

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

**I. CALL TO ORDER** – On Tuesday, January 22, 2013 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., Marie Doucette, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

**III. PLEDGE OF ALLEGIANCE**

**IV. GENERAL**

**V. AGENDA**

**A. GENERAL DYNAMICS TAX INCREMENT FINANCING (TIF) – (PUBLIC HEARING)**

Councilor Lovell moved, Councilor Blood seconded to open the Public Hearing on the General Dynamics Tax Increment Financing (TIF) Development Program and Credit Enhancement Agreement (CEA). The motion passed with unanimous consent.

There were no comments from the public.

Councilor Lovell moved, Councilor Tardif seconded to close the Public Hearing and “Be it ordered that:

WHEREAS, the City of Saco (the “City”) is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as the City of Saco Municipal Development and Tax Increment Financing District – General Dynamics Armament and Technical Products, Inc (the “District”) and to adopt a development program for the District (the “Development Program”); and

WHEREAS, there is a need for development in the City of Saco; and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of the City of Saco and the surrounding region; to improve and broaden the tax base of the City of Saco; and to improve the general economy of the City of Saco, the surrounding region and the State of Maine; and

WHEREAS, implementation of the Development Program will help to provide continued employment for the citizens of the City of Saco and the surrounding region; improve and broaden the tax base in the City of Saco and improve the economy of the City of Saco and the State of Maine; and

WHEREAS, there is a need to encourage the expansion, improvement and continuation of commercial development in the City through the establishment of the District in accordance with the provisions of Chapter 206 of Title 30-A; and

WHEREAS, the City has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the City desires to designate the Municipal Development and Tax Increment Financing District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development (the “Department”), approving the designation of the District and the adoption of the Development Program for the District;

NOW, THEREFORE, BE IT HEREBY VOTED BY THE SACO CITY COUNCIL:

Section 1. The City hereby finds and determines that:

At least twenty-five percent (25%), by area, of the real property within the District, as hereinafter designated, is in need of rehabilitation, redevelopment or conservation or is suitable for commercial sites as defined in 30-A M.R.S.A. §5223(3); and

(a) The total area of the District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City (including the District) does not exceed five percent (5%) of the total acreage of the City; and

(b) The aggregate original assessed value of the District as of April 1, 2012 plus the original assessed value of all other existing tax increment financing districts in the City does not exceed five percent (5%) of the total value of taxable property within the City as of April 1, 2012; and

(c) The aggregate value of indebtedness financed by the proceeds from tax increment financing district within York County, including the proposed District, does not exceed \$50 million; and

(d) The District is designated and the Development Program is adopted by the City in order to induce the Company to complete the project described in the Development Program in the City (the "Project") by enabling the City to contribute toward the capital cost of project described in the Development Program in an amount not to exceed the costs (including debt service costs) of the project; and

(e) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore the Project constitutes a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates a Municipal Development and Tax Increment Financing District for the benefit of General Dynamics Armament and Technical Products, Inc. and to promote completion of the Project, designated and described as more particularly set forth in the Development Program presented to the City Council and such Development Program is hereby incorporated by reference into this vote as the Development Program for the District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the increased assessed value to be retained as captured assessed value in the District is hereby established as set forth in the Development Program.

Section 4. The City Administrator be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to DECD for review and approval pursuant to the requirements of 30-A M.R.S.A. §5226(2).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by DECD and final approval by the City Administrator.

Section 6. The City Administrator be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Development Program for the District as the City Administrator deems reasonably necessary or convenient, in order to facilitate the process for review and approval of the District by DECD, or for any other reason so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Development Program. The City Administrator is further authorized to execute a Credit Enhancement Agreement with General Dynamics Armament and Technical Products, Inc. in order to carry out the Development Program.

Section 7. The City Administrator be and hereby is authorized and directed to enter into the credit enhancement agreement contemplated by the Development Program, and in the name of and on behalf of the City, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development

Program, as the said City Administrator may approve, his approval to be conclusively evidenced by his execution thereof.

Section 8. This Order shall take effect immediately upon adoption.

Approved January 22, 2013, by the City Council of the City of Saco, at a meeting duly convened and conducted at Saco, Maine.

Further move to approve the Order. The motion passed with seven (7) yeas.

**B. FORECLOSED PROPERTY DISPOSITION**

The listing below shows six properties, upon which the City foreclosed on 12/15/11 for nonpayment of property taxes, and on 1/13/11 for nonpayment of sewer fees. Several attempts have been made to notify the property owners about the matured tax liens. All attempts were unsuccessful and the city foreclosed on the properties. Authorization is being requested to initiate the disposal procedure provided by the Code.

The Planning Board reviewed the properties and the procedures outlined in Chapter 81 of City Code, and recommended that the City pursue seeking sealed bids for the foreclosed properties and involving affordable housing entities as potential bidders.

The Council discussed this item at Workshop on December 17, 2012.

Councilor Smith moved, Councilor Doucette seconded “Be it Ordered that the City Council move to authorize the City Administrator to initiate the disposal procedure for the properties described below as provided in the City Code Chapter 81, City Property §81-2”.

<u>Property</u>	<u>Map Lot Number</u>	<u>Lien Date *</u>	<u>Amount</u>
79 Bradley St.	52 – Lot 81	7/16/12	\$ 498.98
58 Washington Ave.	33 – Lot 123	1/16/12	\$1,895.98
20 Coolidge Ave.	34 – Lot 37	7/16/12	\$ 153.68
22 James Street	32 – Lot 46	7/16/12	\$ 284.63
54 Hillview Ave.	87 – Lot 18-5	7/16/12	\$ 421.27
63 Cumberland Ave.	28 – Lot 12	7/16/12	\$ 177.03

\*These figures do not include interest or lien and foreclosure charges.

