

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

**I. CALL TO ORDER** – On Monday, August 12, 2019 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**

**CITY ADMINISTRATOR REPLACEMENT**

Progress continues in finding a suitable replacement for City Administrator Kevin Sutherland. As the council knows, Municipal Resources Incorporated is involved in the search. They have begun the process and intend to contact each councilor to learn their individual points of view for the skills of the next city administrator. The firm has received the public contact information for the individual councilors.

**RECOGNITION: THORNTON ACADEMY BOYS LACROSSE TEAM**

Mayor Lovell asked Coach Ryan Hersey to come forward and announce the names of each of the lacrosse team members.

Additional Coaches: Mike Hersey and Justin Norman.

Captains: Eli Arseneault, C. J. Labreck, and Ean Patry

Seniors: Andrew Dolan

Juniors: Owen Biossonneault, Cameron Cote, Kyle Hobson, Tyler Swan, Sawyer Wirsing

Sophone: Michael Jordan, Caleb Pelletier, Riley Thibault,

Freshman: Preston Briggs, and Nathan Lilley

Mayor Lovell and the Council congratulated each player and they all received t-shirts with the Lacrosse Championship dates on the back and City of Saco logo on the front.

**V. PUBLIC COMMENT**

- Kevin, Roche, 18 Vines Rd. – Mr. Roche formally announced the relaunch of the community action group S.O.S., Save Our Shores, renamed S.O.S. Saco Bay. I have been elected the new president and David Plavin has been elected the new vice president. This group is one of the 3 avenues of action to initiate Army Corp. remediation for the shoreline erosion directly caused by the old constructed jetty. One avenue is legal action initiated by beach front residents. We do not speak directly for this action other to say that progress has been made with support and guidance to the successful settlement that happened down at Cocoa Beach, Florida and their legal team. Another avenue is you, Mayor and government support through your council approved work with the Mayor's outreach to other communities to gain support from the State of Maine to pressure the federal government for action with our neighboring communities. But, first and far most, we at S.O.S. implore you all for action because this is all of our beach. We are wasting our local taxpayer money band aiding a problem caused by the federal government. Not only have we lost taxable valuation to the water, but houses going into the drink. The current market value of houses on the shoreline remain suppressed. Let alone other economic impact. This is not a sea level problem, or mother nature being mother nature. But don't take my word for it that it is not only a section 111 project where \$26.9 million is already allocated. The Army Corp officials themselves on the Saco River dredge told city officials and residents this past winter that the sand dumped on Camp Ellis will be lucky to last a year. We will have no better video evidence of the Corps incompetence of their jetty by seeing the new beaches behind Huot's now gone by next year. There is your video evidence. This year is an election year. We ask that you bring some sorta vote or on the record proclamation that this council and the mayor have had enough of this loss of tax revenue and will once and for all stand for our most precious and valuable resource, our beach. No retreat, no surrender. Thank you.

- David Plavin, 2 Surf Street – My concern or purpose for being here is to make sure the council is united behind these efforts especially the Mayor’s most recent effort. I find it somewhat disappointing that the city with the natural resources that we have, we should be doing everything we can to protect it, nurture it, and realize its economic viability. Instead, it seems we are fighting about it. This is not a Camp Ellis problem, or Ferry Beach problem, or a Bayview problem, or a Kinney Shores problem, it is a Saco problem. It is not just about the tax revenue that has been lost, but about the tax revenue that we stand to lose if nothing gets done here. So, it is important that we all stand behind it. I find that if you go to Hannaford in the middle of the summer you will see 4-5 people at the deli counter and 90% of the registers open and you go in the winter and it is 2-3 people and 3 registers open. It is not just by chance. These are summer jobs created by all of Saco’s youth, residents, renters, tourists, are all a big part of the city. We don’t want to lose the beach because if you lose the beach you will lose all the economic activity. So, we want to rehabilitate the beach and get more jobs, collect more taxes and get growth. We ask that you work with us to put an end to the divisions between shoreline residents and the rest of Saco and work as one city and one council. We would strongly urge that you get behind what initiatives come in the coming months. Thank you. Mayor Lovell stated that Steve Corriveau understands and that is it’s a Saco Bay problem. We really have to have the entire bay behind us to be able to get it done right. That erosion doesn’t stop when it hits Kinney Shores, it is now eroding at Ocean Park. We need to have concerted action of all 4 municipalities to be able to get that recognition of the degree of damage. Because \$26.9 million is nothing compared to the amount of money that needs to be spent for the most effective solution which are serious breakwaters that have to be built out toward the islands. Mr. Plavin noted that they are aware of the Mayor’s plan to include the entire bay. We are totally behind the idea that this is just not a Saco problem. The entire bay is at jeopardy because of what is happening.

