SACO CITY COUNCIL WORKSHOP
MONDAY, MAY 15, 2017 – 6:00 PM
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. PUBLIC COMMENT
III. AGENDA
   A. Request to Improve a Portion of a City-Owned Right of Way: Sierra Woods Subdivision
   B. City Code Amendment, Chapter 165: Recreational Marijuana Cultivation and Sale Prohibition
   C. City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections
   D. City Code Amendment, Chapter 4: Administrative Code
   E. Paper Streets Process
IV. COUNCIL DISCUSSION AND COMMENT
V. ADJOURNMENT

SACO CITY COUNCIL MEETING
MONDAY, MAY 15, 2017 – 6:30 PM
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. RECOGNITION OF MEMBERS PRESENT
III. PLEDGE OF ALLEGIANCE
IV. GENERAL
   Arbor Week Proclamation
   Kids to Parks Day Proclamation
V. PUBLIC COMMENT
VI. CONSENT AGENDA
   A. “Be it ordered that the City Council approve the minutes for May 1, 2017”
      “I move to approve the order”
   B. (Notice of Election) Budget Validation Referendum Election, June 13, 2017
VII. AGENDA
   A. Shared Finance Director with the City of Biddeford
   B. Presentation by Volunteer Coordinator, Mary Pelkey
   C. Volunteer Citizen Work-off Program Annual Approval
   D. Request to Improve a Portion of a City-Owned Right of Way: Sierra Woods Subdivision
   E. (Public Hearing) Renewal Application for Special Entertainment Permit: The Run of the Mill
   F. (Public Hearing) Zoning Ordinance Amendments, Section 708: Off-Street Parking
   G. (First Reading) City Code Amendment, Chapter 165: Recreational Marijuana Cultivation and Sale Prohibition
   H. (First Reading) City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections
   I. (Second and Final) Moratorium on Marijuana Growing Operations
   J. (Second and Final) Amendments to City Code Chapter 4: Administrative Code
   K. (Tabled) Budget Amendment # 1
VIII. COUNCIL DISCUSSION AND COMMENT
IX. ADJOURNMENT
Memorandum

To: Mayor and Saco City Council  
From: City Planner, Bob Hamblen  
Re: Paper Streets Process  
Workshop, May 15, 2017

**Background:**

In 1997, acting under the directive of Title 23 §3032, the City Council voted to delay by 20 years the need to take action on paper streets, which are proposed, unaccepted ways, or portions of such ways shown on a subdivision plan recorded in the registry of deeds prior to Sept. 29, 1987. Based on the Sept. 22, 1997 vote, the City now has until Sept. 23, 2017 to either accept paper streets in Saco, or the public rights will terminate. Staff has initiated a review of the 1997 list of 87 paper streets, and will return to the Council with a recommendation for each.

A number of paper streets appearing on the 1997 list have been resolved over the past two decades, including Bent(e)y Drive, Central Street, Hillview Avenue, Nutting Street, and Oak Street. The remaining entries on the list are under review by City staff, which will provide detailed recommendations on each, first to the Planning Board for its recommendations, then to the Council.

**Timeline:**

In order to meet the September 23rd deadline, City Council will need to begin the acceptance process at the June 12th workshop. Following the current meeting schedule, we hope to have this resolved by early September.

**Attachments:**

- Title 23 §3032
- Paper Streets list 9/12/1997
- Item Commentary, 9/2/1997
- Maine Townsmen Article, Nov. 2013
§3032. PROPOSED, UNACCEPTED WAYS DEEMED VACATED

1. Deemed vacation.

[1997, c. 386, §1 (RP).]

1-A. Deemed vacation. A proposed, unaccepted way or portion of a proposed, unaccepted way laid out on a subdivision plan recorded in the registry of deeds prior to September 29, 1987 is deemed to have been subject to an order of vacation under section 3027 if, by the later of 15 years after the date of the recording of the subdivision plan laying out the way or portion of the way or September 29, 1997, both of the following conditions have been met:

A. The way or portion of the way has not been constructed or used as a way; and

[1997, c. 386, §2 (NEW).]

B. The way or portion of the way has not been accepted as a town, county or state way or highway or as a public, utility or recreational easement. [1997, c. 386, §2 (NEW).]

A way or portion of a way considered vacated under this subsection is subject to section 3033.

[1997, c. 386, §2 (NEW).]

2. Extensions. The municipal officers of the affected municipality may except a proposed, unaccepted way or portion of a proposed, unaccepted way described in subsection 1-A from the operation of the time limitations of that subsection by filing, in the registry of deeds where the subdivision plan is recorded, a notice stating that the way or portion of the way is excepted from the operation of subsection 1-A for a period of 20 years from the filing of the notice. To be effective, this exception must be filed prior to the expiration of the time limitations of subsection 1-A. An extension accomplished under this subsection may be extended by the municipal officers for a subsequent 20-year period by the filing of a new notice within the preceding 20-year extension period.


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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
Attachment A
Saco Paper Streets, Revised List, September 12, 1997

Academy Avenue
Anderson Lane
Ash Street
Belvoire Street
Bently Drive
Billow Avenue
Birch Street
Blaine Street
Boothby Road
Burrow Street
C Street
Celia Drive
Central Street
Christina Drive
City View Drive
Commonwealth Avenue
Cottage Avenue
Curtis Avenue
D Street
Day Street
Delhi Avenue
Dune Avenue
E Street
Eagle Avenue
Eastern Avenue
Eureka Avenue
Eutaw Avenue
F Street
Forest Street
Foss Road
G Street
Garrett Avenue
Gaviota Avenue
Green Avenue
Gull Avenue
H Street
Hall Avenue
Harrison Avenue
Hillview Avenue
Hobson Lane
Irving Street
J Street
King Street
Laurel Street
Lawn Avenue
Lewis Avenue
Lillian Avenue
Long Pond Avenue
Marguerite Road
Meadow Avenue
Meadow Lane
Nikki Circle
Nutting Street
Oak Street
Oceanside Drive
Old Orchard Road
Palmer Avenue or Street
Park Road
Pine Crest Avenue
Pine Street
Piney Wood Road
Portland Street
Rainwall Avenue
Rice Street
Saltaire Avenue
Santa Anita Avenue
Sheila Circle
Shepard Avenue
Shore Avenue
Sokokis Street
Spring Avenue
Spring Road
Stowe Avenue
Surf Street
Susan Lane
Sylvan Avenue
Tall Pines Lane
Thacher Street
Truman Avenue
Valerie Circle
Virginia Avenue
Cician Street
Wakefield Avenue
Washington Avenue
Waterloo Avenue
Wood Avenue
Woodland Avenue
NOTICE TO EXTEND RIGHTS IN “PAPER STREETS”
CITY OF SACO

This Notice is made pursuant to 23 M.R.S.A. Section 3032. After due consideration, the municipal officers of the City of Saco hereby vote to except from the operation of the time limitation of Section 3032 the proposed, unaccepted ways (commonly known as “paper streets”), or portions thereof, which are described on the sheet attached hereto and incorporated herein as Attachment A.

This vote extends, for a period of twenty (20) years from the recording of this Notice, the time in which the ways described in Attachment A will be subject to the operation of Section 3032. During that 20-year period, the rights of incipient dedication to public and private use of such ways shall remain in effect unless otherwise terminated or accepted in accordance with law.

MUNICIPAL OFFICERS

E.F. McQuaig
Mayor

Mark Johnston
Mayor

DATE: 9/29/94

STATE OF MAINE
York, ss: DIRECTION

Personally appeared before me LUCETTE PELLERIN, Clerk of the City of Saco who gave oath and represented the above as being the duly recorded, lawful vote of the municipal officers of the City of Saco, as set forth herein above.

