I. CALL TO ORDER – On Monday, October 17, 2016 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Roland Michaud recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

➢ 11-8-2016 ELECTION REMINDERS

Mayor Michaud reminded everyone that November 8, 2016 is Election Day and that absentee ballots were readily available for any resident who would like to vote that way. The City Clerks has received 1,300 absentee ballot requests so far.

➢ EXTRA MILE DAY PROCLAMATION

Mayor Michaud read the following proclamation:

Extra Mile Day Proclamation

WHEREAS, Saco, Maine, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Saco, Maine, is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Saco, Maine, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, Saco, Maine, acknowledges the mission of Extra Mile America to create 550+ Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2016.

NOW, THEREFORE, BE IT RESOLVED, THAT I Roland Michaud Mayor of the City of Saco and members of the City Council do hereby proclaim November 1, 2016 to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

Signed and sealed this 17 day of October, 2016

Roland Michaud, Mayor

➢ UNIVERSITY OF NEW ENGLAND - DIAMOND JUBILEE PARK POLICING

Mayor Michaud noted that he had the pleasure of going to the University of New England on Saturday and they were engaged on their 2nd Annual Day of Service. Last April over 400 students, faculty and staff engaged in a variety of services including parks and beach clean-up etc. This year roughly 300-400 students showed up to go out to the communities of Biddeford and Saco and provide assistance. A number of them came over to Saco and met with the Parks & Recreation Director Joe Hirsch to go out to Diamond Jubilee Park to do some policing out there. This is a way to help get students involved in their communities. Mayor Michaud thanked Dr. Samuel McReynolds and President Ripich for putting all this together and recognizing the need for this and making it a yearly event. They went the “Extra Mile”.

M:\2016\cm_2016_10_17.doc  11/22/2016  Page 1 of 18
V. PUBLIC COMMENT

Barbara Colman, 45B Stockman Ave – When one is assigned to perform a job they are provided with a list of responsibilities for the position. What I have not figured out is the legislative body of the City of Saco and why a number of items approved by the Council have not been carried out in a timely manner and if there are issues, to notify sooner and not later than the deadline that has passed. Examples: The hiring of the Audit/Grant Writer position, placing the request for the qualified proposals for the Unit 91 and the hiring of the Police Chief. Instead an immense amount of time has been spent on the owner of Park North and the Mayor has met with the owner by himself. In prior meetings the Mayor has seemed to oppose Contract Zoning. The issue is staff did not review the prior contract agreement to make sure the requests in the prior agreement were completed. Example: the trails. The Council voted “no” but again it is on the agenda to bring it back again and rescind the prior vote or otherwise discuss it tonight. The items are small compared to other examples and this doesn’t make the city look good when all these issues continue to go unchecked until after the deadlines.

VI. CONSENT AGENDA

Councilor Precourt moved, Councilor Doyle seconded to approve consent agenda items #A and #B as follows:

A. Be it ordered that the City Council approve the minutes for September 19, 2016 and October 3, 2016;
B. Be it Ordered that the City Council grant the application for a Solid Waste Permit as submitted by Troiano Waste Services Inc.” Further move to approve the Order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. CONTRACT ZONE AMENDMENT – PARK NORTH

Applicant Elliott Chamberlain dba Park North Development LLC requests the Council’s consideration of an amendment to the Park North contract zone, approved by the City Council on May 1, 2006. Mr. Chamberlain proposes that residential uses be allowed on the easterly most portions of Parcel 1, which was limited to commercial uses by the 2006 approval.

The conceptual plan for Lot 18, one of two separate lots in Parcel 1, shows a mix of office, retail, and commercial space nearest Rte. One, with multi-family residential restricted to the third of the lot furthest from Rte. One. The proposed amendment would apply to the entirety of Parcel 1: both Lots 18 and 19.

The Planning Board reviewed this item at public hearing on June 21, 2016, and forwards a positive recommendation for the amended Agreement. The City Council discussed this item during Workshop on July 11, 2016.

Reconsideration of prior motion – Councilor Gay moved, Councilor Doyle seconded to Reconsider the vote of October 7, 2016 on the Second and Final Reading for the Park North Contract Zone Amendment. The motion passed with seven (7) yeas.

Bring the motion back to the Floor – Councilor Minthorn moved, Councilor Cote seconded to bring the motion back to the floor. “The City of Saco hereby Ordains and Approves the Second and Final Reading of the findings in the contract zone document entitled ‘Contract Zone Agreement By and Between Park North Development, LLC and Preston Properties, LLC as Applicants and the City of Saco,’ dated December 20, 2005 and amended through June 21, 2016, for the properties at 991 Portland Road and 3 Eastview Parkway, as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8).” The motion passed with seven (7) yeas.

Councilor Gay moved, Councilor Doyle seconded that the Council adopt the Amendments found in the Document entitled “Draft Amendments to the Park North Contract Zone, October 17, 2016”.

There was discussion about changing the construction date on line # 8 – Phase 1 of the Trail System shall be completed by Nov. 1, 2017 being changed to April 1, 2017 and the same for item #19 of the amendments. Mr. Chamberlain explained that due to weather that would not be possible. But he would be able to work with the city
staff and provide a draft design by April 1, 2017 and that construction would begin after winter is completely over and be finished by November 1, 2017.

