STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Tuesday, April 18, 2017 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, Alan Minthorn, Eric Cote and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening. Councilor Roche was excused this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL
a. THE MONTH OF THE MILITARY CHILD

Information Technology Director and military member Ryan Pinheiro read the following proclamation:

**Month of the Military Child Proclamation**

I am an American Military Child.
I am a Warrior in my own right, and a member of a Military Family.
I serve with my Military Parent, who serves the people of the United States.

I will always place the mission first to stand beside, behind, and with my Family.

I will never accept defeat.

I will never quit.

I will not leave a fellow military-brat hurting. I will stand beside them.

I am disciplined, but young;
Physically and mentally tough, but vulnerable;
I will ask for help when I need it.

I am adaptable and I am resilient.

I stand ready to say “Good-bye”, whisper “I miss you”, and shout “WELCOME HOME!”

I am a representative of the American Military Family and the American way of life.

I am an American Military Child.

Mayor Michaud called the following children up to receive a certificate of recognition for supporting their loved one while they fulfill their military duty to our country and a city pin: David W. Rossignol II, child of David and Heather Rossignol; Shiloh M. Aguilera, child of Dan and Rebecca Aguilera; Daniel M. Chester and Gregory Pinheiro children of Ryan and Mary Pinheiro.

b. PRESENTATION OF FIRE AND POLICE DEPARTMENTS’ CERTIFICATES OF RECOGNITION - This item was postponed until a later date.

c. INVITATION TO FIRE DEPARTMENT OPEN HOUSE ON SATURDAY, APRIL 29TH

The open house will be held on April 29, 2017 from 9:00 a.m. – 1:00 p.m. rain or shine at the Saco Central Fire Station, 271 North Street.
d. **EARTH DAY PROCLAMATION**

Mayor Michaud read the following proclamation:

**PROCLAMATION**

*Saco Maine*

WHEREAS, humankind is currently facing tremendous global challenges affecting every community, including large-scale migration, extreme inequality and poverty, degradation of ecosystems, mass extinction of species, and global climate change; and

WHEREAS, all people of this Earth, no matter their race, gender, income, sexual orientation, or national origin, have a right to a healthy environment; and

WHEREAS, the youth of the world are our most valuable resource and represent a source of endless creativity and potential; and

WHEREAS, it is necessary for the citizens of our global community to develop green jobs and to build an innovative and equitable green economy to combat the aforementioned global challenges; and

WHEREAS, expanding environmental education and climate literacy is vital to enhance awareness about the environment, inform decision-making, and protect future generations, and

WHEREAS, it is understood that sustainability will only be achieved by meeting the needs of the present without compromising the needs of future generations;

WHEREAS, it is more important than ever to act locally and to cooperate internationally and defend the environmental progress that has been heretofore gained; and

WHEREAS, it is essential to expand and diversify the global environmental movement to achieve maximum progress; and

WHEREAS, Earth Day is an annual reminder of the constant need for environmental activism, stewardship commitments, and sustainability efforts.

**NOW, THEREFORE, I, Roland Michaud Mayor of Saco have the distinct honor of proclaiming April 22, 2017 as EARTH DAY throughout Saco and encourage all of its citizens, businesses, and institutions to use EARTH DAY to celebrate the Earth and promote environmental and climate literacy.**

V. **PUBLIC COMMENT**

- Cheryl Spaulding, 117 Temple Street – Ms. Spaulding has worked at the Dyer Library for over 20 years now. I think the biggest comment I get most of the time is “I don’t know what we would do without this library”. Other people comment: Books are so expensive now, I don’t have a computer at home and I need to apply for a job, I can’t afford cable so I’m glad you have movies that can be taken out etc. When I started at the Library I barely made minimum wage and I’m not complaining I love my job. But now I’m at retirement age and my options are pretty bleak because we don’t have any kind of retirement benefits. I don’t understand why city employees get benefits and for some reason library employees don’t seem too. I would like you to think about this.

- Lynn Copeland, Saco Conservation Commission – Ms. Copeland thanked Mayor Michaud for the Earth Day Proclamation. To follow up with that, we have some opportunities to help the environment on Saturday, April 22nd from 9-Noon there will be a “April Stools Day” pertaining to dog waste and cleaning...
up the beaches. There is also a flyer on “What to Do with Doo”. We are working in coordination with Maine Healthy Beaches, Thornton Academy, City of Saco and Old Orchard Beach Pet Life. Tables will be set up with supplies and trinkets. On May 6th there will be a “Goosefare Brook Clean Up” which begins in the community garden at 41 King Street from 9-11 a.m.

VI. CONSENT AGENDA

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

A. MINUTES - Be it ordered that the City Council approve the minutes for April 3, 2017 and further move to approve the order;

B. CONFIRM THE MAYOR’S REAPPOINTMENT OF GLENN BAKER AND MICHAEL EON TO THE ECONOMIC DEVELOPMENT COMMISSION – Be it ordered that the City Council confirm the reappointment of Glenn Baker and Michael Eon to the Economic Development Commission, each for a five-year term ending April 18, 2022. Further move to approve the order.

The motion passed with six (6) yeas.

VII. AGENDA

A. FY2018 COMBINED MUNICIPAL AND SCHOOL BUDGET (INCLUDING APPROVED AND NOT CURRENTLY APPROVED RADs) – (PUBLIC HEARING)

On January 17, 2017, the Saco City Council gave the City Administrator a directive for the Fiscal Year 2018 municipal budget. On March 20, 2017, the City Administrator presented a recommended FY 2018 budget that met the Council directive.

The Council discussed the budget during budget workshops on March 27th, April 3rd, and April 10th. The Public Hearing is scheduled for April 18th.

Councilor Minthorn moved, Councilor Precourt seconded to open the Public Hearing on the Fiscal Year 2018 City Budget, Water Resource Recovery Department, and Capital Improvement Program. The motion passed with six (6) yeas.

➢ John Harkins, 4 Christopher Terr., Chair of Saco Citizens for Sensible Government – Saco cannot sustain year over year tax increases. Yes, the budget presented is not a flat budget. Expenditures for the city have increased $1,953,903 and School Board $2,046,647 over the current year. This totals to $4,000,550. Taxpayers over the past three years should have seen no increase in the mil rate. Full disclosure of revenue streams were not provided resulting in huge surpluses and increases in our tax bills. The taxpayer may still see an increase in their taxes because of annual adjustments to their assessed property value even if there were a zero mil rate increase. It is time to stop the runaway spending machine that is cloaked in no bid contracts, lease purchase schemes, mid-year staff additions and gimmicky accounting practices that comingle revenue and expenses. This results in misdirection and public confusion. Last year, taxpayers heard we would not have the same budget approach this year that resulted in so many financial errors. Well it is deja vu all over again. Put an end to it Councilmen and give the taxpayers relief. SCSG supports cleaning up the accumulated debt from the RSU, TA and equipment lease purchase contracts amounting to millions of dollars. To this end, we recommend a small bond issue to address these concerns. Stop squeezing the School Board to repay the debt. Clean up the debt and get a fresh start. SCSG also endorses many of the School Superintendent’s recommendations to reduce the school budget as well as significant modification to the city’s program. Once again, we are asking for full disclosure of revenue by source and elimination of the comingle of revenue and expense to net out programs. Clearly, a reduction in the mil rate is possible and should be implemented.

