

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, December 17, 2012 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, Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. Councilor Leslie Smith Jr. was excused this evening. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. AGENDA

A. ACCEPT DOG PARK DONATION

Carol and Skip Radin of Saco approached the City Administrator and the City Council this past summer with an interest to develop a dog park here in Saco. Carol Radin started the conversation with the offer of a sizable donation to begin the fundraising in order to help the city realize the park. Saco is a pet friendly community; all of the city's parks are and will remain open to dogs but the Radin's are interested in a more typical type of fenced dog park similar to the ones built in surrounding communities.

After discussion on locating the 'dog park', the preferred location selected would be in Pepperell Park, near the populated city center, just adjacent to the Old Jordan School. This chosen site is pending Historic Preservation and Planning Board reviews.

In early October of this year, the city created a dedicated dog park account for donations to construct and maintain the park. With the acceptance of these initial funds toward the construction of Saco's first 'dog park' the process of creating a meeting place for people and their pets will be underway. Anyone interested in making a donation towards the dog park, please contact the Finance Director at 283-1032 x311.

The estimated cost of a fully built out 'dog park' with appropriate fencing and surfacing will be approximately \$11,000. Staff will perform the construction of the surfaced area with the City bidding priced materials and the fencing using the City's competitive bid process.

Other site amenities such as permanent water, not just seasonal, and landscaping could be added in the future as fundraising is ongoing. The dog park will be approximately 125' x125' with a 16' x 16' smaller fenced in area. Final specifications for the park will be completed pending site selection approval.

Dog Parks

Design Standards and Process

Saco Department of Parks and Recreation (SPR)

About the Design Standards

The standard Saco Department of Parks and Recreation public dog park will consist of a safe surface for play, fencing, a water source, runoff mitigation, and visual screening. SPR will also provide each dog park with signage and a community bulletin board; SPR and the sponsoring group will maintain information.

These standards serve as basic guidelines to applicants regarding the design of a standard public dog park that SPR will assist with design, and build once an application for a dog park has been fully approved and funded.

The design process for any proposed dog park will not begin until the SPR Director has approved the dog park

application and a formal partnership agreement between SPR and the sponsoring group has been finalized including the complete funding for the park.

Dog Park Surface

- The preferred surface shall be decomposed granite (coarse stone dust).
- The granite can be of varying size but shall not be greater than one quarter-inch (.25 inches) in size.
- The granite will be laid across the entire dog park site to a depth of at least six (6) inches.
- The decomposed granite will be laid based on manufacturer specifications.
- All necessary drainage systems will be installed prior to installation of the granite. Alternative surfaces may be considered areas and funding decisions for alternative surfaces will be made on a case-by-case basis.

Fencing

The purpose of fencing around the dog park is to protect both dogs and other park users.

- The standard fence shall be five (6) feet tall. All Fence posts shall be driven and fence panels shall be buried to a depth of six (6) inches at all locations except at access points. SPR will determine the fencing type based on each park location and available funding provided.
- Each dog park will have two (2) access points. These gates and all entrances will be the same height as the fence surrounding them. One will provide public access to the dog park; this entrance will consist of a double gate. The first, or outer gate, will provide user access to a sixteen (16) square-foot area. This area will serve as a buffer between the dog park area and the rest of the park. Both gates to this entrance shall be lockable. Either SPR or sponsoring group managers will control access.
- The second dog park entrance shall be for maintenance purposes only and will be controlled by SPR. This entrance will be approximately sixteen (16) feet wide in order to allow full access to the site by maintenance vehicles. Actual dimensions for the park may vary based on site constraints.

Water Source

Each park shall be equipped with a standard hose-bib.

Runoff Mitigation and Visual Screening

Each standard dog park will include planting beds along the outside of the fence to help screen the dog park from other users and to reduce runoff from the dog park area. These shrub/ tree planting beds shall be no closer than 7' to the boundary fence for maintenance purposes.

Zoning Districts

Zoning districts and those specific regulations relative to the zoning districts may influence the design and location of dog parks within the district, when this occurs it will be the responsibility of SPR to work with the appropriate office and sponsoring group.

Signage

Each dog park shall have permanent signs, stating the hours of operation, rules, and regulations for the Dog Park, and contact information for SPR.

Sponsoring Group Provided Amenities

Sponsoring groups interested in providing additional amenities to a proposed dog park shall submit a description of the proposed amenities in the proposal that accompanies their Dog Park Establishment request. Applicants are advised that the inclusion of additional amenities will result in a more extensive design process.

Design Process

The design process for both a standard dog park and a dog park with sponsoring group-funded amenities is outlined in the “Design Process for SPR Dog Parks” section.

Design Process for SPR Dog Parks

About the Design Process

The design process for Saco Department of Parks and Recreation (SPR) public dog parks will follow the design being proposed by the sponsoring group.

Standard Dog Park and User Defined Dog Parks

Each dog park will have the same standard features as outlined in the previous section, “Design Standards for SPR Dog Parks and will allow a sponsoring group to add features or upgrade amenities within the proposed dog park.

Any additional features will be paid for and maintained by the sponsoring group.

In order to address the design of a Standard Dog Park, SPR has created a more thorough process that will allow the sponsoring group to be more involved, while maintaining SPR’s role as project manager and ensuring that the park meets all the requirements of a new public dog park.

The design process for any proposed dog park will not begin until the SPR Director has approved the dog park application and a formal partnership agreement between DPR and the sponsoring group has been finalized and the necessary funding has been designated.

Standard Dog Park Design Process

After the SPR Director has approved a proposed dog park and a formal partnership agreement between SPR and the sponsoring group has been finalized, SPR will acquire dog park design services. The designer will be provided with site specifications and SPR’s “Dog Parks - Standard Design Guidelines” document.

Upon agreement of a concept design between SPR and the sponsoring group, both parties will meet with the community to present the concept design and obtain community support. Once community support has been obtained, the designer will complete construction documents. SPR will then procure construction services. Additional community meetings may be held as needed.

User Defined Dog Park Design Process

As part of the Dog Park Establishment application, the sponsoring group’s proposal for a User Defined Dog Park will provide a complete description of the additional uses and/or amenities the sponsoring group would like to add to the standard dog park design.

The responsibilities of SPR and the sponsoring group in regards to the design, construction, and maintenance of sponsoring group proposed amenities shall be addressed in the formal partnership agreement. After the SPR Director has approved a proposed dog park and a formal partnership agreement between SPR and the sponsoring group has been finalized, SPR will acquire dog park design services.

The designer will be provided with site specifications and SPR’s dog park standards, and the additional amenities as proposed by the sponsoring group.

Upon agreement of a concept design between SPR and the sponsoring group, both parties will meet with the community to present the concept design and obtain community support. Once community support has been obtained, the designer will complete construction documents. SPR will then procure construction services.

During the design process, SPR will meet with the sponsor group and the design team a maximum of three times. There will also be two community meetings to discuss and review the proposed dog park.

-----End of Design Standards and Process Document-----

Councilor Doucette moved, Councilor Tripp seconded “Be it ordered that the City Council accept with gratitude the donation of \$5000 from Carol and Skip Radin of Saco for the purpose of constructing and maintaining a dog park in Saco.” Further move to approve the order. The motion passed with six (6) yeas.

B. DOWNTOWN ZONING – (SECOND & FINAL READING)

The City Council adopted the 2011 Update of the Comprehensive Plan on March 8, 2011. Since that time, the Planning Board and staff have been drafting Ordinance language to implement the Plan’s intent. A number of ordinance changes to date have been processed and approved by Council.

Proposed at this time are another six of the remaining list of Ordinance changes. These changes are largely housekeeping in nature and correct longstanding inconsistencies in downtown zones. The proposed changes would affect the B-1, B-3 and R-3 districts.

Included are draft updates to the B-1 zone that would re-name it from the “General Business” district to the “Scamman Street Shopping Center” district and fine-tune the allowed uses. Also proposed, is the realignment of zoning boundaries affecting individual parcels or small clusters of parcels in the downtown.

The Planning Board forwarded these Zoning Ordinance amendments to the City Council on June 22, 2011, and discussed them in a joint workshop with the Council on March 5, 2012.

