I. CALL TO ORDER – On Monday December 5, 2016 at 6:32 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

- Mayor Michaud noted the November 23rd passing away of Marie Doucette who was a former City Councilor for Ward 3. She was also on the Board of Directors at the Library and an active member of the association of Pickerel Pond where she had a camp.
- On November 29th Thornton Academy was recognized as a Apple Distinguished School for the 2016-2018 period which its integrated approach to technology through a one to one I-Pad initiative. Only 3 schools in Maine and about 30 in the country who have been recognized.
- The Holiday Festival and Parade of Lights was a great event with over 400 children and about 4,000 people attending the parade.
- There is a professional filming going on in Biddeford and Saco. There will be a presentation next year at the Indy Film Festival.
- Mayor Michaud thanked the presenting sponsor Biddeford and Saco Savings and other sponsor included: Atlantic Heights, Unitil and P & C Insurance Co. There were also loads of volunteers as well. A special thank you to Mike Tremblay, Nancy Tripp, Rob Biggs, Public Works, Parks & Rec., Police and Fire Dept.

V. PUBLIC COMMENT

- Lori Pennell, 105 Buxton Rd – Ms. Pennell spoke at the last meeting about the proposed Rt# 112 Bypass project that would run over the top of her house or through her working farm. I’m getting mixed ideas from you as to how likely this is going to happen or not happen. I gave a letter to all of you with a list of questions and I thank Mr. Gay for responding to that and thank you to the Mayor and Mr. Sutherland for the time you spent talking with me. I would like to know your answers to the questions. I’ve heard that if the city wants to veto this it can. I ask that you look at other options to see what would be the least amount of impact ad solve the traffic problems in another way. She also congratulated the new Police Chief Raynald Demers.
- Chuck Tsomides, - On the WinterHaven residence I would rather have you people vote for it for Thornton Academy and those students.
- Don Pilon, 1 Meadow Lane – Recently the City of Biddeford and Town of Old Orchard Beach have undergone Charter Revisions. I would like to suggest to this Council and to you Mr. Mayor to initiate a Charter Revision Committee. I think that it is time to look at the 1994 Charter. There are a number of issues that need to be addressed and brought up-to-date such as: who the City Attorney is responsible to and does the city truly need a Mayor? Mayor Michaud noted that there city has done revisions in the past as needed.
- John Harkins, 4 Christopher Terr. – Several weeks ago I asked if the city invited sealed bids for the Transfer Station. I have not received a response to that request. We took it upon ourselves to delve into it. This was a $500,000 project. The answer to the question is “no”. As a taxpayer I’m very disturbed of the lack of responsiveness to public inquiries. Last year the city invited bids and quotes and I don’t know if they were advertised, I cannot find that out. Another question I have not had responded to is for equipment rental, construction services and aggregate. Who is the lowest bidder responsible for each of these contracts? I have 5 contracts signed by the Finance Officer for materials and 5 contracts construction services. There is no low bidder. This is a cherry picking process. It boils down to picking anyone you want on a time and materials basis and I believe that is what is happening here at the Transfer Station. Can anyone tell me the cost of the project at this point in time? This is a work around our normal purchasing
procedures. There is no control which leads to abuse, favoritism and other types of issues. Was a clerk of
the works assigned to this project to be sure the city is receiving the best value? Did we receive the same
type of oversight for the High Street project? Taxpayers need to have honest responses to their questions
and concerns. I urge the Council to look into the purchasing and bid policies of this community.

Barbara Colman, 45B Stockman Ave – Working at a non-profit ACLU we had 2 functions. We had the
foundation side which was the 5013C and then we had the other side which was the lobbying piece we called
the union which was the 501C4 which meant that we had different sets of books, different audits and
different everything for reporting requirements and Thornton Academy probably has such things as well.
Thornton Academy is requesting a contract zone,, but what is missing is the Planning Board process and
why. Is it possible by the example that I provided there are other tax status requirements they must
maintain for current buildings which actually act as housing where T.A. is the landlord? Is this something
the City Attorney has actually researched and confirmed that only one status in place the 501C3. In further
review the various properties currently under Thornton Academy name only total $637,000 what is
interesting about this notation is that all the other property owned by Thornton Academy is listed as the
T.A. Trustees. Why, what is the difference? Now is the above mentioned properties were to be taxed
because they fall under another IRS classification the amount of taxes for those properties $12,247 a year.
With removing the WinterHaven and putting it under the T.A. Contract Zoning request an additional
$700,000 in assessed value property is being removed along with total taxes of $13,440. Staff (3 Dept’s)
mentioned in the first reading mentioned a payment in lieu of taxes and I agree with City Hall staff. Based
on the fact that the Contract Zone agreement in place for the Ecology School it took several months to
resolve but in the end the city received $40,000 in educational credits for the Saco School Dept. to utilize.
If they fail to meet that requirement then in lieu of payment, I believe $20,000 will be due to the city. We
need to treat all applicants in the same manner with similar goals and objectives. Thornton Academy
should be included in the Comprehensive Plan review when the city looks ahead as to how far we will let
one institution purchase property and no payment in lieu’s are being provided to support the police and fire
department available to the school. One must remember that T.A. is a quasi entity in that they receive
public and private funding. As a result a pilot should be able to be negotiated to this contract zone
agreement.

VI. CONSENT AGENDA

Mayor Michaud removed Consent Agenda item #A so it could be voted on separately.