Mayor Michaud called for a vote on the amendments. The motion passed with seven (7) yeas.

Mayor Michaud called for a vote on the main motion with the amendments. The motion passed with seven (7) yeas.

“Draft Amendments to the Park North Contract Zone, October 17, 2016”

- Section II, Parcel 1

| Minimum Lot Area/D.U. | 1,250 s.f. |

- Section II, Parcel 1

  Permitted Uses

  1. Dwelling units above the first floor as part of a mixed use building

- Section III, Item 8

  Phase One of the trail system shall be completed by Nov. 1, 2017.

- Section II, Items 17, 18, 19

  17. Payment in full of the off-site mitigation fee of $50,000.00 required by the Maine DOT as part of the Traffic Movement Permit for Park North shall be made to the City no later than April 1, 2017, for safety improvements on U.S. Route One in the vicinity of Ross Road as specified by the MDOT.

  18. Payment in full of the $50,000 payment as required by the Cascades Contract Zone, approved by the City Council on Sept. 5, 2006 and approved for amendment by the City Council on Dec. 22, 2014, shall be made to the City for the purpose of trail development and construction on said Gift Lot no later than April 1, 2017.

  19. As stated in the 2011 Conditions of Approval for the parcel identified as Tax Map 62, Lot 1-0-1, in order to provide for safe, convenient pedestrian access, the applicant and/or property owner are responsible for the construction of a public sidewalk along the Cascade Road frontage of the subject parcel, from its intersection with Waterfall Drive to the easterlymost corner of the parcel at Cascade Road. Said sidewalk shall be designed to the satisfaction of the Department of Public Works, and constructed no later than November 1, 2017. If proposed within the Cascade Road right of way, the applicant is responsible for securing any required easements.

**Contract Zone Agreement**

By and Between

*Park North Development, LLC* and *Preston Properties, LLC* as Applicants

and the *City of Saco*

December 20, 2005

Amended September 3, 2013

Amended October , 2016 (proposed)

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985 and amended through March 4, 2013 is hereby amended as further described in this Agreement by and between Park North Development, LLC and Preston Properties, LLC (collectively referred to as the “Applicants”) and the City of Saco.

1. The Applicants propose a mixed-use development on the parcels at 1031 Portland Road and
Eastview Parkway (the “Subject Property”). The Subject Property consists of two parcels identified on City of Saco tax maps as Tax Map 63, Lot 6 (currently owned by Park North Development, LLC) and Tax Map 64, Lot 6-1 (currently owned by Preston Properties, LLC) excepting only the portions of such parcels that are located within the Resource Protection District. The “Subject Property” for purposes of this Contract Zone Agreement shall not include these areas located within the Resource Protection District.

2. The Subject Property is an approximately 236 acre contiguous tract of largely undeveloped land with the exception of a multi-tenanted commercial building on the parcel identified as Map 64, Lot 6-1 at the corner of Eastview Parkway and Portland Road.

3. Map 63, Lot 6 is owned by Park North Development, LLC by virtue of a Quitclaim Deed with Covenant dated April 14, 2005, a copy of which has been submitted by the Applicant. Said deed is recorded in Book 14436, Page 83 at the York County Registry of Deeds.

4. Map 64, Lot 6-1 is owned by Preston Properties, LLC by virtue of three deeds each dated December 24, 2003, copies of which have been submitted by the Applicant. Said deeds are recorded in Book 13817, Page 172, Book 13817, Page 174 and Book 13817, Page 176 at the York County Registry of Deeds.

5. Evidence of right, title and interest is established by virtue of the above referenced deeds.

6. The Subject Property is in the Business Park (BP) zoning district.

7. The Applicant has submitted a copy of Articles of Organization of Limited Liability Company filed with the Office of the Secretary of State, dated June 5, 2000, (for Preston Properties, LLC) and January 28, 2004 (for Park North Development, LLC) as both being authorized to do business or carry on activities in the State of Maine. Timothy H. Norton, 53 Exchange Street, Portland, Maine 04101 is named as Registered Agent for both Preston Properties, LLC and Park North Development, LLC.

8. The Subject Property has an area of 236 +/- acres. The Subject Property is proposed to be divided into four (4) Parcels with each Parcel to be further divided into multiple Lots as shown on a Plan dated November 7, 2005, prepared by Sebago Technics, One Chabot Street, Westbrook, Maine 04098 (the “Plan”) (as the same may be revised with the approval of the Council), for the purpose of constructing a multi-use development. In order to facilitate the multi use nature of the project, each Parcel shall have distinct space and bulk and use restrictions as set forth below.

9. The Applicant proposes certain uses that are allowed and consistent with the current zoning of the Subject Property. The Applicant further proposes certain additional uses, such as residential and multi-family housing and retail uses that are not allowed uses given the current zoning of the Subject Property. The Applicant has therefore made application for a Contract Zone under the provisions of Article 14 of the Saco Zoning Ordinance.