➢ Robert Dunn, 8 Richards Way, Member of Saco Citizens for Sensible Government – Administration – 1 – Project Manager – has many grants submitted to date? Where is each grant in the timeline process? What are the results of the grant proposals submitted? 2 – Does the Finance Director currently receive a stipend or additional pay for the role of Human Resource Director? What is the amount of pay or stipend paid? Moreover, if Council
approves the removal of this position from her job responsibilities, will there be a reduction in her pay or removal of stipend? Assessment – 1 – Collaboration with the City of Biddeford – are there progress reports? Has this been a gain for the City of Saco? Is it worth the benefit of the extra funds paid out last year? 2 – Why funds shifted from the Salary/Wage line to the Contract line? Did the benefit line decrease as in relationship to the shift of Salary/Wage to Contract line? Building Inspection – 1 – The Inspector hired in January 2016 – does he have the ability to complete the necessary documentation for the blight issues with the courts? Will this individual be able to serve the legal documents to the homeowner? In addition, will this person follow the process from the beginning until final resolution? 2 – RAD 1807 – Funds for Court Orders – Why are these funds not under legal expenses or contingency? Economic Development – If TIF Funds approved by council and utilized, SCSG’s comments are – 1 - Hold off on Loan/Grant Fund – RAD 1816 – until a plan in fully developed on how these funds are administered. 2 – Work with a local bank, such as Saco/Biddeford Savings, to assist in the Loan/Grant fund program. 3 – Issue of TIF funds used only in downtown district. How does the city assist other businesses not in a TIF district? Finance/HR - Provided are three sheets in regards to the organizational chart for Finance and HR to see how the department has changed since FY2016. 1 – Based on increased in Finance and HR positions over past several years, what justification supports an additional full-time assistant. According to information provided by the city, there are approximately 160 plus full-time equivalent employees. SCSG does recognize the increase in seasonal help because of P&R. Again, this is during one of the slower times of changes in payroll and benefits. 2 – Collaboration with the school department – this is a goal discussed at many meetings and now there is an Ad Hoc Committee. It would be best to wait for a report from the Committee prior to hiring any additional staff. 3 – Having staff turnover, by departments, may indicate issues within the department or provide answers as to why staff is leaving the city workforce. 4 – Has implantation of 24 equal monthly deductions started? Staff would receive two checks a year without deductions. This would expedite the process of reconciliation of deductions against invoices. Planning – 1 – Why is the City not charging the private rate for the Engineer. SCSG recognizes we have an engineer in house. Why should some taxpayers benefit from the lower rate when other taxpayers have had to hire outside Engineers? Police - 1 – SCSG’s understanding is if we hire an officer for the MDEA the State of Maine will provide matching funds for an additional officer for Saco at the County level? If this is the case, the why the RAD was written leaves one to believe there would be no cost to the taxpayers. I leave you with this thought, “Why does a slight tax increase cost you two hundred dollars and a substantial tax cut save you thirty cents?” Peg Bracken

- Susan Rice, 580 Boom Road – “Like mothers, taxes are often misunderstood, but seldom forgotten.” Lord Bramwell. Saco Citizens for Sensible Government SCSG has sent each of you copies of our various comments. Each councilor has a copy of a spreadsheet showing each RAD submitted by departments. SCSG utilized this spreadsheet to allow Council visual information on the groups’ position on the various RADs. This document assisted SCSG in our presentation of amendments, suggestions, changes and question to council this evening. SCSG starts with suggestions/amendments for FY2018 Budget – Administration 1 – Reduce the number of interns from five to one – approximate savings $20,000. 2 – Eliminate the Special Project Position – approximate savings $83,000. Building Inspection 1 – Have the City Engineer perform the work required to remap Sawyer Brook. If the city engineer is unable to perform this task, then SCSG supports RAD 1808. Savings of $15,000 if complete by city engineer; utilization of $15,000, if outside consultant is required. End result; provide closure to a number of taxpayers paying flood insurance in an area that is not necessary. We recommend any future project – each department prepares a detailed and schematic approach to projects. Create a checklist to prevent issues arising from the ground years later. Building Maintenance 1 – Support RAD 1810 –funds to support building repairs & maintenance – amount $4,500. City Clerk 1 – Support RAD 1811 – Zone Ordinance Update – necessary tool for the operation of an effective municipal government – amount $7,000. 2 – Support funding – to bind in book format – birth, death and marriage licenses – cost $22,000. State Statute requires record retention permanently of these items listed. The City has to review the record retention policy and start budgeting yearly for this the process for each department. Economic Development 1 – Support the use of TIF funds to operate this department – includes cost of office, staff, items in the line budget. Finance 1 – Support funding of printers - $4,000. Is it possible two printers be purchased and shared between the two counters where transactions take place? 2 – Support use of Enterprise Car Rental Excise tax in amount of $250,000. Parks and Rec. 1 – Support City Administrator to adjustment to budget line items in RAD 1831 to allow for improved budgeting in future years.
Barbara Colman, 45B Stockman Ave. – "In levying taxes and in shearing sheep it is well to stop when you get down to the skin." Austin O'Malley.

SCSG started the public hearing for the FY 2018 budget with an opening statement, suggestions and amendments, followed by questions and concerns; and now the finally, budget cuts. Administration – 1 – Reduce interns to one – savings approximately $20,000; 2 – Eliminate special project position – savings based on last year’s amount - $83,000; Building/Inspections – 1 – No - RAD 1807 – Court Ordered Blight Elimination – savings $15,000; Economic Development – 1 – No - RAD 1816 – Loan/Grant Fund – savings $75,000; 2 – No - RAD 1817 – Matching Grants for Improvements - savings $50,000; Finance/HR – 1 – No - RAD 1818 – maintain current staffing levels in Finance – see documentation sent on changes in Finance/HR over less several years – savings $17,251; 2 – No - RAD 1820 – savings $42,635. SCSG previously stated why this was not supported. Fire Department – 1 – No - RAD 1822 – utilized the Ambulance Fund to purchase item - savings $24,546; 2 – No -RAD 1823 – if Overtime Budget line will be overspent, then the Department Head can request from the City Administrator a Budget Amendment – savings of $32,295; 3 – No - RAD 1824 – Survey for Fire/EMS Assessment – savings $30,000. Look at existing TIFs or Ambulance Fund to offset this cost. Information Technology - 1 – No – RAD 1825 – City should use the example of the school department’s presentations. Proper use of font and size makes all the difference in viewing the materials on the screen. Savings – $15,000; Parks and Recreation – 1 – No – RAD 1827 – the department head has placed this position as a reduction two years in a row; as a result, we support his decision to eliminate the position – savings $43,554. Capital Program – Hold off on lease purchases – the amount shown is higher than stated from the bid list of the State of Maine. Research is required as to type, make and model of equipment. SCSG will provide additional comments on the Lease Purchases once review has occurred and will forward to Council and City staff. School Department – SCSG recognizes the savings as a reduction in the Health Insurance rate of $449,613. We believe the Superintendent purposes additional cuts prior to this knowledge. It is our recommendation that an additional reduction $600,000 occur from the school budget. These two amounts would indicate a 3.2% increase in the FY2018 school budget. This is percentage is much less than the original amount of 6.82%. If the proposed RADs/RECs SCSG does not support and the Council agrees, the savings in the City Budget would be $448,281. Add in an additional savings of $1,049,612 reduction in school cost; and for sure a decrease in the mil rate will occur. As the representatives of the citizens and taxpayers of Saco, take a firm stand this year and provide the needed tax relief you and all taxpayers would benefit from.

Charles Tsomides, 43 Middle St – I have been waiting a long time to see a new school built by Franklin Street. I hope the Council will vote for a new school for Young School.