Councilor Precourt moved, Councilor Minthorn seconded to approve consent agenda items # B, C, D, E, F and G as
follows:

B. Confirm the Mayor’s Reappointment of Peter Marks, George Roth, and Pam Cardin to the Saco
   Shoreline Commission – “Be it Ordered that the City Council confirm the Mayor’s reappointment of Peter
   Marks, George Roth, and Pam Cardin to the Saco Shoreline Commission, with their terms ending on
   December 5, 2019.” Further move to approve the Order.

C. Confirm the Mayor’s Reappointment of John Leavitt to the Zoning Board of Appeals - “Be it
   ordered that the City Council confirm the Mayor’s reappointment of John Leavitt, to the Zoning Board of
   Appeals, for a 5-year term to expire December 5, 2021”. Further move to approve the order.

D. Confirm the Mayor’s Appointment of Robert Biggs to the Historic Preservation Commission -
   “Be it Ordered that the City Council confirm the Mayor’s appointment of Robert Biggs to the Historic
   Preservation Commission, as an alternate member, for a three-year term ending on December 5, 2019.”
   Further move to approve the Order.

E. Application for a License to Operate Beano – Biddeford & Saco Elks - “Be it Ordered that the City
   Council grant the application for a License to operate Beano from January to December 2017 as submitted
   by the Biddeford & Saco Elks #1597.” Further move to approve the Order.

F. Application for a Solid Waste Permit – Waste Management - Be it Ordered that the City Council
   grant the Solid Waste Permit as submitted by Waste Management.” Further move to approve the Order.

G. Asset Forfeiture – State vs. Derek Correia - “Be it Ordered that the City Council does hereby
   approve with reference to York County Superior Court Docket #CR-15-574-Criminal Forfeiture, of the
transfer of assets to the City of Saco, pursuant to 15 M.R.S. §5824(3) and/or §5826(6). Further move to approve the order.

The motion passed with seven (7) yeas.

A. Minutes - Councilor Doyle moved, Councilor Minthorn seconded “Be it ordered that the City Council approve the minutes for October 17, October 24 and November 7, 2016”. Further move to approve the order. The motion passed with seven (7) yeas.

VII. AGENDA
A. CONFIRM THE CITY ADMINISTRATOR’S APPOINTMENT OF THE POLICE CHIEF

Police Chief Bradley Paul will be retiring as Saco’s Police Chief effective December 31, 2016. In August, Chief Paul completed 40 years of serving the Saco community, 16 of which as our Police Chief. His approachableness, positive demeanor, and fair and professional perspective are traits that have helped make the police department what it is today. We wish him well in his future endeavors and encourage him to stay involved with the Saco community.

On December 30, 2016 Ray Demers will be sworn in as Saco’s next Police Chief, to be effective January 1, 2017. Over the last 32 years, Ray has moved up through the ranks of the Saco Police Department serving as our Deputy Chief for the past six years. He is well respected in our community and strives for transparency, fairness, and honesty. All traits this community holds in high regard. We look forward to serving with Ray in his new capacity.

Councilor Doyle moved, Councilor Minthorn seconded “Be it ordered that the City Council confirm the City Administrator’s Appointment of Raynald N. Demers as Police Chief for the City of Saco effective January 1, 2017.” Further move to approve the order. The motion passed with seven (7) yeas.

---

CITY OF SACO, MAINE

Administration
Saco City Hall
300 Main Street
Saco, Maine 04072-1538

Kevin L. Sutherland, City Administrator
Telephone: (207) 282-4191
Email: KSutherland@sacomaine.gov
Facebook: /sacomaine
Twitter: @sacomaine

PRESS RELEASE

November 30, 2016
Re: Saco’s Next Police Chief

After an extensive search process, I am pleased to announce my recommendation of Raynald Demers as Saco’s next Police Chief. Pending City Council confirmation on December 5th, his appointment will be effective January 1st, 2017. Ray has served the Saco community for more than 30 years, the last six years as our Deputy Chief of Operations.

It was clear during the interview process that Ray is dedicated to Saco. He is well respected within the community and has a strong connection to its community leaders – a testimony shown in part by the significant number of letters of support my office received. Ray has been essential to the success of the popular Citizens’ Police Academy in Saco as well as the first Open House BBQ to help foster a positive relationship between the Police officers and members of the community.
Applicant Thornton Academy proposes to acquire the former WinterHaven assisted living facility at 95 King Street and convert it into student housing. The previous use was made possible by a contract zone, approved in 1996. TA proposes to amend the contract zone in order to allow a student and staff housing facility for up to eighteen beds, plus a living arrangement for a couple or family to staff the facility.

The City Council discussed this item during the October 24, 2016 Workshop and held the first reading at the November 7th Council Meeting.

Councilor Minthorn moved, Councilor Doyle seconded “Be it ordered that the Saco City Council hereby approves the Second and Final Reading of the contract zone document entitled “Contract Zone Agreement by and between the City of Saco and Thornton Academy,” dated October 24, 2016 for the property identified as Tax Map 32, Lot 179 as authorized by Section 1403 of the Zoning Ordinance.” Further move to approve the order.

Amendment - Councilor Johnston moved, Councilor Doyle seconded to allow use of T.A. lawn and facilities to host Saco Main Street and city sponsored events as long as there are no school activities scheduled, at no cost to the city and subject to mutual agreement. Vote: The motion failed with three (3) yeas and four (4) nays – Councilors Precourt, Doyle, Minthorn and Cote.

