CITY OF SACO, MAINE

CITY COUNCIL WORKSHOP
MONDAY, JULY 17, 2017 – 6:00 PM
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. PUBLIC COMMENT
III. AGENDA
   A. Cable Advisory Committee Presentation
   B. Authorization of Bond Questions: City Facilities, Roads, Drainage, and
      Infrastructure; a Public Works Facility; and, Route One Sewer and
      Pedestrian Improvements
   C. Contract Zone – Commercial Riding Stable at 115 Louden Road
   D. Paper Streets Presentation and Process
IV. COUNCIL DISCUSSION AND COMMENT
V. ADJOURNMENT

SACO CITY COUNCIL MEETING
MONDAY, JULY 17, 2017 – 7:00 PM
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. RECOGNITION OF MEMBERS PRESENT
III. PLEDGE OF ALLEGIANCE
IV. GENERAL: National Night Out Proclamation
V. PUBLIC COMMENT
VI. CONSENT AGENDA
   A. “Be it ordered that the City Council approve the minutes for May 22, 2017, June 5, 2017, and June 19, 2017”
      “I move to approve the order”
VII. AGENDA
   A. (Second and Final) Zoning Ordinance Amendments: Articles 3, 4, and 7, and
      Zoning Map Amendments to Tax Map 74: Lots 1 and 2, and Tax Map 60:
      portions of Lots 1 and 7
   B. (Second and Final) City Code Amendment, Chapter 147: Multi Family
      Dwelling Unit Inspections
   C. (Second and Final) City Code Amendment, Chapter 165: Recreational Marijuana
      Cultivation and Sale Prohibition
   D. Amend the Fiscal Year 2018 Property Tax Due Dates
   E. (Extension) Emergency Zoning Ordinance: Chapter 135, Marijuana Cultivation and
      Distribution
   F. (First Reading) Chapter 135, Marijuana Cultivation and Distribution
   G. (First Reading) Paper Streets
   H. (First Reading) Contract Zone – Commercial Riding Stable at 115 Louden Road
   I. (First Reading) Authorization of Bond Questions: City Facilities, Roads, Drainage, and
      Infrastructure; a Public Works Facility; and, Route One Sewer and
      Pedestrian Improvements
VIII. COUNCIL DISCUSSION AND COMMENT
IX. ADJOURNMENT
MEMORANDUM

TO: Mayor Michaud and City Council
FROM: Cable Advisory Committee
DATE: July 17, 2017
RE: Cable Ascertainment Process

The Cable Advisory Committee has met three times and would like to provide a short presentation about what we are looking to accomplish during the cable ascertainment process. The Cable Committee would like a recommendation from City Council regarding which types of channels should be pursued. Currently, there is an educational channel commonly referred to as TATV on our local channel. Does the City Council want to see the addition of a government channel, a public access channel, both channels, or no additional channels?
MEMO for Workshop Discussion

TO: Council, Mayor
FROM: Patrick Fox, Public Works Director
DATE: July 13, 2017
AGENDA ITEM: November 2017 Potential Referendum Questions

Background:

During the FY 2018 budget workshops, Council discussed the possibility of bonding capital projects identified as immediate needs in order to lessen the burden on the general fund, and ultimately tax payers, over the next 5 years. Saco has incredibly low debt when compared regionally to similar communities, and is retiring a considerable percentage of the debt we do have over the next few years. Council recognized this as a potential opportunity and tasked staff and the Capital Committee with the following “Establish bond questions for Council consideration with the goal of alleviating future general fund burden for capital asset replacement.”

Capital Planning Committee Efforts:

The Capital Committee met on May 24\textsuperscript{th} and again on June 7\textsuperscript{th} and met the Council directive of establishing bond questions for consideration. The committee arrived at the following 3 questions and followed up with establishing cost estimates for each project. Final costs for each project are still being refined and will be finalized following Council workshop discussions of the projects.

<table>
<thead>
<tr>
<th>Question #1</th>
<th>Project</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate repair needs to existing infrastructure</td>
<td>Ocean Park Rd Drainage System Replacement</td>
<td>$295,000</td>
</tr>
<tr>
<td></td>
<td>Police Department Roof</td>
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<tr>
<td></td>
<td>City Facility HVAC (City Hall and Parks&amp;Rec)</td>
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<td>Middle School Baseball Field</td>
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<td></td>
<td>Foss Rd recreational site improvements</td>
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<tr>
<td></td>
<td>Lincoln Street Reconstruction</td>
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<td>Camp Ellis Erosion Protection</td>
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<th>Question #2</th>
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<tr>
<td>Relocation of Public Works Facility to Industrial Park and Redevelopment of North St</td>
<td>Land Purchase</td>
<td>$750,000</td>
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<tr>
<td></td>
<td>Relocation Construction Cost</td>
<td>$9,000,000</td>
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<tr>
<td></td>
<td>Sale of existing property</td>
<td>-$2,500,000</td>
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<table>
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<tr>
<th>Question #3</th>
<th>Project</th>
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<tr>
<td>Rt 1 Utility and Pedestrian Access Improvements</td>
<td>Sewer extension Flagpond to Scarborough line</td>
<td>$2,000,000</td>
</tr>
<tr>
<td></td>
<td>Rt 1 Sidewalks (Funtown to Springhill Rd)</td>
<td>$500,000</td>
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</table>
The Financials of Completing these projects:

The City has established a substantial annual Capital Improvement Plan over the past few years that is up to one million dollars annually from the general fund towards updating, rehabilitating and replacing City assets worth approximately $250 Million. Bonding has been identified as a way to keep our infrastructure in sound safe working order, without spikes and short term burden on the mill rate. Accomplishing the projects listed above over the next 5 years would cost the City $2.3 Million annually, whereas bonding will cost taxpayers $800,000 annually. The savings of $1.5 million annually over the five year period can be used to offset other expense increases and stabilize the tax rate.

What are our options moving forward?

Council may put these questions on the November ballot for the voters to decide on, or try to absorb these projects in the annual Capital Plan each budget season over the next few years. These are all projects and will need to be addressed in some fashion in the near-term.

We are currently funding our capital plan on approximately a 100 year life cycle replacement schedule. The sustainable target is closer to a 50 year life for most City Infrastructure. This will require considerably more investment in the coming decades. The general fund cannot be the only option for funding these projects. The City was fortunate this year to secure state and federal matching funds for several projects, but the projects listed in these draft bond questions are projects that are not eligible or likely to receive outside funding. These are projects Saco will pay for one way or another.

Other Items to Consider

Saco’s Debt per Capita has been very stable over the last several years. Bonding agencies typically like to see this number to be $2,000 or less. Saco has the capacity to absorb the additional debt.

<table>
<thead>
<tr>
<th>Year</th>
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<tr>
<td>2007</td>
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<tr>
<td>2008</td>
<td>$1,07</td>
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<tr>
<td>2009</td>
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<td>2014</td>
<td>$699</td>
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<tr>
<td>2015</td>
<td>$728</td>
</tr>
<tr>
<td>2016</td>
<td>$709</td>
</tr>
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</table>
MEMORANDUM

TO: Mayor Michaud and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: July 13, 2017
RE: Paper Streets Presentation and Process

Utilizing any remaining time for the workshop, we’d like to walk through the list of paper streets and what staff are proposing be done with each of them.

Below are the options (categories):

Remove from Paper Street List
This category is associated with paper streets that have already been dealt with (i.e. abandoned or discontinued between 1997 and 2017) and therefore are no longer considered paper streets. No further action will be required by the City Council on this category.

Remove from Paper Street List by Letting Them Expire
This category is associated with paper streets shown on the 1997 list that are of no interest. Those could be simply allowed to expire (no action needed by Council). If rights are not renewed, then all future rights to accept will be lost.

Re-List as a Paper Street
This category would mean to take a paper street off the 1997 and re-list it because there are current needs or future needs dictating some preservation of municipal rights.

Accept as a City Street
This means literally vote to accept the paper street.

Accept a Public Easement
This category is associated with paper streets that the City has no interest in as a future roadway, but is interested in maintaining a public easement, pursuant to authority in 23 MRS Sections 3025 and 3031; and, with the secondary action by the Council to accept these public easement areas as “trails” pursuant to 23 MRS Section 3151 for any that are only intended to serve as trails or walkways.

The planning board began its review and should have a recommendation to Council before the Public Hearing in August. We are working concurrently with the planning board to ensure we meet the deadline in September.
AGENDA ITEM: (Second and Final Reading) Zoning Ordinance Amendments: Articles 3, 4, and 7, and Zoning Map Amendments to Tax Map 74: Lots 1 and 2, and Tax Map 60: portions of Lots 1 and 7

STAFF RESOURCE: Bob Hamblen, City Planner
Bill Mann, Economic Development Director

COUNCIL RESOURCE: Councilor William Doyle

BACKGROUND: The proposed amendments to Articles 3, 4 and 7 of the Zoning Ordinance, and to the Zoning Map are part of the process toward resolving the Bill Dodge-Desfosses appeal, wherein an abutter to the Bill Dodge Nissan auto dealership at 857 Portland Road appealed the City Planner’s decision to view a retaining wall and chainlink fence as a minor amendment to the approved site plan. The amendments define two new terms in Article 3 and amend a third, add new uses to the B-6 zone, and create a performance standard for Elder Non-Congregate Detached Housing projects.

The Planning Board held a public hearing on August 6, 2016 and again on November 15, 2016, and recommended that the amendments be adopted as proposed.

EXHIBITS:
1. Memorandum from Bob Hamblen, City Planner, 7/11/17
2. Draft Amendments based on discussion at June 19 public hearing
3. Memorandum from Bob Hamblen, City Planner
4. Photos from Scarborough Project
5. “Draft Amendments to Articles 3, 4 and 7 of the Zoning Ordinance, and to the Zoning Map for Those Parcels Identified as Tax Map 74, Lots 1 and 2, and Tax Map 60, Portions of Lots 1 and 7”
6. Zoning Map Excerpt, amended
7. PB minutes, 9/6/16 and 11/15/16

RECOMMENDATION: Staff supports the amendments as recommended by the Planning Board, and by Mr. Mann and the City Attorney.

SUGGESTED MOTION: “The City of Saco hereby ordains and approves the Second and Final Reading of “Draft Amendments to Articles 3, 4, and 7 of the Zoning Ordinance and to the Zoning Map for Those Parcels Identified as Tax Map 74, Lots 1 and 2, and Tax Map 60, Portions of Lots 1 and 7”, as amended at the Public Hearing on June 19, 2017.”
Memorandum

To: Mayor Michaud, City Council, City Administrator
From: City Planner Bob Hamblen
Re: Proposed Amendments Based on 6/19/17 Public Hearing
Date: Second and Final Reading, July 17, 2017

The Mayor and Councilors will recall that a few items were discussed with the applicant as part of the June 19 public hearing. They have been drafted as potential amendments to be considered at this evening’s meeting, and are presented below:

A. Update existing definition of “Manufactured Housing”

(Existing Definition, proposed for deletion --)

Manufactured housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. If located outside of a mobile home park, a manufactured housing unit shall meet the requirements of Section 705 of this ordinance. For purposes of this ordinance, two types of manufactured housing are included. Those types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent
chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit. 

(Proposed Definition, from the state Manufactured Housing Act --)

Manufactured housing: a structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and that may be purchased, sold, offered for sale or brokered by a licensee in the interim. If located outside of a mobile home park, a manufactured housing unit shall meet the requirements of Section 705 of this ordinance. For purposes of this Ordinance, 3 types of manufactured housing are included. They are:

A. HUD-code homes, which are those units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq; [2005, c. 344, §4 (AMD).]

B. State-certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein; [2005, c. 344, §4 (AMD).]

C. Pre-HUD-code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

B. Section 705-2

1) Meet the same building standards set out in Section 705-1, Subsections (1)-(4), and not include pre-HUD code homes as permitted manufactured housing.

2) Be sited on lots not less than 5,000 square feet in size, which lot shall not have less than 50 feet of frontage on any public or private way.
3) There may only be one dwelling on any lot. The minimum footprint for any one dwelling shall comply with HUD code minimum size requirements.

43) No structure built or placed on such lots shall have less than 15 feet of front yard setback, 10 feet of side yard setback, and a 15 foot rear set back.

Staff views each of the above amendments as finalizing the details of a broader policy-related discussion. The original proposal re: changes to Articles 3, 4 and 7 and to the Zoning Map remains the same, albeit with a few tweaks that both applicant and staff have agreed better clarify both this specific proposal, and also update the Ordinance.

###
‘Draft Amendments to Articles 3, 4 and 7 of the Zoning Ordinance, and to the Zoning Map for Those Parcels Identified as Tax Map 74, Lots 1 and 2, and Tax Map 60, Portions of Lots 1 and 7’

(Proposed language is underlined. Proposed amended language based on 6/19/17 Public Hearing is highlighted.)