## VI. CONSENT AGENDA

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

- A. Capital Lease Funding** – Move to authorize the City Administrator to sign a capital lease agreement with US Bancorp Government Leasing and Finance Inc. for \$703,538.
- B. Edward Byrne Justice Assistance Grant** - The Council supports the Police Chief’s use of the funds.
- C. Acceptance of the 2019 Annual Report** – Be it resolved that the City Council accepts the 2019 Annual Report as submitted.
- D. Approve the minutes from July 15, 2019** – Be it Ordered that the council approve the minutes of the July 15, 2019 Council meeting.

The motion passed with seven (7) yeas.

## VII. AGENDA

### A. CONFIRMATION OF THE CITY ADMINISTRATOR’S APPOINTMENT OF POLICE CHIEF

Jack Clements joined the Saco Police Department in 2017 as a Deputy Chief, taking over as interim chief in March 2019. An interview committee that consisted of a city councilor, city staff, community leaders and a representative from the police unions interviewed other capable candidates to find a new Chief, but, ultimately, Jack Clements was the best fit for the position.

Councilor Gay moved, Councilor Archer seconded “Be it ordered that the City Council confirm the City Administrator’s Appointment of Jack Clements as Police Chief for the City of Saco effective August 12, 2019.” Further move to approve the order. The motion passed with seven (7) yeas.

### B. RENEWAL APPLICATION FOR SPECIAL ENTERTAINMENT PERMIT – TOWNHOUSE PUB – (PUBLIC HEARING)

Townhouse Management Inc. d/b/a Townhouse Pub has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

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

Councilor Johnston moved, Councilor Smart seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Smart seconded to close the Public Hearing and “Be it Ordered that the City Council grant the renewal application submitted by Townhouse Management Inc. d/b/a Townhouse Pub for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

**C. CHARTER AMENDMENT: SCHOOL BUDGET– (PUBLIC HEARING & FINAL READING)**

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

Councilor Johnston moved, Councilor Doyle seconded to open the public hearing for the document titled, ‘Saco City Charter Amendment #1 – School Budget’ dated July 15, 2019’. The motion passed with seven (7) yeas.

There were no public comments.

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

Councilor Johnston moved, “The Saco City Council hereby ordains and approves the second and final reading of, ‘Saco City Charter Amendment #3 – School Budget’ dated July 15’, 2019 and authorize the City Clerk to include Charter Amendment #3 on the November 2019 ballot.” Due to the lack of a second the motion was not considered.

**Section 6.06 City Council Action on the Municipal Budget.  
[Amended 11-5-1996; 11-4-2014]**

- a. Notice and Hearing. The City Council shall publish at least once in one or more newspapers of general circulation in the City the following:
  1. The time and place where copies of the messages and budgets are available for inspection by the public.
  2. A copy of the proposed municipal budget prepared in such a manner as to present to the taxpayers a simple and clear summary of the detailed estimates of the budget. This publication shall take place 14 days prior to the date of each public hearing on the budget.
  3. The time and place, not less than two weeks after such publication, for a public hearing on the municipal budget.
- b. Amendment before Adoption. The City Council may amend the municipal budget as set forth herein. In amending the City portion of the budget, the Council shall have the discretion to increase or decrease programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law, or for debt service or for estimated cash deficit. Prior to adoption of the School Department budget, the City Council may only increase or decrease the total amount ~~spent on any budget category established under law but it may not otherwise amend programs or programming, personnel or any other category, which authority is reserved to the School Board, proposed to be allocated to the School Department.~~
- c. Adoption. The City Council shall, by order, adopt the municipal budget at a Special Council budget meeting the second week of May. This budget shall be subject to any applicable state law governing budget validation referenda. Until the municipal budget is finally adopted, and if applicable approved by the voters, the amounts appropriated for the previous year shall be deemed adopted for the current fiscal year on a month-to-month basis, except to the extent that Sections 1487 and 2307 of Maine Title 20-A apply to the School Department budget. Adoption and approval of the municipal budget shall constitute appropriations of the amounts specified therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy.