Mayor Michaud called for a vote on the main motion. The motion passed with six (6) yeas and one (1) nay – Councilor Johnston.

Contract Zone Agreement
By and between the
City of Saco and Thornton Academy
October 24, 2016

THE CITY OF SACO HEREBY ORDAINS:

That the zoning ordinance of the City of Saco, dated January 2, 1985 and amended through September 19, 2016, is hereby amended by adopting the change in use as further described in the following contract by and between the City of Saco and Philip and Lucie Hatch, Thornton Academy.

This amendment to the Saco Zoning Ordinance shall be subject to the following conditions and restrictions, as provided for in Section 1403 of the Zoning Ordinance:

1. All work performed as a result of the 1996 approval was shall be done in conformance with the approved plans entitled “Site Development Plan” Assisted Living Home for Philip & Lucie Hatch, drawn by Foster Associates, Architects. Any deviations from the approved plans shall be reviewed and approved by the City prior to work commencing. The approved plans were received by the Saco Planning Department on July 3, 1996.

2. Prior to work beginning, the applicant shall establish performance guarantee, acceptable to the City, for 150% of the cost of the following improvements:
   - landscaping
   - drainage
   - paving
   - erosion control
3. All work shall be done in conformance with Section 806 of the Saco Zoning Ordinance, Erosion Control.

4. The approved 1996 contract is for the express purpose of allowing elderly congregate housing as a use on this parcel of land, Map 32, lot 179, located at 95 King Street, in an R-1B zoning district. The 2016 amendment shall allow a Student and Staff Housing Facility that would house up to eighteen (18) high school students, and residential directors who may be a couple or a family who would reside in the existing dwelling at 95 King Street, which is attached to the Facility.

5. Density requirements for this parcel limit the elderly congregate use to 10 beds as long as the home is owner occupied. If, at some point in the future, the home is no longer owner occupied, the elderly congregate use will be allowed to expand to 15 beds. This shall only occur upon notification and concurrence by the Code Enforcement Officer.

6. The area designated as future parking shall remain in an undeveloped state. If at any time in the future the City determines that additional parking is required, the owner shall be notified and shall have six months to provide the parking. If the owner proposes to expand the use to 15 beds, the additional parking shall be required.

7. The wooded area to the rear of the proposed addition, lying adjacent to land owned by Desjardins, shall remain in its present condition. Only dead or dying trees may be removed, along with underbrush. No structures are permitted in this area.

8. No dumpsters will be allowed on the property, unless the owner secures an amended approval.

9. No further structures will be allowed on the property between the parking area and King Street.

10. All details as shown on the approved plans are hereby incorporated into this contract by reference, and the site shall be developed substantially in conformance with those plans. Minor changes may be approved by the staff of the City of Saco. Any changes determined by the staff to be "major" shall be submitted to the Planning Board for review. If it is determined that the changes constitute a change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

11. To provide adequate funding for City services, the applicant agrees to not convert this business or use to a not for-profit enterprise, either now or in the future. This condition shall extend to any future owners of the business or land. As agreed under the 2016 amendment, the applicant shall be allowed to own the facility as a tax exempt entity. If Thornton Academy should convey the facility in the future, any future transferee of the property shall not be a tax exempt entity, unless so approved by the City Council.

12. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer shall be required to apply for a contract modification. Failure to apply for, or to obtain a modification and shall constitute a zoning violation, subject to administrative action.

By vote of the Saco Planning Board on June 25, 1996, and the Saco City Council on August 6, 1996, the following findings were hereby adopted:

A. The subject real estate is somewhat unusual and unique in its size and location. The parcel consists of 32,000 square feet of usable land area. This size parcel is relatively large compared to the other typical 10,000 square foot parcels in the immediate neighborhood. This size factor makes it uniquely conducive to this type of use. Due to the fact that the Winter Haven assisted living facility utilized elderly congregate housing facilities typically used for as ten (10) beds or more to achieve economic feasibility, a facility of that size would require at least a 20,000 square foot parcel in the R-1 zone to meet the zone's density requirement. Given this size constraint, additional similar development in the R-1B zone seems to be precluded, being that there few, if any, similarly sized, undeveloped parcels of land in the zone. In addition to its unique size, the site is centrally located and is easily accessible to most public, religious, and business services.

B. Chapter 5 of the 2011 Comprehensive Plan, Subpart 8 expresses the City's desire to limit commercial activities within residential neighborhoods except for strictly regulated uses such as mini-mart, dry cleaners, and laundromat. The proposed Student and Staff Housing Facility most properly identified as an accessory use to Public or Private School, each of which are permitted uses in the R-1B zone. The proposed facility will have arguably less impact on the neighborhood than the existing assisted living use.

A goal of the Transportation section of the 2011 Plan is to reduce road congestion while minimizing traffic in residential neighborhoods. The students living at the facility would walk to school most days, or may board a single small bus for a ride in inclement weather. Boarding students are not allowed to have cars, so the impact of the facility will be far less than the previous use, with family members and staff traveling to and from the property at all hours.