Date: 9-3-94

MICHELE L. HUGHES
Notary Public

MAY COMMISSION EXPIRES FEBRUARY 24, 2000
ITEM COMMENTARY

AGENDA ITEM: Order Preserving Status of Paper Streets

COUNCIL RESOURCE: Councilor Ron Michaud
STAFF RESOURCE: Peter Morelli

BACKGROUND:

A paper street is a road depicted on a recorded subdivision plan, but not built or accepted as a public way. A 10-year-old state law, with an effective date of September 29, would remove the city’s access rights by automatically vacating the City’s rights to most paper streets on that date. The city doesn't usually own paper streets, but has a right to build a street over the land, according to Maine Municipal’s legal department.

Some of the City's paper streets are important because they provide the only potential access to some lots. Others have potential to provide public access to public areas, such as the beach or the Saco River. Others may serve as drainage ways, utility conduits, or other functions of which we are unaware.

The City could accept any of the streets. However, accepting the streets requires that they be built, which is not a priority for city funds. The City could also do nothing and permit the vacation of the streets. This could lead to the loss of valuable access ways, and utility corridors which the City might have to purchase again later.

We are proposing tonight to extend rights in paper streets for 20 years by recording a list of these streets and a statement that we are doing so at the York County Registry.

EXHIBITS: List of paper streets

RECOMMENDATIONS:

That the City retain its rights in all identified paper streets by recording a statement at the registry.

MOTION:

...Move that the Municipal Officers order the City Administration to file a statement at the York County Registry, pursuant to 23 M.R.S.A. ss3032, to exempt from the time limits of that state law the paper streets in the list entitled "Saco Paper Streets, August 22, 1997", because of the potential public benefit of these paper streets to the City and its residents. This order and the filing at the Registry extend for a period of 20 years the time in which the named paper streets will be subject to the operation of ss3032, and permits during that 20 year period the rights of incipient dedication and private use of the paper streets to continue unless otherwise terminated or accepted in accordance with the law.
### TAX MAP NO. Remarks

<table>
<thead>
<tr>
<th>NAME</th>
<th>TAX MAP NO. Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy Ave.</td>
<td>33 3 spurs, I used</td>
</tr>
<tr>
<td>Anderson Lane</td>
<td>101 off Lincoln Rd., R/W #1</td>
</tr>
<tr>
<td>Ash St.</td>
<td>66 off Hubbard St.</td>
</tr>
<tr>
<td>Belvoirie St. *</td>
<td>11 beach access</td>
</tr>
<tr>
<td>Bentley Drive</td>
<td>95 off Berry Rd.</td>
</tr>
<tr>
<td>Billow Ave. *</td>
<td>11 Goosefare Inlet beach</td>
</tr>
<tr>
<td>Birch St.</td>
<td>40 off Roebuck Ave.</td>
</tr>
<tr>
<td>Blaine St.</td>
<td>40,54 off Roebuck Ave.</td>
</tr>
<tr>
<td>Boothby Rd.</td>
<td>101 paper spur at end</td>
</tr>
<tr>
<td>Burrow St.</td>
<td>34 Stockman-Ocean Pk. Rd.</td>
</tr>
<tr>
<td>C St. *</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Caryn Drive</td>
<td>52 Maple Leaf off Maple St.</td>
</tr>
<tr>
<td>Celia Drive</td>
<td>22 off Ferry Rd.</td>
</tr>
<tr>
<td>Central St.</td>
<td>39,53 Park St.-RR, drainage</td>
</tr>
<tr>
<td>Christena Drive</td>
<td>66 off New Country Rd.</td>
</tr>
<tr>
<td>City View Drive</td>
<td>65 off Lincoln St.</td>
</tr>
<tr>
<td>Commonwealth Ave.*</td>
<td>2,3 off Ferry Rd.</td>
</tr>
<tr>
<td>Cottage Ave.*</td>
<td>11 beach access &amp; driveway</td>
</tr>
<tr>
<td>Cottage St.*</td>
<td>10 E-F St. vacated</td>
</tr>
<tr>
<td>Curtis Ave.*</td>
<td>11 E end-Oceanside Dr.</td>
</tr>
<tr>
<td>D St.*</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Day St.</td>
<td>38 off Bradley St.</td>
</tr>
<tr>
<td>Delhi Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>Dune Ave.*</td>
<td>11 beach access</td>
</tr>
<tr>
<td>E St.*</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Eagle Ave.*</td>
<td>3 beach access</td>
</tr>
<tr>
<td>Eastern Ave.</td>
<td>40 near Roebuck Ave.</td>
</tr>
<tr>
<td>Eureka Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>Eutaw Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>F St.*</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Forest St.</td>
<td>51,52 2 sections used</td>
</tr>
<tr>
<td>Foss Rd.</td>
<td>97 dump/transfer station</td>
</tr>
<tr>
<td>G St.*</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Garnet Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>Gaviota Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>Green Ave.*</td>
<td>11 off Seaside Ave</td>
</tr>
<tr>
<td>Gull Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>H St.*</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Hall Ave.</td>
<td>25,26,31 spur to Lewis Ave.</td>
</tr>
<tr>
<td>Harrison Ave.</td>
<td>52 2 sections used</td>
</tr>
<tr>
<td>Hillview Ave.</td>
<td>88,87 paper south end</td>
</tr>
<tr>
<td>Hobson Lane</td>
<td>31 wild to Saco River</td>
</tr>
<tr>
<td>Irving St.</td>
<td>51 paper end is park</td>
</tr>
<tr>
<td>J St.</td>
<td>off Seaside</td>
</tr>
<tr>
<td>King Ave.*</td>
<td>3,5 beach access</td>
</tr>
<tr>
<td>Laurel St.</td>
<td>66 off Bradley St.</td>
</tr>
<tr>
<td>Lawn Ave.</td>
<td>26,27 vac. past Laurel St.</td>
</tr>
<tr>
<td>Lewis Ave.</td>
<td>31 spur to Hall Ave.</td>
</tr>
<tr>
<td>Lillian Ave.</td>
<td>27,33 to Cumberland Ave.</td>
</tr>
<tr>
<td>Long Pond Ave.</td>
<td>6 beach access &amp; W dirt</td>
</tr>
<tr>
<td>Marguerite Rd.</td>
<td>101 paper west end</td>
</tr>
<tr>
<td>Meadow Ave.*</td>
<td>11 paper west end</td>
</tr>
<tr>
<td>Meadow Lane</td>
<td>12 paper spur at end</td>
</tr>
<tr>
<td>Nikki Circle</td>
<td>66 off New County Rd.</td>
</tr>
<tr>
<td>Oak St.</td>
<td>53 r/w to North St.</td>
</tr>
<tr>
<td>Oceanside Drive*</td>
<td>10,11 N end is beach</td>
</tr>
<tr>
<td>Old Orchard Rd.</td>
<td>26,27,28,24, spur 27&amp;28</td>
</tr>
<tr>
<td>Palmer Ave.*</td>
<td>11 paper west end</td>
</tr>
<tr>
<td>Park Rd.</td>
<td>101 paper NE end</td>
</tr>
<tr>
<td>Pine Crest Ave.*</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Pine St.</td>
<td>87 paper NE to turnpike</td>
</tr>
<tr>
<td>Piney Wood Rd.*</td>
<td>11,16 beach access/marsh</td>
</tr>
<tr>
<td>Portland St.</td>
<td>40,54 near Roebuck Ave.</td>
</tr>
<tr>
<td>Private R/Ws</td>
<td>101 Boothby Park (5 or 6)</td>
</tr>
<tr>
<td>Ranwall Ave.</td>
<td>101 paper west end</td>
</tr>
<tr>
<td>Rice St.</td>
<td>22 off Beach St.</td>
</tr>
<tr>
<td>Rotary Drive</td>
<td>88 off Buxton Rd.</td>
</tr>
<tr>
<td>Santa Anita Ave.</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>Sheila Circle</td>
<td>88 Hillview Heights</td>
</tr>
<tr>
<td>Shepard Ave.</td>
<td>33 NW 100 feet unpaved</td>
</tr>
<tr>
<td>Shore Ave.*</td>
<td>11 beach access</td>
</tr>
<tr>
<td>Spring Ave.*</td>
<td>3,5 beach access</td>
</tr>
<tr>
<td>Spring Rd.</td>
<td>100 has 6 paper spurs</td>
</tr>
<tr>
<td>Stowe Ave.</td>
<td>10 off Seaside Ave.</td>
</tr>
<tr>
<td>Susan Lane</td>
<td>65 off Boom Road</td>
</tr>
<tr>
<td>Sylvan Ave.*</td>
<td>3 paper east end</td>
</tr>
<tr>
<td>Tall Pines Lane</td>
<td>98 NE off Tall Pines Drive</td>
</tr>
<tr>
<td>Thacher St.</td>
<td>51 off Market St.</td>
</tr>
<tr>
<td>Truman Ave.</td>
<td>34 off Ocean Park Rd.</td>
</tr>
<tr>
<td>Valerie Circle</td>
<td>66 off New County Rd.</td>
</tr>
<tr>
<td>Virginia Ave.</td>
<td>101 paper north end</td>
</tr>
<tr>
<td>Vivian St.</td>
<td>34 W end to Stockman</td>
</tr>
<tr>
<td>Wakefield Ave.</td>
<td>32 paper NE end</td>
</tr>
<tr>
<td>Washington Ave.</td>
<td>27,33 paper NE end</td>
</tr>
<tr>
<td>Waterloo Ave.*</td>
<td>6 off Seaside Ave.</td>
</tr>
<tr>
<td>Wood Ave.</td>
<td>27 NE end to Cumberland</td>
</tr>
<tr>
<td>Woodland Ave.</td>
<td>40,41 paper NW end</td>
</tr>
</tbody>
</table>