Don Sandos, 2 Sean Place – I have a couple of concerns. 1) Economic Development - Other towns are doing a pretty good job at bringing industry in. We are doing a very poor job. I don’t know if it is because the person responsible is not looking into it at a greater detail or not looking for business to come in. Every business would help the city. 2) We are talking about the tax rate. One way to do it is called Proposition 2.5. I don’t know if you know anything about this but other states have used this. Which means that we have a budget and the Council members are allowed to go up 2.5% above the present budget. If it goes beyond 2.5% to say 5 or 6% it takes 2/3 of the voting members to approve it. This way the Council members have a percentage of say and if it goes beyond 2.5% the public decides “yes” or “no”. So this way everyone has a little say in it. You can go big items or individualized items like “I want a new school” which under Proposition 2.5 would mean that 2/3 of the voting public would have to say “yes I want it” to go beyond 2.5%. An idea. A new way of looking at how to structure the tax rate.
Lindsey Pilon, 1 Meadow Lane. President of the Board of Trustees for the Dyer Library Association which oversees the Dyer Library and Saco Museum – We are grateful for and depend on the funding the City of Saco provides to us for operational costs. But as you also know the money that we receive from the city does not cover all our costs meaning that we must raise additional monies to meet our needs. We believe that Saco Citizens as well as the Council need to know something about capital expenses which has not been paid by the city over the past few years. There probably aren’t many municipalities whose budget does not pay for capital projects to maintain similarly purposed public buildings. Here are just a few examples: Current energy saving project to replace our aging oil fired furnaces and inefficient cooling systems with a cost savings geo thermal system for both the library and museum we had raised over $200,000 for this effort. Two years ago we put a new roof on the Dyer Library meeting historical specifications that cost us $75,000. The main exterior stairs and entryway to the library was redesigned and built to include a ramp providing handicapped access at a cost of $360,000. Other expenses and projects have included: new entryway and door to the children’s room and also providing handicapped access, new sidewalks on the C.K. Burns side of the library leading to the children’s room servicing the many kids that come in the afternoons after school, we put heat exchangers on the second floor of the library providing heating and cooling where there previously was none. That floor houses offices as well as it is the Fairfield History room containing historical documents and archives pertinent to Saco, Major amounts of insulation have been added in both the library and museum to save energy and that cost us around $10,000, carpeting in both the library and museum was replaced at a cost of $20,000, lighting in the museum has been upgraded from florescent to LED technology saving us energy but also there was an upfront cost, the large ramp providing handicapped access to the museum cost us $16,000, in addition we put new display surfaces in the form of movable walls. Those were designed and purchased for the museum at $8,000. So you can see all these things really add up and we have raised the money for these things. We have raised the money from grants and fund donations, fund raisers and sponsorships etc, to maintain buildings that provide excellent resources for the citizens of Saco and beyond. This year we are asking the city to support our human resources in the form of a modest cost of living salary increase similar to that provided to our city employees and for a retirement program for a small number of library and museum employees. Also similar to resources available to city employees. We thank you for your serious consideration.

Alfred, Thornton Ave. and New citizen to Maine – The last meeting I came to there was talk about what we could do to help build Saco. I’m what they call an idealist which means I specialize in ideas and brainstorming. One of the things I’m bringing to Saco is the chess club. Thanks to the Dyer Library I have been able to do that. I cut the funding to something like that that would not be good. Because we might have the next Bobby Fisher in Saco. But we won’t know that because the funding gets cut the times go down. It is bad enough we only open to 8:00 p.m. on Tuesdays or Thursdays and that is good for some of us because we might be doing something important for college, education and developing of the mind. Your mind is a bad thing to waste. You are talking to somebody that was a civil rights activist who walked with Martin Luther King Jr. and who did security for Jesse Jackson. You are talking to a man who got the million man march and stood in front of 2.35 million men and took a vow to be respectful to women and to the community. We are at a crisis with something like this, the knowledge or the source of knowledge is cut off or basically disabled. There is another issue that I want to bring to you today. There is a job problem and I discussed this before. The business administration does have grants for small entrepreneurs. I know because I joined it when they brought it to Mississippi during the Katrina Storm and the program is still up and running. They give $1,000 and you have to go through a program. You can research that yourself and they will come out and teach the class and teach you how to do a business plan and everything like that. At the end they give you a resource, some money towards that. All we have to do is see where it is at. The last time I knew it was in Gulfport, Mississippi. So we can bring something like that to here and increase business. The other thing is I would like to see if the city would support when I get ready to try to open this thing and hopefully a flea market which will give people opportunities with start-up business. If I can put something like that out in the city then that would create opportunities for people to sell their goods. These are the kind of things we need to bring to us. I haven’t seen it because I haven’t been here for a time yet if it is already in place. But, this is something that can increase the revenue and increase the continuity. One of the things I love about Saco and makes me want to stay is that the Police Dept. is beautiful. Especially would the world going crazy. Saco has one of the best Police Departments in all the United States and I’m being honest when I’m telling you that. They are the only...
ones when I got sick that came and checked on me. I didn’t ask them to come by they just came and checked on me. So the Police Chief should be proud of the officers he has working for him. I appreciate your time and patience. I live on Thornton Avenue. If you want to be a good neighbor, come on by.

- Steven Shimam, 15 Bayview Terr. – Mr. Shimam is a new member of the library board. I feel that it is critical to our community. It is a major center of culture. It brings people together, families together and it is not the kind of thing to cut. I strongly support the RAD including giving people opportunities to be able to retire as they do in other areas of the city. You have to remember this is not a city department. This is an organization 501c(3) non-profit organization that has managed itself beautifully. I’ve learned about its structure and how it is put together, its sense of responsibility and as Lindsey Pilon mentioned they raise money and they don’t rely on the city entirely. But as members of the community we have to support and be part of that support and a vital part of that support for the library. We cannot avoid that. It is not like they take money from certain sources but they don’t take money from the town as a whole. It has to be part of the contribution. So I think that given all of the factors I think the really important factor is in how well and responsibly it has been run. I think that the employees of that organization should be treated with great respect. They are welcoming and with my wife and myself it is one of the strongest factors in our life in Saco. So I hope that you will support those RAD’s because I think it is critical.

- Carol Colpitts, 177 Lewis Ave. - I would just like to urge you to support the library. I have been a long time subscriber, someone who attends there and as I said it is a major cultural addition to this community. Many people come from away and look for a vital library such as we have. It is more than just books. Take a look.

- Don Pilon, 1 Meadow Lane – The library provides free computers and when you go in there if you are looking for a job allot of people in the community are job searching. They may not be able to go to the career center in Springvale they can go online at the library and look for jobs. This is a huge asset. I run into people all the time that say “I need to go an find a job, where can I go I don’t have a computer”. I always will send them to the library. They log on and look on the career centers website and they can look for a job. That is a great place for them to start. It is a great asset and you don’t realize that. The other thing is for the new members of the Council, this is a latch key program for C.K. Burns School. So when the kids get out of school and mom and dad can’t get to them where do they go? They go over to the library. It is a pre-daycare center for those kids. It is safe. They go in and the staff knows these are the kids from Burns School and it is a safe environment for them. The right thing to do is to take a little money from the school budget to pay for this latch key program. So I would encourage you to fund this.

- Inga Browne, 161 Simpson Road – I would like to point out that there are only 2 libraries in York County that do not provide retirement plans for their employees. One is the Dyer Library and the other is the very tiny library in Steep Falls, Maine. I would like to echo what the other speakers have said tonight. The library is interwoven in the fabric of this community. It provides so many resources to so many families. I know that Saco is looking to become a welcoming age friendly community and we know that the library is in integral part of that larger plan so I would urge you respectfully tonight to support those 3 RAD’s that I think are very reasonable that the library has requested.