The Housing section of the 2011 Plan discourages the conversion of properties from single family dwellings to multi-family in order to limit adverse impacts on older residential neighborhoods. Thornton Academy's proposed use of the property is similar to the existing use, with younger occupants. The net effects of the new use would be a change of ownership, and a change in the nature of the occupants.
The Land Use Goals and Policies in the 2011 Plan, Chapter 6, promote orderly development that discourages urban sprawl and encourages the efficient use of City resources. The proposed use would be located in the in-town area and constitutes an efficient re-use of a very specialized structure. It is serviced by public water and sewer. The proposed change in ownership and use will not result in significant exterior changes to the property.

The Saco Comprehensive Plan, dated 1987, clearly intends that the R-1 zones be developed to promote a variety of residential uses. Specific to the housing needs of the elderly, the plan establishes the City’s socio-economic development goals and policies by suggesting that "the Planning Board shall investigate the use of various zoning and siting techniques to encourage elderly and barrier free housing in Saco" (p. DI4). The land use portion of the Comprehensive Plan also "encourages housing for all income and age levels (p. E1). Additionally, the plan further suggests that, within the Downtown Residential (Outer Ring) District (in which the R-1B zone is located), predominately residential uses should be encouraged in this district at medium density (p. ES).

In reviewing the permitted and conditional use lists for the R-1 zones, Public and Private Schools, and Accessory Uses are permitted uses. Most of the developed portion of the Thornton Academy campus is in the R-1B zone, and it has been demonstrated for over two hundred years that a Private School can exist comfortably next to residential neighborhoods. More recently, it has been demonstrated that Student and Staff Housing Facilities can function well, with few or no adverse impacts on nearby neighbors, several types of elder-care uses are shown. Type 1 (5 or fewer) Adult Day Care Centers is a permitted use in the R-1 zones. Nursing Homes, Community Living Uses and Type 2 (5 or more) Adult Day Care Centers are conditional in all the R-1 zones. Elderly congregate Housing is a conditional use in the R-1C zone only.

Although the immediate neighborhood around the proposed use is dominated by single- and two-family residential dwellings, there are several higher density properties located within a very close proximity to the proposed site. Directly across Winter Street is "Kings Court", a 12-unit, 2 building (2 story) apartment complex. About 300 yards west on King Street is "Sunfields Condominiums", a 12 unit, 3 building (2 story) residential complex. Approximately one-tenth of a mile east on Beach Street (diagonally across from Beachway Market) is an 11-unit, 3 building (2 story) condominium project.

Based on the permitted and conditional uses in the R-1 family of zones, and on the existing development that has taken place under the City’s existing zoning ordinance, it appears that the R-1B zone has been capable of supporting multiple-density properties in the past, serving a variety of residential uses as intended in the City's Comprehensive Plan.

Based on the above findings, and the conditions and restrictions listed above, the City Council hereby finds that the intent of the Saco Zoning Ordinance, specifically Section 1403, and the Saco Comprehensive Plan have been met, and hereby incorporates this contract zoning agreement into the Saco Zoning Ordinance by reference. The amendments described in this contract shall become effective on December 5, 1996.

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

Adopted by the Saco City Council on December 5, 2016.

By
Ree Menard, Headmaster
Thornton Academy

By
Kevin N. Sutherland
City Administrator

City of Saco

By
Philip S. Hatch, III

By
Lucie S. G. Hatch

C. ADDITION OF CHAPTER 171-SINGLE USE CARRYOUT BAGS TO SACO MUNICIPAL CODE OF ORDINANCES – (PUBLIC HEARING)

Single-use carry-out bags are a pervasive part of our society, whether a small paper bag in which a store clerk places a single greeting card or the multiple plastic bags in which we carry home our groceries. However, these single-use
bags negatively impact the environment, particularly plastic bags that proliferate near roadsides and can harm wildlife and marine life. More than a dozen states have introduced legislation seeking to ban the use of plastic bags. Currently in Maine, York, Portland, Falmouth, Freeport and South Portland have passed legislation encouraging the use of reusable bags, and imposing a fee on single-use bags.

The current proposal is to add “Chapter 171 – Single-Use Carryout Bags” to the City of Saco’s general code, which would impose a fee on single-use bags in stores in Saco. The City’s goal is to discourage single-use bags and to encourage the use of reusable bags. We recommend the implementation of a monetary fine system for violations of Chapter 171, should the proposal be approved and go into effect.

Councilor Gay moved, Councilor Johnston seconded to open the Public Hearing. The motion passed with seven (7) yeas.

- Ann Saunders, 420 Boom Road – Ms. Saunders noted that plastic bags are an insignificant part of total waste. The weight of plastic bags is 1 oz. In a week that is about 2 oz.’s a family will use to safely bring home groceries. According to a 2012 litter survey conducted by Environmental Resources Planning, plastic retail bags comprise less than 2% of litter. Half a million reusable bags are imported into the United States each year and 95% end up in landfills. Plastic bags are the cleanest option at the check-out and require fewer resources to produce and transport than common alternatives. American plastic bags are made from natural gas, not oil. Cotton bags must reused 131 times to ensure that they have a lower global warming potential than a plastic bag used only once. Paper pro’s: made from trees, easily renewable and can be recycled unless it has painting or printing on it and it can’t be recycled. To produce this it is 70% more pollution to make it. It takes more energy and oil to produce. Must be reused 3 times before they are better for the environment than a plastic bag used only once. Re-usable cotton polyester pro’s, con’s. It would take 7 ½ years or 131 times of using the same cloth bag before it is a better option for the environment than a plastic bag reused 3 times. One bag creates a larger carbon footprint and we need special recycling for it. Plastic, I know your con’s are: poor waste management so 10% end up in the ocean. One solution would be to set up places where people could bring these in to recycle them. Pro’s: It is the cheapest and lowest energy amount to produce. It is the lowest carbon footprint compared to reusable bags. It is a ideal balance between cost and consumer value. Charging for a plastic bag amounts to nothing more than another tax. One middle class working people can ill afford. I the last week I have been watching as I shop and 9 out of 10 people use the bags. They are more convenient, easy to carry, keep food safe and can be used again and at home for so many other things. These are not one use bags. I’m a teacher and my students use them to put their wet boots in to take home. At projects and people who walk their dogs you see they always for one in their hands. So please give the citizens of Saco the “option” of choosing their type of bag. Choice is an America right. We don’t need the government acting like a nanny and forcing their opinions on citizens. They can suggest alternatives but “banning” things to me sounds un-American.