* indicates beach or river area
2017 Key Year for Maine’s ‘Paper Streets’

By Dale McGarrigle

Something imaginary soon will require the attention of municipal planners from around the state of Maine: paper streets. In simplest terms, a paper street is a proposed way that is shown on an approved subdivision plan but has not been constructed.

What is the value of paper streets?

The obvious benefit to the laying out and establishment of paper streets is for a proper, thoughtful, smart subdivision of land for residential, commercial or governmental purposes that provides the necessary access to the subdivided property," said Lionel Cayer, Augusta’s city engineer.

"The old days of allowing multiple curb cuts along an existing road to lots that have narrow frontage, just to avoid the capital cost of a new road, are hopefully behind us. A new road provides for better layout of lots and provides for safer access to the new lots as well as establishes a quieter and less hectic environment within the new subdivision."

From the date of recording of a subdivision plan in the registry, the public acquires a right of "incipient dedication," which means that the municipality has a right to accept the paper street, once built (usually to town standards) as a town way.

A developer submits a subdivision plan which, presumably, is approved. Then, when the paper street is constructed to the standards prescribed by the municipality, it becomes a town road. Sounds simple, on paper.

But paper streets have existed in some communities for more than a century, often without any sort of legal definition, as the subdivision statute in Maine didn’t take effect until 1971.

So the Maine Legislature laid out some boundaries in a statute passed in 1987. Paper streets were divided into two categories, those in subdivisions recorded prior to Sept. 29, 1987, and those in subdivisions recorded on or after Sept. 29, 1987.

YEAR BY YEAR

For the former category, those paper streets were deemed by law to be vacated by the public the later of 15 years after the date of recording, or on Sept. 29, 1997. The deemed vacation occurs if the streets are never constructed or, if constructed, they were never accepted as a town way or as a public utility or recreational easement. The municipal officers could extend the deemed vacation period by filing a notice of extension in the Registry of Deeds office. If an extension was claimed, it lasted for 20 years, and could be extended again for another 20 years (40 years total). A deemed vacation means that the right of incipient dedication is surrendered.

For the latter category, the Legislature granted towns the right of incipient dedication for 20 years from the date on which the subdivision was recorded, and can extend those rights for an additional 20 years. The 1987 law’s time frames provided clarity that had been missing before.

"The primary advantage for the town and the neighbors is certainty as to the status of a paper street and knowing when it goes away without having to go to court to have that question determined," said Robert Osborne, town planner for Hampden.

Many municipalities took advantage of a 20-year rights extension in 1997. That means those communities’ officials again will face the question of which paper streets are worth holding onto by September 2017, which is right around the corner in governmental terms.

So this is a question that some municipal officials say they should begin wrestling with now. Letting the town’s rights run out might be the cheapest and simplest solution, but it may not be the most forward-thinking.

"In doing so, in many cases, the town and residents may miss the opportunity to pass the public benefits of potential access forward to future generations," explained Nat Tupper, Yarmouth’s town manager.

"Especially in cases on old camp or cottage subdivisions that provide (or potentially provide) highly cherished access to the water that would be an unfortunate and irretrievable loss... There are real potential advantages that many of these paper streets offer, so just letting the clock run out may not be as cheap and painless as it appears."

In 1997, Yarmouth extended its rights to 108 roads or road segments. The Town Council began to take up each roadway segment (one development plan at a time) over the next year or so. In most cases, the council voted to accept a pedestrian and utility easement in the paper street, and then to vacate the remaining incipient public rights for a roadway. At least 42 paper streets or segments were vacated in whole or part by January 1999.

"By then, the Town Council was exhausted and decided to cease its efforts on the paper street project except on a case-by-case basis based on specific citizen requests," Tupper said.

Access became an issue in areas where incipient rights were to be va-
cated.

"Some paper streets have been improved to the degree necessary for a lot owner to have driveway access," Tupper continued. "Those driveway improvements, however, do not grant exclusivity to the lot owner as the general public can still enter over and across paper streets and the other lot owners in the development plan that laid out the paper street still have rights even after the town vacates the general public interest."

Citizen worry was another concern with which town officials have had to deal.

"Back in 1997, some residents living with paper streets surprised the town by requesting that the town not vacate the general public interest in fear that some lot owners in the development would seek to assert a private and exclusive claim," Tupper said.

One resident offered to the Town Council: "We'd rather hate you than each other," Tupper translated: "It might have been a compliment; sometimes it's hard to know."

Yarmouth has found an innovative way to handle what would be paper streets in new developments.

"We have seen very few new subdivisions in Yarmouth in recent years but when they do get submitted, we try hard to have them interconnect to nearby subdivisions and roads," Tupper said. "Invariably, there is strong opposition from the older neighbors and frequently a compromise position is established to create a pedestrian and bike connection in a 50-foot-wide strip (essentially a new paper street with a trail) that could, in the future, become a full street. In those cases, we seek to have the full 50-foot strip dedicated and deeded to the town so it would operate outside the "paper street" status."

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ed by today's standards," added Eric Cousens, Auburn's director of planning and permitting.

Auburn started a fruitful policy concerning paper streets decades ago. Back in the 1970s, its assessors began assessing taxes on undeveloped streets, resulting in tax-acquired property for the city.

Some of these undeveloped streets found uses. The Falcon Creek condominium development on Talon Drive was restructured to follow an existing paper street. Two businesses abutting the tax-acquired Sweat Avenue now have a shared driveway, thanks to the city.

New paper streets are less of an issue in Auburn these days. After having numerous subdivisions in the 1980s and '90s, Cousens said the city has seen very few since 2004, with none approved in the last three years.

Hampden has a handful of old paper streets still on the books, Osbourne said. The Bangor "suburb" has taken steps to limit the number of newer paper streets, the planner said. Hampden requires that building permits only be issued for buildings on new lots where there is frontage on a
town-accepted way.

"Some towns may allow construction on planning board-approved streets that may not be completed or even constructed but Hampden established the town-way requirement to limit construction of houses in developments where the streets were not completed. That was seen as a safety, erosion control and neighborhood issue," Osbourne said.