Article 3. Definitions

Automotive/Transportation Warehouse or Distribution Facility: A four season building intended for the shipping, receiving and/or warehousing of automotive or transportation parts, equipment, articles and material (but not whole vehicles themselves) which may include some on site assembly, finishing and packaging. Retail activity may be allowed provided no more than 15% of the available floor area is devoted to such use. No outside storage of any parts, equipment, articles or material is allowed.

Elder Non-Congregate, Detached Housing: A planned development, subject to the standards set out in Section 705-2, serviced only by public sewer and water. Lots may be separately owned, or owned by one person or entity and leased. At least one resident of each individual dwelling shall be age 55 or older and no resident shall be under age 18. Residences are not congregated but are detached and shall be manufactured housing or traditional on-site built homes. All such residences shall be fully insulated, year-round homes, with all customary utilities, and may be sited within a development serviced by private but paved streets. The planned development may include a community center, an exercise and fitness center for development residents and their guests only, management and sales offices, and temporary storage of manufactured homes. Permitted accessory uses and structures include, but are not limited to, storm water maintenance facilities, parking areas, utility services, site amenities and outside recreational areas.

(Existing Definition, proposed for deletion --)

Manufactured housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. If located outside of a mobile home park, a manufactured housing unit shall meet the requirements of Section 705 of this ordinance. For purposes of this ordinance, two types of manufactured housing are included. Those types are:

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Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; this term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

2. Those units commonly called "modular homes," which the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

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structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein; [2005, c. 344, §4 (AMD)].

C. Pre-HUD-code homes, which are those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

**Height of Structure:** The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Height of Structure: The vertical distance between the existing grade at the highest point around the footprint of the existing or proposed structure and the highest point of the structure itself, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. (Amended 3/2/92; new date)

**Article 4. District Regulations**

**410-9-A. B-6 HIGHWAY BUSINESS AND COMMERCIAL DISTRICT** (Amended 2/12/02, 1/6/93, 12/5/94, 3/2/92, 2/19/02, 4/7/03)

**Permitted Uses**

51. Automotive/Transportation Warehouse or Distribution Facility
52. Elder Non-Congregate, Detached Housing

**Conditional Uses**

15. Elder/Disability Housing Facility
16. Elder Disability Limited Service
17. Elder/Disability Care Facility: Full service
Article 7. Standards of Performance

Section 705. Siting of Manufactured Housing Units

705-1. General Requirements.

Manufactured housing units which are placed on lots outside of mobile home parks must:

1) Be constructed in accordance with applicable state and federal standards; as defined in Section 302 of this Ordinance.
2) Have pitched roof with a minimum pitch of 3 inches vertical for each 12 inches of horizontal run and covered by approved wood or asphalt composition shingles.
3) Have their exterior wall surfaces covered with materials similar to conventional construction, such as but not limited to cedar shakes, wood, vinyl or metal clapboards, boards and batten siding, etc., but not including flat, ridged or corrugated metal or plastic panels;
4) Be placed on permanent foundation, including a concrete pad over gravel base, with skirting around the bottom of the structure, or a concrete frost wall, or a full basement;
5) Be sited such that a minimum horizontal dimension of 14 feet faces the street in the C-1 zoning district and a minimum horizontal dimension of 20 feet faces the street in other residential zoning districts where manufactured housing units are permitted.

705-2. Requirements Specific to Elder Non-Congregate Detached Housing.

Notwithstanding Section 705-1 and the City’s Subdivision Regulations, Manufactured Housing and on-site built homes, and the lots on which they are sited in an Elder Non-Congregate Detached Housing project are not subject to Section 704 or the Subdivision Regulations, but all such projects must instead meet the independent and equally stringent standards set forth herein below:

1) Meet the same building standards set out in Section 705-1, Subsections (1)-(4), and not include pre-HUD code homes as permitted manufactured housing.
2) Be sited on lots not less than 5,000 square feet in size, which lot shall not have less than 50 feet of frontage on any public or private way.
3) There may only be one dwelling on any lot. The minimum footprint for any one dwelling shall comply with HUD code minimum size requirements.
4) No structure built or placed on such lots shall have less than 15 feet of front yard setback, 10 feet of side yard setback, and a 15 foot rear set back.
4) Structures built on such lots shall not exceed 45% coverage of the lot area and shall not exceed a height of 35 feet as measured from the existing grade at the highest point around the footprint of the existing or proposed structure and the highest point of the structure itself, excluding chimneys, steeple and antennas and similar appurtenances which have no floor area.

5) Such lots must be serviced by community sewer and community water, although the infrastructure within the development shall be privately owned and maintained. No individual wells or septic systems shall be permitted.

6) Electrical service shall be provided underground throughout the project and to each structure.

7) Telephone and cable service shall also be underground throughout the project.

8) All water, sewer, electrical and other utilities shall be installed in conformance with applicable state and local rules and regulations.

9) Each lot shall have adequate off street parking for at least two vehicles/autos.

10) Exterior street lighting for the project shall be provided to sufficiently illuminate internal roads.

11) Landscaping, including trees, shall be provided throughout the project and on each lot.

12) Adequate provisions for vehicular and pedestrian circulation on interior roads servicing all lots and onto adjacent public streets shall be provided.

13) Elder Non-Congregate Detached Housing projects shall be subject to Site Plan review.

14) To the extent any standard set out herein directly conflicts with a standard in the City’s Site Plan standards, the standards set out herein shall control and supersede the other. The minimum lot and yard standards set out in Table 412-1 for the B-6 zone are also replaced by these standards for such projects only.

**Zoning Map**

Find attached an excerpt of the zoning map showing the proposed rezoning of two parcels:

- Tax map 74, lot 1 – owned by City,
- Tax map 74, lot 2 – owned by Desfosses,

And, portions of two other parcels:

- Tax map 60, lot 1 – owned by Desfosses,
- Tax map 60, lot 7 – owned by WWS Properties, LLC,

from the existing I-1 to the proposed B-6.
MEETING ITEM COMMENTARY

AGENDA ITEM: (Second and Final) City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections

STAFF RESOURCE: Richard Lambert, Code Enforcement Director
Kevin L. Sutherland, City Administrator

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 intends to hold owners of multi-family dwellings accountable and responsible for the maintenance and safe living conditions by establishing a Multi-Family Dwelling Unit Registration and Inspections program. Many owners form limited liability companies and other various forms of proprietorships in order to have undisclosed and unidentifiable principals.

By requiring the disclosure of ownership, it provides a transparency to the Citizens of Saco and enables City Officials to perform their duties. 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:

Exhibit items below previously provided on 6/19/17
1. Amended – Chapter 147: Multi Family Dwelling Unit Inspections
2. Amended – Fee schedule (option 1)
3. Suggested – Fee schedule (option 2)

Exhibit items below previously provided on 6/5/17
1. Chapter 147: Multi Family Dwelling Unit Inspections
2. Fee schedule

RECOMMENDATION:
Staff supports the amendments as drafted.

SUGGESTED MOTION:
“The City Council hereby ordains and approves the Second and Final Reading of:
‘City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections’ and implementation of fee schedule (option _)”
MEETING ITEM COMMENTARY

AGENDA ITEM: (Second and Final) City Code Amendment, Chapter 165: Recreational Marijuana Cultivation and Sale Prohibition

STAFF RESOURCE: Kevin L. Sutherland, City Administrator

COUNCIL RESOURCE: Councilor Alan Minthorn

BACKGROUND

The purpose of this ordinance is to impose a ban on the operation of recreational marijuana establishments and retail marijuana social clubs in the City of Saco until the State of Maine has established its set of regulations.

This will also give the City of Saco time to establish its own rules and regulations before this ordinance would be set to expire.

EXHIBITS:

Exhibit items previously provided on 6/5/17
1. Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition

RECOMMENDATION:

Staff supports the amendments as drafted.

SUGGESTED MOTION:

“The City Council hereby ordains and approves the Second and Final Reading of ‘City Code Amendment: Chapter 165-Recreational Marijuana Cultivation and Sale Prohibition’.”
MEETING ITEM COMMENTARY

AGENDA ITEM: Amend the Fiscal Year 2018 Property Tax Due Dates

STAFF RESOURCE: Kevin Sutherland, City Administrator

COUNCIL RESOURCE: Councilor Eric Cote

BACKGROUND: On May 8th, 2017 and as part of the annual budget process, the Council voted to set the Tax Due Dates for the first half due in August and the second half due in February.

With the delay in the state budget and the change to state funding for schools, there are still a few outstanding questions about how much will be coming to Saco and the amount that will be required by the state to be used to reduce the levy. Due to this, the city is waiting to commit its municipal tax rate.

In addition, Saco’s cash flow is healthy enough to get through the month of August without the need to borrow, and therefore staff have come to Council with the request to move the property tax due dates out a month.

The tax payment due dates will be amended as follows:

First half due: 9/8/17 (interest accruing from 9/11/17)
Second half due: 3/9/18 (interest accruing from 3/12/18)

Amendment to EZ Pay due date: Continuation of the EZ Pay program for fiscal year 2018 with 8 monthly payments starting September 15, 2017 and ending April 15, 2018.

EXHIBITS: 1. Agenda Item F from May 8th Council meeting (page 15)
           2. Meeting Minutes for May 8th Council meeting (page 20)

RECOMMENDATION: Staff supports the change in timing for Fiscal Year 2018.

SUGGESTED MOTION: “Be it ordered that the City Council amend the tax payment due dates as follows: payment for the first half due on September 8th, 2017 with first interest date of September 11th, 2017, the second half due on March 9th, 2018 with a first interest date of March 12th, 2018 and further amend the EZ Pay program payment schedule for fiscal year 2018, with 8 monthly payments starting September 12, 2017 and ending April 12, 2018.”

“I move to approve the order.”
AGENDA ITEM: E
Date: July 17, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: (Extension) Emergency Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution

STAFF RESOURCE: Kevin L. Sutherland, City Administrator
Richard Lambert, CBO

COUNCIL RESOURCE: Councilor Roger Gay

BACKGROUND: City Staff informed the City Council at a workshop meeting on April 24, 2017 around life safety concerns from non-conforming use related to marijuana growth in multi-family units.

This emergency ordinance creates a process by which marijuana growing, cultivation, handling and processing, etc becomes a trigger for the requirement to secure a license.

The requirement to license arises regardless of the type (medical or recreational) being grown, cultivated, etc. Growing, cultivating, etc. for third parties without proper knowledge and inspection by local authorities can lead to the risk or fire, electrical injury, and death.

This ordinance does not have an impact on personal use of marijuana.

The emergency ordinance approved on May 8, 2017 has expired, and we are seeking an extension while the proposed ordinance is approved through the process to meet the requirements of City Charter Section 2.09.

EXHIBITS:
1. Memorandum from City Administrator, Kevin Sutherland
2. Memorandum from City Solicitor, Timothy Murphy 5/4/17
3. Chapter 135, Marijuana Cultivation and Distribution (drafted)

RECOMMENDATION: Staff supports the emergency ordinance as drafted. By Charter (Section 2.10), an emergency ordinance can only be in effect for 61 days, however if the emergency still exists, Council can extend the Ordinance.

SUGGESTED MOTION: “The City Council hereby Ordains and Approves the Emergency Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution.”
MEMORANDUM

TO: Mayor Michaud and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: July 13, 2017
RE: Extension of the Emergency Medical Marijuana Ordinance

Since Council implemented the Emergency Ordinance on May 8th, staff and I were supposed to be moving the regular ordinance through the process before the 61 days were up. Friday July 7, 2017 represented day 61. I apologize for this oversight.

We’re asking for an extension (which is allowable under our Charter (Section 2.10) and at the same meeting, we will begin moving the regular ordinance through the process.
AGENDA ITEM: E  
Date: July 17, 2017  
Exhibit Item: 2

MEMO

To: Kevin Sutherland
From: Tim Murphy
Re: Marijuana, Medical and Recreational
Date: May 3, 2017

Kevin, after meeting with Dick Lambert, I commenced crafting an emergency ordinance (new Chapter 135) addressing medical and recreational marijuana using our current existing licensing framework (Chapter 132) as a guide. As you know, the City licenses/regulates a number of activities, and growing marijuana, seems like it would fit within the same scheme.

This ordinance could also be reviewed via traditional passage under Section 2.09 of the Charter if you prefer.

This ordinance treats personal use of marijuana as a non-licensing event. However, growing, cultivation, handling and processing, etc becomes a trigger for the requirement to secure a license. This requirement to license arises regardless of the type (medical or recreational) being grown, cultivated, etc. The distinction is due to the fact that growing, cultivating for third parties (versus simply using your own) creates the risk or fire, electrical injury, death, as well as potential criminal activity.