The Council discussed this item in Workshop on November 5, 2012, First Reading was November 19, 2012, and the Public Hearing was December 3, 2012.

❖ **Summary of Proposed Downtown Zoning Map Changes**

1. **B-1 to R-3** – involving 12 parcels on the north side of Temple Street that are currently lumped into the B-1 zone, this change recognizes that these properties are all residential currently and are perhaps more correctly part of the adjacent (south side of Temple, west side of Spring Street) R-3 district.
2. **B-1 to R-3** – this parcel at 96 Pleasant Street, a single family residence, lies between the existing B-1 to the east along Elm Street and the existing R-3 to the west. With no frontage on Elm Street, probably more appropriate being “absorbed” into the neighboring R-3 district.
3. **B-3 to R-3** – five parcels bounded by the B&M railroad line, Front Street and Wharf Street include RR property, a two-family dwelling, 2 single family dwellings and a vacant lot.
4. **R-3 to B-3** – this is a portion of the Most Holy Trinity Catholic Church parcel at 255-271 Main Street. The existing B-3 zone on each side of Main Street would be maintained but reconfigured under this batch of changes, and extended one parcel further to the north with this change.
5. **R-3 to B-3** -- a portion of the parking lot at City Hall; City Hall is in the B-3 zone and would remain so.

2011 Comprehensive Plan Implementation Through Nov. 5, 2012

| <u>Recommendation</u> | <u>Approval Date</u> | <u>Summary</u> |
|-------------------------------------|----------------------|--|
| MU-1 Zone | Oct. 3, 2011 | Created new Mixed Use-1 zone. |
| Variable Housing Density Provisions | Nov. 16, 2011 | Changes lot area requirements based on size and number of bedrooms in a multi-family unit. |

| | | |
|---|---------------|--|
| Infill Development | Nov. 16, 2011 | Added and revised standards for infill development. |
| Downtown Parking | May 21, 2012 | Revised parking standards for MU-1 and multi-family dwellings. |
| Vertical Expansions of Nonconforming Structures | May 21, 2012 | Allows nonconforming (due to setbacks) 1- and 2-family structures to be expanded up, not out. |
| Elder care | May 21, 2012 | Defined various levels of elder care and added to several zones. |
| Change B-1 district along North Street to B-2c | Sept. 4, 2012 | Amendments to existing B-1 district on north side of North Street from Industrial Park Road to the City's Public Works facility. |
| B-8 Zone | Sept. 4, 2012 | Created new office park zone including much of the Sweetser property, and the Sportszone area opposite public works, to encourage quality office park development. |

Councilor Cote moved, Councilor Tripp seconded “The City of Saco hereby Ordains and Approves the Second and Final Reading of the ‘Amendments to Zoning Ordinance to Implement the Recommendations of the City’s Adopted Comprehensive Plan with Respect to the B-1 Zoning District’, and ‘Proposed Changes Downtown Zoning Map’, dated November 5, 2012’.” Further move to approve the Order. The motion passed with six (6) yeas.

C. CODE AMENDMENT CHAPTER 118 COASTAL WATERS – (SECOND & FINAL READING)

“Amendments to Chapter 118. HARBOR, RIVER AND WATERFRONT, dated November 5, 2012”

(Please note underline represents new language, while ~~strikethrough~~ is language proposed for deletion)

[HISTORY: Adopted by the City Council of the City of Saco 5-16-2006; Editor's Note: This ordinance also superseded former Ch. 118, Harbor and Waterfront, which was comprised of Art. I, River and Bay Regulations, adopted 4-18-1995, as amended; Art. II, Camp Ellis Pier, Parking Lot and Public Landing Regulations, adopted 4-18-1995, as amended; and Art. III, Traffic on Beach and Dune Areas, adopted 5-1-1995 as Ch. XX, Sec. 20-7 of the 1994 Code. amended in its entirety 5-4-2009. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Animals on beaches — See Ch. 64, Art. I.

Article I. General Regulation of Waters

§ 118-1. Title; purpose.

This chapter shall be known as the "Saco River, Harbor and Waterfront Ordinance." This chapter is hereby adopted by the City of Saco to ensure the proper operation of recreational and commercial watercraft, and to promote the safe enjoyment and recreational use of the City's waters, including waterways, tidal areas, rivers and beaches.

§ 118-2. Scope and enforcement.

No provision of this chapter shall be interpreted as conflicting with federal and state laws applicable to the coastal waters, tidal rivers and harbors of this state, but shall be read as supplementing said laws where applicable. This chapter shall be enforced by the City through its designated Harbor Master, Harbor Patrol and other subordinates or designees.

§ 118-3. Violations and penalties; manner and method of service.

A. Penalties. Whoever violates any of the provisions of this chapter is guilty of a separate offense for each day, part of a day, or event during which the violation is committed, continued, or permitted. Unless stated elsewhere, each offense, upon conviction, is punishable by a civil penalty of not less than \$100 and not more than \$2,500.

B. Violations:

(1) Derelict vessel, § 118-8. A violation of Subsection D or E shall have a mandatory minimum fine of \$250 that may not be suspended.

(2) Operation of a vessel without proper safety equipment, § 118-12. A violation of this section shall have a mandatory minimum fine of \$150 that may not be suspended, and a citation may be issued for each piece of equipment that is missing, not in proper working order or in poor condition.

(3) Each day, if the offense is repeated, shall constitute a separate violation. If the violation relates to damages caused, said party, if found responsible, shall bear reasonable costs of repair in addition to any fines and fees assessed hereunder.

C. Manner and method of service. Notice to owner or to persons responsible for a violation of this order shall be made in the following manner and method. At the discretion of the acting authority, a warning may be issued verbally or in writing, so long as such warning is recorded and made available for future reference. If, in the discretion of the acting authority, a citation is deemed necessary, such citation will be issued in the following manner:

(1) The citation includes the name of the responsible person and/or owner, the date and time of the violation, a general reference location for the violation, a description of the violation and the location of and date of appearance at the local court having jurisdiction;

(2) The citation used is authorized and accepted by the District Court of the State of Maine;

(3) Service of the citation is made upon the violator by a person authorized under law to make such service;

and

(4) The completed citation is properly recorded in the District Court of the State of Maine having jurisdiction over the violation.

§ 118-4. Definitions.

COASTAL WATERS

Those waters adjacent to all shorelines within the City of Saco, including beaches and riverfront.

§ 118-6. Harbor Master; duties.

There shall be a Harbor Master appointed by the Director of the Department of Public Works. The Harbor Master will be under the direction of the Director of Public Works who will act as his/her immediate supervisor. He or she

shall also have those duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, Coastal Water Commission or such other bodies empowered to regulate municipal harbors and specifically assigned herein, including the proper designation of channels, assignment and location of anchorages, the assignment and monitoring of moorings, maintenance and placement of buoys, and other defined tasks, all as herein set forth below.

A. Channels. Channels for the passage of boats shall be designated on the plans of the Saco River, dated November 5, 1963, and filed with the City Clerk, and as updated from time to time. Said plans are hereby incorporated by reference as part of this chapter.

B. Anchorage. Vessels shall be anchored in the harbor in such places or areas as the Harbor Master shall designate. The Harbor Master may at any time order any vessel at anchor to change position when, in his opinion, such vessel is so anchored as to impede navigation or to endanger other vessels.

C. Moorings.

(1) Assignment of moorings.

(a) No mooring shall be set within City waters except by permission of the Harbor Master. Any person wishing to place a mooring in City waters or to relocate an existing mooring shall submit a mooring permit application to the City and request such permission in advance from the Harbor Master. The Harbor Master shall then assign a location for such mooring and shall advise the applicant concerning the requirements of these rules and regulations. In the assignment of moorings, the Harbor Master shall, insofar as the same may be done consistently with these rules and regulations and with due regard for the safety of other vessels and of navigation, give consideration to the choice of the applicant. However, where mooring rights of individuals are claimed to be invaded and protection is sought of the Harbor Master, the Harbor Master shall assign and indicate to the masters or owners of the vessels the location which they may occupy for said mooring, and the Harbor Master shall assign mooring privileges in all cases where individuals who own or have an interest in the shore rights are complainants and shall locate suitable mooring privileges temporarily or permanently, fronting their lands if so requested, but not so as to encroach upon the natural channel or channels established by this chapter. Moorings shall be set by July 30 of each year.