- Garrett Abramson – School Board Ward 1 – I would like to echo the support for the 3 RAD’s for the Dyer Library. I will mention the schools. One of the key strategic goals is early literacy. With a 4 year old and 2 year old at home having the Dyer Library and the children’s room program that is there is fantastic. So again, echoing the support. I think you have heard all the great points around those 3 RAD’s.

- Lynn Copeland, 526 Ferry Road – I want to speak in favor of the RAD’s for the library. Especially the retirement package. We are trying to help our seniors and it is only fair that they have the same benefits that the city has. I’m a therapeutic foster parent and I know from experience the value that the library has. Talking about the kids going there after school it is a safe place to be with the laptops down the staff knows their names it is an invaluable resource. Of course our kids are our greatest asset. Also, the library is a social club for our community. There are fund raisers and events for adults and allot going on there. So please give it your fullest attention.
Nina Collay, 26 Boom Road – Ms. Collay is a student at Thornton Academy and a volunteer at the Dyer Library for the past 3 years. During that time I have seen so many kids from Saco Burns School and SMS come in after school and make use of the library and its resources and I see them use programs and I see them use computers and read and do craft and take advantage of so many wonderful things that the library offers and I’m speaking from what I have seen and it is an indispensible resource and there is so much for the City of Saco. I would like to voice my support for the 3 RAD programs.

Mary Sicard, 259 North St. – I would like to speak on the value of the library and museum services from the point of view of a local educator. Many students get library cards during their school visits and might not otherwise have access to the books. Many of them get library cards for the first time when they come to Burns School. We are also very fortunate to have 2 schools within walking distance to the library and I don’t know the number of students that go every week but I’m sure it is within the hundreds. It is a very valuable resource. Also the Saco Museum is a wealth of information. The 4th grade social studies unit has a focus of immigration and Zoey Thomas at the museum comes to some of the staff meetings and talks to us about what we are looking for and she coordinates meeting and comes to our classes and does a beautiful lesson on the timeline of Saco’s history going into the Industrial Revolution. We go back and forth between the library and she comes to our school and we go over there and have a number of visits throughout the year. I’m not sure if people knew that we used the museum in such as way and have such a gem there as a resource.

Angela Coulombe, Washington Ave – I would like to speak in support of the library as well. I would like to just add some things that other people have mentioned tonight. The library is a good location for out of town people to visit as well. My husband comes from London, England and we have allot of friends and family that live there. It has always been a great honor and privilege of mine to be able to take those people over to the library and museum to show them what we have in the city, to show them the cities heritage, to show them its history and to share with them and understanding of where we are living right now. It has been a thrill to also teach their children about this small little part of the world that they may not otherwise have any knowledge about. So I would urge you all to help to continue to support that.

Mike Johnson, 101 Simpson Road – My concern is that I go to the North Saco Congregational Church. We had an addition put on in 09 and by 04 it fell apart. The building inspector was invited out. The timbers rotted, there was no drainage and nothing and we had permits. The building inspector had a shift in personnel, one went to Gorham so nobody covered it and we were held with over a $32,000 bill to fix the floor. The foundation is no bolted to the existing building. There are cracks in the foundation and we dug up to repair it and there is no drainage around it, no sealant on the concrete, and you guys are only accountable for 2 years. This happened within 6 and we got the builder for it but we still had out of pocket funding. Two years on a building you guys inspected is all that you are liable for and within 6 years it fell apart. To me that is not right. Be put good money into this town, we support bean suppers and during the bean supper that floor almost caved in and there were 80 people of the floor. You have inspectors for a reason. They are supposed to know what they are doing. I somebody leaves you put a stop to the job until you get people out there to do check work. You look at your lists and there are 7-8 different things you are supposed to check off and not one of them was marked off. The building was completed and we moved in and it worked great until it fell apart. I don’t know why you want more building inspectors because what you have now they don’t know what they are doing. You got more property going up. Why are you issuing permits? You don’t have enough people to cover them. Why do people out of town have to pay for water and sewer building permits when they don’t even have water and sewer? They have to dig their own well and they have to put in their own septic system. It is getting irate. My son had an apartment building here in Saco and the electrical inspector said “Oh this is great” and my son said what is this wire for and pulls it out from underneath the kitchen sink and it was live with bare wires. If you have an inspector and he knows what he is doing but you have too many jobs you don’t issue permits. If you don’t have enough people to cover you cut it down. Because you have to be able to cover what is out there for the people so you don’t put people in jeopardy and that is what you did at that church. You put people in jeopardy because we relied on you to make sure that building was right and it wasn’t.
Councilor Minthorn moved, Councilor Doyle seconded to close the Public Hearing, and be it ordered that the City Council set the vote on the FY18 Municipal Budget, Water Resource Recovery Department, and Capital Improvement Program for May 8, 2017. Further move to approve the order. The motion passed with six (6) yeas.

### City of Saco, Maine
#### Notice of Budget Hearing

There will be a Public Hearing on April 18, 2017, on the City of Saco’s Municipal and Capital Improvement Budget. This special meeting will be held in the City Hall Auditorium, 300 Main Street at 6:30 p.m. The following is a summary of the proposed budgets. Copies of the complete proposed budgets are available for inspection at City Hall during regular business hours or at www.sacomaine.org.

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<td><strong>48,054,783</strong></td>
<td><strong>49,826,013</strong></td>
<td><strong>51,296,861</strong></td>
<td><strong>1,583,488</strong></td>
<td><strong>483,055</strong></td>
<td><strong>51,779,916</strong></td>
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| Revenues                      |                  |                  |                   |                     |              |              |        |
| Local Revenues                | -6,185,329       | -6,661,720       | -6,237,547        | -5,532,804          | -427,367     | -317,728     | -5,850,532 |
| State Revenues                | -2,078,303       | -2,129,567       | -2,283,006        | -2,469,073          | 0            | 0            | -2,469,073 |
| Federal Revenues              | 0                | -77,793          | 0                 | 0                    | 0            | 0            | 0        |
| Interfund Transfer            | -1,324,434       | -1,361,020       | -1,063,445        | -721,833            | -281,247     | 0            | -721,833 |
| **Total Revenues**            | **-47,321,823**  | **-49,616,886**  | **-49,826,013**   | **-51,296,861**     | **-1,583,488** | **-483,055** | **-51,779,916** |

| Grand Total                   | -74,303          | -1,562,104       | 0                 | 0                    | 0            | 0            | 0        |

Note: The Homestead Exemption, Overlay, and TIF Tax figures are estimates as the Assessor’s property valuation process is not yet complete. They will be adjusted by the Tax Assessor when the work on the new valuations is complete.

Michele Hughes, CMC/CCM         City Clerk

B.  **AMENDMENTS TO CHAPTER 186, STREET OPENING ORDINANCE – (SECOND & FINAL READING)**

C:\Program Files (x86)\PDFConverter\temp\NVDC\AF97D284-8BEF-40C6-890E-D6862BB051C9\b685b6c5-4531-4e43-8222-816e9f26d95dfile.doc  4/28/2017  Page 9 of 21
Sections of Chapter 186 (Article I) of the City Code pertaining to excavation activities within City right-of-ways are being updated to provide a clear process for property owners and contractors needing to perform work in public places. These changes aim to clarify current practices, and modify other approaches to be more in line with excavation requirements in neighboring communities. Highlights of the changes include: creating separate permits for driveway paving versus excavation activities; establishing an annual approved contractor list based on proper insurance, ability, and deposits; overseeing final pavement restoration to improve ride quality and reduce future maintenance; tying work results to the contractor performing the work instead of the property owner requesting the work.