**D. BUDGET AMENDMENT #1: PUBLIC WORKS FACILITY – (SECOND & FINAL READING)**

The Public Works Facility is still projected to come in under budget. However, funds must be committed in FY2020 prior to the sale of the existing Public Works Facility, which is not projected to occur until FY2021 at the earliest. Total expenses through the end of FY2020 are expected to be \$8,289,912. Total revenue from the bond issuance was \$7,604,458: \$7,250,000 as approved by the voters plus \$354,458 in Bond Premium. Therefore, total cash required through the end of FY2020 exceeds the revenue from the bond issuances by \$684,454. Of that total, \$325,000 in funding has already been made available by re-appropriating the funding for the wash bay. That leaves \$360,454 needed to cover our bills through FY2020. We are recommending that \$360,454 be appropriated from the General Fund Unassigned Fund balance to cover these bills, with the understanding that the General Fund will be paid back in proceeds from the sale of the existing Public Works facility in FY2020. The Unassigned Fund Balance is currently projected to be at \$6,669,634 at the end of FY2019, which leaves the City with a \$907,578 surplus above the 10% maximum required per the City Code. The FY2020 budget already contains a Use of Surplus of \$257,402. This amendment brings the total Use of Surplus to \$617,856, which still leaves a projected surplus of \$289,722 to be appropriated for other items, pending the FY2019 Audit.

Councilor Johnston moved, Councilor Doyle seconded “Be it ordered that City Council approves the second and final reading of Budget Amendment #1 FY2020”. Further move to approve the order. The motion passed with seven (7) yeas.

**City of Saco**  
**FY 2020 Budget Amendment Request Form**  
**Revenue & Appropriation**  
**Amendment # 1: Appropriation for PW Facility**

6/25/2019  
Date

Public Works  
Department

Summary			
Change in Expense	\$360,454	Change in Revenues	\$360,454
		Balance	\$0

Type	Org	Object	Project	Account Name	Current Budget	Actual YTD	Adjustment Requested	Ammended Budget
Exp	10681	500952	09008	Pw Facility Fy2020	\$110,000	\$0	\$360,454	\$470,454
Rev	10350	300800	00000	Budgeted Use Of Surplus	\$257,402	(\$0)	\$360,454	\$617,856

**Notes:** The Unassigned Fund Balance is currently projected to be at \$6,669,634 at the end of FY2019, which leaves the City with a \$907,578 surplus above the 10% maximum required per the City Code. The ammended use of surplus totals \$617,856, which still leaves the City with a \$289,722 surplus.

Finance Director certifies that funds are available:

  
 Glenys Galas, Finance Director

6/25/2019  
Date

**Approved by Council:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**E. BUDGET AMENDMENT #2 – NON-UNION 1.1% INCREASE – (SECOND & FINAL READING)**

This amendment will increase Non-Union Salaries by 1.1% above the 1.9% COLA increase included in the Approved Budget for FY2020. This amendment matches our non-union salary increase to the all-in 3% increase union employees and library employees will receive in FY2020. It will help offset a projected 10% increases to employee health insurance premiums for 2020.

Councilor Archer moved, Councilor Johnston seconded “Be it ordered that City Council approves the second and final reading of Budget Amendment #2 FY2020”. Further move to approve the order. The motion passed with seven (7) yeas.