10. The Applicant recognizes that no public sewer system is readily available within the Portland Road right of way to service the Subject Parcel but the Applicant is aware that the City of Saco anticipates that Village Works, LLC, developer of a parcel of property on Cascade Road near the Subject Property may be extending the public sewer system across that property. The Applicant proposes to make provision for the extension of the City of Saco sewer system from its anticipated terminus at the southwesterly boundary of the Subject Property. If the Village Works, LLC development does not materialize than the Park North Development, LLC will pursue the extensions independently in order to accommodate this development.

II. This contract amends the Saco Zoning Ordinance as follows:

1. This Agreement supersedes Article 4. District Regulations of the Saco Zoning Ordinance. District
Regulations applicable to the Subject Property shall instead be governed by the terms of this Agreement.

2. Notwithstanding any contrary provision of Section 10.12 or Section 11.14 of the Subdivision Regulations of the City of Saco, the Applicant shall be authorized to implement a Low Impact Design stormwater management system for the Subject property. This system shall comply with existing City and State water quality and quantity standards.

3. The definitions of Front, Side and Rear Yards shall remain the same as in the Saco Zoning Ordinance. The following shall apply as the exclusive Space and Bulk Requirements applicable to the Subject Property Section and 412 shall be deemed amended accordingly but only as to the Subject Property:

**PARCEL 1:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>50 feet for the front yard facing Route 1 if any, 20 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>60 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
</tr>
<tr>
<td>Density</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**PARCEL 2:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>20,000 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>75 feet for the front yard facing Route 1 if any, 30 feet for all other front yards</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 15 feet for Lots not abutting a residential or conservation district</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>40%</td>
</tr>
<tr>
<td>Density</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**PARCEL 3:**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>7,500 Square Feet</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard</td>
<td>20 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>20 feet for Lots abutting a residential or conservation district; 10 feet for Lots not abutting</td>
</tr>
</tbody>
</table>
Minimum Rear Yard: 20 feet for Lots abutting a residential or conservation district, 10 feet for Lots not abutting a residential or conservation district (0 feet between units in a multi unit building)

Maximum Building Height: 45 feet

Density: Not more than 120 units

Minimum Lot Area/Dwelling Unit of units proposed 3,000 Square feet * total acreage of parcel divided by the number of units proposed

Minimum Net Residential Density for multi-family dwellings 1,250 s.f. per unit

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**PARCEL 4:**

<table>
<thead>
<tr>
<th>Minimum Lot Size:</th>
<th>7,500 Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Street Frontage:</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>10 feet (0 feet between units in a multi unit building)</td>
</tr>
<tr>
<td>Maximum Building Height:</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
</tr>
<tr>
<td>Density:</td>
<td>Not more than 300 units</td>
</tr>
<tr>
<td>Minimum Lot Area/Dwelling Unit proposed</td>
<td>12,500 s.f. *total lot acreage divided by the total number of units</td>
</tr>
<tr>
<td>Minimum Net Residential Density</td>
<td>1 lot or unit per 7,500 s.f.</td>
</tr>
</tbody>
</table>

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4. The permitted and conditional uses otherwise applicable to the Subject Property pursuant to Section 410 of the Saco Zoning Ordinance (including Sections 410-1 through 410-18) (the “Use Restrictions”) are hereby superceded and rendered inapplicable to the Subject Property and in their place, the following shall apply as the exclusive Use Restrictions applicable to the Subject Property and Section 410 shall be deemed amended accordingly but only as to the Subject Property:

---

**PARCEL 1:**

**PERMITTED USES:**

1. Dwelling units above the first floor as part of a mixed use building

2. One caretaker’s apartment within a non-residential use

3. Hotels and Motels

4. Retail Businesses and Uses with no more than 80,000 s.f. of floor area

5. Accessory retail sales of goods manufactured on the premises

6. Artist and crafts person studios

7. Eating establishments

8. Eating and Drinking establishments

17. Reserved-Multi-family housing, no units within 600 feet of Rte. One right of way

18. Health care clinics for humans

19. Hospitals

20. Essential Services

21. Animal hospitals and veterinarian offices

22. Any use permitted in the Resource Protection District

23. Accessory Uses

24. Municipal Uses

25. Public Utility Building
9. Health and Fitness Clubs  
10. Private Clubs  
11. Financial Institutions with drive through  
12. Professional Offices  
13. Business Offices  
14. Personal Services  
15. Business Services  
16. Repair Services  
26. Quasi-public Uses  
27. Public parks and playgrounds  
28. Public Schools  
29. Private Schools  
30. Commercial Schools  
31. Nursery Schools  
32. Day care center  
33. Adult day care centers, Types 1 and 2  

CONDITIONAL USES:  
1. Car washes  
2. Indoor recreation/amusement centers  
3. Enclosed sports facilities  
4. Reserved  
5. Commercial recreation  
6. Radio and TV antennas

PARCEL 2:  