The City Council discussed this item during workshop on February 13, 2017, held the first reading on March 6, 2017, and the Public Hearing was held on March 20, 2017. The City Council discussed this item again during workshop on April 10, 2017.

Councilor Doyle moved, Councilor Minthorn seconded The Saco City Council hereby ordains and approves the second and final reading of the document titled ‘Amendments to Chapter 186: STREETS AND SIDEWALKS’. The motion passed with six (6) yeas.

Chapter 186 Streets and Sidewalks

[HISTORY Adopted by the City Council of the City of Saco 5-1-1995 as Ch. XVIII of the 1994 Code. Amendments noted where applicable.]

GENERAL REFERENCES
Dogs and nondomestic animals at large — See Ch. 64, Arts. II and IV, respectively. Bicycles, skateboards and roller skates — See Ch. 69.

Sewers — See Ch. 176.

Trees — See Ch. 204.

Vehicles and traffic — See Ch. 211.

Article I
Excavations in Streets and Public Places

§ 186-1 Definitions.
As used in this article, the following terms shall have the meanings indicated:

CITY The City of Saco and/or its public works.

DRIVEWAY OPENING PERMIT Permit issued by City to a licensed contractor for construction or reconstruction of any portion of a residential or commercial driveway within the public right-of-way.

EXCAVATION Any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

FACILITY Pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.
INSPECTOR
A duly authorized representative of the City, including the Director of Public Works, the
City Engineer or their representatives.

LICENSED CONTRACTOR
Any person who has been issued a Contractor License by the City to work within public
places and public right-of-ways in the City.

NEWLY BUILT OR REBUILT STREETS
Any public place which has been newly built or rebuilt within the preceding five years.

PERMITTEE
Any person who has obtained a permit as required by this article.

PERSON
Any person, firm, partnership, association, corporation, company or organization of any
kind.

PUBLIC PLACE
Any public street, way, place, alley, sidewalk, park, square, plaza or any other similar
public property owned or controlled by the City and dedicated to public use.

STREET OPENING PERMIT
Permit issued by the City to a licensed contractor for any construction activity within the
public right-of-way, excluding work associated with residential or commercial driveways.

UTILITY
A private company, corporation or quasi-municipal corporation under the direction and
control of the Public Utilities Commission.
§ 186-2 Contractor License.
A. No person or utility shall be granted an opening permit to work in a public place without holding a valid Contractor License for such work from the City. The Public Works Department shall issue such license upon receipt of a completed application; determination of competency and ability of the applicant to perform work in accordance with City standards; receipt of the required annual license fee; receipt of proof of insurance as required in § 186-31; and receipt of bond or cash deposit. A Contractor License may be revoked if the City determines the person or utility has willfully disobeyed any portion of this article. The Contractor License is valid for one (1) year unless an extension is approved by the Director.

B. Bonds or cash deposits shall be required for all licensed contractors in good standing, other than utilities, in order to guarantee their performance. Bonds in the amount of $5,000 or cash deposit in the amount of $2,500 shall be provided to the City in order for a license to be issued. Bonds shall be posted for a minimum of two (2) years. Cash deposits shall be refunded on an annual basis in the amount, not to exceed, $2,000 upon approved completion of all conditions of this article.

§ 186-3 Permit required.
A. No licensed contractor shall make any excavation or fill any excavation in any public place without first obtaining an opening permit from the Director of Public Works, except as otherwise provided in this article.

Examples of work typically requiring an opening permit include, but not necessarily limited to, installation of utilities, driveways, curbing or sidewalks; excavation or filling for grading purposes; or any other modification that could either damage the City’s infrastructure or conflict with existing or planned utility or infrastructure locations.

Construction activities limited to the repair/reconstruction of existing driveways or construction of new driveways within any public place (primary activity) are required to obtain a Driveway Opening Permit. The work associated with these construction activities may also include ancillary sidewalk and curb restoration work associated with the primary activity.

All other construction activities within a public place are required to obtain a Street Opening Permit.

B. Each year, on or about March 31 and updated monthly thereafter, each utility should submit to the Director of Public Works its planned work program for the ensuing year, which will not include emergency work, as defined in § 186-21 hereof, or normal hours service lines. Any opening permit issued to a utility company by the Director of Public Works which is contained on the list aforementioned shall be issued for the duration depending on the complexity of the work to be performed and supported by a work schedule which must be approved by the Director of Public Works. Any opening permit issued to a utility company by the Director of Public Works which is not covered on the aforementioned list shall be issued for a period not to exceed 30 days from the time of issuance. All opening permits issued under this section will terminate on November 1 of each year.

C. Excavation work must be started no later than 30 days from the date of issuance of the opening permit. After the expiration of this thirty-day period, the opening permit shall become null and void and shall have to be renewed.

D. Excavation shall not begin within a twelve-hour period from the time the opening permit is issued. The applicant shall notify the Director of Public Works when excavation will begin, at least 12 hours beforehand.

E. The Director of Public Works or his/her duly authorized representative shall have the authority to revoke the opening permit if it is found that any section of this article has been violated. Upon such action, the person or utility shall cease all work and proceed to make trench conditions safe to the public. Work shall not commence until a new opening permit has been issued and all waiting periods have been adhered to.

§ 186-4 Application for permit.
A. No opening permit shall be issued unless a written application, on a form provided by the City for the issuance of an opening permit, is submitted to the Director of Public Works. The written application shall state the name and address of the applicant, licensed contractor, and an emergency phone number that will be answered 24 hours a day.

(1) If the applicant is other than a utility and intends to excavate in the vicinity of a facility owned or operated by a public utility or an oil pipeline owned by a person, the applicant shall provide the information required by the City under this section to the utility or person owning such facility, in addition to providing such information to the City.
(2) The application shall provide the name of the public place to be excavated, the street number, the beginning date of proposed work and the type of work to be done. Signatures of utility approval, the signature of the City department (if involved) and a diagram of the planned excavation, submitted on a sketch 8 1/2 inches by 11 inches, marked "Exhibit A," showing trench locations, trench widths, trench depths and the location of all barricades, warning signs, detour signs and detour routes may be required by the Director of Public Works. This sketch shall become part of the permit and shall be strictly followed. Three copies shall be presented with the application.

(3) The permit shall also provide for a preconstruction meeting if so warranted by the Director of Public Works.

B. The application for an opening permit shall be accompanied by a cash deposit as hereinafter provided. All applications shall be presented to the Director of Public Works for the issuance of an opening permit, within 30 days from the date of the last utility approval. After the expiration of this thirty-day period, the application shall become null and void and shall have to be renewed.

§ 186-5 Fees.
[Amended 4-7-2003]

A fee established by the City Council after a public hearing shall be paid for each opening permit or renewal thereof. Each opening permit may be assessed two (2) fees; an administrative charge and a permanent pavement restoration charge as follows:

A. Administrative: This fee shall reimburse the City for the direct cost of labor and equipment necessary to administer the rules and regulations of this article and the rehabilitation of the city streets primarily due to excavations.

B. Permanent pavement restoration: This fee shall cover the City's cost of permanently restoring the disturbed pavement area.

Effective [Date of enactment of this amendment], all fees and charges collected by the Administrator in the issuance of permits pursuant to this article shall be placed in a fund dedicated and utilized solely for the administration of this article and the rehabilitation of city streets primarily due to excavations.