**City of Saco**  
**FY 2020 Budget Amendment Request Form**  
**Revenue & Appropriation**  
**Amendment # 2 - 1.1% for Non-Union**

6/25/2019  
Date

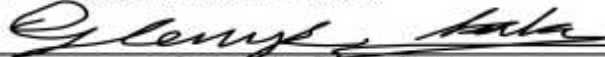
Human Resources  
Department

Summary					
Change in Expense	\$41,204	Change in Revenues	\$41,204	Balance	\$0

Type	Org	Object	Project	Account Name	Current Budget	Actual YTD	Adjustment Requested	Ammended Budget
Exp	10410	500102	00000	Supervisory Wages	\$71,330	\$0	\$785	\$72,115
Exp	10410	500104	00000	Court Officers/Clerical Wages	\$97,800	\$0	\$1,076	\$98,876
Exp	10370	500103	00000	Non-Supervisory Wages	\$138,543	\$0	\$1,524	\$140,067
Exp	10370	500104	00000	Court Officers/Clerical Wages	\$50,950	\$0	\$560	\$51,510
Exp	10390	500101	00000	Department Head Wages	\$73,069	\$0	\$804	\$73,873
Exp	10390	500103	00000	Non-Supervisory Wages	\$42,336	\$0	\$466	\$42,802
Exp	10390	500104	00000	Court Officers/Clerical Wages	\$8,686	\$0	\$100	\$8,786
Exp	10440	500101	00000	Department Head Wages	\$81,305	\$0	\$894	\$82,199
Exp	10440	500103	00000	Non-Supervisory Wages	\$207,477	\$0	\$1,932	\$209,409
Exp	10440	500104	00000	Court Officers/Clerical Wages	\$41,999	\$0	\$462	\$42,461
Exp	10380	500101	00000	Department Head Wages	\$97,610	\$0	\$1,074	\$98,684
Exp	10380	500102	00000	Supervisory Wages	\$62,974	\$0	\$693	\$63,667
Exp	10380	500104	00000	Court Officers/Clerical Wages	\$260,594	\$0	\$2,725	\$263,319
Exp	10470	500101	00000	Department Head Wages	\$103,776	\$0	\$1,142	\$104,918
Exp	10470	500102	00000	Supervisory Wages	\$169,955	\$0	\$1,870	\$171,825
Exp	10470	500104	00000	Court Officers/Clerical Wages	\$50,668	\$0	\$556	\$51,224
Exp	10374	500101	00000	Department Head Wages	\$94,461	\$0	\$1,039	\$95,500
Exp	10374	500103	00000	Non-Supervisory Wages	\$55,026	\$0	\$605	\$55,631
Exp	10384	500101	00000	Department Head Wages	\$86,488	\$0	\$951	\$87,439
Exp	10384	500103	00000	Non-Supervisory Wages	\$117,185	\$0	\$1,289	\$118,474
Exp	10570	500101	00000	Department Head Wages	\$86,065	\$0	\$947	\$87,012
Exp	10570	500102	00000	Supervisory Wages	\$289,171	\$0	\$3,181	\$292,352
Exp	10570	500104	00000	Court Officers/Clerical Wages	\$42,732	\$0	\$470	\$43,202
Exp	10450	500101	00000	Department Head Wages	\$96,212	\$0	\$1,048	\$97,260
Exp	10450	500103	00000	Non-Supervisory Wages	\$130,000	\$0	\$1,408	\$131,408
Exp	10450	500104	00000	Court Officers/Clerical Wages	\$40,856	\$0	\$449	\$41,305
Exp	10460	500101	00000	Department Head Wages	\$102,868	\$0	\$1,132	\$104,000
Exp	10460	500102	00000	Supervisory Wages	\$179,646	\$0	\$1,976	\$181,622
Exp	10460	500104	00000	Court Officers/Clerical Wages	\$114,948	\$0	\$1,264	\$116,212
Exp	10480	500101	00000	Department Head Wages	\$103,632	\$0	\$1,140	\$104,772
Exp	10480	500102	00000	Supervisory Wages	\$436,030	\$0	\$4,796	\$440,826
Exp	10480	500103	00000	Non-Supervisory Wages	\$120,838	\$0	\$1,329	\$122,167
Exp	10480	500104	00000	Court Officers/Clerical Wages	\$72,916	\$0	\$802	\$73,718
Exp	10494	500102	00000	Supervisory Wages	\$65,074	\$0	\$716	\$65,790
Rev	10350	300800	00000	Budgeted Use Of Surplus	\$257,402	\$0	\$41,204	\$298,606

**Notes: The 1.1% increase will aid in mitigating the impact of projected 10% increase to health insurance premiums.**

Finance Director certifies that funds are available:



Glenys Salas, Finance Director

6/25/2019  
Date

**Approved by Council:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**F. CITY OF SACO DIGITAL SIGN POLICY – TABLED (FIRST READING)**

The purpose of the Digital Sign Use Policy is to establish specific guidelines to regulate messaging on city-owned digital signs.