- Adele Saunders, 420 Boom Road - Ms. Saunders noted that she agrees with her Mom, she is very pro-bag. Plastic bags are made in the USA by the A.N. S Plastic Corps. In New Jersey. Re-usable bags are made in China and contain lead or other toxic materials. Lead can cause irreversible damage to the system and it can rub off on food that the family has handled and eat. So lots of bad bacteria can get onto reusable bags. If we stop using plastic bags the people that make the plastic bags 24,600 Americans would be put out of work and it would hurt our US economy. They provide jobs with competitive salaries and benefits. They invest in innovative green technologies that are revolutionizing the plastic bag industry. The plastic bags are 100% reusable. More than 90% of Americans use them for storage, waste disposal, packing material, garden composting kitchen scraps and doing stuff like carrying things home from school. The reusable bags have many health hazards and are imported from other countries like China and may contain lead and if they aren’t sanitized properly they can harvest bacteria, e-colı, salmonella and many more other bacteria. A Canadian study found that buildup on reusable bags was 300% higher than considered safe. Reusable bags are usually stored in cars and trunks and cause allot of bacteria and grows 10 times faster. A contaminated reusable bag can cross contaminate any surface it comes into contact with when 9 out of 10 people go to the grocery store they are at risk of infection. So when they put their reusable bag on the conveyor belt it can contaminate the conveyor belt where food is being put and so therefore bacteria being put on those food that people take home. There is a growing market for recycled bags. The bags can be
made into new plastic bags, outdoor decking and railing products. Like my Mom said, instead of getting rid of plastic bags completely, please give us the choice instead of telling us we can’t use them anymore, suggest that we could use reusable bags and put a recycling bin outside or inside the store where people and bring back their plastic bags and they can be recycled instead of just getting rid of them all together because they are reused in my opinion.

- Lynn Copeland, 526 Ferry Road - Ms. Copeland is speaking on behalf of the Saco Conservation Commission regarding the single-use carry out bags. We are in support of the ban of carryout plastic bags as written in the proposed Chapter 171. We are in favor of reusable bags with the option to purchase a paper one but not a plastic bag for 5 cents. Since we are a coastal community we are naturally concerned about plastic bags that make their way into our marine environment. Plastic bags are consumed by fish who pick up the scent of food on the bag. Turtles think that when they are floating on the water that they are jelly fish and they ingest them and die. They are also caught in propellers on boats.

- Diane Doyle, 16 Tiffany Lane – Ms. Doyle is in favor of the bag ban. I live on the river and walk the river at least once a week and bring along a bag to pick up the trash and a large amount of the trash that I pick up are plastic bags. So I know that they do make their way to the river first hand. But I also think that it is not a difficult thing for citizens to do, to bring a bag ad have their groceries put in those bags and remember to do that and it will cause less environmental impact on this earth that we are over burdening with all of our trash. The people that do want to use a single use plastic bag I’m sure there will be people producing those and you can bring your own bag and put it in a clean bag that has’t been used before and use it one time or reuse it. I think that it is something that is important to us as a city to try to do the right thing for our environment.

- Yvette Menay, Thompson Resident – I’m a member of “Bring Your Own Bag Mid-coast”. Thank you to Councilor Cote and Gay for bringing this Ordinance forward. As you may know this November in Thompson the residents voted for a 5 cent fee on paper and plastic bags. Our Ordinances model Portland’s Ordinance. Portland put together a green packaging working group that included retail associations, retailers and academics as well as environmentalists and allot of effort and research was put into that and it took 2 year for them to come forward with what they have, so we support that in our town. I know this is different than what you are proposing tonight, as the ban is what you are looking for on plastic. The reasons why I prefer a fee over a ban on plastic is: 1) Because businesses don’t have to change their bag stock so that would be helpful to them 2) It doesn’t limit a customer or business’s preference 3) Paper bags are more costly to businesses and this would be pushed onto the consumer 4) A ban in plastic results in an increase in bag use which creates which can negate the ordinance since paper bags are more resource intensive. Whether or not you choose to impart a fee or ban on plastic a fee must be placed on paper bags if your goal is to increase reuse bag consumption. Lastly, a word of caution. You definition of reusable bags which lacks note of thickness for plastic bags, putting a thickness in would strengthen the criteria because as it currently exists, it could be challenged.