C. Public Utility Companies: Where excavations are made by public utility companies operating under a franchise issued by the City or under the supervision of the Public Utility Commission or utilities operated by governmental agencies, a permit may be granted without assessment of the permanent pavement restoration fee. In such cases, the utility company shall be liable for the cost to repair the opening in accordance with City standards and maintenance of the repair for a three (3) year period.

§ 186-6 (Reserved)

§ 186-7 Clearance for vital structures.

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, valve housing structures, traffic signal cables and loops and all other equipment as designated by the City.

§ 186-8 Protective measures and routing of traffic.

A. The permittee shall, in general, maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than 200 feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least 1/2 of the sidewalk width shall be maintained along such sidewalk line.

B. It shall be the duty of every permittee cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for the safety of the general public. Traffic control in the vicinity of all excavations affecting vehicular, pedestrian and bicycle traffic shall be subject to final review and approval of the Traffic Engineer or his/her designated representative.
C. Barriers, warning signs, lights, etc., shall conform to the latest edition of the Manual on Uniform Traffic Control Devices. Warning lights shall be electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

D. The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.

E. When traffic conditions permit, the Public Works Director or his/her designated representative, with the approval of the Police and Fire Departments of the City, may, by written approval (or by verbal approval in case of emergency), permit the closing of streets and alleys to all traffic for a period of time prescribed by him/her, if in his/her opinion it is necessary. The written approval of the Public Works Director may require that the permittee give notification to various public agencies and to the general public. In such cases, such
written approval shall not be valid until such notice is given. In case of emergency on
weeknights, weekends or holidays, the utility company having such emergency shall contact
the Police and Fire Departments by phone before closing a street to traffic, except in a case
of immediate hazard of loss of life or serious property damage, in which event prompt
notice of closing shall be given.

F. Warning signs shall be placed far enough in advance of the construction operation to alert
traffic within a public street, and cones or other approved devices shall be placed to channel
traffic in accordance with the instructions of the Public Works Director, after his/her review
of the proposed traffic control measures for the project.

G. The permittee shall hereby be informed that the Public Works Director will require special
police protection at locations where the permittee, by his/her work, interferes with school
walk routes or crossing locations.

H. The permittee is also informed that construction activities (unless an emergency condition
exists) shall not interfere with the normal flow of traffic on arterial streets of the City,
except to the extent and under conditions approved by the Public Works Director and Police
and Fire Departments. The full roadway lane width shall be maintained between the hours
of 6:45 a.m. and 8:30 a.m. and between the hours of 4:00 p.m. and 9:00 p.m.

I. The permittee may shift traffic to the opposite side of the roadway to maintain the above
required lane width. The permittee may only make such shift with the approval of the Public
Works Director, following proper review of detour plans to ensure adequate, safe two-way
traffic flow and proper number and placement of police officers.

§ 186-9 Relocation and protection of existing utilities.
The permittee shall not interfere with any existing facility without the written consent of the City
and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be
done by its owner. No facility owned by the City shall be moved to accommodate the permittee
unless the cost of such work shall be borne by the permittee. The cost of moving privately owned
facilities shall be similarly borne by the permittee, unless it makes other arrangements with the
person owning the facility.

A. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles,
wraps or other apparatus which may be in any way affected by the excavation work and do
everything necessary to support, sustain and protect them under, over, along or across the
work. The permittee shall secure approval of method of support and protection from the
owner of the facility.

B. In case any pipes, conduits, poles, wires or apparatus should be damaged, and for this
purpose pipe coating or other encasement or devices are to be considered as part of a
substructure, the permittee shall promptly notify the owner thereof. All damaged facilities
shall be repaired by the agency or person owning them, and the expense of such repairs
shall be charged to the permittee.

C. It is the intent of this section that the permittee shall assume all liability for damage to
facilities, and any resulting damage or injury to anyone because of such facility damage and
such assumption of liability is a contractual obligation of the permittee. The only exception
will be such instances where damage is exclusively due to the negligence of the owner of the
facility. The City shall not be made a party to any action because of this section. The
permittee shall inform itself as to the existence and location of all underground facilities and
protect the same against damage.

§ 186-10 Abandonment of substructure.
A. Whenever the use of a substructure is abandoned, except the abandonment of service lines
designed to serve single properties, the person or utility owning, using or controlling such
substructure or having an interest therein shall, within 30 days after such abandonment, file
with the City a statement, in writing, giving in detail the location of the substructure so
abandoned. If such abandoned structure is in the way or subsequently becomes in the way
of an installation of the City or any other public body, the owner of such substructure shall
establish if the substructure is abandoned and make the first cut or tap before allowing the
substructure to be removed by the excavator.
B. When gas or other flammable service to buildings is discontinued, the existing service line for such service shall be terminated at a point outside the building.

§ 186-11 Protection of public property.
The permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate City department or City official having control of such property.

§ 186-12 Excavated material.
A. All work shall be conducted in strict accordance with the latest regulations of OSHA for excavations.

B. All excavations shall be performed in accordance with the City of Saco Department of Public Works specifications or in a manner prescribed by the Public Works Director for circumstances not covered by the specifications.

C. All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property.

D. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the City shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.

E. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

F. All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic or as specified by the City. Whenever necessary in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the City to prevent the spreading of dirt into traffic lanes.

§ 186-13 Breaking through pavement in streets.
A. All excavations on paved street surfaces shall be precut in a neat straight line with pavement breakers or saws.

B. Heavy-duty pavement breakers may be prohibited by the City when the use endangers existing underground facilities or other property.

C. Cutouts of the trench lines must be normal or parallel to the trench line.

D. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

E. Unstable pavement shall be removed over caveouts and overbreaks, and subgrade shall be treated as the main trench.

F. The permittee shall not be required to pay for repair of pavement damage existing prior to the excavation, unless his/her cut results in small floating sections that may be unstable, in which case the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

G. When three or more street openings are made in sequence (15 factor less, center to center, between each adjacent opening), the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.
§ 186-14 Breaking through pavement in sidewalks.
A. All parts of § 186-13 shall apply to this section in all cases except gravel sidewalks.
B. On concrete sidewalks, all cuts shall be made from the nearest joint or score line or one side of the excavation to the nearest joint or score line on the other side of the excavation.
C. All bricks in the way of excavation shall be removed by the permittee prior to the work to be done and transported to a storage site to be selected by the City.

§ 186-15 Backfilling.
Upon completion of the utility installation, the trench shall be backfilled to the grade of the underside of the surfacing material.
A. Trench backfilling: paved areas. In paved areas, the backfill material shall be that excavated material which the inspector deems suitable and which the excavator may have stockpiled or it shall be a granular material from off site. Granular material for trench backfill shall be approved by the inspector and shall meet the requirements of the American Association of Highway Officials (AASHO) Specification M145-49, Classification A-3 or better. No stones over three inches in size, roots or other organic matter or frozen material will be allowed in the backfill material.
(1) The backfill shall be placed and compacted in layers not exceeding nine inches in depth. The moisture content of the fill material shall be such that 95% of optimum density, as determined by field tests, may be obtained. The maximum density shall be determined in accordance with AASHO Specification T180, Method C or D. The inspector shall reserve the right, if in his/her opinion the compaction is not adequate, to perform such tests necessary to confirm that the required compaction has been attained. The cost of such tests shall be borne by the excavator should they not meet the above requirements. If it is found that the above requirements have not been met, the excavator shall recompact and/or reexcavate and compact as necessary until the density requirements have been met. Compaction methods shall be the option of the excavator, provided that required densities can be met without disturbing or damaging existing facilities.
(2) Minimum depths of base and subbase materials in paved areas shall be those required under this article, unless existing conditions exceed these minimums.
B. Trench backfilling: nonpaved areas. For nonpaved areas the trench may be backfilled with excavated material or with granular material described as specified in Subsection A above. The material shall be placed in layers not to exceed two feet and compacted to ensure a reasonably firm mass and to minimize subsequent settlement. Specific density requirements will not apply in these areas except that the permittee shall maintain any apparent trench settlement for a period of six months after the excavation has been completed.