PERMITTED USES:  
1. Hotels and Motels  
2. Accessory retail sales of goods manufactured on the premises  
3. Eating establishments  
4. Eating and Drinking establishments  
5. Accessory food service facilities  
6. Artistic and crafts person studios  
7. Health and Fitness Clubs  
8. Financial Institutions with drive through  
9. Professional Offices  
10. Business Offices  
11. Business Services  
12. Private Clubs  
13. Health care clinics for humans  
14. Research and testing laboratories  
15. Any use permitted in the Resource Protection District  
16. Accessory uses  
17. Essential services  
18. Municipal uses  
19. Public Utility Building  
20. Quasi-public uses  
21. Public parks and playgrounds  
22. Commercial Schools  
23. Nursery Schools  
24. Day care center  
25. Adult day care centers, Types 1 and 2  
26. Retail uses with less than 15,000 square feet of gross floor area  
27. Funeral Homes  
28. Personal Services  
29. Reserved  
30. Indoor Recreation/Amusement Center  
31. Reserved  
32. Agriculture  
33. Self-Service Storage Facilities  
34. Outdoor Recreation

CONDITIONAL USES:  
1. Fully enclosed light industry with no exterior storage  
2. Wireless Telecommunication Facilities  
3. Wholesale Trade and Warehouses

PARCEL 3:  

PERMITTED USES:  
1. Multi family dwellings  
2. Professional Offices  
3. Businesses Offices and Services  
4. Home occupations  
5. Accessory recreational uses  
6. Any use permitted in the Resource Protection District
16. Congregate Housing, including multiple individual rooms or dwelling units to be occupied as a shared living environment, which may include small individual apartments with kitchens or individual rooms, any of which may be combined with shared community space, shared dining facilities, housekeeping services, personal care services and other similar.

PARCEL 4:

PERMITTED USES:

1. Any use permitted of right in the R-2 District
2. Manufactured housing units
3. Multi family dwellings in structures containing no more than 8 units each
4. Elderly congregate housing
5. Home Occupations
6. Any use permitted in the Resource Protection District
7. Boarding homes
8. Home baby sitting service
9. Adult day care center, Type 1
10. Community Center for the use of the residents of land in Parcels 3 & 4

CONDITIONAL USES:

1. Any use permitted as a conditional use in the R-2 District and not otherwise listed herein as a use permitted as a matter of right

III. This Contract Zone is subject to the following conditions and restrictions, as provided for in Section 1403 of the Saco Zoning Ordinance:

1. Development of the mixed-use development described herein as proposed by the Applicant is allowed on the Subject Property.

2. All structures constructed, located, renovated or reconstructed on the Subject Property shall be connected to and serviced by the Biddeford-Saco Maine Water Company and to the municipal sanitary sewer system.

3. The portion of the Applicants’ land shown on the Project Plan as “Land to be Conveyed” shall be conveyed to the City of Saco or its designee at no cost to the City no later than three (3) years after the first Certificate of Occupancy is issued for any dwelling unit or commercial structure on the Subject Property.

4. Development on Parcels 1, 2, 3, and 4 shall be subject to either Subdivision or Site Plan review by the Planning Board as dictated by the Saco Zoning Ordinance or the Saco Subdivision Regulations.

5. City and Applicant recognize that the ‘Sketch Plan’ submitted for purposes of Contract Zone consideration is limited in scope and detail. The project is subject to site plan and subdivision review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, the U.S. Army Corps of Engineers and all other regional, state and federal agencies.

6. No site plan or subdivision approvals shall be granted by the Planning Board prior to an executed
agreement being reached between the City and the Applicant for the design, financing and construction of a functional sanitary sewer collection and conveyance system serving the subject property, all connected to the existing City of Saco sanitary sewer system.

7. The street proposed to provide access to Parcels 1, 3 and 4 shall not be constructed as to cross the brook as shown on the Project Plan prior to agreement being reached between the Applicant, City and abutters as necessary for said street to be constructed as a through street to Cascade Road.

8. Applicant is responsible for the design and construction, in consultation with the City or entity designated by the City, of an off-road trail system. Said trail system may be deeded with use restrictions but in no circumstance shall any such restrictions bar free access or prohibit passive recreation by the public. Passive recreation may include activities such as walking, hiking, birdwatching, picnicking, cross-country skiing, or nature photography. Passive recreation shall not include activities that may result result in degradation of the trail system, including but not limited to motor vehicle use, removal of vegetation beyond that necessary for trail construction, disturbance of soil beyond that necessary for trail construction, and hunting.

9. Failure of the Applicant to submit an application for subdivision review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. This deadline may be extended for successive six (6) month periods at the discretion of the City Administrator upon written request submitted to the City Planning Office by the Applicant. In the event that this Contract Zone Agreement becomes null and void, the zoning applicable to the Subject Property shall revert to the Zoning in effect prior to the approval of the Contract Zone.

10. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance and Subdivision Regulations.

11. All details shown on the plans and application materials submitted to date and during the course of site plan and subdivision review by the Planning Board are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. Revisions to the Lot designations, lines or layouts within any Parcel may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be minor may be made by the Applicant with the approval of the Planning Board but without further approval or consent of the City Council. Revisions to the Parcel boundary lines deemed by the Planning Board to be significant to the Contract Zoning Agreement shall require prior approval of the City Council.

12. This Document and Contract Zone affects only the Subject Property identified herein.

13. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant.

14. This Document and the Contract Zone it creates shall not be transferable without approval by the City Council, provided however that upon receipt of final subdivision and/or Site Plan approval (as required), Lots and Units within the Subject Property shall be saleable to third parties.