Previously, there was no policy regulating the content communicated on the city-owned signs. Therefore, there has been inconsistency among departments regarding which messages have been advertised. A policy must be adopted to avoid future discrepancies.

The attached policy has been amended based on the discussion at the July 15<sup>th</sup> Council meeting.

Councilor Johnston moved, Councilor Doyle seconded to take from the table, Adoption of a Digital Sign Use Policy. The motion passed with seven (7) yeas.

Councilor Johnston moved, Councilor Doyle seconded to approve the first reading of “Adoption of a Digital Sign Use Policy” as amended, and further move to schedule a final reading on August 26, 2019. The motion passed with seven (7) yeas.

Note: City Administrator Kevin Sutherland clarified that a Public Hearing was not necessary. The next reading will just be the final reading.



## Digital Sign Use Policy

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### **Purpose**

The purpose of the Digital Sign Use Policy is to establish specific guidelines to regulate messaging on city-owned digital signs.

### **Background Information**

Previously, there was no policy regulating the content communicated on the city-owned signs. Therefore, there has been inconsistency among departments regarding which messages have been advertised. A policy must be adopted to avoid future discrepancies.

### **Timeline**

The policy is effective 30 days from the approved date.

### **Digital Sign Use Policy**

Only municipal entities may post information to the signs; these entities include all city departments, Council-appointed boards and committees, school department announcements, and city-supported agencies.

Examples of authorized postings include:

- A. City Departments and Public Service Announcements
- B. City Board and Committee Announcements
- C. City Supported Agencies and School Events
- D. Community Organizations Hosting Events at City Owned Locations

Signs may not be used to promote business for private entities without any connection to a city department. It is at the discretion of the Marketing & Communications Division and/or the Fire Department, whether an event complies with these criteria. Partnerships between the city and private entities as well as events taking place using city facilities such as an event at the fire station will be subject to review before advertising.

Requests from non-profit entities that are not connected to a city department such as fundraisers and events for local non-profit sports organizations will be subject to review before advertising. Exceptions will be reviewed and may be granted on a case-by-case basis.

Event postings are to be approved by the Marketing & Communications Division and/or the Saco Fire Department before advertising. Applicants are encouraged to submit their request at least two weeks before the proposed date of postage using the Digital Sign Use Request Form.



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### CONTACT INFORMATION

Primary Contact's Name

Organization/Department

Address

City

State  ZIP Code

Phone  E-mail

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### EVENT INFORMATION & MESSAGING

Please select the type of announcement you would like to advertise

- Community Event
- Public Service Announcement
- City Information & Updates
- Traffic & Construction Updates
- Other

Please include the requested message. You are restricted to # of characters and # of lines

Please select which signs you would like your message advertised on

- Train Station
- Fire Station

When do you want this advertised?

If you have any questions, please contact Emily Roy, Marketing & Communications, at [ERoy@sacomaine.org](mailto:ERoy@sacomaine.org) or by calling (207)710-5002.

## G. IMPLEMENTATION OF A TOBACCO-FREE ZONE ORDINANCE – (FIRST 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 Copeland seconded “The City of Saco hereby approves the first reading of a Tobacco-Free Ordinance and further move to schedule a public hearing for August 26, 2019”. The motion passed with seven (7) 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.

## H. CHARTER AMENDMENT #4 – 7.02 CANDIDATES – (FIRST 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 clarify that Wardens and Ward Clerks will be elected to serve two-year terms.



