SACO CITY COUNCIL MEETING
MONDAY, FEBRUARY 3, 2020 – 6:30PM
CITY HALL AUDITORIUM

I. CALL TO ORDER
II. RECOGNITION OF MEMBERS PRESENT
III. PLEDGE OF ALLEGIANCE
IV. GENERAL
V. COMMITTEE CORRESPONDENCE TO COUNCIL
VI. PUBLIC COMMENT
VII. APPROVAL OF MINUTES: January 21 and January 27, 2020
VIII. CONSENT ITEMS
   A. Appointment to Saco Shoreline Commission
   B. Appointment of Ward Clerks
   C. Appointment to Planning Board
IX. ACTION ITEMS
   A. (First Reading) Presidential Primary Budget Amendment
   B. (First Reading) Chapter 15 Fund Balance
   C. Strategic Direction Plan Focus Areas
   D. 351 North Street – Chapter 81 Review
X. NEW BUSINESS
   A. Presentation on New Budget Process
XI. ADMINISTRATIVE UPDATE
XII. COUNCIL DISCUSSION AND COMMENT
XIII. EXECUTIVE SESSION –
   “Be it Ordered that the City Council enter into executive session, pursuant to M.R.S.A.
   Title 1, Chapter 13, Subchapter 1, §405(6)):
   (E) Update from City Solicitor on Toddle Inn Property
   (E) Update on Pending Legal Matters
XIV. REPORT AND POTENTIAL ACTION FROM EXECUTIVE SESSION
XV. ADJOURNMENT

CHANGE IN ELECTED OFFICIALS EMAIL ADDRESSES
To reach Saco’s Elected Officials use first letter of first name last name @sacomaine.org.
Ex: bdoyle@sacomaine.org. See a list of the Elected Officials above.
Starting with Mayor Bill Doyle, Councilor Archer, Ward 1, Councilor Purdy, Ward 2, etc.

Hearing Assistance Devices are available at the back of the Auditorium.

If you are interested in addressing the Mayor and Council in the public comment session,
please add your name to the roster at the back of the room.
AGENDA ITEM: Confirm the Mayor’s Appointment to the Shoreline Commission

STAFF RESOURCE: Bryan Kaenrath, City Administrator

COUNCIL RESOURCE: Councilor Lynn Copeland

BACKGROUND: The Saco Shoreline Commission exists for the general purpose of studying the continuing effects of erosion on Saco’s shorefront, as well as evaluating public usage of the beaches and other public infrastructure within a coastal zone under the jurisdiction of the City of Saco and advising the City Council on policy matters relating to coastal erosion and use.

The Saco Shoreline Commission shall consist of nine members, appointed by the Mayor and confirmed by the Council. Each Commissioner shall be a resident of the City and shall serve without compensation.

The Mayor is recommending the appointment of John Wigginton as a full member, with a 3-year term ending on February 3, 2023.

RECOMMENDATION: Staff recommends approval

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s appointment of John Wigginton as a full member, with a 3-year term ending on February 3, 2023.

“I move to approve the Order”. 
MEETING ITEM COMMENTARY

AGENDA ITEM: Confirmation of Warden & Ward Clerk Appointments

STAFF RESOURCE: Michele L. Hughes, City Clerk

COUNCIL RESOURCE: Councilor Marshall Archer

BACKGROUND: At last Fall’s General Election there were several Warden and Ward Clerk positions that were not nominated by petition and therefore became a write-in position. Some of the write-ins chose to accept the positions and some did not, which has created a few vacancies in office.

The City Clerk is recommending appointment of the following individuals to fill the vacancies with a term to expire on December 6, 2021:

Ward 1 Warden – Frederick Fortier, 116 Buxton Road
Ward 3 Warden – Gordon E. Mehlman, 173 Jenkins Road
Ward 4 Ward Clerk – Elizabeth DeSimone, 220 Ferry Road

EXHIBITS: M.R.S.A. – Title 21-A

RECOMMENDATION: Staff recommends approval.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the appointment of Warden and Ward Clerks as recommended by the City Clerk as follows: Ward 1 Warden – Frederick Fortier, Ward 3 Warden – Gordon E. Mehlman, Ward 4 Ward Clerk – Elizabeth DeSimone.”