15. Breach of these conditions, restrictions and/or Agreement by the developer shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation and shall be subject to enforcement action under the terms and procedures of 30-A M.R.S.A. Section 4452.

16. The Council notes that the decision to approve this Contract Zone is significantly impacted by the agreement of the Applicant to extend the public sewer from Cascade Road to and across the Subject Property, (thereby making public sewer available to the northern segment of Route 1) as
well as to make possible the potential for interconnecting public streets between the Subject Property and Cascade Road, each of which are significant public benefits to the City of Saco.

IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on December 20, 2005, and the Saco City Council on May 1, 2006, the following findings are hereby adopted:

A. The Subject Property is a parcel of an unusual nature and location, for the following reasons:

1. The Subject Property consists of 236 +/- acres of contiguous land with over 1650 feet of frontage on Route 1. Route 1 is a major transportation route in southern Maine and has the ability to carry a large capacity of vehicles on a daily basis. Route 1 is also the commercial corridor in this area which also makes it conducive to commercial, retail and mixed use residential development.

2. The Subject Property is located at the Scarborough/Saco town line and therefore will serve as a gateway to the City of Saco. Such a large parcel of land with such significant frontage in this location provides a rare opportunity to master plan a mixed use development in this critical location. In addition, because of its proximity to Scarborough and Portland, the mixed use nature of this project will be attractive to a wider region rather than servicing just the City of Saco. This will assist in achieving the goal cited in the Local Economy section of the Comprehensive Plan which identifies the desire to “Maintain Saco’s role as a retail and service center for the region”

3. The Subject Property is located just east of the Maine Turnpike and North of the I-195 spur which the Saco Comprehensive Plan indicates is strategic in working with the Turnpike Authority to locate a new interchange in the Flagroad/Cascade Road area of the community. This development will serve to enhance those discussions.

4. The Applicant is agreeable to conveying the portions of Tax Map 63, Lot 6 and Tax Map 64, Lot 6-1 which are within the Resource Protection District (approximately 12 acres), identified as “Land to be Conveyed” on the Plan, to the City of Saco to be permanently preserved for the benefit of the public.

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

Chapter 17, Section F. Land Use, Local Goals

• “To guide development to identified growth areas that are compatible with the existing settlement pattern and that enhances the desired pattern of land use.” – The proposed uses promote a transition and mitigation of land use between residential development and commercial use.

• “To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.” – The proposed project provides significant commercial growth potential and proposes to extend public sewer to the Subject Property and across the Subject Property to Eastview Parkway and portions of Route 1 north of Cascade Road that are currently not served by public sewer.

• “To permanently protect environmentally and ecologically sensitive and scenic areas through outright purchase or conservation easements.” – The Applicant proposes to convey land within the Resource Protection district to the City, thereby protecting that land from future development

• “To encourage a pattern of land use that can be served efficiently and that does not impose
undue burden on the City’s financial resources.” – The Applicants’ development encourages commercial development with ease of access and at a scale that will provide significant commercial expansion with substantial fiscal benefit to the City.

C. The proposed use is consistent with, but not limited to, the existing uses and permitted uses within the original zone. The proposed contract continues the permitted uses currently allowed in the underlying zoning district, while adding additional compatible uses which are anticipated to enhance the development and appearance of the project.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zone agreement into the Saco Zoning Ordinance by reference.

By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on May 1, 2006, and Adopted as Amended on September 3, 2013, and further Amended on October __, 2016.

CITY OF SACO

By: __________________________
   Kevin L. Sutherland
   City Administrator

PRESTON PROPERTIES, LLC

By: __________________________
   R. Elliott Chamberlain
   Authorized Member

PARK NORTH DEVELOPMENT, LLC

By: __________________________
   R. Elliott Chamberlain
   Authorized Member

B. CONTRACT ZONE – CUTTS AVENUE, LLC – (FIRST READING)

Applicant Cutts Avenue, LLC proposes to redevelop the Notre Dame Church property, which would include rehabilitation and conversion of the church building, removal of the rectory, and construction of new apartment buildings to each side of the church. A total of up to 80 residential units are proposed, each 7-800 s.f. in area with one-bedroom. While the existing B-3 zone allows multi-family dwellings, the applicant seeks a contract zone that would allow greater density than is currently allowed; reduce the side and rear setbacks from 10 feet to 5 feet; and reduce the number of required parking spaces from 47 to 33.

This item was reviewed by the Planning Board at its October 4, 2016 meeting. The Board arrived at a positive finding on each of the four standards found in Section 1403-6, and voted to forward a positive recommendation to the Saco City Council. The item was discussed at a City Council Workshop on Tuesday, October 11, 2016.