Councilor Johnston moved, Councilor Minthorn seconded “Be it ordered that the City Council approve the first reading of the Charter Amendments included in the document titled, ‘Saco City Charter Amendment #4: 7.02 Candidates, dated August 5, 2019’ and further move to schedule a public hearing for August 26, 2019 before a vote to add to the November referendum”. The motion passed with seven (7) yeas.

***Saco City Charter Amendment #4:  
7.02 Candidates,  
dated August 5, 2019***

***Charter Amendment # 4 – Shall the municipality approve the charter amendment reprinted (summarized) below.***

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

**7.02 Candidates.**

d. Wardens and Ward Clerks. The Wardens and Ward Clerks shall serve for two-year terms, ~~concurrent with the terms of the members of the City Council.~~

**I. PARK NORTH CONTRACT ZONE: AMENDMENT REQUEST TO ADD TWO USES – (FINAL READING)**

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

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

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

Councilor Doyle moved, Councilor Minthorn seconded “Be it ordered that the City Council approve the amendment to the Contract Zone Agreement by and between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco to add the use of ‘offices of contractors and tradesmen’ as a permitted use in parcel two and add the use of ‘contractors’ as a conditional use in parcel two.” Further move to approve the Order.”

Amendment – Councilor Johnston moved, Councilor Gay seconded – Be it ordered that the City Council approve the amendment to the Contract Zone Agreement by and between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco to add the use of ‘offices of contractors and tradesmen’ as a permitted use in parcel two and add the use of ‘contractors’ as a conditional use in parcel two , upon completion of the following: 1) New Traffic Movement Permit issued by MDOT; 2) All trail systems with consultation with the city are completed to satisfaction of the city; 3) All land that is to be conveyed to the city of Saco is completed; 4) The sidewalk that is stated in the 2011 conditional approval to be constructed along the Cascade Road is completed”. The motion passed with seven (7) yeas.

Mayor Lovell called for a vote on the main motion with the amendment. The motion passed with seven (7) yeas.

**J. PARK NORTH & CASCADE ZONES: SUBDIVISION AMENDMENTS – (FINAL READING)**

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

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

- First Amendment (Cascade Contract Zone) – Division of Lot C1, resulting in the creation of Lot C5 at the corner of Cascade Road and Rte. One, approved 1/22/08
- Second Amendment (Cascade Contract Zone) – Further division of Lot C1, resulting in the creation of Lot C6, approved 1/20/09. Applicant Wagner Drywall received site plan approval for the commercial building that now houses a day care and other uses.
- Third Amendment (Cascade Contract Zone) – Creation of Lots C4A, C4B and 22. The latter was carved out of the existing Lot 18 at the corner of Portland Road and Main Road (now Waterfall Drive) and is now occupied by the former Ocean Communities credit union building. Lots C4A and C4B were created from the existing parcel that lies between Cascade Road and Old Cascade Road. It is described in the parcel deed for the Cascade Inn as a separate parcel from the larger, former Inn property. Zones C4A and C4B have since been developed with single family dwellings.
- Fourth Amendment (Cascade Contract Zone) – Easements associated with a force main and the pump station for Lots C1, C5 and C6 were created.
- Fifth Amendment (Park North Contract Zone) – Updating dimensional regulations in parcels 2, 3, and 4 of the contract zone agreement. The space and bulk regulations in Parcel 4 necessitated a change to the subdivision plan for Parcel 4.
- Sixth Amendment (Park North Contract Zone) – Modified the residential area of Lot 18.
- Seventh Amendment (Park North Contract Zone)
  - The 1st part proposes to alter phases 3 and 5 within the residential portion of the development which will consist of consolidating the proposed right-of-way of Bears Den Rd (not currently built), the previously proposed Open Space 1, lot C4 and lot CA-5 to accommodate 17 duplexes.
  - The 2nd part proposes to subdivide lot 18 (at the corner of Waterfall Dr and Portland Rd) to create an approx. 6-acre parcel for future development of a 72-unit apartment building.
- Eighth Amendment (Park North Contract Zone) – This amendment consolidates Lots 6 through 15 (located in the northeastern portion of the parcel), the previously proposed right-of-way for Minor Park Road, the previously proposed right-of-way for approximately 1,100 feet of Dawn Marie Drive and the parcel formerly containing Stormwater Detention Area 2. The purpose of this change is to accommodate the out-sale of approximately 27.52 acres to Maine State Department of Defense. As a result of this out-sale, it is necessary to reconfigure the roadway alignments and intersection of Dawn Marie Drive & East View Parkway. Additionally, former lot 5 and the parcel containing Stormwater Detention Area 1 are proposed to be adjusted. In conjunction with these changes, the applicant is proposing to subdivide Lots 2 through 4 to create six lots.