A financial incentive also leads to more paper streets being developed into acceptable town ways: "In this millennium, the Town of Hampden has required a liquid form of an improvement guarantee (rather than lots from the undeveloped subdivision) to insure that, if the developer fails to develop a street, the town has cash on hand to complete the task," Osbourne said.

HAMPDEN COMMERCE PARK

It's possible for a street to be both an approved town way and a paper street. The Hampden Business and Commerce Park is being built in phases, so its circular way has a town way which ends in a cul-de-sac followed by an undeveloped paper street.

Waterville held onto rights for about 40 paper streets or portions.

"We retained our rights in paper streets primarily to avoid land-locking property, but there were other reasons as well," said Ann Beverage, Waterville's city planner. "We were not certain how many water and sewerage lines the districts owned without easements. Another issue arose in one neighborhood concerning the ownership of paper streets. A gentleman claimed to have purchased the paper streets from the original developer, so there were legal disputes to settle.

"For the most part, our paper streets were laid out on steep slopes or through wetlands, so they are not buildable today," Beverage said. "A few have been vacated as people whose property abutted them acquired lots from other abutters, eliminating the access issue."

The City of Bangor held onto rights for paper streets in seven old subdivisions. Examples of a couple of paper streets being converted into town ways can be found in the vicinity of the Bangor Mall. Hogan Road Extension, which intersects with Stillwater Avenue and Kittridge Road, leads to the location of a new Wal-Mart Supercenter, while a former paper street is now the making driveway to the Parkade shopping center.

To help eliminate future paper streets, Bangor requires an improvement guarantee — a letter of credit or bond to cover the costs of the roads and utility and sewer lines.

Augusta extended its right to 21 paper streets in 1997, while 104 were automatically vacated by the law. "The advantage that we saw was that it disposed of a number of paper streets that were of no value to future land development," said Cayer.

Augusta also has taken steps to make sure paper streets get developed.

"What Augusta requires now that it did not in the past is that a paper street shown on a subdivision plan must be fully designed and approved (not accepted) before a final subdivision plan may be approved by the Planning Board," Cayer said. "The other requirement of a planned (paper) street is for a bond to be posted for estimated construction cost of the street before a subdivision plan may be recorded at the Registry of Deeds."

Soon those old paper streets will be resurfacing, and municipal officials have some difficult decisions to make. "We'll have to take a much closer look in 2017 at which streets to hold onto rights for," said Auburn's Cousens.

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AGENDA ITEM: (Notice of Election) Budget Validation Referendum Election, June 13, 2017

STAFF RESOURCE: Michele L. Hughes, City Clerk

COUNCIL RESOURCE: Councilor Roger Gay

BACKGROUND: The Notice of Election is submitted to the Mayor and Council to authorize the Budget Validation Referendum Election scheduled for Tuesday, June 13, 2017.

The Clerk, as required by Title 21-A, Article §622-A, has prepared the Notice of Election which will be posted in all Wards on or before June 5, 2017.

EXHIBITS: 1. Notice of Election

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council approve the Notice of Election for the Budget Validation Referendum Election scheduled for Tuesday, June 13, 2017”.

“I move to approve the Order”.
STATE OF MAINE
NOTICE OF ELECTION
BUDGET VALIDATION REFERENDUM ELECTION
TUESDAY, JUNE 13, 2017
WARDS 1-7 INCLUSIVE

COUNTY OF YORK

TO: RAYNALD DEMERS, CHIEF OF POLICE OF SACO

GREETINGS:

YOU ARE HEREBY REQUIRED, in the name of the State of Maine, to notify and warn the inhabitants of the City of Saco in said county and state, qualified according to law to vote in city affairs, to meet at their respective Ward in said City, viz:

Wards 1, 2, 3, 4, 5, 6, & 7 Saco Community Center, 75 Franklin Street

Tuesday, June 13, 2017 at 7:00 a.m. in for forenoon, to give their votes for the following:

To vote by secret ballot on the following question:

Article #1 – Do you favor approving the Saco Municipal School Administrative Unit budget for the upcoming school year adopted at the latest Saco Municipal School Administrative Unit budget meeting? Yes or No

The polls shall be opened at 7 o’clock a.m. and shall be closed at 8:00 o’clock p.m.

A person may register to vote on or before Election Day.

Pursuant to Title 21-A §759 (7), absentee ballots will be processed during Election Day at the following times: approximately 8:00 a.m.; 2:00 p.m. and 8:00 p.m.

Dated at Saco, this 15th day of May, 2017.

_________________________________ ________________________________

_________________________________ ________________________________

_________________________________ ________________________________

_________________________________

A majority of the City Council of the City of Saco

Roland L. Michaud, Mayor Michele L. Hughes, City Clerk

A TRUE COPY ATTEST:

City Clerk of Saco
OFFICER'S RETURN

I certify that I have notified the voters of the City of Saco, Wards 1 through 7, of the time and place of the June 13, 2017 Budget Validation Referendum Election by posting an attested copy of the within Notice of Election at the place(s) of posting and on the date and time of posting for each Ward set forth below, each of which is at least 7 days prior to election day:

<table>
<thead>
<tr>
<th>WARD</th>
<th>PLACE(S) OF POSTING</th>
<th>DATE</th>
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<td>Ward 1</td>
<td>Saco Middle School</td>
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<td>Ward 2</td>
<td>North Saco Fire Department</td>
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<td>Ward 3</td>
<td>Hannaford Supermarket</td>
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<td>Ward 6</td>
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<tr>
<td>Ward 7</td>
<td>City Hall</td>
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</tbody>
</table>

Dated at the City of Saco:__________________________, 2017

Raynald Demers, Chief of Police or his Designee  
City of Saco
AGENDA ITEM: A
Date: May 15, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: Creation of a shared Finance Director with the City of Biddeford

STAFF RESOURCE: Kevin L. Sutherland, City Administrator

COUNCIL RESOURCE: Councilor William Doyle

BACKGROUND: The Finance Director in Biddeford left the organization in March, 2017. The City Administrator in Saco and the City Manager in Biddeford met with the Finance Director in Saco to discuss the possibility of a joint venture between the two communities. The intended purpose of this shared position is not saving money, but rather showing the communities that we’re continuing to collaborate and provide quality service to both communities.

On May 1, 2017 the Saco City Council tabled the agreement for 30 days. On May 2, 2017 the Biddeford City Council voted to approve the agreement. On May 8, 2017, the Saco City Council rescinded the tabling of the item. The Mayor called for a vote and the motion failed (4-3). Councilor Doyle has requested that this item be added to the agenda for the May 15th meeting. According to the City Attorney, this will require a two step process, rescinding the vote from May 8th and then a second motion regarding the agreement with Biddeford.

The agreement has been revised to incorporate the modifications discussed at both the Joint Council Steering Committee meeting and the City Council meeting on May 8th. The revised agreement has been included below as exhibit item 1.

EXHIBITS:
1. Revised Agreement 5/11/17
Exhibit items below were provided at the meeting on May 1, 2017
2. 4/26/17 Memo to Council – Shared Finance Director
3. Draft Agreement for Operation of Shared Finance Director

RECOMMENDATION: Staff will continue to provide quality service to the citizens of Saco regardless of Council’s decision on this matter.

SUGGESTED MOTION:
(Motion 1) “Move to rescind a vote taken May 8, 2017 regarding a Shared Finance Director with City of Biddeford and bring the matter back to the floor for further discussion.”