Dick and I started with the basic framework that growing, cultivation, etc for one’s own personal use would be allowable in single family structures only. Growing, cultivation, etc on a larger scale, meaning for one or more third parties, would be accepted only in the area currently zoned (I-1, I-2). The goal is to prevent large scale growing in residences to limit fire risk. Growing in a residence is limited to growing for personal use only. Large scale growing, meaning from more than 1 party or immediate family, has to be in a proper locations/structure.

In residences, I set a limit at 200 amps as a suggestion but Dick/Marcel may feel 200 amps is inadequate. I simply wasn’t sure on that point.

Like our other licensing ordinance, there is an initial registration event (to secure a first license) and license renewals. A heavier fee is applied to the first application because a longer more intensive review would be logically anticipated. A have set up an extensive level of review due to the unusual nature of this activity. Bear in mind, while marijuana use is de-criminalized in Maine it may still be illegal in one or more neighboring states. It is still an illegal drug under federal law. Banks will not handle the financial transactions so it’s a cash intensive business. These factors also pose great potential/risk for “trafficking” from Saco by/to criminal elements of material grown here, particularly given our close, easy highway access. So, extra scrutiny review seems necessary.

Other factors of note: There are significant fines for activity without a license. This threat is simply to deter surreptitious use. Those who intend to license and be above board will not be concerned with the
fines since they will be happy to license. No growing outside of a home or the I-1, I-2 zone. These means no growing in multi-family properties, or other business properties outside the I-1, I-2 zones. The idea is to reasonably contain the use so that we can safely monitor it, track it, and also control over-all electrical consumption as well.

I propose a retroactivity date back to Jan 2016. This would allow us to secure licensing of the recently opened facilities.

Licenses may be denied, or lost if issues arise, and an extensive set of circumstances warranting such action are set out.
§ 135-1. Title.

This chapter shall be known as the "Marijuana Cultivation and Distribution Ordinance".

§ 135-2. Findings; Purpose.

The State of Maine has recently enacted laws allowing greater cultivation, handling, storing, packaging, processing and distribution of marijuana plants and products. In addition, the citizens of the State in a recent referendum have voted to allow for and decriminalize personal or so called recreational use of marijuana. Additional State laws and regulations are anticipated regarding recreational marijuana. These are not policy decisions of the City, but the City has become aware of certain adverse effects from these recent legislative undertakings, and it proposes to address potential issues that have arisen.

Specifically, the City has learned through its Code Enforcement Office, through its Electrical Inspector, as well as through other public officials including its police and fire departments, that individuals are rapidly installing throughout the City cultivation facilities without City knowledge, without proper City inspection and review and in some cases in areas not zoned for such use. Of particular concern is the installation of energy intensive lighting that can pose significant risk of injury, death and of fires within residential structures. The City Council has received information regarding structure fires in other communities caused by heat intensive lighting used for cultivation and growing equipment.

The Council is also aware that not all states have decriminalized marijuana, and this community’s easy highway access and close proximity to the border, may make Saco an attractive location for those who intend to traffic marijuana as part of a criminal enterprise.

It is evident that businesses and citizens desire to commercialize and otherwise avail themselves of opportunities presented by these new laws. However, doing so in an unregulated, and in some cases surreptitious fashion, poses substantial risk of criminal activity, physical harm, even death. These conditions have created an emergency for the community.

This emergency ordinance, enacted pursuant to City Charter Provision 2.10, seeks to assure the safety of Saco citizens while allowing properly reviewed and regulated use as permitted under
State Law. It is enacted pursuant to Home Rule Authority under both Maine’s Constitution and 30-A MRS Section 3001, et seq.

§ 135-3. License Required.

A. All persons and parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana, or any marijuana product, or material or medication derived thereon (“marijuana products”), from or within the City of Saco, must register with the City and must secure and maintain a valid license at all times. A license is not required for personal use of any marijuana within one’s own premises provided there is no associated growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.

B. All businesses, commercial enterprises, as well as any not for profit entity, that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana, or any marijuana products, from or within the City of Saco, must register with the City of Saco and must secure and maintain a valid license at all times.

C. To register means to complete and submit to the City Clerk of Saco the forms created by that office, and to pay the fees set forth herein. No registration shall be approved, and no license granted, until the required fees have been paid, and all applicable reviews and inspections have been completed.

D. Once all applicable reviews have been fully and properly completed, and the applicant has been found qualified, the Clerk shall thereupon issue a license to the Applicant.

E. All licenses shall run for one year (365 Days), and may be renewed as set forth herein. No license shall be issued, denied, or revoked by the City Clerk except as expressly provided in this Ordinance.

F. In the absence of the City Clerk, the City Administrator will assume all authority and responsibility of the Clerk as designated herein.

§ 135-4. Permitted locations.

A. A resident of a single family structure who holds a license may grow, cultivate and harvest marijuana for their own personal use, and for the personal use of a resident family member, regardless of the Zone the structure is located.

B. The limit as to the number of permitted marijuana plants and ounces of harvested marijuana for each person in single family structure shall be set by State Law.

C. In no event may any person owning or residing in a single family structure increase their home electrical service beyond 200 amps.

D. In no event may a person renting, owning or occupying a single family structure grow, cultivate, distribute, harvest, manage, process, transfer, exchange, or distribute any amount of marijuana or marijuana products for a third party, except for a resident family member living in the same structure as permitted in Subsection A above.

E. All parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any other third party may do so provided they operate...
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from a structure or premises found within the City of Saco’s I-1 Zone or I-2 Zone. No growing, cultivation, harvesting, managing, processing, transferring, exchanging or distribution of marijuana or marijuana products shall be allowed outside the boundaries of these two zones of the City. Such activity shall be a violation of this Ordinance.

F. No other properties outside of the I-1 and I-2 Zones may be used or licensed for growing, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products for any party’s personal use except for personal use as permitted in subsection A above.

G. No license issued by the City may be transferred, sold or assigned by the license holder to any other person or entity.

§ 135-5. Violations.

A. No person or entity shall grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products without having registered with the Clerk and without having obtained a valid, in force and effect, license as required herein. 

B. Every license holder shall be exhibit their license in a conspicuous place on the premises, visible to the public. The failure to display the issued license at all times is a violation of this Ordinance. Upon discovering that a person, party or entity has not displayed its license, the City shall deliver a written warning. The failure to display a license after written warning shall constitute a violation of this Ordinance

C. No person, party or entity may sell, transfer or assign their license. Any attempt to sell, transfer or assign will confer no rights, and will render the license immediately void. The sale, assignment or transfer of a license is a violation of this Ordinance.

D. It is violation of this Ordinance to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana, or any marijuana product, in any structure or zone not otherwise allowed as set out in Section 135-4 (A) and (E).

E. It is a violation of this Ordinance for any third party, including but not limited to contractors, plumbers, carpenters, electricians, tradesmen to assist, aid, abet, promote or otherwise suffer any person, applicant or license holder to violate any provision of this Ordinance. It shall be a violation for any person, party or entity to provide assistance, advice, skills, work effort or cooperate, with the installation of facilities, equipment or materials, or otherwise provide service, education or support, that aids or advances the unlicensed growing, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products.

F. It is a violation of this Ordinance for any license holder to traffic, transport, mail, distribute, transfer, or otherwise assist in the trafficking, transporting, mailing, distribution or transfer of marijuana or marijuana products outside the boundaries of this State. It is a violation of this Ordinance for any agent, employee or officer of the license holder to do the same.

§ 135-6. Applications.

A. All registrations for personal use shall be made in writing on a form provided by the Clerk. Each registration shall state the applicant’s name, address, telephone number, and e-mail, and
such additional information as deemed necessary by the Clerk, including the map and lot number property where the license will be posted.

B. All registrations to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any third parties shall be made in writing on forms provided by the Clerk. Each registration shall state the applicant’s name, address, telephone number and email. In addition, applicant shall:

1. Identify its estimated yearly production of marijuana;
2. Whether it will ship or distribute any marijuana outside of the State of Maine;
3. Identify all individuals and entities to when it will contract for delivery of marijuana and include the amounts expected to be delivered monthly and annually.
4. If a caregiver, the names of all patients, as well as a copy of all applicable State licenses.

C. All registrations submitted by an entity applicant shall contain the information set out above in Subsection A or B (as applicable) and shall also include the following:

1. Federal Tax ID #
2. Type and State of Organization
3. Names, addresses and date of birth of all principal officers, owners and managers
4. Whether the entity is for profit or non-profit entity, and confirmation thereof
5. Proof of Insurance upon the proposed premises in the name of the license holder
6. Name and address of Clerk or Registered Agent for Service of Process

D. If the applicant is seeking a license for family use, the applicant shall list separately the names and the address of each family member for which the license holder will grow, cultivate, harvest, manage or distribute such marijuana or marijuana products.

E. No employee, officer, or appointed or elected official of the City of Saco shall have any beneficial interest in an issued license, or license holder.

F. Copies of all registrations and materials shall, upon completion, be transmitted to the Code Enforcement Officer, Electrical Inspector, and the City of Saco Fire and Police Departments for the following purposes:

1. Review compliance: that the applicant license holder is permitted to operate in each and every location (map and lot number) where specified; and
2. To record such information into any existing Code Enforcement Officer management program ("Code Enforcement Pro") for use and review; and
3. To perform a Criminal Background Check including “NCIC” Review; and
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4. Site inspection by Code Officer, Electrical Inspector and Fire Department at any and all applicable location(s) used for growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products; and

5. To allow inspection of plan drawings detailing nature of site, location of utilities and how utilities such as electrical power will be used; and such other factors deemed necessary or advisable by City staff; and

6. For a follow-up inspection between 30-60 days after issuance of license to inspect any facilities related to marijuana growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.

7. To determine if the applicant needs or has a duly issued State license for the state use/undertaking, and to determine that applicant is in compliance with all State of Maine requirements.

G. The City of Saco will treat all licenses and registration materials collected, under all circumstances, as public records under Maine law.

§ 135-7. Fees.

A. The fee for an initial application/registration for personal use shall be $500.00. This fee is non-refundable in all circumstances.

B. The fee to renew a license for personal use shall be $250.00. This fee is non-refundable under all circumstances.

C. The fee for an initial application/registration for any premises in the I-1 or I-2 Zones, where cultivation, growing, handling, storage, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products shall be on a larger scale and for third parties, the initial registration fee is $1,000.00 due to the significant time and effort involved in life-safety review by the Code Office, Electrical Inspector, Fire and Police Departments.

D. The fee to renew a license for applicant/license holders in the I-1 and I-2 Zone is $500.00.

§ 135-8. Investigations.

A. Registration. The Clerk shall accept and maintain an applicant’s registration forms and all supporting material. The Clerk shall submit all registration materials to City staff for review as set out in Section 135-6 (F). All findings and conclusions of City staff shall be reported to the Clerk within 30 days.

B. Licenses. Upon receipt of an application for renewal of license, the Clerk shall inquire of City Officials, whether a license may be renewed in compliance with the provisions of this Ordinance. City staff shall have 30 days to complete their investigation.

C. Only upon satisfaction of the Clerk, and after review by all appropriate departments, and only upon full compliance with all conditions set forth in this Ordinance, shall the Clerk issue a license.
E. The Clerk shall complete his or her review promptly and grant or deny a license or license renewal subject to the additional terms found in Section 135-13.

§ 135-9. Decision; Standards for Denial.

A. Notice. The Clerk shall issue all decisions in writing, and subject to the same time period set out in Section 135-13.

B. Grounds. A license, and the renewal of a license may be denied, or revoked, upon a one or more of the following grounds:

1. Failure to fully complete the application forms; knowingly making a false or incorrect statement of a material nature on such form; failure to supply any requested information reasonably necessary to determine whether such license may be issued; or failure to pay any fee required hereunder;

2. The person or party applicant or license holder has caused a significant breach of the peace; has been convicted of more than one misdemeanor, or has been convicted of any felony;

3. There is a clear danger to the public if the license is issued, including significant risk of injury or fire;

4. The parties or persons patronizing the license holder will adversely affect the peace and quiet of the neighborhood, whether or not residential;

5. The person, party or entity has violated a provision of this Ordinance or other ordinance of the City of Saco, including its Zoning Ordinance;

6. The occurrence of any event subsequent to issuance of the license, which event would have been a basis for denial of the license, shall be grounds for revocation thereof;

7. Real or personal property taxes or legal judgments that are due and owing to the City and are determined to be in arrears as of the date of the license request or license renewal;

8. The licensee has received more than one public complaint filed with the Clerk; or

9. Such other acts or conduct found to be detrimental to the citizens or community, including but not limited to suffering a fire or significant injury arising from growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products after the issuance of a license;

10. A principal, officer or manager of the license holder is convicted of, or found to have a criminal conviction of any kind, or is known to associate with others convicted of criminal offenses.

C. Hearings.
1. Except as expressly provided in this chapter, no license may be revoked without prior notice to the person, party or entity, and only after a hearing.

