before council and presented a recommendation to foreclose on the property located at 509 Buxton Road. At that time, the property was under foreclosure for 2015 and 2016 taxes and under lien for 2017 taxes. The council requested a more detailed assessment of the property and another attempt to reach the property owner.

On June 27th, the Director of Code Enforcement visited the property and provided the attached report. In summary, the property appears to have been abandoned, with all vehicles and buildings on the property open to the weather.

On July 6th, we made a second attempt to reach out to the property owner, via certified mail, using an address uncovered on whitepages.com. That letter came back signed. However, the property owner has made no attempt to reach out to the city to set up a payment plan.

On July 23rd, the property was put under lien for 2018 taxes, which were not paid.

Total unpaid taxes through 2018 are \$10,719.16.

E. BLASTING MORATORIUM

There are currently no regulations in Saco concerning blasting. Unregulated blasting may cause undue psychological, physical or nuisance damage to the people, property and environment of the City. Thus, until an official ordinance can be approved a moratorium must be put in place for non-emergency or already approved projects.

Councilor Doyle moved, Councilor Gay seconded “Be it Ordered that ‘The City Council hereby ordains and approves a 180-day moratorium on new permits or projects that come through the site plan process which utilize blasting charges. This would exclude any currently approved or local government specific projects’”. Further move to approve the Order. The motion passed with seven (7) yeas.

VIII. ADMINISTRATIVE UPDATE

- May 2018 – Council set prices on the remaining lots in the Millbrook Business Park at \$65,000 per usable acre. We have received a bid for lot #4 which is 1.96 usable acres at the full listing price of \$127,400 by Keith’s Meter Service. Under the current code the council gave permission to the EDC to enter into contracts to sell if a predetermined price was set. EDC met last month, and I signed the purchase and sales agreement today. Remaining lots are: Lot #1 – 2.42 usable acres listed at \$157,300; Lot #2 - 2.65 usable acres listed at \$172,250; Lot #7 - 4.3 usable acres listed at \$279,500. So, we have 3 business park lots remaining. We are currently in the process of closing on the Clair parcels which this council agreed to purchase about a month ago, located just north of the Millbrook Business Park. A few weeks back we submitted an initial proposal to assist in financing the building of a new park at this location. This would be for the infrastructure, road, and utilities. We are waiting for the US Economic Development and Administrations Liaison to Maine to get back to us with his report for the project. As he has to support the project for it to move forward on this admission process. We have accomplished phase 1 and we are waiting for confirmation that we can proceed with phase 2 of the process.
- Army Corps of Engineers – We have had several conversations with the Army Corps of Engineers related to the next step beyond dredging which is the jetty. They have a draft Executive Summary and that will part of your packet for next week for the Workshop. A full report will be included as a link on the website. We submitted a draft letter a few weeks ago and unfortunately it won’t be supported by the Army Corps of Engineers. I asked the district office to review it and I will share that with you as well. They would end up shelving the project if that letter moved forward. However, it identifies some of the challenges and concerns that we have. The Saco Bay Erosion Working Group met last week to discuss as revised letter. The Mayor, Public Works Director Pat Fox and I met with the District Army Corp Office and representatives from federal delegates to further discuss our revised letter. They are very adamant that we have to specify that we support specific items. That there are no requirements for the city necessary to construct other than easements over city lands on our properties. Basically, giving them the rights to go onto our property. They will also be collecting that from all of the residents along the shoreline. The city will be responsible for future inspection, maintenance and repair of the stone spur jetty including the reinforcement of adjacent sections of the north main jetty. So, there is a financial implication here and that is why I’m informing council now. We are going to have to have these conversations. The city will be responsible for future beach monitoring and

management consistent with requirements for protecting shore bird species to be determined by the city in consultation with the US Fish & Wildlife Service. What you agree to tonight will help further allow us to do this and I will include this as part of my letter that the council has already moved forward with changes to ordinances to match that. Finally, the city will be responsible for all projects that cost in excess of the \$26.9 million federal cost limit specified in a specific WRDA bill. We are adamant that we still have the ability to request additional resources for from the Federal Government and that it isn't going to be all on the local taxpayer in order to cover those costs tied to beach re-nourishment. I will provide a copy of the letter the group had drafted, we redrafted and are working to further redraft after our conversations to date. The final letter needs to be provided by September 14th, if there is any hope that our project will be included as part of this federal year budget for next year.

- Saco Route 112/ Exit 36 Area Transportation Study –Public meeting #2 will be taking place on September 27th from 6:00 p.m. – 7:30 p.m. here in the auditorium. There will be representatives from MTA, MDOT and the City of Saco. To answer questions and give updates where the study is at this stage.
- Ready Seafood – Ready Seafood has partnered with Premium Brands of Vancouver. It is a publicly traded company on the Toronto Exchange. What does this mean for Saco? It means that the Ready brothers will look to get their building completed allot sooner. That is down from the 2-3 year time frame they were initially planning. They have additional capital to help get this off the ground. It is very exciting for them and it helps put Saco on the international map.
- September 27th – City Hall will be closed for 1 hour for all City Hall staff to participate in the employee B-B-Q. We will have signs up at the City Hall entrances to inform members of the public as we get closer to that date. I'm trying to include every one of our staff. In the past it has been a challenge because several staff always have to stay back which isn't fair to those staff members. We have done this for the holiday party the last couple of years and did not receive many concerns from the public as long as they are aware of it. This notice will also be included in the Pepperrell Post as well because allot of the community does see that.
- Saco Parks & Rec. is officially registered a 5-2-1-0 site. 5-2-1-0 stands for 5 or more servings of fruits and vegetables, 2 hours or less of recreational screen time, 1 hour of more of physical activity, and 0 sugary drinks. More water and low-fat milk. They have received this designation by changing their vending machine offerings to be healthier and by setting goals for the 2018-2019 school year to encourage healthier eating and active living. This program was started as a pilot program in the Saco public schools lead by Dr. Victoria Rogers a pediatrician in Portland and still the director of the program.

IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Gay – Asked the City Administrator if he has found out who is doing the blasting on the Jenkins Road? The City Administrator stated he had not and will ask the staff again.
- Councilor Doyle – Reminded everyone that September 14th – 15th is the RiverJam Festival. Come on out and enjoy some great times with your neighbors.
- Councilor Minthorn thanked the City Administrator for his AV support services earlier.

X. EXECUTIVE SESSION

Councilor Copeland moved, Councilor Minthorn 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):

C. Economic Development Perspective New Business

C. Industrial Park TIF Expansion and Possible CEA

A. Public Safety Support, Patrol, Command Union Negotiations

The motion passed with seven (7) yeas. Time: 7:55 p.m.

XI. REPORT FROM EXECUTIVE SESSION

Councilor Doyle moved, Councilor Smart seconded to come out of Executive Session at 9:36 p.m. The motion passed with seven (7) yeas.

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

There were no reports this evening.

XII. ADJOURNMENT

Councilor Minthorn moved, Councilor Copeland seconded to adjourn the meeting at 9:37 p.m. The motion passed with seven (7) yeas.

Attest: _____
Michele L. Hughes, City Clerk