(Motion 2) “Be it ordered that the City Council authorize the City Administrator to sign a one (1) year agreement with the City of Biddeford to provide a shared Finance Director between the two cities.”
“I move to approve the Order.”
AGREEMENT
FOR OPERATION
OF
SHARED FINANCE DIRECTOR

THIS AGREEMENT is made this “XX” day of “XXXX” 2017 by and between the CITY OF SACO, a Maine municipal corporation existing under the laws of the State of Maine and located in York County (hereinafter “Saco”) and the CITY OF BIDDEFORD, a Maine municipal corporation existing under the laws of the State of Maine and located in York County (hereinafter “Biddeford”) and, collectively (“The Parties”).

WHEREAS, pursuant to 30-A M.RSA.§ 2201, et seq., municipalities are permitted to make the most efficient use of their powers by enabling them to cooperate with other municipalities on the basis of mutual advantage; and,

WHEREAS, the Cities are desirous to create efficiencies for the benefit of the citizens and property taxpayers of both communities; and,

WHEREAS, Saco is willing and able to provide assessment services through its Finance Director to Biddeford on a cost sharing basis and pursuant to the terms provided below, and

WHEREAS, Biddeford is desirous to appoint Cheryl Fournier as their Finance Director.

NOW, THEREFORE, Biddeford and Saco agree as follows:

1. **Creation of Joint Position:** The Cities have, through vote of their respective City Councils on this agreement, voted to create a joint Finance Director which will be made up of a shared employee between the two communities.

2. **Staffing:** The Cities will joint share and employ the chief finance officer for both communities. For the purpose of this agreement, one of the Cities will take the lead as the primary employee for the purpose of employment issues. The day to day oversight of the employee will be jointly shared between the Biddeford City Manager and the Saco City Administrator.
   a. For the initial term of this agreement, the Cities agree to appoint Saco’s Finance Director (Cheryl Fournier) to serve in the capacity of chief finance officer/finance director for both cities.
   b. Each community commits to supplying the necessary administrative support for their respective departments.

3. **Appointment of Saco’s Finance Director.** Saco’s City Council has appointed Cheryl Fournier, the current Saco Finance Director, with the consent of Saco, to be the official Biddeford Finance Director for all purposes required under law, but shall at all times remain solely an employee of Saco.

4. **Financial Data.** The data collected, analyzed and archived for each City shall physically reside in that City; and all data, databases, and other financial records shall be assembled and stored for each City separately. While the merged use of the data is encouraged, the databases themselves shall remain independent entities, as they exist today, on the day of this agreement and each Party shall be
solely responsible for the integrity, protection, and backup of its respective data.

5. **City as Sole Employer.** The Saco Finance Director shall remain an employee of Saco during the term of this agreement for all administrative purposes including, without limitation, pay, benefits, and worker’s compensation coverage. However, the Finance Director shall be subject to the oversight, direction, and control of the party for whom duties are being performed and shall conform to the relevant provisions of any charter, ordinance, or policy of the party for whom duties are being performed.

6. **Biddeford Responsibility.** The Saco Finance Director shall be an agent of the Biddeford City Manager for the purposes of statutory authorization and for all functions and duties of the finance department including, without limitation, all fiduciary responsibilities associated with the position. Biddeford shall provide a dedicated workspace for the Saco Finance Director at Biddeford’s City Hall, complete with desk, chair, telephone, computer, and internet access and related office supplies to use when working in the City of Biddeford. Biddeford will also provide office support, legal counsel and all other requirements normally expected for the position. Biddeford shall provide such additional financial and administrative support for all printing, mailing, and other necessary resources and functions as Biddeford shall deem necessary and prudent for the proper administration of the Biddeford finance function.

7. **Cost.** The Cities agree to share all employment costs (wages and benefits) resulting from this agreement is agreement equally. Quarterly, the Cities will meet to determine the amounts owed and payment will be made within thirty (30) days of the determination. During the first year of the agreement, Cities, through their respective City Manager/Administrator will determine the budget for the operation. Effective the July 1, 2018 budget, the joint budget will be agreed on by the respective City Council’s through a budget process that the parties will agree on.

8. **Indemnification.** If a claim is brought against either Saco or Biddeford arising out of, or within the scope of the service performed by the Saco Finance Director, she may lawfully engage for Biddeford, then Biddeford shall defend, indemnify and hold harmless Saco and its officials, agents and employees, including, without limitation, the Finance Director in her official and individual capacities from and against all such claims, damages, losses and expenses, including reasonable attorney’s fees. This section shall not be interpreted to waive the monetary limits or substantive areas of immunity under the Maine Tort Claims Act.

9. **Formal Review:** The position of Finance Director is considered a critical position within the two communities. While the parties desire to affirmatively proceed with this opportunity a formal review at the elected officials’ level has been deemed to be important. Therefore the parties agree that the Joint Biddeford-Saco Committee will have a review on every agenda for at least six months. Further, the two City Councils will meet jointly after ninety (90) days from the effective date of the agreement but no later than one hundred twenty (120) days of the effective date. If either party desires, such quarterly meetings will continue during this agreement upon request.

9.10. **Term and Termination of Agreement.** The initial term of this Agreement shall expire on June 30, 2018 and shall commence on the day it is signed by the Saco City Administrator and Biddeford City Manager. This Agreement may be canceled by either party upon written notice to the other party at least 60 days prior to the intended termination date. The Parties agree that any amendment to this Agreement may be made upon the mutual written and affirmative action of the City Council for both municipalities.
11. **Notification.** Notices under this Agreement shall be sufficient if sent by first class mail or hand-delivered as follows:

TO SACO:  
City Administrator  
City of Saco  
300 Main Street  
Saco, ME 04072

TO BIDDEFORD:  
City Manager  
City of Biddeford  
205 Main Street  
Biddeford, ME 04005

12. **Default.** In the event a party defaults under this Agreement, the other party shall have those remedies available at law and equity; provided it shall first give the defaulting party written notice and a reasonable time to cure.

13. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties. If any clause, section or provision is held to be invalid or unenforceable, that shall not affect the entire agreement and the Parties agree to meet and negotiate a new clause, section, provision, or agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year first written.

City of Saco

______________________________  
Date  
Kevin L. Sutherland, City Administrator

City of Biddeford

______________________________  
Date  
James A. Bennett, City Manager
AGENDA ITEM: Volunteer Citizen Work off Program Annual Approval

STAFF RESOURCE: Kevin L. Sutherland, City Administrator
Mary Pelkey, Volunteer Coordinator

COUNCIL RESOURCE: Councilor Alan Minthorn

BACKGROUND: This year marks the eighth year of the City’s Volunteer Senior Tax Work off Program. This program has successfully connected Senior Citizens with City Departments to provide support to the assigned department. In exchange for their assistance with various tasks, the volunteer earns tax abatement credits toward their property tax bill. In fiscal year 2016/2017, we had 40 participants in the program.

We are requesting the approval for up to 40 participants for fiscal year 2017/2018. Upon completion of 100 hours of service, each participant is eligible for a tax abatement of $750.

EXHIBITS:

1. City Code – Chapter 220, Article I.

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “Be it ordered that the Saco City Council authorizes up to forty (40) Senior Abatements pursuant to City Code, Chapter 220, Article I, Volunteer Citizen Work off Program for fiscal year 2017-2018.”

“I move to approve the order.”
Exhibit Item 1

City Code - Chapter 220, Article I, Volunteer Citizen Work off Program

A. Participant must be age 60 on April 1 of the first year of eligibility.
B. Participant must be a legal resident of the City of Saco.
C. Participant must be the owner of record as of April 1 and reside in the dwelling the abatement will be applied to.
D. Limited to one abatement per household, with respect to this program.
E. Participant's household income cannot exceed the average median income for the State of Maine as published by the Federal Department of Housing and Urban Development.
F. On or about April 1, the City Council will approve to the Assessor the amount of abatement funds to be drawn from the tax commitment overlay for the ensuing fiscal year.
G. Volunteers are responsible for all federal or state tax reporting of tax abatement benefits that accrue to them from the program.
AGENDA ITEM: D
Date: May 15, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: Request to Improve a Portion of a City-Owned Right of Way: Sierra Woods Subdivision

STAFF RESOURCE: Bob Hamblen, City Planner

COUNCIL RESOURCE: Councilor David Precourt

BACKGROUND: The Sierra Woods subdivision was approved by the Planning Board on April 1, 2001. A condition of the approval required that a strip of land measuring roughly 50’ x 1,125’ be conveyed by the developer to the City. This took place in May of 2001. The owner of the 19 acre parcel to the west side of the strip of land, seeks permission to cross and improve a portion of the City-owned property in order to move forward with a proposed subdivision.