2. In the case of the revocation of a license, a hearing shall be given to the individual or entity and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Failure of the person, party or entity to appear at the hearing shall be deemed a waiver of the rights to said hearing.

3. All revocations shall be upon substantial evidence, and all hearings shall be conducted with substantial fairness. Rules of evidence shall not apply in such hearing.

D. Fairness. The Clerk shall not arbitrarily deny any registration or license renewal but must base their decision upon substantial and credible evidence of one or more of the grounds described above.

E. Complaints. Any citizen or public official of the City can file and/or initiate a complaint against a license holder. Complaints will be kept and maintained by the City Clerk and may be considered when and if a licensee seeks a renewal of their license in any succeeding year.

§ 135-10. Appeals.
A. Procedure. An appeal of the Clerk’s decision to the City Council may be taken by any person aggrieved by the denial, or revocation of a license by filing a notice of appeal within thirty (30) days of the decision with the City Administrator. Every appeal should be in writing and shall state the basis for the appeal. The City Council shall hear the appeal within thirty (30) days after the filing of the appeal and may affirm, reverse or modify the decision appealed from.

B. Scope of review. On appeal, the City Council shall review the decision of the Clerk and determine whether the decision was based upon substantial evidence and in compliance with the standards of the ordinance. The Council may take additional evidence with respect to such decision or action and, if additional testimony or evidence is taken, it shall determine the appeal upon all of the evidence.

C. Status or operations pending municipal appeal. During the pendency of an appeal to the City Council, the person, business or entity aggrieved by the decision of the City Clerk may operate without risk of fine if they have an existing license and the Clerk has revoked or denied a renewal of the license. However, if the person, business or entity has been denied its initial license, then any operation prior to a decision by the City Council will be subject to the civil penalties set forth herein.

D. Appeal to the Superior Court. Any person aggrieved by the decision of the City Council may appeal to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.

A. Content. Whenever a hearing is required, the Clerk shall give written notice of the time and place of the hearing, to the license holder, and the City Administrator. Notice shall also be posted in two prominent public locations.
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B. Service. Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least five days in advance of the hearing date.

§ 135-12. Reserved


A. Each year, a license holder must submit a renewal application on the forms provided by the Clerk. The required fee set out in Section 135-7 must be provided or the Clerk will stay review.

B. The Clerk shall submit to City staff the current license and registration materials in the Applicant’s file, as well as copies of any complaints and letters received by the Clerk regarding the renewal applicant.

C. City staff shall conduct those reviews set out in Section 135-6 (F) and Section 135-8 expect City staff may use their discretion to reduce the scope and depth of investigation if circumstances of the renewal warrant.

D. The Clerk shall issue their decision within 30 days unless City staff are unable, in good faith, to finalize their investigation and review, but in no event shall the license renewal decision take more than 60 days.

E. License holders who do not submit their renewal applications at least 30 days before expiration of their license, are at risk if the event the Clerk is unable to complete their review within 30 days and in such case, if the license expires during such review without a renewal having been yet granted, the license holder must cease growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.


The City Council, due to the importance of life-safety to all, and because a number of individuals are surreptitiously growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products within its boundaries, expressly intends that this Ordinance be applied retroactively to January 1, 2016. Any party who commenced growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products after January 1, 2016 but prior to the date of the enactment of this Ordinance must register for a license but fees for their first license will be waived if the party can substantially establish that they were engaged in growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products prior to enactment of this ordinance.


A. Lack of License. Any person or entity that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana or marijuana products without a valid license shall be subject to the following fines:

$2,500  First violation
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$5,000  Second violation  
$10,000  Each subsequent violation

B. The failure to publically display a license shall be $500.00 per offense.

C. The fine for selling, transferring or assigning a license in violation of Section 135-5 (C) shall be $5,000.00.

D. The fine for violating Section 135-5 (D) shall be $2,500.00 for the first offense and $5,000.00 for each occurrence thereafter.

E. The fine for parties violating Section 135-5 (E) shall be $5,000.00 per offense.

F. Violation of Section 135-5 (F) (Transporting or Trafficking) shall result in permanent loss of license.


If any portion of this Ordinance is held to be invalid, the remainder of the Ordinance shall remain in full force and effect, it being the City Council’s intention that these provisions be severable to the greatest extend allowed by law.
MEETING ITEM COMMENTARY

AGENDA ITEM:  (First Reading) Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution

STAFF RESOURCE:  Kevin L. Sutherland, City Administrator
                    Richard Lambert, CBO

COUNCIL RESOURCE:  Councilor David Precourt

BACKGROUND:  This ordinance creates a process by which marijuana growing, cultivation, handling and processing, etc becomes a trigger for the requirement to secure a license.

The requirement to license arises regardless of the type (medical or recreational) being grown, cultivated, etc. Growing, cultivating, etc. for third parties without proper knowledge and inspection by local authorities can lead to the risk of fire, electrical injury, and death.

This ordinance does not have an impact on personal use of marijuana.

EXHIBITS:  1. Chapter 135, Marijuana Cultivation and Distribution (drafted)

RECOMMENDATION:  Staff supports the ordinance as drafted.

SUGGESTED MOTION:  “The City Council hereby Ordains and Approves the first reading of the Zoning Ordinance: Chapter 135, Marijuana Cultivation and Distribution”; and further moves to set the public hearing for August 21, 2017.”
§ 135-1. Title.
This chapter shall be known as the "Marijuana Cultivation and Distribution Ordinance".

§ 135-2. Findings; Purpose.
The State of Maine has recently enacted laws allowing greater cultivation, handling, storing, packaging, processing and distribution of marijuana plants and products. In addition, the citizens of the State in a recent referendum have voted to allow for and decriminalize personal or so called recreational use of marijuana. Additional State laws and regulations are anticipated regarding recreational marijuana. These are not policy decisions of the City, but the City has become aware of certain adverse effects from these recent legislative undertakings, and it proposes to address potential issues that have arisen.

Specifically, the City has learned through its Code Enforcement Office, through its Electrical Inspector, as well as through other public officials including its police and fire departments, that individuals are rapidly installing throughout the City cultivation facilities without City knowledge, without proper City inspection and review and in some cases in areas not zoned for such use. Of particular concern is the installation of energy intensive lighting that can pose significant risk of injury, death and of fires within residential structures. The City Council has received information regarding structure fires in other communities caused by heat intensive lighting used for cultivation and growing equipment.

The Council is also aware that not all states have decriminalized marijuana, and this community’s easy highway access and close proximity to the border, may make Saco an attractive location for those who intend to traffic marijuana as part of a criminal enterprise.

It is evident that businesses and citizens desire to commercialize and otherwise avail themselves of opportunities presented by these new laws. However, doing so in an unregulated, and in some cases surreptitious fashion, poses substantial risk of criminal activity, physical harm, even death. These conditions have created an emergency for the community.

This emergency ordinance, enacted pursuant to City Charter Provision 2.10, seeks to assure the safety of Saco citizens while allowing properly reviewed and regulated use as permitted under
State Law. It is enacted pursuant to Home Rule Authority under both Maine’s Constitution and 30-A MRS Section 3001, et seq.

§ 135-3. License Required.

A. All persons and parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana, or any marijuana product, or material or medication derived thereon (“marijuana products”), from or within the City of Saco, must register with the City and must secure and maintain a valid license at all times. A license is not required for personal use of any marijuana within one’s own premises provided there is no associated growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.

B. All businesses, commercial enterprises, as well as any not for profit entity, that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana, or any marijuana products, from or within the City of Saco, must register with the City of Saco and must secure and maintain a valid license at all times.

C. To register means to complete and submit to the City Clerk of Saco the forms created by that office, and to pay the fees set forth herein. No registration shall be approved, and no license granted, until the required fees have been paid, and all applicable reviews and inspections have been completed.

D. Once all applicable reviews have been fully and properly completed, and the applicant has been found qualified, the Clerk shall thereupon issue a license to the Applicant.

E. All licenses shall run for one year (365 Days), and may be renewed as set forth herein. No license shall be issued, denied, or revoked by the City Clerk except as expressly provided in this Ordinance.

F. In the absence of the City Clerk, the City Administrator will assume all authority and responsibility of the Clerk as designated herein.

§ 135-4. Permitted locations.

A. A resident of a single family structure who holds a license may grow, cultivate and harvest marijuana for their own personal use, and for the personal use of a resident family member, regardless of the Zone the structure is located.

B. The limit as to the number of permitted marijuana plants and ounces of harvested marijuana for each person in single family structure shall be set by State Law.

C. In no event may any person owning or residing in a single family structure increase their home electrical service beyond 200 amps.

D. In no event may a person renting, owning or occupying a single family structure grow, cultivate, distribute, harvest, manage, process, transfer, exchange, or distribute any amount of marijuana or marijuana products for a third party, except for a resident family member living in the same structure as permitted in Subsection A above.

E. All parties who grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any other third party may do so provided they operate
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from a structure or premises found within the City of Saco’s I-1 Zone or I-2 Zone. No growing, cultivation, harvesting, managing, processing, transferring, exchanging or distribution of marijuana or marijuana products shall be allowed outside the boundaries of these two zones of the City. Such activity shall be a violation of this Ordinance.

F. No other properties outside of the I-1 and I-2 Zones may be used or licensed for growing, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products for any party’s personal use except for personal use as permitted in subsection A above.

G. No license issued by the City may be transferred, sold or assigned by the license holder to any other person or entity.

§ 135-5. Violations.

A. No person or entity shall grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products without having registered with the Clerk and without having obtained a valid, in force and effect, license as required herein.

B. Every license holder shall be exhibit their license in a conspicuous place on the premises, visible to the public. The failure to display the issued license at all times is a violation of this Ordinance. Upon discovering that a person, party or entity has not displayed its license, the City shall deliver a written warning. The failure to display a license after written warning shall constitute a violation of this Ordinance.

C. No person, party or entity may sell, transfer or assign their license. Any attempt to sell, transfer or assign will confer no rights, and will render the license immediately void. The sale, assignment or transfer of a license is a violation of this Ordinance.

D. It is violation of this Ordinance to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana, or any marijuana product, in any structure or zone not otherwise allowed as set out in Section 135-4 (A) and (E).

E. It is a violation of this Ordinance for any third party, including but not limited to contractors, plumbers, carpenters, electricians, tradesmen to assist, aid, abet, promote or otherwise suffer any person, applicant or license holder to violate any provision of this Ordinance. It shall be a violation for any person, party or entity to provide assistance, advice, skills, work effort or cooperate, with the installation of facilities, equipment or materials, or otherwise provide service, education or support, that aids or advances the unlicensed growing, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products.

F. It is a violation of this Ordinance for any license holder to traffic, transport, mail, distribute, transfer, or otherwise assist in the trafficking, transporting, mailing, distribution or transfer of marijuana or marijuana products outside the boundaries of this State. It is a violation of this Ordinance for any agent, employee or officer of the license holder to do the same.

§ 135-6. Applications.

A. All registrations for personal use shall be made in writing on a form provided by the Clerk. Each registration shall state the applicant’s name, address, telephone number, and e-mail, and
AGENDA ITEM: F  
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such additional information as deemed necessary by the Clerk, including the map and lot number property where the license will be posted.

B. All registrations to grow, cultivate, harvest, manage, process, transfer, exchange or distribute marijuana or marijuana products for any third parties shall be made in writing on forms provided by the Clerk. Each registration shall state the applicant’s name, address, telephone number and email. In addition; applicant shall:

1. Identify its estimated yearly production of marijuana;
2. Whether it will ship or distribute any marijuana outside of the State of Maine;
3. Identify all individuals and entities to when it will contract for delivery of marijuana and include the amounts expected to be delivered monthly and annually.
4. If a caregiver, the names of all patients, as well as a copy of all applicable State licenses.

C. All registrations submitted by an entity applicant shall contain the information set out above in Subsection A or B (as applicable) and shall also include the following:

1. Federal Tax ID #
2. Type and State of Organization
3. Names, addresses and date of birth of all principal officers, owners and managers
4. Whether the entity is for profit or non-profit entity, and confirmation thereof
5. Proof of Insurance upon the proposed premises in the name of the license holder
6. Name and address of Clerk or Registered Agent for Service of Process

D. If the applicant is seeking a license for family use, the applicant shall list separately the names and the address of each family member for which the license holder will grow, cultivate, harvest, manage or distribute such marijuana or marijuana products.

E. No employee, officer, or appointed or elected official of the City of Saco shall have any beneficial interest in an issued license, or license holder.