(b) City Hall shall maintain a waiting list, with a registration fee established by the City Council after a public hearing.

(c) The Harbor Master, based upon the waiting list, shall authorize moorings on a first-come-first-served basis, except that commercial harbor users may be given priority for facilities developed for commercial users with federal funds. The Harbor Master will provide the updated lists to the City Clerk on May 1, July 1 and October 1 each year and at other times when requested. The lists shall be provided to any member of the public who requests them. If there is a dispute about mooring assignments, the Saco Coastal Waters Commission shall hear appeals from the decisions of the Harbor Master.

(2) Application for mooring permits.

(a) Applications for mooring permits for any one-year period must be filed with the City Clerk by March 15 of the current year, on forms prescribed by the Saco Coastal Waters Commission.

(b) The City of Saco mooring permit application form contains additional rules and regulations regarding use and placement of moorings.

(c) Permits shall be good for one year (March 15 to March 14)

(d) Moorings that are not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned and be removed at the owner's expense, and the location shall be reallocated.

(e) The annual application fee for the waiting list shall be established by the City Council after a public hearing.

(f) Moorings are not transferable except as provided by 38 M.R.S.A. § 3-A.

(3) Adequacy of moorings. All existing moorings hereinafter to be set shall be of sufficient size to hold the vessel for which they are used. All moorings shall have approved buoys and must be visible at all times.

(4) Inspections of moorings. The Harbor Master or his/her designee shall inspect moorings biannually.

(a) All mooring requirements will be determined by the Harbor Master. Guidelines on mooring block weight, attachment requirements and chain link size are listed on the mooring permit application.

(5) Manner/condition of moorings:

(a) All mooring floats shall meet United States Coast Guard regulations.

(b) The float attached to the mooring line shall be of sufficient size to remain afloat when not attached to the vessel.

(c) The Harbor Master may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of an emergency, he shall notify the owner of his intention to examine the mooring, either in writing or verbally, and request the presence of the owner during such examination. Any cost of examination shall be borne by the owner of the mooring.

(6) Vessels moored as to impede navigation or to endanger other vessels. All moorings, whether now existing or hereinafter set, shall be so located or relocated that the vessels secured thereby will not impede navigation within City waters nor endanger other vessels moored therein. If the Harbor Master shall find that any vessel is so moored as to impede navigation or to endanger other vessels, he may require that the owner of the mooring or of the vessel secured thereby take such steps, whether by shortening the scope of the mooring lines or by the use of additional mooring or mooring lines, as will prevent such impeding of navigation or endangering of other vessels; or, in the alternative, he may order that the mooring be removed and relocated. In requiring the removal of a mooring because of its danger to other moorings, last set shall be the first ordered to be removed. Any person so ordered by the Harbor Master acting under this subsection shall remove a vessel within 48 hours after order; whether written or verbal, provided, however, that if the Harbor Master shall find an emergency requiring immediate action to prevent injury to life or damage to property, he or she may cause said mooring and any vessel attached thereto to be removed and relocated or removed without advance notice to owner. Any expense involved shall be borne by the owner of the mooring or vessel.

(7) Interference with moorings. Except by direction of the Harbor Master acting in an emergency or with permission of the owner, no person shall move or interfere with any mooring or vessel in the harbor.

(8) Removal. A mooring shall be removed after September 30, unless it is still in use by its owner. If not removed by its owner, the Harbor Master shall see to its removal at the expense of the mooring owner. The mooring and ground tackle shall not be returned to its owner until such bill is paid.

(9) Violations as to moorings.

(a) Upon a first violation of this article relating to moorings, the Harbor Master shall issue a written

warning to the owner of the mooring, and to any operator if applicable. unless, in the sole opinion of the Harbor Master, immediate action is determined necessary to mitigate a hazardous condition and ensure proper navigation and/or public safety. In the event of such determination, a verbal notification is deemed sufficient.

(b) Any subsequent violation by any person receiving a warning shall be subject to those penalties as set forth in § 118-3.

(c) In addition to any fines sought and/or paid, the City, by and through the Harbor Master, shall retain the unilateral right to remove moorings that are in channels or otherwise obstructing navigation or that remain in violation of this article, provided that a written warning has first be given to the owner. except as noted above in paragraph C.9(a). Any such removal shall be at the expense of the owner. The Harbor Master may place a lien on any mooring and related tackle that he removes under this article to secure his claim for expenses.

D. Buoys other than for mooring vessels. No buoy of this type shall be placed in channels leading to wharves, nor shall such buoys be placed less than three vessel lengths from a mooring buoy for that vessel. The Harbor Master is empowered, in the interest of public safety, to require the removal of any buoys.

Article II. Prohibited or Restricted Actions

§ 118-7. Waterskiing and aircraft.

A. Vessels towing water-skiers and aquaplanes. There shall be no waterskiing in congested mooring areas, anchorage areas or in speed-limit areas. No person shall operate a vessel while towing water-skiers, aquaplanes or similar devices unless there is present in said vessel, in addition to the vessel operator, another person in a position to observe and assist the person or appurtenance being towed. The operator of such a vessel will be held responsible for compliance with the navigating rules for both the vessel and the person or appurtenance being towed. Except in connection with water carnivals and exhibitions authorized by the City Council, no such activity may be conducted during the period between 1/2 hour after sunset and 1/2 hour before sunrise. Special waterskiing areas will be designated by the City Council.

~~B. Hours regulated. No person shall engage in surfing or waterskiing or the use of surfboards or water skis or jet skis in the tidewaters along the shore in Saco Bay from Goose Fair Brook, along the ocean, including the shore at Kinney Shores, Bay View, Ferry Beach and Camp Ellis, so called, from June 1st of each year to September 10 of the same year, during the period commencing at 9:00 a.m. and ending at 5:00 p.m., except in connection with water carnivals and exhibitions authorized by the City Council. No such activity may be conducted during the period commencing 1/2 hour after sunset and ending 1/2 hour before sunrise.~~

C. B. Water-ski jumps. No person shall locate or use on the public waters under the jurisdiction of this Council a water-ski jump without first obtaining the approval of the City Council or its duly authorized representative.

D. C. Aircraft. Aircraft shall be governed by the appropriate rules and regulations of the Maine Aeronautics Commission, excepting that they shall observe the same mooring and anchorage rules and regulations that apply to vessels.

-----End of Code Amendment Document-----

Councilor Blood moved, Councilor Doucette seconded “The City of Saco hereby ordains and approves the Second and Final Reading of the document titled, ‘Amendments to Chapter 118 Harbor, River and Waterfront, dated November 5, 2012.’” The motion passed with six (6) yeas.

D. AUTHORIZATION TO WRITE-OFF FORECLOSED TAX ACQUIRED PROPERTIES

The listing attached shows the various properties which the City foreclosed upon on December 15, 2011. Many attempts have been made to get the property owners to either pay off the matured tax liens or enter into Option Agreement and remain current with them. All attempts were unsuccessful.

The Council discussed this item at Workshop on December 3, 2012.

November 26, 2012

December 3, 2012 Real Estate Foreclosed Properties (Lien Year 2010)

John & Sylvia Haley Sr. – 290 Buxton Road (book 15907/ page 107)

This one also technically foreclosed for the lien year 2009 as well (book 15688/ page 526). Made \$1,660 in payment during the last 12 months, but the annual taxes without interest are \$2,154. On 10/12/12, sent a letter and an Option Agreement (payment plan), no return of the agreement. Made \$410 worth of payments since letter sent on 10/12/12.

Balance due as of 11/26/2012 – \$2,655.35 (2010 & 2009 taxes)

Doris E Herzberg Trustee – 2 Piney Woods Rd (book 15907/ page 113)

They have been making payments of \$550.00 per month December 2011 – August 2012, then skipped September, and made a payment in October. If they made one additional payment it would be paid off. As of today, the City has not received the payment. Not eligible for Option agreement, not primary residence.