- Sarah Lakeland – Sustainable Maine Project Director for the Natural Resources Council of Maine – Part of my job is to help communities with Ordinances. So, I’m a resource for you. I have had the pleasure of working with the other 7 towns to take some action on single use bags and there are 6 more currently working on it including your selves. Congratulations on passing the styrofoam ban earlier this year. I support the proposal as written with the ban on plastic and the fee on paper. But there also allot of variations that I would also support. I think that the work done to date by Councilors Cote and Gay has been really impressive and the frequently asked questions I think are really helpful. So I understand the people of Maine know the value of the clean environment, it is a part of our identity, part of why people live here, part of why visit here and it has been a part of our culture. My grandfather literally has a jar of nails to reuse. That is why I think these policies have been so popular. I’m not here to convince you that plastic is a problem because you already passed the Styrofoam ban so I’m sure there was lots of discussion about plastic in the environment. We all know our ocean and coast lines are littered with plastic. Many of them are plastic bags and you can’t deny that they are out there. These bags don’t biodegrade and contribute to a greater problem. People so far don’t recycle plastics. There are bins at stores and there is a very very low return rate. We know that in this state educational programs don’t necessarily work in getting people to make the switch. So I do think a policy needs to step in at some point after decades of trying and I don’t know of any one instance where there has been a health impact from reusable bags. I
know there are studies to show there could be things on bags but it is up to people to wash them and I haven’t heard of any health impacts happening from that. The goal of this ordinance is to discourage and ban the use of bags so I want to make sure there are not unintended consequences and that we are not substituting a bag problem with another bag product. A shift to reusable bags is good but not necessarily a shift to paper or a shift to a thicker plastic bag. So it is important to make sure those are addressed as well. The reasons why I think paper should be discouraged is because paper costs more to produce and more for retailers to buy. There are no paper bags made in Maine so I don’t think you have to worry about adversely affecting the paper mills because they don’t make them here. Paper has a much more environmental cost up front and plastic is much worse on the back end. They are both bad for different reasons. This is why I support a 5 cent fee on the paper because it does encourage a shift to reusable bags and help the retailers with the increased cost they might have by not using plastic anymore. The city should continue to be on the forefront of change and if all the cities currently working on it now pass something in the next few months, it would be about 18% of the population of the state would be impacted. It will get to a tipping point where the state will need to take action too.

- Travis Wagner – Professor of Environmental Science and Policy at the University of Southern Maine and Solid Waste Researcher – As of this morning there were 248 local ordinances in the US including 7 here in Maine with ordinances addressing single use shopping bags. The fee approach has been adopted by 5 of the 7 municipalities of Maine and a ban and fee approach is most prevalent throughout the use although not in Maine as of yet. The fee aspect in crucial instead of banning only one type of bag. If you ban one type of bag and not have a fee it is going to create negative unintended consequences due to the substitution effect coupled with the historical practice of and expectation of customers receiving an unlimited number of free bags at checkout. In 1989 Maine adopted the Default Choice Law mandating the distribution of paper bags at checkout unless plastic bags were specifically requested by the customer. According to a study by the Maine Merchants Association the following year there was a decrease of 260 million plastic bags which is good but there was a corresponding increase of 254 million paper bags. This resulted in a significant cost increase to retailers leading to its quick repeal. The estimated consumption is that 348 plastic bags per person per year plus 95 paper bags per person per year for a total of 443. So let’s assume we adopted a plastic only ban without the fee and retailers are allowed to continue the custom of offering free bags at checkout. While no plastic shopping bags will be consumed paper bag consumption will increase dramatically. So, let’s say the total reduction of bags consumes about 25% this means Saco’s annual per capita consumption of paper bags will be about 332 if you multiply that out by the population that is about 6.3 million bags per year. Paper bags cost retailers about 150% more than plastic bags and the shift from plastic to paper will increase the cities recycling tonnage. The 6.3 million paper bags per year equals about 310 thousand pounds. Recycling is no free. Eco-Maine tipping fee for disposal is $70.50 per ton but it costs Eco-Maine $65 to process each ton of recycling. Not all paper bags end up in recycling. The national recycling rate is about 49% so that means half end up in recycling and half end up in trash. If you have an increase in trash tonnage you will have increased costs so reduction is always better than recycling. In contrast levying fees reduces the cost to retailers and because of their epic alteration in consumer behavior will reduce Saco’s recycling and trash tonnage and of paramount importance fees maintain consumer choice. Washington DC experienced at 79% decrease in bag consumption due to following a 5 cent adoption on all single use bags such as paper, plastic and reusable. Santa Barbara California adopted a 10 cent fee in addition to a plastic bag ban and consumption decreased by 89.3%. So with fees research shows most customers simply forego bags or bring their own bag. Research has also shown that people who have to pay for bags will use fewer bags because they will maximize the care and capacity but putting as much as they can in the bag to avoid the cost. I encourage you to keep the minimum fee on all shopping bags but I also advocate including reusable bags as well. Just a minimum fee because we have seen in other places is retailers giving away thicker bags which counters the whole project. I’m willing to act as a resource if anyone has any questions.