§ 186-16 Restoration of surface in streets and sidewalks.
A. Temporary resurfacing by the permittee.
The top surface of the backfill shall be covered with three inches compacted depth of bituminous temporary resurfacing material by the permittee. Such temporary paving material shall be cold mix, except that the permittee may use or the City may require hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding six months after all backfilling is completed and shall keep the same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving by the City, except that if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and light where required herein.

B. Permanent resurfacing by the City.
Upon completion of the backfilling and temporary resurfacing of an excavation within a public place for the installation or removal of a substructure, the City shall permanently resurface that portion of the street surface damaged by the permittee's excavation, except that upon written request by a utility and approval by the Director of Public Works, the utility may contract privately to repair the street and/or sidewalk; all work to be done in accordance with City standards. The cost to complete the permanent resurfacing work by the City will be paid through the Permanent Pavement Restoration Fee that is assessed to the permittee as part of the Opening Permit application.
C. Refilling of bar holes. Any person or utility making bar holes in the street or sidewalk area of any public way shall, immediately upon completion of the work, fill these bar holes by the method set forth below:

(1) Plugging of bar holes. Bar holes shall be plugged by the use of Plug-R asphalt plugs made by the Package Pavement Company, Stormville, New York, or approved equal.

(2) The size of the asphalt plug to be used shall be as follows:

<table>
<thead>
<tr>
<th>Size of Plug (inches)</th>
<th>Approximate Drill Size (inches)</th>
<th>Top Diameter Plug (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/4</td>
<td>3/4</td>
<td>1</td>
</tr>
<tr>
<td>7/8</td>
<td>1</td>
<td>1 1/2</td>
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<tr>
<td>1 1/8</td>
<td>1 1/4</td>
<td>1 3/4</td>
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<tr>
<td>1 1/4</td>
<td>1 1/2</td>
<td>2</td>
</tr>
<tr>
<td>1 1/2</td>
<td>1 3/4</td>
<td>2 1/4</td>
</tr>
</tbody>
</table>

D. Unfilled bar holes. Any bar holes left unfilled will be repaired by the City, and the minimum two square yards per hole will be charged to the permittee at the rate set forth herein.

§ 186-17 (Reserved)

§ 186-18 Trenches.
The maximum length of open trench permissible at any time shall be 100 feet, and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or other operation without the written permission of the City. No trench exceeding five feet in length shall remain open through night hours or nonworking days without the written permission of the City, which permission may be made conditional upon having the excavation guarded or protected by a watchman, at the permittee's expense, 24 hours a day. Trenches shall be at a width that will allow the backfill materials to be thoroughly compacted. When an excavation is within a paved area, the trench area within the pavement and road or sidewalk base area shall not be less than 24 inches in width.

§ 186-19 Prompt completion of work.
After an excavation is commenced the permittee shall pursue, with diligence and expedition, all excavation work covered by the opening permit and shall promptly complete such work and restore the disturbed area as specified herein. The permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel by foot or vehicle. The permittee must renew the opening permit far enough in advance of the expiration date if the terms of the permit have not been completed before expiration.

§ 186-20 Urgent work.
When traffic conditions, the safety or convenience of the traveling public or the public interests requires that the excavation work be performed as emergency work, the City shall have the full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee beyond normal working hours, including up to 24 hours a day to the end, that such excavation work may be completed as soon as possible.
§ 186-21 Emergencies.
A. Nothing in this article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe or for making repairs, provided that the person making such excavation shall apply to the City for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities or persons owning oil pipelines in the area for on-the-spot locations.

B. Within 15 days after commencing any such emergency excavation, the person performing such emergency excavation shall make a detailed report thereof to the Director of Public Works, who shall review the same to determine whether or not such excavation was of an emergency nature. No further permits under this section shall be issued to the person or utility making such excavation after the expiration of the fifteen-day period until such report has been submitted.

§ 186-22 Noise: dust and debris.
Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris and between the hours of 10:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the City or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property.

§ 186-23 Monuments.
Any monument set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the City shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission, in writing, from the City to do so. Permission to remove or disturb such monuments, reference points or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the City is satisfied that no alternate route is available, permission shall be granted only upon the condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expense incidental to the proper replacement of this monument by the City.

§ 186-24 Granite curb.
No person or utility shall remove, damage, haul away or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the City. Any curb missing, damaged or misaligned shall be replaced by the contractor.

§ 186-25 Bituminous and concrete curb.
Any person or utility damaging bituminous and concrete curbing during the course of excavation work or for any other reason shall be charged for the repair or replacement of the bituminous and concrete curbing at the rate set forth herein.

§ 186-26 Denial of permit; arterial streets.
A. The Director of Public Works may, at his/her discretion, deny any street opening permit if he/she feels, in his/her judgment, such excavation would endanger the life or property of Saco citizens or if such excavation would endanger the general public or interfere with snow maintenance. The denial may be appealed within 30 days to the Saco City Council, and all denials by the Director of Public Works shall be made in writing to the applicant. Street opening permits for arterial streets will not be granted between December 1 and April 1 of each year, unless it can be shown that denial will create an undue hardship.

B. The arterial streets are Main Street, U.S. Route No. 1, Beach Street, North Street, Industrial Park Road and Bradley Street.

§ 186-27 Installation of facilities.
A. No person or utility shall, without written permission of the City, install any facility, except manholes, vaults, valve casings, culverts and catch basins, at a vertical distance less than 24 inches below the established flow line of the nearest gutter in street areas. If the flow line is not established, then the depth shall be at a minimum of 24 inches below the surface of the nearest outermost edge of the traveled portion of the street.

B. Other public places. The minimum depth of any facility on any other public place shall be 18 inches below the surface; provided, however, that the City may permit a lesser depth in special cases.

C. Nothing in this section shall impose a duty upon the permittee to maintain said specifications as required herein upon subsequent changes of grade in the surface, unless the
grade in the facility interferes with the maintenance of or travel on a public street.

§ 186-28 Inspections.
The City shall make such inspections as are reasonably necessary in the enforcement of this article. The City shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this article.

§ 186-29 Maps.
Every person or utility owning, using, controlling or having an interest in substructures under the surface of the public way used for the purpose of supplying or conveying gas, electricity, communication, impulse, water, steam, ammonia or oil in the City shall file with the City, after the adoption of this article, a map or set of maps, each drawn to scale commonly used by the utility, showing in detail the plan, location, size and kind of installation of all new and/or renewed substructures except service lines designed to serve single properties. These maps shall be provided to the City no later than 60 days after the completion date of construction.