Balance due as of 11/26/2012 – \$514.12 (2010 taxes)

Linda Ferland – 58 Washington Ave (book 15907/ page 080)

Was making payments monthly until August, there was a fire at the home in late August early September. Not eligible for Option agreement, not primary residence.

Balance due as of 11/26/2012 - \$1,020.90

-----End of Foreclosed Tax Acquired Properties to Write-Off-----

November 26, 2012

December 3, 2012 Real Estate Foreclosed Properties entered into Option Agreements (Lien Year 2010) **Do not write off**

K C & Debra Compson – 12 Lillian Ave (book 16029/ page 659 & book 15907/page 58)

Entered into a payment agreement that is a two year term to get caught up on Real Estate taxes for year 2010 & 2011, and sewer bills for 2005 – 2010. Has been in an informal payment plan since February 2010, and has been doing great. We increased the payment plan slightly to include the sewer bills. I believe they are dedicated to working with the City.

Balance due as of 11/26/2012 - \$257.16 (2010 taxes, see sewer bills)

Michelle Mosley – 22A Meserve Cir (book 15907/ page 231)

Entered into a payment agreement that is a one year term to get caught up on Real Estate taxes for year 2010. There was a private sale in 2006, and the name didn't get transferred. Michelle hopes to have it paid off prior to the date on payment agreement, but at a minimum she will pay the agreed amount.

Balance due as of 11/26/2012 - \$226.20 (2010 taxes)

William Dyment Jr – 1038 Portland Rd #21 (book 15907/ page 075 & book 15688/page 458)

Entered into a payment agreement that is a one year term to get caught up on Real Estate taxes for year 2010 & 2009.

Balance due as of 11/26/2012 - \$745.75 (2010 & 2009 taxes)

Daniel & Joan Gagnon – 6 Jenkins Rd (book 15907/ page 088)

Entered into a payment agreement that is a one year term to get caught up on Real Estate taxes for year 2010. Been on an informal payment plan since February 2012, and has been making payment on time. Formalized the payment agreement, and they will continue with the payment plan of \$280/ month.

Balance due as of 11/26/2012 - \$1,018.24 (2010 taxes)

Norman & Doris Bouffard – 8 Spring Rd (book 15907/ page 037)

Entered into a payment agreement that is a one year term to get caught up on Real Estate taxes for year 2010. Has entered into payment agreements in the past and kept to the agreements.

Balance due as of 11/26/2012 - \$1,358.77 (2010 taxes)

Councilor Lovell moved, Councilor Blood seconded “Be it ordered that the City Council write off the identified tax acquired properties identified in the document titled, ‘December 3, 2012 Real Estate Foreclosed Properties (Lien Year 2010)’, further and remove them from the tax rolls proceeding with the disposal process.” Further move to approve the order.”

Councilor Lovell stated for the record that the only properties that would be written-off would be the 3 properties (Haley, Herzberg & Ferland) listed at the beginning of the document. The other properties that entered into option agreements will not be written-off. The liens still stand, so if the property is sold or re-financed, it will show that the City of Saco has placed a existing and active lien on the property. The write-off just removes these properties from the books.

Update - Finance Director Cheryl Fournier stated that Doris Herzberg was being removed from the list, because she paid the balance due.

Councilor Lovell noted that it would now only be 2 properties (Haley & Ferland) that would be written-off.

Mayor Johnston called for a vote. The motion passed with six (6) yeas.

E. AUTHORIZATION TO WRITE-OFF FORECLOSED SEWER LIEN ACQUIRED PROPERTIES

The listing attached shows the various properties which the City foreclosed upon on June 16, 2012. Many attempts have been made to get the property owners to either pay off the matured tax liens or enter into Option Agreement and remain current with them. All attempts were unsuccessful.

November 26, 2012

December 3, 2012 Sewer Foreclosed Properties (Sewer Lien Year 2009)

Tammy Brady & Gerard Lacourse – 16 Franklin Street (book 16029/ page 665)

This one also technically foreclosed for the lien year 2008 as well (book 15810/page 139). Made \$35 in payment during the last 12 months. On 10/12/12, sent a letter and an Option Agreement (payment plan), send back the signed agreement with only \$35 of the \$451.69 due. Last payment in August 2010 except for a \$25 payment in July 2012.

Balance due as of 11/26/2012 – \$2,266.05 (2006-2009 sewer fees)

Ronald Boucher – 79 Bradley Street (book 16029/ page 689)

This one also technically foreclosed for the lien year 2008 as well (book 15810/page 156). Last payment was February 2008. Not eligible for Option agreement, not primary residence.

Balance due as of 11/26/2012 – \$1,366.89 (2008-2009 sewer fees)

Darren S Day – 20 Coolidge Ave (book 16029/ page 675)

No payments since 2004, has been on this list multiple times.

Balance due as of 11/26/2012 - \$1,591.43 (2004-2009 sewer fees)

Timothy E Elliott – 419 Ferry Rd (book 16029/ page 747)

No payments since October 2011, and prior to that January 2011. Got a call from Camden National, and said they would pay but haven't heard back from them.

Balance due as of 11/26/2012 - \$574.42 (2009 sewer fees)

Candace Millette – 22 James St (book 16029/ page 719)

Made a large payment August 2012, no additional payments since.

Balance due as of 11/26/2012 - \$225.43 (2009 sewer fees)

Michael J & Heather Lessard – 44 Maple St (book 16029/ page 686)

No payment since August 2011.

Balance due as of 11/26/2012 - \$386.94 (2009 sewer fees)

Kelli J Mcleer – 54 Hillview Ave (book 16029/ page 771)

No payment since April 2009.

Balance due as of 11/26/2012 - \$428.21 (2009 sewer fees)

Michael Vane – 63 Cumberland Ave (book 16029/ page 678)

No payment since February 2010.

Balance due as of 11/26/2012 - \$227.66 (2009 sewer fees)

-----End of Foreclosed Sewer Lien Properties to Write-Off-----

November 26, 2012

December 3, 2012 Sewer Foreclosed Properties entered into Option Agreements (Sewer Lien Year 2009) Do not write off

K C & Debra Compson – 12 Lillian Ave (book 16029/ page 659 & book 15907/page 58)

Entered into a payment agreement that is a two year term to get caught up on Real Estate taxes for year 2010 & 2011, and sewer bills for 2005 – 2010. Has been in an informal payment plan since February 2010, and has been doing great. We increased the payment plan slightly to include the sewer bills. I believe they are dedicated to working with the City.

Balance due as of 11/26/2012 - \$3,527.77 (2005-2010 sewer fees, see taxes)

Pavlos Casvikes – 3 Margaret Cir (book 16029/ page 743)

Entered into a payment agreement that is a one year term to get caught up on sewer fees for year 2009.

No payment since 2008 until the down payment of the Option Agreement.

Balance due as of 11/26/2012 - \$696.82 (2009 sewer fees)

Heather Mitchell-Close – 20 Maple St (book 16029/ page 755)

Entered into a payment agreement that is a one year term to get caught up on sewer fees for year 2009.
No payment since April 2009 until the down payment of the Option Agreement.

Balance due as of 11/26/2012 - \$570.55 (2009 sewer fees)

Craig & Amy Stephens – 173 Bradley St (book 16029/ page 751)

Entered into a payment agreement that is a one year term to get caught up on sewer fees for year 2009.
No payment since August 2008 until the down payment of the Option Agreement.

Balance due as of 11/26/2012 - \$350.54 (2009 sewer fees)

Tracy Walter – 10 Norman St (book 16029/ page 780)

Entered into a payment agreement that is a one year term to get caught up on sewer fees for year 2009.
No payment since August 2010 until the down payment of the Option Agreement.

Balance due as of 11/26/2012 - \$437.26 (2009 sewer fees)

Daniel Walsh – 26 Cherry Field Ave (book 16029/ page 732)

Entered into a payment agreement in July 2012, and he has been following it.

Balance due as of 11/26/2012 - \$784.18 (2009 sewer fees)

Councilor Tardif moved, Councilor Lovell seconded “Be it Ordered that the City Council authorize the write off of the sewer liens listed on the document titled, ‘December 3, 2012 Sewer Foreclosed Properties (Sewer Lien Year 2009)’. Further move to approve the order.