EXHIBITS:
1. Quitclaim Deed (2001)
2. Subdivision Plan for Sierra Woods
3. Subdivision Plan for Sandy Brook
4. Sierra Woods Memo, City Engineer, 7/30/14

RECOMMENDATION: Staff recommends that the Council vote to allow construction of the proposed street to City specifications. Council could consider requiring the entire 1,125 foot strip to be improved to City street standards.

SUGGESTED MOTIONS:
“Be it Ordered that the City Council authorize the City Attorney to draft a right-of-way easement, and permit Applicant Joseph Frustaci dba Star Homes, Inc., to improve a portion of the right-of-way owned by the City of Saco, located off Chantelle Way and Blake Avenue in the Sierra Woods subdivision, to City street standards, conditional upon payment of the outstanding city construction fees of $57,920.50 for improvements to Chantelle Way.”

“I move to approve the order.”
QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS,

THAT SIERRA WOODS, INC., a Maine corporation with a principal place of business in Old Orchard Beach, in the County of York and State of Maine, and LAUREL HILL CEMETARY ASSOCIATION, a not-for-profit cemetery association organized and existing under the laws of the State of Maine, with a principal place of business in Saco, York County, Maine, do hereby remise, release, bargain, sell and convey, and forever quitclaim unto the CITY OF SACO, a municipal corporation organized and existing under the laws of the State of Maine, in York County, Maine, with a mailing address of 300 Main Street, Saco, Maine 04072, its successors and assigns forever,

A certain lot or parcel of land situated southwesterly of Route 112 in the City of Saco, in the County of York and State of Maine, being bounded and described as follows:

Beginning at a point on the northwesterly sideline of the lot herein described and the southeasterly sideline of land now or formerly of the Grantee herein described in a deed recorded in the York Registry of Deeds in Book 3429, Page 198, which starting point is S 52° 54' 32" W a distance of 801.87 feet from the northwesterly corner of said land now or formerly of the City of Saco; thence S 52° 54' 32" W by said City of Saco land a distance of 50.00 feet to a point; thence S 37° 05' 28" E a distance of 66.60 feet to a point; thence S 50° 06' 01" E a distance of 1125.00 feet, more or less, to land now or formerly of the City of Saco described in a deed recorded in the York Registry of Deeds in Book 1935, Page 787; thence N 51° 13' 48" E by said land now or formerly of the Grantee herein a distance of 50.00 feet to a point; thence N 50° 06' 01" W a distance of 1125.00 feet, more or less, to a point which is 60.90 feet S 37° 05' 28" E from the point of beginning above set forth; thence N 37° 05' 28" W a distance of 60.90 feet to point and place of beginning.

Being a portion of the same premises conveyed to Laurel Hill Cemetery Association by deed of Saco & Biddeford Savings Institution dated October 22, 1951, recorded in the York registry of Deeds in Book 1200, Page 156. Reference is also made to the deed from Laurel Hill Cemetery Association to Sierra Woods, Inc. of near or even date to be recorded in the York Registry of Deeds,

Excepting and reserving unto the Grantors herein, their successors and assigns, a perpetual right of way and easement over, along, under and across the strip of land above described for ingress and egress on foot or by motor vehicle, including heavy equipment, and for the installation and maintenance, above or below ground, of utilities, including electrical, telephone, and cable television wires, sewer and drainage lines, water pipes, and similar improvements. The easement for the installation and maintenance of utilities shall be subject to the condition that the Grantors, their successors and assigns shall restore to its former condition such areas or features of the easement that may be damaged by such installation or maintenance.
By acceptance of this deed, the City of Saco agrees that so long as the disturbed area is restored to its former condition, the Grantors, their successors and assigns, shall not be prevented from opening any pavement over the easement and right of way notwithstanding any policy or rule of the City regarding street openings.

TO HAVE AND TO HOLD the same, together with all the privileges and appurtenances thereunto belonging, to the said CITY OF SACO, its successors and assigns forever.

IN WITNESS WHEREOF, SIERRA WOODS, INC. has caused this instrument to be sealed with its corporate seal and signed in its corporate name by Gary Salamacha, its President thereunto authorized, and LAUREL HILL CEMETERY ASSOCIATION has caused this instrument to be signed in its corporate name by Dennis A. Levasseur, its President, duly authorized, this 8th day of the month of May, 2001.

Signed, Sealed and Delivered

SIERRA WOODS, INC

by: Mary H. Holman
its President

LAUREL HILL CEMETERY ASSOCIATION

by: Dennis A. Levasseur
its President

STATE OF MAINE
YORK, ss.

May 8, 2001

Personally appeared the above named Gary Salamacha, President of said Grantor corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Notary Public/Attorney at Law

Printed Name: David E. O'Malley
Memo

To: Bob Hamblen, City Planner
From: Angela Blanchette, P.E., City Engineer
Date: July 30, 2014
Re: Sierra Woods – Final Phase
    Improvements on Chantelle Way

As you are aware City staff met with the developer who purchased the remaining land behind the Sierra Woods Subdivision, Joe Frustaci. In attendance at the meeting was: Mayor Pilon, Peter Morelli, Pat Fox, Bill Thompson (BH2M), Joe Frustaci, and myself. We reviewed where we had last left our discussions from May of 2013 and the cost estimate that was created after the site walk with Pat, Bill, Joe, and myself. Based upon the site walk some of the items that were depicted on the Sierra Woods Construction Plans were not appropriate to be constructed and we were able to eliminate these items.

It is clear that there are two separate items that need to be addressed with offsite improvements:
1) Surface Paving the proposed haul route for this future development (Chantelle Way), and
2) A sidewalk to connect the proposed development sidewalk to the pedestrian bridge at the end of Chantelle Way near Route 112.

The Developer agreed that surface paving of Chantelle Way could be done on a per lot basis fee to be paid prior to the issuance of a building permit for each individual lot, similarly to what the City has done with the paving of the Richards Way haul route for Juniper Knoll Subdivision. This would be the recommendation of the Department of Public Works to the Planning Board as a Condition of Approval.

The sidewalk along the existing section of Chantelle Way was discussed as being done as part of the infrastructure work within the new development. The developer can schedule this work as necessary to maximize cost savings and allow for one mobilization cost of items such as concrete curbing. The offsite curb, esplanade and sidewalk would be part of the Letter of Credit that the City would hold for the entire project, which could be released incrementally over the duration of the project as items are completed.

Thank you,

Angela J. Blanchette, P.E.
City Engineer
MEETING ITEM COMMENTARY

AGENDA ITEM: (Public Hearing) Renewal Application for Special Entertainment Permit – The Run of the Mill

STAFF RESOURCE: Michele L. Hughes, City Clerk

COUNCIL RESOURCE: Councilor Roger Gay

BACKGROUND: Island Brewing LLC d/b/a The Run of the Mill 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.

EXHIBITS:

1. Special Entertainment Permit

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “I move to open the Public Hearing.”

“I move to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Island Brewing LLC d/b/a The Run of the Mill for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”.

“I move to approve the Order.”
AGENDA ITEM: E
Date: May 15, 2017

PERMIT TO BE DISPLAYED

MUNICIPALITY: Saco    COUNTY: York, Maine

Fee Paid: $50.00    Date Paid: 5-4-17

Special Entertainment Permit

This permit is hereby granted upon condition that the licensed premises do not violate the above statute or any ordinance, rules or regulations promulgated pursuant thereto.