F. Copies of all registrations and materials shall, upon completion, be transmitted to the Code Enforcement Officer, Electrical Inspector, and the City of Saco Fire and Police Departments for the following purposes:

1. Review compliance: that the applicant license holder is permitted to operate in each and every location (map and lot number) where specified; and
2. To record such information into any existing Code Enforcement Officer management program ("Code Enforcement Pro") for use and review; and
3. To perform a Criminal Background Check including “NCIC” Review; and
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4. Site inspection by Code Officer, Electrical Inspector and Fire Department at any and all applicable location(s) used for growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products; and

5. To allow inspection of plan drawings detailing nature of site, location of utilities and how utilities such as electrical power will be used; and such other factors deemed necessary or advisable by City staff; and

6. For a follow-up inspection between 30-60 days after issuance of license to inspect any facilities related to marijuana growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.

7. To determine if the applicant needs or has a duly issued State license for the state use/undertaking, and to determine that applicant is in compliance with all State of Maine requirements.

G. The City of Saco will treat all licenses and registration materials collected, under all circumstances, as public records under Maine law.

§ 135-7. Fees.

A. The fee for an initial application/registration for personal use shall be $500.00. This fee is non-refundable in all circumstances.

B. The fee to renew a license for personal use shall be $250.00. This fee is non-refundable under all circumstances.

C. The fee for an initial application/registration for any premises in the I-1 or I-2 Zones, where cultivation, growing, handling, storage, cultivation, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products shall be on a larger scale and for third parties, the initial registration fee is $1,000.00 due to the significant time and effort involved in life-safety review by the Code Office, Electrical Inspector, Fire and Police Departments.

D. The fee to renew a license for applicant/license holders in the I-1 and I-2 Zone is $500.00.

§ 135-8. Investigations.

A. Registration. The Clerk shall accept and maintain an applicant’s registration forms and all supporting material. The Clerk shall submit all registration materials to City staff for review as set out in Section 135-6 (F). All findings and conclusions of City staff shall be reported to the Clerk within 30 days.

B. Licenses. Upon receipt of an application for renewal of license, the Clerk shall inquire of City Officials, whether a license may be renewed in compliance with the provisions of this Ordinance. City staff shall have 30 days to complete their investigation.

C. Only upon satisfaction of the Clerk, and after review by all appropriate departments, and only upon full compliance with all conditions set forth in this Ordinance, shall the Clerk issue a license.
E. The Clerk shall complete his or her review promptly and grant or deny a license or license renewal subject to the additional terms found in Section 135-13.

§ 135-9. Decision; Standards for Denial.

A. Notice. The Clerk shall issue all decisions in writing, and subject to the same time period set out in Section 135-13.

B. Grounds. A license, and the renewal of a license may be denied, or revoked, upon a one or more of the following grounds:

1. Failure to fully complete the application forms; knowingly making a false or incorrect statement of a material nature on such form; failure to supply any requested information reasonably necessary to determine whether such license may be issued; or failure to pay any fee required hereunder;

2. The person or party applicant or license holder has caused a significant breach of the peace; has been convicted of more than one misdemeanor, or has been convicted of any felony;

3. There is a clear danger to the public if the license is issued, including significant risk of injury or fire;

4. The parties or persons patronizing the license holder will adversely affect the peace and quiet of the neighborhood, whether or not residential;

5. The person, party or entity has violated a provision of this Ordinance or other ordinance of the City of Saco, including its Zoning Ordinance;

6. The occurrence of any event subsequent to issuance of the license, which event would have been a basis for denial of the license, shall be grounds for revocation thereof;

7. Real or personal property taxes or legal judgments that are due and owing to the City and are determined to be in arrears as of the date of the license request or license renewal;

8. The licensee has received more than one public complaint filed with the Clerk; or

9. Such other acts or conduct found to be detrimental to the citizens or community, including but not limited to suffering a fire or significant injury arising from growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products after the issuance of a license;

10. A principal, officer or manager of the license holder is convicted of, or found to have a criminal conviction of any kind, or is known to associate with others convicted of criminal offenses.

C. Hearings.
AGENDA ITEM: F  
Date: July 17, 2017

1. Except as expressly provided in this chapter, no license may be revoked without prior notice to the person, party or entity, and only after a hearing.

2. In the case of the revocation of a license, a hearing shall be given to the individual or entity and a generalized statement of the nature of the complaint constituting the basis for the proposed action shall be included in the notice of hearing. Failure of the person, party or entity to appear at the hearing shall be deemed a waiver of the rights to said hearing.

3. All revocations shall be upon substantial evidence, and all hearings shall be conducted with substantial fairness. Rules of evidence shall not apply in such hearing.

D. Fairness. The Clerk shall not arbitrarily deny any registration or license renewal but must base their decision upon substantial and credible evidence of one or more of the grounds described above.

E. Complaints. Any citizen or public official of the City can file and/or initiate a complaint against a license holder. Complaints will be kept and maintained by the City Clerk and may be considered when and if a licensee seeks a renewal of their license in any succeeding year.

§ 135-10. Appeals.

A. Procedure. An appeal of the Clerk’s decision to the City Council may be taken by any person aggrieved by the denial, or revocation of a license by filing a notice of appeal within thirty (30) days of the decision with the City Administrator. Every appeal should be in writing and shall state the basis for the appeal. The City Council shall hear the appeal within thirty (30) days after the filing of the appeal and may affirm, reverse or modify the decision appealed from.

B. Scope of review. On appeal, the City Council shall review the decision of the Clerk and determine whether the decision was based upon substantial evidence and in compliance with the standards of the ordinance. The Council may take additional evidence with respect to such decision or action and, if additional testimony or evidence is taken, it shall determine the appeal upon all of the evidence.

C. Status or operations pending municipal appeal. During the pendency of an appeal to the City Council, the person, business or entity aggrieved by the decision of the City Clerk may operate without risk of fine if they have an existing license and the Clerk has revoked or denied a renewal of the license. However, if the person, business or entity has been denied its initial license, then any operation prior to a decision by the City Council will be subject to the civil penalties set forth herein.

D. Appeal to the Superior Court. Any person aggrieved by the decision of the City Council may appeal to the Superior Court in accordance with the provisions of Maine Rule of Civil Procedure 80B.


A. Content. Whenever a hearing is required, the Clerk shall give written notice of the time and place of the hearing, to the license holder, and the City Administrator. Notice shall also be posted in two prominent public locations.
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B. Service. Except as expressly provided, whenever notice by mail is required, such notice shall be mailed by regular United States mail at least five days in advance of the hearing date.

§ 135-12. Reserved

A. Each year, a license holder must submit a renewal application on the forms provided by the Clerk. The required fee set out in Section 135-7 must be provided or the Clerk will stay review.

B. The Clerk shall submit to City staff the current license and registration materials in the Applicant’s file, as well as copies of any complaints and letters received by the Clerk regarding the renewal applicant.

C. City staff shall conduct those reviews set out in Section 135-6 (F) and Section 135-8 expect City staff may use their discretion to reduce the scope and depth of investigation if circumstances of the renewal warrant.

D. The Clerk shall issue their decision within 30 days unless City staff are unable, in good faith, to finalize their investigation and review, but in no event shall the license renewal decision take more than 60 days.

E. License holders who do not submit their renewal applications at least 30 days before expiration of their license, are at risk if the event the Clerk is unable to complete their review within 30 days and in such case, if the license expires during such review without a renewal having been yet granted, the license holder must cease growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing of marijuana or marijuana products.


The City Council, due to the importance of life-safety to all, and because a number of individuals are surreptitiously growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products within its boundaries, expressly intends that this Ordinance be applied retroactively to January 1, 2016. Any party who commenced growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products after January 1, 2016 but prior to the date of the enactment of this Ordinance must register for a license but fees for their first license will be waived if the party can substantially establish that they were engaged in growing, cultivating, harvesting, managing, processing, transferring, exchanging or distributing marijuana or marijuana products prior to enactment of this ordinance.

A. Lack of License. Any person or entity that grows, cultivates, harvests, manages, processes, transfers, exchanges or distributes marijuana or marijuana products without a valid license shall be subject to the following fines:

$2,500  First violation
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$5,000   Second violation

$10,000   Each subsequent violation

B.  The failure to publically display a license shall be $500.00 per offense.

C.  The fine for selling, transferring or assigning a license in violation of Section 135-5 (C) shall be $5,000.00.

D.  The fine for violating Section 135-5 (D) shall be $2,500.00 for the first offense and $5,000.00 for each occurrence thereafter.

E.  The fine for parties violating Section 135-5 (E) shall be $5,000.00 per offense.

F.  Violation of Section 135-5 (F) (Transporting or Trafficking) shall result in permanent loss of license.


If any portion of this Ordinance is held to be invalid, the remainder of the Ordinance shall remain in full force and effect, it being the City Council’s intention that these provisions be severable to the greatest extend allowed by law.
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Date: July 17, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: Paper Streets

STAFF RESOURCE: Bob Hamblen, City Planner  
Joe Laverriere, City Engineer

COUNCIL RESOURCE: Councilor Nathan Johnston

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. 12, 2017 to act on the 87 paper streets found on the list. Paper streets may have value for a variety of reasons, including access, utilities installation, facilitating future development, and more. City staff has narrowed the range of options to five for how best to address each of the paper streets that still exist.

The Planning Board workshopped this issue on June 6th, held a public hearing on July 11th, and will be holding another Planning Board meeting on July 27th to move forward a recommendation. In order to meet the September deadline, the City Council will need to begin the paper streets process. It is possible that some of the suggested motions below will be modified to reflect the recommendations from the Planning Board following their meeting on July 27th. These amendments will be made prior to the second and final reading scheduled for September 5, 2017.

EXHIBITS:

1. Memo, City Engineer Joseph Laverriere, June 6, 2017
2. Paper Streets Matrix, June 26, 2017
3. Figures 1-20, Aerial Maps of Various Paper Streets
4. City Attorney’s Comments, Spreadsheet
5. “Notice to Extend Rights” in “Paper Streets”
6. Title 23 §3028, 3032, 3051

RECOMMENDATION: Staff recommends that the City Council act as contemplated by statute in order to terminate, maintain, accept, or accept/abandon/establish a public easement for each of the paper streets found on the document entitled “Notice to Extend Rights” in “Paper Streets”.

SUGGESTED MOTIONS: “Be it ordered, that the Saco City Council take the following actions for streets identified on the Paper Streets list from 1997…”
AGENDA ITEM: G
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“Move to remove the thirty-one (31) paper streets identified in Category 1, “Remove From List,” in the document “6-22-17 Department Heads Recommendations to Planning Board”, from the 1997 list of paper streets, and be recognized as having been previously accepted, discontinued, vacated, or otherwise demonstrated to no longer be a paper street having potential value to the City of Saco.”

“Move to re-list the thirteen (13) paper streets identified in Category 3, “Re-List as Paper Street,” in the document “6-22-17 Department Heads Recommendations to Planning Board”, and be regarded as having potential future value to the City of Saco, thereby each shall be re-listed as a paper street, and recorded as such in the York County Registry of Deeds.”

“Move to accept the two (2) paper street segments identified in Category 4, “Accept as City Street,” in the document “6-22-17 Department Heads Recommendations to Planning Board”, as City streets.”

“Move to accept the fifteen (15) paper streets, shown as Category 5 in a document entitled ‘6-22-17 Department Heads Recommendation” as Public Easements and not as City Streets, pursuant to authority in 23 MRS Section 3025 and 3031; and further move to accept said fifteen streets also as “trails” pursuant to 23 MRS Section 3151.”

“I move to approve the order.”
AGENDA ITEM: H  
Date: July 17, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Contract Zone – Commercial Riding Stable at 115 Louden Road

STAFF RESOURCE: Bob Hamblen, City Planner

COUNCIL RESOURCE: Councilor David Precourt

BACKGROUND: Applicant Beth Austin dba River Winds Farm LLC, proposes to host weddings and similar events on her Louden Road property, not unlike facilities that have popped up in other communities. Ms. Austin currently operates an indoor riding arena, an educational horseback riding program, and a Public Riding Stable.

After discussing with the Code and Planning departments, she recognizes that the only way to accomplish this is an amendment to the existing contract zone agreement. The amended document is attached.

This item was reviewed by the Planning Board at its June 6 meeting. The Board arrived at a positive finding on each of the four standards found in Sec. 1403-6, and voted to forward a positive recommendation to the Council.

EXHIBITS:
1. Draft amended Contract Zone document  
2. Application materials  
3. Minutes, June 6 PB meeting

RECOMMENDATION: Staff agrees with the Planning Board recommendation, and believes that impacts on neighboring properties can be minimized through the site plan review process.

SUGGESTED MOTION: “... move to approve the First Reading and adopt the findings in the contract zone document entitled “Contract Zone Agreement by and Between River Winds Farm LLC, River Winds Trails, LLC, River Winds, LLC and the City of Saco,” dated June 6, 2017; and to schedule a Public Hearing for August 21, 2017, for the property identified as Tax Map 106, Lots 8, 8-1, 10, 10-1 as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30-A M.R.S.A. Section 4352(8).”
AGENDA ITEM: H
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Contract Zone Agreement by and Between River Winds Farm LLC, River Winds Trails, LLC, River Winds, LLC and the City of Saco

June 2, 2015
Amended June 6, 2017

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through February 16, 2017 is hereby further amended by adopting this Contract Zone Agreement by and between the City of Saco and River Winds Farm LLC, LLC, River Winds Trails, LLC and River Winds, LLC (Applicant).