Update - Finance Director Cheryl Fournier stated that Timothy Elliott was being removed from the list because he paid the balance due.

Councilor Lovell noted for the record that the only properties being written-off were the remaining seven (Brady/Lacourse, Boucher, Day, Millette, Lessard, Mcleer and Vane) which are listed on the first document. The properties listed on the second document that entered into option agreements will not be written-off. These are active liens and will not be removed.

Mayor Johnston called for a vote. The motion passed with six (6) yeas.

F. SEWER AND TAX LIEN PROPERTY DISPOSITION

The listing attached includes the various properties the City foreclosed upon on June 16, 2012 and December 15, 2011. All attempts to get the property owners to either pay off the matured tax liens or enter into Option Agreement and remain current with them were unsuccessful. Therefore, according to Chapter 81-1 the city has legally acquired by foreclosure the properties listed on the document titled, ‘Sewer and Real Estate Foreclosed Properties dated December 3, 2012’, and will by procedure, be referred to the Planning Board for evaluation and subsequently a report to the City Council.

| | |
|--|--|
| December 3, 2012 Sewer Foreclosed Properties (Sewer Lien Year 2009) | December 3, 2012 Real Estate Foreclosed Properties (Lien Year 2010) |
|--|--|

| | |
|--|---|
| <p>Tammy Brady & Gerard Lacourse – 16 Franklin Street (book 16029/ page 665) This one also technically foreclosed for the lien year 2008 as well (book 15810/page 139). Made \$35 in payment during the last 12 months. On 10/12/12, sent a letter and an Option Agreement (payment plan), send back the signed agreement with only \$35 of the \$451.69 due. Last payment in August 2010 except for a \$25 payment in July 2012.</p> <p style="text-align: center;">Balance due as of 11/26/2012 – \$2,266.05 (2006-2009 sewer fees)</p> <p>Ronald Boucher – 79 Bradley Street (book 16029/ page 689) This one also technically foreclosed for the lien year 2008 as well (book 15810/page 156). Last payment was February 2008. Not eligible for Option agreement, not primary residence.</p> <p style="text-align: center;">Balance due as of 11/26/2012 – \$1,366.89 (2008-2009 sewer fees)</p> <p>Darren S Day – 20 Coolidge Ave (book 16029/ page 675) No payments since 2004, has been on this list multiple times.</p> <p style="text-align: center;">Balance due as of 11/26/2012 - \$1,591.43 (2004-2009sewer fees)</p> <p>Timothy E Elliott – 419 Ferry Rd (book 16029/ page 747) No payments since October 2011, and prior to that January 2011. Got a call from Camden National, and said they would pay but haven't heard back from them.</p> <p style="text-align: center;">Balance due as of 11/26/2012 - \$574.42 (2009 sewer fees)</p> <p>Candace Millette – 22 James St (book 16029/ page 719) Made a large payment August 2012, no additional payments since.</p> <p style="text-align: center;">Balance due as of 11/26/2012 - \$225.43 (2009 sewer fees)</p> <p>Michael J & Heather Lessard – 44 Maple St (book</p> | <p>John & Sylvia Haley Sr. – 290 Buxton Road (book 15907/ page 107) This one also technically foreclosed for the lien year 2009 as well (book 15688/ page 526). Made \$1,660 in payment during the last 12 months, but the annual taxes without interest are \$2,154. On 10/12/12, sent a letter and an Option Agreement (payment plan), no return of the agreement. Made \$410 worth of payments since letter sent on 10/12/12.</p> <p style="text-align: center;">Balance due as of 11/26/2012 – \$2,655.35 (2010 & 2009 taxes)</p> <p>Doris E Herzberg Trustee – 2 Piney Woods Rd (book 15907/ page 113) They have been making payments of \$550.00 per month December 2011 – August 2012, then skipped September, and made a payment in October. If they made one additional payment it would be paid off. As of today, the City has not received the payment. Not eligible for Option agreement, not primary residence.</p> <p style="text-align: center;">Balance due as of 11/26/2012 – \$514.12 (2010 taxes)</p> <p>Linda Ferland – 58 Washington Ave (book 15907/ page 080) Was making payments monthly until August, there was a fire at the home in late August early September. Not eligible for Option agreement, not primary residence.</p> <p style="text-align: center;">Balance due as of 11/26/2012 - \$1,020.90</p> |
|--|---|

| | |
|---|--|
| <p>16029/ page 686) No payment since August 2011.</p> <p style="padding-left: 40px;">Balance due as of 11/26/2012 - \$386.94 (2009 sewer fees)</p> <p>Kelli J Mcleer – 54 Hillview Ave (book 16029/ page 771) No payment since April 2009.</p> <p style="padding-left: 40px;">Balance due as of 11/26/2012 - \$428.21 (2009 sewer fees)</p> <p>Michael Vane – 63 Cumberland Ave (book 16029/ page 678) No payment since February 2010.</p> <p style="padding-left: 40px;">Balance due as of 11/26/2012 - \$227.66 (2009 sewer fees)</p> | |
|---|--|

Councilor Tardif moved, Councilor Lovell seconded “Be it ordered that the City Council refer the list of foreclosed properties titled, ‘Sewer and Real Estate Foreclosed Properties, dated December 3, 2012’, to the Planning Board per Chapter 81-2 Procedure, for evaluation and report to City Council.” Further move to approve the order.

City Administrator Rick Michaud read the names on the foreclosed property list for the record, as follows:

Real Estate Lien Acquired Property:

John & Sylvia Haley Sr. – 290 Buxton Road; Linda Ferland – 58 Washington Ave.

Sewer Lien Acquired Property:

Tammy Brady & Gerard Lacourse – 16 Franklin Street; Ronald Boucher – 79 Bradley Street; Darren S Day – 20 Coolidge Ave; Candace Millette – 22 James St; Michael J & Heather Lessard – 44 Maple St; Kelli J Mcleer – 54 Hillview Ave; Michael Vane – 63 Cumberland Ave.

Mayor Johnston called for a vote. The motion passed with six (6) yeas.

G. ORDER AUTHORIZING A TAX ANTICIPATION NOTE

A tax anticipation note is a short-term borrowing tool utilized to meet current obligations by “bringing forward” tax revenues expected later in the fiscal year. Due to the increasing delay in repayment of federal and state funding, the slowing tax collection rates, as well as the anticipated delay in banks turning over escrowed funds, we need to be prepared for a cash flow shortage prior to the fiscal 2013 tax due date of February 8, 2013. The note is drafted on a tax exempt basis.

The City Treasurer and City Administrator recommend proceeding with issuance of a “lump sum” tax anticipation note in the amount of \$3,000,000 (one million five hundred thousand dollars) to be issued on or about December 20, 2012 and mature on or before February 20, 2013 to ensure adequate cash flow until tax payments are received. The due date for tax payments is February 8, 2013, with interest accruing after February 10, 2013.

**ORDER AUTHORIZING CITY OF SACO TO ISSUE
TAX ANTICIPATION NOTE FOR 2012-2013 FISCAL YEAR**

Be it Ordered by the City Council:

1. That under and pursuant to 30-A M.R.S.A. §5771 and Section 6.14 of the Charter of the City of Saco, the City borrow in anticipation of the receipt of taxes the sum of not more than \$3,000,000.00 to be issued on or about December 20, 2012 and mature on or before February 20, 2013, at an interest rate of not more than 0.98% per annum, which sum shall be borrowed on a “lump-sum” basis;
2. That the loan be evidenced by a general obligation note issued in the name of the City, payable within the current fiscal year out of receipts from taxes levied for the current fiscal year (the “Note”);
3. That the offer of Bangor Savings Bank, to purchase the Note, be approved, and that the sale of the Note be awarded to Bangor Savings Bank;
4. That to the extent not inconsistent with this Order, the Treasurer be authorized to select the issue date, maturity, denomination, interest rate, place of payment, form and other details of the Note, as the Treasurer determines to be in the interest of the City;
5. That the Note may be made redeemable or callable, with or without premium, prior to its maturity;
6. That the Note be executed in the name of the City by the Treasurer and Mayor, under the official seal of the City attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
7. That the Treasurer be authorized and directed to covenant and certify on behalf of the City that no part of the proceeds of the Note shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause the Note to be an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;
8. That the Treasurer be authorized to covenant on behalf of the City to file any information report and pay any rebate due to the United States in connection with the issuance of the Note, to take all other lawful actions necessary to insure that interest on the Note will be excluded from the gross income on the owners thereof for purposes of federal income taxation, and to refrain from taking any action which would cause interest on the Note to become includable in the gross income of the owners thereof;
9. That the Treasurer be authorized to designate the Note as a qualified tax exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986;
10. That the Treasurer be authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Treasurer’s opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Treasurer, with the advice of the City’s bond counsel, may approve;
11. That the Treasurer and other proper officials of the City be authorized and empowered in its name and on its behalf to do or cause to be done all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Note in accordance herewith and any such prior action by them be hereby ratified and confirmed;
12. That if the Treasurer, Mayor, Clerk or any other City officer or official is for any reason unavailable to approve, execute or attest the Note or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy, or otherwise, be authorized to act for such official with the same force and effect as if such official had herself/himself performed such act; and
13. That a copy of this Order be filed with the City Clerk.