Licensee’s Name: The Run of the Mill

Business Name: Island Brewing, LLC

Location of Premises: 100 Main St, Saco

P.O. Box Address:

Municipality: Saco

Description of Premises: Restaurant & Brewpub

Facilities Required:

Hours Permit is Effective: 11:30 am to 1:00 am

Type(s) of music, dancing, entertainment permitted: Live music, no dancing

This permit expires.............7-10-........, 2018, unless revoked by the Municipal Officials.

Dated at the City of Saco this................day of........................................, 20........

__________________________________________  Mayor

Certified True Copy

__________________________________________

Council members
of the City of Saco

Municipal Clerk

__________________________________________

__________________________________________
MEETING ITEM COMMENTARY

AGENDA ITEM: (Public Hearing) Zoning Ordinance Amendments, Section 708: Off-Street Parking

STAFF RESOURCE: Bob Hamblen, City Planner

COUNCIL RESOURCE: Councilor Nathan Johnston

BACKGROUND: Parking requirements in the Zoning Ordinance are found in Section 708. Table 708-2 specifies the number of parking spaces required for different uses. Off-street parking is required for all uses in Saco, from single-family dwellings to large commercial and industrial businesses. Section 708, like the Ordinance, dates back to 1995, and has been amended a number of times over the years. The proposed amendments would allow greater flexibility for the Planning Board in its review of project-related parking, particularly in the downtown area.

The Planning Board reviewed this item and held a public hearing on May 2, 2017. Five related amendments were proposed for five subsections of Section 708. The Board voted to forward a positive recommendation for a single amendment, to the existing language found at the end of Table 708-2, allowing greater flexibility to Planning Board decisions citywide.

EXHIBITS:
1. Section 708.2 Off-Street Parking, amended.

RECOMMENDATION: Staff supports the amendments as drafted. The real costs of parking have become part of a nationwide discussion. A healthy downtown includes both on and off-street parking, while recognizing that many downtown businesses function very well even with little or no off-street parking.

SUGGESTED MOTION: “I move to open the Public Hearing.”

“...I move to close the Public Hearing and further move to set the Second and Final Reading of the Amendment to Sec. 708. Off-Street Parking May 2, 2017 for June 5, 2017.”
AGENDA ITEM: F
Date: May 15, 2017

Exhibit Item 1

“Amendment to Sec. 708, Off-Street Parking”
May 2, 2017

(Proposed language is underlined.)

Section 708. Off Street Parking

Sec. 708-2

Where a proposed use cannot be reasonably fit into one of the above categories, the Planning Board shall prescribe the required number of off-street parking spaces. When an applicant demonstrates to the Board’s satisfaction that the number of off-street parking spaces is adequate for a proposed use, the Board may find that a lesser number of spaces than is prescribed in Table 708-2 is acceptable, but only upon making a finding that the following standards have been met:

A. On-street parking is available within a reasonable distance;
B. Off-site parking as described in § 708-3-2 is not available;
C. The lack of on-site parking will not create hazardous and unsafe conditions in the neighborhood.

(Amended 7/1/91; 3/7/94; 9/6/94)
AGENDA ITEM: (First Reading) City Code Amendment: Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition

STAFF RESOURCE: Richard Lambert, Code Enforcement Director
Meghan McInnis Doyon, Special Projects Manager

COUNCIL RESOURCE: Councilor Alan Minthorn

BACKGROUND
The purpose of this ordinance is to impose a ban on the operation of retail marijuana establishments and retail marijuana social clubs in the City of Saco (City).

EXHIBITS:
1. City Code Amendment: Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition

RECOMMENDATION:
Staff supports the amendments as drafted.

SUGGESTED MOTION:
“The Saco City Council hereby ordains and approves the first reading of ‘City Code Amendment: Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition’, and further moves to set the public hearing for June 5, 2017.”
Chapter 165. Recreational Marijuana Cultivation and Sale Prohibition

Section 165-101. Purpose:

The purpose of this ordinance is to impose a ban on the operation of recreational marijuana cultivation, retail marijuana establishments, and retail marijuana social clubs in the City of Saco (City).

Section 165-102. Findings:

The City would like to prohibit the use of recreational marijuana in manners that are against current state law. Unregulated recreational marijuana can have untended consequences, such as impacts to other existing businesses as well as those businesses who may be considering moving to the City. For those interested in cultivation, no commercial pesticides are labeled for legal use on cannabis plants; therefore improper use of pesticides can have impacts on the consumers of the product. Secondly, many facilities use elevated levels of CO2 to increase plant growth which could lead to life safety issues. Lastly, regarding cultivation, grow rooms in the home can lead to structural issues that includes, but is not limited to electrical. From the sale side, communities have seen an increased use among teens, a spike in “edibles”-related emergency room visits, consumption by children and pets resulting in illness and death, and an increase in marijuana related traffic deaths.

Sec. 165-103. 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 165-104. Definitions:

Retail Marijuana: Cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail Marijuana Establishment: Retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail Marijuana Product: Concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.
Retail Marijuana Social Club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail Marijuana Testing Facility: An entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Section 165-105. Recreational Marijuana Prohibition:

The operation of retail marijuana establishments which includes retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs are prohibited within the City, and therefore all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring, and distributing are expressly prohibited within the City.

Section 165-107. Violations and Enforcement:

Any designated City Code Enforcement Officer (CE Officer) or City of Saco Police Officer (Officer) is authorized and shall have the authority to enforce all provisions of this ordinance. A CE Officer or Officer may issue a written cease operations order directing the occupancy, use, and other activities prohibited under this ordinance to cease immediately, and that the premises be vacated. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed.

Any person violating the provisions of this ordinance may be liable for the penalties set forth below:

First Violation. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is $2,500.

Multiple. The penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is $25,000 when it is shown that there has been a previous conviction of the same person within the past five (5) years for a violation of the ordinance.

Section 165-108. Effective Date:

The provision of this ordinance shall become effective 30 days after its enactment. This ordinance automatically expires one year after the effective date unless it is repealed or reauthorized by the City Council.

Section 165-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder 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.

###
MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections

STAFF RESOURCE: Richard Lambert, Code Enforcement Director
Meghan McInnis Doyon, Special Projects Manager

COUNCIL RESOURCE: Councilor Kevin Roche

BACKGROUND
City Code Amendment, Chapter 147: Multi Family Dwelling Unit requires the disclosure of the ownership of a multi family dwelling unit (MDU) with 3 or more rental units. The City seeks to assure properties come into compliance with current Life Safety practices, and that owners are alerted to any detrimental conditions that could place tenants at risk.

EXHIBITS:
1. Chapter 147: Multi Family Dwelling Unit Inspections
2. Fee schedule

RECOMMENDATION:
Staff supports the amendments as drafted.

SUGGESTED MOTION:
“The Saco City Council hereby ordains and approves the first reading of ‘City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections’, and further moves to set the public hearing for June 5, 2017.”
“City of Saco Code Amendment:

Chapter 147- Multi Family Dwelling Units Inspections,”

Chapter 147. Multi Family Dwelling Units Inspections

Section 147-101. Purpose:

The City intends to improve safety and sanitary living conditions for the residents of Multi Family Dwellings by establishing a program of regular inspections of such properties through its Code Enforcement Office. The City seeks to assure properties come into compliance with current Life Safety codes and standards, and that owners are alerted to any detrimental conditions that could place tenants at risk. The City intends to work cooperatively and proactively with owners of such properties by setting a protocol for regular inspections, as well as providing owners with clear and accessible guidelines for the operation of the properties.