1. The Applicant has established a Public Riding Stable at 115 Louden Road (Subject Property).

2. Subject Property is further identified as Tax Map 106, Lots 10-1, 10, 8 and 8-1 on City of Saco tax maps, and is in the C-1 zoning district.

3. Right, title and interest is demonstrated with the Applicants’ submission of a deed identifying River Winds Farm LLC as the owner of record, said deed being recorded at the York county Registry of Deeds in Book 16703, Page 775, dated 9/27/13.

4. Right, title and interest is demonstrated with the Applicants’ submission of deeds identifying River Winds Trails, LLC as the owner of record, said deeds being recorded at the York County Registry of Deeds in Book 16703, Page 787, dated 9/27/13, and in said Registry in Book 16920, page 926, dated 11/7/14.

5. Right, title and interest is demonstrated with the Applicants’ submission of a deed identifying River Winds, LLC as the owner of record, said deed being recorded at the York county Registry of Deeds in Book 16919, Page 117, dated 11/4/14.

6. Said property currently includes a single family dwelling and several outbuildings including a barn used as an indoor arena for equestrian use. Each is an allowed use in the C-1 zoning district.

7. The barn/arena is a conforming structure as long as it remains for personal use only, as was represented by the Applicant during site plan review by the Planning Board.

8. The barn would be viewed as a nonconforming structure if proposed for commercial use due to an existing side setback of 49 feet. Said setback fails to meet the standard found in Section 701-1. ANIMAL BREEDING OR CARE, INCLUDING STABLES The keeping or raising of animals, including fowl, for any commercial purposes shall be subject to the following: 1) All pens, stables, barns, coops or other building shelters for animals shall be set back no less than 150 feet from any lot line.
9. The Applicant has established an educational horseback riding program in affiliation with Thornton Academy.

10. The City’s Zoning Officer has determined that the program as described would constitute a commercial use: the availability of horses, instruction and grounds being made available to students as educational programming, in exchange for compensation.

11. The Applicant has established the right to operate a Public Riding Stable, as defined by the Zoning Ordinance: An establishment where the public is permitted to ride horses for a fee. Horse riding lessons may also be provided.

12. A Public Riding Stable is a conditional use in the C-1 zoning district.

13. As stated in Section 1403-1 of the Zoning Ordinance, “Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change.”

14. Recognizing the use, lot and yard restrictions imposed by the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would allow a Place of Public Assembly to be established and to operate on the Subject Property.

II. This Contract Zone, specifically and exclusively for the Subject Property, would allow the Applicants to establish and operate a Place of Public Assembly as defined in Paragraph II(3) herein, subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. An educational horseback riding program as proposed and described by the Applicants shall be allowed to operate as a permitted use on the parcels identified herein as the Subject Property.

2. A Public Riding Stable shall be allowed to operate as a conditional use on the parcels identified herein as the Subject Property, subject to conditional use review by the Planning Board.

3. A Place of Public Assembly shall be allowed to operate as a minor conditional use on the Subject Property, subject to review by the Planning Department. A Place of Public Assembly shall be defined as follows: A commercial use that may operate either fully enclosed within a building, or outdoors, that provides a place for public gatherings such as weddings, graduations, horse shows, anniversaries and similar events. A place of public assembly may include facilities, existing as of the date of approval of this contract zone amendment, for eating and
drinking and for overnight accommodations, provided that required licenses and permits have been issued by the applicable City departments and agencies.

43. The horse barn/indoor riding arena meets the required twenty-five (25) foot setback for a structure in the C-1 zone. It fails to meet the required one hundred fifty (150) foot setback for a barn used for a commercial use. Recognizing that, the existing setback of forty-one (41) feet from the northeasterly property line shall be regarded as a conforming side yard setback upon approval of this Agreement.

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

65. All details as shown on the submitted plans and application are hereby incorporated into this contract by reference. The proposed use shall be operated substantially in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be "major" shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

76. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicant as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable without approval of the City Council.

87. Failure of the Applicants to establish the proposed Place of Public Assembly within one (1) year from the date of approval shall render this approval and Contract null and void. If, due to unforeseen circumstances, establishment of the proposed use proves impossible within one year, this approval may be extended with approval of the City Council. The Public Riding Stable may be established at any time, subject to conditional use review by the Planning Board.

98. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the applicant shall be required to apply for a contract modification. Failure to apply for, or to obtain a modification shall constitute a zoning violation, subject to enforcement action.

109. As specified in Section 1403-9 of the Zoning Ordinance, all applications for contract zoning are subject to site plan review.
III. Pursuant to authority found in 30-A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on June 6, 2017 and the Saco City Council on ________, 2017, the following findings are hereby adopted:

A. The parcels identified as Tax Map 106, Lots 10-1, 10, 8 and 8-1 are parcels of an unusual nature and location, for the following reasons:

a. The property includes both a residential (single-family dwelling) and agricultural (the keeping of horses) use. The proposal would allow a Place of Public Assembly to be established, as defined above.

b. The Applicants propose an activity that would allow the continuation and expansion of an existing agricultural use, which are relatively few in number in Saco and generally regarded by the Comprehensive Plan as a use that should be supported by the City.

c. The Subject Property is one of the few in Saco of a size that can easily support a Public Riding Stable, an educational riding program, and a Place of Public Assembly, as defined above. The four parcels that comprise the Subject Property involve an area of 160 acres, in close proximity to the Saco River. Large, relatively undeveloped parcels are valuable in terms of natural resource conservation, wildlife habitat, and watershed protection.

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

Chapter 6. Land Use Goals and Policies

Vision: The Rural Conservation Area continues to be a primarily rural landscape with agricultural and other natural resource activities. Limited very-low density residential development occurs over time in a manner that preserves both the rural character of this area and large blocks of unfragmented wildlife habitat. Large scale residential developments do not occur in this area.

Allowed Uses: Uses in the Rural Conservation Area are limited to agricultural and forestry activities, other natural resource related uses, and single- and two family homes including manufactured housing units on individual lots. Limited community and commercial activities that are compatible with a rural environment are also allowed. The following types of uses are generally appropriate in this area as a permitted or conditional use:

- agriculture and agriculturally related businesses
- forestry and natural resource uses including extractive industries
- outdoor recreational uses including campgrounds and golf courses
- adult and child care facilities
- bed and breakfasts
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- medical services
- single and two-family dwellings including manufactured housing units on individual lots
- small clustered residential developments that preserve habitat blocks
- community facilities such as places of worship, cemeteries, and municipal facilities

Appendix L. Land Use

A. General Pattern of Development -- The area west of the Turnpike in Saco has historically been agricultural and forest land. Almost 96% of the land in Saco enrolled in the state Farmland Tax Program, and 86% of the land enrolled in Tree Growth Tax Program, is located in this area. However, the historical land use pattern is changing. 20% of the housing units built in Saco between 1980 and 1990 are located in this area. Between 1990 and 2000, an additional 391 housing units were built, 65.4% of the total new housing growth in the community.

F. Natural Resource Uses – Hay is the most common crop grown on Saco farmland. Leary’s Dairy Farm, located off Flag Pond Road, is the only remaining dairy operation in Saco. Vegetable and animal production is limited. At least one producer is farming sod. Horse pasturage and boarding are increasingly significant in Saco’s agricultural economy.

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

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the Conservation-1 District (C-1) zone, the purpose of which is “… to promote and preserve agriculture and open space, while permitting low density residential uses that do not conflict with this overall purpose.” (Zoning Ordinance, Section 408-1.) Among the permitted and conditional uses allowed in the C-1 zone are single and two-family dwellings, day care centers, kennels, commercial greenhouses and nurseries, farmstands, campgrounds, bed and breakfasts, community facilities, agriculturally related business uses, and adult day care centers.
D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on ________, 2017.

by ________________________   by _________________________
Kevin L. Sutherland    River Winds Farm, LLC
City Administrator    Applicant

by_________________________
River Winds Trails, LLC

by__________________________
River Winds, LLC
May 24, 2017

City of Saco Planning Board
Saco City Hall, 300 Main Street
Saco, Maine 04072

Dear City of Saco Planning Board,

Please consider our request to also operate as A Place of Public Assembly as outlined in the attached amended Contract Zone Agreement. We believe this use is consistent with other uses in the area and will allow us to further support the development of economic growth for the residents, businesses, and visitors in the City of Saco.

Sincerely,

[Beth Austin]

Beth Austin
AGENDA ITEM: H
Date: July 17, 2017
Exhibit items: 2

Hawley Strait, Esq.
Bernstein Shur
P.O. Box 9729
Portland, ME 04104-5029

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Arlene E. Gonneville, a single person, presently having an address of c/o of John Gonneville at 165 7th Ave, Madawaska, Maine 04756, for consideration paid, GRANTS TO River Winds Trails, LLC, a Maine Limited Liability Company with a mailing address of 121 Louden Road, Saco, Maine 04072 with Warranty Covenants, all of my right title and interest in and to the following property:

A certain lot or parcel of land with the buildings thereon situated in the said Saco, in the county of York, State of Maine and bounded as follows, to wit:

Beginning on the Louden Road, so-called, at the corner of land formerly owned by James Fogg, deceased; thence running northwesterly by said Fogg land to the Saco River; thence, Northeasterly and Northerly by said River to land of Issachevy Jelecon; thence, Northeasterly by land of said Jelecon and lands occupied by Henry Carter to land of said Carter; thence Northeasterly by said Carter land to land occupied by one Gonneville; thence Southwesterly by lands occupied by said Gonneville, to land of one Fournier, formerly of Arthur Fogg; thence Northwesterly by said road to the point begun at, containing one hundred and twenty five (125 acres), more or less, and known as the Hiram Hill Farm, reserving the burial lot thereon as now existing.

Also another certain lot or parcel of land situated in said Saco, on the Easterly side of said Louden Road, opposite the house formerly of Mrs. Hester A. Clement, and bounded as follows:

Westerly by the Louden Road; easterly and northerly by land of George E. Fogg; southerly by land formerly owned by the late James Fogg, and now or formerly occupied by his son Edward R. Fogg, same containing four (4) acres, more or less.

Also hereby conveying all rights, easements, privileges and appurtenances belong to the premises hereinabove described.
Excepting the parcels of land described in the following deeds:

1. Warranty Deed of Arlene E. Gonneville to Jacqueline L. Collard and Richard P. Collard dated August 21, 2008 and recorded in the York County Registry of Deed in Book 15477, Page 911;
2. Warranty Deed from Arlene E. Gonneville to Central Maine Power Company dated April 30, 2010 and recorded at the York County Registry of Deeds in Book 15857, Page 73;
3. Warranty Deed from Arlene E. Gonneville to River Winds Trails, LLC dated September 27, 2013 and recorded in the York County Registry of Deeds in Book 16703, Page 787; and,
4. Release Deed from Arlene E. Gonneville to Joan Lambert dated November 5, 2014 to be recorded immediately prior to this deed in the York County Registry of Deeds.

Subject to all rights of way, easements and restrictions of record, if any, that affect the within described premises.

Being a portion of the same premises as conveyed to the Norman P. Gonneville and Arlene E. Gonneville by Warranty Deed of Irene B. Gonneville, said deed dated December 31, 1975, and recorded with the York County Registry of Deeds at Book 2111, Page 856. Norman P. Gonneville died on January 26, 1998.

WITNESS my hand and seal this 5th day of November, 2014.