Councilor Johnston moved, Councilor Doyle seconded to approve the First Reading and adopt the findings in the contract zone document entitled “Contract Zone Agreement by and Between Cutts Avenue, LLC and the City of Saco,” dated October 4, 2016; and further move to schedule a Public Hearing for November 7, 2016, for the property identified as Tax Map 38, Lots 105, 105-1 and 106 as authorized by Section 1403 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8). The motion passed with seven (7) yeas.
a. The Applicant proposes to renovate the existing church building and develop and construct up to 80 units of residential housing in three (3) phases on parcels located at 16-18, and 28 Cutts Avenue, City of Saco, County of York, and State of Maine (the “Subject Property”). The Subject Property is identified as Tax Map 38, Lots 105 and 106 on the City of Saco Tax Maps.

b. The Subject Property is the site of the former Notre Dame de Lourdes Roman Catholic Church, which includes the former church, school, and rectory, as well as an adjacent parking lot.

c. The Applicant has established right, title and interest with the submittal of a Contract for the Sale of Commercial Real Estate dated July 15, 2016, as the same may be amended, therein the Roman Catholic Church of Portland will sell the Subject Property to the Applicant.

d. The Subject Property is located within the B-3 Downtown Business District (the “B-3 District”), which includes in its permitted uses Multifamily dwellings and Elder/Disability Housing Facility. The Subject Property is across the street from the R-3 High Density District.

e. The Subject Property has an area of 27,504 square feet. The minimum lot area requirement in the B-3 District is 7,500 square feet.

f. The Subject Property has 300 feet of frontage on Cutts Avenue. The minimum frontage requirement for a parcel in the B-3 District is fifty (50) feet. The minimum side and rear setback in the B-3 District is ten (10) feet.

g. The minimum lot area per dwelling unit is 1,500 square feet.

h. The parking requirement for a mix of multifamily residential housing and multifamily residential housing restricted to elderly is approximately 46.5 parking spaces for 80 units of housing under the Ordinance.¹

¹ For multifamily residential, 1.5 parking spaces are required per one-bedroom unit of housing. See Table 708-2. For multifamily residential restricted to elderly, one parking space for every two units is required (.5 per unit). See Table 708-2. However, Section 708-2 of the Ordinance reduces both requirements by 50% for the B-3 District north and west of the Boston and Maine Railroad, which would mean .75 parking spaces per one-bedroom unit of multifamily residential and .25 parking spaces per one-bedroom unit of multifamily residential restricted to elderly. ¹d.

i. The applicant proposes to renovate the existing church building and develop and construct up to 80 units of residential housing in three (3) phases, and requests that certain lot, depth, and parking requirements found in Article 4 of the Ordinance be amended as follows:

i. That the 1,500 square feet minimum lot area per dwelling unit in the B-3 District be reduced to 340 square feet minimum lot area per dwelling unit to permit up to eighty (80) dwelling units on the Subject Property.

ii. That the ten (10) foot minimum side and rear yard setback be reduced to five (5) feet.

iii. That the maximum number of parking spaces on the Subject Property for up to eighty (80) one-bedroom residential dwelling units be thirty-three (33) parking spaces, down from approximately 46.5 parking spaces currently required under the Ordinance.

d. The Zoning Ordinance provides no authority for either the Planning Board or City staff to deviate from the stated lot, depth, and parking requirements.

k. Accordingly, this Contract Zone Agreement is proposed by the Applicant to permit differing land uses and development for the Subject Property, while maintaining the current character of the Subject Property through renovations of the existing church.

II. This Contract Zone Agreement Amends the Saco Zoning Ordinance as follows:

a. The minimum lot area per each dwelling unit on the Subject Property shall be 340 square feet.

b. The minimum depth side & rear yard on the Subject Property shall be five (5) feet.

c. The maximum number of parking spaces on the Subject Property shall be thirty-three (33).

III. This Contract Zone is subject to the following conditions and restrictions, as provided for in Section 1403 of the Ordinance:

a. The provisions of this Contract Zone shall become effective only in the case of a subdivision application being submitted by the Applicant, or an agent thereof on behalf of the Applicant. Should no subdivision plan application be submitted to the Planning Office of the City of Saco within two (2) years of the date of approval of this Agreement, then the provisions herein shall become null and void.

b. Minimum lot per dwelling and setback requirements established in Table 412-1 of the Ordinance shall be reduced in accordance with Section II(a)-(b) above. The parking requirements in Table 708-2 shall be reduced in accordance with Section II(c) above.

c. The Subject Property shall be served by public sewer and public water.
d. Except as addressed in this Contract Zone Agreement, the project shall adhere to all other applicable provisions of the Ordinance and subdivision regulations.

e. This Contract Zone Agreement applies only to the Subject Property.

f. Failure of the Applicant, its successors and assigns, to submit an application for a residential subdivision as proposed to the Planning Office for review and approval by the Planning Board within two (2) years of the approval of this Contract Zone Agreement shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicant, its successors and assigns, this deadline may be extended by one (1) year upon written request submitted by the Applicant.

g. This Contract Zone Agreement and Contract Zone it creates shall not be transferable prior to the development as proposed by the Applicant unless said transfer is approved by the City Council.

h. Breach of these conditions, restrictions and/or Contract Zone Agreement by the Applicant shall constitute a breach of the contract and a zoning violation, subject to enforcement action by the City of Saco.