- Marsha Harrington, Brunswick – MS. Harrington noted she lives in a coastal community that is grappling with what to do with plastic bags. I’m a co-founder of a group “Bring Your Own Bag” in the mid-coast. We have proposed to do a 5 cent fee on plastic and paper bags and this is because we are seeing allot of evidence that micro plastics are getting into the fish and we lots of evidence of it is trees and along the waterways. We know statistically that only 3% of plastic bags actually get recycled. So in Brunswick we
do have those receptacles outside our Hannaford and Shaw’s. But the number of people who actually recycle them is very small. We were looking to Portland and South Portland which have a 5 cent fee on both and we note that 80% of people now carry reusable bags to the stores as reported by the Portland Press Herald. Compared to 10% previously. We think that is pretty good. Two things we are proposing in Brunswick that are different from them is we are suggesting a 4.0 milliliter plastic standard. She passed around a 2.25 plastic bag. This bag was bought for 10 cents in Irvington New York and it is 2.25 milliliters and it is being promoted as reuse this bag. But, you can see after it was used only once you can see the wear and tear and what research has shown in other communities is that if you make a reusable bag to flimsy and to inexpensive and people will actually just use it for their kitty litter and other things. So now instead of having a flimsy bag in the landfill you have this thick plastic bag in the landfill. So Thompson and Brunswick both are pushing for the 4.0 milliliter thickness. The other thing that I want note is our grass roots group has been asked to work with the city recycling and sustainability committee and Thompson has a Conservation Committee and these people are really pushing reduce first then reuse and recycle. The reasoning about the 5 cent fee on plastic and paper you are really pushing to reduce bags in general. The polypropylene bags that we have bought mitigate their cost to the environment after 26 uses. We anticipate they will be used 200 or more times. We have research available at www.bringyourownbag.info. One final thing is that California had a referendum and it did pass to ban plastic bags but it puts a 10 cent fee on paper for the reasons that my colleagues have talked about.

- Elizabeth DeSimone, 220 Ferry Road – Ms. DeSimone supports the ban on plastic and is in favor of the 5 cent fee on the paper. I support the ban because of the danger of the marine environment and danger to the environment in general of having this last forever. I appreciate the fact that you brought this up for review.

- Saco Land Trust & Inga Browne – Mayor Michaud noted that a letter was received from the Saco Valley Land Trust endorsing the proposal. Inga Browne also sent a letter stating she was in favor of moving this project forward..

- Elizabeth Johnston, 62 Pleasant St – Ms. Johnston noted she understands this is for single use bags but what about other types of plastic bags for instance the little dog waste bags that people buy for the purpose of walking their dogs and picking up the dog waste? I realize that is not the same as going shopping and packing your groceries in something but I’m just wondering if that is affected. Mayor Michaud noted that it limited to basically the grocery areas. Ms. Johnston asked so there won’t be a fee to throw your little dog waste bag. The answer was “no”. Her other question was if this was going to include the little newspaper bags that we all get and if there was going to be an impact on that newspaper delivery. Mayor Michaud noted that would not be affected either. This is something we all need to think about and do the right thing. There are things to be said on both sides of the issue. If we are going to put a fee on bags, I do think it should be on both plastic and paper.

- Mayor Michaud noted he did some research on the 2 largest distributors and both of them are committed to reduce the use of single use plastic bags. They both tout on their websites the efforts they have taken to reduce that type of bag. I have heard from Hannaford and they are willing to work with us in finding ways to deal with the potential financial implication for certain individuals in whatever we do. They also have a fund raising program that they encourage people to use these bags and some of these monies go to non-profits in their community. In all candor, even the grocery distributors know the vulnerability of the bags and how they are attempting as well to mitigate those implications.

- Rocky Hall, Ward 1 Smutty Lane – Mr. Hall moved here recently from California and San Francisco and I was in California when they decided to ban bags. There was allot of the same debate and discussion as you can imagine. Once they decided to implement a ban or charge for the bag, you did see a huge reduction in the amount of people who were taking bags from the store and people were instead taking bags from home and reusing them over and over. As much as it might seem like the bottom is going to fall out or what have you,. To a prior gentleman comments he had mentioned that it was several hundred bags a year and I know, I do the shopping for my family and I leave the store with 6 or 7 plastic bags at a time. I use the plastic bags. If we are looking at the single use bags I probably go through more than that per year but to the effect that you might use 1 or 2 bags, I don’t see that as a reality. In my experience at the store. Moreover it would be very easy to attain the number of making those bags cost effective in a year going back and forth to the store 200-300 times. So the bottom is not going to fall out if we implement this ban or implement a fee which I’m more in favor of personally. My personal experience is I did see a reduction in
the use of plastic bags and I saw an increase in people bringing their own bags and reusing them. For each one of those little bags it is about 450 years before it does ultimately break down. A cotton bags is only a couple of years before that breaks down.

Barbara Colman, 45B Stockman Ave – Ms. Colman asked is we are we just taking grocery stores or take-out restaurants. City Administrator Kevin Sutherland noted that take-out food is not included in the proposal. Ms. Colman stated but they were included in the polyurethane thing. Mr. Sutherland stated that carry out bags for take-out meals from a restaurant for food ready to eat carried out from a business that prepares meals on-site for sale to the public are exempt from the definition.

Councilor Minthorn moved, Councilor Gay seconded to close the Public Hearing.


“City of Saco Code Amendment:
Chapter 171 - Single-Use Carryout Bags, November 21, 2016”

(Language that is underlined represents new language while strike-through indicates language to be deleted).