Witness

STATE OF MAINE
COUNTY OF AROOSTOOK

Then personally appeared the above-named John L. Gonneville, attorney in fact for Arlene E. Gonneville, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Justice of the Peace/Notary Public
My commission expires:

Bernstein, Shur, Sawyer & Nelson
100 Middle St. P.O. Box 9729
Portland, ME 04104-5029
Att. HRS
SHORT FORM WARRANTY DEED

ARLENE E. GONNEVILLE, a widow, presently having an address of 139 Louden Road, Saco, Maine 04072, for consideration paid grants to RIVER WINDS TRAILS, LLC, a Maine Limited Liability Company with a principal address of P.O. Box 891, Portland, Maine 04104-0891, WITH WARRANTY COVENANTS, certain real property, together with any improvements located thereon, situated on the Northerly side of Louden Road, so-called, but not adjacent thereto, in the City of Saco, County of York and State of Maine, being more particularly bounded and described as follows:

Beginning at a point, being a set nail & washer in a stonewall corner, at the northerly-most corner of land of the Grantee herein, as described in the deed recorded in the York County Registry of Deeds in Book 14010, Page 750;

Thence N 40°35'59" W, along the remaining land of the Grantor herein, 1,750.89 feet, to a found ¾" crimped iron pipe, and the land now or formerly of Peter K. Truslow and Kathleen M. Truslow, as described in the deed recorded in said Registry in Book 4354, Page 170;

Thence N 54°16'03" W, along said Truslow, 106.24 feet, to a found ¾" iron rod, and the land now or formerly of Daniel C. Allen and Joanne R. Allen, as described in the deed recorded in said Registry in Book 3109, Page 108;

Thence N 34°04'12" E, along said Allen, being along the found remains of wire fence, 301.72 feet, to a point;

Thence N 38°19'12" E, along said Allen, being along the found remains of wire fence, 89.21 feet, to a point;

Thence N 32°05'12" E, along said Allen, being along the found remains of wire fence, 117.86 feet, to a point;

Thence N 33°51'12" E, along said Allen, being along the found remains of wire fence, 458.39 feet, to a point, and the beginning of a stonewall;
Thence N 32°28'27" E, along said Allen, being along a stonewall, 155.67 feet, to a point;

Thence N 35°58'42" E, along said Allen, being along a stonewall, 138.46 feet, to a point;

Thence N 34°18'12" E, along said Allen, being along the found remains of wire fence, 235.37 feet, to a found ¾" iron rod;

Thence S 49°21'18" E, along said Allen, being along the found remains of wire fence, 120.88 feet, to a 14½" hemlock tree;

Thence S 65°12'33" E, along said Allen, being along the found remains of wire fence, 333.55 feet, to a found ¾" iron rod;

Thence S 74°46'18" E, along said Allen, being along the found remains of wire fence, 122.90 feet, to a point;

Thence S 63°33'48" E, along said Allen, being along the found remains of wire fence, 138.45 feet, to a 10" dead tree;

Thence S 59°36'18" E, along said Allen, being along the found remains of wire fence, 173.95 feet, to a point;

Thence S 62°08'33" E, along said Allen, being along the found remains of wire fence, 420.66 feet, to a 24½" pine tree;

Thence S 48°07'48" E, along said Allen, being along the found remains of wire fence, 159.21 feet, to a point;

Thence S 47°27'18" E, along said Allen, being along the found remains of wire fence, 228.25 feet, to a point;

Thence S 48°07'48" E, along said Allen, being along the found remains of wire fence, 188.08 feet, to a point;

Thence S 45°51'48" E, along said Allen, being along the found remains of wire fence, 129.85 feet, to a found ¾" iron rod, and the land conveyed by the Grantor herein to Central Maine Power Company in the deed recorded in said Registry in Book 15857, Page 73;

Thence S 15°35'18" E, along said parcel to Central Maine Power Company, 71.40 feet, to a set nail & washer, and the land now or formerly of Wallace R. Watson, et als., as described in the deed recorded in said Registry in Book 3934, Page 88;
Thence S 34°15'58" W, along said Watson et als., 727.08 feet, to a set nail & washer;

Thence S 35°21'24" W, along said Watson et als., being partially along a stonewall, 1,241.89 feet, to a set iron rod & cap, and the northeasterly sideline of said land of the Grantee herein;

Thence N 55°33'47" W, along the land of the Grantee herein, being along a stonewall, 223.57 feet, to the point of beginning;

Containing 85.57 Acres, more or less.

SUBJECT TO a right of way conveyed by Hester A. Clement to Amos T. Marston and James A. Durgin (now Daniel C. Allen and Joanne R. Allen), dated December 5, 1901 and recorded in the York County Registry of Deeds in Book 520, Page 19, which reads as follows: “Together with a right of way from this lot to the Louden Road through my pasture and lane.”

The Basis of Bearing for this description is GRID NORTH based on the Maine State Coordinate System West Zone, NAD 83 (CORS96) Epoch 2002, determined by using GPS (Global Positioning System) observation using a Sokkia Stratus GPS receiver at a base point, being an M.D.O.T standard traverse rod with an aluminum disk stamped “9493-30 2000”, at a coordinate of NORTH 281038.0108, EAST 2854553.5660. A tie line for mathematical purposes from this point to the set nail & washer at the point of beginning of the parcel described herein above at a coordinate of NORTH 259152.7868, EAST 2862509.3151, is S 19°58'38.3" E, along said tie line, 23,286.412 feet. The observed 2013 magnetic Meridian, determined by hand compass, was found to be 15°30'± west of GRID NORTH.

All said “set iron rod & cap”(s) are 5/8” rebar with a 2” diameter aluminum cap marked “SET BY ROBERT A YARUMIAN PLS 1303 LAND SURVEY MONUMENT.”

All said “set nail & washer”(s) are ¼” diameter nails with a 2” diameter aluminum washer marked “SET BY ROBERT A YARUMIAN PLS 1303 LAND SURVEY MONUMENT.”

This description is based on the “Boundary Survey Map for Beth Ann Austin”, dated May 14, 2013, by Robert A. Yarumian II, PLS 1303 of Maine Boundary Consultants, Moderation Center, 8 River Road, P.O. Box 67, Buxton, Maine, 04093, and conforms to the Maine Board of Licensure for Professional Land Surveyors, Rules, of April 2001, Chapter 90, Standards of Practice.

Meaning and intending to describe a portion of the premises described in the deed from Irene B. Gonneville to Norman P. Gonneville & Arlene E. Gonneville, dated December 31, 1975, and recorded in the York County Registry of Deeds in Book 2111, Page 856. Norman P. Gonneville died on January 26, 1998, leaving Arlene E. Gonneville as the surviving joint tenant.
WITNESS my hand and seal this 27th day of September, 2013.

[Signature]
Arlene E. Gonneville by
John L. Gonneville under POA dated 10/1/2008

Witness

STATE OF NEW HAMPSHIRE Maine
COUNTY OF ROCKINGHAM Aroostook

September 27, 2013

Then personally appeared the above-named John L. Gonneville, attorney in fact for Arlene E. Gonneville, and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

[Signature]
Notary Public
Print Name
My commission expires: Aug 12, 2019
SHORT FORM QUITCLAIM DEED WITHOUT COVENANT

BETH ANN AUSTIN, of Portland, Maine (the "Grantor"), FOR CONSIDERATION PAID, grants to RIVER WINDS LLC, a Maine limited liability company with a mailing address of P.O. Box 8216, Portland, Maine 04104-8216 (the "Grantee"), certain real property, together with any improvements thereon, located at 121 Louden Road, Saco, County of York and State of Maine, more particularly described as follows:

Beginning at the southerly corner of this lot by Louden Road, so-called, adjoining land formerly of Hiram Hill; thence northeasterly along said Louden Road 44 rods; thence northwesterly 64 rods to said Hill land; thence southwesterly by said Hill land 44 rods; thence southeasterly 64 rods, more or less, to the point of beginning.

EXCEPTING from the above-described parcel, the premises conveyed to River Winds Farm, LLC by deed from the Grantor dated September 27, 2013 and recorded at the York County Registry of Deeds in Book 16703, Page 775.

Meaning and intending to describe and convey the remaining premises conveyed to the Grantor by John W. Austin in a deed dated March 4, 2004 and recorded at the York County Registry of Deeds in Book 14010, Page 750.

WITNESS my hand and seal this 28 day of March, 2014.

WITNESS:

Name: TRAVIS BLAKE

State of Maine
County of Cumberland, ss
March 28, 2014

PERSONALLY APPEARED the above-named Beth Ann Austin and acknowledged the foregoing instrument to be her free act and deed.

Before me,

LINDA D. CARVILLE
Attorney-at-Law/Notary Public
Commission Expires:

Print Name: LINDA D. CARVILLE
Notary Public, Maine
My Commission Expires May 7, 2018
AGENDA ITEM: I  
Date: July 17, 2017

MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Authorization of Bond Questions: City Facilities, Roads, Drainage, and Infrastructure; a Public Works Facility; and, Route One Sewer and Pedestrian Improvements

STAFF RESOURCE: Kevin Sutherland, City Administrator

COUNCIL RESOURCE: Councilor Kevin Roche

BACKGROUND: During the FY 2018 budget workshops, Council discussed the possibility of bonding capital projects identified as immediate needs in order to lessen the burden on the general fund, and ultimately tax payers, over the next 5 years. Council tasked staff and the Capital Committee with the following “Establish bond questions for Council consideration with the goal of alleviating future general fund burden for capital asset replacement.”

EXHIBITS: 1. Sample Ballot  
2. Order 2,000,000 City Facilities, Roads, Drainage, and Infrastructure  
3. Order 7,250,000 Public Works Facility  
4. Order 2,500,000 Route One Sewer and Pedestrian Improvements  
5. Debt Service Schedule

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council approve the first reading of the:

‘Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection; and,

‘Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility; and,

‘Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements; and,

further move to schedule a Public Hearing for August 21, 2017.”

“I move to approve the Order.”
Financial Statement: The following financial statement applies to Questions 1, 2 and 3 set forth below. The issuing of bonds by the City of Saco is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Saco as of the date of this referendum:

Bonds now Outstanding and Unpaid: $10,922,000  
Interest to be paid on Outstanding Bonds: $3,285,619  
Total Principal and Interest to be repaid on Bonds Outstanding: $14,207,619  

Additional Principal Amount of Bonds Authorized but not yet issued: $0  

Total additional Bonds to be issued if approved by the voters:  
Question 1: City facilities, roads, drainage and infrastructure $2,000,000  
Question 2: New public works facility $7,250,000  
Question 3: Route One sewer and pedestrian improvements $2,500,000  
Total: $11,750,000  

Estimate of potential new interest on such additional Bonds:  
Question 1: City facilities, roads, drainage and infrastructure $317,000  
Question 2: New public works facility $1,985,800  
Question 3: Route One sewer and pedestrian improvements $687,344  
Total: $2,990,144  

Note: interest rate estimates vary from 2.50% per annum to 3.00% per annum depending on the year of maturity.  

Total additional Bond principal and estimated interest to be repaid if approved by the voters:  
Question 1: City facilities, roads, drainage and infrastructure $2,317,000  
Question 2: New public works facility $9,235,800  
Question 3: Route One sewer and pedestrian improvements $3,187,344  
Total: $14,740,144  

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors on the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Signature: Cheryl Fournier  
Cheryl Fournier, Treasurer, City of Saco
**INSTRUCTIONS TO VOTERS**

To vote in favor, make a cross (X) or check mark (✓) in the YES square.
To vote against, make a cross (X) or check mark (✓) in the NO square.

| ☐ Yes | Question 1. Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection” be ratified and approved? |
| ☐ No | The Municipal Officers recommend a YES vote. |

| ☐ Yes | Question 2. Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility” be ratified and approved? |
| ☐ No | The Municipal Officers recommend a YES vote. |

| ☐ Yes | Question 3. Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements” be ratified and approved? |
| ☐ No | The Municipal Officers recommend a YES vote. |
Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection

BE IT ORDERED BY THE CITY COUNCIL
OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1. **Bonds Authorized.** Pursuant to Maine law, including 30-A M.R.S.A. 5772 and Section 6.15 of the Charter of the City of Saco and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the “Bonds”) of the City, and temporary notes in anticipation thereof (the “Notes), in an aggregate principal amount not to exceed $2,000,000. The Bonds shall be designated “City of Saco, Maine, General Obligation Bonds” and any notes in anticipation thereof shall be designated “City of Saco General Obligation Bond Anticipation Notes.” The proceeds of the Bonds and any Notes shall be used to finance the costs of construction of improvements to City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection (the “Projects”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Projects.

2. **Period of Utility.** The estimated period of utility of each of the Projects is twenty (20) years.

3. **Tax Levy.** Pursuant to Section 6.15 of the Charter of the City of Saco, an amount necessary to meet the annual payments of principal and interest on the Bonds (and any Notes not paid from the proceeds of Bonds issued hereunder) shall be included in the tax levy of the City each year until the debt represented by said Bonds and Notes is extinguished.

4. **Details of Bonds.** To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed twenty (20) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of $5,000; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity. Each Bond or Note issued hereunder shall be signed by the Treasurer and countersigned by the Mayor. The Mayor and Treasurer are authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Mayor and Treasurer are authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

5. **Sale of Bonds.** The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer. Distribution of the Notice of Sale and/or
Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds and/or Notes is hereby authorized and approved. The Treasurer is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of the Notes or Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

6. **Tax Exempt Bonds.** The Treasurer is authorized to covenant and certify on behalf of the City that:

   (a) no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”),

   (b) no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code,

   (c) all required information reports shall be filed and any rebate due to the United States in connection with the issuance of said Bonds and Notes shall be paid, and

   (d) the City shall take all other lawful actions necessary to insure the interest on the Bonds and Notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds or Notes to become includable in the gross income of the owners thereof.

   The Treasurer is also authorized and empowered to designate the Bonds and/or Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, to the extent the election may be available and advisable as determined by the Treasurer.