Section 147-102. Findings:

Multi-family properties, those with 3 or more dwelling units, comprise almost 25% of the housing stock in the City of Saco, and it is estimated that over 20% of City residents live within one of these units. Typically, these properties are older, and in many cases were built prior to the enactment of today’s rigorous life safety codes. In addition, the City does not currently have a regular inspection program for such properties. Such factors put the residents at risk. Fires in nearby communities, including the recent Noyes Street fire in Portland which claimed six lives, affirms the importance of periodic safety inspections for these types of properties.

Sec. 147-103. Authority:

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

Section 147-104. Definitions:

Dwelling Unit: A structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Life Safety Inspection: An inspection done by Code Enforcement to evaluate the building to ensure compliance with current life and fire safety standards.

Multi Family Dwelling Unit: Multiple separate housing units for residential inhabitants that are contained within one building.

Section 147-105. Multi Family Dwelling Unit Ownership/ Registration:
Owner(s) of a multi-family dwelling with 3 or more dwelling units must register their ownership with the City. Each individual dwelling unit must be registered in order to receive a certificate of occupancy. Registrations are due October 1st (or the following business day) of each year or within 30 days of purchase of the property, whichever occurs later. The registration is valid through September 30th of the following year. All registrations must be renewed each year. The fee set forth below is per dwelling unit. If the owner registers for the first time, after October 31st, the annual registration fee will be pro-rated.

Registrations will be done through the Code Enforcement Office. All fees shall be made payable to the “City of Saco” and shall be collected at the submission of the registration.

In the event the owner uses a property management firm, then the owner will provide the property management firm’s contact information at the time of registration. If the property management firm changes during the 12 month registration timeframe, the owner must re-notify the City within 30 days of the change.

The annual registration and inspection fee shall be established in the fee schedule.

Section 147-106. Inspections:

Life safety inspections for all dwelling units shall be will be completed every 5 years. The owner will be notified at time of registration if the inspection will be completed that year, or a later year. Once a property has been inspected, it will not be re-inspected for 5 years thereafter.

The inspection of the property shall include each actual dwelling unit, as well as any basements, and all places where electrical connections or services are maintained. Upon request, and for reasonable cause, the owner will make available to the Code Enforcement Officer any other portion of the property.

Section 147-107. Violations and Enforcement:

The Code Enforcement Office shall have the primary responsibility for enforcement of this Ordinance. If the Code Enforcement Officer, or his/her designee(s), determines that a violation of this Ordinance has occurred, he or she shall issue a written warning to the property owner that a violation was found, and a time table shall be set for remediation. Subsequent violations of the Ordinance shall be subject to the penalties set forth below.

Violations are as follows:

Failure to register by October 1st will result in a $250 fee assessed for each calendar day. Failure to update property management contact information will result in a $250 fee. Providing false information will result in a $1,000 fee. Renting a unit that has not been registered will result in a $250 fee assessed for each calendar day.

Section 147-108. Effective Date:
The provision of this ordinance shall become effective 30 days after its enactment.

Section 147-109. Severability:

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder 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.

###
### Chapter 147 Multi Family Dwelling Units Inspections

| § 147-105 | Yearly Fee for Registration/Per Dwelling Unit: | $50.00 |
| § 147-105 | Life Safety Inspection Fee per Dwelling Unit | $100.00 |
MEETING ITEM COMMENTARY

AGENDA ITEM: (Second and Final Reading) A moratorium on Marijuana Growing Operations

STAFF RESOURCE: Kevin L. Sutherland, City Administrator

COUNCIL RESOURCE: Councilor William Doyle

BACKGROUND: The City of Saco has experienced an influx in the number of permits being requested by medical marijuana caregiver facilities. There are two zones in the Industrial Park that permit medical marijuana caregiver facilities as reflect in Zoning Ordinance Article 4, Sections 410-11 and 410-12. These growing operations draw a significant amount of electricity which can impact electrical availability for other businesses in the area.

In order to best support all businesses in that zone, we are requesting a six month (180 day) moratorium to allow us to collaborate with the power company to address these concerns and find a solution.

EXHIBITS:
1. Article 3: Definitions
2. Article 4: District Regulations, Sections 410-11 and 410-12
3. Article 7: Standards of Performance, Section 734

RECOMMENDATION: City staff recommends the approval of a 180 day moratorium on the permitting of medical marijuana caregiver facilities in order to give staff time to develop a recommendation for Council.

SUGGESTED MOTION: "The City Council hereby ordains and approves the second and final reading for the 180 day moratorium on new permits for medical marijuana caregiver facilities, as defined by the City of Saco’s Zoning Ordinance."
MEETING ITEM COMMENTARY

AGENDA ITEM: (Second and Final) Amendments to City Code Chapter 4: Administrative Code

STAFF RESOURCE: William J. Mann, Economic Development Director
Kevin L. Sutherland, City Administrator

COUNCIL RESOURCE: Councilor Kevin Roche

BACKGROUND: As part of the municipal budget for the 2018 fiscal year it has been proposed that the funding for the annual operational budget of the City’s Economic Development Department be taken from revenues generated in the City’s approved Development Districts which allow such use vs. the historic and current practice of funding these operations from an allocation from the City’s General Fund. For purposes of transparency and tracking we are suggesting that any funds utilized from the City’s Approved Development Districts all pass thru the City’s Economic Development Fund. In order to allow this, the City Administrative Code would require an amendment. The Code should be further amended to allow for this fund to support other economic development related expenses.

NOTE: For Auditing purposes all of the City’s operational expenditures are required to pass thru the General Fund.

In order to amend or change an ordinance, the process requires the standard three meeting process adopted as part of the Saco Charter (Section 2.09). This includes publication in a newspaper before the public hearing.

This item was discussed during workshop on April 10, 2017. The revised exhibit item below reflects the addition of the word “council” to (4) (g.) v.

EXHIBITS:
1. City of Saco Code, Chapter 4: Administrative Code
3. Revised: Proposed Paragraph E. Economic Development Fund

RECOMMENDATION: Staff recommends the approval of the amendment to Saco City Code, Chapter 4: Administrative Code, § 4-14 Department of Finance, Paragraph E. Economic Development Fund, Sub-paragraph (4) be amended as set forth in Exhibit 3.

SUGGESTED MOTION: “The Saco City Council hereby ordains and approves the second and final reading of the document titled, ‘Amendments to Chapter 4 Administrative Code dated April 18, 2017.’”
MEETING ITEM COMMENTARY

AGENDA ITEM: Budget Amendment #1 FY2017

STAFF RESOURCE: Kevin L. Sutherland, City Administrator  
Cheryl Fournier, Finance Director

COUNCIL RESOURCE: Councilor Kevin Roche

BACKGROUND: At the City Council meeting on January 17, 2017, the City Administrator provided a memo to the Council regarding the Unassigned Fund Balance Policy. According to the policy, the City should plan for use of fund balance above 10%. Fiscal Year 2016 closed with 11.15% unassigned fund balance, or $573,529 above the 10% threshold. Also noted in that memorandum is an explanation of the school funding gap. The City is requesting a transfer of $573,000 of the unassigned fund balance to the School Department to help alleviate the some of that funding gap.

The first reading was held at the February 6th Council Meeting. The final reading was scheduled for February 21st; the council tabled this item to April 10th. April 10th was a workshop, so the item was discussed during the workshop and then brought forward at the following council meeting on April 18th. At the April 18th meeting, this item was tabled to May 15th.

EXHIBITS: Exhibit items below previously provided on 2/6/17  
1. Budget Amendment Request Form  
Exhibit Item below previously provided on 1/17/17  
2. Memo regarding the Unassigned Fund Balance Policy 1/11/17

RECOMMENDATION: The City Council authorizes the Finance Director to amend the Fiscal Year 2017 Budget.

SUGGESTED MOTION: “Be it ordered that the City Council approves Budget Amendment #1 FY2017”

“I move to approve the order.”