The Council raised concerns about taking these properties for such little amounts that are owed. They felt that the owners ought to be visited in person and given another opportunity to pay the liens. Mayor Johnston noted that the properties had already been foreclosed on.

City Planner Bob Hamblen stated that he would be willing to go and visit the 6 property owners with either someone from the Police Dept, or someone from another city department, to speak with them directly regarding the matured tax liens and that the city will be initiating the disposal procedure if their obligations are not paid or arrangements made with the Finance Dept. to pay the obligation. It was also noted that if there is a mortgage on the property, that the mortgage holder should be notified of the lien and the pending disposal procedure.

TABLED – Councilor Lovell moved, Councilor Tripp seconded to table this item until the February 4, 2013 City Council meeting. The motion passed with seven (7) yeas.

**C. ZONING ORDINANCE AMENDMENT - §412-1 HEIGHT OF BARNS AND SIMILAR STRUCTURES – (FIRST READING)**

**“Proposed Amendments to Section 412-1and Article 3 of the Saco Zoning Ordinance,**

December 11, 2012”

*Amend Section 412-1 as follows. Language proposed for deletion is ~~struckthrough~~, while proposed new language is underlined.*

23. The maximum height of a non-commercial barn or similar structure in the C-1, B-2a, B-2b and BP zones shall be 50 feet. If proposed as 35-40 feet in height, a barn shall be set back no less than 50 feet from side and rear lot lines. If 41-45 feet in height, a barn shall be set back no less than 75 feet from side and rear lot lines. If 46-50 feet in height, a barn shall be set back no less than 100 feet from side and rear lot lines.

*Amend Article 3 as follows.*

**Barn:** a large farm building typically used for storing farm or agricultural products and sheltering livestock, or similarly a very large garage for the housing of vehicles.

*(END: ‘Proposed Amendments to the Saco Zoning Ordinance Concerning Section 412-1 and Article 3, December 11, 2012.’)*

Councilor Doucette moved, Councilor Lovell seconded “The City Council hereby Ordains and Approves the First Reading of the document titled, ‘Proposed Amendments to Section 412-1 and Article 3 of the Saco Zoning Ordinance, December 11, 2012.’, and further moves to schedule a Public Hearing for February 4, 2013.” The motion passed with seven (7) yeas.

## V. CONSENT AGENDA

Councilor Smith moved, Councilor Tripp seconded to approve consent agenda items #1, 2, 3 and 4 as follows:

1. “Be it Ordered that the City Council approve the minutes for January 7, 2013”. Further move to approve the order.
2. “The City of Saco hereby ordains and approves the Second and Final Reading of the amendments to the Saco Code, Chapter 112, General Assistance Program, Appendix B – Food Maximums, and Appendix C – GA Housing Maximums.” Further move to approve the Order.
3. “The City of Saco hereby ordains and approves the Second and Final Reading of the Code Amendment document titled, ‘Code Amendment: Separation of Public Works and the Water Resource Recovery Division, dated December 3, 2012’.”
4. “Be it ordered that the City Council confirm the Mayor’s reappointments to the Conservation Commission of Paul Christian and Dan Dearborn to 2 year terms as associate members with terms to expire January 22, 2015, and the reappointment of Peter Anderson, Donna Goulding, and David Shaw for full membership with a 3 year term to expire January 22, 2016.” Further move to approve the order.

The motion passed with seven (7) yeas.

Note: The item commentaries for the consent agenda are below.

### 2. GA MAXIMUM INCREASES FOR OCTOBER 2012 – 2013 – (SECOND & FINAL 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 1<sup>st</sup> 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; the First Reading was December 17, 2012. The Public Hearing was January 7, 2013.

**Appendix B - Food Maximums**  
**No change**

# IN HOUSEHOLD	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	<del>\$1018.00</del>	<u>\$1085.00</u>
4	<del>\$1048.00</del>	<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	<del>\$1145.00</del>	<u>\$1215.00</u>
4	<del>\$1233.00</del>	<u>\$1273.00</u>

**3. CODE AMENDMENT SEPARATING THE WATER RESOURCE RECOVERY DIVISION  
FROM PUBLIC WORKS – (SECOND & FINAL READING)**

**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 Senior Citizens	Director of Parks and Recreation
Public Works	Streets and Highways Sewers and Drains Camp Ellis Pier Snowfighting <del>All Treatment Plants</del>	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.~~

**4. CONFIRM THE MAYOR'S REAPPOINTMENTS TO THE CONSERVATION COMMISSION**

The Conservation Commission consists of seven members appointed by the Mayor and confirmed by the Council, for a term of three years. Primarily, the Commission shall: conduct research into local land area usage; make recommendations to preserve and enhance the natural resources of the City; and assist the Planning Board on development applications.

The Mayor requests the reappointments of Paul Christian and Dan Dearborn for (2) year terms as associate members, and the reappointments of Peter Anderson, Donna Goulding, and David Shaw as full members with 3 year terms.

**VII. ADJOURN THE MEETING**

Councilor Tripp moved, Councilor Doucette seconded to adjourn the meeting at 7:28 p.m. The motion passed with unanimous consent.

Attest: \_\_\_\_\_  
Michele L. Hughes, City Clerk