7. **Documents and Certificates.** The Mayor, Treasurer, City Clerk and other appropriate officials of the City of Saco are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with such Bonds and Notes, and to do or cause to be done all acts and things, not inconsistent herewith, as may be necessary or appropriate in order to effect the issuance, execution, sale and delivery of the Bonds and any Notes, and to carry out the provisions of this Order in connection with the Projects.

8. **Appropriation.** The sum of $2,000,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority:

   (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and

   (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

9. **Reimbursement.** This Bond Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Projects in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

10. **Referendum Vote.** Pursuant to Section 6.15 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on November 7, 2017:

   Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $2,000,000 for City facilities, including the Ocean Park Road drainage system, the Police Station roof, the City Hall and Parks and Recreation facility HVAC systems, the Middle School baseball field, the Foss Road recreation site, Lincoln Street reconstruction and Camp Ellis erosion protection” be ratified and approved?

11. **City Clerk.** A copy of this order shall be filed with the City Clerk.
Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements

BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1. **Bonds Authorized.** Pursuant to Maine law, including 30-A M.R.S.A. 5772 and Section 6.15 of the Charter of the City of Saco and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the “Bonds”) of the City, and temporary notes in anticipation thereof (the “Notes), in an aggregate principal amount not to exceed $2,500,000. The Bonds shall be designated “City of Saco, Maine, General Obligation Bonds” and any notes in anticipation thereof shall be designated “City of Saco General Obligation Bond Anticipation Notes.” The proceeds of the Bonds and any Notes shall be used to finance the costs of construction of sewer extension along Route One from Flag Pond to Scarborough Town line and a sidewalk connection Spring Hill to Funtown and related pedestrian signal work (the “Project”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Project.

2. **Period of Utility.** The estimated period of utility of each of the Projects is thirty (30) years.

3. **Tax Levy.** Pursuant to Section 6.15 of the Charter of the City of Saco, an amount necessary to meet the annual payments of principal and interest on the Bonds (and any Notes not paid from the proceeds of Bonds issued hereunder) shall be included in the tax levy of the City each year until the debt represented by said Bonds and Notes is extinguished.

4. **Details of Bonds.** To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed thirty (30) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of $5,000; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity. Each Bond or Note issued hereunder shall be signed by the Treasurer and countersigned by the Mayor. The Mayor and Treasurer are authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Mayor and Treasurer are authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

5. **Sale of Bonds.** The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer. Distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds and/or Notes is hereby authorized and approved. The Treasurer is
authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of the Notes or Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

6. **Tax Exempt Bonds.** The Treasurer is authorized to covenant and certify on behalf of the City that: (a) no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), (b) no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code, (c) all required information reports shall be filed and any rebate due to the United States in connection with the issuance of said Bonds and Notes shall be paid, and (d) the City shall take all other lawful actions necessary to insure the interest on the Bonds and Notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds or Notes to become includable in the gross income of the owners thereof. The Treasurer is also authorized and empowered to designate the Bonds and/or Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, to the extent the election may be available and advisable as determined by the Treasurer.

7. **Documents and Certificates.** The Mayor, Treasurer, City Clerk and other appropriate officials of the City of Saco are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with such Bonds and Notes, and to do or cause to be done all acts and things, not inconsistent herewith, as may be necessary or appropriate in order to effect the issuance, execution, sale and delivery of the Bonds and any Notes, and to carry out the provisions of this Order in connection with the Project.

8. **Appropriation.** The sum of $2,500,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

9. **Reimbursement.** This Bond Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

10. **Referendum Vote.** Pursuant to Section 6.15 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on _______________, 2017: Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $2,500,000 for Route One sewer extension and sidewalk, pedestrian and traffic signal improvements” be ratified and approved?

11. **City Clerk.** A copy of this order shall be filed with the City Clerk.
Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works facility on North Street and to expend such sale proceeds on such new public works facility

BE IT ORDERED BY THE CITY COUNCIL
OF THE CITY OF SACO, MAINE IN CITY COUNCIL ASSEMBLED:

1. Bonds Authorized. Pursuant to Maine law, including 30-A M.R.S.A. 5772 and Section 6.15 of the Charter of the City of Saco and all other authority thereto enabling, there is hereby authorized and approved the issuance of general obligation bonds (the “Bonds”) of the City, and temporary notes in anticipation thereof (the “Notes), in an aggregate principal amount not to exceed $7,250,000. The Bonds shall be designated “City of Saco, Maine, General Obligation Bonds” and any notes in anticipation thereof shall be designated “City of Saco General Obligation Bond Anticipation Notes.” The proceeds of the Bonds and any Notes shall be used to finance the costs of construction and equipping of a new public works facility on Industrial Park Road (the “Project”) and reasonably related costs, costs of issuance of the Bonds and any Notes, and capitalized interest prior to and during construction of the improvements. The City Council shall make all determinations regarding said Project.

2. Period of Utility. The estimated period of utility of the Project is forty (40) years.

3. Tax Levy. Pursuant to Section 6.15 of the Charter of the City of Saco, an amount necessary to meet the annual payments of principal and interest on the Bonds (and any Notes not paid from the proceeds of Bonds issued hereunder) shall be included in the tax levy of the City each year until the debt represented by said Bonds and Notes is extinguished.

4. Details of Bonds. To the extent not inconsistent with this Order and the Charter of the City, the discretion to fix the dates, maturities of the Bonds and/or Notes, denominations, interest rates, places of payment, forms and other details of said Bonds and Notes, and to provide for the sale thereof, including execution of said Bonds and Notes on behalf of the City of Saco and delivery against payment therefore, is hereby delegated to the Treasurer and Mayor of the City of Saco. The Bonds shall be payable within a fixed term of years to be determined by the Mayor and Treasurer, not to exceed thirty (30) years, and Notes in anticipation of Bonds shall not exceed three (3) years from the date of the initial issuance of any Notes. Bonds shall be made payable as pertains to interest semi-annually and as pertains to principal in equal, annual serial installments, except that: (1) each year's installments may be adjusted to the nearest multiple of $5,000; and (2) the amount of each year's installment may vary provided that it is equal to or greater than the installment due and payable in any succeeding year. The Bonds and any Notes shall contain such terms and provisions, not inconsistent herewith, as the Treasurer and Mayor may hereafter determine. All determinations by the Mayor and Treasurer shall be conclusively evidenced by their execution of the Bonds or Notes. The Treasurer and Mayor are authorized to provide that any of the Bonds and Notes be made callable, with or without premium, prior to their maturity. Each Bond or Note issued hereunder shall be signed by the Treasurer and countersigned by the Mayor. The Mayor and Treasurer are authorized to select a financial advisor and/or an underwriter for the Bonds and Notes, and the Mayor and Treasurer are authorized and empowered to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith.

5. Sale of Bonds. The Treasurer is authorized to prepare, or cause to be prepared, a Notice of Sale and/or a Preliminary Official Statement and an Official Statement for use in the offering and sale of the Bonds and/or Notes, such Notice of Sale, Preliminary Official Statement and Official Statement to be in such form and contain such information as may be approved by the Treasurer. Distribution of the Notice of Sale and/or Preliminary Official Statement and the Official Statement in the name of and on behalf of the City in connection with offering the Bonds and/or Notes is hereby authorized and approved. The Treasurer is
authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of the Notes or Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met.

6. **Tax Exempt Bonds.** The Treasurer is authorized to covenant and certify on behalf of the City that: (a) no part of the proceeds of the issue and sale of the Notes or the Bonds authorized to be issued hereunder shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Notes or Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”), (b) no part of the proceeds of the issue and sale of such Notes or Bonds (including any notes and bonds in renewal thereof) shall be used, directly or indirectly, in such manner which would cause the Notes or Bonds to be "private activity bonds" within the meaning of Section 141 of the Code, (c) all required information reports shall be filed and any rebate due to the United States in connection with the issuance of said Bonds and Notes shall be paid, and (d) the City shall take all other lawful actions necessary to insure the interest on the Bonds and Notes will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds or Notes to become includable in the gross income of the owners thereof. The Treasurer is also authorized and empowered to designate the Bonds and/or Notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, to the extent the election may be available and advisable as determined by the Treasurer.

7. **Documents and Certificates.** The Mayor, Treasurer, City Clerk and other appropriate officials of the City of Saco are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with such Bonds and Notes, and to do or cause to be done all acts and things, not inconsistent herewith, as may be necessary or appropriate in order to effect the issuance, execution, sale and delivery of the Bonds and any Notes, and to carry out the provisions of this Order in connection with the Project.

8. **Appropriation.** The sum of $7,250,000 is hereby appropriated to finance the Project costs, such amount to be raised by the issuance of the Bonds and/or Notes of the City. In addition, the investment earnings on the proceeds of the Bonds and Notes, if any, and the excess proceeds of the Bonds and Notes, if any, are hereby appropriated for the following purposes, such proceeds to be held and applied in the following order of priority: (a) to any Project costs in excess of the principal amount of the Bonds or Notes; and (b) in accordance with applicable terms and provisions of the Arbitrage and the Use of Proceeds Certificate delivered in connection with the sale of the Bonds or Notes.

9. **Reimbursement.** This Bond Order shall constitute the City's declaration of official intent within the meaning of Treasury Regulation 1.150-2 to pay, on an interim basis, costs of the Project in an amount up to the principal amount of the Bonds to be issued, which costs the City reasonably expects to reimburse with proceeds of the Bonds or Notes.

10. **Sale of existing public works facility.** The City is further authorized to sell the existing public works facility on North Street on such terms as deemed appropriate by the City Council and to expend such sale proceeds on such new public works facility.

11. **Referendum Vote.** Pursuant to Section 6.15 of the Charter of the City, the following question shall be submitted to the voters of the City of Saco for ratification or rejection at a referendum vote to be held on ______________, 2017: Shall the Order of the City Council of the City of Saco entitled “Order Authorizing the City of Saco to borrow an amount not to exceed $7,250,000 for construction and equipping of a new public works facility on Industrial Park Road and to sell the existing public works
facility on North Street and to expend such sale proceeds on such new public works facility” be ratified and approved?

11. City Clerk. A copy of this order shall be filed with the City Clerk.
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**Dated 4/ 1/18 with Delivery of 4/ 1/18**

**Bond Years** 12,375.000

**Average Coupon** 2.580909

**Average Life** 6.187500

**N I C %** 2.580909 % Using 100.000000

**Weighted Bond Years** 12,648.931

**Weighted Average Life** 6.162110

**Weighted N I C %** 2.525016 % Using 100.000000

**T I C %** 2.571484 % From Delivery Date

**Moores & Cabot, Boston, Massachusetts**

**Micro-Muni Debt** Date: 07-13-2017 @ 15:57:37 Filename: SACD Key: 2018
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**Dated 4/1/18 with Delivery of 4/1/18**

**Bond Years**
72,250,000

**Average Coupon**
2.745812

**Average Life**
9.565517

**N I C %**
2.745812 % Using 100.00000000

**Weighted Bond Years**
72,882.464

**Weighted Average Life**
9.895216

**Weighted N I C %**
2.724660 % Using 100.00000000

**T I C %**
2.736905 % From Delivery Date

Moors & Cabot, Boston, Massachusetts

Micro-Muni Debt Date: 06-12-2017 @ 09:31:41 Filename: SACO Key: 2018
### City of Saco, Maine

#### 2018 General Obligation Bonds

*Pro-forma - Route 1 Improvements*

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**Debt Service Schedule**

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**Dated** 4/1/18  *with Delivery of* 4/1/18

**Bond Years**

25,000.000

**Average Coupon**

2.749375

**Average Life**

10.000000

**N I C %**

2.749375 Using 100.0000000

**Weighted Bond Years**

25,216.896

**Weighted Average Life**

9.929661

**Weighted N I C %**

2.725727 Using 100.0000000

**T I C %**

2.737796 From Delivery Date

**Moore & Cabot, Boston, Massachusetts**

**Micro-Muni Debt Date:** 06-12-2017  @  09:32:19  **Filename:** GACO  **Key:** 2018
### City of Saco, Maine
#### 2018 General Obligation Bonds
(Pro-forma - Consolidated)

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**Bond Production Report**
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<th>Bond Type</th>
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<th>Yield</th>
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**Par Amount**: 11,580,000.00

**Gross Production**: 11,783,840.85

**Bond Insurance**: 0.00

**Underwriters Discount**: 0.00

**Bid**: 11,580,000.00

**Accrued Interest**: 0.00

**Net to Issuer**: 11,580,000.00

**Gross Interest Cost**: 2,963,143.75

**Net Interest Cost**: 2,963,143.75

**T I C %**: Using 100.00000000

**CALL OPTIONS**:

10/ 1/2027 @ 100.000

C = Maturity was Priced to Call

Moors & Cabot, Boston, Massachusetts

Micro-Muni Debt Date: 06-12-2017 @ 09:29:43  Filename: Key;