“I move to approve the order.”
Maine Revised Statutes
Title 21-A: ELECTIONS
Chapter 5: NOMINATIONS

§384. ELECTION OFFICIALS

The municipal officers may appoint a qualified person to fill a vacancy in the office of any election official. [1993, c. 447, §6 (AMD).]

1. Limitation.

[1999, c. 426, §16 (RP).]

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MEETING ITEM COMMENTARY

AGENDA ITEM: Confirm Mayor’s Appointment to the Planning Board – Shawn Nicholas

COUNCIL RESOURCE: Councilor Nathan Johnston, Ward 7

STAFF RESOURCE: Emily Cole-Prescott, City Planner

BACKGROUND: The Planning Board is comprised of seven members appointed by the Mayor and approved by the City Council for three-year terms. Each Commission member shall be a resident of the City, serve without compensation, and must meet the qualifications outlined in §4-34 of the City’s Administrative Code.

Mayor Doyle has recommended Shawn Nicholas (Ward 3) to be appointed to the Planning Board, to serve Neil Schuster’s unexpired term, until March 1, 2021.

EXHIBIT: 1. Board Member Application

RECOMMENDATION: The Mayor recommends confirmation of the appointment of Shawn Nicholas to the Planning Board.

SUGGESTED MOTION: “Be it Ordered that the City Council confirm the Mayor’s appointment of Shawn Nicholas to the Planning Board, to fulfill Neil Schuster’s unexpired term, from February 4, 2020 to March 1, 2021.

I move to approve the Order.”
boards = Economic Development Commission
boards = Parks & Recreation Advisory Board
Length of residency = 14 years in Saco, born and raised in Biddeford
Community1 = Saco
Board1 = Ross Ridge HomeOwners Association - Treasurer & acting President
Years1 = 2012 - Current
Community2 =
Board2 =
Years2 =
Community3 =
Board3 =
Years3 =
Community4 =
Board4 =
Years4 =
Community5 =
Board5 =
Years5 =
Nominee qualifications = To whom it may concern, As a Saco resident I have a vested interest in this community as my wife and I raise our two young daughters. I believe my degree in Economics along with a successful 20+ year career in business analysis will be very beneficial to a role on various committees. I have also served as the Treasurer and acting President on the Ross Ridge Homeowner Association since it’s initiation in 2012. I believe my experiences in this role will be valuable to future economic planning and development as Saco looks to continue its growth in prudent and thoughtful ways that best serves the citizens and municipality of Saco. Thank you in advance for your consideration. Shawn W. Nicholas
Name = Shawn Nicholas
Street Address = 145 Woodman Avenue
Mailing Address = 145 Woodman Avenue
Nominee Home Telephone =
AGENDA ITEM:  (First Reading) Budget Amendment #6 – March Primary

COUNCIL RESOURCE:  Councilor Joseph Gunn

STAFF RESOURCE:  Glenys Salas, Finance Director

BACKGROUND:  As part of the FY2020 Budget process, the City Clerk requested funding to support the presidential primary in March 2020. At the time, the state had not made a final determination on if this would be a primary or a caucus vote. The state has now passed LD #245 Act to Reestablish a Presidential Primary System in Maine. Therefore, funding to cover the cost of the primary must now be appropriated from the fund balance.

EXHIBIT:  Budget Amendment Request Form

RECOMMENDATION:  City staff recommends approval.

SUGGESTED MOTION  Be it ordered that City Council approves the first reading of ‘Budget Amendment #6 FY2020’ and moves to schedule a second and final reading for February 10, 2020.

“I move to approve the order”.

ACTION ITEM: A
February 3, 2020
# City of Saco

## FY 2020 Budget Amendment Request Form

### Revenue & Appropriation

**Amendment # 6 - March Primary**

**Date:** 1/24/2020

**City Clerk**

**Department**

## Summary

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**Change in Expense:** $13,343  
**Change in Revenues:** $13,343  
**Balance:** $0

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**Notes:** As part of the approval process for the FY2020 Budget, this item was put forward to Council. The Council chose to delay appropriating funding until after the State had determined that it would institute a voting primary for the 2020 presidential election. This amendment is to fund that primary.