IV. Pursuant to authority found in 30A M.R.S.A. §4352(8), and the Ordinance, Section 1403, and by vote of the Saco Planning Board on _____________, and the Saco City Council on ______________, the following findings are hereby adopted:

a. The Subject Property is a parcel of unusual nature and location for the following reasons:

i. The Subject Property is the site of the former Notre Dame de Lourdes Roman Catholic Church, which includes the former church, school, and rectory buildings.

ii. The Applicant is interested renovating the existing church building and construct additional buildings to permit residential housing, while maintaining the character of the neighborhood as it currently exists.

iii. The Applicant proposes to construct a new residential building over the existing paved parking area to add much needed single bedroom units to Saco’s housing stock.

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

i. Population and Demographics. To accommodate growth in a manner that maintains the character of the City. To assure that a diversity of people is able to continue to live in Saco. As a result, the City should continue to provide for the construction of a wide range of types of house at a variety of densities and types to assure that a diversity of people can continue to live in the City, including younger people.

ii. The Local Economy. To maintain the vitality of Downtown Saco and expand its role as a commercial, office, retail, educational and cultural residential and service center.

iii. Utilities. The City should allow residential development in higher densities in those areas where water (and sewer) service is available than in those areas where service is not available.

iv. Transportation. The City should review the parking requirements in the Downtown area and consider reducing the requirements if reasonable.

v. Housing. To provide a diversity of housing to meet the needs of a wide variety of residents. To that end the City should consider relaxing the standards for parking and other regulations governing housing development in Intown neighborhoods to ensure that these requirements do not adversely affect development proposals.

c. The proposed use is consistent with the existing uses and the permitted uses within the B-3 District, which includes multifamily dwellings. Additionally, the Subject Property is located across the street from the R-3 High Density Residential District, which allows land to be developed “more intensively” due to its proximity to the business area and the availability of utilities.

d. The conditions proposed are sufficient to meet the intent of Section 1403, Contract Zoning of the Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zone into the Saco Zoning Ordinance by reference.

By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on this ___ day of _____________, 2016.

Signed this ___ day of _____________, 2016.
C. PROPOSED ZONING ORDINANCE AMENDMENTS PERTAINING TO SHORELAND ZONING, INCLUDING SECTION 504 NONCONFORMING STRUCTURES – (SECOND & FINAL READING)

These proposed Zoning Ordinance amendments would update Shoreland Zoning guidelines found in Articles 5 and 7.1, consistent with recent amendments approved by the Maine DEP. DEP staff has been asked to review the proposed changes, and should have comments by later this month. Formal acceptance of the changes by the DEP Commissioner will occur after Council action. The changes are best described as “housekeeping,” and are fairly minor in nature.

The Planning Board considered the proposed Ordinance amendments at its August 2 meeting, held a public hearing and received no comments, then made a positive recommendation for passage.

Councilor Roche moved, Councilor Gay seconded “Be it ordered that the Saco City Council hereby approves the Second and Final reading of the document titled, ‘Amendments to Zoning Ordinance Sections 504-2 and 7-1, dated September 12, 2016’” Further move to approve the order.

TABLED – Councilor Roche moved, Councilor Precourt seconded to table the motion until Oct. 24th. The motion passed with seven (7) yeas.

D. AMENDMENT TO THE SACO CODE CHAPTER 112 GENERAL ASSISTANCE PROGRAM APPENDIXES FOR OVERALL MAXIMUMS, THRIFTY FOOD PLAN & HOUSING MAXIMUMS – (SECOND & FINAL READING)

Each year Maine Municipal Association presents municipalities with new Appendixes for their City Ordinance, which need to be reviewed and adopted. This year, the Over-All Maximums on Appendix A have increased slightly. The food maximums on Appendix B have remained the same since 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 in all categories this year. The amounts in Appendix D have not changed.

Councilor Cote moved, Councilor Doyle seconded “Be it ordered that the Saco City Council hereby approves the second and final reading of the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix A- Overall Maximum, Appendix B – Food Maximums, Appendix C – GA Housing Maximums, and Appendix D – Utilities” Further move to approve the order. The motion passed with seven (7) yeas.

General Assistance Ordinance Appendixes (A, B, C and D), Proposed Figures dated October 1, 2016

Appendix A - GA Overall Maximums

<table>
<thead>
<tr>
<th># IN HOUSEHOLD</th>
<th>MAXIMUMS</th>
<th>MAXIMUMS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Current</td>
<td>Proposed</td>
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<tr>
<td>1</td>
<td>$695.00</td>
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<td>3</td>
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</tr>
<tr>
<td>5</td>
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<tr>
<td>EACH ADDITIONAL</td>
<td>$75.00</td>
<td>$75.00</td>
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Appendix B - Food Maximums

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<thead>
<tr>
<th># IN HOUSEHOLD</th>
<th>WEEKLY MAX.</th>
<th>WEEKLY MAX</th>
<th>MONTHLY MAX</th>
<th>MONTHLY MAX</th>
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</thead>
<tbody>
<tr>
<td></td>
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<td>$357.00</td>
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<tr>
<td>3</td>
<td>$118.84</td>
<td>$118.84</td>
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### Appendix C – GA Housing Maximums

**Unheated Units**

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<th># BDRMS</th>
<th>MONTHLY Current</th>
<th>MONTHLY Proposed</th>
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<tr>
<td>0</td>
<td>$669.50</td>
<td>$686.50</td>
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<td>$741.50</td>
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<tr>
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**Heated**