Councilor Doyle moved, Councilor Minthorn seconded “Be it ordered that the City Council approve subdivision amendments dated from 2008 to 2018, previously approved by the Planning Board, to the Contract Zone Agreement by and between Park North Development LLC and the City of Saco and the Contract Zone Agreement by and between Park North Development LLC and Preston Properties, LLC as applicants and the City of Saco.” Further move to approve the Order. The motion passed with five (5) yeas and two (2) nays – Councilors Gay and Johnston.

#### **K. CASCADE CONTRACT ZONE SUBDIVISION AMENDMENT – (FINAL READING)**

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

Councilor Doyle moved, Councilor Johnston seconded “Be it ordered that the City Council approve the subdivision amendment conditionally approved by the Planning Board on April 30, 2019 to the Contract Zone Agreement by and between Park North Development, LLC and the City of Saco.” Further move to approve the Order. The motion passed with seven (7) yeas.

## VIII. ADMINISTRATIVE UPDATE

City Administrator Kevin Sutherland provided the following administrative updates:

- Bid solicitations – We have 2 items that are bid solicitations. Remember, our purchasing policy was changed to allow for us to save some money by doing it this way on occasion when it works out timing wise. The City of Saco is soliciting bids for interior coating done at the Mill Brook, Goosefare, and Bear Brook Pump Stations to include epoxy composite floor system and repainting of block walls/ceilings for the Water Resource Recovery Department. Also, the City of Saco is soliciting bids for the Lining of the Sludge Blend Tank. Bids must be submitted on the bid response form in a sealed envelope marked “Lining of Sludge Blend Tank”. Both sets of bids will be accepted until 1:00 PM on Tuesday, August 27, 2019 at the Finance Office at Saco City Hall, located at 300 Main Street, Saco, Maine, 04072. There will be a public opening of all bids received at that time. Any questions regarding the bid specifications should be directed to Howard Carter, Director of the Water Resource Recovery Department by emailing HCarter@sacomaine.org or by calling (207) 282-3564.
- Saco Island East Tree Replanting – Code Enforcement has now taken action to secure the escrow for tree replanting should a project not be approved by the end of this month. This is highly unlikely at this point. This spring staff agreed that parties were to seed the area to add additional erosion control. No point in planting trees if the project had not been approved during that time frame. Since there is no project the additional monies will be used to plant trees after the summer season is over. Fall is a good time to do so otherwise there is a chance the trees will not hold. Especially during hot dry spells. No further council action is required. Staff has their directive. But, if council has any questions or concerns, please reach out to me. Councilor Copeland inquired if there was a process to go through the Saco River Corridor Commission. Mr. Sutherland stated that there is a bid process to have someone else do this. So, we will reach out to Dalyn to find out. Councilor Copeland asked what type of trees were going in. Mr. Sutherland replied he wasn’t sure. Mayor Lovell stated that Ryan Sommer would know that, but he wasn’t present. Mayor Lovell asked Mr. Sutherland to have Ryan Sommer send out an updated e-mail pertaining to these inquiries. Mr. Sutherland noted again that this is a Code Enforcement issue where we would have a RFP to have a company come in and do this work for us. So, it will not be an in-house staff planting of trees. Councilor Copeland noted that she didn’t want someone to come in and plant azaleas or something, they need to be trees. I just want to have an understanding of what type of trees. Mayor Lovell asked who the actual point of contact was. Mr. Sutherland replied Code Enforcement. So, the e-mail would be from Mr. Lambert. Councilor Copeland noted that in the shoreland there are different types of trees that hold the soil better than others. Councilor Johnston stated that Dick may actually have a tree planting plan on file.

## IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Doyle – Kevin, I received an e-mail from a constituent that I would like to bring forward and it may be a code issue. I have spoken briefly with Councilor Gay because it is an abutting ward. E-mail: I’m hoping, or excuse me correctly if I’m wrong, the city owns the tannery on the Flag Pond Road correct? Why are we just being notified the Department of Environment of a serious water contamination? Someone is coming out on the 20<sup>th</sup> for a water sample. What are we to do in the meantime? This stuff causes all kinds of medical issues. I can’t believe for the life of me why the city has not contacted us as well. Also, my husband brought the blasting issues to the Planning Board’s attention and he was basically laughed out of the meeting and his is not a laughing matter at all. Why are we not being informed by the city for one? Councilor Doyle noted that he wasn’t sure if this was something related to the blasting of the subdivision at the corner of Flag Pond Road and Jenkins Road. This is something that needs to be looked into if there is a water contamination issue up there. City Administrator Kevin Sutherland stated the city would look into it.
- Councilor Archer – Agenda item #C, died to the lack of a second. However, the council never actually decided the question. So, we never had the chance to bring it back. The reason you didn’t get a second from me was because a couple of weeks ago I mentioned the options of adding in the “and/or” and this was specifically for the dollar figure and I was against that and that is why you didn’t get a second from myself personally. Hence, the council body did not decide the questioning and it can’t come back until next year. Mayor Lovell asked Mr. Sutherland if that was true. It didn’t get tabled, it died. They decided that it would

have to go back through workshop, first reading, and the same process. Mayor Lovell stated the entire thing would need to be done by the 2<sup>nd</sup> week in September in order to get it on the ballot. Mr. Sutherland noted that he didn't think it would be on the ballot this year. Councilor Johnston stated that you could motion to reconsider and amend the main motion to add what you had just stated, tonight. Mayor Lovell noted that they would need to research if you can have a motion to reconsider of a motion that failed for a second as opposed to failed at the vote because there was no prevailing side. I will check with a master parliamentarian and find out if we can actually have a motion to reconsider. If we can you will receive an e-mail on that. Councilor Archer stated that if you need someone to reconsider, I will reconsider or second it so that there is some wait as to why we should spend some time. If we are allowed to. Let the research happen. Mayor Lovell reiterated that he would check with a master parliamentarian.

- Councilor Johnston – I have a request and I recognize this as probably staff consuming. But, given the large amount of FOAA requests that we seem to have lately, I was curious if the city could make a FOAA section and post those requests and the documentation online, similar to how Biddeford does it. We charge \$15 after the first hour and I'm pretty sure the administrator himself is paid much more than the \$15 an hour. Judging by he is the one who tends to do the majority of this research I think that posting it and having it available for other people that may be looking for the same documentation it would probably save us time in the future. It would also let everybody know what certain people are requesting. City Administrator Kevin Sutherland noted that he would look into it. Mayor Lovell stated that would be looked into. Councilor Johnston understood maybe not right now but if we have staff that we can dedicate to who requested it, if it is open or closed, if closed the documentation would be posted that they requested. That way people looking for the information would be able to go and find the similar information that research has already been done on.
- Councilor Minthorn – I would like to thank the Hancock Lumber family for the ground breaking today. It was a very nice event and nice to meet allot of their staff that will be participating. We also had allot of city staff there. Welcome to the city.

## **X. EXECUTIVE SESSION**

Councilor Minthorn moved, Councilor Doyle 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)]: (E) Consultation with Counsel regarding a pending matter (tentative) and (C) Discussion Regarding Possible Development. The motion passed with seven (7) yeas. Time: 7:48 p.m.

## **XI. REPORT FROM EXECUTIVE SESSION**

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

Councilor Gay moved, Councilor Smart seconded to come out of Executive Session. The motion passed with seven (7) yeas. Time: 8:34 p.m.

Councilor Minthorn stated that there was no report from executive session on either item.

## **XII. ADJOURNMENT**

Councilor Minthorn moved, Councilor Smart seconded to adjourn the meeting. The motion passed with seven (7) yeas. Time: 8:35 p.m.

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