

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of September 18, 2007.

- I. **CALL TO ORDER** – On Monday, September 18, 2006 at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.
- II. **ROLL CALL OF MEMBERS** – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF MINUTES: AUGUST 21, 2006**

Minutes were approved as written.

- V. **AGENDA ITEM:**
  - A. **(Public Hearing) Zoning Ordinance Amendment – Recycling**

The Zoning Ordinance permits a “Recycling Center” as a permitted use in the I-2 district. The definition of “Recycling Center” in the ordinance is rather broad, much too broad for to be considered a *permitted use* in light of the environmental, traffic, and neighbor issues that such facilities create.

The Council has decided to consider an amendment, which would eliminate the use. A City-operated recycling facility, with its greater municipal controls, could be permitted without the definition or the inclusion in the use list because solid waste facilities are permitted as a “municipal use” in many districts. (In the I-1 Industrial Park District, Recycling Center is a conditional use.)

The Saco Zoning Ordinance Article 3 definition of “Recycling Center” reads:

**Recycling center: A facility for the collection and processing of recyclables, excluding sewage sludge, into marketable resources. Such facilities would include, but not be limited to, materials recovery facilities and recycling drop off centers. The term does not include incinerators, other disposal facilities, or facilities that process general municipal solid waste. (Amended 4/1/91)**

The City Council discussed this item at Workshop on August 21, 2006; and the First Reading was held on August 28, 2006.

The Planning Board has scheduled a public hearing on September 19, 2006 and will discuss this item. A report will be available to the Council prior to the second and final reading of this zoning ordinance amendment.

Councilor Tripp moved, Councilor Smith seconded, to open the Public Hearing on zoning ordinance amendment outlined in the document entitled, ‘Saco Zoning Ordinance Section 410-12, I-2, dated August 21, 2006’. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Tripp moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the Second and Final Reading of the zoning ordinance amendment entitled, ‘Saco Zoning Ordinance Section 410-12, I-2, dated August 21, 2006’ be set for October 2, 2006. Further move to approve the Order. The motion passed with seven (7) yeas.

### **B. Ward 7 Council Resignation: Set Special Election**

Councilor Jesse McDougal, Ward 7, submitted his resignation from the City Council, effective October 24, 2006.

Pursuant to Section 2.06 of the City Charter, the City Attorney opined on September 6, 2006 that the seat must be filled by and through the elective process provided for in Section 2.06(C).

Due to the proximity of the upcoming General Election, to be held on November 7<sup>th</sup>, and in line with the advise of the City Attorney, the City Clerk has made nomination papers available with a return date of September 25, 2006. This will allow the City to meet the requirements set forth by the Charter.

Notwithstanding the preceding, the City Council may to choose to hold a Special Election on a different date, which date must be within 60 days creation of the vacancy.

The City Clerk estimates a Special Election to cost approximately \$2,500.

Councilor Cote moved, Councilor Michaud seconded, that it Ordered that the City Council accept the resignation of Councilor McDougal and that said resignation become part of the minutes, and further move to order that the City Clerk place the vacant Council position on the November 7, 2006 election ballot. Further move to approve the Order. The motion passed with six (6) yeas and one (1) abstention. Councilor McDougal abstained.

## **VI. CONSENT AGENDA:**

- A. Application for a License to Operate Game of Chance – Order of Eagles 3792

**The Fraternal Order of Eagles 3792** applied for a license to operate a Game of Chance called Sealed Tickets to be held from October 1, 2006 to October 2007.

The applicant has submitted their application in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

**B. Application for a License to Operate Game of Chance – Notre Dame de Lourdes**

**Notre Dame de Lourdes, PFTA has** applied for a license to operate a Game of Chance called Sealed Tickets to be held on November 11 and 12, 2006.

The applicant has submitted their application in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Councilor Smith moved, Councilor Tardif seconded, to approve the Consent Agenda. Further move the Order. The motion passed with seven (7) yeas.

Mayor Johnston called for a recess at 7:12 p.m.

The Meeting was reconvened at 7:27 p.m.

- VII. Councilor Smith moved, Councilor Tripp seconded, that it be Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, sub section 405(6)(E) move to enter into EXECUTIVE SESSION TO DISCUSS:  
A. MERC – Discussion of Litigation

The motion passed with seven (7) yeas.

**Report From Executive Session:**

Councilor Michaud moved, Councilor Morton seconded, to come out of executive session. The motion passed with seven (7) yeas. Time: 8:25 p.m.

Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr., Ronald Morton, Roland Michaud, Arthur Tardif, Eric Cote and Jesse McDougal.

No report from the executive session this evening.

VIII. ADJOURNMENT

Councilor Michaud moved, Councilor Morton seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 8:25 p.m.

ATTEST: \_\_\_\_\_  
Lucette S. Pellerin, City Clerk