<table>
<thead>
<tr>
<th># BDRMS</th>
<th>MONTHLY Current</th>
<th>MONTHLY Proposed</th>
</tr>
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### APPENDIX D - UTILITIES

**ELECTRIC**

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is not automatically entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses excluding electric hot water and heat:

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$14.00</td>
<td>$60.00</td>
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<td>3</td>
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<td>$75.00</td>
</tr>
<tr>
<td>4</td>
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</tr>
<tr>
<td>5</td>
<td>$23.10</td>
<td>$99.00</td>
</tr>
<tr>
<td>6</td>
<td>$25.00</td>
<td>$107.00</td>
</tr>
</tbody>
</table>

**NOTE:** For each additional person add $7.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses excluding heat:

<table>
<thead>
<tr>
<th>Number in Household</th>
<th>Weekly</th>
<th>Monthly</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$19.10</td>
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<td>3</td>
<td>$27.70</td>
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<tr>
<td>6</td>
<td>$41.00</td>
<td>$176.00</td>
</tr>
</tbody>
</table>

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

### E. RENEWAL APPLICATION FOR SPECIAL ENTERTAINMENT PERMIT – FRATERNAL ORDER OF EAGLES #3792 – (PUBLIC HEARING)

Fraternal Order of Eagles Aerie #3792 has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment’s liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Minthorn moved, Councilor Precourt seconded to open the Public Hearing. The motion passed with seven (7) yeas.
There were no public comments.

Councilor Minthorn moved, Councilor Doyle seconded to close the Public Hearing and be it Ordered that the City Council grant the renewal application submitted by the Fraternal Order of Eagles #3792 for a Special Entertainment permit to be concurrent with the establishment’s current liquor license”. Further move to approve the Order. The motion passed with seven (7) yeas.

X. COUNCIL DISCUSSION AND COMMENT

Mayor Michaud with the unanimous consent of the Council moved the “Council Discussion and Comment” session up before the Executive Session.

- Councilor Johnston - Request copies of the traffic study that was done in Pepperell Square & Comprehensive Plan Review documents. (City Administrator Kevin Sutherland noted that both of these documents are on the City Administrators website page.)
- Councilor Johnston - Formally address to the Council in a memo the Citizens for Sensible Taxes issue on the budget.
- Councilor Roche – Tuesday, October 25th at City Hall will be the next meeting on the Camp Ellis Jetty to discuss the next steps set forth to get the jetty approved under the Army Corps funds with attendance of Federal and State Representatives.
- Councilor Roche – The Citizens for Sensible Taxes group addressed the urgency to get the Special Projects position filled and this can be discussed at the next workshop. (City Administrator Kevin Sutherland noted that he had received 13 resumes and he would look to hire shortly.)
- Councilor Cote – The federal government built the jetty that has caused the erosion to Camp Ellis for years, so I suggest we sue them and get the money because they have taken forever to fix this.
- Councilor Johnston – Asked to allow a representative from the Citizens for Sensible Taxes group to speak. (Mayor Michaud noted that this is the Council session right now and the representative could speak after).
- Councilor Precourt – Inquired about how the process was going for the replacement of the Police Chief. Where do we stand? I was supposed to be on the interviewing committee and haven’t heard anything yet. (City Administrator Kevin Sutherland noted that the position was posted on Friday and will be posted until Nov. 4th. The meetings will follow after that.)
- Barbara Colman, Citizens for Sensible Taxes – Private Road suggestion: How many houses currently exist on these private roads? By creating this document you have memorialized the document forever and you do not add anymore, otherwise you end up with developments being shot off on these little roads, the way I understand the private road have been working.
- Councilor Minthorn – Thanked City Administrator Kevin Sutherland for doing an excellent job under somewhat adverse conditions dealing with the downtown folks and Pepperell Square on the proposed temporary closing of Pepperell Square to vehicle traffic.

VIII. EXECUTIVE SESSION

Councilor Precourt moved, Councilor Doyle seconded “Be it ordered that the City Council, Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405 (6)] move to enter into Executive Session to discuss: D. Labor Relations: Public Works and Parks Unit, Teamsters for the Collective Bargaining Agreement from 2015 -2018”. The motion passed with seven (7) yeas. Time: 7:14 p.m.

IX. REPORT FROM EXECUTIVE SESSION

Councilor Precourt moved, Councilor Doyle seconded to move from the Executive Session. The motion passed with seven (7) yeas. TIME: 7:45 p.m.

Mayor Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Kevin Roche, Alan Minthorn, Eric Cote and Nathan Johnston.

Councilor Gay moved, Councilor Johnston seconded “Be it ordered that the City Council approve the following
labor union contract and authorize the City Administrator to execute the proposed contract: Public Works and Parks Unit, Teamsters for the Collective Bargaining Agreement from 2015 -2018”. Further move to approve the order. The motion passed with six (6) yeas and one (1) nay – Councilor Precourt.

XI. ADJOURNMENT

Mayor Michuad adjourned the meeting with the unanimous consent of the Council at 7:46 p.m.

Attest: __________________________

Michele L. Hughes, City Clerk