Chapter 171. Single-Use Carryout Bags

Section 171-101. Purpose:
It is in the best interest of the citizens of Saco to protect the environment and natural resources of Maine by discouraging the distribution and use of disposable, single-use, carryout paper shopping bags and by the restriction of single-use, carry out plastic bags. This ordinance also intends to encourage the use of reusable shopping bags in Stores, as defined below.

Section 171-102. Findings:

Single-use carryout bags have an adverse effect on the environment and wildlife; and

It is important to keep the City of Saco as litter-free as possible to enhance the quality of life for Saco’s residents and visitors; and

Saco is a coastal community with a vested interest in protecting the ocean environment from plastic debris; and

The City finds that re-usable bags are the best alternative to single-use carryout bags for shopping, which is accomplished through prohibiting the free distribution of single-use carryout bags by Stores, as defined in this Section; and

Sec. 171-103. Authority:

This proposed Ordinance to be adopted pursuant to the City’s home rule authority pursuant to 30-A MRS Section 3001, et seq. as amended from time to time.

Section 171-104. Definitions:

Single-Use Carryout Bag. Single-Use Carryout Bag means a bag other than a Reusable Bag, as defined below, provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term Single-Use Carryout Bag includes compostable and biodegradable bags, including paper bags, but does not include Reusable Bags, Produce Bags, Product Bags or bags provided by pharmacists to contain prescription drugs.
Produce Bag or Product Bag. The terms *Produce Bag or Product* mean any bag without handles used exclusively to carry produce, meats, other food items or merchandise within the store to the point of sale inside such store or to prevent such items from coming into direct contact with other purchased items.

Reusable Bag means a bag that meets all of the following criteria:

(a) Designed and manufactured to withstand repeated uses over a period of time;

(b) Is machine washable or, made from a material that can be cleaned and disinfected regularly;

(c) Has a minimum lifetime of 75 uses; and

(d) Has the capability of carrying a minimum of 18 pounds.

*Store*. The term *Store* means a full-line, self-service retail market located in a permanent building, operating year-round, and which sells at retail a line of staple foodstuffs, meats, produce, household supplies, dairy products or other perishable or non-perishable items to the ultimate consumer for direct use or consumption and not for resale.

“Store” does not mean:

1. **Restaurants**; or

2. Businesses at which food sales are an incidental part of the business. Food sales will be considered to be “incidental” if such sales comprise no more than two percent (2%) of the business’s gross sales in the City of Saco as measured by the dollar value of food sales as a percentage of the dollar value of total sales at any single location.

Section 171-105. Single-Use Carryout Bag:

(a) No Store, as defined above, shall provide a Single Use Carryout Bag made of plastic that does not meet all the criteria as a Reusable Bag, as defined above, to a customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.

(b) A Store may make available for sale to a customer a Single-Use Paper Carryout Bag for a mandatory, uniform charge of five cents ($0.05) per bag.

(c) All monies collected by a Store for Single-Use Carryout Bags under this Section may be used by the Store for any lawful purpose.

(d) All Stores must post signage clearly indicating the per bag charge for Single-Use Carryout paper bags.

(e) Notwithstanding this Section, no Store may make available for sale a Single-Use Carryout paper bag unless the amount of the sale of the Single-Use Carryout is separately itemized on the sale receipt.

(f) No Store shall rebate or otherwise reimburse a customer any portion of the minimum charge required in Subsection (b).

(g) Nothing in this Section shall be construed to prohibit customers from using bags of any type that the customer brings to the Store for their own use or from carrying away from the Store goods that are not placed in a bag provided by the Store.

(h) Carry-out bags for Take-Out meals from a restaurant or food ready to eat carried out from a business that prepares meals on-site for sale to the public are exempt from the definitions of a single use bag.
VIII. COUNCIL DISCUSSION AND COMMENT

- Councilor Roche - Heard that the City Audit was progressing. I have a request to get more information to Council and it looks like it will be at the next Workshop. We did get some financial information in the close of the first quarter which was in September and still a concern is that we are still calling contingency, the building 91 costs. It was reported to us that in one quarter alone it was $40,000 of money leaving the city as a contingency. This take-over of building 91 was in January. This is an ongoing item. I ask for regular updates and how things are going the surround people and Saco Island owners and where we stand on the bid. I demand as a Council that we get updates every time we meet on this so that the public knows. Mayor Michaud noted that the Finance Director would be available every month at the Workshop to provide a financial update.

- Councilor Doyle – Thanked Saco Main Street for the great event for the city that brought out a tremendous amount of people.

- Councilor Precourt – As a Council we need to look at the procedures for bidding out work in the city and getting rid of the time and material list that is already out there or do something different with the bid process for these projects. Especially like the Transfer Station project as one. We need a policy as to how we go into the bid process for all projects in the city.

- Councilor Roche – Noted that we almost went out to the taxpayer to ask for a bond and there is no denying that it is something that we wanted for the kids and the Transfer Station. It looks like it is great work But we almost increased our budget and bond for this and we all of a sudden can afford it within our department budget. What else could they have done out of their budgets? City Administrator Kevin Sutherland noted that it cost the city $400,000 total and this saved the city allot of money. Most of the work was done in-house.

- Councilor Minthorn – We need to move forward in looking at creating a Charter Revision because this is a long process.

IX. ADJOURNMENT

Councilor Minthorn moved, Councilor Gay seconded to adjourn the meeting at 8:10 p.m. The motion passed with seven (7) yeas.

Attest:

Michele L. Hughes, City Clerk