§ 186-30 Liability of City.
This article shall not be construed as imposing upon the City or any official or employee any liability or responsibility for damages to any person injured by the performance of an excavation work for which an excavation permit is issued hereunder, nor shall the City or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 186-31 Insurance.
A Public Liability Insurance Certificate naming the City as an additional insured shall be provided by the licensed contractor. The permittee shall maintain during the life of any opening permit the following insurance, which shall be made a part of the permit application:

A. Bodily injury liability and property damage liability insurance. The contractor shall take out and maintain during the life of this permit such bodily injury liability and property damage liability insurance and automobile bodily injury liability and property damage liability insurance as shall protect him and any subcontractor performing work covered by this permit from claims for damages for personal injury, including accidental death, as well as from claims for property damage which may arise from operations under this permit, whether such operations be by himself or by any subcontractor or by anyone directly or indirectly employed by either of them, and the amounts of such insurance shall not be less than the following: [Amended 4-18-2000]

1. Bodily injury liability insurance, in an amount not less than $1,000,000 for injuries, including wrongful death to any one person, and subject to the same limit for each person in an amount not less than $1,000,000 on account of one accident.

2. Property damage insurance, in an amount not less than $2,000,000 for damages on account of any one accident and in an amount not less than $2,000,000 for damages on account of all accidents.

§ 186-32 Reconstructed or repaved streets.
Whenever the City has developed plans to reconstruct a street, the City or its representative shall give written notice thereof to all abutting property owners, to the City departments and to all public utilities or persons who or which have or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such written notice, such person or utility shall have 60 days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall make a written application to the City explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five years, unless an emergency condition exists or unless the necessity for making such installation could not reasonably have been foreseen at the time such notice was given.

§ 186-33 Violations and penalties.
Any person, firm or corporation who or which violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $25 and not more than $100. Each day such violation continues shall constitute a separate offense.

A. If the work or any part thereof mentioned in the preceding sections of repairing or backfilling the trenches or excavations aforesaid shall be unskillfully or improperly done, the City shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof, and in such case such person or utility shall pay the City an amount equal to the whole of the expense incurred by the City, with an additional amount of 50%. Thereafter, upon completion of the work and the determination of the costs thereof, the City shall issue no further or new permits to any person or utility until it shall receive payments of said costs.

B. Any person or utility who or which continues to violate any section of this article shall receive no further permits until such time as the City is satisfied that the person or utility shall comply with the terms of this article.

Fee Schedule Changes (to be addressed in forthcoming annual fee update process)
C. AMENDMENTS TO CHAPTER 4, ADMINISTRATIVE CODE – (FIRST READING)

As part of the municipal budget for the 2018 fiscal year it has been proposed that the funding for the annual operational budget of the City’s Economic Development Department be taken from revenues generated in the City’s approved Development Districts which allow such use vs. the historic and current practice of funding these operations from an allocation from the City’s General Fund. For purposes of transparency and tracking we are suggesting that any funds utilized from the City’s Approved Development Districts all pass thru the City’s Economic Development Fund. In order to allow this, the City Administrative Code would require an amendment. The Code should be further amended to allow for this fund to support other economic development related expenses.

NOTE: For Auditing purposes all of the City’s operational expenditures are required to pass thru the General Fund.
In order to amend or change an ordinance, the process requires the standard three meeting process adopted as part of the Saco Charter (Section 2.09). This includes publication in a newspaper before the public hearing.

This item was discussed during workshop on April 10, 2017. The revised exhibit item below reflects the addition of the word “council” to (4) (g.) v.

Councilor Johnston moved, Councilor Precourt seconded “The City of Saco hereby ordains and approves the first reading of the document titled, ‘Amendments to Chapter 4 Administrative Code dated April 18, 2017’, and further move to schedule the Public Hearing for May 1, 2017.” The motion passed with six (6) yeas.

Saco City Code, Chapter 4: Administrative Code, § 4-14 Department of Finance, Paragraph E. Economic Development Fund, Sub-paragraph (4)
Current (as of April 10, 2017) Code Language of Sub-paragraph (4)

“(4) The City Council may make allocations from the Economic Development Fund only to accomplish the following purposes:

(a) To further develop and expand the existing Industrial Park.

(b) To develop new industrial parks within the City of Saco.

(c) To develop new office parks or distribution parks.”

Propose to be Amended (as of May 8, 2017) Code Language of Sub-paragraph (4)

(4) The City Council may make allocations from the Economic Development Fund only to accomplish the following purposes:

(a) To further develop and expand the existing Industrial Park.

(b) To develop new industrial parks within the City of Saco.

(c) To develop new office parks or distribution parks.

(d) To accept fiscal transfers into the Fund from the City’s various Development (TIF) District Funds.

(e) To allow fiscal transfers from the Fund to the City’s General Fund and third parties related to the operations of the City’s Economic Development Department, Economic Development Commission, and such other municipal expenses as may be allowed under the terms of the Development Plans of the City’s various Development Districts.

(f) To allow fiscal transfers from the Fund to the City’s General Fund to fund any local match for grants or participatory funding for economic development projects.

(g) To allow fiscal transfers from the Fund to the City’s General Fund to fund any approved annual or other funding to the following:

   i. Saco Main Street, Inc.
   ii. Southern Maine Planning and Development Corporation
   iii. The Biddeford Saco Area Economic Development Corporation
   iv. The Biddeford Saco Area Chamber of Commerce and Industry
   v. other organizations as the City Council may designate from time to time that assist in the City’s economic development efforts.

(h) To allow fiscal transfers from the Fund for the purposes of making Economic Development Grants as approved under the City’s Development Districts & Tax Increment Financing Guidelines (Adopted by the City Council on 6/16/97, Readopted by the City Council without Amendments on 8/1/05, and as Amended 04/03/17).

D. FY2017 BUDGET AMENDMENT #3 – (FIRST READING)
This item was discussed during the City Council Budget Workshop on April 10, 2017.

The Fire Department is seeking funding to replace an aging Physio Control Life Pak 12 Cardiac Monitor that will no longer be eligible to receive factory support for repairs and maintenance after June 30, 2017. The new unit, a Physio Control Life Pak 15 Cardiac Monitor, is compatible with two existing Life Pak 15 Cardiac Monitors currently in service at the Fire Department.

List price on the new Cardiac Monitor has been quoted at $39,555.00 with an additional factory discount of $8,694.45 and a Trade-In Discount (Life Pak 12) of $6,500.00 which produces a new purchase price of $24,360.55 after adding $185 for Shipping & Handling costs.

The Budget Amendment will allow for the transfer of $24,545.55 from the Ambulance Fund to facilitate the purchase prior to June 15, 2017.

Councilor Doyle moved, Councilor Minthorn seconded “The Saco City Council hereby ordains and approves the second and final reading of Budget Amendment #3 FY2017”. The motion passed with six (6) yeas.

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**E. FY2017 BUDGET AMENDMENT #1 – (TABLED ON 2/21/17)**

At the City Council meeting on January 17, 2017, the City Administrator provided a memo to the Council regarding the Unassigned Fund Balance Policy. According to the policy, the City should plan for use of fund balance above 10%. Fiscal Year 2016 closed with 11.15% unassigned fund balance, or $573,529 above the 10% threshold. Also noted in that memorandum is an explanation of the school funding gap. The City is requesting a transfer of $573,000 of the unassigned fund balance to the School Department to help alleviate some of that funding gap.

Councilor Precourt moved, Councilor Gay seconded “The Saco City Council hereby ordains and approves the second and final reading of Budget Amendment #1 FY2017.”
TABLED – Councilor Minthorn moved, Councilor Doyle seconded to table this item until May 8th. The motion passed with six (6) yeas.

VIII. COUNCIL DISCUSSION AND COMMENT

There were no comments this evening.

IX. ADJOURNMENT

Councilor Precourt moved, Councilor Minthorn seconded to adjourn the meeting at 7:42 p.m. The motion passed with six (6) yeas.

Attest: ________________________________
Michele L. Hughes, City Clerk