| City of Saco Cash Flow FY13 - Semi-Annual | | | | | | | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | July 1 | Aug 2 | Sept 3 | Oct 4 | Nov 5 | Dec 6 | Jan 7 | Feb 8 | Mar 9 | Apr 10 | May 11 | Jun 12 |
| FY12 | | | | | | | | | | | | |
| Beginning | 377,852 | 777,523 | 359,017 | 932,456 | 1,284,042 | 27,228 | 49,368 | 1,028,489 | 477,502 | 2,907,135 | 2,696,147 | 1,141,521 |
| CRP | 4,517,695 | 11,597,255 | 1,368,252 | 1,027,715 | 1,220,379 | 999,352 | 4,568,633 | 10,533,286 | 1,392,885 | 1,170,138 | 1,347,833 | 1,324,777 |
| AP | (2,967,189) | (4,236,949) | (3,854,727) | (2,663,407) | (2,823,690) | (2,382,579) | (3,135,033) | (4,601,662) | (3,489,631) | (2,154,898) | (2,606,616) | (2,607,644) |
| Other | (1,150,835) | (7,778,812) | 3,059,914 | 1,987,278 | 346,498 | 1,405,367 | (454,479) | (6,482,611) | 4,526,378 | 773,772 | (295,843) | 1,399,848 |
| Ending | 777,523 | 359,017 | 932,456 | 1,284,042 | 27,228 | 49,368 | 1,028,489 | 477,502 | 2,907,135 | 2,696,147 | 1,141,521 | 1,258,502 |
| CRP | 11.0% | 28.2% | 3.3% | 2.5% | 3.0% | 2.4% | 11.1% | 25.6% | 3.4% | 2.8% | 3.3% | 3.2% |
| AP | 7.9% | 11.3% | 10.3% | 7.1% | 7.5% | 6.3% | 8.4% | 12.3% | 9.3% | 5.7% | 6.9% | 6.9% |
| Other | 43.2% | 292.0% | -114.9% | -74.6% | -13.0% | -52.8% | 17.1% | 243.4% | -169.9% | -29.1% | 11.1% | -52.6% |
| Mutual Account Balance | | | 4,073,790 | 1,574,314 | 300,315 | 315 | 900,316 | 6,925,979 | 1,802,412 | 502,651 | 342,721 | - |
| FY13 | | | | | | | | | | | | |
| Taxes Due 2nd Friday of the Month | | | | | | | | | | | | |
| | | | | | | | | | | | | |
| Beginning | 1,258,502 | 1,615,247 | 10,977,913 | 6,527,687 | 4,223,334 | 1,797,764 | 386,344 | 1,410,978 | 6,888,364 | 4,232,856 | 2,664,440 | 472,473 |
| CRP | 2,365,693 | 15,840,686 | 1,297,075 | 991,509 | 1,024,618 | 1,005,833 | 4,598,265 | 10,601,605 | 1,401,920 | 1,177,728 | 1,356,575 | 1,333,369 |
| AP | (4,459,104) | (2,751,592) | (5,090,376) | (2,752,285) | (2,516,755) | (2,525,644) | (3,323,279) | (4,877,974) | (3,699,170) | (2,284,291) | (2,763,133) | (2,764,223) |
| Other | 2,450,156 | (3,726,427) | (656,926) | (543,578) | (933,432) | 108,391 | (250,352) | (246,245) | (358,257) | (461,852) | (785,409) | (458,629) |
| Net Monthly Activity | 356,745 | 9,362,666 | (4,450,227) | (2,304,353) | (2,425,569) | (1,411,420) | 1,024,634 | 5,477,386 | (2,655,507) | (1,568,416) | (2,191,967) | (1,889,483) |
| Ending | 1,615,247 | 10,977,913 | 6,527,687 | 4,223,334 | 1,797,764 | 386,344 | 1,410,978 | 6,888,364 | 4,232,856 | 2,664,440 | 472,473 | (1,417,009) |
| CRP | 5.8% | 38.6% | 3.2% | 2.4% | 2.5% | 2.4% | 11.2% | 25.8% | 3.4% | 2.9% | 3.3% | 3.2% |
| AP | 11.9% | 7.3% | 13.6% | 7.3% | 6.7% | 6.7% | 8.9% | 13.0% | 9.9% | 6.1% | 7.4% | 7.4% |
| Other | -92.0% | 139.9% | 24.7% | 20.4% | 35.0% | -4.1% | 9.4% | 9.2% | 13.5% | 17.3% | 29.5% | 17.2% |
| Mutual Account Balance | - | - | - | - | - | - | - | - | - | - | - | - |

* Other is mostly Mutual Account transfers & payroll along with a few other items that come in and out of the bank accounts. In the estimated area I have removed MMA Transfers.

Councilor Tripp moved, Councilor Blood seconded “Be it ordered that the City Council approve the Order entitled, ‘ORDER AUTHORIZING CITY OF SACO TO ISSUE TAX ANTICIPATION NOTE FOR 2012-2013 FISCAL YEAR’.” Further move to approve the Order. The motion passed with four (4) yeas and two (2) nays – Councilors Doucette and Tardif.

VI. CONSENT AGENDA

Councilor Blood moved, Councilor Doucette seconded to approve Consent Agenda items #1, #2 and #3 as follows:

1. Be it ordered that the City Council Approve the minutes for December 3, 2012;
2. Approves the First Reading of the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix B – Food Maximums, and Appendix C – GA Housing Maximums, and further move to set the Public Hearing for January 7, 2013;
3. Ordains and approves the First Reading of the Code Amendment document titled, ‘Code Amendment: Separation of Public Works and the Water Resource Recovery Division, dated December 3, 2012’ and further move to set the Public Hearing for January 7, 2013.”

The motion passed with six (6) yeas.

Note: The complete item commentaries are listed below.

2. AMENDMENT TO THE SACO CODE, CHAPTER 112 – GENERAL ASSISTANCE PROGRAM APPENDIXES FOR OVERALL MAXIMUMS, THRIFTY FOOD PLAN & HOUSING MAXIMUMS FOR OCTOBER 2012 – 2013 – (FIRST READING)

Each year Maine Municipal Association presents municipalities with new Appendixes for their City Ordinance, which need to be reviewed and adopted. Municipalities should adopt the new maximums (Appendixes) by October 1st or as soon as possible thereafter. The food maximums on Appendix B have remained the same as last year. On Appendix C, we used an average between the York County HMFA and the York/Kittery/ S. Berwick HMFA. Those amounts are up slightly in units of three and four bedrooms.

The Council discussed this item at Workshop on December 3, 2012.