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**Finance Director** certifies that funds are available:

**Print Name, Title:** Glenys Salas, Finance Director  
**Date:** 1/24/2020

**Approved by Council:**

**Date:**
MEETING ITEM COMMENTARY

AGENDA ITEM: (First Reading) Amendments to Chapter 15 – Funds

COUNCIL RESOURCE: Councilor Marshall Archer

STAFF RESOURCE: Glenys Salas, Finance Director

BACKGROUND: On November 12th, 2019, the Finance Director presented a recommendation to City Council to increase the Maximum Unassigned Fund Balance per the City Charter to 16.67% of the following year’s budget, or two months’ expenditures. This higher unassigned fund balance will enhance the City’s ability to make appropriations in times of emergency and to offset tax increases during economic slowdowns. Other minor corrections have been made to Chapter 15. This Chapter now also contains a comprehensive list of all funds prescribed or implied by City Ordinance.

EXHIBIT ITEM: Chapter 15 Excerpts with Revisions

RECOMMENDATION: City staff recommends approval.

SUGGESTED MOTION “The City Council approves the first reading of the document titled, 'Amendments to Chapter 15 – Funds’ and moves to schedule a Public Hearing for February 24, 2020.”
Article III

Arrest-Asset Forfeiture Funds

§ 15-19 **Purpose.**
The purpose of this article is to authorize the City of Saco Police Department to accept funds, grants or personal property to be used for law enforcement purposes.

§ 15-20 **Authorization to accept funds or gifts.**
The City of Saco Police Department is authorized to accept, from the United States Government or any of its agencies, the State of Maine or any of its agencies, the County of York or any of its agencies or any other private or public entity, funds, grants or personal property derived from property forfeitures following lawful arrests. The City of Saco Police Department is further authorized to accept funds designated for law enforcement purposes from governmental entities or private sources.

§ 15-21 **Special nonlapsing fund.**
All funds received according to § 15-20 above shall be placed in a special nonlapsing fund that shall be used for law enforcement activities within the City of Saco or in cooperation with other law enforcement agencies. All funds derived from property forfeitures resulting from arrests within the City of Saco or in cooperation with other law enforcement agencies shall also be placed in this fund and used for law enforcement purposes. The total amount of money deposited into the special nonlapsing fund shall not exceed $25,000 per fiscal year; any funds received in excess of $25,000 per year, except those forfeited funds which are subject to federal law governing their use, shall be placed in the City of Saco General Fund, unless a private donor specifies otherwise as a condition of the gift or grant or this ceiling is superseded by state or federal law, in which cases the wish of the donor or the superseding state or federal law shall control. This fund shall supplement and not supplant the annual Police Department budget appropriations. The City Council may augment this fund at its discretion.

§ 15-22 **Applicability of purchasing regulations.**
A. Expenditures from the special nonlapsing fund shall be made according to Chapter 38, Purchasing, of this Code, except in the following two circumstances, when expenditures shall be exempt from the requirements of the purchasing regulations:

(1) Cases where the law enforcement activity being funded would be rendered ineffective by the application of the purchasing regulations; or

(2) Cases where public knowledge of the law enforcement activity being funded could reasonably be foreseen to result in risk to the health or safety of a member of the Police Department or the public.

B. In situations set forth in Subsection A(1) and (2) above, the Police Chief or Deputy Chief shall be authorized to expend the necessary funds with the approval of the City Administrator, who shall determine whether or not the expenditure shall be subject to the purchasing regulations according to the standards of this section. A written statement describing the expenditure shall be presented to the Council at the next regularly scheduled Council meeting.

§ 15-23 **Reports.**
At least once a year, within 90 days of the end of the fiscal year, the Police Chief shall provide a written
report stating the sources and amount of income to the fund; the date, amount and purpose of all expenditures from the fund; and the balance forward.

Article IV
Unassigned Fund Balance Policy

[Amended 10-3-2011]

§ 15-24 Definition and classification.
A. "Fund balance" is a term used to describe the net assets of governmental funds. It is calculated as the difference between the assets and liabilities reported in a governmental fund.

B. Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balance for the general fund are defined as follows.

(1) Non-spendable: resources which cannot be spent because they are either a) not in spendable form or b) legally or contractually required to be maintained intact.

(2) Restricted: resources with constraints placed on the use of resources which are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.

(3) Committed: resources which are subject to limitations the government imposes upon itself at its highest level of decision making, and that remain binding unless removed in the same manner.

(4) Assigned: resources neither restricted nor committed for which a government has a stated intended use as established by the City Council, or body or official to which the City Council has delegated the authority to assign amounts for specific purposes.

(5) Unassigned: resources which cannot be properly classified in one of the other four categories. The general fund should be the only fund that reports a positive unassigned fund balance amount.

C. The committed, assigned, and unassigned classifications are often referred to, in the aggregate, as the unrestricted fund balance.

§ 15-25 Findings.
The City's unassigned fund balance represents those funds held in reserve to cover unexpected expenditure needs and emergencies, revenue shortfalls and seasonal cash flow variations. The City Council has determined that maintenance of an adequate fund balance is essential to the financial health and security of the City of Saco.

§ 15-26 Objective.
It is the policy objective of the City that the audited unassigned fund balance should be a maximum of 16.67% of the following year's general fund budget as adopted by the Saco City Council. The minimum unassigned fund balance should be set at one month's budgeted expenditures or 8.33% of the annual budget.

§ 15-27 Shortfalls.
It is the goal of the City that unassigned fund balance identified in the City's audited financial statements
shall be raised by the City Council in the next three budget cycles. The minimum revenue requirement shall be the funds needed to bring the unassigned fund balance above the 8.33% established in § 15-26.

§ 15-28 Surplus.
Any surplus in the unassigned fund balance identified in the City's audited financial statements that exceeds the 16.67% maximum target shall be made available for Council appropriation. In making said allocation of funds, the City Council shall give priority to the following activities:

A. Economic development projects, such as industrial park land acquisition, establishment of economic development loan fund programs or the development of infrastructure improvements associated with industrial park priorities.

B. Replacement of aging capital equipment that carries unusually high costs and has a utility life of eight years or more.

C. Specifically targeted infrastructure projects or other capital expenditures required by the City.

§ 15-29 Administration.
Upon acceptance of the City's annual audit by the City Council, the City Administrator shall determine the status of the unassigned fund balance relative to the policy established in § 15-26. At the second City Council meeting in January, the City Administrator or designee shall present an evaluation of the current unassigned fund balance and make recommendations regarding the action necessary to either make up any shortfall or appropriate any excesses. The City Council shall act on these recommendations no later than the first City Council meeting in February.

§ 15-30 Emergency actions permitted.
Notwithstanding any provision of this chapter, the City Council may vote at any time to use unassigned fund balance funds to respond to emergency funding needs.

Article V: Other Funds
The City maintains a number of additional funds in its accounting system. Some funds are created at the discretion of the Finance Director and City Administrator for various purposes while others are prescribed by or derived from local ordinance. Those funds governed by local ordinance are as follows:

§ C-4.01. Board of Education (School Fund)
§ C-6.05. Capital Program (Capital Projects Fund)
§ 4-14. E. Tax Increment Finance (TIF) Funds.
§ 60-5. Ambulance Fund.
§ 172-6. Registration Incentive Fund.
§ 176-34: Sewer Impact Fee
§ 176-53; § 4-20. User Charges and the Water Resource & Recovery Division
§ 176-96: CSO Impact Fee
§ 176-109: Subsurface Disposal Impact Fee
§ 186-5. Street Opening Permit Fee Fund. These fees are deposited and tracked as a dedicated portion of the Capital Improvement Fund

§ 230-413: Historic Preservation Fund

§ 230-1602: Recreation and Impact Fee Funds

§ 230-1603: Fire Department/emergency medical services impact fee funds
MEETING ITEM COMMENTARY

AGENDA ITEM: Strategic Goals Focus Areas

STAFF RESOURCE: Bryan Kaenrath, City Administrator

COUNCIL RESOURCE: Councilor Jodi MacPhail

BACKGROUND: The City Council adopted 9 strategic goals at their January 27, 2020 meeting. Based on these established priorities, City staff have prepared individual focus areas to accompany each of these goals to further define and categorize our priorities.

EXHIBIT: Focus Areas and Adopted Council Goals

RECOMMENDATION: Staff recommends approval

SUGGESTED MOTION: “Be it Ordered that the City Council approve the strategic goals focus areas”
Strategic Direction Plan (2020-2023)
Focus Areas and Adopted Council Goals

Growth & Innovation
Goal: Guide and promote best practices in planning, land use, and economic development.

Environmental Sustainability
Goal: Implement resiliency measures to foster environmental sustainability and mitigate the effects of climate change and coastal erosion.

Quality Service
Goal: Invest in technology, infrastructure, and resources to ensure sustainable service delivery and facility maintenance.

Financial Stability
Goal: Ensure an equitable and sustainable tax base that offers diverse residential and commercial opportunities.

Transportation & Transit
Goal: Support an inter-connected, multi-modal transportation system to accommodate community growth and meet service level expectations.

Transparency & Engagement
Goal: Foster interdepartmental collaboration, enhance transparency, and promote citizen engagement.

Livable Community
Goal: Enhance park infrastructure, community services, and opportunities for recreation.

Organizational Excellence
Goal: Enhance recruitment, retention, and professional development strategies to maximize service delivery.

Governance
Goal: Evaluate city ordinances, policies, and the charter, and update or amend to reflect current and relevant standards.
MEETING ITEM COMMENTARY

AGENDA ITEM: 351 North Street – Chapter 81 Review

COUNCIL RESOURCE: Councilor Nathan Johnston, Ward 7

STAFF RESOURCE: Emily Cole-Prescott, City Planner

BACKGROUND: The Planning Board has reviewed the Chapter 81 request to sell 351 North Street, existing location of the public works facility. After review at its January 14th and January 21st meetings, the Board unanimously (4-0) forwarded a positive recommendation of the attached report, to sell the property.

EXHIBITS: 1. Planning Board’s Chapter 81 Report

RECOMMENDATION: The Planning Board forwarded a positive recommendation of this report on January 21, 2020.

SUGGESTED MOTION: “I move to accept the Planning Board’s Chapter 81 Report of 351 North Street.”
At their meetings on January 14, 2020 and January 21, 2020, the Planning Board reviewed the request to sell 351 North Street, per Chapter 81 of the City’s ordinances. After discussion, the Board voted unanimously (4-0), pursuant to Chapter 81 of the City’s ordinances, and after review of the provided documentation, to forward the following, amended Chapter 81 Report to the City Council:

Report
Chapter 81 Review
Sale of City Property
351 North Street
January 21, 2020

The Planning Board has been asked to complete Chapter 81 review for the sale of 351 North Street, current site of existing public works facility. The Board offers the following statements and findings about this property and request to sell:

1. The property is addressed as 351 North Street, Map 69 Lot 1.
2. The property is owned by the City of Saco, verified by Book 4125 Page 199.
3. The site consists of approximately 24 acres, located in the I-2 zoning district.
4. Current use of the property is the City of Saco’s Public Works facility.
5. The City of Saco underwent a phase II environmental site assessment of this property.
6. The City, through referendum, made the determination to purchase an alternative property, and has started substantial construction on a new public works facility located on Phillips Spring Road. Referendum question included reference to sale of this property to fund future facility.
7. The Planning Board has reviewed City staff’s recommendation to sell the property and finds that sale of this property will allow for funding of continued construction of the new Public Works facility, consistent with referendum vote.
8. The Planning Board has reviewed the Comp Plan relative to this proposal and finds that:
   a. the sale of this property supports long-term city initiatives outlined in section H of the 2011 Comp Plan, which recommended an enlarged or replaced public works garage with expanded storage areas to support these public facilities
   b. the City’s referendum to support the construction of a new public works facility supports the reason for this sale, as funding the construction.
9. The Planning Board recommends that the City Council consider retention of the two subdivision lots adjacent to future public works facility for future public works expansion.

The Planning Board adopts this report, by 4-0 vote, on January 21, 2020.