Appendix B - Food Maximums

No change

| | WEEKLY MAX. | MONTHLY MAX. |
|--------------------|-------------|--------------|
| | Current | Current |
| 1 | \$46.51 | \$200.00 |
| 2 | \$85.35 | \$367.00 |
| 3 | \$122.33 | \$526.00 |
| 4 | \$155.35 | \$668.00 |
| 5 | \$184.42 | \$793.00 |
| 6 | \$221.40 | \$952.00 |
| 7 | \$244.65 | \$1052.00 |
| 8 | \$279.53 | \$1202.00 |
| EACH ADDITIONAL | ----- | \$150.00 |

Appendix C - Housing Maximums

Strikethrough is delete, underline is proposed amount

Unheated Units

| # BDRMS | MONTHLY | MONTHLY |
|---------|----------------------|------------------|
| | Current | Proposed |
| 0 | \$635.00 | \$635.00 |
| 1 | \$635.00 | \$635.00 |
| 2 | \$748.00 | \$748.00 |
| 3 | \$1018.00 | <u>\$1085.00</u> |
| 4 | \$1048.00 | <u>\$1109.00</u> |

Heated

| # BDRMS. | MONTHLY | MONTHLY |
|----------|----------------------|------------------|
| | Current | Proposed |
| 0 | \$690.00 | \$690.00 |
| 1 | \$696.00 | \$696.00 |
| 2 | \$850.00 | \$850.00 |
| 3 | \$1145.00 | <u>\$1215.00</u> |
| 4 | \$1233.00 | <u>\$1273.00</u> |

3. CODE AMENDMENT SEPARATION OF PUBLIC WORKS AND THE WATER RESOURCE RECOVERY DIVISION – (FIRST READING)

With the change in Director at the Public Works Department, staff is proposing to amend the Code to reflect the separation of the Water Resource Recovery Division and the Public Works Department. The proposed changes are not substantive but housekeeping in nature.

Code Amendment: Separation of Public Works and the Water Resource Recovery Division, dated December 3, 2012

(Words that have ~~strike through~~ are to be deleted while underline indicates new language.)

PART I – ADMINISTRATIVE LEGISLATION

ARTICLE V, Departments and Divisions

§ 4-12. Division of administrative service.

The administrative service of the city shall be divided under the City Administrator into the following Departments:

| Department | Division | Department Head |
|----------------------|--|----------------------------------|
| Administration | City Administration Purchasing Agent Personnel Management Street Lights Hydrants City Building Engineering Planning Community Development Legal Economic Development | City Administrator |
| Assessing | Assessing | Assessor |
| Building Inspection | Building Inspector and Code Enforcement Health Inspector Plumbing Inspector Electrical Inspector | Building Inspector |
| City Clerk | City Clerk Welfare Board of Registration | City Clerk |
| Finance | Accounting Treasury Tax Collection | Finance Director |
| Fire | All Fire Stations Ambulance | Fire Chief |
| Civil Emergency | Emergency Preparedness | Director of Civil |
| Parks and Recreation | Parks Recreation Trees | Director of Parks and Recreation |

| | | |
|---|---|---|
| | Senior Citizens | |
| Public Works | Streets and Highways Sewers and Drains Camp Ellis Pier Snowfighting All Treatment Plants | Director of Public Works |
| <u>Water Resource Recovery Division</u> | <u>All Treatment Plants</u> | <u>Director of Water Resource Recovery Division</u> |

§ 4-19. Department of Public Works.

A. Establishment. There shall be a Department of Public Works. The head of this Department shall be the Director of Public Works, who shall be appointed by the City Administrator with confirmation from the City Council. The number of employees shall be determined by the City Council and each employee shall be appointed by the City Administrator, after hearing recommendations of the Director.

B. Duties of the Director of Public Works. The Director of Public Works shall:

- (1) Be responsible for the administration and professional work in the supervision of the city's public works and collection systems and wastewater operation, except treatment plants.
- (2) Be responsible for directing all phases of municipal public works, except treatment plants, including landfills, sewers and drains and drains, pump stations, streets, motor vehicle maintenance and garbage and refuse collection and disposal, transfer station and recycling collection and disposal and snow plowing and removal.
- (3) Be responsible for aggressively seeking all funds from any sources owed to this Department.
- (4) Be responsible for researching and implementation of improvements to the operation of the Department in his/her charge.
- (5) Be responsible for the formulation of policies and coordinate activities in accordance with general policies established by the City Council and City Administrator.
- (6) Be responsible for the supervision over unskilled, semiskilled, skilled and supervisory maintenance and construction employees.
- ~~(7) — Inspect plants regularly, analyze and evaluate operation and maintenance functions and initiate or recommend new or improved practices.~~
- ~~(8) — Develop plans and procedures to ensure efficient plant operations.~~
- ~~(7)(9) Be responsible for the sound fiscal management of his/her Department.~~

§ 4-20. Water Resource Recovery Division .

A. Establishment. There shall be a Water Resource Recovery Division. The head of this Department shall be the Director of the Water Resource Recovery Division, who shall be appointed by the City Administrator with confirmation from the City Council. The number of employees shall be determined by the City Council, and each employee shall be appointed by the City Administrator, after hearing recommendations of the Director.

B. Duties of the Director of the Water Resource Recovery Division. The Director of the Water Resource Recovery Division shall:

- (1) Be responsible for the administration, operation and maintenance of sewage treatment and pumping stations located in the City of Saco.
- (2) Exercise direct authority over all plant functions and personnel in accordance with approved policies and procedures.
- (3) Inspect plants regularly, analyze and evaluate operation and maintenance functions and initiate or recommend new or improved practices.
- (4) Develop plans and procedures to ensure efficient plant operations.
- (5) Recommend plant improvements and additions, while coordinating data and proposing the review or approval of operation reports and budget requests.
- (6) Control expenditures of budgeted funds and request approval for major expenditures, if required.
- (7) Recommend the specifications for major equipment and material purchases and organize and direct activities or plant personnel, including training programs.

(8) Be responsible for the sound fiscal management of his/her Department.

Code, Part II– General Legislation – Chapter 176 – Sewers, Part I – Sewers and Connections, Article I – Terminology;

§ 176-1. Definitions and word usage.

~~SUPERINTENDENT—The Sanitary Engineer Director of Public Works of the City of Saco or his authorized deputy agent or representative. "Superintendent" shall also mean the chief administrative position at the city's Wastewater Treatment Plant.~~

Chapter 181 – SOLID WASTE

§ 181-39. Definitions.

As used in this article, the following terms shall have the meanings indicated:

~~SUPERINTENDENT—The Supervisor of the Saco Wastewater Treatment Plant Director of Public Works.~~

VII. RECESS THE MEETING

Councilor Tripp moved, Councilor Blood seconded to recess the meeting and to convene the workshop. The motion passed with unanimous consent. TIME: 7:43 p.m.

VIII. CONVENE THE WORKSHOP

IX. AGENDA ITEMS:

- A. AMENDMENTS TO THE PARK NORTH TAX INCREMENT FINANCING AND CREDIT ENHANCEMENT AGREEMENTS**
- B. PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM (PACTS) FY 14/15 BIENNIAL PROJECT LIST ENDORSEMENT**

X. ADJOURN THE WORKSHOP AND RECONVENE THE MEETING

Mayor Johnston reconvened the City Council meeting with the unanimous consent of the Council. TIME: 8:01 p.m.

H. PORTLAND AREA COMPREHENSIVE TRANSPORTATION SYSTEM (PACTS) FY 14/15 BIENNIAL PROJECT LIST ENDORSEMENT

PACTS) Policy Committee has approved the 2014-2015 project list. Currently, the City of Saco has four (4) projects designated for design and construction during the 14/15 biennium as follows:

- Spring St – from Bradley Street to Lincoln Street
- Old Orchard Rd – from Timber Oaks Drive to Beach Street
- Cascade Rd – PACTS boundary to town line
- Traffic Signal Coordination (Biddeford/Saco)

**SIGNAL COORDINATION
COST BREAKDOWN**

| | Total Project | State/Federal Share | Biddeford Share | Saco Share |
|--------------------------------|----------------------|----------------------------|------------------------|-------------------|
| Preliminary Engineering | \$ 181,688 | \$ 154,435 | \$ 10,901 | \$ 16,352 |
| Construction | \$ 908,438 | \$ 772,172 | \$ 54,507 | \$ 81,759 |

| | | | | |
|---------------------------------|------------|------------|----------|-----------|
| Construction Engineering | \$ 121,124 | \$ 102,955 | \$ 7,268 | \$ 10,901 |
| Number of Intersections | 13 | 13 | 3 | 10 |

| | | | | |
|--------------|---------------------|---------------------|------------------|-------------------|
| Total | \$ 1,211,263 | \$ 1,029,563 | \$ 72,676 | \$ 109,012 |
|--------------|---------------------|---------------------|------------------|-------------------|

Minimum Improvements Needed within City of Saco over the next 10 years:

| | |
|--------------------------|-------------------|
| Signal Hardware Upgrades | \$ 288,500 |
| ADA & Curb Improvements | \$ 120,000 |
| | <u>\$ 408,500</u> |

Saco Intersections Included in the Project:

- Main Street/Ross Road
- Main Street/Ocean Park Road
- Main Street/Hannaford Entrance
- Main Street/Smith Lane
- Main Street/Fairfield Street
- Main Street/Elm Street
- Main Street/Beach Street
- Elm Street/ North Street
- Elm Street/Scamman Street/Thornton Avenue/Temple Street
- Elm Street/Water Street

PACTS Projects Programmed for 2014/2015 Biennium

October 18, 2012

Transit project shares are 80% federal and 20% local.
All other projects are 75% federal, 10% state and 15% local.

| Intersection Proposals | Program Amount | Federal Share | State Share | Local Share |
|--|---------------------|---------------------|--------------------|--------------------|
| Portland Woodfords Corner | \$1,498,750 | \$1,124,063 | \$149,875 | \$224,813 |
| Bidd/Saco 10 Signals Coordination | \$1,211,250 | \$908,438 | \$121,125 | \$181,688 |
| Yarmouth Route 1 Roundabout | \$210,291 | \$157,718 | \$21,029 | \$31,544 |
| So. Portland Broadway Signal Cabinets | \$50,000 | \$37,500 | \$5,000 | \$7,500 |
| Road Rebuild Proposals | | | | |
| Biddeford Main from Rt. 1 to west of RR Ave. | \$1,250,000 | \$937,500 | \$125,000 | \$187,500 |
| STP Transit Proposals | | | | |
| CBITD Vessel Electronic Suite Upgrade | \$200,000 | \$160,000 | \$0 | \$40,000 |
| CBITD Preventive Maintenance | \$100,000 | \$80,000 | \$0 | \$20,000 |
| Regional Shelter and Stop Improvements II | \$520,000 | \$416,000 | \$0 | \$104,000 |
| Regional AVL/RTPI Display Modules | \$266,612 | \$213,290 | \$0 | \$53,322 |
| RTP Computer + Tech Replacement | \$65,750 | \$52,600 | \$0 | \$13,150 |
| Bike/Ped | | | | |
| Portland PTC Neighborhood Byway | \$375,625 | \$281,719 | \$37,563 | \$56,344 |
| So. Portland Main Street Path Extension | \$301,103 | \$225,827 | \$30,110 | \$45,165 |
| Collector Preservation Paving | | | | |
| Biddeford MAIN ST_1BID | \$317,625 | \$238,219 | \$31,763 | \$47,644 |
| Portland PARK AV | \$6,250 | \$4,688 | \$625 | \$938 |
| Yarmouth SCHOOL ST_YAR | \$35,370 | \$26,528 | \$3,537 | \$5,306 |
| Yarmouth RAMP SCHOOL ST | \$20,625 | \$15,469 | \$2,063 | \$3,094 |
| Portland TEMPLE ST | \$103,500 | \$77,625 | \$10,350 | \$15,525 |
| So. Portland STANFORD ST | \$43,920 | \$32,940 | \$4,392 | \$6,588 |
| Saco SPRING ST_2 | \$137,760 | \$103,320 | \$13,776 | \$20,664 |
| Portland UNION ST | \$183,375 | \$137,531 | \$18,338 | \$27,506 |
| Saco OLD ORCHARD RD_1 | \$225,250 | \$168,938 | \$22,525 | \$33,788 |
| Portland BAXTER BLVD_3 | \$354,250 | \$265,688 | \$35,425 | \$53,138 |
| So. Portland BILLY VACHON DR | \$40,000 | \$30,000 | \$4,000 | \$6,000 |
| So. Portland MARKET ST_SP | \$113,625 | \$85,219 | \$11,363 | \$17,044 |
| Yarmouth NORTH RD_3 | \$178,500 | \$133,875 | \$17,850 | \$26,775 |
| Freeport DESERT RD | \$31,625 | \$23,719 | \$3,163 | \$4,744 |
| Scarborough PAYNE RD_1 | \$331,000 | \$248,250 | \$33,100 | \$49,650 |
| Biddeford WEST ST_1 | \$720,175 | \$540,131 | \$72,018 | \$108,026 |
| Portland CANCO RD N | \$468,750 | \$351,563 | \$46,875 | \$70,313 |
| Falmouth LEIGHTON RD_1 | \$292,250 | \$219,188 | \$29,225 | \$43,838 |
| Portland MIDDLE ST | \$187,330 | \$140,498 | \$18,733 | \$28,100 |
| Biddeford ADAMS ST | \$27,460 | \$20,595 | \$2,746 | \$4,119 |
| Biddeford JEFFERSON ST | \$110,350 | \$82,763 | \$11,035 | \$16,553 |
| Yarmouth US 1_4Y | \$666,875 | \$500,156 | \$66,688 | \$100,031 |
| Portland DANFORTH ST_3 | \$212,000 | \$159,000 | \$21,200 | \$31,800 |
| Portland LAMBERT ST | \$293,125 | \$219,844 | \$29,313 | \$43,969 |
| Portland OXFORD ST | \$95,790 | \$71,843 | \$9,579 | \$14,369 |
| Portland SPRING ST | \$84,250 | \$63,188 | \$8,425 | \$12,638 |
| Portland SPRING ST ARTER | \$344,500 | \$258,375 | \$34,450 | \$51,675 |
| So. Portland COTTAGE RD_2 | \$192,500 | \$144,375 | \$19,250 | \$28,875 |
| Yarmouth US 1_1Y | \$516,500 | \$387,375 | \$51,650 | \$77,475 |
| Saco CASCADE RD_S | \$532,028 | \$399,021 | \$53,203 | \$79,804 |
| Windham ALBION RD | \$34,750 | \$26,063 | \$3,475 | \$5,213 |
| Scarborough PAYNE RD_5 | \$612,500 | \$459,375 | \$61,250 | \$91,875 |
| Total | \$13,563,189 | \$10,230,009 | \$1,241,083 | \$2,092,096 |

Councilor Tripp moved, Councilor Blood seconded Be it Ordered that the City Council endorse the PACTS 2014-2015 project list thereby authorizing the City Administrator to execute contracts associated with the local City match for the following projects:

- Spring Street, segment 2 in the amount of \$20,664.00
- Old Orchard Road, segment 1 in the amount of \$33,788.00
- Cascade Road in the amount of \$79,804
- Traffic Coordination Project in the amount of \$109,012.80
- Scammon Street Pedestrian Actuated Signal & Curb Improvements at the Transit Stop (New Freedom FTA Grant) – No local match needed.

Further move to approve the Order. The motion passed with six (6) yeas.

XI. EXECUTIVE SESSION

Councilor Lovell moved, Councilor Blood seconded ‘Be it Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (D) (A) (C)] move to enter into Executive Session to discuss: Union Contract Negotiations for Fire Unit, Police Patrol and Police Command Unit; Acquisition of Real Estate (Route 5 and Saco Island Properties) and City Administrator Contract Negotiations’. The motion passed with six (6) yeas. TIME: 8:05 p.m.

A. REPORT FROM EXECUTIVE SESSION

Mayor Johnston moved from Executive Session with the unanimous consent of the Council at 9:50 p.m.

Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote, and Marston Lovell. City Administrator Rick Michaud was also present.

City Administrator’s contract was discussed and reached a consensus. The Fire Unit Union Contract was discussed and approved. The Police Patrol and Police Command Unit Union Contracts were discussed but not approved.

There was no report this evening on the Acquisition of Real Estate (Route 5 and Saco Island Properties).

XII. ADJOURNMENT

Mayor Johnston adjourned the meeting with the unanimous consent of the Council. TIME: 9:51 p.m.

Attest: _____
Michele L. Hughes, City Clerk